

# Disproportionate Minority Confinement: Confronting Racial and Ethnic Differences in Assessments of Juvenile Culpability

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*Bringing Research to Policy and Practice*

# Disproportionate minority contact (DMC) with juvenile justice systems remains a problem, even after nearly 20 years of federal and state attention

Researchers observe overrepresentation of minority youths in contact with police and court officials, and in confinement in nearly every state.

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# Most DMC information is from research supported & guided by a federal initiative

## Amendments to JJDP Act (incentives & requirements)

1989	extra formula funding to address disproportionate minority confinement
1992	DMC added to JJDP core requirements
2002	DMC expanded to mean system contact

## Result:

Consistent identification of DMC across US  
Many small studies; less development of resources;  
less depth of investigation

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# Old explanations for DMC

1. Minority youths offend more and commit more serious crimes, so they deserve disproportionate contact with juvenile justice
2. Juvenile justice systems are set up to reinforce expectations of powerful white majority about proper youthful behavior so disproportionate minority contact reflects racial bias within the system

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## Race & Ethnicity patterns of juvenile arrests

- **Homicide:** Black youths highest overrepresentation  
Latino youth overrepresented in some cities  
Native Americans overrepresented
- **Nonlethal violence:** Black youths overrepresented
- **Property crime:** Overall, minimal differences across groups
- **Alcohol violations:** White & Native American youth overrepresented
- **Drug abuse violations:** Black youths overrepresented
  - Self-reports contradict arrest data; white youths report higher levels
- **Weapons violations:** Black youths overrepresented

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## There is some evidence of different offending patterns by race & ethnicity, but not as much as commonly thought

1. Typical juvenile offenses show no differences
2. Serious violence shows higher levels of Black and Latino involvement.
3. Data sources differ on drug crime. If we assume SRD true, Black youths arrested twice as often as expected. Tougher sanctions
4. Imprecise groups in most data. More differences within groups than across.
5. Research DMC with violence. Unintended result is generalization, false stereotypes of culpability of minority youths.

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## **African-Americans are often present in juvenile justice systems at more than twice their representation in the population**

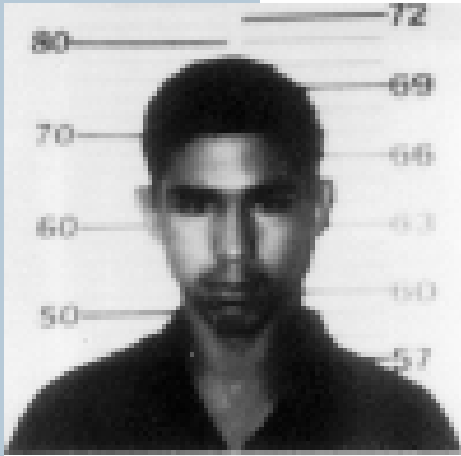
- 16% of population ages 10-17
- 29% of youth arrests (37% of violent crimes)
- 36% of youths in detention (41% of violent)
- 32% of formal hearings (40% of violent)
- 29% of adjudications (36% of violent)
- 16% of the population ages 10-17
- 33% of out of home placement (38% violent)
- 35% of youths waived to criminal court (41%)

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Source: <http://ojjdp.ncjrs.org/ojstat/ezajcs/>

# What do juvenile offenders look like?



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THE PHOTOGRAPHS

# Who's a Looter? In Storm's Aftermath, Pictures Kick Up a Different Kind of Tempest

By TANIA RALLI

Two news photographs ricocheted through the Internet last week and set off a debate about race and the news media in the aftermath of Hurricane Katrina.

The first photo, taken by Iwan Martin, an Associated Press photographer in New Orleans, shows a young black man wading through water that has risen to his chest. He is clutching a case of soda and pulling a floating bag. The caption provided by The A.P. says he has just been "looting a grocery store."

The second photo, also from New Orleans, was taken by Chris Graythen for Getty Images and distributed by Agence France-Presse. It shows a white couple up to their chests in the same murky water. The woman is holding some bags of food. This caption says they are shown "after finding bread and soda from a local grocery store."

Both photos turned up Tuesday on Yahoo News, which posts automatic feeds of articles and photos from wire services. Soon after, a user of the photo-sharing site Flickr juxtaposed the images and captions on a single page, which attracted links from many blogs. The left-leaning blog Daily Kos linked to the page with the comment: "It's not looting if you're white."

The contrast of the two photo captions, which to many indicated a double standard at work, generated widespread anger toward the news

## Accusing the media of racial bias in depictions of foragers.

media that quickly spread beyond the Web.

On Friday night, the rapper Kanye West ignored the teleprompter during NBC's live broadcast of "A Concert for Hurricane Relief," using the opportunity to lambaste President Bush and criticize the press. "I hate the way they portray us in the media," he said. "You see a black family, it says they're looting. You see a white family, it says they're looking for food."

Many bloggers were quick to point out that the photos came from two different agencies, and so could not reflect the prejudice of a single media outlet. A writer on the blog Being-Being wrote: "Perhaps there's some factual substantiation behind each copywriter's choice of words that we know. But to some, the difference in tone suggests racial bias, implicit or otherwise."

According to the agencies, each photographer captioned his own photograph. Jack Stokes, a spokesman for The A.P., said that photographers are told to describe what they have seen when they write a caption.

