

## Minority Involvement in the Juvenile Justice System

Most people in America understand that minority youth are overrepresented in the justice system. Indeed, this overrepresentation occurs at every level of the justice system, from initial contact with police all the way through incarceration. The most current estimates show that while black youth make up only 16 percent of the general population of youth, they account for 30 percent of juvenile court referrals, 38 percent of youth in juvenile placement, and 58 percent of youth in adult prison. Findings from the National Council on Crime and Delinquency (NCCD) show that black youth are detained at higher rates than white and Latino youth, and Latino youth are detained at higher rates than white youth. The Sentencing Project, which calculated state rates of incarceration by race and ethnicity, finds that black youth are incarcerated at six times the rate of white youth, while Latino youth are incarcerated at double the rate of white youth.

While the fact that minority youth are overrepresented in the juvenile justice system is well accepted, the *reasons* for this overrepresentation are hotly contested. Some argue that disproportionate contact is due to differences in how minorities are treated by the justice system, with minority youth receiving harsher scrutiny and treatment than whites. Others contend that there are racial differences in criminal behavior, that minority youth simply commit more crime. In his chapter “Disproportionate Minority Contact,” Alex Piquero argues that the claims of both sides have merit but are oversimplified—and that asking how much minority overrepresentation is due to differences in offending and how much to differences in processing is not a helpful way to frame the discussion.

### *The Facts*

Minority youth are both perceived and treated differently by the justice system:

- Research has examined how agents within the juvenile justice system, such as police and probation officers, perceive minority offenders and how these perceptions influence decision making. Findings from one study indicate that officers are more likely to believe that minority youth commit offenses because of attitudinal or personality traits, while they attribute white youths’ offending to social environment. Another study looking at unconscious attitudes found that, regardless of the officers’ race or stated attitudes toward minorities, both police and probation officers exhibited unconscious racial stereotypes that led them to perceive minority offenders more negatively, endorse more culpability and harsher sanctions, and believe that the teens were more likely to re-offend.
- The NCCD finds that black youth are more likely than white youth to be formally charged and sentenced to out-of-home placement for the same offense. For example, 50 percent of drug cases involving white youth result in formal processing, while more than 75 percent of drug cases involving black youth result in formal processing.

- Multiple studies show that black youth are given more restrictive dispositions than white youth, even when they have committed the same offense and have the same prior record.
- Minority juvenile offenders are more likely to be transferred to adult court than white offenders, even for the same offense. This, in turn, increases the likelihood that they will re-offend—since contact with the adult system increases the likelihood that the youth will commit more crime—magnifying the racial differences seen throughout the justice system.

Data also point to some real differences in criminal behavior between white and minority youth, although the research in this area is mixed.

- Studies using self-report measures of criminal behavior find that while white and minority youth generally self-report similar levels of offending, they report some differences in the type of crime committed, with minorities reporting more serious offenses and a greater persistence in offending.
- Official police records also indicate that black youth engage in more serious violence, which then leads to police involvement and juvenile justice sanctions.
- Some research indicates that black youth are more “persistent” offenders than white youth; that is, they engage in criminal behavior for a longer period of time.

#### *A New Way to Frame the Debate*

Despite the observed differences in both the treatment of minority youth by the justice system and their offending behavior, Piquero urges researchers and policy makers to move beyond the debate over “which one matters more.” Instead, he argues, we should seek to understand how each of the two hypotheses can explain both the fact of minority overrepresentation in the juvenile justice system and how best to address it.

Policy makers can encourage and provide funding for research examining *both* patterns of offending by race and ethnicity and causes of disproportionate contact. Specifically researchers should:

- Identify risk factors for offending and whether they differ by race or ethnic group, and social and cultural environments. For example, how does poverty or living in a dangerous neighborhood impact the racial and ethnic differences in offending observed among youth? Can ethnic or racial disparities in violent offending be explained by risk factors other than race or ethnicity? How do these risk factors interact with things such as perceived or real discrimination to produce differences in offending or disparities in treatment by the justice system? These are just a few examples of the many questions regarding risk factors for offending and ethnicity that remain to be addressed.

- Gather more data on ethnic and racial discrepancies in policing practices, perceptions, selection, and processing by the juvenile justice system. It is not sufficient just to note that disproportionate minority contact exists; it is necessary to identify at what point in the justice system discrepancies occur and by whom they are perpetuated.
- Pay particular attention to the treatment of minority youth by police in order to determine why ethnic and racial disparities exist at the initial stage of juvenile justice processing. Surprisingly little research has been conducted on disproportionate minority contact at the police level and thus policy has not focused on this issue as much as it should. As noted above, research shows that police officers do exhibit unconscious racial stereotypes in a laboratory setting, but how these unconscious attitudes translate to real-world situations is unknown. There are many unanswered questions regarding police and minority youth, including how the racial and ethnic makeup of officers on patrol impacts minority contact, how police decide to choose neighborhoods to patrol, and which youth they decide to investigate and arrest for a particular crime.
- Research juvenile offending trends based on racial and ethnic groups rather than the simple categories of black and white. The current trends in immigration point to an urgent need for more data concerning Latino youth in particular. Such data would be valuable in informing the design and targeting of interventions that could potentially lead to a reducing minority contact by addressing both risk and bias.

### *Recommended Policy Changes*

Policy makers and program designers should also institute system-wide changes, specifically:

- Provide education and training to juvenile justice staff and police officers about risk factors for offending by youth and cultural sensitivity. When Santa Cruz, California, instituted this sort of training, minority overrepresentation was reduced.
- Implement state or federal initiatives to reduce the level of harm caused by justice system contact in order to lower the likelihood of continued involvement with the system. For example, as noted above, black youth are more likely than white youth to receive harsher sanctions such as incarceration that disrupt their education and future employability, thereby increasing risk for later re-offending. The MacArthur Foundation's Model for Change Initiative, currently operating in four states, has focused on making juvenile justice systems more rational, fair, effective, and developmentally sound. One aspect of this initiative involves identifying detention alternatives specifically for minority youth in order to reduce harm associated with justice system involvement.

Piquero notes that some states and localities are undertaking initiatives to reduce racial and ethnic disparities. He urges researchers and policy makers to evaluate such

initiatives, especially those using strategies with a track record of success. Researchers should also examine empirically the far-reaching consequences of disproportionate minority representation in the juvenile justice system, such as poor outcomes in education, labor force participation, and family formation. Finally, Piquero emphasizes that one critical research area involves updating justice system data systems and repositories, which have failed to track changes in U.S. demographic and immigration patterns.

\*\*\*\*\*

Adapted from “Disproportionate Minority Contact” by Alex Piquero and “Juvenile Crime and Criminal Justice: Resolving Border Disputes” by Jeffrey Fagan, in *The Future of Children: Juvenile Justice*, Volume 18, Number 2, Fall 2008. [www.futureofchildren.org](http://www.futureofchildren.org). This “Highlight” was prepared by Hilary Hodgdon.

