

The Criminalization of Minority Youth:

An Investigation into the Cook County Juvenile Justice System.

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1 Introduction

“I was born and raised in Chicago. I had it rough, I guess. The neighborhood I’ve been in. All the drugs. You can just be walking down the street and somebody’s pack right there, and a cop can jump out and search you and everything and put that pack on you, and you never even knew it was there” -Dwayne, an inmate at Cook County Detention Center (Kobeileski 2018).

“I’ve been here [in jail] three times. [...] When I first got incarcerated, I think I was like ten. It was for juveniles. I had problems – for fighting and stuff like that ” -Clarence, an inmate at Cook County Detention Center (Kobeileski 2018).

Both Dwayne and Clarence spent time in Chicago’s juvenile detention center and Cook County adult jails. Clarence, a young Black man from Chicago’s south side neighborhood of Englewood, grew up in and out of foster homes while his mother struggled with a gambling addiction. At ten years old, the police arrested Clarence for fighting during school (Kobeileski 2018). School fights are common in most schools in Chicago. However, only those with police on campus result in arrests (Kobeileski 2018), making aggravated battery charges a standard for youth in Chicago's majority-minority underfunded public schools. The lack of funding in these schools leads to increased police personnel presence in the place of social workers (Illinois Juvenile Justice Commission 2019).

Dwayne, a young Black man from Chicago, grew up in a drug-infested neighborhood patrolled heavily by the police (Kobeileski 2018). Throughout his adolescence, Dwayne dealt

with the constant fear of being wrongfully convicted by police, which had happened to many of his peers. He was arrested in his early adulthood when police found a gun – which he had no prior knowledge of – in his house. “The police said I had a gun on my waistband, and I threw it under the mattress when they came in. But I didn’t even know there was a gun in the house ” (Kobeileski PG 2018).

Unfortunately, the stories of Clarence and Dwayne are far too familiar for Black and Latino youth in Chicago. Youth of color in Chicago are referred to court three times more frequently than white youth, are held within secure confinement four times more often, and are transferred to adult facilities at a higher rate (Illinois Juvenile Justice System 2010). Minority youth have been overrepresented in the juvenile justice system in Chicago since its formation in the early 1900s. Since 2014, the overall number of arrests in Chicago has decreased, yet the arrest rate for Black youth has increased to more than double that of white youth arrest rates (Illinois Juvenile Justice Commission 2019). Although Black and white youth commit similar proportions of minor crimes, Black youth offenders are more frequently reported to the police (Allen 2023). Similar offending rates between white and minority youth for minor crimes suggest that these statistics may reflect policy, not behavioral, differences between minority and white youth (Hawkins 2000).

Policymakers and police are fundamental to understanding and addressing racial disparities in juvenile detention since they are responsible for policies and practices that funnel youth into the criminal justice system. As such, this paper examines the role of policymakers in juvenile detention to answer the question: Why are minority youth persistently overrepresented inside Cook County juvenile detention centers? In answering this question, this paper will rely on the Office of Juvenile Justice and Delinquency Prevention’s (OJJDP)’s definition of minority

as “American Indian and Alaska Native, Asian, Black or African American, Hispanic or Latino, or Native Hawaiian or other Pacific Islander;” in other words, non-white. Furthermore, this question will be answered through a qualitative review of the language used by police and politicians in conjunction with state data on disproportionate minority contact (DMC) within the juvenile justice system to determine the possible causality and intentionality of policies leading to the increased representation of minorities in the juvenile justice system.

2 Literature Review

2.1 Background and History

The first United States juvenile justice system originated in Cook County, Illinois, where Chicago resides. The Juvenile Court Act of 1899 established a new court system for minor offenders to “serve the safety and moral, emotional, mental, and physical welfare of the minor and the best interests of the community” (Illinois General Assembly 2000). Indeed, the 1890s were a time of shifting opinions toward juveniles. The “Chicago Women’s Club,” a group of women who believed that juvenile justice should reflect the vulnerabilities of youth, spearheaded the movement for a separate justice system for youth (Agyepong 2018). Instead of being punished as adults, convicted minors were considered vulnerable community members (Agyepong 2018). Illinois implemented detention centers within Cook County to provide rehabilitative services to juvenile offenders, reflecting this social shift (Winfield 2008). The court’s purpose shifted in the early 1900s when the Great Migration brought more Black residents into Chicago and the Cook County juvenile justice system. The first wave of migration increased the Black population in Chicago from 44,000 to 234,000 (Agyepong 2018). Racialized notions of childhood and delinquency caused Black children to be disadvantaged before even

entering Chicago (Agyepong 2018). A study by the Chicago Commission on Race Relations in 1922 concluded that Black people are “more prone than white to commit sex crimes, particularly rape... and he commits a disproportionate number of crimes involving felonious cuttings and slashings”(Agyepong 2018). These institutionalized stereotypes contributed to Black overrepresentation in the juvenile justice system, a pattern that persists today (Agyepong 2018). Following the Great Migration, Illinois's new court system only benefitted White youth while exacerbating the mistreatment of minority children (Agyepong 2018).

