



Disproportionate Minority Contact (DMC) Facts and Resources

What is Disproportionate Minority Contact (DMC)?

DMC describes the disproportionately high/over-representation of minority youth in the juvenile justice system, in proportion to their general population and as compared with white youth. Minority populations/youth of color include American Indian and Alaska Native, Asian, Black or African American, Hispanic or Latino, Native Hawaiian or other Pacific Islander, and persons of mixed race/ethnicity.¹

Concerns related to DMC include disparities in the treatment of racial/ethnic groups as compared with similarly-situated and similarly-charged white youth. Studies show that youth of color are sanctioned more punitively than white youth who have committed the same offense, even given similar offense histories. For example, more white youth than black youth possess and use illegal drugs; yet African American youth are more often incarcerated for possession and illegal drug use.²

DMC also concerns discrimination and/or lack of equal treatment and access to services and supports among various racial/ethnic minority youth. This may include a lack of appropriate language resources for non-English speakers or “anti-gang” policies and practices that target particular racial/ethnic minority youth or communities of color.³

The points of “contact” with the juvenile justice system included in DMC reduction/elimination

efforts include: arrest, referral to court, diversion, secure detention, petition (charges filed), delinquent findings, probation, confinement in secure correctional facilities, and transfer to criminal/adult jurisdiction.⁴

Because youth of color often receive harsher sanctions/punishments for behavior, when compared with similarly-charged white youth, the more system contact these youth have the more negative the overall impact.⁵

Increased punitive contact with the juvenile justice system by youth of color leads to lasting damaging effects, including diminished educational outcomes due to school interruption, stigma and social disconnection/isolation. Children and youth who spend time in locked detention are much less likely to receive high school diplomas.⁶

In addition, “zero tolerance” policies and practices that exclude youth from classroom or school settings for behavioral infractions versus delinquent/criminal offenses are shown to be biased against youth of color and/or youth with special needs.⁷ Such exclusion policies increase referrals of youth to law enforcement and courts when their school problems could be more productively addressed in the school setting. Please see additional information on the relationship between education and juvenile justice on the CJJ Web site and in CJJ’s 2009

¹ Hsia, Heidi . “A Disproportionate Minority Contact (DMC) Chronology: 1988 to Date,” OJJDP.

² W. Haywood Burns Institute, “Disproportionate Minority Confinement/Contact (DMC) Fact Sheet.”

³ National Juvenile Justice Network, “Policy Platform on Disproportionate Minority Contact (DMC),” May 2010.

⁴ “Evaluation Data: Types of Evaluation Data to Assess Effectiveness at Each of the Nine Juvenile Justice System Decision Points,” OJJDP.

⁵ W. Haywood Burns Institute, “Disproportionate Minority Confinement/Contact (DMC) Fact Sheet.”

⁶ Id.

⁷ Coalition for Juvenile Justice, “Ensuring School Engagement and Success vs. Exclusion for Youth at Risk of Delinquency,” 2009.

position paper on “Ensuring School Engagement and Success vs. Exclusion for Youth at Risk of Delinquency.”

Much research about DMC has focused on individual/person-level causes of juvenile justice involvement, such as family instability and/or poor social adjustment, as well as societal causes such as poverty. Yet, system failures and unequal treatment of youth from similar circumstances demonstrate that the key factor underlying DMC is a youth’s racial/ethnic minority status.⁸ Placing the blame on sources outside of the juvenile justice system dilutes the focus and power that juvenile justice system changes – in policy and practice – have to effect real change, including system changes designed to guard against bias and ensure equal treatment regardless of one’s past or personal circumstances.

What is the legislative history?

The issue of differential treatment of youth of color in the justice system was first brought to the attention of the President, the Congress and the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) by CJJ in its advisory report, *A Delicate Balance* (published Jan 1989).

In 1988-1989, the federal Juvenile Justice and Delinquency Prevention Act (JJDP) was amended and reauthorized to define DMC as “disproportionate minority confinement.” At that time, DMC focused on reducing and eliminating the over-representation of minority youth in detention and corrections facilities.

