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IN THE MATTER OF:

WASHINGTON ADVISORY
COMMITTEE FACTFINDING
MEETING ON
DISPROPORTIONALITY
WITHIN THE JUVENILE
JUSTICE SYSTEM

ORIGINAL

Washington State Convention
and Trade Center
800 Convention Place
Room 402
Seattle, Washington 98101

Friday
June 9, 1995

The above-entitled matter came on for meeting
before William A. Wassmuth, Chairperson, at 9:00
a.m., pursuant to notice.

WASHINGTON ADVISORY COMMITTEE

CHAIRPERSON WILLIAM A. WASSMUTH

- | | |
|---------------------|------------------------|
| SHERRY V. APPLETON | ERNEST B. MARTIN |
| NORWARD J. BROOKS | VELMA ROSETE VELORIA |
| KATHERINE M. BULLIT | TOMAS A. VILLANUEVA |
| SHARON ANNE BUMALA | JOHN SWEESY |
| JOHN CARLSON | DOROTHY M. WEBSTER |
| JUANITA GRANT | |
| GWENDOLYN R. GUA | THOMAS V. PILLA, Staff |
| ALLEN D. ISRAEL | GRACE HERNANDEZ, Staff |

EXECUTIVE COURT REPORTERS
(301) 565-0064

PRESENTERS

1		
2	JUDGE NORMA HUGGINS	JUDGE OF THE SUPERIOR COURT
3	MICHAEL L. CURTIS	COURT SERVICES
4	DICK CARLSON	DEPARTMENT OF YOUTH SERVICES
5	GEORGE S. BRIDGES	PROFESSOR, DEPARTMENT OF SOCIOLOGY, UNIVERSITY OF WASHINGTON
6		
7	WOODY VERZOLA	DIRECTOR, I-WA-SIL YOUTH PROGRAM
8		
9	DAVID AKIMOTO	ATLANTIC STREET CENTER
10	GLEND A TANNER	COMMUNITY REPRESENTATIVE
11	HARRIET WALDEN	MOTHERS AGAINST POLICE HARASSMENT
12		
13	CHIEF ED CRAWFORD	KENT POLICE DEPARTMENT
14	HON. MARGARET PAGELER	MEMBER, SEATTLE CITY COUNCIL
15	JAMES KELLY	COMMISSION ON AFRICAN AMERICAN AFFAIRS
16		
17	SADIKIFU AKINA-JAMES	COMMUNITY SERVICES DIVISION
18	GREG HUBBARD	DEPUTY PROSECUTING ATTORNEY, KITSAP COUNTY
19	NED DELMORE	PROBATION SUPERVISOR, KITSAP COUNTY
20		
21	SUSAN WAILD	PROGRAM MANAGER, CONFERENCE COMMITTEE DIVERSION PROGRAM, KING COUNTY
22		
23	STEVE JOHNSTON	ADMINISTRATOR, PIERCE COUNTY JUVENILE COURT
24	SID SIDOROWICZ	ASSISTANT SECRETARY, JUVENILE REHABILITATION ADMINISTRATION
25		

PRESENTERS
(continued)

RAN T. SATTERBERG CHIEF OF STAFF, OFFICE OF
THE KING COUNTY
PROSECUTING ATTORNEY

SIMMIE A. BAER SUPERVISING ATTORNEY,
JUVENILE DIVISION, LAW
OFFICES OF THE PUBLIC
DEFENDER

HON. IDA BALLASIOTES REPRESENTATIVE, WASHINGTON
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P R O C E E D I N G S

(On the record at 9:00 a.m.)

CHAIRPERSON WASSMUTH: This meeting of the Washington Advisory Committee to the United States Commission on Civil Rights is now in session. The purpose of this meeting is to obtain information and views relating to civil rights issues in the area of disproportionality within the juvenile justice system.

My name is William Wassmuth. I am the chairperson of the Washington Advisory Committee. This committee receives information and makes recommendations to the Commission in areas which the Committee or any of the subcommittees are authorized to study within the State of Washington.

Other members of the Committee that are in attendance at this meeting are: Juanita Grant; Ernest Martin; John Carlson; Katherine Bullit; Allen Israel; and Norward Brooks. Others from the Committee might be attending, throughout the day, as well.

Also with us are staff members, Thomas Pilla and Grace Hernandez, from the Committee's Western Regional Office, in Los Angeles, and we are delighted, and thankful to them, for their logistics work, in setting this meeting up.

Participants invited to address the Advisory

1 Committee have been requested to provide information on
2 the following issues:

3 A) Statewide efforts to deal with the issue of
4 disproportionality as it impacts the juvenile justice
5 system.

6 B) Community-based efforts to deal with this
7 issue.

8 C) Progress of Diversion Programs.

9 D) Perceptions as to the success, the progress,
10 and the remaining problems in dealing with
11 disproportionality.

12 Among those invited to address the Washington
13 Advisory Committee at this meeting are governmental
14 officials, community leaders, and legal and advocacy
15 organizations. The focus is to highlight successful
16 efforts and programs which have been established, so
17 that this information can be provided to other areas of
18 the nation which may be experiencing similar concerns.

19 I was a meeting, coincidentally, yesterday,
20 with some of these other chairs, and was explaining to
21 them what they were doing, today. They were very
22 information in getting some of this information to
23 their groups, throughout the rest of the country.

24 This factfinding meeting is being held
25 pursuant to the federal rules applicable to state

1 advisory committees, and regulations promulgated by the
2 United States Commission on Civil Rights. All
3 inquiries regarding these provisions should be directed
4 to, either myself, as Chair, or to the Commission
5 staff.

6 The Commission on Civil Rights is an
7 independent agency of the United States Government,
8 established by Congress in 1957, and it is directed to:

9 1. Investigate complaints alleging that citizens
10 are being deprived of their right to vote by reason of
11 their race, color, religion, sex, age, handicap, or
12 national origin, or by reason of fraudulent practices;

13 2. Study and collect information concerning
14 legal developments constituting discrimination or
15 denial of equal protection of the laws under the
16 Constitution because of race, color, religion, sex,
17 age, handicap, or national origin, or in the
18 administration of justice;

19 3. Appraise federal laws and policies with
20 respect to discrimination or denial of equal protection
21 of the laws;

22 4. Serve as a national clearinghouse for
23 information about discrimination; and,

24 5. Submit reports, findings, and recommendations
25 to the President and to the Congress.

1 I would like to emphasize that this is a
2 factfinding meeting, not an adversary proceeding.
3 Individuals have been invited to come and share with
4 the Committee information relevant to the subject of
5 today's inquiry. Each person who will participate has
6 voluntarily agreed to meet with the Committee.

7 Since this is a public meeting, the press,
8 radio, and television stations, as well as individuals,
9 are welcome. Persons meeting with the Committee,
10 however, may specifically request that they not be
11 televised. In this case, we will comply with their
12 wishes.

13 We are concerned that no defamatory material
14 be presented at this meeting. In the unlikely event
15 that this situation should develop, it will be
16 necessary for me to call this to the attention of the
17 person making these statements, and request that they
18 desist in their action. And such information will be
19 stricken from the record, if necessary.

20 Every effort has been made to invite persons
21 who are knowledgeable in the area to be dealt with
22 here, today. In addition, we have allocated time at
23 the conclusion of the session, to briefly hear from
24 anyone who wishes to share information with the
25 Advisory Committee about the specific issue under

1 consideration, today. And, at that time, each person
2 or organization will be afforded a brief opportunity to
3 address the Committee, and may submit, as well,
4 additional information in writing. Those wishing to
5 participate in the open session must contact Commission
6 staff as soon as possible in order to be briefed on
7 procedural matters.

8 In addition, the record of this meeting will
9 remain open for a period of ten days following the
10 conclusion of the meeting. The Advisory Committee
11 welcomes additional written statements and exhibits for
12 inclusion in the record. These should be submitted to
13 the Western Regional Office, and the address is
14 obtainable from the staff, or from myself.

15 So let us proceed. Our first participants,
16 this morning, will be, the Honorable Norma Huggins, and
17 Michael Curtis. And so, if I could invite you take a
18 chair at the table, please. And if I could invite you,
19 please, to identify yourself, by name, and a little bit
20 of background, in terms of your experience and
21 expertise, that brings you here, this morning.

22 JUDGE HUGGINS: My name is Norma Huggins, and
23 I am Judge, in the King County Superior Court, here, in
24 Seattle. I have been a judge, since 1983. I have been
25 on the superior court, since 1988. I am not sure about

1 my level of expertise, but I was invited to participate
2 in a factfinding group, or a study group, to look at
3 the issue of disproportionality, in our juvenile
4 justice system.

5 This committee's work was generated by a
6 report, that I am sure that you are aware of, that was
7 done by Dr. George Bridges, of the University of
8 Washington, showing that, minorities are represented in
9 the juvenile justice system in numbers that are
10 disproportionate to their numbers in the overall
11 community. He made some findings, preliminarily, in
12 that report, which generated the committee that I was
13 asked to cochair, with Judge Ricardo Martinez, who is
14 supposed to be here, this morning, but I am not sure
15 whether he has arrived, or not.

16 I was asked to make a brief presentation,
17 regarding the mission, that we set out to achieve, and
18 the results of the work that we did, with that
19 committee. Michael Curtis, from the Office of the
20 Administrator of the Courts, was the person who staffed
21 that committee, did a great deal of the work, with that
22 committee, wrote a number of our reports, and I am
23 deferring to him, this morning, to make the
24 presentation, in my stead.

25 MR. CURTIS: My name is Michael Curtis.

1 I work for the Washington State Office of the
2 Administrator for the Courts. I have worked, there, in
3 the capacity as the juvenile and family court
4 specialist, for the past ten years, and, prior to that,
5 I worked at -- juvenile court, in the tricities. And
6 so, I have an accumulated 21-plus years experience, in
7 the juvenile justice field.

8 And again, what Judge Huggins was referring
9 to, was, legislation passed in 1993, House Bill 1966,
10 pursuant to Dr. Bridges' report, that, amongst several
11 other things, obligated the Office of the Administrator
12 for the Courts to conduct several different programs,
13 or do several different things, including to develop
14 and to improve the collection and reporting of
15 information on juvenile offenders, by all juvenile
16 courts; to develop a curriculum for the general
17 understanding of ethnic and cultural diversity, and its
18 implications for working with youth of color, and their
19 families (this curriculum was to be completed, by
20 October, 1993, and thereafter, offered annually); to
21 develop informational materials, describing juvenile
22 laws, and juvenile court processes and procedures
23 related to such laws, make such information available
24 to the public, and similar information available to
25 non-English speaking youth and their families; and,

1 lastly, to convene a working group, which Judge Huggins
2 was referring to. The working group was to develop
3 standards and guidelines for the prosecution of
4 juvenile offenders, review any racial
5 disproportionality and diversion, and review the use of
6 detention facilities, and a way to reduce racial
7 disproportionality.

8 The main thing confronting our office, when
9 we were given this mandate from the legislature, was,
10 in addition to the mandate, they gave us a walking
11 \$50,000 to do all this, and we instantly decided that
12 there is no way that we can completely do everything
13 they want, with the amount of money they provided. So
14 we had to prioritize what they asked us to do.

15 Fortunately, there were a couple of these
16 areas, that were being done, already, through our
17 minority and justice commission, and I will talk about
18 that, a little bit later. And the two that we gave top
19 priority to, one was the working group, which received
20 the highest priority, and the other was the development
21 of information materials.

22 So, after that decision was made, we were
23 fortunate enough to have Judge Martinez and Judge
24 Huggins volunteer to cochair our committee. Neither
25 wanted to do it, individually, and I think we all

1 benefited, greatly, from having both of them involved.

2 After that, we were involved in selecting the
3 membership of the working group, which became quite
4 tricky, because we wanted to have as much diverse
5 representation as possible, throughout the state, but
6 we were drawing from groups which had been prescribed
7 by the legislation, that identified who was to be a
8 member, or who were to be members, of this group, and,
9 when you are looking at superior court judges, juvenile
10 court administrators, elected prosecuting attorneys, so
11 on and so forth, you are not looking at a lot of people
12 of color, from which to include on your commission.

13 It is interesting to note, that, of our
14 20-member commission, 12 members were persons of color,
15 and that was more than the total of persons of color
16 who are elected prosecutors, superior court judges, or
17 juvenile court administrators. So we felt pretty good
18 about that.

19 Finally, after we got our group together, we
20 started meeting, in December, of 1993, met for a year,
21 thereafter, initially reviewed Dr. Bridges' report, and
22 accepted his initial findings. And then, the work
23 group divided into subcommittees, looking into areas
24 that were requested by the legislation, subcommittees
25 being, prosecutorial standards, diversion, and use of

1 detention. We also had a subcommittee created, for
2 coordinating public forums that we held.

3 The community hearings were to take place, in
4 Yakima, Tacoma, Seattle, and then, we added a fourth
5 hearing, at Echo Glen, the children's institution,
6 because we wanted to meet with kids who were directly
7 impacted by this situation.

8 The initial concern of the committee was, how
9 to notify people about the hearings that we were
10 holding. We wanted to have as much representation as
11 possible, but we wanted to know how to reach the
12 minority communities.

13 One thing that we did, was that, we sent out
14 a notice, in both English and Spanish. It was sent to
15 all superior court judges, all elected prosecuting
16 attorneys, all juvenile court administrators, all, I
17 believe it went to all state representatives, and state
18 senators. And then, we used this resource directory,
19 that was developed by the commission, the Minority and
20 Justice Commission, of the Supreme Court, that is,
21 Workforce Diversity Resource Directory. And so, we
22 took all the addresses out of this, and sent notice to
23 all the people listed, or all the agencies listed, in
24 this document, also.

25 We also contacted people in each of the

1 communities, to be a community facilitator, for the
2 public meetings. We made efforts to make it public-
3 friendly. We had the meetings held at local high
4 schools, and we provided Spanish interpreters, at all
5 the sites.

6 Even with all that, the attendance was
7 marginal, at best. I would say we averaged about 40
8 people, at each of the three hearings, held in the
9 cities. And, although the turnout was, what we
10 considered to be, light, I think that we did hear some
11 interesting comments, and there were some consistent
12 themes, throughout.

13 Themes that we heard from the hearings held,
14 in the communities, were, concerns with parental
15 empowerment, and the reinvolvement of the family, the
16 needs for interpreter services, the public defender
17 versus private attorney quality of representation,
18 issues of workforce diversity, questions about law
19 enforcement practices, questions on the juvenile
20 justice system and Washington State's focus on building
21 criminal history, and the need for transitional
22 programs for youth released from secure confinement.

23 At Echo Glen, when we were meeting with kids,
24 their concerns were somewhat interesting, and somewhat,
25 at times, blaming, and, I do not know if they really

1 had a clue, at some times, but I think we can take what
2 they told us, and still have some direction. But
3 issues they identified, were, the need for earlier
4 intervention. It was like, "Why did you not help us,
5 earlier?" Of course, this is great, in hindsight, when
6 they are all locked up, now, in a state institution.
7 The workforce diversity issue came up, again, the fact
8 that they go to court, and everybody in the courtroom
9 is Caucasian, does not make them necessarily feel like
10 the cards are stacked in their favor. Labeling, and
11 police harassment, and then, a perceived inconsistency,
12 in sentencing, and we heard quite a bit of this, about,
13 "Well, my codefendant did not get nearly the severe
14 sentence that I did," and so on and so forth.

15 Anyway, we took all this information that we
16 collected, from the public hearings, from the meetings
17 that we had held, over the year, and then, we held a
18 retreat, in September, and hired Dr. Donna -- to
19 facilitate that. And, from that, we came up with our
20 draft report, and then, completed our final report, to
21 the legislature, that was distributed, in December, of
22 last year. I brought copies of our report to the
23 legislature.

24 Included in the report, were, numerous
25 findings and recommendations, and I guess I do not want

1 to go through all of them. More, what I want to talk
2 about, is, what has happened, since the report was
3 completed.

4 One of the things that the working group
5 felt, or believed, that, our role, in this process,
6 was, up to providing the report to the Washington State
7 legislature. After that point, it was not necessarily
8 our role, to provide follow-through, and ensure
9 that our recommendations were actually implemented.
10 I think we were dependent upon those groups that we
11 were making the recommendations to, such as the
12 superior court, juvenile court administrators, and
13 minority commissions, and so on and so forth, to pick
14 up the ball, so to speak, and start implementation.

15 So, what has happened, since then, one of the
16 recommendations, was for the prosecutors to adopt
17 prosecutorial guidelines. Actually, that had taken
18 place, in the year preceding. The legislation passed,
19 subsequent to the House Bill 1966. And all prosecuting
20 attorneys, throughout the state, have adopted
21 guidelines, that were developed by the Washington
22 Association of Prosecuting Attorneys. There was an
23 effort to codify those guidelines, this past year, in
24 proposed juvenile justice reform legislation, but that
25 did not pass the legislature.

1 Let us see. Other working group
2 recommendations: legislation empowering, including
3 parents in the juvenile offender process. One of the
4 concerns of parents, is, they will come to court, and
5 their child will be meeting with his or her attorney,
6 and be advised not to talk with their parent about the
7 case, and this infuriates most parents.

8 The idea was that, if there was provided a
9 limited parental privilege, where, you could have a
10 parent/child communication, and that parent would not
11 be subpoenaed by the prosecution, to testify against
12 the child, then there was, it created a situation where
13 a defense attorney would feel comfortable, discussing
14 the case with the parent. And so, that was one of the
15 recommendations coming from the working group. This
16 also was included in juvenile justice reform
17 legislation, proposed this year, that, again, did not
18 pass, but it will probably be back, next year, is my
19 guess.

20 One of our recommendations, was that, the
21 model pattern form we have, for a detention order,
22 includes, space for written findings, supporting the
23 reasons why a judge has held a kid in detention. One
24 of the findings of Dr. Bridges, was that, kids held in
25 detention received more severe treatment than the kids

1 who are not held in detention. And so, the idea was,
2 if a kid is held in detention, the court should explain
3 the reasons why that decision has been made. And so,
4 that was one of the minor things, that we recommended.
5 The pattern forms committee did take that
6 recommendation, and has revised the model pattern form
7 order, on detention.

8 A lot of our recommendations were aimed at
9 the local level, and I personally have no knowledge of
10 what has been happening, at the local level, with those
11 recommendations. I know that I have received multiple
12 requests for copies of our reports, and many of them
13 were from the local juvenile justice advisory
14 committees, that were created, during the 1994
15 legislative session, that is to, the role of those
16 committees, is to, advise the law and justice planning
17 councils, of each county, on the issues of racial
18 disproportionality in the juvenile justice system. So
19 I believe that these groups are aware of what our
20 recommendations are. What they have done to implement
21 them, again, I do not know.

22 What we have done, at the Office of the
23 Administrator for the Courts, first of all, we did
24 convene the working group, and we provided the report
25 to the legislature. I am currently involved in

1 developing an informational brochure about the juvenile
2 offender process, and this is quite tricky, because I
3 am attempting to do this, not using all the legal
4 language, that we fling around, so easily, amongst
5 ourselves, or those of us who have been in the system,
6 forever, know exactly what we are talking about, but,
7 if you give it to anybody else, they are going, "Yeah!
8 Right!" So it has been kind of a challenge, but I
9 believe that we have come up with a document, that is
10 going to work sufficiently, and we are having that
11 translated into various languages, and that will be
12 distributed to the juvenile courts, throughout the
13 state.

14 As far as, improvements in our information
15 system, we currently have an information system, that
16 has the ability to provide all the data, that Dr.
17 Bridges was desiring, for his study. The problem with
18 it, is that, it is very old technology. It is very
19 nonuser-friendly, it is very labor-intensive, and many
20 juvenile courts, because of workload reasons, do not
21 avail themselves of all the abilities of the system, or
22 do not enter all the data into the system, that it
23 could actually handle, because it just takes too much
24 time. The legislature, this year, has provided
25 funding, for us to continue to improve our information

1 system, and hopefully, addressing some of the issues,
2 of, creating a more up-to-date system, will also have
3 this ancillary benefit, of improving the collection of
4 data relating to this type of issue.

5 With regard to educational programs, our
6 minority and justice commission has been involved
7 in several educational programs. Last year, they did
8 several workforce diversity trainings, that they
9 received very positive response on, and currently, they
10 are involved in doing cultural diversity training, in
11 several locations, throughout the state, and, again,
12 have received very positive comment on this. And so,
13 we have kind of left the training element, to the
14 commission.

15 Also, the board for trial court education has
16 adopted this policy, the philosophy, that, whenever
17 anybody makes a presentation, or provides training, to
18 members of the judiciary, or their support staff, that
19 issues, with regard to cultural and ethnic diversity,
20 should be integrated into whatever they are presenting,
21 as much as possible.

22 So, that is kind of where we are.

23 CHAIRPERSON WASSMUTH: Okay. Would you like
24 to add anything, at this stage, or are you ready for
25 some questions.

1 JUDGE HUGGINS: One of the things that we
2 tried to do, as well, in forming the work group, we
3 tried, very hard, to include law enforcement, because
4 we know and understand, that, a lot of the
5 disproportionality has to do with, who is brought into
6 the juvenile justice system, to begin with, rather
7 than, being taken home, perhaps, at the scene of an
8 incident. We were not able to, or we did not get a
9 response, from our invitation, but we tried to include
10 as many of those parties, as we could, that, we know,
11 impact the system, in a certain way.

12 So, we had some limitations, in that regard.
13 The mandate from the legislature did not give us any
14 responsibilities, or authority, after our report was
15 filed, on December 15. So that is the reason why we
16 have not followed up, or follow through, is because, we
17 simply were not empowered to do so.

18 So we can make the recommendations, but we
19 have no way of knowing how those recommendations will
20 be guided through the legislature, if they will be
21 adopted, and accepted. So it was not that, we just
22 disbanded, because we thought there was no more work to
23 be done. It was simply because, we did not have any
24 authority to do so.

25 CHAIRPERSON WASSMUTH: Thank you. Committee

1 members, questions?

2 DR. BROOKS: I have a couple of -- number
3 one, dealing with the curriculum that you talked about,
4 and I assume that was the elected, as well as the law
5 enforcement, people, you were talking? You mentioned
6 something about a diversity curriculum.

7 MR. CURTIS: Oh, the cultural diversity
8 curriculum? Actually, it is just offered to persons
9 whom we provide education to, through the board for
10 trial court education. And so, it is mostly judicial
11 branch employees. Cultural diversity training for
12 executive branch employees, or law enforcement, goes
13 through the criminal justice training commission,
14 or through the various agencies, such as, the
15 Department of Social and Health Services.

16 DR. BROOKS: I was wondering, if there was
17 any thought given to, perhaps, making it, sort of like
18 a continuing education requirement, like, the
19 attorneys, if you want to stay certified, you have to
20 take so much continuing education, and had they thought
21 about adding that, as a component, that would require
22 all prosecutors, judges, police, take something like
23 that, in order to continue the certification --

24 JUDGE HUGGINS: Certainly, that is, having it
25 a requirement, by the Washington State Bar, or the

1 Seattle King County Bar Association, is certainly a
2 possibility, that could be looked at. We do make
3 recommendations, and did make recommendations, to the
4 bar, that, in any of their CLE programs, that they
5 include a section on cultural diversity, and I think
6 the minority justice commission, and other groups, have
7 made the same recommendations to bar associations.

8 We found out, in working with the domestic
9 violence task forces, is that, that is one way to get
10 this information out, and the training out, to the
11 legal community, is to, ask that they include a
12 20-minute segment, or half-an-hour segment, or
13 incorporate it into every CLE course that is taught,
14 and that is one effort that we have tried to make. It
15 is not mandatory, that judges or lawyers include this
16 type of training, in their legal education, and I am
17 not sure how they would make it mandatory, but we could
18 certainly encourage the use of a portion of CLE
19 presentations, to be devoted to this issue.

20 And I think that could certainly be done, by
21 the supreme court of this state, and other bodies, that
22 have the authority to do that.

23 DR. BROOKS: And the second one, is that, you
24 also mention that you had a limited number of people of
25 color, that hold these positions, as judges,

1 prosecutors, and so forth. I was wondering, do you
2 know of any study that might have been conducted, which
3 might analyze the difference in handling of offenders,
4 whether it be in a court, or whether they were arrested
5 by an officer of color, or whether they were
6 prosecuted by a prosecutor of color, as opposed to
7 those that were dealt with, by non-people of color?
8 Have there been any comparative kinds of studies, that
9 were done, to?

10 MR. CURTIS: I am not familiar with any.
11 I do not know if Dr. Bridges is going to be here,
12 today.

13 JUDGE HUGGINS: He is here. He was here.

14 MR. CURTIS: Well, it might be a good
15 question, for him, because he is more into that
16 research.

17 JUDGE HUGGINS: I would tend to believe --
18 and I have no data on that issue, anyway -- I would
19 tend to believe, that you would find little difference,
20 if you did do such a study. I just do not believe, the
21 way a person or a child progresses, through the system,
22 I do not believe you would find a great deal of
23 difference, there, but I do not know, certainly, for
24 sure.

25 MR. CARLSON: So a black prosecutor, and a

1 white prosecutor, a black cop, and a white cop, tend to
2 look at offenders, in given situations, pretty much the
3 same way?

4 JUDGE HUGGINS: I did not say that. I said
5 that, I thought, if you tried to make, or compare the
6 numbers, that Dr. Brooks talked about, I do not think
7 that you would find a discernible difference. And one
8 of the reasons why I do not think you would find that
9 difference, is because, outside of this county, you
10 will not find minority prosecutors, in large numbers,
11 if at all. You certainly will not find any black
12 prosecutors, in any large numbers, or police officers,
13 outside of this county. So I do not think that that is
14 something that you would be able to look at, or that
15 Dr. Bridges even would be able to look at, and draw any
16 discernible differences, because of that fact.

17 If you had a system, where, you have
18 prosecutors, police officers, probation counselors,
19 judges, and social workers, all the way through the
20 system, where you could make those kinds of
21 comparisons, you might be able to make them, but I just
22 do not think that you would be able to collect the kind of
23 data that you would need, to come to those conclusions.

24 MR. CARLSON: Any strong anecdotal evidence?

25 JUDGE HUGGINS: We did get a lot of anecdotal

1 evidence, from our hearings, in the community,
2 particularly in Yakima.

3 MR. CURTIS: Yakima.

4 JUDGE HUGGINS: We had anecdotal evidence,
5 there, that was just startling.

6 One of the best things, I think, that we did,
7 in our efforts to reach out to the community, was to
8 provide interpretive services, and to let the community
9 know that those services would be available, because we
10 had people who came to our hearing, in Yakima, made
11 very impassioned pleas, told us about some hair-raising
12 events, but they would not have been able to do that,
13 if we had not, if we did not have the interpreter, who
14 could interpret, for them, as well as, interpreting Dr.
15 Bridges' presentation, to them, about some of the
16 problems in the system. So we did get a lot of
17 anecdotal information.

18 In Tacoma, of the things that we heard, from
19 parents, more than any other community, I believe, is
20 that, many of them had already participated in, and
21 responded to, cries about disproportionality, and
22 racial injustice, in the juvenile justice system. And
23 they said things to us, like, "Well, we had a
24 committee, just like yours, come through here, two
25 years ago. They did a report, and that report now sits

1 in Olympia, on a shelf, and it is full of dust." So we
2 did get a sense of frustration, from parents, about the
3 participation that they had tried to have, in these
4 issues, in their communities, and the lack of
5 responsiveness.

6 We also heard a lot of frustration from the
7 group, in Seattle, I think, more than others, about,
8 the way the law impacts their ability to effectively
9 deal with the child, before they commit a crime, but
10 while they are still having some difficulties, in
11 trying to keep them in school, in trying to keep them
12 at home, and off the streets. We heard a lot about the
13 frustration that parents have, in that regard. That is
14 one of the reasons why we came up with the idea of
15 trying some, or recommending, that the legislature
16 consider type of parental exceptions, to the evidence
17 rule, so that parents could converse with their
18 children, and their lawyers, about crimes, and have
19 some privilege, that would prevent the prosecutor, on
20 the other hand, calling them, as witnesses, against
21 their child.

22 So we did hear a lot of anecdotal
23 information, regarding everything from harassment by
24 police officers, as perceived by some members of the
25 communities, to the way in which the law excludes

1 parents from participation, in the process that
2 involves a child.

3 MR. CURTIS: I think one thing, too, that is
4 key, in this whole thing, that we were informed of,
5 through Dr. Bridges, was the time of detention, and
6 that creates kind of a system issue, because, when a
7 kid is put in detention, the system automatically kicks
8 in most of the resources, because the timeframes are
9 shorter, by statute. So you have to do things, in a
10 shorter amount of time, which means that, again, the
11 resources are focused on that kid. Well, you have the
12 focus of the resources of the kid, in detention. It
13 ends up, that, they do have higher charges filed
14 against them. They are found guilty of more serious
15 offenses. They do get a more severe sentence, are
16 found guilty of more severe charges. They do get a
17 more severe sentence. But again, it is because of due
18 process, to protect them of their rights, to make sure,
19 because they are incarcerated, that the system works,
20 swiftly.

21 And so, it is one factor, not to say that
22 there is not some racism going on, out there, too.

23 I have a letter, here, that you might want to
24 hear. This is from a mayor of a small eastern
25 Washington community, that was somewhat enlightening,

1 if you would be interested in hearing this.

2 CHAIRPERSON WASSMUTH: Yes, please.

3 MR. CURTIS: It says, it is addressed to the
4 disproportionality working group. It says, "Just
5 maybe, there is not an overrepresentation of minorities
6 in the juvenile justice system. In experiencing life
7 for over 50 years, I have noticed that some minority
8 kids act tough, to anyone, and show off, for their
9 peers. They can be seen, in stores, just waiting for
10 the opportunity to shoplift, rough up someone, or some
11 similar crime. For some reason, minority kids need to
12 be tough. Can this come from an inferiority complex?
13 If so, this needs to be taken care of, at home. This
14 complex leads to crime. This complex is caused by our
15 current system of free handouts, through the welfare
16 system, that does not make people accountable for their
17 actions. This helps in forming the attitude that,
18 'What is mine, is mine, and what is yours, is mine.'
19 Until this attitude is changed by society, there are
20 going to be a lot of minorities in the juvenile system.
21 If the system dealt out real penalties for crimes
22 committed, that would help reverse the so-called
23 'overrepresented minority,' and all juveniles in
24 general. The solution is complex, and somewhat covered
25 in the above paragraph. Children of all cultures must

1 be taught, that, in the U.S., the property of others is
2 to be left alone, that hard work is what brings
3 positive results. Dealing in riots and illegal
4 activity can only bring prison terms."

5 MR. CARLSON: What about that letter do you
6 object to?

7 MR. CURTIS: I think it is very tunnel-
8 visioned and shortsighted, and does not take into
9 account any kind of global perspective.

10 MR. CARLSON: Global perspective, from a
11 small town?

12 MR. CURTIS: I consider myself having grown
13 up in a small town, and I think you can still have a
14 global perspective.

15 MR. CARLSON: Point out, what, in that
16 letter, is blatantly wrong --

17 MR. CURTIS: I think the perception,
18 perceptions that kids are standing in stores, just
19 waiting to shoplift?

20 VOICE: Is what is wrong.

21 MR. CARLSON: The stereotypes --

22 VOICE: -- happens, all the time.

23 JUDGE HUGGINS: And it assumes that, all
24 kids, or all minority kids, who are accused of crimes,
25 commit them. And I think it also makes an assumption,

1 that the only response, to this problem, is to teach
2 kids responsibility.

3 One of the things that, I think, you would
4 find, throughout the juvenile justice system, I do not
5 care what color the kids are, there are certainly a
6 number of kids, out there, committing a crime, and
7 there are some really messed-up kids, out there. But,
8 I think, for every kid you see, in juvenile court, who
9 is having difficulties, there is at least one adult, if
10 not many more than one adult, in their lives, who is
11 not doing the things for that child that need to be
12 done.

13 The problems that children have, if you read
14 reports, and presentence investigative reports, in the
15 juvenile justice system, you look at the problems that
16 the child brings to you, in the juvenile court, but you
17 look at the environment from which that child comes,
18 and you see where the real problems in the kids lives
19 are. They are not kids that just wake up, and decide,
20 one morning, "I'm gonna be bad." They are kids living
21 in situations that many of us, as adults, could not
22 survive.

23 So, I think it places kids in a light,
24 without looking at the spectrum, or the circumstances,
25 that most kids become involved in the juvenile justice

1 system, because of. Certainly, there are some kids
2 that we have to be concerned about the recidivism that
3 they bring to the juvenile justice system, but I think
4 we do have to have a much broader perspective, as to
5 how we deal with those problems, rather than, saying
6 that we just need to lock them all up, for a long
7 period of time.

8 CHAIRPERSON WASSMUTH: Could I ask you, you
9 suggested that, your job stopped, when you submitted
10 the report, and you are not sure of how the
11 recommendations are going? Is anyone following up, on
12 that, do you know?

13 MR. CURTIS: I think, well, James Kelly, from
14 the African American Commission, I think, has done a
15 yeoman's job, or a yeoperson's job --

16 CHAIRPERSON WASSMUTH: We will be^h hearing
17 from him, later, so we can ask him, then.

18 MR. CURTIS: -- pushing these. But, again,
19 at the local level, it is hard to say. And most of our
20 recommendations, again, one of the requests from,
21 actually, the minority commissions, was, to be succinct
22 in our recommendations, and try to provide some
23 concrete direction, and we think we have done that, by
24 specifically identifying what each level can do, or
25 what each agency can do, to impact disproportionality

1 in the system.

2 JUDGE HUGGINS: One of the areas that we try
3 to push, very hard, and strong, in our recommendations,
4 was that, involving diversion, where, we found, from
5 some of the participants, on our committee, that,
6 diversion is a successful program, but it is not as
7 encompassing, as it could be, of youth of color. And
8 one of the barriers, is language. So we made some very
9 strong recommendations, for a more expansive use of the
10 diversion process, because we do find that it is
11 generally a successful process, for many, many
12 youngsters.

13 So, we tried to make recommendations, that
14 were easy to deal with, that did not cost a great deal
15 of money, though we made some recommendations that
16 certainly would cost money, if they are implemented.

17 Many of the recommendations that we made,
18 have not been made, by us, for the first time. They
19 have been made, before. They just simply have not been
20 followed through with, before.

21 CHAIRPERSON WASSMUTH: And that is a risk of,
22 with this one, again, it sounds like.

23 JUDGE HUGGINS: It is, but there was more
24 than one group, studying this same problem, and making
25 recommendations, on this same issue, that was working,

1 at the same time that we were; the group that was
2 headed, in part, by Judge Bobbe Bridge.

3 So, we are hoping, that -- and many of our
4 recommendations overlap -- so we are hoping, that, just
5 simply, by having other voices, saying the same things,
6 at the same time, that they may receive more attention.

7 CHAIRPERSON WASSMUTH: -- to a conclusion --

8 Are there any last questions, from the
9 Committee, a question for the judge?

10 MR. CARLSON: Judge, a lot of people, that I
11 have talked to -- and I have talked, more, to crime
12 victims, and police officers, than criminals, and
13 public defenders -- think that, the message that keeps
14 being sent, over and over again, by our juvenile
15 justice system, is one of excessive leniency; that,
16 more and more, it is easy to get away with criminal
17 activity, which is why, in an area where we have so
18 much more in expense on education, and social programs,
19 and diversion, and whatnot, than ever before, that we
20 also have record high numbers of violent juvenile
21 offenses. Could you respond to that, from your
22 perspective?

23 JUDGE HUGGINS: I think we certainly do have
24 record high numbers of violent juvenile offenders, and
25 I do not think that that is necessarily because we just

1 have juveniles who are offending, in an isolated
2 society. We have record high numbers, in a lot of
3 other things, as well. We have a great deal more
4 trouble with our school systems, now, than we have had,
5 in, maybe, in some years past. We have more trouble,
6 with drug abuse, and alcohol abuse, maybe, than we have
7 had, in generations, or decades, past. So I do not
8 think that it is just the juvenile justice system,
9 where we are seeing increasing serious problems.
10 I think we are seeing increasingly serious problems, in
11 a lot of aspects of our community life, and this is
12 certainly one of the results of it.

13 I think that the general impression, and I
14 probably can only speak best for myself, in dealing
15 with juvenile justice issues, is, we have to answer
16 some questions, for ourselves, as to how we are going
17 to deal with our kids, as a precious commodity in our
18 society. If we are willing to simply take kids, who
19 commit crimes, and lock them up, until they are 21
20 years old, that is one way to deal with the problem.
21 You will keep them off the streets. You will keep them
22 from committing crimes, until they are 18 or 21 years
23 old.

24 But what do you do with a kid, who is 21, or
25 a person, who is 21 years old, when you put them back

1 on the streets, and you try to do nothing more than for
2 them, other than lock them up? I think that is the
3 other question that we need to ask ourselves, in how we
4 deal with juvenile justice.

5 The system, as I have participated in it, and
6 as I view it, is not a perfect one. Sometimes, I do
7 not think it is even a good one. It is a system that
8 needs a lot of work, and it needs a lot of resources,
9 that it has never gotten. But I do believe, that, as
10 long as we are dealing with children -- which is what
11 they are -- that we need to deal with them,
12 differently, than we do, with adults who commit crimes.

13 When it comes to children who commit serious
14 crimes, like murder, I do not have any answers, and,
15 generally, what we do, is, lock those kids up, for as
16 long as we can, because we do not know what else to do
17 with them.

18 But there are a lot of kids, and the greater
19 majority of kids, do not commit murder, who are in the
20 juvenile justice system, and it is those kids, I think,
21 that we still have to do everything that we can, to
22 try to save them, to try to rehabilitate them, and
23 to try to turn them into productive citizens. How we
24 go about doing that, I think minds differ, on how we do
25 that, and I do not have any answers, in that regard,

1 but I am willing to work on the questions that they
2 present.

3 CHAIRPERSON WASSMUTH: Judge Huggins, and Mr.
4 Curtis, I thank you, very much, not only for your
5 presence, here, but for your work, in this area. It is
6 most important, and it is most important for those
7 young people, and it is most important to our society.
8 So, thank you, very, very much, and we appreciate your
9 taking time, to be here, today.

10 JUDGE HUGGINS: Thank you, for having us.

11 CHAIRPERSON WASSMUTH: Thank you.

12 I am going to try to keep us as close to on
13 schedule, as possible, out of respect for the people
14 who have asked to be here, at a specific time. And I
15 understand Judge Bridge was not able to be here, today,
16 because of a change in her court schedule, but Mr.
17 Carlson is here. And so, we are ready for you, as soon
18 as you are.