Furthermore, this social shift in attitudes toward juveniles brought national attention to juvenile crime and justice. The “War on Crime,” launched in the late 1960s by President Lyndon Johnson to fight crime within American cities, led to increased incarceration of juveniles, specifically minorities (Reuterman 1984). Lyndon Johnson’s “War on Crime” triggered an outcry of fear from the white public (Feld 1998), and politicians responded to this fear by persecuting more youths as adults and enacting racially-motivated legislation, such as the infamous 100-to-1 rule, which increased sentences and punishment for crack cocaine, more common in minority communities than powder. (Reuterman 1984).

Due to the Great Migration, resulting racial tensions, and The “War on Crime,” the overrepresentation of minority youth in the juvenile justice system became impossible to ignore (Feld 1998 and Agyepong 2018). In 1988, the Juvenile Justice Prevention Act established the Office of Juvenile Justice and Delinquency Prevention (OJJDP), which mandated states to support county efforts to improve juvenile justice systems (Ryan 2020). The act mandated states to provide an incidence report of DMC but did not establish any guidelines to address the issue. In 1992, the federal government threatened states with a possible loss of 20 percent of the program funding if state governments did not address DMC (Dillard 2013). In 2002, the OJJDP

established that failure to report on minority contact (using a standardized index) every three years would result in losing funding to that state (Dillard 2013). OJJDP later criticized using the index to measure confinement because of its inability to control other variables and show any causation for the disproportionate incarceration demonstrated by states (Illinois Juvenile Justice Commission 2014).

Despite the federal funding and attention surrounding DMC, states resisted addressing the problem. In 2010, the OJJDP concluded that the collection of DMC-related data at all “decision points” was not achieved by Illinois, stating that “race and ethnicity are not consistently reported across the state” and pointed out Illinois’ reliance on old flawed data (Illinois Juvenile Justice Commission 2010). In Illinois, OJJDP notes disparities in all nine steps of juvenile processing: arrest, referral to court, diversion, secure detention, a petition filed, adjudication, probation supervision, secure confinement, and transfer to adult courts (Illinois Juvenile Justice Commission 2014). Scholars have tried to explain the causes of these disparities, primarily relying upon two different theories outlined below.

2.2 Extant Theories

Two main extant academic theories explain DMC: differential offending theory and differential treatment or bias theory (Illinois Juvenile Justice Commission, 2014). The differential offending theory claims that minorities are overrepresented in the criminal justice system because they commit more crimes than white youths. In contrast, the differential treatment theory claims that minorities are overrepresented in the criminal justice system because criminal justice actors target and treat them differently. Most literature critiques both theories, advocating for a middle ground (Illinois Juvenile Justice Commission 2014). However, states

generally show higher support for the differential offending theory in both reporting and legislative measures (Illinois Juvenile Justice Commission 2014).

Supporters of the differential offending theory argue that disparities at the individual level lead to DMC (Illinois Juvenile Justice Commission 2014). Moreover, the efforts to address DMC by identifying contributing factors at the individual, family, and neighborhood levels align with the differential offending theory by assuming minorities are offending at higher rates. Research refers to these factors as “indirect” racial effects (Leiber 2005). For example, they suggest that low socioeconomic status, poor education, and employment contribute to increased criminal activity and are more common circumstances for minority youth (Claus, Ronald, et al. 2017).

Other evidence on DMC indicates that the differential offending theory is circular and self-fulfilling since it relies on flawed data sources. The differential offending theory is the original theory that scholars used to explain DMC after the Great Migration. Scholars at the time suggested that Black youth migrants were more likely than whites to commit crimes, particularly violent crimes such as rape (Agyepong 2018). This claim contributed to stigmas and stereotypes, leading to disproportionate numbers of Black people incarcerated and presumed guilty. These stereotypes led to preconceived convictions, skewing arrest data that, when statistically analyzed, would appear to support this claim, despite the inaccurate reflection of offending rates in the dataset. Racial differences in reporting could also result in misleading statistical results. This incomplete data ignores possible police department biases that could explain the disproportionate presence of minorities in the juvenile detention system, hampering the legitimacy of analyses by neglecting the many stages that lead to incarceration.

Data on the juvenile justice system that reports racial differences in arrests must be interrogated for potential bias. Most criminal theorists of the 1980s and 1990s relied heavily on

the differential offending theory, and many used arrest data produced by the CPD as evidence for their theories (Illinois Juvenile Justice Commission 2014). For instance, Barry Feld, a criminal theorist of the 1980s, claims that increased violence in Black youth males in the late 1980s is the “proximate cause” of the legislative amendments to treat youth crime with a more significant punishment. Feld acknowledges that after controlling for legal and offense variables, the courts “produce racial disparities when sentencing minority offenders” and “youth’s race appears as a significant factor in most multivariate sentencing studies” (Feld 1988, pg. 231). Still, Feld’s main argument is that higher offending rates are the root cause of this overrepresentation, again cherry-picking data to fulfill his overall claim while using biased statistical analysis.