The JJDP also stipulated that states address DMC in their state juvenile justice plans in order to receive the Formula Grant funds provided for delinquency prevention and juvenile justice reform under Title II of the Act.⁹ OJJDP developed

a strategy to help states “address DMC” for the grant requirement.¹⁰

In 1992, DMC became one of the core requirements of the JJDP, tying 20% of states’ Title II Formula Grant funding to OJJDP’s approval of states’ efforts to “address” DMC.¹¹ However, due to vague legislative language that does not allow states to use numerical standards, and the absence of clear implementation regulations to guide states’ responses, DMC efforts remain non-standard, and cannot be enforced against measurable benchmarks as is done with the other three JJDP core requirements.

In the 2002 reauthorization of the JJDP, the law was again modified to broaden the definition of DMC from confinement to “contact” and mandate that states address and study disparities along the nine points of contact mentioned above— including points before, during and following confinement.

What is being done now to resolve DMC?

OJJDP works across all U.S. states, territories and the District of Columbia to ensure that every jurisdiction assesses the status of youth of color in its juvenile justice systems. This work is done in close coordination with the state staff charged to implement the JJDP, including state Juvenile Justice Specialists and DMC Coordinators. Most states¹² now have dedicated staff/staff time devoted to identifying and reducing DMC (see the State Directory on CJJ’s Web site for names and contact information of individuals working on DMC in each state).

In addition, all states are required to support a governor-appointed juvenile justice State Advisory Group (SAG) under the JJDP to work

⁸ Coalition for Juvenile Justice, “Ensuring School Engagement and Success vs. Exclusion “ 2009

⁹ Hsia, Heidi, “A Disproportionate Minority Contact (DMC) Chronology: 1988 to Date,” OJJDP.

¹⁰ Hsia, Heidi, “A Disproportionate Minority Contact (DMC) Chronology: 1988 to Date,” OJJDP.

¹¹ Nellis, Ashley, “Seven Steps to Develop and Evaluate Strategies to Reduce Disproportionate Minority Contact (DMC),” Juvenile Justice Evaluation Center Guidebook Series, 2005.

¹² Hereafter “states” refers to the U.S. states, territories and the District of Columbia.

closely with the state staff. Together, SAGs and state staff develop and implement a DMC Plan upon approval of the plan by OJJDP.

State DMC Plans include data collection and analysis to examine disparities and gaps that may lead to DMC; examine possible differential processing or treatment of youth of color as compared with white youth; and support implementation and evaluation of specific strategies and interventions to eliminate DMC.

The John D. and Catherine T. MacArthur Foundation's *Models for Change* initiative for juvenile justice reform supports the "DMC Action Network," led by the Center for Children's Law and Policy, across selected sites. These sites employ strategic innovations to reduce DMC, including collection and reporting of data, increased cultural competence, detention alternatives, and resources for post-disposition youth.¹³

The W. Haywood Burns Institute (BI) is also a partner with *Models for Change* and other juvenile justice reform projects, and focuses entirely on eliminating racial/ethnic disparities in the justice system through community-level planning and engagement. BI initiatives include a Readiness Assessment Consultation (RAC) program to evaluate local justice systems,¹⁴ and Intensive Site Engagement working closely in communities to improve and develop strategies to reduce DMC.¹⁵ BI also leads the Community Justice Network for Youth (CJNY), comprising organizations in 21 states working towards appropriate resources and processes for youth of color.¹⁶

States and localities are making progress towards reducing and eliminating DMC. For example:

- New Jersey, by implementing the Juvenile Detention Alternatives Initiative (JDAI) of the Annie E. Casey Foundation, is one of several localities that has produced significant reductions in DMC. Across five counties in New Jersey, the disparities dropped significantly between youth of color held in detention rather than being placed in community alternatives versus white youth similarly charged being detained rather than placed in the community.¹⁷
- Peoria County (IL) has reduced disproportionate referrals of youth of color to the juvenile justice system by working with schools to strengthen school-based conflict resolution protocols and student retention/inclusion.¹⁸
- Travis County (TX) has reduced disproportionate incarceration of youth of color for technical probation violations with a Sanction Supervision Program that instead offers intensive case management and probation services to youth and families.¹⁹
- Baltimore County (MD) has reduced by 50% secure detention of African American youth resulting from bench warrants for failing to appear in court by instituting a reminder call program.²⁰

How can DMC efforts be improved?

