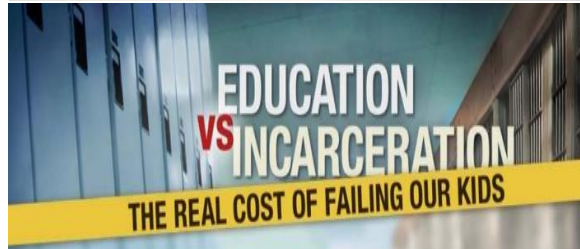




Disproportionate Minority Contact: A Florida Statewide Assessment

Patricia Y. Warren, Eric A. Stewart and Jordyn Rosario



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EXECUTIVE SUMMARY

A strong body of evidence has demonstrated that there are significant racial and ethnic disparities at every stage of the juvenile justice system. Given the growing concern about the overrepresentation of the people of color in the juvenile justice system, in 1988 the U.S. Congress amended the 1974 Juvenile Justice and Delinquency Prevention Act. The amendment required states to track the extent of Disproportionate Minority Contact (DMC). Five states—Arizona, Florida, Iowa, North Carolina, and Oregon—were selected to participate in the first pilot study of DMC for juveniles aged 10 to 17 years old. The results demonstrated that juvenile minorities were confined at a substantially higher rate than Whites. As a result of these findings, the Office of Juvenile Justice and Delinquency Prevention (OJJPD) required all states requesting Formula One grants to not only investigate the extent of DMC, but design strategies to reduce and monitor DMC. Ultimately, it is important to understand the nature and extent of DMC because its existence can weaken the credibility of a fair and equitable juvenile justice system.

Federal law requires data be collected at multiple contact points within the juvenile justice system, including referral to court, diversion, secure detention, transfers, probation and confinement.

In an effort to further document the extent of DMC in the state of Florida (FL), this report explores the extent of disparities as well as the factors that undergird them. Although prior studies have highlighted the salience of differential policing policies and practices and sentencing laws as important contributors to DMC, this study emphasizes the relevance of the racial, ethnic and economic context of the county in shaping punishment outcomes among Black, White and Latino youth. Using multivariate analyses, we highlight the importance of contextual characteristics and their salience for understanding DMC. Furthermore, we underscore the importance of contextual characteristics and their salience for understanding how courts punish youth at each

stage of the juvenile justice system. The data reveal that although Latinos are slightly overrepresented across time, they are at a much lesser extent than Blacks. In addition, the racial, ethnic and economic context of the county operates differently for Blacks, and Latinos. That is, on average, Blacks are most disadvantaged across punishment decisions in counties that have a larger or growing share of Black and poor residents.

The disproportionality that exists in the FL juvenile justice system is consistent with national trends both in the juvenile and adult systems. Addressing the root causes of racial disparities across systems, are critical to promoting more positive outcomes for youth of color.

SUMMARY OF FINDINGS

Referrals

- On average Blacks are referred at higher rates than White and Latino youth. Black youth are referred at two times the rate of Whites and 3 times the rate of Latinos.
- Females are significantly less likely to be referred than are males. Males are approximately 2 times more likely to be referred than females. Black females are 11% of referrals and White females are 10%. Latino females are 3% of referrals.

Crime Type

- In FL, the majority of juvenile referrals are for less serious offenses. Thirty-five percent of offenses are misdemeanors while 24% are for technical violations. Felonies represent a smaller portion of referrals at 29%.
- The increase in school resource officers has also led to an increase in the number of youth being referred to the juvenile justice system. Black and White males are more likely to be referred by school officials. Latino males are more frequently referred than both White and Latino females. However, Black females are referred slightly more often than Latino males.
- Crime is centrally concentrated in a six-county area: Dade, Broward, Hillsborough, Palm Beach, Pinellas and Orange counties.

Diversion

- White youth are approximately 50% more likely than Black youth and 10% more likely than Latino youth to be diverted to avoid further criminal sanctions.
- Black youth who reside in counties with larger Black populations are less likely to be diverted. Additionally, juvenile courts are more likely to divert Latino youth who reside in areas with more Latino residents.

Juvenile Transfers

- Black and Latino youth are more likely than Whites to be transferred to adult court. These effects are more pronounced when committed in counties with increased Black and Latino growth. Additionally, poverty significantly increases the likelihood of transfer for Black youth.

Adjudication

- Black youth are more likely to be adjudicated and this effect is more pronounced in places with more Black growth. However, the overall the racial and ethnic context of the county does not significantly influence the likelihood of adjudication for Blacks and Latinos. Concentrated poverty increases adjudication for Black youth but not Latino youth.

Adjudication Withheld

- Black youth residing in counties with more Black residents are 18% less likely to have adjudication withheld. Black youth in poor contexts are also less likely to have adjudication withheld.

Probation

- Black and Latino youth are both less likely than Whites to be given a probation sentence. The racial and ethnic context does not significantly influence the likelihood of probation.

Committed

- Black youth are more likely to be committed to either a residential placement or a secure facility. Latino youth are less likely to be committed. The opposite effect is observed for Latinos. They are less likely to be committed. Both the racial or ethnic context of the county influenced the likelihood that Black and Latino youth would be committed to a residential placement or detention center.
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INTRODUCTION

Disproportionate minority contact (DMC) refers to the overrepresentation of minority youth who come in contact with the juvenile justice system. DMC as we know it today was previously known as disproportionate minority confinement, and it primarily focused on the disproportionate representation of minority youth in secure detention and confinement. However, disproportionate minority contact is a re-conceptualization that encompasses all decision points within the juvenile justice system. This includes arrest, intake, confinement decisions, and transfer to adult court (Office of Juvenile Justice & Delinquency Prevention, 2016). DMC is included as a core requirement in the Juvenile Justice Delinquency Prevention Act. All states who participate in the Federal Formula Grant Program have incentive to identify the extent to which minorities are disproportionately represented in their respective juvenile justice system. Since the implementation of this program, data has been recorded across juvenile justice decisions and a number of trends are readily apparent.

At the heart of DMC research is the influence of race in the overrepresentation of minority youth in the juvenile justice system. The two prevailing arguments for DMC are differential offending and differential selection. Are minority youth simply engaged in more delinquent activity or are these youths disproportionately targeted by the justice system? Across the board, scholars understand that minority youth are overrepresented at the various stages of the juvenile justice system. For instance, African American youth tend to be arrested, referred, detained, placed, and waived to criminal court at a more elevated rate than their White counterparts (Davis & Sorensen, 2012). However, there is no general consensus as to why this is the case.

The purpose of the current study is to further explore these trends by assessing whether the disparate trends are influenced by community context.

In recent years, scholars have increasingly focused on the racial and ethnic composition of a community to assess its relationship with punishment outcomes. The racial and ethnic composition of an area can be important because it might influence the punitive practices of criminal justice actors. Blalock (1967) was among the first to note that as the size of racial and ethnic minorities increase in an area, social control efforts directed towards them will also increase because Whites will deem their increased population size as criminally threatening. Using threat as a theoretical backdrop, this study explores whether the size of the racial and ethnic population influences the likelihood of a receiving a diversion, being adjudicated, being placed on probation, and receiving a sentence of confinement. Ultimately, communities are important to juvenile outcomes because places characterized with greater poverty and racial inequality are more likely to impose greater social control on youth referred to the juvenile court. The presumption is that youth from disadvantaged and more crime prone areas will be considered more threatening to the court.

