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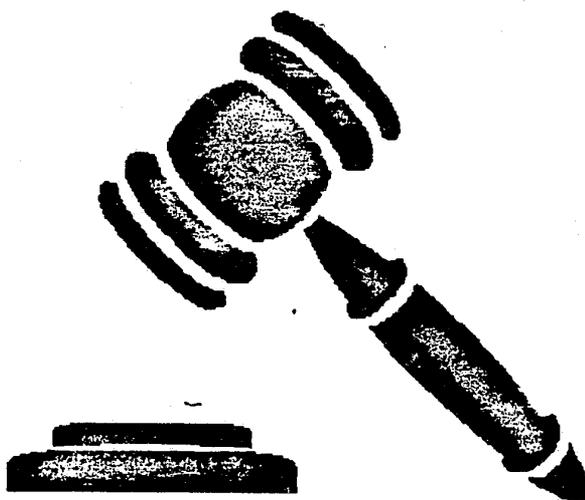
# **MINORITIES AND THE JUVENILE JUSTICE SYSTEM**

**A REPORT SUBMITTED TO THE OFFICE OF JUVENILE JUSTICE  
AND DELINQUENCY PREVENTION**

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## PREFACE

This report is the culmination of a fifteen month research project which examined the role which minority status may play in the processing of youth through the juvenile justice system. There were three major aspects of this research effort. The first included a review and summary of the existing research examining minority status and juvenile processing. The second part included a strategy for identifying existing programs and policies that may have dealt with differential processing of minority youth. Finally, a number of pre-existing data bases were examined in order to deal with some of the methodological problems associated with previous work in this area and to aid in understanding the dynamics of juvenile processing. Based upon these tasks, policy and program recommendations addressing the issue of disproportionate involvement of minorities in the juvenile justice system were developed as was an agenda for future research.

The focus of this report is on the official processing of minority youth and does not deal with pre-conditions which may lead minority youth into contact with the juvenile justice system. Disproportionate overrepresentation may be accounted for by some combination of selection bias on the part of the juvenile justice system and the nature and volume of offenses committed by minority youth. In the latter case, structural and economic factors associated with the urban underclass may result in the increase in the type and number of crimes committed by youthful offenders. Thus, differential involvement in youth crime may, in part, account for the increasing number of minorities coming into contact with the juvenile justice system.

## RACE, CRIME AND THE UNDERCLASS

In order to further understand the role which such pre-conditions may play with regard to criminal involvement, we present a brief discussion of the "underclass" in American society. In the Declining Significance of Race, Wilson (1978) examined the relationship of Black Americans to the economic structure of society from both a historical and contemporary perspective. In doing so he identified three stages of American race relations: the first encompassed the period of antebellum slavery and the early post-bellum era; the second extended from the last quarter of the nineteenth century to the New Deal era; and the third, the post-World War II modern industrial era. Essentially, what Wilson argued was that during the first two eras Blacks were systematically excluded from any meaningful participation in the economy because of their race. Labor markets, up to the end of the New Deal era, were characterized by a system of institutionalized racism. However, the advent of World War II opened up expanded job opportunities for Blacks which ushered in a period of progressive transition from race inequalities to class inequalities. In sum, the gist of Wilson's argument is that class position has become as important as race, if not more so, in determining the life chances of Black Americans. Unfortunately, opportunities for many Blacks have become greatly diminished as both their class position and race have excluded them from any meaningful economic participation.

What began to occur in the 1960's and culminated in the 1980's is the creation of a permanently entrenched Black underclass (Wilson, 1978). The changing nature of the economy (e.g., the decline in industrial and manufacturing jobs and the erosion of

many menial entry level positions) has created a separate class comprised mostly of Black Americans (but also including other minority groups, as well as poor whites) who have little chance of successfully competing in a largely advanced technological society. The major characteristics of this underclass are "...their poverty and the social decay in which they are forced to survive" (Pinkney 1984:170). Often unable to subsist within the legal economy, many of the underclass youth take refuge in the illegal subeconomy such as prostitution, gambling, drugs and the like (Miller, 1986; Fagan, Piper, and Moore, 1986). Frequently they express their frustration in acts of expressive and instrumental violence as witnessed in the recent resurgence of youth gang activity (Hagedorn, 1988). As a result, members of the underclass comprise the bulk of juvenile and adult institutionalized populations and represent the most frequent clients of the criminal justice system.

Expanding on Wilson's thesis, Leman (1986) has examined the origin of the underclass by focusing on the city of Chicago and identified a series of migratory patterns that began in the early 1900s. These migrations involved the movement of large numbers of Blacks from rural southern plantations to the industrialized north. They came principally to improve their economic position by obtaining jobs in the industries of northern cities such as Chicago. The second migration occurring during the sixties involved the departure of a large number of the Black middle and working classes from the inner city. Seeking a better quality of life, these Blacks often relocated in the suburbs with improved housing, schools and other services. As Silberman (1978) notes, an indirect effect of this second migration was the removal of

Black leadership, role models and economic power from the inner city. In one sense then, inner city areas were left to stagnate and perpetuate a vicious cycle of pathology, disorganization, poverty and crime.

Again, Wilson brought attention to the problem with the publication of The Truly Disadvantaged (1987) which identified numerous pathologies characterizing the lives of the ghetto underclass, the social processes leading to such destruction and a future agenda to ameliorate such ills. Recently, The Annals of the American Academy of Political and Social Sciences published a special edition under the editorship of William Julius Wilson (1989) devoted to the problems of the ghetto underclass. The thirteen articles in this volume dealt with such topics as racial and class exclusion, urban industrial transition, single parent families, the urban homeless, the logic of workfare and related topics. The object of this volume was to provide a forum for scholarly discussion of the issues surrounding the evolution of the underclass as identified by Wilson and Lemans above. In comparing Chicago's low poverty and inner city areas Wacquant and Wilson (1989) note that both problems associated with joblessness and economic exclusion has triggered a process which they term "hyperghettoization". Under this process stabilizing forces of the inner city have deteriorated and, as they note:

social ills that have long been associated with segregated poverty - violent crime, drugs, housing deterioration, family disruption, commercial blight, and educational failure - have reached qualitatively different proportions and have become articulated into a new configuration that endows each with a more deadly impact than before. (Wacquant and Wilson 1989:15).

The decline of business and industry, the reduction in service entry positions and the like have created stagnate pockets of the city which breeds despair and hopelessness. While such conditions effect all members of the underclass, they are more pronounced and have more serious implications for Black adolescents (Hawkins & Jones, 1989).

This brief examination of the urban underclass has underscored the destitute conditions under which a sizable portion of America's urban poor now exist. If a large segment of people are made to survive under conditions so vastly different than those encountered by the mainstream of U.S. citizens, it would not be unreasonable to expect differences in behavior and outcome. One could argue that the structural and economic realities of the urban ghettos are driving forces for entry into both the adult and juvenile justice systems. Thus, policy initiatives must not only address problems in the case processing of juvenile offenders but pre-existing social conditions as well. Only by such a "two pronged" attack can we have any chance of reducing crime among our youth and the disproportionate overrepresentation of minorities within the juvenile justice system.

### **STATEMENT OF THE PROBLEM**

Media portrayais of the underclass include discussions of "an entire generation" of Black youth lost in terms of economic participation. Sometimes such pronouncements permit the juvenile and criminal justice system to downplay processing differences within the system. As a result the problem can be effectively ignored. However, any such differential involvement in crime says nothing about what

happens to youthful offenders once they are processed through the juvenile justice system and what effect minority status may have on outcome decisions.

A perennial challenge facing the field of criminal justice is the extent to which "selection bias" permeates decision-making within the system. The basic issue is whether certain decisions within both the adult and juvenile justice system differentiate among certain groups or categories of persons such that some are more at risk than others. Selection bias may occur as a result of police deployment patterns, informal policies regarding arrest, charging, conviction and sentencing, the volume of cases being processed or on the basis of personal attributes of those coming before the system. Some argue that so-called "extra legal" or "ascribed" characteristics such as gender, race, education or income are as important, if not more so, in reaching such outcome decisions as offense severity, prior criminal history or other legal factors. According to this line of reasoning minority offenders face a higher probability of being arrested, convicted, and sentenced to prison for longer periods of time when compared to the majority offender population. With regard to Black overrepresentation in arrest statistics, Korn and McCorkle (1961:245) observed almost three decades ago that:

A large but unknown portion of this higher rate of involvement with law enforcement must be attributed to distortions introduced into the statistics by differential legal and penal treatment of Negroes. There is no way of determining whether the higher Negro rate represents a higher rate of actual crime or a greater liability to involvement with law-enforcement agencies.

Although much research has accumulated to date focusing on this issue (the majority of which deals with adult processing), the basic point raised by Korn and

McCorkle remains unresolved. Some research shows that overrepresentation of Black offenders in arrest, conviction and prison counts is a direct result of selection bias on the part of criminal justice agencies, while other research demonstrates that it is a reflection of offense severity and other legal factors. In an article examining race and involvement in rape, robbery, and aggravated and simple assault, Hindelang (1978) found little support for the selection bias hypothesis. In comparing Uniform Crime Report arrest data and victimization data from the National Crime Panel, he concluded that Blacks were overrepresented in these common law personal crimes and that little of this overrepresentation could be accounted for by differential police processing. More recently, Kleck (1981) reexamined research findings focusing on race differences in capital and non-capital criminal sentencing. For capital cases, Kleck found little evidence of discriminatory treatment except for inter-racial rapes with white victims in the South. With regard to non-capital sentencing Kleck concluded (1981:799):

The evidence is largely contrary to a hypothesis of general or widespread overt discrimination against Black defendants, although there is evidence of discrimination for a minority of specific jurisdictions, judges, crime types, etc.

Similarly, Blumstein (1982) examined the extent to which racial disproportionality of prison populations could be accounted for by racial discrimination or differential involvement in criminal activity. In comparing arrest and prison counts, Blumstein (1982:1226) concluded that "80% of the actual racial disproportionality in incarceration rates is accounted for by the differential involvement in arrest."

While the above three studies utilizing arrest, court, and prison data, reveal little evidence of selection bias operating in the criminal justice system, they are not without

shortcomings. All three studies have been criticized on logical and empirical grounds (McNeely and Pope, 1981; Dehais, 1983) and more recent research (Zatz, 1984; Bowers, 1983; Paternoster, 1983; and Petersilia, 1983) has found evidence of discriminatory processing.

In a recent book, The Myth of a Racist Criminal Justice System, Wilbanks (1987) argues that charges of racial discrimination within the criminal justice system are not supported by the weight of the evidence. After an exhaustive review of the existing empirical literature and discussion of conceptual and methodological issues, he concludes that the available research discounts racial differences in criminal processing and that those alleging discrimination are simply wrong. While Wilbanks' (1987) arguments and evaluation of the research literature are open to criticism, there is also a growing body of evidence which suggests that Wilbanks' conclusions may be premature at best.

Recently, evidence was presented before the United States Supreme Court in the case of McCleskey v. Georgia (1987) focusing on race and capital sentencing. A comprehensive statistical analysis of those cases in which defendants were sentenced to death in the state of Georgia disclosed marked racial differences. Those cases in which offenders were most likely to receive a sentence of death involved Blacks who killed white victims. Here the probabilities of such a sentence were significantly higher than any other combination including whites who killed white victims. The Supreme Court, however, did not find the statistical evidence and arguments compelling and failed to overturn McCleskey's conviction on the basis that individual discrimination

against McClesky had not been demonstrated. Nonetheless, the data raise serious questions regarding the possibility of racial bias in capital sentencing.

Similarly, Zatz (1987) presents evidence to suggest that California's determinate sentencing structure may be racially biased. According to Zatz, if the criteria used to determine sentence lengths are indirectly linked to racial status, then prison populations will continue to be predominately non-white. In California, for example, employment history is a factor taken into account at the time of sentencing. Due to a variety of factors, Blacks and other minority groups are less likely to have a steady employment record and are thus more at risk than the majority population. As she concludes:

Minority and lower class males still overwhelmingly constitute the bulk of the prison population. It is just the path by which they are sent to prison that has changed, not the end result. The road to this end is more subtle now. Differential processing and treatment is now veiled by legitimacy, but it is a legitimacy in which certain biases have become rationalized and institutionalized (Zatz, 1987: 26).

The best that one can conclude to date is that the available research evidence is inconclusive regarding the extent of selection bias. While one might argue that the preponderance of the evidence reveals legal factors to be most pronounced in criminal processing, this in no way nullifies a selection bias hypothesis. Furthermore, as noted earlier, most of the discussion and research attention has focused upon the adult criminal system while somewhat ignoring the juvenile justice system. It is quite possible that selection bias could be more pronounced within the juvenile justice system where decision-making is generally less visible and there are fewer restraints

on outcome decisions. Indeed, one review of research literature focusing on racial differences among juvenile offenders found numerous studies in which Black youth were found to be more at risk compared to white youth (Pope, 1984).

### **Trends In Minority Youth Crime**

When one looks at general crime patterns, it is evident that youthful involvement in criminal activity is a serious matter. For example, data derived from the Uniform Crime Reports (Flanagan and Maguire, 1990:452) indicate that youths under 18 years of age accounted for 18.1 percent of those arrested for index offenses in 1988 (homicide and non-negligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft and arson). For violent index offenses youths under 18 accounted for 8.9 percent of all arrests, compared to 20.9 percent of all arrests for property offenses. Thus, approximately 30 percent of all index arrests in 1988 included those youths under 18 years of age (Flanagan and Maguire, 1990:452). These data confirm a broadly held view that the problem of delinquency, including violent criminal acts, is a serious issue facing the United States and one that cannot be easily dismissed.

