

CITIZENS FOR JUVENILE JUSTICE

On-line Update

July 2002

DISPROPORTIONATE MINORITY CONFINEMENT ISSUE

THANK YOU!

We wish to express our special thanks and appreciation to:

- ❖ All the Board Members and generous supporters who helped us reach our goal of \$10,000 in our **Fundraising Campaign**. Thanks to them, we were able to make our June 30th deadline and receive a matching grant of \$10,000 from a very generous anonymous donor.
- ❖ **The Gardiner Howland Shaw Foundation** for their generous \$30,000 grant to support for yet another year of our work in helping to create a fair and effective juvenile justice system.
- ❖ **John Larivee, Rebecca Pries and Deborah McDonagh** for graciously hosting our summer interns Sarah Montigny and Roshni Parikh at their work sites. The interns were given a glimpse of different constituents in the juvenile justice system through their various site visits. They were shown around two residential sites run by **Community Resources for Justice**, sat through a hearing counseled by **Adolescent Consultation Services** and attended a meeting run by the **Suffolk County District Attorney's Office**.

CfJJ HIGHLIGHTS

FUNDRAISING CAMPAIGN

This year's **Fundraising Campaign** was a tremendous success. We raised nearly \$25K! In a year of budgetary cuts and financial challenges for many working with at-risk youth in the Commonwealth, we were showered with the generous support of those who believe we cannot afford to abandon our neediest and most disenfranchised youth. Thank you and congratulations to all who helped achieve our goal.

CfJJ MEMBERSHIP

The 2002 Fiscal year is upon us! Don't forget to renew your individual or organizational membership with CfJJ. A year's membership entitles you to full membership benefits through **June 30, 2003** including invitations to breakfast meetings, events, copies of CfJJ reports, newsletters, the annual fact book, and updates of our activities at the State House. If you are new to CfJJ, visit our website at www.cfjj.org or write us at cfjj@cfjj.org.

DISPROPORTIONATE MINORITY CONFINEMENT:

A Brief Summary

The term **Disproportionate Minority Confinement** (DMC) is used when the proportion of minority youths detained or confined within the judicial system exceeds their particular group's proportion in the general population. **The Juvenile Justice and Delinquency Prevention Act** (JJDP) of 1974 (Section 223(a) (23), Public Law 93-415), requires that states make efforts to reduce the existence of DMC by identifying "the extent to which disproportionate minority confinement exists, to assess the reason that it exists and to develop intervention strategies to address [its causes]" (Roscoe and Morton, 1994).

The Office for Juvenile Justice Delinquency Prevention (OJJDP) has made **JJDP Formula Grants** available to assist states in addressing DMC. As a precondition for full participation in the grant program, states are required to determine the presence and causes of DMC and develop intervention strategies to address it. However, no state's funding under the JJDP has ever been reduced for its noncompliance with this provision (For more information, visit www.buildingblocksforyouth.org/statebystate/madmc.html).

Throughout the United States, youth of color are arrested, detained, tried,

and committed to the judicial system at higher rates than their Caucasian counterparts. In 1997, minority youth made up 34% of the total U.S. youth population but represented 63% of youth in the juvenile justice system (Poe-Yamagata, 2000).

The picture of DMC is just as bleak in Massachusetts, where 56.7% of youth committed to the Department of Youth Services (DYS) are of color (see Figure 1 below).

Figure 1: A racial/ethnic comparison of Massachusetts' youth (under 18) population and youth committed to the Department of Youth Services in the year 2000.

Race/ Ethnicity	MA Youth Population in 2000†	Committed Juvenile Population in 2000*
Caucasian	75.2%	43.3%
Black	6.5%	19.7%
Hispanic	10.7%	30.0%
Asian	3.9%	3.3%
Other	3.7%	3.8%

†Source: U.S. Census Bureau, 2000

*Source: Massachusetts Department of Youth Services, 2000

Although Massachusetts can boast lower levels of DMC than other states in the Northeast like Connecticut, New York, and New Jersey, its percentage of minority youth committed to the juvenile justice system still reflects these unfortunate national trends.

In recognition of the Commonwealth's DMC problem, the **Massachusetts Executive Office of Public Safety** (EOPS) applied for a **Disproportionate Minority Challenge Grant** in October 2000 from the OJJDP. The three-year grant, totaling \$494,000, was awarded to the Commonwealth for

the purposes of creating community alternatives to incarceration, providing aftercare services for school-aged children, and promoting alternatives to school suspension and expulsion.

