DMC 101:
A Historical and Contemporary Exploration of Racial Disparities in the Juvenile Justice System
DMC: A Historical Perspective
What is DMC?

- DMC occurs when the proportion of youth of color who pass through the juvenile justice system exceed the proportion of youth of color in the general population.
  - Disproportionality becomes increasingly worse as youth of color proceed through the system (Short & Sharp, 2005).
DMC Terms

• **Disparities** relate to the different treatment of individuals who are similarly situated or who have common characteristics.

• **Disproportionality** exists when a racial/ethnic group’s representation in confinement/contact exceeds their representation in the general population.
DMC: A Historical Concept
DMC: A Historical Concept

• Is there a point in US history where there was no racial disparity in the juvenile justice system?

• What do we really know about this issue?
DMC: A Historical Concept

Progressive Era: Child Savers

• Progressive Era (1850-1920)
  – Republican utilitarianism resonated with child welfare reformers.
    – Boston House of Reformation (est. 1826) focused on discipline through rights and responsibilities of citizenship.
      • NY House of Refuge (opened in 1820’s) served the purpose of “white rehabilitation”...it would be degrading to white children.”

• Why were these ideas not extended to black youth?
Progressive Era for Black Youth

- **Progressive Era (1890-1920)**
  - Post Civil War...justice system was plagued by convict leasing.
    - In North Carolina (1918-1931)
      - 30% of all juveniles were black; 60% of all juveniles sent to state prison (usually leased) were black.
    - In Pennsylvania (1920)
      - 3.3% of population were black; 30% of teenagers sent to prison were black.
  - Once convict leasing was abolished, black youth continued to be exploited by prison labor and served on chain gangs.
DMC: A Historical Concept

Juvenile Convicts at work in fields. Ca. 1902
DMC: A Historical Concept

Racial Disparities & Decision Points: Executions

• Racial Disparities in Juvenile Executions
  – Georgia: of the recorded 47 youth executions only 3 were NOT black.
    • 60% occurred after 1930
  – Virginia (26), Alabama (20), North Carolina (19)
    • All but one of these were black youth.
DMC: A Historical Concept

• George Stinney – executed at 14 years old. It was reported that “SC officials struggled to fit the adult electric chair to Stinney’s little body (Ward, 2012, p.118).
DMC: A Historical Concept
The Vanguard Movement (1900-1930)

- aka as the *Black Child Saving Movement*
  - Appealed to states to remove black youth from adult institutions
  - Petitioned to establish black reformatories
  - Operated their own reformatories
- **Example: Alabama – Black Clubwomen**
  - Raised $2,000 to purchase 25 acres to build a 6 room cottage for black delinquents
    - AL legislature rejected an appeal for appropriating $ to the institution while allocating $50,000 for an all white institution
- 1907: Opened the AL Reform School for Juvenile Lawbreakers
- 1910: Legislature passed an act providing funds
DMC: A Historical Concept

THE BUFFALO BRANCH of the N. A. A. C. P. will have its -- MONTHLY MEETING at the -- MICHIGAN AVENUE YMCA, 895 Michigan Avenue, Buffalo, N.Y.
SUNDAY, SEPTEMBER 27, 1959, 3:30 P.M.
A PANEL DISCUSSION -- WHAT APPROACH SHOULD BE USED TO CURB JUVENILE CRIME?

JOIN THE N.A.A.C.P. TODAY!
SEE YOU THERE! EVERYONE WELCOME!
DMC: A Historical Concept

Percentage of whites and nonwhites among male youth committed to juvenile correctional institutions in US between 1880-2000
DMC: Historical Concept

Percentage of committed youths confined in adult institutions by region and race (1910)