With regard to minority representation, whites comprised 71.8 percent, Blacks 25.9 percent, American Indian/Alaskan Native .9 percent, and Asian/Pacific Islander 1.4 percent of all arrests in 1988 for those under eighteen years of age (Flanagan and Maguire, 1990:431). For the same year, Black youths accounted for approximately 30

percent of all index arrests for those under eighteen. More specifically, compared to white youth, Black youths comprised half of all arrests for forcible rape (50 percent) and over half of all arrests for robbery (64.9 percent) and murder and nonnegligent manslaughter (57.1 percent). It is interesting to note that Black youth accounted for 25.9 percent of all arrests in 1988 for those under eighteen while Black adults accounted for 30.3 percent of all arrests for those eighteen and over - an approximate 4 percentage point difference. Within their respective age categories, Black youths accounted for a higher percentage of arrests compared to Black adults for the crimes of forcible rape and robbery (Flanagan and Maquire, 1990:431). These figures are even more startling when it is recalled that overall Blacks comprise approximately 12 percent of the United States resident population.

A recent report from the National Center for Juvenile Justice documents the large number of juveniles being processed through the nation's juvenile court systems (Snyder, et. al., 1990). Based upon data from courts with jurisdiction over 62 percent of the youth population, this report reveals a delinquency case rate of 45.3 cases per 1,000 juveniles at risk. Twenty one percent of all youths receiving dispositions in 1988 were held in a detention facility. This represents 4 percent increase from 1987 (Snyder, et. al., 1990:5). Moreover, 17 percent of white youth charged with a delinquency offense were detained in 1988 compared to 28 percent for Black youth. Much of this difference can be attributed to drug law violations for which minority youth are at greater risk. As noted by Snyder, et. al., (1990:8):

Between 1987 and 1988, the number of white youth processed for a drug law violation increased by 1 percent, while the number of nonwhite youth processed for a drug law violation increased by 42 percent.

In 1988, for those charged with a drug law violation, 51 percent of the nonwhite youth were detained compared to 21 percent of the white youth. Overall, in 1988 the nonwhite delinquency case rate was 73.7 per 1,000 youths at risk compared to 38.4 for white youth or nearly double. Similar discrepancies existed with regard to the number of petitions filed. Nonwhite youth were substantially more likely to have their cases petitioned (57 percent) than were white youth (44 percent). (Synder, et. al., 1990:9).

With regard to confinement in juvenile facilities, Black youth comprised approximately 34 percent of those confined, Hispanics 12 percent and white youth 52 percent for the year 1987 (Thornberry, et. al., 1991:6). With regard to rates of confinement per 100,000 youth, they were highest for Black youth followed by Hispanic and white youth respectively. Major differences were also noted in the place of confinement. Fifty four percent of of all Black and Hispanic youth were housed in public facilities while 63 percent of all white youth were housed in private facilities (Thornberry, et. al., 1991:8). From 1975 to 1987 the confinement rate in both public and private facilities increased by 46 percent (Thornberry et. al., 1991:12). Between 1985 and 1987 the number of Black and Hispanic juveniles housed in public facilities increased by 15 and 20 percent respectively while while the number of white juveniles declined slightly.

These data underscore the serious problem of youthful crime in general and more specifically the overrepresentation of minority offenders, especially Black youth. As with adult offenders, the question arises as to whether minority overrepresentation in arrest, court and correctional counts is, at least in part, a result of selection bias or whether it is accounted for by legally relevant factors such as offense severity and prior commitments. While much of the research conducted to date is inconsistent, ambiguous and inconclusive, there are a number of studies which suggest that the problem of selection bias is indeed cause for concern. However, before undertaking a review of this literature it maybe helpful to provide a brief discussion of juvenile processing in order to place the research in context.

## **THE LEGAL STRUCTURE AND OPERATIONAL PROCESS OF JUVENILE JUSTICE**

The system components of juvenile justice are basically similar to those which comprise its criminal counterpart, i.e., police, courts and corrections. However, the organizational structure of the juvenile court, and the manner in which cases are processed through this system, are distinctive in many ways when compared to the adult criminal justice system. On a more fundamental level, the differences in practice between the two systems should be viewed as a product of different concepts of justice. Whereas criminal justice for adults is directed toward the goals of punishment and deterrence, the traditional rationale of juvenile justice is to provide treatment and rehabilitation for the youthful offender. Due to their young age, children who violate the law are considered deviant but not yet truly criminal. Their delinquent behavior is

taken as an indication of a breakdown in family and community control which warrants intervention by the state, but young offenders are generally presumed to be sufficiently changeable for efforts of reform and guidance to be effective (Waegel, 1989:146).

Traditionally, juvenile courts were not solely concerned with children who violate the criminal law. In addition to delinquents, the juvenile court handled children who had committed a status offense (an act or condition, such as truancy or ungovernability, which would not be considered a crime if performed by an adult), and cases involving dependency, neglect and child abuse. In addition, most juvenile courts have conducted hearings on issues of adoption, child support after divorce and termination of parental rights (Waegel, 1989:154).

Historically, the particular behavior or condition of a child before the juvenile court was essentially unimportant. Distinctions among the court's clientele did not affect their respective dispositions regarding treatment and custodial placement. Today juvenile courts commonly distinguish the delinquent from other youth such as the status offender and "persons in need of supervision" (PINS) (Newman, 1986:385). Thus, even though the process remains basically similar for all juveniles, agency responsibilities and treatment options will vary according to the type of case. For example, many states now prohibit the use of secure confinement for PINS cases and these children are often referred to a social welfare agency for future care (Waegel, 1989:160; Binder et al., 1988:316).

The legal justification for intervention by the state into the lives of children and their parents rests on the English common law doctrine of *parens patriae* (parental

power of the state). Under this principle, the state was authorized "...to intervene into natural family relations whenever a child's welfare was threatened" (Schlossman, 1977:8). The first incorporation of *parens patriae* into American law occurred in the seminal decision of Ex parte Crouse (1838), which held that an earlier commitment to a House of Refuge without trial and testimony was justified on the grounds that the child was being helped, not punished. This concept remains as a major conceptual cornerstone of today's juvenile justice system.

Although the creation of the first juvenile court in Chicago (1899) represented a new application of this power by bringing delinquents under its jurisdiction, the distinction between dependent and delinquent children had already been blurred in the early 19th century (Schlossman, 1977:211; Fox, 1970:1192). In other words, from the very beginning *parens patriae* was seen as a governmental duty to intervene in the lives of all children whose welfare was considered at risk, regardless of any specific act or condition.

The welfare orientation of the juvenile court, and its theoretical foundation of *parens patriae*, also affected the manner in which the proceedings were conducted. Because these proceedings were conceived as civil rather than criminal matters, formal legal safeguards and procedural regularity were considered unnecessary and perhaps even detrimental to the "best interests" of the child. Consequently, fundamental due process rights, e.g., the right to counsel, a jury trial and confrontation of witnesses, were not recognized for children in order to preserve an informal and nonadversarial courtroom setting. Furthermore, the rules of evidence and standard of

proof characteristic of adult trials did not apply at juvenile hearings (Waegel, 1989:147).

With a focus on treating the offender rather than punishing the act, the juvenile court judge was given vast discretionary authority in disposing of a case which was not successfully challenged until the 1960's. In 1966 the U.S. Supreme Court ruled in Kent v. U.S. that a child has a right to a hearing before being waived (transferred) to adult court for prosecution, and that a written statement of reasons for this decision must be provided by the juvenile court judge. Although this ruling was made on a statutory interpretation (Washington, DC) rather than on constitutional grounds (Newman, 1986:387), its inherent spirit of due process guarantees for children was further articulated one year later in what is perhaps the most significant court decision in the field of juvenile justice--In re Gault.

In brief, 15-year-old Gerald Gault had been committed to a state reformatory on a complaint of making an obscene phone call to a neighbor. Although this offense carried a nominal fine or brief jail term if committed by an adult, Gault faced the unenviable prospect of being incarcerated until the age of 21. Given this potential for abuse, the Supreme Court held that a juvenile has a right to counsel; notice of charges; confrontation and cross-examination of witnesses; and freedom from self-incrimination at delinquency adjudications.

Later decisions, In re Winship (1970) and Breed v. Jones (1975), accorded further constitutional protections in the areas of standard of proof and double jeopardy, respectively. Despite this overall trend, the High Court stopped short of

guaranteeing a jury trial at delinquency adjudications in McKeiver v. Pennsylvania (1971), and the right to bail pending disposition of a case in Schall v. Martin (1984) (Waegel, 1989:149-153).

These apparently conflicting opinions delivered by the Supreme Court reflect a tenuous balancing of individual rights for juveniles and the therapeutic rationale of the juvenile court. The Court's reluctance to afford children the same constitutional protections given adults demonstrates a concern that this sort of response may well make a separate system of justice superfluous. On the other hand, the reality of juvenile justice is no less bothersome today than when Justice Fortas (Kent v. U.S., 1966:556) observed:

There is evidence, in fact, that there may be grounds for concern that the child receives the worst of both worlds; that he gets neither the protections accorded to adults nor the solicitous care and regenerative treatment postulated for children.

Although case law and legislative enactments have made juvenile court proceedings more formal and judicial decisions less arbitrary than in previous decades, the juvenile justice system as a whole remains exceedingly complex and highly discretionary. Both the police and juvenile court personnel are allowed more options in their handling of juvenile offenders than is possible in the case of an adult. In recent years this decision making process among juvenile justice officials has become even more complicated with the trend toward weighing the best interests of the child against the protection of society.

The juvenile justice flow chart on page 28 outlines the various paths through which a juvenile may be processed (reproduced from Snyder, et al., 1990) The rest of this discussion, based upon the flow chart, will explain in more detail the process by which a juvenile passes through the system from the point of detection to correctional placement. It should be remembered that juvenile courts are creations of state legislatures and therefore that practices will vary across state lines, but in general, the following model is a close composite of the juvenile justice system in America today.

### **Case Processing in the Juvenile Justice System**

In looking at the various processing stages and the unique nature of the procedures which characterize the juvenile justice system, two observations stand out. First, the exercise of discretion is not only condoned, but often required, among juvenile justice officials. Secondly, the desire to protect and separate the juvenile from contact with adult criminals and the system of justice which pertains to them is clearly evident. This latter point is reflected in the peculiar terminology which is used in the juvenile system, even though many of the processing stages are in effect the same as those for adults.

Without question the police represent the front gate through which most children enter the juvenile justice system. The decision to refer a case to juvenile court is one of several options which a police officer may choose to exercise. Upon observing an incident or responding to a citizen complaint, an officer may decide to

take no formal action and simply return the child to his or her parents. If a decision is made to take the child into custody (most juvenile codes avoid using the term arrest in order to protect youths from a criminal record), the police may still decide to handle the case by way of an informal adjustment. That is, after closer review of a case at the police station, a juvenile may still be sent home or diverted to a program or agency without having to make an appearance in the juvenile court (Inciardi, 1987:687-688).

Most juvenile codes afford the police numerous grounds and jurisdictional powers to take a youth into custody. The key point is that state codes are usually phrased in terms of "may" rather than "must" when conditions for this decision are specified (Binder et al., 1988:276). Whether intended or not, police discretion in these matters is thereby sanctioned by statutory law.

Concomitantly, this exercise of police discretion invariably goes unchecked, particularly since a decision to release a youth is subject to little, if any, review. While the circumstances of the case and the policies of the department probably play the largest role in deciding to detain or release a juvenile, there is evidence which suggests that a child's age, sex, race, prior record and personal demeanor, for example, are all factors which may play a part in reaching this decision (Inciardi, 1987:688; Newman, 1986:390).

Once a case is referred to juvenile court a preliminary investigation into the facts of the case is then conducted by the court's intake staff, which is commonly composed of probation officers or social workers. Pending this investigation, the intake worker has to first decide whether the child should be placed in a detention

setting or released to parents. If the former action is taken, a detention hearing before the juvenile court judge is usually required within 24 or 48 hours. Assuming the judge authorizes placement in a secure detention facility most states have established a limit averaging thirty days for this initial period of confinement (Newman, 1986:391). It is safe to say that in general both judges and legislators are wary of the potential side-effects of secure detention, and the need to prolong its duration is usually reevaluated by the judge if a child passes further into the system.

Although the detention decision is supposedly made when there is reason to believe that a youth may endanger the community (preventive detention), suffer harm or runaway from future proceedings of the court if released, the influence of other factors cannot be discounted. Aside from the personal characteristics of the offender, there is reason to suspect that some intake workers and judges share in the opinion of many police officers that a period of short-term detention offers a valuable "shock effect" for the young offender (Binder et al., 1988:290-291).

The principle function of the intake process is to screen out cases which do not require a further expenditure of the court's time and resources. Thus, an intake worker may conclude after interviewing a child, talking to the parents and checking the youth's social background, that closing the case or entering into an informal disposition, e.g., voluntary participation in counseling or a drug treatment program, would be more appropriate than filing a petition with the court. In delinquency cases, a recent trend among state legislatures is to have the prosecutor decide whether to file a petition. This reflects not only the increasing formalization of the judicial process in

juvenile courts, but a growing sentiment among segments of our society who wish to make sure that juvenile delinquents are held accountable for their acts (Waegel, 1989:157).

Prior to the plea hearing, when a child either admits to or denies the facts of the allegation, a waiver hearing may be requested by the prosecutor and/or the juvenile court judge. If waiver is eventually granted the jurisdiction of that case is transferred to the criminal court and the child is processed as an adult. Although waiver is presumably reserved for the most violent and intractable juvenile offenders, several studies (Bortner, 1986; Gillespie and Norman, 1984) have found that the majority of waivers are for property offenses.

