

Disproportionate Minority Contact: Impact of Race and Risk Factors of First-Time Juvenile Offenders on Recidivism

by

Shelby Brisky, Yoshiko Takahashi, and Vanessa Hernandez

Abstract

This study analyzed disproportionate minority contact as it applies to a Hispanic-dominant midsized county in California. Juvenile offenders will be the sample population, and the first priority is to establish proof of the disproportionate minority contact at initial contact with law enforcement officials. Furthermore, the study detects any disproportionality regarding minority juveniles during subsequent recidivist contact. Because there are contradictory theories regarding the causation of this disproportionate contact, it is important to test the changes in disproportionality over a period of time and compare those results to social variables. Among the significant variables in predicting recidivism as evidenced by the binary logistic regression were seriousness of first offense, gang affiliation, drug use, family type, and TANF use. These results insinuate two social phenomena. First, although disproportionate minority contact exists at initial contact with the system, the effect disappears in subsequent contact. Also, several social factors, including gang affiliation and drug use, rather than racial status predict recidivism among Fresno juvenile offenders.

Historical Background of Disproportionate Minority Contact (DMC)

The Coalition for Juvenile Justice introduced the idea of disproportionate minority confinement in 1988 while addressing Congress (Coleman, 2011). Disproportionate minority confinement discusses the discrepancy in relative proportions of “confined” juveniles in regard to race and ethnicity. This idea of disproportionality shifted away from pure *confinement* when, in 2002, it became disproportionate minority *contact* (Piquero, 2008). This came as a result of the amended Juvenile Justice and Delinquency Prevention Act of 1974 and sought to provide a “multi-pronged” and thus more thorough intervention strategy for the disproportionality (Coleman, 2011). The new concept, which expanded to include any contact, covered all interactions juveniles might experience with law enforcement and the courts.

Because the Office of Juvenile Justice and Delinquency Prevention (OJJDP) noticed the severity of the issue at hand, new policy legislation required implementation in states crossing the threshold of disproportionate minority contact. According to Piquero (2008), an index greater than 1.0 necessitated a plan for correction. The index in this regard (1.0) would represent a contact population exactly equal to a control population where the percent of minorities in custody would match the percent in the greater community. An index greater than 1.0 would indicate a larger contact population than that of the general population. Although this index lacked any explanation for the causation of racial disparity, it brought forth the beginning of change. Reconstructed into the Relative Rate Index (RRI) to form a more detailed description of the issue, the index promoted a more professional understanding of the severity of disproportionate minority contact to initiate prevention strategies (Piquero, 2008).

Much of the previous literature on disproportionate minority contact has been limited to a comparison of White to African American. According to Coleman (2011), because the OJJDP described the minorities as African Americans, American Indians, Asians, Pacific Islanders, and Hispanics, this discrepancy in the relative availability of literature seems noteworthy. The OJJDP has been consistent in its establishment of new policies and strategies to reduce the amount of disproportionate minority contact. Piquero (2008) explains that the disproportionality of juvenile youth is found at every stage of the criminal justice system. It is undoubtedly clear at this point that disproportionate minority contact does exist in today's society; the OJJDP has been relying on this proven postulation for decades now to develop these desired changes (Coleman, 2011). Its fallback, however, has been a lack in understanding the causation of disproportionate minority contact. Because it has become clear that the causality of disproportionate minority contact will more likely than not be explained through a meta-theory, it is necessary to first review the individual theories of this idea before a meta-theory can be introduced in future research studies.

Theoretical Explanations for DMC

Although the existence of the discrepancy of racial proportions in the criminal justice system has been shown repeatedly in research (Calley, 2012; Cureton, 1999; Owen & Takahashi, 2014), an explanation for the difference is still pending. As with most explanations for sociological phenomena, the theories related to disproportionate minority contact fall along a relative continuum, and most opinions fall to one extreme or the other. An argument for differential involvement of minority juveniles in criminal activity lies at one end of this spectrum, whereas the explanation surrounding the differential treatment of minorities by the criminal justice system finds its way to the other side. Because research into the causality of disproportionate minority contact is minimal at this point, any explanation reflects pure speculation based on personal biases or relative opinions.