Mr. Stokes said The A.P. had

guidelines in place before Hurricane Katrina struck to "distinguish between 'looting' and 'looting.'" If a photographer sees a person enter a business and emerge with goods, it is described as looting. Otherwise The A.P. calls it carrying.

Mr. Stokes said that Mr. Martin had been the first in his photograph wade into a grocery store and come out with the sodas and bag, so by A.P.'s definition, the man had looted.

The photographer for Getty Images, Mr. Graythen, said in an e-mail message that he had also stuck to what he had seen to write his caption, and had actually given the wording a great deal of thought. Mr. Graythen described seeing the couple near a corner store from an elevated overpassway. The door to the shop was open, and things had floated out to the street. He was not able to talk to the couple, "so I had to draw my own conclusions," he said.

In the extreme conditions of New Orleans, Mr. Graythen said, taking necessities like food and water to survive "must not be considered looting." He said that had he seen people coming out of stores with computers and DVD players, he would have considered that looting.

"If you're taking something that runs solely from a wall outlet that requires power from the electric company — which we're not going to have power for weeks, even months — that's unacceptable," he said.

Since the photo was published last



Iwan Martin/Associated Press



Chris Graythen/Agence France-Presse

Information from an A.P. photographer described the young man, left, as looting. In a similar visual circumstance, the white couple was described by a different agency's photographer as finding food.

Tuesday Mr. Graythen has received more than 500 e-mail messages, most of them supportive, he said.

Within three hours of the photo's publication online, editors at Agence France-Presse rewrote Mr. Graythen's caption. But the original caption remained online as part of a Yahoo News slide show. Under pressure to keep up with the news, and lacking the time for a discussion about word choice, Olivier Calas, the agency's director of multimedia, asked Yahoo to remove the photo last Thursday.

Now, in its place, when readers seek the picture of the couple, a statement from Neil Biddle, the general manager of Yahoo News, appears in its place. The statement emphasizes that Yahoo News did not write the photo captions and that it did not edit the captions, so that the photo can be made available as quickly as possible.

Mr. Calas said Agence France-Presse was bombarded with e-mail messages complaining about the caption. He said the caption was

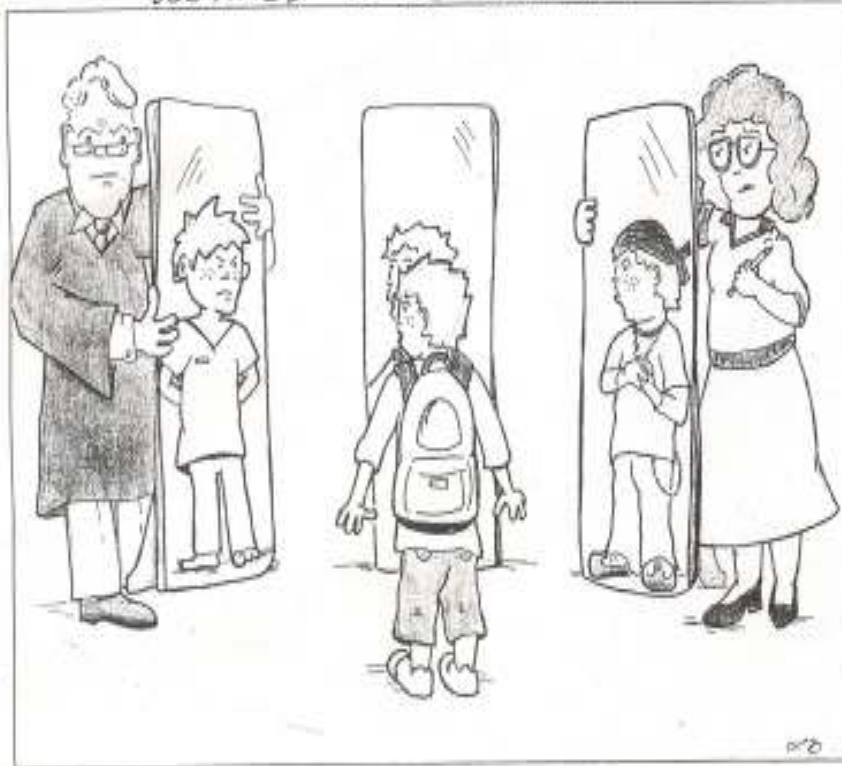
clear and should have been reworded earlier. "This was a consequence of a series of negligences, not ill-intent," he said.

For Mr. Graythen, whose parents and grandparents lost their homes in the disaster, the fate of the survivors was the most important thing. In his e-mail message he wrote: "Now is no time to pass judgment on those trying to stay alive. Now is no time to argue semantics about finding versus looting. Now is no time to argue it

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DESTINED TO BE CRIMINAL?



"Don't forget that society is also to blame."

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# Disproportionate minority contact with ...

