

**Kansas Judicial Branch  
Office of Judicial Administration  
Training Series: Impact of Child Toxic Stress  
on the Juvenile Justice System**



Session #2: Racial Trauma and the Juvenile Justice System  
February 24, 2023  
Presented by Mary Kelly Persyn, J.D., Ph.D.



# Agenda for today: Racial Trauma and the Juvenile Justice System

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1. Recap of Session #1 and review of key concepts. (12:00– 12:10)
2. What are some good working definitions of race, racism, and structural racism? What are some concrete examples of structural racism in United States history? How is it possible to have racism without racists? (12:10– 12:25)
3. What is racial trauma/race-based traumatic stress (RBTS) and what is its impact on children’s mental, emotional, and physical health? (12:25 – 12:35)
4. How does RBTS impact educational and life outcomes, where “outcomes” include educational attainment, suspension and expulsion, and eventual involvement with the juvenile justice system? (12:35 – 12:45)
5. Review of session and preview of Session #3, focusing on LGBTQ identity-based discrimination. (12:45 – 12:50)

# Learning outcomes

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1. Learners will be able to define interpersonal and structural racism, including “racism without racists.”
2. Learners will be able to define “race-based traumatic stress” and describe its impact on children’s health, learning, and life outcomes.
3. Learners will be able to describe racially disparate rates of suspension and expulsion, the correlation to juvenile justice system involvement, and correlation to racially disparate levels of toxic stress, including race-based traumatic stress, in childhood.

# Session #1: recap and review

Basics of Child Trauma and Juvenile  
Justice System Involvement





# Welcome, and welcome back!

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Thank you so much for choosing to spend an hour with me today with some very challenging topics: childhood adversity, racism, race-based traumatic stress, and the impact on the juvenile justice system—your workplace.

If you weren't with us in November for Session #1, welcome! If you did join for Session #1, welcome back.



# Recap: Adverse Childhood Experiences, toxic stress, and system involvement

We talked about:

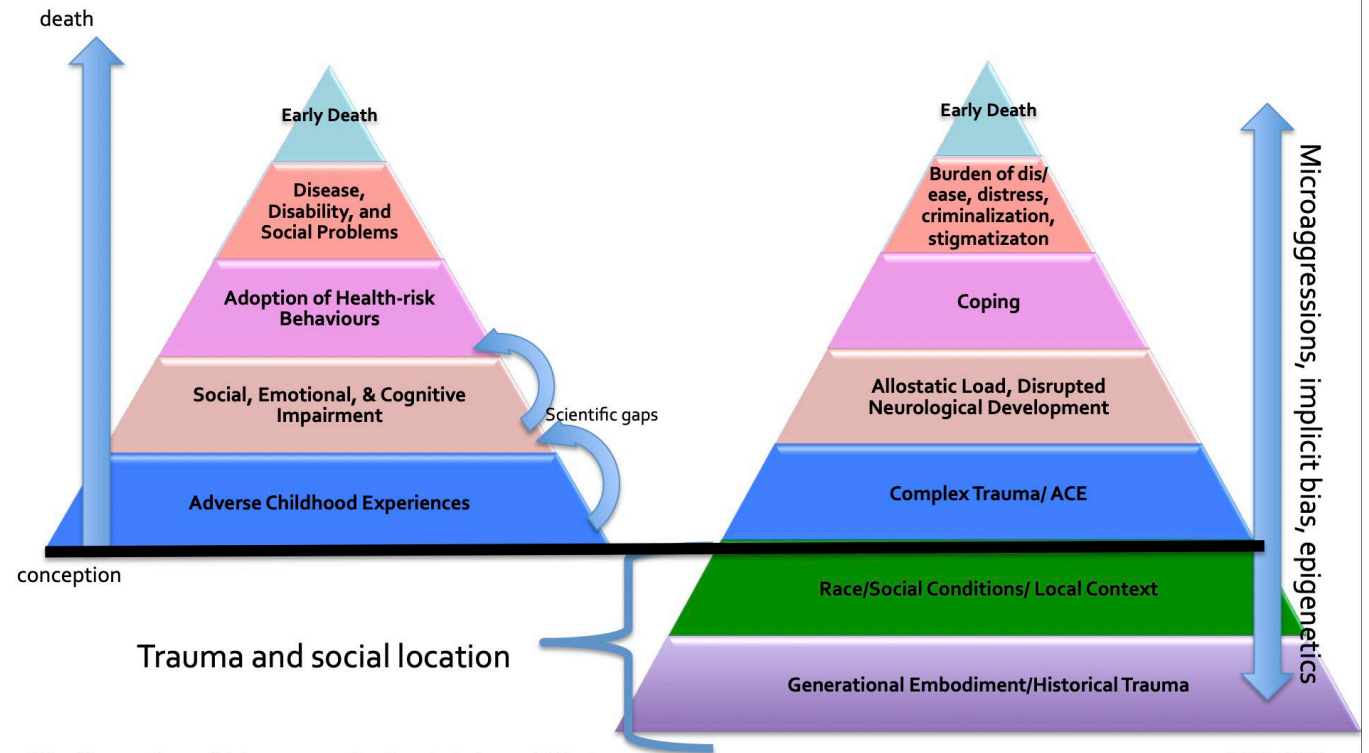
- The difference between adverse childhood experiences and toxic stress
- How and why the same experience is traumatic for some kids but not all
- What trauma reactions look like
- Why researchers have expanded the number and type of ACEs
- "Expanded ACEs"

