

A low-angle, black and white photograph of several modern skyscrapers reaching towards a dark sky. The perspective is from the ground looking up, creating a sense of height and scale. The buildings have glass facades with grid-like window patterns. A prominent diagonal beam of light or architectural structure cuts across the upper portion of the frame.

# ICJ AD HOC COMMITTEE ON RACIAL JUSTICE

REPORT AND RECOMMENDATIONS



# ICJ ACTION PLAN & RESULTS

In the summer of 2020, the Commission released its Action Plan to Promote Racial Justice. This three-pronged action plan included an internal procedural justice assessment by the Ad Hoc Committee on Racial Justice, an internal Leadership Exchange Series focused on racial justice, and an external collaboration with the Justice System Partnership for Racial Equity to improve community supervision and eliminate racial inequities within the justice system.

The *Leadership Exchange Series* was launched in the fall of 2020. This year-long program focuses on honing participants' leadership skills while applying a racial equity lens to their work within the Commission and in their states. Recruitment efforts targeted individuals of color who were eligible for leadership roles, as well as those from regions historically under-represented in ICJ leadership. The first cohort of 17 individuals included six people of color, three of whom have since held leadership roles in the Commission. The second cohort is comprised of 23 Commissioners, Deputy Compact Administrators, and Compact Office staff members from 17 states across the country, including nine people of color.

The *Justice System Partnership on Racial Equity* is comprised of justice system leaders throughout the United States. Members represent a broad spectrum of justice system agencies, including probation and parole officers; prosecution and defense attorneys; judges; and law enforcement agencies. Partners meet on a monthly basis in order to identify equitable strategies and outcomes within and across stakeholder groups, develop practical and actionable guidance, and lead transformational change to advance racial justice throughout the nation.

The *Ad Hoc Committee on Racial Justice* was created to analyze data regarding ICJ operations, as well as ICJ Rules, policies, and resources. Comprised of ICJ personnel from throughout the U.S, the Committee has made numerous recommendations for change to the Commission.

In 2021, the Ad Hoc Committee proposed the successful amendment of ICJ Rule 5-103 to ensure greater equity in response to non-compliance. The amended Rule 5-103 requires states to document use of graduated sanctions as part of quarterly progress, violation, and absconder reports. This requirement is intended to ensure more equitable use of graduated sanctions. The Ad Hoc Committee also developed updates to the Commission's Mission, Vision, and Values Statements, which were ultimately adopted by the Commission. These updates were designed to ensure that promoting racial justice remains a central component of the Commission's work. In addition, the Commission adopted a Results Statement reflecting its commitment to racial equity: "All ICJ youth and families are safe, supported, and treated equitably." Finally, the Ad Hoc Committee recommended revisions to the process for the nomination and election of ICJ Officers, Regional Representatives, and Committee Chairpersons to be more fair and transparent, as well as broaden the pool of applicants while encouraging more diversity in leadership positions. The revisions were adopted by the Executive Committee and implemented for the first time in 2021.

The Commission re-established the Ad Hoc Committee on Racial Justice for FY 2022, which is co-chaired by Commission Treasurer/Maryland ICJ Commissioner, Sherry Jones and East Regional Representative/Massachusetts ICJ Commissioner, Becki Moore. Members from 10 additional states/territories are represented on the Ad Hoc Committee on Racial Justice.

The Ad Hoc Committee on Racial Justice's goals for FY 2022 included: 1) Developing and providing training to address racial inequities, implicit bias, and the impact ICJ staff can have, 2) Examining data and addressing disparities regarding race, runaways, and human trafficking, 3) Identifying and applying racial equity tools for use in rule-making, committee processes, and leadership, and 4) Identifying and distributing resources to states via the monthly ICJ newsletter. After an extensive review of data conducted in collaboration with members of the Leadership Exchange Series, the Ad Hoc Committee on Racial Justice recommended additional actions to address disparities and promote racial justice.

# RECOMMENDATIONS

## RECOMMENDATIONS FOR FISCAL YEARS 23 - 25

### General

1. Create a Standing Committee on Racial Justice to ensure continued progress in addressing disparities and promoting racial equity. Alternatively, create an Ad Hoc Committee on Racial Justice for FY 2023.
2. Adopt the Race Equity and Inclusion Action Guide as a tool to shape the Commission's work.

### Transfer of Supervision

#### Home Evaluations

1. Develop a "best practice" resource and/or provide training for ICJOs about how to work more effectively in cases that are not considered "mandatory acceptance" cases [pursuant to ICJ Rule 4-104 (4)].
2. Discuss amendment of ICJ Rule 4-104 (4), the "Mandatory Acceptance Rule," to better meet the needs of youth who do not routinely live with a parent/guardian. (Potential resources include "kinship" or "kinship care" definition in Indian Child Welfare Act).
3. Request Legal Counsel review of ICJ Advisory Opinion 04-2010 (whether ICJ applies to juveniles residing in sovereign tribal nations) and provide guidance on how to collaborate with tribal nations.

#### Violation Reports

1. Examine the minimal discrepancy by race in percentage of violation reports filed, but greater discrepancy in recommended responses to violation reports (revocation, discharge, or continued supervision).  
Analysis to include:
  - Number of violation reports submitted before revocation requested;
  - Whether graduated sanctions were used prior to recommending revocation/discharge;
  - Violation report recommendations for American Indian/Alaskan Natives and Violation report recommendations for Asian population (most significant discrepancies);
  - Whether outcomes are consistent with intent of person who made recommendation.
2. Develop a "best practice" resource, training, and/or other guidance related to violation report recommendations and/or use of graduated sanctions, which the 2022 amendment of ICJ Rule 5-103(1)(e) was intended to promote.

## RECOMMENDATIONS FOR FUTURE CONSIDERATION

### Returns

1. Review ICJ definitions of "runaway" and "accused delinquent," and consider developing guidance to promote equitable application. (Black youth are returned as "accused delinquents" 2x more often than other races).
2. Review data based on whether returns were voluntary or non-voluntary.

### Human Trafficking

1. Provide training on types of trafficking and use of human trafficking indicator in the UNITY system.
2. Recommend UNITY Enhancement to expand use of human trafficking data collection (Make mandatory in return cases, and make available in other cases).
3. Recommend UNITY Enhancement to expand gender selections to include non-binary option(s).
4. Consider ICJ Rule amendment to promote equitable practices.