The differential treatment of minorities is also known as the selection bias hypothesis (Mallett & Stoddard-Dare, 2010). Claiming an issue with the "system," this theory posits that a bias in policing and legal systems leads to the disproportionate contact (Piquero, 2008). This hypothesis suggests that we live in a world dominated by racial differences, and their effects are not lost on the criminal justice system. Under this theory, police officers, judges, attorneys, probation officers, and all other key members of the criminal justice system have developed a criteria for decision making enveloped in racial biases; police officers are more likely to arrest minorities, judges push for harsher sentencing for minorities, and probation officers are stricter with their minority offenders compared to Whites.

Results of a previous study by Mallett and Stoddard-Dare (2010) highlight the selection bias hypothesis. This research team aimed to account for the disproportionate sentencing applied to African Americans when eliminating the influence of severity of the crimes committed and using standardized risk assessments. When the standardized risk assessment was utilized, African American youth were still two times more likely than their White counterparts to receive secure facility detention instead of alternative punishments (Mallett & Stoddard-Dare, 2010). These findings suggest a system influenced by a selection bias.

The alternative explanation for the disproportionate minority contact is an idea known as the differential offending hypothesis. In contrast to the selection bias hypothesis (which places blame on the system), this hypothesis looks to simple offending differences for explanation. The outcomes and punishments placed on minority youth, under this hypothesis, are a direct result of their differing behavior from non-minority juveniles.

Excluding the possibility of police-related racism, the differential offending hypothesis postulates that minorities are more likely to commit crime in the first place.

While testing this hypothesis in action, Tillyer and Engel (2012) examined racial disparities in speeding patterns. Research into traffic stops has nearly unanimously shown a disproportionate probability of minority stops (Tillyer & Engel, 2012). The results supported the hypothesis. The statistical models generated from observational methodology concluded that African American drivers were more likely to speed and engage in severe speeding compared to Whites when accounting for bias-creating variables. Tillyer and Engel (2012) were able to generate an example of differential involvement when controlling for differential treatment.

The third and most likely explanation for the differential minority contact combines the two previous hypotheses and would explain the cause of DMC as a combination of both differential involvement and differential treatment of minority youth (Piquero, 2008). Because research has indicated many mixed results, it would seem likely that a meta-theory is appropriate. Perhaps both a conflict and consensus approach would be appropriate (Cureton, 1999).

Social exclusion affixed by the community proves detrimental to juvenile offenders and provides a possible explanation into mixed results when testing the aforementioned theories. Society's unequivocal need for a standard by which to determine conformity requires that some group of persons be labeled "deviant" from the start for purposes of comparison. Those separated, or socially excluded, are generally considered unhealthy or morally inept by the larger population (Lucas, 1998). The consistent negative labeling imposed on these members of society creates a self-fulfilling prophecy of sorts; the ensuing moral panic and degrading verbiage used to describe these persons only further separate them from the conformists, spatially and psychologically (Lucas, 1998). The social separation and exclusion creates an environment in which nonconforming, delinquent behaviors are tolerated.

A cyclical problem between social exclusion and violence begins, which "leaves the socially excluded in a very hostile social environment" (Berkman, 2007). This hostility forces a portion of the excluded to create intragroup norms by which to abide; these violent norms are often predicated by the economic strain and strive for justice experienced by this subsection of society. Marginalized areas such as these are often saturated with low-income families with ethnic backgrounds (Lucas, 1998). Because youth are particularly susceptible to the pressures of social exclusion, it logically follows that this exclusion could negatively affect the juvenile minority's propensity to offend and recidivate. Living in socially excluded areas that also experience gang activity furthers a juvenile's probability of committing crime (Berkman, 2007).