This report will explore the following research questions: 1) Does the racial and ethnic composition of a community influence racial differences in disproportionate minority contact across punishment outcomes? 2) Do the economic characteristics of a community influence racial and ethnic differences in punishment outcomes among Black and Latino youth?

This report supports federal and state efforts aimed at promoting equity for youth of color throughout the juvenile justice system. Moreover, it specifically responds to and complies with the DMC requirements under the Juvenile Justice and Delinquency Prevent Act (JJDP). Florida's Department of Juvenile Justice has partnered with the College of Criminology and Criminal Justice at Florida State University to conduct this research in order to identify and improve racial and ethnic disparities in punishment outcomes across the FL Juvenile Justice System.

THE JUVENILE JUSTICE PROCESS

Contact with Law Enforcement

- The youth is discovered participating in a delinquent act and a law enforcement officer gets involved.

Civil Citation

- A new program designed to address a youth's behavior at his/her encounter with the juvenile justice system providing an alternative to arrest.

Taken into Custody

- In the Florida juvenile justice system youth are taken into custody. Once in custody, youth are referred to their Assessment Center and the family is notified.

Diversion Program

- A program designed to keep a youth from entering the juvenile justice through the legal process.

Adult Court

- Court for adults over the age of 18 or for a youth charged with an adult crime. Youth in adult court may be sentenced to either youth or adult sanctions.

Juvenile Detention Alternatives Initiative (JDAI)

- A juvenile justice improvement initiative that focuses on moving low-risk youth from secure detention into community-based alternative programs.

Detention Risk Assessment

- Instrument used to determine if a youth meets detention criteria and to determine whether a youth should be placed in a secure, non-secure, or home detention care prior to detention hearing.

Secure Detention Center

- Depending on risk level, youth may be required to stay in secure detention center until further action is determined.

Await Court Date at Home

- Youth allowed to await their court date at home under certain conditions.

Case Dropped "Nolle Prossed"

- A discontinued prosecution. A formal entry by the state attorney that a case will not be prosecuted.

Adjudication

- The criminal court finds the youth guilty of committing a delinquent act.

Adjudication Withheld

- The court finds that a youth committed a delinquent act, but withholds an adjudication of delinquency. The court places the youth on community supervision.

Youth Empowered Success Plan

- Assists the juvenile probation officers and case managers with using the information gathered through the PACT assessment to establish meaningful goals and an action plan for the youth.

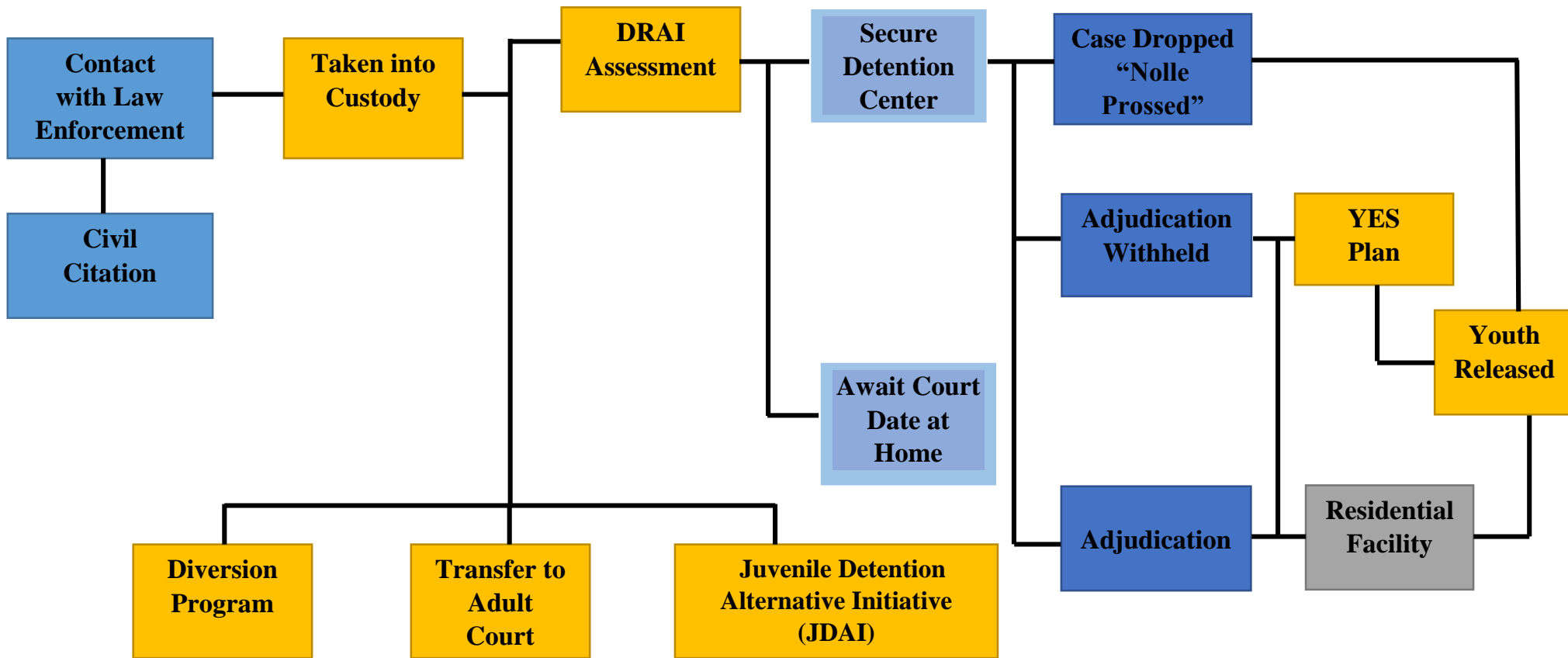
Residential Facility

- A place where a child is sent to live after a judge has ruled on the youth's criminal charges. The residential facility promotes community safety

Youth Released

- The youth is released from DJJ custody with or without supervision.

FLORIDA JUVENILE JUSTICE FLOW CHART¹



¹Federal law requires that data be collected at multiple points within the juvenile justice in order to understand both the nature and extent of disproportionate minority contact (DMC).

CONTACT IN THE JUVENILE JUSTICE SYSTEM

In FL, youth enter the juvenile justice system when they have made contact with law enforcement. From this point of contact, there are multiple decision points as they progress through the juvenile justice system. At each contact point, juvenile justice system actors make decisions determining whether or not to move the youth further into the system via civil citations, arrest, diversion, transfer, adjudication, probation, or confinement. After making contact with law enforcement the youth may receive a civil citation or be taken into custody. The civil citation program was implemented in order to prevent youth from moving forward in the justice system. The program is designed to provide an alternative to arrest. If a civil citation is not issued and the youth is taken into custody (i.e., arrested), they are referred to their local Juvenile Assessment Center where a preliminary investigation is conducted to determine whether to refer the youth to adult court, divert the into a diversion program or a Juvenile Detention Alternatives Initiative (JDAI), or detain the youth in a secure detention center or at home to await their court date. Youth who are diverted or transferred do not continue through other juvenile justice contact points. This includes whether the youth should await their court appearance in a secure detention or at home.

