

A Qualitative Analysis of Police Interactions and Disproportionate Minority Contact

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This study aims to uncover various aspects of police interactions that contribute to disproportionate minority contact with the juvenile justice system. In-depth interviews were conducted using a sample of 30 male juveniles residing in a correctional facility. The most consistent themes that arose included police allotting more chances to Whites than youth of color, repeated arrests by the same officer, police awareness of family reputations, and officers using unnecessary force against youth of color. Findings demonstrate that contact with the juvenile justice system is not only disproportionate but also distinct in its form depending on the race of the juvenile.

KEYTERMS *Race, police discretion, juveniles, disproportionate minority contact, qualitative methods*

INTRODUCTION

According to recent studies in the United States, youth of color make up more than 60% of children in juvenile justice systems and are disproportionately represented at “every stage of the juvenile justice system from arrest through sentencing,” implying that a racial bias continues to persist within the nation’s justice system today (Piquero, 2008, p. 62; see also Nicholson-Crotty, Birchmeier, & Valentine, 2009). To assist in understanding how this “double system of justice” is perpetuated, this study seeks to explore the first stage of the juvenile justice system, police interactions (Du Bois, 2004, p. 94). Specifically, focusing on the experiences of 30 male juveniles who were residing in a private juvenile correctional facility at the time of the

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interviews provides insight into differential experiences with police officers based on the race of the juveniles.

RACE AND POLICING

Police officers are generally the first individuals whom 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. Not only do police interactions determine whether individuals will be processed further through the justice system, but they also shape juveniles' perceptions of police and their own relationship to society. For example, Hagan, Shedd, and Payne (2005) conducted a study of 18,251 youth attending 91 different Chicago public schools, finding that Blacks were more likely than Latinos to be stopped by police officers, and perceptions of police were more negative for those with more contact. The frequency of police interactions alone influences perceptions of the police force. Furthermore, the substantial amount of discretion police officers possess greatly influences these interactions and creates an opportunity for discrimination to occur at this critical point of contact, which could be even more detrimental to the outcomes and perceptions of these youth.

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. Michael Lipsky (2010) analyzed police discretion in his book *Street Level Bureaucracy*. He explained 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" (p. xi). Lipsky argued 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. (pp. xi-xii)

It is not only the legislative process that is crucial for public policy but also the way in which legislation is implemented by the street-level workers. Lipsky's

argument suggests that police discretion often must rely on stereotypes or labels not only because of a deep racial framing that has been internalized but also because of limited resources.

Police practices and the discretion allotted to officers likely play a primary role in contributing to disproportionate minority contact with the juvenile justice system. Using sociologist Joe R. Feagin's (2010) theory of systemic racism and the white racial frame, I analyze police interactions from a conflict perspective to assist in understanding how this particular stage in the justice system perpetuates disproportionate minority contact. These theories highlight the significance of race in all social institutions, including the criminal and juvenile justice system. The white racial frame is a theory that describes a racial worldview used by the majority of White Americans to understand society, particularly as it pertains to race. Through racist imagery, narratives, stereotypes, deep emotions, languages, and sounds, concepts that rationalize racial inequality and shape social interactions are perpetuated. These ideas reinforce notions of White superiority and Black inferiority, and even Black criminality. Systemic racism theory describes the United States as being made up of "racist framing, racist ideology . . . discriminatory habits and actions, and extensive racist institutions developed over centuries by whites" that maintain an imbalance of power, privilege, and resources by perpetuating the interest of Whites who are in decision-making positions (Feagin, 2006, p. xi). Police officers are an important part of this system of inequality, particularly in analyses of the role of the juvenile justice system, because of their decision-making power at such a critical stage in the justice system.

CRIME AND RACE

In 2010, 70,792 juvenile offenders were housed in a public or private correctional facility throughout the United States (Sickmund, Sladky, Kang, & Puzzanchera, 2011). Of these, 61,358 were males. By race, 22,947 White, 28,976 Black, 15,590 Hispanic, 1,236 American Indian, and 516 Asian juveniles resided in placement facilities for criminal activity in 2010 (Sickmund et al., 2011). In the U.S. juvenile population, ages 10–17, 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, p. 9). Black youth were significantly overrepresented in arrests for both violent and property crimes (Puzzanchera, 2009).