- Poverty
- Inadequate health care
- Lower quality schools
- Unsafe neighborhoods
- Households with less adult supervision
- Exposure to drugs, gangs, weapons
- Codes of streets that value toughness
- Violent crime (6-10x risk of death by homicide)
- Media depictions of crime
- Neighbors' perceptions of offenders
- Police patrol areas

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## African-American, Hispanic, Native American, White, & Asian is the current order of juvenile justice contact

1. DMC initially compared White & Black Youths
2. Want more precise categories of race & ethnicity
3. Even current categories are too broad; miss differences based on culture, language, country of origin, & skin color
4. Minority status means more than presence; it includes different opportunities, real and perceived status within society

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**Some differences in offending;  
also differences in processing**

**When we control for offense, prior  
record, needs of the youths, we still  
see differential treatment**

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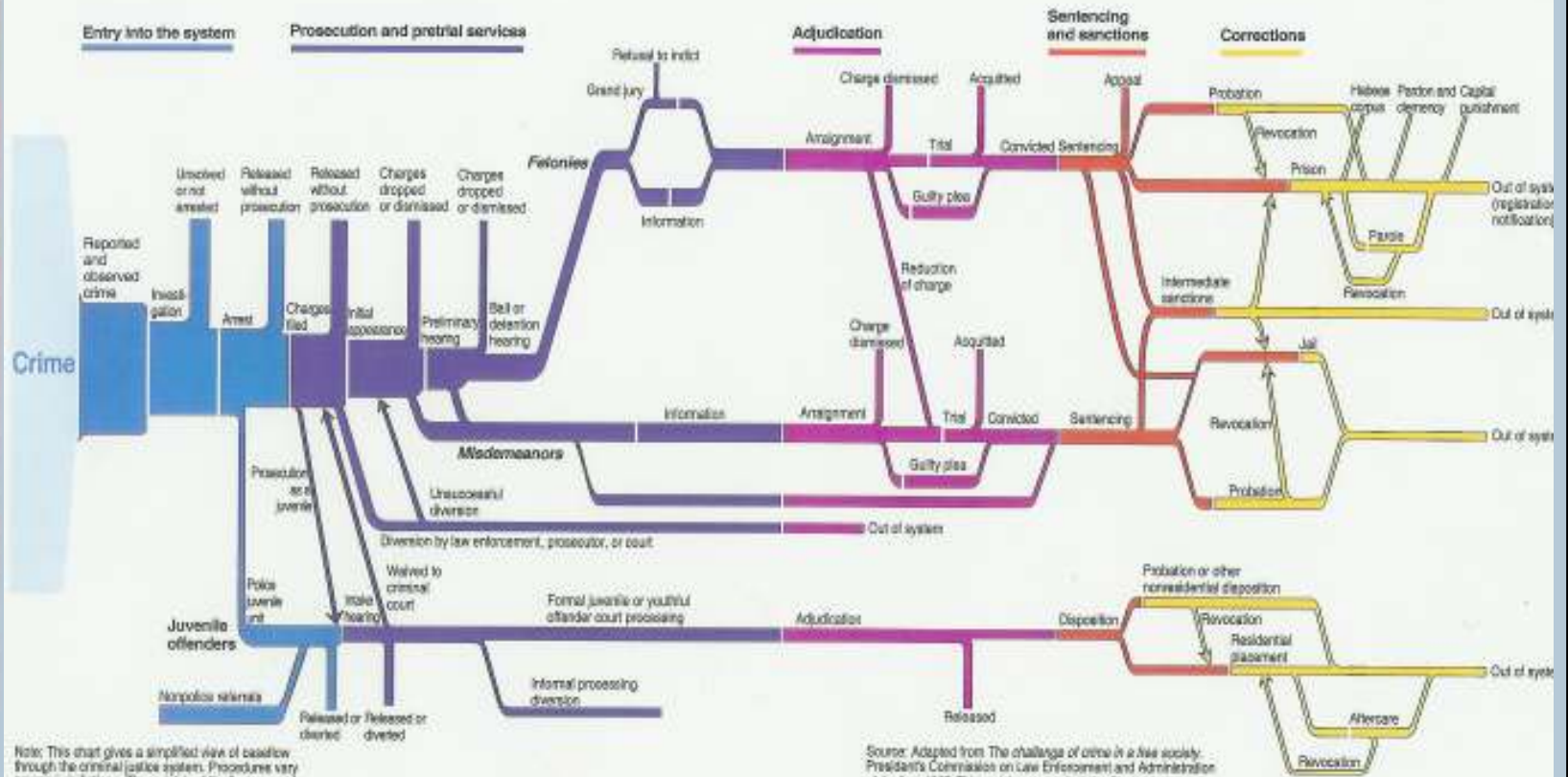
## Inherent qualities of juvenile justice enable differential treatment at each stage

- Dual goals of punitive sanctions & benevolent treatment/services
- Discretionary decisions
- Informal settings & local variations
- Few options & training on what works
- Public & political criticize “kiddie system”
- Constrained resources

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What is the sequence of events in the criminal justice system?



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# Differential treatment throughout juvenile justice systems

- Individual stages & how the cumulative disadvantage, particularly for poor minority youths
- Different opportunities to exit the system too
- Local variation, “justice by geography”

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# Success in reducing DMC

- Lower risk factors in the community
- Recognize decisions connect within juvenile justice system
- Information linking options to goals, and expand range and quality of options available for interventions

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# Unconscious Racial Stereotypes about African American Adolescent Offenders

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“Indeed, if someone says that they were mugged or that their house was robbed, most white people instantly picture an African American man as the criminal. When an African American man approaches us on the street, we cower. More than being a realistic assessment of risk, this is an index of our *involuntary and largely unconscious* racism.

