

JUVENILE JUSTICE AND THE INCARCERATED MALE MINORITY:
A QUALITATIVE EXAMINATION OF DISPROPORTIONATE MINORITY
CONTACT

A Thesis

by

RACHEL A. FEINSTEIN

Submitted to the Office of Graduate Studies of
Texas A&M University
in partial fulfillment of the requirements for the degree of

MASTER OF SCIENCE

May 2011

Major Subject: Sociology

Juvenile Justice and the Incarcerated Male Minority:
A Qualitative Examination of Disproportionate Minority Contact
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Approved by:

Chair of Committee,	Joe R. Feagin
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ABSTRACT

Juvenile Justice and the Incarcerated Male Minority: A Qualitative Examination of
Disproportionate Minority Contact. (May 2011)

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Racial inequality within the juvenile justice system has been cited by numerous studies. This racial inequality is generally referred to as disproportionate minority contact (DMC), and the causes have been debated in the literature for decades. Using a relatively unique methodology for DMC literature, this study incorporated in-depth interview data from thirty male juveniles residing in a private correctional facility to elucidate possible causes of DMC.

By analyzing and comparing the experiences of incarcerated juveniles, support for theories of systemic racism, Donald Black's self-help or the community justice theory, and Agnew's general strain theory was found. Themes that emerged from the qualitative data include differences in neighborhood and family contexts for minorities compared to whites, variations in motivations for engagement in criminal activity, and differences in the interactions with police officers and perceptions of the police based on race. Specifically, major findings show minority participants were more likely to describe anger and revenge as the most common reason for committing crimes compared to whites, who frequently cited boredom as their primary reason for engaging in criminal

activity. Furthermore, black, Latino, and Native American participants were more likely to report growing up in dangerous neighborhoods than whites. Police interactions also showed a racial discrepancy, with whites receiving more chances from the police, and minorities being repeatedly arrested by the same officer slightly more frequently than whites. Overall, findings suggest that disproportionate minority contact is a result of disproportionate levels of strain and injustice experienced by minorities compared to whites.

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CHAPTER I

INTRODUCTION

In the United States, youth of color make up more than sixty percent of children in juvenile justice systems (Nicholson-Crotty, Birchmeier, and Valentine 2009:1003). At nearly every stage of the juvenile justice system, non-white youth “are overrepresented and receive disparate treatment” (Kakar 2006:370). Furthermore, it is widely agreed upon that this form of inequality is increasing (Kakar 2006:370). While current research has exposed this problem for debate, scholars continue to argue over the causes of disproportionate minority contact. Studies have attempted to discern whether over-selection of minorities by the juvenile justice system or minority over-involvement in criminal activity is a more significant contributor to DMC. However, some of the most recent scholarship on DMC urged future research to redirect its focus to analyze how society is contributing to both over-selection of minorities by the justice system and minority over-involvement in criminal activity (Piquero 2008). Incorporating Piquero’s suggestion and a relatively unused methodology within the DMC literature, this study will examine the perspectives of youth who are affected by disproportionate contact. This will provide an outlet for voices that often go unheard in this debate, as well as data on the societal factors affecting these boys that contribute to over-selection by the justice system and over-involvement in crime.

This thesis follows the style of *American Sociological Review*.

In addition, guiding the research questions with a distinct theoretical framework that is based on concepts from systemic racism, the white racial frame, and power relations will elucidate social factors and dynamics that have previously been overlooked.

It is predicted that the qualitative data collected for this study will be in line with both the “differential selection and processing” hypothesis and help to explain causes for “differential involvement” in criminal activity. However, because of the limitations of the sample being used, it is difficult to defend one hypothesis over the other. Instead, the primary focus of this study is to uncover explanations for how each of these hypotheses occurs in the lives of juveniles in the Midwest. It is hypothesized that the reasons for differential involvement in criminal activity and the process of differential selection by police officers will be found ultimately to stem from systemic racism and racial discrimination. It is recognized that these forms of discrimination may not always be in an overt form.

Definitions

In order to clearly describe the findings and significance of this study, I will define the following terms including: disproportionate minority contact, systemic racism, discrimination, and juvenile.

Disproportionate Minority Contact (DMC) refers to the number of racial minorities who have been arrested or processed through the juvenile justice system at a rate that is inconsistent compared to the proportion of the population which they comprise in the area from which they were arrested.

Systemic Racism is the “reproduction of white power and privilege in this society over several centuries” (Feagin 2006:xi) Dimensions include “Racist framing, racist ideology, stereotyped attitudes, racist emotions, discriminatory habits and actions, and extensive racist institutions developed over centuries by whites” (Feagin 2006:xi). Systemic signifies that it is “an organized societal whole with many interconnected elements” (Feagin 2006:8). And the term racism implies inequality or disadvantage based on race. Feagin explains that “microlevel experiences with white oppressors reveal a macroworld of institutionalized oppression” (Feagin 2006:9). The theory of systemic racism emphasizes the role of white men as decisions makers in control of all key institutions within society, perpetuating their self-interest as a race in order to maintain their status as the dominant group. In this study, the experiences of the participants ranging from interactions with police officers to growing up in certain neighborhoods will be examined as the microlevel phenomena that are used to reveal aspects of the macroworld oppression.

Discrimination can be defined as treating someone differently because of a characteristic that should be insignificant with regards to the type of treatment they receive. For this study, discrimination will most often be used to describe the negative and differential treatment of racial minorities.

Juveniles, within criminological research, are generally defined as individuals under the age of 18. However, two of the participants in this sample were 19,

and are referred to as juveniles for this study since they were being processed and held by the juvenile justice system at the time of the interviews.

Organization of the Chapters

The findings are organized thematically and have been arranged based on a conceptual order. Two of the primary social influences in the lives of most children are the family and the neighborhood environment in which they are raised. While school and the education system also play a significant role in the lives and socialization of youth, incorporating the influence of schools would likely provide enough data and findings for its own study. Therefore, this study is not directly analyzing this factor. The education system has been analyzed in conjunction with disproportionate minority contact by other scholars who have pointed to important relationships between the two, describing school policies as funneling certain children into the juvenile justice system (Nicholson-Crotty et al. 2009)

Findings and analyses regarding neighborhood and family environment are provided in Chapter III, offering a description of the background that has shaped these participants' experiences and perceptions. Neighborhood and family are seen as a basis for understanding the following chapters. Throughout this chapter, interviews with the participants elucidate the differences between the neighborhood and familial contexts from which the white participants came compared to the black, Latino, and Native American participants prior to entering the same correctional facility.

Chapter IV describes the second theme, which is the perception of police authority. This chapter demonstrates the black, Latino, and Native American

participants' negative perceptions of police officers as influenced by their friends, families, or their own experiences with police officers. This is contrasted to the experiences of some of the white participants who have had positive experiences with police officers, increasing their trust in authority. Additionally, this chapter demonstrates how some boys of all racial groups trust in police authority despite their experience and contact with the juvenile justice system.

Chapter V analyzes the motivations that have led all of the juveniles in the sample to engage in criminal activity. The motivations that were predominately discussed presented a distinct pattern, specifically when comparing whites to nonwhites as a group. The primary motives that were discussed for youth of color were anger or revenge while the white participants discussed boredom as the most significant factor contributing to their decision to engage in criminal activity. Many white participants emphasized the desire for an adrenaline rush, describing their relatively bored or unsatisfied emotional state. The self-help, or community justice, theory, general strain theory, and systemic racism are used to analyze Chapters IV and V and understand the experiences and causes of crime among these juveniles.

In Chapter VI, the boys' experiences with police officers are discussed. This chapter explores the direct influence of the juvenile justice system on the participants. The racial make-up of the police officers with whom most participants had contact is discussed as well as the disparity in the treatment that the black, Latino, and Native American participants received from officers compared to whites. While the previous chapters focus more heavily on the effects that social environments have on the

participants' actions and perceptions, explaining some reasons for minority over-involvement in criminal activity, this final chapter emphasizes the differential experiences with police officers that are potentially contributing to over-selection of minorities.

CHAPTER II

LITERATURE REVIEW

When W.E.B. Du Bois wrote, “Thus grew up a double system of justice, which erred on the white side of undue leniency and the practical immunity of red-handed criminals, and erred on the black side by undue severity, injustice, and lack of discrimination” (Du Bois 2004:95) he was referring to the racial biases and over selection of minorities that occurred within the juvenile justice system. According to recent studies, this bias is still present today. In addition to explaining how this “double system of justice” takes place, this study seeks to explore the different ways whites and non-whites experience the social world, which could lead to minority over involvement in criminal activity. In an attempt to explain the disproportionate minority contact currently observed within the juvenile justice system, the experiences of juveniles that have led them to commit crimes as well as those that caused them to be disproportionately targeted by the juvenile justice system are analyzed. Using a variety of theoretical frameworks, this study aims to evaluate the degree of racial inequality within the current juvenile justice system as well as more generally within the lives of boys who have experienced contact with this system.

White Decision-making and the History of Oppression

Racism and imprisonment share a long, interrelated history in the United States. It should not be surprising that a nation, whose economy and political system were largely founded on the oppression of minorities, might continue this discrimination in

other sectors of society, such as the criminal justice system. White men, who gained their initial power through the theft of Native American land in the early 1600's and continued this exploitation through the forced enslavement of Africans Americans from 1619 through 1865, continue to dominate the decision-making in the American criminal justice system today (Feagin 2010a:1;Feagin 2001:145). For example, in 2001 blacks made up two percent of the officials at the highest level of the legal system, such as "state attorney generals, district attorneys, leading civil and criminal lawyers, and the judges in major state and federal courts" (Feagin 2001:145). The social power gained by these white people in positions of power was started and maintained by the capitalist economy and political system of the United States that has been fabricated and greatly advanced through racial oppression since the 1600's (Feagin 2010a:1).

From "white-collar clerks..., overseers on slave farms and plantations, sailors on slave ships, slave-catchers who chased enslaved runaways, small farmers who grew agricultural products needed on slave plantations" to the "lumber workers who cut timber for slave ships, fishers who traded fish meal to U.S. and Caribbean plantations, [and] local and federal government workers policing enslaved runaways" many northern and southern whites depended on the institution of slavery for employment (Feagin 2010b:26). A significant portion of the United States economy revolved around and depended upon slavery for more than two hundred years (Feagin 2006: 265). The wealth and power gained by many whites during this time was due to the slave labor they controlled, ensuring most whites were highly supportive of continuing the slavery system. While it took a Civil War to end this oppressive institution, many would argue

that some of the “essential features of slavery” including a “racial hierarchy, persisting white-imposed discrimination, and white privilege” as well as “the rationalizing of oppression by means of a racist ideology and a white-racist frame” continue to undermine the United States’ principles of equality and justice for all (Feagin 2006:265-266; 2010b:23).

Slavery/Jim Crow and Prison as Parallel Institutions

Angela Davis notes the striking similarities between slavery and the development of the penitentiary prison shortly after the American Revolution. Using examples from scholars like Adam Jay Hirsch, Mary Ellen Curtin, and Matthew Mancini, Davis describes how penitentiaries mirrored slavery and the rules within the prison system reflected “Slave Codes—the laws that deprived enslaved human beings of virtually all rights” (2003:27). For example, both slavery and the early penitentiary used similar types of punishment, such as isolation and working extensively for little compensation (Davis 2003:27). Even whipping, which Mancini argues is an “emblem of servitude for slaves and prisoners” became commonplace in penitentiaries as the number of black people in prisons increased during the post-slavery era (Davis 2003:31).

The sharp increase of blacks into the southern penal system after slavery ended is noteworthy though not surprising. W.E.B. Du Bois was one of the first scholars to describe the relationship between race and crime in the United States, using a conflict perspective. Du Bois described the use of the legal system to control blacks as a labor conflict. He explains that emancipation led to this conflict because of the absence of slave labor to facilitate the financial growth for white slave owners and the white-

dominated economy. This resulted in “the timely passage of legislation to provide African American labor at minimal cost to landholders through the crop-lien and convict-lease systems” (Gabbidon 2007:64). In both of these systems “African Americans were criminalized to secure the necessary labor for the aristocracy” (Gabbidon 2007:64). The prison system offered a new way to maintain control over black peoples’ labor.

Specifically, after slavery was abolished in 1865, many southern states created Black Codes in place of the previous Slave Codes as a way to maintain legally sanctioned control of African Americans (Alexander 2010:31; Blackmon 2008; Davis 2003:28,31). Black Codes made a variety of behavior illegal, such as “vagrancy, absence from work, breach of job contracts, the possession of firearms, and insulting gestures or acts;” however “these actions were criminalized only when the person charged was black” (Davis 2003:28). Furthermore, the Thirteenth Amendment to the U.S. Constitution abolished slavery and involuntary servitude “except as a punishment for crime...,” leaving the opportunity for former slave states to capitalize once again on free labor by criminalizing African Americans (Davis 2003:28). Many scholars consider the convict lease system that was expanded during the antebellum period to be “far worse than slavery” because individuals who leased convicts had no interest in their survival (Davis 2003:32). If a convict was worked to death, more laborers could be leased from the prisons. While the convict lease system has since been abolished, “the persistence of the prison as the main form of punishment in the U.S., with its racist and

sexist dimensions” has permitted the historical roots of racism to continue within the current criminal justice system (Davis 2003:37-38).

Forty-one years after the last Civil Rights Act was passed in 1969, many scholars continue to describe the criminal justice system as discriminatory. Michelle Alexander’s book *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* explains not only the disproportionate number of minorities in U.S. prisons, but also the Jim Crow-like discrimination that those labeled a “felon” experience. Overrepresented blacks, Latinos and Native Americans in U.S. prisons continue to produce goods for the general public out of their underpaid labor (Davis 2003:36). In addition, once these prisoners are released they experience “legalized discrimination” in employment, housing, voting, jury service, education, and public benefit (Alexander 2010:17). This discrimination makes it nearly impossible to “integrate into the mainstream society and economy” causing those with a felony to “continue to cycle in and out of prison” (Alexander 2010:94).

Leon Higginbothom provides an analysis of the discrimination in the U.S. court system. He examines previous court cases and describes the stereotypes employed by judges or prosecutors to invoke fear and justify their decisions. For example, *Moulton v. State* overturned a conviction from a case where “the prosecutor told the jury: ‘unless you hang this Negro, our white people living out in the country won’t be safe; to let such crimes go unpunished will cause riots in our land’” (Higginbothom 1996:145). While this case occurred about two generations after the end of the Civil War, many of the

same stereotypes have been regenerated and perpetuated since. The use of these concepts in court decisions is important to recognize. Higginbothom explains that the,

past and present instances of racism are more than mere aberrations or isolated blemishes that occasionally crop up and mar the normally effective dispensation of justice. Rather, they are symptoms, signals, and symbols of racism in the broader society. When racism occurs in the courts, it is symptomatic of racist attitudes, myths, and assumptions that constitute the ideology of societal racism (1996:129).

Furthermore he explains that the racist decisions made are “particularly powerful symbols, acting to reinforce, legitimate, and perpetuate racism in the broader society” (Higginbothom1996:129).

Rationalization of Racism

In order to sustain the history of racial oppression, white Americans developed ideologies and frameworks for rationalizing racial inequality in the early 1600’s. The frameworks that were created legitimated the injustice inflicted by whites onto minorities by claiming Africans and Native Americans were uncivilized, weak, unintelligent and inferior while describing whites as superior, intelligent, powerful, civilized and pure (Feagin 2010b: 40,43,51). Throughout American history, the racist ideologies have changed only slightly. Feagin’s “white racial frame” model is a white-created social framework that encompasses imagery, narratives, stereotypes, deep emotions, languages and sounds that work together to rationalize and shape social interactions and racial inequalities (Feagin 2010b:ix). All of these dimensions are currently sustaining racial inequality by allowing whites to conceptualize racial inequality as a result of black behavior. This allows whites to overlook the role whites

play in perpetuating racial inequality by pursuing their self-interest. Bonilla-Silva might argue a specific component of the white racial frame that is presently at work in society is the colorblind ideology (2006). The colorblind ideology functions as the conceptual aspect of the white racial frame, blaming the victims of racial oppression and arguing for equal treatment despite the reality of unequal circumstances.

One of the most relevant aspects of the white racial frame to the concept of crime is the stereotyping that contributes to the notion of the “criminal black man” (Feagin 2010b:105). For hundreds of years the imagery of blacks as ape-like, animalistic, or aggressive has functioned to legitimate discrimination of all forms, “including discriminatory policing” by dehumanizing black Americans and making them into a potential threat to white Americans (Feagin 2010b:105). Feagin points to a variety of social science research that has demonstrated the tendency for white people to “connect black Americans as a group with crime” (2010b:105). This white negative framing of various other groups of color causes “many [to] see race rather than the residue of deprivation and discrimination as the source of lawlessness...” (Sitkoff 1993:228) The image of blacks, and to a similar extent Latinos, as criminals is perpetuated in a variety of ways including conversations, jokes, and the media, which heavily over-represents minorities as the face of violent crime in the news (Feagin 2010b:106,117). “Black” and “Latino” have become loaded terms in the minds of many white Americans, evoking emotions of fear and distrust, and ideas of criminality.

The history of racial oppression, ideologies and frameworks to rationalize the racial injustice, and the practices that have emerged out of this history provide a basis for

understanding the current reality of race and crime in the U.S. The following section on *Crime and Race Statistics* provides a quantitative description of the racial disparities within the juvenile justice system today.

