First, Do No Harm

What Criminal Justice Can Learn from Quality of Care in Public Health To Uphold Racial and Ethnic Equity

April 5, 2016 at RFK Dual Status Conference

How should dual status system measure success?

What are the performance measures?

What would you add?

1. Reduction in new charges (recidivism)

2. Increased participation of youth in pro-social activities

3. Increased stability in placement

4. Reduction in probation violations

Some other policy measures taken from the Hampden County, MA example in the RFK "Guidebook for Juvenile Justice & Child Welfare System Coordination and Integration," page 20

- Decrease in the number of youth paying restitution
- Increase in number of youth completing community service disposition
- Decrease in home removal
- Increase of kinship placements specific to a child's needs
- Increase in family participation in case conferences
- Regular attendance in school for youth on probation
- Increase in vocational training

A Deafening Silence: Racial Justice

- Where is race in our discussion of measuring success?

- Typically absent from performance measures

- Addressed as separate and distinct

A Deafening Silence: Racial Justice

- Can we have a successful system if we don't have an equitable system for youth and families of all races and ethnicities?

Quality of Care: Not Just for Doctors

- Roots in healthcare and in human services
- Struggled with how to address equity

Quality of Care: Not Just for Doctors

- Doing the right thing for the right patient, at the right time, in the right way to achieve the best possible results

- Equity must be part of "doing the right thing"

Quality as Part of our Vocabulary

- How many agencies *talk* about quality of care?

- How many *define* what quality of care or quality services are?

What Is Quality in Your Work?

Child Welfare	Shared	Juvenile Justice

Your Role as Change Agents

Define quality

Highlight equity

Equity includes racial justice

Fair Justice Reflects RFK DSY Model

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1. Mobilization + advocacy
2. Study + analysis
3. Action strategy
4. Implementation

PHASE 1: Mobilization and Advocacy
- Organizational Culture
- Initiating the Process
- Managing the Initiative
- Selling the Initiative
- Setting Goals and Evaluating the Initiative

PHASE 2: Study and Analysis
- Identifying the Questions
- Determining the Data Elements
- Managing the Data Collection
- Utilizing Data — Performance Measurement
- Compiling a Resource Inventory
- Case Flow Mapping to Improve Cross System Decision Making
- Identifying Best Practices
- Reviewing the Use of Assessments
- Reviewing the Funding
- Training Across Systems

PHASE 3: Action Strategy

PHASE 4: Implementation

- Leading the Implementation
- Manage the Change Process
- Designate Organizational Structures
- Managing the Implementation
- Align the Strategy with Sought Outcomes
- Use Planning Tools
- Supporting the Implementation
- Develop the Action Strategy Tools
- Inform and Train Personnel
- Celebrate Successes Along the Way
- Evaluating and Reporting the Implementation
- Create a Learning-Oriented Evaluation Plan
- Collect and Report the Data

Fair Justice Reflects RFK DSY Model

1. Seize the opportunity
2. Make the case
3. Convene leaders
4. Study the system
5. Strategize solutions
6. Implement + innovate
7. Measure impact
8. Keep improving

Quality of care may be new in juvenile justice and perhaps less new to child welfare since it is connected to the human services field, but, again, it is not a new idea. Public health has been using it and refining. We also talk about defining what it means to receive a quality education. (Indeed, there was a discussion earlier today about public education as yet another youth-serving system that may need to integrated into these collaborations.
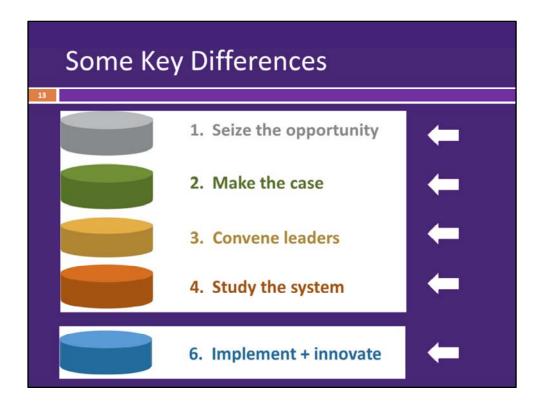
Likewise the process by which we start the process of organizational culture change and really transformational change that elevates the importance of racial justice equity *as intrinsic to* how we conceive of quality is in many ways very similar to the models presented by RFK for instance.