Most research supporting the differential offending theory has relied on arrest data by police, therefore only comparing police arrest rates and not actual criminal offending rates. Racial disparities in policing, therefore, also explain the recorded differences in offending rates. Carl E. Pope and William H. Feyerherm (1990) found that all studies controlling for race showed disparities in each stage of the juvenile justice system and thus did not reflect outcomes based solely on the differential offending theory. They critique the differential offending theory for relying too heavily on biased data produced by states (Pope and Feyerherm 1990).

The differential treatment theory challenges the differential offending theory. Instead of focusing on the individual and their community, the differential treatment theory suggests that reforms addressing DMC should concentrate on the structure of decision-making (Illinois Juvenile Justice Commission 2014). There are several subcategories of the differential treatment theory. One subcategory of particular significance is the symbolic threat theory. The symbolic threat theory explains the causes of discriminatory treatment toward minorities. The symbolic threat theory applies to several stages and actors involved in the legal domain (i.e., police, jurors,

prosecutors). The theory claims these actors' perceptions of minorities as “threatening to public safety” influence decision-making (Illinois Juvenile Justice Commission 2014). The symbolic threat theory was examined in a Stanford study in 2012 that found that white Americans (overrepresented in most jury pools) expressed a bias toward Black offenders (Rattan, Aneeta, et al. 2012). In this Stanford study, researchers surveyed participants on punishment recommendations for two people: one described as “a Black male with 17 prior sentences” and the other as “a white male with 17 prior sentences”(Rattan, Aneeta, et al. 2012). Readers who read “Black” instead of “white” decided upon significantly harsher sentences for the imagined perpetrator (Rattan, Aneeta, et al. 2012).

Although the symbolic threat theory can help explain the causes of differential treatment, it fails to address the issue at an institutional level. The differential treatment theory can also examine the systemic and institutionalized practices of mistreating minorities within the justice system. Joe Soss and Vesla Weaver (2017), in the article *Police are our Government*, demonstrate how minority communities are governed using repression and violence. Soss and Weaver (2017) examine Ferguson, Missouri, to understand the role of the police in marginalized communities. They argue that the police represent the only face of the government that many communities interact with regularly (Soss and Weaver 2017). They argue that behind the police is a system of political actors that “reconstruct race as they use institutions to divide populations, define the terms of their relations, and subject them to different modes of governance” (Soss and Weaver 2017, pg. 597). Furthermore, Soss and Weaver argue that police brutality in Ferguson can be attributed to systemic oppression, not a few bad actors. Soss and Weaver found that minority youth who were treated as “thugs” reshaped their own identities in response to this mistreatment and that the “emotional force of minorities' first experiences of the police leaves a

visceral and lasting memory of the state exerting power over their bodies” (Soss and Weaver 2017, pg. 581).

Furthermore, other scholars explain that policing and the criminal justice system have redefined citizenship and redistributed power (Jefferson et al. 2017), echoing Soss and Weaver’s (2017) claim that the police act as “messengers for the rules of a racialized class system”(582). Still, more research is needed to understand bureaucrats’ and policymakers’ roles in police misconduct. This thesis will draw upon the differential treatment theory through an institutional lens, arguing that the mistreatment of minorities in the juvenile justice system is not the result of a single actor but instead of different political mechanisms interacting.

3 Theories and Hypotheses:

Instead of focusing on youth as the leading actor for their overrepresentation in the juvenile justice system, as the differential offending theory would suggest, this thesis will draw on differential treatment theory to examine the roles of several political actors contributing to DMC. I expect that policymakers and police demonstrate biases and discriminatory practices that explain the overrepresentation of minority youth in Chicago detention centers. I formulated three hypotheses to track the processes that lead to juvenile detention, explained below.

Firstly the role of the police department, which handles arrests and court referrals, must be examined. According to the Office of Juvenile Justice and Delinquency Prevention in Illinois, police interactions are the first and most crucial stages of youth criminal processing, making the police primary actors that lead most juveniles to engage with the criminal justice system (Annie E Casey Foundation 2020). After the police arrest a minor, officers decide if they will refer them to a court or divert them to other services (OJJDP 2018). At this stage, police officers have three

options: 1) release the youth with a warning, 2) divert the youth to community-based services, and 3) refer them to court (OJJDP 2018). A child only becomes involved in the juvenile justice system if/when an officer decides to refer the child to court. This process places the decision power of whether a child should be involved in the juvenile justice system in the hands of the police. Racial biases in arrests have been found in adult populations throughout the US, giving reason to suspect that police may also be biased when making these decisions with juveniles (Ousey et al. 2008). Police bias could amount to an overrepresentation of minorities in juvenile justice centers. Following this prior logic, the first hypothesis is as follows:

- a. The Chicago Police Department (CPD) targets minority youth, leading to increased arrests of minority juvenile offenders by both referring more to court and surveilling minority communities more heavily.