After appearing in court there are several decision outcomes—transfer to adult court, adjudication, or adjudication withheld. If the court adjudicates the youth or withholds adjudication, the youth can either be placed on community supervision or be committed to a detention center/residential facility. Before, understanding punishment outcomes, it is important to highlight the nature and extent of juvenile delinquency in FL.

Figure 1 highlights the percentage of crimes that are violent, sex-related, an Adam Walsh violation, a Jimmy Rice violation, and school related delinquency. Following this, there will be chart of the percentage of youth referrals who made contact at several stages of the punishment process—diversion, transfer to adult court, adjudication, adjudication withheld, residential commitment, and probation/community service.

Figure 1. Percentage of Juvenile Referrals, 2006-2015

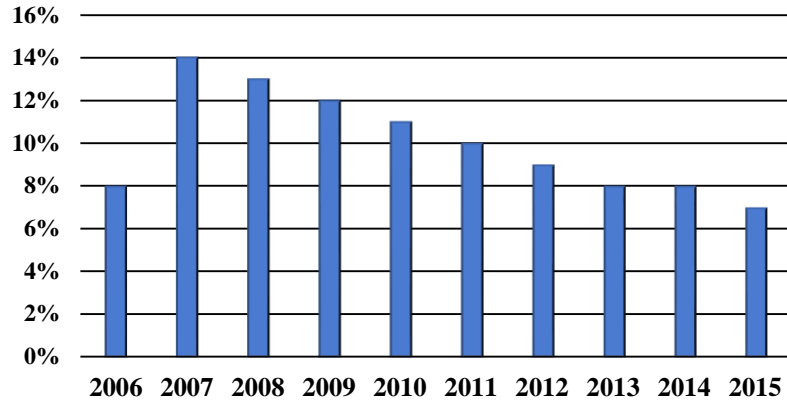
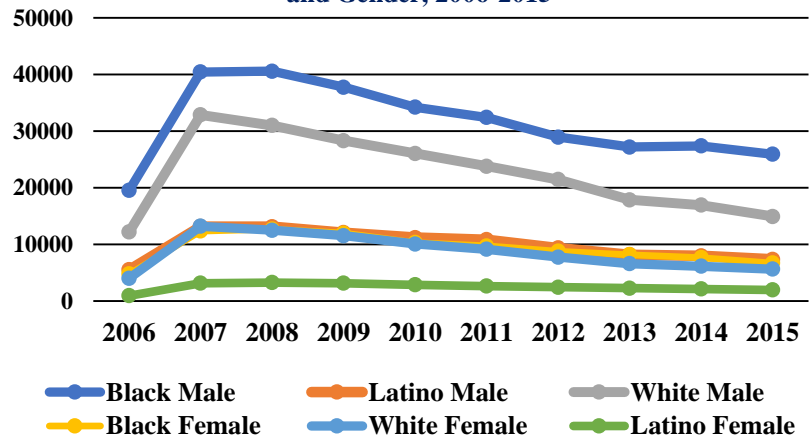


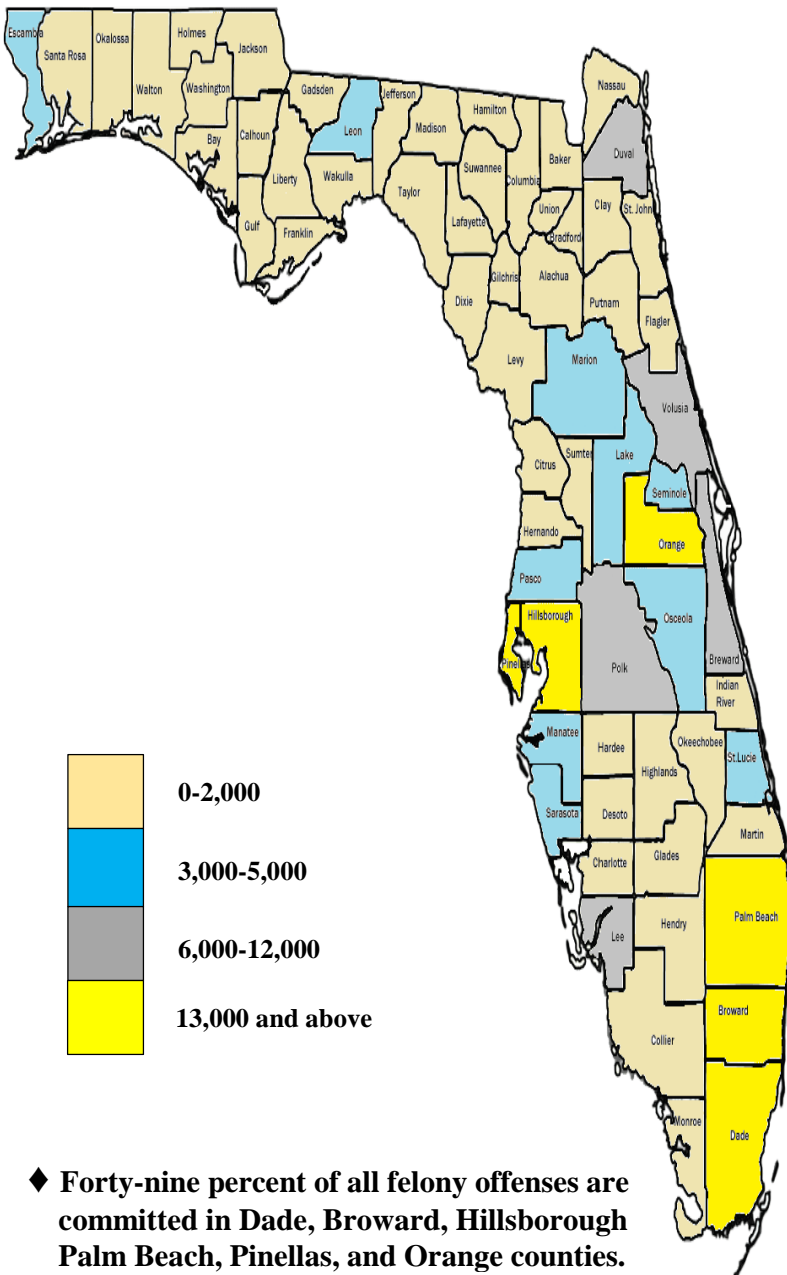
Figure 2 represents the number of juvenile referrals from 2006 to 2015 across race, ethnicity and gender. Referrals spiked between 2007 and 2008. By 2009 across all the race and gender groups referrals declined significantly. Between 2013 and 2014 there was no change in the percentage of referrals. For all the groups, by 2015, referrals declined to numbers similar to those observed in 2006. The decline is in part a reflection of the implementation of the civil citation program. This program is aimed at diverting youth from the juvenile justice system in order to provide an opportunity for correcting and adjusting juvenile delinquent behavior.

