

Disproportionate Minority Contact: Lessons from Existing Programs

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Disproportionate Minority Contact: Lessons from Existing Programs

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Abstract

In the United States, legislation has tied federal funding for the juvenile justice systems to specific core requirements. One of these core concerns is “disproportionate minority contact” (DMC). This refers to the disproportionate involvement of minority youth at given contact points in the juvenile justice system compared to their majority peers. To receive federal funds, juvenile justice jurisdictions throughout the United States must address DMC within their system. As a result, several state efforts and local programs have been implemented to address this concern. Some of the pilot groups for these efforts have had successes in specific areas of decreasing DMC. This report will summarize the history of DMC legislation and the programs adopted to address it. The impact of DMC and juvenile justice involvement will be discussed. Recommendations for future programs will be provided, based on the successes of these state and local programs. Finally, recommendations for future research will be offered.

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SECTION 1: *Introduction*

As juvenile justice and delinquency efforts in the United States have evolved, federal legislation has attempted to shape and direct these systems. Early federal legislation for juvenile justice systems included the Juvenile Justice Delinquency Prevention (JJDP) Act of 1974, enacted to address the special needs of the juvenile population. This act simultaneously created the Office of Juvenile Justice and Delinquency Prevention (OJJDP) (Olson-Raymer, 1983). The OJJDP created the National Institute for Juvenile Justice and Delinquency Prevention and Federal Coordinating Council in an attempt to better understand and address the needs of the juvenile justice system (Coleman, n.d.).

Under the JJDP Act, states accepting federal funds had to first agree to two conditions. These conditions included a “sight and sound” separation mandate. This meant juveniles could not be held in facilities where regular contact with adult prisoners occurred. The second mandate required status offenders to be deinstitutionalized, releasing them back into the community. According to Schmallegger (2009), in the years following these federal conditions, juvenile institutional populations were cut by more than half and alternatives to institutions were being developed in communities.

As demographic research on youth involved in the juvenile justice system started to emerge, congress determined further changes needed to be made. According to McCarter (2011), in 1983, minority youth comprised 32% of the youth population in the United States but 53% of youth in secure detention and 56% in juvenile correctional centers.

In 1988, the JJDP Act was amended to require states to address “Disproportionate Minority Confinement” as a condition to receive federal funding. Disproportionate minority confinement (DMC) referred to the disproportionate number of minority youth who were confined within juvenile justice facilities. The JJDP Act required states to develop and execute plans to reduce the proportion of minority youth in detention facilities, jails, and secure detention (Hanes, 2012).

Overrepresentation of minority youth remained a priority into the 1990s. The JJDP Act was again amended in 1992, this time disproportionate minority confinement became a core requirement. This tied 25% of each state’s Formula Grant allocation for that year to compliance of this requirement (Slowikowski, 2009). In 1992, it was also estimated that 1 in 7 African American males would be incarcerated before the age of 18, compared to 1 in 125 white males (Hsia, 2009). The intention of this amendment was to prioritize DMC within the juvenile justice system issues.

Despite the emphasis of disproportionate minority confinement in federal legislation, the problem continued. Hsia and Hamparian (1998) found that in 1995, minority youth constituted about 32 percent of the youth population but they represented 68 percent of the juvenile population in secure detention and 68 percent of those in secure institutional environments. It must be noted that as a result of the 1992 amendment to the JJDP Act, the emphasis of the DMC efforts focused almost exclusively on detention and other secure juvenile justice facilities. As further data became available, it was obvious that the definition of ‘DMC’ would have to be expanded.

It was not until 2002 when the JJDP Act was again amended that this definition expansion occurred. This time the terms changed from “disproportionate minority

confinement” to “disproportionate minority contact”. By expanding the definition, overrepresentation of minority youth at every point in the juvenile justice system was acknowledged. This includes overrepresentation in arrest, referral to court, diversion, prosecution, and waiver to adult court.

Despite numerous amendments spanning decades, DMC continues to be a serious problem in the juvenile justice system today. Gills and Bath (2016) found that there were three times the numbers of black youth age 10 to 17 in the juvenile justice system relative to their portion in the general population. In 2015, Puzzanchera and Hockenberry determined the arrest rate for white youth per 1,000 was 26, for black youth this number was 63.6 per 1,000. Despite shortcomings, multiple state and local jurisdictions have adapted a variety of programs to address DMC in the juvenile justice system.

To assist states in determining their DMC problem and to guide reduction efforts, the OJJDP created a five-stage model. The first stage of this model is identification. This refers to a calculation of disproportionality at differing points in the juvenile justice system. This calculation uses the Relative Rate Index, discussed further later in this paper. The second stage of the model is assessment and diagnosis. States are responsible for recognizing and discussing probable explanations for the overrepresentation of minority groups. At the third stage, interventions are implemented. These interventions can include alternative programming for juveniles, diversion programs, advocacy groups, and cultural competency training for juvenile justice officials. The fourth stage of this model involves objective evaluation of existing programs. The final stage is data gathering and monitoring to recognize fluctuations in representation and sustain DMC reducing efforts (Hanes, 2012).

Measurements of DMC

Some scholars argue that minority youth have been greatly overrepresented in the juvenile justice system since its inception. It was not until the late twentieth century that ‘disproportionality’ was officially recognized as a problem (Leiber, Bishop, & Chamlin, 2010). When decreasing DMC in confinement was the primary goal, an index was created to compare the population of minority youth in the general population compared to the rate of minority youth who were confined. An example of the formula used describes if a juvenile facility had a minority population of 12% and the minority only represented 3% of the general youth population, the index of disproportionate minority confinement would be 4.0. Prior to 2002, any state with an index of greater than 1.0 were required to develop and implement a plan to reduce “disproportionality” (Piquero, 2008). As outlined by the OJJDP (Hanes, 2012), these efforts should be targeted toward to “reduce the disproportionate number of juvenile members of the minority groups, who come in contact with the juvenile justice system but without establishing or requiring numerical standards or quotas”.