Police officers and judges share this attitude and are far more likely to see a criminal on the highway or in the courtroom when they see an African American man.”

Crispin Sartwell, *Los Angeles Times*, April 10, 2001

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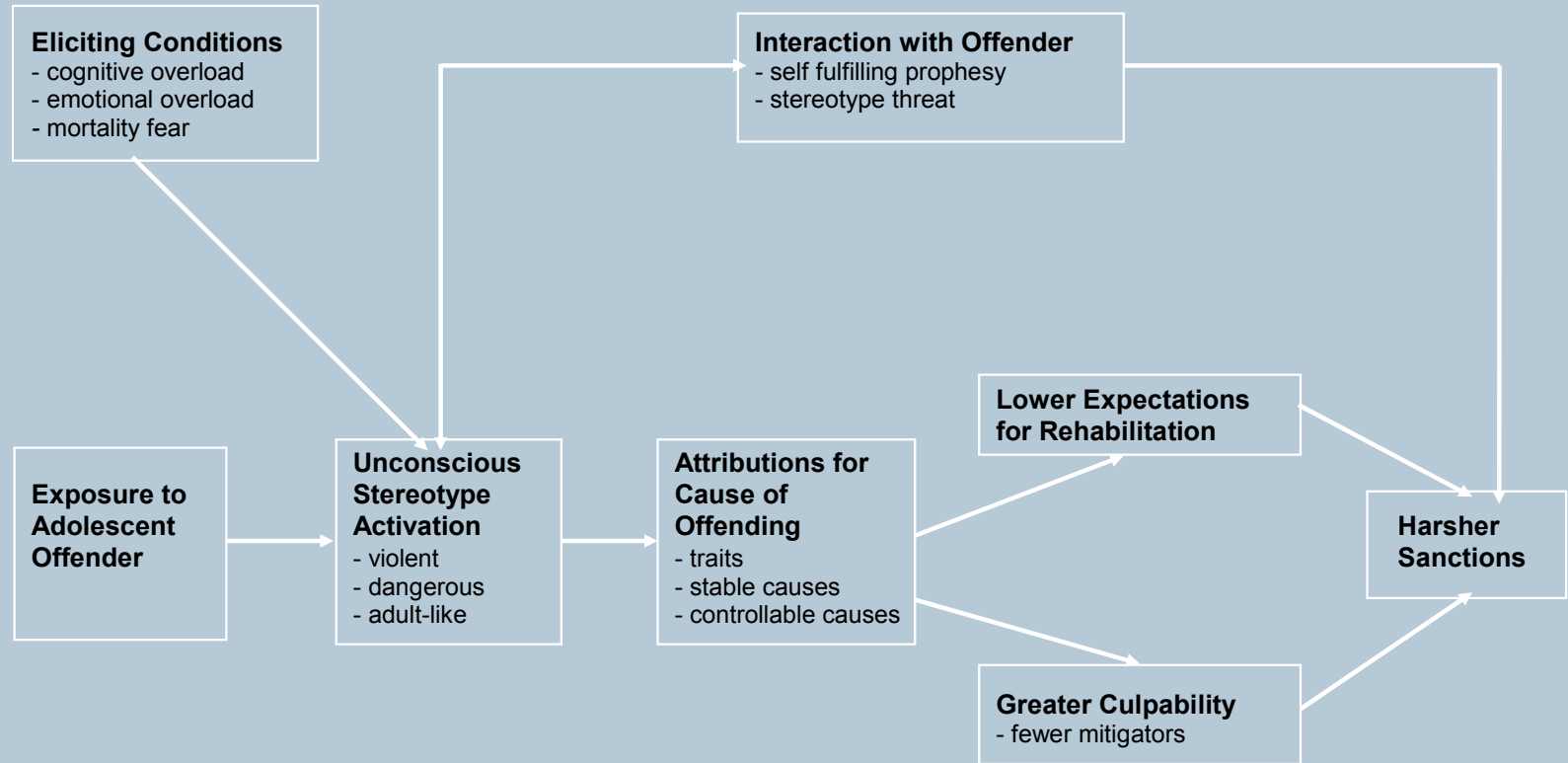
# Three parts to my argument:

- Stereotypes about African Americans remain largely negative.
- Those stereotypes may be largely unconscious
- Unconscious stereotypes, once activated, influence conscious processes.

