

The Overrepresentation of Young Black Males within Correctional Institutions

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Abstract

Policymakers, practitioners, advocates and researchers have long been aware that Black males are disproportionately represented throughout the various stages of the criminal justice system. The focus of this research paper is to examine the overrepresentation of young Black males within correctional institutions. In an attempt to better understand the relationship between race and involvement with the criminal justice system, data was collected from young male detainees in Miami-Dade County correctional institutions.

Introduction

When walking through the corridors of Miami-Dade County jail facilities, the sea of faces belonging to mostly Black males can be astounding. Historically, jails and prisons across the nation have been disproportionately populated with offenders of color. To better understand the problem of young Black males being overrepresented in the criminal justice system, an attempt will be made to answer the following questions: Do young Black males commit more crimes than their counterparts? Are young Black males disproportionately targeted and impacted by racially selective policing decisions? Do young Black males receive less leniency and harsher punishments for their crimes? Is there racial bias in the criminal justice system? Due to the magnitude of this crisis, community leaders, policy makers, advocates, and practitioners must work aggressively and collaboratively to identify and address the causes for overrepresentation of young Black males within penal institutions.

Literature Review

Mass incarceration within the last 30 years in the United States has resulted in a fivefold increase, with jail and prison populations increasing from 330,000 in 1972 to more than 2.3 million today (Stevenson, 2006). Comparatively, this rate of incarceration is significantly higher than countries such as: Canada, France, Japan and Russia. America's incarcerated, unlike those in many other societies, are disproportionately minorities. This growth in incarceration has had a significant impact on young men residing in impoverished inner cities and rural communities. The existence of race related differences in the juvenile and adult criminal justice systems are most commonly

described by the terms: overrepresentation and racial disparity. Overrepresentation is described in the Governor's Summit (2008) as:

A term used to compare the percentage of racial and ethnic minorities in a particular population (e.g., the juvenile justice system) with the percentage of racial and ethnic minorities in the particular population than the general population (e.g., county or state). If there is a larger percentage of racial and ethnic minorities in the particular population than in the general population, we say minorities are over-represented in the particular population or the minority population is disproportionately large.

Racial disparity is described in the Governor's Summit (2008) as:

A pattern of outcomes in which some racial groups are treated differently from others... Racially disparate outcomes may occur at one or more decision points in the juvenile justice system, such as: arrest, intake, prosecution, and sentencing. For example, if minority youth are more likely to receive detention than non-minority youth for the same offense, then racial disparity in sentencing exists.

Further, according to Greene, Mauer & Nellis (2000), racial disparity exists when the proportion of a racial or ethnic group within the system is greater than the portion of such a group in the general population.

Across the nation, there is strong evidence that racial disparity in the confinement of minorities in juvenile and adult correctional institutions is due to combined societal factors such as economics, education, drug laws, policing decisions, treatment interventions, and discrimination. These disparities often result in the unequal and unjust exposure of children of color to the juvenile justice system, and wreck havoc in their poor and underprivileged communities. According to Chapter V of the Justice on Trial Report, "racially skewed juvenile justice outcomes have dire implications, because the whole point of the juvenile justice system is to head off adult criminality...placing more Black and Hispanic teenagers in adult prisons where they will come into contact with career criminals serves to incubate another generation of Black and Hispanic criminals" (Justice on Trial, 2000).

In many jurisdictions throughout the country, studies have been conducted to determine the existence of racial disparity and societal contributors. Typically, these studies have focused on the overrepresentation of minorities at various stages in the criminal justice system. The groups referred to as minorities included Blacks, Native Americans, Pacific Islanders, and Hispanics/Latinos. In a series of studies conducted by the University of Washington between 1992 and 2000, it was revealed that racial and ethnic disparities existed at varying degrees of all stages of the juvenile justice process for 5 counties in Washington State (Washington State, 2002). The first study in the series showed that at the point of detention, minorities were more likely to be detained than Whites; and minorities with records were more likely than Whites with similar offenses to be adjudicated. Further, White youth and those who had not been detained prior to adjudication were more likely to have their charges dismissed. The study

concluded that disparities in sentencing correlated racial differences in detention prior to adjudication (Devine, Coolbaugh & Jenkins, 1998).

While the University of Washington studies were instrumental in identifying racial disparities, its studies did not examine the societal factors attributable to minority overrepresentation. “According to research conducted by Pope Feyerherm, and others, multiple factors may contribute to disproportionate minority confinement, ranging from systemic racial bias to high minority juvenile offense rates” (Devine, Coolbaugh & Jenkins, 1998). As part of the Office of Justice and Delinquency Prevention’s initiative to assist states in addressing disproportionate minority confinement, societal factors were addressed. Specifically, states including Arizona, Florida, Iowa, North Carolina and Oregon were assessed to determine the extent of disproportionate minority youth confinement and the root causes. Underlying factors are identified and categorized in four interrelated domains as illustrated below.

Underlying Factors That Contribute to Minority Overrepresentation

<p><u>Juvenile Justice System</u></p> <ul style="list-style-type: none"> • Racial/ethnic bias • Insufficient diversion options • System “labeling” • Barriers to parental advocacy • Poor juvenile justice system/community integration 	<p><u>Socioeconomic Conditions</u></p> <ul style="list-style-type: none"> • Low-income jobs • Few job opportunities • Urban density/high crime rates • Few community support services • Inadequate health and welfare resources
<p><u>Educational System</u></p> <ul style="list-style-type: none"> • Inadequate early childhood education • Inadequate prevention programs (early dropouts) • Inadequate education quality overall • Lack of cultural education, cultural role models 	<p><u>The Family</u></p> <ul style="list-style-type: none"> • Single-parent homes • Economic stress • Limited time for supervision

(Devine, Coolbaugh & Jenkins, 1998)

To the degree that minority youth are disproportionately exposed to these conditions, there will be racially disparate outcomes in the criminal justice system. In an effort to initiate much needed reform, it is important to continuously research and evaluate the policies, practices, and societal defects that affect disadvantaged minority youth and result in their subsequent overrepresentation in juvenile and adult criminal justice systems.