Crime and Race Statistics

In 2008, 81,000 juvenile offenders were housed in a public or private correctional facility. The facilities use a variety of names including, “detention centers, juvenile halls, shelters, reception and diagnostic centers, group homes, wilderness camps, ranches, farms, youth development centers, residential treatment centers, training or reform schools, and juvenile correctional institutions” (Sickmund 2010:1). The state placement rate, or “number of juvenile offenders in placement for every 100,000 juveniles in the general population” was 263. Apart from Washington D.C., South Dakota had the highest state placement rate in the nation, 513 for every 100,000 juveniles. Juveniles who are placed out of state “are counted in the state that placed them” (Sickmund 2010:1).

The U.S. juvenile population, ages 10-17, was racially composed of 78% white, 16% black, 5% Asian/Pacific-Islander, and 1% Native American in 2008. Of those arrested for violent crimes, 47% were white youth, 52% black youth, 1% Asian youth, and 1% Native American youth. Those arrested for property crimes included 65% white, 33% black, 2% Asian, and 1% Native American. These numbers indicate that the rate of arrest for violent crime for black juveniles was about “5 times the rate for white juveniles..., 6 times the rate for Native American juveniles, and 13 times the rate

for Asian juveniles” (Puzzanchera 2009:9). Black youth were significantly overrepresented in arrests for both violent and property crimes (Puzzanchera 2009:9).

Specifically, in South Dakota, where most of the participants for the current study were arrested and sentenced, the racial composition of the general population in 2009 was 87.9% white, 1.2% black, 8.5% Native American or Alaska Native, 0.9% Asian, and 2.9% persons of Latino or Latino origin according to the U.S. Census Bureau (U.S. Census Bureau 2010). In total, 5737 juveniles were arrested in South Dakota in 2007 accounting for all types of crime included in the Unified Crime Reports. Of these juvenile arrests, 3512 were white (61%), 171 black (3%), 1922 “Indian” (35%), 44 Asian (.7%), and 88 unknown (Manning & Huss 2008:30-32). This demonstrates that blacks are slightly overrepresented in juvenile arrests and Asians are represented relatively proportionately to their make-up of the population. Most significantly, Native Americans are markedly overrepresented in juvenile arrests in South Dakota and whites are considerably underrepresented. Research has attempted to analyze and explain the causes of these disproportionate findings. The following section provides a summary of the research that has been conducted on disproportionate minority contact.

Current Literature Explaining Disproportionate Minority Contact

Scholars have debated the causes of disproportionate minority contact (DMC) for over fifty years (Conley 1994). A significant portion of research on DMC has evaluated whether or not disproportionality still exists, and at which points in the juvenile justice process it is most significant. Four studies have comprehensively examined the previous literature on disproportionate minority contact, all concluding that racial disparities exist

at several stages of the juvenile justice system (Engen, Steen & Bridges 2002; Leiber et.al. 2007:471; Pope & Feyerherm 1992; Pope, Lovell, and Hsia 2002). Even when controlling for mediating factors such as income, socioeconomic status, sex, and age, race still influences the outcome of individuals in the juvenile justice system (Engen et al 2002). The overrepresentation of blacks and Latinos in arrests and juvenile facilities is a widely accepted phenomenon. The United States Congress responded to the evidence for this racial disparity in 1988 by amending the Juvenile Justice and Delinquency Prevention Act of 1974. This amendment required juvenile facilities who partake in the Formula Grants program to address the issue of minority overrepresentation (Kakar 2006:369). Following this amendment, researchers evaluated its effectiveness, and concluded that racial disparities still exist (Kakar 2006:370).

Two explanations for this overrepresentation are currently being circulated. The “differential involvement hypothesis” states that minorities participate in criminal activity, violent crimes in particular, at a disproportionate rate to whites (Piquero 2008:64). Theories of over involvement in criminal activity rely on a variety of sub-themes including community risk factors, education programs, resources of the juvenile justice system, socioeconomic status and family structure, and a tendency for minorities to engage in violent crime (Kakar 2006:371, Piquero 2008:64). Reviews of this literature have claimed that over involvement is insufficient to explain all racial disparity in the juvenile justice system; however, it was agreed to have some effect on the variation between races, and is still included in most discussions on disproportionate minority contact.

The second hypothesis is the “differential selection and processing hypothesis,” which explains that there is a racial bias in the juvenile justice system through practices such as policing neighborhoods of color, racial profiling, and discrimination in court decisions and correctional systems (Piquero 2008:64-65). Research supporting this hypothesis dominates the discourse on disproportionate minority contact today (Piquero 2008:65). Studies have found that black youth are more likely to be arrested than whites, and to be placed in public (instead of private) facilities (Kakar 2006:372; Snyder & Sickmund 1995) Through interviews with police officers and juvenile officers, Wordes, Bynum, and Conley found that some officers decide who to arrest based on race and race-related factors (1994; Lardiero 1997:16). Literature on disproportionate minority contact consistently requests future studies to examine the role of policing (Holley and VanVleet 2006:63; Lardiero 1997:16; Piquero 2008:72). Because police officers are often the first form of contact a juvenile has with the justice system, this interaction and the decision-making that occurs plays a crucial role for juveniles (Lardiero 1997:16).

While most researchers are in accordance with the idea that minorities are overrepresented in the juvenile justice system, they differ on which hypothesis provides a stronger explanation for the differences. Alex Piquero has argued that evidence for both hypotheses should be accepted as partial explanations, and now the issue to which researchers should focus their attention is explaining *how* the two elements lead to a racial discrepancy (2008:67).

Quantitative methods, including the use of official records and statistical analyses, dominate the research on disproportionate minority contact. These studies have advanced the discussion and allowed for widespread agreement that minority overrepresentation exists in the juvenile justice system. However, because of the complex nature of racial inequality, statistical analysis is unable to provide the intricate explanations for why the discrepancy is occurring. Pope, Lovell, and Hsia explain that

[r]esearch relying solely on official records misses variables of interest that may not exist in official records and limits the scope of the research largely to decision points from intake to disposition. An adequate explanation for disproportionality is not possible without complementary qualitative approaches (2001:7).

The few qualitative studies that have focused on this issue have primarily involved interviews and focus groups with community members, youth leaders, and police officers (Conley 1994; Kakar 2006; McCarter 2009). Interviews with these key figures are helpful in explaining the situations and experiences of juveniles; however understanding the multiple facets that lead one to participate in criminal activity can only truly be understood by those who have experienced the incentives and social factors firsthand. Scholars like Conley express the need for future disproportionality research to “incorporate more qualitative techniques to examine issues that cannot be answered statistically” (Conley 1994:145). Others urge the incorporation of “the voices of youth” when examining the issue of disproportionate minority contact (Holley & VanVleet 2006:64). As Holley and VanVleet explain, except for their research, “no studies have asked justice system-involved youth for their perceptions of bias within the system,” which is important to analyze because “perceptions themselves have an impact on well-

being and thus will affect all aspect of youth development” (2006:50). Additionally, “if youth perceive that the system and its staff are treating them unfairly, then these perceptions will undoubtedly influence the relationships among youth” and system staff (Holley and VanVleet 2006:50). Lastly, they explain that incorporating the perspectives of the youth affected by the system “expand[s] the limited view that is provided with quantitative analyses and staff interviews” (Holley and VanVleet 2006:50).

To supplement previous literature on disproportionate minority contact, and expose additional variables that may have been overlooked, this study will use in-depth interviews of those directly affected by the juvenile justice system. Analyzing the experiences and perspectives of boys who are currently residing in a private, Midwestern correctional facility, will likely unveil incentives and variables that are disproportionately effecting minority youth. In addition, it is anticipated that the boys’ perspectives will provide unique understandings of previous points of interest, such as police encounters, that will improve current theories regarding racial disparities in the juvenile justice system.

Most literature on disproportionate minority contact concludes by expressing a continued need for research in order to explain the causes and potential solutions of minority overrepresentation. Twenty “years of reform efforts” have done little to mitigate the racial disparity (Kempf-Leonard 2007:71). Since very few studies have incorporated a critical perspective into the analysis, the problem remains unsolvable. By adding analyses from theories of systemic racism, conflict theory, and the theory of self-help (Black 1983a; Feagin 2010; Oksala 2007), explanations for minority

overrepresentation can emerge. Furthermore, modifying the theories that guide the research on disproportionate minority contact will enable us to create effective solutions. Adding to the literature with a distinct theoretical framework and the perspective of juveniles in contact with the justice system, will expose factors, such as incentive structures, that have been overlooked by previous research.

The two primary hypotheses used to describe disproportionate minority contact only provide surface-level explanations. However, why minorities might engage in more criminal activity and why police officers and the justice system over-select minorities are not answered with either of these hypotheses. To understand the social phenomena of disproportionate minority contact, it is necessary to apply additional theories of race and crime.

Race and Criminology Theories

Two of the predominant theories in criminology are Strain theory and Conflict theory. In 1938, Robert Merton developed Strain theory using Durkheim's analysis of anomie. Merton argued that individuals experience strain when the structural means to obtain the culturally approved goals of society are inaccessible. Some of those who experience strain resort to criminal behavior in order to achieve the culturally defined goals. These individuals are known as the innovators within Merton's theory.

Adding to and modifying Merton's Strain Theory, Agnew developed "the general strain theory. Agnew's general strain theory provides a micro-level, social-psychological explanation for committing crime. He focuses on negative relationships, arguing that they "generate negative emotions in the person, and the negative emotions

then cause crime” (Bernard, Snipes, and Gerould 2010:164). For general strain theory, crime is a result of stress regardless of the type of stressor or strain. Three general categories encompass the forms of stress that Agnew claims will lead to crime. These include failure to achieve valued goals, the removal of positively valued stimuli, and confrontation with negative stimuli.

Agnew predicted that crime is most likely to occur as a result of strains that “(1) are seen as unjust and intentionally caused by others, producing anger; (2) are high in magnitude, including their severity, duration, recency and centrality; (3) are associated with or caused by low social control; and (4) created pressures or incentives to rely on illegitimate coping strategies” (2010:166; Agnew 2006). Additionally, an expansion of general strain theory suggests vicarious strain, or stress on friends or family, can lead to delinquency as well as anticipated stress. Many studies have found support for the general strain theory, in which an increase in delinquency has been associated with “negative relationships and stressful life events” (2010:165). This study aims to test general strain theory by analyzing the motivations for criminal activity. Furthermore, by comparing responses from minorities and whites the degree to which general strain theory might affect minorities more than whites will be determined. It is hypothesized that minorities experience more everyday strain, and thus engage in more criminal activity adding to the overrepresentation of minorities in the juvenile justice system, because of factors related to racism and discrimination that whites do not experience.

In addition to general strain theory, conflict theory can be useful in understanding motivations for engaging in criminal or delinquent behavior. Richard Quinney’s “social

reality of crime” theory is an example of a criminological conflict theory. Quinney modified Marx’s basic conflict theory, which says that the dominant class, or bourgeoisie, of a society will be in a position of power allowing them to control the social institutions and determine the ruling ideas, which reflect and maintain their own self-interest. In contrast, the proletariat, or subordinate class of society, will aim to protect their own self-interests, creating class conflict. More specifically,

[t]he modern legal system and judiciary is a principal ideological support of the bourgeois state... ‘The class which has the means of *material* production at its disposal, has control at the same time over the means of *intellectual* (*geistig*) production, so that thereby, generally speaking, the ideas of those who lack the means of intellectual production are subject to it’ (Giddens 1971:41 emphasis in original).

While Marx’s analysis is primarily based on economic classes and a discussion of politics, this relationship can be specified to race and crime. From a criminological perspective, Quinney explains that

those segments in society that have the power to translate their interests into public policy shape the enforcement and administration of criminal law... Conduct that is perceived to threaten or conflict with the interests of the dominant groups is designated as criminal. The dominant groups see to it that their particular definitions of criminality become enacted as law, ensconced in public policy, and protected by the operation of the criminal justice system” (Quinney 2008:xiv)

Additionally, Quinney argues that when the subordinate groups of society “clash with the law” they are more likely to be prosecuted, convicted, or incarcerated since the dominant group in society has the power to define criminal activity. In line with the theory of systemic racism, Quinney explains that “images of crime and criminals created by the powerful segments are diffused throughout the society in their effort to control the actions of the less powerful segments” by promoting stereotypes as well as certain

interests and values (2008:xv). Additionally, for Quinney, Feagin, and Marx, the dominant group of a society is reliant on power relations, meaning the subordination of some groups through various means, including criminalization, reinforces the strength and power of the dominant group. For this reason, Quinney feels that the definitions of crime “are constantly changing so that they reflect the politically organized society” (2008: xv). Finally, this process of defining criminality, diffusing images and stereotypes, and criminalizing marginalized groups “legitimizes the authority of those in positions of power and allows them to establish official policies, in the name of the common good, that really protect and perpetuate their own private interests” (2008:xv). Applying these theories to the current study, the dominant group is whites while the subordinated group includes black, Latino, and Native Americans. For this study, Quinney’s social reality of crime theory is most useful for understanding police behavior and interactions with black, Latino, and Native Americans as compared to whites.

Another important theory of crime is the “self-help theory” developed by Donald Black. In this theory, Black argues that crime frequently “involves the pursuit of justice” (1983b:13;Black 1983a). Utilizing Thomas Hobbes theory that a state without laws or social control would lead to high levels of violence, Black’s theory suggests that “crimes of self-help are more likely where law is less available” (1983b:25). Specifically, he explains that those groups within a society who have the least amount of access to legitimate legal authority will engage in crime to regulate justice within their own social environment, such as in defense or revenge of an act against themselves or their family and friends. Marginalized groups, including racial minorities and

economically disadvantaged groups “enjoy less legal protection, especially when they have complaints against their social superiors, but also when conflict erupts amongst themselves” (Black 1983b:26; Black 1983a). Police often see problems from these groups as “less serious, their injuries less severe, their honor less important” resulting in less legal protection of their interests (Black 1983b:26; Black 1983a). Therefore, according to Black’s theory of self-help, racial minorities would be expected to have an increased likelihood of engaging in criminal activity in an attempt to regulate justice within their own social environments.

Black describes the relationship between law and self-help referencing four patterns. One of these patterns is that in which “law may be relatively unavailable to those with grievances in comparison to those who have offended them” (Black 1983b:26). This would be the most likely scenario for the participants of this study. An additional aspect of Black’s theory is that the need for self-help is not always on an individual basis. For example, “People might be held collectively liable because of their neighborhood, social class, race, or ethnicity,” such as the view that whites are liable for a history of racism, making them targets of crimes from the minority victims (Black 1983b:20)

For this study, the motivations of minorities and whites were compared to determine if minorities are more likely to engage in criminal activity based on self-help. Additionally, the degree to which each racial group trusts police officers and believes in the legitimacy of police authority was used to assess this theory. As I will discuss later, my data challenges one aspect of the self-help theory. The concept of self-help implies

an individual reaction to victimization. However, because this phenomenon is occurring among many members of the same race who are similarly situated in terms of their social context, it can be viewed as a group level phenomenon. In order to better utilize Black's concepts for the data that was found in this study, a theory of "community justice" will be applied rather than the individualistic approach of self-help.

Lastly, a theory that is useful in understanding systemic racism, the white racial frame, and other theories is labeling theory. Basic labeling theory hypothesizes that once individuals are labeled "deviant" or "criminal" by others they will "begin to identify with these definitions, to view themselves as bad, and they begin to act the part" (Bernard et al. 2010:227). Becker's typology of labeling theory hypothesizes that those individuals who have not engaged in criminal activity but are perceived and labeled as criminal regardless, will eventually break the law because of this label and the stereotypes associated with it (Bernard et al. 2010:229). Studies have found that "delinquency is significantly affected by juveniles' perception that other people think of them as "rule violators," and that this perception itself is significantly affected by the actual label that parents place on the youths" (Bernard et al. 2010:231). This concept supplements the ideas within systemic racism. While previous support for labeling theory evaluated labels that had been applied by parents, the current study discusses the issue of labels by police officers or those with discretionary decision-making power.

These theories will be used when applicable throughout the analysis of the findings. They are used either as a foundation for understanding why minorities may be targeted and charged as criminals more frequently than whites, as Quinney's social

reality of crime and Feagin's systemic racism theories provide, or as explanations for engagement in criminal activity like Black's self-help and Agnew's general strain theory offer. Utilizing these theories can help answer Piquero's questions of how over-selection of minorities by the juvenile justice system occurs and why minorities may engage in criminal activity more than whites. This allows the discussion of disproportionate minority contact to reach a deeper investigative level, providing a combination of sociological and social psychological explanations for the overrepresentation of racial minorities in the juvenile justice system. To examine some of the ways police over-select minorities and the causes of over-involvement in crime the following research questions were developed and then addressed in the interviews.

Research Questions

Why does disproportionate minority contact occur?

A. Differential involvement

1. Why does over-involvement occur in addition to the factors presented by previous literature (i.e. community risk factors, educational resources, juvenile justice system resources, socioeconomic status/family structure)?
2. Do motivations for behavior differ between minority and white youth who are in the correctional facility?
3. How does one's neighborhood affect decisions to engage in criminal activity?
 - a. How do the neighborhoods in which these boys grew up differ based on race?
4. How does one's family affect decisions to engage in criminal activity?

B. Differential selection and processing/biases in the juvenile justice system

1. How do interactions with the police differ between minority and white youth?
2. What affect does one's interactions with police officers have on criminal activity?
3. How is police discretion used with regards to white juveniles compared to minorities?
4. How do interactions with the police influence perceptions/trust in authority/police?

CHAPTER III

METHODS

A sample of thirty male juveniles in a private, minimal security correctional facility in Minnesota was interviewed. At the time of the interviews, thirty-two boys were residing in the correctional facility, signifying 93.7% of the boys were included in this sample. The boys were ages eleven to nineteen who have been court-ordered into the facility. The average stay of the boys was nine months. Many of the youth residing in this correctional facility had previously been living in poverty, and all of the boys qualified for Title 1, which is a federal grant created to improve the academic achievement of the disadvantaged. The racial make-up of the sample is 46% white, 13% black, 13% Latino, 27% Native American. Minnesota has been described as having the highest disproportionate minority contact rates in the nation, making the use of this facility particularly useful.