<table>
<thead>
<tr>
<th>Region</th>
<th>Race</th>
<th></th>
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<tbody>
<tr>
<td></td>
<td>Black</td>
<td></td>
<td>White</td>
</tr>
<tr>
<td>United States (Total)</td>
<td>72.3</td>
<td>35.9</td>
<td></td>
</tr>
<tr>
<td>U.S. South (average)</td>
<td>81.8</td>
<td>42.5</td>
<td>35.8</td>
</tr>
<tr>
<td>South Atlantic</td>
<td>81.6</td>
<td>35.8</td>
<td></td>
</tr>
<tr>
<td>East South Central</td>
<td>87.3</td>
<td>41.7</td>
<td>50.1</td>
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<tr>
<td>West South Central</td>
<td>76.6</td>
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<td></td>
</tr>
<tr>
<td>U.S. North (average)</td>
<td>41.8</td>
<td>32.5</td>
<td>30.6</td>
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<tr>
<td>New England</td>
<td>30.0</td>
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<tr>
<td>Middle Atlantic</td>
<td>47.9</td>
<td>44.3</td>
<td>50.1</td>
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<td>East North Central</td>
<td>35.9</td>
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<tr>
<td>West North Central</td>
<td>53.3</td>
<td>27.8</td>
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<tr>
<td>U.S. West (average)</td>
<td>19.8</td>
<td>28.1</td>
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<tr>
<td>Mountain</td>
<td>32.6</td>
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<tr>
<td>Pacific</td>
<td>6.9</td>
<td>22.0</td>
<td></td>
</tr>
</tbody>
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DMC over the decades...
McCarter (2011)

• 1983:
  – Population: 32% of juveniles
  – Secure Detention: 53%
  – Juvenile Correctional Institutions: 56%

• 1991:
  – Population: 32% of juveniles
  – Secure Detention: 65%
  – Juvenile Correctional Institutions: 69%

• 1997:
  – Population: 34% of juveniles
  – Secure Detention: 62%
  – Juvenile Correctional Institutions: 67%
DMC: Today

African-Americans under the age of 18 account for:

- 16% of the general population
- 28% of juvenile arrests
- 35% of waivers to adult court
- 58% of youth sentenced to adult prisons
DMC Policy
Federal Legislation

• Juvenile Justice Delinquency & Prevention Act of 1974

   – Congress enacted the Juvenile Justice and Delinquency Prevention (JJDP) Act (Pub. L. No. 93-415, 42 U.S.C. § 5601 et seq.) in 1974. This landmark legislation established OJJDP to support local and state efforts to prevent delinquency and improve the juvenile justice system.
Federal Legislation

• Mandated that the Office of Juvenile Justice and Delinquency Prevention (OJJDP) require all states participating in the Formula Grants Program (Title II, Part B, of the Act) to address disproportionate minority confinement (DMC) in their state plans.

• Specifically, the amendment required the states develop and implement plans to reduce the disproportionate representation (Section 223(a)(23)).
JJDP Four Core Requirements

- Deinstitutionalization of Status Offenders
- Sight and Sound Separation
- Jail and Lockup Removal
- Disproportionate Minority Confinement/Contact
Federal Legislation

• Reauthorization of JJDPA – November 2, 2002

Purpose of JJDPA (2002)

- To support state and local programs that prevent juvenile involvement in delinquent behavior.

- To assist state and local governments in promoting public safety by encouraging accountability for acts of juvenile delinquency.

- To support state and local governments in addressing juvenile crime through technical assistance, training, research, education, and information dissemination.
KY & JJDP Act

- From 1991-1997, KY was out of compliance with all four core requirements.
  - Did not receive federal funding during this time.
- In 1995, outgoing Gov. Brereton Jones signed a consent decree
  - Which resulted from a US DOJ initiated investigation of residential juvenile treatment facilities
- HB 117 passed in the 1996 legislative session
  - Creating the KY Department of Juvenile Justice

See: https://www.ncjrs.gov/pdffiles1/Digitization/199171NCJRS.pdf
KY & JJDP Act

- Juvenile Justice Advisory Council (JJAC)
  - created for the purpose of developing and establishing a plan to address the Juvenile Justice and Delinquency Prevention Act of 1974.