Most states employ a judicial waiver mechanism whereby the juvenile court judge makes this decision in accordance with the determinative criteria set forth by the state legislature. In addition to the seriousness of the offense and the juvenile's prior record and age (waiver is more likely if the offender is near the court's jurisdictional age limit), a judge may be required by law to evaluate the prosecutive merit of the case and the offender's apparent criminal sophistication, amenability to treatment and potential dangerousness (Feld, 1987). Unfortunately, criteria such as these are inherently vague and it is necessary for the judge to subjectively weigh the relative importance of each factor. The potential for abuse in making a waiver decision is pointed out by Feld (1987:491):

Judicial waiver statutes that are couched in terms of amenability to treatment or dangerousness are simply broad, standardless grants of sentencing discretion... Indeed, such catalogues of factors reinforce juvenile court judges' exercise of virtually unreviewable discretion by

allowing selective emphasis of one set of factors or another to justify any disposition.

Legislatures do set limits on waiver eligibility according to age and type of offense. Whereas 16 is a popular minimum age for which transfer is allowed, many states have lowered this age minimum to 14 for the most serious offenses, e.g., murder and sexual assault. Two other waiver types, legislative waiver and prosecutor's choice, can be found in some states. The former method makes this decision less discretionary by not allowing the juvenile court to assume jurisdiction over cases involving certain excluded offenses, while the latter merely transfers discretion to the prosecutor's office. In effect, waiver represents another microcosm of discretionary decision making within the overall framework of the juvenile court. Although waivers are a relatively rare event (roughly 1% of the court's caseload), the decision is quite significant in that the juvenile may encounter graver consequences if tried in the adult system, e.g., possible long-term confinement, acquisition of a criminal record, restrictions on future employment, etc.

Cases which are neither closed, informally disposed of or transferred to adult court move on to an adjudication, or "fact-finding" hearing. This point in the process can be likened to the trial stage for adults as the purpose is to determine the truth of the allegations made in the petition. The similarity to adult trials has also been brought about by the legal reforms mentioned earlier---at least for delinquency cases. Representation by counsel and cross-examination of witnesses are now a common part of the adjudicatory scene, but presentation of the evidence before a jury remains

a rare event even in those few states which allow for it in their juvenile codes or state constitutions (Newman, 1986:392).

Nevertheless, the adjudication process contains some important aspects which differentiate it from an adult trial. In an effort to protect the juvenile from obtaining adverse notoriety and a stigma of criminality, these hearings are closed to the public and legal guilt is not officially established. Even though the majority of cases result in a plea of guilty, engagement in plea bargaining does not occur because no fixed relationship exists between the charges and the sentence. One explanation for the preponderance of guilty pleas may be that it tends to make a favorable impression on the judge (Waegel, 1989:158). Despite these peculiarities, the adjudication hearing is probably the most formal and least arbitrary stage in the juvenile justice process.

Assuming a case has not been dismissed and the juvenile has been adjudicated delinquent, a disposition hearing is then scheduled. This step in the process is comparable to the sentencing phase in the criminal justice system, but the juvenile court judge has a broader array of dispositional alternatives from which to choose, and the focus is purportedly on individualized treatment rather than punishment.

Typically the judge has enormous discretion in determining a disposition that can meet the child's specific needs without endangering the public's safety. Absent any legislatively defined restrictions, e.g., a prohibition on secure confinement for PINS cases, the only restraint on this decision is that judges are generally required to determine a placement which serves the child's "best interests" and is "least restrictive" of individual liberty (Newman, 1986:393). In determining a child's best interests, the

judge gives careful consideration to the social background report provided by the probation officer or social worker assigned to the case. Previously ignored at the adjudication stage, the information included in this document will likely determine where a child goes after the proceedings end (Binder et al., 1988:311). Once again, it is the history, present character and future potential of the juvenile offender which is of paramount importance. While the particular offense involved is surely taken into consideration, it is not nearly as determinative as it is for adults.

By far the largest portion of adjudicated delinquents are placed on probation and continue to reside in their natural homes (Waegel, 1989:160; Inciardi, 1987:692). Although this disposition is not initially construed as being punitive, it does create conditions and restrictions on the juvenile's future behavior. Violations of conditions set forth in a dispositional order may result in another appearance before the judge and the possible imposition of a harsher sanction. Other dispositions which may impinge on the youth's behavior include orders for restitution and suspended dispositions (e.g., dismissal after completion of some specified program). The least severe choice among dispositions, warning and reprimand, carries no immediate obligation but may figure into future dispositions if the child appears in juvenile court again.

At the other extreme is the decision to place a child in custodial care outside of the natural home. Placement in a non-secure setting such as a foster home or a group home may be more dependent on the behavior of the parents than on the child's actions. That is, removal from the natural parents or guardian may be

considered necessary if there is substantial reason to believe that they are unwilling or unable to adequately care for or control the behavior of their child (Newman, 1986:394).

Finally, the most severe dispositional option available to the juvenile court is commitment to a secure facility (typically a training school), which is usually considered to be a choice of last resort. There is no objective standard on which to gauge the likelihood of this choice in any particular case, but chronic recidivism may be taken by the judge as a sign that less severe options are no longer appropriate for the individual in question.

In theory, these institutions are designed to rehabilitate and prepare the child for a return to the community through a structured regimen of education, counseling and vocational training. Like adult prisons, juvenile correctional institutions have historically fallen prey to the problems of overcrowding, limited funds, a shortage of qualified staff and decrepit material conditions. In short, both the practical operation of these schools and the extent to which treatment is accomplished there have been critically questioned (Binder, 1988:347). "No matter how gently put, commitment to a training school is punishment and is generally so viewed by the court and by the child being committed" (Newman, 1986:395).

Despite its apparent contradiction with the *parens patriae* philosophy of juvenile justice, this punitive orientation is steadily accumulating more advocates. In contrast to the reform movements of the 1960's, which stressed diversion and deinstitutionalization, a number of state legislatures began revising their juvenile codes

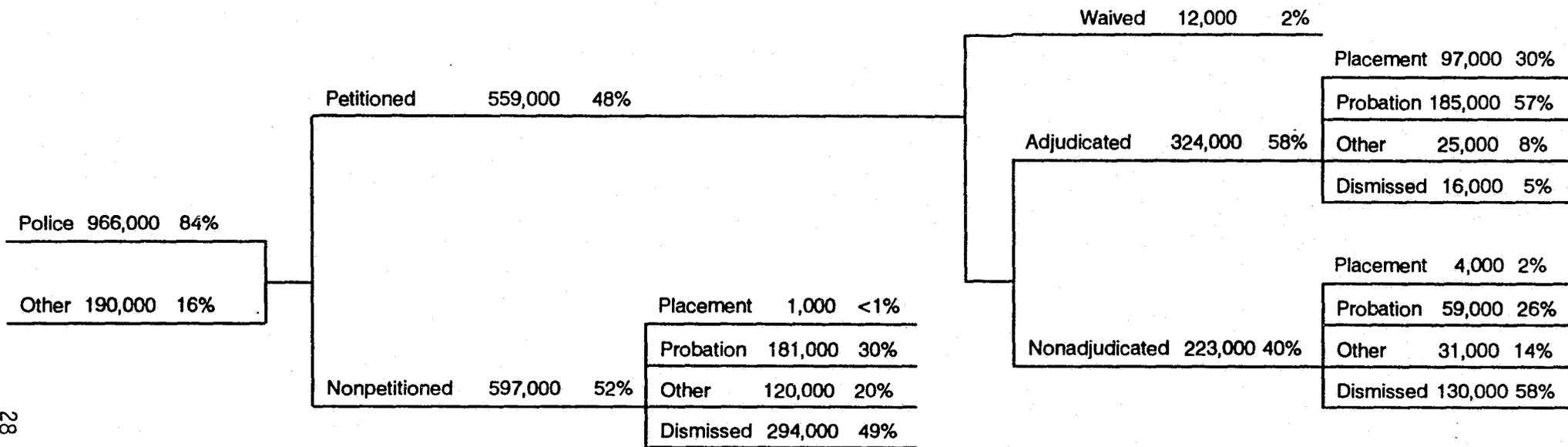
in the opposite direction during the late 1970's. As with similar changes in waiver statutes (Feld, 1987), legislatures are limiting the discretion of judges in deciding dispositions for serious and/or repeat offenders by specifying age and offense restrictions (Waegel, 1989:193). The "get tough on crime" policy of the 1980's has left the rehabilitative ideal of the juvenile court behind in a conscious effort to give all criminals their "just desserts".

Release from a juvenile institution may be unconditional, i.e., release is mandatory when the child reaches a specified age and the court's jurisdiction ends. In other instances, a juvenile may be released and placed on aftercare (similar to parole for adult inmates) prior to reaching this age if progress in the youth's treatment plan is evident. According to different state codes, this decision is typically made by the correctional staff in charge of the child's care, a special juvenile parole releasing authority or the juvenile court judge (Binder et al., 1988:64-65).

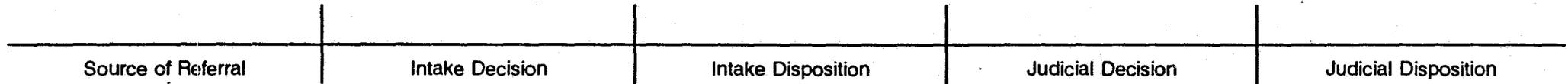
Some jurisdictions may specify a determinate length for all dispositions (usually one or two years), which the judge may review and extend on a periodic basis. Another common practice is to permit extended jurisdiction to say, age 25, for a limited number of serious crimes. In this manner the juvenile court is able to deflect criticisms that a violent offender who is close to the age of majority will suffer only a very brief period of confinement if retained by the juvenile system. The use of extended jurisdictions schemes, and the infrequent use of waiver as well, have the effect of keeping more delinquents in juvenile facilities.

In sum, the dispositional stage of juvenile court proceedings is as highly discretionary as any point in the juvenile justice system. While the seriousness of offense and prior record of the individual are most consistently related to dispositional outcomes, other extralegal factors have been shown to be important for this decision in some courts at some times (Binder et al., 1988:324). Given the lack of any uniform guidelines in reaching this decision, any single disposition is difficult to predict from the circumstances of a case.

Juvenile Court Processing of Delinquency Cases, 1988



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## LITERATURE REVIEW

Within the last three decades a body of literature has accumulated which focuses on the problem of selection bias in both the adult and juvenile justice systems. By far, the majority of this research has contrasted Black and white offenders with regard to processing decisions or, in some instances, has compared white versus non-white offenders. Relatively few studies have focused on Hispanic, American Indian or Asian youths. This may, in part, be a reflection of their lower involvement in official processing in absolute numbers compared to Black youth and, consequently, of the difficulty in obtaining adequate sample sizes. Similarly, data were often not compiled for these groups. Therefore, this discussion will focus principally on Black youth.

As noted above, one of the authors (Pope, 1984) has previously reviewed many of the issues and the literature regarding Black youth crime. However, since that review, additional research has appeared which raises substantive questions regarding fairness in the processing of minority youth, especially Blacks. For example, in the past five years the journal Crime and Delinquency has devoted two volumes to the issue of selection bias. The first, edited by Roland Chilton and Jim Galvin, appeared in January, 1985 and focused on race, crime and criminal justice. The second, edited by Barry Krisberg, was published in April of 1987 and focused on minority youth incarceration and crime. Both editions included research articles as well as conceptual pieces dealing with their respective topics.

The first volume included: three articles focusing on race and urban homicide; one on the interracial nature of some violent crime; two articles dealing with race and gender; and one on the criminal processing of Black and Hispanic offenders. Most of

these dealt with the adult criminal justice system and contributed to the concern and the debate regarding race effects. Utilizing California Offender Based Transaction Statistics and a self report survey of inmates, Petersilia (1985) found evidence to suggest that offenders were treated deferentially based on their race. As she states:

Controlling for the factors most likely to influence sentencing and parole decisions, the analysis still found that Blacks and Hispanics are less likely to be given probation, more likely to receive prison sentences, more likely to receive longer sentences, and more likely to serve a greater portion of their original time (Petersilia, 1985:28).

One article in this volume focused on race and juvenile deinstitutionalization (Bortner & Reed, 1985) and examined three decision stages (pretrial detention, intake screening and final disposition) over a five year period. Among their findings, the authors concluded that, especially among females, Black juveniles were more likely than whites to be detained, to have formal hearings, and to receive the more severe dispositions. Thus, "the analysis did disclose systematic differential treatment based on race" (Bortner & Reed, 1985:43).

The second volume contained articles dealing with minority youth incarceration, prevalence/incidence of offending, juvenile processing decisions, including transfer to adult court, and economic conditions, including an interesting discussion of the Black urban underclass. Krisberg and his colleagues (1987) suggest that as many states began to toughen their juvenile codes, the result was longer terms of confinement that deferentially impacted minority youth. Their analysis of census data (Children in Custody) revealed much higher rates of confinement for Black males and females and Hispanic males. Blacks, for example, comprised 14 percent of those juveniles eligible to come under the jurisdiction of the juvenile court and 34 percent of those actually confined. As the authors note:

Data on arrests and self-reported delinquency were examined to evaluate the hypothesis that the high rates of incarceration of minority youth were a function of their greater involvement in serious criminal behavior. This hypothesis was not supported by the best available data. Rather, the data on arrests and self-reported crime raised further questions about juvenile justice decision-making processes that may be consciously or unwittingly exacerbating minority youth incarceration. The existing literature on race and incarceration is not helpful in clarifying these concerns. Past research is replete with confusing and often contradictory findings (Krisberg, 1987:200).

In comparing self-report measures to official statistics, Huizinga and Elliott (1987) reported that the risk of apprehension for an index offense was substantially higher for minority youth even when both minority and majority youth reported similar involvement. If minority youth are more likely to be arrested and charged with more serious offenses than whites, this may well account for their higher incarceration rate. Thus differences in incarceration rates by race is not necessarily explained by the proportion of each racial group that engages in delinquent behavior (Krisberg, et al., 1987).

