

# Disproportionate Minority Contact



# Disproportionate Minority Contact

---

*Current Issues and Policies*

Edited by  
Nicolle Parsons-Pollard

CAROLINA ACADEMIC PRESS  

---

Durham, North Carolina

Copyright © 2011 Carolina Academic Press

All Rights Reserved

Library of Congress Cataloging-in-Publication Data

Disproportionate minority contact : current issues and policies / edited by  
Nicolle Parsons-Pollard.

p. cm.

Includes bibliographical references and index.

ISBN 978-1-59460-888-9 (alk. paper)

1. Discrimination in juvenile justice administration--United States. 2. Juvenile justice, Administration--United States--Case studies. 3. Minority youth--United States. I. Parsons-Pollard, Nicolle Y., 1967-  
HV9104.D57 2011  
364.973089--dc22

2011002958

CAROLINA ACADEMIC PRESS

700 Kent Street

Durham, North Carolina 27701

Telephone (919) 489-7486

Fax (919) 493-5668

[www.cap-press.com](http://www.cap-press.com)

Printed in the United States of America

*To Laura J. Moriarty—*

*This book would not have been possible without you.  
Thank you for your continued support and friendship.*

NPP



# Contents

Preface	xv
Acknowledgments	xix
<b>Chapter 1 • Policies and Practices That Contribute to Racial and Ethnic Disparity in Juvenile Justice</b>	
<i>Ashley Nellis</i>	3
Introduction	3
Policies That Disadvantage Youth of Color	4
School Push-Out Policies	4
Unequal Access to Justice	7
Extra-Legal Factors	7
Unequal Access to Counsel	8
Use of Detention to Obtain Social Services	9
Recommendations for Reform	9
Reverse Disparity-Causing Policies	9
Encourage Community-Based, Data Driven Efforts to Reduce DMC	10
Strengthen Federal Policies on Reducing DMC	11
Engage in Data-Driven Solutions	11
Enact Racial Impact Statements	12
Conclusion	13
References	14
<b>Chapter 2 • Disproportionate Minority Contact (DMC): A Historical and Contemporary Perspective</b>	
<i>Andrea R. Coleman</i>	19
Background	19
Making the Connection: DSO, {Sight and Sound} Separation, Jail Removal, and DMC	21
JJDP Act Reauthorization: Senate Bill (SB) 678 and House Resolution (HR) 6029	24

Why Most States and Local Jurisdictions Have Not Been Able to Reduce DMC	28
Conclusion	29
References	32
<b>Chapter 3 • Measuring DMC: The Origins and Use of the Relative Rate Index</b>	
<i>William Feyerherm</i>	35
Legislative Background	35
Developing the Current Measurement System	36
The Implementation of the RRI	42
The RRI Data	42
Observations on the Implementation of the RRI	46
Conclusion	50
References	50
<b>Chapter 4 • An Examination of the Effects of Race on Intake Decision- Making in Four Jurisdictions at Two Different Points in Time</b>	
<i>Myra Fields and Michael Leiber</i>	51
Theoretical Background	52
Literature Review	54
Study Sites	56
Iowa	56
Jurisdictions	56
Implications for the Present Research	57
The Present Research	58
Data and Sampling	58
Variables	59
Analytic Procedures	62
Results	62
Black Hawk	62
Woodbury	64
Polk	66
Scott	66
Discussion	69
References	72



## Chapter 5 • Juvenile Disproportionate Minority Contact (DMC): The Effects of the New Criminal Justice

*Wayne J. Pitts, Mary F. Campbell, and L. Gabrielle Trimm* 77

Introduction	77
Background on Formula Grants Program	78
Juvenile Justice in the United States	79
Juvenile Justice in 1950s–1960s	80
Juvenile Justice in 1980s–1990s	80
The Use of Immediate Sanctions for Juvenile Delinquents	81
Juvenile Diversion	81
The New Criminal Justice	82
About the Setting	83
Shelby County District Attorney General’s Truancy Reduction Project	84
The School House Adjustment Program Enterprise (SHAPE)	86
Methodology	87
Summary of the Findings	88
2008–2010 Demographic Summary	88
DMC Related Outcomes for Truancy Program	89
DMC Related Outcomes for SHAPE	90
Overall DMC Related Outcomes	91
Directions for DMC and the New Criminal Justice	93
References	95