Recidivism and Risk Factors of Juveniles

Recidivism as it occurs in the criminal justice system refers to "the commission of an offense by an individual already known to have committed at least one other offense" (Harris, Lockwood, & Mengers, 2009). Because the purpose of a correctional facility is to "correct" delinquent behavior, measuring recidivism has become the most common tool for testing the success of such governmental programs. It is often the case, however, that because of varied measurement practices between organizations, recidivism rates cannot be compared blindly. Recidivism might be recorded after re-arrest, re-referral to court, reconviction, or re-incarceration (Harris et al., 2009). Because systematic factors influence the number of parties present at each tier in the system, recidivism rates can appear superficially skewed because of the jurisdiction's relative definition of reoffending.

Consumers of recidivism research must remain aware of the proxy used to measure such rates when evaluating individual reports.

Recidivism of juvenile offenders is particularly noteworthy. The tendency of younger members of society to commit more crime compared to their older counterparts has been acknowledged by the field for some 150 years (Maruna, 2004). This age-crime relationship provides an interesting opportunity for juvenile recidivism research. Because juveniles are arrested for the majority of offenses, property offenses in particular (Maruna, 2004), the opportunity for data and explorations is great. Further examination into juvenile recidivism might help explain the tendency of offenders to escalate in their crime-committing behaviors through their 20s and then seemingly desist from crime (Maruna, 2004).

Disproportionate minority contact has been shown to hold true when approaching the juvenile justice system from a generic, instantaneous approach. One must also look at differences in the recidivism and risk factors of juvenile offenders to postulate what social construct might be involved. Juvenile reoffenders make up nearly 25% of the incarcerated (Calley, 2012). Previous research has identified several contributing risk factors to the recidivism of juvenile offenders.

A study in the Netherlands by Mulder, Vermunt, Brand, Bullens, and van Marle (2011) found several risk factors connected to juvenile recidivism. Included in their findings were past criminal behavior (age at first offense, number of past offenses), family risk factors (poor parenting, criminal behavior in the family), and involvement with criminal peers (Mulder et al., 2011).

The research group from the Netherlands conducted yet another study and found similar risk factors related to juvenile recidivism. Among their results of risk factors were family problems, offense characteristics, social network, and substance abuse (Mulder, Brand, Bullens, & van Merle, 2010). The researchers concluded that aiming treatment programs toward family problems (among others) would likely have the strongest impact in reducing recidivism among juvenile offenders (Mulder et al., 2010).

A study by Calley (2012) aimed to assess the differences in recidivism between several factors including offense categories. Although other categories were not statistically significant, she found that the type of offender was indicative of reoffending. The results indicated that general (e.g., larceny, simple assault) and substance-abuse offenders were more likely to recidivate than their sex-offender counterparts (Calley, 2012). The study insinuates the need of targeting these types of offenders when aiming to reduce recidivism rates.

Other researchers have focused on understanding how individuals who join peer groups and gangs become delinquent (Bordolla, 2007; Granville, 2007; Lachman, Roman, & Cahill, 2013; Weerman, Lovegrove, & Thornberry, 2015). Cloward and Ohlin (1960) explained that a subculture is created when youth participate and join a group where they can socialize with and practice a variety of norms, beliefs, and skills that are necessary to become involved in criminal behavior. When youth become involved in a social group such as a gang, youth find it to be a solution to the problems they are experiencing with their family. For example, the study of Weerman et al. (2015) noted that negative peer influence and weak conventional bonds are some of the factors in joining gangs in both the Netherlands and America. Also, youth join gangs to seek support and earn respect, as well as wanting to obtain some kind of status in the gang (Bordolla, 2007). Granville (2007) found that indirect peer pressure inside a gang can lead those individuals who are not delinquents to become criminal offenders once they join the gang. For example, when members of a gang invite new members to join their social group, new members might have to commit some type of crime in order to be accepted. Individuals who lack parental supervision are more likely

to join a gang in order to find support and get respect from their peers (Granville, 2007).