Utilizing juvenile justice system records for the year 1983, Fagan, et al., (1987) examined the effects of extra legal factors including race at six decision points (apprehension, detention, prosecutorial charging, adjudication, probation and final disposition). The authors argued that this analysis overcame some of the shortcomings found in previous research by: (1) including violent, serious and minor offenders, (2) introducing adequate controls for legal factors and (3) examining multiple decision points. Their findings suggest that type of counsel (public defender) may explain why more minority youth are adjudicated compared to whites. They also found that minority youth adjudicated for minor offenses were committed to corrections more often than their white counterparts. As the authors conclude:

Racial discrimination consistently influences juvenile justice processing in this metropolitan area. Specifically, the race of juvenile offenders influences decisions to apprehend, detain, charge, adjudicate and punish juveniles who are accused of a range of offenses (Fagan, et al., 1987:250).

With regard to waiver decisions to adult court, Fagan and his colleagues (1987) found no evidence to suggest that prosecutors disproportionately targeted minority youth for transfer. While the standards used in making transfer decisions were haphazard at best, there was no evidence of systematic abuse. Similar results were reported by Osborn and Rode (1984) and Rudman, Hartstone, Fagan and Moore (1986).

Aside from the two volumes noted above, research focusing on race and juvenile crime has appeared in a variety of other journals. For example, McCarthy and Smith (1986) examined the impact of race, sex and social class on juvenile court dispositions. Utilizing path analysis, they examined the processing of three groups of offenders (all referrals to the juvenile court, all referrals who had petitions filed against them, and adjudicated juveniles) through a variety of decision points. Their findings suggested that while initial screening decisions were not discriminatory, later ones were. Thus, there seemed to be an amplification effect as minority youth were processed through the juvenile justice system. Amplification effects were also reported by Fenwick (1982) and Fagan, Slaughter and Hartstone (1987).

A number of other researchers have also noted the importance of different jurisdictions and organizational setting. Aday (1986) found distinct patterns of disposition depending upon whether the juvenile court adopted a more traditional or due process approach. In their analysis of criminal courts Nardulli, Flemming and Eisenstein (1985:1129) report:

Both analysis of the qualitative and quantitative data suggest a system of bureaucratic justice. It is a justice premised not on strict adherence to due process ideals, or committed to the refined, individualized treatment of individuals; nor is it wedded to the swift and severe punishment of defendants based upon some conception of just desserts. Indeed, it is a justice not firmly grounded to any consistent ideology, but rather one premised on strict adherence to a bureaucratic routine grounded in relatively pragmatic concerns. That routine in a given county is the result of an adjustment to an amalgam of contextual and environmental factors.

Support for the above premise is provided by Gertz (1985) and Myers and Talarico (1986). McCarthy and Smith (1987) note that some of the discrepant findings in previous research may be accounted for by the diversity of research settings and the use of different time periods. Other methodological criticisms have been raised by Horowitz and Wasserman (1980), and Welch, Gruhl and Spohn (1984).

Bishop and Frazier (1988) examined the case records of all youths processed in the state of Florida over a three year period. Five processing stages (intake, detention, court referral, adjudication and disposition) were included in this study as well as race, gender, age, offense seriousness, prior record and prior disposition. Utilizing a logistic regression model they noted that while legal factors were pronounced, race also influenced decisions. Further, Black youth were found to be more disadvantaged than white youth as they proceeded through the system.

In a similar study utilizing Florida case records over a two year period, Frazier and Cochran (1986) examined the effects of social and legal characteristics on detention, intake, disposition and severity of disposition. They found that race influenced initial detention decisions in that Black youth were more likely to be detained than white youth. Further, whether or not a youth was detained influenced all subsequent decisions (detained youth received the most severe dispositions). Bortner and Reed (1985) reported similar results in their analysis of a Midwestern metropolitan

juvenile court. Black youth were more likely than white youth to be detained and thus more likely to receive a more severe case disposition.

McCarthy and Smith's (1986) analysis demonstrated that Black youth received the most severe dispositions. Race and class become more important the further youth penetrated into the system while legal factors became less pronounced. Marshall and Thomas (1983) also found that Black youth tended to receive the most severe dispositions. Other recent studies reporting evidence of discriminatory treatment include: Thornberry and Christenson (1984), Frazier and Bishop (1985) and Bell and Lange (1985).

Thus, there is sufficient evidence to suggest that processing decisions in many state and local juvenile justice systems may not be racially neutral. Race effects may occur at various decision points, they may be direct or indirect and they may accumulate as youths are processed through the system.

The research examples cited above again raise concern regarding the juvenile processing of minority youth and present a number of issues that need to be addressed. It is critically important that this body of research be examined so that strengths and weaknesses can be determined and gaps in our knowledge base identified. The problem, however, is that to date there have been no methodologically rigorous reviews of this body of literature. While such reviews have been undertaken in the adult criminal justice system, the juvenile justice literature has not been examined.

## EXAMINATION OF THE RESEARCH LITERATURE

As discussed above, allegations of discrimination in both the adult and juvenile justice system have been advanced for over four decades. Some researchers argue that race (or minority status) is a salient factor in reaching outcome decisions. In other words, they argue that minority offenders face a higher probability of receiving more severe treatment when compared to their white counterparts. Other researchers draw opposite conclusions in that there are no major differences in the treatment of minority versus majority offenders. Given the application of different methodologies in examining this issue with divergent samples in different jurisdictions across varied time spans contradictory conclusions are not unexpected. However, the question of racial bias within the justice system remains with a continuing need for additional research and evaluations of the existing literature.

There have been some past attempts to review and summarize the adult literature (most notably that pertaining to criminal sentencing). An early attempt to do so was reported by Hindelang (1969) who reexamined sentencing research conducted through the early sixties. The results of his analysis suggested that studies finding evidence of differential processing based on race tended to (1) rely on data from Southern states; (2) use data that were collected at earlier time periods; and (3) be less methodologically sophisticated because they failed to employ proper control variables. A few years later, Hagen (1974) undertook a similar review including studies undertaken through the early seventies. Hagen's review (1974) argued that while some studies finding evidence of racial discrimination in non-capital sentencing reported significant differences they were not substantive. In other words, the magnitude of the correlations that he calculated were so small that they rendered any

significant difference meaningless. It should be noted, however, that Hagen (1974) did find some evidence of discriminatory treatment for capital sentencing of Blacks in Southern states.

A more recent review reported by Kleck (1981) was consistent with the two studies reported above. Again, Kleck (1981) found that studies finding evidence of differential treatment tended to be less methodologically rigorous than those that did not. Kleck (1981) found little evidence of discriminatory treatment except for Blacks convicted of inter-racial rapes of white victims in the south through the first part of the century.

Although these reviews suggest that race effects may be minimal within the criminal justice system, the controversy has not been completely resolved and there is still disagreement regarding these findings. Some researchers such as McNeely and Pope (1981) and Dehais (1983) have pointed out that these past reviews are problematic in their own right. For example, there has been a tendency in conducting these reviews to point out the methodological shortcomings of those studies finding evidence of differential processing while downplaying the problems associated with those finding no such evidence. As Thompson and Zingraff (1981:879) have noted: "In the past, research which found no discrimination demanded little, if any, explanation or reanalysis, while research which found discrimination was correctly subject to scrutiny". Further, there have been a number of recent research efforts that have demonstrated both direct and indirect race effects using data derived from non-southern states, data that are relatively new and designs that are methodologically rigorous.

Research findings reported by Fyfe (1982), for example, on the police use of deadly force are particularly interesting. Fyfe examined official records on police shootings of both Black and white offenders in the cities of New York and Memphis (Tennessee). Noting that Blacks are significantly overrepresented as victims of police shooting, the question he addressed was whether this was due to race itself or other factors. Analysis of the New York data revealed that Black victims were more likely than white victims to be involved in the type of incidents that would result in shooting. They were more likely to be engaged in armed robberies and to be armed generally when committing crime. The Memphis data, however, revealed opposite findings. In these shooting incidents, Blacks were no more likely to be engaged in types of crimes where the police would be forced to shoot. Moreover, Blacks were more likely than whites to be shot by the police when engaging in passive (retreating) rather than aggressive action. The results did seem to suggest that the Memphis police did have "one trigger finger for whites and another for Blacks." These findings are all the more important in that similar methodology and analysis were applied to the same data collected in these two cities.

Aside from the nature of inconsistent findings when focusing on race effects in adult criminal processing there is also an issue with regard to the juvenile justice system. That is, research with regard to juvenile processing indicates that in some instances race and other extra-legal factors make a difference in outcome decisions while in others they do not. These inconsistencies may be accounted for by the more discretionary and informal nature of the juvenile justice system.

In light of the above discussion the following section describes the research literature focusing on the processing of minorities through the juvenile justice system.

The research literature is reviewed and evaluated in order to ascertain the role which minority status plays with regard to disproportionate overrepresentation.

## LITERATURE ANALYSIS

### Methodology

The first step in undertaking this review was to identify the research literature focusing on the juvenile processing of minority youth. A number of techniques were utilized to accomplish this task. Given the substantial revisions to juvenile processing in the late 1960's, the decision was reached to concentrate on the research literature since 1969. Four data based library searches were undertaken (Criminal Justice Abstracts, Sociological Abstracts, Social Science Citation Index and the Legal Resource Index) which yielded a listing of over 1000 citations. These data bases were systematically reviewed to identify relevant articles. In addition, major journals thought to be most relevant to this project were identified such as The Journal of Research in Crime and Delinquency, Criminology, Crime and Delinquency, Journal of Criminal Justice, Justice Quarterly and the like. Articles in each issue were examined and those dealing with minority processing were captured and subsequently indexed. Over ninety scholars who have previously written in the area of race and crime were identified from the membership rosters of professional societies. Letters were sent to each of these scholars in order to identify additional materials. Finally, notices were published in the newsletters of professional societies which described the project and asked for assistance in identifying existing research. Over 350 articles potentially relevant to the project were identified and coded. In many instances, however, minority status was not a major focus of the analysis or specific juvenile justice

decision points were not included. Thus, the majority of this research was found to be only tangentially related to the project. This report encompasses a subsample of 46 articles that were determined by the research staff as most directly relevant. In addition, we did not include our own work in this area in order to as objective as possible. These 46 articles constitute the core of our analysis.

A coding form was developed in order to identify and examine the methodological components of each article. Coded information included such factors as sample size, sampling method, method of data collection, statistical techniques, dependent and independent variables. The definition of minority and the specific groups studied were also included as well as specific processing stages (e.g., arrest, detention, informal/formal adjudication, sentencing). Coded information was then transformed to an SPSS file for analysis.

## **Analysis**

The matrix contained in Appendix A lists each of the 46 studies and identifies their major methodological characteristics. A complete bibliography of all the articles that were coded is provided in the Appendix G. For the matrix in appendix A, it should be noted that in some instances complete information was not available or multiple bits of information were included in a single article. Therefore, information counts may not total to 46 in all instances.

The matrix in appendix A shows that 19 of the studies were published in the 1970's while 27 were published in the 1980's. With regard to the time period during which the data were actually collected: ten analyzed data collected prior to 1970,

twenty between 1970 and 1978 and ten post 1978. Six articles did not report the time period during which the data were collected. The minority groups upon which these articles focused included Blacks (30), Hispanics (7), American Indians (1) and Asians (1) with two articles not specifying a minority group. In fifteen instances minority status was combined into a non-white/minority category. The number of cases examined ranged from a low of 45 to a high of 54,266. Most of the studies reported on a total population (23) as opposed to a sample (10). However, in seven studies the manner in which the data were collected could not be determined. Nine studies reported using state wide data while thirty three studies analyzed data at the city or county level. In four cases the location of data collection was not reported.

A variety of dependent variables were included across the research designs reported in Appendix A. The most common decision point was disposition or severity of disposition (29 studies) followed by the detention decision (nine studies). Two studies focused on arrest and two focused upon transfer to adult court. Most of the research included a variety on independent variables including a variety of social and legal characteristics of those youth being processed. With regard to analytical strategies, the vast majority of the research reported some form of multivariate design such as log linear analysis or a regression model. Only ten studies did not employ a multivariate design but rather reported percentage differences or bivariate correlation coefficients. Three studies were qualitative in nature employing an observational design.

Among the more salient findings were the following:

- **The preponderance of findings from the research literature suggests both direct and indirect race effects or a mixed pattern (being present at some stages and not at others). Roughly one**

third of the studies reviewed found no evidence of discrimination. The remaining two-thirds of the studies found evidence of disproportionate treatment of minorities, even after statistical controls were introduced. However these were approximately evenly divided between those which found an overall pattern of discrimination and those which we have labelled as mixed. The "mixed" label applies in several types of situations. It may be applied when the study examined several decision points (e.g. intake decisions, detention and judicial sentence) and found discrimination to apply in only some of those decision points. It might also have been applied when a pattern of discrimination was only apparent for certain types of offenders/offenses (e.g. first offenses or personal offenses).