Prior to the interviews, the researcher received approval from both the Texas A&M University IRB and the executive director of the correctional facility where the interviews took place. All documents including an Information and Assent Form for the participants, Announcement Script, Interview Questionnaire, and an Advocate Information Form were approved and used for this study. Because the IRB considers the participants of this study to be a protected population due to their status as wards of the state, it was necessary for a child advocate to be present during all interviews. The advocate was a retired teacher living in the community who occasionally volunteered at

the correctional facility. He was not affiliated with the correctional facility or the researcher. One of the teachers from the facility provided a list of names of community members who may be able to work as an advocate. The advocate was contacted and agreed to participate.

The correctional facility is based out of Minnesota Department of Corrections, and is made up of fifty employees including four teachers, one paraprofessional, two administrators, a cook, one accountant, and line staff/guards. The primary investigator conducted all interviews included in this study, which helped ensure consistent procedures for data collection. The correctional facility separates the boys into three groups, largely based on age. Each group is required to attend three different classes throughout the day in order to keep up in school, or make up for missed schooling. Upon entering the facility, the researcher attended each of the three classrooms to provide a brief verbal description of the study to all of the boys. Everyone was given an opportunity to participate. For those who were interested in participating, the researcher individually provided an Information and Assent Form for them to read, and verbally described the contents of the form to the participants. Confidentiality was discussed and the boys were made aware of any potential risks and benefits of the study. Those who were still interested in participating, were asked to sign their name and check “Yes” on the Information and Assent Form.

Interviews were conducted at the correctional facility in one of the available rooms. Only the interviewee, the researcher, and the advocate were present for each interview to ensure confidentiality. In addition, confidentiality was protected by

avoiding the use of names during recorded interviews, changing the names of participants and their friends and family members in the transcriptions, omitting the names of cities from which the participants came as well as any other identifying information. Transcriptions and audio recordings are saved on a password-protected computer of which only the researcher knows the password. The audio recordings will be deleted once this project is complete to further ensure participants' responses remain confidential. The recordings have been deleted from the recording devices. Hard copies of the data are stored in a locked file cabinet.

An interview questionnaire and face sheet was used in order to ensure reliability by standardizing the interviews. To obtain thorough, detailed responses, the format of the interview was semi-structured. Probes and additional questions strengthened the accuracy of the study by allowing for full descriptions of the participants' experiences and understandings. The data enabled the researcher to provide a "rich, thick description" of the findings (Cresswell 2003:196). Many probes were prepared in advanced in anticipation of various responses, but new probes were created and used as necessary throughout the interviews (Lofland & Lofland 1995:84-88). In addition, to enhance the validity of the study, some of the responses were checked with an external source of data. For example, most of the participants said they had contact with a white judge and white police officers, while only a few spoke of a Mexican, Hawaiian, or Black police officer or judge. Using available data to determine the racial make-up of police officers and judges in the areas from which the participants came, the interview responses were validated.

Furthermore, the authenticity of the findings was enhanced by audio-recording the interviews. Audio-recording was optional, and the majority of participants agreed to it. Interestingly, some of the participants said that they refused to be audio-recorded because of a lack of trust based on experiences with police investigations and recordings. For those who did not want to be audio-recorded, their responses were hand-written. In addition, hand-written notes were taken throughout many of the interviews in order to record physical responses and facial expressions. This was especially useful for some of the participants who would respond to a question by nodding or shaking their head with no verbal reply.

After completing the interviews, the recordings were transcribed onto a password-protected computer. Every response was transcribed. Throughout the transcription process the researcher made notes regarding various patterns and themes and separated these comments from the interview data using parentheses and asterisks. Following the transcription process, the interviews were coded. In order to standardize the coding process the researcher categorized the participants into four racial categories. The racial categories include: Native American, African American, Latino, and White. During the interviews, participants self-identified themselves in terms of race. Those who self-identified as “Native,” “Half Native and Half White,” or “Native American” were included in the “Native American” category for this study. Those who self-identified as “African American,” “Black American,” or “Black” were included in the “African American” category. Although Latino is not considered a racial category, those participants who self-identified their race as “Latino,” “Guatemalan,” or “White

and Mexican” were included in a category called “Latino”. Participants who self-identified as “White” or “Caucasian” were included in the category “White”.

Next, the researcher created a word document with approximately thirty-five thematic categories. This format was copied to create one word document for each racial category. Then, the researcher read through each transcription, copying and pasting passages that fit into each of the thematic categories. The responses were color-coded to distinguish which participant (in terms of age and duration in the facility) said each passage. This allowed the researcher to refer back to the full transcription of a particular participant during the analytical process.

The thematic categories were then organized and condensed into major themes. The themes used in this study include: neighborhood and family instability, motivations for committing crime, belief in the legitimacy of police authority, and interactions with police officers. These themes were compared among all racial categories. Then, the responses from the racial minorities (African Americans, Native Americans, and Latinos) were compared to the responses of the white participants in order to answer the research questions.

Limitations

One of the primary limitations of this study is that the findings are not generalizable because a random sample was not utilized. Due to a variety of resource constraints, it was not possible to determine and interview a random sample of juvenile delinquents from the U.S. population. However, all of the participants within the correctional facility had the opportunity to participate if they chose. This ensured that

the sample was not biasedly selected. The findings may only be useful for explaining disproportionate minority contact within the South Dakota, Minnesota area of the country. Still, it is possible to use these findings as a basis for future investigations that are more generalizable.

An additional limitation of this study is the use of an all-male sample. Because I only had access to an all-male facility, it was not possible to include females in the sample. This limits the study since some of the findings and analyses may not be applicable to female black, Latino, Native American, or white juveniles.

Like many studies, it is possible that the participants attempted to say what they thought the interviewer wanted to hear. This might be particularly significant for this study because of their situation in the correctional facility and the desire to produce responses that they believe might allow them to be released early. However, to reduce this desirability effect, the participants were told that their participation would in no way affect the length of their stay or any other privileges within the facility. In addition, it was generally believed that participants were not responding in a way to please the researcher because they had many opportunities to make themselves appear less criminal. For example, when asked whether or not participants were ever arrested for something they did not do, only one participant said “yes,” indicating everyone else was willing to be honest about their behavior despite the stigma that is known to be attached to criminal behavior and their ability to deny their actions and guilt. Additionally, the race of participants and the race of the interviewer may have affected some responses. Since the researcher is white, it is likely that some of the black, Latino, or Native

American participants were less comfortable discussing their true feelings about race, including their perceptions of white police officers and judges.

Finally, another limitation of the study was that eight of the participants refused to be audio-recorded. Notes were carefully recorded for these boys to make up for this limitation. Two of the boys who did not want to be recorded explained throughout the interviews that they had refused to be recorded because of how recordings have been used against them or people they know by the criminal or juvenile justice system in the past. This limitation is particularly interesting to the study because of what it suggests about trust in the American justice system and the abuse of power that can occur.

CHAPTER IV

CRIMINAL ACTIVITY IN THE NEIGHBORHOOD AND FAMILY

We [Native Americans] seem to get into trouble more just like where we grew up and stuff, kind of violence we live in and stuff. Like living on the streets or living on the reservation or something, there's gangs, there's drugs, alcohol and all that kind of stuff. It's more like of an opportunity for us...and then I just think white kids, like they don't, they act like that stuff don't exist or whatever. Their families like kind of have the money to get them out of that situation. - Native American participant from interviews at the correctional facility, June 2010

All of the participants in this study were in the same minimal security correctional facility, yet their past experiences in terms of family and neighborhood stability varied considerably. This variation was especially true when comparing between whites and non-whites. Participants were asked a range of questions about their neighborhood including whether they felt safe growing up there and if they had witnessed any negative incidences in the area. Since the issue of family can be a sensitive topic for many of the boys in the correctional facility who may not have contact with their parents or may have negative feelings about their experiences with their families, questions were not directly asked about family unless the boys discussed this on their own. Most participants did discuss their parents, step-parents, foster parents, uncles, grandparents, cousins or siblings at some point in the interview when answering questions relating to other topics. From these voluntary yet frequent discussions of family it was possible to extract themes regarding the relationship between family and criminal activity.

The following research questions were used as a basis for analyzing the interview data regarding the influence of neighborhoods and families on criminal activity:

1. How do the neighborhoods in which these boys grew up differ based on race?
2. How does one's neighborhood affect decisions to engage in criminal activity?
3. How does one's family affect decisions to engage in criminal activity?

Frequency of Criminal Activity in Neighborhoods

Criminal activity within one's neighborhood and family was a significant theme among the boys of this study, as is demonstrated by much of the research on crime. The social context in which this sample grew up directly and indirectly influenced their behaviors. Although the role of neighborhood and family context impacted boys of all races within this sample, some differences arose among the white respondents compared to the minorities. A significant distinction exists between the degree of danger, violence, gangs, and negative events that whites experienced compared to minorities in this sample. The white participants described their neighborhoods in the following ways.

White Participants

Example 1:

Interviewer: How would you describe the neighborhood where you grew up?

Participant: Respectful, kinda quiet, peaceful. But there was some kinda, there was some negative peers when I was at least 13 or 14...Some of my friends were egging houses and that kind of stuff...some of my old friends.

Interviewer: Were there any kinds of gangs?

Participant: No, there was no gang activity there.

Example 2:

Interviewer: Were there any gangs in your neighborhood?

Participant: No. We made up a gang, we are all cool now. Everyone in Freeman is a part of it...The adults in the neighborhood hated me because I was a troublemaker in town.

Example 3:

Participant: I lived in the trailer court. It was a nice neighborhood, ya know. People were friendly. There was no, not really any criminal activity around there. Except for what I was doing when I got older. But other than that it was, ya know, people were friendly and they were always nice. They'd walk down the street and say, "Hey [name of interviewee], how's it going?" You'd just sit there and have a conversation with them even though like half the time I didn't know 'em that well.

Example 4:

Interviewer: Does anything bad ever happen there (in his neighborhood)?

Participant: Yeah, like I'm always gettin' arrested. That's like the only thing bad that ever happened there.

Interviewer: Were there any gangs or anything?

Participant: (shook his head 'no')

Example 5:

Participant: And like the place where I grew up with it was kinda violent. Like gangs and alcohol and drugs and stuff were all going around.

Interviewer: In your neighborhood or--?

Participant: Yeah in my neighborhood, in my house, stuff like that.

Example 6:

Interviewer: Did you feel like there were any gangs in your neighborhood?

Participant: No, there was, there wasn't really any gangs even though my dad was a bicycle gang member. But uh, he, he was originally a gang member from Texas and he uh came up here to South Dakota.

Example 7:

Another white participant offered a similar representation of white neighborhoods as generally calm and safe when describing his perception of police officers. He was asked if he felt a lot of cops used unnecessary physical force against people, to which he replied, "Yeah, out in the world yeah probably. Not in my neighborhood though."

These seven examples highlight a theme of relatively safe, gang-free neighborhoods among the white participants. Other white participants made similar remarks, but these examples provide the clearest depiction of this concept. Additionally, it is important to note that many of these boys described the negative incidences, gangs,

or criminal activity that occurred in their neighborhood as being caused by them or their close friends or family. The image portrayed by these descriptions suggests the white participants were not subjected to overly violent, dangerous neighborhoods where they might be exposed to a variety of individuals engaging in criminal activity. This signifies that most of the white participants did not break the law in order to protect themselves from threats or in response to violence from others in the neighborhood. Most white participants were committing crimes for reasons *other* than being surrounded by criminal activity or threats. This suggests the crime they committed was not likely a result of self-defense or because criminal lifestyles were viewed as a routine, normal life trajectories.

Additionally, example seven, in which the respondent believed police maltreatment occurred “in the world” but not in his neighborhood, demonstrates the effects of racial segregation and isolation. Many whites living in segregated all-white neighborhoods might only assume police malpractice occurs “in the world” but have no experience of this within their own environment. This exclusion prevents an understanding of the experiences of people of color. In combination with this, the positive treatment of police officers to white boys, such as in the form of receiving chances or being let go, increases trust in the police force for the white boys. This contributes to a broader understanding of society in which minorities continually experience injustice that is unnoticed by members of the dominant group who have the power to create change, but are left unaware and isolated from the social reality of racial

minorities. Overall, whites juveniles sampled in this study tend to view the juvenile justice system as fair and legitimate, and they trust police officers.

The effects of racial segregation go beyond economically devastating communities of color. Comments from black, Latino, and Native American participants depict their neighborhoods as very distinct from those described by the white participants. These differences, such as the degree of safety one feels, very likely keep most whites living in safer neighborhood from committing crime while provoking crime in minorities who are exposed to more danger. The distinct social environments that minorities live in compared to whites is described in the following examples, shedding light on factors that may contribute to over-involvement in criminal activity.

Black Participants

Example 1:

Interviewer: Did you feel safe (in your neighborhood)?

Participant: Na, not really.

Interviewer: Why not?

Participant: 'Cause um, because it was all like, a lot of gangs and stuff like that.

Interviewer: Did anything bad every happen in your neighborhood?

Participant: Yeah, there's always fights and shooting.

Example 2:

Participant: ...like if the neighborhood weren't bad, I wouldn't be in placement...because you wouldn't have the people out there that like to pick fights and everything. And gangs and stuff.

Example 3:

Interviewer: What was your neighborhood like where you grew up?

Participant: Rough.

Interviewer: What do you mean by rough?

Participant: Always people getting into trouble, like shootings, drug deals.

Interviewer: Were there any gangs that you knew of?

Participant: Ya, a lot, I know some of them, but didn't hang out with them...from school and through my dad.

Latino Participants

Example 1

Interviewer: What was the neighborhood like where you grew up?

Participant: Uh, well it depends on who you's hanging out with.

Interviewer: What do you mean by that?

Participant: There's the bad people and then there's the people that are just, hung out with themselves or didn't get involved.

Interviewer: When you say bad people what does that mean to you?

Participant: Like drinking...and fighting and all that.

Interviewer: How did you feel in that neighborhood? Were you ever scared?

Participant: No, I hung out with the people that were being bad, but I didn't get involved in what they were doing, maybe fighting but...

Example 2

Interviewer: What was the neighborhood like?

Participant: I don't know. In Los Angeles it was a dangerous living area. A lot of gang affiliation runs that area. I've been to different states, I've been to Minnesota. I've been in Iowa, Kansas, California...I don't know the most...dangerous place was in Kansas City. I was there about I don't know 12, 13. For fifth and sixth grade. I don't know the neighborhood we was at, a lot of drive-bys, gang affiliation down in there. I don't know, I got used to it. And people shooting at nights when people tryin' to go to sleep. Drive-by's you could hear 'em. I don't know the close one we had was close by our house, people would drive by close to our house, never hit our house but hit someone's house we heard. And they called the police and they didn't find that person that did the drive by.

Example 3

Interviewer: What was the neighborhood like where you grew up?

Participant: It wasn't that bad but ya know there's still like a lot of violence and stuff...Like I remember going to the park and seeing like gangs fighting each other. I mean like, like I said they...would leave us alone but they'd still be fighting each other and stuff like that.

Example 4

Interviewer: Did you feel like there were any gangs around (your neighborhood)?

Participant: There, there was a lot of them...it didn't really affect me at first. It was like my older brothers that were all involved in it. And I don't know even like my grandpa. He had a gun, my grandma had a gun. It was just like the way it goes I guess in your house. In my house anyway, it was like that.

Interviewer: Did anything bad ever happen in your neighborhood?

Participant: A couple times, um, uh two of my friends got shot. Uh my friend [name] died and my friend [name] just got shot in the leg, so yeah.

Native American Participants

Example 1

Interviewer: What was the neighborhood like where you grew up?

Participant: It was nice, I mean there was some. Now that I think about it there, there was some criminal activity and stuff but it never, like brushed off onto me. Like you'd see cops or I mean things like that, people fighting, but it never like directly involved me...like domestic disputes or people fighting.

Example 2

Participant: There were gangs right across the bridge, but not in my neighborhood. I know a lot of people there. My dad was friends with them. He knows some from jail. They were nice to me.

Example 3

Interviewer: Did you feel safe living on the reservation?

Participant: No...Well sometimes there's people that would raid houses. And my house was kinda like poor and people would steal, 'cause my dad had a bunch of, lot of stuff, lot of um good stuff that people would want. And they would raid his house every now and then. I don't know my dad would keep a gun around the house just in case...it was real, real unsafe for me...And usually, we had to fight for ourselves, like go to school. Ya know had to stick up for yourself 'cause there's someone always bigger and tougher than you. Sometimes, we always go to school but there's one way you have to go to school and there's always people there that want to fight you. And we always want to go around but we'd be late for school if we go all the way around the town.

Interviewer: Were there any gangs there?

Participant: Um yeah there's a whole bunch. Yeah if I go back now. I mean once I walk on one block, or you step out and there's a color, you see a color already a flag go up. And you're on the wrong turf or the wrong block....the elders even get beat up.

Example 4

Interviewer: What was the neighborhood like where you grew up?

Participant: I don't know there's like, a lot of fighting and drugs and alcohol around and stuff. And like I don't know, there's like a lot of fights.

Interviewer: Did you feel safe there?

Participant: Yeah like I grew up around it so I thought that was like the life and everything. There's a lot of gang issues down there too.

Example 5

Interviewer: Did anything bad ever happen where you lived?

Participant: Uh I like, my house got shot at once. That was when I was young.

Interviewer: Were there gangs?