As previously stated, policymakers are responsible for giving power to the police and controlling the number of police personnel on duty. Therefore the critical examination of policymakers – particularly the mayor – as actors leading to minority overrepresentation in the juvenile justice system must also occur within this thesis. Ordinances produced by the mayor's office change the interactions that the CPD has with the community. Patrick Smith, a criminal justice reporter, describes the Chicago mayor as the “most powerful person in the city when it comes to police misconduct” (Dukes, Jesse et al. 2020). In Chicago, the mayor serves as the city's chief executive and administers and manages various departments (*Office of the City Clerk Chicago*). The mayor also leads the city council and is in charge of enforcing city ordinances, determining the city's annual budget, and appointing and firing city officers, directors, and members of city boards (*Office of the City Clerk Chicago*). The ability to fire city officers allows the mayor to threaten any who stray from their vision for the city (Dukes, Jesse et al. 2020).

Historically, Chicago Mayors such as Mayor Rham Emanuel and the Laquan McDonald case have been criticized for allowing police misconduct. In 2015 Mayor Emanuel was exposed for hiding the police murder of a 17-year-old Black man, Laquan McDonald (Black 2017). This thesis will examine the role of the mayor in juvenile delinquency to find out how the mayor's policies may or may not influence racial disparities in the juvenile justice system. The second hypothesis states:

b. Policymakers, such as the mayor, have enacted legislation that leads minority youth to have increased contact with the criminal justice system.

Lastly, this thesis will evaluate why racial disparities within the juvenile justice system have persisted. In recent years, more attention has been brought to the injustices within the juvenile justice system, but the overrepresentation of minority youth remains constant. One possible explanation for this could be the power of the police union. Police unions in New York, Ferguson, Baltimore, Cleveland, and Chicago have defended police officers accused of shooting and even killing civilians (Fisk and Richardson 2017). This thesis will examine if the police union and other known opponents to police reform may also explain the persistence of DMC in the juvenile justice system. The final hypothesis put forth and examined in this thesis states:

c. Efforts to address over-representation have been blocked and neglected by police unions and other actors.

4 Methods:

4.1 Why Chicago?

This thesis will focus on Cook County, Chicago, Illinois, to control for differential statewide legislation. Cook County provides an interesting case study since it is the birthplace of the juvenile justice system and has some of the highest crime and incarceration rates in the

United States (Toni and Asher 2021). In the last decade, arrests in Chicago have decreased overall, but the number of people of color arrested has increased (*Illinois Juvenile Justice Committee* 2019). Police arrest youth of color 1.5 times more often than white youths, despite having similar offending rates (*DMC in the Juvenile Justice System* 2019). Although Chicago has implemented some programs to decrease minority contact with the juvenile justice system, the rates of minority representation within Cook County's juvenile detention centers have not decreased (*DMC in the Juvenile Justice System* 2019).

4.2 Data Sources

Scholars often use arrest data to study differences in offending rates (Pope 1990). However, arrest data in Chicago is produced by the Chicago Police Department (CPD), which only collects data in the event of police encounters and arrests, creating a flawed and unreliable dataset. Data produced by the actors potentially responsible for DMC does not allow for an objective assessment of whether there is bias within the police department towards minority youth. Differences in racial groups' rates of reporting crimes to authorities and bias within the police department also cause inaccurate data on different offending rates between races (Hawkins 2000). This thesis aims to test bias within the police department, so any data produced by the CPD on offending rates between races cannot be relied upon. Due to the lack of external crime data within the city, this thesis did not rely on a quantitative analysis of sentencing and offending. In order to evaluate hypotheses a-c, this thesis uses secondary and primary data to explore how policymakers and bureaucrats (e.g., police and elected officials) decide which neighborhoods and groups to target and how to address crime within Chicago.

The data comprises four categories of sources: news, governmental documents, peer-reviewed journals, and academic books. Since this thesis studies contemporary issues within

the City of Chicago, news articles are a preferred data source for recent quotes by city bureaucrats and politicians. These news sources include the Chicago Reporter, Chicago Sun-Times, CBS Chicago, WTTW News, CBS News, FOX 32 Chicago, NBC 5 Chicago, Block Club Chicago, Chicago Tribune, and NPR Chicago. In order to avoid bias within these news articles, each platform was checked against an interactive media bias chart produced by two media-biased rating charts, Ad Fonts and All Sides. Only sources with “middle or balanced bias” ratings were relied upon for the data collection, except for the Chicago Reporter and the Block Club Chicago, which did not appear on at least one of the bias rating charts. The Chicago Reporter and Block Club Chicago are still included since both use primary data gained through freedom of information datasets released to the public, making them essential sources of accessible data.