19 MR. CARLSON: As soon as I am ready?

20 CHAIRPERSON WASSMUTH: As soon as you are
21 ready.

22 MR. CARLSON: Thank you.

23 CHAIRPERSON WASSMUTH: I guess that means, as
24 soon as you can make your way to the table.

25 And, Mr. Carlson, for the record, would you

1 introduce yourself, and give a little bit of
2 background, of what brings you here, this morning, and
3 then, just proceed.

4 MR. CARLSON: Sure. I am Dick Carlson, and I
5 am the operations manager for the King County
6 Department of Youth Services. What that translates
7 into, I have some ongoing responsibility for the
8 probation and detention functions. I oversee those,
9 for the department, for the juvenile court, in support
10 of the juvenile court.

11 I would like to apologize, a bit, in that, I
12 really had not anticipated being here, today, so, when
13 I talked to Judge Bridge, yesterday afternoon, about
14 4:00, I got a sense of what she was going to try to
15 present. And I would comment that both Judge Bridge
16 and I met with this group, I believe it was last
17 fall, and presented some material to you. And I think
18 what she had wanted to do, and I will attempt to do,
19 today, is, to kind of come back, and let you know a
20 little bit about what has occurred, in the intervening
21 six months, some of the efforts that have been taken,
22 to deal with some of the issues we identified, last
23 fall, and then, some of the things that are still in
24 the works. You are going to hear from Dr. Bridges,
25 after me, so I will not attempt to summarize that

1 report, but, other than to say that, that was certainly
2 a primary mover, in a lot of the efforts that occurred,
3 over the course of the last year, and that are ongoing.

4 Probably, three primary activities have
5 occurred, in the intervening months. Paramount amongst
6 those, is, the creation of a juvenile justice
7 disproportionality committee, required and mandated by
8 the legislature, in the 1994 session, and created, in
9 conjunction with King County's regional law, safety,
10 and justice committee, and that committee was charged
11 with a number of tasks, that included, monitoring and
12 recording juvenile disposition standards, commission
13 proportionality, effectiveness, and cultural relevance
14 of, the following: rehabilitative services, that are
15 offered by county organizations, corrections
16 facilities; rehabilitative services, offering in
17 conjunction with diversion, from the juvenile court
18 system, as well as parole and probation services.

19 A piece, that we are still trying to figure
20 out how to operationalize, but an important point, and
21 that was, a requirement that we review citizen
22 complaints, regarding bias on disproportionality in the
23 county's juvenile justice system, and what that, what
24 the group is working with, is, a mechanism that allows
25 us to effectively do that, without having to respond to

1 hundreds of individual complaints. The resources are
2 not there. So, what we are looking at doing, right
3 now, is, reviewing complaint systems, and summary data,
4 on complaints that are made, with regard to that, to
5 the organizations involved.

6 We also have a requirement to submit, by
7 September 1st, a report to the legislature, on our
8 assessment of these particular issues, and we have been
9 meeting, now, for about six months. Today's meeting
10 was focused on the work plan, for the balance of the
11 year. One of the things that we have had to do, is,
12 because the committee is broadly represented, and has
13 different levels of understanding, of how things
14 operate, is that, we have attempted to bring everybody
15 up to the same level of understanding, of how the
16 system works. And that has meant that we have had the
17 key actors, from all of the criminal justice agencies,
18 and various decisionmakers in this process, present, to
19 explain how they make their decisions, and respond to
20 some of the questions that were raised, in Dr. Bridges'
21 report. So it has been kind of an, we have been on an
22 educational mission, to date. This morning's meeting,
23 that I just left, was our first real session, to sit
24 down, and figure out, "What are we going to do, about
25 this?"

1 I think the committee is well aware of the
2 fact that, there has been a great deal of talk, over
3 the intervening two years, and there has been very
4 little, in the way of direct steps taken, to materially
5 impact some of the findings in Dr. Bridges' report.
6 That is one thing, one step, that, I think, has great
7 potential for us, locally, and because it is broad-
8 based, and representative of just about all of the
9 decisionmakers, I think, it has a good chance to result
10 in some significant impacts.

11 Another piece, that you may have heard about,
12 and that was approved by the county council, here in
13 King County, about a week ago, is a program called,
14 "Reaching Back, Giving Back," is a major community
15 mobilization effort, out of the county's Department of
16 Human Services. And the focus of that program is to
17 provide an alternative to detention, primarily, at this
18 point, for African American youth, who are presented
19 for admission to detention, and who are being detained,
20 for a couple of reasons, that Dr. Bridges' report
21 points out. Primarily, there is nobody to accept
22 responsibility for them, in the community, and assure
23 they come back, for court hearings. And this program
24 is proposed, to create a corps, of mentors, and
25 volunteers, with active supervision, operating in

1 conjunction with our department, and others, who will
2 monitor, and support, and help assure that kids show up
3 for their court hearings, and monitor them, while they
4 are in the community. I think the target date for that
5 program, right now, to come on line, is, November, of
6 1995, and they are anticipating starting out with five
7 kids a week, building to a caseload, an ongoing
8 caseload, of around 90.

9 To give you some idea of what the impact of
10 this, and why this, we are excited about this kind of
11 an idea, is that, currently, 50 percent of the kids,
12 who are presented, and detained, at our facility, have
13 a warrant, associated with their presentation, which
14 means that, even if the referral, that they are being
15 presented on, might not be one that they ordinarily
16 would be detained on, the warrant requires their
17 detention. Those warrants are primarily related to
18 failure to appear. They have not shown up for a court
19 hearing, and, as a result, a warrant has been issued.
20 And so, that is a big, big problem, that has impacted
21 minority populations, significantly, and we are hoping
22 this is a first step, to begin to deal with that.

23 In conjunction with that, the county
24 executive and county council funded some additional
25 resources, to the superior court, this year, added one

1 and a half judges, and some support staff, all to a
2 goal, that the court has implemented, and that is, to
3 cut down on the amount of time, from the filing of an
4 initial charge, until the case is disposed of. That,
5 accomplishing that, will impact two factors.
6 Obviously, if it takes less time to move through court,
7 those kids that are in detention will stay there, less
8 time. Another piece of it, and probably the most
9 significant impact, is that, if you reduce the number
10 of court hearings, and shorten the amount of time, you
11 reduce the opportunity for a kid to fail to appear, for
12 court, and fail to participate in proceedings, thus
13 reducing the numbers of warrants. You just make the
14 whole system more efficient. Again, because warrant
15 affect minority populations to a greater extent than
16 nonminority, we are hoping that that will have a
17 significant impact on what we are doing, as well.

18 There have been a number of intermediary
19 steps, taken, and I can recount some of those, briefly,
20 because, I think, part of what happens, is that, it is
21 the big, flashy stuff, that gets a lot of attention,
22 and the small, incremental steps, that are taken by
23 departments, to address some of these issues, often get
24 lost. And so, I just want to briefly capture some of
25 those.

1 In the area of training, which has been
2 identified as a major issue, in addressing some of the
3 issues that Dr. Bridges has identified, we have run all
4 of our probation staff through training, on
5 sensitivity, cultural diversity, and related kinds of
6 subjects. We had a special workshop, a year ago, on
7 working with Southeast Asian client populations.

8 I want to talk about them, in a little more detail, in
9 a little bit. Also, Spanish immersion training, for a
10 large number of our staff, in order to deal with both
11 language and cultural issues, displayed in the Hispanic
12 population. The whole department, I think we may have
13 mentioned this, last year, but our entire department,
14 300 staff, went through a cultural change process,
15 three-day workshops for everyone, where we sat down,
16 and reidentified how best to try and target working
17 with minority populations, as well as other issues, in
18 terms of how the organization did its job. We have
19 ongoing diversity training, scheduled, again, for this
20 year, to pick up the rest of our staff, and we are
21 hoping that that will have, perhaps, some impact.

22 Information is the second category, that has
23 a big role, in this. One of the most difficult pieces
24 that, I think, the court has to try and resolve, is,
25 how best to communicate all of its processes to the

1 people who are subject to them. We have, in the course
2 of the past year, translated most of our initial
3 information into six primary languages. Most of those
4 are Southeast Asian, but we also have a couple of
5 Central European languages, that have been translated,
6 as well.

7 We have reorganized our diversion project,
8 which was the focus of many of the concerns, raised in
9 Dr. Bridges' report, so that, we have combined it, and
10 restructured it, so that, the staff, in that program,
11 can spend more time, trying to contact, and monitor, to
12 make sure that the kids show up for their diversion
13 appointments. Failure to appear for diversion
14 appointments, in the community, is a significant cause
15 of warrants being issued for arrests, subsequently, and
16 the charges that are going to the conference
17 committees, in the community, are generally, charges
18 that do not result in detention time, if they were
19 found guilty, in court.

20 So, you have got relatively low level kinds
21 for charges. You have a process, that, maybe, does not
22 communicate, or does not make the extra effort, to make
23 sure that people get there, and the end result is
24 warrants, that then result in detention, result in
25 court hearings, and ongoing issues. So that was a

1 major piece. We have achieved some success, in that,
2 the impacts of that program, I think, are going to be
3 significant.

4 We have obviously contracted with a variety
5 of interpreters. We have done a contract with the Red
6 Cross, to access their language bank. More recently,
7 our department is pursuing an initiative, where AT & T
8 has available a 24-hour-a-day, seven-day-a-week,
9 translator service, that we can access, by telephone,
10 on any occasion, and they have access to any
11 translation services that we would need, which, I
12 think, is going to deal with all of that.

13 We found one interesting thing, in terms of,
14 notice to people, particularly with people who, the
15 parents are non-English speaking. The letters that
16 were sent out, advising kids that a court date had been
17 set, went to the kid. The kid speaks English, and
18 reads it, intercepts it. The parents do not know there
19 is a hearing, and fails to tell them. He does not
20 show. And, the next thing, we have got this cycle
21 going, again.

22 So we have changed our process, and we now
23 send a letter, to the parents. We send a letter, to
24 the kid. The letters to the parents include,
25 translation notes, that say, that, they do not

1 translate the entire document, but they are a flag,
2 that says, "There is material, here, you need to be
3 aware of, and please contact us, or find somebody to
4 translate this, for you." Either way, we will try to
5 facilitate that.

6 We have a couple of things, in the works, as
7 well. Our department has been using, our staff,
8 actually, who are on light duty assignment, we are
9 using those, to track warrants, and to track cases
10 where kids fail to appear, before a warrant is issued,
11 and try to bring them back in, and avoid the issuance
12 of a warrant. And we have been successful, in that, as
13 well. I think there is been a significant impact on
14 how that will ultimately impact proportionality.

15 We have one other item, that is major, and
16 that, sometimes, gets lost in this, and that is, this
17 kind of technical, complicated issue. I will try to
18 explain, briefly. It is, under the standard range
19 sentencing format, adopted by the legislature. There,
20 I think you are familiar with the fact, that there is,
21 offenses, in age, and prior history, generate points.
22 Those points, then, are converted into a sentence, and
23 110 points, or more, result in a period of
24 incarceration in a state institution, if you are found
25 guilty.

1 There is an option, that is presented, on
2 that grid, called an "Option B." Commitment is Option
3 A. Option B provides that the court can find, that,
4 there are reasons for not imposing the institutional
5 sentence, and maintain the youth in the community, on
6 supervision, up to a year, order detention, for up to
7 30 days, and impose other kinds of consequences. King
8 County has, for some time, and continues to, lead the
9 rest of the state, in terms of, the numbers of youth,
10 on Option B sentences, who are of color. Approximately
11 60 percent of the number of youth on those programs are
12 minority youth, who would otherwise have been committed
13 to a state institution, for a period of time. And
14 that, that, probably, in and of itself, is one of the
15 larger factors, impacting institutional
16 disproportionality. Had all those moved on the
17 numbers, and the state institutions would be
18 significantly greater, and the disproportionality,
19 there, would be representatively higher.

20 I think, with those, those are some of the
21 things that have happened, in our community, ongoing.
22 I would, I have brought, today, hot off the presses,
23 yesterday, we got a computer report, and one of things,
24 I think, that people frequently want to know, is,
25 information with regard to the kinds of offenses, the

1 reasons why people are being detained, how many youth,
2 in detention facilities, are of different ethnic
3 groups, and some of that kind of information. I have
4 got, I will pass this out, now, for you, and I might
5 spend a minute or two, kind of walking through it, with
6 you, explaining it. And then, you can respond to any
7 questions.

8 CHAIRPERSON WASSMUTH: While those are going
9 out, Mr. Carlson, you mentioned the creation of the
10 juvenile disproportionality committee?

11 MR. CARLSON: Yes.

12 CHAIRPERSON WASSMUTH: Is this specifically
13 for King County, or is that for the whole state?

14 MR. CARLSON: It is, this one, the
15 legislature mandated, last year, that every regional
16 law, safety and justice committee, in the state,
17 recreate a committee, subcommittee, on
18 disproportionality, and mandated further that they
19 report, in September, of each year, on progress, in
20 addressing the issue. That is a specific criteria, the
21 ones I have mentioned, earlier, that we have to report
22 them.

23 CHAIRPERSON WASSMUTH: And how many regions
24 are going to be in the state --

25 MR. CARLSON: It was basically by county, so,

1 yes, yes. I believe, in some of the smaller areas, the
2 regional councils, in some of the smaller counties, and
3 the state may have combined them, in a joint committee.
4 But, basically, there is one, for the entire state.
5 The state is represented --

6 CHAIRPERSON WASSMUTH: And who would do the
7 follow-up, for those committees, do you know?

8 MR. CARLSON: I am sorry?

9 CHAIRPERSON WASSMUTH: Who would make sure
10 that they were happening, they were actually being
11 formed?

12 MR. CARLSON: The juvenile court
13 administrator, and the regional, the chair of the
14 regional law, safety and justice committee, the local
15 committee, are charged with that responsibility.

16 CHAIRPERSON WASSMUTH: We --

17 MR. CARLSON: Okay. Briefly, by way of
18 explanation, if you look at the first page, called
19 "Detention Statistics, Summary Report for 1994
20 Detentions," the first thing, go up to the very bottom,
21 you will get a sense. This is, what this is, is, a
22 summary, of the youth detained, in the King County
23 detention facility, during 1994, and the data that is
24 broken from this, is based on that population. So,
25 down at the bottom, you will see the percentages, for

1 the different ethnic groups, in detention, and how they
2 are represented. I believe that first column, Asian,
3 Dave Akimoto is going to be meeting with this
4 committee, I think, later today, talking, and in more
5 detail.

6 I would make a comment, on this, and this is
7 one of the factors of having been with the department
8 for a thousand years. I can recall a period of time,
9 probably ten years ago, when, if we run this similar
10 report, the percentage, here, would have been under,
11 well under, 1 percent. It would have been a fraction
12 of 1 percent, Asian, represented in the detention
13 facility. The change in this population, in the last
14 ten years, and particularly in the last five, is
15 significant, is tremendous. It is the single largest
16 increase that we have seen, in that group.

17 MR. CARLSON: Why do you suppose that is --

18 MR. CARLSON: I think Dave can speak to that,
19 in more detail, but, in general, I would have to say
20 that it is due to an immigration, Southeast Asian. We
21 have got Pacific Islander, Cambodian, Nationalist
22 Chinese, Thai, groups coming in, following the initial
23 wave of the Vietnamese immigrants, and that has been a
24 significant influx, in the last, particularly the last
25 five, or the last ten.

1 MR. CARLSON: And when do you think that
2 would have been 1 percent? I am sorry.

3 MR. CARLSON: I would say, before ten years
4 ago, say, before 1985, you would not see anything like
5 this. It probably would have been well under
6 1 percent. And I could go back a little further,
7 there, at times, when you could probably go a year, and
8 you would not have seen an Asian name, in detention.
9 So it is a significant jump.

10 DR. BROOKS: Excuse me. Are you saying that,
11 then, it is because, there was an increase in the
12 number of immigrants, or the types of immigrants?

13 MR. CARLSON: I think it is two things, and I
14 think the raw number has increased, yes, due to the
15 influx, the wave of immigration.

16 The second piece, that goes along with that,
17 and that is, I think that you have to take into account
18 the immigrant experience, and that is, you are moving
19 to a new country. You have first generation
20 immigrants, who do not speak the language. You have
21 second generation kids, being raised in this culture.
22 The conflict, between that, economic issues. You have
23 the whole gamut of issues, that go along with an
24 immigrant population. And I think that contributes,
25 along with the increase in numbers.

1 DR. BROOKS: Was that not, before, the same?
2 Was that not the same thing, before, we had immigrants,
3 before?

4 MR. CARLSON: We have. We have. The raw
5 numbers, as I understand, though, with, particularly,
6 the Vietnamese population, that came, in the
7 mid-Seventies, mid to late Seventies, were smaller, in
8 number, than what has occurred, in the course of the
9 last ten years. That is, I am sorry?

10 CHAIRPERSON WASSMUTH: We have people from
11 the community, here, later. They will --

12 MR. CARLSON: I think so.

13 CHAIRPERSON WASSMUTH: -- statistical
14 information on that.

15 MR. CARLSON: I think so.

16 The only other things, that might, I will
17 just point out, and you can take a look at them, as you
18 go on: We have broken out, A offenders, B offenders, C
19 offenders, D offenders, and so on, by gender, by
20 ethnicity, and then, reflected in the far right hand
21 corner, or the far right hand column, as a percentage
22 representation of the total population.

23 For your, you are aware of this, I am sure, A
24 offenders are homicide, arson -- rate -- serious kinds
25 of felony offenses. B's are things like, robbery --

1 burglary, with sexual motivation, other kinds of
2 offenses. C's are felony offenses, that include things
3 like auto theft, and possession of crack cocaine, those
4 kinds of things. D's and E's will be offenses, that
5 are malicious mischief, third degree, theft three,
6 theft two, those kinds of offenses, primarily property,
7 with some assault four charges, in there. And then,
8 what we have categorized as X's and Z's, are really not
9 offenses. They are statuses, kids on parole, returning
10 for court hearings, and being held for other
11 jurisdictions, that kind of thing.

12 We have got that, for both 1994, and 1995.
13 And then, starting on the third page, we have broken it
14 out, by actual offense. So you will see the same kinds
15 of breakdown, for, starting with murder one, and
16 going -- on the last page, to the lower level offenses.
17 And we have done that, for 1994, as well.

18 I think, and I will close with this, is that,
19 this is the first piece of information, that we have
20 been working, for quite a while, to try and pull
21 together. We have a whole series of reports, that we
22 hope to have finished, by the end of this month, that
23 are being prepared for the regional disproportionality
24 committee, that will go into greater detail, and give
25 us a little bit more insight, as to, hopefully, why

1 some of the things are --

2 CHAIRPERSON WASSMUTH: We have a minutes'
3 worth of --

4 MR. CARLSON: Sure.

5 CHAIRPERSON WASSMUTH: -- questions --

6 MR. ISRAEL: Mr. Carlson, do you keep any
7 other demographic statistics, regarding these people,
8 besides their gender, and their race, or ethnicity?

9 MR. CARLSON: We keep data on where they are
10 coming from, what part of the county.

11 MR. ISRAEL: Okay.

12 MR. CARLSON: We keep information, by
13 referral source, like which law enforcement agency.
14 And the two, I should say, the two do not always
15 overlap, where they live, and who is arresting them,
16 and sending them to us, are not always the same. We
17 track, by age, as well. And there are a couple of
18 other categories, in there, but those are the primary.

19 MR. ISRAEL: Education? Whether they are in
20 school, or not in school?

21 MR. CARLSON: We do not have that data, in
22 our system.

23 MR. ISRAEL: Whether they speak English, or
24 do not speak English?

25 MR. CARLSON: No. We do not have that.

1 MR. ISRAEL: Family demographics, family
2 income, one parent, two parent, no parent?

3 MR. CARLSON: That information is in the hard
4 files, but it is not in the computer system.

5 MR. ISRAEL: So there is no other way to
6 correlate this? This is basically a presentation of
7 data, which, it is just a presentation of data, in
8 terms of an analysis? There is no way to correlate it
9 with other demographic characteristics?

10 MR. CARLSON: There has been no analysis of
11 this data. It is raw, at this point, and one of our
12 jobs, for the next, through the balance of this year,
13 for sure, is to try and analyze it, and associate it,
14 also, correlate it, to those other things.

15 MR. ISRAEL: Other than anecdotal evidence,
16 such as your comment, which strikes me as being valid,
17 that is your comment about immigration, and the effect
18 of immigration on these statistics, do you have any
19 insights, as to whether you think that the offenders
20 are disproportionately people who are not in school, or
21 have dropped out of school, and disproportionately come
22 from families with no parents, or one parent, as
23 distinguished from two parents, disproportionately come
24 from low income, rather than high income, families, in
25 any sense?

1 MR. CARLSON: I can give you my sense of
2 that, and I think that, that, to some extent, the
3 information that Dr. Bridges will present, touches on
4 the relationship of those issues. The short answer,
5 "Yes." All of those things, historically, it is no big
6 secret, as to what the causes of this kind of offense
7 behavior, is, it is economic issues, it is parental
8 guidance and support, and it is access to education,
9 and other things. All of those are at the root of it.
10 And, unfortunately, what we end up with, is, our
11 average age, in detention, is around fifteen, and
12 dropping, a little bit, right now, from what it used to
13 be.

14 But, by the time they are with us, those
15 factors have done their work, the lack of those things
16 have done their work.

17 MR. CARLSON: Mr. Carlson? Two quick
18 questions. Mr. Carlson, do these ethnic statistics
19 bring out, and mirror, the adult offenders, as well, or
20 are there some significant differences, between
21 youthful offenders, versus adults?

22 MR. CARLSON: That is a really good question.
23 You know, you are the first person who has ever asked
24 that question, and I do not know why it has not been
25 asked, or thought of, before.

1 I cannot answer it. My gut feeling, is that,
2 probably, you are going to find that it does not, and I
3 base that, simply, on this: that the gang activity
4 occurring, particularly within the Asian immigrant
5 population, is probably driving some of these numbers,
6 and I do not know that it is there, for the adult
7 population, yet.

8 MR. CARLSON: And the second question I have,
9 is, you have a proportion of roughly 80/20, or 82/18,
10 male to female. Has that changed, in the last ten
11 years?

12 MR. CARLSON: Yes. It has gone up, a bit,
13 for females. In past years, I think we used to figure
14 in about 10 percent of the population, would be female.
15 And, again, over the years, the kinds of offenses that
16 females are committing has changed. It used to be
17 self-destructive, kid, females, on what you might call,
18 what we used to call, at that time. Anyway,
19 prostitution. Runaway. Not runaway, so much, but the
20 kinds of things that were aimed at themselves. Now,
21 they are coming out, in aggressive, directed kinds of
22 offenses, that, frequently, are against other people.

23 MR. CARLSON: Thank you.

24 CHAIRPERSON WASSMUTH: The last question?

25 DR. BROOKS: I have --

1 The last one -- looking at the African
2 American percentage, is that up and down, relative
3 to -- was it higher, let us say -- ten years ago, five
4 years ago?

5 MR. CARLSON: I do not have the ten-year
6 data, but I will give you my impression: it is up.
7 Not, I do not think, percentagewise, as much as the
8 increase in the Asian, but my -- the African American
9 population has always been represented, as far as I can
10 recall, in detention. I am thinking, that, ten,
11 fifteen years ago, you would have expected to see
12 around 25 to 30 percent of the population, African
13 American. Now, we are seeing, it pushes, bounces back
14 and forth, between 35 and 40 percent. It goes over 40,
15 occasionally. So, yes. That is an increase.

16 DR. BROOKS: Something I did not understand.
17 You talked about the fact that you did not have
18 resources, to do certain things, and I did not
19 understand whether that was coming from a
20 recommendation, or a report, or whether that was
21 something the legislature had mandated that you do.

22 MR. CARLSON: I am not sure that I even
23 recall that.

24 DR. BROOKS: Apparently, you have been
25 talking about, not being able to respond to certain

1 things, that occurred. You knew that there were
2 problems, but you could not respond to them. And I was
3 just saying, if they were unfunded mandates, how could
4 you ignore the fact, even though you do not have
5 resources, because, that has been something that the
6 legislature has imposed upon us, for a numbers of
7 years.

8 MR. CARLSON: Yes.

9 DR. BROOKS: And it seemed as though we
10 should, somehow, be providing the resources, to cover
11 those unfunded mandates.

12 MR. CARLSON: Yes. I am struggling with the
13 context of my comments, but --

14 DR. BROOKS: -- so, and the third one, was,
15 too, you commented on the fact, that you were doing
16 diversity training.

17 MR. CARLSON: Yes.

18 DR. BROOKS: And you have done a good job of
19 making sure that your staff is exposed to it. Is that
20 included somewhere in their performance evaluations, to
21 see how they perform, now that they have gotten this?
22 Because I do not see where it would do much good, to
23 just give them the exposure to the training, if you are
24 not going to hold them responsible for responding to
25 the training.

1 MR. CARLSON: A quick answer: it is not
2 included in the form, that is used to do the
3 performance appraisal. Where it is reflected, however,
4 is the department, I have mentioned, the cultural
5 change process, that was initiated, last year. There
6 are standing focus groups, in most of the major
7 sections of the department, right now, and this whole
8 issue of, diversity, and cultural awareness, is a big
9 focus, for the focus groups, and part of what they look
10 at, and review, and provide us with suggestions on. It
11 is not, it has not yet been incorporated --

12 DR. BROOKS: Do you intend to
13 institutionalize it?

14 MR. CARLSON: That is my understanding. The
15 personnel section is revising our performance appraisal
16 forms, this year.

17 DR. BROOKS: And a final one, is that, you
18 talked about the fact that we have language problems,
19 in certain groups, and the parents therefore have not
20 notified, are not aware, of certain --

21 Is illiteracy counted as a --

22 MR. CARLSON: It certainly is, if we are
23 aware of it. It is more difficult for us to know, on
24 some of the initial contacts, because, for the most
25 part, until the family is engaged, through a couple of

1 hearings, the contacts that have been going out, are
2 primarily going out, by mail. And there is very little
3 personal contact occurring. So that, we may not know
4 that there is a literacy problem, until we get further
5 down the road, with it. It is very possible that
6 people are not responding, and showing for court
7 hearings, are not participating in it, because they do
8 not, are not able to read.

9 DR. BROOKS: Is that -- in any way? Has that
10 changed, the results, the, maybe, the reasons why they
11 did not appear? Is it?

12 MR. CARLSON: If they are aware of it. Yes.
13 It is taken into account.

14 MR. MARTIN: Mr. Carlson, I just have one
15 question. It is a programmatic question, regarding
16 your alternative detention. Is that kind of a
17 volunteer community program, or how is that funded?

18 MR. CARLSON: Yes. The program we are
19 talking about, is actually occurring, within another
20 county department, who is working with us. It is
21 funded by county current expense dollars, straight out
22 of the general fund, for the county, and it will be,
23 the dollars that are there will be, used, to contract
24 with a community organization, to develop a cadre of
25 volunteers, mentors, to work with, in the juvenile

1 court setting, and make contact with kids who are
2 appearing before the court, and who, the court feels,
3 "I would not be taking this kid, if I had somebody, who
4 would step forward, and say, they would assure that
5 they would show up, for the next hearing." And that is
6 kind of what the focus is.

7 MR. MARTIN: Is that on a long-term basis, or
8 are they getting paid for that, or?

9 MR. CARLSON: No. They will be volunteers.

10 CHAIRPERSON WASSMUTH: Mr. Carlson, thank
11 you, very much.

12 MR. CARLSON: Thank you.

13 CHAIRPERSON WASSMUTH: Thank you for taking
14 the time to be here, and giving the Committee your
15 work -- to address this issue of disproportionality in
16 the juvenile justice system. Thank you, very much.

17 Okay. Before we take a break, we have Dr.
18 Bridges with us, so, Dr. Bridges, if you would head up,
19 this direction?

20 DR. BRIDGES: I have got a slide presentation
21 that I would like to show, that might summarize some of
22 the ideas of where we are, in the state, right now.

23 CHAIRPERSON WASSMUTH: The screen is behind
24 us, here, so, either -- can you read it -- turn around,
25 or move over to there? What is your --

1 DR. BRIDGES: Why not stretch your legs,
2 while I am putting this together?

3 CHAIRPERSON WASSMUTH: Okay.

4 DR. BRIDGES: It will only take a minute.

5 CHAIRPERSON WASSMUTH: A short recess.

6 (Whereupon a short recess was taken.)

7 CHAIRPERSON WASSMUTH: Okay. Let us
8 reconvene, please, and, Dr. Bridges, if you would
9 introduce yourself, and explain a little bit of why
10 your expertise, that brings you here, and the
11 background, that brings you here? And, are you going
12 to be standing?

13 DR. BRIDGES: I will stand, close to the
14 mike.

15 CHAIRPERSON WASSMUTH: Okay.

16 DR. BRIDGES: I think my slide projector just
17 lost its illumination bulb, and we may have to change
18 that, if you have got a spare. Let us see if it works.

19 CHAIRPERSON WASSMUTH: There it is.

20 DR. BRIDGES: Good! It is working.

21 My name is George Bridges. I am professor in
22 sociology, at the University of Washington, and I feel
23 lucky to be here, to present, before the Committee, and
24 talk about these issues. This is a presentation that
25 overviews some of the concerns about

1 disproportionality. I will confess to you, I gave
2 this, once before, to the legislature, and was told it
3 was too academic, and I will try to remove the academic
4 components of it, even though, I think it offers a
5 useful description of where the -- is, and how and
6 where it will go.

7 I have noticed a number of very, very
8 prominent spokespersons, that you will have, covering
9 this issue, today, and I hope this might serve as a
10 baseline of information. I will make available to the
11 Committee a hard copy of all the slides that I present,
12 today, so that, you can have them, for any materials
13 that you put together, on this issue.

14 Four questions: What is disproportionality?
15 What causes disproportionality? What is being done
16 about it, in the state? And, what additionally is
17 needed, to reduce disproportionality?

18 I will not focus much, on the first. I think
19 you pretty much know what the issue is about. But I
20 think it is important, in considering the scope of the
21 issue, to look at causes, because this issue cannot be
22 reduced to simple explanations, like racism, or the
23 fact that minorities are the only people, committing
24 crimes. Both of those are far too simplistic. And so,
25 we need to look at a more complex explanation, in order

1 to consider possible remedies.

2 Let us go past the "What is
3 disproportionality?" issue, because I think you know
4 what it is. The term I use, just for the sake of this
5 presentation, means, overrepresentation, given general
6 numbers of the population. I was very pleased to see
7 Mr. Carlson, Dick Carlson, here, make a presentation,
8 on King County's new information system. That
9 information system was not in existence, when we did
10 our original study, and, boy, I wish we had access to
11 it, because we did look at the hard files, that were
12 asked about, that do contain information on the family
13 background characteristics of children, and how those
14 play, in this very important subject. It is
15 unfortunate that that information is readily
16 accessible, in the automated system file, but we are
17 pleased that they are, King County is, doing everything
18 they can, to update and upgrade the quality of the
19 information.

20 Disproportionality really has four causes.
21 Let me go through each of them, sequentially. If we
22 begin with the idea that overrepresentation of minority
23 children, in the courts, is a matter of concern, that,
24 in and of itself, needs to be explained, we can think
25 of around four major categories of factors, that

1 contribute to it.

2 The first, of course, is minority involvement
3 in crime, that children of color come from
4 disadvantaged backgrounds. Difficult living
5 circumstances, is a problem that we all recognize, and
6 clearly, it contributes to the fact, that, many more
7 children of color, relative to the numbers of the
8 general population, and whites, are arrested for crimes
9 they have committed. And they do commit more crimes.
10 And so, that is certainly one factor that is going to
11 contribute to the overrepresentation.

12 It is not making any statement about, why
13 they committed those crimes, or why they are involved.
14 We know that they are involved, particularly in some
15 forms of assaultive acts.

16 The question is, how much does that
17 contribute to disproportionality, relative to three
18 other causes? Let me go through those three other
19 causes. And this general model is fairly well-
20 recognized, in the research literature, on this
21 subject. About 20 states across the nation have looked
22 at this problem, and the findings are very consistent,
23 across states.

24 Second: Prejudicial treatment of minorities
25 by officials in the juvenile justice system, and law

1 enforcement agencies. Certainly, we know that all of
2 us hold, to a greater or lesser extent, certain
3 prejudicial attitudes about certain groups, and the
4 extent to which those attitudes may translate into
5 differential treatment of groups, by officials, is a
6 problem, and a concern, that must also contribute to
7 disproportionality. The question, of course, is, how
8 much? How much of the overrepresentation in any stage
9 of the juvenile justice system is the result of the
10 prejudicial treatment, of minorities, by officials?

11 The third factor is, what I would call,
12 "inadvertent biases in court rules and policies."
13 Courts, as you well know, are guided by rules, some
14 formal, some less formal, that dictate, what happens to
15 children, as they progress through the court system.
16 For example, judges are given criteria, upon which they
17 must detain children, in the detention facilities that
18 persons like Mr. Carlson have described. Generally,
19 the law establishes three general factors, that they
20 must consider, but judges, themselves, must decide how
21 to interpret those factors.

22 Is the child a risk to the community? Is the
23 child a risk or him or herself? Is the child likely to
24 flee?

25 Those are fairly abstract, and every

1 individual judge has his or her own cues that they look
2 for, in a child, to determine whether a child
3 represents a risk. Some look at how they are doing, in
4 school. Some look at their behavior, in court. And,
5 to the extent that those rules, or informal policies
6 and practices, that judges or other officials may use,
7 to screen children, are inadvertently biased against
8 minorities, then that will also contribute to racial
9 disproportion.

10 For example, in King County, the
11 disproportionality working group, that Mr. Carlson
12 mentioned, which is a very active group, and very
13 committed to doing something about these concerns, the
14 judges sitting on the groups, quite certainly, said,
15 "Well, the children, we detain, typically, when we do
16 not have other information, the children were not doing
17 well, in school, because we know, that, if a child is
18 not doing well, in school, they are at potentially
19 higher risk of committing crimes."

20 Well, to the extent that minority generally
21 do not do as well, in school, perhaps because of
22 problems, at home, or problems, in the schools,
23 themselves, or interacting with teachers, they are at
24 risk of being detained, simply because the judges, in
25 King County, have adopted, in the past, that policy.

1 Now, in fairness to the judges, they are reassessing
2 those kinds of screening criteria, because they
3 recognize they are inadvertently and unintentionally
4 working against children of color in the decisions they
5 make. Inadvertent biases in court rules and policies.

6 And the fourth, is, inadvertent biases, in
7 informal rules, informal practices. Certainly, while
8 courts may have specific rules, governing who is
9 screened, into detention, who is not screened, into
10 detention, they may also have practices, like those
11 that Mr. Carlson talked about, where children who have
12 warrants out, for their arrest, are immediately brought
13 in, and detained. To the extent that that informal
14 practice of detaining children, with prior warrants,
15 works to the disadvantage of kids of color, because
16 they may not have stable homes, they may not get
17 correspondence, or their parents may not understand
18 the correspondence, that, too, will contribute to
19 overrepresentation of kids of color, in the juvenile
20 justice system

21 Now, in the research that we have done, we
22 tend to think of minority involvement in crime,
23 children of color are more heavily represented in
24 crime, than they deserve to be, in juvenile court, and
25 we define that as warranted disproportionality,

1 disproportionality that is explained by excessive
2 commission of crimes. Most of the research across the
3 nation, and in this state, suggest that, of all the
4 racial disproportionality that you observe in the
5 court, overrepresentation of kids of color, somewhere
6 between 40 and 50 percent of it is explained by more
7 heavy involvement in crime. So, a significant chunk of
8 it is attributable to differential involvement:
9 committing more crimes, getting more punishments.

10 There is that other 50 percent, though,
11 and that other 50 percent is the percent, or
12 60 percent, that is some cause for concern. It is a
13 cause for concern, because it means, that, the system
14 is responding, whether it is motivated or not, intended
15 or not, to minority children, differently than whites.

16 And that is a subject of great concern, for
17 two reasons. One, it involves our children, and we, I
18 think, as a society, need to be very concerned about
19 our children, given the problems they are experiencing,
20 given the increase in violence by those children; and
21 also, it is a matter of justice. This is a legal
22 system. This is a system of rules, and polices, that
23 is designed to impose punishments. If that system is
24 not imposing punishments -- regardless of how serious
25 the punishments, or severe the punishments, should

1 be -- if it is not imposing those rules, and those
2 punishments, fairly, then we, as a society, have a
3 problem. Punishments cannot deter, they cannot
4 prevent, if the punishments are not imposed,
5 effectively, and fairly.

6 So this is our model of racial
7 disproportionality, and these are the factors that
8 cause it. In terms of the next question, what is being
9 done about disproportionality in the state, let me just
10 give you an overview, because you will be hearing from
11 people, from different counties.

12 Since the 1993 spending was completed, there
13 has been a great of work that has been done, some of it
14 more effective than others, at trying to remedy this
15 problem, but I must underscore the fact that, this is
16 not a simple problem, and good intentions goes a long
17 way, but knowledge is limited on what works. And I
18 will venture to say that, in talking with people, in
19 other states, we are far and above further along, than
20 almost any other state in the country. And I see that
21 something that is quite a strong benefit, to our state.

22 What is being done, in the counties? Well,
23 there are a number of programs, and let me just give
24 you an overview of the programs that have been
25 implemented, across the counties. Just a summary.

1 Of the counties, in Washington State, that
2 are attempting to redress this problem, 28 of
3 Washington's 39 counties are employing some form of
4 diversity training. Diversity training takes various
5 forms, in different counties, but a systematic number
6 of counties are pursuing diversity training. I pretty
7 much see diversity training, as a beginning point. It
8 certainly is not an end point, in dealing with some of
9 the problems of children of color. But here is an
10 illustration, that, I think, drives home the complexity
11 of this problem.

12 When you have, in some eastern Washington
13 counties, like Yakima, or Franklin counties, an
14 increasingly large Hispanic population, and virtually
15 no, or very few, court staff, that speak Spanish, or
16 are Spanish, Hispanic origin, there is a communication
17 problem, there, and that communication problem can
18 create significant interaction difficulties, for court
19 officials.

20 So, diversity training, in that context, is
21 very important. Until then, the mix of the --
22 represents more the mix of the population. Diversity
23 training is a beginning step, for efforts to deal with
24 some of these difficult problems, raised by a dramatic
25 influx in minority population, and also, some of the

1 social and economic problems they have.