National trends have shown that minority males are disproportionately detained in juvenile and adult correctional facilities. According to Mauer and King, Blacks are incarcerated at nearly 6 times the rate of Whites; and Hispanics are incarcerated at double the rate of Whites... “If trends continue, 1 in 3 Black males born today can expect to spend time in prison during his lifetime...and one of every 6 Hispanic males” (Mauer & King, July 2007). A young Black male is more likely to serve time in prison than to serve in the military or to obtain a Bachelor’s Degree (Butterfield, 2002). According to a Justice Department report released in July 2003, “there were 791,600 Black men in prison and 603,032 enrolled in college in 2000” (Butterfield, 2002). During this era of mass incarceration, Butterfield reported that “38 states (and the federal prison system) were estimated to have added more African-American men to their

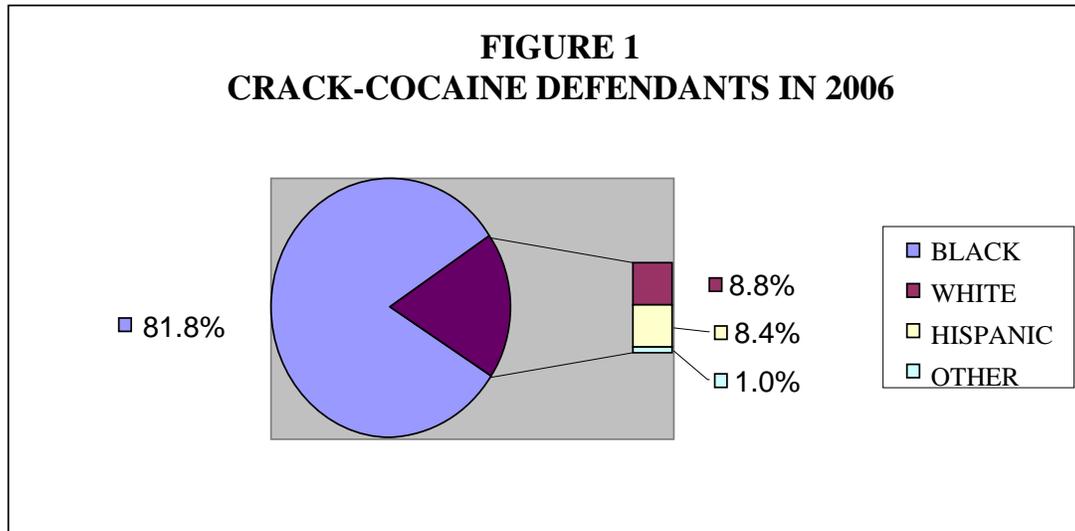
prison systems than were added to the enrollments of their respective higher education systems” (Butterfield, 2002).

Decades of research have consistently shown that race, class and education are key predictors of an individual’s initial involvement with the criminal justice system. Hilary O. Shelton, Director of the National Association for the Advancement of Colored People, said “It is indeed a sad statement about our nation that it appears to be easier for the governments to invest precious dollars into the incarceration of African-American men than it is for them to invest in higher education” (Butterfield, 2002). Minority male youth have been particularly impacted by America’s mass incarceration. For example, between 1986 and 1991, the arrest of minority youth increased 78 percent, while White youth arrests decreased by 34 percent (Justice on Trial, 2000). Similar disparities in arrest rates were also observed for non-drug related offenses. Further, upon arrest, minority youths were more frequently “held at intake, detained prior to adjudication, have petitions filed, and held in secure confinement facilities. For example, 15 percent of the cases nationwide involving White juveniles resulted in detention, while 27 percent of cases involving Black juveniles resulted in detention, even though Whites comprised 52 percent, and Blacks only 45 percent, of the entire juvenile caseload” (Justice on Trial, 2000). This overrepresentation of minorities within the juvenile justice system is apparent throughout many states, including Florida, where a study has shown that “when juvenile offenders were alike in terms of age, gender, seriousness of offense, which promoted the current referral and seriousness of their prior records, the probability of receiving the harshest disposition available at each of several processing stages was higher for minority youth than White youth” (Justice on Trial, 2000).

Higher incarceration rates of Blacks and Hispanics are not necessarily attributable to higher incidences of criminal behavior, but most often to the national “war on drugs” initiative, which was ignited with the 1986 Anti-Drug Abuse Act. According to Mauer “over the past two decades this initiative has been the most significant factor contributing to the disproportionate incarceration of African-Americans in prisons and jails, with increasing effects on Latinos as well” (Mauer, 2007). The Act imposed considerably harsher penalties for crack-cocaine than powder-cocaine, and resulted in more street level enforcement and arrests for crack-cocaine within racially segregated inner city and rural communities where the negative consequences are more visible. Specifically, the Act established a 5-year mandatory prison term for the sale or possession of 5 grams of crack-cocaine and the same 5-year mandatory sentence for offenses involving 500 grams of powder-cocaine. Since implementation of the Act, more than 80% of those incarcerated for crack-cocaine offenses are Black; although, U.S. Census Bureau data demonstrates that the drug use rates for racial groups are as follows: African Americans (14%), Hispanics (12.4%), and Non-Hispanic Whites (69.2%) (Mauer & King, September 2007).

According to research conducted by the United States Sentencing Commission, “crack-cocaine penalties apply most often to offenders who perform low-level trafficking functions” (The Sentencing Project, 2009). These offenders, who made up nearly two-thirds of federal crack defendants in federal court, include street-level dealers, loaders, renters, lookouts, enablers, users, etc.; this is unfortunate because the stringent law was created for heads of organizations responsible for distributing large quantity of drugs, and high-level drug-trade traffickers (The Sentencing Project, 2009). Results

from a 2005 National Survey on Drug Use and Health revealed that two-thirds of federal crack users are White or Hispanic; alarmingly, the United States Sentencing Commission reported that in 2006, 81.8% of crack-cocaine defendants were Black (The Sentencing Project, 2009).