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# Conceptual Working Model



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# Goals of the Study

- examine racial stereotypes about adolescent offenders as unconscious processes
- activated experimentally
- in relation to attributional judgments
- in a sample of police officers and a sample of probation officers

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# Experimental Design

- Random assignment to race prime or control condition
- Exposed to 80 trials of race related or neutral words on a computer screen
- Flashed for 120 ms to achieve subliminal priming
- Read 2 crime vignettes
- Make attributional judgments

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# Description of Sample

**Police (N = 105)**

**Probation (N = 91)**

## ❖ Gender

Male	n = 90 (86%)	n = 43 (47%)
Female	n = 14 (15%)	n = 47 (53%)

## ❖ Ethnicity

Latino	n = 40 (38%)	n = 10 (11%)
African American	n = 28 (27%)	n = 46 (51%)
White	n = 27 (26%)	n = 23 (25%)
Asian/other	n = 10 (9%)	n = 12 (13%)

## ❖ Mean Age

35.2 yrs (range = 24 to 56)	42.5 yrs (range = 26 to 63)
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## ❖ Mean Years in Service

8.13 yrs (range = 1 to 28yrs)	13.83 yrs (range = 2 to 36yrs)
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# Examples of Stimulus Words

RACE PRIME		NEUTRAL PRIME	
List 1	List 2	List 1	List 2
Cosby	Oprah	accident	agony
Harlem	Haiti	toothache	virus
homeboy	slavery	loneliness	jealousy
reggae	rhythm	<i>enjoyment</i>	<i>laughter</i>
ghetto	plantation	<i>truth</i>	<i>warmth</i>
jerricurl	dreadlocks	<i>heaven</i>	<i>paradise</i>

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# CRIME SCENARIOS

## Suspect A

- ❖ 11-year-old boy
- ❖ no prior arrest record
- ❖ allegedly stole toys worth \$40 from a discount store, based on the store manager's account

## Suspect B

- ❖ 15 year-old boy
- ❖ no prior arrest record
- ❖ allegedly assaulted a peer who may or may not have provoked him

## DEPENDENT VARIABLE

### •Adjective checklist (traits)

***Adult-like (a = .73) (a = .66)***

***not vulnerable--vulnerable***

***not gullible--gullible***

***not impressionable--impressionable***

***street smart--naïve***

***Violent (a = .75) (a = .75)***

***violent--nonviolent***

***dangerous--harmless***

***aggressive--passive***

***hostile--not hostile***

***Bad Kid (a = .77) (a = .45)***

***dishonest--honest***

***bad--good***

***unlikable--likeable***

***antisocial--social***

***unfriendly--friendly***

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## Dependent Variables continued

- **Culpability ( $\alpha = .51$ ) ( $\alpha = .69$ )**

Was a crime committed?

Was the suspect aware?

Did he intend to commit a crime?

How responsible (blameworthy) is he?

- **Expected recidivism ( $\alpha = .77$ ) ( $\alpha = .77$ )**

- **Is he likely to commit similar crimes in the future?**

- **Is he likely to commit more serious crimes in the future?**

- **Arrest decision**

choice of:

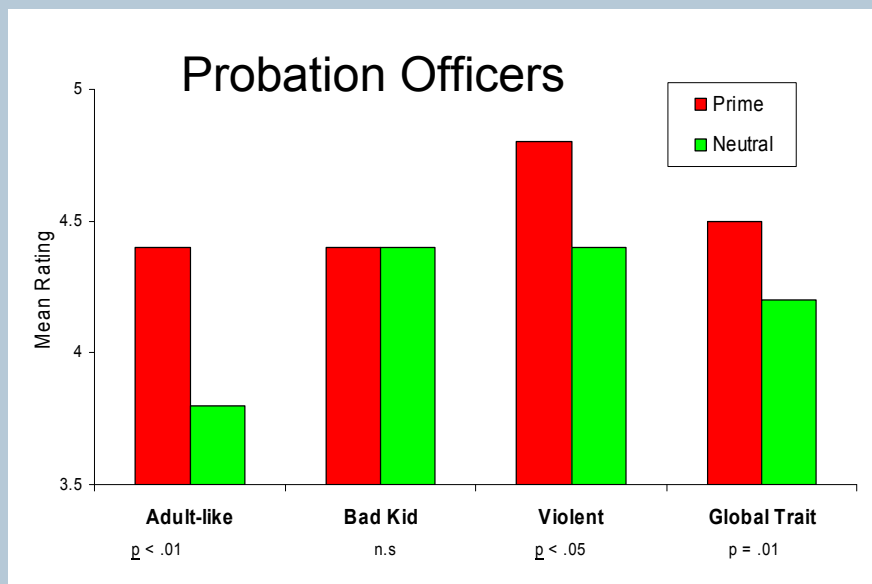
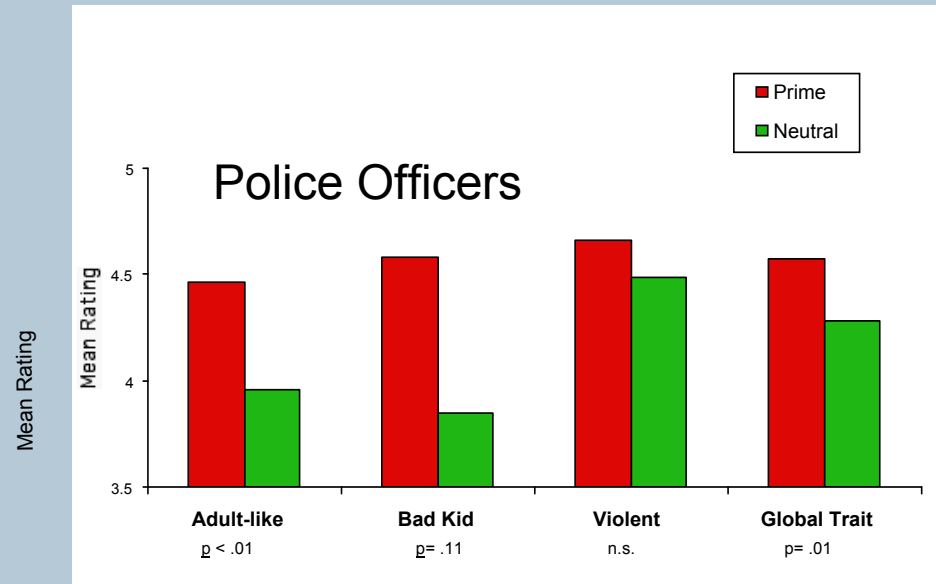
- 1) let go with warning
- 2) misdemeanor
- 3) felony