## Chapter 6 • Assessing DMC Initiatives: A Case Study of Two States

*Mary Poulin, Stan Orchowsky, and Janice Iwama* 97

Background	97
Methods	98
Findings	99
Part One: Stakeholder Interviews and Document Review	99
Identification	100
Assessment	100
Intervention	102
Risk Assessment Instruments	102
Conferences and Training	103
Local-Level Activities	104
Juvenile Detention Alternatives Initiative	104
Burns Institute	105
Evaluation	107
Part Two: Assessment of Local DMC Interventions	108
Linn County: Community Liaison Diversion Program	108

Overview of Program	108
Ideal Evaluation Approach	109
Actual Program Assessment	111
Analyses and Conclusion	111
Johnson County Diversion Program	112
Overview of Program	112
Ideal Evaluation Approach	113
Actual Program Assessment	115
Analyses and Conclusions	115
Conclusions and Recommendations	116
Conclusions	117
Recommendations	118
References	119
 <b>Chapter 7 • Understanding Disproportionality and Child Welfare</b>	
<i>Marian S. Harris</i>	123
Key Child Welfare Decision Points	125
Addressing Disproportionality in Washington State	129
Conclusion	133
References	134
 <b>Chapter 8 • Criminal Justice, Race and the War on Drugs</b>	
<i>Ojmarrh Mitchell and Michael J. Lynch</i>	139
Introduction	139
The Contemporary War on Drugs: Background	140
The War on Drugs and Arrests	143
The War on Drugs and Imprisonment	145
Explanations for Racial Disparity in Drug Sanctioning	145
Examining the Differential Involvement Hypothesis	146
Examining the Differential Scrutiny Hypothesis	150
Explaining Racial Disparities in Drug Sentencing	151
Discussion	153
References	155
 <b>Chapter 9 • Race, Crime and Policing: The Impact of Law Enforcement on Persistent Race-Differentiated Arrest Rate</b>	
<i>John David Reitzel</i>	159
Introduction	159
Structural Correlates of Race and Crime	162

Race, Crime and Arrest	164
Race, Crime and Policing	170
Racial Profiling in Street and Vehicle Stops and Searches	171
War on Drugs	173
Conclusion	175
References	178
 <b>Chapter 10 • Raising the Bar: Prioritizing Data Collection for Latino Youth Who Come into Contact with the Juvenile Justice System</b>	
<i>Paul Elam, Francisco A. Villarruel, and Lori Hoisington</i>	185
Why Is Latino DMC an Area of Concern?	187
An Example of Challenges in Data Collection Involving Latino Youth	189
Reinforcing an Approach to Documenting Latino Youth in Contact with the Juvenile Justice System	190
Why a Three Part Race/Ethnicity Question May Provide More Important Insight Than a Two-Part Question	191
Additional Considerations for Addressing Latino DMC	193
Conclusions	194
References	195
 <b>Chapter 11 • Race, Class, and Crime Control Ideology: The Case of the Cuban Middle Class</b>	
<i>George Wilson, Aaron Puhrmann, and Alex R. Piquero</i>	199
Theoretical Perspectives	201
The Class Formulation	201
The Race Formulation	201
The Ethclass Formulation	203
Data and Methods	203
Dependent Variable	204
Crime Control Measure	204
Independent Variables	204
Race and Social Class	204
Additional Variables	205
Analytic Strategy	205
Results	206
Conclusion	208
References	210

**Chapter 12 • The Prison Industrial Complex: Contributing Mechanisms and Collateral Consequences of Disproportionality on African American Communities**

*Isis N. Walton* 215

Introduction 215

In the Money: The Business of Punishment—The Prison

Industrial Complex 216

Politics, Policies, and Prison Labor: The Convergence of the PIC 219

Privatizing Punishment: The Proliferation of Prison

Labor Programs 221

The Profiteering of Slavery in Another Form: Convict Leasing 224

Collateral Damage: The Vanquished Community 224

Collateral Impact of Racial Criminalization and PIC on African American Communities 226