## Trauma and Social Location



Adverse Childhood Experiences\*

Historical Trauma/Embodiment



\*<http://www.cdc.gov/violenceprevention/acestudy/pyramid.html>

# Disparities persist in Kansas

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## Kansas Disproportionately Incarcerates Youth of Color

Fifty-three percent of youth incarcerated in Kansas are Black, Latino, American Indian, or Asian. Moreover, Black youth are disproportionately represented at every point in the state's juvenile justice system. In 2018, compared with white youth, Black youth in Kansas were

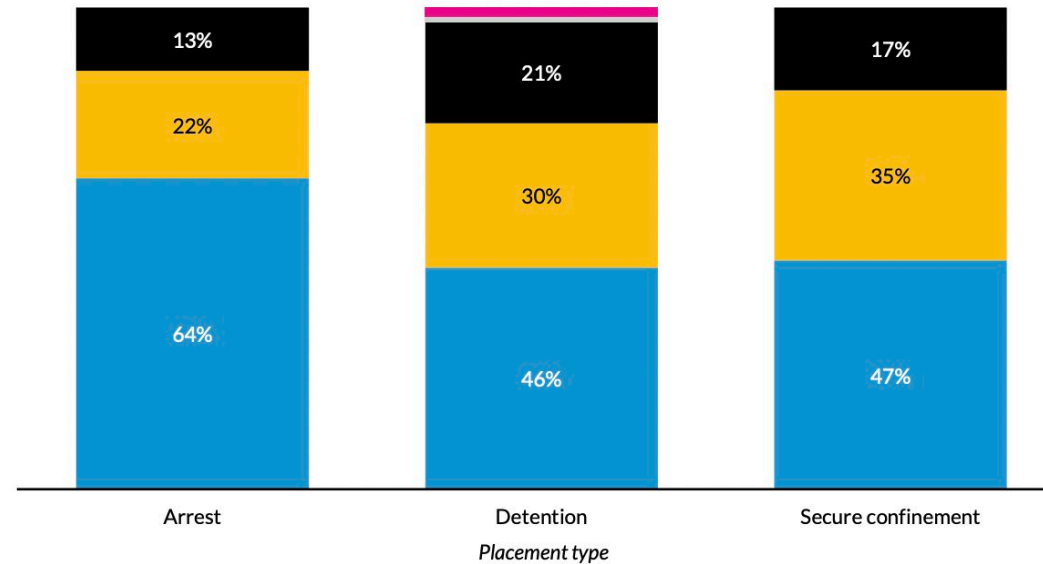
- 3.0 times more likely to be arrested,
- 5.6 times more likely to be detained, and
- 7.3 times more likely to be in secure confinement.<sup>9</sup>