When the JJDP was renewed in 2002, new measurements were created. The Relative Rate Index (RRI) was introduced to measure disparity at each point of the system, including arrest, referral to juvenile court, detention, petitioning, transfer to criminal court, adjudication, and out-of-home placement. According to Lieber et al. (2010), states were required to submit created matrices created by the OJJDP, with their annual reports to measure percentages of minorities in the juvenile justice system.

Piquero (2008) provides the example if the rate is 60 out of 100 arrests for white youth and 80 out of 100 for black youth, the disparity exists at the decision point where arrests are referred to court. This example of RRI compares the arrests between races that are referred to court intake.

Goals and Methods

The purpose of this study is to compare and evaluate the existing programs and policies addressing DMC in localized jurisdictions. The National Criminal Justice Reference Service publishes research about city, county, and state level programs addressing DMC. In 2007, the OJJDP determined 34 states have invested financial support for local reduction sites to address the issue of DMC (Brown, 2015). With a variety of research and with varying examples of DMC programs available, this paper will highlight the programs and interventions proven to decrease DMC. Pre-intervention and post-intervention RRI will be considered. In doing so, future efforts to address DMC can utilize methods supported with evidence.

To compare these programs previous and current research on DMC programs will be reviewed. The National Criminal Justice Reference Service and the OJJDP have published reports on DMC dating back to the mid-1990s. Some of the earliest reported on states included North Carolina, Florida, Iowa, and Arizona. These early state level evaluations will be discussed and evaluated for trends and themes noted, as well as evaluation of effectiveness. More recent evaluations of other levels of programs will also be discussed, such as Spinney et al.'s 2016 report on DMC programs run in nine test jurisdictions. From there, additional studies on individual programs will be included.

Implementation procedure, policy, or models that are identified in successfully decreasing DMC via RRI measurement will be discussed. Overall considerations for juvenile populations and applicability of these procedures will be evaluated. Evidence will be presented in support of future policy considerations.

SECTION II: *Literature Review*

Early Research

Since the late 1950s, researchers have published studies assessing the extent to which DMC exists. According to the OJJDP (1996), of this early research, approximately one third of all DMC studies found an overall pattern representing DMC in the juvenile justice system. Meanwhile, an equal proportion of studies only found DMC at particular points within the juvenile justice system (OJJDP, 1996). The studies finding evidence of DMC ascribe the cause to either systemic racial bias in the juvenile justice system or more serious and/or frequent offenses being committed disproportionately among the races (OJJDP, 1996). However, researchers do note that intrinsic methodological difficulties contribute to the inconsistent early findings. Some authors argue the DMC measurements have provided little information about the causes of racial disparity, therefore do not accurately represent the issue at hand (Piquero, 2008). Others argue the primary factor contributing to inconsistent early findings may be that most original DMC studies were limited to one stage in system processing, thereby limiting the data (OJJDP, 1996). While early information is important to address the history of DMC initiatives, this report will primarily focus on efforts from the 1990s forward. It is important to consider the limitations as outlined by this early research throughout the evaluation of current and past programs.

In 1991, minorities comprised 32% of the total juvenile population, yet they made up 65% of the juveniles in secure detention and 69% of those in juvenile correctional centers (Sickmund, Snyder, & Poe-Yamagata, 1997). According to the OJJDP, states' evaluations of minority overrepresentation showed higher rates of the probability for minority incarceration than majority incarceration in every state studied (Roscoe & Morton, 1994). In one particular state, it was estimated for white males that 1 in 64 would be taken into juvenile justice custody before his 18th birthday, compared to 1 in 13 for African American males (Roscoe & Morton, 1994).

When Congress further amended the JJDPA in 1992, DMC became a core requirement and some perceived the change to be refocused attention on a growing problem. Despite the possible refocus, the problem persisted as demonstrated by the data. According to Hsia (2009), studies from 1993 found that for juvenile incarceration, African-American youth had the highest prevalence rates of all segments of the population in 15 of the 16 states. The author (2009) furthered that in two of the states studied, it was estimated that 1 in 7 African-American males would be incarcerated before the age of 18, compare to 1 in 125 white males. Though the expectation of change would be limited in scope immediately following the core requirement amendment, successfully addressing DMC would continue to present as a challenge in following years as well.

In 1997, youth of color continued to be overrepresented in the juvenile justice system (McCarter, 2011). During this year, minority youth made up 62% of those in secure detention and 67% of the youth in juvenile correctional centers (Snyder & Sickmund, 1999). Using data from 1997 and 1998, Huzinga et al. (2006) demonstrated

that African American youth were overrepresented at virtually every stage of the juvenile justice system. Huzinga et al. (2006) determined in 1997 African American youth accounted for: 26% of juvenile arrests, 44% of the detained population, 31% of referrals to juvenile court, 34% of youth formally processed by the juvenile court, 40% of youth in residential placement, 32% of youth adjudicated delinquent, 46% of youth judicially waived to criminal court, and 58% of youth admitted to state prison, despite accounting for only 15% of the juvenile population nationwide. Despite a continued push to address DMC in the juvenile justice system, the disparities continue. McCarter (2011) found that in 2001, nearly a decade after the inclusion of DMC as a core requirement, minority youth were overrepresented in every state reviewed, at every decision point in the juvenile justice system. As a result of continued disparities, in 2002, the JJDPA was amended for a third time.

Current State of DMC

The legislation surrounding DMC represents a changing and evolving approach to this problem. Despite the best intentions and deliberate efforts of many jurisdictions, DMC continues today. In 2008, Piquero found black youth were more likely than whites to be formally charged in juvenile court and to be sentenced to out-of-home placement, even when referred for the same offense. The author found that black youth made up 16% of all youth in the general population but 30% of juvenile court referrals and 58% of youth admitted to state adult prison (Piquero, 2008). In 2010, African American comprised of 17% of all juveniles but 31% of all arrests (Rovner 2014).

Despite the emphasis of DMC tied to federal grants, many jurisdictions continue to struggle with DMC. As of the most recent OJJDP official updates on state activities in relation to the JJDP, forty-eight states, five territories, and the District of Columbia were participating in the Formula Grant Program (Satpathy, 2011). Data suggests that most states participating are not in full compliance with the core requirements (Satpathy, 2011). Some researchers suggest states may not be compliant because there is too little incentive to create effective programs or to monitor the programs developed. By evaluating the approaches of these jurisdictions, successful interventions and shortcomings in addressing DMC can be discovered.