Participant: Yea there's kind of a lot I guess you could say. Not anymore, I guess...now that I think about it, it taught me that it was okay to hurt people and brought me this lifestyle and kinda made the outcome of me being in facilities like this for the past 10 years I guess.

Interviewer: Did you hang around them or watch them or what?

Participant: I did both.

Interviewer: Do you remember why you started hanging around them?

Participant: At first I just started 'cause some of them were my friends when we were younger, and I started hanging out with them, I just came to the group saying, "you got my back, I got your back" 'cause certain things happen.

Example 6

Interviewer: What was the neighborhood like that you lived in?

Participant: Not very good. A lot of drugs and gangs and stuff like that...I felt safe. I got in trouble, but I mean I didn't feel threatened.

Example 7

Interviewer: Did anyone else in your neighborhood do anything wrong ever?

Participant: There, there were a few that decided to, ya know, hang out with me, and we, we'd go tear out the park or something. And just kinda went through and ya know terrorized a few of the kids there that were ya know rich, preppy kids.

Interviewer: Why didn't you like them?

Participant: I hate rich, preppy kids.

Interviewer: Why?

Participant: They're snobby. They're just mean and ya know they think they're higher than everybody.

The black, Latino, and Native American participants all described much harsher neighborhood environments than the white interviewees. Many more of the non-white participants described the prevalence of gangs, drugs, alcohol, shootings, and general danger in their neighborhoods than the white participants. The social context in which most of the minority participants spent the majority of their childhoods prior to being placed in the juvenile justice system likely encouraged involvement in criminal activity out of a need for safety, protection, and defense. One of the Native American participants mentioned he was the cause of most delinquent behavior in his

neighborhood; however this is minimal compared to the frequency of this response for the white participants who regularly perceived their actions as the only deviant behavior in their neighborhood.

This implies a distinction among the criminogenic factors for whites compared to minorities. For example, if danger and threat do not lead to criminal activity for whites, it is possible that social psychological factors are the primary reason for white engagement in criminal activity. On the other hand, factors related to poverty and social inequality that encourage drug dealing, gangs, and violence in neighborhoods may be the primary cause for black, Latino, and Native American involvement in criminal activity. Future research should investigate this distinction using a random sample and generalizable data, as it would have significant policy implications in terms of providing different solutions to reduce criminal behavior based on race. In particular, these findings imply that solving the problem of disproportionate minority contact requires ameliorating social inequality and improving the neighborhoods of black, Latino, and Native Americans. The issue of motivations for criminal activity is discussed in more detail in Chapter VI, incorporating the general strain theory and the self-help/community justice theory to understand criminal behavior in terms of race and social context.

Effects of Criminal Activity among the Family and in the Neighborhood

In addition to neighborhood violence, family involvement in criminal activity was a consistent theme for the minority participants as well as some white boys in the sample. Family involvement in crime appeared to have a significant impact on boys in a variety of ways. Crime in one's family often led to police interactions at an early age.

This could have the effect of shaping the boys' perceptions of police officers and their family identity in the context of the law and society. Next, criminal activity in the family led to indirect and direct engagement in criminal activity for some boys, either through the feeling of safety that criminal involvement provided, the normalizing effect family involvement seemed to have, or out of resentment towards their parents or a desire to be away from home. Examples of each of these will be provided and discussed.

Additionally, two participants described how family involvement in criminal activity often escalated their own exposure to danger and threats, increasing their need to engage in criminal activity for defense. This was not a widespread theme that developed out of the majority of responses; however, this concept was not systematically asked of all participants. At the time of the interviews it was unknown that it would be a potentially important finding. It is included in the findings because it sheds light on social causes for involvement in criminal activity that could be analyzed more thoroughly in the future.

Increased Exposure to Risk

A Native American participant described his relatives' involvement in criminal activity as having a significant impact on his own engagement in crime. He explained that he did not fight people or break the law until sixth grade when he started taking his anger out on other people. When asked why he felt as though this change occurred in sixth grade he explained,

like my uncle, like I said, he had enemies and stuff like that...In 6th grade I started to feel like a lot of heat for uh, ya know, stuff he's done in the past, or who he's fought or something, ya know. Their nephews or their brothers would come up and try to fight me because my uncle. And that's where a lot of my fights came from. So I guess I figured, ya know, people want to try to fight me and I'll just fight them back. I guess I felt I had to make a name for myself so people didn't try to mess with me.

Another Native American described having many family members in gangs. Later he began explaining that people on the reservations constantly wanted to fight him. When asked why they wanted to fight, he responded,

Um 'cause there's a family member that they, um. Family's and family's go at it. My family doesn't like the black spotted horses and that's my other family. And I'm the eagle elk side and they're the black spotted horses. My dad's black spotted horses and my mom's eagle elk. And they're always going at it

The histories and enemies these families have are being passed down to their children. Because the history of racial minorities in the U.S. is one of extreme oppression, including the theft of land, labor, and resources from blacks, Latinos, and Native Americans, race scholars often discuss the extra stress that has been forced onto these groups throughout history and presently as cause for internal strife. These scholars argue that intra-racial struggles are a product of white oppression of these minority groups (Feagin 2006). Additionally, these examples demonstrate how the effects of historical oppression are passed onto the children and grandchildren of these victims. These effects include exposure to more violence, enemies, and the general need to engage in criminal activity for protection. Additionally, considering the dangerous neighborhoods in which many of these intra-racial struggles take place, black, Latino, and Native Americans experience a significant degree of strain in an attempt to secure basic needs like food and safety. This added strain can contribute to tension, anger, or

crimes against one another to gain protection or resources. Therefore, the development of enemies can be viewed as a result of an unjust, dangerous social context that provokes fighting within a group or neighborhood. In addition to this direct relationship between family involvement in criminal activity and these juveniles' engagement in crime, more subtle influences of family involvement should be discussed. One example of a more indirect influence is the concept of police interactions at an early age.

Police Interactions at an Early Age

Participants were asked to describe the first interaction they had with a police officer. Many of the boys responded with descriptions involving police coming to their houses before they had ever engaged in crime. For these boys, their parents or relatives were frequently responsible for their initial contact with an officer. For example, one African American interviewee described his first interaction with a police officer as a result of his father's experience with the criminal justice system explaining, "I can't remember what age [of first interaction with a cop], but I was really, really, young though." (*Why were you talking to him?*) "Cause my dad was always getting into trouble, and he still is."

For many participants, their first interaction with police officers occurred at a young age as a result of a disturbance or arrest in the family. This early exposure can influence individuals in a variety of ways, including affecting their perception of the police, their own family, and the relationship between the two. For example, an Native American participant expressed his experience and feelings this way:

Interviewer: How old were you the first time you talked to a police officer?

Participant: Five years old. My dad was there. This is when I liked the cops, when I was younger. They were always trying to bust him up or something. He was usually drunk or robbing something and he would come to me and tell me not to worry...

Interviewer: When was the first time you talked a police officer for something you had done wrong?

Participant: I was eight... I was scared of the cops. I was afraid he was going to shoot me or something. This is when I ran from a foster home. He had me sit in the back of the car. I didn't say nothing. The cop was glaring at me the entire time. I felt like, what did I do? Or what do I do? ...(*what do you think of cops now?*) I usually take off when I see the cops, there's no friendly business with the cops.

A similar experience occurred with a white participant who was first questioned by a police officer at the age of seven because his father was in a fight outside of their house. In addition to the early exposure to police contact that is a result of family incidences and reputation, one white participant explained this as potentially advantageous for him, explaining "Uh, my parents, they were both law breakers, but my dad had a really good relationship with the town cop and stuff." The "good relationship" this white father had with the police officer may have given his son an advantage when dealing with the police. However, because of his parents' reputation as law breakers, the privileges offered by the social network of this participant's parents were likely negated by the family reputation for involvement in criminal activity.

One of the Native American participants experienced his first police interaction at a young age due to neighborhood delinquency. He explained that he was eight years old the first time he talked to a police officer. When asked if it was because of something he had done, a school program, or something to do with his family he responded,

Uh, no it was actually, I didn't have anything to do with it I guess. Some kids broke out some windows by the school and uh I was playing outside and a guy thought that he seen me with those kids. So then, 'cause like this guy came like running up and then he looked at me and he looked at the house and then he ran to where he was from. And then the cops came up and asked me if I knew what was going on or if I broke windows with them or something. But I didn't.

A Native American participant explained he was, "Five or six, somewhere around there," when he talked to a police officer the first time. He continued,

And somebody had broken into the house, and I asked the cop if he was gonna put him behind bars and stuff and then shoot him. The cop kinda laughed and said 'well if we find him we'll put him in jail for a little while, but I won't have to shoot him' and I was like 'oh okay'. And that was it, I went back to sleep.

On the other hand, for some whites their first interaction with a police officer provided a more positive experience, and one in which the participant would hold higher respect for police. For example, a white interviewee explained,

First time would probably be like ten years old or something like that. I was pretty young... he was giving a speech in grade school. I probably wasn't even ten, I was pry' eight...It was a guy, and I, I thought ya know, I thought he was pretty cool and had a gun and handcuffs and a cool car.

Of the seven Whites who remembered their first experience with a police officer, three were under the age of ten. It is likely that those boys who could not remember their first experience would simply rather not discuss this incident or the incident was not memorable or dramatic enough to recall. Four of all of the white participants had done something wrong to experience their first contact with a police officer, and one white boy explained he talked to an officer the first time because of a family member.

In contrast, all of the Native American participants remembered their first experience with a police officer. This suggests that these moments of initial police interaction were significant events in these boys' lives. Six of the Native Americans

were under the age of ten when they had their first contact with a police officer. Four of these incidences occurred because of neighborhood violence or family crime. Another Native American participant took responsibility for his first experience with an officer; however, based on his description it seems as though he was unfairly accused. He explained,

I didn't think it was anything wrong. Or no, I think then it was wrong. I don't remember. But I had a switch blade knife. And I don't know, it was my mom's and I found it on top of the fridge and I was playing with it. And I guess it, I don't know, I didn't mean to point it at this kid and I guess I scared him. And his dad called the cops on me.

This participant said he was six when this incident occurred. He described the boy who he scared with the knife as Native American and a couple of years older than himself. It can be argued that involving the police was unnecessary for dealing with this accidental incident regarding boys at such a young age. While the police did not arrest this participant, the experience has likely impacted this boy in terms of his understanding of legal authority, his relationship to police officers, and potentially his own identity.

Three of the four Latino participants recalled their first experience with an officer. One boy was under the age of ten when he first talked to a police officer. Of the three Latino participants, one boy experienced his first contact with the police because of something occurring in the neighborhood, and the others did not describe what happened. Finally, of the two blacks who remembered their first experience with a police officer, one simply claimed he was "young" when he first talked to an officer and the others did not describe the incident.

Three of the fourteen white participants were under the age of ten when they first talked to a police officer compared to six of the eight Native American participants. While this age difference reflects the disparity in the early experiences of whites compared to Native Americans in terms of neighborhood and family crime, it also likely plays a role in shaping the identity of these boys as either law-abiding citizens or criminals at an early age. Those boys who first interacted with police officers in a school setting where the officer plays the role of a teacher or friend, such as a D.A.R.E. officer, will likely feel positively towards the police and have more trust in their authority. These boys may be more comfortable identifying as a law-abiding citizen, entrusting some of their rights in legal authority. In comparison, those whose first interaction with an officer involved being questioned to determine whether or not to arrest the boy, his parent, or relative, will likely not feel as positively toward the police and may identify themselves as distinct from the law and law-abiding citizens. The example of the Native American participant who explained that he used to like police officers but has since changed his mind, emphasizes the point that the types of interactions one has with a police officer influences one's perception of police and legal authority and his/her relationship to this form of authority.

The relationship between early, negative exposure to police officers and one's identity or decision to engage in criminal behavior is only speculated, and difficult to prove with these findings. However, there appears to be a significant distinction between the age at which whites first interact with a police officer and the age at which Native Americans experience their first contact. Whether this is simply an effect of

other inequalities between the groups, or is a cause of continued criminal behavior cannot be effectively determined here, only speculated. Other, more direct, relationships between family involvement in criminal activity and juvenile engagement in crime were evidenced by the boys' responses and include the concept of safety, resentment, and pressure.

Family Involvement Provides Perception of Safety

Some of the participants of all racial groups mentioned their family's involvement in criminal activity as providing them with a feeling of safety. For example, when a white person was asked about whether or not he felt safe in the neighborhood where he grew up, he explained,

Yeah I felt safe... just the reassurance of, that I know that particular neighborhood of the town, and felt safe around there. So, because I knew that my parents, I knew what my parents were and there was just like, I don't know there was just criminal activity in the family. So it made me feel like safe knowing that, uh, that I was relating to other kids around my neighborhood with criminal activity.

This participant describes criminal activity as a similarity he shares with his neighbors. The commonality in their behavior made him feel comfortable and safe. It is possible that the perception of safety comes from a sense of belonging rather than feeling like an outsider. Being a part of this group can add trust and loyalty among those who may not otherwise be perceived as trustworthy because of their criminal activity, particularly through the eyes of a child. Or it may come from a level of respect or fear that is gained from his parents' actions, depending on the type of criminal activity in which they engage.

This Native American felt safe because of his knowledge of his dad's gang involvement and criminal activity. He was asked if he felt safe in his neighborhood, to which he responded,

Mmhm [yeah], 'cause I know everybody there; or everybody knows my dad anyway. (*Interviewer: why does that make you feel safe?*) I don't have nobody to worry about to like, abuse me, like beat me up. Some of 'em were afraid of him. Mostly everybody respected him...There were gangs right across the bridge, but not in my neighborhood. I know a lot of people there. My dad was friends with them. He knows some from jail. They were nice to me.

An African American reiterated this idea, explaining that gang activity in his family provided him with the perception of safety. He was asked if there were gangs in his neighborhood, to which is replied, "Ya, a lot. I know some of them, but didn't hang out with them...From school and through my dad...He's in a gang." The interviewer asked, "Did that make you feel more afraid or safer, or how did you feel?" He responded, "That made me feel safer."

The perception of safety that family involvement in crime provides these boys is an interesting and potentially contradictory notion. Since participation in criminal activity likely increases one's risk of being a victim of crime, the perception of safety provided by family may be imprecise. However, the basic desire to feel safe is strong for most individuals. Therefore, those juveniles who perceive their parent's involvement in crime as a protective factor for themselves may decide to engage in criminal activity for safety once they are responsible for their own well-being.

Family Involvement Normalizes Behavior

Many children grow up feeling as though their family's behavior is "normal," since it is the primary institution to which they are exposed. Over time, exposure to other factors may alter this perception, but depending on one's experiences and access to other social institutions, family behavior may continue to be seen as normal and taken for granted into adulthood. Furthermore, even with access to other institutions family behavior may be seen as the preferred option, or the only option to gain desired goals or acceptance. Two of the participants in this sample specifically described their perception of gang involvement as normal because of their family affiliations.

For example, a Native American participant was asked if he was scared to be around the gangs that he described in his neighborhood. Rather than fear, this participant saw his family members' gang affiliation and treated the idea of gangs as very ordinary, if not positive. When asked if he was afraid to have gangs in his neighborhood he responded, "Um no 'cause like most of my family was involved in it, like my older cousins and stuff. And I thought it was pretty cool to like be in one. So whenever I was younger I joined one."

One Latino participant described having very little, if any, choice in joining his gang. Referring to his family members that were in gangs he stated,

Um my mom was and my cousins, my uncle, my, my uncle's girlfriend and my sister. Like my dad's Guatemalan and like they said, even when I was a little kid that my dad was in the gang...And then they, when I got born they basically just, ya know, brought me into the gang. 'Cause you're born into the gang. You don't just, ya know, walk up and say, "I want to be in the gang."

For these participants, joining a gang was seen as a normal part of their lives. It is probable that many other participants felt similarly about gang involvement or criminal activity in general after growing up within families that regularly engage in crime. Since participants were not directly asked questions to determine whether or not they perceive criminal activity as normal, it is difficult to assess how common or unusual this experience and perception is from this data.

Family Involvement Creates Pressure to Break the Law

For other participants family involvement gave them pressure to commit crimes, to act out in resentment, or to prefer being in a correctional facility rather than at home. One participant clearly stated his preference for correctional facilities to his own home. He explained, "I didn't really care about getting sent to placement. 'Cause I'd rather be at placement than at my home. Yeah 'cause I'd always get in fights with my mom and stuff." A child exposed to a negative or unsafe home environment likely feels limited in his/her options. If these children are also exposed to violence, gangs, drugs, etc. in their neighborhoods they may perceive crime as a reasonable option for removing themselves from their current situation. This participant clearly expressed his feelings that he would rather engage in crime and be put into a correctional facility than abide by the law and stay at home. His response supports the concept that one's social context, as dangerous or generally negative, can incentivize criminal behavior as a way to escape or gain safety.

Another Latino participant felt pressure from his family to break the law when he was at home. He was asked if he ever spent time at his house when he was not in school. This boy explained,

Yeah, like not a lot though... 'cause there I just, I'm expected to party at home. And so it's like, and I don't like partying with my family too much. That's when usually the fights do happen and stuff so I'm just gonna leave. They don't really care if I'm gone for like a year or whatever.

This comment highlights the exposure to criminal activity and pressure from families to participate in potentially dangerous or illegal activities that often lead to fights. Furthermore, he adds that his family would not care if he were gone for long periods of time, which suggests he is not very well supervised. This statement also suggests that he is not very attached to his family, which is often discussed as correlated with criminal activity in criminological literature (Bernard 2010).

A Native American participant described a similar scenario with his family. The interviewer asked, "Why didn't you like to spend time at your house?" He explained, "Cause they were drinking alcohol... My mom and dad, family and stuff... I tried to stay away from that."