2 Information. About 19, almost 20 counties,
3 are, routinely, now, collecting information, on the
4 problems of children of color, and analyzing it. The
5 kind of information that we saw Mr. Carlson present,
6 here, is, what many towns are trying to do, to figure
7 out where the problem lies, and what they can do about
8 it.

9 Many other counties are also, but not all of
10 them, and this is a source of concern, giving to the
11 court, to parents, or shows and informational materials
12 on how the court works. My personal view, is, it is a
13 little disappointing that only 19 of the 39 counties
14 have informational brochures, that are in different
15 languages. Now, in all fairness, in some of the
16 counties, there is no diversity in the population.
17 They are all white, and they all speak English, and
18 language problems are not prominent. There are
19 counties, though, that have increasingly large Hispanic
20 population, and have no informational brochures, in
21 Spanish. And, hopefully, with the efforts of Mr.
22 Michael Curtis, and the administrator of the courts,
23 that problem will be resolved, within this next year.
24 But, in a recent trip, for example -- Yakima -- as part
25 of an ongoing study, you walk in the front door of the

1 juvenile court, and you see almost all the parents, and
2 the children, in the court, are Latino, and you see no
3 informational materials, in Spanish, knowing fully well
4 that most of the parents do not speak English. That is
5 a problem that needs to be remedied.

6 In terms of research, 16 of the counties have
7 a staff person, who is looking at what the causes of
8 disproportionality are, and how those problems can be
9 remedied.

10 Staff diversity is a fourth category, and it
11 is the extent to which courts are increasingly making
12 their staffs racially more diverse. I think that is
13 another important step. Only 7 of the 39 counties are
14 doing that, but, in fairness to those counties, it is
15 because very few counties are in a hiring mode, right
16 now. The budgets simply do not permit that. The only
17 counties that are, have pursued the minority staff --
18 Pierce County, for example, has done a very effective
19 job. King County has a fairly diverse staff, and
20 Yakima County is increasing, with its new detention
21 facilities, its staff diversity, as well.

22 Some other things that counties are doing
23 alternatives to detention. Some counties, six of them,
24 are trying to find different ways of dealing with
25 children. King County's reaching back/giving back

1 program is a model, that is being adopted, across the
2 state, albeit in smaller amounts, to try and find ways
3 of keeping children of color out of detention
4 facilities.

5 Why do we want to do that? Well, the typical
6 crime, in juvenile court, let us be very clear about
7 this, is not assault. It is not murder. It is not
8 robbery. It is shoplifting.

9 There are 30 to 40,000 children, referred
10 through the juvenile court, in the state, every year.
11 A lot of kids, a lot of referrals, with typical
12 offenses, relatively -- and my words, here, not the
13 court's -- trivial. And so, we are not talking about
14 serious criminal offenders, in most counties, in
15 detention populations. In fairness to those counties,
16 we have seen dramatic increases in youth violence, and
17 I would not contest that, that assertion. But, in
18 terms of detention, there are children in detention,
19 that may not need to be in detention, because they do
20 not represent a significant to the community. Some
21 counties are trying to pursue that, with them, by
22 trying -- and other supervised ways of -- out of
23 detention.

24 There is a reason for doing that, and the
25 reason is, children, in detention, are less capable, of

1 preparing, in effect, a legal defense, when they are
2 detained, and when they are not.

3 Most courts rely on volunteers. Volunteers
4 play a critical role in the court system. And so, you
5 find 12 out of 39 counties developing programs, to
6 sensitize their volunteers, to diversity issues, or to
7 hire a diverse set of volunteers.

8 Fifth: Diagnostics. Some courts developing
9 new diagnostic procedures for screening children, in
10 and out of steps like diversion, and other programs,
11 are designed to address this. So things are happening,
12 in this state, with respect to disproportionality.

13 It is a slow, steady process, because, in
14 part, there are no real concrete solutions, that lend
15 themselves to quick fixes. Diversity training, are
16 immediate steps, and some of the others that I have
17 mentioned, are, immediate steps that counties are
18 taking, but, clearly, those effects will not be seen,
19 for a number of years, in terms of, this specific
20 problem.

21 Let me -- now, about, where our measures are
22 taking us. There are measures that are trying to
23 address minority involvement in crime. The state,
24 every year, you may or may not know this, gives the
25 counties, excuse me, every biannum, approximately

1 \$20 million, to address the problems of juvenile crime,
2 at risk youth. Those funds are directed to counties,
3 to develop programs, in helping children who are at
4 risk of committing crimes, to prevent them from
5 committing crimes.

6 So the state is doing something about
7 minority involvement, in crime. Whether \$20 million is
8 enough, it is not my position to say. That is clearly
9 what the legislature has committed, and that is where
10 those resources are going.

11 Diversity training, and a number of the
12 measures that we have seen, are trying to deal with
13 potential prejudicial treatment of minorities, by court
14 staff.

15 In fairness to court staff, I will also say
16 that, we have, I have, interviewed hundreds[†] of people,
17 over the last five years, in the courts, and police
18 departments, that some of you have, and I have not met
19 a person, yet, that I have talked to, that hates
20 persons of color. And so, the kinds of prejudicial
21 practices, that we might see, in this court, are not
22 the egregious acts of racism, that might some allege.
23 The problems are far more complicated than that. It
24 is, subtle differences in treatment, that contribute to
25 the problems of disproportionality.

1 I think, over the long haul, two factors will
2 shape attitudes about minorities. One, brute force of
3 demographic change. Our state, like many other states,
4 is undergoing a demographic upheaval. Within the next
5 30 years, whites will be the racial and ethnic
6 minorities, in this state. We will be in a state
7 predominantly comprised of Hispanics, Asians, blacks,
8 and whites. That is going to change attitudes, no
9 matter what. It will take time. The demographic
10 changes will contribute to that. And these kinds of
11 programs will help sensitize us to some of the
12 differences that, perhaps, some of us may not have had
13 exposure to.

14 The two areas where changes really are being
15 made, are what I will call, the inadvertent biases in
16 the court rules and policies, and in informal rules and
17 practices. So, if there is additional work, that needs
18 to be done, by the legislature, or perhaps in
19 conjunction with this committee, it is, how can these
20 rules and practices of courts be made more racially
21 neutral? And there are ways in which that can be done.
22 An illustration might help.

23 In 1977, on this date -- took a very, very
24 bold move, in juvenile court. It was one of the first
25 states, and only states, to enact presumptive

1 sentencing, for juveniles. Big sentences, tailored to
2 fit the child, but primarily, the crime. You commit
3 this crime, you serve this time.

4 Most states do not have that model. Why is
5 that a good model? Well, in terms of
6 disproportionality, it is a good model, because this
7 state is one of the only states that has found very few
8 race differences, at sentencing. The result of
9 sentencing model, strict penalties, for the commission
10 of crimes, has almost eliminated race differences in
11 the treatment of children, at sentencing, in this
12 state. If you look at research, in other states, that
13 have a more flexible social service model, or social
14 work model, of sentencing, they have pronounced racial
15 differences. So one of the unintended effects, of the
16 1977 law, the presumptive sentencing of juveniles, was,
17 to eliminate, in effect, discretion, on the part of
18 judges, that led to pronounced racial disparities.

19 There is, however, discretion in other stages
20 of the juvenile justice system, and one can reason,
21 that, perhaps, greater structure in that discretion
22 might reduce some of the disproportionality that we
23 see, there.

24 Fine. Let us go on.

25 What do we know about what has happened,

1 since 1991, and 1990? And I will say, at the time
2 these slides were made, we did not have 1994 juvenile
3 arrest data, but, basically, and I can comment on what
4 the data suggest, with the exception of 1992, it was an
5 odd year, and the number of counties that contributed
6 to these data, we see, certainly, in 1993, and more, in
7 1994, an increasing concentration of minority children,
8 who were arrested. So, as we look at the volume, and
9 kinds of cases, that come up before the juvenile court,
10 over the last four years, and I am appending, and
11 adding, 1994 data, here, is that, there is an
12 increasing concentration of children of color in arrest
13 data. That leads to a slight, but increasing,
14 concentration of juvenile referrals.

15 Now, these data do not include King County,
16 but the trends are basically the same. Between 1991 and
17 1994, the overall concentration of children of color,
18 with the exception of 1994 -- 1994 is a projected
19 number, not an actual number, my bet is, the actual
20 number will be a little higher, on the blue bar, if you
21 will -- an increasing concentration of children of
22 color, coming to the juvenile court.

23 So, we see higher concentration of
24 children of color, being arrested. We see higher
25 concentration of children of color, referred. Referral

1 is the process by which someone comes to court. It
2 includes arrests, and other ways by which children come
3 to court.

4 What has been beneficial, is, at the same
5 time, we see increased concentration of juvenile
6 diversions, minority children, and diversion. Well,
7 what does this mean? I think the measures, that I
8 described, before, by courts, is to try and do
9 something about this problem of disproportionality as
10 reflected in this number. Diversion is the process
11 whereby children, whether they are black, white, or of
12 any race, are given a second chance. They are not
13 prosecuted, for their minor offenses, or their first-
14 time offenses. They are basically told, and asked to
15 sign an agreement, that says, "You made a mistake. If
16 you do this, again, I will prosecute you. This time,
17 we will just watch you, if you agree not to commit any
18 additional crimes."

19 What is encouraging about this statistics,
20 with respect to disproportionality, is, a much larger,
21 and we are talking percentage points, here, but that
22 translates into many hundreds of children, of color,
23 are now being diverted, whereas, before the 1993 study,
24 that you read, you were not. I think an increasing
25 sensitivity to the possibility that these children can

1 be given a second chance, is resulting, in terms of
2 overall impacts, on disproportionality, at additional
3 stages of the process, I think the benefits will be
4 seen, over the next three to five years.

5 Having said that, though, we still have an
6 increase in concentration, among those kids prosecuted.
7 Children of color are prosecuted, at higher rates, than
8 white children, even after you adjust for differences
9 in the severity of the crimes, the backgrounds of
10 children, and other factors that might contribute to
11 prosecution decisions. We are not sure why that has
12 happened. We have some ideas about it, and indeed,
13 when I talk with the prosecutors, across the state,
14 they have given a variety of, I think, very compelling
15 explanations. Nevertheless, we find, that, legally
16 relevant factors do not explain why minority children
17 are prosecuted, at higher rates than white.

18 To give you an illustration, and we will
19 close, on that, and maybe take some questions, because
20 I am sure you must have them, and I am sure that there
21 are issues, here, that you are concerned about.

22 Let us compare two counties. These are 1991
23 data, but the same kinds of facts can be exhibited in
24 more current data. And I am comparing two counties,
25 King County, and another urban county, in Washington

1 State, that will go unnamed. Here is what we are
2 comparing, and I can do this, by means of a more --
3 but, basically, what we are doing, is, we are saying,
4 if children have identical crimes, identical criminal
5 histories, and pretty much identical backgrounds, what
6 is the likelihood that they will be prosecuted for a
7 crime?

8 In King County, you see, on average,
9 9 percent of white children, are prosecuted, whereas,
10 19 percent of identical children, identical, in the
11 sense of crime and criminal history, and other legally
12 relevant factors, are prosecuted. It is a difference
13 of 10 percent. Actually, it is a difference,
14 10 percent is the absolute difference, but they are
15 prosecuted, at a higher rate.

16 Now, if you take another urban county, in
17 Washington State, and you find that, whereas 20 percent
18 of whites, in that county, are prosecuted, nearly
19 50 percent of minorities, in the county, are
20 prosecuted. What is the difference, between the two
21 counties?

22 Well, one of the major differences, is, King
23 County has prosecution guidelines, guidelines that
24 structure the discretion of prosecutors, and how they
25 make their decisions.

1 -- to his great credit, has established very
2 strict rules by which his prosecutors operate, and how
3 they make decisions, who they decide to charge with the
4 crime, and who decide not to charge with the crime.
5 The other urban county does not have guidelines. One
6 can reasonably argue, that, part of the difference
7 between these counties, in terms of the overall
8 magnitude, of race difference, is, the absence of
9 prosecution guidelines, in the urban county.

10 This gets at that issue of informal rules and
11 practices. By establishing internal rules, procedures
12 governing who gets prosecuted, and why, we can reduce
13 some of the disproportionality and overall levels of
14 prosecution, and that is why Judge Huggins' committee
15 recommended to the legislature, in 1994, that the state
16 adopt prosecution guidelines, statewide, so[†] that, we
17 can attempt to tackle this very complicated problem.

18 I do not see prosecution guidelines as a
19 panacea. It will not eliminate the problem. But it is
20 a small step, and, perhaps, attempting to address some
21 of those issues.

22 Yes?

23 MR. CARLSON: George, which one of those
24 counties do you think will have a higher juvenile crime
25 rate?

1 DR. BRIDGES: They are very similar. Very
2 similar. Follow-up?

3 MR. CARLSON: The same number of crimes
4 committed, by having such a high declining rate of
5 prosecution?

6 DR. BRIDGES: I am not following you, John.
7 Help me out.

8 MR. CARLSON: Well, it seems that, my
9 concern, is, the sum total of your recommendations and
10 suggestions, would make the criminal justice system
11 toward juveniles more lenient, than it now is.

12 DR. BRIDGES: Absolutely not.

13 MR. CARLSON: And, well, for instance, you
14 talked about alternatives to detention.

15 DR. BRIDGES: Right.

16 MR. CARLSON: Well, a lot of people, on the
17 street, would read that, as, you are less likely to
18 face punishment, for what you do. And there is another
19 kind of disproportion, we have not talked about, today,
20 and that is, the disproportionate categorization of
21 crime victims. If you are a person of color, you are
22 far more likely to be a victim of crime, than if you
23 are a Caucasian. If you are in a lower socioeconomic
24 strata, you are more likely to be a victim of crime,
25 than if you are wealthy. And our main problem, with

1 our juvenile justice system, today, as I see it, is
2 that, as it has grown more permissive, and lenient,
3 since the 1977 juvenile justice reforms, juvenile crime
4 has exploded, and there has been a massive increase in
5 victimization, and, of course, disproportionately, this
6 has affected people of color, people who are poor.

7 That is the follow-up. That is my concern
8 with your recommendations.

9 DR. BRIDGES: I think we need to be really
10 clear, here.

11 Two things. First: We can separate
12 accountability, or punishment, or severity, and
13 punishment, softness or hardness of the juvenile
14 justice system, from fairness. I think we have to
15 separate those issues.

16 I think, quite clearly, you are absolutely
17 right, on this account. The nature of some juvenile
18 crimes, has changed, dramatically, and horribly, in the
19 last 20 years. I think we agree on that. The rate of
20 juvenile violence has increased. Those crimes must be
21 responded to, with severe accountable penalties.

22 So, I would argue, that, the penalty
23 structure, the sentences imposed, for certain crimes,
24 may be, or those that are in place, may be inadequate,
25 and that, the penalty structure must change, okay? So

1 I grant you that.

2 What I would argue with you, and argue, out
3 of a principle of, right or wrong, right and wrong, is,
4 regardless of the penalty structure, the system must be
5 fair, and it must be fair, for those who are punished.
6 And, to the extent that victims need a voice in that
7 process, they should be granted a voice.

8 So, I would argue, that, in fact, we are must
9 separate the severity, and certainty, of punishments,
10 from whether the system is fair.

11 I do not think anyone, in this group, would
12 want a system of punishment, that is arbitrary or
13 capricious. You certainly could not be arguing for
14 that.

15 What I think the public wants, is, when
16 someone commits a crime, that that person is punished.

17 Now, the dilemma we have, though, is, in the
18 current system, setting aside the issue of punishment
19 and severity, one of the study findings, was that,
20 white kids get their cases dismissed, more than black
21 kids. The judges or prosecutors just drop them.

22 Now, the question is, why? Why is that a
23 crime? That is a separate question. But, if that is
24 caused by any of the four factors, apart from the
25 severity of crimes, established, that I reported,

1 earlier, then I think we, as a society, have propagated
2 a system of justice that is inherently unfair.

3 Let me make one more comment.

4 MR. CARLSON: Okay. Okay.

5 DR. BRIDGES: One more comment. I think you
6 are making a serious mistake, by assuming, that the
7 cause of the increase in crime, and violence, in our
8 state, and in our society, is a failure of the juvenile
9 justice system. That is a mistake, and it is wrong.
10 And here is why I think it is wrong.

11 What we know, is, Washington State, as
12 compared to many other states, has probably one of the
13 clearest, firmest, and most severe sets of penalties,
14 for juveniles, than any other state.

15 Now --

16 MR. CARLSON: No.

17 DR. BRIDGES: -- is this? Let me finish.
18 Let me finish. We have presumptive sentencing. How
19 many other states have that? Very few. Very few.
20 That is the beginning, and what I would argue, is,
21 that, how could anyone reasonably argue, that the cause
22 of crime, is a failed justice system? I do not think
23 it is failed. I think it is not as effective as it
24 could be, but to say that it is the sole cause of
25 crime, is myopic.

1 DR. BRIDGES: Two things.

2 CHAIRPERSON WASSMUTH: I want to ask, give
3 everybody a chance, so that we can keep fairness, so
4 that everybody has a chance to ask questions. We only
5 have about five more, five or ten minutes of questions,
6 from Professor Bridges. So, does anyone else on the
7 Committee?

8 DR. BROOKS: I have --

9 The noticed that you had disproportionality,
10 of the prosecution, and there was no disproportionality
11 of the rest, by the offices. Did you look at that?
12 Because, sometimes, it is the cause of these arrests,
13 that leads to prosecution.

14 DR. BRIDGES: We were not able to collect
15 data on arrest practices. And so, unfortunately, the
16 information I have, is not useful, to really get at,
17 who gets picked up, and who does not get picked up,
18 relative to their involvement in crime?

19 That is a significant issue. It is a
20 significant issue, for children of color, because a lot
21 of the kids that we talk to, say that, they are
22 routinely harassed by police.

23 I have ridden around, in patrol cars, in four
24 major communities, in the state, in the middle of the
25 night, during the day, and I have observed some

1 practices that I wondered about, but I can honestly say
2 to you, I have never seen a law enforcement officer
3 harass a person of color. But there clearly is
4 anecdotal evidence, to suggest that law enforcement is
5 somewhat selective, in the way they go about arresting
6 people, for crime, and that may contribute to this.

7 But I do not have any evidence, systematic
8 evidence, that that occurs. And so, I really cannot
9 comment, other than that.

10 CHAIRPERSON WASSMUTH: Other questions?

11 MR. ISRAEL: Professor Bridges, of the four
12 factors leading to disproportionality, on your chart,
13 you say that 40 to 50 percent of disproportionality can
14 be attributed to disproportionate involvement in crime.
15 And then, we have three other factors, that, you said,
16 50 to 60 percent.

17 DR. BRIDGES: Yes.

18 MR. ISRAEL: Have you been able to break down
19 those factors, and describe the percentages

20 DR. BRIDGES: No, I have not. And I would be
21 way out of line, if I even tried to guess, for you,
22 today.

23 MR. ISRAEL: It seems to that one of the
24 things, that concerns me -- somehow, is, what
25 proportion of that 50 to 60 percent is over prejudice,

1 as distinguished from, the inadvertent bias?
2 Inadvertent biases, it seems to me, if I can
3 paraphrase, there are court rules, that are formal and
4 informal inadvertent biases, which, on the face of --
5 racially -- seeking some other criteria, but they tend
6 to have a disproportionate effect. They are a factor,
7 applied, in a racially -- and, the goal that they seek
8 to achieve is a legitimate goal, for example, the one
9 that has been expressed here, on a couple of occasions,
10 if somebody did not appear -- court, then you put out a
11 warrant to arrest them, and if the effect of that, is
12 racially disproportionate, but it is not noticed, so
13 what?

14 DR. BRIDGES: Good question. I would say, in
15 terms of three factors, those three factors, overt
16 prejudicial treatment of minority children, is a
17 relatively small percentage, of the 50 to 60 percent.
18 I would say, it is not a huge percentage. I would say,
19 it is a small percentage.

20 Now, but that is, I cannot give you a number,
21 and that is a personal opinion, based on my
22 discussions, and observations, of many cases, many
23 officials, in many complex.

24 Now, your "so what?" question, I think it is
25 a legitimate question. This is a legal system. The

1 juvenile justice system is a legal system. It is a
2 legal system that is designed to be fair, and intended
3 to be fair. Indeed, the 1977 act was established, with
4 the purpose of uniformity and fairness in mind.

5 Here is the dilemma, and it relates to one of
6 the findings in the study, that, really, that troubles
7 me, personally, and I am a native of this state.
8 I would like to think that I live in a state, where the
9 system of justice is as fair as possible.

10 Children who are detained -- that means,
11 held, prior to any disposition of their case -- stand a
12 much greater chance of being punished severely for
13 their crimes, than children who are not, independent of
14 the crime, itself, their criminal history, or other
15 background characteristics. The question that this
16 committee must address, is, is that fair? Is just
17 simply being detained a factor that should go into
18 whether someone receives more severe punishments?

19 One person described it as baggage. If you
20 get detained, you carry baggage with you, to
21 sentencing, and that baggage affects the outcome of the
22 sentencing process.

23 So, to the extent that detention practices,
24 by court officials, inadvertently affect minority
25 children, in a way that they do not affect whites, will

1 not only affect the detention. We are affecting the
2 sentencing, and how much time is spent. And that is
3 what is problematic.

4 MR. ISRAEL: But that is not a question of
5 fairness and disproportionality. That is a question
6 of fairness, for anybody, white or black, who is
7 detained, who has --

8 DR. BRIDGES: Absolutely.

9 MR. ISRAEL: So --

10 DR. BRIDGES: Absolutely.

11 MR. ISRAEL: If the rule that is being
12 applying, formally, or informally, is not a reasonable
13 rule, it does not achieve any legitimate social goal,
14 then, we ought to be looking at that goal, not because
15 it creates a racially disproportionate result, but
16 because it is unfair to every individual that carries
17 that baggage.

18 DR. BRIDGES: I agree with you, completely.
19 The only reason that it came to our attention, was
20 that, we were looking at race, and, sure, enough these
21 rules became apparent, as drivers. So, if you were to
22 describe me as a one-issue person, I hope you would
23 not, but if you were, I would be focusing on race, and
24 I would say, "Here are these rules. How do we explain
25 why race differences occur?" And we would say, "It is

1 these rules." And you are absolutely right. The rules
2 are problematic, and they may disadvantage other
3 groups, just as much, but, to the extent that children
4 of color are going to be more likely to fall into the
5 category of problematic, because of these rules, then
6 they are the ones that are going to be hurt.

7 It is the rules, then, I would argue, or the
8 informal practices, that might be the focus of change.

9 Is that addressing your concern?

10 MR. ISRAEL: Well, to some extent. I guess
11 it is a question, it is a fundamental question, that we
12 all have to ask, whether we are concerned with fairness
13 and justice, among racial groups, or fairness and
14 justice, among individuals. It seems to me that the
15 individual who is detained, whoever that is, if the
16 baggage of being detained --

17 DR. BRIDGES: Yes.

18 MR. ISRAEL: -- causes an unfair outcome,
19 unrelated to what they have done, the severity of what
20 they have done -- that is the concern, not whether a
21 particular racial, or ethnic, or sexual, or gender, or
22 other group, as a group, is unfairly treated.

23 DR. BRIDGES: Only to the extent that the
24 group, as a class, is so disadvantaged, on this
25 characteristic, does it become a group issue. And you

1 are right. If any individual is harmed, I am not sure
2 that is the right word, here, but, if any individual is
3 placed at a disadvantage, then -- should be concerned
4 about that.

5 (Discussion was held off-microphone.)

6 CHAIRPERSON WASSMUTH: No. I am sorry. Not
7 at this stage.

8 Last question?

9 MR. CARLSON: Yes. No. Regrettably, I have
10 to go, and I have an appearance I have to give, and
11 wish I could stay here, longer. But I am wondering why
12 it did not occur to you, George, that, maybe, the flaw
13 in the system, is that, it is not strict enough, with
14 young white offenders, rather than being too tough on
15 African Americans.

16 DR. BRIDGES: It did.

17 MR. CARLSON: Well, actually, when I saw your
18 alternatives, to reduce disproportionality you were
19 talking about alternatives to incarceration, and home
20 detention, rather than other detention. Maybe the
21 system is just too easy, is too lenient, across the
22 board, and is too lenient, especially on white
23 offenders, rather than African Americans. I have,
24 myself, have never met a police officer, who would
25 agree with your statement, that we have a strict

1 juvenile justice system. Most officers are tired of
2 seeing young offenders laugh at the juvenile justice
3 system they do not take it seriously.

4 DR. BRIDGES: I think, what I said, was,
5 strict, compared to other states. It was in
6 comparison. I think I would agree with you. The fact
7 that we give kids second chances, and, until recently,
8 third second chances, or fourth second chances, that is
9 not strict. So, there may have been a communication
10 problem, there. I think, compared to other states, we
11 do have a strict set of sentencing guidelines.

12 The state has to ask, "What are we going to
13 do about juvenile crime?" And, certainly, one option
14 to racial disproportionality is, to make it fair, by
15 punishing white kids, more.

16 There becomes a cost issue, and, when we
17 consider what we have put before the legislature, in
18 terms of, any suggestions, the first question was
19 raised, "What is it going to cost?" And, when we
20 increase the penalties, for white kids, who represent a
21 large volume of children that go through the courts,
22 the increased costs become traumatic.

23 And so, ultimately, the state, people like
24 ourselves, have to decide, "What do we want to pay for
25 it, and how do we pay for it?"

1 A fair comment.

2 CHAIRPERSON WASSMUTH: Do you have any final
3 remarks you would like to make to this group?

4 DR. BRIDGES: No. I just would say, I
5 commend you, for examining this issue, and, if I could
6 be of any assistance, please let me know.

7 CHAIRPERSON WASSMUTH: Okay. Thank you for
8 the assistance you have already provided, in terms
9 of the study that you have done, and the ongoing work
10 that you are doing, and we thank you, also, for being
11 here, with us, today.

12 DR. BRIDGES: You are welcome.

13 CHAIRPERSON WASSMUTH: We appreciate it, very
14 much, Professor.

15 DR. BRIDGES: You are welcome.

16 CHAIRPERSON WASSMUTH: If we could have the
17 Committee back up to here, I guess it would be easier.

18 VOICE: Thank you.

19 CHAIRPERSON WASSMUTH: Yes. Thank you, very
20 much.

21 And our final, this morning, is a group of
22 witnesses, Woody Verzola, David Akimoto, and Glenda
23 Tanner. I would like to have you move, to the table,
24 please, and I think we are going to need an extra
25 chair, here.

1 If I could ask you to introduce yourselves,
2 and to, just briefly, tell us the background that
3 brings you here, this morning, and your area of
4 expertise, I would appreciate that, very much, for the
5 record.

6 MS. TANNER: My name is Glenda Tanner, and I
7 am the director and founder of -- society, out of
8 Tacoma, Washington. I have been on the governor's
9 advisory committee, with respect to the study that you
10 just heard, from Dr. Bridges, and, also, I have been
11 involved with different community activities,
12 throughout Tacoma, and Seattle, that has anything to do
13 with juvenile youth.

14 Our program deals with, how do I want to say?
15 We work with youth that are out in the community. We
16 assist in trying to get them gainful employment. We
17 try to find proper housing. We are sort of like a
18 surrogate family to the youth in the community. We
19 encourage them, and work with them, to go to, as an
20 example, a vocational college, and we are really
21 encouraging our youth, in Tacoma, to try and apply for
22 African American college, outside of the State of
23 Washington.

24 We feel that, if we get them away from around
25 the surroundings that they are in, and they go, and see

1 another lifestyle, of African Americans, down south,
2 i.e., Morehouse, in Atlanta, Georgia, it would be more
3 beneficial for them.

4 MS. VERZOLA: Good morning. My name is --

5 I work with United -- Trust foundations --
6 I-Wa-Sil Youth Program, at the minority juvenile
7 justice improvement project. I am the project
8 coordinator. The minority juvenile justice improvement
9 project works, primarily, with kids who are currently
10 being held in the Department of Youth center facility
11 of detention.

12 The purpose of the program is to provide
13 services for the youth who are in there, and who are
14 there, in there, and also, to work with rehabilitation
15 counselors and defense attorneys, to provide services
16 within the community, in the -- detention time.

17 The program has been existent, for the past
18 20 years, and I have been there, for five years, so I
19 believe that I have an insight, of the juvenile justice
20 system, and how it works.

21 MR. AKIMOTO: Good morning. My name is Dave
22 Akimoto, and I am the executive director of the
23 Atlantic Street Center. We are a private nonprofit,
24 that works, extensively, with young people, in the
25 inner city of Seattle. We work closely with the

1 Department of Youth Services, and King County juvenile
2 court, primarily, in that capacity, with African
3 American youth. And the other hats I wear, are, I
4 chair the Asian and Pacific Islander task force on
5 youth, and that, the focus of that effort, is to, look
6 at the gang-related problems, as it relates to the
7 Asian and Pacific Islander community. Prior to that, I
8 have been involved as the executive director of the
9 Asian counseling and referral service. I also work
10 with the county, in terms of looking at this issue, of
11 disproportionality, in the juvenile justice system.

12 I will be speaking to you, this morning,
13 primarily, representing the issues and the needs,
14 within the Asian and Pacific Islander community, as it
15 relates to disproportionality.

16 CHAIRPERSON WASSMUTH: Great. Thank you.
17 Who is going to begin?

18 MS. VERZOLA: Okay. I will do it, then.

19 CHAIRPERSON WASSMUTH: Great.

20 MS. VERZOLA: Okay. I have my little speech,
21 all written out, so please bear with me.

22 CHAIRPERSON WASSMUTH: I appreciate that.
23 And if you would, maybe, move just a little closer to
24 the mike, that would be great. Thank you.

25 MS. VERZOLA: Is that good?

1 CHAIRPERSON WASSMUTH: That is great.

2 MS. VERZOLA: Okay. The purpose of the
3 I-Wa-Sil Youth Program, is to foster individual and
4 group changes in attitudes, values, and behavior,
5 leading to cessation of illegal and abusive activities,
6 and towards positive reintegration in family, school,
7 and neighborhood communities. Program services are
8 designed to offer supportive opportunities for youth to
9 reenter public school, to enter and complete GED,
10 vocational training, or to obtain employment with
11 career potential. The program assists youth to alter
12 patterns of dependency and destructiveness, and to
13 establish long-term life adjustments of lasting values,
14 for youth, their families, and their respective
15 communities.

16 In my five years' employment in the minority
17 juvenile justice improvement project, of the I-Wa-Sil
18 Youth Program, I have had an opportunity to observe the
19 juvenile justice system, and how it works. I can
20 honestly say that the system is not fair, and tends to
21 be prejudiced to minority youth.

22 In a study done by Dr. George Bridges, in
23 1993, which you have heard, titled, "Racial
24 disproportionality in the juvenile justice system,"
25 demonstrates that there is disproportion, at every

1 phase of the system, but what is most profound, on the
2 sentencing of confinement. This is a quote. "On
3 average, youth of color were sentenced to confinement,
4 at a rate four times higher than whites."

5 I believe that this phenomenon has adverse
6 effects, within our communities. Young people distrust
7 police officers, because they believe the officers are
8 there to only harass them. For the parents, it causes
9 ocnfusement, and a feeling of powerlessness to act, or
10 ask, for and about their sons and daughters.

11 (Audio failure hereafter. Solicit and
12 substitute written copy from I-Wa-Sil Program.)

13 MS. VERZOLA: The system -- if the parent
14 happens to be on -- language, other than English, they
15 are in for a surprise. The questions they may have for
16 their children may go unanswered, for days, and even --

17 Neither the parent nor the child is given
18 enough information about the system, and its
19 intricacies, many times, causing more problems for the
20 child, and their families. If a youth is arrested, if
21 a minority youth, that comes from a single family
22 household, they are more likely to -- but, when
23 arrested, the youth -- school, they are more likely to
24 be detained.

25 I have seen youth detainees, with no previous

1 record -- which -- charge, because --

2 I believe the people in power, such as --
3 perceptions of -- that compound the problem. Not long
4 ago -- justify the high number of young Latinos
5 incarcerated --

6 In Seattle, the Department of Youth Services
7 has a constant number of Latinos who speak little or no
8 English, coming through the system, yet, there is not
9 one bilingual -- counselor for these youths.

10 What this means, is that, the youngsters who
11 will be more likely to -- while -- and will be more
12 likely to be found guilty, and sentenced to
13 confinement. I have never seen a probation counselor
14 who instead -- trying to find services within the
15 community for this youth --

16 -- minority youth offenders -- lack of --
17 minority community and agency resources -- system come
18 to the United -- Foundation I-Wa-Sil Youth Program to
19 develop the minority -- improvement project --
20 disproportionality. The project objective is -- the
21 following: provision of advocates -- minority youth
22 admitted to juvenile detention -- providing information
23 on juvenile -- procedures -- families, assisting and
24 contacting family members -- assistance -- juvenile,
25 locating and arranging alternatives to -- detention --

1 assistance, supervision of community service -- youth,
2 and information on -- services -- such as education --
3 programs, drug and alcohol -- or treatment facilities,
4 and family counseling services.

5 We work approximately with 130 to 150 youth a
6 year, the majority being Native American and Latino
7 youth, and -- by urban -- policy research and -- based
8 on -- and I quote, "The proportions of Native American
9 youth -- Department of Youth Services has -- since
10 project inception. In 1988 -- Native American youth
11 accounted for 5 percent of all -- detention. In 1991,
12 this proportion increased to 3 percent. Considering
13 that Native Americans only account for approximately
14 1 percent of the population of King County, this is a
15 substantial decrease. However, this group is still
16 overrepresented --"

17 Furthermore, Hispanic are admitted to
18 detention in disproportionate numbers, and there are
19 still no professional staff employment by the
20 Department of Youth Services to act as translators.
21 Disproportionality is still a major problem in
22 communities of color. Recent studies, such as the one
23 by Dr. Bridges, show that this problem is not going
24 away. Understanding information of people of color
25 needs to be at every level of the juvenile justice

1 system, in order to finally break free from this trend.

2 If you have any comments or questions, I will
3 be more than happy to answer them for you.

4 (Discussion was held off-microphone.)

5 MR. AKIMOTO: All right. I will address my
6 comments primarily to the issues of Asian and Pacific
7 Islander youth, as it relates to juvenile detention,
8 and disproportionality. I believe that, oh, but,
9 before I get into that, let me kind of give you a
10 framework, in terms of, how big the population is, and
11 so forth.

12 The Asian and Pacific Islander community is
13 the largest racial minority community in King County.
14 We number approximately 118,000, which is about
15 12 percent. Statewide, the number is two hundred and,
16 about, 240,000, which is about 4 percent. These are
17 data that I just got, from David -- of the Washington
18 Commission on Asian American -- so it is relatively
19 current.

20 Clearly, you know, that there is
21 disproportionality, in the system, as it relates to
22 African American youth. That is well-established.
23 Now, the cause of that, of course, is less clear.

24 If you look at the data with respect to A/PI
25 youth, it is not there. It does not show that, in the

1 Bridges study.

2 However, I think, if we look at what is going
3 on, in the community, and that is primarily what I will
4 be talking about, I think that, unfortunately, what we
5 will see -- in the very near future, will be -- such
6 data.

7 I believe that, earlier, this morning, you
8 heard from Dick Carlson. He and I were meeting, at
9 7:30, on this very issue, as a matter of fact, in terms
10 of the King County group, looking at disproportionality
11 and he shared, with that group, and with you, that the
12 Asian population, in the Department of Youth Services,
13 is 12 percent.

14 Now, that, coincidentally, does mirror the
15 population data, for the overall Asian community.
16 I believe he also showed that, if you look at this, ten
17 years ago, it was probably 1 percent, or no percent, or
18 whatever. So the growth is incredible.

19 And so, that is something that I think we
20 need to pay real close attention to.

21 One of his colleagues, and one of my
22 colleagues -- also said, that, and she is in charge of
23 much of the city probation unit, at DYS, and she said
24 40 percent of her caseload are Asian and Pacific
25 Islander youth. This problem is going through the

1 roof, and I, from the City of Seattle's anti-gang
2 report, and I would like to quote this, "In Seattle,
3 gang-related youth violence is most prevalent in the
4 African American and the Asian and Pacific Islander
5 communities. In 1990 and 1991, 64 percent of all
6 gang-related incidents were in African American
7 communities, with only 16 to 20 percent of the
8 incidents involving Asian and Pacific Islander young
9 people. However, for the past three years, the number
10 of gang-related incidents for African American youth
11 and young adults has stabilized, while the number of
12 incidents involving A/PI youth has grown dramatically.
13 From 1991, through 1993, the number of gang-related
14 cases involving African American young people, handled
15 by the police gang unit, has remained the same: 354
16 cases in 1991, and 347 in 1993. During the same time
17 period, 1991 to 1993, the number of A/PI gang incidents
18 has almost tripled, rising from 89, in 1991, to 355, in
19 1993, an increase of 298 percent. If you speak to
20 anybody who is close to the situation, in the juvenile
21 court, in probation, with the police department gang
22 unit, they will readily state, that these are the
23 facts, in terms of the prevalence of the problem within
24 the Asian and Pacific Islander community."

25 There are some other data, that I think are

1 especially disturbing. If you look at the Seattle
2 Public Schools' profile report, that breaks out
3 academic achievement, and expulsions, and dropouts, and
4 so forth, one thing I want to call out, very clearly,
5 is that, the group, and this is a subset of the A/PI
6 community, the Samoan community, one-third of all high
7 school age Samoan youth have been kicked out. And we
8 have a very serious, it is no surprise, that we have a
9 serious problem, within juvenile court, and within
10 gang-related incidents, with the Samoan community.

11 I do encourage you, if you, as you look at
12 the issues of disproportionality at least most of the
13 discussion that has occurred, to date, has to do with,
14 once a kid hits the system, then is there
15 disproportionate treatment, and that is what you are
16 looking at. Well, what is going on, prior to his or
17 her involvement with the system? Are they being kicked
18 out of school? Is school really an ineffective
19 experience, for a lot of these kids? What is going on,
20 with the police departments? A whole host of issues
21 that have to do with the real world, in which our young
22 people are growing up, that have, perhaps, more to do
23 with the disproportionate treatment of our young
24 people, than the system, itself.

25 Now, I am not going to stand here, or sit

1 here, and say that the system is working perfecting,
2 either, but I think we need to look at the big picture.