SECTION III: Comparing and Contrasting DMC Programs

DMC has seemingly presented as an issue in the juvenile justice system from the beginning, though it was not until the late twentieth century that ‘disproportionality’ was officially recognized as a problem (Leiber, Bishop, & Chamlin, 2010). During the first 12 years of the DMC initiative, only a few states implemented a more comprehensive approach to make their juvenile justice system response consistently fair (Hanes, 2012). By reviewing the early state response programs to DMC, early indicators of successful intervention begin to emerge.

In 1991, the OJJDP selected five states to run early pilot programs addressing DMC. The pilot programs comprised of two 18-month phases. During the first phase the selected states assessed the extent to which minority youth were confined (Devine, Coolbaugh & Jenkins, 1998). The next phase designed and implemented corrective

interventions. These early state programs included Arizona, Florida, Iowa, North Carolina, and Oregon.

The purpose of these pilot programs was to have states undertake a series of activities to assess and develop responses to their respective DMC circumstances. More specifically, the problem solving process ultimately included: analyzing juvenile justice data to identify the scope to which minority youth are overrepresented in state and local juvenile justice systems, identifying the fundamental factors that contribute to minority overrepresentation, creating new and reinforcing existing DMC interventions and creating methods to measure the impact of DMC interventions. It must be noted that these programs were implemented prior to the adoption of the Relative Rate Index (RRI), therefore measurements of change were not documented in that way.

Arizona

The 1990 Census reported the racial composition in Arizona consisted of 72% white, 19% Hispanic, 5% American Indian, 3% African-American, and 1% Asian/Pacific Islander (Devine, Coolbaugh & Jenkins, 1998). An interagency group of educators, law enforcement representatives, local government officials, and service providers was created by the State Advisory Group to advise it on DMC issues. The 1991 OJJDP effort in Arizona funded seven community-based programs targeting at-risk populations.

The approach adopted by the Arizona program employed the following steps: 1) Focus on the problem, not the symptoms, 2) involve key players in total DMC definition process, 3) insure local planning, 4) clearly specify a role for the state 5) choose interventions strategies that respond to system needs, 6) a comprehensive view when planning and funding the interventions 7) develop alternative resources to offset deficits

8) recognize information needs and create new information systems as needed and 9) institutionalize mechanisms for examining DMC issues (OJJDP,1996, Arizona). While there was not the measurement of RRI during this time, officials reported success in their DMC initiatives (Devine, Coolbaugh & Jenkins, 1998). Arizona recognized that as a result of these actions approximately 50% of minority youth referred to juvenile justice system during the trial period were referred to diversion programs. (Devine, Coolbaugh & Jenkins, 1998).

Florida

According to data from the 1990 Census, Florida's racial composition was estimated to be 73% white, 13% African-American, 12% Hispanic, and 1% Asian/Pacific Islander, and less than 1% American Indian. The Florida Department of Health and Rehabilitative Services created the Department of Juvenile Justice, the agency responsible for implementing the DMC efforts. This agency determined African-American juveniles were overrepresented at every stage of the juvenile justice process. Florida's interventions to their juvenile justice focused on intake assessment. Additionally, it was determined that probability of receiving the harshest disposition available at every stage of several processing stages was more likely for nonwhite than for white youth (Foricer, Berube, Sealey, Smith, 1996). By addressing disparities at this early stage, this system was expected to have a positive effect throughout the system. (Devine, Coolbaugh & Jenkins, 1998).

The approach adopted in the Florida initiative included: 1) the development of a Core Group; (2) the development of a Coalition of Service Providers; (3) the development of a system for diverting non-serious, minority youth brought to the

Juvenile Assessment Center; (4) the provision of cultural sensitivity training for juvenile justice professionals; and (5) an establishment of a civil citation program as an alternative to intake at the Juvenile Assessment Center. (Foricer, Berube, Sealey, Smith, 1996). These steps emphasized advocacy for youth, training of juvenile justice staff, and development of alternatives to treat juveniles' mental health and family problems. (Foricer, Berube, Sealey, Smith, 1996).

Several successful outcomes resulted from the Florida pilot program. The first, was the utilization of the Core Group, a steering committee comprised of different agencies in the juvenile justice system. This group was successful in meeting the objectives of the OJJDP program by designing a system for diverting minority youth and a curriculum for training juvenile justice professionals. One notable achievement of the core group was the unprecedented high level of dialogue amongst different professionals. According to (Devine, Coolbaugh & Jenkins, 1998) the increase in communication led to gains in interagency efficiency that benefited minority youth while also reducing the average days in pre-arraignment detention holding for all youth.

Iowa

According to 1990 data from the Bureau of the Census, the racial composition of Iowa was 96% white, 2% African-American, 1% Hispanic, and 1% individuals of other racial groups (Devine, Coolbaugh & Jenkins, 1998). In Iowa's 1991 DMC efforts, a task force of juvenile justice professionals from the county and state levels and the Division of Criminal and Juvenile Justice Planning aided the project and provided recommendations to the head agency. Data analysis suggested that minority juveniles were overrepresented in secure facilities. Minority youth in Iowa also encountered longer stays in secure

facilities than white juveniles. Data from four pilot counties indicated that unintentional decision-making bias, social factors, and community factors were significant contributors to DMC. Iowa's chosen interventions focused on community-based problem identification and solutions including community based interventions, statewide cultural competency training, and county planning grants (Devine, Coolbaugh, & Jenkins, 1998).

The interviewees viewed the fact that the Task Force was representative of state and local interests and inclusive of all ethnic minority groups positively. Also, this heterogeneous mix of interests was seen as contributing to a more effective collaborative process (Devine, Coolbaugh, & Jenkins, 1998). The DMC initiative also reportedly had a direct positive impact on the participating communities. The planning activities within the DMC counties had a much higher level of quality, and there was an increase in agency collaboration at the community level. According to the interviewees, the DMC project also encouraged the development of community-based services for delinquent youth.