- Those studies finding evidence of selection bias were generally no less sophisticated methodologically than those studies finding no such evidence nor were the data of any lesser quality. There appears to be no relationship between the methodological rigor of the studies and the existence of findings of discrimination. Studies using sophisticated analytic techniques such as log-linear analysis were no more or less likely to find discrimination. These results suggest that Cohen and Kluegel's (1979) earlier argument that research finding evidence of discrimination uses less sophisticated analytical strategies does not apply to this body of research. It is clear that recent analysis has become much more sophisticated in utilizing more complex analytical techniques. Such advanced techniques allow for an examination of direct as well as indirect race effects that show how minority status may be linked to other case characteristics. For example, most of those studies employing a multivariate design also examined interaction effects between minority status and other case characteristics. Likewise, the use of random sampling as opposed to total populations, and the use of larger aggregations of jurisdictions (e.g. statewide) did not appear to explain the differences in findings.
- When selection bias does exist, it can occur at any stage of juvenile processing. We found studies in which discrimination (or at least disproportional treatment) was noted for each of the major decision points in the juvenile justice system. Of course there were fewer studies of a large-scale nature examining the police decision process than of any other major decision-makers, and those studies of police decision making tended to examine decisions made after the decision to do something, e.g. a typical study was to examine the decision of police to transport a juvenile to a detention facility as opposed to issuing an order to appear at a later date.

- **In some instances, small racial differences may accumulate and become more pronounced as minority youth are processed further into the juvenile justice system. In particular our own analysis as part of the larger study of statewide data from both California and Florida illustrated this accumulation of disadvantage (see pp. 58-68). In that analysis differences between minority and majority offenders increased as youth were processed across various decision points of the juvenile justice system.**
- **In many instances studies which eventually concluded that there was no evidence of discrimination or those producing mixed results achieved that result by utilizing control variables in a multivariate analysis. One frequently used control variable reflects some variation on the family composition / stability theme. Typically, controlling for such variables appears to reduce the difference in treatment accorded to white and minority youth. However, in a logical sense what has occurred in these studies is the identification of the mechanism by which differences between white and minority youth are created. Thus, "family situation" may in fact serve as a surrogate for race. Even such "legally relevant" variables as prior arrests may not be racially neutral. If, for example, Black youth are initially more likely than white youth to be picked up by the police and formally processed race differences are likely to be enhanced within the system. Whether these types of variables ought to be used in justice system decision making and whether they ought to produce the degree of difference between white and minority youth that they appear to produce are issues that must be addressed. It is not sufficient to find a statistical method of reducing the difference between majority and minority youth, the appropriateness of using those variables should be addressed.**

Our conclusion from the examination of these studies, as well as our own previous research (Feyerherm, 1981; Pope & Feyerherm, 1981, 1982a, 1982b) suggests that there is substantial support for the statement that there are race effects in operation within the juvenile justice system, both direct and indirect in nature. Perhaps the most interesting finding is the number of studies that report a race effect or a mixed pattern. As noted above, while these results are debatable, literature reviews of the adult criminal justice system state that race effects are not common. Clearly this is not the case for research focusing on the juvenile justice system. Here,

the evidence suggests that race effects (or at least a mixed pattern) are more pronounced.

### **PROGRAM INITIATIVES**

A second phase of this project was to identify program initiatives/policies across jurisdictions that have attempted to deal with the question of equity or fairness in the processing of minority youth. The basic question here is "are there specific programs targeted toward minority youth (Black, Hispanic, Asian/Pacific Islanders, American Indians) which attempt to reduce disproportionate representation or ensure that decisions regarding such youth are reached in an equitable manner?" It should be noted that the objective at this stage was to identify such programs and policies, but not to evaluate them.

The first step involved the manner in which the information was to be captured. The methodology employed here was relatively straightforward. First, a listing of all state juvenile justice advisory groups (SAGS) was obtained. SAG groups are responsible for advising state and federal governments on matters pertaining to juvenile justice issues. The principal investigators had participated at the national meeting of the advisory groups in May of 1988 in Jackson, Mississippi. At that time the nature of the grant project was explained and assistance in identifying program initiatives was requested. This was followed by a mailing from the listing noted above. Next, probation departments located in major metropolitan areas across the country were identified, and the chief probation officers were sent a letter requesting assistance in locating program initiatives. A third mailing focused upon prosecutorial offices. The five largest statistical metropolitan areas of each state were identified and

letters were sent to the district attorneys in each of these areas, again requesting assistance.

Aside from these mailings, national organizations thought to be knowledgeable regarding the existence of program initiatives were contacted by phone and letter. Such organizations included: the Urban League, NAACP, Police Executive Research Forum, Police Foundation, International Association of Chiefs of Police, and the like. Individuals were also identified from a variety of settings (e.g., academics, community organizations, juvenile court judges, etc.) that might have relevant information. At this point a variation of "snowball sampling" was employed in identifying further contacts. This process continued until it was decided that further efforts would not be promising.

In one sense the overall results of these efforts were disappointing. As noted in the attached matrix (Appendix B), thirty three responses were received representing twenty seven states. An examination of the matrix contained in appendix B reveals no programs specifically targeted at minorities focusing upon ensuring equity in juvenile processing. A number of agencies forwarded statistical reports including profiles of youths processed through the juvenile justice system. Other agencies described existing programs (e.g., Projects Pay and Sprite in Wisconsin) that did not specifically focus on minority populations. A more consistent response echoed the sentiment that since all youths were mandated to be treated equally there were no specific programs geared toward minority populations. A few states such as Georgia, Missouri and Florida have funded projects dealing with minority overrepresentation but, for the most part, these are research projects rather than action projects.

These findings may be attributed to a number of factors:

(1) The definition of program initiative/policy was not inclusive enough and hence relevant programs might exist but were not captured in the mailings or by telephone communication. While this is possible it would seem to be unlikely. Both the project advisory board and others in the field including OJJDP staff reviewed the project definition, and determined that it was sufficient to elicit the types of responses that were being sought. Telephone conversations with community respondents also bore this out in that they understood what was being requested but did not know of the existence of such programs or policies.

(2) The survey was not extensive enough to capture information pertaining to program initiatives. Again, this is unlikely. The problem of disproportionate minority representation is generally considered to be an urban phenomenon. Thus the focus on major metropolitan areas, as well as at the state level, would seem to be reasonable one. Further, the various state juvenile justice professionals with whom we consulted may be considered to be knowledgeable regarding juvenile justice issues and programs within their respective states.

(3) While program initiatives might exist at the community level these are not recognized as such by juvenile justice agencies. In other words, there may be local community efforts in place that attempt in some manner to deal with minority overrepresentation or equity in processing. While this may be the case there is some evidence to suggest that it is not. One of the principal investigators was involved in a Police Foundation project funded by National Institute of Justice which focused upon community crime prevention efforts in inner city areas. This project involved a national survey and evaluation of such efforts for both adults and juveniles. The results did not uncover any programs that could be included under the definition of the present

project. Also, it is unlikely that official agencies would consistently be unaware of what is occurring at the community level.

Given the above findings and discussion it would seem reasonable to conclude that program initiatives/policy designed to reduce minority overrepresentation and ensure fairness in juvenile justice processing either do not exist or at least not in any significant numbers. Overrepresentation of minority offenders in juvenile institutions across the country is an indisputable fact. Further, there is sufficient evidence to suggest that such overrepresentation will continue and probably increase in the coming decades. Earlier, three decades of research literature examining "selection bias" within the juvenile justice system was examined. The results of this analysis demonstrated that the existing research literature is far from conclusive with regard to the effect race may play in influencing processing differences between majority and minority youth. However, the majority of research to date, especially that undertaken since 1980, suggests that racial status may well be a factor influencing outcome decisions in certain jurisdictions at certain points in time. Race effects are sometimes direct, sometimes indirect (linked to other case characteristics) and sometimes mixed (in that race may influence decision making at some points in the system but not at others). Given the previous analysis and the above discussion it would seem that processing of minorities through the juvenile justice system is an issue that cannot and should not be ignored. Clearly, the lack of program initiatives and policy statements focusing on racial equality across the juvenile justice system is cause for concern and a condition that should be addressed.

With regard to developing program initiatives to address this issue, the first step would be to educate local communities and juvenile justice agencies (including police,

courts, corrections and ancillary agencies) so that they understand the nature of the problem, develop a review and monitoring procedure and conduct training exercises aimed at reducing the potential for disparate treatment. The following recommendations are offered for consideration (see pp. 84-95 for an expanded discussion).

(1) Given the fact that the juvenile justice system is fragmented and administered on a local level, programs and policy cannot be applied across the board but must be adapted to local communities. Therefore, states and local communities must embark upon a self assessment to determine if there is a problem with regard to racial disproportionality or inequality and the exact nature of the problem if one does exist. The means to accomplish these tasks would include:

- **development of a systematic monitoring procedure to determine the percent of minority/majority youth being processed through each stage of the juvenile justice system at regular intervals. As the previous literature review suggests, disproportionality may be evidenced at some stages but not at others. Therefore, it is important to target those decision points at which major disparities do occur. This may be accomplished in the following manner:**
- **a critical examination of those stages within local juvenile justice systems with the widest gaps between minority and majority youth. Such an examination would include a detailed evaluation of the criteria used in reaching these decisions to determine the role which minority status plays alone or in conjunction with other factors.**
- **Implementation of a research program to test the race bias hypothesis. This model could be implemented at both the state and local level.**

(2) If race bias is found to be a factor within any jurisdiction's juvenile justice system, then programs should be implemented to eliminate it. Examples of such programs could include the following.

- **Consideration should be given toward staff training (particularly probation officers) to sensitize them to the issues of race within the juvenile justice system. In addition, efforts should be made to increase the representativeness of minority staff.**
- **Workshops modeled after sentencing institutes in the adult system should be implemented for juvenile court personnel (e.g. probation officers, judges). Such workshops would enable a discussion and evaluation of decision making especially as it pertains to minority youth.**
- **Where disparities appear to exist with regard to individual decision-makers (such as those typically found in intake and detention) it may be feasible to restructure the decision making process to include multiple decision makers. Thus decision making would not be the sole responsibility of one person but rather a "check and balance" system would be instituted. It may then be possible to establish a procedure for routine audit and review of these decisions to ensure equal treatment.**
- **Each jurisdiction should carefully evaluate the criteria used in reaching decisions at any given stage in juvenile processing. This is particularly important given the fact that decision making is much less constrained within the juvenile than the adult criminal justice system. Consideration should be given to the development of guidelines to aid decision makers in reaching outcome decisions. This is particularly important with regard to detention decisions since previous research consistently demonstrates the importance of early detention on subsequent outcomes and that within many jurisdictions these decisions are relatively unconstrained. The development of a guideline based approach to decision-making should be geared toward keeping youth from further penetration into the system. In other words, guidelines should state that youth may be detained only if they meet very specific criteria.**

## **SECONDARY DATA ANALYSIS**

In the preceding section it became apparent that relatively little has been done in the development of specific policies about this problem. One of the possible explanations for this situation is the lack of systematic information concerning differences in processing of minority and majority youth. In addition, a specific model

does not exist for analysis of that information which would direct inquiry toward those segments of the juvenile justice system which might be the greatest contributors to minority differentials. This section is designed to present a research model which illustrates the utility of existing juvenile justice data-bases for addressing this problem.

At the outset, it must be stressed that the methods to be described in the following sections may be used to determine whether it is likely that a problem exists. These procedures must not be construed as demonstrating that discrimination exists. **Instead, they are designed as a mechanism for guiding analysis to determine the possibility that discriminatory processing takes place.**

In the review of literature on the effects of race on juvenile justice processing, a variety of conclusions may be drawn which have direct implications for any jurisdiction which may seek to engage in a self-analysis of its own processing to determine the extent of disparities in handling of minority juveniles. These conclusions may be briefly catalogued as follows:

1. When disparities exist, they may be present at any decision point in the juvenile justice system. Moreover, they may exist at wholly different points in different jurisdictions.
2. Disparities may be comprised of either large differences in processing at some one stage in the system, or, more likely, by a series of accumulations of relatively small differences in processing, with a net effect which is relatively large.
3. Because each jurisdiction may specify many of its own rules and practices, the search for disparities may require identifying possible jurisdictions for more intense scrutiny. Each locality, in essence, has its

own version of the juvenile justice system and each may behave differently.

When considered as a whole, these conclusions suggest the need for an analytic strategy that allows consideration of the total juvenile justice system, yet still allows examination of the constituent parts, and permits the identification of jurisdictions for more intense examination. Moreover, the fluidity of the juvenile justice system would suggest the need for an analytic model which may be easily re-examined on a periodic basis.

### **Proposed Analytic Model**

Any model which meets the criteria outlined above will require first developing a simplified model of the juvenile justice system. The multiplicity of options and decision points in a typical juvenile justice system may serve to obscure the basic operations and to make it impossible to observe patterns of decision-making. This involves simplifying the decision process within the juvenile justice system to represent a series of decisions (usually with dichotomous results). For example, segments of the juvenile justice system may be considered as the following series of decisions:

1. A decision to arrest a juvenile, or to order the juvenile to appear in the Juvenile Court for intake processing
2. An intake decision to handle the case at intake or to process it further.
3. A decision to remove the juvenile from his or her current residence during processing (e.g., detention or shelter home care) as opposed to allowing the current residential arrangements to continue

4. A decision to file a formal petition of delinquency or engage in other formal action (e.g., waiver) as opposed to seeking informal resolution.
5. A decision to resolve the case by one of several dispositions, including for example informal probation, formal probation, transfer of custody to institutions.

The simplest analytic strategy portrays the relationship of these decisions by comparing the proportions of minority and majority youth receiving various types of treatment. For example, it would be possible to construct a series of charts such as the alternative scenarios presented in Figure 1 through 3. In reference to this analysis, the worksheet presented in Appendix D provides a mechanism by which the analysis may proceed.

In this hypothetical set of information, it is possible to compare the proportions of minority youth arrested with the proportion whose cases are resolved at intake or the proportions detained. In the first figure, the hypothetical example shows that the proportion of those detained, placed on probation, and incarcerated who are minority youth, is clearly very stable as one progresses from the beginning of the system toward incarceration. A jurisdiction obtaining such results would reasonably conclude that there is little evidence of disproportionate processing after arrest.