3 Now, a couple of other factors, as I say, the
4 data, today, do not necessarily substantiate that,
5 there is disproportionate treatment of A/PI youth, in
6 the juvenile justice system. However, if you look at
7 these other incidents, number one, is that, there is
8 higher criminal activity, right now, than ever before,
9 in the Asian community, so we are going to see a
10 greater wave hit the system.

11 The other issues that you need to look at,
12 are, cultural, or the appropriateness, the ability, for
13 the providers, in the system, whether we talk about
14 police officer, social workers, screeners, at
15 detention, probation officers, through the entire, in
16 the juvenile court system, itself, do you have people
17 who understand language and culture?

18 And I want to reaffirm what my sister, here,
19 had to say, about the Native American, and the Spanish-
20 speaking, that there are a paucity of such providers,
21 for those groups. Similarly, we see a paucity, if not
22 a nonexistence, of people who understand language and
23 culture, throughout the system. So, if you overlay
24 that, on this increased demand, what are you most
25 logically going to get? You are going to get a lot of

1 misunderstand, and, I would probably say, mistreatment,
2 and disproportionate treatment, of kids, from these
3 particular ethnic groups. And I would also say, that,
4 the issues of language, and culture, and understanding,
5 are not restricted, only to A/PI, Native American, and
6 Spanish-speaking, but also, most certainly, to our
7 African American youngsters.

8 So, I would say, in conclusion, you can
9 expect to see this, because all the indicators are
10 there. There is disproportionality in our school
11 system. There is disproportionality in our service
12 delivery system, and, unfortunately, I think, we are
13 going to see more of those kids, because of that
14 mistreatment, are going to hit the juvenile justice
15 system. I wish, I really wish, and pray, that we would
16 not see this, with the community, or with any of our
17 kids, but it is going to happen. I really do fear
18 that.

19 Part of it, you also wanted to know, what are
20 we doing about that? Through the task force, we are --
21 this is the Asian task force on youth -- we are busily
22 working with our Seattle police department, to recruit
23 people, to work in the police department. We are
24 working closely with the department of youth services,
25 and we work, Bob Williams, I think, will be speaking to

1 you, later. Judge Bobbe Bridge, we have talked to,
2 extensively, in terms of, how we recruit people, who
3 are culturally, or bilingual, or bicultural, and can
4 work with the kids, in the most appropriate way.

5 So, just to conclude my remarks, as I said,
6 the data are not necessarily there, right now, but all
7 indicators, outside the system, proper, do point in one
8 direction, and that is, that is not something I am
9 happy to report, but those are the facts, as they are.

10 CHAIRPERSON WASSMUTH: Thank you, very much.

11 MS. TANNER: I, too, will be coming from the
12 standpoint, of, community-based organization, and I
13 would like to read, briefly, with respect to what --
14 goals are about.

15 Our goals are to: Attempt to assist the
16 recidivism rate, in Tacoma; improvement in a
17 relationship between juvenile probation officers,
18 teachers, and other persons of authority, as well as
19 their personal relationships; savings of approximately
20 \$22,000, annually, in tax dollars, for each
21 participant, that does not return to detention,
22 providing alternatives to antisocial behavior, for
23 supporting educational ambitions; and providing gainful
24 employment opportunities, and job retention,
25 preservation of families, and acceptance of child

1 support responsibility.

2 Our objectives are: Monitoring of
3 participant projects, within the program, assessment of
4 mental health needs, including anger management, and
5 referral to the SHF agencies, as needed; advocate
6 participant interest, as they learn how to access
7 services provided by community agencies, utilizing
8 hands-on approach.

9 And then, we also deal with the real life
10 skills training. We deal, a lot, with culture
11 diversity training, for young women and men, including
12 principles of self-esteem, and rites of passage, as
13 well as workplace literacy.

14 Last but not least, we establish a youth
15 employment support service, that pays. It is staffed
16 by -- youth -- for referral from -- employment
17 security, et cetera, for work site developers, on an
18 as-needed basis.

19 And the bottom line, to a lot of things, that
20 I see, and I am one to just speak from the heart, and
21 from the gut: We had a lot of work to do, in order to
22 even stop our youth from getting to Raymond Hall, which
23 is our juvenile detention center, in Tacoma. There is
24 a lot of pain, there is a lot of anger, and people do
25 not like to address the fact, there is a lot of racism

1 going on. That is the bottom line. And it is a very
2 touchy subject, and, every time we try to talk about
3 it, no one wants to deal.

4 It is my understanding, that, the attitude of
5 an agency comes down, from the top. So, if you have
6 someone, at the top, that does not believe that there
7 is racism going on, then that attitude is going to
8 trickle down, and those are the types of things that we
9 are dealing with. I feel, just like my counterparts
10 have stated, that, in order to make a difference, we
11 need to place people of color, in key positions, people
12 that know how to relate to the youth that are coming
13 into the juvenile system. If you are afraid of me,
14 because I have dookey braids in my hair, and because I
15 am dark chocolate, and my pants are sagging, and you
16 are dealing with the typical stereotype, that I am a
17 bad person, then we are not going to be able to
18 communicate, because you have got all these
19 preconceived ideas, as to the type of person that I am.
20 Whereas, if you have someone, that understands this
21 body language, and understands where these kids are
22 coming from, then I think we are going to reach them,
23 much better.

24 Example: I go, each Friday, to a juvenile
25 detention center, down the road, a bit. I am not going

1 to name any names, but what is happening, is, the large
2 majority of the staff, that is employed, are from Yelm,
3 Graham, Roy, Yakima, Olympia, okay? And these are
4 people are not used to being around African American
5 kids. So, consequently, when you have a kid, that
6 calls them an MF, they get automatically written up.
7 Whereas, if that kid, first of all, they are not going
8 to call me an MF, because of the type of rapport that I
9 have, with them, the thing called "respect." And then
10 there is a certain group of kids, that I will not even
11 attempt to work with, because I know I do not
12 understand the culture, and I would be an idiot, to
13 come over, and try and work with the Chinese culture,
14 and tell them how they are supposed to access the
15 system. I do not have that expertise, and that is what
16 is going on.

17 You have a group of people, that do not
18 understand a culture, that is trying to work with those
19 people, within that culture, and it is like mixing oil
20 and water together. Consequently, the kids, at this
21 particular detention center, what is happening, is, I
22 have a young lady, say, for example, a 25-year-old
23 white female. She has never been called an MF in her
24 life. So, instantly, it offends her. Which it should.
25 But if she understood the buttons that are being

1 pushed, and where these kids are coming from, there is
2 a way to really work with them, and to gain their
3 respect, as well as give them respect.

4 I am not trying to minimize the fact that
5 these kids commit crimes. Yes, they do. But there are
6 things that we can be doing, in the community, to
7 eliminate that. In the summertime, we work with youth,
8 to attempt to have them get summer youth employment.
9 A large number of the youth that we work with need
10 jobs, all year round, because of the family structure.
11 One of the things that we found out, last year, is
12 that, what we are attempting to do, is, open up a
13 savings account, for the youth, so that they would be
14 able to purchase clothing, for school. But Mom is over
15 here, and Mom need Jane's check. So, subsequently,
16 they are coming back, and letting us know, that, "Mrs.
17 Tanner, I need to borrow \$20," or, "Can Paige loan me
18 this, until I get my next check, because my Mom needs
19 this money, to pay a light bill?," or, "My Mom stole my
20 money, for a drug habit."

21 And one of the things that is happening,
22 also, with respect to our kids, is, when they go into
23 the juvenile system, and I am still learning a lot
24 about it, is that, they come back to the same
25 environment, that is not working. So, a specific

1 example, a youth goes to Raymond Hall, okay? And let
2 us say, for example, he got busted, for crack cocaine,
3 okay? And he gets sent up to Green Hill. And he is
4 there, for three years. There is not too much
5 happening, okay? So, therefore, when he comes back, to
6 Seattle, or to come back to Tacoma, he is coming back
7 to the same environment. Nothing has changed.

8 The same thing that is going on, with respect
9 to gang kids, that may have done a drive-by shooting.
10 And say, for example, I am dealing with a Crip. And a
11 Crip shot a Blood, or a BGD, okay? Now, he has five
12 years, at Green Hill. But what is going on, in the
13 community, is that, these kids normally know when this
14 person is going to be getting out of Green Hill, before
15 they do. So they are laying low, waiting on this
16 person to come back. They have not forgotten anything.
17 So it keeps going on and on and on.

18 And, my thing, is, what we are trying to do,
19 what we are struggling with, is, trying to see, what in
20 the world can we do, to make a difference?

21 I can pump a kid up, and build self-esteem,
22 and motivate them, until the cows come home, but if
23 they are home life, if the environment, does not
24 change, for them, the cycle is going to continue. And
25 I am very concerned, particularly the African American

1 males, and there is a disproportionate number of our
2 youth, that are incarcerated.

3 And I don't care what nobody say: I know it
4 to be a fact. I am a mother of four. I have two black
5 sons, and two daughters, and I have six grandkids.
6 I am not out here, for my health. There is a major
7 problem, and if we do not address this issue,
8 immediately, we are going to see the repercussions.

9 And then, to go even beyond that, on the
10 white side, America needs to wake up, because it is not
11 just our kids. We are talking about the
12 disproportionality of it, but it is a rise, with
13 respect to our white kids, also. There is a problem,
14 from the suburban area, on out. It is not just an
15 economic problem. It goes across the board. It is not
16 just a mother on welfare. It goes across the board.
17 We have kids in our program, now, whose fathers are
18 engineers, at Boeing. The mother is a lawyer, in
19 Tacoma. It does not matter, because the bottom line
20 is, the kids are not getting the attention that they
21 need.

22 In the schools, there are no programs.
23 After-school programs, when we grew up, we were able to
24 participate in after-school programs. Everything has
25 been cut. And so, therefore, the adults are sitting

1 here, saying, "Well, what is wrong with these kids?"
2 The problem with our kids is that they have nothing to
3 do. All we concentrate on is how to punish them, and I
4 cannot understand, how could we, as a community of,
5 supposedly, intelligent people, can abandon our youth,
6 like we have done? Our youth do not have anything to
7 do.

8 Thank you, very much.

9 CHAIRPERSON WASSMUTH: Is there a question
10 from the Committee.

11 DR. BROOKS: I have one. You talk about the
12 requirement of having ethnic people on staff. Do you
13 know whether it is a job requirement, of the
14 institutions, that they include that?

15 MR. AKIMOTO: I would doubt, that it is a
16 requirement, although I think it could be, that it
17 could be written in, such that, the ability to have
18 experience, to work with certain groups, could be, I
19 think, a legitimate job duty. But I do not believe
20 that there is such stipulation, in any of these.

21 DR. BROOKS: Yes. Language is such an issue,
22 it seems to me, that, language, regardless of the race,
23 that the person on the staff should be able to, there
24 should be a requirement, that the people, that can
25 communicate, in that particular, are those particular

1 languages. Now, the problem that we get, there are so
2 many languages, I guess, so many dialects -- I assume,
3 I do not know -- that, to provide that amount, it would
4 probably be very difficult. But it seems to me, that,
5 somewhere along the way, somebody should put that in,
6 as a requirement, that we begin to direct that,
7 because, as far as I know, when I was in government,
8 that it was not that, even mentioned as desirable. So,
9 if it is such an issue, why are we not pursuing that --

10 MR. AKIMOTO: We should, and, by the way,
11 there are not, I mean, yes, there are many languages,
12 but I think we could focus on a few major ones. Why
13 there are no bilingual, Spanish-speaking probation
14 officers, I mean, that is beyond comprehension, to me.
15 And then, in the Asian groups, if you focus on the
16 Vietnamese, and Cambodian, and Samoan, I think, and
17 Filipino, a few dialects, there, I think you have got
18 the bulk of it. And that, you do get into some of the
19 lesser groups, but, that is going to capture most of
20 it.

21 CHAIRPERSON WASSMUTH: Yes?

22 MR. MARTIN: I have got a question, for Ms.
23 Tanner. You talked about the environmental change,
24 whereby taking black youth, out of the community, and
25 sending them down south, to college, how effective is

1 that? How long has that been?

2 MS. TANNER: This is just something that we
3 are trying to do. Basically, the only way that I am
4 able to deal with this, now, is that, some of the
5 youth, that are incarcerated in the detention centers,
6 which is like prison, for adults, and what we are able
7 to do, is to, take the Pell grant information into the
8 jail, and deal that information out. And these are for
9 youth that are within 60 days, that are going to be
10 released, back into the community. And what we would
11 do, is, submit that information, and, if they accept
12 it, with respect to the Pell grant, then you know they
13 will also be able to qualify for the loan. Then, what
14 we do, is, that information is forwarded down to
15 Morehouse, Declock, Atlanta U., Fisk, or wherever. And
16 it is up to the university or the college, as to
17 whether or not they will accept it.

18 One of the things that has been difficult,
19 though, is, as I stated, earlier, when that young man,
20 or young lady, comes back to the community, if we do
21 not have something in place, within the first 60 days,
22 we normally lose them.

23 So, we do not have a plan. That is just
24 something that we are trying to do, on our own. It
25 would be really nice, if there was a team of people,

1 that could come together. It would also be real nice,
2 if we could just, if there are some youth, in Seattle,
3 that have been incarcerated, and acting out, if there
4 was a way we could send that person to a relative, in
5 Mississippi, give them a way, for a change, or someone
6 from Tacoma, and I am from Louisiana. Send them down
7 to Louisiana, although, I realize that there are gangs,
8 there. But, meanwhile, what we will be doing, is,
9 working with them, with respect to dealing with their
10 attitude.

11 Working with these youth, it is like, we have
12 to start, from scratch. We have to deprogram these
13 young people. You have got young people, that have
14 been misused, and abused. Physically. Mentally. Any
15 way you can think of. In the home. At the school.

16 And the bottom line, is this, and^fthis is the
17 thing that I see, and I am truly a youth advocate. The
18 reason a lot of our children have the problems that
19 they have, today, is because of adults. And we, as
20 adults, have to deal with responsibilities.

21 Our youth receive guns, from adults. Our
22 youth are beaten, and sexualized, by their parents.
23 Our youth are not given the proper education, in
24 school. It is adults that are selling the drugs to
25 them.

1 When you look at the whole picture, it is we,
2 as adults, it is like we are feeding off our own kids.
3 And the bottom line, is, you pay now, or you pay later.

4 So we are going to continue to try, in our
5 own way, and we have been working with Safe Street.
6 Tuskegee, we are doing some things with Tuskegee, this
7 summer, and there have been some monies, put together,
8 and we are going to be able to send some of the kids
9 down to Tuskegee, and they will be coming back, giving
10 a report, to a group of other kids, on the atmosphere,
11 down there.

12 MR. MARTIN: Into the home -- were done,
13 from, what --

14 MS. TANNER: They are just going to go
15 down, for a week, and they have been working on this
16 plan, for a year. So this would be the first attempt,
17 this summer.

18 CHAIRPERSON WASSMUTH: If I could ask all
19 three of you, to respond, just briefly, to this. It
20 sounds like you are all very aware of Dr. Bridges'
21 report, and the juvenile justice, racially
22 disproportionate, disproportionality, work group. Is
23 that kind of information making it out to those of you,
24 that are doing the work, out in the communities? I am
25 not doing a check on whether you have done your

1 homework, or not. My point is, whether that
2 information is being available, or do you see that as a
3 working kind of solution. Are we headed in the right
4 direction, with that, or is that, is that going to
5 affect -- do you see it as affecting what you all
6 normally do?

7 MS. VERZOLA: I was part of that working
8 group.

9 CHAIRPERSON WASSMUTH: Okay.

10 MS. VERZOLA: And I believe that it is a step
11 in the right direction. I believe that the
12 recommendations are good -- practice. I believe some
13 of those recommendations have been put into practices,
14 within some counties, and it seems to be working. It
15 is a slow process, and it is going to take time.
16 I think we are just becoming aware, as a community,
17 about how big, and how much of a problem, this truly
18 is. And I think that it is going to take some time.
19 It is not going to happen, overnight.
20 Disproportionality did not happen overnight -- this has
21 taken years, to build up.

22 But I believe, that, we are taking a step in
23 the right direction.

24 MR. AKIMOTO: I just got a copy of it, this
25 morning. I think that the work group, this was

1 convened, by both --

2 CHAIRPERSON WASSMUTH: By legislative
3 mandate.

4 MR. AKIMOTO: Right. I know. But who is the
5 chair?

6 CHAIRPERSON WASSMUTH: Oh. Cochaired by
7 Judge Huggins.

8 MR. AKIMOTO: Yes. Okay. I just got a copy
9 of that, those recommendations, this morning, and I
10 have to say, that it would have helped us, had we
11 gotten it, and this is the King County group, had
12 we gotten it, earlier, because we really, we were
13 converging, and agreeing on a lot of these issues, but
14 it probably would have saved us some time. But we are
15 thankful that we have it, now.

16 (Discussion was held off-microphone.)

17 MS. BULLIT: It seems to me, that community
18 organizations have a great responsibility, toward this
19 early intervention, that is so much needed. Are you
20 getting help, from the state, or the county, and the
21 cities, in doing this? Or, also, your work with people
22 who are incarcerated, and in detention, in helping
23 them, with the return to the community. That is a
24 major responsibility. Are you just doing that, on your
25 own, or are you getting good help, from the juvenile

1 justice system?

2 MS. TANNER: With respect to the -- that we
3 used to see, out in Tacoma, these are starting to
4 improve, again, for us. In dealing with the youth that
5 are going through transition, to come back into the
6 community, we are trying to negotiate, now, because we
7 are talking \$230 a week, and it is really not enough
8 money, but what we are doing, is, we have a passion,
9 and it is about saving some of our youth. So, a lot of
10 times, we are just volunteering our time, that we are
11 spending, to reach young people, and we are spreading
12 thin.

13 We do receive some monies, from the
14 government's juvenile justice advisory committee. We
15 are working with Raymond Hall -- and I see Steve just
16 came in -- with respect to youth, that are under home
17 monitoring. So there are some things that are starting
18 to accrue, in Tacoma.

19 I think our community needs to be a little
20 bit more aware of the extent of the problem that we
21 have, within the community. And all we can do, is,
22 keep chugging along, and keep writing proposals, and
23 try and get more money.

24 So, money, for me, is nothing. The key
25 factor, I know I need the money, to pay my staff, but

1 it is not the one big factor, for me. If I can just
2 change, just one child's life, that will be a
3 difference, for me.

4 And I realize, that, we, right now, we are
5 dealing with approximately 350 to 400 children, in
6 Tacoma. And I have a staff, of, there are three
7 people, full-time, and three people, part-time. And my
8 blood pressure is up, but I have been working, all
9 night, too. But the honesty, the sincerity, and the
10 people who really want to make a change, they are
11 different, and they are really making a difference.

12 And the other key factor, is that, we realize
13 that we do not have all the answers. I would be an
14 idiot to think that. I just have a small piece, of
15 part of the puzzle. So it is very, very, very
16 important, for us, to interact, and network, with other
17 agencies. So we are doing that, quite a bit.

18 CHAIRPERSON WASSMUTH: Any other responses,
19 to these questions?

20 MR. AKIMOTO: Yes. I can respond. In terms
21 of the agency I run, the Atlantic Street Center, whose
22 primary focus is the African Americans -- there is some
23 moral support, from our own Department of Youth
24 Services -- operation, to provide, I think, some
25 creative alternative services, for young people.

1 However, as it relates to the Asian and Pacific
2 Islander community, I would say there is a huge gap,
3 there. I mean, there simply are not services, there.
4 And most, you could, I think, expand that, also, to the
5 Spanish-speaking, and Native American communities.
6 I believe that there is just very little there. There
7 is something there, for the African American kids, but
8 the gap, again, is just huge, in terms of, really,
9 providing an adequate alternative.

10 MS. VERZOLA: And that is also, to make a
11 small comment, in terms of prevention, I think
12 prevention is key, in terms of the roles that we play,
13 and we do have some programs, that deal with early
14 intervention and prevention. However, the reality is,
15 that, budgets are being cut, left and right, and social
16 services are not a priority, on anybody's list. So it
17 is making it harder for us, in terms of the money.
18 However, it is forcing us to work together, and that,
19 also, is a resource, that has not been tapped into,
20 properly, in the past, I believe -- on the community-
21 based organizations.

22 It is important to follow kids up, in the
23 whole process of juvenile, what we do, at I-Wa-Sil, we
24 take a person, from the moment they walk into the
25 courtroom, until the moment they, whether they go home,

1 or they go into an institution, and walking through the
2 whole system, who are there, for them, and even when
3 they go to the system, they go to Green Hill, or they
4 go to Echo Glen, we do have a program, that follows
5 them, there, because it is important for them to keep
6 in touch, and maintain communications within their own
7 community, because this is the community they are going
8 to come back to, eventually. So they need to know
9 where to access services, where they are in fact
10 released, from these institutions. But, again, funds
11 has been a major problem, with developing more
12 programs, such as this one.

13 CHAIRPERSON WASSMUTH: Mr. Israel?

14 MR. ISRAEL: Yes. One of the things that
15 concerns me, greatly, is the problem, language problem,
16 communication problem, between the youth, and the
17 justice system. Does the juvenile justice system
18 accommodate community translators, or is it hostile to
19 community translators? Does it allow you to bring
20 somebody in, from the community, who can facilitate
21 communications?

22 MS. VERZOLA: I will tell you what my
23 experience has been. It is Washington State law, that,
24 for court proceedings, if the defendant does not speak
25 English, that there be a court-certified interpreter

1 for that young person. So this is the law, and it has
2 been in place for about four, maybe five years. Before
3 that, a person, if they did not speak English, they
4 sometimes went in, without interpreters, sometimes they
5 grab -- interpreter, without necessarily knowing that
6 this person could do the job, although they had good
7 intentions.

8 So, when they go into, in front of a judge,
9 they have somebody, there, for them, now. However, the
10 process is more than just going in front of a judge.
11 You need to be able to interview the youth, within
12 detention. You need to be able to interview a youth,
13 and their family. You need to be able to explain to
14 the youth who is in detention what the rules are, when
15 they are in there. You need to be able to let them
16 know what is happening, in terms of their cases. There
17 is nothing around, for these young people, under these
18 circumstances.

19 What has happened, and what is still
20 happening, is that, the probation counselor will use
21 another youth, who is bilingual, to do the
22 interpretation, when they are doing the interviewing,
23 for the sentencing. They will not pay for an
24 interpreter. They will use a brother or sister, in the
25 family, that might be bilingual, to do the

1 interpretation.

2 Now, this is a two-edged sword. It is good
3 that somebody is doing the interpretation. However, I
4 am worried about the type and the quality of
5 interpretation that is being provided. The young
6 person is -- the interpretation, and -- so that the
7 parent knows the whole story.

8 So, what does the parent -- get? What is the
9 probation counselor really getting?

10 When they are downstairs, in the detention
11 facility, there are certain rules, that they need to
12 know about. They are -- if, what are the everyday,
13 day-to-day, live-in, rules, that they have to go by?
14 There is nothing. The words are not there.

15 There is, I believe, one juvenile counselor,
16 not juvenile counselor, probation officer, that speaks
17 Spanish, and English, and he is the one who -- called
18 in, to do the interpretation, and deal with the youth.
19 However, if he is not there, that day, or if it is his
20 day off, or if it is not his shift, these young people
21 will not receive the services that they need.

22 And it has gotten to the extent, where a
23 young person was ill, for two days, before he was able
24 to communicate, that he needed to go see a child.

25 So it is a great problem, and I believe that

1 there are two answers to it. I believe we need to hire
2 more bilingual staff -- hire more bilingual staff, both
3 in operations services, and also, the people who, the
4 correction officers. And also, there should be some
5 sort of a interpreter bank, interpreter bank,
6 interpreters bank, where people can be called, when
7 interpretive services are needed, and there is nothing
8 like that, in the DYS, right now.

9 CHAIRPERSON WASSMUTH: Any other questions?

10 DR. BROOKS: Yes. A final one. David,
11 earlier, some of those had given the same statistics
12 that you did, and the question was asked, can we give
13 some reasons why the increases occurred, in Asian,
14 or --

15 And they say that --

16 (Laughter.)

17 MR. AKIMOTO: Well, you know, I think, as you
18 probably know, in the last ten years, there is, first
19 of all, an overall increase in youth violence. We know
20 that. From 1981, to 1991, youth violence doubled. We
21 know that.

22 The Asian community has experienced, just
23 demographically, tremendous growth. So part of it, is
24 simply, a demographic phenomenon, that you have got
25 more people, and Asians, Pacific Islanders, are a

1 higher representation of the total population. It
2 follows, logically, that you are going to see more of
3 those kids, in the system, first.

4 Secondly, prior, going back, to earlier
5 times, the bulk of the Asian community was Japanese,
6 Chinese, and Filipino. Getting into second, and third,
7 and, now, for example, with my children, fourth
8 generation, and hence, a probably higher acculturation,
9 better understanding with language and culture, and
10 being able to be successful, in being a part of this
11 community, and society.

12 Yes. So the third factor would be, yes.
13 There has been a steady immigrant and refugee flow.
14 The nature of that flow, especially from Southeast
15 Asia, has been from individuals who are very different
16 from the Southeast Asian refugee group, in the
17 community and the communities. Those individuals, in
18 the earlier flow, were much more highly educated,
19 perhaps were bilingual and bicultural, and were able to
20 more easily adapt to the American way of life.

21 More recently, we are seeing those who have
22 less education, people who are not able to get white
23 collar jobs, and, hence, are in a position of having,
24 requiring, both mother and father to work, and having,
25 therefore, very little understanding of the American

1 education system, and having little understanding about
2 the social service delivery system, and then, also,
3 working very low wage-paying jobs, and really being
4 absent from the household, and from being able to take
5 a very active role in parenting their children. So,
6 part of that has led to the increased gang activity,
7 and so forth. So we are starting to see much more
8 criminal activity, out of that group. So I would say,
9 that is, more or less, what we are seeing.

10 CHAIRPERSON WASSMUTH: We want to thank each
11 one of you for taking the time to be with us, today.
12 Have you got a final remark

13 MR. AKIMOTO: Yes. I would like to make one
14 final remark.

15 And that is, that, you are an advisory body
16 to the U.S. Commission on Civil Rights. It would seem
17 to me, that, you can look at anything you want to, in
18 terms of our community, and in terms of civil rights.
19 You have, for whatever reasons, chosen to look at the
20 juvenile justice system. If part of the rationale for
21 that, is that, you were concerned about our kids, and
22 you were concerned, in particular, with respect to the
23 equal application of civil rights to all of our kids, I
24 would say, that, rather than looking, you are going to
25 need, you have to do what you have to do, but, perhaps,

1 it might be more beneficial, in the long run, in terms
2 of impacting our kids, if you looked at what is going
3 on, in our education system.

4 Is there equal opportunity, equal treatment,
5 of our children of color, in our education system? And
6 I would argue, that that would be time, much better
7 spent, than looking at the kids, once they are so far
8 down the road, that they end up being prosecuted for
9 juvenile crimes.

10 CHAIRPERSON WASSMUTH: Final remarks from the
11 rest of presenters?

12 MS. TANNER: I agree.

13 MS. VERZOLA: I second that.

14 CHAIRPERSON WASSMUTH: Again, thank you for
15 your time, in coming here. We obviously cannot solve
16 all the problems, by any means, but, hopefully, by
17 providing you this opportunity to get your voices, and
18 heard, through this kind of a channel, maybe we can all
19 help them, take them all one step along the way, to
20 support your concerns with the kids that you work with,
21 in the educational system, or in the juvenile system.
22 You care about the kids, and we applaud you for that.
23 Thank you all, very, very much.

24 MS. TANNER: Thank you.

25 MR. AKIMOTO: Thank you.

1 CHAIRPERSON WASSMUTH: We will break, for
2 lunch, and our lunch break is relatively short, so I
3 would like to have us be back at here, at 1:00 o'clock,
4 please, and it is okay for us to leave our materials
5 here.

6 (Whereupon, at 12:15 p.m., a luncheon recess
7 was taken.)

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1 A F T E R N O O N S E S S I O N

2 (On the record at 1:15 p.m.)

3 CHAIRPERSON WASSMUTH: I want to officially
4 reconvene this meeting, of the Washington Advisory
5 Committee of the United States Commission on Civil
6 Rights. We will continue the process that we began,
7 this morning, of obtaining information, and views,
8 relating to civil rights issues, in the area of
9 disproportionality, within the criminal justice system.

10 And I have advised, and asked, everybody,
11 including the Committee members, to remember our
12 guidelines, for this morning, and, as we get
13 to the questions, I would ask you, also, to direct
14 the questions, through me, so that we can keep the
15 questions, evenly spaced.

16 And so, we are ready to begin the afternoon
17 session, and our first participant, this afternoon, is
18 Harriet Walden, from Mothers Against Police Harassment.
19 And, Harriet, we welcome you, and ask you to identify
20 yourself, a bit, in terms of your background, and what
21 expertise you bring to this. And then, begin, whenever
22 you would like.

23 MS. WALDEN: I thank you. My name is Harriet
24 Walden, and I am the cofounder of Mothers Against
25 Police Harassment. It is a police accountability

1 group, also, a group that teaches young people their
2 rights and responsibility. We started this
3 organization, about five years, this coming September,
4 out of an incident that happened, with my children,
5 and, as a result of that incident, it became very
6 clear, to me, that we needed an organization that was
7 advocating for young people, or young people, just
8 being young people, just being kids. All our kids are
9 not criminals, they are not all gang members, they
10 are not all gang-bangers, and they are not all
11 shooters. Some of our kids are just regular kids,
12 trying to live, in America.

13 And, as a result of that, we started Mothers
14 Against Police Harassment. We have monthly meetings.
15 We meet with young people, and we meet with parents.

16 In 1991, I was appointed by then-governor,
17 Booth Gardner, to be part of the juvenile issues task
18 force. That gave me a good opportunity to go around
19 the state, to listen to what the parents had to say, at
20 those public hearings, and it gave me a real good feel
21 of what is happening, here in the State of Washington,
22 and how parents are really frustrated. They are
23 frustrated with the system. They are just frustrated,
24 that it seems to be, there is no place, for them, to be
25 able to get the help that they need for their children,

1 no matter if they live in a rural area, or they live in
2 an urban area. So, as the results of that, we have
3 just been doing lots of work, in this area.

4 Again, we advocate for youth, and young
5 people, particularly, and we have seen that racism, and
6 disproportionality, interleaved, and intertwined. It
7 is a fundamental link, and we will do a parallel. We
8 will draw a parallel vision, for you, as we make, as I
9 make, our presentation, about disproportionality.

10 Since 1990, there has been a real move,
11 across the nation, to criminalize all our youth, and
12 that, granted, some of our kids have done some very
13 heinous crimes. On some levels, they have not made us
14 proud. And, consequently, that has kind of like turned
15 the tide, in America, against youth, and that is really
16 what is happening, right now.

17 We have been trying to effect a change, at
18 the front end, so that our youth and young adults can
19 survive that encounter with the police, without an
20 arrest. We are called to many areas, in the state, to
21 work with the mothers. Our latest place, that we were
22 called to, was Federal Way, and this is an example of
23 racism, that could lead to disproportionality.

24 There is a family, in Federal Way, a black
25 family, who asked a European American family to stop

1 making noise, outside of their driveway, late at night.
2 As a result of them going out there, a fight broke out,
3 and the white neighbors tore down the black people's
4 fence, and beat them, beat them up, severely beat them
5 up. One boy lost his teeth, and put the other fellow
6 in a choke hold. And, when the police came, when the
7 King County Police came, they arrested the black
8 people, and charged them. And, to this day, there are
9 no charges being brought against the white family. And
10 this is the parallel track, again, with
11 disproportionality and racism, and how it affects
12 people, in King County.

13 We worked, also, in Redmond. In Redmond,
14 all the youth, in Redmond, all the Hispanic youth,
15 and all the African American youth, in Redmond, have
16 had their photograph taken, and that has been ever
17 since 1991. All these kids, their photographs are
18 taken, and they are in the King County Police gang
19 file, or in the file report. And all these children
20 are not gang members. We have had several, we have
21 went out to Redmond, to work with families, out there,
22 to try to resolve that, that situation.

23 We have been to Tacoma, Federal Way, Kent,
24 Marysville, Port Angeles, Bellingham, Bremerton,
25 Everett, Odessa, and Olympia, and all over King County,

1 and we were recently called up to Marysville, to help
2 with the farm workers, and the amount of racism that is
3 happening, up in that county, up in northern Snohomish
4 County, where a lot of farm workers are.

5 We do educational workshops, for young
6 people, on their rights and responsibilities, and when
7 they are stopped, by the police. And our prescription,
8 for public safety, is, jobs, education, plus treatment,
9 will equal public safety.

10 Disproportionality is a big problem. What
11 contributes to the increase of this problem, again,
12 like I said, is racism, and it goes hand in hand. And
13 Dr. Bridges has a wonderful report, here, and I am sure
14 you have already heard from him, this morning, but it
15 does not talk about racism. I mean, you know, you
16 cannot deal with disproportionality, unless you talk
17 about racism, and the fundamental cause of
18 disproportionality, in America, is racism, and we have
19 not dealt with racism. So, again, and now, in the
20 1990's, we have a new word, that has been coined, but
21 actually, it goes hand in hand, with racism.

22 What contributes to the increase of this
23 serious problem confronting our children? What is the
24 lack, number one? We believe one of the fundamental
25 causes of disproportionality, in the State of

1 Washington, is the lack of discrimination, that the
2 police have, when our kids come up, when they encounter
3 African American kids. There is a discretion, and it
4 is a lack of that discretion, that, usually, leads to
5 our kids being arrested. There are the stereotypes,
6 that our kids are criminals, or, if you get two or
7 three black kids together, there, in a gang, and an
8 example of discretion, up until 1992, the Bellevue
9 Police Department did in-house diversion. And that
10 in-house diversion meant that, those kids who were
11 offenders, when they went through that in-house
12 diversion, it was not part of their criminal record.
13 It was never a part of their criminal record. That is
14 no longer going on, in Bellevue Police Department, but
15 that was an example of discretion.

16 Another example of discretion, was that,
17 around the same time, I think, one of my sons, named
18 Omahi, was riding in a car, going over the emergency
19 island, and the car broke down. It was a junker car.
20 It broke down, on the bridge.

21 I got a call, from the Mercer Island Police
22 Department, telling me that he had picked up my son,
23 because the car had broke down, and what I wanted him
24 to do with him?

25 Well, I mean, you would not get that kind of

1 call, from Seattle. I mean, you know, it just would
2 not happen.

3 And, at that particular time, I had told my
4 son not to go out of the home, and he did go ride in
5 that car, so I just told him to keep him, at the
6 station, and I would go pick him up. So, I mean, that
7 was a nice, but that was a discretion, that is not
8 afforded our children, usually, in Seattle.

9 And I also would like to give you an example
10 of a lack of discretion. A lack of discretion, is
11 when, sometimes, a police car, the police stops a car,
12 for a minor traffic infraction. One of the police that
13 I am talking about was recently in court, and he was
14 asked, "Why did he stop this car, for this minor
15 traffic infraction, that had four black youths in it?"

16 He said, "Oh, because I wanted to."

17 And this is a lack of discretion, that is
18 shown African American kids, mainly in the heart of
19 Seattle, and the kids call it "jackin'." They get
20 stopped, all the time. And, of course, this encounter,
21 in the police, leads to, a lot of time, an arrest. And
22 then, of course, that leads to being, goes to the
23 prosecutorial practices.

24 Another discretion, that happened, that,
25 recently, here, was a judge, this year, in Wenatchee.

1 He declined to decline the two youths, over in Yakima,
2 who had killed a homeless gentleman, a homeless man,
3 there, with 18 bullet holes. Most of the children, in
4 Seattle, are never, they always, they are usually,
5 declined, as a juvenile, and tried as an adult. So
6 this is a judge that used some discretion. And he also
7 used the discretion, over there, to keep these white
8 youths out of the adult system. And so, he sentenced
9 them, to sentence, their time, for killing this
10 gentleman, in the juvenile system. And these children
11 will never go into the adult system. And this is
12 another example of discretion, that the judge used, but
13 this type of discretion has not been used, for African
14 American kids, not too much.

15 The other thing that leads to
16 disproportionality is the prosecutorial practices,
17 that, assuming three or four kids are gang members,
18 usually, when a report is turned in, by the police
19 department, assuming that the kids are gang members,
20 these children are usually charged. Then there is a
21 law called "encompassed liability." The encompassed
22 liability assumes, that, all youths are guilty, by
23 association. So, if all you got in a fight, then
24 everybody would be guilty, here, no matter who the
25 person who started the fight, and that is encompassed

1 liability.

2 And, if you have been noticing, reading the
3 editorials around the country, most of the editors are
4 saying that, the militia, the whole militia movement,
5 should not be branded as a bad movement, because of
6 McVeigh. So they will not want to use encompassed
7 liability, in that area, but it is okay to use
8 encompassed liability, when the kids are involved. So
9 that is another reason that leads to
10 disproportionality.

11 The other thing that leads to
12 disproportionality is a lack of translators. A lot of
13 the kids do not speak English. There is a serious
14 problem, with English as a second language. A lot of
15 times, the families, or the parents, do not understand
16 English, and, by the time they go to court, the kids
17 have, sometimes, is what we heard, up in Marysville,
18 is, the kids are trying to fake it, that they
19 understand the language, and, by the time they go to
20 court, they have faked it, enough, to get themselves in
21 more serious trouble, before they have to really admit
22 that they do not understand the language.

23 The third area, that leads to, actually, the
24 fourth area, that leads to disproportionality is the
25 mental health. By the time a black child is in the

1 third grade, most of the, a lot of the, male children,
2 are branded as having learning disabilities. There are
3 more children with learning disabilities, now, than
4 there were, 30 years ago. We wonder why. And the
5 alcohol fetal syndrome, and attention deficit syndrome,
6 children, do not understand the consequences of their
7 actions. How many of these children are going through
8 the King County juvenile system?

9 And then, the fifth one, is, the economics.
10 It makes it an uneven justice system. The prosecutors,
11 or the public defenders, are overloaded, and some of
12 the youth just do not come from families, who are able
13 to support them, and be there, for them, at the time.
14 And many of them are detained, for not showing up, for
15 their court procedures.

16 Probably, one of the biggest causes, that is
17 going to affect disproportionality later on, is, the
18 "Three Strikes and You're Out," law. We are looking at
19 locking up kids, in this state, up to 25 years,
20 beginning at age 13, for some of the crimes that have
21 been committed. Are we safer, today?