North Carolina

In North Carolina, according to the 1990 Census, the state's racial composition was approximately 75% white, 22% African-American, 1% Hispanic, 1% Asian/Pacific Islander, and 1% American Indian. In studying 10 pilot counties, North Carolina minority juveniles were more likely to be arrested, presented to intake, referred to secure confinement, and referred to juvenile court. DMC activity was facilitated by state-level DMC stakeholders, who helped to identify potential local leadership and offered planning grants. DMC interventions included detailed plans for corrective actions within juvenile

service delivery systems and local juvenile justice systems alike. (Devine, Coolbaugh & Jenkins, 1998).

Oregon

In Oregon in 1990, the state's racial composition was approximately 91% white, 4% Hispanic, 2% African American, 2% Asian/Pacific Islander, and 1% American Indian. The data analyzed in 1991 indicated that African-American youth were overrepresented at each stage of the juvenile justice process. Specifically, African-American juveniles were especially overrepresented at the "back end" of the system. Three different county-level systems applied intervention strategies, providing a continuum of services at various points in the juvenile justice system (Devine, Coolbaugh & Jenkins, 1998).

Case Studies of Nine Jurisdictions

In 2014, an evaluation of nine jurisdictions programs discussed the effectiveness of DMC programs. The selected case study sites represent a diverse group of jurisdictions both demographically and geographically. The smallest jurisdiction was Montgomery County, Ala., which had fewer than 250,000 residents, and the largest jurisdiction was the state of Connecticut, which had more than 3.5 million residents (Spinney, Cohen, Feverherm, Stephenson, Yeide, & Hopps, 2016). Common strategies utilized by these jurisdictions to address DMC include focusing on data, changing institutional culture, increasing systemic collaboration, affiliation with national reform initiatives, develop alternatives to involvement in the formal system, and making use of local level leadership. (Spinney, et al., 2016).

These nine jurisdictions included: Bernalillo County, N.M., Clark County, N.V., The State of Connecticut, Essex County, NJ, Hillsborough, N.H., Montgomery County Ala, Philadelphia, Pennsylvania, Tulsa County, Okla., and Utah County, Utah. Each jurisdiction had demonstrated success in decreasing DMC, however more research is needed. Many of the activities performed by these case studies have been used in similar sites, which were unsuccessful in reducing DMC. By examining the successful intervention can be informative as to best practice, there are still unique factors to consider with each jurisdiction.

Bernalillo County, New Mexico

Bernalillo County, N.M., had concentrated on DMC reduction and detention reform since the late 1990s (Spinney et al., 2016). Specifically, Bernalillo County partnered with the Annie E. Casey Foundation's Juvenile Detention Alternative Initiative (JDAI). In 2004, the relative rate index (RRI) for Hispanic youth being referred to the Children's Court Attorney was 1.3, the RRI for Hispanic youth getting referred to probation was 1.9, and the RRI for Hispanic youths experiencing diversion was only 0.61. Reportedly, racially disparities existed at these points for African American and Native American youth alike. (Spinney et al., 2016).

Bernalillo County's success may be attributed to multiple strategies, designed around systems reformed. Bernalillo County emphasized attention to data and community-based services for youth who are involved with court (Spinney et al., 2016). Research suggests that secure detention placement can increase reoffending. State juvenile probation partners in this county also focused directly on increased access to

diversion by establishing the Prevention Unit. Bernalillo County was able to decrease racial disparities among referrals to the Children's Court Attorney, referrals to probations, and diversions from the juvenile justice system for Hispanic, African American, and Native American youth. Bernalillo County has received national attention for their efforts. (Spinney et al., 2016).

Clark County, Nevada

Clark County, Nevada is a large jurisdiction, with a majority minority-youth population. In 2007, Clark County reported significant racial disparities for African American youth in detention and the state secure confinement facility (Spinney et al., 2016). The RRI for African American youth in detention was 1.7, for youth in the secure confinement facility, 2.4. To address these racial disparities, Clark County employed system wide activities, including incorporation of data analysis and technology, risk assessment strategies, and increased access to alternatives to confinement. A Racial Disparities Workgroup was created to emphasize the concentration on DMC. Emphasis also included engaging the police and the community to the issue of DMC. The adopted strategies had positive impact on the number of juveniles being sent to detention and secure confinement.

Connecticut

Connecticut has long worked toward reducing DMC statewide. A 2006 assessment study showed dissimilar handling in 9 of the 18 contact points studied (Spinney et al., 2016). This assessment controlled for a variety of factors including incident characteristic and demographics and found referral to court was revealed as

showing disparate handling. In 2006, the RRI at police referral to court was 6.3 for African American youth and 2.9 for Hispanic youth. (Spinney et al., 2016)

The efforts of Connecticut emphasized awareness and training of DMC to reduce racial disparities. Police training was developed and identified as one of the most significant strategies (Spinney et al., 2016). The police training strategies are now used in jurisdictions nationwide. These targeted strategies may have contributed to the decrease in RRI. In 2006, the RRI for Hispanic youth was 2.9 and in 2012 it was 1.6. The RRI for African American youth was 6.3 in 2006 and 4.7 in 2012 (Spinney et al., 2016). These transitions indicate notable success, however much work is yet to be done. (Spinney et al., 2016)

Essex County, New Jersey

Essex County NJ, demonstrated large racial disparities for African American and Hispanic youth (Spinney et al., 2016). Racial disparities in this county existed at the front of end of the system, including arrest, court referral, and diversion. Confined populations in Essex County also demonstrated amplified racial disparities (Spinney et al., 2016). Essex County emphasized a system-wide reform, where stakeholders and decision-makers from multiple levels of the system were involved. The response employed by this county included the access to diversion and improvement to the alternatives to detention. Also, this jurisdiction increased the use of data for decision-making. As a result, Essex County reduced racial disparities among youth being referred to and diverted from court. The number of African American youth who were securely confined or detained declined. (Spinney et al., 2016)

Hillsborough, New Hampshire

The jurisdiction of Hillsborough, New Hampshire has a reportedly small minority population (Spinney et al., 2016). However minority populations were overrepresented in juvenile justice processing. The RRI in 2008 for Hispanic youth arrested was 1.8.