Conclusion 228

References 229

**Chapter 13 • Politics, Policy and DMC Communities: The Impact of Community Political Disempowerment on DMC**

*Cherie Dawson-Edwards* 235

Introduction 235

Political Disempowerment and DMC: The History 237

Racial Disparities in the Justice Systems and Voter Dilution 240

Concentrated Community Incarceration and Political

Disempowerment 240

Conclusion 248

References 250

**Chapter 14 • Tackling the DMC Mandate: Researchers and Universities as Local Resources**

*Nicolle Parsons-Pollard* 257

The DMC Mandate 258

Researchers and Universities as Local Partners 259

Other Resources for Partnership 260

You Have a Partnership, Now What? 260

Do We Have an Issue with DMC? 261

You Have a DMC Issue, Now What? 262

Assessment 262

Intervention 264

Evaluation and Monitoring 265

Other Important Considerations	266
Identifying Stakeholders	266
Priorities	266
Political Will	267
Local Outreach	267
The Departments of Criminal Justice Services, Corrections, the City of Petersburg and Virginia State University	267
Conclusion	269
References	269
<b>Contributor Biographical Information</b>	<b>271</b>
<b>Index</b>	<b>277</b>



# Preface

*Disproportionate Minority Contact: Current Issues and Policies* focuses on a variety of topics related to minority overrepresentation and disparity in the criminal and juvenile justice systems. While there are a plethora of areas in which to focus related to this topic, I decided that this volume should provide a summary of the literature as well as examples of what various States are doing to address disparity and satisfy the federal mandate. Likewise, I wanted this volume to be appropriate for the classroom as well as practitioners in the field of criminal justice.

In the first chapter, Ashley Nellis provides an overview of policies and practices that impact overrepresentation. She notes that some of these policies, while designed with “good intentions” do not take into account their disparate impact on particular racial and ethnic groups. More specifically, Nellis focuses on school push-out policies, the presence of police in schools, unequal access to justice, and the use of detention to provide social services for youth.

The next chapter focuses on a historical and contemporary look at the disproportionate minority contact (DMC) mandate as prescribed in the Juvenile Justice and Delinquency Prevention Act of 1974, as amended. Andrea Coleman explores the evolution of the mandate, the relationship between the four requirements and the impact of new legislation. In addition, she discusses why most jurisdictions have not been successful in reducing DMC and she provides a summary of the Office of Juvenile Justice and Delinquency Prevention’s initiatives to assist in DMC reduction.

In chapter 3, William Feyerherm examines the relative rate index (RRI) as a measurement of disproportionate contact. He discusses the development of the RRI, how it was influenced by legislative policy, provides an overview of the measurement and its utilization. Feyerherm points out the advantages of the RRI, the deficiencies, as well as how State and County data collection processes impact its usability.

In chapter 4, Myra Fields and Michael Leiber examine the effects of race on intake decisions. They utilize data from four different localities in Iowa to investigate the influence race, legal and extralegal factors have on intake decision-making over two different periods of time, before and after the DMC

mandate. They also emphasize the consensus and conflict theories to frame the issues of legal and extra legal criteria as well as racial stereotyping.

To further explore what states are doing to address overrepresentation of minorities in the juvenile justice system, Wayne Pitts, Mary Campbell, and L. Gabrielle Trimm examine two initiatives in Tennessee. The authors utilize the District Attorney General's Truancy Reduction Project and the School House Adjustment Program Enterprise (SHAPE) to explore discretion in public schools to report juvenile delinquency. The analyses of the programs are observed through the perspective of the "emerging" model of the New Criminal Justice.

In chapter 6, Mary Poulin, Stan Orchowsky, and Janice Iwama focus on Iowa and Virginia's efforts to deal with the DMC mandate. The chapter provides an overview on what each state has done in regards to DMC, issues faced while carrying out DMC initiatives, how and if the initiatives have been measured for success, and the lessons that have been learned along the way. The authors also offer recommendations to improve the implementation of initiatives, data collection, and evaluation.