These funds are being directed to only two communities – Worcester and Brockton. While both of these cities suffer from high juvenile crime rates, it is unknown why the grant overlooks cities where larger numbers of minority children and families reside (such as Boston, Lowell, Lawrence, and Holyoke).

Citizens for Juvenile Justice will present a more detailed examination of DMC in the Commonwealth in its report entitled, *Disproportionate Minority Confinement in Massachusetts—Facing the Facts*. The report will evaluate whether or not Massachusetts has begun to effectively address the problems of DMC. Please look for our report, due out in August on our website at www.cfjj.org.

References

- Building Blocks for Youth (2002)
Resources for Disproportionate Minority Confinement/Overrepresentation of Youth of Color.
www.buildingblocksforyouth.org/issue/dmc/facts_yoc.html.
- Executive Office of Public Safety (2000)
Disproportionate Minority Confinement Challenge Grant for Community Alternatives to Incarceration, Aftercare Services, Alternatives to Suspension. Boston:
www.state.ma.us/eops.
- Roscoe and Morton (1994) **Fact Sheet #11: Disproportionate Minority**

Confinement. Rockville, MD:
National Criminal Justice Reference Service.

- Poe-Yamagata, E. & Jones, M. (2000)
And Justice for Some. Oakland, CA:
National Council on Crime and Delinquency.
U.S. Bureau of Census Statistics (2000).

IN THE NEWS

LATINO(A) DMC

On July 18th, 2002, the **Building Blocks for Youth Initiative** at Michigan State University's **Institute for Children, Youth** and Families released a report on the disparate treatment of Latino(a) youth in the judicial system. Entitled, *¿Dónde Está la Justicia?—A call to action on behalf of Latino and Latina youth in the U.S. Justice System*, the report reveals that Latino and Latina youth receive disparate and more punitive treatment than White youth-- even when charged with the same types of offenses. For the executive summary, full report, recommendations for action, press release, press statements, and fact sheets in both English and Spanish visit the Building Blocks website at: http://www.buildingblocksforyouth.org/latino_rpt/

The report is also featured by the Associated Press in a news story, *Report: System Treats Latinos Badly*. The article is available at: <http://www.nytimes.com/aponline/national/AP-Latinos-Youth-Crime.html?ex=1027986732&ei=1&en=99f3d44ad9e1f6de>

ATKINS V. VIRGINIA

Last month the U.S. Supreme Court set an important precedent when it handed down the decision in *Atkins v. Virginia*. The Court decided that Daryl Atkins could not be executed as a result of his mental retardation. The Court stated

that mentally ill individuals lack areas of reasoning, judgment and control of their impulses and do not act with moral culpability. Citing that only 20 states allow for the execution of mentally retarded individuals, the Court found the practice to be “increasingly unusual.”

Similarly, only 22 states allow for juvenile executions, a fact which has prompted human rights leaders to apply the reasoning in the Atkins case to the **execution of juveniles**. According to a recent Gallop poll, the majority of Americans oppose executing both the mentally retarded as well as juvenile offenders. (Schiraldi, 2000)

[Refer to Schiraldi, Vincent. (14 July, 2002). *Why Are We Executing Children?* **The Washington Post**. at <http://www.washingtonpost.com/wp-dyn/articles/A63921-2002Jul 12.html>.]

UPCOMING EVENTS

BJA/JRSA NATIONAL CONFERENCE

The Bureau of Justice Assistance (BJA) and Justice Research and Statistics Association (JRSA) is hosting a conference in **Boston** from **October 3-4**. A range of juvenile justice topics will be discussed, including evaluations of JJ programs and initiatives, recidivism of juvenile offenders, as well as school safety and college crime. The conference is open to the public. For more information go to: <http://www.jrsa.org/events/conference/index.html>.

ON THE NET

WEB SITES ON DISPROPORTIONATE MINORITY CONFINEMENT

The **Office of Juvenile Justice and Delinquency Prevention (OJJDP)** has a website that focuses on ways to reduce disproportionate minority confinement. It features a variety of publications and other information sources concerning juvenile justice and disproportionate minority confinement. Some of the various reports included are entitled, *Minorities in the Juvenile Justice System, Disproportionate Minority Confinement: Lessons Learned from Five States, and Disproportionate Minority Confinement: 1997 Update*. More information can be found at: <http://www.reducingdmc.com/index.html>.