Figure 2. Number of Referrals Across Race, Ethnicity and Gender, 2006-2015



WHAT WE KNOW ABOUT JUVENILE DELINQUENCY IN FLORIDA

Figure 3. Number of Felony Offenses by County, 2006-2015

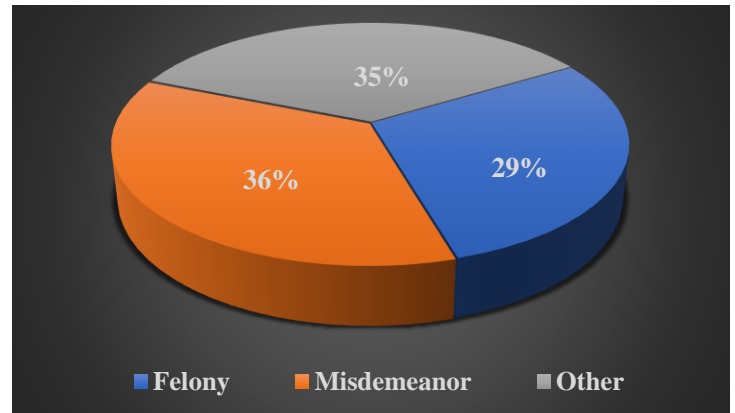


◆ **Forty-nine percent of all felony offenses are committed in Dade, Broward, Hillsborough Palm Beach, Pinellas, and Orange counties. This suggests that the most serious offenses are concentrated in a few geographical areas.**

◆ **The concentration of juvenile crime is important because it helps identify both the patterns of offending as well as the juvenile justice system response to it.**

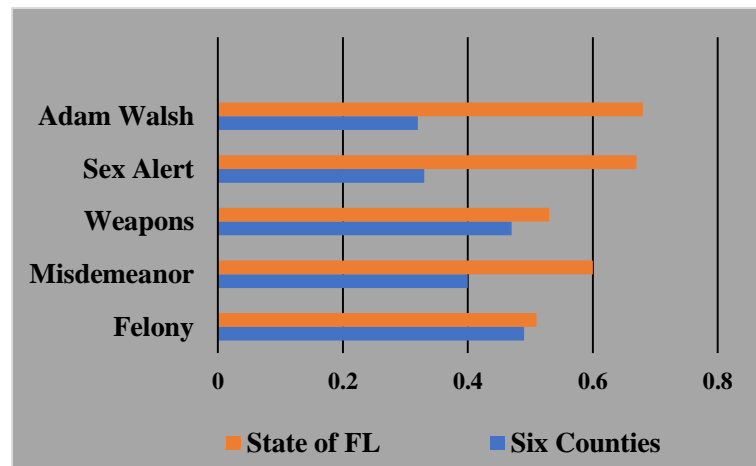
Figure 4 provides a break-down of the type of crimes committed by juveniles across the state in FL. Twenty-nine percent of all referrals between 2006 and 2015 were felonies; while misdemeanors represented 36% and other types of offenses including infractions were 35% of juvenile referrals. Overall, 71% of all referrals between 2006 and 2015 were not the most serious juvenile offenses.

Figure 4. Crime Types Across the State of FL, 2005-2015



The concentration of delinquency in FL is similar across most crime types. Forty-seven percent of weapon offenses occur in Dade, Broward, Hillsborough, Palm Beach, Pinellas and Orange counties. Similarly, in those same areas sex alert (33%), the Adam Walsh alert (32%), and school-related offenses are over-represented in these areas. The sexual offender alert means the individual is guilty of a felony sexual act. The Adam Walsh alert indicates the youthful offenders is eligible for the sex offender registration. This is reserved for the most volatile offender.

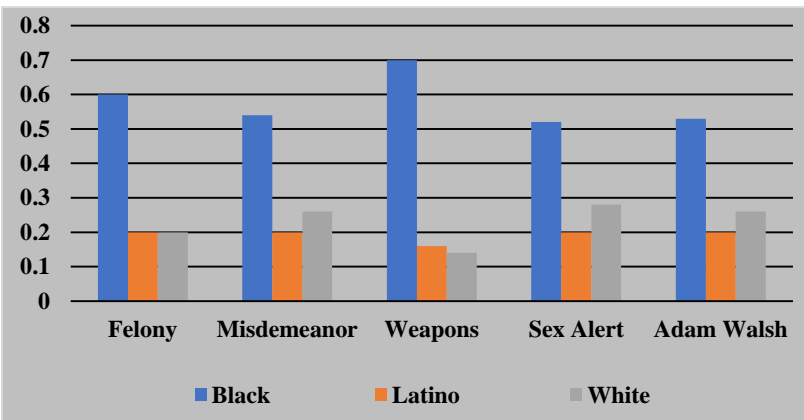
Figure 5. Concentration of Delinquency Across Crime Type



WHAT WE KNOW ABOUT JUVENILE DELINQUENCY IN FLORIDA

Assessing crime type across race yields significant disparities. Black youth are more likely to be referred for felonies in Dade, Broward, Hillsborough Palm Beach, Pinellas, and Orange counties. They represent 60% of all felony referrals in these areas, while Latino and White youth combined are 40% of referrals. Additionally, Black youth are 3 times as likely as White youth to be have a weapon seized during their encounter with the police and be referred for a sex offense.

Figure 6. Crime Type, Race, Ethnicity in 6 Counties in FL



Delinquency and School-Related Crimes

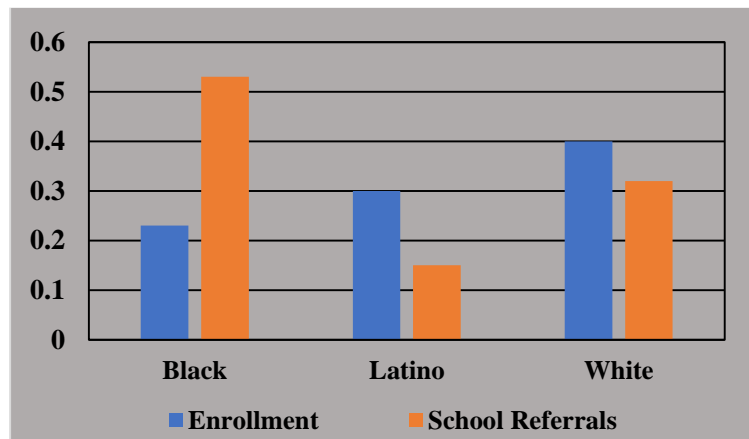
The 1994 Goals 2000: Educate America Act established a framework for reforming public education in the United States. One of the goals of the act was to ensure that students can study in a safe and secure environment that is free of drugs, alcohol and crime. By 1994, the federal government passed the Gun-Free Schools Act which instituted a federal mandate that required a one-year expulsion for any student who possessed or used a firearm in a school zone. As result of these get tough on crime policies, schools increased their surveillance and security measures (Devoe et al. 2005). These federally-mandated punishments authorized schools to use school resource officers to refer students who commit minor and severe criminal infractions at school. In 2014, the U.S. Department of Education found that significant racial and ethnic disparities in who the resource officer was more likely to refer to the justice system as a result of a school-related crime. Black students represented 16% of student enrollment, but they comprised 27% of students referred to law enforcement. Further,

Black students represented 31% of those subjected to a school-related arrest. In comparison, White students represented 51% of enrollment, 41% of students referred to law enforcement, and 39% of those arrested.

