

THE FACTS AND THE MISSING FACTS:
What we know and *what we don't know* about racial disparities in
the Massachusetts juvenile justice system

THE FACTS

Disproportionate Minority Contact or “DMC” is a term used by the federal Juvenile Justice and Delinquency Prevention Act of 2002 to describe racial disparities in the juvenile justice system. DMC occurs when the proportion of youth of color coming into contact with the juvenile justice system (e.g., police stop, arrest, arraignment, commitment, etc.) exceeds the proportion of youth of color in the general population.

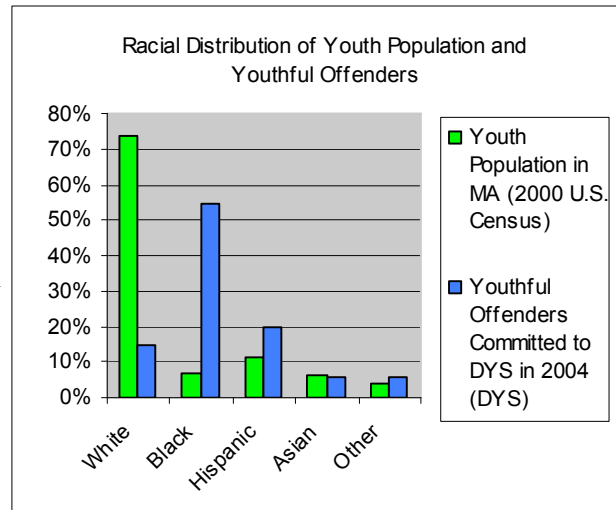
DMC exists at every stage of the juvenile justice system -- in Massachusetts and throughout the nation.

In every state across the country, youth of color are more likely to be detained, to be formally charged in juvenile court, and to be confined to state correctional systems than white youth who have committed the same types of offenses and have similar delinquency histories (Annie E. Casey Foundation, Pathways to Juvenile Detention Reform, Report 8, 2002). Although youth of color constitute only about one-third of the national youth population, they constitute two-thirds of the juvenile detention/correction population in our country (Disproportionate Minority Confinement Update 2002, OJJDP, US Dept. of Justice).

In Massachusetts, public safety leaders have known for over a decade that Hispanic and black children are treated more harshly than Caucasian youth at every stage of the juvenile justice system. Hispanic and black youth are at least two and three times more likely, respectively, to be committed to the Department of Youth Services than Caucasian youth. Youthful offenders, who serve the longest periods of confinement of all juveniles in the system, are overwhelmingly youth of color (see graph on the right).

DMC raises issues about the fundamental fairness of the system.

Racial disparities in the treatment of juveniles harms not only those young people and their families who are directly involved, but the integrity of the juvenile justice system as a whole. DMC fuels a widespread perception that racism and prejudice underlie juvenile justice decision making, threatening the very fabric of the system and jeopardizing its ability to effectively reduce crime.



THE MISSING FACTS

State officials admit that DMC exists in Massachusetts (e.g., *MA Juvenile Justice Data and Information*, MA Executive Office of Public Safety, December 2004) but the Commonwealth fails to collect important data at significant decision points in the juvenile justice system. Furthermore, some of the data that is collected is unreliable. As a result, the Commonwealth does not understand the full extent of the problem and cannot craft a rational response to it. For example:

How many minority youth are formally charged with committing a crime in Massachusetts?

We don't know. There is no data available on the race and ethnicity of youth arraigned in the juvenile court, despite the fact that arraignments are considered to be one of the best measurements of juvenile delinquency.

How many Hispanic youth are arrested in Massachusetts?

We don't know. "Hispanic" is not a category in the crime reporting system used for 55% of the crime volume in Massachusetts. Moreover, crime reporting is voluntary in Massachusetts. Lowell, Lawrence, Lynn and Cambridge failed to report any youth arrest data for 1999, 2000 and 2001.

How do district attorneys use their discretion to divert or indict minority and non-minority youth?

We don't know. There is no data available on the race and ethnicity of youth diverted and youth indicted. Diversion is a useful tool for sifting out less serious cases that can be resolved informally, while indictment is intended for the most serious cases with the most serious consequences – including a possible sentence to adult prison.

Which youth successfully complete probation, and which fail and are confined?

We don't know. Although probation is the most common disposition in juvenile court, no data is available on the race and ethnicity of youth who successfully complete probation and those who fail and are subsequently committed to the Department of Youth Services.

CONCLUSION

The Annie E. Casey Foundation, a national leader in efforts to remedy DMC, has found effective data collection to be one of the most important factors in successfully reducing racial disparities in the juvenile justice system. As the Casey Foundation explains, "disproportionality flourishes in a sloppy system." (Annie E. Casey Foundation Pathways 8, 2002, p. 56.) Massachusetts, unfortunately, suffers from both a "sloppy" data collection system and disproportionality. **Both problems need to be addressed now.** Otherwise, the Massachusetts juvenile justice system might be more aptly named the juvenile *injustice* system.