As shown in Figure 1, the policy initiatives facilitated more punitive sentencing for crack-cocaine offenders in contrast to powder-cocaine offenders, and have resulted in severe racial disparity. Increasingly, jail, prison, probation, and parole populations are comprised largely of Black males from inner-city zip codes. According to Street, in some poverty stricken urban neighborhoods as many as 70% of men under the age of 46 are ex-offenders, many of which have felony convictions (Street, 2001). The consequences of such convictions include diminished economic resources, broken families, and a decreased quality of life due to the removal of men from the community. Cumulative effects of the disproportionate incarceration of minority inner city families are depicted in research by Braman (2007), in the case study of Londa and her 3 children who are residents of a housing project in Washington, DC. Londa is unable to meet basic financial needs such as rent, groceries and electricity due to her husband Derrick's loss of income while incarcerated for a nonviolent drug offense. Low income families like Londa's experience extreme emotional and financial stress as a result of their mates being removed from the community through mass incarceration that has resulted from the nation's war on drugs. Current drug enforcement policies have thrust these poor families further into poverty. "Many inner city families not only experience incarceration because they are poor, they are also poor because they experience incarceration" (Braman, 2007).

Across America, indigent minority children with disabilities are disproportionately involved in the juvenile delinquency system. Laws implemented in the 1990s accelerated the "school-to-prison pipeline" in America. In examining the case of Ronald, his attorney shares that like 70% of incarcerated children, his client suffered from emotional disturbance and learning disabilities (Tulman, 2008). Due to unmet and often undiagnosed special education needs, many children like "Ronald" become a part of the

delinquency system. An excavation of school records shows that Tulman's clients like many juvenile delinquents did not obtain good foundations in elementary school; by middle school they started to engage in at-risk behaviors such as tardiness and truancy; and by the age of 15 or 16, they were fully involved in the criminal justice system (Tulman, 2008).

Traditionally, society has addressed overrepresentation of minority youth in the criminal justice system, but due to the direct impact on national, state and local governments, the attention has magnified in recent years. The Illinois Juvenile Commission (IJC) has taken steps to address this national epidemic by utilizing the W. Haywood Burns Institute (BI) Model as a pilot program in four communities: St. Clair County, Peoria County, Cook County's South Suburbs, and the Lawndale Community in the City of Chicago. The criteria used to select the pilot program sites were: geographic diversity, high crime rates and high concentrations of minorities in the juvenile system (Dighton, 2003).

The purpose of the BI Model was to reduce Disproportionate Minority Contact (DMC) by identifying juveniles who could be safely released from confinement through participation in various community alternatives such as day and evening reporting centers. One of the BI Model's objectives was to reduce minority confinement by 10 percent within 3 years of implementation. The BI Model consists of 3 phases: Phase 1 is data collection of arrest patterns; Phase 2 is risk assessment and decision-making surrounding court referrals and detention; Phase 3 is final disposition of cases. According to IJC members and DMC Coordinator Carlos Gully, Peoria County has experienced significant progress with addressing minority overrepresentation due to the significant support, cooperation and commitment to the program from participating community leaders and justice officials (Dighton, 2003).

Methods

As evidenced by prior research, there are conflicting opinions regarding the root causes for racial disparities within the criminal justice system. In this study, a survey questionnaire was developed and administered to gather quantitative data from 128 male defendants, 14 to 24 years old, detained by the Miami-Dade Corrections and Rehabilitation Department (MDCR). The questionnaire consisted of 24 questions designed to capture essential data for identifying correlations between race and racial disparity. Data pertaining to each detainee's personal demographics, first arrest experience, criminal history, drug and alcohol use, family background, and socioeconomic status was collected. The questionnaire was distributed to 86 juvenile males detained by MDCR at the Turner Guilford Knight Correctional Center Turner (TGK); and 42 juvenile males detained in the MDCR Boot Camp Program (BCP).

The survey was administered to the TGK participants by a 5-person team including 4 MDCR civilian staff and me. Due to the diverse detainee population, the survey team included Spanish and Creole translators. The survey team was escorted to each of the 4 juvenile housing areas at TGK by a Correctional Officer. Prior to distributing the survey, I explained the purpose and goal of the research; emphasized that participation was voluntary, and data collected would be strictly confidential. In

addition, participants were advised that the survey team would be present to answer questions, provide clarification, and translate. The same protocol was utilized at BCP by a 3-person survey team including 2 MDCR civilian staff and me.

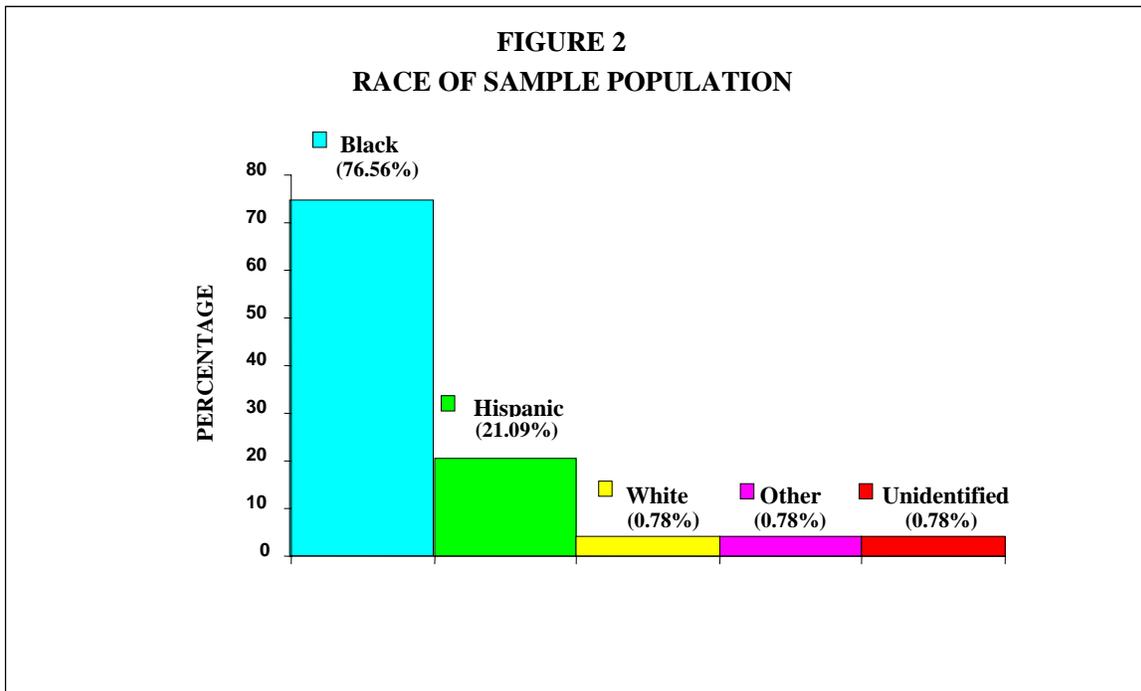
Strengths in the methodology used to gather the data included access to a large population of youth detainees who voluntarily participated in the survey with a 100% return rate. In addition, the surveyed population included individuals of different races, ages, educational levels from various communities throughout Miami-Dade County. Weaknesses in the methodology used to gather the data included language barriers, illiteracy, trustworthiness, and the reluctance or inability of detainees to provide information regarding family household income.