In summary, the available literature highlights some contributing factors, most notably peer influence, dysfunctional family, substance abuse, and gang affiliation, that are often related to juvenile delinquency and recidivism. Nevertheless, the notion of race as a risk factor has been somewhat neglected in prior literature. Furthermore, the primary focus of DMC in the literature was African American juveniles against White counterparts, and there are only a few studies of Hispanic contacts relative to African American and White contacts. This study examines demographic characteristics and risk factors of first-time offenders in exploring recidivism and impact on disproportionate minority contact in a Hispanic-dominant midsized county.

Current Study

The following study will consider both African American and Latino disproportionate contact in Fresno County, California. Considering that the percentage of minority juveniles in incarceration facilities in the United States is double the percentage in the larger population, the possibility of this comparison does not seem farfetched (Hsia, Bridges, & McHale, 2004). Although the Latino population is particularly relevant in Fresno County considering its exponential growth pattern, it is important remember that African Americans are indeed the most overrepresented minority population in the United States with their confinement rates double that of their general population percentages (Hsia, et al., 2004). To better understand why the DMC phenomenon exists, this study will look to closely examine more in-depth factors related to the disproportionate contact.

According to the U.S. Census data from 2010, Fresno County had 930,450 occupants and consistent growth (Owen & Takahashi, 2014). Of the youth population, 57% are Hispanic/Latino, 25% White, 10% Asian/Pacific Islander, and 5% Black. In comparison to the state as a whole, Fresno has a larger proportion of Hispanic/Latinos and a smaller proportion of White youth. As shown later, the discrepancy between the racial proportions in the general youth population and the incarcerated population demonstrates the disproportionate minority contact in Fresno County. Considering the 76% recidivism rate of juvenile offenders in Fresno County in the current study, the problems surrounding gang activity are also notable. Known for the infamous "Fresno Bulldog Gang," the county has 12,650 gang members, of which 91% are minority and many are juveniles (Harris, 2010). Because of the presence of DMC, race will likely be a statistically significant factor in predicting initial offending and recidivism of juveniles in Fresno County.

Methodology

The study sample consisted of 1,145 juveniles under 15 years of age who were brought into custody at the Fresno County juvenile detention facility from January 1 to December 31, 2010. During 2014, the researchers followed up on the database and kept track of the 3-year re-arrest information for those individuals originally recorded in the database. Such information contains the recorded age at first offense, offense type, and whether they returned to the system within 3 years. If they did return, we also recorded the new offense date and offense category. In addition, we documented whether those juveniles were self-identified as gang members, the outcome of the drug test, and whether their family members received TANF during the study period. TANF (Temporary Assistance for Needy Families) provides monetary support for families for a limited time so that they may gain self-sufficiency (Office of Family Assistance, 2015). In this study, familial use of TANF was accepted as indicative of a juvenile living in a low-income household lacking resources.

All the information was drawn from the JAS system maintained by the Fresno County Probation Department. After being appropriately coded, the variables became dichotomized. Gender, race, gang affiliation, drug use, TANF use, seriousness of first arrest, family type, and the presence of family in the criminal justice system were among the coded independent variables. The reappearance of a juvenile in the system within the 3 years was referred to as “recidivism” and made up the dichotomized dependent variable. A binary logistic regression was run to determine any significant variables in predicting recidivism. A chi-square analysis was also undertaken to ascertain the presence of the disproportionate minority contact.

Findings

Table 1 displays the frequencies of the 10 variables used in the current study. Regarding the dependent variable, 76% of juvenile offenders recidivated into the juvenile justice system within 3 years. The remaining 24% of juveniles had not reoffended by the time the study ceased gathering information. About one third (37.7%) of the juveniles were gang affiliated with a history of drug use (32.6%). A vast majority of the families were TANF recipients (74.6%) in a nontraditional family such as a single-parent household (77.4%). We do not have the exact comparative data, however, according to Census data in 2012 (County of Fresno, 2012), about one in four households (26%) in Fresno County were classified as extremely low or low-income households between 2006 and 2010. Single-family households consisted of 14.8% of the total, and the households below poverty accounted for 19.5%. Although Fresno County’s poverty rate is prevalent, it is evident that those juveniles disproportionately came from the needed households. About 5% of their family members were incarcerated. The disproportionate contact of minority juveniles within the criminal justice system in the United States is reflected in Fresno County, as evidenced by the comparison of 25% White and 75% non-White in the general population to the 13% White and 87% non-White (64% for Hispanic and 23% for African Americans) distribution in the juvenile hall population.

