Disproportionate Minority Contact

Alex R. Piquero

Summary

For many years, notes Alex Piquero, youth of color have been overrepresented at every stage of the U.S. juvenile justice system. As with racial disparities in a wide variety of social indicators, the causes of these disparities are not immediately apparent. Some analysts attribute the disparities to "differential involvement"—that is, to differences in offending by minorities and whites. Others attribute them to "differential selection"—that is, to the fact that the justice system treats minority and white offenders in different ways. Still others believe the explanation lies in a combination of the two. Differential involvement may be important earlier in the judicial process, especially in youths' contacts with police, and may influence differential selection later as individuals make their way through the juvenile justice system.

Adjudicating between these options, says Piquero, is difficult and may even be impossible. Asking how much minority overrepresentation is due to differences in offending and how much to differences in processing no longer seems a helpful way to frame the discussion. Piquero urges future research to move beyond the debate over "which one matters more" and seek to understand how each of the two hypotheses can explain both the fact of minority overrepresentation in the juvenile justice system and how best to address it.

Piquero cites many sizable gaps in the research and policy-relevant literature. Work is needed especially, he says, in analyzing the first stage of the justice system that juveniles confront: police contacts. The police are a critical part of the juvenile justice decision-making system and are afforded far more discretion than any other formal agent of social control, but researchers have paid surprisingly little attention to contacts between police and citizens, especially juveniles.

Piquero notes that some states and localities are undertaking initiatives to reduce racial and ethnic disparities. He urges researchers and policymakers to evaluate such initiatives, especially those using strategies with a track record of success. Researchers should also examine empirically the far-reaching consequences of disproportionate minority representation in the juvenile justice system, such as poor outcomes in education, labor force participation, and family formation. Finally, Piquero emphasizes that one critical research area involves updating justice system data systems and repositories, which have failed to track changes in U.S. demographic and immigration patterns.

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Few issues in the social sciences simultaneously generate controversy and silence as do those that involve race and ethnicity, especially those related to crime.[1] Across many years and data sources, statistics on criminal activity have pointed to large racial differences, with crime rates among minorities, especially blacks, consistently dwarfing those among whites. The disparity exists equally in self-reports of offending and in official records of contacts with the criminal justice system, including encounters with police, arrests, and convictions. Recognizing the strong link between juvenile and adult offending,[2] researchers and policymakers in the field of juvenile justice have devoted specific attention to racial differences during the juvenile years. Differences in youth involvement in crime and especially in the ways minorities and whites interact with the juvenile justice system have thus become a target of research and policy.

The racial differences that begin with juvenile involvement in crime become larger as youth make their way through the different stages of the juvenile justice system—from detention, to formal hearings, to adjudications, to out-of-home placements, and finally to waiver to adult court. At each stage of the system, minority representation grows larger and at a faster rate than that of whites.

Researchers investigating minority overrepresentation in the juvenile justice system initially focused solely on confinement. In 2002, however, to take account of racial differences at all stages of the juvenile justice process, the Juvenile Justice and Delinquency Prevention Act broadened the concept from disproportionate minority *confinement* to disproportionate minority *contact*.

As with racial disparities in a wide variety of social indicators, the causes of these disparities in the judicial system are not immediately apparent. Analysts have offered numerous explanations. It could be that the justice system processes minority and white offenders in different ways or it could be that the offenses of minorities and whites are different—or it could be a combination of both.[3] If the system processes minority and white offenders differently, it could be because of contemporary bias, either explicit or implicit, or because of historically rooted patterns of racial inequality. It could be that crime policies are at the root of racial disparities. For example, the system may enforce and punish offenses common in minority communities more harshly than those common in white communities. The disparities could also be due to discretion in criminal justice decision making. While minorities are confined disproportionately for all offenses, for example, the disproportion is greater when offenses are less serious, and discretion is typically built into decision making for such offenses.[4] More broadly, the disparities could be attributable to the role either of race itself or of other factors that may be confounded with race, such as socioeconomic status, family structure, neighborhood residence, or some combination.[5] Or it could be that minorities simply commit more of the sorts of crimes that come to the attention of the legal system and for which sentences are more likely to be imposed and, when imposed, of longer duration.

Adjudicating between all these options is difficult and, finally, may be impossible.[6] Asking how much minority overrepresentation is due to differences in processing and how much to differences in offending no longer seems a helpful way to frame the discussion. Analysts may thus be wise to abandon this empirical quest. Differences both in processing and

in offending are almost surely involved, and determining their relative importance would probably have little effect on policy or practice. What may be more valuable, instead, would be to understand *how* differences both in processing and in offending contribute to minority overrepresentation.

In this article I begin by summarizing what is known about disproportionate minority contact with the judicial system from the first contact with police through the final stage of the system, incarceration. Then I outline several areas in need of further research and explore the implications of the knowledge base for public policy. One critical new research area involves updating justice system data systems and repositories, which have failed to track changes in U.S. demographic and immigration patterns.

Background

Scholars have already conducted many good reviews of research on disproportionate minority contact,[7] so here I will simply review briefly the main research findings and then describe some more recent research findings on disproportionate minority contact both generally and with respect to new and emerging issues.

Historically analysis of disproportionate minority contact has been a comparative research endeavor whose aim has been to compare the share of minority youth in the juvenile justice system with their share in the general population. As noted, until 2002, the object of study was disparities in confinement. States were required by the Juvenile Justice and Delinquency Prevention Act to assess disproportionate minority confinement using an index that divided the share of a given minority group of youth detained in a state's secure detention facilities, secure correctional facilities, jails, and lockups by the share of that group in the state's population. If 12 percent of juveniles in custody were minority, for example, and the youth population generally was 3 percent minority, the index would be 4.0. States with an index greater than 1.0 were required to develop and implement a plan to reduce the disproportionality, regardless of whether the index represented real behavioral differences in offending across race and ethnicity.

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The index, however, was beset with problems. One was the difficulty of comparing jurisdictions with different shares of minorities, as communities with low minority shares could have a very high index while those with high shares of minority youth could not. Another was that the index provided little information about the causes of racial disparity. Yet another was that it provided no information about *where* in the system the disparity was taking place. To address this failure and to open the possibility that disparity could occur at various places in the system, the Juvenile Justice and Delinquency Prevention Act of 2002 broadened the concept from disproportionate minority *confinement* to disproportionate *contact*.