- **Arrest decision**

choice of:

- 1) let go with warning
- 2) place on informal probation
- 3) cite to juvenile traffic court
- 4) refer to District Attorney

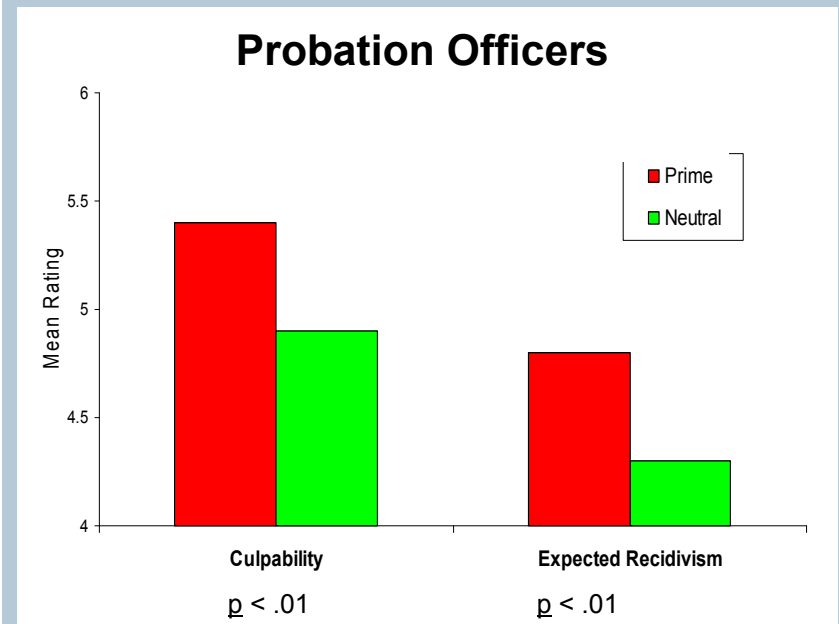
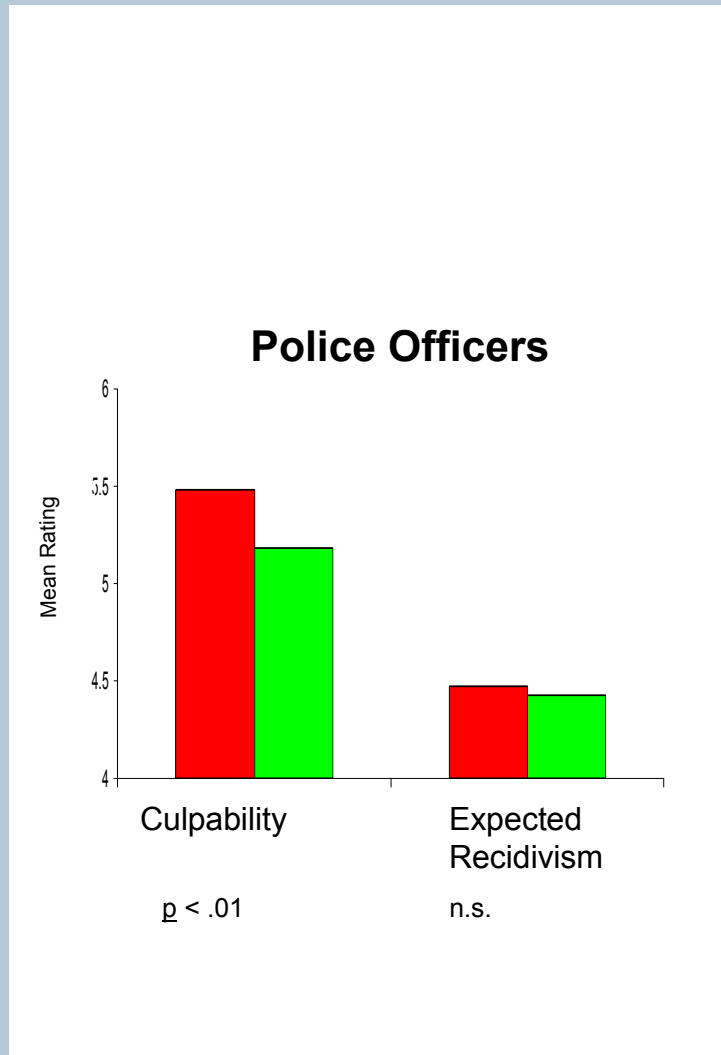
# Trait Ratings