Further analysis by race is shown in Table 2, which indicates that a higher percentage of Hispanic juveniles (45.3%) were identified as gang members than White (23.9%) and African American juveniles (32.3%). For Hispanic juveniles affiliated with a gang, about one fifth had a Bulldog affiliation, and 8.6% were affiliated with the Norteños. For White gang-affiliated juveniles, there was no substantial majority for a certain group, although Bulldogs was highest (9%). For African Americans, a little more than 10% were affiliates of the Crips. The examination of the relationship between drug use and gang affiliation by race indicated that a higher percentage of Hispanic and African American drug users are gang affiliated than their White counterparts.

Table 3 represents the logistic regression findings between recidivism and other key variables. As shown, the seriousness of the first offense, gang affiliation, drug use, family type, and the family’s receipt of TANF were found to be statistically significant. Consistent with the chi-square analysis, race was not found to be a predicting factor of recidivism in juvenile offenders. The results of these findings relative to the coding procedure indicate that involvement in a gang, the use of illegal drugs, participation in a nontraditional family type, and familial participation in the TANF program all independently predicted recidivism.

The status of government assistance (TANF) is the most significant variable as shown by the high Wald statistic of 54.173 and the next most important variables are drug use (Wald = 29.696) and gang affiliation (15.659). The odds ratio of 3.84 in drug use indicates that juveniles who used illegal drugs were 3.8 times more likely to recidivate than non-drug users. Those who are gang members are 2.2 times more likely to recidivate than

non-gang members. Regarding the last significant variable, seriousness of first offense, the findings would suggest that less serious crimes (i.e., misdemeanors) correspond with higher probabilities of recidivism. One explanation is that misdemeanor offenses could be associated with habitual crimes (e.g., property and drug), and further analysis by offense type is needed to examine the findings. Also, this study had a limitation regarding the time spent in the detention center (release dates not provided) and that fact could skew the results. In the hypothetical case that an individual was sentenced to three or more years, their inability to reoffend outside prison walls within the parameters of this study would negatively skew the results regarding the propensity of more serious offenders to recidivate.

Table 1
Descriptive Statistics

Variable	Attributes	<i>N</i>	%
Gender	Male	884	75.1
	Female	290	24.6
Race	White	142	12.9
	Hispanic	707	64.1
	African American	254	23.0
Gang Affiliation	No Affiliation	730	62.0
	Affiliation	444	37.7
Drug Use	No Drug Use	790	67.1
	Drug Use	384	32.6
TANF	No Government Assistance	296	25.1
	Government Assistance	878	74.6
Seriousness of First Offense	Misdemeanor	665	56.5
	Felony	447	38.0
Family Type	Traditional (Both Parents)	221	18.8
	Nontraditional	911	77.4
	Resides in JJC	13	1.1
Presence of Family in the System	No or Unknown	1,112	94.5
	Yes	62	5.3
Age at First Arrest	10 or less	57	4.8
	11	58	4.9
	12	181	15.4
	13	293	24.9
	14	313	26.6
	15 and above	243	20.7
Recidivism	No Recidivism	279	23.7
	Recidivism	893	75.9

Table 2
The Relationship Between Drug Use and Gang Affiliation by Race

	No drug use	Drug use	
African American			$X^2 = 5.8, p < .05$
Gang affiliated	54.9%	45.1%	
Not affiliated	70.3%	29.3%	
Hispanics			$X^2 = 45, p < .000$
Gang affiliated	52.5%	47.5%	
Not affiliated	76.7%	23.3%	
White			$X^2 = 0.88, p > .05$
Gang affiliated	61.8%	38.2%	
Not affiliated	70.4%	29.6%	