In FL, similar disparities exist. In 2014, Black students comprised 23% of school enrollment and were 53% of students referred to the juvenile justice system for a school-related crime. Latino students were 30% of school enrollments and 15% of those referred to law enforcement. Although White youth are more frequently referred to the juvenile justice system than are Latinos their likelihood of referral does not rise to the level of Black youth. They are 40% of FL student enrollment but are 32% of students referred to law enforcement. Interestingly, despite the continued efforts of schools to be punitive in their disciplinary practices of students, in FL school referrals among Black, Latino and White youth have declined over times. In 2007 there were 13,350 school referrals for Black, White and Latino youth. By 2015 that number declined to 6,059.

Additionally, in 2014, Black youth represented 36% of students enrolled in Dade, Broward, Hillsborough Palm Beach, Pinellas, and Orange counties and were 58% of school referrals. Latinos were 30% of those enrolled and 30% of referrals. Similarly, White students comprise 34% of the enrolled student population and 22% of juvenile referrals.

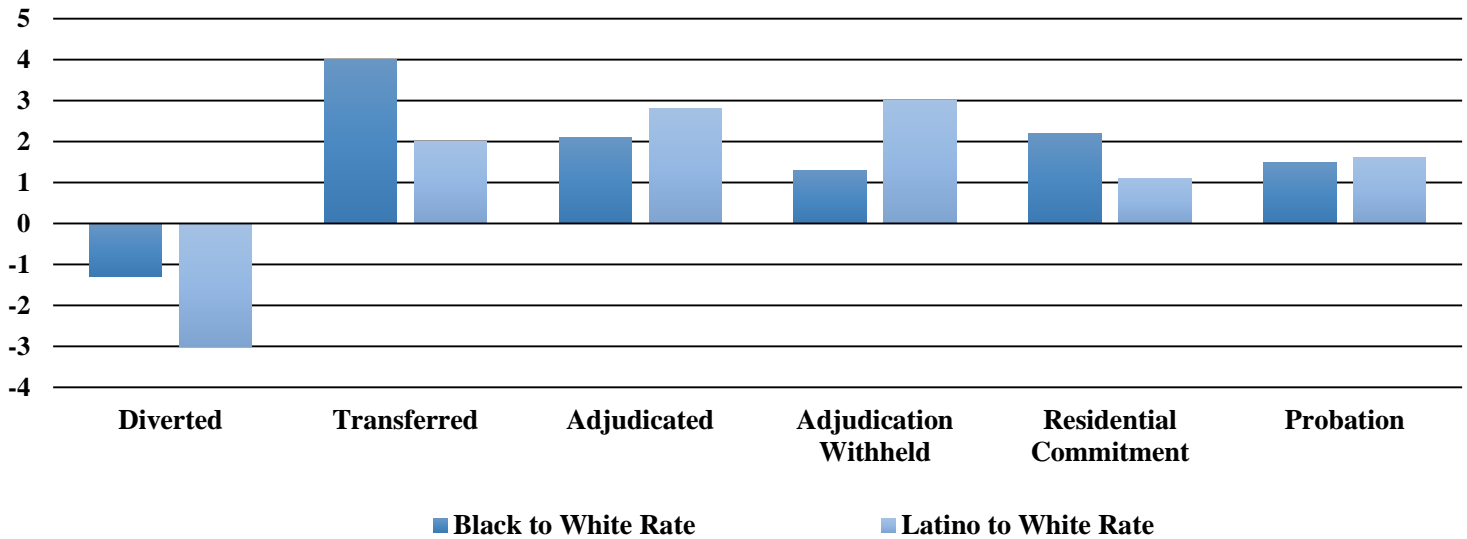
Figure 7. Racial and Ethnic Differences in School Enrollment and Juvenile Justice Referrals, 2014



PUNISHMENT IN THE JUVENILE JUSTICE SYSTEM

There are several decision-making points that could create racial and ethnic disparities. At each point in the juvenile justice system, decision-makers have the discretion to decide which youth will move forward and which they will divert from the justice system. In general, across the 6 decision points there are racial and ethnic differences in the distribution of punishment among Black, White and Latino youth. Understanding the role of discretion in judicial decision-making can be particularly relevant when trying to understand the factors that undergird racial and ethnic disparities in punishment outcomes.

Figure 8. Black and Latino Odds of Punishment Compared to Whites, 2006-2015



- ◆ On average Black youth are less likely to be diverted from the juvenile justice system than are White youth. This is important because disparities at this stage will have consequences for disparities at every other stage of the juvenile justice process.
- ◆ Blacks are more likely to be transferred to adult court than are White youth.
- ◆ Black and Latino youth are slightly more likely to have adjudication withheld.
- ◆ Across the punitive decision points, Black and Latino youth are more likely to be transferred to adult court, adjudicated, and be committed to residential placements.
- ◆ The disparities in probation are evident but are similar for Black and Latino youth.

A considerable body of scholarship has devoted attention to exploring how social control efforts directed at minority groups is shaped by the racial and economic context of the area in which they reside. Blalock's (1967) racial threat theory, suggests that as minority groups grow in size, they are more likely to develop greater economic power. This in can lead to increased hostility toward minority groups. Scholars have extended this position to suggest that large or growing minority populations may also elicit racialized stereotypes about crime. In an effort to neutralize these perceived threats, social control efforts are increasingly aimed at racial and ethnic populations. In support of racial and ethnic arguments, a number of studies have found that social control and punishment applied to racial/ethnic minorities are more severe in locales with greater percentages of minorities in the population. Specifically, minority composition (net of other factors) has been linked to a larger police force, greater law enforcement expenditures, more arrests for non-whites (Liska and Chamlin 1985), increased Black death penalty sentences and executions, more Black lynchings, and greater limitations placed on voting rights of convicted felons.

Research on sentencing has also provided some support for racial threat positions. Several studies indicate that the percentage of Blacks in the population has been found to increase racial/ethnic disparities in imprisonment (Bridges and Crutchfield 1988), sentence lengths (Ulmer and Johnson 2004), receiving upward and downward sentence length departures from state sentencing guidelines and the likelihood of being incarcerated (Weidner, Frase, and Schultz, 2005). Research shows that judges are less likely to withhold adjudication for Black defendants as the Black presence in the community (and their levels of economic disadvantage) increases. In addition, research on federal guideline departures (Johnson et al., 2008) reports that federal judicial districts with larger Black and Latino populations are less likely to grant more lenient downward departures to individual Black and Latino defendants, which is consistent with the racial threat hypothesis.

