

Disproportionate Minority Contact

Disproportionate Minority Contact

Current Issues and Policies

Second Edition

Edited by
Nicolle Parsons-Pollard



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*To those who continue to fight for justice in America
and across the globe—stay woke.*

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Preface

People keep saying how timely this book is and even more so with the second edition. Nine of the original chapters were revised and three chapters were added. All of the revisions and writing took place after the Michael Brown shooting in Ferguson, Missouri; however, I am revising this section of the Preface after the shootings of Alton Sterling in Louisiana, Philando Castile in Minnesota, and the five police officers in Dallas, Texas. So this second edition is timely indeed. And while there are plenty of hashtags and demonstrations, the other work related to issues of disparity is complex and requires data. As I have listened to the news almost non-stop since this July 4th week of 2016, I realize that Aldous Huxley's quote is so true—“Facts do not cease to exist because they are ignored.” My hope is that this book provides some clarity for those who are looking for empirical data to solve the multifaceted issues that face our nation.

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 is 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. The chapter explores the evolution of the mandate, the relationship between the four

requirements and the impact of new legislation. In addition, it focuses on why most jurisdictions have not been successful in reducing DMC and 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, Michael Leiber, Jennifer H. Peck, and Myra Fields 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, Mary Poulin, Stan Orchowsky, and Janice Iwama's chapter 5 focuses 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 a 2016 update on 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.

Chapter 7 is new and focuses on the role school disciplinary actions have on disproportionality in the juvenile justice system. Cherie Dawson-Edwards, Nadia Nelson and Katie Nuss analyze zero tolerance policies and practices while also delving into theoretical explanations.

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 War on Drugs from 1986 to present and its impact on racial and ethnic minorities. The authors provide a

historical backdrop for the War on Drugs and examine arrests, incarceration rates and explanations for disparity. John Reitzel's updated chapter 9 echoes their arguments of disparity, as he also examines arrests and incarceration rates from the 1990s and 2012. 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.

Chapter 10 is a new addition to the second edition and Amy Kyle Cook, Shana Mell, and William V. Pelfrey Jr. introduce the concept of police legitimacy while exploring it through the use of body cameras. This chapter gets to the heart of public trust and policing and describes it in the context of the aftermath of the much-publicized shootings of unarmed black people.

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. George Wilson, Bryan Lagae, and Alex Piquero focus on the Mexican 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 and Shanieka Jones examine the prison industrial complex and focus on how it has become a contributing mechanism for DMC. They lay 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 standalone 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 jurisdiction. It was a pleasure collaborating with the contributing authors and we hope that you enjoy reading this second edition of *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 the second edition of 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 especially thank those who contributed new chapters as it helps to not only update the book but to put into context what has occurred since the first publication. Second, I'd like to acknowledge the support of Virginia State University (VSU) and Monmouth University (MU). I began working on the new edition while still working at VSU and my new MU family is equally supportive of this endeavor. The first edition of this book was dedicated to Laura J. Moriarty for her friendship and support. I now have the pleasure of working with her each day and her support is unwavering. Third, I'd like to give a giant thank you to Daniel A. Goodall, Sr. — my friend and colleague. Danny and I have had many conversations about many issues and he always gives me a reason to see things slightly different and always clearer. Fourth, I'd like to recognize the wonderful people at Carolina Academic Press especially Beth Hall. Beth is a patient soul and a wonderful person. Fifth, I'd like to thank my family and friends for the support they provided to me and the prayers they had for me even when I did not know it. A special thank you to my husband, Donald, and my children, Donnie and Ally. Everyone needs a cheerleader and Donald has always been mine. Donnie and Ally were teenagers when the first edition was published and they were very vocal about the fact that they didn't understand what I was talking about and they were not very interested either. But today they are adults and they see the issues of disparity so clearly and I am proud that they are the next generation to support this movement and to change the world. Lastly, I'd like to thank the practitioners in the field who work everyday to ameliorate disparity in the criminal and juvenile justice systems. To every police officer, correctional officer, attorney, judge, counselor, social worker, educator and all of the people that work 'inside' the system — thank you for committing your professional life to justice. I hope that this book provides a foundation for continuing the fight against DMC.