According to Spinney (2016), racial disparities also existed at other levels of the system, but with limited number it was difficult to interpret the data. Many minority residents reported feeling as though police were unfairly targeting them. Some community members and stakeholders felt the minority population was too small for the community to use resources to concentrate on DMC. (Spinney et al., 2016)

Ultimately in Hillsborough, the overall juvenile arrest rate decreased. In 2007, there were 2,740 juvenile arrests, with a rate of 5.7 arrests per 100 youth. In 2011, this rate dropped to 4.2 arrests per 100 youth, equating to 1,892 juvenile arrests (Spinney et al., 2016). Hispanic youth experienced a decline in the arrest rate, from 8.8 per 100 in 2008 to 5.2 per 100 in 2011. Stakeholders recognized the change as a successful decrease in DMC. (Spinney et al., 2016)

Montgomery County, Alabama

For Montgomery County, Alabama, DMC presented as a concern for youth in detention and in secure confinement (Spinney et al., 2016). In 2008, the RRI for African American youth in secure confinement was 1.2. For African American youth in detention, the RRI was 1.6 (Spinney et al., 2016). The DMC efforts in Montgomery County focused on the collaboration between executive and judicial branches of state government. This jurisdiction also determined more data was need as well as an objective risk assessment instrument to determine placement in detention. It was noted that most

youth in secure detention in this county, were originally referred to court for only minor or disorderly offenses. (Spinney et al., 2016)

Many stakeholders credit JDAI for decreasing confinement numbers and RRI values between 2009 and 2011 (Spinney et al., 2016). Four years after JDAI was implemented, the number of youth held in secure detention dropped 52%, from 361 to 172 youth. In 2009, the white detention rate was 17 detentions per referrals, for African American youth it was 28 detentions per 100 referrals. By 2011, the detention rate dropped to 9 detentions per 100 referrals for white youth, and 11 detentions per 100 referrals for African American youth. (Spinney et al., 2016) The overall RRI declined from 2008 to 2011, from 1.6 to 1.3. Though the change to the overall DMC does not immediately appear as significant, the difference in detention rates demonstrate certain points of the juvenile justice system benefited more than others.

Philadelphia, Pennsylvania

Decision-makers and juvenile justice stakeholders and in the state of Pennsylvania have been focusing on DMC for many years (Spinney et al., 2016). DMC was identified as an action issue in Pennsylvania in 1989, and funding for programs that serve minority youth began shortly after. In Philadelphia, where approximately three fourths of the youths are minority, much has been done to reduce the number of juveniles with formal contact with the juvenile justice system (Spinney et al., 2016). Despite the lengthy history with DMC programs, much work was still needed. In 2006 the relative rate index (RRI) for African American youth at detention was 1.6. For Hispanic youth, it was 2.3. (Spinney et al., 2016). Between 2006 and 2010 the RRI at detention for African

American youth decreased from 1.6 to 1.3 and for Hispanic youth it decreased from 2.3 to 1.3. (Spinney et al., 2016).

Philadelphia is a large city with many initiatives aimed at at-risk and systems involved youth. In addition to local approaches to DMC reduction, Philadelphia has benefited from strong statewide attention on DMC as well as involvement with the MacArthur Foundation's Models for Change DMC Action Network. Specific initiatives such as the Philadelphia Working Group of the DMC committee and GPS monitoring as an alternative to detention, appear to have had a significant effect in reducing DMC at the detention stage. During 2006–10 the RRI for African American youth declined from 1.6 to 1.3, and the RRI for Hispanic youth declined from 2.3 to 1.3. In 2011, Philadelphia became a Juvenile Detention Alternatives Initiative (JDAI) site. It is hoped that Philadelphia's involvement with JDAI can result in reductions in overall numbers of youths going to secure detention

Tulsa County, Okla.

According to Spinney et al. (2016), race has historically been a sensitive topic in Tulsa County, Oklahoma. Tulsa County's DMC reduction efforts focused on diversion and detention. The state-level DMC Coordinator created a Juvenile Justice Specialist position and a local DMC steering committee to emphasize these contact points, while also considering arrest a priority intervention point. The DMC reduction activities adopted included DMC training, strategic planning, and evidence-based training for law enforcement. Tulsa County also created a Crisis Intervention Center, which is a 24 hour intake center for delinquent and misdemeanor offenses. (Spinney et al., 2016).

Ultimately, Tulsa County was able to decrease DMC at two points, both diversion and detention. In 2005, the RRI at detention for African Americans was 1.4. At the same time the RRI for African Americans at diversion was 0.7 (Spinney et al., 2016). Between 2005 and 2011, the total number of youth in secure detention dropped from 710 juveniles to 587. Racial disparities in detention decreased for African American juveniles. In 2005, the RRI was 1.4 compared to 1.0 in 2009 (Spinney et al., 2016). For Native American and Hispanic youth in detention the RRI was 1.0 in 2010. (Spinney et al., 2016).

Utah County, Utah

Utah County, Utah was reported as having difficulty in starting the efforts to decrease DMC. This jurisdiction experienced pushback from judges reluctant to ‘buy-in’ to the process (Spinney et al., 2016). Additionally, there was a lack of education as to what DMC data meant for this jurisdiction. It must be noted that graffiti charges in Utah County disproportionately affected Hispanic youth. This offense was not eligible for diversion, therefore involving Hispanic youth in the juvenile justice system disproportionately to their majority counterparts. According to Spinney et al. (2016), some police officers believed their jobs were more ‘procedural’ by design, rather than focused on reducing recidivism (Spinney et al, 2016). The authors also found that diversion officers lack training in Utah County. In 2007, the RRI for Hispanic youth for arrest was 2.8, the diversion RRI was .05, and the detention RRI was 1.4. Spinney et al. (2016), found that racial disparities for African American youth were more prominent, but the small number of African American youth involved in the system made the RRI values less reliable.