The primary governmental and legal documents relied upon throughout this thesis include the CPD’s Criminal Enterprise System (a system used by the CPD to track gang activity), the Office of the Inspector general’s (OIG) review of the original gang database, and publications by the US Department of Justice’s Illinois Juvenile Justice Commission (DOJ). The OIG describes itself as an “independent non-partisan watchdog for the taxpayers of the city” (OIG 2019), reporting on various city actors, such as the CPD. Members of the CPD have admitted to the misuse of the gang database and confirmed the OIG’s reports. The Department of Justice and the CPD’s publications are made public through their web pages, where the public can access the official legal terminology.

4.3 Methodology

After checking for bias, all of these news sources were searched with the keywords “Chicago crime,” “youth policy,” and “Chicago police.” Sources with any of these keywords

were selected for use within this thesis. The goal of these searches was to locate any quotes by politicians interviewed by the news that display policymakers' and police-stated goals and intentions when implementing anti-crime policy within the city. These goals and intentions were reviewed alongside the official government documents outlining these policies and the inspector general reports on police conduct in Chicago. The legal terminology of these documents was examined by locating the definitions for various types of crime and seeing how the applications of these definitions differ in practice toward white vs. minority youth.

The OIG's reports on the gang database were used to evaluate whether policing practices, specifically their use of the "gang database," target minority youth disproportionately. The OIG report publicized the police language used on the CPD's "gang database," which was previously privatized. This report was relied on to test for bias within the CPD toward minority youth. The document was searched for racial descriptors, such as Black, to determine if race is explicitly considered when designating youth into the gang database.

The language used in the CEIS and reports produced by the US Department of Justice were compared to see if reforms failed or made progress toward dismantling DMC. The Department of Justice's recommendations were compared to the policies proposed in the CEIS to evaluate the effectiveness of police reform. If the CEIS did take the suggestions of the DOJ, then reform was considered officially acknowledged. When the suggestions were ignored, the reform was considered ineffective because it was not implemented, contributing to DMC's persistence.

Overall, the results are based on a critical assessment of the stated political goals, official legislative language, and policy outcome descriptions.

5 Results:

There is substantial evidence for the hypothesis that the Chicago Police Department (CPD) targets minority youth.

One primary source of police discrimination is the CPD's "gang database." In 2019, the OIG released a review of the "gang database," a collection of databases created by the CPD to map and identify gang-related violence within the city, which designated gang involvement in geographical areas and by individuals throughout Chicago. The databases' definition of "gang" activity and affiliation leaves much up to interpretation by the police, allowing bias to play a significant role in the designation. For example, the OIG report found that the gang involvement criteria includes being in the presence of other designated gang members or having social media posts demonstrating "gang signals," for which no definition was provided. (OIG 2019). The report finds that criminal activity is not required for the designation of an individual or area in the database (OIG 2019).

Following the OIG report on the "Gang database," the CPD admitted to its inaccuracies and flaws. Police Officer and commission president of the Community Commission for Public Safety and Accountability, Anthony Diver, admitted that "People have been significantly harmed by this database" (Camarillo 2022). Despite the CPDs' admission of inaccuracy, the CPD continues to use the database to jail minority youth in Chicago.

The OIG found that the database "lacked procedural fairness protections" and contained "significant data quality concern" (OIG 2019). Over 15,000 of the people on the list had no specified reason provided for inclusion on the list; others' occupations the police classified as "scumbag," "bum," "criminal," "black," "dork," "looser," and "turd" (OIG 2019). These labels are not only illegitimate occupations but also racist descriptions. *The Chicago Tribune* also produced data on the gang database through the Freedom of Information Act. It found that the

database contained incorrect ages; one individual was listed as 132 years old, which the CPD remarked was a typo (Sweeny 2020). The youngest member of the database was nine years old (OIG 2019). The *Chicago Tribune* and the OIG report found that Black, African American, and Latino persons comprised 95 percent of gang members within the database, many listed without a valid reason for inclusion, and no specific gang was designated (Sweeny 2020).

The implications of the database for disproportionate minority contact are extensive. Despite the biased and inaccurate language of the document, the police have shared the database with over 500 external agencies with gang-related queries, and they rely on the record when making arrests (OIG 2019). The CPD targets areas designated as gang-involved by deploying strategies to target gang members within that area. These so-called “gang missions” allow targeted policing, such as targeted vehicle enforcement, causing neighborhoods within the database to face more arrests due to increased police activity and individuals' presumed guilt (OIG 2019). The CPD is permitted to issue gang loitering ordinance dispersal orders if the CPD witnesses two or more people listed in the database together. If an individual returns “within sight or hearing” within 8-12 hours to the given area of the dispersion, they face imprisonment for up to six months and a fine between 100-500 dollars (OIG 2019). These targeted approaches and unclear definitions allow CPD to legally designate and target any person or group of individuals they deem fit, granting people of any age fines and jail time for small and subjective acts such as presumably loitering.