At the same time the Office of Juvenile Justice and Delinquency Prevention (OJJDP) developed the Relative Rate Index (RRI) to measure disparity at each decision point in the system—arrest, referral to juvenile court, detention, petitioning, transfer to criminal court, adjudication, and out-of-home placement following adjudication. For example, the RRI can compare the rates of white and black arrests that are referred to court intake. If the rate is 60 out of 100 arrests for whites and 80 out of 100 for blacks, then disparity exists at the decision point where arrests are referred to court. The RRI can also divide the black rate by the white rate at each decision point. A ratio near or equal to 1.0, meaning that the black and white rates are nearly similar, indicates no disparity; a ratio greater than 1.0, meaning that the black rate is larger than the white rate, is evidence of disparity. The RRI, however, presents a problem of its own; there is no way to measure its statistical significance. For example, at what level above 1.0 does the index indicate a significant disparity? Is an RRI of 1.43 significantly different from an RRI of 1.98 or 2.05? And the RRI, or any other measure used to assess disproportionate minority contact, encounters a problem of a different sort. OJJDP now essentially forces states first to identify whether minority disproportionality exists and, if so, then to assess its cause by identifying and explaining differences at various points in the juvenile justice system. States must then develop an intervention plan. What this requirement does not take into account is the individual and social factors that may have helped cause the original disparities in the first place—structural factors about which state agencies can do little. Still, the new requirement does force public agencies to assess how their decisions might contribute to disparity even where they are not responsible for the underlying condition.[8]

Most reviews of research find that minority, especially black, youth are disproportionately represented at most stages of the juvenile justice system,[9] from the initial arrest, to detention pending investigation, to referral of a case to juvenile court or waiver of it to adult court, to the prosecutor's decision to petition a case, to the judicial decision and subsequent sanction, ending more often than not in incarceration. It should be noted, however, that some important exceptions to this overall pattern exist.[10] In the case of offenses themselves, research is more mixed, sometimes showing that although whites and minorities generally self-report similar levels of offending,[11] they report some differences in the type of crime committed, with minorities reporting more serious offenses and a greater persistence in offending.[12]

The most recent data to emerge from the National Council on Crime and Delinquency (NCCD) indicate that youth of color are found disproportionately at every stage of the juvenile justice system from arrest through sentencing.[13] (It is important to bear in mind that decisions throughout the system are interrelated and can affect minority overrepresentation cumulatively, with early-stage decisions influencing decisions further in the system.) Among the new NCCD findings are that black youth are detained at higher rates than are whites and Latinos and that Latinos are detained at higher rates than are whites. Black youth are more likely than whites to be formally charged in juvenile court and to be sentenced to out-of-home placement, even when referred for the same offense. Black youth are confined on average for 61 days more than whites, and Latino youth are confined 112 days more than whites. Black youth make up 16 percent of all youth in the general population but 30 percent of juvenile court referrals, 38 percent of youth

in residential placement, and 58 percent of youth admitted to state adult prison. And just over 50 percent of drug cases involving white youth result in formal processing, as against more than 75 percent of such cases involving black youth.

In a second new, and related, study focused on offenders in jails and prisons, The Sentencing Project calculated state rates of incarceration by race and ethnicity.[14] Although data limitations precluded juvenile-specific estimates, several highlights of the report are notable. First, black offenders are incarcerated at nearly six times the rate of whites, while Hispanics are incarcerated at nearly double the rate of whites, though with significant statewide variation. For example, the highest white incarceration rate (Oklahoma, 740 per 100,000) did not even approach the lowest black incarceration rate (Hawaii, 851 per 100,000). It is also worth pointing out that disproportionate incarceration may have a profound effect on community well-being.[15] The concentration among young men, in particular, presents long-term consequences for employment prospects, family formation, and general quality of neighborhood life that are more severe for blacks and Hispanics than for whites. The Sentencing Project report also shows that in 2005 Hispanics made up 20 percent of the state and federal prison population, a rise of 43 percent since 1990. The national rate of incarceration for Hispanics was nearly double that for whites, but considerably lower than that for blacks, again with significant statewide variation. A weakness of the Hispanic-specific analysis in the new Sentencing Project study, as with much existing research, is the poor data available for Hispanic offenders, including inaccurate conceptualizations of Hispanic and undercounting of Hispanics. State data limitations also kept the Sentencing Project from providing information on Native Americans, Asian Americans, and other groups.

Collectively, these data highlight several important policy issues with respect to decisions both within and outside the juvenile and criminal justice systems. First, current drug policies emphasize large-scale drug arrests and policing communities of color to the neglect of drug treatment and diversion programs that work. Second, sentencing policies appear to make the minority criminal justice experience worse rather than better. Third, consideration should be given by policymakers to race-neutral policies, or a more general consideration of the long-term effects of what will happen if certain rules are produced. Fourth, changes in resource allocation, such as providing for more adequate indigent defense and quality representation for all defendants, may help minimize undue and unnecessary harm.

In summary, for many years, with a few exceptions, much data has shown that youth of color have been overrepresented at every stage of the juvenile justice system. Minority overrepresentation has come to be considered an established fact of crime; what remains in question is *why* minorities are overrepresented. In the next section I present several explanatory hypotheses, as well as some of the empirical evidence that has been built up around them.

Theory: Explaining Disproportionate Minority Contact

Researchers, policymakers, and juvenile advocates have offered a continuum of explanations for the racial and ethnic differentials observed throughout the criminal and juvenile justice systems. On one end of the continuum, commentators argue that the system is virtually color-blind and that the idea

that the criminal justice system is racist is a "myth."[16] On the other end of the continuum, analysts believe that the system is unduly and without question discriminatory. David Cole, who reviewed a number of high-profile cases and decisions throughout the criminal justice process in various jurisdictions, contends that the United States has two systems of justice, one for the privileged class, largely whites, and another for the disadvantaged and less privileged, largely blacks.[17] Still other observers advance a more middle-ground position. Samuel Walker and several colleagues note that the criminal justice system is neither completely free of racial bias nor systematically biased.[18] The differing treatment afforded across race and ethnicity appears to vary at different stages of the criminal justice process, existing at some but not all stages. The exception to this pattern, they argue, lies with the drug policies initiated during the mid-1980s regarding crack cocaine, which affected minority—especially black—communities far more than white communities.[19]

Analysts have further considered these viewpoints within a theoretical framework made up of three hypotheses. The first, the "differential involvement hypothesis," holds that minorities are overrepresented at every stage of the criminal and juvenile justice system because they commit more crimes, for more extended periods of their lives, and more of the types of crime, such as violence, that lead to processing within the criminal justice system.[20] Why minorities commit more crime is, of course, an entirely different question that, surprisingly, has been ill-studied. In one recent study emphasizing the differential involvement argument, Elijah Anderson points out that circumstances of life among the ghetto poor, such as discrimination and racial residential segregation, spawn an oppositional culture of the street "whose norms are often consciously opposed to those of mainstream society."[21] This street culture amounts to a set of informal rules governing interpersonal behavior. When the respect of a member of the culture is challenged, the code, in effect, turns on. Scholars have identified a similar respect-based code of the streets among Hispanics.[22]

Data constraints hamper empirical researchers wishing to assess the differential involvement hypothesis. The few studies that have been done allow some summary statements, but no firm conclusions. Both official police records[23] and self-report surveys[24] indicate disproportionate involvement in serious violence among blacks[25] and somewhat less among Hispanics.[26] This finding is important because research shows that serious violence is more likely to be reported to the police, more likely to result in the offender's apprehension, and more likely to trigger severe criminal justice sanctions.[27] Researchers have found that much of the minority overrepresentation in prisons can be attributed to differences among racial groups in arrests for crimes that are most likely to lead to imprisonment.[28] The same research also shows that it is unlikely that behavioral differences account for all minority overrepresentation.