# Disparities persist in Kansas...

## Racial/Ethnic Disparities across Kansas's Juvenile Justice System, FY 2018

Shares of youth

■ White ■ Black ■ Latino ■ Asian ■ American Indian





# ...and across the nation.

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

NACDL, 2020  
Sentencing Project, 2016

# Session #2 Quiz (pre-test)

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1. Black students are approximately how many times more likely to be suspended than white students?
  - a. Twice as likely
  - b. Three times more likely
  - c. Four times more likely
  
2. Where “disciplinary strictness” in a school is measured by suspension rate, enrollment in a stricter school tends to raise the incidence of arrest, incarceration, and dropping out.

True or false?

# Session #2, Part I: some key definitions

Race, racism, structural racism, racial discrimination, and race-based toxic stress: definitions, concepts, and some historical examples

**The Civil Rights Act and Fair Housing Act did not end racial residential segregation.**

**Washington, DC**

**Uprooting Inequity**

Source: The Anti-Discrimination Center. Interactive map with 2019 ACS 5-yr data.

**2019 data**

Hispanic or Latino 20% 40% 60% 80%

White (non-Hispanic or Latino)

Black (non-Hispanic or Latino)

Asian (non-Hispanic or Latino)

**Minneapolis, MN**

**Baltimore, MD**

**Annapolis, MD**

**Milwaukee, WI**

**Cincinnati, OH**

**Boston, MA**

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# Definitions

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1. “**Race**: the idea that the human species is divided into distinct groups on the basis of inherited physical and behavioral differences. Genetic studies in the late 20th century refuted the existence of biogenetically distinct races, and scholars now argue that “races” are cultural interventions reflecting specific attitudes and beliefs that were imposed on different populations in the wake of western European conquests beginning in the 15th century.”
2. “**Racism**, also called **racialism**, the belief that humans may be divided into separate and exclusive biological entities called “races”; that there is a causal link between inherited physical traits and traits of personality, intellect, morality, and other cultural and behavioral features; and that some races are innately superior to others. The term is also applied to political, economic, or legal institutions and systems that engage in or perpetuate discrimination on the basis of race or otherwise reinforce racial inequalities in wealth and income, education, health care, civil rights, and other areas.”





## Study: Striking Inequalities in US Infant and Maternal Health Point to Structural Racism and Access Issues

Research by Petra Persson and Maya Rossin-Slater on health inequality finds wealthy Black mothers and infants fare worse than the poorest white mothers and infants.

Krysten Crawford

# Definitions

- 3. **“Structural racism** refers to the totality of ways in which societies foster racial discrimination through mutually reinforcing systems of housing, education, employment, earnings, benefits, credit, media, health care and criminal justice. These patterns and practices in turn reinforce discriminatory beliefs, values and distribution of resources.”

Zinzi D. Bailey et al, Structural racism and health inequities in the USA: evidence and interventions. Lancet 2017; 389: 1453, 1453.

# Racial and Ethnic Disparity in Juvenile Justice Processing

Literature Review: A product of the Model Programs Guide



### Key report findings

1. Out of every metropolitan region in the United States with more than 200,000 residents, **81 percent (169 out of 209) were more segregated** as of 2019 than they were in 1990
2. **Rustbelt cities** of the industrial Midwest and mid-Atlantic **disproportionately make up the top 10 most segregated cities** list, which includes Detroit, Cleveland, Milwaukee, Philadelphia, and Trenton
3. Out of the 113 largest cities examined, **only Colorado Springs, CO and Port St. Lucie, FL qualify as “integrated”** under our rubric
4. **Neighborhood poverty rates are highest in segregated communities of color** (21 percent), which is three times higher than in segregated white neighborhoods (7 percent)

# A key example of structural racism

Author Linda Villarosa joins PBS News Hour to talk about her new book, *Under the Skin*.





