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## The State of Disproportionate Minority Confinement (DMC) in Mississippi's Juvenile Detention Facilities<sup>1</sup>

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### Abstract

*Disproportionate Minority Confinement (DMC) has become a national issue due to several amendments to the JJDP Act of 1974 requiring compliance of all states' participating in the formula grants program. All participating states, including the State of Mississippi, have thus introduced several programs to tackle the DMC problems in their various states for six years running. Giving these programmatic interventions, this study seeks to determine if DMC still exist in the juvenile detention facilities in the State of Mississippi. A survey instrument designed to measure racial composition of detainees was administered to the 18 juvenile facilities. The resulting data were compared with the State's 2000 National Census data of juveniles by race. The study finds a strong evidence of DMC in the juvenile detention facilities of the State of Mississippi.*

Disproportionate Minority Confinement (DMC) exists when “the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups... exceeds the proportion such groups represent in the general population” -JJDP Act of 1974 - Pub.L.No. 93-415, 42 U.S.C. 5601 et seq - (Devine, Coolbaugh, and Jenkins, 1998, P.2). To explain the Act, the Office of Juvenile Justice and Delinquency prevention (OJJDP) defined minority populations as African Americans, American Indians, Asians, Pacific Islanders, and Hispanics (OJJDP Regulations, 28 CFR Part 31).

While DMC has been with us for a long time, it was not a national issue until it was brought to national attention by the Coalition for Juvenile Justice (formerly the National Coalition of State Juvenile Justice Advisory Groups) in its 1998 annual report to Congress: A Delicate Balance (Hsia and Hamparian, 1998 P.1). As a consequence, Congress passed the 1998 amendment to the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974(Pub.L.No. 93-415, 42 U.S.C. 5601 et seq.), requiring states participating in the formula grants program to address Disproportionate Minority Confinement in their plans. “Specifically, this provision required state plans to assess the level of such confinement and implement strategies to reduce disproportionate minority representation where it is found to exist” (Devine, Coolbaugh, and Jenkins, 1998). Additionally, a subsequent amendment to the JJDP Act, elevated DMC to a Core

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<sup>1</sup> An earlier version of this paper was presented at the Academy of Criminal Justice Sciences Annual Conference March 2004 in Las Vegas, Nevada.

requirement, with future funding eligibility tied to state compliance. And according to OJJDP, addressing DMC involves five phases of ongoing activities:

- Identifying the extent to which DMC exists
- Assessing reasons for DMC if it exists
- Developing an intervention plan to address these reasons
- Evaluating the effectiveness of strategies to address DMC
- Monitoring DMC trends overtime (Hsia and Hamparian 1998, P.1).

In implementing DMC efforts, all states, including the state of Mississippi, have conducted several studies to determine the existence of DMC in their states, and have also introduced programs to reduce DMC where they exist. From the 1998 amendments to the JJDA Act that began these efforts to date, states, including Mississippi, have had approximately 6 years to tackle the DMC problem. It will be interesting to know if these efforts have reduced DMC in the various states including Mississippi. This study, therefore, seeks to determine if DMC still exist in the juvenile detention facilities in Mississippi. Before we explore this research question any further, it will be helpful to first discuss the efforts of the state of Mississippi, thus far, towards tackling the DMC problem.

### Mississippi's Efforts Toward Tackling DMC

In complying with the DMC requirements spelt out in the amendments to the 1974 JJDP Act, the State of Mississippi has undertaken several actions, including conducting studies, and implementing DMC related programs. A relatively recent DMC progress report by the State of Mississippi sums up these efforts as follows.

Mississippi has identified the extent to which DMC exists (Phase I: Determination of whether minority youth are Disproportionately confined in secure facilities, Jan. 1990); assessed the reasons for DMC (Disparate Treatment of Minority Youth within Mississippi's Juvenile Justice System, Mar. 1993); and implemented a plan to address the Identified reasons through its Formula Grants Program State Plan (Mississippi Disproportionate Minority Confinement (DMC) Progress Report, P.1).

The same progress report identified the following as causes of the DMC in Mississippi.

1. Lack of Community – based detention alternative programs for Minority youth
2. Lack of Local Prevention programs
3. Lack of adequate legal representation
4. The absence of uniform detention criteria.