Apart from Washington, DC, South Dakota had the highest state placement rate in the nation: 513 for every 100,000 juveniles in 2009. 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% Latino or Latino origin (U.S. Census Bureau, 2010). In total, 5,737 juveniles were arrested in South Dakota in 2007, accounting for all types of crime included in the Unified Crime Reports. Of these juveniles arrested, 3,512 were White (61%), 171 Black (3%), 1,922 Indian (35%), 44 Asian (0.7%), and 88 of unknown race (Manning & Huss, 2008).

This demonstrates that Blacks are slightly overrepresented in juvenile arrests and Asians are represented relatively proportionately to their makeup of the population in South Dakota. Most significant, Native Americans are markedly overrepresented in juvenile arrests in South Dakota and Whites are considerably underrepresented. Previous research has attempted to analyze and explain the causes of these disproportionate findings. However, it is noteworthy that Native Americans have rarely been included in analyses of disproportionate minority contact, and scholars continue to debate the causes of this social phenomenon for all races.

DISPROPORTIONATE MINORITY CONTACT

Scholars have demonstrated that when mediating factors such as income, socioeconomic status, sex, and age are controlled, race still influences the outcome of individuals in the juvenile justice system (Engen, Steen, & Bridges, 2002). The overrepresentation of Blacks and Latinos in arrests and juvenile facilities is a widely accepted phenomenon. The U.S. Congress responded to evidence of 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. Following this amendment, researchers in 2006 evaluated its effectiveness and concluded that racial disparities were still present (Kakar, 2006). More recent studies have confirmed a continuing pattern of racial disparities in the justice system, particularly at the first stage involving arrests by police officers (Kochel, Wilson, & Mastrofski, 2011).

Two explanations for this overrepresentation are currently being circulated. The differential involvement hypothesis states that minorities participate in criminal activity, and violent crimes in particular, at a disproportionate rate compared to Whites (Piquero, 2008, p. 64). The other 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 (pp. 64–65). Research supporting the differential selection and processing hypothesis dominates the discourse on disproportionate minority contact today. Studies have found that Black youth are more likely to be arrested than White youth (Kochel et al., 2011; Rosenfeld, Rojek, & Decker, 2012). Through interviews with police officers

and juveniles, Wordes, Bynum, and Conley (1994) and Lardiero (1997) found that some officers decide who to arrest based on race and race-related factors. Research on disproportionate minority contact has urged future studies to utilize qualitative approaches to understand this phenomenon, with a specific emphasis on police interactions (Conley, 1994; Holley & VanVleet, 2006; Lardiero, 1997; Piquero, 2008; Pope, Lovell, & Hsia, 2002). The use of in-depth interviews enables the analysis to go beyond a description of racial disparities toward an exploration of the mechanisms through which youth of color are disproportionately arrested.

PROCEDURES

A sample of 30 male juveniles in a private minimum-security correctional facility in Minnesota was interviewed. At the time of the interviews, 32 boys were residing in the correctional facility. All of the boys in the facility had an opportunity to participate, and 93.7% of the boys volunteered for the study. The boys were ages 11 to 19 and had been court ordered into the facility. The crimes committed by the participants in this sample were unknown, and this information was not sought out because of institutional review board (IRB) regulations aimed at protecting the participants' rights.

The average stay of the boys in this correctional facility was 9 months. Most of the youth residing there had previously been living in poverty in South Dakota, and all of the boys qualified for Title I, which is a federal grant created to improve the academic achievement of the disadvantaged. The racial makeup of the sample was 46% White, 13% Black, 13% Latino, and 27% Native American. Many of the participants of color described living in dangerous neighborhoods prior to entering the correctional facility, including three Native Americans who discussed hardships like hunger, gang violence, and house raids involved in growing up on reservations.