Table 3
Predicting Recidivism by Key Variables

	Logistic regression coefficients				
	B	SE	Wald	Sig.	Exp(B)
Gender (Male)	-.342	.188	3.313	.069	.710
White (reference)			.843	.656	
Hispanic	-.071	.249	.82	.774	.931
African American	.132	.294	.210	.654	1.141
Gang Affiliation	.802	.203	15.659	.000	2.229
Drug Use	1.346	.247	29.696	.000	3.841
TANF	1.355	.184	54.173	.000	3.879
Nontraditional Household	.451	.192	5.496	.019	1.569
Age at First Arrest	.099	.062	2.587	.108	1.104
Felony as First Offense	-1.141	.176	41.86	.000	.319

$X^2 = 195.503, p < .000$. (Nagelkerke $R^2 = .269$; Cox & Snell $R^2 = .170$)

Implications and Further Research

As demonstrated by the convoluted nature of the “seriousness of first offense” result, there needs to be more research completed to gain a better handle on the disproportionate minority contact of juveniles. Perhaps, in future research endeavors, one could use a more stringent measure of recidivism. Also, other analyses, such as a survival analysis, can be completed to detail the significance of variables as they relate to the time between the first release date and the second arrest date. The speed at which juveniles recidivate and what compels them might be useful knowledge in creating prevention strategies. Also noted is the relationship that exists between TANF assistance and

recidivism could be indirect, where the eligibility requirements of TANF indicate households with a lower income. Further analysis of social variables related to TANF, such as level of poverty and number of family members, might provide a more concrete and direct research result.

Even with its limitations, this study brings forth results that can be applied to the population. The study found that, controlling for social factors, the recidivism rate of minority juveniles is not statistically different from their White counterparts. Social discrepancies, rather than racial discrepancies, were more significant in predicting recidivism. Regarding the significance of family type and TANF assistance, the county should provide parenting or guardianship classes outlining potential problems and solutions to nontraditional homes and families requiring government aid. Because poverty was shown to be a main contributing factor, introducing systems to alleviate financial stress would be essential to combat this criminological phenomenon. Educating the general public on the results of this study might aid in preventing future recidivism rates like those currently being experienced in Fresno County.

The United States as a whole could benefit from the results of this study. The riots that proceeded the deaths of Trayvon Martin, Michael Brown, and Freddie Gray, among others, have added pressure to demands for answers regarding the omnipresent disproportionate minority contact in the United States. The results of our analysis shed light on this issue. As evidenced by the binary logistic regression, it is not race, but rather social factors, including income, that result in more juvenile crime. Although racial biases are still prevalent, task forces need to be aimed more toward low-income neighborhoods than minority neighborhoods, understanding that the two are not mutually exclusive. Proactive measures to stimulate change, as opposed to their reactionary policing counterparts, would best suit Fresno County.

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About the Authors:

Shelby Brisky holds a bachelor's of science degree in Criminology with an emphasis in victimology from California State University, Fresno. She graduated Summa Cum Laude and was the Outstanding Undergraduate Student for her department. She plans to complete an interdisciplinary master's degree with an emphasis in Public Administration and Psychotraumatology.

Dr. Yoshiko Takahashi, associate professor of criminology, began her career at Fresno State in the fall of 2008. She has an M.S. in Criminal Justice and a Ph.D. in Public Policy with a Justice Concentration from the University of North Carolina at Charlotte. Her teaching specialties include, but are not limited to, Victimology, Research Methods, and Comparative Systems of Criminal Justice. Along with teaching both undergraduate and graduate courses, she coordinates the Victimology Option program and oversees the Victim Services Certificate program at the same institution.

Vanessa Hernandez received a bachelor's of art in Sociology from the University of California, Merced, and a master's of science in Criminology from California State University, Fresno. She currently works as a Family Literacy Coach for Pro Youth Heart, a nonprofit organization in Visalia, Calif. In addition, she is an ambassador for Shared Hope International, an organization that strives to prevent the conditions that foster sex trafficking, restore victims of sex slavery, and bring justice to vulnerable women and children.