Results

MDCR had a total of 131 young male detainees on the date the survey was administered. Three of the detainees (cadets at the BCP) were not on site at the time the survey was administered. Specifically, 2 of the cadets were at work and 1 was at a job interview; hence, the survey was administered to 128 detainees.

Detainees' Demographics at Time of Survey

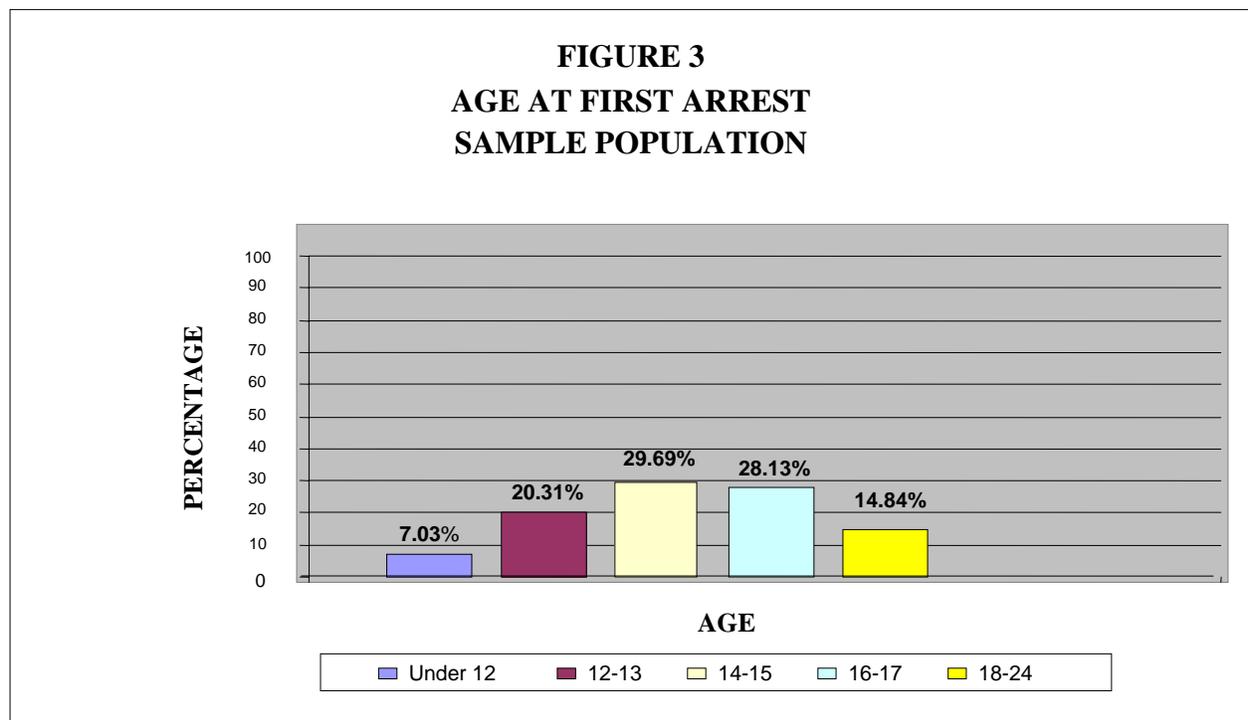
As indicated in Figure 2, the race of the surveyed detainees included 98 Blacks (76.56%), 27 Hispanics (21.09%), 1 White (0.78%), 1 other (0.78%), and 1 unidentified (0.78%). Due to the underrepresentation of Whites (less than 1%) in the sample population, comparative analysis of the research data is somewhat limited.



The age range of the sample population at the time of survey included 9 (14-15 year olds), 77 (16-17 year olds), 42 (18 to 24 year olds). The research revealed that the highest level of education completed by the detainees at the time of first arrest were as follows: 1 (less than 1%) Elementary School; 44 (34%) Middle School; 78 (61%) High School; and 3 (2.3%) 1 year of College. Additionally, 2 (1.56%) of the detainees did not indicate their highest level of education completed. Further examination of the educational data revealed that 59.18% of the Blacks and 66.66% of the Hispanics completed high school. Data regarding number of arrests indicates that 96 (75%) of the detainees had been arrested 3 times or more, including 61 (62.24%) of the Blacks and 14 (51.85%) of the Hispanics.

Detainees' Personal History at Time of First Arrest

As indicated in Figure 3, the age at first arrest for the sample population is as follows: 9 (7.03%) under 12 years old, 36 (20.31%) 12-13 years old, 38 (29.69%) 14-15 years old, 26 (28.13%) 16-17 year olds, and 19 (14.84%) 18 to 24 year olds.