The next participant emphasized the role of family abuse that led to his involvement in gangs. He was asked to clarify an earlier statement regarding his decision to join a gang. The interviewer asked "Did you join the gang for protection?" He responded, "I don't know, because I felt like, I was getting abused by my mom and I felt like I need to be stronger and help myself stand up for what I am for. The interviewer asked, "How did being in a gang help that?" He responded, "I don't know. They always have my back. When I start to fight they encourage me 'oh do this, don't,

don't give up on us. I know you have that mentality, care about us' I don't know. It's like a family for me."

This boys' involvement in gangs appears to play a supplemental role. The gang he was in provided protection and support that a family could otherwise provide. Since he did not feel these needs being met by his own mother, and likely felt unsafe due to the abuse he experienced from her, he sought out a gang to meet those needs in her place.

Decisions to avoid home were somewhat prominent among the sample. Many of the white participants described spending most or at least half of their time outside of school at home. Two white participants explained that they did not want to spend time at home. For example, within one interview a white participant was explaining a crime he committed. He was asked, "Did you worry that that would get you in trouble?" He responded, "Not really, I, at the time I really didn't care how much trouble I got in...Home life was crazy. Um, I guess, I thought ya know this is just more stories I can tell when I get back."

Another white participant was asked if he liked to spend time at home. He explained, "Sometimes. It matters who's there." These two white participants describe their home life or family members as unappealing. Like other participants, they frequently prefer to spend their time away from home. Spending time away from home opens opportunities for reduced supervision, and with that, the potential for increased delinquent behavior.

In general, the influences that family involvement in criminal activity seem to have on these juveniles' decisions to engage in crime did not present a distinct pattern

along racial lines. The two exceptions were increased exposure to violence or threats created by family enemies and the early exposure Native Americans had with police officers; both themes were dissimilar to the experiences of whites. However, in general, family involvement in criminal activity and the effects of this seemed common among the boys of all races. Some white and minority boys discussed family members who they wished to avoid, and reasons for wanting to stay away from home. Additionally, it should be noted that few of the effects of family involvement in criminal activity, such as the idea that it normalizes gang affiliation or criminal activity, it creates pressure to engage in crime or resentment, or that it provides a feeling of safety were widespread findings across the entire sample. Each of these influences was only discussed by a few of the participants. However, it is possible that a more systematic analysis of these concepts could have elucidated stronger support for one or more of these influences as significant in the lives of these boys. Again, in an attempt to avoid asking questions about family, which may have made the participants uncomfortable, limitations were inevitable with regards to understanding the impact of family involvement on the boys' lives and decisions.

Regarding the two racially salient findings from this chapter, systemic racism theory provides a strong framework for understanding this increased exposure to violence through the family and police arrests at an early age for Native American participants. A history of conflict among family enemies is consistent with systemic racism theory in which one generation passes various factors including the external influences (i.e. enemies) that have disadvantaged them (such as through contact with the

justice system) to the next generation. The history of racism, in which blacks, Native Americans, and Latinos have been forced into more dangerous social conditions with fewer access to opportunities, such as neighborhoods with low socioeconomic status, higher rates of crime, and lower quality public education has shaped the current status of these families through a reproduction of a nonwhite underclass. The opportunities to avoid crime are minimal compared to the opportunities one has and the incentives, such as self-defense, to break the law. Similarly, police contact at an early age can be largely explained by this residential segregation and policing areas known as “problematic” more heavily than others, increasing the odds of police contact at all ages. Residential segregation is a product of this institutionalized racism that systematically disadvantages people of color, forcing them into a context in which they face barriers to success that whites do not experience; however this blatant inequality is legitimated using racist ideologies and stereotypes based on myths of a meritocracy.

In addition to systemic racism as a key theory for understanding family and neighborhood contexts, the self-help/community justice, and general strain theory are largely applicable to understanding the effects of neighborhoods and families on crime. One’s neighborhood and family consist of the environment in which strain may be exerted, as well as exposure to methods of handling strain, such as coping through crime. Additionally, the neighborhood setting determines whether police authority will be responsive to the needs of the community, therein affecting the consciousness within the community regarding the access they have to legitimate forms of formal social control in their neighborhood.

CHAPTER V

PERCEIVED LEGITIMACY OF POLICE AUTHORITY

“I usually take off when I see the cops, there’s no friendly business with the cops.” –Native American participant from interviews at the correctional facility, June 2010.

As previously mentioned, one of the ways family involvement and neighborhood context can influence a juvenile’s decision to engage in criminal activity is the effect these factors have on one’s interactions and perceptions of police officers. In 2001, Hagan, Shedd, and Payne conducted a study of 18,251 youth attending 91 different Chicago public schools in order to analyze differences in perceptions of police officers by race (2005). They found that blacks were more likely than Latinos to being stopped by police officers, and perceptions of police were more negative for those with more contact. However, Latino students were more sensitive to police contact than black students, which the authors suggest may be caused by the fact that black students expect to experience contact more than Latinos do (Hagan, Shedd, and Payne 2005:399). Guiding interview questions and analysis regarding the participants’ degree of trust in, and perceptions of, police authority, the following research question was used: How do interactions with the police influence perceptions/trust in authority/police?

To analyze these effects more thoroughly, the boys in this study were asked about their perceptions of police officers and their authority. Additionally, conversations with the boys about their experiences with police officers offered some insights into their perceptions of police in general. It is presumed that one’s perception of the legitimacy

of police authority might affect their future interactions with officers and their decisions to engage in criminal activity.

The degree of trust in police authority as legitimate power is important for evaluating the self-help, or community justice, theory. In this theory people commit crimes more frequently when they feel the police are under-serving their interests. For this study, the actual police responsiveness is unable to be measured; however the perception of police as helpful and/or legitimate can aid in evaluating this aspect of Black's theory. Many of the participants described losing trust for police officers because of maltreatment by them, rather than unresponsiveness. Still, the researcher would argue that the less trust one has in the police force the less likely they will feel they can rely on police for protection of their interests.

Engagement in criminal activity due to a lack of trust in police officers and their authority would demonstrate support for Black's theory of self-help. However, because Black's concept of self-help is individualistic in nature, focusing solely on the "self," this theory fails to account for the social or group factors involved in crime and arrest rates. Since blacks, Native Americans, and Latinos as groups experience significantly disproportionate rates of incarceration, theories attempting to explain the crime and arrest rates should allow for a group focus. For this reason, the term "community justice" will be used in addition to, or in place of, "self-help" throughout this thesis. This is intended to highlight the notion that these perceptions are not simply individualistic, but rather held across entire groups or communities, based on shared experiences.

Findings from this study in terms of juveniles' perceptions of police authority can be summarized as follows. Whites were the most common to express positive attitudes regarding police officers. In general, black, Latino, and Native American respondents described their lack of trust in police authority through a variety of comments. However, some boys of all races did trust in the police. Specifically, two black, two Latino, five Native American, and seven white participants said they trusted some police officers. In contrast, two black, two Latino, two Native American, and five white participants said they did not trust any police officers.

Black, Latino, and Native American Perceptions of Police Authority

One Native American described his feelings about police by responding to the question, "Do you trust cops?" saying, "No, no. It's a [last name] thing. Just, I was taught to not trust cops." Whether this is as much an issue of his family name or of his family's race, from this boy's experience police officers cannot be trusted. A black participant described his lack of belief in the legitimacy of police discretion and power when he said, "They do a lot of unnecessary stuff... 'cause they know they have control."

Another Native American contributed his feelings regarding police officers explaining,

They do a little more over what they need to do. (*Interviewer: What do you mean?*) Like they kinda go beyond it, like say if you got arrested and kinda, ya know, [you get] smack talked a little bit, or ya know kinda pushed around a little bit. And that's when I think that they're overdoing their job. And that's when I kinda, kinda step up and I'm like, "hey man why you doing that it's not your job to push me around, I mean it's your job to hold me there, instead of nudging me"...ya know things like that. That's what I think about cops. I mean there's good ones and bad ones.

This participant describes officers that have treated him disrespectfully through language, tone, or pushing, which has contributed to his perception of officers as using their authority unnecessarily.

A Latino participant was asked what he thought of police officers in general, to which he responded, “They just try to take people down for no reason. At the same time I think it’s good because there’s a lot of criminals out there that need to get caught...That’s what they need to do, help people out. Like they give ‘em a warning.” This participant provides support for the community justice theory by explaining that he sees a need for police officers to “help people out.” Criminals are present in his experience and should be punished; however his statement describes a continued need for police to handle these individuals. This boy’s initial remark describes a general disapproval in the way police are using their authority. He feels as though law enforcement should be used more effectively in the interest of those who need protection or help, and instead the officers are taking advantage of their power. The perception that police authority is currently ineffective and being used for the wrong reasons, is supportive of the community justice theory, arguing that when justice is not ensured through legitimate means individuals will be more likely to take problems into their own hands.

A Native American participant described his feelings of police officers similarly stating, “...I think some just like the authority, I don’t know take the, take a high off that. I don’t know, I don’t know the reason they do it, but kinda, it’s kinda annoying I guess. Why’s there people out there that can have that. It’s like, it’s messed up.” This

boy questions the system we have in place, asking why some people get to “have that” authority over others. Particularly, he seems to see this as problematic because of the way he has seen officers use their authority for their own pleasure, or “high,” likely at the unjust expense of others.

A Native American participant described the way his experiences with officers has influenced his level of trust in police and thereby affected his behavior around them.

He explained,

I don't know sometimes they're like, “get up against the car, get up against the wall” or something like that...I know that's like a command and you do it. Like they push me up against it or something when they don't really have to, so like I ain't trusting this guy, might as well pull my hands back and start resisting, I guess.

This participant loses trust in police officers when they treat him disrespectfully or use their authority unnecessarily. Additionally, he explains that it is only after he loses trust in the officer that he decides to resist. It is reasonable for persons who do not feel they will be treated fairly to resist out of fear of potentially unjust consequences. Unfortunately, because of the status of police officers compared to juveniles and minority juveniles in particular, this boy's attempt to regulate justice within this interaction is futile and potentially detrimental to himself. The boy's behavior will likely be used against him in court, or in terms of the immediate officer's reaction and decision. Despite any injustice that may be occurring, the power differential in these situations makes any attempt by the juveniles to gain respect or justice nearly impossible.

These examples provide support for the idea that minorities' experiences with police officers influence their perception of whether or not a police officer's use of authority is legitimate. In turn, this can influence their behavior. In many cases this influences boys to run from officers, like the Native American who stated, "I usually take off when I see the cops, there's no friendly business with the cops." Others resist officers physically or use verbal remarks to show their disdain for the police. All of these reactions provide police authority with additional justifications for arresting the boys. Although these boys are reacting out of perceived injustice and their behavior is a result of external provocation, they are the ones who are punished for the situation.

White Perceptions of Police Authority

In contrast to the negative experiences many youth of color have encountered with police officers, many of the white participants described their privileged experiences with police officers as contributing to their trust in the police. One white boy explained, "I mean, yeah I trust cops because they gave me chances and stuff. They gave me a lot of chances. And I guess they're nice. Some, two were nice." Another white participant explained that he trusted one of the police officers in his town. When asked why he trusted one, he explained, "One helped me by not taking me to JDC for running from him...I've been arrested by him, he put me in handcuffs. I punched a kid so I had to go to the police station. He put me in handcuffs, but I wasn't really arrested."

White privilege likely enables these participants to receive more chances from police officers because of positive framing of whites compared to minorities, such as the idea that whites are superior, innocent/pure, and intelligent in contrast to minorities who

are framed negatively as inferior, criminal, unintelligent (Feagin 2010b). The more chances and advantages that whites receive from police officers, the more trust they seem to have in the police and their use of discretion and authority. This perpetuates a disconnection between the understandings of whites and minorities because the unfair treatment is unknown to many whites but very evident for minorities.

The privileges that police grant to whites could be seen as a way to garner support and trust in the police from whites. As a result, this may make it difficult for the injustice experienced by minorities to be heard by whites. Because of the distinct experiences, whites may not believe minority complaints of maltreatment or misconduct by police officers. This perpetuates a colorblind perspective in whites, who would be inclined to trust police officers and view the justice system as fair in its treatment of people. Thus, an overrepresentation of minorities would be interpreted as a result of individual actions rather than inequality in the type of treatment experienced by minorities. In addition, this privileged experience with police officers can result in more whites admiring the profession of the police and becoming police officers, perpetuating the overrepresentation of whites in this field. On the other hand, the minorities' experiences with officers discourage this, as is evident with this black participant's comment, "When I was little I used to say I wanted to be a cop. And then I just stopped. (*How come you don't want to be a cop anymore?*) 'Cause a lot of people say stuff about them...people say they lie. And some people say they, they "uh, those cops is racist." As this comment demonstrates, the perceptions and attitudes of these boys regarding police officers not only can influence their actions but also perpetuates the

overrepresentation of whites in the police force. Whites dominating the first decision-making stage of the juvenile justice system can have harmful consequences for minorities, such as using stereotypes about black, Latino or Native Americans in determining motives, suspects and arrests. For example, the white racial frame upholds the idea that blacks are naturally more aggressive or violent, and therefore a white police officer operating from this framework may interpret a criminal act by a black man as coming partially from his/her violent nature rather than as a result of self-defense. The effects of white overrepresentation of police officers are discussed in more detail in Chapter VII.

While a lack of trust in police officers may be most detrimental for those who are least powerful and commonly at a disadvantage in society, many white participants also described a lack of trust in police authority. One white participant in particular felt that he could not rely on police officers. He was asked, “Do you trust cops?” to which he replied, “Not really. I’ve, I’ve seen too many times where like somebody will report something to the cops and they’ll come back and say ‘hey there’s nothing we can do about it’ so we end up taking it into our own hands, trying to solve things that way.” This example is directly supportive of Black’s theory of self-help. The boy explains that because he cannot rely on cops in his community he takes the problem on himself.

Finally, it should be noted that some Native American and white participants *did* trust the way police officers used their authority. Most participants regarded police behavior, use of power, and discretion as an issue of the police “just doing their job” or “trying to do their job,” as two Native Americans phrased it. The idea that police

officers were legitimate in their actions because it is their job was a common feeling of many participants. Simply because our justice system is set up in a way that relies on police authority and discretion as the initial decision-making stage, any use of this authority is legitimated in the eyes of some participants.

Current police practices should be called into question as they may not be the most effective or fair methods for detecting criminal activity and making arrests. The amount of discretion allotted to officers is a primary issue of concern. Because of the predominance of the white racial frame, which depicts minorities as aggressive criminals and generally inferior to whites, many police officers have internalized these views and the opportunity to use their own discretion allows them to discriminate against minorities based on this racial framing. If the degree of discretion permitted was minimized, and instead officers had to rely on stricter codes for decision-making, this may improve the degree of justice among police decisions. This, in combination with eliminating racial profiling and policing neighborhoods of color more heavily than other neighborhoods would be some of the initial steps necessary for improving the legitimacy of the police forces in the U.S.

The findings from this chapter support the self-help/community justice theory. All of the participants had broken the law at some time, and many of these boys had no trust in police officer authority. This lack of belief in the legitimacy of their authority may be related to them taking justice into their own hands, such as dealing with disagreements among peers. However, only a couple of participants explicitly stated that they took the law into their own hands because they felt the police were not going to

help. Therefore, the lack of trust in police authority may be better understood as a result of negative experiences with the police officers. Because these boys have been stopped and arrested by the police, they may have negative feelings towards them, seeing police as illegitimate figures of authority simply because of a frustration with being caught.

Nevertheless, the amount of contact these boys have had with police officers may imply that they have a better understanding of whether police officers are using their authority legitimately or not compared to the general public who rarely experiences contact with the justice system.

CHAPTER VI

MOTIVATIONS FOR ENGAGEMENT IN CRIMINAL ACTIVITY

I kinda got mad, 'cause they were, I had long hair back then and um they were telling me I had to cut it and I was like, "oh I ain't gonna do that". And they said, "oh this is a boarding school, you gotta forget your old ways". And once they said that, "you gotta forget your old ways" I lashed out at that person. And went and got a first charge. So that's when I was 10 and I went to JDC... – Native American participant from interviews at the correctional facility, June 2010.

Experiences of injustice and unfair strain can provoke juveniles to break the law.

Self-help/Community Justice Theory and the general strain theory assist in understanding the motives of these youth for engaging in criminal activity. The uneasiness and lack of trust in police authority described in Chapter V can have a variety of effects on behavior. It may lead individuals to engage in criminal activity in spite of the rules and laws applied by those authority figures who they feel have lost their trust. As Black's theory would suggest, this lack of trust in the police could also lead individuals to take justice into their own hands. Additionally, applying Agnew's general strain theory, the perception of police as unresponsive and inadequate in terms of assisting civilians may increase the strain or stress they experience causing them to use criminal activity as a coping mechanism. As this young Native American's quote demonstrates, perceived lack of police protection is only one of the many contextual factors that has likely led to engagement in criminal activity for many of these boys. By analyzing the participants' motives for breaking the law, the effects of feelings regarding

police officers as well as the influence of family, neighborhood instability, strain, and injustice can be understood more clearly.

The following research question was used to guide interview questions and analysis regarding motivations for engagement in criminal activity: Do motivations for behavior differ between minority and white youth who are in the correctional facility?

The boys were asked questions regarding their motivations for engaging in criminal activity in order to explain why minorities may be involved in criminal activity at higher rates than whites, as previous studies have demonstrated (Piquero 2008). By comparing the different motives of minorities and whites for engaging in criminal activity, the differences in the experiences of each racial group are highlighted. Furthermore, by inquiring about the causes of criminal behavior it is possible to provide evidence that minorities are no more likely to engage in criminal behavior than whites, but do so because of the social context to which they are subjected that provokes this behavior.