Prior to the interviews, I received approval from both the Texas A&M University IRB and the executive director of the correctional facility where the interviews took place. Because the IRB considered the participants of this study to be a protected population because of their status as wards of the state, it was necessary for a child advocate to be present during all interviews. Audio recording assisted with the validity of the findings, and some of the responses were checked with an external source of data. For example, most of the participants said they had contact with White police officers, whereas only a few spoke of Mexican, Hawaiian, or Black police officers. Using available data to determine the racial makeup of police officers in the areas from which the participants came, I validated the interview responses.

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

protected by avoiding the use of names during recorded interviews and changing or omitting any identifying information, such as city or family names.

An interview questionnaire and face sheet were used in order to ensure reliability by standardizing the interviews. To obtain thorough, detailed responses, the format of the interview was semistructured. Probes and additional questions strengthened the accuracy of the study by allowing for full descriptions of the participants' experiences and understandings. Many probes were prepared in advance in anticipation of various responses, but new probes were created and used as necessary throughout the interviews (Lofland & Lofland, 1995, pp. 84–88). The authenticity of the findings was enhanced by audio recording the interviews. Audio recording was optional, and the majority of participants agreed to it. I hand-wrote the responses of those who did not want to be audio recorded.

The following questions and vignettes were used in every interview in addition to probes that were personalized based on responses. Questions pertaining to topics unrelated to police interactions are not included here:

Vignette: A boy was stopped by the police. He explained the situation like this: "A cop pulled up in his car while me and my friends were hanging out. We had been drinking, so one of my friends ran, but I stayed. The cop slammed me against his car real hard. I didn't like that so I started swearing at him. And then he shot his gun by my ear. And I thought he was going to kill me! I just waited quietly. He took the rest of the alcohol and left. He didn't take me to jail."

Questions:

1. What do you think about what happened in this story?
2. Do you think a lot of cops are like this?
3. What makes you think they are/aren't?
4. Has anything like this ever happened to somebody you know?
5. Can you explain what happened? Or give me an example?
6. Have you ever had any cop treat you like the cop in the story I read?
7. Can you explain what happened? Or give me an example?
8. What do you think about police officers in general?
9. Do you think cops are helpful?
10. If yes: Can you give me an example of when a cop was helpful?
11. Do you trust cops?
12. How old were you the first time you talked to a cop?
13. Can you explain what happened when you talked to this cop?
14. Tell me about this cop, was it a man/woman, race, young/old?
15. Do you think the cop being a man/woman affected how you were treated?
16. Do you think the cop being (race) affected how you were treated?
17. What did he/she say or do?

18. After that time with the cop, were there any other times you were around cops?
19. Thinking in general about your experience with cops, do you think being a boy had anything to do with how you were treated?
20. In general, do you think your race had anything to do with how you were treated?

These questions were chosen after being pretested on other adolescents who felt they were easy to understand and to respond to in a variety of ways. First the vignette was used to provide imagery of an incident involving a police officer. This image was intended to provide a concrete visual that would make progressing to abstract, general questions about police officers easier for participants. Many of the interview questions (Questions 5, 7, 10, 13, 17) were intended to evoke descriptions of the participants' interactions with police officers out of which meaningful patterns could emerge. Although this study did not focus on gender, questions about the participants' or police officers' gender (Questions 14, 15, 19) were asked in case this evoked significant responses that needed to be explored.

After the interviews were completed, the recordings were transcribed onto a password-protected computer. Every response was transcribed. Throughout the transcription process I made notes regarding various patterns and themes and separated these comments from the interview data using parentheses. Following the transcription process, the interviews were coded. In order to standardize the coding process I categorized the participants into four racial categories. The racial categories were Native American, African American, Latino, and White. During the interviews, participants self-identified 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 Black 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 I conducted a thematic content analysis of the interview transcripts by creating a word document with approximately 35 categories. This format was copied to create one word document for each racial category. Then I 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 me 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. These themes were compared among all racial groups. Then the responses from the racial minorities

(Blacks, Native Americans, and Latinos) were compared to the responses of the White participants in order to answer the research questions.