Story in  
Public  
Square

Linda Villarosa

Author, *Under the Skin*

# “Racism Without Racists”

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How is racial inequality perpetuated in a “color-blind” world?

I regard racism as a *structure*, that is, a network of social relations at social, political, economic, and ideological levels that shapes the life chances of the various races....From this vantage point, rather than arguing about whether the significance of race has declined, increased, or not changed at all, the issue at hand is assessing if a transformation has occurred in the *racial structure* of the United States.”

--Eduardo Bonilla-Silva, *Racism Without Racists*

Bonilla-Silva argues that most mechanisms that reproduce racial inequality in the United States today are invisible, but self-perpetuating.



# Race-Based Traumatic Stress (RBTS)

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Psychologist and Columbia University professor Robert T. Carter originated the term Race-Based Traumatic Stress to describe the ways that racism, interpersonal or structural, can cause trauma. The term recognizes that RBTS injury is not caused by the race of the person who suffers it; it is an injury caused by the race-based negative treatment of that person.



Robert T. Carter and Alex A. Pieterse, *Measuring the Effects of Racism: Guidelines for the Assessment and Treatment of Race-Based Traumatic Stress Injury* (Columbia University Press 2020).

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

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

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

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

AAKOMA Project, 2022

Slide © Maryam Jernigan-Noesi, Ph.D., 2022.



## Daily multidimensional racial discrimination among Black U.S. American adolescents

hate are ubiquitous in the lives of con-  
merican youth for whom the Internet, schools,  
as contexts in which they are exposed to daily  
ickness. The present study assessed a broad  
xpressions of racial discrimination including  
individual and vicarious, online and offline, and teasing and general  
discrimination experiences. Results showed that, on average, partici-  
pants reported over five experiences of racial discrimination per day,  
that the Internet was the most frequent context for racial discrimination  
experiences, and that these quotidian experiences led to short-term  
increases in depressive symptoms. These results provide empirical  
support for the frequency of daily microaggressions and underscore the  
importance of assessing online, vicarious, and teasing experiences along  
with the more commonly measured individual and general forms of  
racial discrimination.

# Putting it together: how does race-based traumatic stress impact your practice?

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## Session #2, part II: How does race-based traumatic stress (RBTS) impact educational and life outcomes?

Educational attainment, suspension and expulsion, and involvement with the juvenile justice system

# Toxic stress can interfere with success in school. Implicit bias can shape how adults interpret the results.

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Higher-order thinking

Perspective-taking

Sequencing

Problem solving

Organizing memories

Remembering instructions

Perceptions of danger

Focusing and paying attention

Controlling emotions and behavior

- Reactivity/impulsivity
- Aggression
- Defiance
- Withdrawal
- Perfectionism

# What is the school to prison pipeline?

The term describes policies and practices that directly and indirectly push youth out of school, putting them at much greater risk of juvenile justice system involvement.

Examples include:

- Suspension, seclusion, restraint, expulsion, harsh discipline
- Increased policing/surveillance
- Referrals to law enforcement