One recent study provided some unique data regarding the differential involvement hypothesis by improving over past studies that featured race and crime comparisons based solely on official or on self-reported crime information. Alex Piquero and Robert Brame[29] examined racial and ethnic differences in criminal activity using both self-reported and official record information on a sample of adolescent offenders from Philadelphia and Phoenix. That study found little evidence of racial or ethnic differences in either self-reported offending (by frequency

or variety) or officially based arrests leading to a court referral in the year preceding study enrollment. Although two of the variety-of-offending score analyses for males yielded some limited evidence that whites had higher variety scores among Philadelphia males while blacks had higher variety scores among Phoenix males, the analyses were limited because of the presence of relatively few whites in Philadelphia and relatively few blacks in Phoenix. Among Phoenix females, variety scores were somewhat higher for Hispanics, but the finding was sensitive to the technical detail of whether cases with the median score are dropped from the analysis. Finally, there were no significant differences in median self-reported offense frequency between racial and ethnic groups among Phoenix females.

Several studies of the disposition and confinement process show that black youth in the system are given more restrictive dispositions than their white counterparts even when they have committed the same offense and have the same prior record.

A second hypothesis, the "differential selection and processing hypothesis," asserts that a combination of differential "selection"—differing police presence, patrolling, and profiling in minority and nonminority neighborhoods—and differential "processing"—discrimination in the courts and correctional systems—leads to more minorities being arrested, convicted, and incarcerated. This hypothesis may be especially pertinent to victimless crimes, such as drug use and sales and "public order" crimes, in which more discretion is available to formal social control agents. The hypothesis predicts that criminal justice officials will act in a discriminatory fashion—that a minority youth and a white youth charged with the same offense will be treated differently by decision makers within the criminal justice system.[30] It accounts for racial minorities' overrepresentation in official statistics by focusing on the differential deployment of police and the actions and decisions of other criminal justice officials.

Voluminous research on this second hypothesis, most of it centering on processing, has formed the backbone of the disproportionate minority contact argument. As noted, several reviews of this research report that minority, especially black, youth and adults are overrepresented at most stages of the system,[31] beginning with the decisions by police agencies to target certain high-crime neighborhoods, which tend also to be high-minority neighborhoods, and to target certain crimes, both of which bring the police into more contact with minorities, especially blacks, than whites.[32] Adverse race effects hold in the bail and pre-trial release decision stage as well.[33] Several studies of the disposition and confinement process show that black youth in the system are given more restrictive dispositions than their white counterparts even when they have committed the same offense and have the same prior record—a finding that has also been made with respect to minorities, especially blacks, being sentenced more harshly than whites.[34] Evidence also shows that black youth are more likely than white youth to be transferred to criminal court, regardless of offense type and age category[35] though some contradictory evidence also exists.[36]

Because these studies have already been reviewed elsewhere, I highlight only a few. The first study I mention does not find support for differential processing. I review in greater detail a series of studies that have examined the differential selection hypothesis.

Paul E. Tracy[37] conducted a three-county study in Texas to ascertain whether certain racial and ethnic groups were processed differently across four juvenile justice decision-making stages: detention at the pre-adjudication stage, referral to the district attorney for prosecution, referral to court for adjudication, and sentencing to secure confinement. He found that out of a possible thirty-six instances of differential handling of minority youth—that is, the four system stages times three counties times three offender groups (all, males, and females)—only five yielded unfavorable system processing for minority youth.

Other studies have assessed differential selection by examining how minority youth are perceived, described, and discussed by criminal justice agents. Here, I review three such studies. Irving Piliavin and Scott Briar[38] examined how police interacted with juveniles on the street and came to three conclusions. First, the officers exercised wide discretion with the juveniles. Second, the discretion was influenced by the prior record of the juveniles, as well as by race, grooming, and demeanor—the latter of which strongly influenced the officer's decision. Third, some differences in arrest and apprehension rates between blacks and whites were attributable to a greater offense rate among blacks and to police bias, but some differences were also attributable to black juveniles' tendency to exhibit demeanor that the officers associated with "true" delinquent boys.[39]

Two other recent studies have charted a promising avenue of research by focusing on how agents of the criminal justice system discuss and perceive minority youth. First, George Bridges and Sara Steen[40] focused on the tone and value of word choices that probation officers used to describe black and white juvenile offenders. They found strong race differences in the officers' views about what caused the youth to commit the offenses, with officers attributing offenses by black juveniles more to negative attitudinal and personality traits and offenses by whites more to the social environment. Moreover, Bridges and Steen found that these differences contributed significantly both to the officers' differing assessments of the risk of re-offending and to their recommendations about sentencing, even after controlling for case and offender characteristics. Second, Sandra Graham and Brian Lowery[41] examined unconscious racial stereotypes of decision makers in the juvenile justice system. In two separate experiments in the Los Angeles area, 105 ethnically diverse police officers and 91 ethnically diverse juvenile probation officers were subliminally exposed to words related to the category black—such as ghetto, homeboy, and dreadlocks—or to words neutral with respect to race. At the same time, the officers read two scenarios about a hypothetical adolescent who allegedly committed either a property (shoplifting) or an interpersonal (assault) crime. The offender's race was not stated and the vignettes were ambiguous about the causes of the crime. In addition to completing a self-reported measure of conscious attitudes about race, the police and juvenile probation officers rated the offender on a number of individual characteristics and made judgments about culpability, expected recidivism, and deserved punishment. Compared with officers in the neutral condition, officers in the racial prime condition reported

more negative trait ratings, greater culpability, and more expected recidivism, and they endorsed harsher punishment. Significantly, the racial primes had the same effect regardless of the officers' consciously held attitudes about blacks. The findings held even among those who reported that they were tolerant and non-biased toward nonwhites. And many of the officers were themselves black. In sum, this study shows that racial stereotypes subtly operate in the system.[42]

Yet a third, mixed-model hypothesis posits that both differential involvement and differential processing and selection operate together to produce the racial overrepresentation in official crime statistics. Assessing this third hypothesis requires deciding how much weight to attribute to each of the two competing perspectives; that is, how do we know when differential involvement matters more and less than differential selection and processing? Again data limits make it hard to conduct a strong empirical test of this hypothesis. One study noted that differential involvement may be important earlier in the judicial process and that it influences differential selection and process later as individuals make their way through the system.[43] What is sorely needed is an empirical test that follows youth over time, documenting their involvement in crime (through both self-reports and official records) as well as their experiences with the police and court systems. But assembling data for large samples of individuals who have the necessary criminal involvement is difficult.

In summary, although most researchers agree that minorities are overrepresented in the juvenile and criminal justice systems, they have not yet reached agreement about how to explain that overrepresentation. Most would agree that some sort of mixed model offers the most promise for understanding the issue, though they sometimes disagree over the relative weight of the two explanations. It is thus no surprise that a National Academy of Sciences panel recently concluded that the debate between the "behavior [differential involvement] versus justice [differential selection]" positions has led to a "conceptual and methodological impasse."[44] Future research should thus move beyond the debate over "which one matters more" and seek to understand how each of these two hypotheses can explain both the fact of minority overrepresentation in the juvenile justice system and how best to address it.