These questions aimed to evaluate the self-help/community justice theory as well as the theory of systemic racism. The three most common motivations cited were boredom, anger/revenge, and respect. Notably, most of the white participants claimed boredom was the primary reason they committed a crime, while many of the minority participants did not view boredom as a common motive for them or their friends. The black, Latino, and Native American participants described anger and revenge as a primary motive for criminal activity much more frequently than whites.

Anger or Revenge as Primary Motive for Youth of Color

For example, an African American participant was asked why he committed the first crime that he was arrested for, to which he replied, “Cause I didn’t want them picking on my brother.” He did not explain who was picking on his brother, but it is clear that he was attempting to take justice into his own hands. He said he was arrested for this incident involving a fight with the person who was picking on his brother.

The Native American cited at the beginning of this chapter provided a clear example of responding to racial injustice. He described the first time that he was charged explaining,

Like I went to boarding school and I only got in trouble once. That was it. And I lashed out on somebody. So I kinda got mad, ‘cause they were, I had long hair back then and um they were telling me I had to cut it and I was like “oh I ain’t gonna do that.” And they said “oh this is a boarding school, you gotta forget your old ways.” And once they said that, “you gotta forget your old ways” I lashed out at that person. And went and got a first charge. So that’s when I was 10 and I went to JDC... I was resisting and so they held me down and was like ‘you gotta cut your hair’ ya know and like ‘no’ so, and I lashed out so.

In this case, the external factors influencing the participant were blatantly discriminatory. The white teachers at his boarding school were threatening this young boy’s culture, and physically forcing him to do something against his beliefs and heritage. In an attempt to defend himself, after verbally explaining to the teachers that he did not wish to cut his hair, he resorted to physical defense. This resulted in a charge against him, with the school and judges neglecting the unjust context that provoked this behavior. It would be difficult to expect any other reaction out of a young individual who feels vulnerable to adults who are threatening his identity with physical and verbal

force. The community justice theory and Feagin's systemic racism are clearly supported in this example involving racial discrimination and an attempt to defend oneself from this type of injustice.

This example also supports Agnew's general strain theory, which expects crimes to result out of strain that is perceived as particularly "unjust and intentionally caused by others," who in this case would be the teachers and staff at the boarding school (2008:20). Additionally, the injustice was clearly central to this boy's identity, as he repeated his frustration caused by the staff telling him he had to forget his old ways. Finally, the assault occurred as the injustice was taking place, supporting the "recency" aspect of the theory. It is difficult to know from this narrative whether or not the boy had low self-control, but it can be presumed that the situation "created pressures or incentives to rely on illegitimate coping strategies" because this boy was approached and held down by more than one adult, signifying a large disparity in power. The age difference alone likely gave this boy little power to defend himself verbally, since the adults likely would not give him the same respect as their co-workers. Based on the comments made by the staff who was attempting to cut his hair, it appears that those in the decision-making position within this situation were not understanding or respectful of his culture, leaving him powerless other than through the use of physical force.

A Latino participant described the practices he and his gang used to regulate justice. He explained, "like the gang I was in we had like a rule, like if you make us mad the first time, like, like [we] destroy something of yours. Ya know if you do it again then we beat you up, ya know if you keep doing it then we kill you, that kind of

thing.” This boy not only demonstrates the use of criminal behavior, like assault, as retribution for harm caused to himself or his friends, but he also defines a clear set of rules that have been established by the gang. Within the framework of the self-help theory, or more appropriately, “community justice” theory since this is not occurring on an individual level, these rules or standards can be viewed as specific ways of regulating justice. The group has defined the types of injustice they perceive as important and has consciously constructed a systematic way of responding to these injustices. Therefore, these responses, which generally take the form of criminal behavior, cannot be seen as merely impulsive reactions to harm or a threat, but rather as thoughtful procedures for maintaining a system of justice within their social environment.

Many Native American participants described similar motives for breaking the law. One boy explained,

And a lot of the fights were like out of vengeance, ya know, like either they rolled on me one time and caught me off guard or um, or I had to ya know, take care of somebody for somebody else. Or they mess with my family... whenever it's with my family, like somebody hurts my family then I just, I don't let that stuff go.

Another Native American was asked what he felt was the most common reason for people to break the law in his experience with his friends or himself. From his experience he felt that people, “don't like the way things are done. They're mad at what happened to them, I guess. Like they felt like they were wronged.” Anger or revenge as a motive for breaking the law was a significant theme among the participants of color.

Boredom as Primary Motive for White Youth

On the other hand, almost every white participant described a common motivation for committing crime as boredom, and most said they had broken the law for this reason in the past. One white boy exemplified the comments of many when he responded to a question asking what he perceived to be the most common reason people break the law by saying, "For me it's because I'm always bored." Another white boy reiterated this idea when he was asked why he had engaged in some of the delinquency at school that he had previously described. He stated, "Because I was bored, I didn't like school, I usually broke rules at school, I didn't do the same things at school as at home. Not in the same ways. I had arguments more at home than at school."

When the white participants were asked if they perceived anger or revenge to be a reason for individuals to commit crime three boys said yes or that they know someone who has broken the law for this reason. Six of the white participants felt that respect could also be a reason for committing crime. But most notably, boredom played a significant role in terms of motivation for almost all of the white interviewees. Twelve of the white participants explicitly stated they had broken the law out of boredom.

Boredom is a commonly cited reason for juveniles to break the law. This may be because they are not involved in enough activities or are not attached to a meaningful social network that would otherwise prevent criminal activity. What is interesting is the racial distinction regarding boredom as a motive. Clearly boredom played a widespread role for whites. However, in analyzing the interviews from the participants of color, boredom was much less frequently described as a motive for criminal activity.

The black participants were asked, “Do you know anybody who has ever broken the law because they were bored?” Most replied, “No.” They had not even heard of anyone who had committed a crime out of boredom, much less felt that boredom was the motive behind their own criminal activity. Of the Latino participants, two explained that they had friends who had committed crimes because they were bored. And they described these friends as primarily white. One Latino participant believed that many people engage in criminal activity for this reason.

Three of the Native American participants felt that boredom is a reason some people they know have broken the law. One of these participants explained he and his sister broke the law for this reason. Another participant began explaining that boredom was a motive for criminal activity, but then added anger as a factor as well. He said, “Yeah, I did a lot of things when I was bored too...So, mad and boredom really got me into a lot of trouble.”

Most participants of color did not perceive boredom to be a motive for criminal activity, which directly contrasts the white participants who claim that they themselves break the law for this reason. The difference in motives highlights a distinction in the experiences of whites compared to minorities. While it is unclear from this data why white juveniles may experience frequent boredom, it can be presumed that if whites were subjected to consistent discrimination and hostility in their neighborhoods or at school they might not have the opportunity to feel bored. It is likely that these boys either desired an adrenaline rush, which some boys explicitly described as their intent, or they were crying for attention due to a lack of structure, activity, or attachment to others.

What is evident is the distinction between white and minority responses. People of color do not frequently engage in criminal behavior out of boredom, but rather those involved in criminal activity tended to do it as a reaction to external factors that evoke anger, frustration, and unjust strain.

These motives fit clearly with the community justice theory in that the black, Latino, and Native American respondents were breaking the law in response to injustice they were experiencing from external factors. Additionally, this evidence supports Feagin's theory of systemic racism in that minorities are subjected to discrimination and hostility more regularly than whites. Even when these incidents are not a result of white on black discrimination, and many times they are, residential segregation and concentrated neighborhoods of poverty result in dangerous living conditions for many black, Latino, and Native Americans. These conditions make it difficult for minorities to avoid threats, hostility, and injustice on a daily basis, thereby increasing the likelihood of engaging in criminal behavior out of self-defense or as retribution. The white participants' primary motive of boredom signifies they rarely experience the same hostility. Not only did the white participants rarely engage in delinquent behavior out of anger or revenge, but the fact that they regularly experienced boredom suggests that they do not experience the same levels of threats, danger, or hostility as the minority respondents.

Respect as a Motive

Respect was not a primary motive discussed for the white boys or the youth of color in this sample. The most common association with the motive of respect for

breaking the law was gangs. One Native American described breaking the law to gain respect from his gang. He explained,

Yeah I've had to, well not had to, I guess I've chose to uh work my way up in like rank within the gang. Uh, I was the run-man, I had to ya know I guess I was still like having to prove myself. Ya know like if they say, if somebody had a problem and they were a higher rank than me then they could, ya know, they could test me and see if I was gonna do it or not, and then I'd go do it. I did it that way for respect.

Another Native American frankly stated, "To get in a gang you have to do something illegal." Other Native American participants described an association between respect, criminal activity, and gangs by describing the interactions and conflict with other gangs. One boy said, "We do it to dealings with other people we know. The enemy. Who can beat up who? The enemy is different gangs, they wear different colors..."

When this Native American participant was asked "Do you think people ever break the law to get respect?" He responded,

Uh yeah...in gangs I've seen that before. I mean I sat around a gang before, and listened to them. Didn't really interact with them, but I was listening. Ya know like "man you gotta earn you ranks." They have ranks. Then they call 'soldier boy' that's when the person has to do dirty work to get into a higher status and they call 'war lord' then they call just a 'lord' and they go all the way down, but a soldier boy is the one that has to do dirty work to get to his next one. And then the soldier boy has to do, to like go to JDC, has to fight someone to go to JDC and then he comes back out and then he earns his right. Has to do like fighting or stealing or shoot someone or stuff like that. Pretty crazy....[The war lords] are the highest, they're like 20 or 23, but they don't do nothing. They just sit around having a normal life but they just tell people what to do, when to do it...

The gangs provide a social context in which respect is gained through their own standards. These standards often involve engagement in criminal activity in order to improve their status. In addition to the protection, support, and familial qualities that a gang can offer boys who feel they do not have these needs fulfilled by other groups or

people in their lives, gangs can offer status and respect. Based on the findings from this study, crime that is committed by gang members can be out of revenge and an interest to maintain justice or as an attempt to gain respect by other gang members.

Reservation as a Criminogenic Context

To more thoroughly understand the experiences of the Native American participants, the interviewer inquired about life on reservations. The descriptions that boys provided shed light on the poverty, inequality, and unsafe conditions that likely led many of these boys to engage in criminal behavior. Their discussion of reservations provides evidence for both community justice theory and Agnew's general strain theory.

The interviewer asked all participants if they felt safe in the neighborhood in which they grew up. One Native American who had grown up on a reservation explained,

No...sometimes there's people that would raid houses. And my house was kinda like poor and people would steal, 'cause my dad had a bunch of, lot of stuff, lot of um good stuff that people would want. And they would raid his house every now and then. I don't know my dad would keep a gun around the house just in case...but it was real, real unsafe for me.

This boy describes his dad as owning a gun in order to protect the family or material goods they owned, which suggests that he did not feel safe and did not feel as though protection would be guaranteed from other sources, such as the police. The participant also states that he felt very unsafe, which can bring up concepts from both the self-help/community justice and the general strain theory. The boy may perceive this lack of safety he feels as unfair and may engage in criminal activity in order to restore safety for himself. In addition, the lack of safety is likely highly related to Agnew's concept of

strain being caused by a confrontation with negative stimuli. This negative stimuli would likely come from those experiences that make the participant feel unsafe, such as raids or fights in the area. This boy does not discuss committing any crimes because of the experience he described above, nevertheless, the environment in which he was raised could be described as criminogenic from Black or Agnew's standpoint.

Later in the interview this participant described the gangs and family fights that occur even among the older residents. When asked why people do not get along with one another he explained, "Like if I have a maybe a mustang and someone doesn't, they would go fight and break the car of the mustang and stuff like that. If something's brand new don't take it on the reservation. Let's just put it that way. 'Cause people get jealous."

Here it is clear that inequality regarding the distribution of resources and material goods causes fights. It could be argued that this inequality, such as one family owning a mustang while others are in need of food, is perceived as injustice and the fights that result are an attempt to restore justice in the community. Additionally, Agnew's general strain theory can be applied to this example. In this case the strain that people experience could be said to come from a failure to receive positively valued stimuli. This feeling is likely exacerbated when others see someone who is able to receive the stimuli, like a new car. This evokes emotions of jealousy that then lead to the use of criminal behavior in order to cope, such as through assault. Additionally, this boy went on to describe the way people might steal a new car if someone brings it on the reservation and they want it. This, in addition to the raids previously described by one

participant, align with the community justice theory in that people are attempting to regulate justice through the redistribution of goods. Because the distribution of goods on the reservation can be unequal and it seems that basic needs like food, are not guaranteed, this uncertainty and distrust for the standard system likely leads many to take these issues into their own hands. Unfortunately, they tend to use dangerous methods for accomplishing this, such as assault, robbery, or damaging property. Still, what is important for this study is to analyze the motives for committing the crimes. Because these crimes stem from strain and injustice, those people described on the reservations would likely not engage in criminal activity if these factors of stress and inequity were not playing a significant role in their lives.

Another boy explained his reservation similarly,

Out on the reservation. I don't know it's kinda like fights and people separated. Nobody's really, I don't know, nobody, if you don't know 'em then you don't trust 'em I guess...I don't know it's kinda, kinda rugged I guess. Like really poor...Uh I don't know, I don't...I don't like, from what I remember I didn't really like it there 'cause I would always get jumped or I don't know I'd always get beat up I guess you could say. I would have to fight...I guess I didn't like it 'cause I didn't really have happy memories there.

Again this participant emphasizes the poverty and unsafe conditions that he experienced on the reservation. The strain that likely comes from confrontation with negative stimuli, like being jumped or attacked, very likely leads to a delinquent reaction, such as fighting back.

Combining the findings regarding the motives of minorities compared to white participants, and their trust in the legitimacy of police authority, Feagin's theory of systemic racism and the theory of community justice find a significant degree of support.

Whites overwhelmingly reported committing crimes and perceiving others to commit crimes because of boredom. On the other hand, most minorities had never considered boredom as a reason for committing a crime for themselves or their perception of others' motives. Many black, Latino, and Native American participants felt anger or revenge was a common motive for their own engagement in criminal activity as well as for others. This distinction is significant since it represents differences in the experiences of minorities compared to whites. For example, whites may not be exposed to the same energy and time-draining factors that minorities experience as a result of discrimination, prejudice, and racism in their everyday lives, which allows whites the opportunity or privilege to be bored. Additionally, anger and revenge are feelings that generally come as a result of external factors. These boys described their feelings of anger or need for revenge as directed at someone who had done something to them or their family or friends. Only a few white participants described anger or revenge as a significant motive for their actions. This is a meaningful difference because it suggests that the minority participants are exposed to more anger-inflicting or unjust factors in their lives. Furthermore, this implies that these boys would not be engaging in criminal activity if others had not wronged them initially. The social influences stemming from the white racial frame that cause people, such as teacher, employers, police officers, and peers to treat minorities with less respect and trust, or even with overt hatred at times, contribute to minority involvement in criminal activity. In this sense, these findings support the theory of systemic racism. This system disadvantages minorities by increasing their emotional and material strain. As one consequence, those most disadvantaged engage in

criminal behavior to defend themselves or regulate their own justice where they perceive the justice system to have failed them. This criminal activity can be seen as a form of resistance, as was explicitly stated by some of the participants with regards to their experiences with police officer maltreatment. The resistance is perceived as a threat to the system of racism that continuously benefits whites. Therefore, the reaction of the police is to punish this behavior through the legal system, essentially maintaining control over the subordinate groups of society. Furthermore, this perpetuates the disadvantaged status of the already subordinate group, minorities, because of the reduced opportunities for success in education and employment that occurs as a result of being incorporated into the juvenile justice system.

CHAPTER VII

INTERACTIONS WITH POLICE OFFICERS

While formal police departments were not created in the United States until about the 1900's, policing in the form of night watches, which were dominated by white immigrants in the North, and slave patrols dominated by poor whites in the South has played a central role in shaping race relations from the beginning of the nation's history (Gabbidon & Greene 2009:102-103). As Williams and Murphy explain, "The fact that the legal order not only countenanced but sustained slavery, segregation, and discrimination for most of our nation's history—and the fact that the police were bound to uphold that order—set a pattern for police behavior and attitudes toward minority communities that has persisted until the present day" (quoted by Gabbidon and Green 2009:103). Today, although the number of women and racial minorities in police departments has increased, at both the local and federal level minority officers are underrepresented compared to the general population (Gabbidon & Greene 2009:101). For example, federal police officers are still primarily white males, "and about one third are members of a racial or ethnic minority group" (Gabbidon & Greene 2009:101).

Little has changed with regard to the racial make-up of the police force, but more significantly, using police to shape the experiences and maintain the subordinated status of minorities has remained a function of the American police. Today, it is no longer acceptable to blatantly discriminate based on race in any sector of society, including the criminal and juvenile justice systems. However, discrimination still occurs in many

subtle and sometimes overt ways, which reinforces the disadvantaged status of minorities by perpetuating the inequality they experience. Generally, police officers are the first people that juveniles encounter when coming into contact with the juvenile justice system. The decisions made at this initial point are crucial to the experiences of juveniles. Furthermore, the substantial amount of discretion police officers possess creates an opportunity for discrimination to occur at this critical point of contact.

Discrimination can take a variety of forms, many of which were analyzed in this study.

Michael Lipsky analyzed police discretion in his article on “Street Level Bureaucracy.” He explains that “the exercise of discretion is a critical dimension of much of the work of teachers, social workers, police officers, and other public workers who regularly interact with citizens in the course of their jobs” (2010:xi). He argues that these jobs

typically could not be performed according to the highest standards of decision making in the various fields because street level workers lacked the time, information, or other resources necessary to respond properly to the individual case. Instead street-level bureaucrats manage their difficult jobs by developing routines of practice and psychologically simplifying their clientele and environment in ways that strongly influence the outcomes of their efforts. Mass processing of clients is the norm, and has important implications for the quality of treatment and services (2010:xi-xii).

