Disproportionate Minority Contact in the Juvenile Justice System: An Emerging Issue for Missouri’s Latino Youth

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On a typical day in 2003, 307 of every 100,000 juveniles were in custody.

On a typical day in 2003, 190 of every 100,000 white juveniles were in custody.

On a typical day in 2003, 502 of every 100,000 minority juveniles were in custody.

In 17 States in 2003, the minority rate was at least 4 times the white rate.

Minority:White Rate Ratio
- 5:1 or more (8)
- 4:1 to 5:1 (9)
- 3:1 to 4:1 (15)
- 2:1 or less (19)

Differential Offending
Do minorities commit more crimes?

<table>
<thead>
<tr>
<th>In the last 12 months did you</th>
<th>Caucasian</th>
<th>African-American</th>
<th>Latino</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carry a handgun</td>
<td>10%</td>
<td>8%</td>
<td>8%</td>
</tr>
<tr>
<td>Destroy property</td>
<td>21%</td>
<td>18%</td>
<td>17%</td>
</tr>
<tr>
<td>Steal over $50</td>
<td>7%</td>
<td>7%</td>
<td>8%</td>
</tr>
<tr>
<td>Assault someone</td>
<td>15%</td>
<td>21%</td>
<td>13%</td>
</tr>
</tbody>
</table>

Source: National Longitudinal Survey of Youth 1997
Missouri Juvenile Court Referrals, CY05

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent of all referrals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Caucasian</td>
<td>37,880</td>
<td>65%</td>
</tr>
<tr>
<td>African-American</td>
<td>18,557</td>
<td>32%</td>
</tr>
<tr>
<td>Latino</td>
<td>873</td>
<td>1.5%</td>
</tr>
</tbody>
</table>

Source: MO Office of State Courts Administrator

Of those referred, how many in each group end up in detention?

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Caucasian</td>
<td>8%</td>
</tr>
<tr>
<td>African-American</td>
<td>15%</td>
</tr>
<tr>
<td>Latino</td>
<td>13%</td>
</tr>
</tbody>
</table>

Within each group, how many were formally processed?

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Caucasian</td>
<td>24%</td>
</tr>
<tr>
<td>African-American</td>
<td>51%</td>
</tr>
<tr>
<td>Latino</td>
<td>32%</td>
</tr>
</tbody>
</table>

Of those formally processed, how many were placed out of home?

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<table>
<thead>
<tr>
<th></th>
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<tbody>
<tr>
<td>Caucasian</td>
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<tr>
<td>African-American</td>
<td>20%</td>
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<td>Latino</td>
<td>27%</td>
</tr>
</tbody>
</table>

The DMC Initiative

- Juvenile Justice and Delinquency Prevention Act re-authorized in 1988
- Amended to require all states to address efforts to reduce DMConfinement
- 1994 new funds allotted to address issue
- Ensure equal and fair treatment of every youth in the juvenile justice system regardless of race or ethnicity
Goal of the DMC Initiative

- Priority: improve juvenile justice practices by increasing compliance with the core requirement regarding DMC
- Core requirement: reduce the number of minority youth in secure facilities where the proportion minority youth exceeds the proportion in general population
- Presence of DMC suggests that selection bias may be operating in the juvenile justice system.

Identifying disparities at the community level

- RRI (Relative Rate Index) The rate per 1000 of each minority group is compared to the rate per 1000 of Caucasian incidents.
- A ratio of 1.00 shows proportionality.
- Overrepresentation is denoted by numbers greater than 1.00
- Underrepresentation is denoted by numbers less than 1.00.

Why DMC is a concern- Social costs

- Social costs of mass incarceration in minority neighborhoods
- "Exposure to incarceration is a defining experience in influencing how people feel about public and private social control (Rose, Clear & Ryder 2001)."
- Disrupts social networks, civic participation, and collective efficacy (Roberts 2006).
**Why DMC is a concern - Economic Costs**
- Have not been analyzed empirically
- Economic implications for the justice system: costs of law enforcement, court administration, treatment, physical facilities
- Economic implications for the system-involved youth: income earning capacity, educational achievement, ability to avoid future incarceration

**Legal Compliance Costs**
- Reducing DMC is the law
- The Juvenile Justice and Delinquency Prevention Act reauthorization mandates that states address prevention and system improvement to reduce DMC at every critical contact point within the juvenile justice system.
- States that are not in compliance will lose federal funds.

