



How Better Data Can Help Leaders Find Ways to Reduce Excessive Contacts between Police and Minority Youths

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Disproportionate minority contact is a term used to describe a worrisome and persistent problem in the American justice system: Minority juveniles being arrested, charged with infractions or crimes, and confined much more often than their share of the population would justify. The issue has received national attention since 1988, when Congress first modified the Juvenile Justice and Delinquency Prevention Act of 1974 to address the reality of disproportionate confinement of minority youth, and then in 2002 when attention to these issues was further expanded to examine additional kinds of contacts with the juvenile justice system. Currently, all states that get federal juvenile justice funding are required by the Office of Juvenile Justice and Delinquency Prevention to track disproportionate minority contacts and take steps to reduce them.

My current home state, Virginia, shows why this mandate is important. In 2013, according to the Virginia Department of Criminal Justice Services, compared to white youths, minority youths are 73% more likely to receive intake referrals to juvenile court, 29% more likely to be found “delinquent” by the court; and 59% more likely to experience some form of confinement in a juvenile correctional facility. These findings are consistent with current empirical findings for the entire U.S. criminal justice system.

Measuring Disproportionate Minority Contact

Sound measurement and accurate reporting about contacts between the police and Minority youths are vital to devising and implementing effective reforms towards reducing disproportionate minority contacts. Accordingly, Virginia has created measures, both statewide and locally, that aim to address and improve juvenile justice administration. However, Virginia currently coordinates these efforts through a byzantine network of state and local agencies. Collection and reporting procedures are cumbersome and difficult to navigate, and thus the use of quality measures and data remains inconsistent.

Since 2006, federal authorities have managed efforts to record and reduce disproportionate minority contact via a web-based central repository: the Disproportionate Minority Contact Data Entry System. The system is also used to calculate indices for each state. Virginia incorporates numerous variables into its index formula, including for various groups the number of referrals to juvenile court, the number of cases diverted, and cases resulting in delinquent findings. As of 2015, all states have been awarded grant funding and deemed in compliance with federal requirements to collect data and look for ways to reduce disproportionate minority contacts. This means that every state is currently providing the federal repository with some data that can be converted into the key state index measures. Less clear, however, is whether all states are collecting complete and consistent data from their respective jurisdictions – and there are indications that collections are often sporadic and incomplete.

Again, using Virginia as illustration, slightly more than one-fifth of Virginia’s regions (29 out of 133) contributed data in the last reporting cycle. These regions met the federal prerequisite of youth populations totaling 10,000 or more. However, their data is not representative of the whole state. Omissions matter because disproportionate minority contact can occur anywhere minorities are found – even in small numbers, as they often are in the Virginia localities unaccounted for in the state index.

The federal government’s current approach to calculating indices of contact with the justice system for various groups in each state makes good sense conceptually. And researchers have found that the components comprising the overall index all contribute meaningfully. Nevertheless, no matter how conceptually and methodologically sound, the federally managed data and indices are only as good as the information that goes into them. Missing localities in Virginia and elsewhere compromise the validity of supposedly comprehensive measures intended to track whether minority youth have more contacts with police and the

juvenile justice system than should be reasonably expected, and meant to indicate whether minorities have different outcomes once in contact with the system. It should be possible to do better, presuming that all counties have access to the Disproportionate Minority Contact Data Entry System, and those that do not can be provided with such access relatively easily.

Moving Forward

There is clear evidence that minority youth in the United States are more likely to be arrested, receive probation, be held in secure detention, or be transferred to adult court than their white counterparts. Good data on these issues can help authorities improve the fairness and consistency of all aspects of policing and criminal justice, and thus Congressional legislation has created data systems that can identify and address trends in disproportionate minority contact. Unfortunately, the data and indices calculated from them are not consistently measured across localities and states. Gaps and inconsistencies are bound to foster misunderstandings and flawed attempts at reducing disproportionate minority contact.

As a way forward, we must demand more from the Disproportionate Minority Contact Data Entry System. Measurement formulas should be expanded to better reflect the regions they're intended to illustrate. For instance, in states like Virginia, regions with smaller youth populations (less than 10,000) should not be excluded on the basis of their size alone. Additionally, while many good indicators are currently collected, we should be considering more. There are many potential explanations for disproportionate minority contact with police, courts, and prisons – including racial biases, poverty, variations in family structure, and variations in the strength of informal community controls. Accounting for additional factors such as these for states and local jurisdictions could help researchers and policymakers refine their explanations of why disproportionate minority contact occurs when and where it does.

In the big picture, improving the calculation and implementation of indices measuring the relative rates at which different groups of youth get involved with police and courts can inform and enhance state and federal efforts to reduce inappropriate and racially unequal contacts. In both data collection and improvement attempts, the state of Virginia could and should serve as a model – even if Virginia itself still has room to improve its efforts.

Read more in Services, Virginia Department of Criminal Justice, *Virginia's Three-Year Plan: 2013 Update*.