The **Office of Juvenile Justice and Delinquency Prevention** has also put together a website which provides access to DMC legislation in each individual state, as well as recent state reports regarding DMC and links to publications addressing recent efforts to reduce DMC throughout the nation. Go to <http://ojjdp.ncjrs.org/dmc> for access to this information.

The **Juvenile Justice Evaluation Center Online** is working with the OJJDP to evaluate the efficiency of state juvenile justice programs. Their website features a specific section on DMC which provides links to OJJDP publications, an overview of DMC, explanations of the 1988 amendments to the JJCPA, as well as explaining the OJJDP's four step plan to analyze and reduce DMC through *identification, assessment, intervention and evaluation*. To learn more, go to <http://www.jrsa.org/jjec/programs/dmc/>.

In 2001 the website **Books Not Bars (BNB)** was created through the **Ella Baker Center for Human Rights**. The site emphasizes the need to expose and put an end to the over-incarceration rates of youth in the U.S. It provides explanations and links to the profit motives behind the justice system as well as highlights

concerns about DMC . The site states that even though African-Americans comprise only 13 percent of monthly drug users, they are arrested at five times the rate of whites. More information can be found at www.booksnotbars.org.

The Justice 4 Youth Coalition in New York City is working with local youths and community members to ensure that \$64.6 million dollars for the FY02 does not go into building more jail cells for local youth, but instead is used to build educational programs and more community based alternatives to incarceration. They explain that the number of youth in the juvenile justice system has declined 30% in the past decade and that detention facilities do not effect white youth and youth of color equally. For more information on their efforts to fight against the creation of more lock up facilities, go to their website at www.nomoreyouthjails.org.

IN PRINT

BOOKS ON DISPROPORTIONATE MINORITY CONFINEMENT AND THE JUVENILE JUSTICE SYSTEM.

Leonard, Kimberly K., & Pope, Carl E. (1995) **Minorities in Juvenile Justice**. Sage Publications

Summary: Leonard and Pope discuss the various injustices faced by juvenile minorities in the system. They provide an analysis for high rates of incarceration of minorities, and compile ideas and suggestions on how to effectively deal with such problematic situations.

Kirk, Bruce M. (1996) **Negative Images: A Simple Matter of Black and White? An Examination of 'Race' and the Juvenile Justice System**. Avebury Press: Aldershot, U.K..

Summary: Kirk's work analyzes racism within the juvenile justice system in the United Kingdom. The author provides in-depth explanations of the concept of "racism" and explains the changing ideologies of the development of the juvenile justice system in England and Wales.

Joseph, Janice (1995) **Black Youths, Delinquency, and Juvenile Justice**. Greenwood Publishing Group, Inc: Westport.

Summary: The author defines the role of the justice system and delinquency in regards to minority groups. The author specifically explores research relating to Black youths and their over-representation in the juvenile justice system. Suggestions are made recommending effective delinquency treatment programs.

Reid, Sue T.T. (1996) **Crime and Criminology**. Brown & Benchmark: Dubukue.

Summary: This book provides an in-depth and comprehensive look into criminology and the criminal justice system. Updated sections of this work include information on violent crimes among juveniles and insight into the debate over hate crimes against minorities.

McCluskey, Cynthia Perez (2001) [Unpublished doctoral Dissertation] **Understanding Latino Delinquency: The Applicability of Strain Theory by Ethnicity** . LFB Scholarly Publications: New York.

Summary: Perez McCluskey investigates the applicability of "strain theory" across multiple ethnic groups using data from the Denver Youth Survey and the Rochester Youth Development Study. The central idea behind "strain theory" is that delinquent youth share the values of success of the larger culture, but because of inadequate

socialization they are unable to effectively compete within its accepted norms and thus resort to a life of crime. [Refer to Leighninger, L., & Popple, Phillip R. (1996). **Social Work, Social Welfare, and American Society** (3rd. ed.). Allyn and Bacon: Needham Heights, MA.] Among her compelling findings, Perez McCluskey concludes that social factors have less of an impact on Latino delinquent behavior than “strain theory” would hold.

James, Joy (Ed.) (2000) **States of Confinement: Policing, Detention, and Prisons**. Palgrave Macmillan.

Summary: James introduces a collection of 26 essays written by academics and activists on various perspective issues such as capital punishment, challenges faced by African Americans, gays and women in the prison system and on the application of policing and imprisonment.

Citizens for Juvenile Justice is located at 101 Tremont Street, Suite 705, Boston, MA 02108. For more information, contact us at (617) 338-1050 or cfjj@cfjj.org. You may also visit our website at www.cfjj.org.