## KANSAS REFLECTOR

NEWS POLITICS CIVIL RIGHTS ENVIRONMENT PODCASTS OPINION

CIVIL RIGHTS COURTS AND CRIME EDUCATION

### OPINION

## Disrupting the school-to-prison pipeline will reduce disparities for Kansans



TIFFANY ANDERSON



SHANNON PORTILLO

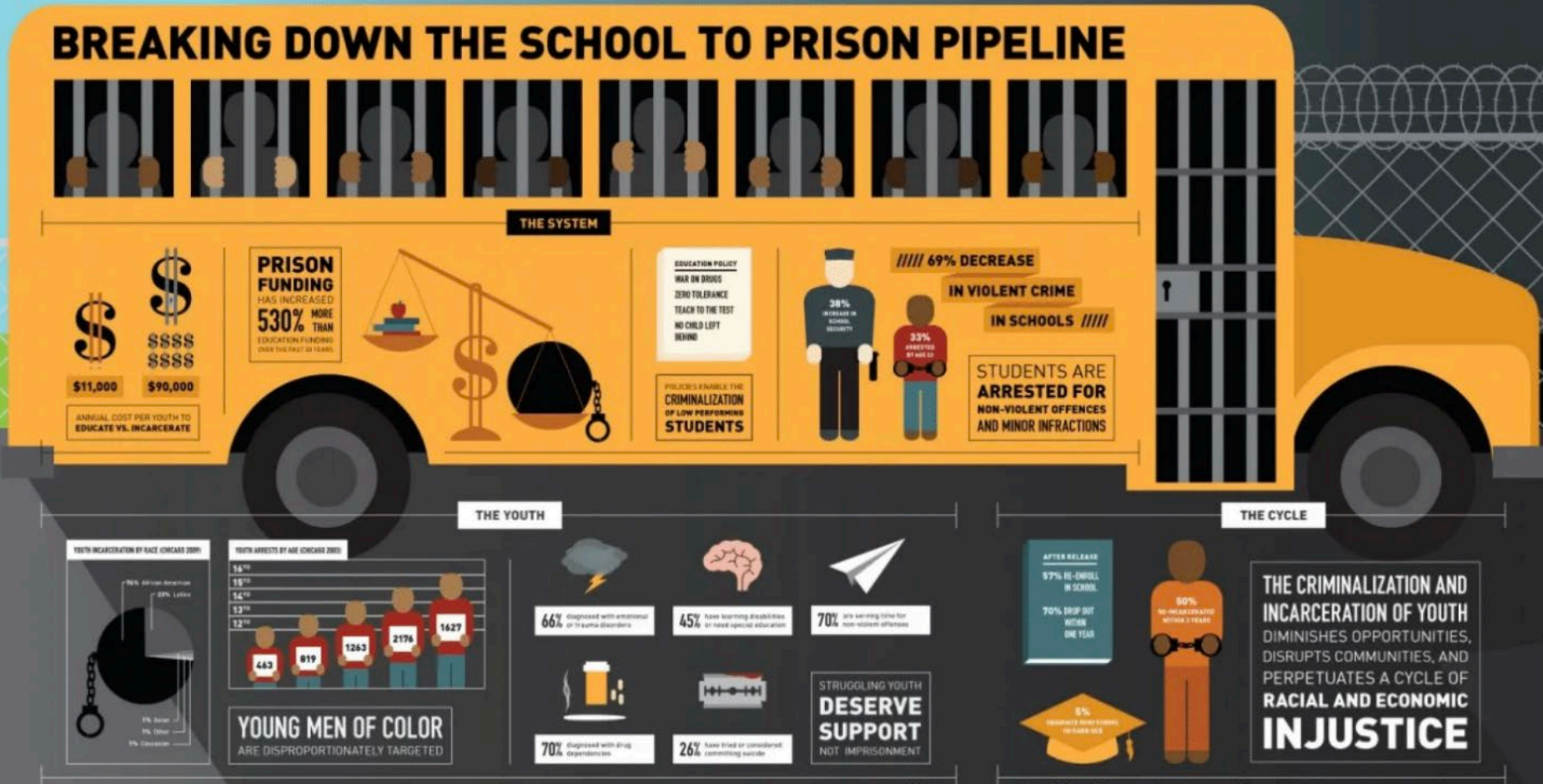


DAVID JORDAN

Kids who are suspended or expelled from school are [more likely to interact with the justice system](#). In 2013-2014, [Black preschool students in Kansas were 5.6 times more likely than their white peers to receive out-of-school suspension](#) and the trend continued throughout K-12 education.