Although the analysis was carried out methodically, some limitations with the sample could not be addressed. One of the limitations 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. For this reason, some findings and analyses may not be applicable to female juveniles. In addition, like in many studies, it is possible that a desirability effect influenced the responses of the participants, causing them to say what they believed I wanted to hear. To reduce the potential desirability effect, I told the participants that their participation would in no way affect the length of their stay or any other privileges within the facility. Lastly, the race of the participants and my race may have affected some responses. Because I am 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. I attempted to develop rapport with the participants by dressing and speaking casually and responding neutrally to their comments to increase the level of trust and comfort.

RESULTS

Many of the findings from this study provide explanations for the processes that enable disproportionate minority contact to occur that have not yet been discussed in the literature. The most consistent themes that arose from the interviews included a predominantly White police force regulating the behavior of youth of all races, police giving more chances to White juveniles than youth of color, youth of all races being arrested by the same officer repeatedly, police using unnecessary force against youth of color, and police awareness of a family's history of crime. The distinct interactions that youth of color experience with police officers compared to the interactions that White youth experience can be understood as perpetuating disproportionate outcomes in terms of arrest and cycling in and out of the justice system.

Disproportionate Number of White Police Officers

Today, although the number of women and racial minorities in police departments has increased in the United States, at both the local and federal levels minority officers are underrepresented compared to the general population. 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, p. 101). This racial discrepancy sustains the

powerful status of Whites, who have the ability to enforce laws that were created by a predominantly White legislative body. For example, in 2001 Blacks made up 2% 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, p. 145). This racial discrepancy at all levels of the legal and justice system can be viewed as perpetuating the privileged status of Whites and the subordinated status of people of color because Whites are in a position to uphold laws and social norms that serve their interests.

In general, the officers with whom the boys in this sample had contact were overwhelmingly White. 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, and many of these participants had only been arrested by White police officers. All of the Latino and Black participants had been arrested by White officers, and although the percentage was not as high for Native American participants, it was still significantly high at 75%.

As background for understanding the participants’ interactions with the police the boys were each asked to describe the race of the officers who had stopped them in the past. The notion of a predominantly White police force was exemplified by a 15-year-old Native American (Participant 11) who had been living in and out of correctional facilities and foster homes for the past 9 years. He was asked, “What race were the cops that stopped you?” after describing a variety of experiences with the police. He responded with a sense of surprise, “Race? Oh jeez, they’re all White. One or two ethnics maybe.” Most participants simply responded without hesitation to the same question, using phrases like “all White” or simply “White.” A Latino (Participant 15) explained, “If I got arrested, all of the time it was White people,” referring to the officers. 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. Feagin’s (2010) white racial frame theory explains that images and messages from the media can label Blacks and Latinos as criminals even if they have not committed any crimes. In addition, racial profiling and heavily policing of neighborhoods of color are ways that the initial stops and arrests of juveniles are influenced and racialized. These discriminatory mechanisms not only contribute to an overrepresentation of minorities in initial arrests but begin a pattern of repeated stops and arrests.

In this study, 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. After I recognized a pattern of unsolicited responses regarding repeated arrests by the same officers, the question “Have you ever been stopped by the same officer more than once?” became standard in the interviews. Demonstrating the phenomenon of repeated arrests by the same officer, a Native American (Participant 7) was asked about repeated arrests by the same officer, to which he responded,

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 seven, eight times.

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 each other during their interactions, which likely influenced the officer's decision to stop or arrest this participant.

Although an officer may arrest the same individual more than once by coincidence or because he or she is repeatedly assigned to certain neighborhoods, many participants in the sample (27%) discussed their opinion that officers in their lives had stopped them because they knew them and their reputation. Repeatedly arresting the same individuals may influence police decision making or result in stops and arrests based purely on previous experiences with a juvenile rather than on justified grounds.