In response to these identified causes of DMC, the state has according to the progress report, “1) implemented community based alternatives to detention programs to divert minority youth (i.e., Evening Report Centers, Community Service Projects,

Electronic and Voice Verification Monitoring Projects, and Individual/Family Counseling Programs); 2) implemented local prevention programs (i.e., Mentoring and After School projects in Minority Communities/Public Housing Complexes, Violence Prevention project); 3) developed a Risk/Needs Assessment Instrument for Statewide use by Youth Court Intake Officers; and 4) Currently conducting a statewide study in Association with the administrative Office of Courts (Mississippi State Supreme Court) to determine the access, quality, timeliness, and the effectiveness of legal Representation for juvenile offenders” (Mississippi Disproportionate Minority Confinement Progress Report, P.1).

Additionally, the progress report posits that the State of Mississippi now sponsors an annual Statewide Conference for Juvenile Justice Practitioners, with the Conference agenda Covering DMC workshops or DMC general sessions. “The DMC workshops and general sessions were conducted by OJJDP Technical Assistance Providers: Karen Francis, CYGNUS Corp., 1999; Dr. Michael L. Lindsey, Nestor Consultants, Inc., 2000; Michael Findley, Youth Law Center (Washington D.C.). 2000; and James Bell, W Haywood Burns Institute for Juvenile Justice Fairness and Equity, 2001 (Mississippi Disproportionate Minority Confinement Progress Report, P.2).

Obviously, the State of Mississippi has made some efforts towards tackling the state’s DMC problem. It is, however, not clear if these efforts are, indeed, reducing DMC within the state. In other words, with all these research and programmatic efforts, is there still disproportionate minority confinement in the juvenile detention facilities in Mississippi? This is the question this study seeks to provide an answer. Thus, the research question of this study is: Does DMC still exist in the juvenile detention facilities in the State of Mississippi?

### Statement of the Problem

The State of Mississippi has had a not too impressive record in Race Relations in the past (Wednesdays in Mississippi: Chicago 1964 trip, p.1). The state is working hard to distance itself from the past and build a new image. As a consequence, doing its best for its minority population, in all regards, is quintessential if the state must succeed in its efforts to reshape its image, grow her economy, and achieve a high standard of living for its people. This is why the State of Mississippi will not be moving in the right direction, if by error or omission, the state allows its teeming minority juvenile population to be subjected to disproportionate confinements, instead of building them up to become good and productive citizens that will form the skilled and unskilled labor force to help, in today’s reality, grow the state economy and improve the standard of living within the state. On the other hand, if the state allows its minority juveniles to be disproportionately introduced to the life of detention early in life, the likelihood that they will end up in the adult facilities (prisons) is almost certain (Building Blocks for Youth, 2001). If this happens, the state will have a large pool of minority adults wasting away in prison, instead of contributing their share to the state’s economic growth and becoming good citizens of the great state of Mississippi.

Furthermore, the disproportionate detention of minority juveniles, and their likely subsequent incarceration as adults, will result in the disenfranchisement of a large proportion of the minority population; it will also reduce the wage earning capabilities of a large segment of the minority communities, which in turn will lead to “disruption of family relationships, and a growing sense of isolation and alienation from the larger society” (Building Blocks for Youth, 2001, P.4). It is clear that Disproportionate Minority Confinement has direct and indirect negative consequences for both the minority communities and the majority communities in the State of Mississippi. It is, therefore, important, in the collective interest of all, to work together to reduce/eliminate Disproportionate Minority Confinement in the state.

Clearly, the State of Mississippi has worked hard to reduce DMC for approximately six years. This study, therefore, seeks to check the results and to determine if DMC still exists in the juvenile detention facilities in the State of Mississippi. A finding that DMC still exists will be a clear message to the state to redouble its efforts towards tackling DMC and, also, drive home the need for the state to conduct program evaluations of the totality of DMC intervention programs thus far implemented. Here lies the significance of the study.

### **Method and Analysis**

Mail survey was employed to conduct the study in order to address the research question. A survey instrument designed to measure racial composition of detainee population was administered to the 18 juvenile detention facilities (N=18). Twelve of the 18 facilities responded, resulting in a 67% response rate. The survey responses were compiled and analyzed using raw numbers and percentages. To answer the research question, the resulting data were compared with the 2001 census data of juveniles age 10-17 years in the State of Mississippi.