22 And we have to understand the fastest part of
23 our economy is the prison economy. And I would like to
24 just read you this quote, here, that says, "The
25 longstanding, mainstream American tradition of harsh

1 punishment, to secure cooperation and obedience,
2 whether by the police, prison, or parents, who practice
3 corporal punishment, has produced children, who are
4 disillusioned with cooperation, and increasingly
5 inclined to use violence, themselves." And this quote
6 is from "On the Edge." It is a history of poor, black
7 children, and the American dream, and it is by Carl
8 Nightingale.

9 And to add to that, to add to that
10 hopelessness of millions of people without jobs, and
11 then, there is the violence, on the media, and all of
12 these things, that adds to this idea, to this violence,
13 that we are living in, today.

14 There are some programs that are making a
15 difference, in King County. Some of those programs
16 are, Sisters in Common. That is a program, that is
17 worked, with female offenders, and they work with them,
18 and with their families, to give these young children
19 some self-esteem, to encourage them to be attached to
20 their community, to help them to develop conflict
21 resolution skills, and to teach job readiness skills to
22 them. So this is a real good program, that is going,
23 right now, in Seattle.

24 Another one, of course, I am sure Dr. Bridges
25 talked about the diversion program, and that program,

1 that is pretty successful, in lowering
2 disproportionality.

3 And I would like to just say a little bit
4 about we do, at Mothers Against Police Harassment.
5 Again, we offer educational workshops, on what to do
6 when you get stopped by the police. We believe, with
7 more information, our children can make more
8 intelligent decisions, like in driving with alcohol in
9 the car. It is illegal. I mean, a lot of kids do not
10 know that. I mean, you need to have your seat belt on.
11 So we teach them the things that they need to know, in
12 order to be legal.

13 We also teach them the reality of 593, Three
14 Strikes and You're Out. I mean, we need to give them
15 as much information as they possibly could have.

16 I think that some of the solutions, or the
17 solutions for disproportionality is to, really be
18 willing to look at the fundamental cause of
19 disproportionality as it relates to racism, the lack of
20 discretion, the prosecutorial practices, and to put
21 more money into priorities, for far, for funding for
22 jobs, for treatment and education. A lot of these
23 children need jobs. I believe that children who are
24 more successful, are the children who have something to
25 do.

1 My kids all had to have a job, by the time
2 that they were eight years old, and nine years old.
3 And so, that meant they had to have paper routes. And,
4 one time, I had five routes, in my house. If you have
5 ever had a paper route, then you know, if you have one
6 paper route. If you have five, that is pure madness,
7 but I had five paper routes in my house. My son, that
8 was nine years old, had two routes, and somebody else
9 had one route. And so, but, it was the important
10 thing, is that, they were busy, and more of children
11 need jobs.

12 We might need to look at how we can change
13 some of the laws, so that 13-year-old kids can find
14 something to do, with all that energy, and all that
15 hormone training, or hormone changing, in the body, and
16 adequate treatment. We should have treatment, on
17 demand, in this country. We should have treatment,
18 on demand, so that, the children who are involved with
19 drugs, or are out there, selling drugs, can get the
20 help that they need. The children who are out there,
21 selling drugs, need to understand, that, that that is
22 not a viable income. And it is not the way to go, and
23 more education.

24 And each child, that has been arrested for a
25 violent act, should have a mental evaluation. I mean,

1 to say that a person who has committed a violent act,
2 is functioning, on all levels of reality, I think, is a
3 misnomer. There is something desperately wrong, with
4 people who kill people. People who are violent, there
5 is something wrong, and we need to be able to find out
6 if there are children, who had abuse, in their lives,
7 how many of them have been in and out of foster
8 care, how many of them have seen violence in the home,
9 either have been recipients of violence, whether in the
10 home, or in the streets.

11 And we need unified standards, of equality of
12 practice, in arrest, and prosecution, of all our
13 children, and we need, just, equal standards,
14 throughout the state. Thank you.

15 CHAIRPERSON WASSMUTH: Thank you, very much,
16 Ms. Walden.

17 Questions, from the Committee?

18 DR. BROOKS: Any ideas how we might remove
19 racism, from --

20 MS. WALDEN: Well, I think that, one of the
21 things, that we could do, is, come out of the denial,
22 and come back, and deal with the advent of the
23 so-called discovery of America. We need to go back,
24 and deal with the fact, that, it was discovered, on
25 violence, I mean, that we eradicated millions of people

1 who lived here, in order for us to have this country,
2 today. It was a violent act, and violence is anything
3 that destroys the soul, is my definition of violence,
4 so all violence does not kill the person, but it
5 destroys the soul.

6 Slavery was a violent act. It also
7 destroyed, not only the soul, but it destroyed lives.
8 And so, I think, that, in order for us to move forward,
9 we need to deal with the reality, that it happened,
10 that people are still having effects from it, today.

11 We have some native people, in this country,
12 who have to prove this they are tribes, in the land of
13 their birth. I mean, there is something wrong with
14 that, and until we are really willing to look at the
15 fundamental causes of this, and to come out of the
16 denial, and deal with it, it is painful. It is painful
17 to acknowledge that our ancestors did some terrible
18 things, and that we are still benefiting, or we are
19 still not benefiting, from what our ancestors did.

20 CHAIRPERSON WASSMUTH: Harriet, have you seen
21 any progress?

22 MS. WALDEN: Well, I have seen some progress.
23 I do not see nearly as many children taking the
24 position, on the street, now. Taken the position, is
25 that, when the police stops you, you have to get on the

1 floor, or get on the ground, with your hands above your
2 head, and, you know, I mean, that dehumanizing
3 position. I do not see that happening, as much as it
4 was, before.

5 I think that people are willing to talk about
6 the police, now. They are willing to talk about them,
7 because they are our public servants. They work for
8 us. They are not volunteer policemen. And I think,
9 that, one of the differences, now, is that, people are
10 willing to complain, and to say that, "I am not
11 pleased," or that, "There is something happening,
12 here," and that is a big change.

13 CHAIRPERSON WASSMUTH: What would you credit
14 the changes, why are they happening? What can we have
15 more of, to bring more changes?

16 MS. WALDEN: Well, we can have more people
17 coming forward, to talk about the reality of what is
18 happening to them, in this society. If they have had,
19 whether it is a negative, or a positive, encounter,
20 with the police, they need to feel free enough, in
21 this society, if this is a free society, people need
22 to feel free enough, to either come forward, to
23 say, "Officer Friendly was very nice to me, today," or,
24 "Officer Friendly was not friendly to me, today, and I
25 want to make a complaint," or, "I want to recommend

1 him, for a recommendation." But we need to have
2 people, to feel free enough, to do that, and, in the
3 past, people have not felt that type of freedom.

4 CHAIRPERSON WASSMUTH: Other questions?

5 Harriet, thank you, very much, for taking the
6 time to be with us, and thank you, for the work that
7 you do, too. It is good.

8 MS. WALDEN: Thank you.

9 CHAIRPERSON WASSMUTH: Thank you, very much.
10 Okay. And our next -- go ahead.

11 (Discussion was held off-microphone.)

12 CHAIRPERSON WASSMUTH: Yes. Chief Ed
13 Crawford, Police -- for the City of Kent, and Margaret
14 Pageler, from the Seattle City Council, and we welcome
15 you both.

16 MS. PAGELER: Thank you.

17 CHAIRPERSON WASSMUTH: We are pleased that
18 you are here. We have been hearing from various
19 speakers, all morning, and we are delighted that you
20 are here, and you will give us your perception, as
21 well. So, I do not know who is going to start, but we
22 would like to have each of you just give a little brief
23 background, and to identify yourself, for the record,
24 and also, give a little background of the experience,
25 that brings you here, besides the titles that you bear,

1 and then, just dive into it. We have about 25 or 30
2 minutes, about 15 minutes apiece.

3 MS. PAGELER: Yes. I am Margaret Pageler.
4 I am a City Council Member, first term City Council
5 Member and I chair the public safety committee, and, I
6 must say, the experience that brings me here, is the
7 experience of my title, and that, as public safety
8 chair, I have been a member of the regional law, safety
9 and justice committee, which Chief Crawford has been
10 the chair, or cochair, of, during the time that I
11 served. And so, I have had an opportunity to deal with
12 the regional issues, with respect to law and justice.
13 As you probably know, the City of Seattle has a police
14 document, but our municipal court does not typically
15 deal with juvenile offenders. That is handled, in the
16 county, the county court, and the county prosecutor's
17 office, and we do not, although the juvenile facility
18 is in our city boundaries, it is not within our
19 jurisdiction, our jurisdictional authority.

20 So, as a council member, I have no
21 responsibility, for the system, that deals with
22 juveniles, after they are arrested. And so, my
23 interest and involvement has been as a member of the
24 regional team, that works through that regional
25 committee, to address problems, that we all care about.

1 When I first began my service, we had a spate
2 of shootings, in the central area, that really
3 galvanized my attention and my concern. Working with
4 James Kelly, who I see is going to be addressing you,
5 soon, we began to look at the problems that impact
6 youth of color, particularly in the central area, and
7 then, expanded our focus to young people, in the Asian
8 American community, as well.

9 And, so, I was very interested in Dr.
10 Bridges' study of disproportionality, in the detention
11 facilities, and talked to him, separately, and in his
12 presentations, about, what were the causes, what were
13 the things that we could do, and how we should be
14 addressing those issues?

15 I know that you have had, and will have a
16 broad array of presentations, about different programs.
17 I thought I would like to just talk about a couple of
18 things, that, some of which, we were doing, before the
19 study, and some of which emerged, from the study, or
20 suggestions that emerged, from the study, and then,
21 with some comments, based on our study, more recently,
22 of overcrowding at the juvenile facility.

23 Disproportionality is a function of a number
24 of factors, and racial bias in the system is only one
25 of them. So it would be a mistake to only look at

1 racial bias, though I expect the mission of this
2 commission is to address those issues, but I would like
3 to caution you, that, one of the things that
4 contributes to disproportionality in the system, is the
5 location of the juvenile justice facility. It is
6 downtown Seattle, and, if you are a three-member, or
7 twelve-member, police force, in a far southern, or a
8 county sheriff, out in the far reaches of the county,
9 the considerations that you would take, to bring a
10 juvenile in, and book them, into detention, are going
11 to be different, than the considerations that one of
12 our Seattle police officers might make.

13 And it is tempting to say, when you see the
14 outcome, that that is based on race. I suggest to you,
15 that, frequently, those decisions are based on time,
16 and time priorities, of the work site. For a
17 supervisor, out of Enumclaw, or Issaquah, or North
18 Bend, to say, "Yes, you should take the two and a half
19 hours, to go into the city, fight the traffic, do the
20 booking, another hour to get back, and that is going to
21 leave me short of the staff that I need to keep this
22 city safe, for the next four hours," is a much bigger
23 decision, than to say, to a Seattle police officer,
24 "Yes, take this youngster in, and book them."

25 And so, a child that might be equally

1 dangerous, out in the suburbs, might not be booked,
2 because of that, the simple logistical issue of getting
3 the child into the city, and back. And one of the big
4 issues that we are dealing with, in the regional
5 committee, is the need for a justice facility, for
6 youngsters, out in the suburbs. We will not have that
7 solved, in the next couple of years, but, three to six
8 years down the line, we may actually be able to address
9 that. So just would like to caution you, that, even if
10 we got all the racial bias out of the system, which we
11 will work to do, until we have a more convenient
12 facility.

13 The other things, is that, people, the
14 officers know, that, if they bring that child into the
15 city facility, the parents are going to have a very
16 difficult, coming in, to hearings, and following up, as
17 well, so there may be a reason for keeping the kids,
18 for a couple of hours, in the lockup, and then
19 returning them, to its parents. The chief, here, can
20 tell me more about what those items, what the rules
21 are, so I will not say the wrong thing, but I think
22 those decisions are sometimes made, based on logistics,
23 as well as, or, rather than, on issues of race, or
24 even, consideration of how dangerous this child is.

25 Now, that having been said, some other things

1 that we found out, about disproportionality, and why
2 youngsters are more likely to be detained, if they
3 are kids of color, they are, particularly with our
4 Asian communities, and our recent immigrants, they come
5 to this country, with a whole different perspective,
6 about law enforcement, about the police. They do not
7 know about Officer Friendly. They know about the
8 officer who is the arm of the political branch, and is
9 there to enforce, and they know that, your first rule,
10 is, you never tell the truth to an officer, you never,
11 you know? And I work, in China, and Taiwan, so I came
12 with some of those prejudices.

13 Our police department, the south precinct, a
14 couple of years ago, entered into a partnership with
15 the Refugee Women's Alliance, where, as soon as the
16 youngster got in trouble with the law, that were from
17 one of the new Asian communities, the new immigrant
18 communities, the Refugee Women's Alliance would be
19 given a contact, with that family. The Women's
20 Alliance set up a program, set up programs, in the
21 languages, of these different immigrant communities,
22 where, they would have series of evening meetings. One
23 would be with one of our community police team
24 officers, coming in, to tell people, "Okay. This is
25 what policing is like, in the United States. We need

1 your help. We need your help. We need to help you.
2 We want to keep your kid out of trouble. If your kid
3 gets in trouble, these are the steps you need to take."
4 And that would be interpreted, in ways that made sense
5 to the community, and then, the parents could talk
6 among themselves, and develop a support network,
7 themselves.

8 The next meeting might be a meeting with
9 school officials. "Okay. Here are the rules about
10 school. Here are the rules about attendance. Here is
11 where you get help, if you do not understand the
12 assignment. Here is the translation services we have.
13 Here is what happens if your kid does not attend." So
14 parents are getting that message, from somebody other
15 than their child.

16 What if your kid does get into the juvenile
17 justice system? Well, you have to be at those
18 hearings, you have to understand about the plea, you
19 have to follow up. There are a lot of steps. And, if
20 a parent misses those steps, the court has to assume
21 that this is a child that is basically unsupervised,
22 and the likelihood of the child being detained is
23 higher, as you heard, this morning.

24 So, helping parents through that system is
25 part of what the Refugee Women's Alliance did, through

1 these classes. After about the first year of this
2 program, our police officers reported to us, that the
3 recidivism rate, on the kids whose parents had
4 participated, was astonishingly low, and, what was
5 more, their brothers and sisters had not offended,
6 either. So they were able to stop the family pattern,
7 of dysfunctional and antisocial behavior.

8 I do not know, but, whether, I think, I
9 believe, this followed up one of the other suggestions,
10 that came out of that, and out of Dr. Bridges' study,
11 was that, videotapes be developed, and you could have a
12 voice over, in a number of languages, where, you walked
13 parents through the process, particularly the juvenile
14 justice process. They understood what the terminology
15 meant, and what the requirements were, of following
16 their child through the process, and, with the voice
17 over, in different languages, with different narrators,
18 that might be a way, short of the structured meetings,
19 to get that information to parents, so that, they can
20 participate, after --

21 With respect to our African American youth, I
22 think that we have fallen down, by not having community
23 diversion programs, that really met their need, and so,
24 I would congratulate the county people, Larry Gossett,
25 and others, who are working on the Reaching Back,

1 Giving Back, project, to provide that diversion, for
2 kids, that is more likely to be effected, early on.
3 My kids all survived, because they got diverted to
4 programs, that, not only put them, made them do
5 community service, and pay for their crime, gave them a
6 hope of a clean record, but, actually, in some cases,
7 got them into the workforce, because their volunteering
8 gave them some work schools, and some work contacts.
9 So, if we can make that work better, for our people of
10 color, that will serve them, I think, in a multiplicity
11 of ways.

12 So those are some of the suggestions that I
13 have, for your consideration.

14 CHAIRPERSON WASSMUTH: Thank you, very much.

15 MS. PAGELER: I took my turn, so.

16 CHAIRPERSON WASSMUTH: Thank you, very much,
17 Margaret.

18 CHIEF CRAWFORD: Thank you folks, very much,
19 for allowing me to talk to you. My name is Ed
20 Crawford. I do not know why I am here. I am not
21 really a subject matter, I guess I am a subject matter
22 expert, but, I am just as confused as everyone else.

23 I have 30 years of law enforcement
24 experience. I was a state trooper, for 25 years, and,
25 the past four years, I have been the police chief, in

1 the City of Kent, and I am a member of the Washington
2 State. So I kind of, well, on one side of me, I am the
3 old policeman, on the other side of me, I try to think
4 about, particularly, because, in law school, trying to
5 develop our Constitution. The Constitution is so
6 extremely to us, and it is extremely important to the
7 police.

8 And then, during this past period of time, I
9 have had the opportunity to serve with the regional
10 law, justice, and safety, and other things, in kind of
11 the south county. The City of Kent is located south of
12 King County, or south of Seattle, and is one of the
13 suburban cities. It is of moderate size, and it has a
14 police department, of about 100 officers, and we have a
15 city jail, one of the few city jails in the State of
16 Washington, that houses about 100 people, a day, and it
17 is a very fine structure.

18 Kent is, you would think of it as a very
19 wealthy town, compared to others, and they have
20 certainly allocated a lot of resources, to one social
21 service side. One percent of their general fund budget
22 is annually committed to the social service side of the
23 city, and they certainly have funded the public safety
24 side.

25 For me, listening to the presenters, I still

1 am still trying to figure out how to be a good
2 policeperson. I still go back to my old days, in 1964,
3 when they asked me, why did I want to be a state
4 trooper?

5 And I said, well, I wanted to make the
6 policing business better. I had been stopped, in my
7 youth, and felt that, maybe, I was not treated,
8 correctly, and I wanted to treat people, right.

9 And, over the years, as I was an academy
10 instructor, and other things, in my tenure of time, we
11 always try to say, to our people, "The good
12 policeperson is that person that will always treat the
13 individual, as they want to be treated, themselves."

14 And, over the past four or five years, those
15 roots have really come back, because I found state
16 trooping was rather easy. I had many instances, other
17 than driving, and accidents, and some of those things.
18 But, when you dealt with what we call, "violators," you
19 have a smile on your face, and you try to talk them
20 into the ticket, and, pretty soon, and you generally,
21 you have a set standard. In our state, it is anyone
22 over 10 miles an hour. It did not matter who you were,
23 where you were going, what you were doing. You got it.
24 And you smiled, and thanked them, and the rule was
25 always, you thank them, when they take the ticket from

1 your hand, and you will find that they always thank
2 you, back.

3 (Laughter.)

4 CHIEF CRAWFORD: And the smile, you know,
5 and, okay. It is a personal contact.

6 And then, I went into city policing. Boy,
7 what a change! What a change! Because, now, you are
8 trying to decipher and define, what people mean, by,
9 "protection."

10 And we all talk about the rapers, and the
11 muggers, and the shooters, and the people that kill
12 people. We all know that, definitionwise, those are
13 the people we really want to go after, and that is
14 easy, to define how to go after those folks.

15 But what about, the disturbance in the
16 neighborhood? What about, the safety of our families,
17 and friends, and neighbors, when they see people
18 walking down the street? And what about, the people
19 that we have, in our society, that really do not care a
20 twiddle, about any one of us? And they would just as
21 soon step on our heads, as look at us. And they are
22 not robbing and killing. They are just, doing things,
23 bad, to us.

24 And society asks the police to handle those
25 folks. And I am just as confused as everyone else,

1 because, there are always two sides to every story. So
2 we are constantly in the conflict, of trying to get our
3 police to be on one side, aggressive, and handle those
4 problems, but, on the other side, have that compassion,
5 and responsibility, and willingness to try to get the
6 story out, to see what really is the effect.

7 And so, you become a peacekeeper, but also, a
8 protector, and also, I think you have to verge on the
9 social service side. And it really causes a lot of
10 confusion.

11 I think we are doing better than we have ever
12 done, because I think that people like Councilperson
13 Pageler have demanded that the city hire those types of
14 individuals, that can take these confusing areas, and
15 try to sort them out. And I think that will be the
16 certain statement, of the police business, by being
17 able to address all of these issues.

18 Now, this really has not helped, with
19 disproportionality, but I would like to lead, to kind
20 of explain, a little bit, where the police become
21 confused, and why so many instances are misinterpreted,
22 because I never go a day, that I do not find a
23 misinterpretation, in how a person was stopped, what
24 was said to the person, and how our officers conducted
25 themselves. And, you know, very frankly, most of the

1 time, it is not the officer that is right. It is just
2 that the officer had reasons, why they had to do what
3 they had to do.

4 Example, and it shakes me, in my socks,
5 because I am not used to that, either. I am used to
6 policing, in the Sixties and Seventies, where you
7 walked up to someone, and, just by size, or, you know,
8 you wear your hat tall, and you look like you should be
9 able to take care of it, and people will accept the
10 authority.

11 Last week, coming out of an apartment
12 complex, one of our officers, and we believe, and we
13 have a very important rule, in our city, that you have
14 patrol district coverage. That is beyond everything
15 else. They have to get permission to leave their
16 district. And so, we are always, we can be ^{at} anyplace,
17 in a minute or two.

18 And we get a call, on a fight, and their guns
19 were displayed, or knives, or whatever, and, lo and
20 behold, a car pulling into the driveway, and here comes
21 a car!

22 Now, in the old days, we would have just,
23 stopped the car, and I walked up, and said, "Hey! Who
24 are you? What are you doing? Hi!" Or, "Hi! What are
25 you doing? Where are you going?" And people would

1 have talked to you, probably.

2 But, now -- and this is what we teach,
3 because the officer would be disciplined, if he did not
4 do it, this way -- stops the car, pulls his gun, and
5 takes them out, at gunpoint.

6 Now, these are young kids. Two of them. No
7 shirt on. Pants, very low. They search them out. And
8 you know what? .38 caliber revolver, in their shorts.

9 So what happens, in the police business, is,
10 the problem of, kind of affirmations, reaffirming
11 themselves, consistently, is, they are always working,
12 in this environment, that is bad, that you and I do not
13 see, all the time, every day, but they do. And so, I
14 will guarantee you, the next stop will be just like
15 that.

16 And so, we have got ourselves in kind of a
17 circular motion, and we cannot seem to slow it down.
18 And I do not know how to get out of that thing, other
19 than, doing some of the things that, I think, that the
20 community has been trying to do.

21 One example, is in the south end, there is a
22 thing called, "Project Lighthouse," and I know Seattle,
23 and other areas, do it, all the time. And it is just
24 good, old-fashioned drop-in centers, that try to teach
25 the kids, and the young people, some values, try to

1 give them some advice, in terms of counseling and
2 tutoring, try to give them an opportunity to go to
3 someone, who is a role model, and try to give them a
4 hot meal.

5 Now, where the police come in, to this thing,
6 is, I think, that, you put the stiffarm, a little bit,
7 on some of the business, particularly when you go visit
8 them, in uniform, and you can get the businesses to
9 start giving meals, and supplying these things. And
10 that is okay. I think that is great, instead of making
11 the workers, there, with these groups, try to get these
12 different things for our community.

13 As a matter of fact, we were talking, just
14 recently, here, about jobs. What we have tried to do,
15 in trying to just start a program, and consulting,
16 together, with the local chamber of commerce, and the
17 local parts department, is trying to say, "Hey,
18 chamber, would you give us 25 job spots, and, remember,
19 every kid has got to lose their first job."

20 You know, everyone complains, "Well, we have
21 done this, before, and they go for two days, and they
22 never show, again." Well, that is okay. "They go
23 three days, and they get fired." Well, every kid has
24 got to be fired. We have all been fired. I have been
25 fired, from my first job, also. So we have to talk our

1 businesspeople into this.

2 And then, we have got them going, and there,
3 you seem to be willing to help out. Now, the next
4 question, is, trying to get the kids.

5 You know, I said, I was a little difficult.
6 "What about transportation problems?," because they
7 said, "There are transportation problems."

8 And, like I said, "Well, you cannot take a
9 check?"

10 "No."

11 You know why? The environment is too unsafe.
12 And the whole environment, in many instances, is such,
13 that there is no one there, to transit for them.

14 So, what I see us doing, is, having to go
15 through a lot more difficult evaluations, to help out,
16 than what we used to have to do. So, now, to try to
17 deal with the jobs, we have to try to figure out
18 transportation, not only finding a place to work. That
19 is the easy part. Now, we have to figure out the
20 transportation, and the opportunities to move them back
21 and forth, and trying to help them out, in terms of the
22 work ethic, and trying to be that support factor.

23 Part of this stuff is what Lighthouse does.
24 And I see, and we have just copied the City of Seattle,
25 and other places, and King County, and Bellevue, and

1 other places.

2 Another thing that we have tried to do, in
3 the south end, was, we have tried to involve a
4 committee called, "South County Violence Task Force."
5 And it is just a group of a whole bunch of people, that
6 come in, once a month, to try to figure out what is
7 happening, now. What are the strategies, what are we
8 trying to get to, does anyone have any clear ideas, and
9 what are the some of the failures, and some of the
10 success points? So, at this next meeting, this month,
11 we are going to be talking about a program that was
12 just started, in terms of, kind of mobile recreational
13 unit, that goes around, because we have a lot of it, in
14 my location, a lot of multifamily homes.

15 And so, we are trying to do a mobile
16 recreational van, that goes around, and works with the
17 kids, instead of going to a central spot. One, the
18 central spots are so costly, and it is hard to build,
19 and it is hard to get the money, and so on. They are
20 trying to take this route, and trying to deal with
21 counselors, and supporters, and toolers, and other
22 people.

23 So we are trying to work in that area, but
24 everyone has a good idea, and it is hard to get your
25 arm around all of this stuff. But people truly are,

1 working, at trying to make this very confusing area, of
2 how to keep our people safe, productive, have them grow
3 into older adults, that have a future, and I think the
4 police officers are trying to do that, also.

5 I am not suggesting, for a moment, that the
6 police have totally clean hands. They make mistakes.
7 They get mad. Anyone, have you ever been, has anyone
8 ever gotten you mad? They get mad. They can be
9 vindictive. And you can really push their button.
10 I see it happen, all the time.

11 Our job, is to try to -- with them, a little
12 bit, slow them down, keep them safe, but make sure they
13 solve all us, the way we need to be served. And that
14 is why I personally respect committee hearings, like
15 this, because what you are, I perceive, trying to say,
16 is that, we have a problem. We want us all[†] the work
17 together, and we cannot accomplish this thing, that we
18 call our society, in a civilized way, without all of us
19 trying to get our arms around this problem. So I
20 appreciate the opportunity to speak before you. Thank
21 you.

22 CHAIRPERSON WASSMUTH: Thank you, Chief.
23 Questions?

24 MR. MARTIN: Yes. Chief Crawford, I am aware
25 that the City of Seattle has a diversity training

1 program, not only in the police department, but also,
2 engineering and other departments. Does the City of
3 Kent have a diversity training program for its
4 officers? If they do, does it have any impact?

5 CHIEF CRAWFORD: Yes. We have a diversity
6 training program. Now, is it the same as the City of
7 Seattle? No.

8 One, is that, it is a smaller city, a smaller
9 area. We have an advantage, within our city, is, every
10 Friday is training day, because of the hours that they
11 work. And so, we have an eight-hour training segment,
12 every Friday. We have diversity training, every year.

13 What you will find, an advantage, are the
14 smaller police, and I came from one, a very large
15 department, is that, morays, and attitude, and kind of,
16 "This is how I want it to occur," can kind of permeate
17 the agency, easier, than a larger agency. And, in the
18 police business, I think that a problem that police
19 have, in our country, today, is trying to get the
20 mission of the chief, down to the working officer,
21 every day, all the time, and have them interpret it,
22 the same way the chief wants it interpreted. And that
23 is a challenge, but I think it is a challenge, in every
24 organization, every person in America.

25 CHAIRPERSON WASSMUTH: Other questions?

1 DR. BROOKS: Chief, could you give me the
2 percentage of arrests, by ethnic groups --.

3 CHIEF CRAWFORD: No, I cannot. And one
4 reason, is, is that, it fluctuates, and it is, and I
5 think it is very small. Now, when you talk about
6 juveniles, and arrests, and, again, we kind of walk the
7 line, that Margaret Pageler just said. By the time we
8 get to the youth center, 30 miles away, during rush
9 traffic, the center is probably full. We do not want
10 to go down there, if we do not have to. I see the
11 trips to the center, as very few.

12 But we also have, in an interesting
13 observation, to talk about, kind of a mobile community.
14 We, because of all of the apartment complexes, and the
15 makeup of the community, I could not really tell you
16 what is happening, tomorrow, because it changes, so
17 rapidly, just by the makeup of the apartment complexes.

18 Now, what we did do, several years ago, and
19 we found that it works, very well, and we call it
20 apartment management, you know, the managers of the
21 apartment complexes are part of this whole makeup, of
22 trying to have a good, safe community. And if you have
23 apartment complexes, that get out of control, you
24 really have problems.

25 And so, we found, that, apartment managers

1 try to make sure, that they have responsible renters.
2 Now, the irresponsible renters have to go somewhere.
3 I am not suggesting that. But, when they work, real
4 hard, to have responsible renters, that the juvenile
5 problem is lessened.

6 DR. BROOKS: I am not following, but, go on.

7 The juvenile percent of providers, that is
8 updated -- it was about 36 percent, African Americans,
9 that were detained, I guess, I guess that is the right
10 word. And then, when I listened to the fact that the
11 suburban are probably using a little bit more
12 discretion, by not coming there, Councilman, does that
13 mean that the large percentage of that 36 percent, or
14 most of them, are coming out of Seattle?

15 MS. PAGELER: I think you need to ask the
16 juvenile justice people, the folks that run the center.
17 They would have the statistics on that. I am not
18 certain about.

19 DR. BROOKS: I was just wondering, about
20 that, because I --

21 MS. PAGELER: Yes.

22 DR. BROOKS: -- had not thought about that,
23 the fact that the distance made a difference.

24 MS. PAGELER: Yes.

25 DR. BROOKS: But it does bring up the second

1 question, and that was, that, when they talked to us,
2 the different presenters, this morning, indicated
3 that the judges have farmers, that they use, to
4 determine processes that they go through, like the
5 prosecutor has some standards that they follow. But,
6 when they get to law enforcement, they have a lot more
7 discretion. And that seemed to be a problem, in
8 listening to people talk about, just the law
9 enforcement, and how they interacted with the different
10 ethnic minorities. And I was wondering, could you
11 offer some suggestions, on how that might be put in
12 some perspective, that would allow more standards, so
13 that, maybe, we could reduce some of the incidents,
14 that lead to arrests.

15 CHIEF CRAWFORD: You know, where my
16 confusion, sort of develops, is where, when I ask, last
17 summer, there were some Asian -- and that, it has been
18 for the past five or six or seven years. Remember, the
19 police are usually on the end of that curve, so, by the
20 time they -- able to develop the process.

21 And what I hear, in terms of my questioning,
22 "How do you deal with this problem?," one way to deal
23 with it, is, you kind of bird-dog that.

24 Now, to some people, that would be very
25 offensive. To other people, they would think that that

1 is one safe way, to deal with these individuals, that
2 are constantly trying to get loose from the police --
3 to rob someone's home.

4 And, so, I wish I could give you an easy
5 answer, but, when you try to couple the officer safety,
6 and knowing, full well, that people do not tell you the
7 truth, if they are violating a law, and you stop them.
8 They do not do that, generally.

9 And so, what happens, in the police business,
10 is that, it is hard -- I used to say, just in my
11 little, fleeting days, "I cannot put your thumb into my
12 cigarette lighter, and your nose will turn red, if you
13 are lying to me," so the police have indicators, and
14 they, even profiles, and they do all of these things,
15 that all of us say, are dastardly, and should not be
16 done. But, yet, on the other hand, we are asking them
17 to go out, and make us safe, and capture these
18 individuals.

19 So, it is a very perplexing business.
20 I think the police, personally, are doing the best they
21 can, particularly, by trying to make sure that they
22 involve the community, and not being so secretive, and
23 being open, to the questions, and also, being very
24 responsive, to the complaints that come in. And I
25 think, if we continue, on that route, a little bit

1 longer, we will come a little bit closer to the center.
2 Everyone will then agree.

3 CHAIRPERSON WASSMUTH: Chief, I do not want
4 you to judge the Federal Way police document, but I
5 think you were here, and heard Ms. Walden's incident,
6 about what happened, in Federal Way, a little bit
7 earlier. If something like that was, if a complaint
8 like that, was brought to you, what would be the normal
9 procedure that you would go through, in dealing with
10 that kind of result?

11 CHIEF CRAWFORD: Well, the first thing, I
12 have been in the business, for so many years. I have
13 never heard any statement, on anything, that, once you
14 get it all worked out -- stuff, it is the same.

15 CHAIRPERSON WASSMUTH: I understand that.

16 CHIEF CRAWFORD: And I also feel, and I have,
17 again, been in the business, for so many years, that,
18 all of us perceive, because everyone thinks that
19 policing is very simple. We see too much of it, on
20 television, and policing is probably one of the most
21 difficult sociological concepts, in the world, trying
22 to determine things, when people are not telling you
23 the truth.

24 Our standard, and I believe that this is what
25 police chiefs believe, everywhere, is that, you protect

1 people's rights, and that, you will arrest the law
2 violators, and you will try to get to the truth of the
3 matter. And, if you do not have those standards, you
4 cannot survive, because there are too many people
5 telling you, you made a mistake.

6 CHAIRPERSON WASSMUTH: If a case, like that,
7 was brought to you, though, and after it has all been
8 done, and then, there was a complaint filed, with you,
9 as chief, saying that, your officers did such and such,
10 what would you do, with that complaint? And I am not,
11 I do not mean, by that --

12 CHIEF CRAWFORD: We would do, as most
13 agencies do, an internal investigation, to find out
14 what happened. And, of course, that is why police
15 officers, nationwide, shudder and shake, when they see
16 the internal investigator coming to their door. And we
17 would get all of the reports and documents, and try to
18 figure out what happened, in a legal fashion, so that
19 we can understand.

20 Now, what I saw, and I used to work in
21 internal affairs, for some years back, is that, a lot
22 of complaints, and issues, are not necessary the legal
23 side of it. It is perception of all of this. And what
24 you really need, is for someone to say, "I am sorry,"
25 and "I will try to change." And if we can do a little

1 bit more of that, and I am talking from the police
2 side. Stop worrying about the lawsuit! If we can just
3 tell some people, "I am sorry, we will try to change
4 our operation, and I am sorry I offended you," even if
5 it is your perception, and get out of this legal stuff,
6 I think we will be better off.

7 CHAIRPERSON WASSMUTH: Councilwoman Pageler
8 and Chief Crawford, thank you, both, for taking the
9 time from your busy schedules to be here, and we
10 appreciate the work that you do, and we appreciate your
11 being here, very much, to help us with this. Thank
12 you.

13 Next, we have, James Kelly, and, I apologize.
14 I very probably am not going to say the name,
15 completely right. Sadikifu? Sadi? That is probably
16 why I am not going to say it, right, because that is
17 not spelled right, on here. I apologize. Would you
18 say your name for us?

19 MS. AKINA-JAMES: Sure. I will say it. It
20 is Sadikifu Akina-James. It is a misspelling, in the
21 last name.

22 CHAIRPERSON WASSMUTH: Okay. I appreciate
23 that. Thank you, very much, for being here, and if
24 you, Ms. James, if you would also introduce yourself,
25 and then, we would appreciate it. We have about 25

1 minutes.

2 MR. KELLY: Thank you, very much. For the
3 record, my name is James Kelly. I am the executive
4 director of the Mid-Washington State Commission on
5 African American Affairs. I am really pleased to have
6 this opportunity to talk to you, and thank you, very
7 much, for the invitation.

8 I would have to agree with Councilperson
9 Pageler had said, earlier, and that is, the issue
10 dealing with disproportionality is a very complex,
11 controversial, and critical issue, and I am glad that
12 this commission is examining the juvenile justice
13 system. Before going to my presentation, I would just
14 only have a request of the Commission, that I think
15 there are some important players, that, at least, are
16 not scheduled, today, on the agenda, that, I think --
17 and that is, I think, you need to talk to a
18 representative from, what I call, the administrator for
19 the courts, or the court administrators, their
20 association. I think it is very important that you
21 talk to, one, the association, of what they call,
22 Sheriffs and Police Chiefs --

23 It is very that you also include a discussion
24 with the Washington State Law Enforcement Association.
25 That is the police union. And then, fifth, you should,

1 it is important to talk to what we call, "WAPA," which
2 is the Washington Association of Prosecuting Attorneys.
3 Those are some of the major stakeholders that are
4 shaping the kind of public policy, that the legislature
5 tries to address, as it pertains to juvenile justice,
6 and also, as it pertains to disproportionality.

7 Who are these children that are being
8 referred to our criminal justice system?

9 What we have discovered, is, when I first got
10 involved, in this issue, what really led the Commission
11 to looking at the issue of disproportionality, was a
12 statement, that was made by a European philosopher,
13 that says, "The true measure of a society can be seen,
14 in how it treats those who we admit in prison."

15 And what we have decided that, we wanted to
16 look at, children, and, on a national level, back in
17 1990, we looked at data from the Office of Juvenile
18 Justice and Delinquency Prevention, found out, that,
19 anywhere between 50 to 60,000 children, across this
20 country, are being detained in some kind of juvenile
21 facilities, and that, out of the 50 to 60,000 juveniles
22 in custody, about 56 to 60 percent of those were youth
23 of color, primarily African American.

24 Closer to home, we discovered, back in 1990,
25 when we started, and this information has now been

1 updated, Dr. Bridges, from whom you have heard,
2 earlier, looked at the composition of the juvenile
3 justice system, and -- those, who are in the Juvenile
4 Rehabilitation Administration's system. Again, back in
5 1990, close to 38 percent of those children, who were
6 in the juvenile justice system, were children of color,
7 compared to their population of only 13 percent. But
8 now, in 1994, youth of color constitute about 44 to
9 46 percent of those who are now in the Juvenile Justice
10 Administration position.

11 We decided, that, we wanted to know the
12 extent of which disproportionality was occurring. As
13 Dr. Bridges has said, and I will not repeat his
14 presentation, his findings were pretty -- basically
15 saying that, he concluded, after a two-year study,
16 that, despite low arrest rates, that whites[†] and youth
17 of color were referred to the juvenile courts,
18 substantially higher, that youth of color were more
19 likely than whites to be detained, and youth of color
20 were adjudicated for more offenses, at a
21 disproportionate, higher rate, than whites, and, at
22 last, that youth of color were more likely to be
23 sentenced to confinement, because of some certain
24 issues.