To date, difficulties in collecting data have hampered analysis of the three hypotheses. Few data sources contain both self-report and official records on the same subjects over extended periods of time. Data for nonblack minorities, including Hispanics, Native Americans, and Asian Americans, are virtually nonexistent in longitudinal self-report studies of crime and delinquency. Official measures of crime, collected by police agencies and published by the FBI, do not consistently break down data by race or ethnicity, and when they do, they do not focus on Latinos or other nonblack groups.

What Remains to Be Learned?

Largely as a result of federal efforts and encouragement, a wealth of research has documented the nature and extent of disproportionate minority contact, but analysts have been less able to explain these racial disparities, largely because of limits in data, complications associated with definitions and terminology regarding minority status, difficulties in identifying comparable youth, and, more fundamentally, the tension involved in studying issues related to race and ethnicity and crime. Many sizable gaps in the research

and policy-relevant literature need attention. Work is needed especially in three areas: description, selection and processing, and intervention.[45]

In addition, as I have already noted, disproportionate minority contact with the justice system has consequences that extend far beyond involvement in the system itself. To the extent that involvement in the justice system affects education, labor force participation, voting, and family formation, disproportionate minority contact likely produces disparities in many adult outcomes. Researchers must also examine empirically these potentially far-reaching consequences.

Description

Three separate research efforts are needed in the area of further describing disproportionate minority contact. The first is to develop and refine the underlying theory. The fundamental question is why minorities are overrepresented in the judicial system. The differential involvement hypothesis helps frame this issue, but much work remains to be done in exploring variations in criminal behavior by race and ethnicity. Researchers have thus far devised few race- or ethnic-specific theories of crime; would more such theories be appropriate?[46] Are the causes of crime the same across race and ethnicity, with only the level of risk factors varying across groups? Or do differences in the social and cultural environments of whites and minorities produce the observed behavioral differences? For example, in minority neighborhoods, is access to meaningful employment and a good education so limited as to increase involvement in crime? And do the higher rates of offending by minorities in turn lead to differential policing practices and consequent selection and processing by the criminal justice system?[47] Do differences in the way minority and white youth relate to agents of the criminal and juvenile justice system, for example, lead police to record the actions and behaviors of minorities differently than they do those of whites? More generally, are minorities overrepresented because minority status and poverty are highly correlated? Are minority youth especially likely to be picked up because police do more surveillance in poor, often minority, communities? Recent theorizing about legal socialization,[48] street codes,[49] racial stereotypes,[50] neighborhood well-being,[51] and perceived injustice[52] may be useful for understanding racial and ethnic differences.

Second, researchers must better describe the different patterns of offending that exist across race and ethnicity. Using a complement of both self-report and officially based records of crime on the same individuals over time, analysts must answer basic questions about the involvement of minorities and nonminorities in crime over the life course. For example, compared with whites, do minorities commit crime more frequently, engage more in certain forms of crime, persist in offending over longer periods of time, and desist later in the life course? Researchers should use longitudinal data to study these issues, especially because it is plausible that involvement varies over time and over the stages of the life course across race and ethnicity. At the very least, studies of this issue will begin to better describe minority and white involvement in crime. The small existing research base on this issue offers conflicting findings. Some studies show few racial and ethnic differences in self-reported offenses,[53] while others point to differences.[54] Still others report few racial and ethnic differences in both self-reported and official estimates of offending among serious adolescent offenders.[55] Because

police disproportionately patrol low-income areas, they are more likely to pick up minority youth, and the differential arrest patterns may support perceptions that minority youth should be treated more harshly throughout the system.

Third, researchers should address deficiencies in the data systems. Most crime and criminal justice data on disproportionate minority contact are broken down into only two categories: white and black. These data systems and repositories have not kept up with trends in immigration and changes in categorization of minorities, including the 2000 Census change. More and better research on Hispanics and other minorities is urgently needed. California's experience with Hispanics dominating correctional institutions is a case in point. Analysts should pay particular attention to changes in disproportionate minority contact with respect to Hispanic Americans and Asian Americans. Because of the paucity of research involving crime and ethnicity,[56] the field has not yet made any firm conclusions about disparities among Hispanics, American Indians, and Asians, and the few existing studies have under-counted Hispanic representation by coding Hispanics as white. Current data mechanisms and systems fail to separate race and ethnicity, lead to significant undercounting, and offer no systematic approach to studying the racial and ethnic differences in crime and contact with the judicial system that require the collection of such data both locally and nationally. Until these shortcomings are remedied, an understanding of disproportionate minority contact will remain elusive.

Selection and Processing and Outcome

Future researchers need to focus more on the first stage of the justice system that juveniles confront: police contacts. The police are a critical part of the decision-making system and are afforded far more discretion than any other formal agent of social control, but researchers have paid surprisingly little attention to contacts between police and citizens, especially juveniles. More and better data are needed on police patrolling, on decisions about which neighborhoods to patrol, on behaviors police look for when patrolling those neighborhoods, and on the racial and ethnic makeup of the officers on patrol. Better research at this early stage of criminal justice contact will permit a better grasp of differences in the way whites and nonwhites relate with police, as well as of how the police deal with individuals. Most juvenile justice and delinquency research skips this early stage and starts at referrals.[57] Because of the wide discretion accorded the police, it may be that racial and ethnic disparities begin at the very earliest stage and that effects accumulate as youth proceed through the system.[58]

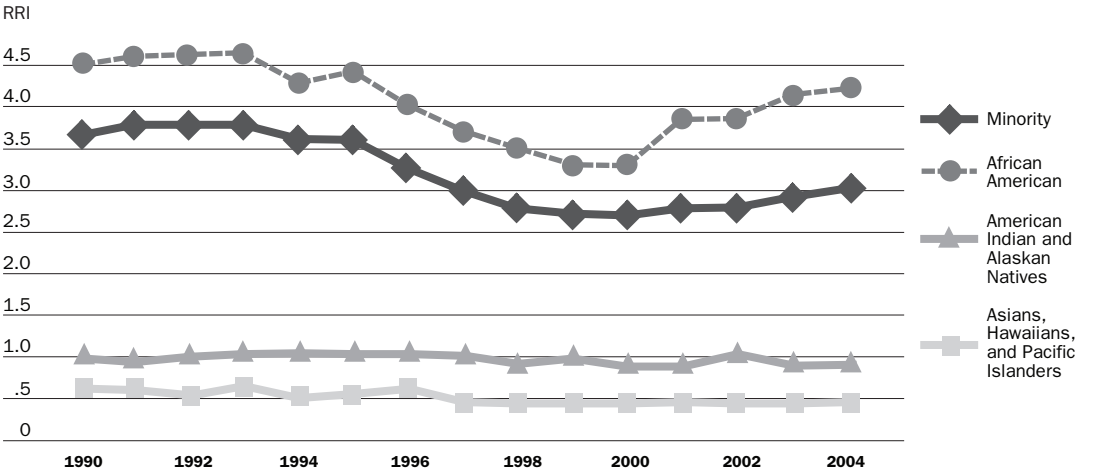
States vary widely in their level of disproportionate minority contact, thus raising the question of whether local and state systems vary in their selection and processing of minorities. It remains unclear whether minority overrepresentation is a widespread, nationwide phenomenon or a matter of certain jurisdictions and states operating in certain ways. Researchers must make a more systematic effort to examine patterns of minority overrepresentation within individual states and jurisdictions. For example, in states with highly disproportionate minority contact, are the trends a function of certain counties or of police and courtroom workgroups operating in a certain manner?