Data revealed that 6 (6.12%) of the Blacks and 2 (7.41%) of the Hispanics were under age 12 at the time of their first arrest; 55 (56.12%) of the Blacks and 8 (29.63%) of the Hispanics were first arrested between the ages of 12 and 15; and 37 (27.55%) of the Blacks and 17 (66.66%) were arrested between the age of 16 and 24. Overall, the implication is that Black males become involved in the criminal justice system at younger ages than Hispanics. Most of the sample population was not employed at the time of first arrest, with the unemployment rates being: 81 (82.65%) of the Blacks and 15 (55.56%) of the Hispanics. Further, 77 (78.57%) of the Blacks resided in northern

communities of Miami-Dade County, and 18 (66.66%) of the Hispanics resided in southern communities. Figure 4 provides neighborhood and detainees' race data. Alarming, 40 (31.25%) of the sample population residents lived in Liberty City.

FIGURE 4

Neighborhood Data	Race	
	<i>Black</i>	<i>Hispanic</i>
<i>North Miami-Dade Communities:</i> Hialeah, Liberty City, Little Haiti, Miami Gardens, North Miami, Opa-Locka, and Overtown	78.57%	33.33%
<i>South Miami-Dade Communities:</i> Goulds, Homestead, Kendall, Little Havana, Perrine, Richmond Heights, and South Miami	18.37%	66.66%
<i>Communities Not Identified</i>	3.06%	0%

At the time of first arrests 81 (63.28%) of the sample population resided with their mothers as heads of household, 5 (3.91%) with their fathers, 22 (17.18%) with both parents, and 20 (15.63%) with others such as grandparents, foster parents, or older siblings. The specific comparisons for Blacks and Hispanics' heads of household respectively are as follows: mothers (65.31% vs. 55.56%), fathers (4.08% vs. 3.70%), both parents (15.31% vs. 22.22%), and others (15.31% vs. 18.51%).

The majority of the sample population indicated that they had not been victims of any abuse in their homes at the time of first arrests including 60 (61.22%) of the Blacks and 10 (37.03%) of the Hispanics. Whereas, 38 (38.78%) of the Blacks and 17 (62.96%) of the Hispanics responded that they had experienced verbal, physical, and/or sexual abuse in their homes. In summary, the survey data shows that Hispanics experienced abuse in their homes at a higher percentage than Blacks. In regards to alcohol/drug abuse, 80 (62.50%) of the sample population indicated that at the time of their first arrest, they were users of alcohol, marijuana, cocaine, heroin, ecstasy and/or methamphetamine, and 48 (37.50%) indicated they had not been alcohol/drug users. Specifically, 58 (59.18%) of the Blacks and 20 (74.07%) of the Hispanics reported alcohol/drug use. Marijuana was reported as the most commonly used substance by both groups.

The single most reason identified by 64 (50%) of the sample population as for committing their first crime was money which was followed by thrill and peer pressure. Money was the reason reported by 52 (53.06%) of the Blacks and 11 (40.74%) of the Hispanics. At the time of first arrests, 82 (83.67%) of the Blacks and 19 (70.37%) of the Hispanics were attending school. Further, data indicates that the majority of the sample population identified their academic ratings at a "C" average, including 43 (43.88%) of

the Blacks and 12 (44.44%) of the Hispanics. Additional comparisons for Blacks and Hispanics' academic ratings are provided in Figure 5 below.

FIGURE 5

Academic Rating	Race	
	Black	Hispanic
A	2.04%	3.71%
B	27.55%	11.11%
C	43.88%	44.44%
D or F	17.35%	22.22%
No Response	9.18%	18.52%

In general, the percentage variations for Blacks and Hispanics in regard to academic ratings of "A," "C," "D" or "F" were less than 5%.

Detainees' First Arrest Experience

The surveyed detainees' first arrest offenses charged were as follows: 88 (68.75%) felonies, 11 (8.59%) non-violent felonies, 27 (21.09%) misdemeanors, and 2 (1.56%) did not provide responses. Both Blacks and Hispanics were predominately charged with felonies respectively 69 (70.41%) and 18 (66.71%). The majority of the sample population did not attribute their arrests to racial profiling. In comparison to Hispanics, a higher percentage of the Blacks identified racial profiling as a factor of their first arrest, respectively 26.53% vs. 7.41%.

Due to the nature of the criminal charges at the time of first arrest, 80 (81.63%) of the Blacks and 19 (70.37%) of the Hispanics did not bond out of jail. The first arrest case outcomes for the sample population were as follows: 64 (50%) plea bargained, 41 (32.03%) dismissed, 13 (10.16%) trialed in court, and 10 (7.81%) did not provide responses. The percentage of cases dismissed for Blacks were slightly higher than Hispanics. Specifically, 33 (33.67%) of the Blacks' cases were dismissed and 7 (25.93%) of the Hispanics' cases were dismissed. On the other hand, Hispanics plea bargained at a significantly higher rate than Blacks with the respective breakdowns being 46 (46.94%) and 17 (62.96%) The rates at which Blacks and Hispanics went to trial were somewhat comparable with the respective percentages being 10.20% and 11.11%.

Results of the survey data show that the sample population consisted of 78 (60.94%) youth defendants who were satisfied with their legal representation, 47 (36.72%) who were unsatisfied, and 3 (2.34%) who did not provide a response; the types of legal representation included public defenders, private attorneys, and self-representation. Hispanics were satisfied at a higher percentage than Blacks, respectively 77.78% vs. 56.12%. Further, survey results show the youth offenders represented by Public Defender's Office were as follows: 53 (54.08%) Blacks, 15 (55.56%) Hispanics, 1 White (.78%), and 1 (.78%) Unidentified. As indicated in Figure 6, there were only slight variations between Blacks and Hispanics in regards to the

types of legal representation, with the exception of self representation, which has been exercised at a higher percentage rate by Hispanics than Blacks.