- Juvenile Justice Advisory Board (JJAB)
  - Development of program criteria for early juvenile intervention, diversion, and prevention projects, develop statewide priorities for funding, and make recommendations for allocations of funding to the Commissioner for the Department of Juvenile Justice.
KY & JJDP Act

• Subcommittee for Equity and Justice for All Youth (SEJAY)
  – 1999: DMC Subcommittee of the JJAB
    • advises the JJAB and the general public of the Commonwealth of Kentucky on the issue of disproportionate minority representation in the juvenile justice system, and its causes and remedies; advocates for the full implementation of the Juvenile Justice and Delinquency Prevention Act, especially the fourth core requirement; develops policy and funding recommendations relating to this issue; and supports efforts to improve the quality of juvenile justice for all Kentucky citizens.
  – 2002: Local DMC collaborations and funding distribution
KY & JJDP Act

- February 1998: KY was compliant with three core requirements
  - Received $847,000 (75% of possible federal funding)
- January 2000: KY was in full compliance with all four requirements.
- May 2001: DOJ lifted the consent decree

See: [https://www.ncjrs.gov/pdffiles1/Digitization/199171NCJRS.pdf](https://www.ncjrs.gov/pdffiles1/Digitization/199171NCJRS.pdf)
DMC in Kentucky: Identification, Assessment & Recommendations
Determination of KY initial DMC Locations

- Data from the University Louisville’s Disproportionate Minority Confinement Technical Report entitled: *An Analysis of the Process and Decision-Making Points in the Juvenile Justice System.*
  - Indicated that minority youth in secure detention and confinement represent 52% of all youth in Christian County, 48% in Fayette County and 58% in Jefferson County.
Step One: Identification

• Does disproportionality exist?
  • If so, where does it exist? Where within the JJ continuum?
  • What populations does it exist for?
  • To what extent does it exist?
  • Relative Rate Index - Mandatory reporting to OJJDP
Prevailing Criminological Perspectives on DMC

• Conflict perspective
  • emphasizes individual prejudice and intentional race bias (see, e.g., Sellin, 1935)
  • In the modern conflict tradition, key arguments are that minorities are subjected to greater social control in part because:
    • they lack sufficient power and resources to ensure equal treatment (Chambliss, 1995; Chambliss & Seidman, 1971; Quinney, 1970), and
    • they fall victim to stereotypical cultural beliefs that they pose a threat to majority values and interests (Hawkins, 1987; Sampson & Laub, 1993; Tittle & Curran, 1988)
Step Two: Assessment

- Given the knowledge we have about a community, what probable explanations can be generated about DMC?
  - What are the types of data and patterns of results needed to support the possible explanations generated?
  - What are the sources of the needed data?
  - Based on the analysis of data obtained, what are the most likely mechanisms creating DMC?
  - Based on the information found through assessment, what “mechanism” can and will the community or State focus on with interventions?
KY DMC Assessment
Statement of the Problem

- In 2009, the RRI for juvenile arrests (4.25), charges filed (1.04), delinquent charges (1.08), secure confinement (6.36), and transfer to adult court (1.98) across the Commonwealth. The purpose of this project is to assess Kentucky’s progress and provide recommendations for reducing Disproportionate Minority Contact (DMC).

*It should be noted that Kentucky’s RRI data has since been reviewed and revised. Since this project’s inception, a collaborative team was formed to review and develop improvements for identifying DMC across the state.*
Organizational Context of DMC

Bishop, Leiber & Johnson (2009)

• Bishop et al (2009) studied an integration of focal concerns and “loose coupling” perspectives
  • Focal Concerns
  • Loose Coupling
• Key research questions:
  1. “Who are the decision makers at each processing stage?”
  2. “What orientations and concerns do they bring to the table?”
Summary of Findings

Systems Data

• DMC exists in all four targeted counties:
  – Fayette: probation and commitment to DJJ
  – Jefferson: arrests, delinquent findings, probated to DJJ
  – Christian: diversion, probation
  – Hardin: delinquent findings
Summary of Findings

Stakeholder Interviews

• The interviews were conducted in each-of-the-four targeted Kentucky Disproportionate Minority Contact (DMC) counties. Twenty-five (25) stakeholders participated.