For those of you who have not already looked at the Guidebook for Juvenile Justice & Child Welfare System Coordination and Integration: A Framework for Improved Outcomes, 3rd Edition, published by the RFK National Resource Center on Juvenile Justice, you should take some time to review it online or by getting a print copy of it.

In there you will see a process of beginning this organizational culture change process with building consensus around common values (read: quality), building alliances, developing clear messaging and transparency, looking at the data, using the data to drive strategic planning, implementing targeted interventions clearly tied toward improving outcomes, and measuring those outcomes over time to gauge success and to

improve the system overall.

To be candid, our process is not that different. We begin by building a coalition around a common cause – we focus on the idea of quality, we collect a lot of data about equity, we process that with the coalition, we strategize with them, and we develop plans for implementation and evaluation.

Some Key Differences

1. Seize the opportunity
2. Make the case
3. Convene leaders
4. Study the system
6. Implement + innovate

Seize the opportunity. Race is a volatile topic and we do not like to talk about it. It makes many of us uncomfortable. It makes some of us defensive. And for some of us it seems like an irrelevant issue or like a proxy for something else, like class. As a result, it can be difficult to get leadership (formal and informal) to discuss racial equity. So, when what we call "windows of opportunity" present themselves, we have to jump on them and step into the role of change agent. That opportunity may come in the wake of great tragedy like a lethal shooting of a Black youth by local police. However, it can also be created by exposing to our leadership a snapshot of the extremity of the problems in our system, appealing to their sense of justice and/or their self-interest.

Make the case. Communications and messaging is certainly discussed in the DSY model, but we place particular focus on it. Fair Justice focuses on developing intentional messaging across leadership, within agencies from front-line practitioners to middle managers and supervisors to executive leadership, and throughout the communities most affected by the systems involved. Family engagement is essential, but community engagement may take second seat if we are not intentional about our communication. There is great distrust in the community about the widening net (or intrusion) of government into their lives. We need to acknowledge that and address it. We have spoken a lot about taking control of the narrative – moving from being reactive to media or other critics to being proactive about setting the frame for the discussion.

Similarly within our own organizations, we see reform efforts come and go. How do we overcome the attitude of "wait this one out" and inspire people to participate and "make this one stick."

<u>Convene leadership</u>. Convening leadership is an ongoing process of building trust among people who are not accustomed to working together. There are at least two aims here: building accountability to the principles *they have defined,* to each other, and to the community; building ownership of the change process; meaningful including the community as partners; and being transparent about engaging in the process.

<u>Study the system</u>. When looking at equity in the system, we obviously are looking at different types of data than you might typically examine. We look at three measures of fairness, equity, and protection of personal liberties:

Involvement of each group of individuals in the system (in this case, those groups are racial and ethnic groups)
Involvement of each group proportionate to their representation in the population (or "reference" population) – disproportionality
Treatment of similarly-situated individuals across groups – disparity or disparate treatment

Making advancements in any of these areas is a measure of forward movement, but the improvement process does not stop by ticking off the boxes of each of these. It is a constant process as demographics change, patterns of justice and child welfare involvement change, and as new people, policies, and practices come into the system.

<u>Implement and innovate</u>. We encourage the implementation of evidence-based practices, such as the collection and review of data and the use of objective decision-making tools. However, we also encourage systems to use evidence-based practices as a springboard to pilot new ideas, measure them thoroughly, and expand successful efforts or learn from failures.

Of course, fundamental to this work is convincing people that there is a problem that is systemic and deeply embedded, not necessarily tied to a group of explicit racists. In making the case, convening leaders, and studying the system, we have to reinforce the point that bias can be built into the system through policies and practices but also through the implicit and unconscious biases we all carry. Transition to Silent Beats activity.

Your Role as Change Agents

Build safe space to examine bias

Make connection between individual and systemic bias

Explain that bias is real and exists even when we don't see it

Wrap Up

Questions? Next Steps?

