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Disproportionate Minority Confinement/Contact (DMC)

DMC stands for “disproportionate minority confinement” in secure detention facilities and “disproportionate minority contact” within the juvenile justice system. DMC occurs when the proportion of youth of color in a certain community is lower than the proportion of youth of color from that community who are held in secure detention, or who are involved in the juvenile justice system, respectively.

DMC Nationwide

The federal government recognized in 1992 that youth of color are treated differently by the justice system, and amended the Juvenile Justice and Delinquency Prevention Act (JJDP) in an attempt to promote policies to address such disparities. Despite this, youth of color continue to be arrested, charged and incarcerated more than White youth for *similar conduct*, and are overrepresented at every decision-making point in the juvenile justice system.

Researchers conducted a study for the Justice Department that found that in two-thirds of state and local juvenile justice systems they analyzed there was a “race effect” at some stage of the process that negatively impacted outcomes for youth of color. Their research also suggested that the effects of race “may accumulate as youth continue through the system.”¹

Studies demonstrate that youth of color are treated more harshly than White youth even when arrested and prosecuted for the same category of offense. For example, White youth use drugs at a *slightly higher rate* than African American youth, and *are more than a third more likely* to have sold drugs than African American youth.² But African American youth are arrested for drug offenses at about *twice the rate of Whites* and represent *nearly half* (48%) of all the youth incarcerated for a drug offense in the juvenile justice system.³

Disproportionality in detention reflects the effect of policies, procedures and practices in local juvenile justice systems. Our goal is to ensure the best life outcomes for *all youth*. We believe that detention is over-utilized for nonviolent and first-time offending youth who are better served in community-based alternatives to detention that are less costly, provide rehabilitation and opportunity for change, and offer better outcomes for public safety.

Studies show that youth with a history of detention are less likely to graduate from high school; are more likely to be unemployed as an adult; and are more likely to be arrested and imprisoned as an adult. Studies also show that youth supervised in alternative settings have lower recidivism rates than incarcerated youth. While it is true that some youth involved in serious or violent crime should be detained for public safety, in many jurisdictions the majority of youth held in detention pre-adjudication are awaiting trial for non-violent offenses, or are being held for violating probation or failing to appear in court. Racial and ethnic disproportionality is particularly acute within this sub-set of the youth detention population.

1 Pope, Carl E. and Feyerherm, William. (1995) *Minorities and the Juvenile Justice System: Research Summary*. Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice: Washington, D.C.

2 *Results from the 2004 National Survey on Drug Use and Health: National Findings* (2005; Substance Abuse and Mental Health Services Administration, NSDUH Series H-28, DHHS Publication No. SMA 05-4062). AND *National Household Survey on Drug Abuse, 1999*. D.C.: Substance Abuse and Mental Health Services Administration, Table G. 71, 2000.

3 *Crime in the United States, 2001*. (2002) Washington, DC: U.S. Justice Department, FBI. Puzanchera, C., Finnegan, T. and Kang, W. (2005). AND *Easy Access to Juvenile Populations*, Available: <http://www.ojjdp.ncjrs.org/ojstatbb/eza/pop/>. AND Sickmund, Melissa, Sladky, T.J., and Kang, Wei. (2004) *Census of Juveniles in Residential Placement Data book*. Available: <http://www.ojjdp.ncjrs.org/ojstatbb/cjrp/>



National “one-day counts” of the population in juvenile detention facilities from 1997-2006 found that youth of color were consistently significantly overrepresented. In 2006:

- African American youth were nearly 6 times as likely to be detained as Whites
- Latino youth were more than twice as likely to be detained as White youth
- Native youth were nearly four times as likely to be detained as Whites

Reducing disparities is possible if jurisdictions have political will, determination, leadership, accurate and reliable data and technical assistance. Examples of our successes:

- In Baltimore County, Maryland, the BI worked with system stakeholders to develop policies that decreased the number of youth securely detained for failing to appear in court. The result: Reduction in the use of secure detention for African American youth failing to appear in court by nearly 50%.

- In Peoria County, Illinois, we developed a pilot restorative justice project to address “zero tolerance” policies in schools. The result: A reduction of African American youth admissions to detention for aggravated battery (school fights) by 43%.

- In Pima County, Arizona, we worked with probation, the courts and the community to develop alternatives to detention. The result: Reduction of average daily population of youth of color in detention over the last five years by more than half (*from 130 average daily youth population to around 60 average daily*).