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, while he was responding to the question “Have you ever been accused of something you did not do?” a 17-year-old Native American (Participant 20) 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 (Participant 11) reiterated this idea, explaining his experience with police officers who use their discretion to stop and question youth simply because they have a history of crime. He emphasized the way one's previous experience with an officer or the justice system, such as a police officer “see[ing] them before” or knowing of them as “trouble makers,” influences the police's decision to stop them “for the littlest reasons.” In

addition, the participant explained that his friends who had been viewed by the police as “trouble makers” happened to be “Mexican or Native American.”

An 18-year-old Native American respondent (Participant 7) shared similar feelings regarding the problem of familiarity with police officers while he was responding to a question inquiring about his level of trust in the police. He stated,

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.

Black and Latino participants shared similar experiences that they or their friends had had with repeated arrests by police officers.

Although 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 juveniles in the correctional facility described similar incidences. One 16-year-old White respondent (Participant 5) 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.”

Many juveniles described being 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 violated 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. The difference in repeated arrests for Whites and non-Whites implies that although a previous record influences the likelihood of future arrests, race compounds this effect. Previous 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 that leads to the increased likelihood that minority juveniles will be arrested and processed through the juvenile justice system (Piquero, 2008).

These findings demonstrate one factor that perpetuates a cycle of disadvantage for youth of color. Within the juvenile justice system, racial subordination is maintained in part by an increased likelihood that youth of color will be repeatedly arrested and will continue to cycle in and out of the justice system, reducing their access to mainstream education and institutions.

Second Chances

In comparing the experiences of minority and White participants, a major theme regarding police discretion and differential treatment emerged. 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 police officers letting a boy go without any arrests or charges.

Approximately the same number of minority and White participants mentioned receiving chances from police officers (56% of minorities and 57% of Whites). However, a qualitative examination of the comments from these boys speaks to a significant disparity with regard 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. Demonstrating this concept, a Native American (Participant 7) who had spent the previous 2 years in and out of correctional facilities responded to a question inquiring about the number of times he had been arrested by 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.”

Many participants described the degree of police discretion involved in receiving chances, such as an 11-year-old Black participant who had received chances from police officers. This boy (Participant 26) explained that the police give chances “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 their discretion when determining who they will let go. Although presumed association with a gang might result in fewer chances, race also appears to be a factor directly affecting police decision making, as evidenced by the qualitatively different responses provided by White participants.

Many White participants described receiving chances regularly from police officers. For example, a 17-year-old White respondent (Participant 23) was asked whether 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 respondent (Participant 6), who had been in correctional facilities for the past 3 years, 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.” Another White boy (Participant 14) echoed this experience, saying, “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 respondents described receiving multiple chances from officers. Many did not provide an estimate of the number of chances they had received but rather offered vague terms like “good amount” and “tons,” as in these examples. Some of the chances allotted to the White boys came repeatedly from the same police officers, whereas others were from various officers.

The difference in the frequency of chances that Whites receive compared to youth of color 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 stem 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 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 officer in terms of a second 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 of the discrimination that occurs within the interactions between police and minority youth was demonstrated through the youths’ descriptions of these interactions, which often included unnecessary force and overt discrimination by the officer. It is important to keep in mind the age of many of these participants who were treated with such aggression. For example, one of the youngest participants (Participant 26) was a Black 11-year-old boy who was unfairly treated by an officer. One of the many examples this boy provided indicates 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, ‘cause I knew him ‘cause I did a lot of things before . . . I’m not gonna fight this time. So I stopped, these guys come and slam me even harder than they did the first time.

From this description it is evident that the respondent believed that the police officer did not have the right to use physical force against him. Even though the boy was staying calm and not resisting the officer, the officer used unnecessary physical force against him. In this instance, the participant explained that he knew 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 Native American boy (Participant 11) described his experience in the following passage:

I don't think they [the police] treated me fairly . . . 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.

Again, it is evident that the police officer did not need to use force but did so anyway. Though not all did, 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 aggressive physical force. Whether this aggressive force was an attempt to intimidate these minority youth or influence them into breaking the law by resisting arrest or fighting the officers, which would have increased the severity of the charges, the police officers were clearly unjustified in their infliction of harm on 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.