FIGURE 6

Type of Legal Representation	Race	
	Black	Hispanic
Public Defender	54.08%	55.56%
Private Attorney	36.73%	33.33%
Self Representation	2.04%	11.11%
No Response	7.15%	0%

Detainees’ Demographic and Family History at Time of Survey was Administered

Relevant findings pertaining to personal demographics including current age, highest level of education, number of arrests, and family criminal history are listed below:

- The majority of the detainees including 61 (62.24%) of the Blacks and 14 (51.85%) of the Hispanics have been arrested three times or more.
- The majority of the detainees including 60 (61.22%) of the Blacks and 15 (55.56%) of the Hispanics were 16-17 years old.
- The majority of the detainees including 59 (60.20%) of the Blacks and 19 (70.37%) of the Hispanics had completed high school.
- A majority of the detainees including 67 (68.37%) of the Blacks and 13 (48.15%) of the Hispanics had family members including fathers, mothers, brothers and/or sisters who served time in jail or prison.
- The majority of the detainees including 67 (68.37%) of the Blacks and 19 (70.37%) of the Hispanics indicated that the primary source of their family’s income was employment. However, it should be noted that 4 (4.08%) of the Blacks indicated that the employment income was supplemented by money from illegal activities.

Discussion

My research results revealed that poverty, education, family structure, place of residence, and substance abuse are major contributing factors that result in minority youths participating in negative behaviors that subsequently lead to interactions with the criminal justice system. In many instances, the youth from blighted neighborhood such as Liberty City, Overtown, and Opa-Locka become repeat offenders as demonstrated through survey findings. According to Fagan, West & Holland, “neighborhoods with high rates of incarceration invite closer and more punitive police enforcement and parole surveillance, contributing to the growing number of repeat admissions and the resilience of incarceration, even as crime rates fall. Incarceration begets more incarceration, and incarceration begets more crime, which in turn invites more

aggressive enforcement, which then re-supplies incarceration” (Fagan, West & Holland, 2003). It appears that although high level of policing is intended to increase safety within such communities, it has subsequently and coincidentally resulted in minorities being disproportionately arrested and detained.

Prior to arrest, many of the surveyed detainees resided in inner city communities such as Liberty City where the median household income is \$25,950, or other low income neighborhoods throughout Miami-Dade County where disadvantaged minorities dwell in concentration (Point 2 Homes, n.d.). Due to limited financial resources some detainees did not obtain the best possible legal representation. “Since people of color are disproportionately low-income, they are more likely to rely on an overburdened public defense system” (Mauer & King, July 2007). Public defenders represented 70 (54.69%) of the youth defendants surveyed. Specifically, the population represented by public defenders was comprised of 36 (51.43 %) who were satisfied, 33 (47.14 %) who were not satisfied, and 1 (1.49%) who did not indicate a level of satisfaction. The Black community’s stand is that the public defenders do not care about minorities (Mauer, 1999). As such, one must wonder with the public defenders’ current caseloads, if it would not be beneficial for policy makers to implement measures that would increase the quantity of public defenders and reduce their caseloads, which will allow them more time and effort to spend on each defendant’s case, resulting in more efficient legal representation for indigent offenders.

In 2006, there was an estimated 270,000 youth, ages 10-17 in Miami-Dade County... Black youths comprised approximately 26% and Hispanics roughly 54% of the County’s youth population. According to the Disproportionate Minority Contact (2008) Black youths make up only 26% of Miami-Dade County’s youth population; however, in the survey results, they represented 98 (76.56%) of young male detainees ages 12 to 24 within the MDCR detention facilities. As indicated by this significant overrepresentation, it is apparent that more Black males become involved in the criminal justice system at earlier ages than any other racial group. Further, the survey results show that 96 (75%) of the young males surveyed had been arrested more than once. Clearly greater a focus must given to early intervention and treatment programs.

There is strong evidence that youth with incarcerated parents are more likely to engage in deviant behaviors leading to criminal convictions. The vast majority of the survey participants had multiple family members who served time behind bars. By improving the outcomes for at-risk youth and their families through Federal legislation such as the Second Chance Act, intergenerational cycles of incarceration amongst minorities will hopefully diminish. In many instances, criminal offenders are repeatedly recycled through the criminal justice system and ill-prepared to overcome the barriers that they will encounter in regards to obtaining adequate employment, housing, health care and family support for successful transition into the community. Implementation of the Second Chance Act will authorize federal grants for government agencies and community and faith-based organizations to provide employment assistance, substance abuse treatment, housing, family programming, mentoring, victims support, and other services that can help reduce re-offending and violations of probation and parole.

Another key piece of legislation discussed in this research is the 1986 Anti-Drug Abuse Act and its relevancy to the relationship between crack-cocaine sentencing and the high rate of males from poverty-stricken Black communities who are serving time in

jails and prisons. The negative impact of the Act has been greatly researched and realized throughout the nation's communities. Due to the concern and after numerous efforts by the United States Sentencing Commission between 1994 and 2007, Congress decreased the sentencing guidelines for crack-cocaine offenses in November 2007. The decision was implemented retroactive to March 2008; as of December 2008, 12,000 individuals had been granted reduced sentences. Further, it was projected that "the amendment would reduce sentences by 15 months on average and reduce the size of the federal prison population by 3,800 in 15 years" (The Sentencing Project, 2009). Additional research needs to be conducted to expound on the consequences of revised sentencing guidelines and the effect on minority incarceration rates.

After several years of Blacks being disproportionately represented in jails and prisons, in April 2009, it was reported in the Changing Racial Dynamics of the War on Drugs that incarceration trends for Blacks are shifting for the first time since inception of the war on drugs (Mauer, 2009).