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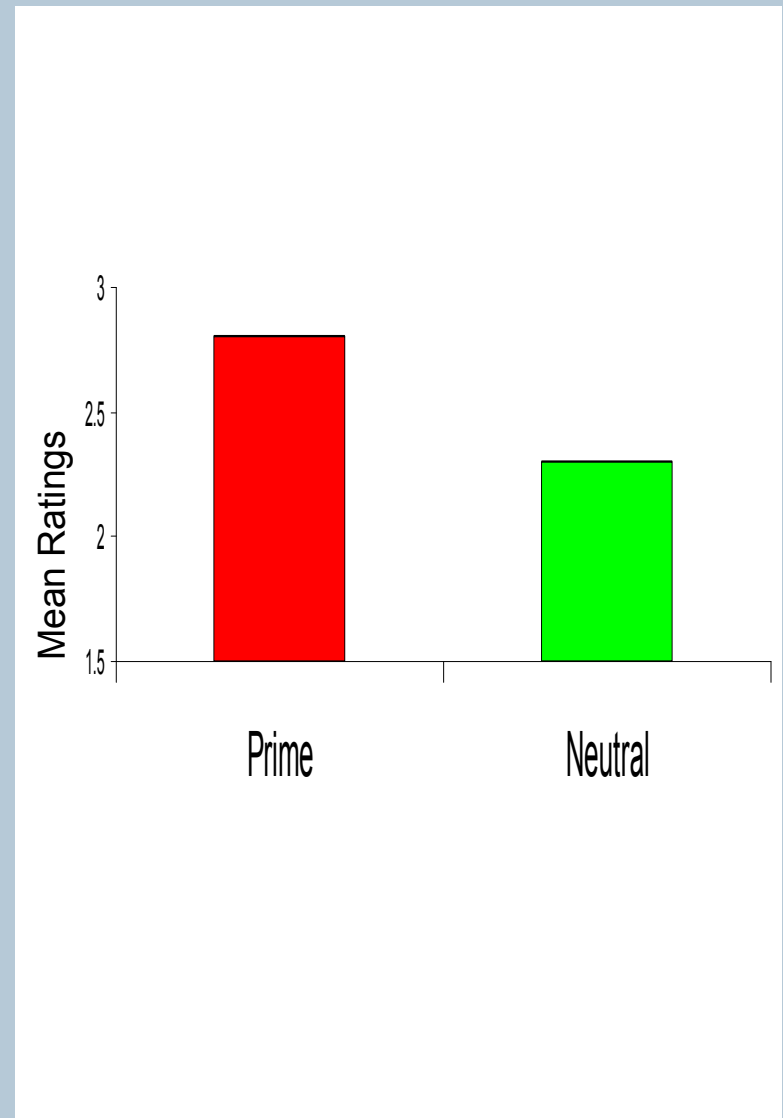
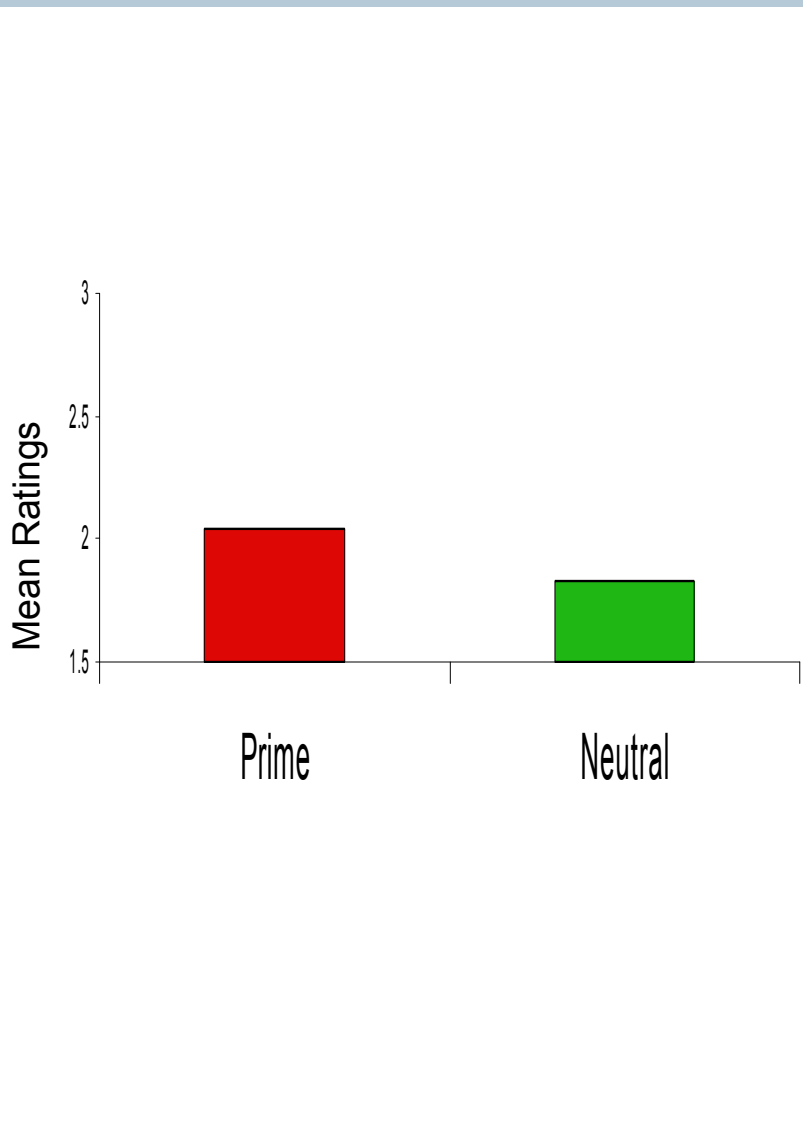
# Attribution Related Judgments