# MINOR INFRACTIONS

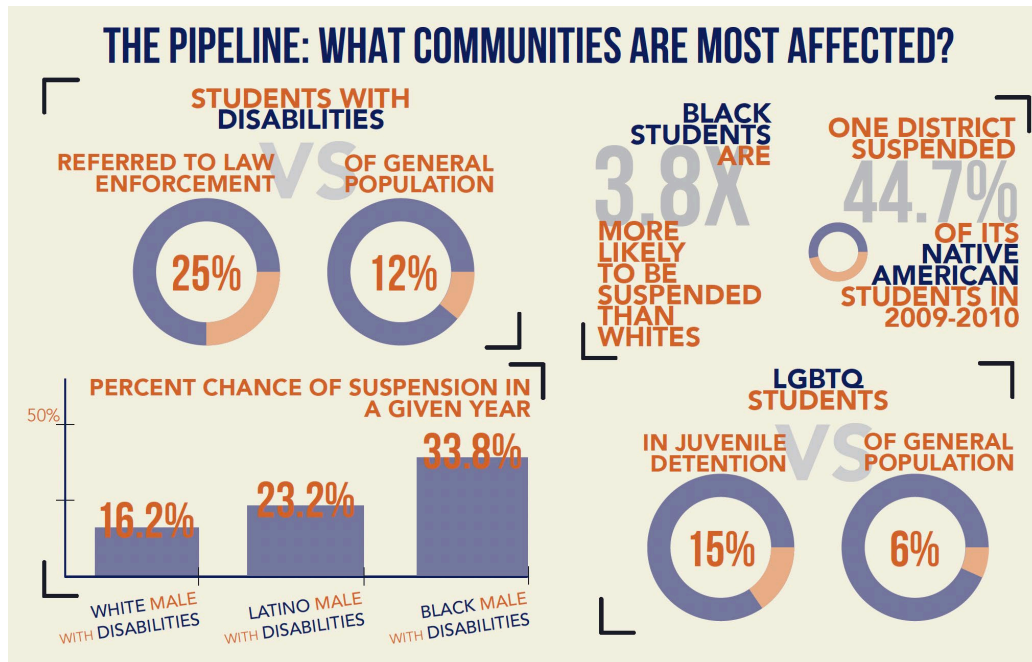
## BREAKING DOWN THE SCHOOL TO PRISON PIPELINE



Athens Anti-discrimination Movement



# Who is most affected?



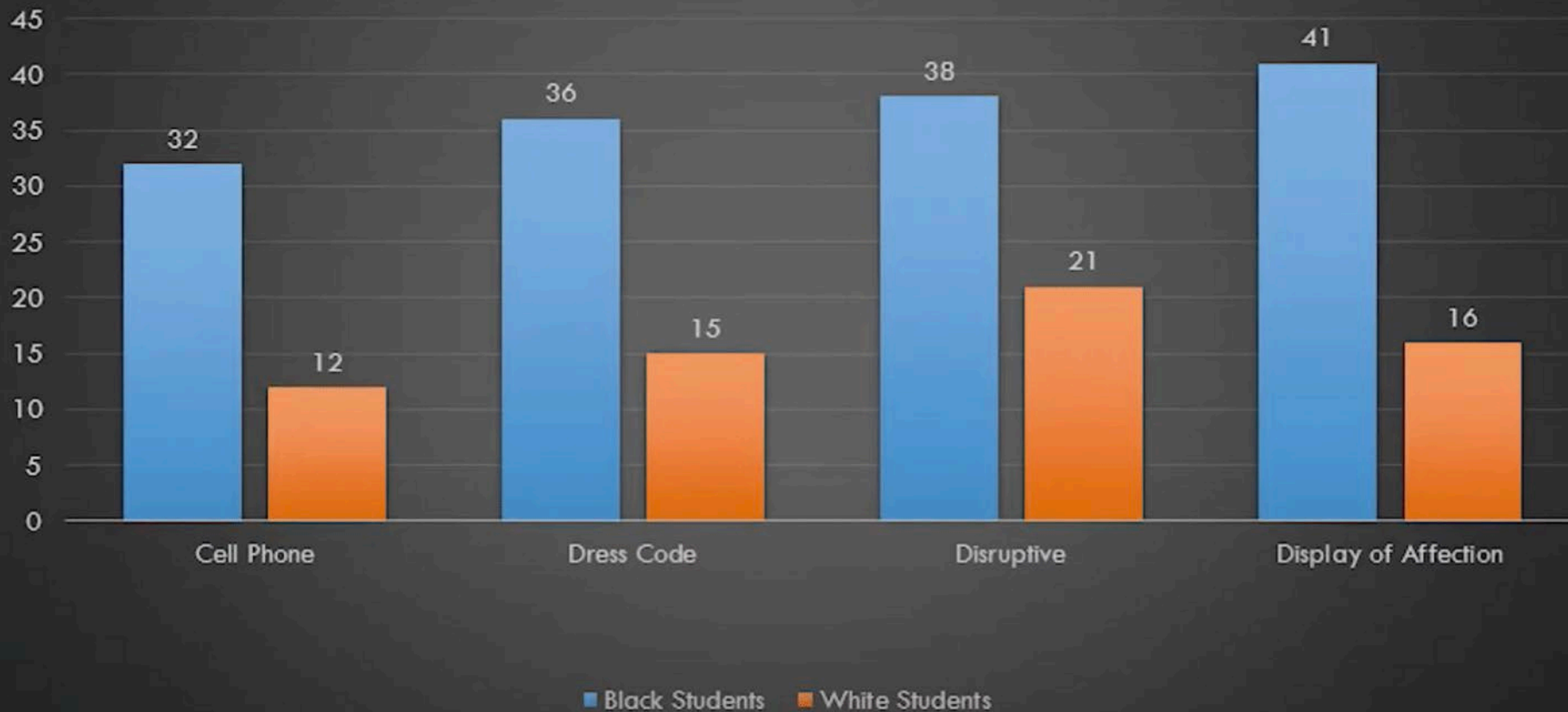
Equal Justice Society, Breaking The Chains (2016).