25 But the state has made some tremendous

1 strides toward addressing racial disproportionality.
2 In 1993, the Washington State legislature enacted what
3 they called the -- House Bill 1966. It is the Racial
4 Disparity Act. The act was designed to remedy problems
5 of racial and ethnic disproportionality in the
6 administration of juvenile justice. The act contains
7 about eight provisions, and several of those provisions
8 look at different areas. The first area, that the
9 legislature requires to be done, is, one, I think, Mike
10 Curtis, from the juvenile administrator -- talked about
11 this, earlier, was, improvements either for the
12 collection and analysis of the information --
13 prosecuted, adjudicated -- in juvenile courts. The
14 other, was, provide extensive and routine diversity
15 training for law enforcement, and juvenile justice
16 officials.

17 And that is basically one thing that we
18 discovered: The state did not have jurisdiction over
19 law enforcement -- alluding to, earlier, and -- the
20 legislature thought that, maybe, one way, on looking at
21 providing some training, or affecting the way that
22 officers relate to youth of color, was through the
23 Tacoma Justice Training Commission, which is --

24 The other, was, making sure that there were
25 information -- and translated, to talk about court

1 processes and procedures, and then, the fourth issue
2 was talking about specific criteria, for the use of
3 detention. The fifth was talking about consolidating
4 juvenile services dollars, which is, money that comes
5 from the states and county -- making sure that
6 counties, now, must include in their plans, for these
7 funds, how they are planning to reduce
8 disproportionality, and you do have a couple of court
9 administrators, who explained what those programs are
10 all about. And the last issue, which has been one that
11 we are still working with, and that is, developing
12 uniform practices, in regard to prosecution and
13 adjudication of juvenile offenses.

14 In 1994, the legislature had the bill they
15 called -- House Bill 2319, and that was the Omnibus
16 Youth -- Prevention Act. And there is a provision,
17 that is contained in there. There are two things that
18 have to do with addressing disproportionality.

19 One was, that, the law mandates that all
20 prosecutors develop what they call "prosecutorial
21 standards," and it was in accordance to the racial
22 disproportionality study. And, second, there was a
23 provision in there, that talks about, and Councilperson
24 Pageler mentioned a little bit about it, and that is,
25 they have established, throughout the state, what they

1 call, "regional law justice councils," that mainly,
2 primarily, their focus -- looking at jail population,
3 what needs to be done about that situation.

4 But the legislation clearly says, that, there
5 needs to be an advisory committee, made up of people,
6 from the regional law, safety and justice committee, as
7 well as, about five members from the community, and
8 their specific purpose is to look at the -- of
9 disproportionality, to address concerns, that the
10 community has raised, particularly as it pertains to
11 bias, in sentences, and prosecution. And my
12 understanding, effectively, in September, this group is
13 supposed to be providing an annual report, to the
14 legislature, regarding some of their findings, on what
15 is happening. It is important that we -- reviews, or
16 ask the question, to what extent are they in compliance
17 with the law?

18 Let me just close, by basically saying that,
19 I think there are about three issues the Commission
20 will be working on, during the subsequent legislative
21 session, and I am pleased to see that, one of the
22 individuals who has been working very successfully on
23 behalf of the Commission, is, Representative -- is
24 here -- certainly will appear from Representative
25 Bobby -- this afternoon.

1 I think that Dr. Bridges probably said to
2 you, that, the state has made, the courts have made,
3 tremendous progress, toward addressing
4 disproportionality. Certainly, every county seems to
5 have, one, diversity training, that has been going, on
6 an ongoing basis, for the staff. Second, there has
7 been tremendous hiring, in regard to making sure that
8 there is, first, representation within the juvenile
9 court systems. But the policy decisions seem to be in
10 areas that needs to be treated, more, and specifically,
11 is, as Dr. Bridges might have alluded to, earlier, it
12 is policy regarding who is detained, and not detained,
13 certainly, a great emphasis on alternatives to
14 detention, and again, we will be back, at this
15 legislative session, talking about more of some
16 structure, in regard to prosecutorial standards, which
17 would include the data collection mechanism, that, we
18 think, is very important, to look at the demographic
19 characteristics of those, who are being prosecuted, and
20 we are asking that the prosecution supply that
21 information. And then, last, but not least, we want to
22 make sure that the system finds ways of making sure,
23 that, it is more friendlier, to parents, and kids.
24 Thank you.

25 CHAIRPERSON WASSMUTH: Thank you, very much.

1 Ms. James?

2 MS. AKINA-JAMES: I am Sadikifu Akina-James,
3 and I am manager of the Community Services Division,
4 for King County. And the Community Services Division
5 is where most of the county's current expense-funded
6 community-based social services are located, at
7 least -- furlough services.

8 And it is not juvenile justice anything. It
9 is primarily youth and family type services, that we
10 have gone to community services, like Project
11 Lighthouse, that the police chief, from Kent, just
12 mentioned.

13 What I am going to talk about, is, one
14 response to disproportionality, that King County will
15 be implementing, is funding, and will be implementing.
16 And the background, to this, as to how this project
17 came about, is that, in 1993, when Dr. Bridges had
18 issued his report, which had been commissioned, by the
19 Commission, the previous county executive invited Dr.
20 Bridges, and James Kelly, to come to a candidate
21 meeting, and talk about that report, and its findings.
22 And then, the county executive asked the departments,
23 that we can think of, any way in which we might
24 respond?

25 And our department, which, my division is

1 located in the Department of Human Services, we looked
2 at the possibility of coming up with some kind of
3 community-based alternatives to detention, that would
4 address the highest, the population with the highest
5 detention rate, which is African Americans, at this
6 point, according to Dr. Bridges' report.

7 Ultimately, one of the things that Dr.
8 Bridges found, was that, part of the disproportionate
9 problem, in terms of detention, had to do with judges
10 at least understanding a perception of a lack of
11 community or family support, or structure, for the
12 youth, that would enable them to stay with the
13 community, and have the judges feel that they could
14 rely upon the youth to return from their court
15 appointments. Therefore, they were detained, when
16 detention was not mandatory. We are talking about
17 cases where detention was not mandatory.

18 We finally came up with the idea of looking
19 at community-based alternatives to detention, for
20 African American youth, the population with the highest
21 proportion, disproportionate, detention rate, and we
22 had a goal, from that, for our format, which was, to
23 empower the African American community, to take
24 responsibility, for African American youths, who are
25 involved in the juvenile justice system. So we had to

1 have a strategy, for reaching that goal, which, another
2 goal would be, obviously, to reduce the
3 disproportionate detention of African American youth by
4 providing alternatives to detention.

5 But, in order to achieve the first goal, we
6 looked at having some kind of community mobilization
7 project, to involve the community, make them aware of
8 the issue, and to get the community's involvement -- to
9 such a concept. We contracted with the Black Child
10 Development Institute of Seattle, to conduct something
11 called the "African American Strategic Family Community
12 Empowerment Campaign," and the goals, if I can review
13 the goals of that, very quickly, and I will try to give
14 a little synopsis of what that was about, so I can go
15 on to the meet of it. The goals of the project, were,
16 to promote the principles and values embraced by
17 accomplished African Americans, which guide youth in
18 their development into strong, healthy, mature, and
19 responsible adults, and I have to say, right here, our
20 definition of "accomplish" is not the traditional one.
21 It did mean, "accomplished, in job, or career," but it
22 also meant, "accomplished, in community service," or,
23 "accomplished, in family life," which means, you were
24 able to raise a family, and your family did okay, when
25 you were raising them, so, therefore, you were

1 accomplished, and you know some of what it takes.

2 Other goals, were to, describe the
3 traditions, values, and cultural practices of African
4 Americans, in King County, which act as protective
5 vectors for African American youth, to build a stronger
6 and more powerful sense of individual and collective
7 responsibility among African Americans, for the welfare
8 of African American youth, and to harness the
9 knowledge, skills, expertise, and spiritual power, of
10 these accomplished African Americans, to create a
11 community-based strategy, designed to rescue African
12 American youth from the juvenile justice system, and,
13 to identify, and gain commitments, for resources that
14 the African American community is willing to pledge to
15 a strategy, which reduces the disproportionate
16 detention of African American youth, and to involve
17 African American youth in this process, in the process
18 that was going on.

19 This group, basically, held 20 caucus groups,
20 throughout King County, that did involve 175
21 accomplished African Americans. There were also focus
22 groups, with 100 African American youth, which, that
23 involved a variety of youth, who were incarcerated, at
24 Green Hill, to youth, down at DYS, to youths, who were,
25 quote, "at risk," to youth, who were involved in a

1 church, Saturday school, who were not at risk, who were
2 doing well.

3 The result, and, to put it in a nutshell, the
4 result of that, which was a report that described what
5 African American adults, at least, a group of African
6 American and Latin American adults, in King County,
7 felt were the strategies, in terms of prevention,
8 intervention, and treatment, and recovery, that
9 would be a program for African American youth,
10 and, specifically alternatives to detention for
11 African American youth, and the same thing, for African
12 American youth, themselves, and that is embodied in
13 this report, of which I will leave a copy, for the
14 record.

15 After King County received this report, and I
16 certainly glossed over what happened, in that process,
17 but that process was something, in itself, and one
18 result, was that, we had 80 African Americans, who made
19 a commitment, to become involved, in some way, in the
20 alternatives to detention for African American youth.
21 When King County received this report, we put together
22 a work group, to design the parameters for alternatives
23 to detention project, and that was an internal county
24 work group, and it included, actually, several of the
25 people you have, on here, today. It included Judge

1 Huggins, Judge Ridge, Red Cutler, who at that time, was
2 the deputy prosecutor for juveniles, here in King
3 County, the Region IV, JRA administrator, the Region
4 IV, DCFS administrator, representatives from the
5 defenders' association, Dick Carlson, who we had here,
6 this morning, representatives from some of our own
7 internal systems, including mental health, other
8 representatives from DYS, people who had any
9 involvement or tangential involvement in the juvenile
10 justice system.

11 This group helped us to determine the
12 populations of African American youth, to -- we would
13 focus any alternative detention project, and we kept up
14 with two populations. One would be, African American
15 youth who are on their first appearance, or who are
16 detained, at DYS, within the first 72 hours, after
17 their detention, who were not mandated to be detained,
18 to try and have them released, within the first 72
19 hours. The second population, would be youth who
20 already have failed to appear, in one of their numerous
21 appearances, where they should have, and for whom bench
22 warrants have been issued, to bring them back, into the
23 process, to try to get those warrants quashed, and
24 whenever their issues were settled, and resolved.

25 Following that, we did develop a program

1 plan, which, just last week, was approved by the county
2 councils, law, justice, and human services committee.
3 The county has committed \$350,000 to an alternatives to
4 detention project, for African American youth. We have
5 \$56,000, from the governor's advisory committee, on
6 juvenile justice, and some commitments, from Sid --
7 who, I see, is later here, this afternoon --
8 Sidorowicz, to help us with some federal matched
9 funding.

10 I forgot, I have not said what the core of
11 the project is. The core of the project, is that, we
12 will try to, within the first 72 hours of a youth being
13 detained, to match them up with a mentor, or a
14 community-based organization, that will have
15 responsibility for their oversight, for them to be
16 released into the community, who will have
17 responsibility for their oversight, and to ensure that
18 they would return, for all of their court appearances,
19 and provide them, and their families, with the services
20 that they would need, in order for the youth to be on
21 the right path, and, hopefully, not return to the
22 juvenile justice system.

23 I think I have said that, in a nutshell.
24 I did not go into the details of the project, which,
25 there are lots of details, and I will leave a copy of

1 the program plan, for this project, which we will be
2 releasing the request for proposals, for this project,
3 next week. It is not that the county would operate
4 this. We would release a request for proposals, for
5 operation of a community-based organization.

6 CHAIRPERSON WASSMUTH: Ms. James, is this
7 brand new, or is this a?

8 MS. AKINA-JAMES: This is brand new.

9 CHAIRPERSON WASSMUTH: Models, elsewhere, in
10 the country, or did you all create it?

11 MS. AKINA-JAMES: We created this. I am not
12 aware. I am sure there must be some other models, or
13 something, in the country, but the Reaching Back,
14 Giving Back, project, is one, we came up, here, and we
15 expect that the design of the project will take it to
16 account the principles, and the values, that were
17 described, by people, from the community. And so, our
18 goal, here, is to empower the community, this
19 particular community, so it is based among the people
20 of this community.

21 CHAIRPERSON WASSMUTH: Fine. Sounds
22 exciting.

23 Questions from the Committee?

24 DR. BROOKS: Mr. Kelly, just one. We heard
25 from the Asian group, and some of the others, and their

1 groups, and they say that, language is a causal factor,
2 that needs to, what they feel, is --

3 Have you done any studies, to see what might
4 be causal factors, for African Americans? Because we
5 have like a 36 point some percent, based on the latest
6 statistics that have.

7 MR. KELLY: Yes. Well, I think Dr. Bridges'
8 report, Dr. Brooks, comes to the closest thing, and
9 this deals with the issues. I think that, as Margaret
10 Pageler said, earlier, what we have discovered, with
11 African Americans, is that, too often, when you afford
12 more discretion -- let me back up -- when you afford
13 discretion to police, prosecutors, and judges, there
14 needs to be safeguards in place, because, too often,
15 what they are using, as Dr. Bridges' report
16 highlighted, earlier, is social conditions,[†] or social
17 factors, regarding their decision to detain. For
18 example, as Sadikifu describing, in her project, it is
19 entirely in and out of school, what is going on with
20 the family. That has nothing to do, with what we call,
21 "establishing racial, the neutral decisions," and that
22 is, "What is the severity of the offense, any kind of
23 prior history?."

24 Although that legislation, and those
25 principles, are in place, too often, what happens, is,

1 judges, or prosecutors, or law enforcement, based upon,
2 again, social factors, are making some decisions,
3 trying to arrest, prosecute, or detain. And what we
4 are discovering, particularly, with being an African
5 American, it was those social factors, that contributed
6 more to, certainly, the likelihood of them being
7 detained.

8 And so, what our emphasis has been placed on,
9 is, making sure there are neutral, race-neutral
10 policies, that we define as basically looking at the
11 severity of the offense, and looking at the prior
12 history. There is this factor, of, whether or not the
13 person is a flight, or whether they would be a risk to
14 the community, if released?

15 But we are asking them to follow the rule,
16 and not make up subjectivity, subject to -- and
17 decision.

18 CHAIRPERSON WASSMUTH: Other questions?
19 Thank you, both, very, very much.

20 MR. KELLY: Thank you.

21 CHAIRPERSON WASSMUTH: Thank you, for taking
22 the time, to be here, and I also thank both of you.
23 I know your work, James, and I appreciate -- hearing
24 about yours, today, Ms. James, but that, both of you
25 are doing projects, and doing work to solve the

1 problem. We hear about the problem -- hear -- happy,
2 to solve it, and we appreciate it, very much. Thank
3 you.

4 MS. AKINA-JAMES: Thank you.

5 CHAIRPERSON WASSMUTH: Looking a little to
6 the west, we have Greg Hubbard, from the prosecuting
7 attorney's office, in Kitsap County, and Ned Delmore.

8 MR. DELMORE: Harold Delia is not here. I am
9 Ned Delmore. Thank you.

10 (Discussion was held off-microphone.)

11 MR. HUBBARD: And you want Mr. Delmore's --
12 going to be timely, Mr. Chairman. Mr. Delmore is
13 actually, perhaps, a bit more relevant, to this
14 committee, because he actually, Mr. Delia is an
15 administrator, like myself, and Mr. Delmore actually
16 works with children and parents, so, he is sort of in
17 the trenches, along the front lines. So that might be
18 even more valuable, for the Committee.

19 CHAIRPERSON WASSMUTH: We always have the
20 lucky breaks.

21 If you could introduce yourself, briefly, for
22 the record, note your name, and then, also, the title,
23 and then, proceed.

24 MR. DELMORE: Thank you. I think Mr. Hubbard
25 will probably start this out, but I will introduce

1 myself. I am Ned Delmore. I have been in Kitsap
2 County, their juvenile court, for the last six months.
3 I came from King County, and my present position, is
4 that, I am supervisor, and manager, of the probation,
5 and of the department, at Kitsap County, and I do
6 manage to also carry a small caseload of families and
7 youth, while doing my work.

8 CHAIRPERSON WASSMUTH: Thank you.

9 MR. HUBBARD: And my name is Greg Hubbard.
10 I am the deputy prosecutor in charge of juvenile
11 prosecutions, over in Kitsap County, and, like my
12 friend, Mr. Delmore, I, too, was the long time
13 prosecutor, for King County, for about 15 years. I was
14 supervisor of the juvenile court unit, for over eight,
15 and I am very fortunate that I received a new
16 challenge, in midlife, and was able to sneak across the
17 other side of the Puget Sound, and work over at Kitsap
18 County. But I did enjoy my experience, in King County,
19 and I think I can provide some information for the
20 Commission, regarding the very critical issue of
21 disproportionality.

22 When Dr. Bridges did his report, he spent a
23 lot of time, down in King County. We opened up all our
24 files to him. We made ourselves available, for any
25 comments that he had, and continue to do so, over the

1 King County and Kitsap County. Both Mr. Delmore and I
2 are members of the juvenile justice subcommittee, that
3 Mr. Kelly referred to -- the regional law, safety and
4 justice committees. The juvenile justice subcommittee
5 is very active, in Kitsap County. We met, just
6 yesterday. We are looking forward to getting together,
7 to prepare our report, to the legislature, which is due
8 in September.

9 Some of the issues surrounding
10 disproportionality, in Kitsap County, are similar to
11 those surrounding issues, statewide. The thing that we
12 discovered, most, over there, when our committee
13 started meeting, here, in February, was, the
14 disproportionate number of youth of color initially
15 detained, in our detention facility. We had about a
16 24-bed detention facility. There are generally about
17 40 folks, in there, now. There is going to be a levy,
18 a bond issue, before the voters of Kitsap County, in
19 September, to build a new facility, both juvenile
20 detention, and the juvenile justice center, over there,
21 at Port Orchard, this September. It is a substantial
22 project.

23 But we did notice that there were many. The
24 percentage of youth of color incarcerated was
25 substantial. And so, what the department did, was, in

1 conjunction with the superior court judges, the law
2 enforcement agencies, my office, and that of the
3 department, itself, hired Emmett Bell, an outside
4 consultant, and it established some detention intake
5 standards, that are indeed race-neutral.

6 The issues surrounding detention have to do
7 with, danger to the community, and likelihood of
8 failure to appear, and we established this race-neutral
9 detention intake standards, with regard to those two
10 issues. They go into effect, on June 10th, which is
11 tomorrow, and we are very curious to see how they work
12 out. Mr. William Trumper, who is the detention
13 services manager, and I, have been throughout the
14 county, training law enforcement officers, from
15 Bainbridge Island, down to South Kitsap County, and,
16 like I said, we are very interested in seeing how
17 things are going to go. We will be assessing those
18 detention intake standards, to see their effectiveness,
19 over the next six months, to see how things are going,
20 but we are very optimistic, that this will decrease
21 disproportionality.

22 I think I was here, for the tail end of Chief
23 Crawford's remarks, and, as he indicated, sometimes,
24 when you are out on the street, 2:00 o'clock in the
25 morning, tempers flare, and things like that. We are

1 hoping that our detention intake standards preclude
2 some of those detentions, where the kid fails the
3 personality test of the police officer. We are hoping
4 it is going to be crime-driven, and based upon
5 statutory considerations.

6 Now, I must take exception with my friend,
7 Mr. James Kelly, who indicates, that failure to attend
8 school, is not a valid, it is more of a social, than a
9 statutory reason. What we have discovered, over the
10 years, is that, a failure to attend school means that a
11 child is much more dangerous to the community than one
12 not attending school. And so, failure to attend
13 school, rather than a social condition, is truly a
14 statutory condition, of both danger to the community,
15 and likelihood of failure to appear. So I am going to
16 take exception to Mr. Kelly's remarks, that judges
17 should not be considering failure to attend school.

18 I also indicate that Mr. Kelly said that you
19 folks might want to visit with the Washington
20 Association of Prosecuting Attorneys, WAPA, if you
21 will. I might offer the information, that I might
22 share, with the juvenile committee, of the association,
23 and we met, just last Friday, to discuss our annual
24 training, where we get representatives from most all
25 the 39 counties, and this has been an issue, for the

1 association, that has been great, and, in fact, it was
2 considered so -- last year, that we invited Mr. Kelly
3 to address our annual training, and he did spend an
4 hour, with us, discussing the issues of
5 disproportionality in the State of Washington, in
6 juvenile justice.

7 Because Washington is so diverse, itself,
8 many of our county representatives do not have much
9 cultural, or racial, diversity, in their counties.
10 In -- County, in northeast Washington, they might have,
11 functionally, no African American peoples. They might
12 have some Native Americans, some of the counties to the
13 east, Yakima, and some of the Tricities, have more of a
14 Hispanic population. But we were happy to have James,
15 there, and we are going to continue, in our ethical
16 treatment, which is mandated by the bar association,
17 and part of that training, that we will have, on the
18 statewide level, is based upon disproportionality.

19 In addition to the detention intake
20 standards, one of the things that my boss, the newly-
21 elected prosecutor of Kitsap County, Russ Howke, has
22 developed, are these prosecution standards. The
23 prosecution standards in Bill 1966, that are mandated
24 by the state, are somewhat general, in their
25 application. Over at Kitsap County, we are

1 establishing more specific standards, with regard to
2 charging on each individual crimes, the number of
3 counts, and things like that. So we are very
4 aggressive, in establishing some prosecution standards,
5 both for charging, and disposition, in Kitsap County,
6 because, one of the issues the judge, that George
7 Bridges, discovered, was, especially in the juvenile
8 system, that the prosecutor's decision on what crime to
9 charge, has a big impact on whether the case is
10 diverted, or whether it is filed, and processed, for
11 juvenile court. And if there are race-neutral
12 standards, as to, to guide young prosecutors, in making
13 their charging decisions, then we can be more fair, in
14 determining which cases get diverted, and which
15 actually get filed, and processed, in the juvenile
16 court.

17 Last but not least, we are, in conjunction
18 with the department, over in Port Orchard, we are
19 having some dispute resolution training, and a two-day
20 training session, on the next two Fridays, and that
21 would include diversity training, in which members of
22 the juvenile probation staff, law enforcement, my
23 office, and members of the community, will participate
24 in a two-day training program, for dispute resolution,
25 that will include a substantial portion of time, to

1 cultural diversity training.

2 I am happy to entertain any questions.

3 Othewise, Mr. Delmore can describe to you some of the
4 things that the youth department do, at the probation
5 level.

6 MR. DELMORE: I will be, all right?

7 CHAIRPERSON WASSMUTH: Yes. Let us let you
8 go first, and then, we will ask questions, of both of
9 you. That is fine.

10 MR. DELMORE: In the 15 years that I was in
11 King County, we developed the finest policies and
12 procedures manuals, that I have ever seen. And I came
13 to learn, and understand, the policies and procedures
14 mean absolutely nothing, unless they are enforced,
15 unless they are held to a standard, by people in the
16 department. And so, consequently, I have come to King
17 County, to try to do something, better, and I have come
18 there, knowing that there are no policies and
19 procedures. There are very few standards, and we are
20 in the process of developing them, now, and I believe
21 we are going to do them, right, because we learned a
22 lot from our King County experiences. And so, I move
23 to the intake criteria, that Mr. Hubbard spoke to, and
24 I think this is critical to disproportionality.

25 The police officers could, with impunity,

1 drop any kid off, at the door, and they would be taken
2 in, no questions asked. That will not happen, any
3 more, in Kitsap County. So Mr. Hubbard, and Mr. -- are
4 working the community, working law enforcement.

5 And this is going to be a tough road. There
6 is going to be some conflict, around this, but I think
7 we have started a process, here, and we are not turning
8 back. Our administration believes this is the way to
9 go, and we are not deterring from our task.

10 Secondly, we have developed and incorporated
11 alternatives to detention. We do not believe every kid
12 needs to be locked up. There are multiple ways of
13 treating kids, and you need to open your mind, on some
14 of these things. You need to screen the kid, properly,
15 you need to do your work, up front, properly, but you
16 can find alternatives to detention, in the community,
17 besides maximum security detention.

18 So we begin electronic monitoring, which is
19 not for everyone, and it is not a panacea, it is not a
20 great program, but it is a good program, and it allows
21 kids to be back in the community, to be going to
22 school, to be going to counseling, and continuing to do
23 the things to realize and improve themselves. If they
24 screw up, then they deal with the felony charge of
25 escape.

1 So, you have got both protection to the
2 community, which is very important, and you also have a
3 kid that is back in the community, being supervised,
4 better, than they have ever been supervised, before.
5 So we have improved on our alternatives to detention.

6 And thirdly, I would just like to reiterate
7 what Mr. Hubbard said about diversity training. We
8 need it, in Kitsap County, badly, and we are doing
9 something about that, and we continue, in our belief,
10 to bring people into our department, to confront issues
11 around our racism, around disproportionality and we are
12 welcoming it. We know that we need it, and so, we are
13 on that track, and we feel determined to continue on
14 that track, and we feel good about where we are going.

15 CHAIRPERSON WASSMUTH: Questions from the
16 Committee?

17 MR. MARTIN: Just one question. In Kitsap
18 County, which is west of us, is there a significant
19 population of juveniles, who are minority, as
20 compared -- kind of doubt it, I mean, Kitsap is mostly
21 Caucasian, is it not?

22 MR. DELMORE: It is mostly Caucasian, but you
23 have got a large population of military base folks, in
24 that community. And so, consequently, you have a
25 significant number of people youth.

1 MR. HUBBARD: Mostly in Bremerton, where the
2 big naval operation is, over in Bremerton, and, as you
3 know, the military is very culturally diverse. In the
4 more unincorporated parts of the county, it is mostly
5 Caucasians. Yes.

6 CHAIRPERSON WASSMUTH: What is your
7 interaction with the Native American population, and
8 how they impact on courts, or how? I know they have
9 some separate judicial systems, but.

10 MR. HUBBARD: The Squamisha nation, is up at
11 sort of the north end of the county, the northeast part
12 of the county, near Bainbridge Island, and we do see
13 them, occasionally, when the Native American kids go
14 over the reservation, but they have their own juvenile
15 court system, up there. They have been very interested
16 in having us come out there. We just have not had a
17 chance to do that, yet. We are very much interested in
18 developing a partnership, with the Squamisha, and I
19 think they feel the same way.

20 CHAIRPERSON WASSMUTH: And did you bring a
21 copy of the detention intake standards, perchance, with
22 you? Is that something that we could enter into the
23 record?

24 MR. HUBBARD: I would love to. I did not
25 bring one. I would love to send you that.

1 CHAIRPERSON WASSMUTH: Could you do that?

2 MR. HUBBARD: You bet!

3 CHAIRPERSON WASSMUTH: Okay. If you would
4 check with Tom?

5 MR. HUBBARD: Mr. Pilla?

6 CHAIRPERSON WASSMUTH: Yes. With Mr. Pilla,
7 before you go, and make sure that you have the address,
8 and can send those up to him.

9 MR. HUBBARD: I would be happy to.

10 CHAIRPERSON WASSMUTH: And the prosecution
11 standards, too. I think both of those pieces would be
12 great, to have incorporated into these plans.

13 MR. HUBBARD: You bet, Mr. Chairman!

14 CHAIRPERSON WASSMUTH: Questions?

15 MR. ISRAEL: Mr. Hubbard, you said that you
16 have adopted, effective tomorrow, intake standards,
17 which are race-neutral. Are the ones that are in
18 effect, today, not race-neutral, or are they merely
19 subjective, in their application?

20 MR. HUBBARD: There are no detention
21 standards, effective today. That has been part of the
22 problem.

23 Let me give you an example. There were no
24 standards. If the law enforcement officer tried to get
25 off the detention, that child was admitted. For

1 instance, about two months ago, a kid was, I got in,
2 Monday morning, and discovered that a kid had been
3 there, Saturday, and Sunday night, because, Saturday
4 afternoon, he was caught smoking, in Port Orchard!

5 It is a crime, in the State of Washington,
6 for, actually, in a Class III civil infraction, to be
7 caught with tobacco, when you are under 18 years of
8 age. It just is.

9 Generally, an officer then take your
10 cigarettes, and throw them away. If you really flunk
11 the personality test, an officer will cite you, and you
12 can be fined \$50.

13 This kid really flunked the personality test,
14 and the officer brought him to attention, and he was
15 booked, for two days, on a Class C misdemeanor, in the
16 City of Port Orchard!

17 It was a white kid, so there was not any
18 disproportionality there, but that, generally -- and
19 the kid lived in Port Orchard -- that kind of crime,
20 with that kid's social history, why is he in detention?

21 And so, there are going to be detention
22 standards. There are going to be some, effective
23 tomorrow, and that kid would not be detained.

24 MR. ISRAEL: That young person would not be
25 detained, after June 10th, no matter how disrespectful

1 and abusive he would be of the police officer?

2 MR. HUBBARD: Exactly. If the kid was a
3 resident, he would certainly be -- his parents would
4 have to come down, and get him. But he would not be
5 detained, if he was simply abusive, and he flunked the
6 personality test. That is correct.

7 MR. ISRAEL: And you are sure that is
8 progress?

9 MR. HUBBARD: I think it is progress. There
10 is a big cultural change, in our community, about that,
11 where the police feel, that, if a kid mouths off, they
12 want to send him to detention, but, like as I
13 indicated, we have 24 beds, and, quite often, there are
14 over 40 kids in detention, and, my feeling is, I do not
15 want to have to release a burglar, or an assaulter, to
16 have somebody in possession of tobacco, no matter how
17 rude the kid is.

18 CHAIRPERSON WASSMUTH: When would that become
19 a crime? When would the rudeness to the police
20 officer, in itself, become a crime?

21 MR. HUBBARD: If the kid lies to the police
22 officer, for instance, that is obstructing a public
23 servant, or providing false information, if he lies,
24 but, generally speaking, just somebody being abusive to
25 a police officer, whether they are a juvenile, or an

1 adult, is not a crime.

2 CHAIRPERSON WASSMUTH: Yes. But there is a
3 line, there, somewhere, and, when he crosses that line,
4 then it becomes another issue, right?

5 MR. HUBBARD: Exactly. And then we are happy
6 to accept them, if that cross that line.

7 DR. BROOKS: I have one, for Mr. Hubbard.
8 I was just fascinated with your discussion with the
9 school attendance, because, even though, I guess, it is
10 race-neutral, and that, anyone that would not attend
11 could be affected by that, but it seems to me, that,
12 with some of the ethnic minorities, that you have some
13 problems, associated with just school attendance, that
14 would create disproportionality as an example,
15 alienation, from school, because of the way they are
16 treated, at the school. Income levels, and the lack of
17 value placed on school.

18 So, by using that, as a criteria, it seemed
19 to me that it is going to lead to disproportionality.

20 MR. HUBBARD: And therein lies the nub, Mr.
21 Brooks, because, is disproportionality discrimination,
22 or is some disproportionality actually warranted? And
23 I think Dr. Bridges makes that distinction, in his
24 report, that not all disproportionality is, per se,
25 bad.

1 DR. BROOKS: I understand.

2 MR. HUBBARD: Yes.

3 DR. BROOKS: But using school attendance, as
4 a criteria, to make that determination.

5 MR. HUBBARD: That is not the sole criteria,
6 but if you are the judge, considering whether to make a
7 release decision, would that information be something
8 you would consider, in determining whether the kid
9 (A) is going to be a danger to the community, or
10 (B) going to appear for court, if he is not enrolled in
11 school. If he is not enrolled in school, what is he
12 doing, with his time? If he has got a job, that is
13 certainly different. But, if he is not enrolled in
14 school, if he is not, if he does not have a job, what
15 is that kid going to do, with his time?

16 DR. BROOKS: Okay. You said, attendance,
17 before. I thought you were looking at his attendance
18 record. But you mean --

19 VOICE: It is background, too.

20 MR. HUBBARD: If I said, "attendance," then I
21 misspoke.

22 DR. BROOKS: Okay.

23 MR. HUBBARD: It is really enrollment.

24 DR. BROOKS: Okay.

25 VOICE: Okay.

1 MR. HUBBARD: And, yes. If the kid is
2 enrolled in school --

3 VOICE: Okay.

4 MR. HUBBARD: -- the judge can order him to
5 attend --

6 VOICE: Okay.

7 MR. HUBBARD: -- in part of the conditions of
8 release. But if he is not enrolled in school,
9 generally, the court will say, that, "I am happy to
10 reconsider your detention status, if you are either
11 gainfully employed, or enrolled in school."

12 VOICE: Okay.

13 DR. BROOKS: Okay.

14 VOICE: Thanks.

15 DR. BROOKS: Yes.

16 CHAIRPERSON WASSMUTH: Other questions?
17 Thank you, both, very much. It sounds like
18 you are setting out some good directions.

19 VOICE: Good luck!

20 MR. HUBBARD: Thank you.

21 CHAIRPERSON WASSMUTH: It is a little more
22 manageable --

23 (Laughter.)

24 CHAIRPERSON WASSMUTH: Thank you, very much,
25 for your time. We appreciate it, very much.

1 And our next two, Steve Johnston, and Susan
2 Waild?

3 MS. WAILD: Waild. Yes. Thank you.

4 (Laughter.)

5 CHAIRPERSON WASSMUTH: Good to have you both,
6 here, thank you, very much, and I would like to have
7 you both introduce yourself, before we begin, please,
8 and your name, and what you are representing, and for
9 our record.

10 MR. JOHNSTON: Okay. Thank you. I am proud
11 to be here. My name is Steve Johnston. I am the
12 juvenile court administrator, from the Pierce County
13 Juvenile Court. This is my, what, twenty-second year,
14 with the juvenile court? I have been the court
15 administrator, for the last fifteen. I have been
16 three-time president of the Association of Juvenile
17 Court Administrators. I have been here, for a while.

18 Yes. Thank you, very much.

19 I probably take a little bit different view,
20 than probably what Greg suggested, that I be here, in
21 terms of juvenile court. And wherever juvenile courts
22 are, these days, and what, certainly, the role, and the
23 broad view, relative to disproportionality, and what,
24 the responsibility of the courts.

25 Certainly, we know, that, in Pierce, again, a

1 lot percentage of the kids that are referred to us, are
2 kids fifty-nine, probably, about 39 percent. We also
3 know that almost 60 percent of serious criminal
4 activity referrals are kids of color. We also know
5 that the vast majority of our kids, that come to us,
6 families are in the poverty level, single parent homes.
7 The average grade level of the kid, who is coming to
8 us, their academic standards, is five years behind
9 grade level. That is average.

10 We can do a number of things, that Dr.
11 Bridges has suggested, and we do. I think we do hire,
12 at Pierce County, a diverse, competent staff.
13 Thirty-five percent of our staff, both professional,
14 and nonprofessional, in other words, probation,
15 detention, are folks of color.

16 We do have detention standards, which are
17 neutral. A kid coming in, will not get in, for having
18 cigarettes, or whatever. It is very, very strict, who
19 can come in, who does not. We do have culture
20 diversity training. We do contract with a diverse
21 group of folks. We do try to, as best we can, in
22 diversion, and our volunteers, represent the community.
23 We do those things.

24 What we cannot do, and what we are having a
25 great deal of difficulty, as I see it, the last few

1 years, both in this state, and the nation, is the
2 sense, that, we have abandoned, I think, intervention,
3 as a strategy, and, by implication, we have abandoned
4 juvenile court.

5 We have, in state after state, and this
6 state, we have lowered to age of jurisdiction, in some
7 cases. We have enhanced punishments for certain sorts
8 of crime. We are dealing with criminal behavior with
9 sanctions, and so on. We have gotten away from what I
10 believe was the principle of the juvenile court, when
11 it was first founded, almost nine years, to deal with
12 individuals, that kids are in fact different. Massive
13 intervention does work. We have gotten away from that.

14 What has happened, I think, and I think it is
15 a shame, more and more, and you heard, this morning,
16 and you have heard it, today, that we want to keep
17 kids out of the juvenile justice system. There is a
18 sense, out there, that, once a kid is arrested, and
19 comes to the juvenile court, that it is abandoned, it
20 is too late, almost, by reference, a trashing.
21 I think, in many respects, that is the shame, of what
22 has happened.

23 We know, we have gotten to a point, where, in
24 this state, and others, again, since we have abandoned
25 intervention, we have spent our money. We talked about

1 prevention. It is almost as if we focus on two things.
2 We focus on prenatal care, and we focus on building
3 more prisons, and there is a huge gap, in between.

4 We have been focused on prevention, in these
5 things, for years. Kids are coming to us, at record
6 levels. Probably, in 1994, in this state, certainly in
7 Pierce County, we have the highest referral rate we had
8 ever had. Our institutions are full. We are, almost
9 all of our, are at 140 capacity.

10 As a juvenile court administrator, and I
11 represent every juvenile court administrator, here, who
12 runs a detention center, do you think we want kids in
13 detention?

14 This is, I hate it, when a kid is in
15 detention. It is necessary, at times. There is no
16 question about it. But the liability is tremendous.
17 We do not want kids in detention. We do want these
18 alternatives.

19 What happens, is -- and this is a fact -- too
20 oftentimes, they are getting, going back to the psyche,
21 what was a juvenile justice situation, now, it is lost.
22 None of the people, we talk a lot, but not a lot of
23 people really want to take on these kids. They would
24 rather deal with the girls' clubs, and boys' clubs, not
25 with these sorts of kids, even though, even though,

1 when that kid is in detention, for a period of time,
2 you can make tremendous, tremendous gains. We can, in
3 fact, bring that kid's reading level up.

4 The problem becomes, who to pass the torch
5 to? Everything we do, oftentimes, in the facilities,
6 you put a kid back out. Everything that has been
7 gained, has been extinguished. It is extinguished,
8 within a week. That, I think, is important.

9 I disagree, somewhat, with both Dr. Bridges,
10 and I respect Dr. Bridges, very much, and I have
11 worked, very closely with him, over the few months.

12 I do agree, that the court should take into
13 account social issues. I do think that we have got to
14 be concerned about that kid, who is not in school. Who
15 going to advocate for him? It has to be us.

16 I do, am concerned, that, when we have that
17 kid, who desperately wants to get out of the game, our
18 only option, is, to send the kid right back into the
19 same situation. He does not have a chance.

20 That is where we come, that is where we
21 disagree, in terms of dealing with social issues, in
22 terms of, alleviating, that is what the court
23 historically has done, in all aspects of society. To
24 deny that, of the juvenile court, I think, is
25 counterproductive.