The report indicated that the number of Blacks serving time for drug offenses dropped considerably from 1999 to 2005. In 1999, 145,000 blacks were sentenced to state prison for drug offenses; by 2005 that number had declined to 113,500 (22%) ... In comparison, the White inmate population for drug offenders increased by 43%, from 50,000 in 1999, to 72,000 in 2005 (Mauer, 2009). During the same time periods, the Hispanic drug offenders detained in state prison remained constant. In the report, Mauer (2009) found that the decline in imprisonment of Black drug offenders is related to a reduction in the percentage of non-marijuana drug arrests and declining drug convictions between the years of 1999 and 2005. Further, he suggests that the increase in White imprisonment for drug charges may be attributed to the surge of methamphetamine...These developing trends will require continued examination by researcher and policymakers (Mauer, 2009).

Limitations of this research are that the data collected pertains to and was collected from a specific age group of MDCR male detainees, and its results does not allow for adequate articulation of specific causes contributing to racial disparities. Therefore, the findings may not be applicable to MDCR detainees in other age groups. Obviously, generalizations regarding these survey findings may differ in other counties within the state of Florida. Additionally, different patterns of racial disparity may be found throughout communities across America.

Recommendations

In order to address the complex and multifaceted problem of minority overrepresentation within the Miami-Dade County correctional institutions, the following recommendations should be considered:

- Continue advocacy for re-evaluation of drug sentencing laws which disproportionately prosecutes low-level offenders.
- Continue advocacy for re-evaluation of mandatory minimum sentencing such as "Three Strikes" laws which diminishes discretionary sentencing by judges.

- Complete racial impact studies prior to implementation of sentencing legislation in order to document consequences to minority populations.
- Implement successful reentry initiatives through the Second Chance Act funding.
- Improve inner city schools and neighborhood, health care services, and employment opportunities through American Recovery and Reinvestment Act funding.

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APPENDIX A - INMATE QUESTIONNAIRE

Purpose: This questionnaire is being administered to Miami-Dade Corrections and Rehabilitation Department detainees to identify personal experiences associated with their first arrest.

FIRST ARREST (Personal History)

1. *How old were you?*
 Under 12 12-13 14-15 16-17 18 or older
2. *Who did you live with?*
 Both Parents Mother Father Other: _____
3. *Were you a victim of any of the following? (Select all that apply)*
 Sexual Abuse Physical Abuse Verbal Abuse
4. *What neighborhood did you live in?*
 Opa-Locka Little Havana Little Haiti Liberty City
 Overtown Richmond Heights Other: _____
5. *Were you using any of the following substances? (Select all that apply)*
 Alcohol Marijuana Cocaine Crack-cocaine
 Heroin Methamphetamine Other: _____
6. *Were you attending school?* Yes No
If yes, what type of student were you?
 Excellent (A) Good (B) Average (C) Poor (D or F)
7. *Did you have a job?* Yes No
8. *Why did you commit the crime? (Select all that apply)*
 Thrill Peer Pressure Money
 Gang Initiation Other: _____

FIRST ARREST (Experience)

1. *What type of offense(s) were you charged with? (Select all that apply)*
 Misdemeanor Non-violent Felony Felony
2. *Do you feel that the arrest involved racial profiling?* Yes No
3. *Were you eligible for a bond release?* Yes No

INMATE QUESTIONNAIRE

4. *Did you bond out?*
Yes No If no, please explain: _____
5. *What type of legal representation did you have?*
Public Defender Private Attorney Self
6. *Were you satisfied with your legal representation?*
Yes No If no, please explain: _____
7. *What was the outcome of your case?*
Dismissed Plea Bargain Trial

FAMILY HISTORY

1. *Has any of your family served jail or prison time? (Select all that apply)*
Mother Father Sister Brother
2. *Do you have children?* Yes No
3. *What is the primary source of your family's income?*
Employment Welfare/Public Assistance Illegal Activity
4. *What is your household income?* \$ _____

DEMOGRAPHICS

1. *How many times have you been arrested?*
1 2 3 4 5 or more
2. *What is the highest level of education you completed?*
Elementary School Middle School High School
Undergraduate (Select the one that applies): 1 yr. ___ 2 yrs. ___ 3 yrs. ___ 4 yrs. ___
Graduate (Select the one that applies): 1 yr. ___ 2 yrs. ___
3. *What is your age?*
Under 12 12-13 14-15 16-17 18 or older
4. *What is your race/ethnicity?*
White Black Hispanic Asian Other _____
5. *What is your sex?* Male Female

APPENDIX B – SURVEY RESULTS

MIAMI-DADE COUNTY YOUNG MALE DETAINEES FIRST ARREST (PERSONAL HISTORY)

Age	Race				
	Black	Hispanic	White	Other	Unidentified
Under 12	6	2	0	0	1
12-13	23	3	0	0	0
14-15	32	5	1	0	0
16-17	27	8	0	1	0
18 or Older	10	9	0	0	0

Detainee Resided With	Race				
	Black	Hispanic	White	Other	Unidentified
Both Parents	15	6	1	0	0
Mother	64	15	0	1	1
Father	4	1	0	0	0
Other (Sibling, Grandparent, Foster Home)	15	5	0	0	0

Victim of Abuse in the Home	Race				
	Black	Hispanic	White	Other	Unidentified
Sexual	11	0	0	0	0
Physical	12	3	1	1	1
Verbal	13	5	0	0	0
Multiple	2	9	0	0	0
Did not Experience	60	10	0	0	0

Neighborhood	Race				
	Black	Hispanic	White	Other	Unidentified
Opa-Locka	11	0	0	0	0
Little Havana	1	7	0	0	0
Little Haiti	6	1	0	0	0
Liberty City	39	1	0	0	0
Overtown	7	0	0	0	0
Richmond Heights	4	0	0	0	0
Other (South-Miami Dade)	13	11	1	0	1
Other (North-Miami Dade)	14	7	0	1	0
Unidentified	3	0	0	0	0

Substance Abuse	Race				
	Black	Hispanic	White	Other	Unidentified
Alcohol	3	3	0	0	0
Marijuana	37	5	0	1	0
Cocaine	0	0	0	0	0
Crack-cocaine	1	0	0	0	0
Heroin	0	0	0	0	0
Methamphetamine	0	0	0	0	0
Multiple substances	16	12	1	0	0
Other	1	0	0	0	0
Did Not Use	40	7	0	0	1