Membership in the gang database is often presented as evidence to the court, affecting bail, bond, sentencing, sanctions, probation, prison, and parole (OIG 2019). During a “shelter-care-hearing” for juvenile arrest in Chicago, designation as a known gang member by the CPD can be presented as evidence when deciding whether the juvenile should be detained or

released. These processes could explain minority overrepresentation in detention centers as the gang database contains primarily Black and brown youth, and gang affiliation is presented as a reason for detention.

Following the inspector general's report on the gang database and substantial public backlash, the CPD amended the database, creating the “Criminal Enterprise Information System” (CEIS) to “collect and manage intelligence on criminal enterprises and street gangs to prevent, detect, and investigate criminal activity” (CPD 2021). The CPD amended the system without external oversight, contrary to the Inspector General’s recommendations. The new criteria for gang membership include “observations by department members” and “information received from informants who have proved to be reliable to the department in the past” (CPD 2021), allowing for officers' bias to interfere again with the database’s reliability and accuracy. The information allowance from department members’ observations and informants deemed reliable in the past also shows a lack of reform, since the OIG showed these informants were unreliable and biased.

The reformed database allows individuals to petition for removal from the database, but against the OIG’s suggestions, it does not notify individuals of their initial placement on it. Furthermore, the inspector general’s follow-up inquiry on the new CEIS concluded that “CPD continues to rely on its old, flawed system,” even though the department acknowledged it “must improve” the policies, practices, and technology systems used by officers” (OIG 2021, p. 4). The CPD failed to take the recommendation to purge old records and simply included a disclaimer. They also “failed to concur with OIG’s recommendation to ‘establish formal protection for juveniles’”(OIG 2021, p. 10).

The loose criteria for “street gang” within the CEIS system also demonstrates bias within the police department's designations. The CEIS defines a street gang as “any combination confederation alliance network conspiracy understanding or another similar conjoining in law or fact of three or more persons with an established hierarchy that through its membership or the agency of any member engages in a course or pattern of criminal activity” (CPD 2019). The CPD defines criminal activity as two or more acts of the following offenses, at least one of which occurred within the last five years: murder, drug-induced homicide, kidnapping, forcible detention, aggravated assault [... and] aggravated criminal sexual assault” (CPD 2019). CPD defines aggravated criminal sexual assault as sexual assault done while a victim is unconscious or drugged by the assaulter. According to this loose definition of “street gangs,” several college fraternities within Chicago should be listed as criminal street gangs but are not included on the public gang maps produced by the CPD. For example, Sigma Alpha Epsilon (SAE) at Northwestern University, located on the North side of Chicago, was accused of giving four female students date rape drugs and assaulting two female students at a party in 2017 (Chicago Sun-Times, 2019). SAE also has demonstrated patterns of sexual assault, frequently occurring at their parties (Chicago Sun-Times, 2019). These two incidents of sexual assault occurring at this party should be enough to categorize SAE as a criminal street gang, according to the CEIS’s definition. However, it is not included in the database.

Overall, the broad definitions for “criminal street gangs” produced by the CPD allow the CPD to group entire Black and brown neighborhoods into the database while excluding almost all white criminal activity. The CPD excludes affluent white areas from the database and white supremacist groups, such as the “proud boys,” which the FBI labeled an antisemitic white supremacy organization (CBS Chicago 2023). Police officers themselves have been involved in

these organizations: Robert Bakker, an officer accused of being a member of the “proud boys,” was given only a 120-day suspension from the CPD (ABC Chicago 2022).

As street-level bureaucrats, the police play a significant role in disproportionate minority contact, but they may not be able to have such an impact if politicians constrain them, leading to the second hypothesis. There is abundant evidence for the second hypothesis that politicians have enacted legislation that leads minority youth to have increased contact with the criminal justice system. Politicians in Chicago rely on incarceration and policing as solutions to poverty and violence. For years, mayors in Chicago have taken a “tough on crime” approach by increasing the number of police personnel on the streets and increasing the CPD budget: the Chicago police department’s budget has steadily risen since the 1960s, dipping slightly in 2020 during the George Floyd protests (Ballesteros 2020). Several mayors before the current mayor, Lori Lightfoot, have increased funding to the police to deal with violence in the city. The rise in policing has not effectively lowered crime rates, yet the police are still heavily valued as an anti-crime tool (Bates-Chamberlain 2022).