Utah County successfully reduced racial disparities at the stages of arrest, diversion, referral to court, and secure detention. This jurisdiction employed the use of access to receiving centers after arrest. Policies and procedures at diversion were changed, and the juvenile justice system was made to be more understandable. Programs for high-risk, gang-involved youth engaged them in family strengthening programs. The first year after the implementation of this program, participants reported reductions in antisocial attitudes and gang activity. This county also adopted police training as a part of their strategy. In 2011, Utah was chosen to be Community and Strategic Planning Initiative site by the OJJDP to strengthen its local and State DMC initiatives.

Overall, Utah County experienced a change in DMC; for Hispanic youth, the arrest rate decreased from 19 arrests per 100 to 11 arrests per 100 youth (Spinney et al., 2016). For white youth, the arrest rate declined from 7 arrests to 5 arrests per 100 youth between 2007 and 2010. Spinney et al. (2016) note the decrease in arrest is made more notable given that within this time period, there was a 21% increase in the total youth. Diversion rates improved for Hispanic and white youth during 2007 to 2010. Diversion rates for white youth increased from 34 to 38 diversions per 100 arrests in 2010. In the same year, Hispanic youths diversions increased from 20 per 100 to 35 diversions per 100 arrests.

SECTION IV: Implications of DMC

Several studies and reports have been presented to discuss the attempts to decrease RRI and subsequently decrease DMC. While further analysis of these methods will inform future recommendations, the implications of DMC must be realized. Why is

it so crucial to evaluate and address this concern? How does the increased rates of DMC impact the juvenile populations in those jurisdictions?

To begin unpacking the complex issue of DMC, one important correlation is the strong link between juvenile and adult offending (Picquero, 2008). Studies concur that 40 to 60% of juvenile delinquents stop offending by early adulthood. However, for those who do not stop offending, the transition from adolescence to adulthood is a time of increasing severity of offenses and an increase in deadly violence (Loeber, Farrington & Petechuk, 2013). Some studies indicate that individuals with juvenile delinquency histories are more likely than their peers to engage in family violence in adulthood (Colman, Mitchell-Herzfeld, Kim & Shady, 2008). The persistence in committing crime does not necessarily correlate directly with DMC, however the juvenile justice system provides an opportunity for rehabilitation and diversion that is not found in the adult system.

As demonstrated by the previously mentioned research, certain juvenile populations are disproportionately held in secure and non-secure facilities. The impact of time spent in these facilities is notable. According to Holman and Ziedenberg (2014), juvenile detention facilities are disproportionately filled with youth who are detained for nonviolent offenses. The authors (2014) found that about 70% of youth detained are detained for nonviolent offenses and minority youth are disproportionately detained compared to their white peers. The concern with the overexposure to detention is the lingering impact it may have on young people.

Research has demonstrated that detention has a negative impact on youth's mental and physical well-being, educational obtainment, and engagement with future

employment (Holman & Ziedener, 2014). Connections have been made to show that time spent in detention relates to decreased mental-health status. One study found that one-third of incarcerated youth who were diagnosed with depression and the onset of their depression occurred after they started their incarceration (Holman & Ziedener, 2014). Another study indicates the conditions of confinement and mental-health concerns combine lead to an increased likelihood that incarcerated teens will engage in self-harm or suicide (Holman & Ziedener, 2014). The OJJDP reports that over 10,000 youth engage in more than 17,000 acts of suicidal behavior in the juvenile justice system per year (Holman & Ziedener, 2014).

Furthermore, economists have demonstrated that incarcerating youth can affect their ability to remain in the workforce and can reduce their future earnings (Holman & Ziedener, 2014). If youth of color are disproportionately being detained, these affects will disproportionately impact their lives in the future. One Princeton University study found that jailing youth reduced the amount they work in the future. According to this study, youth who spent time incarcerated in a youth facility experienced three weeks less work a year, for African-American youth, it was five weeks less work a year (Holman & Ziedener, 2014). This suggests the time African American youth spend incarcerated is even more detrimental to their future economic outcomes than their white peers.

Another aspect of juvenile life affected by detention, is education. According to Holman and Ziedener (2014), a Department of Education study showed that almost 45% of incarcerated youth receiving remedial education services while in detention did not return to school after release. An additional 16% of these youth returned to school but dropped out after five months. Holman and Ziedener (2014) also noted that one study

indicated after four years post-release, less than 15% of incarcerated 9th graders had finished their secondary education.

One primary concern of the juvenile justice system is recidivism. According to Holman and Ziedner (2014) significant research suggests that the experience of detention may make it more likely that juveniles will continue to participate in delinquent behavior. They further state that the experience in detention may increase the likelihood that they will recidivate. This recidivism not only affects the youth and their personal life trajectory, but also impacts the communities they are released to. One study in Arkansas found that the experience of incarceration was the most significant factor in increasing the chances of recidivism (Holman & Ziedner, 2014). One major concern with detaining youth or certain delinquency programs is the number of delinquent youth being brought together to 'congregate'. An issue may be a shared transmission of otherwise unknown criminal thinking or behavior patterns, as learned by the delinquent peer group.

Professionals and stakeholders in the juvenile justice system must be mindful of the overall impact the system has on youth involved. There are many negative impacts of juvenile justice involvements, specifically detention and other out of home placement options. Since minority youth experience disproportionate rates of exposure to secure and non-secure placement, it can be assumed they are exposed to the negative consequences associated with involvement with the juvenile justice system.

SECTION V: Recommendations for an Effective Ideal DMC Program

Adoption of any juvenile justice program will be dependent on many factors. No two jurisdictions or populations served will have the exact same needs. Stakeholders,

politicians and the public, representing varying interest, will also have a hand in the ‘direction’ of a given juvenile justice system. Taking into consideration the populations served and the measurements of DMC, several recommendations from this presented research can be gathered.

Population in a given jurisdiction is a primary consideration for any juvenile justice program being implemented. The RRI for a given jurisdiction may be considerably different given the relative population of minority youth to their majority youth counterparts. For example, some studies described in this report determined the RRI of African American youth processed through their juvenile justice system was inconsequential, given the low number of African Americans represented in the general population of that area.