### **Research Finding**

From the resulting data and the comparisons, there was strong evidence that DMC exists in the State of Mississippi’s juvenile detention facilities. For example, while Mississippi juvenile population is made up of 52% white, and 48% black, the juvenile detention population was the other way round, 79% black and 21% white – a clear evidence of disproportionate minority confinement (see table 2). The following tables and charts provide additional details of the research finding.

Table 1. Detainees by Race in the 12 Responding Mississippi Juvenile Detention Facilities

Juvenile Detention Facility Surveyed	Raw Numbers				Percentage	
	Black	White	Other	Total	Black	White
1	6	4		10	60%	40%
2	31	8		39	79%	21%
3	17	1		18	94%	6%
4	4	3		7	57%	43%
5	7	5		12	58%	42%
6	19	19		38	50%	50%
7	19	6		25	76%	24%
8	35	3		38	92%	8%
9	68	4		72	94%	6%
10	13	3		16	81%	19%
11	9	5	1	15	60%	33%
12	3	0	2	5	60%	0%
<b>Total</b>	231	61	3	295	79%	21%

Notice: This table shows the breakdown in the 12 responding juvenile detention facilities of detained juveniles by race using raw numbers and percentages.

Table 2. Comparisons of Detained Juveniles in Mississippi's Detention Facilities by Mississippi's Juvenile Population Ages 10-17 by Race

	Raw Numbers				Percentage	
	Black	White	Other	Total	Black	White
<b>Detained Juveniles In Mississippi</b>	231	61	3	295	79%	21%
<b>Population Age 10-17 in Mississippi</b>	157153	173049		330202	48%	52%

This table compares the detained juveniles in Mississippi's detention facilities with Mississippi's juvenile population age 10-17 years, and by race. It clearly shows that while the State of Mississippi's juvenile population consists of 52% white, and 48% black, its detained juvenile population consists of an overwhelming number of blacks (minority) 79% and white a low of 21%. To give a pictorial picture of the findings, see Charts 1 and 2 below.

Chart 1 Percentage of Detained Juveniles in 12 Mississippi Juvenile Detention Facilities by Race

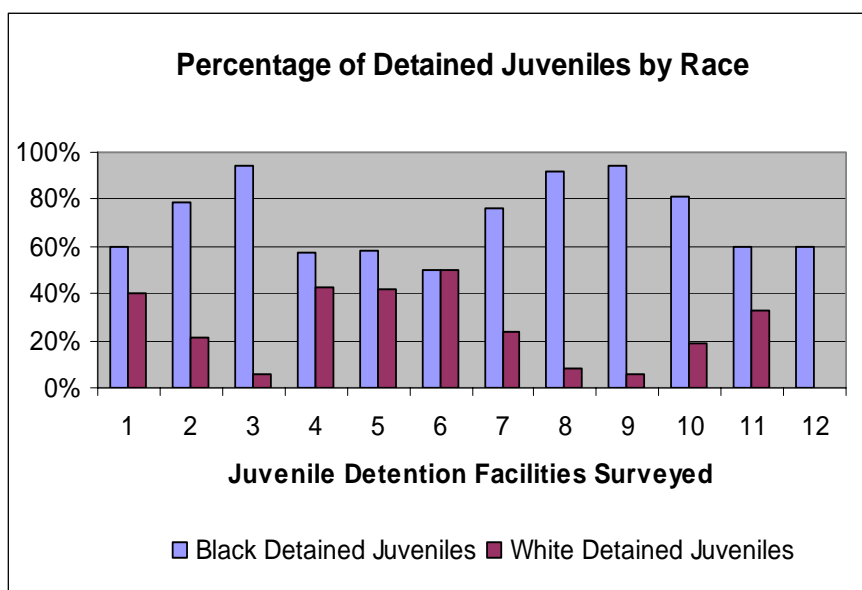
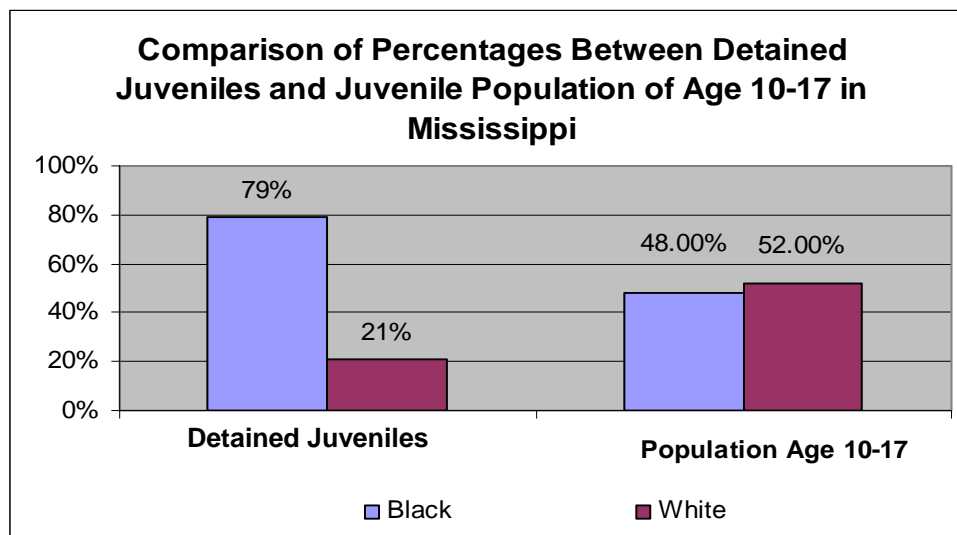