It is not only the legislative process that is crucial for public policy, but also the way legislation is implemented by the street-level workers (2010:xiii). Lipsky’s argument suggests police discretion is not necessarily done consistently or fairly because of a lack of resources, and instead attempts to utilize the most efficient methods for decision-making regarding whether or not to arrest individuals. This signifies that police

discretion potentially relies on stereotypes or labels not only because of a deep racial framing that has been internalized, but also because of limited resources.

The discretion and discrimination used by police officers with the boys in this sample were analyzed carefully for this study. The following research questions were utilized to understand the role of police officers in the overrepresentation of minorities in the juvenile justice system:

1. How do interactions with the police differ between minority and white youth?
2. What affect does one's interaction with police officers have on criminal activity?
3. How is police discretion used with regards to white juveniles compared to non-white juveniles?
4. How do interactions with the police influence perceptions/trust in authority/police?

The most consistent themes that arose from the interviews involving this relationship between police and the over-selection of minorities include giving more chances to white juveniles than minorities, being arrested by the same officer repeatedly, being stopped for no reason, police knowing of a family's history of crime, and using unnecessary force against minorities.

Disproportionate Number of White Police Officers

First, it is important to note that all participants who identified themselves as being members of a racial or ethnic minority group had been arrested by a white police officer, at least once. Many of these participants have only been arrested by white police

officers. Of the Latino participants, all were arrested by multiple police officers at various times and have only experienced arrests by white officers. Of the black participants, two of the four interviewees had been arrested by a black officer in addition to white officers, and one of these two boys had also been arrested by a Latino officer. Of the eight Native American participants, two mentioned having contact with officers who were black and Native American. One white participant stated that he did not pay attention to the race of the officers who arrested him, and another white participant did not respond to questions regarding the race of the police officers. In general, the officers with whom the boys in this sample had contact were overwhelmingly white. A comment from a Native American participant exemplifies this concept. When asked, “What race were the cops that stopped you?” He responded with a degree of surprise, “Race? Oh jeez, they’re all white. One or two ethnics maybe.” Most participants simply responded without hesitation, using phrases like “all white” or simply, “white.” One Latino explained, “If I got arrested, all of the time it was white people” referring to the officers. Knowing the racial-makeup of the local and federal police forces in the U.S., these findings are consistent with what one would expect. It is important to confirm that the racial dynamics between officers and arrestees are consistent for this sample since the overrepresentation of white officers provides a basis for the experiences and discrimination that minorities face.

Repeated Arrests by the Same Police Officer

A variety of factors, many of which are racialized, can contribute to the initial stop or arrest of a juvenile. For example, the media’s over-emphasis on the black male

as a criminal contributes to stereotyping and prejudice by police officers and community members who turn in crime suspects. Additionally, racial profiling and heavily policing neighborhoods of color are ways that the initial stops and arrests of juveniles are influenced and racialized. Using Feagin's white racial frame theory, images and messages from the media and social networks label blacks and Latinos as criminals even if they have not committed any crimes. Adding elements of labeling theory to Feagin's work it can be projected that once an individual is seen to be "deviant" or "criminal" his or her actions will continuously be interpreted within this framework by those applying or utilizing the label. Since blacks and Latinos are already viewed as "criminals" before committing any crime, their actions will tend to be interpreted as deviant or criminal more frequently than a white person's actions, even if neither has been stopped or arrested for criminal behavior in the past. Additionally, the use of this label by police officers or others could influence individuals' decisions to engage in crime. This helps explain how these discriminatory mechanisms not only contribute to an over-representation of minorities in initial arrests, but begin a pattern of repeated stops and arrests. Narratives from this study provide evidence of the regularity of repeatedly being stopped or arrested by the same officer. This suggests that initial stops based on racial profiling or labeling are not only harmful because of the record juveniles attain, but also because this begins a cycle of arrests due to recognition by police officers and likely additional labeling.

In the current study, all Latino participants (four of four participants) had been arrested by the same police officer more than once. Half of the black participants (two

of four) had been arrested by the same police officer more than once. Six of the eight Native American participants were arrested by the same officer more than once. And nine of the fourteen white participants had been arrested by the same officer repeatedly. This indicates that of all white participants, 64% of whites were arrested one or more times by the same officer, whereas 75% of the minorities in this sample were arrested by the same officer one or more times.

Demonstrating this phenomenon of repeated arrests by the same officer, one Native American participant explained, “I don’t think I’ve ever been arrested by the same cop other than the one who I said was the family cop. His name is like Officer [name], or something like that... he’s arrested me the most consistently, so. (*how many times has he arrested you?*) Him alone was probably like 7, 8 times.”

While an officer may happen to arrest the same individual more than once by coincidence or because he/she is repeatedly assigned to certain neighborhoods, the fact that this officer has arrested this boy seven or eight times suggests that the repeated arrests may be the cause of additional factors. After arresting this participant two or three times it is likely that the officer remembered the boy and his previous offenses. Furthermore, this participant referred to the officer as a “family cop” and was fairly confident that he knew his name. This implies that the officer and the participant were well aware of one another during their interactions, which inevitably influenced the officer’s decision to stop or arrest this participant. Repeatedly arresting the same individuals may have a detrimental effect on police decision-making resulting in a disadvantaging effect for minorities, or those who are initially labeled “criminals” or

“delinquents” more frequently than others. Furthermore, stopping and arresting based on previous experience with a juvenile can lead to stops based on pure speculation, rather than those that are justified.

Many of the participants referred to incidences in which they had been stopped or questioned although they had done nothing wrong. They presumed that this was because of their previous experience with the juvenile justice system. For example, a Native American participant described the problem of being recognized and labeled by police officers in his city stating,

Like I'm known for getting in trouble where I come from. So usually the first person they come to is me whenever trouble starts...It's like different ones [police officers] I guess. It's like, majority of cops like know my name and know what I look like

Another Native American from a city of over 125,000 reiterated this idea explaining

...they [police officers in his city] stop you for every little thing. (*Can you give me an example?*) Walking around, let's say by the park and it's after six o'clock at night with a bunch of friends and you're walking around. Some, most cops, like not all, but most will question you...A couple times some cops stopped people for no intention, just to intimidate them. Mostly the teens and if they have a record...They were my friends, more boys than girls, Mexican or Native American, maybe one or two whites...They are more associated with doing more negative things. Some have more, I don't know how to say it, have troubles with police. Mostly assaults I guess. Police have a right to go roaming around wherever they want. And they might see one or two faces they know really well, but that doesn't give them the right to stop everybody. (*Why do you think the police stop them?*) They've seen them before. Well I know this for a fact, cops don't like trouble makers. They challenge them more, intentionally stop you for the littlest reasons and then try to bring you in.

This participant describes the use of police power and discretion to stop and question whoever they choose, even if the individual is doing little or nothing wrong.

He emphasizes the way one's previous experience with an officer or the justice system, such as police "see[ing] them before" or knowing of them as "trouble makers."

Additionally, the participant explained that the friends who have been viewed by the cops as "trouble makers" are "Mexican or Native American."

African American and Latino participants shared similar experiences that they or their friends have had with repeated arrests by police officers. To further substantiate this problem, another Native American participant explained,

I trust cops I don't know, 'cause they don't know me. (*Why do you think that that matters?*) Because if they do know me, and they know my past then they'll most likely, I don't know, run everything thoroughly. (*And if they don't know you, then what?*) They just treat me like everybody else.

As mentioned, while this phenomenon is more likely to have a devastating effect on minorities because of an increased likelihood of being labeled a criminal and initially stopped or arrested, some of the white boys in the correctional facility described similar incidences. One white participant was asked (*Were the cops that arrested you men or women?*) to which he responded, "Men...actually I've been arrested four times. Three of the times were the same guy."

Another white participant referred to a cop who repeatedly arrested him saying, "I think that since he's seen the car, and I think that, he knew that ya know 'I arrested that car once and ya know he did this'. Well then I think that he was gonna keep an eye on that car. I don't know that he was out to arrest me, but he was gonna make sure that, ya know, I wasn't doing anything."

This participant expresses his perception that after labeling an individual as a delinquent, or knowing of an individual's reputation, police officers will keep a closer

eye on him or her. Because of the limitations of this sample, it is difficult to know whether the majority of police officers do in fact watch and stop those with a history of contact with the juvenile justice system more frequently than others. Still, the participants of this sample have had more interactions with police officers providing them with an insider's perspective. Although their perception may be biased, it provides a basis for future questions and analyses of these interactions.

Minorities expressed more experience with repeated arrests by the same officer than whites. While the difference between whites and non-whites was not drastic, this finding is significant because the sample only includes those who have already had contact with the juvenile justice system. After contact has occurred the racial differences may be less apparent with regards to repeated arrests. However, since previous research has shown that minorities are more likely to be stopped and arrested than whites, this finding suggests that minorities are at a continued disadvantage once the initial stop has taken place. Earlier studies have demonstrated that minorities are disadvantaged at most stages within the juvenile justice system, including at the stage of arrests. However, this finding contributes to the literature by explicating one of the processes, repeated arrests of those with prior contact with an officer that is permitted due to police discretion, that contributes to the increased likelihood that minority juveniles will be arrested and processed through the juvenile justice system.

While some of the participants came from small towns, and therefore only had one or two police officers in their area, many of the participants who were repeatedly arrested by the same officers were from larger cities. Arrests by the same officer within

larger cities may occur because officers are assigned to police certain locations. However, this becomes problematic when officers recognize individuals who they have previously arrested, and then re-arrest them at least partially on this basis. The officers may have personally labeled these juveniles “delinquents” or “criminals” based on one offense and are now treating him/her accordingly, making it difficult for the juvenile to evade this label. Moreover, differential treatment by police officers based on a previous arrest is not providing juveniles with fair treatment. This process ensures certain juveniles will be stopped more than others, regardless of their actions. Many times juveniles were stopped and questioned by police officers who knew their name or recognized their faces. Although this did not always result in an arrest, this clearly violates these individuals’ civil and human rights. To be subject to random searches for walking down the street simply because one has been charged with delinquency in the past is an unjust use of police discretion and power.

Furthermore, this finding suggests that those who have had previous contact with an officer will have an increased likelihood of being arrested or charged for criminal activity in the future, since they are subject to more frequent stops and searches. Racial minorities, who are most at risk for initial arrests due to policing certain neighborhood and stereotyping, are thus the most likely to be continually stopped and arrested. These findings demonstrate one factor that perpetuates this cycle of disadvantage, therein supporting the theory of systemic racism in which white-dominated institutions maintain the subordinated status of racial minorities through various forms. In this case,

racial subordination is maintained using the first stage of the juvenile justice system, the police force.

Chances

Comparing the experiences between minority and white participants, another major theme emerged regarding police discretion and differential treatment. The number of chances the police officers gave to white boys compared to Latinos, blacks, and Native Americans suggests an additional procedure that leads to an overrepresentation of minorities in the juvenile justice system. Here, “chances” refers to the police officers letting the boy go without any arrests or charges.

Approximately the same number of minority and white participants mentioned receiving chances from police officers. However, a qualitative examination of the comments from these boys speaks to a significant disparity with regards to this experience.

For example, Native Americans, Latinos, and blacks described their experiences with receiving “a chance” from a police officer as a rare occurrence. One Native American responded to a question regarding how many times he had been arrested, stating, “Twenty somethin’ times. There was only one time when I had a run-in with the cop, or actually two, that I had a run-in with the cop and didn’t get in trouble.”

Another Native American described receiving chances as a rare occurrence.

Interviewer: “What happened when you were given a chance?”

Participant: “There was the one when I was eight, and the other one. Um, I was, I was drinking and uh, my girlfriend was driving and she wasn’t drinking anything. And it

was like snowy out and she was trying to take a left turn and she slid a little bit. And then we kept going and then the cop stopped her and uh, he was asking her questions...and then he let us go.”

A Latino participant responded to the question of how many times he had received chances or been let go by an officer without any charges by saying “Probably just a couple times for me.” In this statement it is evident that a standard formula for awarding “chances” does not exist. The participant included the phrase “for me” to describe the subjectivity involved. Other participants qualified their statements in similar way, such as this black participant who had received chances from police officers, saying they give them “to me, yeah, but to some people no. Like the people that’s in gangs, they give em one chance then the second time they do it they go to jail type of thing.” Based on the experiences of these youth, police officers use a large degree of discretion when determining who they will let go. While presumed association with a gang might result in fewer chances, it is likely that many of the same factors influencing the police decisions to stop, question, or arrest individuals are influencing whether or not they give them a chance. One of the factors directly affecting this decision appears to be race, as evidenced by the qualitatively different responses provided by white participants.

Many white participants described receiving chances regularly from police officers. For example, one white interviewee was asked if he trusted cops, to which he responded, “Some of them I do, but it depends. I guess they, they’re there to do

business. I mean yeah I trust cops because they gave me chances and stuff. They gave me a lot of chances...”

Another white participant explained, “I punched a kid so I had to go to the police station. He put me in handcuffs, but I wasn’t really arrested. He knows me better I think, so he lets me off a good amount of times.” While yet another white participant said “I’ve gotten tons of those [referring to chances], but not after I’ve been arrested. One time I was pulled over and never got a ticket. When I was younger I got more chances.” Most white participants described receiving multiple chances from officers. Many did not even provide an estimate of the number of chances they have received, but rather offered vague terms like “good amount” and “tons” as in the above examples. Some of the chances allotted to the white boys came repeatedly from the same police officers, while others were from various officers.

Finally, some participants referred to this chance disparity between minorities and whites. One African American witnessed the racial distinction in his own experience explaining, “Like some guys I hang out with, one of my friends...and he ain’t my color, and usually he would get in trouble or something and he only get, he don’t actually get in trouble with the cops. (*is he white?*) (nodded yes) (*are the cops white that don’t get him in trouble?*) (nodded yes). And a white participant stated,

I think it’s like because some people see the cops more often. Like my friend he sees the cops more often. Like other people don’t. So they give the other people that don’t more chances...They told me about it ‘cause like they, they basically name the cops, or like when cop cars go by, ‘I don’t like that cop, that cop did this to me, that to me’. Or ‘that cop caught me for this, or caught me with this’ (*What race were the boys who were telling you about that?*) Uh, white and Native American.

This white participant does not express the role of race in influencing police decisions; however, based on the race of his friends and their experiences, it can be inferred that race played a role in the police interactions he described.

The difference in the frequency of chances that whites receive compared to minorities based on this sample, implies that police discretion generally maintains systemic racism in the criminal justice system through privileging whites and punishing minorities. The decisions regarding who should be let off with a verbal warning and who should be arrested stems from the white racial framing that depicts whites as more innocent than blacks or Latinos who are portrayed as aggressive, angry, and dangerous. Police officers, like all other Americans, are bombarded with images, conversations, and selective descriptions of reality and history in the media and literature on a daily basis that promote the white racial frame and make it nearly impossible to objectively determine a fair course of action when dealing with juveniles of all races. Because there appears to be a significant difference in the frequency of chances awarded to whites compared to blacks, Latinos, and Native Americans, race is clearly playing a factor for police officers in terms of their decision-making. This perpetuates systemic privileges to whites and disadvantages to minorities because each decision made by a police officers in terms of a chance or an arrest will impact the boys' records, which influences future sentencing decisions by the court.

Unjust Treatment and Discrimination by Police Officers

One of the clearest pieces of evidence for the discrimination that occurs within the interactions between police and minority youth is demonstrated through the youths'

description of these interactions, which often include unnecessary force and overt discrimination by the officer. It is important to keep in mind the age of many of these participants who are treated with such aggression. For example, one of the youngest participants was an African American eleven year old boy who was unfairly treated by an officer. One of the many examples this boy provided exemplifies the unjust treatment of children by the police:

That was unnecessary to slam somebody like that, 'cause I wasn't even resisting. 'Cause like he came up, I started fighting like, 'cause I knew him 'cause I did a lot of things before. So I was just waiting there 'cause I know last time I resisted he slammed me hard that time. So I'm like, I'm not even gonna start, I'm not gonna fight this time. So I stopped, these guys come and slam me even harder than they did the first time. They slammed me again, then that's what got me mad. 'Cause I was all calm when he slammed me. Then he slammed me on the ground and scratched up my face. Then I'm like, I just hit him, 'cause I hate when people just do stuff, like I hate when people like hit me, so that's what gets me tempted to fight.

From this description it is evident that the police officer did not have the right to use physical force against this participant. Even though he was staying calm and not resisting the officer, the officer used unnecessary physical force against him. In this instance, the participant explains that he knows the officer because he had done "a lot of things before," which may be the reason this officer decided to aggressively approach him. Police usage of unnecessary physical force was a theme among many of the Native American, black, and Latino responses as well.

A Latino participant described a fight he had with a boy who he perceived as non-white. He explained that after the fight,

Like I rolled over quick and put my hands behind my back 'cause there's like eight cops there and they all had their tasers out and the cop rolls up and like I'm already down ya know I'm on the ground and he still tasers me. And the other

guy [name], that's his name, he was just huge behind me and they just let him go. Like he, he was just like standing over me, like ready to hurt me and yeah. So I got tasered when I was already on the ground. (*What did you think about that?*) Well I think, I know the cop knew he was in the wrong 'cause I didn't get charged for resisting arrest. And I explained that to him, I was like "you had no right to taser me. I was already on the ground" I mean it was pretty bad...He didn't say nothing to me...I actually was pretty mad though.