In short, researchers must improve their understanding both of the characteristics of minorities that merit attention by agents of

formal social control and of decision-making by the juvenile and criminal justice system, beginning with the police contact. To facilitate these efforts, the Office of Juvenile Justice and Delinquency Prevention has just published a *National DMC Databook,*[59] which allows users to review the processing of delinquency cases within the juvenile justice system and assess levels of disproportionate minority contact at various decision points using national data for 1990–2004. Data tables can be formed for all delinquency offenses, person-oriented offenses, property offenses, drug law offenses, and public order offenses, as well as various decision points—juvenile arrests, cases referred to juvenile court, cases diverted, cases detained, cases petitioned, cases adjudicated, adjudicated cases resulting in probation, adjudicated cases resulting in placement, and cases judicially waived. The data may also be displayed as counts, rates, or RRIs. Figure 1 presents an example of one such output, showing the RRIs for juvenile person-oriented offenses for minorities; African Americans; American Indians and Alaskan Natives; and Asians, Hawaiians, and Pacific Islanders. The available data do not make it possible to study racial disparities in arrest experiences involving Hispanic youth.

Two issues regarding processing remain particularly problematic. The first is the need to be able to compare "similarly situated" youth of different race and ethnicity—those youth who have committed the same offense, have the same prior record, and have the same personal needs. Such details are difficult to corroborate perfectly, especially in small-scale studies. Barry Feld[60] argues that "similarly situated offenders, defined as 'similar' on the basis of their present offense or prior record, can receive markedly dissimilar dispositions because of their differing 'needs.' Because the individualized justice of the juvenile court classifies youth on the basis of their personal circumstances, then in a society marked by great social, economic, and racial inequality, minority youth consistently find themselves at a disadvantage." A second problematic issue is whether the juvenile

Figure 1. Relative Rate Index (RRI): Juvenile Arrest for Person Offenses, 1990–2004



Source: Howard Snyder, C. Puzzanchera, and B. Adams, *National Disproportionate Minority Contact Databook* (National Center for Juvenile Justice for the Office of Juvenile Justice and Delinquency Prevention, 2006).

justice system actually engages in differential processing of minority youth. Kimberly Kempf-Leonard[61] argues that the system reacts differently to youth because they are not similarly situated in terms of what they need to succeed. In particular, she notes that minority youth disproportionately have more personal deficits that are being addressed by juvenile justice services.

Intervention

With researchers unable even to agree how to explain disproportionate minority contact, how are they to agree on strategies to reduce it? [62] Advocates make many efforts to address minority overrepresentation in the system, but most such efforts provide intervention and prevention services and do not address changes in the way the system operates. And few of these interventions are evaluated rigorously to see which work best. To be sure, some state juvenile justice systems have developed promising programs and initiatives. Santa Cruz, California, for example, made many changes in its juvenile justice system to reduce minority overrepresentation.[63] Areas targeted for improvement included cultural competence planning and training of staff, data tracking, sensitivity to risk factors included in risk instruments, programs to work with families, and diversion options, especially for minor and drug offenders. The reforms succeeded in reducing minority overrepresentation, but such efforts remain rare, and none has been rigorously evaluated.[64]

If states and localities undertake initiatives to reduce racial and ethnic disparities, especially using strategies with a track record of success, researchers and policymakers will be able to examine how various regulatory agencies operate as part of the initiatives and try to help them work most effectively. The aim of such initiatives would be to reduce the harm to youth caused by their involvement in the system and to change practices within the system and related agencies that exacerbate that harm.[65] The MacArthur Foundation's Model for Change Initiative is already in operation in four states. Briefly, that initiative is designed to make juvenile justice systems more rational, fair, effective, and developmentally sound and to develop models of successful systemwide reform for other systems to follow. Each of the four states involved is responsible for identifying target issues, planning reforms, and working with state and local agencies and organizations to shape and implement the reforms.

Implementing system changes, both large and small, and rigorously evaluating their results will help identify points of intervention that can be built on to keep judicial systems from inadvertently exacerbating racial and ethnic disparities. Some simple strategies that have been successfully used in other areas include providing culturally appropriate training for staff, from police officers through court and facility personnel, and hiring bilingual staff who can communicate with youth from all demographic groups.[66]

Conclusion

Minority overrepresentation in the juvenile justice system remains high in most states and at the national level.[67] What makes the problem so intractable? Are its underlying causes, such as poverty or out-of-wedlock childbearing, simply beyond the reach of policymakers? Are the biases against minority youth so deep-seated that they are resistant to change? Is a juvenile justice system characterized by discretionary decision making inherently vulnerable to biased judgments? Are all policy efforts aimed at prevention and intervention or at system change doomed to failure because OJJDP is powerless to address

the root causes of differential involvement? How does this relate to the "Latino paradox," the finding that Latinos do better than whites on a range of social indicators despite their relative poverty? And what of the recent finding that first-generation immigrants are more likely to be law-abiding than third-generation Americans of similar economic status?[68] These are key questions on which researchers and policymakers do not yet have much data to rely.

Successfully tackling the issue will require improvements in three areas. First, a better theoretical and empirical description of racial similarities and differences in criminal activity will provide useful information for prevention and intervention efforts aimed at curtailing differences in offending. A better understanding of the determinants of racial disparities early in juvenile criminal justice system processing should help alleviate such disparities later in the system. Fully understanding disproportionate minority contact requires considering all the factors that affect differential offending, differential police patrolling, police arrest and referral decisions, intake, prosecution and petition, adjudication, disposition, and all the potential exits in between.

Second, both small and large reforms throughout the criminal and juvenile justice systems can lead to better structured decision making, as well as inclusion of culturally competent assessment and classification instruments and reliable information about the adequacy of service and sanction options afforded to juvenile offenders.

Third, the debate over disproportionate minority contact must be free of bias. Debate will move forward only after researchers have better documented both racial disparities in involvement in crime and the response to crime throughout the entire system. Participants in the debate must view these new research findings objectively. Debate must proceed without prejudice that the system is or is not biased or racist.[69]

In the end, data about racial disparities in the justice system cannot, alone, reveal much about the mechanisms that sustain racial inequality. Nor can data, alone, lead to change.[70] Data can, however, provide a point of departure for addressing the complex ways in which racial differences in offending initially emerge and the extent to which public practices generate or maintain racial inequality. Data can also help identify what actions can be taken to counter racial disparities. Given the large and complex structural problems that likely underlie these disparities—problems with which the justice system is ill-equipped to deal—the realistic goal would be not so much to maximize good as to minimize the harm done.