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# Arrest



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**Contact with  
Black  
Suspect  
(ambiguous)**

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**Contact with  
Black  
Suspect  
(ambiguous)**



**Unconscious  
Priming of  
Racial  
Stereotype**

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**Contact with  
Black  
Suspect  
(ambiguous)**

**Unconscious  
Priming of  
Racial  
Stereotype**

**Negative  
Traits  
(adult-like,  
etc.)**

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**Contact with  
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**Unconscious  
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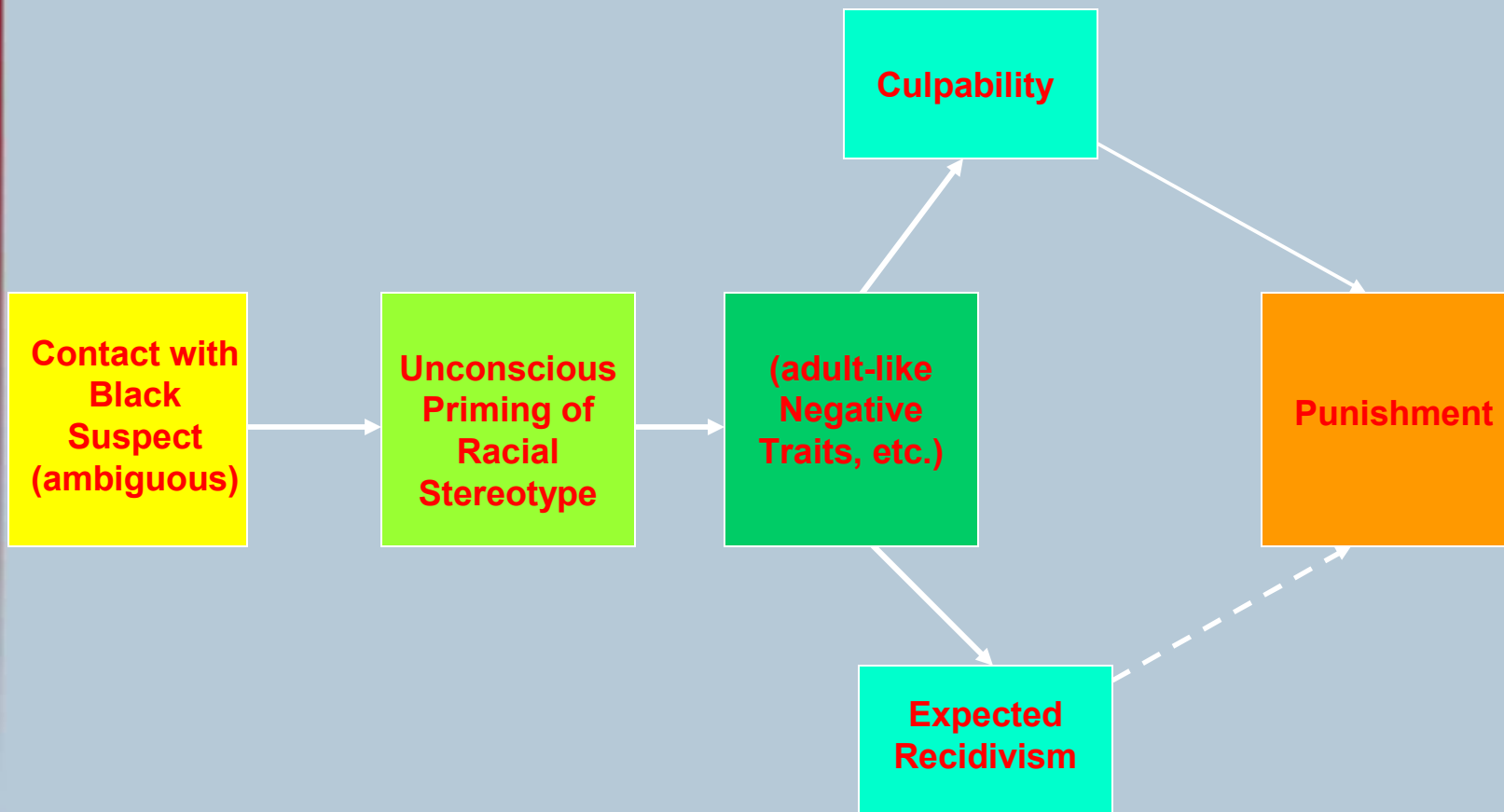
**Negative  
Traits  
(adult-like,  
etc.)**

**Culpability**

**Expected  
Recidivism**

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# Tentative Conclusions: Racial stereotypes about juvenile offenders may be...

- partly unconscious and easily activated
- somewhat independent of ethnicity, gender, experience, occupation, or conscious stereotypes
- specific
- related to attributional judgments and behavioral intentions
- amenable to change

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