

Disproportionate Minority Contact in Montgomery County

A Report by the Collaboration Council



Criminal Justice Coordinating Commission

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Racial Justice & DMC

Disproportionate minority contact (DMC) is the term used to describe the degree to which youth/families who come in contact with public services experience fair outcomes and are held accountable, based on their own circumstances, not on generalities from their race/ethnicity, living conditions, income, or family composition.

DMC exists when minority youth/families have differing outcomes, usually more harsh, in child-serving systems.

Juvenile Justice “System”



- Montgomery County and Municipal Police Departments
- Maryland Dept of Juvenile Services
- State’s Attorney’s Office
- Office of the Public Defender
- Private Bar
- Sixth Circuit Court—Juvenile Court

Learning Montgomery County's Current Reality

- DMC Study for Action Committee
- Building on Prior Efforts
 - 1999 Comprehensive Juvenile Justice Plan
 - 2002 Commission on Juvenile Justice Report
- Three Questions
 - What does statistical data at each decision point tell us?
 - How are decisions made at each point?
 - What are the perceptions of public decision-making staff and involved youth/families?

FY 2005 DMC Research

Three Approaches & Researchers:

- Relative Rate Index (RRI)
 - CC's Data Collaborative
- Decision Point Information and Protocols
 - Association for the Study and Development of Community, Inc.
- Perceptions of Line Decision-makers and Involved Youth/Parents
 - Caliber Associates, Inc.

Local Findings Organized by Common Explanations for DMC

Juvenile Justice Evaluation Center's
Analysis of All Past DMC Research:

- *Differential Offending*
- *Differential Handling*
- *Differential Opportunities for Prevention and Treatment*
- *Indirect Effects*
- *Laws, Administrative Practices*

Differential Offending

Montgomery County Statistical Data

- Detailed data are available on offenses and race or ethnicity.
- White youth likely to have more contact with police for liquor violations; African-American youth for theft or assault; and Hispanic youth for theft.
- No other data (victimization studies; self-reports) are available for overall crime vs. contacts with police for crime to determine if there is differential offending.

Differential Offending (cont'd)

● Local Perceptions

- Line staff gave no perceptions that minority youth are offending at higher rate.
- Line staff did perceive some differences in type of and motivation for offenses by race/ethnicity.
- Staff and parents noted that degree of police presence in a high crime community, often correlated with racial minority and poverty, can be related to higher arrests of persons of color.

Differential Handling

Montgomery County Statistical Data

- Cumulative Effect RRI: For African-American youth in particular, the rate of contacts with the police is 3 times higher than white youth, cases referred to DJS are nearly 5 times higher, cases petitioned are 6 times higher, cases resulting in residential committed programs are nearly 8 times higher and those admitted to secure detention facilities are over 11 times higher.
- Decision-Specific RRI: Minority youth are found to be more likely to be given a formal petition, are more likely to be admitted to residential committed program or secure detention, and are less likely to be assigned to probation.

Differential Handling (cont'd)

● Local Perceptions

- Area of greatest differences between staff and parents
 - Staff respondents from every group reported that there was no systemic bias or discrimination by staff. The crime and past history were the primary determinants of system response at all levels.
 - Parents disagreed. Youth of color are more likely to be arrested and charged with crimes and are more likely to receive harsher and more disrespectful treatment.
- Three segments (Police, Courts, DJS) are not working together and lack understanding on how/why each makes the decisions they make about youth.

Differential Opportunities for Prevention and Treatment

Montgomery County Statistical Data

- MCPD Referrals to Diversion Programs vs. to DJS Intake by Type of Offense
 - Initial RRI calculations show all youth and especially youth of color are referred to DJS for diversion-eligible offenses. 55% of all youth and 1.4 x more likely for African-American. More research needed.
- No data available on community prevention and treatment services/resources that are available to minority youth.

Differential Opportunities for Prevention and Treatment (cont'd)

● Local Perceptions

- Early and Prompt Intervention
 - Information regarding services not available
 - Barriers in access to services (availability, affordability, location)
- During Juvenile Justice Involvement
 - Retention of private counsel early helps
 - Parents/other do not understand the system in order to comply
 - Ability to “work the system”: family attendance at meetings and court appearances; proactive compliance with anticipated service requirements

Indirect Effects

● Montgomery County Statistics

● Basic Demographics:

- African-American children are 5 times more likely than white, non-Hispanic children to live in poverty
 - Only 50 percent of African-American children live in married-couple families
 - African-American children are more likely than other children to have all parents working
- No data are recorded (other than in DJS case records) regarding family income, composition or working parents to enable analysis.

Indirect Effects (cont'd)

- **Local Perceptions**

- **Most common re-occurring theme**
- **Socio-Economic Status**
 - Most common indirect effect mentioned
 - System favored youth from higher socio-economic groups who have resources to pay for attorneys, needed services and could take time off from work to be present.
 - Parents relying on public transportation to get to non-community-based decision point locations can miss appointments which had case consequences.

Indirect Effects (cont'd)

- **Local Perceptions (continued)**
 - **Culture, Immigration and Language**
 - Help-seeking behaviors/norms vary by race/culture.
 - For immigrants, difference in U.S. laws and justice system from native country lead to confusion, problems.
 - Lack of translation services that are knowledgeable of legal system jargon/process
 - **Parents—Across all incomes and race/cultures**
 - Parental absence (working, single parent, own mh/sa problems, disrespect of authority, etc.)
 - Parenting skills (supervision and guidance to deter delinquency)

Laws, Administrative Process

Document Review

- A youth's offense history and the type of offense largely influence the range of options
- Areas of significant discretion exist particularly with DJS intake workers and Juvenile Judges.

Local Perceptions

- Parents reported not knowing what was going to happen in their cases and in some cases had experienced lawyers that were surprised by specific events and outcomes.

Next Steps: Narrowing the Focus

- OJJDP → GOCCP → 5 major jurisdictions
 - Anne Arundel, Baltimore, Montgomery and Prince George's Counties and Baltimore City
- Continue to build on this research to obtain ever clearer picture of problem for effective, long-term solutions
- Narrow the focus to better ensure results to
 - Youth in Secure Detention

Two Resources for Next Steps

The W. Haywood Burns Institute for Juvenile Justice Fairness and Equity (BI)

- National organization working to reduce the overrepresentation of youth of color in the juvenile justice system

Annie E. Casey Foundation (AECF)

- Juvenile Detention Alternatives Initiative (JDAI)
- Effective model for local juvenile justice reform

BI and AECF Work

- Assessment
 - Identify systems strengths and weaknesses relative to the 8 JDAI Core Strategies (slide 21)
 - Provide recommendations for changes in policy, practice and programming
 - Strategies which can reduce unnecessary and inappropriate detention and disproportionate minority confinement/racial disparities
- Components
 - Key stakeholder interviews
 - System analysis
 - Report and findings

JDAI Core Strategies

1. Interagency collaboration to improve planning and coordination for juvenile offenders,
2. Use of data, including results tracking, to drive policy and program decisions,
3. Reliance on objective criteria to guide admission and sanctioning decisions,
4. New or enhanced community-based alternatives to secure detention.
5. Expedited case processing to reduce lengths of stay and speed case resolution,
6. Innovations to reduce secure custody “special” cases (e.g., violations of probation),
7. Practices and policies to eliminate racial disparities at each decision point, and
8. Routine facility inspections to improve conditions of confinement.