Finally, with respect to policy, two points are in order. First, one may ask whether the goal is to reduce racial disparities within the system or to reduce minority contact. Clearly, disparities can be reduced by getting tougher on white offenders or by doing things that encourage white, but not minority, juveniles to commit crimes (I pose the latter idea facetiously only to make the point clear). It is beyond the scope of this article to answer this question convincingly, but the point is that different goals would indicate different policy solutions and that citizens and policymakers need to come to some firm resolution and decision about what the ultimate policy goals should be. Second, despite the lack of agreement among researchers and the uncertainties of the research findings on disproportionate minority contact, it is still

possible to make several recommendations to policymakers and practitioners—focusing, of course, on the things that they can realistically change and leaving aside the things, such as disadvantaged neighborhoods, families, and schools, that may not be amenable to change. The first recommendation would be for policymakers to begin to talk about race and crime without fear of reprisal. The second would be for policymakers and practitioners involved in criminal justice decision making—those who make and enforce laws—to become aware that their decisions have consequences that may expand far beyond youth's immediate involvement in the criminal justice system to include their adult well-being. And, third, policymakers and practitioners need to be held accountable for their actions. One way to do this is through an audit system that would point to what local policies are doing and what effect they have in the larger, national picture. This, in turn, may help begin a broader dialogue about race and crime—one that is based on fact and evidence, one that is designed to provide solutions and not excuses, and one that ultimately will produce more good and do less harm.

Endnotes

1. Robert J. Sampson and William J. Wilson, "Toward a Theory of Race, Crime, and Urban Inequality," in *Crime and Inequality*, edited by John Hagan and Ruth Peterson (Stanford University Press, 1995).

2. Alex R. Piquero, David P. Farrington, and Alfred Blumstein, "The Criminal Career Paradigm: Background and Recent Developments," in *Crime and Justice: A Review of Research,* vol. 30, edited by Michael Tonry (University of Chicago Press, 2003), pp. 359–506.

3. Olatunde C. A. Johnson, "Disparity Rules," *Columbia Law Review* 107 (2007): 374–425.

4. Edward Mulvey's article in this volume also deals with the inherent tension between building discretion into system decision making (a tenet of the juvenile justice system) and leaving decision making open to sources of bias.

5. In their analysis of data from the Project on Human Development in Chicago Neighborhoods, Robert Sampson, Jeffrey Morenoff, and Stephen Raudenbush found that differential offending is all attributable to different neighborhoods of residence. See Robert J. Sampson, Jeffrey D. Morenoff, and Stephen Raudenbush, "Social Anatomy of Racial and Ethnic Disparities in Violence," *American Journal of Public Health* 95 (2005): 224–32.

6. Joan McCord, Cathy S. Widom, and N. A. Crowell, eds., *Juvenile Crime, Juvenile Justice* (Washington: National Academy Press, 2001).

7. Kimberly Kempf-Leonard, "Minority Youths and Juvenile Justice: Disproportionate Minority Contact after Nearly 20 Years of Reform Efforts," *Youth Violence and Juvenile Justice* 5 (2007): 71–87.

8. To be sure, disparity and overrepresentation may exist in the absence of discrimination, and thus it is a challenge for research to determine whether there is a unique effect of discrimination on justice system decision making. In part because of this, the National Council on Crime and Delinquency has attempted to provide some important definitions with respect to the terms that are used to understand, describe, and document race differences in crime and justice. First, overrepresentation refers to a situation in which a larger proportion of a particular group is present at various stages within the juvenile justice system (such as intake, detention, adjudication, and disposition) than would be expected based on its proportion in the general population. Disparity means that the probability of receiving a particular outcome (being detained versus not being detained) differs for different groups; disparity may in turn lead to overrepresentation. Discrimination occurs when juvenile justice system decision makers treat one group differently from another group based wholly, or in part, on their gender, race, or ethnicity. Further, neither overrepresentation nor disparity necessarily implies discrimination. Disparity and overrepresentation can result from behavioral and legal factors rather than discrimination. For example, if minority youth commit proportionately more (and more serious) crimes than white youth, they will be overrepresented in secure facilities, even when there is no discrimination by system decision makers. Further, disparity may exist at the state level but not the local level, depending on the type of data used. For example, if juvenile court cases in urban jurisdictions are more likely to receive severe outcomes, and minorities live more in urban areas, then an effect may show up there and drive the overall aggregate trend.

9. Carl E. Pope and William H. Feyerherm, "Minority Status and Juvenile Justice Processing: An Assessment of the Research Literature (Part I)," *Criminal Justice Abstracts* 22 (1990): 327–35; Donna M. Bishop, "The

Role of Race and Ethnicity in Juvenile Justice Processing," in *Our Children, Their Children: Confronting Racial and Ethnic Differences in American Juvenile Justice,* edited by Darnell F. Hawkins and Kimberly Kempf-Leonard (University of Chicago Press, 2006), pp. 23–82; Rodney Engen, Sara S. Steen, and George Bridges, "Racial Disparities in the Punishment of Youth: A Theoretical and Empirical Assessment of the Literature," *Social Problems* 49 (2002): 194–220; Jeffrey Fagan, E. Slaughter, and E. Hartstone, "Blind Justice? The Impact of Race on the Juvenile Justice Process," *Crime and Delinquency* 33 (1987): 224–58; H. M. Hsia, George S. Bridges, and R. McHale, *Disproportionate Minority Confinement 2002 Update Summary* (Washington: Office of Juvenile Justice and Delinquency Prevention, 2004); E. Poe-Yamagata and M. A. Jones, *And Justice for Some: Differential Treatment of Minority Youth in the Justice System* (Washington: Building Blocks for Youth, 2000).

10. See Jeffrey Fagan and Elizabeth P. Deschenes, "Determinants of Judicial Waiver Decisions for Violent Juvenile Adolescent Felony Offenders," *Journal of Criminal Law and Criminology* 81 (1990): 314–47; T. Poulos and S. Orchowsky, "Serious Juvenile Offenders: Predicting the Probability of Transfer to Criminal Court," *Crime and Delinquency* 40 (1994): 3–17; Joan Petersilia, "Racial Disparities in the Criminal Justice System: A Summary," *Crime and Delinquency* 31 (1985): 15–34.

11. Janet L. Lauritsen, "Racial and Ethnic Differences in Juvenile Offending," in *Our Children, Their Children: Confronting Racial and Ethnic Differences in American Juvenile Justice,* edited by Darnell F. Hawkins and Kimberly Kempf-Leonard (University of Chicago Press, 2005), pp. 83–104.

12. Delbert S. Elliott, "1993 Serious Violent Offenders: Onset, Developmental Course, and Termination. The American Society of Criminology 1993 Presidential Address," *Criminology* 32 (1994): 1–21.

13. National Council on Crime and Delinquency, *And Justice for Some: Differential Treatment of Youth of Color in the Justice System* (Oakland, Calif.: National Council on Crime and Delinquency, 2007).

14. Marc Mauer and Ryan S. King, *Uneven Justice: State Rates of Incarceration by Race and Ethnicity* (Washington: The Sentencing Project, 2007).

15. Alex R. Piquero and others, "Neighborhood, Race, and the Economic Consequences of Incarceration in New York City, 1985–1996," in *The Many Colors of Crime*, edited by Ruth D. Peterson, Lauren J. Krivo, and John Hagan (New York University Press, 2006).

16. William Wilbanks, *The Myth of a Racist Criminal Justice System* (Monterey, Calif.: Brooks/Cole Publishing Company, 1987).

17. David Cole, *No Equal Justice: Race and Class in the American Criminal Justice System* (New York: The New Press, 1999).