1 I believe that the judges, in fact, should
2 have more discretion, than they do, now. It ought to
3 be broadened, and we ought to be accountable, and we
4 are willing to do that, for that discretion.

5 I think, when we have got this kid, before
6 us, that everything is crying out for these needs. To
7 not be able to provide that, I believe, is criminal.

8 When we have got a kid, that our only option,
9 is sending a kid home, to a situation that, we know,
10 will not work, or, sending a kid to a state
11 institution, those are the only options that the court
12 has.

13 I object to that. I think it is wrong.

14 Those are things, where, this is, again, a
15 26-year juvenile court person, who has literally,
16 juvenile courts, I think, are somewhat unique, too.
17 You understand, these kids live with us. We live with
18 them. We know them, very well. We see the baggage
19 that they come. We are appalled at what they do. We
20 are also appalled at what has happened to them. And I
21 do not think anyone knows, as we do, what those
22 situations are, and, to suggest, I think, that we
23 should not intervene, or be concerned about those
24 social issues, that is what we are all about, what the
25 juvenile court was founded for, in the beginning.

1 The attitude, that the community has, I
2 think, truly has contributed to the abandonment of our
3 kids, of all kids, in particular, kids of color.

4 That is kind of where, as I, one juvenile
5 court administrator, am coming from, in this whole
6 situation. Thanks.

7 CHAIRPERSON WASSMUTH: Thank you, very much.

8 MS. WAILD: My name is Susan Waild, and I am
9 with diversion services, in King County, and I am here
10 to talk about, specifically about, diversion services,
11 but I would like to reiterate some of what Steve said.
12 Having worked, years ago, with the group homes, and
13 when we had group homes, in King County, we had places
14 for kids to live, both before and after. They were
15 institutionalized, and we do not even seem to have
16 those, these days. So I am here, at Tom's request, to
17 talk about diversion. So, so much for my editorial
18 comment.

19 Diversion is the legally mandated alternative
20 to court, for kids. It is, there is a very complex and
21 very finite statute, around diversion, as to, who is
22 referred to diversion. If you read the statute, there
23 is, by crimes, and by criminal history of the kid, it
24 will define, who gets to go to diversion, who must be
25 referred to diversion, and who cannot be referred to

1 diversion. There is then this middle ground, where you
2 may be sent to diversion, and that is at the discretion
3 of the local prosecutor, or the local, in some
4 counties, the prosecutor is giving this authority to
5 the probation officer, to screen those cases, my point
6 being, that, it is very structured, who gets into
7 diversion, and who does not get referred to diversion,
8 and it is by crime, and criminal history.

9 Obviously, diversion is meant to be, for the
10 first-time, minor offenders. It is not for your more
11 serious offenders, so that, the kinds of cases that we
12 see, in diversion, throughout the state, are your
13 thefts, your shoplifts, some of your assaults, your
14 famous malicious mischief, your teenagers. We do not
15 see cases like burglaries, rapes, robberies, those
16 kinds of cases. Those are sent to court, where they
17 are seen, before the judge.

18 In King County, last year, we saw about 3,500
19 kids. 3,500 kids.

20 And the way we have got it organized, in King
21 County, and I am most familiar with that program,
22 although I am familiar with some of the other counties,
23 is that, we have got committees of trained volunteers,
24 that we recruit, and we train, and we supervise,
25 throughout King County. These volunteers, these

1 committees, we specifically recruit, from the
2 philosophy that that committee should reflect what that
3 community looks like.

4 So, we would look at the demographics, for
5 those communities, and try to match those, as much as
6 we can, so that, the youth coming before our panel, of
7 two to four volunteers, sees a wide range of people.
8 I mean that, ethnically. I also mean that,
9 socioeconomically, and agewise. Our youngest volunteer
10 is 18, and our oldest is 75. So we try to make the
11 wide range, believing, that, this is a community
12 response to a community problem, and not all the kids
13 that get in trouble, need to go before a judge.
14 Sometimes, they just need to go before their neighbors,
15 and be held accountable, there.

16 We also try to hold onto some treatment,
17 trying to get the kids to some services, that we see
18 that they might need, that, when we see that, by the
19 course of the interview. We interview the youth, and
20 we interview the parents, and we talk about what is
21 going on, with the child, both, not just the offense,
22 but what are they doing, in their life? How is school,
23 family, those kinds of issues?

24 And, when you do see that there is something,
25 that is happening, that they might need more services,

1 we direct them to those services. We do not provide
2 them. We direct them to those.

3 Okay. The volunteer component, I think, is
4 what makes our program successful. We have 500
5 volunteers. We are constantly recruiting, constantly
6 training, and there are some other attempts, too, I
7 want to address, about the disproportionality.

8 In King County, our biggest expenditure, to
9 late, and we have been forcing it, is that, every
10 youth, or parent, who does not speak English, we will
11 provide an interpreter, at that meeting. So that, it
12 used to be, ten years, parents would bring a friend, or
13 a relative, to interpret, and that has sometimes caused
14 problems, in the family. So now, we use interpreters,
15 for every youth, and/or parent, who does not speak
16 English.

17 When we first find out, that they do not
18 speak English, a lot of times, it will be a friend, who
19 calls, in response to our notification, about
20 diversion, for the parents, saying, "This family does
21 not speak English." So then, we will start using the
22 interpreter, right then, on the phone, to start
23 explaining the process.

24 We also are working, in King County, with
25 some of the outreach centers, and the ethnic

1 associations, to try to help us, both locate kids, and
2 to participate in the diversion process.

3 We were having a difficult time, a while ago,
4 locating, and finding, kids on the local Shute Indian
5 reservation. And so, if they do not respond to the
6 diversion notice, what happens, is, they then end up in
7 court. And what we did, is, recruit a member of that
8 tribe, to help us locate those kids, and help bring
9 them in.

10 We are also using those kinds of
11 associations, and activities, for after diversions,
12 when there are classes, or there are educational
13 opportunities, or community service, that they can tie
14 in, and connect back with those committees, and those
15 associations, to do that.

16 We also have tried a pilot project, that we
17 are just finishing up for, which is, we wanted to know
18 if -- let me back, for just a minute.

19 When we first get a case, we tried, through
20 the mail, to notify the family, to contact us, if they
21 want to go through diversions about this offense. We
22 will send out two letters. We then do at least two
23 follow-ups, to talk to the parents, because sometimes
24 those parents just do not get to the mail, fast enough,
25 so we want to give every opportunity to bring them back

1 in.

2 If they still, if we cannot locate them, then
3 they will go through, and try to locate, and guess at,
4 what kind of school district they are in, or what
5 school they are in. Frankly, it is much easier, in
6 smaller school districts. You can call some of the
7 school districts, and find out where they are
8 registered. And, others, they do not know.

9 So we try the schools, we try all of those
10 interventions. Then, what we try to do, even after we
11 had talked to them, if they did not respond to our
12 notice, we have tried a pilot project, on what we call
13 "the tracker," and Yaas Meet has been going out, trying
14 to meet with these people, and get them into diversion,
15 and see if it works. She is just finishing up that
16 project. We do not see a big change in the numbers,
17 frankly, but we have not run them, real thoroughly.
18 And so, that is, we are seeing how that pans out.

19 That, in essence, is diversions. So, if you
20 have any questions, I would be happy to answer them.

21 I do want to say one thing, though. If the
22 kids do not have a place to live, and they are not
23 enrolled in school, we cannot find them. We just
24 simply cannot find them. And then, what happens, is
25 that, those kids, their cases are sent back to the

1 prosecutor, and then, they are filed on, because they
2 have still committed -- an act. And that is when, I
3 think that is our biggest frustration, is when kids are
4 not living anywhere, and they are not enrolled in
5 school, to get our hands on them.

6 And then, there are only limited resources,
7 we could do. There would be nothing that we would like
8 better, than to see a kid, who is not connected to
9 school, and does not have a safe, public place to live,
10 for us to say, "Here! Here!" We do not have those
11 resources.

12 CHAIRPERSON WASSMUTH: What happened to the
13 group homes?

14 MS. WAILD: They have, kind of
15 systematically, been --

16 MR. JOHNSTON: Eliminated. ;

17 MS. WAILD: -- eliminated, by the state.

18 CHAIRPERSON WASSMUTH: Why, do you know?
19 Financial?

20 MS. WAILD: Money. Money.

21 CHAIRPERSON WASSMUTH: Money?

22 MS. WAILD: Money, and philosophy, I believe.

23 CHAIRPERSON WASSMUTH: Or lack of -- were
24 they successful?

25 MR. JOHNSTON: We thought so. There is a

1 different philosophy, that, in addition, the state law
2 changed, some time, ago, and basically, the courts lost
3 their ability to place them.

4 MS. WAILD: And group homes lost their
5 contracts.

6 MR. JOHNSTON: The only ones that place, now,
7 are Department of Social Services, and Juvenile
8 Rehabilitation Administration. The courts are not.

9 We have gotten into this situation, in which,
10 basically, the courts supposedly deal with the
11 offender, okay, the juvenile offender. The Department
12 of Social and Health Services deals with the kid, who
13 is dependent. And we made this assumption, many years
14 ago, of a totally different. Well, obviously, they are
15 not. It is odd to me, that a kid can be an offender,
16 at one time, it is my jurisdiction, or juvenile
17 court's. The next day, the kid is a runaway. Then he
18 becomes a responsibility of the Social and Health
19 Services. Again, the same kid. We have not quite
20 figured out a way to deal with that. That is one of
21 the flaws, I think, in the current cases. Okay. So.

22 MS. WAILD: In detention centers, there was a
23 program, that I was involved with, and, basically, when
24 kids were running away, or on the streets, they could
25 come to this group home, and we would work with them,

1 for two to four months, and their families, and try to
2 figure out what was going on, and either get them back
3 home, or get them to a relative's home, or, if they
4 needed treatment, getting them to a long-term treatment
5 facility, and that was, that contract was eliminated.
6 It was eliminated.

7 CHAIRPERSON WASSMUTH: Questions from the
8 Committee?

9 MR. JOHNSTON: James mentioned consolidated
10 juvenile services, and the attempts at dealing with
11 disproportionality. Sid will talk about that, but I
12 can leave you, basically, our application, to the
13 state, which kind of summarizes, if you will, what our
14 efforts are, and what our response to those
15 requirements are, and I think this is relatively, I
16 think, typical, probably, of all the juvenile courts.
17 We will leave that here, for you, and any questions
18 about this, later on, please contact me.

19 CHAIRPERSON WASSMUTH: And do have a question
20 for you. The chair was not ready, quite, to dismiss
21 you guys. We will make sure that everybody else has a
22 chance to ask a question.

23 As I understood, Mr. Johnston, and correct
24 me, if I am wrong, but that, you do believe that
25 intervention system works, with young people. I have

1 heard that, fairly strongly.

2 We are particularly concerned about the
3 disproportionality thing, and, I guess what I would
4 like to have you address, for a moment, if you could,
5 is, your beliefs, in terms of the intervention system,
6 around the disproportionality question. If we went
7 back to, if we moved the engine back in the direction
8 of intervention, as opposed to, criminal -- all the
9 time, would that be a plus, or a minus, in terms of
10 addressing the issue of disproportionality? Can we
11 treat kids, more equally, more justly, within that
12 intervention model?

13 MR. JOHNSTON: I do not know, in many cases,
14 that we want to treat kids, in the same way. What we
15 do want to deal with, are those issues, those issues,
16 that are contributing, if you will, to criminal
17 behavior, that brings them to us, in the first place.
18 What we, I think, do, can do, a very good job of -- I
19 do not think we can do a heck of a lot, quite
20 frankly -- of stopping that referral, in the first
21 place. But I think we can do a heck of a lot more, to
22 help that kid not reoffend, again. That is the rub,
23 and that is where, I think, where we really come
24 in, and I think our, oftentimes, our hands are tied,
25 and -- do a good job, on that.

1 That is the key, relative to
2 disproportionality, to the juvenile courts, in my mind.
3 Again, we are seeing an awful lot of need, out there,
4 the schools, being one of them. And, in Pierce County,
5 kids of color are dropping out, at about the same rate,
6 that they are being referred to us, for criminal
7 behavior. I think we can do a far better job, given
8 the resources and the ability, for instance, and
9 entering into reasonable agreements, with schools, to
10 try to keep those kids in school. I think we can do a
11 lot better job, if you will, marshaling a whole number
12 of resources, to do that. I think that the juvenile
13 court can probably do a good a job, as anybody, in that
14 particular area. So I see that is really where our
15 goal is, in reducing that disproportionality.

16 CHAIRPERSON WASSMUTH: Intervention is more
17 effective, it sounds like, if the judicial system has
18 more discretion. We have heard, from other sides,
19 today, that, the more standards, the less
20 disproportionality. And, as I understood you, you
21 said, "Hold us accountable, but give us more
22 discretion, and we will do a better job on that."

23 How can you hold the system accountable?
24 What would you suggest, for?

25 MR. JOHNSTON: I can tell you, from my past

1 experience, again, going back to, I alluded, earlier,
2 that, a kid, one day, is this, and, another day, is
3 this, at a time, at one time, when the juvenile courts
4 do have far more discretion, everyone knew in that
5 community, who -- can go to, that was me. If there was
6 an issue, it was me.

7 It is very, we have gotten ourselves into a
8 situation, now, where we have so compartmentalized
9 everything, it is every easy for us, and we do it, all
10 the time. We do it, all the time, and I think that is
11 unfortunate.

12 I think those of us, in the system, are
13 certainly willing, very much. Who is accountable? And
14 that is basically what I am saying.

15 MS. WAILD: I would just like to add, it is
16 still a question of resources. If a kid does not have
17 a place to live, and he does not have a school, to be
18 involved in, you are fighting an uphill battle.

19 MR. JOHNSTON: Part of the, one of the
20 things, about detention, going back to detention, and a
21 kid, we have, again, very strict screening. Time, and
22 time, and time, again, a kid will come to us, that is
23 divertable, who should not stay. Time, and time, a
24 gain, the police are saying, "I have no choice. The
25 parent is refusing to take the kid home. There are no

1 other alternatives." And they bring them to us.

2 We do our best, then, to call the parents,
3 and say, "Get in here," but oftentimes, it is
4 impossible. Basically, what we do, then, the following
5 morning, we simply get a court order, and we take them
6 over to the Department of Social and Health Services,
7 by court order, because, now, the kid is dependent,
8 because no parent or guardian is there. The kid walks
9 out the back door. That is a significant, significant
10 problem, for most of us.

11 Something like, oh, I am trying to think, off
12 the top of my head. Last year, we had something like
13 3,500 injuries, of which 2,700 individual kids, we
14 released, within four hours, 600 or 700 kids. Many of
15 those kids, again, were kids, where parents refused to
16 take them in, and find other alternatives, and that is
17 a real problem.

18 So, there is that issue, out there, too.

19 MS. WAILD: These are not necessarily bad
20 parents. These are parents that are -- are just --

21 MR. JOHNSTON: Who have been fed up.

22 MS. WAILD: I mean, they have tried, and
23 tried, and tried, and there is nothing out there.
24 I mean, they are just frustrated. That is what you
25 see, in the system, is the frustration.

1 MR. JOHNSTON: You will get kids, and I do
2 not know how we deal with this. We will literally, and
3 you will hear this, all the time, from parents, "Thank
4 God my kid is in the juvenile justice system. Somebody
5 is going to do something about it."

6 MS. WAULD: Anything.

7 MR. JOHNSTON: And it is costly.

8 Given that, I am sorry. I do not believe it
9 is going to be developed, and be out there. If that is
10 the case, who is going to do it? We are. We need to.

11 I just, I am a realist.

12 CHAIRPERSON WASSMUTH: Any final questions?

13 MR. JOHNSTON: Thank you.

14 CHAIRPERSON WASSMUTH: Thank you, both, very,
15 very much. We appreciate your time, and we appreciate
16 the work that you do. Thank you.

17 We will take a five-minute break.

18 (Whereupon, at 3:15 p.m., a short recess was
19 taken.)

20 CHAIRPERSON WASSMUTH: Welcome, Sid, and
21 please --

22 MR. SIDOROWICZ: Thank you.

23 CHAIRPERSON WASSMUTH: -- identify yourself,
24 for the record, again, and where you are from, and
25 begin, as you wish.

1 MR. SIDOROWICZ: I am Sid Sidorowicz, or, for
2 the record, Gerard Sidorowicz. Everybody calls me
3 Sidorowicz. And I am the Assistant Secretary for the
4 Juvenile Rehabilitation Administration, in DSHS. Thank
5 you, for this opportunity to talk to you about the
6 things, that we are doing, in DSH, inside JRA, to try
7 to address disproportionality in juvenile justice.

8 First, let me give you some background, about
9 JRA. We are part of DSHS. Until May, of last year, we
10 were part of the Children's Administration, so we were
11 organizationally with the child welfare, adoption,
12 foster care, CVS, functions, of the department. In the
13 last legislative session, in 1994, with the Youth
14 Violence Bill, the legislature created a separate
15 organization, within DSHS, solely for juvenile justice
16 issues, and I have been the assistant secretary, in
17 that position, since it was created, last year. I have
18 created organization charts, both in DSHS, and JRA, to
19 your staff, for the record.

20 We provide juvenile services, directly, and
21 through contracts, with local governments, and private
22 vendors. We have two main service delivery divisions,
23 in our administrations, Institutions, and Community
24 Services. And, again, I have given the staff a copy,
25 or two copies, of our last annual report, so you can

1 see what services we provide, as you have time.

2 We operate six institutions, mostly, well,
3 all, from western Washington, running from Naselle, in
4 southwest Washington, up to Indian Ridge, which is
5 outside of Arlington. We have seven state operating
6 group homes, for juveniles, and we contract, for
7 another 220 group home beds. And we have six regions,
8 that operate parole, or contract for parole, and they
9 are the ones who work with community programs, in the
10 counties, or with things like consolidated juvenile
11 services. We have got about 1,400 youth, in our
12 institutions, today, and we have about 850 youth, out
13 on parole. We will have, probably, over 2,000 youth,
14 committed to us, in this fiscal year.

15 The efforts that we have, to address
16 disproportionality, occur within the context of the
17 department's overall agency diversity initiative, and
18 this was started under Secretary Thompson several years
19 ago, and it was intended for the department, to improve
20 our responsiveness to minority populations, as a whole.
21 So, some of the things that I talk about, are specific
22 to us, but really, the entire department, and all the
23 divisions, have plans, similar to the one I am giving
24 you, that set out guidelines, and goals, for them, to
25 increase the cultural appropriateness of their

1 services, hire more diverse staff, and to build a
2 greater community capacity, with minority communities.

3 The diversity initiative embraces minority
4 affairs, disability affairs, and sexual minority
5 issues. The secretary has a separate office, that
6 manages the diversity initiative, that reports to her,
7 and I have a diversity coordinator, who reports
8 directly for me, to me, and works with the regions, and
9 institutions, in trying to address issues, at their
10 level.

11 The increasing disproportionate impact of
12 juveniles, in the minority system, in the juvenile
13 justice system, of minority youth, really culminates in
14 the JRA system. About 50 percent of the youth
15 committed to us, are youth of color, so it far
16 outweighs their representation, in the community, in
17 the State of Washington.

18 As Steve Johnston mentioned, we are growing,
19 growing rapidly, and unfortunately, the percentage of
20 youth of color, is growing, disproportionately, to the
21 population, as a whole. The conditions they are in,
22 are difficult. We are operating at about 140 percent
23 capacity, and three or four of our institutions, and,
24 overall, right about 120 percent, are capacity. We are
25 engaged in an ambitious capital program, over the next

1 few years, to try to build our way up, to meeting the
2 needs of these youths.

3 So the diversity initiative, we have
4 established, in JRA, sets goals, both on the community,
5 and the institution side, for working with these
6 youths. You have heard a little bit about our efforts,
7 on the community side. We have been involved in, and
8 we oversee, the disproportionality -- and we are the
9 contractors with Dr. Bridge. We manage the oversight
10 committee. He reports, to us. His next report is due
11 to us, in July. And then, we have the responsibility,
12 on an ongoing basis, to report back the legislature, in
13 December, about the efforts of local communities, to
14 address disproportionality.

15 We distribute the consolidated juvenile
16 services funds, and we have included minority
17 population, and poverty, as factors, in a distribution
18 formula, at legislative direction, over the last couple
19 of years.

20 So one of the things we are trying to do,
21 with consolidating juvenile services, as we work with
22 Dr. Bridges, and with communities, is, try to identify,
23 what kind of programs, work best for them, to help them
24 disseminate information, and then, through our
25 contracting process, try to make sure that they make

1 the best efforts, they can, at using those funds, to
2 address disproportionality, within the context of their
3 overall consolidated juvenile services plans.

4 In our directly managed programs, we have
5 tried to increase the breadth of program available, to
6 minority youth, in the institutions. We have community
7 organizations, in Tacoma and Seattle, who provide
8 contracted services, in our institutions, at Echo Glen,
9 Maple Lane, and Green Hill. They may work with young
10 fathers, work with issues about African American males,
11 and their history, and their transition back to
12 communities. And we have tried to expand cultural
13 programs, for Native American youth, at all the
14 institutions. And they sell things like sweat lodges.
15 We contract with the native program, out in Spokane, to
16 work with some programs, for us.

17 We try to continuously measure our programs,
18 for impact on minority youth, and, if I can take
19 you, for a couple of minutes, into this handout, I
20 gave you, and send you up to page 111, this is part of
21 a larger report, we give to the secretary, throughout
22 the department, about our efforts, at addressing
23 minority issues, and what we have tried to do, is, put
24 together some data, that we look at, on a routine
25 basis, that helps to inform our program changes, and

1 where we want to make some -- and we are constantly
2 changing this, as we are finding different ways to
3 measure what we do, and things that might provide more
4 meaningful information, for ourselves.

5 In most cases, we have, as you can see, on
6 page 111, for, say, employee -- comparisons, we have a
7 client target, and, what that says, we are trying to
8 provide services to our clients, based on their
9 representation, after commitments, to us. So, not
10 within the community, we want to reflect the clients,
11 who we have to serve, directly, and those are the
12 ones who committed to us.

13 So, in the case of African American
14 employees, for example, the working age population, in
15 our category, is less than 6 percent. And yet, close
16 to 20 percent of the youth committed to us are African
17 American. So, our goal, is solely to raise the
18 employee profile, to match that client target. So, we
19 look at this data, and we try to ask ourselves, "Where
20 are we?" with that client base.

21 One of the other things you can see, is that,
22 if you look at page 113, we look at the clients served,
23 in specific programs, and, on the right-hand column, on
24 113, it shows, for example, mental health program
25 caseloads. So, combined minority, is, about

1 25 percent, of the population, in the mental health
2 programs, is minority, compared to about 50 percent, of
3 their representation in the population, as a whole.

4 So this kind of data leads us to ask, "Well,
5 okay. What is going on, with that population, and why
6 are we short, in providing that added service, or
7 service that would reflect their percentage of the
8 population?"

9 In the case of mental health, if I could just
10 kind of digress, into that, for a minute, what this
11 reflects, is, participation, in our mental health
12 cottages, which are the most severe mental health
13 diagnosis, of the youth, in institutions, and that is
14 not necessarily distributed equally, across the
15 population. So, one of the things we are asking
16 ourselves, is, "Well, this does not really tell us what
17 we want to know. What we really want to know, is, not
18 how many minority youth are at this severe level of
19 psychosis, but, rather, how many receive mental
20 services, as a whole?" And what we do not get data on,
21 is, how many visits might minority youth have, with the
22 psychiatrist who visits the campus, rather than, being
23 put in a mental health cottage.

24 So, what that is going to lead us to, is, to
25 change this data set, to try to give us information,

1 that is more meaningful. We might look at it,
2 positively, that, fewer minority youth are this
3 psychotic, that we need to put them in a severe mental
4 health mix, or security cottage. But we do not really
5 know, from the data that we have.

6 So that is kind of how we used this data, to
7 try to support our program decisions. On pages 116 and
8 117, we show how the youth are distributed, across
9 security levels, for example, and we noticed, at one
10 point, that fewer minority youth were achieving minimum
11 security status. So there are questions, about, how do
12 we gauge security level, and can we move to a more
13 objective analysis, of how we do that? We have tried
14 to do that. We have a risk assessment tool, and we are
15 always trying to refine it, to being more culturally
16 appropriate, and also, to identify problems that we may
17 have, that, we have to address the programming, to try
18 to help youth achieve that level of security.

19 So, again, one of the things we have done,
20 is, refine our risk assessment process, to get more
21 minority youth to sign in to the minimum security
22 level, which has given them greater opportunity to
23 participate, in group home programs. One of the things
24 we found, a couple of years ago, was that, minority
25 youth were not getting into the group home, community

1 programs, at the same percentage that they are
2 represented, in the institutions. And two things we
3 have tried to do, there, one, again, is look at how
4 they get into security levels. But then, the second
5 is, we have tried to put out proposals, in the last
6 couple of years, for group homes, and there, we have
7 tried to emphasize programs that might better serve
8 minority youth, and one of our contractors, that
9 started with us, last year, in Tacoma, specializes in
10 working with minority youth, and trying to transition
11 them into job training programs, in the construction
12 industry, in Pierce County. Hence, it has been a real
13 positive program. It has given them opportunities to
14 get into a program level, that they did not have,
15 before.

16 A couple of the other things we are trying to
17 do, now, is, as we have measured sort of participation,
18 in programs, and we have gotten better, at gaining
19 access to youth, we are now trying to access more
20 minorities, into the programs. Now, we are trying to
21 move towards measuring your success. It does not
22 really matter, much, if they get into the programs, if
23 they, either do not make the best use of that
24 opportunity, or the programs we are providing them just
25 are not adequate, for what their needs are.

1 So, we have undertaken, and again, this is
2 part of an effort, of the department, as a whole, to
3 try to move towards measuring outcome, and trying to
4 find out, what is it, we actually want to achieve, with
5 these youth, and then, how can we begin to measure
6 those outcomes, and use them both, to inform the
7 decisions on every particular case, and then, also, how
8 we make management decisions, about use of the
9 resources.

10 So some of the things we have looked at,
11 there, is, measuring competencies, in a more objective
12 light. We are working with the University of
13 Washington, on trying to identify, what are the kinds
14 of skills that youth need to be developing, as they
15 move into our system? And then, how can you get staff
16 to, in a more objective way, determine whether a youth
17 has achieved that skill? And some of the simple
18 things, we think we want, out of our youth, is the
19 skill of managing their anger, being able to withhold
20 their impulsiveness, at times. And that goes heavily
21 into determining, how you get access to services, and
22 lower security levels, and your success in programming,
23 but how it is going to be fairly subjective, right now,
24 and we have tried to move into a more objective phase.

25 There are some other areas, where we are

1 trying to look at how youth can succeed better, in our
2 programs, and, going back to something Steve Johnston
3 said, these youth have fairly severe needs, by the time
4 you get to us. Seventy-five to 80 percent have some
5 kind of chemical dependency issue, that needs to be
6 addressed, and it just cannot be ignored, while they
7 are with us. About 45 percent have very significant
8 health issues. A substantial portion are behind, in
9 their school levels.

10 I guess, where I would differ, with the
11 previous, with Steve Johnston, is, the price that these
12 youth pay, to get services from us, is, loss of
13 liberty, and other youths, who get into the service
14 delivery system, do not often have to pay that price.
15 So we agree, that, many youth who come to us, this is
16 the only opportunity for them to get into mental health
17 services. Often, it is the first time they have had
18 health care, dental health services. But it is a
19 pretty heavy price to pay, to say that, for them to
20 continue to get those services, they should lose their
21 liberty.

22 So our interests are, in building bridges,
23 through the parole system, so that youth, when they
24 come to us, we get them on the track, but then, once
25 they leave, they get into the service delivery system

1 that they are entitled to, as are all other youth,
2 so that they can maintain access to services, without
3 having to continue to pay that heavy a price.

4 The last thing, in terms of what we have been
5 doing, in the program, again, is hiring. We have tried
6 to increase our hiring of minority staff, beyond that
7 reflected in the general population, and, while we have
8 great strides to make, we have had a fairly steady
9 increase, over the last couple of years, in the
10 percentage of staff, who are minority.

11 If you look where we distributed those
12 institutions, it is fairly difficult. One of our
13 institutions may sell, it is not a diverse community,
14 although, I understand, now, that, the population
15 continues to grow, in African Americans, moving more
16 into the Naselle area, but also, we are in Chehalis,
17 and Rochester, not very diverse communities, by any
18 means. So, it is difficult. And, since we are a
19 growth industry, we are more attractive, right now,
20 but, historically, we have not been able to manage much
21 diversity.

22 Finally, I want to just talk a little bit
23 about what I see, as our challenges, in the future, and
24 some critical issues. And the first is, using the
25 experience we have gained, in the disproportionality

1 study, and some of work we have done, right lately, to
2 make sure that the services, we need to provide better
3 services, to youth, before they committed to us. We
4 have adjusted our funding formula, but that does not
5 mean we know much about how the money is used, and
6 whether it is used to the best effect, at the community
7 level, before youth get sent to us. And our goal is to
8 work with the counties, and the juvenile court
9 administrators, to disseminate best practices, identify
10 what works, and try to cooperate with them, and use the
11 state's resources, to try to address this issue, more.

12 Again, focusing on success, and programs, we
13 are not satisfied with access to services, and we want
14 to make sure that our programs are successful, for
15 these youth, because the price of failure is fairly
16 high. If they continue to commit crimes, they are more
17 and more likely to move to the adult system, at a
18 younger and younger age.

19 And then, finally, we want to work with the
20 legislature, and community groups, and all the
21 proposals to reform the judicial system, or juvenile
22 justice, and making sure that we do not, somehow,
23 exacerbate disproportionality. It is true that the
24 juvenile sentencing system, and its structure, and
25 standards, has dramatically reduced disproportionality

1 at the point when the judge makes his sentencing
2 decision. He has not done much, up to that point, but
3 the system is so structured, that it really does limit,
4 if not eliminate, disproportionality, in that decision,
5 about who gets how much time.

6 I do not think we could say, that, the
7 simplicity of its structure has really met the
8 challenge, we have, of trying to protect public safety,
9 while addressing these youths needs. So, I do believe
10 that the system needs a greater amount of discretion,
11 but, structured in a different way. If you look,
12 again, at the kind of decisions we have tried to make,
13 and the tools we have tried to use, I think that they
14 cannot be implemented, in juvenile courts, in our
15 system, but they do not necessarily have to be
16 statutorily structured. That overlays judicial
17 discretion.

18 So I think that is a real challenge for us,
19 is, how to give up the system, that we have, and we
20 know about, and try to make a better system,
21 recognizing that our system just does not do it. So,
22 any questions.

23 (Discussion was held off-microphone.)

24 DR. BROOKS: Yes. I have a -- concern --
25 DSHS -- I guess, you are a division of.

1 What is going on, preventively,
2 preventatively, to prevent the occurrence of this
3 increased population into your system? I think, that,
4 even though I do not know, I assume some research has
5 been done, like, babies of crack mothers, alcoholism,
6 lack of nutrition, all of those things, tend to have
7 neurological kinds of impact, on people. And, if that
8 is occurring, and they cannot get through the schools,
9 and they cannot get through that, they will eventually
10 wind up in your system.

11 And is there any coordination going on, at
12 some other part of DSHS, to try to provide some
13 preventative measures, to somehow, either keep that
14 from happening, identify, early enough, so that they
15 can intervene, and maybe make some corrections, before
16 they get to you?

17 MR. SIDOROWICZ: Well, certainly, I think the
18 department has a structure, and probably more than our
19 system, supports early intervention, with youth and
20 families. And the legislature has made more and more
21 investments, in that area, over the last few years.

22 Last year was the Youth Violence Bill. There
23 was a creation of this whole new system of planning, at
24 the local level, and service delivery, that engages
25 communities, in trying to build better prevention

1 strategies. And they have, not only funded the
2 planning part, but they have begun to fund the service
3 delivery part of that.

4 This year, with the runaway issues, whether
5 you agree with the strategies they took, or not, it was
6 an attempt to get at some of these youths problems, a
7 few steps before they get to us.

8 So, there are structures, around trying to
9 get better prevention services, but I think the
10 question for us, is, again, have those been, somehow,
11 disproportionately used? And the diversity initiative,
12 that we have, is replicated, in other parts of the
13 department. And if you look at some of the struggles
14 we have, in the last couple of years, they are around
15 implementing a more diverse program, over the system.
16 And let me just give you two examples.

17 One is, we undertook, in Children and Family
18 Services, a strategy, to recontract all our group
19 homes. This was before I left children's services, and
20 came over to juvenile rehabilitation. And part of the
21 purpose of that, was to, get more minority providers,
22 providing services, to the high number of minority
23 youth in the foster care system.

24 It took us, probably, three years, to
25 negotiate with the current providers, putting that in

1 RFP, and there is a lot of political pressure, because,
2 and I do not mean this, in any disparaging way, but
3 they have built local community programs, that work.
4 And we have a fixed amount of money. And we said, "We
5 want more providers, and that means, some of you may
6 lose the current contracts that you have." And there
7 was hell to pay, around doing that. We think it is a
8 better system, now, but it was not simple.

9 And the other areas, in children's mental
10 health, I think we all agree, that, minority youth do
11 not get adequate access, to the mental health services,
12 for children. In the regional support network
13 contracts, our guides, our goals, for parity, that
14 minority populations are served, equal to their
15 representation in the community. And the department is
16 now taking steps, to enforce that part of the contract,
17 where the system failed to achieve, and I believe we
18 are in court, on that issue.

19 So, you have to ask, not only, is there a
20 prevention, but, does it work, for minority
21 populations? And that is our challenge, and I think we
22 are engaged in that.

23 CHAIRPERSON WASSMUTH: Other questions?

24 Thank you, very much.

25 MR. SIDOROWICZ: Thank you.

1 CHAIRPERSON WASSMUTH: Good luck on the
2 job --

3 MR. SIDOROWICZ: Pardon?

4 CHAIRPERSON WASSMUTH: Good luck on the
5 job --

6 Thank you, very, very much.

7 And the next group, Dan Satterberg, and?

8 MS. BAER: Simmie Baer.

9 CHAIRPERSON WASSMUTH: Simmie Baer. We see
10 you, again.

11 MS. BAER: Hi.

12 CHAIRPERSON WASSMUTH: Thank you, very much.

13 MR. SATTERBERG: Good afternoon, Mr.

14 Chairperson, the Committee. My name is Dan Satterberg.
15 I am here for Norm Allen, the county prosecuting
16 attorney. I have just a few comments to make, before
17 turning to over to Ms. Baer, a few comments, on what we
18 are doing, locally, in King County, to address the
19 issue, that you are here, to talk about. It really is
20 a topic that, we feel, is highly relevant. I think
21 there is a sense of urgency, in juvenile court, right
22 now, in King County. We have experienced a record
23 number of criminal violence, in 1994, particularly
24 within the violent crime area, and, unfortunately, with
25 homicides. It reflects a national trend. In 1993, in

1 King County, we filed more murder cases, in juvenile
2 court, that we had, the previous three years, combined,
3 and we repeated that number, in 1994. So there is a
4 serious problem, with regard to youth violence. It
5 cuts across all communities. But the issue, that you
6 are talking about here, is particularly important,
7 because of the overall increase, that we have seen, in
8 juvenile court.

9 You know, sometimes, prosecutors have some
10 reservations, about hearings, and studies, having to do
11 with, entitled, "The Disproportionality in the Criminal
12 Justice System." I think, part of that fear, is that,
13 disproportionality will be equated with discrimination,
14 and that, they will be synonyms, used, in the studies.
15 We know of no purposeful discrimination, in, among
16 dedicated system professionals. It is, I think, a
17 widespread feeling, in the law enforcement community,
18 and the prosecutors, particularly, that there are a
19 number of socioeconomic factors, that lead to
20 disproportionate arrest rates, that are far upstream,
21 from a deputy prosecutor's desk, and we do not feel
22 that the race of a person, whose appears on a file, in
23 a deputy's desk, is, at all, an important factor, in
24 determinations.

25 But it is not helpful, to be defensive. And

1 so, we have discarded that fear, and have willingly
2 participated, not only participating in studies, but
3 agreed to be studied, by researchers, to find out if in
4 fact there is systematic discrimination, if
5 disproportionality is in the justice system, or if it
6 is, in act, just reflecting what is upstream, from the
7 justice system.

8 We think it is important, not just to study,
9 but to act upon, the findings of those studies, with an
10 intent toward leveling the playing field of anyone
11 charged with the crime. To that end, we have
12 participated, as a prosecuting attorney's office, with
13 two studies, done by Dr. Bridges, and we are involved,
14 right now, in a study, we are being studied, in fact,
15 by the University of Washington Sociology Department,
16 Professor -- and Weiss. In fact, even as we speak,
17 those two are in the prosecutor's office, right now,
18 interviewing several deputy prosecutors. They had a
19 team of research assistants go into our basement, and
20 pull 500 different pleaded penalty cases, and they are
21 looking at a number of the factors, where prosecutorial
22 discretion was exercised, and they are approaching that
23 study, very scientifically, to figure out if there is
24 something within the system, that helps to contribute
25 to the results, that we see.

1 So we are a willing laboratory mouse, for
2 this study, because we think the issue is that
3 important, and we want to know the answer, more than
4 anyone.

5 Secondly, we had an ongoing effort, to have
6 the standards by which the county prosecuting attorney
7 files, and disposes of, his cases, continually under
8 review, that we train new deputies about those
9 standards, and that we really preach standards, to the
10 rest of the prosecutors, in the state, that recently
11 adopted, as far as juvenile standards, on filing
12 disposition, in the statewide, almost all 39 counties,
13 I think, have prosecutors adopted the same kind of
14 standards that we have, so that, there is some
15 reference point to the exercise of prosecutorial
16 discretion.

17 We have an ongoing juvenile court work group,
18 that we participate in, which uses the Bridges, as a
19 reference point, to come back, and look for ways to
20 better level the playing field, for all people, in
21 juvenile court. One of those programs, I am sure you
22 have heard of, today, already, is, Reaching Back,
23 Giving Back. It is the detention alternatives for
24 minority youth. This comes directly from a study, from
25 the findings of the Bridges study, that minority youths

1 were twice as likely to be detained, in pretrial, and
2 that, there are certain things that follow the pretrial
3 detention, which created an uneven playing field.