The police first saw an increase in power under Richard J Daley, the mayor of Chicago, from 1955-1962. In Richard J. Daley’s inaugural address in 1955, he stated that “There is no dispute among us that we need more police” (Daley 1963). The 1960s marked a time of political unrest in America during the civil rights movement and protests against the Vietnam war. Mayor Daley responded to this by increasing the number of police personnel on the streets of Chicago. He is notorious for defending police brutality during the 1968 Democratic national convention, labeling Vietnam war protesters as “terrorists,” and arresting 280 individuals under 21 in one night (National Institute of Justice 1968). When asked to speak on the police brutality which occurred, Daley responded, “In the heat of emotion and riot some policemen may have

overreacted but to judge the entire police force by the alleged action of a few would be just as unfair as to judge our entire younger generation by the actions of this mob” (National Institute of Justice 1968). This “tough on crime” pro-police policy introduced by Mayor Richard J Daley set a precedent for Chicago mayors despite yielding no reliable results in decreasing crime (Ballesteros 2020).

Subsequent mayors increased the police budget, making it nearly triple that of the 1960s. Richard M. Daley was elected mayor shortly after Richard J. Daley’s death and served five consecutive terms from 1989 to 2011. Under Mayor Richard M. Daley, the police budget and the number of police officers substantially increased. Before releasing his 2011 budget, Mayor Richard M. Daley stated, “our first priority remains to put more police officers on the street” (CBS Chicago 2010). In 2022, Mayor Lightfoot continued to increase CPD’s budget, despite their failure to solve over one-fourth of the city’s murder cases, which Lightfoot cites as a reason for the increase (Ballesteros 2020). The newest budget proposed by Mayor Lightfoot allocates a shocking \$1.9 billion to the police department (Mayor’s Press office 2021).

The police budget has also recently been attacked for being misused and unreasonably large. The recent Community Commission for Public Safety and Accountability Annual Report on the Proposed Chicago Police Department Budget found that the CPD both “over-policed and underserved” specific communities, claiming that “the police department is not using its budget effectively or equitably because it does not currently have a long-term, data-driven strategy to reduce violence” (Driver 2022, p. 4). Mayor Lightfoot urged the Chicago police department to use their budget to fight gang violence in the city, stating, "We cannot live in a world where residents of neighborhoods feel like the gangs and the violent, dangerous people have control" (CBS Chicago 2022). Lightfoot urged the CPD to utilize the increased budget on gang oversight

but did not implement any effective reform of the gang database (CBS Chicago 2022), enabling the department to rely more heavily on the flawed database.

Mayor Lightfoot has also encouraged the judges to trust police convictions more. During a press conference, she stated that “people accused of violent crimes ‘are guilty’ and should not be granted bail pending trial” (Rhodes 2022). Lightfoot’s stance is concerning since Illinois has had the highest number of exonerations of any state in the country since 1989, with the majority of overturned convictions coming from Cook County (Dustin 2023). Lightfoot’s statement encourages courts to accept the CPD’s judgment without doubt. Lightfoot repeatedly blames pre-trial release for the rise in gun violence, even though her advisors admitted there was no evidence to support her claim (Rhodes 2022).

Mayor Lightfoot also reinstated a curfew in Chicago, claiming that it would help disperse large gatherings “that unfortunately have become magnets for shootings” (“Chicago City Council Meeting” 25 May 2022). The curfew has only affected neighborhoods on the South and West sides, with primarily Latino and Black residents (Mercado 2022). Alderman Hopkins of the second district said that he believed the police saw the curfew as “a potential for an investigative stop [...] because police no longer can do investigative stops: however, if they see a group of young people who are underage congregating downtown after hours, the curfew law gives the police authority to approach them and conduct an investigatory stop” (Mercado 2022). According to data the Block Club of Chicago acquired using a freedom of information request (FOI), Black and brown neighborhoods in Chicago reported between 10-28 police reports of curfew violations, whereas White neighborhoods only received 0-1 reports (Mercado 2022).

Overall, politicians' deference to police in minority communities is not new but demonstrates the present implications for DMC. The policies and police budget put in place by

Mayor Lightfoot and previous mayors target minority youth by calling on the police to deal with gang violence, despite their abuse of a flawed system. Implementing policies such as curfews and gang loitering missions that allow for investigatory stops of Chicago's youth allows for racial bias within the police department to have legal consequences for minority youth.

Finally, there is evidence for the third and final hypothesis researched in this thesis that overrepresentation of minorities in the juvenile justice system has persisted because efforts to address over-representation have been blocked and neglected by police unions and other actors. The results suggest that efforts claiming to address over-representation have been ineffective because of the lobbying strength of the police union and the lack of external oversight. In recent years, the public has pressured politicians to enact police reform. After the death of George Floyd, a survey conducted by the Chicago Tribune of 1000 Chicagoans found that 75 percent favored some form of police reform (Palfrey 2021). Some protestors even called to defund the CPD, although this demand was generally not embraced (Fry 2020). These calls for police reform caused the Fraternal Order of Police (FOP) to funnel more money and resources into its political action fund (PAC) in order to block reforms (Palfrey 2021).