The literature described below suggests that despite its growing prominence, racial threat theory does not

Disparity means that the probability of receiving a particular outcome differs for different groups. Disparity can lead to overrepresentation of racial and ethnic minorities punishment outcomes.

appear to be a settled issue. Prior tests of racial threat have spanned a wide array of locations, contexts, measures, and social controls (dependent variables), which may have produced some of the varied findings. In sentencing research for example, some studies focus on the in/out incarceration decision, while others explore sentence length, the jail-prison-community supervision trichotomy, or sentencing departures, which may result in different outcomes. In addition, several key studies have relied on federal sentencing data or data spanning multiple states (Feldmeyer and Ulmer 2011), while others use a single state context (Ulmer and Johnson 2004). This is an important distinction because comparing sentencing patterns across state boundaries (as in the federal system) might obscure the more localized cultural contexts that could shape perceptions of group threat and ultimately sentencing. In addition, state systems (like Florida's) in which prosecutors and judges hold elected positions may create a more fertile environment for public perceptions to shape punishment decisions for racial/ethnic minorities. More specifically when judges and prosecutors are elected officials they are forced to be more responsive to their constituents. Glick (1983) notes that the content of court decisions are not only influenced by the social context in which the court operates, but also the perceptions of citizens within that geographical area.

Context and Juvenile Punishment

The racial and economic context of an area is important because both have been shown to disadvantage minority youth. Prior research has shown that court officials are more likely to view areas with higher concentrations of poverty and racial/ethnic minorities as criminal and in need of more punishment. Emerson (1969) found that youth residing in areas with higher minority populations and poverty are more often perceived to be in residing in dangerous places with higher risk of criminal involvement.

To date, there has been limited attention devoted toward understanding the role that the racial and economic context plays in disparate juvenile justice outcomes among Black, White and Latino youth. Among those that have explored its importance have found mixed results. One of the first studies conducted by Frazier et al. (1992) did not find support that higher concentrations of minorities yielded harsher juvenile crime sanctions. Instead they found, that an increase in the White population increased punishment severity for Black youth. On the other hand, Engen et al. (2002) found that the presence of larger minority populations reduced racial disparity in punishment severity. Leiber et al. (2010) demonstrated that Black juveniles are less likely to receive favorable justice outcomes compared to White youth.

Context and Juvenile Referrals in FL

In FL, youth begin their contact with the juvenile justice system when they are taken into custody by a police officer. At this point, the matter is screened to see if the criminal charges will be filed. If charges are filed, there are petition filings, intake interviews, adjudicatory hearings and the disposition. The number of juvenile referrals in FL has dramatically declined over time. In 2007, there were 115,124 referrals among Black, White and Latino youth referred to the juvenile justice system. By 2015, this number declined to 62,423. Importantly, 43% of these referrals occurred within a 6-county geographical area. There are relevant racial and ethnic disparities in the likelihood of being referred to the juvenile justice system. In 2007, 57% of all referrals were for Black youth, 18% were Latino youth and 24% were White youth. By 2015, the percent of referrals among Black youth increased to 63%. The numbers for Whites and Latinos remained consistent with earlier years, however, Whites were slightly lower than the numbers in 2015.

Figure 9. Percent of Referrals by Race and Ethnicity in Area Outside of Six Counties, 2006-2015

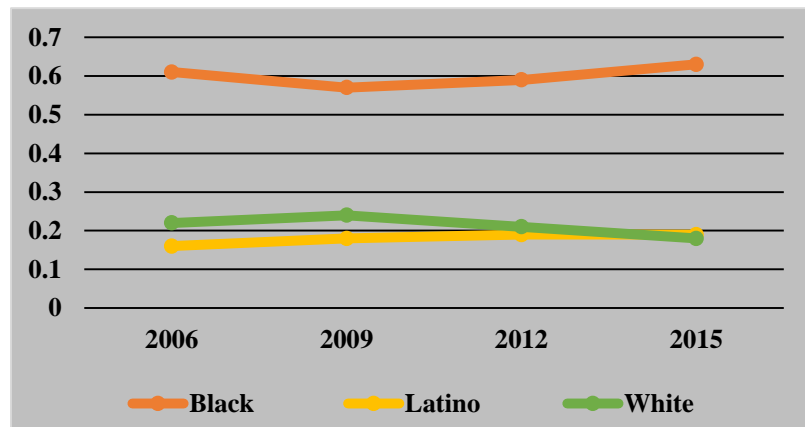
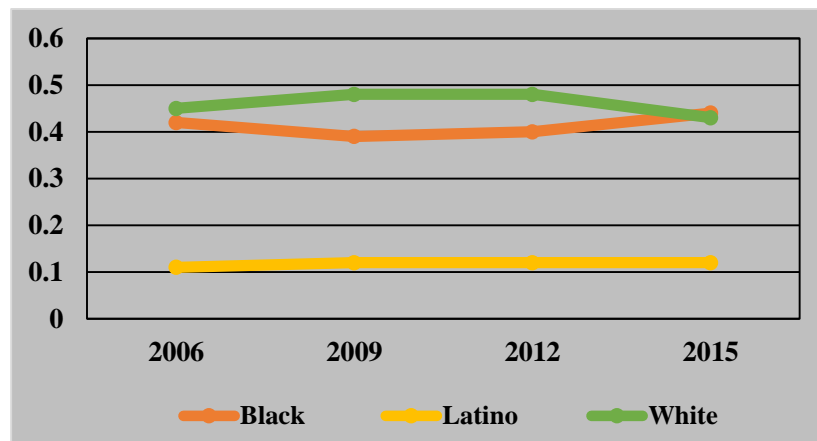


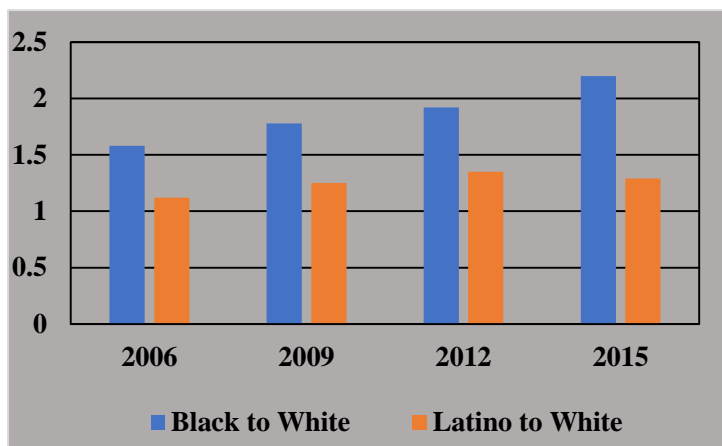
Figure 10. Percent of Referrals in Six County Area, 2006-2015



Context and Juvenile Diversion

Juvenile diversion uses programs as an alternative to formal juvenile processing. Similar to referrals, the racial and ethnic distribution in the use of diversion as a judicial practice program varies in the six-county area. In 2006, 12% of Black youth were diverted. By 2015 that number declined to 10%. Among White youth in 2006 19% of were diverted, by 2015 the use of diversion among White youth increased to 22%. Latino youth were relatively stable across the time period. Figure 11 presents the relative odds of diversion between Black and White youth and Latino to White youth. On Average the disparities in the use of diversion between Black and White youth are quite pronounced.