The general population of a jurisdiction or targeted area may also be significant when considering appropriate programs or providers to address the corresponding needs of the population. For example, if referrals to the juvenile justice system stem heavily from gang involvement, programs should readily address the concern of gangs. A jurisdiction not experiencing gang related crimes should focus attention on other contributing factors to crime including poverty, educational achievement, and economic opportunity.

Offense Specific Recommendations

When analyzing the presented case studies, some important lessons can be learned as to how to effectively address DMC. One important lesson is to evaluate the types and handling of specific crimes that may be contributing to DMC. In Utah County, Utah, Hispanic youth were disproportionately participating or referred for graffiti charges

(Spinney et al, 2016). Prior to DMC program intervention, graffiti charges in Utah County were not eligible for diversion. When the shift of this juvenile justice system made the offense eligible for diversion, the RRI for Hispanic youth changed significantly. In 2007, Hispanic youths were diverted at a rate of 20 per 100 referrals. Following implementation of the DMC initiatives, this number increased from 35 diversions per 100 arrests (Spinney et al., 2016). In Montgomery County, Alabama DMC program efforts determined that most youth in secure detention in this county, were originally referred to court for only minor or disorderly offenses (Spinney et al., 2016). The rates for detention in Montgomery County went from 17 detentions per referrals for white youth, for African American youth it was 28 detentions per 100 referrals. By 2011, this rate dropped to 9 detentions per 100 referrals for white youth, and 11 detentions per 100 referrals for African American youth (Spinney et al., 2016). This jurisdiction implemented a risk assessment tool, to determine whether or not the offense and other important factors would warrant detention for an individual. As a result, DMC decreased because the offenses were taken into consideration as the primary justification whether to detain a youth or not.

By shifting the response for a specific offense, an offense primarily committed by this population's minority youth, Utah County demonstrated the importance of considering offense response in addressing DMC. Montgomery County also showed that tools such as risk assessments, could determine the need for detention based on the specific offense. This also was affective in decreasing the DMC for this jurisdiction. Future programs should look to evaluate the trends and responses to specific offenses, to identify possible intervention to address DMC.

Point Specific Interventions

While trends in juvenile crime participation may contribute to the levels of DMC in a given system, juvenile justice procedure must be evaluated to determine if it contributes to DMC as well. There are specific points where a juvenile has contact with the system. These points include arrest, referral, diversion, and detention. By addressing policies pertaining to some of interaction points, DMC may begin to be addressed.

Arrest

As demonstrated in the case study of North Carolina, minority youth were more likely to be arrested, presented to intake and referred to juvenile court than their majority youth counterparts and evaluated juvenile justice system delivery accordingly (Devine, Coolbaugh & Jenkins, 1998). As a result of these findings, North Carolina DMC programs emphasized the individual service points in the juvenile justice system as contributing to DMC.

Since arrest is often the initial point of contact for a youth involved in the juvenile justice system, other jurisdictions have also focused on this as a primary means to decrease DMC. In Hillsborough, New Hampshire, the overall juvenile arrest rate decreased as a result of DMC interventions (Spinney et al., 2016). While gathering data pertaining to DMC and minority representation in the juvenile justice system, minority residents in New Hampshire expressed concern that police there were unfairly targeting them. This jurisdiction emphasized the treatment of minority youth and interactions with police. Ultimately, the overall juvenile arrest rate dropped. In 2007, there were 2,740 juvenile arrests compared to 1,892 juvenile arrests in 2011 (Spinney et al., 2016). More specifically, Hispanic youth experienced a decrease from 8.8 arrests per 100 in 2008 to

5.2 per 100 in 2011. By focusing on training and by emphasizing the relationships between the police and the community, this jurisdiction was able to successfully decrease DMC in arrest. Future jurisdictions should look to evaluate the existing relationship between the community and law enforcement. By addressing concerns from both sides, the need for arrest may decrease, based on mutual understanding and respect. By understanding the dynamics of law enforcement within the community, jurisdictions can identify specific target points that may lead to decrease or shift in arrest rates.

Referral

In Connecticut, it was determined that minority youth were disproportionately being referred to the juvenile justice system. While some may claim this may have been the result of differential rates of offending amongst minority groups, DMC efforts recognized another potential contributing factor. Police training was identified as one of the most significant strategies to reduce racial disparities in the system (Spinney et al., 2016). The DMC efforts of Connecticut emphasized training of personnel involved in the juvenile justice system to address issues of bias or misinformation.

The strategies developed in Connecticut were applied nationwide as a result of the success. In 2006, the RRI for African American youth was 6.3, six years later in 2012 it had dropped to 4.7 (Spinney et al., 2016). For Hispanic youth during the same time frame, the RRI dropped from 2.9 to 1.6. While there is still progress that can be made to address the continuation of disproportionate handling of African American juvenile youth in Connecticut, the change is significant. Again, training of law enforcement relates directly to the referral of youth to the juvenile justice system. If a situation can be

handled informally with police, referral to the system can be avoided. If officers are trained or allowed by policy to interact differently with juvenile offenders, DMC patterns in referral may be avoided by other jurisdictions.

Diversions

Just as arrest is significant in involving the youth in the juvenile justice system, diversion can equally contribute to decreased DMC. In Tulsa County, Oklahoma it was determined that diversion and detention were the key points of the system contributing to DMC (Spinney et al., 2016). DMC training was incorporated as well as evidence-based training for law-enforcement. To encourage further diversion from the juvenile justice system, the Crisis Intervention Center was created as a 24-hour intake center for delinquent and misdemeanor offenses (Spinney et al., 2016). The creation of an alternative to handle these offenses, more youth, specifically minority youth can be diverted from the system. By basing new programs on evidence-based practices, jurisdictions will have data to support the success of their efforts.