**Missouri’s Response**
- Jackson County, St. Louis City, St. Louis County have had programs to address DMC.
- A statewide coordinator regularly sends reports to the federal government.
- OJJDP’s website on DMC [www.ojjdp.ncjrs.org/dmc](http://www.ojjdp.ncjrs.org/dmc)
- Public Safety sponsored statewide project

**The Public Safety Study**
- *Numbers only tell part of the story*
- Assessed court contact data by race/ethnicity for all study counties
- Conducted youth focus groups
- Interviewed court personnel
- Collected data from child welfare and education systems
- Held key stakeholder meetings to present findings

**RRIs for Latino youth court contacts 2004**

<table>
<thead>
<tr>
<th></th>
<th>Sullivan</th>
<th>Greene</th>
<th>McDonald</th>
</tr>
</thead>
<tbody>
<tr>
<td>Juv.arrests</td>
<td>Over</td>
<td>Under</td>
<td>Over</td>
</tr>
<tr>
<td>Court referral</td>
<td>Over</td>
<td></td>
<td>Over</td>
</tr>
<tr>
<td>Diverted</td>
<td>Equal</td>
<td>Equal</td>
<td></td>
</tr>
<tr>
<td>Detention</td>
<td>Under</td>
<td>Under</td>
<td></td>
</tr>
<tr>
<td>Petition</td>
<td>Under</td>
<td>Over</td>
<td>Under</td>
</tr>
<tr>
<td>Delinquency</td>
<td>Equal</td>
<td></td>
<td>Equal</td>
</tr>
<tr>
<td>Probation</td>
<td></td>
<td></td>
<td>Over</td>
</tr>
</tbody>
</table>
Possible Sources of DMC

Risk Factors negatively impacting the well-being of children

- Individual level factors: low IQ, impulsiveness
- Family level factors: poverty, single parent household, ineffective parenting, substance abuse
- Community level factors: high crime rates, high number of dysfunctional families, high number of low income households, high number of school dropouts

Source: Howell 2003

Socioeconomic Indicators of Differential Risk Exposure

<table>
<thead>
<tr>
<th>Social Indicator</th>
<th>Caucasian</th>
<th>African-American</th>
<th>Latino</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children living in poverty, 2000</td>
<td>13.5%</td>
<td>33.1%</td>
<td>30.3%</td>
</tr>
<tr>
<td>Female headed HH in poverty, 2000</td>
<td>19.8%</td>
<td>41%</td>
<td>40.7%</td>
</tr>
<tr>
<td>Homicides/100,000 (1997)</td>
<td>3.9</td>
<td>26.6</td>
<td>12.4(1996)</td>
</tr>
</tbody>
</table>

Source: Roberts 2006

Out-of-Home Placement

- Number in foster care/1,000 children
  - African American: 21
  - Native American: 16
  - Latino: 7
  - Caucasian: 5

Source: Roberts 2006

Special Education System

- Once labeled as disabled, minority students are disproportionately excluded from mainstream classrooms
- Minority students with disabilities face harsher discipline than other disabled or minority students.

Source: Children's Defense Fund, 2004, Fact Sheet

Latino Students in Special Education, CY04

<table>
<thead>
<tr>
<th>School</th>
<th>Special Ed students who are Latino</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barry</td>
<td>7% (62)</td>
</tr>
<tr>
<td>Clay</td>
<td>5% (211)</td>
</tr>
<tr>
<td>McDonald</td>
<td>13% (54)</td>
</tr>
<tr>
<td>Sullivan</td>
<td>10% (18)</td>
</tr>
</tbody>
</table>

Source: MO Dept. of Elementary & Secondary Education
School Experience and Outcomes

- Ineffective school discipline practices (ex. Out of school suspension) increase the chances of dropping out.