Figure 11. Relative Odds of Diversion in Six County Area, 2006-2015



Context and Transfer, Adjudication and Adjudication Withheld

There are three ways in which juveniles can be transferred to adult court – judicial waiver, statutory exclusion and direct file. Forty-seven states including FL provide judicial discretion to waive certain juveniles to criminal court. In FL waiving youth to adult court is a rare occurrence. In 2006 there were 451 court transfer in the 6-county area. By 2015 that number increased by 26 to 477. Similarly, most juveniles are not adjudicated (found guilty). From 2006 to 2015, approximately 10% of youth are adjudicated. Adjudication withheld on the other hand is not a conviction. It is used when judges issue sanctions but withhold formal conviction.

Figure 12. Racial and Ethnic Differences in Transfers

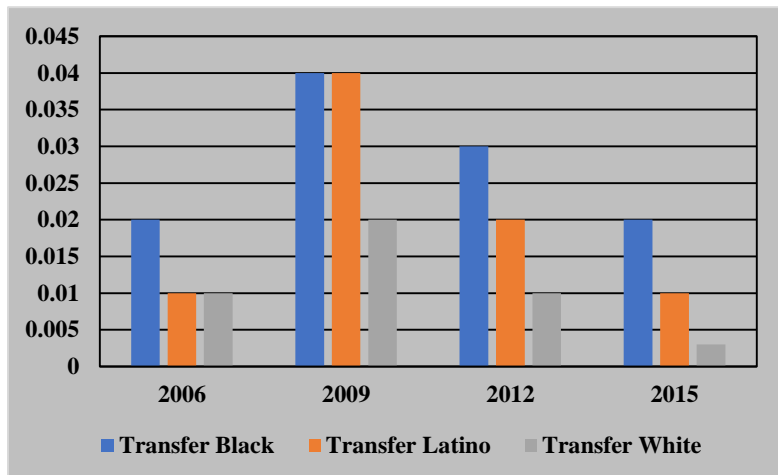
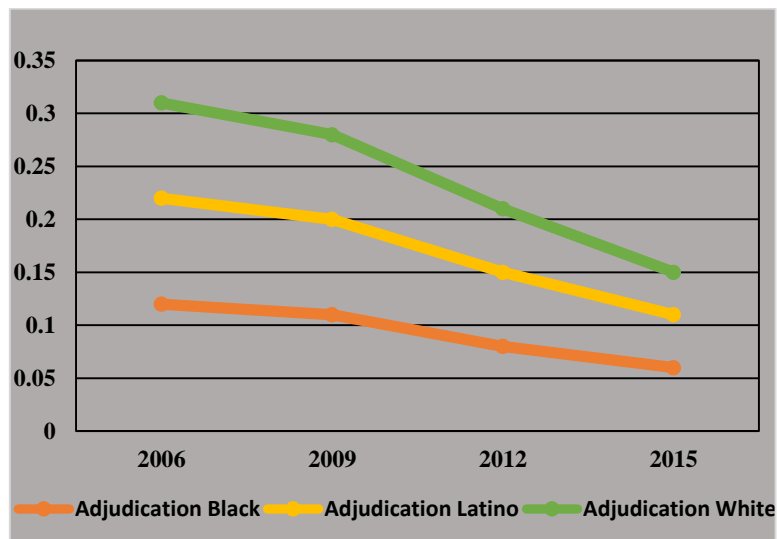


Figure 13. Racial and Ethnic Differences in Adjudication



Context, Probation and Juvenile Commitment

In the six-county area probation is significantly more likely to be used as a juvenile justice sanction than commitment. Probation and community control are utilized as a sanction to ensure that youth make successful transitions back into their local communities.

THE ECONOMIC CONTEXT OF PUNISHMENT

The association between crime, punishment, and poverty has long been the subject of sociological and criminological investigation. This approach seeks to understand how or why socioeconomic status influences punishment decisions. Criminal sanctions and victimization work to form a system of disadvantage that perpetuates stratification and poverty. Recent patterns of criminal punishment have led to the persistence, and in some instances, the worsening of racial and ethnic inequality in numerous social institutions. For example, young African American men with low levels of education are far more likely than any other social group to be incarcerated (Pettit and Western 2004), and to become victims of homicide or robbery. A felony conviction can exacerbate such problems by rendering such persons ineligible for student financial aid, housing assistance, and a wide array of problems associated with gainful employment.

Economic Context and Juvenile Justice

The concentration of poverty looks very similar to the racial and ethnic context of punishment. Youth who are referred to the juvenile justice system and who reside in homes earning less than \$15,000 per year are more frequently concentrated in the six-county area (Dade, Broward, Hillsborough Palm Beach, Pinellas, and Orange counties). In 2006, there were 791 youth who resided in these areas and lived in homes earning less than \$15,000 per year. By 2010, this number more than doubled to 1,622. In 2015, there was a slight decline to 1,192. When we explore these effects by race, from 2006 through 2015, Black youth are significantly more likely to reside in poverty; in 2006 they are 3.5 times as likely to living in poverty compared to both Latino and White youth. By 2015, they were 5.5 times as likely. Exploring these disparities across punishment outcomes, similar disparities exist. Poor Black youth are 2 times as likely to be transferred to adult court. Similar trends are observed for diversion, adjudication, probation and commitment.

These results highlight the relationship between juvenile punishment outcomes and economic stratification. Ultimately, juvenile punishment can be another system of disadvantage that further excludes and marginalizes these already vulnerable population.

Figure 14. Number of Youth Referrals in Six-County Area That Reside in Households Earning Less Than \$15,000/Year, 2006-2015