18. Samuel Walker, Cassia Spohn, and Miriam DeLone, *The Color of Justice: Race and Crime in America* (Belmont, Calif.: Wadsworth, 2003).

19. Michael H. Tonry, *Malign Neglect: Race, Crime, and Punishment in America* (Oxford University Press, 1994).

20. Michael J. Hindelang, Travis Hirschi, and Joseph G. Weis, *Measuring Delinquency* (Beverly Hills, Calif.: Sage Publications, 1981). It may be that racial discrimination is, in part, responsible for social and economic conditions that lead to higher rates of offending by blacks, but that possibility does not bear on the question of whether the criminal justice system discriminates against blacks. According to Wilbanks, *The Myth of a*

Racist Criminal Justice System (see note 16), "the question of whether the criminal justice system is racist must not be confused with that of whether blacks commit crimes at a higher rate than whites because of discrimination in employment, housing, education, and so forth."

21. Elijah Anderson, *Code of the Street: Decency, Violence, and the Moral Life of the Inner City* (New York: W.W. Norton & Company, 1999).

22. Philippe Bourgois, *In Search of Respect: Selling Crack in El Barrio,* 2nd edition (Cambridge University Press, 2003).

23. Marvin E. Wolfgang, Thorsten Sellin, and Robert M. Figlio, *Delinquency in a Birth Cohort* (University of Chicago Press, 1972).

24. Bishop, "The Role of Race and Ethnicity in Juvenile Justice Processing" (see note 9).

25. Darnell Hawkins, John H. Laub, and Janet L. Lauritsen, "Race, Ethnicity, and Serious Juvenile Offenders," in *Serious & Violent Juvenile Offenders: Risk Factors and Successful Interventions,* edited by Rolf Loeber and David P. Farrington (Newbury Park, Calif.: Sage Publications, 1998), pp. 30–46; Jeffrey D. Morenoff, "Racial and Ethnic Disparities in Crime and Delinquency in the United States," in *Ethnicity and Causal Mechanisms,* edited by Michael Rutter and Marta Tienda (Cambridge University Press, 2005); Sampson, Morenoff, and Raudenbush, "Social Anatomy of Racial and Ethnic Disparities in Violence" (see note 5).

26. Morenoff, "Racial and Ethnic Disparities in Crime and Delinquency in the United States" (see note 25).

27. Alfred Blumstein and others, eds., *Research on Sentencing: The Search for Reform* (Washington: National Academy Press, 1983).

28. Alfred Blumstein, "On the Racial Disproportionality of U.S. Prison Populations," *Journal of Criminal Law and Criminology* 73 (1982): 1259–68; Alfred Blumstein, "Racial Disproportionality of U.S. Prison Populations Revisited," *University of Colorado Law Review* 64 (1993): 743–60; Robert Crutchfield, George Bridges, and Susan Pitchford, "Analytical and Aggregation Biases in Analyses of Imprisonment: Reconciling Discrepancies in Studies of Racial Disparity," *Journal of Research in Crime and Delinquency* 31 (1994): 166–82; Jonathan Sorenson, Robert Hope, and Robert Stemen, "Racial Disproportionality in State Prison Admissions: Can Regional Variation Be Explained by Differential Arrest Rates?" *Journal of Criminal Justice* 31 (2003): 73–84.

29. Alex R. Piquero and Robert Brame, "Assessing the Race-Ethnic Crime Relationship in a Sample of Serious Adolescent Delinquents," *Crime & Delinquency* (forthcoming, 2008).

30. Of course, this brings up a very difficult methodological issue, that of finding "similarly situated" youth (one minority and one nonminority) for which to make comparisons. Although experimental studies are few and far between in this area of research and advanced statistical techniques have been applied to deal with these issues, they have yet to be applied in many instances with respect to disproportionate minority contact. As such, it would not be unreasonable to conclude that strong empirical evidence is still lacking.

31. Pope and Feyerherm, "Minority Status and Juvenile Justice Processing" (see note 9); Carl E. Pope, Rick Lovell, and Heidi M. Hsia, *Disproportionate Minority Confinement: A Review of the Research Literature from 1989 Through 2001* (Washington: Office of Juvenile Justice and Delinquency Prevention, 2002); Engen, Steen, and Bridges, "Racial Disparities in the Punishment of Youth" (see note 9).

32. Jeffrey Fagan and Garth Davies, "Street Stops and Broken Windows: Terry, Race, and Disorder in New York City," *Fordham Urban Law Review* 28 (2000): 457–504; Tonry, *Malign Neglect: Race, Crime, and Punishment in America* (see note 19). There is an accumulating literature regarding racial profiling; however, this literature is scattered, largely descriptive, and at many times conflicting, with some individuals reporting widespread evidence of profiling (either through crime statistics or perceptual data), others reporting mixed results, and still others failing to find profiling. Complicating matters are definitional and measurement issues. See Michael Petrocelli, Alex R. Piquero, and Michael R. Smith, "Conflict Theory and Racial Profiling: An Empirical Analysis of Police Traffic Stop Data," *Journal of Criminal Justice* 31 (2003): 1–11. Using Richmond, Virginia, data on stops, searches, arrests, the authors found that: (1) the total number of stops was determined solely by the crime rate of the neighborhood; (2) the percentage of stops that resulted in a search was determined by the percentage of black population; and (3) when examining the percentage of stops that ended in an arrest/summons, the analyses suggest that both the percentage of black population and the area crime rate served to decrease the percentage of police stops that ended in arrest/summons (so there was some sort of correction after the fact—maybe the police searched blacks more but then realized that they didn't have what they expected).

33. Marvin Free Jr., "Racial Bias and the American Criminal Justice System: Race and Presentencing Revisited," *Critical Criminology* 10 (2001): 195–203.

34. Ojamarh Mitchell, "A Meta-Analysis of Race and Sentencing Research: Explaining the Inconsistencies," *Journal of Quantitative Criminology* 21 (2005): 439–66.

35. Donna M. Bishop, "Juvenile Offenders in the Adult Criminal Justice System," in *Crime and Justice: A Review of Research,* vol. 27, edited by Michael Tonry (University of Chicago Press, 2000), pp. 81–167.

36. Fagan and Dechenes, "Determinates of Judicial Waiver Decisions for Violent Juvenile Offenders" (see note 10); Petersilia, "Racial Disparities in the Criminal Justice System" (see note 10); Kimberly Kempf-Leonard, Carl E. Pope, and William H. Feyerherm, editors, *Minorities in Juvenile Justice* (Thousand Oaks, Calif.: Sage Publications, 1995).

37. Paul E. Tracy, "Race, Ethnicity, and Juvenile Justice: Is There Bias in Post-Arrest Decision Making?" in *Our Children, Their Children: Confronting Racial and Ethnic Differences in American Juvenile Justice,* edited by Darnell F. Hawkins and Kimberly Kempf-Leonard (University of Chicago Press, 2005), pp. 300–49.

38. Irving Piliavin and Scott Briar, "Police Encounters with Juveniles," *American Journal of Sociology* 70 (1965): 206–14.