Currently, the U.S. Senate is considering a bill to renew and reauthorize the JJDP (Senate Bill 678, Senator Patrick Leahy, D-VT) which contains clear language to require states to craft and meet measurable benchmarks to reduce DMC and publicly report their progress. CJJ, as the voice of the JJDP State Advisory Groups, supports the strengthening amendment to improve the DMC

¹³ MacArthur Foundation Models for Change DMC Action Network Goals and Structure, 2008, <http://www.modelsforchange.net/about/Action-networks/Disproportionate-minority-contact.html>.

¹⁴ W. Haywood Burns Institute "RAC Evaluation"

¹⁵ W. Haywood Burns Institute "Intensive Site Engagement"

¹⁶ W. Haywood Burns Institute "CJNY"

¹⁷ *State-Level Detention Reform: A Practice Guide for State Advisory Groups*, Coalition for Juvenile Justice, Washington, DC and Annie E. Casey Foundation, Baltimore, MD, June 2008..

¹⁸ Conversation with Laurie Brown, Peoria County (IL) Site Coordinator, August 2007.

¹⁹ Conversation with Britt Canary, Travis County (TX) Juvenile Probation Department, April 2008.

²⁰ Conversation with Tiana Davis, Baltimore County (MD) DMC Coordinator, March 2008.

core requirement. Please see the CJJ “Platform of Position on the Reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDP)” on the CJJ Web site for more detail.

CJJ has also called upon U.S. Attorney General Eric Holder, and OJJDP, to build greater capacity to support state DMC Coordinators and others with training, technical assistance, research and evaluation.²¹

The Attorney General and OJJDP are supporting S. 678, and have charged the Federal Coordinating Council on Juvenile Justice to develop a federal interagency response to DMC and racial/ethnic disparities.

All SAGs and DMC Coordinators are well positioned to participate with OJJDP and CJJ to receive training and support and to increase their access to empirically-sound/best practices aimed at eliminating DMC. Resources available from CJJ include the National DMC Coordinator Representative to the CJJ Executive Board, CJJ’s national DMC conferences, Web-based resources, a dedicated list-serve for DMC Coordinators, reports and fact sheets, and more.

Resources of note:

Coalition for Juvenile Justice (CJJ) has copies of fact sheets, position papers and reports on DMC and racial justice topics, as well as conference presentation and workshop materials on its Web site. Within SAG Source™-- the CJJ SAG on-line library, there is also a special section devoted to DMC resources developed by SAGs as well. See: <http://www.juvjustice.org/>

Office of Juvenile Justice and Delinquency Prevention has a website with general information about DMC, as well as a DMC Technical Assistance Manual, DMC Reduction Best Practices Database, DMC Web-based Data Entry

²¹ “Letter of Recommendation for the Department of Justice,” Coalition for Juvenile Justice, April 2009.

System, and other publications. See: <http://www.ojjdp.gov/dmc/index.html>

W. Haywood Burns Institute’s website contains information on community action approaches to reducing DMC and an interactive data map of juvenile justice disparities across the United States. See: <http://www.burnsinstitute.org/>

Models for Change Initiative for Juvenile Justice Reform of the John D. and Catherine T. MacArthur Foundation also houses research, reports and resources and information from the 16 states involved in comprehensive juvenile justice reform, as well as updates from its DMC Action Network. See: <http://www.modelsforchange.net/about/Action-networks/Disproportionate-minority-contact.html>

Juvenile Detention Alternatives Institute (JDAI) of the Annie E. Casey Foundation has a dedicated on-line Help Desk with issue briefs, practice guides for reformers, and the JDAI Pathways series describing the premises, successes and strategies used by more than 150 JDAI sites across the nation. See: <http://www.jdaihelpdesk.org>

The Sentencing Project has created and launched an interactive on-line resource, the Racial Justice Clearinghouse. See: <http://www.sentencingproject.org/clearinghouse>

National Juvenile Justice Network has reports and position papers on DMC at its site. See: <http://www.njjn.org/>

This Facts and Resources sheet was created for CJJ with assistance from Molly Friedman, our American University undergraduate intern, October 2010.

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