



**Department of  
PUBLIC DEFENSE**

*Upholding the Constitution,  
one client at a time.*

# Racial Disparity in the Criminal Justice System

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## 1. What DPD is doing to address disproportionality

### JUVENILE SYSTEM

Disproportionality continues to be quite high in the juvenile system. Although referrals for charges in the juvenile justice system declined overall from 2013 to 2014, referrals for African-American youth went up. DPD is working to address disproportionality in the JJ system in several ways.

### ROYAL Program

- DPD has revamped and relaunched Raising Our Youth as Leaders (ROYAL), a program funded by DCHS. We're contracted to serve **60 kids a year**.
- Provides intensive case management, youth development, service learning and family engagement to at-risk youth who are **clients of DPD**. Grounded in principles of **Positive Youth Development**, as opposed to punitive methods.
- Designed to serve **youth who are most at risk of reoffending**; research shows those youth who do not receive the right level of services are most likely to commit another crime.
- Direct client services are being provided by **Therapeutic Health Services**.

### Tier 2 Warrants for Youth

- A Tier 2 warrant – under the Juvenile Court's two-tier warrant system – means a youth stopped by police can be given a new court date rather than taken into detention and held for judicial review.
- As a result of DPD's advocacy, the courts have expanded the criteria for Tier 2 warrants, meaning far fewer youth will be placed in detention for FTA.
- DPD believes this will address disproportionality in the juvenile system. According to Juvenile Parole at Superior Courts, in 2015, the court issued 518 Tier 1 warrants and 112 Tier 2 warrants. Of that 518 number, 56 percent were African-American youth.

### Juvenile Theft 3 Diversion Program

- DPD has proposed a new program to be funded by Best Starts for Kids. The program has been vetted and supported by the Juvenile Justice Equity Steering Committee.

- This pilot project would focus on youth arrested for Theft 3; statistics show that black youth are disproportionately charged with misdemeanor theft. Research shows that the current approach to juvenile misdemeanor theft – arrest and prosecution – does not reduce recidivism.
- Proposal, similar to highly successful LEAD program for adults, would establish a partnership with Tukwila PD and divert youth arrested at Westfield Southcenter on Theft 3 charges into services and immediate individual attention. Among the services: Mentorship, job training, case management.
- Those services would be provided by several different community groups.

## ADULT SYSTEM

As in the juvenile system, racial disproportionality is a hallmark of the adult justice system. One way to see this (from a report by Alexis Harris, sociology professor at the University of Washington) is to look at arrests by race/ethnicity:

	King County Arrest Rate per 100,000	Arrest Ratio
Asian, Pacific Islander	254	1 in 393
Black, African American	2656	1 in 38
Native American, Alaskan Native	1796	1 in 56
White	500	1 in 200

Source: Author compiled, from WA Association of Sheriffs and Police Chiefs "Crime in Washington 2012", and US Census, Quick Facts, Washington State, 2010)

- Because of the inherent disproportionality of the criminal justice system, all of DPD's advocacy on behalf of clients helps to address disproportionality.
- One specific area where we've done some significant research: Disproportionality in jury pools and jury makeup.

## Jury Pools

- After urging by then-PDA senior attorney Anita Khandelwal (now Policy Director at DPD), a "jury representation survey" took place from January to April 2015, requesting summonsed jurors to indicate race, gender, ethnicity.
- DPD asked UW Professor Katherine Beckett to analyze data from surveys to determine if results demonstrate underrepresentation of any distinct group.
- She found significant underrepresentation.

- In the two courthouses, overall, black jurors underrepresent the population by a 35.5 percent comparative disparity.
- In the Seattle courthouse, that figure is much higher: a 59.1 percent comparative disparity.
- This underrepresentation is the result of systemic exclusion in jury selection process.
- Several changes could be made to address this issue, which is fundamental to a defendant's constitutional right to a fair trial by an impartial jury drawn from a cross-section of the community
  - \$10/day remuneration is very low. Statute allows county to compensate up to \$25/day.
  - When court receives a summons marked "undeliverable," it should send another randomly selected summons to potential juror in same zip codes, thus ensuring that zip codes with poor/minority residents are not ignored in summons process.
  - Jury pool list could come from more than voter registration and DOL. For instance, it could include lists of people receiving unemployment or welfare benefits, allowing more poor people to be summonsed.