39. It is the case that, in this study, officers were more likely to stop black juveniles who matched the delinquent stereotype, often in the absence of a specific offense being committed, and the juveniles were usually given more severe dispositions for the same violations. Although previously held prejudices likely influenced these decisions, as well as perceptions that blacks (and the black community) were overrepresented among criminal offenders, Piliavin and Briar (see note 38) also noted that the officers perceived black juveniles as exhibitors of a recalcitrant demeanor, to be uncooperative, and to show no remorse for transgressions. According to Piliavin and Briar's observations, black juveniles were more likely to exhibit the sort of uncooperative demeanor identified by the officers. The analysis of juvenile courts in *Aaron V. Cicourel, The Social Organization of Juvenile Justice* (New York: Wiley, 1968), also suggested that minorities were more likely than whites to be seen as disrespectful of authority and disrespectful of court officials. All of this leads to the reasonable

conclusion that a cycle will emerge where officers, who are targeting certain communities, will disproportionately come into contact with black juveniles, whose recalcitrant demeanor will lead officers to impose control over them, and, in turn, black apprehension (and likely confinement) rates will be higher than their white counterparts. Officers, then, may use the resultant crime figures, which would show a disproportionate share of blacks among offenders and offenses, as evidence to selectively target such individuals.

40. George Bridges and Sara S. Steen, "Racial Disparities in Official Assessments of Juvenile Offenders: Attributional Stereotypes as Mediating Mechanisms," *American Sociological Review* 63 (1998): 554–70. See also Sara Steen and others, "Explaining Assessments of Future Risk: Race and Attributes of Juvenile Offenders in Presentencing Reports," in *Our Children, Their Children: Confronting Racial and Ethnic Differences in American Juvenile Justice,* edited by Darnell F. Hawkins and Kimberly Kempf-Leonard (University of Chicago Press, 2005), pp. 245–69.

41. Sandra Graham and Brian S. Lowery, "Priming Unconscious Racial Stereotypes about Adolescent Offenders," *Law & Human Behavior* 28 (2004): 483–504.

42. The study of race and decision making has recently become a focus in the sports research field. One study examined whether National Basketball Association refereeing crews called personal fouls more frequently against black than white players (Joseph Price and Justin Wolfers, "Racial Discrimination among NBA Referees," Working Paper [Cambridge, Mass.: National Bureau of Economic Research, 2007]). Results indicated that indeed fouls were called against players at a higher rate when games were officiated by an opposite-race crew than when officiated by an own-race crew. A second study explored Major League Baseball umpires' racial and ethnic discrimination with respect to strikes called in favor of baseball pitchers. See Christopher A. Parsons and others, "Strike Three: Umpires' Demand for Discrimination," Working Paper (University of Texas, 2007). Results from this study showed that strikes were more likely to be called if the umpire and pitcher matched race or ethnicity. Moreover, this finding exists in ballparks where the QuesTec system, a computerized camera system used by Major League Baseball to scrutinize and improve umpire performance, is not used, in poorly attended games, and when the next called pitch cannot determine the outcome of the at-bat. Finally, a shared race or ethnicity between the pitcher and the umpire also results in the pitcher giving up fewer earned runs per game and improves his team's chances of winning. To be sure, the effects observed in both studies were statistically significant, but small.

43. Bishop, "Juvenile Offenders in the Adult Criminal Justice System" (see note 35).

44. McCord, Widom, and Crowell, *Juvenile Crime, Juvenile Justice* (see note 6).

45. I would like to thank Sandra Graham for the suggestion regarding these three topics.

46. Darnell F. Hawkins, "Ethnicity, Race, and Crime: A Review of Selected Studies," in *Ethnicity, Race, and Crime: Perspectives across Time and Place*, edited by D. F. Hawkins (State University of New York Press, 1995).

47. Piquero and Brame, "Assessing the Race-Ethnic Crime Relationship" (see note 29).

48. Alex R. Piquero and others, "Developmental Trajectories of Legal Socialization among Serious Adolescent Offenders," *Journal of Criminal Law and Criminology* 96 (2005): 267–98.

49. Ross L. Matsueda, Kevin Drakulich, and Charis E. Kubrin, "Race and Neighborhood Codes of Violence," in *The Many Colors of Crime,* edited by Ruth D. Peterson, Lauren J. Krivo, and John Hagan (New York

University Press, 2006); Eric A. Stewart and Ronald L. Simons, "Structure and Culture in African-American Adolescent Violence: A Partial Test of the Code of the Street Thesis," *Justice Quarterly* 23 (2006): 1–33.

50. Bridges and Steen, "Racial Disparities in Official Assessments of Juvenile Offenders" (see note 40); Graham and Lowery, "Priming Unconscious Racial Stereotypes About Adolescent Offenders" (see note 41).

51. Piquero and others, "Neighborhood, Race, and the Economic Consequences of Incarceration in New York City, 1985–1996" (see note 15).

52. John Hagan, Carla Shedd, and Monique Payne, "Race, Ethnicity, and Perceptions of Criminal Injustice: Toward a Comparative Conflict Theory of Similarity and Difference," *American Sociological Review* 70 (2005): 381–407.

53. Piquero and Brame, "Assessing the Race-Ethnic Crime Relationship" (see note 29).

54. Elliott, "1993 Serious Violent Offenders" (see note 12).

55. Piquero and Brame, "Assessing the Race-Ethnic Crime Relationship" (see note 29).

56. Francisco A. Villarruel, *¿Dónde Está la Justicia? A Call to Action on Behalf of Latino and Latina Youth in the U.S. Justice System* (Washington: Building Blocks for Youth, 2002).

57. Kempf-Leonard, "Minority Youths and Juvenile Justice" (see note 7).

58. Howard Snyder and Melissa Sickmund, *Juvenile Offenders and Victims: 2006 National Report* (Washington: Office of Juvenile Justice and Delinquency Prevention, 2006).

59. Howard Snyder, C. Puzzanchera, and B. Adams, *National Disproportionate Minority Contact Databook* (National Center for Juvenile Justice for the Office of Juvenile Justice and Delinquency Prevention, 2007).

60. Barry Feld, "A Funny Thing Happened on the Way to the Centenary: Social Structure, Race, and the Transformation of the Juvenile Court," *Punishment & Society* 1 (1999): 187–214.

61. Kempf-Leonard, "Minority Youths and Juvenile Justice" (see note 7).

62. Ibid.

63. Judith A. Cox and James Bell, "Addressing Disproportionate Representation of Youth of Color in the Juvenile Justice System," *Journal of the Center for Families, Children, & The Courts* (2001): 31–43.

64. In a similar vein, the Philadelphia Police Department has recently altered their training curriculum such that all new law enforcement personnel will be trained in a culturally sensitive manner, about stereotyping, and so forth.

65. Johnson, "Disparity Rules," (see note 3).

66. Ibid.

67. Kempf-Leonard, "Minority Youths and Juvenile Justice" (see note 7).

68. Sampson, Morenoff, and Raudenbush, "Social Anatomy of Racial and Ethnic Disparities in Violence" (see note 5).

69. Sampson and Wilson, "Toward a Theory of Race, Crime, and Urban Inequality" (see note 1).

70. Johnson, "Disparity Rules," (see note 3).