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The Fair Justice Initiative

Promoting Equity in Our Justice Systems

Print Resources from the Robert F. Kennedy National Resource Center for Juvenile Justice

"How to Improve Data Capabilities in Dual Status Youth Initiative Sites: Key Principles and Examples" by Gene Siegel, 2016. http://rfknrcjj.org/wp-content/uploads/2014/04/How-to-Improve-Data-Capabilities-in-Dual-Status-Youth-Initiative-Siegel-RFKNRCJJ-March2016.pdf

"A Better Way to Do Business: Changing Organizational Culture to Promote Integrated Service Delivery in Child Protection and Juvenile Justice Systems" by Mark Mertens and Melissa Blom, 2014. http://rfknrcjj.org/wp-content/uploads/2014/12/A-Better-Way-to-Do-Business-Mertens-Blom-RFKNRCJJ.pdf

"Data Planning in the Dual Status Youth Initiatives: Initial Suggestions" by Gene Siegel, 2014. http://rfknrcjj.org/wp-content/uploads/2014/11/Data-Planning-in-the-Dual-Status-Youth-Siegel-RFKNRCJJ1.pdf

"From Conversation to Collaboration: How Child Welfare and Juvenile Justice Agencies Can Work Together to Improve Outcomes for Dual Status Youth" by the Robert F. Kennedy National Resource Center for Juvenile Justice, 2014. http://rfknrcjj.org/wp-content/uploads/2014/05/RFK-whitepaper-April2014.pdf

"Guidebook for Juvenile Justice and Child Welfare System Coordination and Integration: A Framework for Improved Outcomes, 3rd Edition" by Janet K. Wiig and John A. Tuell, with Jessica K. Heldman, 2013. http://rfknrcjj.org/images/PDFs/Guidebook-for-JJ-and-CW-System-Coordination-and-Integration-Cover.pdf

Other Specialized, Juvenile Justice Resources in Reducing Racial and Ethnic Disparities

The Center for Children's Law and Policy at www.cclp.prg

The W. Haywood Burns Institute at www.burnsinstitute.org

Racial and Ethnic Disparities Reduction Practice Manual, by Center for Children's Law and Policy, 2015. http://cclp.org/practicemanual.php

"Unbalanced Juvenile Justice" Data Map by W. Haywood Burns Institute, 2013. Covers Detention Rates, Disparity Gap Incarceration Rate, and Incarcerated Nonviolent Offenses. http://data.burnsinstitute.org/#comparison=2&placement=1&races=2,3,4,5,6&offenses=5,2,8,1,9,11,10&year=2013&view=map

Other Recommended Resources

Finding Answers: Disparities Research for Change, Robert Wood Johnson Foundation & the University of Chicago, 2016. http://www.solvingdisparities.org/

"School-to-Prison Pipeline: Preliminary Report" by Sarah E. Redfield & Jason P. Nance, February 2016. http://jjie.org/files/2016/02/School-to-Prison-Pipeline-Preliminary-Report-Complete-Final.pdf

"Stereotype and School Pushout: Race, Gender, and Discipline Disparities" by Janel A. George of the NAACP Legal Defense and Education Fund, Inc., 68 Ark.L.Rev 101, 2015. http://media.law.uark.edu/arklawreview/files/2015/05/ArkLRev-68-1-101-129-George.pdf

"Strategies to Reduce Racially Disparate Outcomes in Child Welfare: A National Scan" by Oronde Miller & Amelia Esenstad of the Alliance for Racial Equity in Child Welfare & the Center for the Study of Social Policy, March 2015.

"A Blueprint for Using Data to Reduce Disparities/Disproportionalities in Human Services and Behavioral Health Care" by Ken Martinez, Karen Francis, Jeffrey M. Poirier, Larry D. Brown, Jr., and Ming Wang, 2013. www.tapartnership.org/COP/CLC/

Topical Pieces from The Justice Management Institute's *Fair Justice Initiative*

"Fair Justice in Practice Series: Law Enforcement's Role in Promoting Social and Racial Justice" by Franklin Cruz, March 2016. http://www.jmijustice.org/blog/law-enforcements-role-in-promoting-social-and-racial-justice/

"The Fair Justice Initiative: How Public Education is Framing the Dialogue on Ending Racial Disparity" by Franklin Cruz, February 2016. http://www.jmijustice.org/blog/fair-justice-initiative-public-education/

"First, Do No Harm: The Fair Justice Initiative" by Franklin Cruz, January 2016. http://www.jmijustice.org/blog/fair-justice-initiative/

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