## 2. Where DPD wants to see change/progress

If we want to address racial disproportionality immediately, here are three ways DPD would like to work with our CJ partners to effect change:

- **Early discovery for clients:** Clients want to be able to take their discovery home to read it thoroughly and digest it. Prosecutor won't provide it. Results in defendants saying, "I'll just plead to get out." Much greater problem for low-income, vulnerable populations – and thus has a disproportionate impact.
- **Three strikes:** Some of the charges that can strike a person out include Robbery 2, Assault 2 and Burglary 1, all of which can be minor (certainly not crimes for which life in prison is in order). DPD attorney Paul Vernon did some analysis for a recent sentencing memo and found this: **Of the 118 people from King County sitting in prison for life because of a third strike, 74 of them – or 63 percent – are black.** This is huge disproportionality.
- **Metro bans:** Very disproportionate impact. DPD has been involved in a collaborative effort to modify the banning practice with other County agencies and community partners.

## 3. DPD: Staffing and data

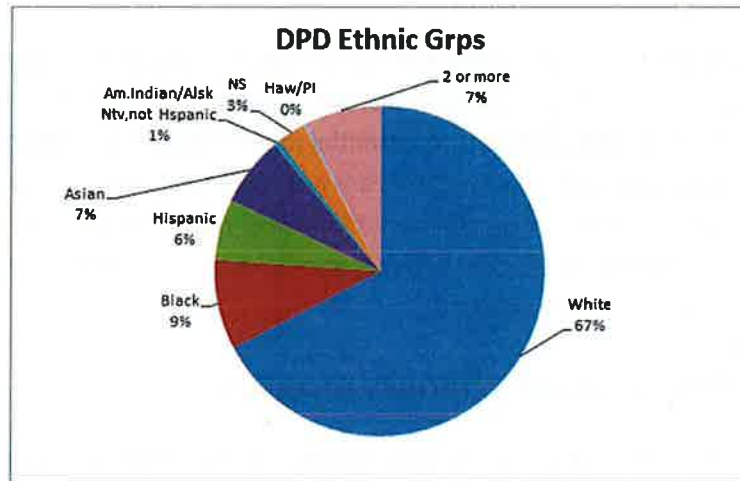
### Data that measures disproportionality

One of the benefits of the department's unified case management system is the ability to track data consistently across the department. However, because each of former non-profit agencies had different approaches to race and ethnicity data, DPD did not have consistent data to migrate into the new case management system.

As a result, the department is in the early stages of compiling data for clients served by DPD's divisions. Over time, DPD expects to be able to collect and use data to look at time to disposition, length of sentence, days to first contact, number of motions filed, amount of bail, etc., by race.

**Staffing: EEO analysis for DPD**

Here's a pie-chart that shows the department's current ethnic composition:

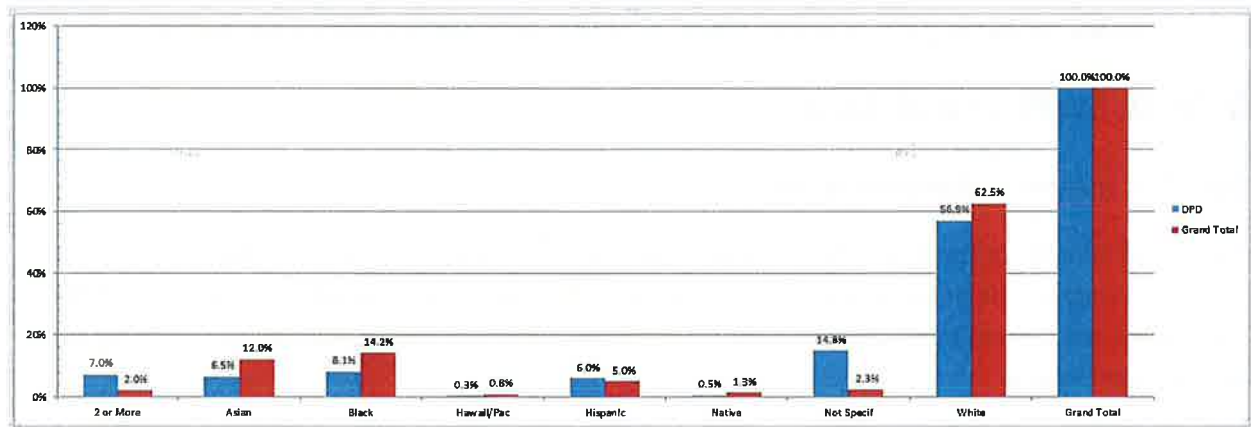


**Compared to King County**

Our employment numbers, seen above, put us in line with the rest of the county, according to US Census data. The US Census Bureau's report for 2014 showed the County's racial makeup as follows:

- 68.7 percent white
- 6.7 percent black
- 9.4 percent Hispanic or Latino
- 16.4 percent Asian

**Compared to the government of King County**



# Prosecuting Attorney FTEs, 2007-2016 CX Only