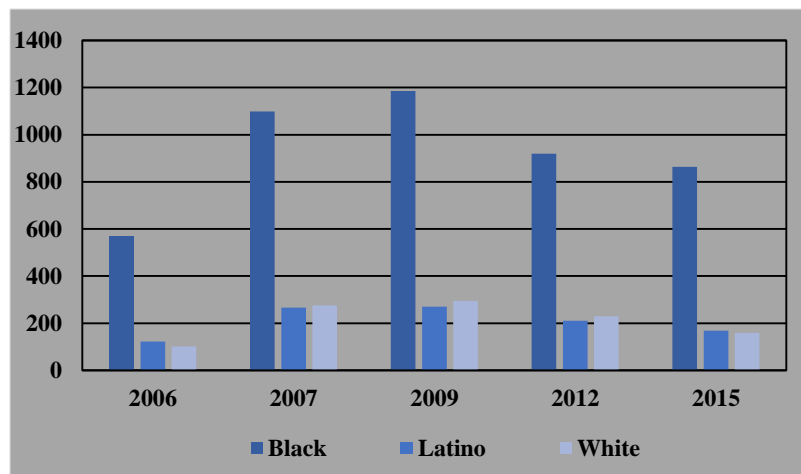
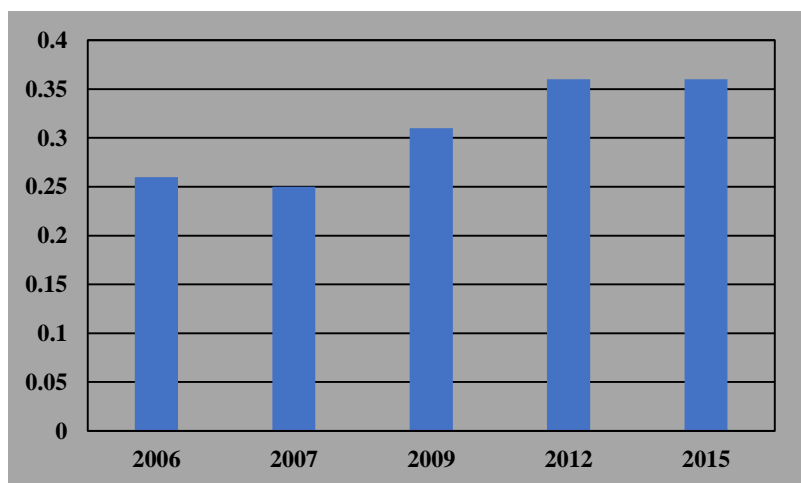


Figure 15. Percent of Referrals for Youth Residing in Households that Earn Less than \$15,000/Year, 2006-2015



In summary, this research confirms that disproportionate minority contact persists in the FL juvenile justice system. However, these effects are most pronounced for Black youth who reside in a six-county area - Dade, Broward, Palm Beach, Pinellas, Hillsborough and Orange counties – with greater minority concentrations and higher rates of poverty. In general, these findings are consistent with national trends. Importantly, DMC is a complex problem and requires multidimensional solutions. The following recommendations are offered as the state of FL continues to study racial and ethnic disparate juvenile justice outcomes.

RECOMMENDATIONS

◆ **Develop a plan to systematically study Disproportionate Minority Contact**

To date, most research on DMC in FL and nationally is descriptive. That is, it describes the nature of DMC and the problems associated with DMC. It is important that DJJ continue to document disparities. However, it is also critical for DJJ to explore the underlying causes that contribute to these persistent disparities. The current report highlights two mechanisms – concentration of racial and ethnicity minorities and poverty as potentially explanations for the ongoing disparities. There are others that require additional exploration.

Additionally, minorities are disproportionately represented at each stage of the juvenile justice system – this especially the case for Black youth – therefore, greater attention to should be devoted toward understanding how disparities that are created at earlier stages of the juvenile justice process are exacerbated as youth move through the system. Kutateladze et al., (2014) note “the racial disparities that occur at one stage of the justice system may be partially or wholly offset by subsequent case-processing decisions (pp. 515).” By examining disparities at multiple points in the criminal justice process scholars can assess both the direct and indirect effect of race on case outcomes.

◆ **Create partnerships with parents in high crime and more impoverished areas**

People of color have often perceived the justice system to be biased and unfair. Therefore, they are less likely to reach out and offer assistance for reducing

crime and delinquency in their communities and with their children. In order to reverse the trends that appear to most often disadvantage minority youth, partnerships with parents and families are an important way to develop trust and reduce the ongoing disparate trends.

◆ **Explore the relationship between school discipline and Juvenile Justice Referrals**

In the United States, school discipline is increasing becoming a mechanism through which schools are funneling youth into the juvenile justice system. Currently, schools across the U.S. operate under the banner of zero-tolerance policies which criminalizes students for minor infractions of school rules. The increased number of resource officers in schools are leading a greater number of students being criminalized for behavior that should and can be handled within the school setting. Economically disadvantaged youth along with youth of color are more likely to be subjected to this treatment. Juvenile justice officials can partner with schools to assist them with handling minor infractions that do not lead to formal processing.

References

- Blalock, Hubert. M. (1967). *Toward a Theory of Minority-Group Relations*. New York: John Wiley and Sons.
- Bridges, George S. and Robert D. Crutchfield. (1988). Law, Social Standing and Racial Disparities in Imprisonment. *Social Forces*, 66(3): 699-724.
- Crawford, Charles, Ted Chiricos, and Gary Kleck. 1998. Race, Racial Threat, and Sentencing of Habitual Offenders. *Criminology*, 36:481-511.
- Davis, Jaya and Jon R. Sorensen. (2013). Disproportionate Juvenile Minority Confinement. *Youth Violence and Juvenile Justice*. 11(4): 296-312.
- Devoe, Jill F., Katharin Peter, Phillip Kaufman, Amanda Miller, Margaret Noonan, Thomas Snyder, Katrina Baum. (2004). *Indicators of School Crime and Safety*. National Center for Education Statistics.
- Emerson, R. M. 1969. *Judging Delinquents: Context and Process in Juvenile Court*. Chicago, IL: Aldine.
- Engen, R. L., S. Steen, and G. S. Bridges. 2002. Racial Disparities in the Punishment of Youth: A Theoretical and Empirical Assessment of the Literature. *Social Problems* 49:194-220.
- Feldmeyer, Ben and Jeffrey T. Ulmer. 2011. Racial/Ethnic Threat and Federal Sentencing.” *Journal of Research in Crime and Delinquency*, 48: 238-270.
- Frazier, C. E., D. Bishop, and J. Henretta. 1992. The Social Context of Race Differentials in Juvenile Justice Dispositions. *Sociological Quarterly*, 33:447-58.
- Glick, Henry R. 1983. *Courts, Politics and Justice*. McGraw-Hill Companies.
- Holleran, David and Cassia Spohn. 2004. On the Use of the Total Incarceration Variable in Sentencing Research. *Criminology*, 42:211-240.
- Johnson, Brian D., Jeffrey T. Ulmer, and John H. Kramer. 2008. The Social Context of Guidelines Circumvention: The Case of Federal District Courts. *Criminology*, 46:737-783.
- Pettit, Becky and Bruce Western. (2004). Mass Imprisonment and the Life Course: Race and Class Inequality in U.S. Incarceration. *American Sociological Review* 69(2): 151-169.
- Ulmer, Jeffrey T. and Brian D. Johnson. 2004. Sentencing in Context: A Multilevel Analysis. *Criminology* 42:137-177.
- Wang, Xia and Daniel P. Mears. 2010a. “Examining the Direct and Interactive Effects of Changes in Racial and Ethnic Threat on Sentencing Decisions.” *Journal of Research in Crime and Delinquency*, 47:522-557.
- Weidner, Robert R., Richard S. Frase, and Jennifer S. Schultz. (2005). The Impact of Contextual Factors On The Decision to Imprison in Large Urban Jurisdictions: A Multilevel Analysis. *Crime and Delinquency* 51(3): 400-424.



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EPPEH HALL

TALLAHASSEE, FLORIDA 32306