Chart 2 Comparison of Detained Juveniles in Mississippi Juvenile Detention Facilities and Mississippi's Juvenile Population Age 10-17 by Race.



### Limitations of the Study

Disproportionate Minority Confinement covers juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lock-ups. However, this study only concentrated on juvenile detention facilities, and while leaving out the other areas of detention. This study is, therefore, somewhat limited in the narrowness of its coverage. Additionally, the cross-sectional nature of the study also limits the study's exhaustiveness, as compared to a longitudinal study that usually provides more information about processes over time (Maxfield and Babbie, 1998). Nevertheless, the finding of this study is solid, and certainly points us in the right direction.

### Study Implications

Clearly, the study shows that despite six years of efforts in tackling DMC in the State of Mississippi, the DMC problem is still evident in the states juvenile detention facilities. This finding serves as a wake up call to the state to reexamine its DMC prevention and intervention programs. This is to make sure that they are reengineered to achieve their set goals. Furthermore, the State of Mississippi needs to redouble its efforts toward finding lasting solutions to the DMC problem. The finding equally sends a clear message to nongovernmental agencies, including faith based organizations that DMC is alive and well in Mississippi and perhaps in need of their attention, as they have shown interest in tackling DMC in recent times (The National Religious Affairs Association, 2003). DMC is a critical and serious monster that requires all hands to be on deck.



### Suggested Future Research

As a consequence of this study, the following future research are suggested

- A. All DMC related programs in Mississippi need to be evaluated to ensure that they are achieving their set goals.
- B. While this study focused on all the juvenile detention facilities in Mississippi, studies with limited focus/coverage and more depth are encouraged, i.e., studies of the juvenile detention facilities in the Mississippi Delta, or Northern Mississippi, or Southern Mississippi etc.
- C. While this study was interested in looking at the DMC numbers to determine if DMC still exist, it is suggested that studies seeking to explain the causes of DMC in Mississippi be undertaken.
- D. Studies examining perception of the various Chambers of Commerce relative to the impact of DMC on the states labor force/economy (present and the future) should be undertaken.
- E. Studies focusing on faith based organizations and the DMC issue should be undertaken.

### Conclusion

The State of Mississippi has worked on its DMC problem for approximately six years. The study sought to determine, at this point in time, if DMC still exist in the juvenile detention facilities in the State. The finding of the study overwhelmingly proves that DMC still exist in the State's juvenile detention facilities. It is, therefore, crucial that the state redoubles its efforts to deal with the DMC problem, and furthermore, conduct a comprehensive program review of all its DMC related programs. Clearly, while DMC directly affects the minority communities, it also indirectly affects the majority community. Proffering lasting solutions to the DMC problem must, therefore, involve both the minority and majority communities working together with all stake holders and at all levels within the state.

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