## •SUSPENSIONS, EXPULSIONS, AND CRIMINALITY





## Rates of Suspension for First Time Violations (2010)



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

NACDL, 2020



# How do RBTS and racism(s) impact the racially disparate rate of JJS involvement? What's next?

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Theories explaining racial disparity in juvenile justice system involvement are basically of two types: differential offending; differential treatment.

If we take a step back, we can think yet more deeply into the systems and interactions that shape, constrain, and direct our youth.

This lens can remake the way that we think about and support living wages, schooling, access to healthy food, childcare, and medical care—and yes—the juvenile justice system.

This is just the beginning of the story.



# Stepping back

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- Is there anything here that surprises you?
- What do you think are the most important implications for your practice?



# Session #2 Quiz, Reprise

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1. Black students are approximately how many times more likely to be suspended than white students?
  - a. Twice as likely
  - b. Three times more likely
  - c. Four times more likely
  
2. Where “disciplinary strictness” in a school is measured by suspension rate, enrollment in a stricter school tends to raise the incidence of arrest, incarceration, and dropping out.

True or false?

# What to expect in Session #3

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Child Toxic Stress and LGBTQ Identity / Discrimination

May 26, 2023, 10:00-10:50 am

According to the Office of Juvenile Justice and Delinquency Prevention, LGBTQ youth are at a significantly higher risk of environmental risk factors including homelessness, and they are twice as likely to be arrested for status and nonviolent offenses. While LGBTQ youth make up between 5 and 7 percent of the youth population, they 13 to 15 percent of those currently in the juvenile justice system. We'll dig into the role played by toxic stress and consider some laws and policies that impact LGBTQ youth in Kansas.

Development Services Group, Inc. 2014. "LGBTQ Youths in the Juvenile Justice System." Literature review. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention.



# Sessions #4 and #5

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Child Toxic Stress and the Foster Care System

September 22, 2023, Noon-12:50 pm CST

Systemic Considerations: A Trauma-Informed Approach to Child Welfare and Juvenile Justice

November 16, 2023, Noon-12:50 pm CST

# Registration for 2023 juvenile justice webinars

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<https://www.kscourts.org/Aboutthe-Courts/Programs/Juvenile-Court-Training>