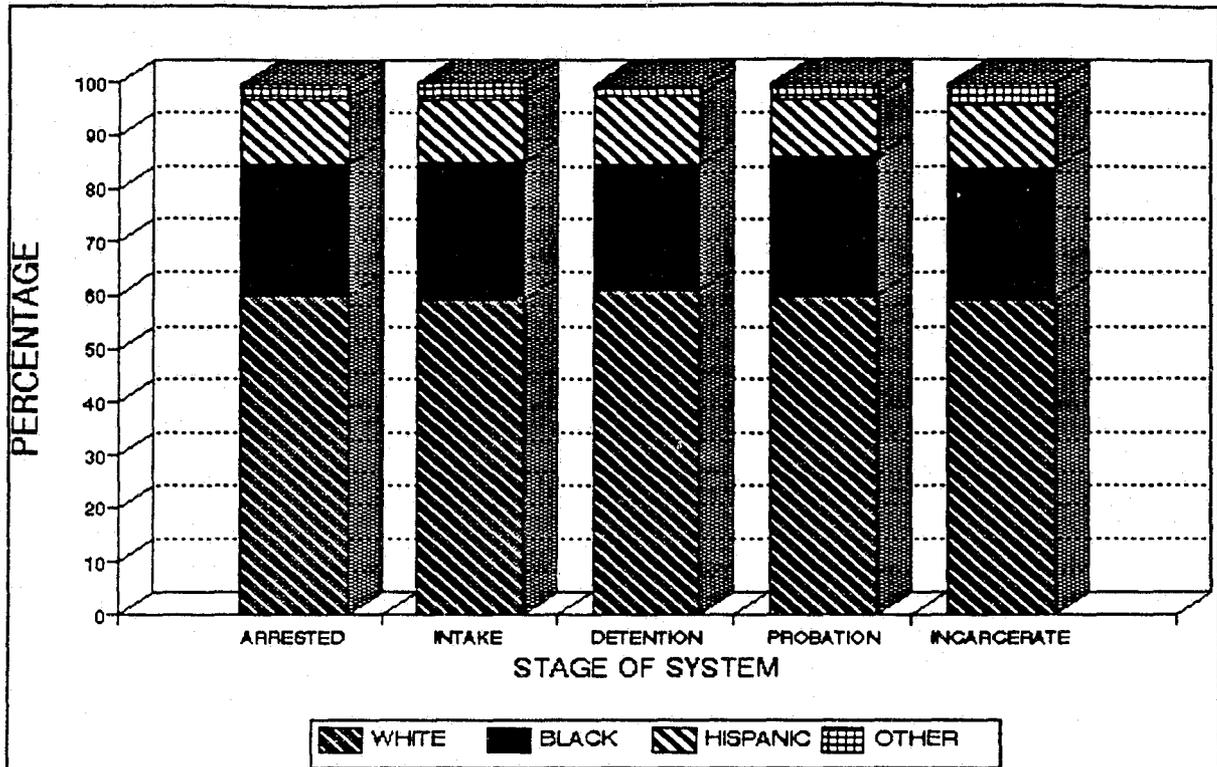


Figure 1 RACIAL COMPOSITION OF POPULATION AT STAGES IN JUVENILE JUSTICE SYSTEM

In the second figure the data portrays a situation in which the proportion of youth who are minority dramatically increases between arrest and intake then remains relatively constant. In this situation, it would be clear that the major focus of attention in such a jurisdiction would be to examine the decision-making processes in the intake procedure. The intake area would probably be the focus of whatever intervention took place, whether it was to change policy, procedures, personnel training, etc. Of course after this intervention was implemented, it would be important to continue to monitor that jurisdiction to ensure that the locus of disparate processing had not shifted to another decision point.

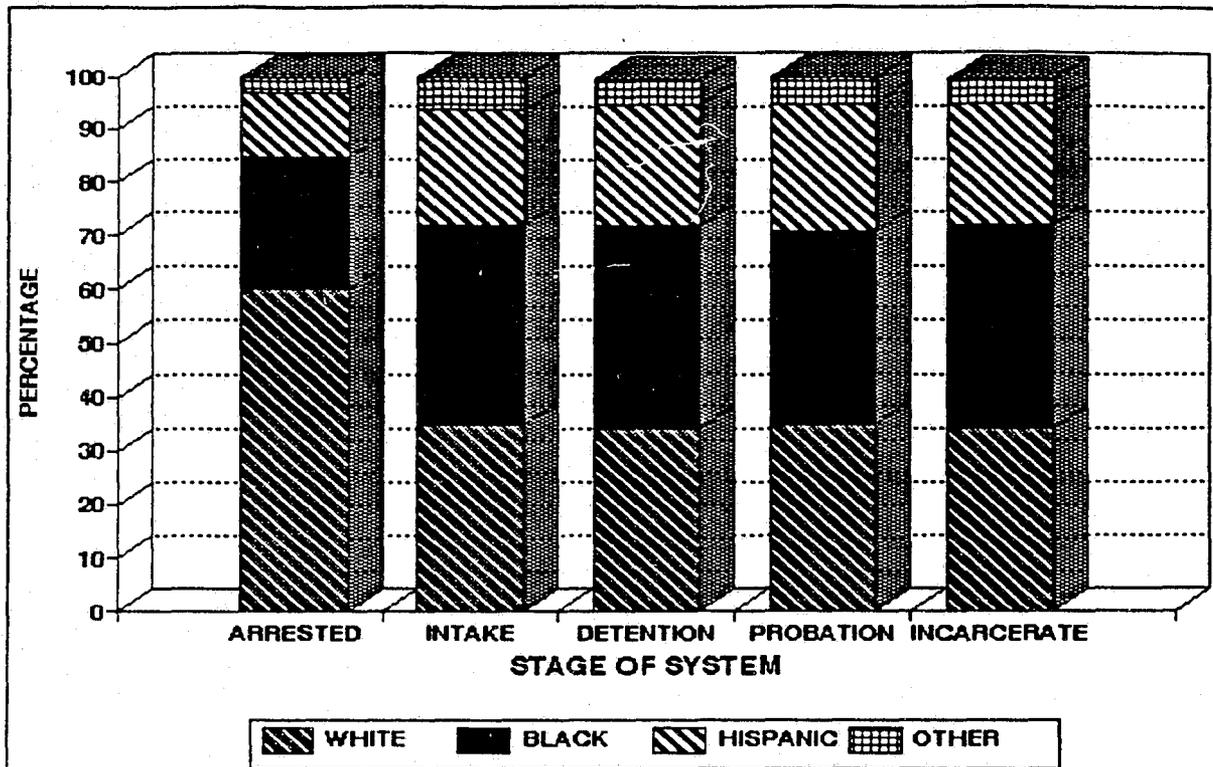


Figure 2 RACIAL COMPOSITION OF POPULATION AT STAGES IN JUVENILE JUSTICE SYSTEM

In the third figure, the hypothetical data portrays a somewhat different pattern, leading to different conclusions with respect to the nature of the problems to be addressed. In this instance, there is a steady increase in the proportion of minority youth represented at each stage of the juvenile justice system. None of the increases is substantially larger than any of the others, suggesting that there is no single point at which efforts to reduce disparities might begin. In essence this figure reflects the process of accumulated disadvantage. Such results would lead into a detailed review of decision processes at each stage of the juvenile justice system.

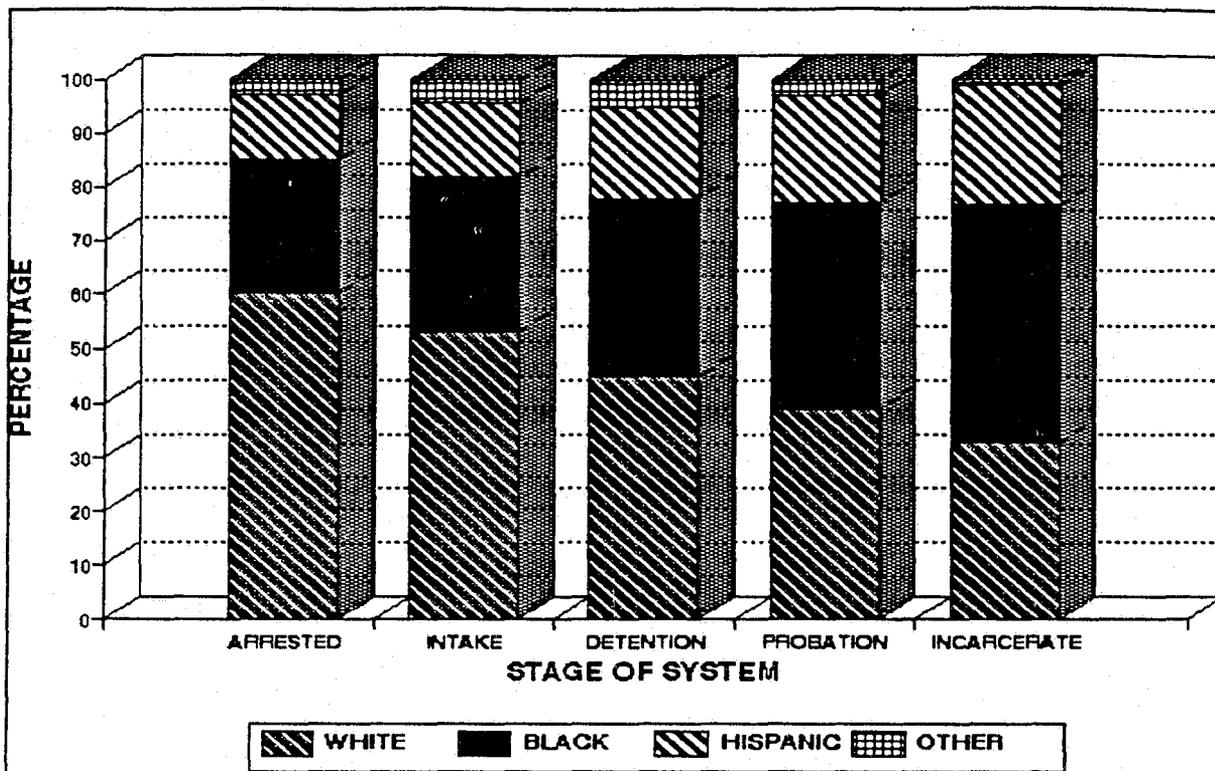


Figure 3 RACIAL COMPOSITION OF POPULATION AT STAGES IN JUVENILE JUSTICE SYSTEM

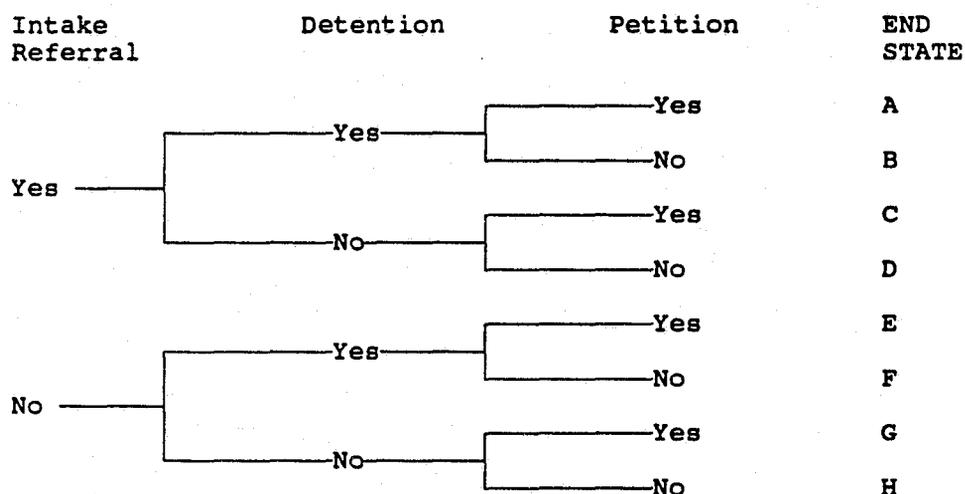
The model presented in Figures 1-3 however presents several problems. First, it does not represent the odds of transition from one stage to another in the juvenile justice system. Moreover, it does not allow consideration of the effects of one decision process on later decisions. The model however may be used with either computer based (tracking or Offender Based Transaction Statistics) data or with tallies of activity at each stage of the juvenile justice system. For more information on the use of this process refer to Appendix C.

## A Second Analytic Model

An analytic model that goes beyond the first model and resolves many of its problems is a branching network or decision tree model. The operations of such a model presumes the existence of transactional data and a simplified model of the juvenile justice system. Since most juvenile justice data bases begin with the second stage described above (excluding arrest), we may express the interrelationships of the next three decision points as a series of branches in the manner illustrated in Figure 4.

Figure 4

### Sample Decision Tree Model



Here, we have not only described all of the possible decision combinations with this branching network display, but we have also created a mechanism by which we may summarize the operation of the system in general. The column above labelled "End States" contains eight mutually exclusive categories which, taken together, contain all of the information describing the operation and interrelationship of these three decision points.

This model may be used in two very different ways which are useful with regard to consideration of disparity in processing. First, we may examine the probability of moving from one condition into the next. For example, given that a juvenile is referred out of intake and is removed from the current living arrangements (detained), we can calculate the probability that a petition will be filed in this case. This probability may be quite different from that in the case of a juvenile who is referred out of intake, but who is not placed in detention. More importantly, we can calculate these probabilities separately for majority and minority youth. A comparison of these probabilities may allow us to identify combinations of decisions which are particularly likely to disadvantage minority youth. These obviously would be those decisions in which the probability of moving to the next stage is most dissimilar for majority and minority youth.