Another incident that a Native American experienced is described in the following passage

I don't think they [the police] treated me fairly...I was running from a cop, so the cop pulled out a gun and the other kid stopped and I kept running and soon as he stopped he got out of his car with his gun pointed at me and told me to get on the ground. And I was like, 'why you doin that?' He kind of tackled me deliberately and kneed me in the back and kicked me in the back of the leg. When he searched me I was up against his car and he hit my head up against the car, not hard, but I could tell it was intentionally. I didn't do nothing wrong, I complied, I didn't hit nothing. It was mostly calm. For me it was. Until he escalated the situation. (*Why do you think he escalated the situation?*) He wanted to get something out of me, to use it against me. That's how most of them work. I had the chance to run off again, but I didn't do it.

Again it is evident that the police officer did not need to use force, but did so anyway. Though not all, many of the black, Latino, and Native American boys in the study described police encounters in which they themselves remained respectful and calm to the police officers. In return the officers used physical, aggressive force. Whether this aggressive force was in an attempt to intimidate or dominate these minority youth, the police officers were clearly unjustified in their infliction of harm upon these boys. These examples speak to the explicit injustice within this initial stage of the juvenile justice system. Moreover, in addition to the blatant physical harm that these boys, and likely many others, endure, this intimidating and unjustified interaction has

consequences for crime and society because of its influence on boys' perceptions of police officers and the law as described in Chapter V.

One might argue that the use of unnecessary force against juveniles does not necessarily speak to racial discrimination. However, only two white participants described an incident in which they had incurred physical harm from a police officer. In fact, when some white participants were asked about maltreatment by police officers many assumed this was not something that occurred, or at least not often. Exemplifying the opinion of many white respondents, one white participant stated, "I don't think they [police officers] just slam you up against the car unless you're, unless you're resisting them or something."

However, some white participants were aware of this form of police malpractice. Still, all but two of these boys described stories they had heard regarding the interactions between police and their friends of color. For example, one white participant explained how two Native American boys from a previous placement he was attending ran away. He explained that the police tased the boys and then "grabbed his nightstick and then they hit their ankles...so their ankles hurt so they can't run."

Finally, some boys of all races described blatantly discriminatory incidences with the police, specifically referencing race as a factor. One African American explained,

I've had racist cops before deal with me. (*What did the cop do or say?*) "I'm tired of dealing with you black people in this community, thinking they can do whatever they want." And I was little. Then he called me the 'n' word a bunch. Then my mom tried to stop him, but there really wasn't anything she could do. (*How old were you?*) Eleven. (*what did you think?*)... I thought they were supposed to help people out.

For this boy, his understanding of the role of police officers had previously been positive, assuming they should “help people out.” However, instead of helping, this officer used his position of authority to discriminate and harass the young boy. His comment demonstrates what most children are taught to believe about police officers; that they help people and are generally respected figures in society. At the same time, the participant describes his experience that contradicted this general belief. The participant adds that his mother was there but powerless to mitigate the situation for her son. The power differential between the police and the general public makes it possible for the officer to say what he desires with few, if any, repercussions. Lastly, this comment clearly illustrates that race is still a salient issue in the minds of some police officers. Racially prejudiced views influence the behavior of some police officers, as was the case of this officer who decided to make discriminatory remarks toward this young boy.

Other white participants recognized discrimination by police officers, although it was not as aggressive. Two white participants described African American friends living in Chicago who were discriminated against by officers. One young white participant said he had recently talked to his friends from school, two of whom were white and one who was non-white although he was unaware of what race she identified as. He explained they were all caught drinking at a party and the two white girls were let go right away, while the non-white friend “had to stay locked up for like three weeks.”

The combination of unnecessary, aggressive force used primarily against minorities as well as overt discrimination and prejudice from white police officers

speaks to a significant problem within the United States juvenile justice system. It is not surprising that minorities are highly overrepresented in a system whose first stage involves predominately white people, operating out of a white racial frame, with the power to utilize a significant degree of discretion. This finding provides support for two aspects of systemic racism. For one, the white entitlement felt by these officers due to their status as white men in a position of relative power enabled them to inflict unnecessary harm on children and adolescents. The delinquent status of these boys, whether legitimately labeled or not, was likely also a factor in the officers' decisions to use aggressive force against these boys. Secondly, the juvenile justice system permits and supports the officer's behavior through little supervision of their actions, and by providing officers with weapons and discretion. Finally, other social institutions like education and mass media uphold these police practices by perpetuating stereotypes of minorities such as the notion that they are criminals who lack appropriate values for maintaining a safe society. In this sense, racism can be overt as in the incidences where police officers discriminate against minorities and treat them poorly, but is also supported by a larger structure of systemic racism that infiltrates all social institutions perpetuating ideas and the unjust enrichment that acts as support for these ideas.

Police Awareness of Family History with Crime

An interesting dynamic influencing the relationship between police officers and youth is family reputation. While the reasons for family involvement in criminal activity may be debated, many participants in this study described their parents as participating in some form of criminal behavior, as discussed in Chapter IV. The focus for this

chapter is the influence of familial reputation on the interaction between police officers and youth. Family reputation was a theme that emerged from the interviews, but was not a topic about which the interviewer directly asked participants. For this reason, the exact frequency of this phenomenon within this sample is unknown. Still, it appears to be a significant factor in the lives of these boys based on their descriptions. Without being prompted, two of the eight Native American participants alluded to the idea that police officers with whom they had contact knew about a family history of crime. Two of the black participants explicitly described this as the case for them as well. Three of the Latino participants explained a family history of criminal activity, but only one explicitly described this as affecting his interaction with a police officer. And three of the white participants described this as influencing their experiences with the police.

One boy who identified as Native American, credited his last name as playing a significant role in police decisions regarding himself. Throughout the interview, he referred to his family as the “[last name] family,” and discussed the negative reputation this implied for the surrounding community. In terms of the effect this had on his relationship with police officers in his town he explained,

...From personal experience, um, ya know, I don't put up with a lot of crap and the cops don't like the [his last name] family whatsoever and I'd get stopped for just walking down the street ya know at 8 o'clock at night and ya know if they asked me to get in the car I'd tell 'em to screw off and I'd walk away.

An African American participant described a similar dynamic in responding to the following question:

(Why do you know him, does he come around your neighborhood a lot? (Referring to a police officer he had mentioned)).

Yeah, he arrested my dad a bunch of times. And then he, he never caught my uncle. My uncle, like fast, he jumped through gates, and he jumped over gates and all that. Then where I was, he tried to get my uncle, so the cop failed that, slammed me, 'cause my uncle's fast...Like he would call me by my name. So, I think he was like my uncles did bad so he might've thought I was doing something bad. So he'd check on me whenever he had the chance.

These examples emphasize the disadvantaging effect that family reputation can have on one's experience with police officers. Similar comments were made by a few of the participants regarding their interaction with judges who, for example, had previously decided upon the cases of their father and siblings and was well aware of the individual's family history at the time of deciding on his own case. Many variables may have affected why the family members of many of these participants were involved in the criminal justice system, some of which likely relate to systemic racism, the white racial frame, and other disadvantaging effects. While the limitations of this study do not permit a full analysis of the factors influencing the parents of these juveniles, it can be argued from this data that a family's reputation contributes to the disadvantaged status of those juveniles whose families have had contact with the justice system. Furthermore, because adult racial minorities are overrepresented in the criminal justice system, this factor will be more detrimental to minorities than whites.

This provides additional support for the theory of systemic racism, arguing that police practices disproportionately target minorities. This finding shows that in addition to overt forms of discrimination, police utilize a more socially acceptable means of discrimination. By targeting the children of those who have experienced contact with the justice system, police likely rationalize their decisions as reasonable and based on factors other than race, like a family's reputation or history of crime. Nevertheless, the

interplay among racist institutions in the U.S., such as the relationship between impoverished neighborhoods, police practices, familial and social networks, and other aspect of the criminal justice system, ensure that race continues to be a salient factor in the interactions between police and youth.

This can occur whether the police officers are intentionally prejudiced, or simply operating within the framework of a white dominated society that aims to preserve white interests. Furthermore, consistently checking on children within families who are known to have a history of criminal activity infringes on the rights of these boys who should not be subjected to stops without a cause. This maintains a cycle of discrimination against particular families by police officers. Many of these families are racial minorities because they have been processed through the criminal justice system due to a variety of factors including coming from poverty-stricken and/or dangerous neighborhoods and discriminatory selection processes within the justice system. Therefore, targeting their children as potential delinquents before any criminal behavior has occurred perpetuates this cycle of discrimination. What is unique about the second stage of this process is that officers do not need to rely on the same selection processes, such as racial profiling, as before because they can use family history as a basis and rationalization for their actions. This allows officers to continuously arrest black, Latinos, or Native Americans at higher rates than whites, by justifying their decisions based on factors other than involvement in criminal activity or race specifically.

Overall, this chapter describes the effects of a majority white police force on contact with the juvenile justice system. The very framework of the system is racially

constructed with those in power being white and those most subjected to their power being black, Latino, and Native American. Systemic racism theory sheds lights on the effects of this racial power dynamic and the continuous reproduction of a racial hierarchy for which it allows. Those in power possess racial stereotypes that justify over-selection of people of color in stops and arrests, giving more chances to white youth, and forcing more youth of color into the juvenile justice system. In turn, this perpetuates stereotypes of black, Latino, or Native American criminality compared to whites since those incarcerated reflect this stereotype. Additionally, repeatedly being arrested by the same officers highlights the importance of labeling theory and the negative effects this can have on certain individuals. By adding systemic racism as a context of labeling theory, people of color are at a disproportionate disadvantage for being labeled due to their family histories, neighborhoods, and interactions with police officers that appear to increase their chances of being labeled and processed by the justice system compared to whites.

CHAPTER VII

CONCLUSIONS

Previous literature on disproportionate minority contact has shown that race plays a role in the outcome of juveniles at each stage of the juvenile justice system, even when controlling for other socio-economic factors (Engen 2002). To understand the influence of race with regards to the juvenile justice system, it is necessary to examine the social context from which all juveniles come, including neighborhood and family backgrounds. It is also important to compare differences in police interactions based on race, since decisions made at this point determine whether or not one enters the juvenile justice system and at what charges. Many of these key aspects were analyzed for this study in an attempt to understand disproportionate minority contact from a broader perspective, rather than simply looking at decision points within the justice system. Comparing motivations for criminal activity by race, as well as perceptions of police authority allowed for interpretations of why minorities may engage in more criminal activity than whites. Additionally, examining police interactions provided an understanding of how over-selection of minorities can occur. The most significant findings from this study include:

1. White boys in the facility generally came from safer, gang-free neighborhoods than blacks, Latinos, and Native Americans who described more dangerous neighborhoods with gangs, drugs, and shootings in the area.
2. Many white boys also described themselves or their friends as the only delinquents in their neighborhoods.

3. White participants were the most likely to view police officers in a positive way. More boys of all races did not trust police officers than did trust police officers.
4. Black, Latino, and Native American participants were the most likely to cite anger or revenge as reasons for breaking the law.
5. White participants were the most likely to view boredom as their reason for breaking the law.
6. White boys in this study reported more frequently receiving chances, or receiving a warning rather than actually being arrested, from police officers than did youth of color.
7. Boys of all races described being arrested by the same police officer more than once. Slightly fewer whites were arrested by the same officer more than once compared to minorities.
8. Ten participants (black, Latino, Native American, and white) described being stopped or arrested by police officers who knew of their family's history/reputation regarding criminal activity.
9. Black, Latino, and Native American participants frequently noted incidents of police maltreatment or the experience of unnecessary force against them. In contrast, only two white participants described this as occurring in their interactions with police officers, and many whites described police maltreatment as something that they do *not* believe really occurs.

Examining these findings as a whole, it can be concluded that if minorities are involved in more criminal activity than whites, as some studies have shown, this can likely be explained as a result of their social context and the crime-provoking factors to which they are exposed. In this sense, one could say that disproportionate contact is the result of a disproportionate amount of strain and crime-provoking influences within the social environments of blacks, Latinos, and Native Americans compared to whites. Racial segregation is a significant factor contributing to disproportionate minority contact. The chances for repeated arrests by police officers can be increased by living in a neighborhood that is heavily policed. Additionally, the likelihood of police officers

having an awareness of a family's reputation regarding criminal activity would be increased if living in neighborhoods where crime rates are high since this would increase police interactions and the likelihood for family involvement in crime. Also, external social factors, such as a lack of resources, food, or safety incite feelings of anger, revenge or a sense of injustice, often resulting in criminal activity.

Black, Latino and Native American participants can be described as having such distinct experiences in terms of neighborhood context and interactions with police officers, compared to the white participants, that it could be concluded that youth of color and white respondents in this sample experience different sides of the same society. The social structures these boys encounter are roughly the same, but the experience within the system is different depending on race. In general, whites experience a more responsive and trustworthy police force and less dangerous neighborhoods. On the other hand, many blacks, Latinos, and Native Americans experience unresponsive, untrustworthy, and at times abuse from police officers in addition to more violent, crime-filled neighborhoods. Focusing beyond the juveniles from this study, the distinct experiences of whites and nonwhites can also be understood in terms of whites dominating social structures like the juvenile justice system, determining which crimes and neighborhoods on which to focus their attention. In contrast, and as a result of decisions made based on white interests, those who tend to be most at risk because of these decisions are people of color, who experience higher rates of arrests and incarceration than whites.

Theories of systemic racism, community justice, and the general strain theory found support from this study. These theories all have major components in common and can be viewed as interconnected to one another. Each theory pertains to a distinct level of analysis. Systemic racism provides a macro-level perspective for explaining structures of inequality and the reproduction of white power, which are linked to self-help/community justice and general strain theory. For a mid-range perspective, community justice describes the way systemic racism plays out in neighborhoods and communities in terms of producing contexts for strain and affecting policing and unresponsiveness of officers. At the micro-level, general strain theory allows for an understanding of how and why strain leads individuals to engage in criminal behavior, explaining it as a coping mechanism.

These theories complement one another, with overlapping concepts of inequality and power dynamics at each level. For example, a history of racial inequality in the U.S. has forced residential segregation and higher property values in predominantly white communities. This system of racism is also responsible for the racially based power structures, such as a juvenile justice system largely crafted by whites, from the formation of the legal codes to the enforcement of these laws by police officers. At the community level, the neighborhoods with less property value also have fewer opportunities for education and employment that offers a living wage than those with higher property values. This has two effects relevant for the theories discussed in this thesis. First, these neighborhoods have been shown to have higher crime rates, which generally lead to heavier policing. However, as Donald Black argues, lower class individuals and people

of color who are concentrated in these neighborhoods tend to be the least served by the police. In response, criminal activity may be utilized as a form of social control for these communities. Secondly, this context leads to a disproportionate degree of strain. Similar to Black, Agnew describes one cause of strain as being caused by low levels of social control, such as a lack of reliable police authority to handle problems like assault or victimization. Also, the pressure to rely on illegitimate coping mechanisms is enhanced in these neighborhoods where police may be absent. Clearly, the theories of self-help/community justice and general strain theory intersect to some degree here. The factors provoking criminal activity are similar for both of these theories; however the motives for each are slightly different. Whereas the community justice theory views crime as an attempt to implement social control, general strain views crime as an effort to cope with a perceived injustice that one experiences.

The findings in this thesis support the combination of these theories as interconnected and provide a multi-level analysis of the various factors involved in criminal behavior and contact with the juvenile justice system. The results demonstrate that the factors leading blacks, Latinos, and Native Americans to commit crime come from racism, or inequality based on race, and discrimination rather than from distinct cultural values or violent tendencies of various races, as some may argued. In short, the unresponsiveness of police officers, and the injustice and disproportionate amount of strain that racial minorities experience within their neighborhoods can all be understood as part of a history of racial inequality that continues to be reproduced in various forms today, including through the juvenile justice system.

This study demonstrates clearly that the juvenile justice system is not the initial stage of systemic racism, but rather one aspect of the whole system. Residential segregation and neighborhood inequality contribute to the likelihood that one will be incorporated into the justice system. From that point, the justice system further perpetuates inequality by over-selecting minorities and then reducing their access to mainstream society, in terms of education, employment, and social networks that are necessary for acquiring equality.

The juvenile justice system keeps minorities as a controlled, subordinated group with less opportunities for educational and employment success and more exposure to discrimination. If these boys do not explicitly experience racial discrimination, then they will likely experience discrimination for their status as juvenile offenders, as Michelle Alexander describes is the case with many adults who have received felonies. Juvenile participants are not subjected to the same discrimination from voting, housing, or employment as adults who have felonies on their record, but they may be discriminated against within their classrooms, neighborhoods, or police officers as was shown in this study. Furthermore, most adults in the criminal justice system were previously in the juvenile justice system. Therefore, many of these boys will eventually move into the criminal justice system, exposing them to the discrimination Alexander discusses.

The perspectives of youth who are directly affected by disproportionate minority contact provide a unique lens from which to analyze the experiences of juveniles and understand the role of race in crime and the juvenile justice system. Future research

should incorporate the perspectives of police officers in order to analyze how they make their decisions. The influence that a juvenile's reputations or his family's reputation may have on the police officers' decisions could be analyzed by interviewing or surveying the police force. In addition, using quantitative methods to evaluate the various factors found to be significant in this study, such as the number of chances white boys received compared to minorities, would make it possible to generalize some of the findings to juveniles in the region. Finally, a study that includes a random sample of youth of all races and gender who are not currently incarcerated within an area would be useful for testing the role that the juvenile justice system plays in over-selecting minorities. This would provide data on girls and boys who have never been arrested despite being involved in criminal activity, which could highlight disparities in the justice system's selection process.

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