Attending School	Race				
	Black	Hispanic	White	Other	Unidentified
Yes	82	19	1	1	1
No	12	7	0	0	0
No Response	4	1	0	0	0

Grades	Race				
	Black	Hispanic	White	Other	Unidentified
A	2	1	0	0	0
B	27	3	0	1	0
C	43	12	1	0	1
D or F	17	6	0	0	0
No Response	9	5	0	0	0

Employment	Race				
	Black	Hispanic	White	Other	Unidentified
Yes	17	12	0	0	0
No	81	15	1	1	1
No Response	0	0	0	0	0

Reason for Crime	Race				
	Black	Hispanic	White	Other	Unidentified
Thrill	10	5	1	0	0
Peer Pressure	10	1	0	1	0
Money	52	11	0	0	1
Gang Initiation	2	1	0	0	0
Other	19	6	0	0	0
Multiple	5	3	0	0	0
No Response	0	0	0	0	0

**MIAMI-DADE COUNTY YOUNG MALE DETAINEES
FIRST ARREST (EXPERIENCE)**

Offenses Charged	Race				
	<i>Black</i>	<i>Hispanic</i>	<i>White</i>	<i>Other</i>	<i>Unidentified</i>
Misdemeanor	18	7	1	0	1
Non-Violent Felony	9	2	0	0	0
Felony	69	18	0	1	0
No Answer	2	0	0	0	0

Racial Profiling	Race				
	<i>Black</i>	<i>Hispanic</i>	<i>White</i>	<i>Other</i>	<i>Unidentified</i>
Yes	26	2	0	0	1
No	66	25	1	1	0
No Answer	6	0	0	0	0

Eligible for Bond Release	Race				
	<i>Black</i>	<i>Hispanic</i>	<i>White</i>	<i>Other</i>	<i>Unidentified</i>
Yes	15	11	1	0	0
No	76	15	0	1	1
No Answer	7	1	0	0	0

Bonded Out	Race				
	<i>Black</i>	<i>Hispanic</i>	<i>White</i>	<i>Other</i>	<i>Unidentified</i>
Yes	7	5	0	0	0
No	80	19	1	1	0
No Answer	11	3	0	0	1

Legal Representation	Race				
	<i>Black</i>	<i>Hispanic</i>	<i>White</i>	<i>Other</i>	<i>Unidentified</i>
Public Defender	53	15	1	0	1
Private Attorney	36	9	0	1	0
Self	2	3	0	0	0
No Answer	7	0	0	0	0

Satisfaction with Legal Representation	Race				
	<i>Black</i>	<i>Hispanic</i>	<i>White</i>	<i>Other</i>	<i>Unidentified</i>
Yes	55	21	1	1	0
No	40	6	0	0	1
No Answer	3	0	0	0	0

Outcome of Case	Race				
	<i>Black</i>	<i>Hispanic</i>	<i>White</i>	<i>Other</i>	<i>Unidentified</i>
Dismissed	33	7	0	0	1
Plea Bargain	46	17	1	0	0
Trial	10	3	0	0	0
No Answer	9	0	0	1	0

**MIAMI-DADE COUNTY YOUNG MALE DETAINEES
FAMILY HISTORY**

Family Served Jail/Prison Time	Race				
	<i>Black</i>	<i>Hispanic</i>	<i>White</i>	<i>Other</i>	<i>Unidentified</i>
Mother	4	1	0	0	0
Father	25	7	0	0	0
Sister	1	0	0	0	0
Brother	14	4	0	0	1
Multiple Family Members	23	1	0	0	0
No Family Member	31	14	1	1	0

Any Children	Race				
	<i>Black</i>	<i>Hispanic</i>	<i>White</i>	<i>Other</i>	<i>Unidentified</i>
Yes	25	2	1	0	1
No	71	25	0	1	0
No Answer	2	0	0	0	0

Primary Source of Family Income	Race				
	<i>Black</i>	<i>Hispanic</i>	<i>White</i>	<i>Other</i>	<i>Unidentified</i>
Employment	63	19	1	0	0
Welfare/Public Assistance	14	5	0	0	0
Illegal Activity	6	1	0	0	0
Employment & Illegal Activity	4	0	0	0	0
No Answer	11	2	0	1	1

Yearly Household Income	Race				
	<i>Black</i>	<i>Hispanic</i>	<i>White</i>	<i>Other</i>	<i>Unidentified</i>
More than \$40,000	0	3	0	0	0
\$25,000 - \$40,000	2	1	0	0	0
Less Than \$25,000	1	5	1	1	0
No Answer	95	18	0	0	1

**MIAMI-DADE COUNTY YOUNG MALE DETAINEES
CURRENT DEMOGRAPHICS**

Number of Arrests	Race				
	<i>Black</i>	<i>Hispanic</i>	<i>White</i>	<i>Other</i>	<i>Unidentified</i>
1	23	8	0	1	0
2	14	5	0	0	0
3	13	4	1	0	0
4	10	2	0	0	0
5 or more	38	8	0	0	1

Highest Level of Education Completed	Race				
	<i>Black</i>	<i>Hispanic</i>	<i>White</i>	<i>Other</i>	<i>Unidentified</i>
Elementary School	0	1	0	0	0
Middle School	37	7	0	0	0
High School	58	18	0	1	1
College (1 year)	1	1	1	0	0
No Answer	2	0	0	0	0

Age	Race				
	<i>Black</i>	<i>Hispanic</i>	<i>White</i>	<i>Other</i>	<i>Unidentified</i>
Under 12	0	0	0	0	0
12-13	0	0	0	0	0
14-15	9	0	0	0	0
16-17	60	15	0	1	1
18 or Older	29	12	1	0	0

Sex	Race				
	<i>Black</i>	<i>Hispanic</i>	<i>White</i>	<i>Other</i>	<i>Unidentified</i>
Male	98	27	1	1	1
Female	0	0	0	0	0