Aside from examining individual decision points, the model however presents us with an opportunity to assess the overall operation of the juvenile justice system. By focussing on the "end states", we can determine the extent to which the juvenile justice system, on an overall basis, appears to operate differently for majority and minority youth. This perspective allows us to assess the accumulation of small disadvantages, as illustrated in Figure 3, above.

This model is not without its defects, however, which should be carefully kept in mind by both prospective analysts conducting such research and those interpreting it. Perhaps the most important of these is that the model necessitates a simplification of potentially complex decisions into relatively simple categories (preferably dichotomies as indicated earlier). For example, decisions to remove juveniles from their current residential situation may place them in secure detention, non-secure detention, a crisis

shelter, or placement with a foster family or even a relative. Each of these has a somewhat different meaning, yet all of them involve at least temporary (and involuntary) changes in the juveniles' residences. In order to capture the general direction of the set of juvenile justice decisions, this simplification is necessary. The alternative is a proliferation of categories at each stage which renders the model completely useless. This also implies that this model cannot really specify situations in which discrimination is definitely occurring, but rather can only suggest those situations. It must then be used as an indicator of the potential presence of discrimination, rather than as a final arbiter of its presence.

One of the major dangers in applying this model is that the individual pathways or branches will have too few individuals in them to allow reasonable estimates of the probability of the next stage occurring. For example, if one were toward the end of the system and had a branch with eight majority and six minority youth, one could conceivably find a situation in which 75 percent of the majority youth had one outcome while 33 percent of the minority youth had this outcome. Based on such small numbers, the difference in percentages would be meaningless, although it might appear to be important if only the percentages were reported.

### **Application of the Model**

To illustrate the development and use of the model described above, two data sets were obtained through the cooperation of the National Juvenile Court Data Archives (NCJDA). The data sets obtained were from the states of California and Florida, both for the calendar year 1985. These data sets were recommended by the

NJCDA staff for several reasons, particularly the staffs confidence in the quality of the data reported at the state level and the relatively high proportions of minority youth resident in each state. The choice of these states does not imply that they represent any greater or lesser level of disparity in the treatment of minority youth, only that data were readily available.

### **The California Model**

The California Juvenile Court case records contain four variables which may be used to create the branching model described above. These variables are identified as: 1) Type of Action 2) Detention 3) Prosecuting Attorney Action and 4) Disposition. In each instance, the variables as collected in the California system contain more than two options, with many of the options having a low frequency of occurrence. For this reason, many of the categories of the variables were combined to create dichotomies whenever possible. The variables were used as follows:

- Type of Action indicates whether the action was a referral only (handled at intake and went no further into the system) or whether the case resulted in action beyond intake
- Detention indicates whether the juvenile was detained (in either a secure or non-secure facility) or not detained
- Prosecuting Attorney action indicates whether the prosecutors office elected to file a petition. "Not filed" includes cases in which the prosecutor was not requested to file and cases in which a request to file was made, but the prosecutors office determined not to file a petition with the court.
- Disposition indicates the type of disposition accorded to the case. The California case records provide for twelve different categories of disposition. However, several of these occur with relatively low

frequency. As a result, for purposes of this model, five categories were utilized:

- 1) Closed, Dismissed or Transferred
- 2) Informal or non-ward probation
- 3) Probation - juvenile to remain in current home
- 4) Probation - juvenile transferred to residential facility (county, private, mental health)
- 5) commitment to the CYA or transfer to adult court.

The combination of these variables expressed in the form of the model developed above is represented in the following diagram (Figure 5).

Figure 5

Decision Model for California,  
with total number of cases in each end state

Type of Action	Detention Petition	Disposition * Filed	Disposition *			45	
			1	2	3		
Intake	Yes	Yes					
		No	13637	1652			
	No	Yes					
		No	48138	15125			
Court	Yes	Yes	4740	687	14797	13540	2305
		No	51	1	55	150	0
	No	Yes	6144	1566	16340	5060	259
		No	182	8	251	140	0

\* Disposition Codes: 1) closed 2) informal 3) probation 4) residence change 5) CYA

Thus, there are 40 possible combinations or patterns which might result. Of course not all of these combinations are used, since some of them would appear to be logically inconsistent (e.g. commitment to CYA after an intake only action with no petition) The numbers presented under the disposition categories indicate the number of juveniles fitting each of the particular patterns for the year 1985.

The next stage after devising the model is to calculate the probabilities of moving from one stage to the next, calculating these probabilities separately for majority and minority youth. In California, the sizeable Hispanic population provides the opportunity to expand the consideration of minorities to include separate calculations for Black and Hispanic youth, along with the white youth. These probabilities are presented in Appendix C, Figure 1.

In that Figure, three probabilities are presented at each decision branch. These represent respectively the probabilities for white, Black and Hispanic youth of being placed in this branch, given the prior decisions about that case. For example, 58

percent of white youth are handled at intake only. Of those youth, 17 percent are subject to some form of detention. Of those white youth who are handled at intake and detained, none of them have a petition filed (by definition) and 89 percent receive the first disposition (release with no conditions, or dismissal). If we use these probabilities to examine the comparative handling of white and minority youth, the general conclusion is that the probability of a less favorable decision (e.g. detention, petition filed, commitment to CYA) is higher for minority youth than for white youth. For example, 42 percent of white youth are referred to court, compared to 49 percent of Black and 56 percent of Hispanic youth. Of those youth referred to court, 50 percent of the white youth, but 57 percent of the Black and 64 percent of the Hispanic youth are detained. In nearly all cases in which youth are detained, a petition is filed. Of those who are referred to court, detained, and petition filed, 4 percent of the white youth, 7 percent of the Black youth and 10 percent of the Hispanic youth are committed to the CYA, or waived to adult court.

Analysis of the probabilities in Appendix C, Figure 1, leads to several conclusions. First, the disparities in treatment of minorities do not occur at just one decision point. Rather, they represent an accumulation of differences in handling of cases. Second, the greatest disparities in processing appear to occur before the formal operation of the court, that is, before the issuance of a petition and before the decision on disposition of the case. **The implication of such analysis is that policy initiatives to reduce disparities in this system ought to be directed primarily at either the intake decision to handle cases at intake versus court referral, or directed at the decision to remove a youth from their residence (detention).** The magnitude of

differences in the probabilities of processing for juveniles is considerably larger at those earlier stages than at the later stages in this system.

It must be noted that this analysis does not prove the existence of discrimination in the California juvenile justice system. This analysis has not examined the full range of options available in the California system. For example, we have not distinguished between the use of secure and non-secure detention, nor the variety of ward probation placements (e.g. county secure, county non-secure, private, mental health). However, it may be argued that such distinctions would not change the overall patterns. It is also the case that this analysis does not consider the variation in offenses with which youth are charged, nor variation in prior exposure to the juvenile justice system. However, it is not the intention of this model to prove the existence of discrimination. Our purpose is to identify those components of the system which appear to require additional investigation to develop policies to prevent differences in treatment based on race. To this end, the model suggests focussing upon the earlier decision points.

### **Examination of Local Jurisdictions**

It may also be recalled that the research literature appears to suggest there are large differences between jurisdictions. This then requires a procedure to determine which jurisdictions may appear to have juvenile justice systems which produce a disadvantage for minority youth. The same decision model which was utilized at the state level may also be used within each of the counties in California to address the

question of whether there is a likelihood that minorities are accorded disparate treatment.

The mechanism for using the model, and summarizing the results to identify such counties is to produce a crosstabulation of the end states of the decision model with the race of the juveniles handled in each county. The basic question in examining this crosstabulation is whether the pattern of decisions is similar for youth of different races. Two statistical mechanisms for assessing this similarity are provided in Appendix C, Table 1 and the discussion which preceded the table. Table 1 in Appendix C presents a summary of the results of crosstabulation of race and the end states of the decision model for each of the counties in California which processed more than 20 minority youth in 1985. It also presents the number of white, Black and Hispanic youth processed in each county, and the two measures of differences in decision-making. By combining an examination of these two measures, we may identify counties which seem to have particular problems and counties in which it is reasonably clear that these problems do not exist. For example, county 1 and county 38 both appear to have substantively different patterns of decision-making for youth of different races. Both of these counties have relatively large caseloads and a relatively high volume of minority (especially Hispanic) youth processed through their systems. It would seem reasonable to target these counties for greater scrutiny because of the disparities that exist there.

On the other hand, several of the counties appear to exhibit little or no difference in the processing of minorities, and might be studied more intensively to determine what policies or procedures differentiate them from the above mentioned jurisdictions. These counties would include county 24, county 49 and county 54. Each of these has

little indication of differential processing and a reasonably large caseload, including substantial numbers of minority youth.

Again, it must be stressed that the purpose of this exercise is to make preliminary identifications of those counties which may exhibit particular problems and those counties which appear not to have problems with disparities in the processing of minority youth. A final determination that a problem exists cannot be based upon the types of information available in this data base, but this identification can assist in directing an examination of the differences between policy and procedures in those counties which appear to have disparities and those which do not.

### **The Florida Model**

The Florida Juvenile Court case records contain five variables which may be used to create the branching model described above. These variables are identified as: 1) Intake Action 2) District Attorney Action 3) Detention 4) Adjudication and 5) Disposition. In each instance, the variables as collected in the Florida system contain more than two options, with many of the options having a low frequency of occurrence. For this reason, many of the categories of the variables were combined to create dichotomies whenever possible. The variables were used as follows:

- Intake Action indicates whether the recommendation of the intake worker was to file a petition of delinquency or not to file.
- District Attorney Action indicates whether the decision of the District Attorney in the case was to file or not to file a petition.
- Detention indicates whether the juvenile was detained (in either a secure or non-secure facility) or not detained

- Adjudicated indicates whether the court action was to adjudicate the case, not to adjudicate the case, or to with-hold adjudication (in essence accomplishing an informal probation)
- Disposition indicates the type of disposition accorded to the case. The Florida case records provide for multiple categories of disposition, many occurring with relatively low frequency. As a result, for purposes of this model, five categories were utilized:
  - 1) Dismissed, closed without disposition or subject to "nolle prosequi" (a prosecutorial decision not to proceed with a case)
  - 2) non-judicial dispositions, including return of runaways, referral to other agencies, mediation, and "parentally applied discipline"
  - 3) Judicial warning, restitution, non-residential community programs
  - 4) Transfer of custody and supervised community control
  - 5) Either transferred to Adult Court or an institutional setting

The combination of these variables may be expressed in the form of the model developed previously. Of course, with one additional decision point and the use of three options in that decision point (adjudicated, not adjudicated and withheld) there are many more branches in the decision model. Thus, while there were 40 possible combinations or patterns which might result in the California model, there are 120 possible combinations in this model. Of course not all of these combinations are utilized, since some of them would appear to be logically inconsistent (e.g. commitment to institutions after no petitions are filed and adjudication is withheld). It also must be noted that while the California system appears to have essentially the same process for status and non-status offenders, the Florida system operates very differently for status offenders. As a result, in order to simplify the data analysis and presentation, the Florida model was developed on the basis of non-status offenses only.

The next stage after devising the model is to calculate the probabilities of moving from one stage to the next, calculating these separately for majority and minority

youth. These probabilities are presented in Appendix C, Figure 2. In Florida, a separate categorization for Hispanic youth is not available, making it impossible to include separate calculations for Black and Hispanic youth, along with the white youth. It should be noted in the following discussions therefore that white probably includes significant portions of Hispanic youth. If the patterns in California are any indication of the treatment to be accorded to Hispanic youth, then the effect of this inclusion should be to reduce the apparent disparity in treatment between white (including Hispanic) youth and Black youth.

In Appendix C, Figure 2, two probabilities are presented at each decision branch. These represent respectively the probabilities for white and Black youth of being placed in this branch, given the prior decisions about that case. For example, 50 percent of white youth are recommended for a petition at the intake stage. Of those youth, 80 percent are processed for a petition by the District Attorney. Of those, 39 percent are subject to some form of detention. Of those white youth for whom a petition is recommended, filed and the youth is detained, 67 percent result in a positive adjudication. Of those, 45 percent are subsequently either transferred to adult court or institutionalized.

If we use these probabilities to examine the comparative handling of white and minority youth, the general conclusion is that the probability of a less favorable decision (e.g., detention, petition filed, institutional commitment) is higher for minority youth than for white youth. For example, in the stream of percentages noted above, 64 percent of Black youth are recommended for petitions, as opposed to 50 percent for white youth. Of those, the District Attorney determines to file a petition in 83 percent of the cases involving Black youth, as opposed to 80 percent for white youth.

Of those cases in which a petition was recommended and filed, Black youth were detained in 47 percent of the cases as opposed to 39 percent for white youth. White youth were adjudicated at a slightly higher rate than Black youth (67 percent versus 62 percent) but white youth are also more likely than Black youth to have their judgements withheld (19 percent versus 12 percent). Among those adjudicated in this branch, Blacks were 8 percent more likely to receive either transfer to adult court or institutional placement (53 percent versus 45 percent).

Analysis of the probabilities Appendix C, Figure 2 leads to several conclusions. First, as with California, the disparities in treatment of minorities represent an accumulation of differences in handling of cases. Second, the greatest disparities in processing appear to occur before the formal operation of the court, that is, prior to the adjudication decision and before the decision on disposition of the case. Thus, the "front end" of the system in Florida would appear to require primary attention in terms of further analysis and policy development. Indeed in Florida there is some evidence discussed above which might be interpreted as indicating that the judiciary appears to offset somewhat the higher probability of sanction associated with minority status by a lower likelihood of positive adjudication if the youth is Black. This might be an indication of judicial determination that a greater proportion of the cases against Black youth are either insufficient or inappropriate. However, such a conclusion cannot be reached on the basis of this data alone. It does appear that the magnitude of differences in the probabilities of processing for juveniles is considerably larger at those earlier stages than at the later stages in this system.