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 directly asked about maltreatment by police officers, many assumed that this was not something that really occurred, or at least not often. Exemplifying the opinion of many White respondents, one White respondent (Participant 2) 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, four White participants were aware of this form of police malpractice. For example, one White respondent (Participant 13) described

an incident in which 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, two Black and two Native American boys described blatantly discriminatory incidences with the police, specifically referencing race as a factor. A 14-year-old Black respondent (Participant 28) described his experience with racism among police officers while he was responding to a question regarding trust in the police. He 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, as he assumed they should “help people out.” However, instead of helping, this officer used his position of authority to discriminate and harass the young boy. The participant added 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 an 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 as it is for most members of the general public. 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.

This finding provides support for systemic racism. 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. 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 or lack appropriate values for maintaining a safe society. In this sense, racism can be overt, as in incidences in which police officers discriminate against youth of color 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. Although 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. Family reputation was a theme that emerged from the interviews but was not a topic about which I directly asked participants. For this reason, the exact frequency of this phenomenon within this sample is unknown. Still, it appeared 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 (Participant 4) credited his last name, which clearly identified his culture, as playing a significant role in police decisions regarding him. 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.

A Black respondent (Participant 26) described a similar dynamic when describing how he knew one of the police officers with whom he had interacted:

He arrested my dad a bunch of times. And then he, he never caught my uncle ... 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. For example, one boy explained that his judge had decided on his father's and sister's cases prior to his own case, which may have influenced his opinion of the boy because he came from a family with a reputation for committing crimes.

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. This finding shows that in addition to overt forms of discrimination, police utilize a more socially acceptable means of discrimination. This may occur whether the police officers are intentionally prejudiced or simply operating out of an unquestioned White racial framework imposed on individuals by society.

Consistently checking on children within families who are known to have a history of criminal activity infringes on the rights of these boys, who legally 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 because of 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 this process is that officers no longer need to rely on selection procedures, such as racial profiling, because they can use family history as a basis and rationalization for their actions. This allows officers to continuously arrest Blacks, 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. They can justify this decision based on family reputation.

CONCLUSION

Overall, this study emphasizes the effects of a majority-White police force on disproportionate and distinct forms of juvenile contact with the justice system. Systemic racism theory sheds light on the effects of this racial power dynamic and the continual disadvantage experienced by people of color. Police discretion enables officers to make decisions based partially on stereotypes and reputations, resulting in overselection of people of color in stops and arrests. In addition, the findings demonstrate that White youth tend to receive more second chances, whereas youth of color are more likely to cycle in and out of the juvenile justice system.

A variety of police practices account for this pattern of disproportionate rates of contact, arrest, and second chances. The combination of unnecessary, aggressive force used primarily against people of color; overt discrimination and prejudice; and covert practices such as repeatedly stopping and arresting the same individuals and relying on family reputation for decision making

speaks to a significant problem within the U.S. juvenile justice system. The themes that emerged from this analysis demonstrate that contact with the juvenile justice system is disproportionate and distinct in form based on the race of the juvenile. Differential treatment needs to be understood as more than the disparity reflected in official police records and court decisions. This study demonstrates that differential treatment based on race occurs in more meticulous ways, such as through providing White youth with more second chances or stopping Black, Latino, and Native Americans boys because of a family member's history of crime. Although the mechanisms involved in the disparate treatment of male juveniles are not measured by official records, they are part of an intricate process leading to disparate racial outcomes in the juvenile justice system. In order to ameliorate disproportionate minority contact, it is necessary to address all forms of differential treatment, including those that are less visible from the standpoint of official records. Removing racist imagery from the media may be one step toward reducing the impact of the white racial frame on police decisions and interactions with youth of color. Other policy implications include a need for greater supervision over police decision making and perhaps reduced discretionary power.

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 the influence of race, previous records, and family reputations on decision making when policing juveniles. In addition, using quantitative methods of evaluating the various factors found to be significant in this study, such as the number of chances White adolescent males received compared to youth of color, would make it possible to generalize certain findings to juveniles in the region.

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