# study counties (n=9) reporting school discipline RRIs over 1.0 for Latino, 2004

<table>
<thead>
<tr>
<th>Discipline</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Out of school suspension</td>
<td>5</td>
</tr>
<tr>
<td>Alternative school</td>
<td>5</td>
</tr>
<tr>
<td>Violent act reported</td>
<td>6</td>
</tr>
<tr>
<td>Expulsion</td>
<td>3</td>
</tr>
</tbody>
</table>

Source: MO Dept. of Elementary & Secondary Education, CORE Data

Latino drop out rates in study counties with significant Latino youth population, 2004

<table>
<thead>
<tr>
<th>County</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barry</td>
<td>6%</td>
</tr>
<tr>
<td>McDonald</td>
<td>4%</td>
</tr>
<tr>
<td>Sullivan</td>
<td>3%</td>
</tr>
</tbody>
</table>

Source: MO Dept. of Elementary & Secondary Education

Latino drop out rates in study counties with significant Af-Am/Latino youth population, 2004

<table>
<thead>
<tr>
<th>County</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clay</td>
<td>3%</td>
</tr>
<tr>
<td>Johnson</td>
<td>29%</td>
</tr>
<tr>
<td>Pettis</td>
<td>3%</td>
</tr>
<tr>
<td>Platte</td>
<td>1%</td>
</tr>
<tr>
<td>Pulaski</td>
<td>2%</td>
</tr>
<tr>
<td>Saline</td>
<td>5%</td>
</tr>
</tbody>
</table>

Consequences for drop outs

- Those who drop out are 3.5x as likely to be arrested.
- In 2001 50% of Af-Am & 53% of Latino students graduated from High School. Once a youth drops out, their future prospects decline substantially.
- Missouri drop outs have an unemployment rate of 20% (compared to 4.4% for high school graduates.)
- Of those who are employed, they earn on average $10,000 less per year than a graduate.

Source: Child Trends, 2004, Fact Sheet

And, of particular relevance to this study, Missouri high school drop outs are twice as likely to be incarcerated as are those who graduate.
Conclusion from risk studies

Differential exposure to risk throughout childhood leads to greater accumulated risks for minority children and greater likelihood of being involved with the juvenile justice system.

Another Source of DMC: Bias

- Overt, blatant – racial profiling for traffic stops
- Subtle-
  - Individual level- making decisions based on an individual’s dress, demeanor, or family situation
  - Institutional level- policies and procedures that disadvantage certain groups (case processing decision criteria or lack thereof)

Source: Lieber 2005

Sources of Bias- Myths

- Super predator myth (Dilulio 1995)
  - Children with no father, no job and no God.
- Crime Bomb myth (Fox 1996)
  - Growing number of minority teens flooding the streets.

Assumptions behind the myths

- The proportion of serious, violent offenders is growing. (yes, increased 4%)
- Offenders are younger. (not substantiated)
- Juveniles are committing more serious crimes (not substantiated).

Source: Snyder 1998

Crime wave never happened

- Drops outs found jobs in robust economy
- Demographic shift- increase in Latinos in central cities (more intact families, higher religious participation) Blumstein & Wallman 2006
- Overall decrease in violent youth crime through 2004
- Since 2005 more violent crimes have been committed by youth (under age
Concerns about a new crime wave are emerging

- In 2004, 49% of gang members were Latino
- The most common law violations relate to violent crime: weapons violations, homicide, and aggravated assault.

Source: Snyder & Sickmund 2006

Media Portrayal of Minorities, Delinquency, and Crime

- “Hispanic Family Values”, Heather McDonald, Manhattan Institute, City Journal
- Concluded “the Hispanic baby boom is certain to produce more delinquents”
- Research on other groups showed a relationship between out-of-wedlock births and social and behavioral problems, including crime.

Reinforcing labels and bias thru exclusion

- Brochure promoting a Missouri town with a significant minority population

Summary: Status of Latino Youth in Missouri

- Not appearing in juvenile justice system in significant numbers
- Disproportionately represented at the entry point, arrest
- And once in the system, more likely to be detained, adjudicated, placed in out of home care

What factors indicate reasons for future justice system involvement?

- More likely to live in poverty, single parent home, low income neighborhood
- Special education
- Disproportionately represented in out-of-school suspension, expulsion, alternative school, and reported violent acts
- Media coverage of Latino issues-bias, myths

What can be done?

- Record and report more statistics based on ethnicity (child abuse/neglect, arrest)
- Monitor the status indicators for early warning signs and system involvement
- Address community climate through data
- Work with gatekeepers (school resource officers, law enforcement, juvenile officers) to develop understanding of Latino youth and their families
References