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

Darnell F. Hawkins
Barry C. Feld
Kimberly Kempf-Leonard
Sandra Graham

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.
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
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
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
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.
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%)

Source: http://ojjdp.ncjrs.org/ojstat/ezajcs/
What do juvenile offenders look like?
Who's a Looter? In Storm's Aftermath, Pictures Kick Up a Different Kind of Tempest

BY TANIA BALI

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 Dave Martin, an Associated Press photographer in New Orleans, shows a young black man walking through wa...
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
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
Some differences in offending; also differences in processing

When we control for offense, prior record, needs of the youths, we still see differential treatment
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
What is the sequence of events in the criminal justice system?

Entry into the system

Prosecution and pretrial services

Adjudication

Sentencing and sanctions

Corrections

Crime

Felony offenses

Misdemeanors

Probation or other nonresidential disposition

Source: Adapted from The challenge of crime in a free society: President's Commission on Law Enforcement and Administration of Justice, 1967. This revision, a result of the symposium on the 50th Anniversary of the President's Commission, was prepared by the Bureau of Justice Statistics in 1987.

Note: This chart gives a simplified view of caseloads through the criminal justice system. Procedures vary among jurisdictions. The weights of the lines are not intended to show actual size of caseloads.
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”
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
Unconscious Racial Stereotypes about African American Adolescent Offenders

Sandra Graham
Department of Education
University of California, Los Angeles
“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.”

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.
Eliciting Conditions
- cognitive overload
- emotional overload
- mortality fear

Interaction with Offender
- self fulfilling prophesy
- stereotype threat

Lower Expectations
for Rehabilitation

Greater Culpability
- fewer mitigators

Unconscious Stereotype Activation
- violent
- dangerous
- adult-like

Attributions for Cause of Offending
- traits
- stable causes
- controllable causes

Sanctions
- dangerous
- stable causes
- adult-like
- controllable causes

Harsher Sanctions
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
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
# Description of Sample

## Police (N = 105)       Probation (N =91)

**Gender**

<table>
<thead>
<tr>
<th></th>
<th>Police</th>
<th>Probation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>n = 90 (86%)</td>
<td>n = 43 (47%)</td>
</tr>
<tr>
<td>Female</td>
<td>n = 14 (15%)</td>
<td>n = 47 (53%)</td>
</tr>
</tbody>
</table>

**Ethnicity**

<table>
<thead>
<tr>
<th></th>
<th>Police</th>
<th>Probation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Latino</td>
<td>n = 40 (38%)</td>
<td>n = 10 (11%)</td>
</tr>
<tr>
<td>African American</td>
<td>n = 28 (27%)</td>
<td>n = 46 (51%)</td>
</tr>
<tr>
<td>White</td>
<td>n = 27 (26%)</td>
<td>n = 23 (25%)</td>
</tr>
<tr>
<td>Asian/other</td>
<td>n = 10 (9%)</td>
<td>n = 12 (13%)</td>
</tr>
</tbody>
</table>

**Mean Age**

<table>
<thead>
<tr>
<th></th>
<th>Police</th>
<th>Probation</th>
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<tbody>
<tr>
<td></td>
<td>35.2 yrs</td>
<td>42.5 yrs</td>
</tr>
<tr>
<td></td>
<td>(range = 24 to 56)</td>
<td>(range = 26 to 63)</td>
</tr>
</tbody>
</table>

**Mean Years in Service**

<table>
<thead>
<tr>
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<th>Police</th>
<th>Probation</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>8.13 yrs</td>
<td>13.83 yrs</td>
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<tr>
<td></td>
<td>(range = 1 to 28yrs)</td>
<td>(range =2 to 36yrs)</td>
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</table>
Examples of Stimulus Words

<table>
<thead>
<tr>
<th>RACE PRIME</th>
<th>NEUTRAL PRIME</th>
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<tbody>
<tr>
<td>List 1</td>
<td>List 2</td>
</tr>
<tr>
<td>Cosby</td>
<td>Oprah</td>
</tr>
<tr>
<td>Harlem</td>
<td>Haiti</td>
</tr>
<tr>
<td>homeboy</td>
<td>slavery</td>
</tr>
<tr>
<td>reggae</td>
<td>rhythm</td>
</tr>
<tr>
<td>ghetto</td>
<td>plantation</td>
</tr>
<tr>
<td>jerricurl</td>
<td>dreadlocks</td>
</tr>
<tr>
<td></td>
<td>List 1</td>
</tr>
<tr>
<td></td>
<td>List 2</td>
</tr>
<tr>
<td></td>
<td>accident</td>
</tr>
<tr>
<td></td>
<td>agony</td>
</tr>
<tr>
<td></td>
<td>toothache</td>
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<tr>
<td></td>
<td>virus</td>
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<tr>
<td></td>
<td>loneliness</td>
</tr>
<tr>
<td></td>
<td>jealousy</td>
</tr>
<tr>
<td></td>
<td>enjoyment</td>
</tr>
<tr>
<td></td>
<td>laughter</td>
</tr>
<tr>
<td></td>
<td>truth</td>
</tr>
<tr>
<td></td>
<td>warmth</td>
</tr>
<tr>
<td></td>
<td>heaven</td>
</tr>
<tr>
<td></td>
<td>paradise</td>
</tr>
</tbody>
</table>
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
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** ($a = .77$) ($a = .77$)
  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

Police Officers

- Adult-like: p < .01
- Bad Kid: p = .11, n.s.
- Violent: p < .05
- Global Trait: p = .01

Probation Officers

- Adult-like: p < .01
- Bad Kid: n.s.
- Violent: p < .05
- Global Trait: p = .01
Attribution Related Judgments

Police Officers

- Culpability: Mean Rating
- Expected Recidivism: Mean Rating

Probation Officers

- Culpability: Mean Rating
- Expected Recidivism: Mean Rating

Legend:
- Prime
- Neutral

Significance Levels:
- p < .01
- n.s.
The image shows two bar charts titled "Arrest". Each chart compares mean ratings for two conditions: Prime and Neutral. The y-axis represents mean ratings ranging from 1.5 to 3.0. The left chart indicates a lower mean rating for Prime compared to Neutral, with Prime ratings around 2.0 and Neutral ratings around 1.5. The right chart shows a higher mean rating for Prime compared to Neutral, with Prime ratings around 3.0 and Neutral ratings around 2.5. The charts suggest a significant difference in ratings between the Prime and Neutral conditions, as indicated by the p-value < .01.
Contact with Black Suspect (ambiguous)
Contact with Black Suspect (ambiguous) → Unconscious Priming of Racial Stereotype
Contact with Black Suspect (ambiguous) → Unconscious Priming of Racial Stereotype → Negative Traits (adult-like, etc.)
Contact with Black Suspect (ambiguous) → Unconscious Priming of Racial Stereotype → Negative Traits (adult-like, etc.) → Culpability → Expected Recidivism
Contact with Black Suspect (ambiguous) → Unconscious Priming of Racial Stereotype → (adult-like Negative Traits, etc.) → Culpability → Punishment (dashed line indicates expected recidivism)
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