• Five (5) primary themes that were revealed:
  – Definitions of DMC
  – Does DMC exist because of prejudices?
  – DMC is expected, because black kids re more delinquent
  – Not everyone sees DMC as important
  – Combatting DMC will require more alternatives, programs and resources (and awareness/education?)
Summary of Findings

Statewide Stakeholder Survey

• The survey revealed the following:
  – DMC is not a problem across the state (perceived)
  – Racial differences in perceptions about DMC root causes
  – Racial differences in opinions on the reliability of local DMC data
  – Low awareness of local programming to address DMC
Guided Conversations

• After the other three methods of data collection were complete, a fourth research component was added. In order to develop a deeper into the “why” of DMC, focus groups were conducted.

• Two primary themes were revealed:
  – DMC is less about stereotypes and more about implicit and structural bias.
  – Geographical resource allocation and culture impacts justice.
DMC Assessment Recommendations

1. Develop and utilize improved data management collection mechanisms
2. Develop and implement equity assessments and comprehensive training and technical assistance for youth-centered agencies and organizations
3. Collect and utilize data on the experiences and perceptions of juveniles and their families
4. Develop and institute an annual joint mandatory training and orientation for all JJAB (SAG) SEJAY members
5. Develop and launch a community-specific and focused DMC resources
6. Develop and disseminate usable resource guides by county/region
7. Adopt restorative approaches
Develop and implement equity assessments and comprehensive training and technical assistance for youth-centered agencies and organizations.

**EQUALITY VERSUS EQUITY**

- **In the first image,** it is assumed that everyone will benefit from the same supports. They are being treated equally.

- **In the second image,** individuals are given different supports to make it possible for them to have equal access to the game. They are being treated equitably.

- **In the third image,** all three can see the game without any supports or accommodations because the cause of the inequity was addressed. The systemic barrier has been removed.
Social Equity

- “the fair, just and equitable management of all institutions serving the public directly or by contract;
- the fair, just and equitable distribution of public services and the implementation of public policy;
- and the commitment to promote fairness, justice and equity in the formation of public policy” (NAPA, 2000, p. 2-3)
“Not only have diverse individuals involved but...are learning organizations that value the perspectives and contributions of all people...

- ...they incorporate the needs, assets, and perspectives of diverse communities into the design and implementation of universal and inclusive programs
- ...they recruit and retain diverse staff and volunteers to reflect the composition of the communities they serve”
Costs and Benefits of Inclusivity

• Benefits
  – Higher job satisfaction, especially among staff of color.
  – Lower turnover.
  – Higher productivity.
  – Higher employee morale.

• Hard v. Soft Costs
  – Hard: increased expenses for recruitment and high turnover
  – Soft: fewer innovative ideas
Post-Assessment:
Recent Literature on DMC

2014-2016
Recent Publications


  – No success in DMC reduction at any of the stages in urban settings since 2006.

  – There were also no geographical differences in DMC reduction across rural and urban settings.

  – Research and policy implications acknowledging a need for incentives and substantive initiatives to encourage and guide states in their DMC reduction efforts are included.
Recent Publications


  – This study aims to uncover various aspects of police interactions that contribute to **disproportionate minority contact** with the juvenile justice system.

  – Interviews with 30 male juveniles residing in a correctional facility indicated consistent themes including:
    • Police allotting more chances to Whites than youth of color
    • Repeated arrests by the same officer
    • Police awareness of family reputations, and
    • Officers using unnecessary force against youth of color

  – Findings demonstrate that **contact** with the juvenile justice system is not only **disproportionate** but also distinct in its form depending on the race of the juvenile.
Recent Publications


  – Describes the process of *disproportionate minority contact* (DMC) within Fresno County (California), a majority Latino county.

  – Findings support speculation that even though Latinos are generally defined as a *minority* group nationally, DMC has a slight effect on juvenile justice processing given that Fresno County is a *minority*-majority county.
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Next Steps…
In conclusion, while the Kentucky DMC Assessment did not explicitly examine the political environment of juvenile justice in Kentucky, this concept was observed in all phases of the study. If system actors and community members continue to seek to improve the interactions of the juvenile justice system and minority youth, then an honest analysis of existing opportunities and threats should occur through an environmental scan. This should reveal any implicit challenges impeding progress while also providing opportunities for more transparency in addressing DMC across the Commonwealth.