4 So we are in favor, of anything that
5 introduces the structure into young lives, that may not
6 have known structure, before. One of the things, I
7 think, that we need to do a better job, in this county,
8 is, with access to diversion. Diversion is the one
9 chance that a young offender has, to avoid the stigma
10 of being a convicted offender. It is a chance that too
11 many people do not avail themselves of, either because
12 there is not sufficient structure in their home, to
13 recognize the importance of that chance, to go outside
14 the criminal justice system, to resolve a criminal
15 charge, or that, there is not sufficient structure to
16 keep appointments, to keep a schedule, to know what
17 date, when, where you are supposed to be, to meet the
18 juvenile court conference committee, for that
19 opportunity. So I think that is another area, that we
20 all recognize, ought to be worked on, in order to
21 provide better access to all people who are eligible
22 for diversion.

23 We have been, also, working on some of the
24 legislation, which, unfortunately, did not pass, this
25 year, the legislature, but the goal of the legislation

1 is to, again, focus on minor and middle offenders,
2 young people, before they get too far down the road,
3 into crime, and to open up some of the very small
4 standard ranges, that are presently there, standard
5 ranges for young offenders, of zero to three months, of
6 community supervision. And, during that 90 days, in
7 theory, the system is supposed to reach in, and make
8 some significant changes to provide for the young
9 offender. We know that is not realistic. It is hard
10 to even meet the probation officer, more than once or
11 twice, and then, your time is up.

12 So, we want to return, in a limited way, to
13 more judicial discretion, to get us through the
14 twelve-month period, for the judge to order something
15 like continued school attendance, for the remainder of
16 the school year, because we know that truancy is such
17 an important first signal of whether there is trouble
18 ahead.

19 So, we will back, in the 1996 session. Maybe
20 Representative Ballasiotes can speak about that, as
21 well, with some ideas, to really grab the attention of
22 young offenders, when they first get into the system,
23 and not wait until the bullets start flying, before we
24 start to apply resources to the problem.

25 So, in conclusion, the prosecutor's office

1 believes this is an issue, that is worth, not just a
2 study, but action, and not just to study, but we are
3 being studied, willingly, as a laboratory animal. We
4 are concerned, really, as a member of the community,
5 and as a member of the criminal justice system, with
6 balancing the number of concerns that we have, here, to
7 make sure that we have a system, that is, to ensure
8 public safety, but also, ensures fairness and justice,
9 for everyone who is involved. I would be happy to
10 answer any questions you might have.

11 CHAIRPERSON WASSMUTH: Thank you, very much.

12 MS. BAER: Good afternoon. I am glad I have
13 only sat through two speakers, because I feel, if I had
14 been here, all day, I probably really would have
15 exploded.

16 I see no progress, in the way children of
17 color are treated, in the juvenile justice system. If
18 anything, it is regressing, and it is very, very
19 dismal, and I wish some of my clients, or just some
20 of the kids that are not even my clients, that I see
21 in the high schools, when I go talk to them, throughout
22 the year, how they are treated, when they are out
23 on the street, doing nothing wrong.

24 I provide lip service, but I do not see those
25 programs, anywhere. There are, in the past three

1 months, the number of children in detention has reached
2 an all-time high, and I am sure that the
3 disproportionality is at the same level.

4 The continuum of care is not even being used,
5 any more. Yes, there is supposed to be this Take Back,
6 Reach Back, and we talked to somebody, in the county,
7 George Leonokis, from SCRAP, and myself, about, if we
8 really want to get children of color out of detention,
9 that are preadjudicated, we need to be able, you should
10 create a program, where you have somebody, who will
11 come in, and will say, "I will be responsible. I will
12 bring them to court." Kids are detained, because their
13 parents are not there, and they are not in school, and
14 the county was going to start a program, that was going
15 to provide that link, of getting them to school, or
16 making sure that they have a home, to go to; some kind
17 of alternative, so they do not have to go to detention.
18 That does not exist, yet, and, as I said, the continuum
19 is not being used, for preadjudicated kids. The
20 electronic bracelets are being used, for kids that are
21 already sentenced.

22 I listened to Sid Sidorowicz, talk about the
23 new contracts, with these agencies, that are hiring
24 more people of color, and the agency that was given the
25 most contracts, to work in the children's services, was

1 a for-profit agency, to work in human services, that
2 already contracts with some of the existing group
3 homes, that we get the majority of our assault fors out
4 of, because they are the least trained people, working
5 with the most severely disturbed kids.

6 And so, I just, I listen to this, and I just
7 want to scream, and just say, "Wait a minute! Wait a
8 minute! Wait a minute! Where is the progress? Show
9 me, show my kids, that I work with."

10 As I said, I go to the high schools, and
11 middle schools, all year along, to with kids, about
12 their rights, that they have rights to lawyers, when
13 they are stopped by police. They do not have to talk
14 to the police. And, inevitably, what the discussion
15 breaks down, into, are, all the kids of color saying to
16 me, "Is it for the police to do this? Is it okay for
17 the police to do this to me? The police said this to
18 me. The police took me here. Is that okay?" And when
19 a 12-year-old is asking you, "Is it okay for a police
20 officer to grab me, and check my pockets?," that hurts.

21 "No!," I say to them, "that is not okay!"

22 You know, these kids are not being treated,
23 any better, on the street. But we have been doing
24 this, talking about how to file police harassment
25 claims. And now, I am going to the schools, with the

1 forms, and the information, and we sit down, in groups,
2 predominantly young African American men, and we are
3 filling out police harassment forms, because they know
4 the particular police that are doing this to them, you
5 know? It is not a secret.

6 And so, I say, again: Show me the progress.
7 I would love to see progress.

8 You know, George Bridges identified exactly
9 where the disproportionality occurs, in the system,
10 specifically, with the police. I have not seen any
11 change. If anything, summer is coming along, and it is
12 getting worse and worse. I live in the central
13 district, and I see what goes on.

14 And George Bridges identified the problem, in
15 preadjudicatory detention. Children of color are
16 detained, more than other children, before their case
17 is resolved. That has not changed.

18 As I said, we have got more kids, in
19 detention, now, than ever. They are starting to
20 double-bunk. That has never happened, before.

21 We are talking about programs, and JRA, and
22 this and that. They are being sued, for excessive use
23 of pepper spray, and illegal use of pepper spray, on
24 the kids in Green Hill.

25 I! Show me the progress.

1 Recently, Pat, over at Evergreen Legal
2 Services, wrote a grant, called, "Team Child," which is
3 trying to take a holistic approach to juvenile justice.
4 So that, when the clients, in my division, the offender
5 clients, come into the juvenile justice system, we will
6 have a legal services attorney, who is experienced, in
7 educational law, and public entitlement law, to deal
8 with our clients, because, right now, inevitably, a
9 judge says, to a child who is being sentenced, "You
10 have got to go to school."

11 Who helps get that child into school? Who
12 tries to figure out if that child is a special ed
13 child, and if the school is complying with the
14 Individuals With Disabilities Education Act, the
15 federal statute.

16 In this state, unlike most states, a child
17 has a Constitutional right to an education. There is
18 great federal, great state, and, in this state,
19 Constitutional law, that guarantees a right to a
20 quality education for these kids, but nobody knows how
21 to access those services. Those kids' parents do not.
22 The school's solution is to expel kids, in the largest
23 number, ever, and everybody knows, expulsion, and
24 delinquency, and truancy, go hand in hand.

25 So this attorney will work on the education

1 issues, of our clients, and the public entitlement
2 issues. Under the Medicaid statute, there is a program
3 called, "EPSDT," Early Periodic Screening Diagnostic
4 and Treatment. The federal law mandates the states to
5 identify every Medicaid child, in their state, and
6 notify them, that they are eligible for all these kinds
7 of evaluations, and services, that would follow the
8 evaluation. They do not do that, when there is a
9 29 percent compliance rate, in this state, now.

10 This attorney will identify those children,
11 who are Medicaid, which is a huge percent of our
12 clients, and start processing those eligibility claims.
13 So that, when a judge says, "You have to go to school,"
14 hopefully, we can make that meaningful, because the
15 judge has no jurisdiction over the school districts,
16 only over the child. So all they can do, is, if the
17 child does not go to school, do a probation violation
18 hearing, and put them in detention, or, tell them to go
19 to school, again.

20 So what we are hoping, is that, with this new
21 attorney, in our division, whose sole purpose, is to
22 explore, and pursue, the education, and public
23 entitlement, needs of our clients, that we will be able
24 to see a result, at the end of the funding year,
25 through an evaluation, that is built in, through Mark

1 Gazelle, at the University of Washington, that, taking
2 this type of approach to juvenile justice, really does
3 help prevent the offending, that we are trying to peel
4 away the different layers of what is causing a child to
5 reoffend, and that, we have this population, that is
6 right there, and available, and who are in need of, as
7 everybody has said, these services.

8 And what is interesting, is, they are
9 eligible. So far, the Congress has not cut these
10 services. So they are entitled. It is not as if we
11 are going to go in, and sue the government, for money
12 that is not there, or things that these children do not
13 deserve, and that, they do deserve it, and they are
14 supposed to be getting it, but they are not, in large
15 numbers, getting these services.

16 So, under the project, Team Child[†], that is
17 what we hope to put into our practice, of juvenile
18 justice, and juvenile law, and that will begin, July
19 1st, because we did get funded.

20 So, what our office, individually, as the
21 public defender, is trying to do, with
22 disproportionality, is to keep raising people's
23 consciousness about it. As I said, I do not see that
24 it is getting better, for these kids. I do not see
25 that they are any less scared, or being treated any

1 better.

2 I think, in fact, it is the opposite, that
3 the Congress, our own state legislature, is creating an
4 atmosphere of fear and hatred of children, and that,
5 before we pass strict gun control, let us put more of
6 them in the adult system. That is the way to solve the
7 problem. I do not see that that is the way to solve
8 the problem.

9 One last example I can give you, is, our
10 office represented a young African American child, that
11 was involved in a shooting, at Garfield High School, a
12 local high school, here. The evening of that shooting,
13 Norm Maling got on T.V., and said, right in the high
14 school gymnasium, "I am going to make an example of
15 this child, I am going to put him in the adult system,"
16 without knowing anything about that child. That child
17 had no parole history, no gang involvement, no truancy
18 problems, and it outraged the African American
19 community, at Garfield. That was not a sensitive move,
20 by the prosecutor's office, but that is, to me, the way
21 things are moving. It is not, I do not believe we are
22 becoming more sensitive to the needs of children of
23 color. If anything, I think we are trying to push it
24 out of our minds, and under the carpet.

25 And if we really cared, we would commit a lot

1 of money to children's services. And we give it a
2 lot of lip service, but we do not give it the money.
3 Children do not vote. Children do not have power. And
4 they are not receiving the best that we can give them.
5 And we deserve the best that we can give them.

6 Children are salvageable. They do not get
7 the way they are, on their own. And I do not see that
8 DSHS is doing any kind of preventive services. If
9 anything, money has been slashed. Programs have been
10 cut.

11 The legislature passed a new bill, that
12 parents can commit their children to drug and alcohol
13 treatment, without the child's consent. We have had
14 children, in our office, and offender kids, who would
15 give anything to go into treatment. There is no
16 treatment, in this county, or really, in this state.
17 We have had plenty of kids.

18 I say, if you build them, we will come. We
19 will tell them to go get treatment. They do not exist.

20 So, I think parents are going to be very
21 shocked, when they see that, there is nowhere to drop
22 their kids off, for treatment. It does not exist.

23 I mean, so that is how, if we care, we would
24 provide the best, and we do not. So, I do not see the
25 progress, and I wish I did.

1 CHAIRPERSON WASSMUTH: Questions?

2 Ms. Baer, what I am hearing, is that, you see
3 a general turning away of attention to youth, as a
4 whole, and that that reflects, disproportionately, upon
5 youth of color, is that right?

6 MS. BAER: Absolutely. I think, the money is
7 going to building prisons, and, since they are the
8 majority of kids, in the detention centers, right now,
9 I am sure they will be the majority of the people in
10 the prisons, because they already are, and, rather than
11 spending the money at deinstitutionalizing the
12 juvenile, JRA, and building more community programs,
13 and community facilities, and strengthening the
14 communities, we are moving towards just building more
15 stark institutions. And, because the money goes into
16 that, it does not go into aftercare. So, when these
17 kids come out of JRA, and they have benefited from the
18 program, in there, they are lost, in their communities,
19 because parole has no money. So, they are dropped.

20 MR. SATTERBERG: I think Ms. Baer raises an
21 example, that, it is good, sometimes, to have real life
22 examples, when you want to sympathize with the system,
23 and how we deal with the case. We have got a 15-year-
24 old student, who is selling drugs, in school. He gets
25 some of his drugs taken from him. He goes home, takes

1 a gun, that he has stolen from a family member, a
2 9 millimeter gun, 14 rounds in it, comes back, and
3 draws it, and starts firing. He shot 14 times, in a
4 crowded hallway, during the lunch period, could have
5 killed 14 people, only he hit two students, by the
6 grace of God, not by any action of his.

7 And people say, "What should we do with this
8 kid?"

9 The social worker approach, you focus on the
10 child. You could think about the other kids, the other
11 thousand kids, in that high school, the impact that
12 this event had on them.

13 I guess no one has cornered the market, on
14 the ultimate wisdom, in a case like that, or other
15 cases, that are routinely going through the system. We
16 have to balance public safety, with the due¹ process
17 rights, and the fairness rights, with the purposes
18 of juvenile court, with the limited jurisdiction of
19 juvenile court, and this child was kept in juvenile
20 jurisdiction. He got about a four and a half sentence.
21 He will be out, when he is nineteen. And this is a
22 kid, who committed premeditated, attempted first degree
23 murder. He knew what, he intended to kill this other
24 boy, said so, went home to get his gun, and did so.
25 A very serious crime, and we do not need to know a

1 whole more than that, to know that, he posed a danger,
2 if not treated in a serious manner.

3 So, that is a good example, for you to think
4 about, when we think about a system, that is designed
5 and to respond to those types of cases.

6 This is not a situation of disproportionality
7 that was created, overnight. It took many years, to
8 get here, and you are not going to fix it, overnight.
9 I think the progress, that we can see, if you want to
10 look at, the glass being half full, instead of half
11 empty, is that, you have got a commission that is
12 studying this. We have had a couple of very reputable
13 studies, that pointed out some decision points, in the
14 process, from arrest, to disposition, that we are going
15 to focus on, to level the playing field, a little bit.
16 And I think we all recognize that there are other
17 socioeconomic factors, upstream from the criminal
18 justice system, that deserve our attention.

19 But I think progress can be seen, in concrete
20 ways, like the dedication of \$350,000 of King County
21 current expense money, to work this Reach Back, Give
22 Back, program, which may not be in full swing, yet,
23 but, nevertheless, that is a commitment, that is real.
24 When you put dollars where your concerns are, that is
25 progress.

1 So I do not see quite the doom and gloom.
2 I never expected that it would solve this problem,
3 overnight. It is going to take a lot of time, and a
4 lot of concerted effort.

5 MS. BULLIT: Could you tell us the number of
6 that bill, you mentioned, that was to give help, to
7 young offenders?

8 MR. SATTERBERG: It was House Bill 1255.
9 And, up till about the second to the last day of the
10 special session, it still had some wheels, but it went
11 away.

12 MS. BAER: It was also going to put hundreds
13 more children, automatically, in the adult system,
14 without a hearing, for --

15 MS. BULLIT: That same bill?

16 MS. BAER: Yes.

17 MS. BULLIT: Okay.

18 MS. BAER: I mean, we would have been left
19 with, probably, kids in the juvenile justice system,
20 that may have committed, only, like, car thefts, and I
21 do not think that that is what the juvenile justice
22 system was created for. It was created, to serve kids,
23 that are serious, as well as nonserious, offenders.

24 MR. SATTERBERG: It had to do with firearms.
25 A juvenile who committed a violent offense, using a

1 firearm, was one of the sections, that was being
2 debated, about whether, like this 15-year-old kid, went
3 home to get a gun, and shot someone, to shoot somebody
4 else, whether that was appropriately a juvenile case.

5 The part of the bill that I was referring to,
6 was designed to open up your juvenile discretion, to
7 tailor a sentence, to meet the needs of the kid, to get
8 rid of these limited, zero to 90-day probation
9 sentences, and open it up, so that we could have an
10 impact on the kid's life.

11 So, the whole thing will be up, for redebate,
12 every section, next year.

13 DR. BROOKS: I just had one final question.
14 Early on, you talked about, downstream, you mentioned
15 that, within the prosecutor's office, that you had,
16 there might be a result of disproportionality, but it
17 was not discriminatory. Does that imply that there,
18 perhaps, is discriminatory action, downstream, that
19 causes disproportionality?

20 MR. SATTERBERG: I meant, upstream.

21 DR. BROOKS: I mean, upstream.

22 MR. SATTERBERG: Yes. Well, I think, that is
23 beyond my expertise. But, if you have got, what I am
24 pointing at, is that, the society that produces the
25 children, that get arrested, only after they are

1 arrested, do we have any impact on what happens to
2 them. So, there is a whole lot that happens, before we
3 see them, and that, we do not know how to be
4 responsible, for, we do not know how to fix, and that
5 is why they --

6 CHAIRPERSON WASSMUTH: Thank you. Thank you,
7 both, very, very much. I appreciate your giving us the
8 time --

9 MS. BAER: Thank you.

10 CHAIRPERSON WASSMUTH: -- to come, this
11 afternoon, to share your insights. Thank you.

12 Representative Ballasiotes, thank you for
13 coming. Would you introduce yourself, for the record,
14 and then, begin?

15 MS. BALLASIOTES: For the record, I am
16 Representative Ida Ballasiotes, from the 41st District,
17 and I am also the chair of the House Corrections
18 Committee. And, at the end of the day, I do not know
19 what more I can add, at this point!

20 CHAIRPERSON WASSMUTH: And, if I could
21 interrupt, for just a minute, as we have found out, in
22 the last few witnesses, we are getting some more
23 insights, from every -- so --

24 MS. BALLASIOTES: I can give you the
25 frustrations, of the legislature.

1 I believe Bill 1966 was mentioned, earlier in
2 the day, and I will leave you a copy, and it is
3 relating to implementation of the juvenile justice
4 racial disproportionality study recommendations. And
5 some of those issues have been met, and some have not.
6 They are primarily, data gathering, and that sort of
7 thing.

8 My committee held a hearing, on February
9 15th, where Dr. Bridges and James Kelly were there, and
10 brought out the issue of disproportionality. And I
11 think it provided some insight to the Committee, and I
12 have to say, I think some people do not believe it is
13 an issue. And I think we have to be very candid about
14 that.

15 And, oftentimes, the legislature just, either
16 does not believe it, or, wants very simple answers, to,
17 I think, what is a very complex problem.

18 And, well, House Bill 1255 was mentioned,
19 here, and, I thought, would have been a very good
20 start, to solving some of, just the juvenile issues,
21 not necessarily just disproportionality, but other
22 issues, in the juvenile justice system. And the wheels
23 fell off, so to speak, because it was incredibly
24 expensive.

25 What it would have done, is, provided more

1 secure beds, for juveniles, that have not been added
2 to, since the Juvenile Justice Act was passed, in 1977,
3 and we have seen an incredible difference, between the
4 kids you saw, in the system, then, and the kids you are
5 seeing, now, and we desperately need that space. And
6 it just was not provided for.

7 Now, I made a goal, for myself, is to take
8 that issue, on, next session. I believe we have had
9 something like, seven studies, in the last ten years,
10 on juvenile justice. We know what needs to be done.
11 There is not anything we really do not know, that we
12 cannot do, and the commitment comes, and do we want to
13 fund it, and get it done?

14 We are seeing more violent crimes, and you
15 have heard two divergent ideas, here, on what happens,
16 when a kid fires a shot, in a school. Well; in this
17 case, I would have to come down on the prosecutor's
18 side. This was a frightening crime. I mean, you
19 cannot come into a school, and fire a 9 millimeter gun,
20 and say, "Gee, let us look into this kid's background,
21 and find out what caused it."

22 As legislators, we are under pressure, if you
23 will, to solve these problems. I am not sure they are
24 all solvable, in the near term. I think it is going to
25 take time. We did not get here, overnight. And there

1 are some very complex, disturbing problems.

2 We are seeing eight-year-old sex offenders.
3 I find that, more than I can handle. I just think that
4 is outrageous. And what do you do, with a kid like
5 this?

6 And, you know, you hear other people say,
7 "Oh, prevention is the key."

8 Well, yes. But what do you mean by,
9 "prevention?" And when do you start working with a
10 child?

11 Obviously, with that eight-year-old, you had
12 to start working with them, when they were three or
13 four, and do you, will you impose yourself on a family?
14 I do not think so.

15 So, we are faced with so many issues, here,
16 and, I think, the problem we have, before us, with
17 juvenile justice, is, even far more complicated, and
18 much deeper, than we are seeing. We see the obvious,
19 the drive-by shooting, and this sort of thing. And
20 people say, "Oh! Do something about it! Put those
21 kids away!"

22 Well, you do not put them away, forever. And
23 they come out. And, currently, it costs about \$55,000
24 a year, to keep a child in the juvenile justice system.
25 That is an incredible amount of money.

1 And I have not seen, quite frankly, all that
2 much improvement. We have devoted a great deal of
3 time, on improving the system, primarily, right now.
4 Our committee worked on, and I worked on, before,
5 improvements in the adult system.

6 And we are focusing on work and school, tying
7 into privileges, and hoping to develop an individual,
8 with some skills, and self-discipline, so, when they do
9 get out, they will be able to make something of
10 themselves.

11 I hope it works. I know it sounds very
12 simple. "Give them work skills, do this, and, when
13 they come out, they will go to work." I do not know.
14 I really do not know. But I think we have to try, and
15 that is where we are, right now.

16 And, with kids, I have often said; in
17 speeches that I have given, I do not know how you teach
18 a child respect, and, by the time we get them, or we
19 see them, they are thirteen, fourteen, and fifteen, and
20 that groundwork has not been done. And you teach a
21 respect, by example, and they obviously have not had
22 good examples, whether it has been at home, or at
23 school, or wherever. And their example has been,
24 either their gang, or their peer group. And, that is
25 pretty tragic.

1 But I do not want to see any more lives
2 ruined, or any more families ruined, and we are trying,
3 I will tell you. If it is, one of the things we hope
4 to do, is, and when it comes to, when a kid finally
5 gets to sentencing, has committed a crime, is, develop
6 simpler sentencing grid. You have heard about it. It
7 is complicated. The people that work with it, at some
8 point in time, throw up their hands. We would like to
9 base it on a couple of factors, rather than half a
10 dozen, those two factors being, the seriousness of the
11 crime, and the criminal history of the individual, and
12 go from there. Right now, it is just, it is unwieldy.

13 I was on juvenile justice task force, last
14 year, and we know what we have to do. We have not done
15 it. And I will just be very blunt about that. We have
16 not done it.

17 And, as far as I am concerned, you pay now,
18 or you pay later. And, unfortunately, that is what is
19 happening. And we have to be committed to spending
20 that kind of money.

21 I think we can do some things, better, more
22 efficiently, than we have. The Juvenile Violence Bill,
23 last year, gave us the authority to establish a boot
24 camp, and I do not mean in the sense of, military
25 marching, and so on, but, a camp, based on some work

1 skills, getting up in the morning, accomplishing
2 something, a schedule, which you find a lot of kids
3 have not had. We have not done that, yet. I hope to
4 do that, again, next year, as well.

5 I will take any questions, at this point.
6 I think we know what the problems are. It is just the
7 solutions.

8 CHAIRPERSON WASSMUTH: Representative, you
9 alluded to, earlier, that you are not sure, as I
10 understood you, that you were not sure that your fellow
11 legislators always understood. Well, I think we have
12 two questions, here.

13 MS. BALLASIOTES: Yes.

14 CHAIRPERSON WASSMUTH: One is, is, dealing
15 with juvenile involvement in the criminal justice
16 system, period. And secondly, what is more
17 appropriate, in front of this committee, today, in
18 terms of the disproportionality questions.

19 Could you expand on that, a little bit, in
20 terms of? I do not mean, just in terms of criticizing
21 your fellow legislators.

22 MS. BALLASIOTES: No. I think.

23 CHAIRPERSON WASSMUTH: How do we address
24 that?

25 MS. BALLASIOTES: Not just for them, but even

1 just people in general. I think they look at the
2 behavior, and say, "Take care of that!"

3 And, in Dr. Bridges' study, talking about, I
4 mean, you know it is there, and he wants to know, how
5 it gets there, and what we can do to change it, I am
6 actually interested in why it is there. And I am not
7 sure that we have the capability of developing
8 legislation, to answer some of those questions.
9 I think we are talking about, subjectivity, that is not
10 always apparent to people. I think we can develop the
11 greatest system in the world. The Sentencing Reform
12 Act, for example, was designed to have consistent
13 sentences, throughout the state. That is why it was
14 developed. And I have always said: You add people to
15 a perfect system, and it just sort of, it is not so
16 perfect, after a while, because your own biases,
17 apparent or not, come into that decisionmaking.

18 CHAIRPERSON WASSMUTH: Where do you think the
19 legislators pick up their information, in terms of,
20 what they feel like the public generally wants, on this
21 issue? Where does that come from? I mean, let me do a
22 little background, while you are thinking about an
23 answer, to that.

24 MS. BALLASIOTES: We get it, from hearings.
25 We get it, from our constituents. We get it, from

1 newspapers. We get strong messages, from the media,
2 very strong messages, from the media.

3 You have some radio programs, on both sides,
4 talking about issues. We get it, from staff, who
5 sometimes do not have an entire picture. We get it,
6 from a lot of places, but I think legislators primarily
7 want to respond, to the public. Okay? What is the
8 pressing problem, today?

9 People are, they are afraid, today, okay?
10 Crime has gotten very random, and what really frightens
11 them, a gun, in the hand of a 15-year-old. It really
12 scares them, because it can happen, anywhere.

13 And, what Ms. Baer referred to, is kids being
14 tried, sent to adult court, with no hearing, was not
15 exactly correct. It had to be a crime, committed with
16 a firearm. It had to be sixteen or seventeen.

17 There was some proposed legislation to have
18 kids as young as thirteen and fourteen, bound to adult
19 court, if they committed a crime, with a firearm,
20 automatically, and I do not think that is the way we
21 want our system to work. That meant, just without any
22 defined hearing.

23 CHAIRPERSON WASSMUTH: Let me get back, to my
24 question, once more.

25 MS. BALLASIOTES: Okay.

1 CHAIRPERSON WASSMUTH: Are your legislators
2 going to be listening to studies, such as,
3 professionally done studies, such as Dr. Bridges did,
4 or are they going to pay more attention to what is,
5 somehow, a public perception, in effect?

6 MS. BALLASIOTES: When Dr. Bridges did his
7 first study, I felt it was very incomplete, because it
8 was done on about 180 kids, and this was, not this last
9 year, but the year, before. He since followed up, with
10 a second, which, I thought, was more complete, and made
11 more sense.

12 If I had to talk about politicians,
13 generally? Most of them respond to perceptions.

14 CHAIRPERSON WASSMUTH: I guess that concerns
15 me, because --

16 MS. BALLASIOTES: There are some, that do
17 not.

18 CHAIRPERSON WASSMUTH: -- I heard Dr. Bridges
19 say, this morning, for example, when he made his
20 presentation to the legislator, he was criticized, for
21 being too academic, and that concerns me, a little,
22 that remark.

23 But I also am concerned about.

24 MS. BALLASIOTES: Remember one thing. The
25 legislature, anywhere -- and in our state, because we

1 are citizen legislators -- are a microcosm of what you
2 see, in society, and your neighbors.

3 CHAIRPERSON WASSMUTH: But they are also
4 leaders. They are also leaders.

5 MS. BALLASIOTES: Some are. Some are. Some
6 are not. Because, when you get the group together, you
7 will have different levels of that.

8 CHAIRPERSON WASSMUTH: I understand that we
9 are dealing with reality, here.

10 MS. BALLASIOTES: Right.

11 CHAIRPERSON WASSMUTH: But, in terms of the
12 goal, the goal is that, they are leaders. And so, if
13 90 percent of the population feels that crime is on a
14 rampant, runaway rate, but the statistical evidence
15 says that it is not, I would hope our legislature would
16 listen to the statistical evidence, and not to the
17 perception of that 90 percent. That is erroneous, as a
18 matter of fact.

19 MS. BALLASIOTES: Well, we do get.

20 CHAIRPERSON WASSMUTH: And I would hope that
21 they would be willing to listen to the accurate
22 studies. And I think that reflects, in terms of our
23 questions, here, as well, and in terms of the question
24 that is before this very group, is that, the will,
25 these days, to simply lock away young people, and

1 adults, as well, and, the longer we lock them away, the
2 better, and throw away the key, that, even though that
3 is somehow the public perception, and will, I do not
4 share that, for example.

5 MS. BALLASIOTES:

6 CHAIRPERSON WASSMUTH: So here is one public,
7 that does not agree. But, on the other hand, that we
8 realize that that does not work, and that the
9 legislator persons would take some leadership, here, in
10 saying, "We are not going to just respond to this
11 perception, that is out there, including the perception
12 that, sometimes, we do not care, if they are people of
13 color, we do not care, if they are kids of color. Let
14 us get them out of the system."

15 MS. BALLASIOTES: Just get them out of your
16 hair.

17 CHAIRPERSON WASSMUTH: "Get them into the
18 jails."

19 MS. BALLASIOTES: Yes.

20 CHAIRPERSON WASSMUTH: "And we have got
21 everything taken care of."

22 I want some leadership, is what I am pushing
23 for --

24 MS. BALLASIOTES: I know.

25 CHAIRPERSON WASSMUTH: -- some real

1 leadership, on an issue, based on statistical
2 information, based on what is true, not based on
3 people's fears.

4 MS. BALLASIOTES: Well, you are asking human
5 beings to respond, and react, in a different way than
6 they typically do. I think we do have leadership, to
7 do, as you say. I think we have to have good
8 information, to do that.

9 CHAIRPERSON WASSMUTH: And I agree.

10 MS. BALLASIOTES: And I think, why people
11 react, in that way, because they look at the problem,
12 and know, really know, that it is more complex than
13 what we are seeing, and you do not know which area to
14 plug into, first, because it is huge, and it is
15 complex.

16 No. I agree. Yes. Prevention is the key.
17 But, how do we do that?

18 I have not heard any really good ways. We
19 pour a ton of money into different programs, that have
20 had moderate success, and some, not success, at all.
21 And people reach a point -- and people, I am just
22 saying, collectively -- where they are unwilling to
23 really pay for any more things that have not worked,
24 well.

25 And I understand what you are saying. Let us

1 have some leadership, to come up with something better.

2 CHAIRPERSON WASSMUTH: Jails are not working,
3 real well, and we keep paying for them.

4 MS. BALLASIOTES: The what?

5 CHAIRPERSON WASSMUTH: Jails are not working,
6 real well, and we keep paying for them.

7 MS. BALLASIOTES: I realize that. But then,
8 I think, the public thought, again, is, "But they are
9 off the street, and, while, they are there."

10 (Discussion was held off-microphone.)

11 CHAIRPERSON WASSMUTH: Any other questions?
12 I doubt it.

13 MS. BALLASIOTES: We will try to -- do a good
14 job. It is a formidable job.

15 CHAIRPERSON WASSMUTH: I know --

16 MS. BALLASIOTES: And I am tired of studying
17 it, ad nauseam. We know what we need to do.

18 CHAIRPERSON WASSMUTH: That is probably my
19 concern, I guess --

20 MS. BALLASIOTES: Yes.

21 CHAIRPERSON WASSMUTH: -- is that, we all
22 know that it is a very formidable task, and it is a
23 very complicated issue.

24 MS. BALLASIOTES: Yes.

25 CHAIRPERSON WASSMUTH: But, build more jails,

1 and lock them up for a longer period of time, is a
2 simplistic solution.

3 MS. BALLASIOTES: Right.

4 CHAIRPERSON WASSMUTH: And I just want to
5 keep pushing us in the direction of not succumbing to
6 the simplistic solution, here, and getting ourselves
7 locked into a position, where we are spending all of
8 our money, on jails, on the simplistic solution, and we
9 do not have anything left, for the more complex
10 solution, which maybe is going to be tough, and
11 difficult, to work out.

12 MS. BALLASIOTES: Oh, I am sure it will be.

13 CHAIRPERSON WASSMUTH: But it has some
14 chances. So.

15 MS. BALLASIOTES: But, I think it is one way
16 of individuals feeling they still have some control
17 over what is going on, is, to get those individuals,
18 that are destructive, out of our society, for at least
19 some period of time.

20 CHAIRPERSON WASSMUTH: And then, relative to
21 our question, today, the perception that some of those
22 persons who are destructive, fit more into certain
23 categories, and certain groups --

24 DR. BROOKS: Yes.

25 CHAIRPERSON WASSMUTH: -- than others, and

1 so, we lock away, more of those groups, than we do, of
2 others. That is our concern.

3 Representative, thank you, very, very much --

4 MS. BALLASIOTES: You are welcome.

5 CHAIRPERSON WASSMUTH: -- for expending your
6 time, for coming, and keep up the work.

7 MS. BALLASIOTES: Well, thank you.

8 VOICE: Thanks.

9 CHAIRPERSON WASSMUTH: We do have, we have
10 open session, and we do have one person who has
11 requested to present to us, Andy De Los Angeles, and,
12 if you would come, and introduce yourself, please,
13 Andy, and?

14 CHAIRMAN DE LOS ANGELES: My name is Andy
15 De Los Angeles. I am tribal chairman, for the Seqwameh
16 Indian Tribe, and I am also employed by the Division of
17 Children and Family Services. I work in child care
18 services, and my specialty is Indian child welfare,
19 although I am not here, to speak, or represent, the
20 Division of Children and Family Services.

21 Twenty years ago, or so, I attended to U.S.
22 Civil Rights Commission Hearings, on Indian issues,
23 with Washington State. I did not testify, because
24 there were so many Native Americans, who were more
25 eloquent with the conditions, of us, back then. I will

1 never forget some of the emotional words, from Indian
2 leader, tribal member, and urban Indian.

3 And the Washington State department, the
4 department hands, who danced a shuck and jiving team,
5 making excuses of low minority hire numbers, to
6 wholesale adoptions of Indian children. But I will
7 never forget the heated questions, from the Commission,
8 to our state attorney general, Slade Gordon.

9 Washington State, and the tribes, have made
10 some progress. But the issues, usually, involved,
11 before and after litigation.

12 So many things have not changed. Racism is
13 alive and well. All we have to do is, look at the
14 numbers of population, being served, in Children and
15 Family Services, and the juvenile justice system.

16 There is a direct correlation between Native
17 American children, coming from homes, they are given
18 enough services, and/or, taken from homes, or come from
19 multiple foster home placements, who eventually end up
20 in the juvenile justice system.

21 Indian tribes believe that early tribal
22 identification, tribal case plan involvement, and
23 relative placement, builds stronger moral cultural
24 values, and communities. That is why we have the
25 Indian Child Welfare Act.

1 I would like to present the Commission a
2 statewide study, that was done by the ASHS DCFS, and
3 was provided to the tribes. The study was done by a
4 private consultant.

5 This is a quality assurance study, on the
6 compliance with the Indian Child Welfare Act. This
7 study shows, region by region, how the state is
8 woefully inappropriate.

9 If one of the outcomes of the hearings, 20
10 years, ago has been this study, then I testify,
11 de facto, racism is alive, and well.

12 I am concerned, that, if Congress continues
13 to do the block grant funding, with the states, and
14 not to the Indian tribes, that this will have a major
15 impact on the tribes, here, because, if this study
16 demonstrates the state's compliance to federal law, I
17 can only imagine what is going to happen, when the
18 state is going to manage our money.

19 I can also testify, that, while PSHS DCFS
20 tries to comply, with a law that is 18 years old,
21 today, I can tell you that the Division of Juvenile
22 Rehab does not adhere to the Indian Child Welfare Act,
23 and they do social work, in DJR, in regards to
24 placement, employment, and what the kid is going to do,
25 when he gets out; nor, does the juvenile justice

1 system. Thank you.

2 CHAIRPERSON WASSMUTH: Any questions, for Mr.
3 De Los Angeles?

4 What was the study that you referred to, I am
5 sorry, on the state --

6 CHAIRMAN DE LOS ANGELES: It was a study done
7 by a private consultant, named Thomas Monner. I have
8 served on that Indian child welfare quality assurance,
9 to review, close to, if not over, 65 percent of the
10 Indian child welfare cases, throughout the State of
11 Washington. It was an 185-question study, that looked
12 at minimum compliance, to the Indian Child Welfare Act.

13 I must say, that, that was, it is a very
14 important thing, because, 61 percent, or, I think it is
15 61 percent, is what I was told, the last time, that
16 social workers are paid 61 percent, by the Federal
17 Government. The money that they spend, turning their
18 work out, is, 61 percent of the time, is covered by the
19 Federal Government. That impacts Indian child welfare,
20 children, very significantly.

21 CHAIRPERSON WASSMUTH: Thank you, very much,
22 for your comments, Mr. De Los Angeles.

23 VOICE: Thank you.

24 CHAIRPERSON WASSMUTH: I just have a couple
25 of closing remarks, and then, we will conclude.

1 This concludes the Advisory Committee session
2 on civil rights issues in the area of
3 disproportionality within the juvenile justice system
4 on behalf of the Advisory Committee, I want to thank --
5 officially, through the record, because I have thanked
6 them, individually, but not all of them are here, at
7 the moment -- all our participants, for their
8 contributions to the effort.

9 And I want to be sure to thank the members of
10 the Advisory Committee, who were here, as well, today.
11 It has been a long day, and we have listened to a lot,
12 and I really appreciate your hanging in there, and your
13 attentiveness, and your responsiveness, with the
14 questions.

15 The record of this meeting will remain open
16 for a period of ten days from this date. The Advisory
17 Committee welcomes additional written statements and
18 exhibits for inclusion in the record. These should be
19 submitted to the Western Regional Office, and the
20 address is available, from Tom, and Grace.

21 So, thank you, all, very much, and we are
22 adjourned.

23 (Whereupon, at 4:35 p.m., the hearing was
24 closed.)

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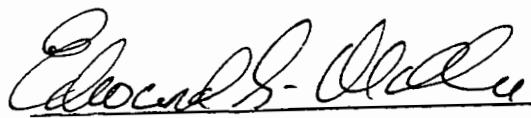
REPORTER'S CERTIFICATE

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This is to certify that the attached proceedings before

In the Matter of: WASHINGTON ADVISORY COMMITTEE

were held as herein appears and that this is the original transcript thereof for the file of the Department, Commission or Agency.



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DATE: JUNE 9, 1993