John Catanzaro, a member for over twenty years and now president of the FOP, has expressed bias toward minorities, once describing Muslims as "savages that all deserve a bullet" (Savchenko 2023). He has also been accused of repeatedly violating 11 CPD rules, including insubordination, incompetency, disobedience, participating in partisan political activities, and making a false report (Savchenko 2023), eventually resulting in his forced resignation from the CPD. Surprisingly, Catanzaro's power within the police union only grew after his removal from the police force. Upon his resignation, he announced his plan to run for mayor, stating, "for the politicians that are going to see this, we told you we're coming for your seats, and I meant it [...]"

whether it is Springfield or City Hall, change is coming. You were warned” (FOX 32 Chicago 2021). Catanzaro’s remarks demonstrate his wish to gain political power for the CPD.

One way that the FOP has sought to halt efforts to address disproportionate minority contact is by blocking the external oversight of the police department. After lobbying by social justice activists, the Chicago city council passed an ordinance in 2021 creating “Police District Councils” to oversee officers who are members of the FOP, giving residents more control over policing within their district (City of Chicago, 2023). The district councils were implemented in the summer of 2021 in response to police brutality toward Black residents, including Laquan McDonald and Rekia Boyd. Simultaneously, the FOP also announced that members who took a knee with the Black Lives Matter movement would face expulsion from the union but defended a white officer who participated in the Jan 6 insurrection at the US Capital (Ruiz-Branch 2021). The FOP intends to use the money raised in the mandatory PAC fund to put their candidates in these police district councils (Savchenko 2023). In January 2023, the FOP paid 25,000 dollars to election attorneys to remove candidates from the ballot races in three police districts (Savchenko 2023). This is just one example of how the FOP blocks police reform. The FOP also blocked progress toward the consent decree, a legislative decree that would establish alternatives to arrest and referral to juvenile court, including connecting at-risk youth to needed services, among other things (CPD Monitoring Team 2023). Catanzara has repeatedly bashed the consent decree and delayed its implementation, referring to the court order as an “impediment to public safety” (Cherone 2023).

The lack of external oversight of the Chicago police department has blocked other reforms from occurring, including revising the Chicago gang database. The CEIS, which replaced the gang database, disregarded the inspector general's recommendation to purge old

records, only including a disclaimer. The CPD did not take the OIG's recommendations to involve community feedback on the document or work with the public on establishing a new system for gang designations (OIG 2021). Instead, the CEIS aimed to "internally gather existing information on criminal enterprises and street gangs" (CPD 2022). The lack of external oversight of the police department causes minimal changes to the database. Regarding juveniles, the office of the inspector general found that the "CPD did not concur with OIG's recommendation to "establish formal protection for juveniles, claiming that CPD's "current investigation process inherently has greater protections for minors than adults"(OIG 2021, pg. 10).

Overall, the lack of external oversight and the power of the FOP has blocked nearly all reforms regarding the policing of minority juveniles. Despite public backlash, the police have made minimal reforms and have only grown their budget.

6 Discussion:

This thesis addressed the question, "Why are minority youth persistently overrepresented inside Cook County juvenile detention centers?" by finding substantial evidence for the three supporting hypotheses. The analyses suggest that racially driven policing, legislation, and policymaking contribute to the overrepresentation of minority youth within Cook County juvenile detention centers. There is substantial evidence for biases within the police department, including the discriminatory and subjective inclusion of minorities on gang databases, which criminalizes minorities who have not engaged in criminal behavior. In addition, politicians' deference to the police means that the police force has more power and funding than all public safety offices in Chicago (*The Civic Federation* 2021). The reliance on flawed systems, such as the gang database and the criminal enterprise information system, allows the CPD to enact investigatory stops without reasonable suspicion, targeting Black and Brown communities.

Furthermore, efforts to challenge disproportionate minority contact are thwarted by the police union, which uses the PAC fund to block legislation that could address how the CPD has targeted minorities by removing candidates from ballot races in multiple districts, effectively removing any proposed external oversight of the police department (Savchenko 2023). Furthermore, the police union has implemented policies that make it difficult for political actors to address discriminatory behavior, even when this includes the unjust murder of civilians, such as 17-year-old Laquan McDonald (Fisk and Richardson 2017).

Overall, this thesis suggests that the CPD is a primary factor contributing to minority overrepresentation in juvenile detention centers. The CPD's budget is now the largest it has ever been, despite their involvement in white supremacist groups, such as the "proud boys," their decreasing abilities to solve cases accurately, and having the highest number of exonerations of any US city (Dustin 2023). The increasing budget and decreasing productivity, and ability of the CPD to limit crime should call into question this use of taxpayers' money.

Future research should address systemic discrimination within policing and how to enact effective reform. The police department, not just a few bad actors, is responsible for bringing minority youth into the juvenile justice system at disproportionate rates. If policies address the discriminatory practices of the police department, then other sources of DMC will be less impactful. Since the CPD initiates the problem, researching ways to reform and remodel the department will be the most effective way to decrease disproportionate minority contact with the Cook County juvenile justice system.

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