All too often the linkage between the justice systems and the child welfare systems are ignored in the discussion of DMC. Marian Harris reminds us that these linkages exist. She explores the extent of disproportionality and disparities for children of color in the child welfare system. Likewise, she discusses the steps Washington State has taken to address disproportionality through its Racial Disproportionality Advisory Committee.

The next two chapters deal with issues that have been seen as possible reasons for increased overrepresentation of minorities in the criminal justice system—the War on Drugs and differential law enforcement practices. In chapter 8, Ojmarrh Mitchell and Michael Lynch examine the impact the War on Drugs, beginning in 1986, has had on racial and ethnic minorities. The authors provide a historical backdrop for the War on Drugs; examine arrests and incarceration rates, and explanations for disparity. John Reitzel echoes their arguments of disparity in chapter 9 where he also examines arrests and incarceration rates from the 1990s and early 2000s. He focuses his investigation on what led to such race-differentiated crime and arrests by focusing on law enforcement practices that impact racial and ethnic minorities disproportionately.

No edited volume on DMC would be complete without mention of Hispanic overrepresentation. As Hispanics have become one of the fastest growing minorities in the United States the issue of disparity must be addressed. Chapters 10 and 11 both focus on Hispanic populations but utilize very different perspectives to explore this ever-increasing population. Paul Elam, Francisco Villarruel, and Lori Hoisington provide an overview of Latino DMC and focus on the issues relating to data collection. They offer suggestions that will help



to increase the reliability of identifying Latino DMC, thereby increasing the chances of ameliorating disparity. George Wilson, Aaron Puhmann, and Alex Piquero focus on the Cuban population in particular. The authors utilize National Election Survey data to investigate the differences in crime control ideology while taking into account class and immigrant status.

Chapters 12 and 13 both focus on the collateral consequences of DMC and its impact on communities. Isis Walton examines the prison industrial complex and focuses on how it has become a contributing mechanism for DMC. She lays out the perspective that incarceration has become big business and has been used to not just punish offenders but to turn a profit, which not only impacts the inmate but families and communities. Likewise, Cherie Dawson-Edwards focuses on another collateral consequence of mass incarceration—political disempowerment. Dawson-Edwards argues that as felon voting laws disenfranchise minorities the impact is felt in the community as well. She explores what happens when already socially disorganized communities are also politically weakened.

The last chapter is especially for practitioners who work in the field of criminal and juvenile justice. This chapter outlines how practitioners can work closely with universities and their faculty to fulfill the DMC mandate requirements. The chapter reviews the mandate and builds the case for partnering with local institutions of higher education to do some of the hard work necessary to address the five phases: identification, assessment, intervention, evaluation, and monitoring.

The goal of this edited volume is to provide an assortment of information related to overrepresentation and disparity in one collection. This volume is capable of serving as a stand-alone text or works well as a supplement to a traditional textbook on race and crime. Likewise, this volume is written in such a way that it is also practical enough for those working in the justice system to use it as a tool for exploring and implementing change in their jurisdictions. It was a pleasure collaborating with the contributing authors and we hope that you enjoy reading *Disproportionate Minority Contact: Current Issues and Policies*.



# Acknowledgments

I am truly grateful to all of the individuals who have supported me through the process of completing this edited volume. First, I'd like to thank all of the contributing authors. This would not have been possible without your enthusiasm and commitment to this topic. I'd also like to offer a special thank you to Mike Leiber for helping me focus my ideas about this volume and recommending and soliciting the most distinguished authorities in the field as contributors. Second, I'd like to acknowledge the support of Virginia State University. My colleagues and in particular, Jay Malcan and Isis Walton, have been instrumental in providing advice and more importantly words of encouragement. I'd also like to thank my students who were patient with me while I was working on this book. Third, I'd like to recognize the wonderful people at Carolina Academic Press especially Beth Hall. Beth's persistence, patience, and support will not be forgotten. Fourth, I'd like to thank my family and friends who have put up with me talking about this book for quite some time. A special thank you to my husband, Donald, and my children, Donnie and Ally, for being understanding when I was locked in my office for hours at a time. Lastly, I'd like to thank the practitioners in the field who work every day to ameliorate disparity in the criminal and juvenile justice systems. I hope that this book provides a foundation for continuing the fight against DMC.