The state of Arizona was also able to increase the use of diversion for minority youth. Following the implementations of their programs, Arizona was able to increase the amount of minority youth referred to diversion programs to approximately 50%. Arizona recognized that as a result of these actions approximately 50% of minority youth referred to juvenile justice system during the trial period were referred to diversion programs (Devine, Coolbaugh & Jenkins, 1998). To encourage the use of diversion programs, Arizona specifically involved key players in total DMC definition process and chose interventions strategies that respond to system needs. One key component of Arizona's approach was the comprehensive approach to planning and funding

interventions (Devine, Coolbaugh & Jenkins, 1998). By evaluating the effectiveness of the programs employed and by including multiple players in the definition of DMC, more stakeholders were aware of the concerns surrounding and contributing to DMC.

The DMC program in Florida's pilot program also demonstrated successfully outcomes for diversion. Florida achieved its success by increasing communication amongst professionals and creating a 'core group' (Devine, Coolbaugh & Jenkins, 1998). By adopting a curriculum for the juvenile justice professionals, Florida was able to create interagency efficiency that benefited minority youth and decreased average days in pre-arraignment detention (Devine, Coolbaugh & Jenkins, 1998). Other jurisdictions should look to adopt the emphasis of professional training and communication. When various parties in the juvenile justice system operate on the same page, the youth served in the system ultimately benefit.

As demonstrated in Bernalillo County, New Mexico, Hispanic youth had a diversion RRI at 0.61 (Spinney et al., 2016). Obviously, the diversion for these youth was not being utilized as it was for their white peer counterparts. Bernalillo County determined they had to encourage and support community based organizations that were involved with youth from early on in their involvement. Additionally, Bernalillo County's DMC efforts included an emphasis on increased access to diversion by establishing the Prevention Unit. The Prevention Unit served to address situations in the community before they escalated to the need of referral. Increased diversion efforts incorporated community providers to provide appropriate alternatives to involvement (Spinney et al., 2016). If other jurisdictions were to provide community based organizations, minority youth can be diverted from the system. These community-based

organizations can provide appropriate alternatives to the sometimes-harsher response of the system.

Detention

Philadelphia was able to implement successful initiatives to address detention in the juvenile justice system. One initiative adopted was the Philadelphia Working Group of the DMC (Spinney et al., 2016). This work group oversaw policy regarding service providers and evidence-based interventions. Another significant impact on DMC in detention was the adoption of GPS monitoring as an alternative to detention. From 2006 to 2010, the RRI for African American youth at the detention stage declined from 1.6 to 1.3. The RRI for Hispanic youth at the detention point declined from 2.3 to 1.3 (Spinney et al., 2016). By adding an alternative to secure detention, more youth may be allowed to be released resulting in overall lower detention rates. (Spinney et al., 2016). Future jurisdictions should aim to adopt similar, less restrictive alternatives such as GPS. By providing alternatives youth on the verge of needing to be detained can be referred for alternatives. If a risk assessment tool is implemented, intake workers can determine the appropriateness for detention based on data rather than personal bias.

SECTION VI: SUMMARY AND CONCLUSIONS

Disproportionate Minority Contact (DMC) has had a unique role in shaping the juvenile justice system. Federal funds have been tied to addressing this issue, because so many states continue to have overrepresentation of minority youth at various stages of the juvenile justice system. As outlined by this report, several states and jurisdictions have deployed a wide variety of efforts to address DMC in their unique systems.

Several recommendations and consistencies can be determined from the evidence provided. First, the nature and type of crime should be considered when processing youth through the juvenile justice system. As outlined, some crimes may be committed at disproportionate rates. Especially for misdemeanor offenses, alternative means of handling should be considered to address DMC. By creating alternative handlings for certain offenses, groups of youth could avoid entering the juvenile justice system or at least experience less harsh punishments as a result.

Programs should aim their efforts at specific contact points of the juvenile justice system to address the DMC. These points can include arrest, referral, diversion, and detention. Each point in the decision making process is accompanied by unique concerns that must be taken into account. For example, to address DMC in arrest rates, jurisdictions should take in to account the training and policy for law enforcement relating to juvenile offenders. Similar recommendations can be made for jurisdictions experiencing disparities in detention or referrals. Adopting evidence based programs, increasing communication amongst juvenile justice stakeholders, and creating detention alternatives have all proven to be effective measures in addressing DMC. While every jurisdiction will have its unique challenges to addressing DMC, these general lessons from existing programs can be adopted by other jurisdictions as well.

Despite the evidence to support the recommendations, this report is limited in its scope of applicability. While several case studies were presented, many more state and local programs addressing DMC exist. For this reason, other successful interventions may not be addressed. Additionally, this report only addresses the programs participating in the receipt of federal funds for their jurisdiction. Many private programs, not receiving

federal funding, may address DMC in ways not discussed in this paper. Despite these limitations, the presented recommendations have proven to be successful in a variety of jurisdictions. The general lessons may prove to be beneficial in addressing DMC.

Recommendations for Future Research

Future research should look to continue to understand the causes of and successful responses to DMC. As research, legislation, and social programs change, the nature and prevalence of DMC will also change. By better understanding the root causes of DMC, programs will be better equip to address it. Future research should aim to identify the impact of the different roles of juvenile justice professionals. Training and education relating to DMC should be disseminated throughout the juvenile justice system. It should be studied to see how many stakeholders in a given jurisdiction are aware of DMC, its impact and prevalence. By recognizing the awareness of professionals who make the decisions that may contribute to DMC, programs will be better able to intervene with appropriate education and training. By understanding the impact of individual professional roles, the impact of bias in DMC rates can be better determined.

Future research should look to emphasize the efforts of DMC programs to prevent and divert youth involvement in the juvenile justice system. As outlined, the impact of involvement in the juvenile justice system, specifically detention and out of home placement can have a long lasting negative impact on individuals and communities. When juvenile justice systems adopt the approach of diversion from the system before a youth is involved, fewer youth will be negatively impacted by this involvement.

DMC has been a complicated component of the juvenile justice system from very early on. For this reason, jurisdictions have had to adapt and grow in their attempt to

create a fair and just approach to handling juveniles. Several states have adopted successful programs in a variety of ways. Understanding the nature and impact of DMC can help equip jurisdictions in approaching juvenile offenders. Future research of DMC should aim to better understand at every stage so as to continue to address DMC.

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