## **Examination of Local Jurisdictions**

As with the analysis of the California data, the same decision model which was utilized at the state level may also be used within each of the counties in Florida to address the question of whether there is a likelihood that minorities are accorded disparate treatment. Table 2 in Appendix C presents a summary of the results of crosstabulation of race and the end states of the decision model for each of the counties in Florida which processed more than 20 minority youth in 1985. It also presents the number of Black and white/Hispanic youth processed in each county. As with California, we may identify counties which seem to have particular problems and counties in which it is reasonably clear that these problems do not exist. For example, county 6 has the highest dissimilarity in processing of Black and white youth of all the counties. County 1 also has a very high dissimilarity in processing of Black and white youth. Both of these counties have relatively large caseloads and relatively high volume of minority youth processed through their systems. County 56 also meets these criteria. It would seem reasonable to target these counties for greater scrutiny to explore the possibility of discriminatory processing.

On the other hand, several of the counties appear to exhibit little or no difference in the processing of minorities, and might be studied more intensively to determine what policies or procedures differentiate them from the above mentioned jurisdictions. These counties would include county 3 and county 54. Each of these has insignificant differences in the processing of Black and white youth and a reasonably large caseload, including substantial numbers of minority youth. County 13 might also provide an interesting target for exploration.

It might be tempting to compare Figures 1 (California) and 2 (Florida) in Appendix C to make some statements about the relative treatment of minorities in the two states. However, such a comparison would be of relatively little validity in the current analysis. The models constructed for the two states are substantively different, reflecting the differences in the form of data collected in the two states, as well as presumably reflecting differences in the processing options in the two states. Moreover, the analysis in California utilized three racial/ethnic groups, while only two were available in Florida. Again, it must be stressed that the purpose of this exercise is to make preliminary identifications of those counties which may exhibit particular problems and those counties which appear to not have problems with disparities in the processing of minority youth. A final determination that a problem exists cannot be based upon the types of data available in this data base, but this identification can assist in focussing inquiry and moving toward a self-assessment into an examination of the differences between policy and procedures in those counties which have large disparities and those which do not.

## **THE RESEARCH AND POLICY AGENDA**

### **Research Guidelines**

Given the previous discussion of the research literature on minorities and the juvenile justice system and the analysis of the California and Florida data sets there are a number of issues that can be identified to guide future research. We use the term "guide" rather than "direct" for the simple reason that perfect research designs do not exist and probably never will. In addition, the manner in which information is compiled by criminal justice agencies does not lend itself completely to social science based research. In some instances critical pieces of information are missing, variables are not specified in detail, information is not consistently reported and so on. Given these "real world" limitations it is still possible to do competent research while recognizing its limitations. The issues identified below should help future researchers in accomplishing that task.

### **The Problem of Aggregation and Disaggregation**

**Future research on minorities and juvenile processing must pay more attention to the fact that race effects may be altered when information is combined on a statewide or county basis.**

The more data are aggregated (combined), say from place to city to county to state, the more likely it is that evidence of racial disparity will be lost (or masked). If state wide juvenile justice data are analyzed, for example, any racial variations that occur in one county may be offset by the lack of such variations in another county and the overall pattern may reveal no evidence of disparity. This was illustrated in our

previous analysis of the statewide California and Florida juvenile justice systems. Examination of these data revealed evidence of differences in outcome between minority and majority youth at certain processing stages. Further analysis of dispositions at the county level showed marked difference across counties when compared to the state average. In other words, racial disproportionately was high for some counties while low or nonexistent in others.

The same argument can be made when analyzing time frames, offense types and decision-makers. For example, if data are collected over a number of years and then combined for analysis the results may mask variations in any given year. This has been demonstrated in a number of research projects which have analyzed data aggregated over time and then broken down by year or groups of years. In many instances the results have shown evidence of racial disparity for specific years but no overall pattern in the combined years. In examining juvenile justice decision-making it is not unusual for offenses to be grouped into general categories such as violent, property, status or drug related. Sometimes these offense categories are justified due to a limited number of cases or for the convenience of the research. Nonetheless, racial differences within offense types may again be masked when combined into general categories.

Generally, in analyzing outcomes within specific juvenile courts such outcomes are combined across judges (or other decision-makers) rather than looking at individual patterns. The problem here is that variation occurring within a particular decision pattern may be masked. The point is nicely illustrated in research conducted

by Gibson (1978) which examined sentencing patterns within the criminal court of Fulton County, Georgia. When sentencing decisions were combined across all judges there was no evidence of race discrimination. However, when Gibson (1978) disaggregated the data and examined the sentencing patterns of individual judges, there was evidence of discrimination even after relevant legal factors were statistically controlled. In other words, for some judges race made a difference in that they sentenced Blacks more severely; for others race did not matter; and in some instances whites were sentenced more severely than Blacks.

The point is simply that future research pay more attention to the problem of masking effects when dealing with aggregated data of any sort. Researchers should examine the data as finely as possible to determine the extent to which race effects do or do not exist. If this is not possible then the limitations of the findings due to possible masking effects should be recognized.

### **Multiple Decision Points**

**Research efforts should focus on the juvenile justice system in its entirety by examining multiple processing stages.**

The juvenile justice system, as with the adult criminal justice system, is a dynamic not a static system. Decision-making represents a series of stages from arrest through intake (including whether or not to detain the youth), adjudication, disposition and perhaps correctional confinement. Decisions made at any one stage may effect those at later points. For example the research literature is fairly consistent in noting the impact of early detention decisions - detained youth generally face higher

probabilities of receiving the more severe outcomes. Further, race differences may appear at certain stages and not at others or small racial differences may compound as minority youth are processed through the system.

The absence of race effects at one point in the system does not preclude their appearance at a latter point. Conversely, the presence of race effects may be washed out or mitigated by later decisions. As an example of the former point, Liska and Tausig (1979) re-examined 17 juvenile justice studies which considered the relationship between social class, race and legal decision-making. They observed race differences which produced a cumulative effect thus transforming a racially heterogeneous prearrest population into a non-white, homogeneous institutionalized population. Thus, initial race differences were compounded at successive stages of the juvenile justice system. Accumulated racial differences were also found by Feyerherm (1981) in his examination of status offenders.

Our analysis of the California and Florida data also disclosed that race effects were more pronounced at some processing stages than at others. In both California and Florida, for example, race differences were strongest at the early stages of intake and detention and less so for adjudication and disposition. Other research we examined also showed that race differentials were strongest at initial processing stages and in other instances were compounded at later processing stages.

This suggests that research which does not examine multiple decision points in juvenile processing may be suspect. At the very least the findings would have to be considered incomplete. Again, race effects at any one stage of processing may be

cancelled out or enhanced at later stages. Only by examination of multiple decision points can we gain a more complete picture of the way in which minority status does or does not influence outcome decisions.

### **Quantitative vs. Qualitative Approaches**

**While not ignoring quantitative or statistical approaches, research should also incorporate sound qualitative strategies (field and observational studies) into their designs.**

As noted earlier, the vast majority of research examining minority status and juvenile processing is quantitative in nature. Typically this involves the analysis of state wide computerized data or information coded from the case files of smaller jurisdictions. Only a handful of projects have employed some type of systematic observational design. While there is nothing inherently wrong with quantitative applications the exclusion of qualitative approaches does preclude a complete understanding of the way in which race may manifest itself in the juvenile justice system.

Field research has been used in a variety of settings to understand a multitude of phenomena. As a methodology it has the distinct advantage of being able to observe behavior in real life situations. Thus some of the nuances of behavior that are incapable of quantification can be examined. For example, some observational research suggests that the attitude or demeanor of youth has a major impact on police decisions to arrest. For less serious offenses, youth that are unruly or disrespectful to the police are more likely to be arrested than those that are not.

However youthful demeanor does not usually find its way into case records or computerized tapes. It is something that must be observed and recorded during police juvenile encounters. Similarly, attitude, appearance or dress of youth may make a difference in courtroom settings as well as background, philosophy and general attitude of the juvenile court judge. These are variables that do not lend themselves to strict quantification. If Black youth are more likely than white youth to display these less desirable attributes they may face higher probabilities of arrest, conviction and confinement.

It should be pointed out that we are talking about systematic observation/interview studies and not simple anecdotal reports. Further, quantitative and qualitative approaches are not antithetical to one another. Taken together they can provide a wealth of information regarding the way in which minority status manifests itself within the juvenile justice system. Given this argument it is curious that such approaches have not been more prominent. The reason probably stems from the fact that observational research can be time consuming and expensive and also involves, to some degree, the cooperation of those being investigated. Case records or computerized tapes are readily available and provide a convenient research base.

More qualitative approaches are needed in examining minority status and juvenile justice processing. Researchers should be encouraged to go beyond a quantitative analysis of case records and incorporate a qualitative approach into their research designs. Ideally, a triangulated research design using a variety of quantitative and qualitative approaches should be employed. Similarly, funding

agencies should recognize the importance of this strategy and encourage researchers to pursue it.

### **Police and Correctional Processing**

**While research focusing on juvenile court processing should continue to be encouraged, more research should target police/juvenile encounters and correctional processing.**

The vast majority of all research on race and the juvenile justice system focuses on court related factors. Indeed the most commonly examined decision points are intake, detention, adjudication and disposition. Very little research focuses on post disposition outcomes such as placement in a residential facility (county, private or mental health) or commitment to a secure facility. Thus we have little information on how minority status may impact post disposition alternatives. Similarly, we don't know much about what the police do and don't do or how racial status effects police decision-making with juveniles. What little research that has been done in this area occurred during the 1960s.

Perhaps the main reason for the concentration on court related factors is simply because the information is available and relatively easy to access. Every jurisdiction has case records on those youths who are being processed and more jurisdictions are computerizing these records. Therefore, it is not too difficult for researchers to obtain these data and submit them to quantitative analysis. Information on juvenile corrections, whether in secure or non-secure facilities, is less readily available. Information pertaining to differences between white and minority youth may not be

present. Or if it is present, may be more difficult to obtain. Similarly, as noted above, police/juvenile encounters are low visibility situations. Typically, the only people present are the police and juvenile(s). Perhaps the only methodological technique for examining these encounters is an observational approach as discussed above.

While not down playing the continued importance of research focusing on minority status and court processing, attention should also be given to the front and end states of the system. Police are the "gatekeepers" of the system controlling who is funneled into the juvenile courts. If such decisions are in any way racially biased then minority youth may be more at risk at later processing stages. Similarly, if there are differences in the correctional experience of white and non-white youth such that minority youth are disadvantaged this may have important implications. Thus, research designs focusing on the police and juvenile corrections should be stressed.

### **Multivariate Models and Indirect Effects**

**Research examining data on minority youth and juvenile processing should employ techniques that are capable of detecting direct as well as more subtle and indirect race effects.**

One of the criticisms frequently leveled against early research finding race effects is that researchers failed to utilize proper control variables. In other words, while minority youth may have been more likely to be held in secure detention compared to white youth, they may have committed more serious offenses - a condition that was not examined. On the other hand research not finding evidence of discriminatory practices often included proper control variables. As recently as 1979

Cohen and Kluegel made a similar argument in that research finding race differences in juvenile processing tended to be less methodologically sophisticated than research that did not. Our review of the existing research literature does not substantiate these claims. Recent research (1980's) finding race effects has employed multivariate techniques and has introduced proper control variables or at least those that were available to the researcher. In other words, we argue that overall, research finding evidence of race differences is no less precise or methodologically rigorous than research that does not find race differentials.

A corollary point deals with direct versus indirect race effects. Race effects may be linked to other case characteristics thereby effecting outcome decisions. The underlying argument is that race is not a constant and may, in combination with other factors, lead to differential sentencing.

For example, in examining drug law enforcement Peterson and Hagan (1984) argue that conceptions of race changed markedly over time and place. Early drug law policy, for example, focused on users and resulted in the arrest and incarceration of large numbers of non-whites. In a later period users were redefined as victims while traffickers and professional drug criminals became the hard-core villains. Given this policy shift, the number of non-whites arrested and incarcerated for drug law violations decreased markedly. As they conclude:

. . . we offer this study as an example of, and argument for, sociological research that takes context-specific conceptions of race into account. Our results suggest that there are patterns of advantage and disadvantage that only contextualized analysis can reveal. The role of race is more variable and more complicated than previously acknowledged (Peterson and Hagan, 1984:69).

Other research (Austin, 1984; Zatz, 1984; Mieth and Moore, 1986; Welch, Spohn and Gruhl, 1985) supports the premise that race is context specific and can act in combination with other variables to produce differential outcomes. Mieth and Moore (1986) argued that previous sentencing research was largely flawed in assuming that race effects were constant across all other case characteristics. Using a sample 2329 felony offenders sentenced from July 1977 to June 1978 in the state of Minnesota, they tested and compared both additive (main effects) and race specific models of analysis. While the additive model was not sensitive to race differences, the interactive model was. Those Black offenders receiving the most severe sentences tended to be single, from urban areas, had a prior felony record, and committed multiple and more serious offenses. For whites, this combination of characteristics had little effect on sentence outcome. As the authors note:

. . . few racial differences were observed in this study when an additive model was estimated. However, our race specific models indicate that race remains a major source of differential treatment in criminal processing when it is considered in conjunction with other social, case and legal factors (Mieth and Moore, 1986:231).

Research which fails to take into account proper control variables will remain suspect. Fortunately, most current research focusing on minorities and juvenile processing does employ multivariate models which accomplish this task. Researchers seem to be aware of the necessity to do so. Similarly, more research is examining both direct and indirect race effects and acknowledging the fact that race may interact with other case characteristics to the disadvantage of minority youth. In sum, as a

methodological strategy multivariate models are to be encouraged especially those that are sensitive to indirect effects.

### **Organizational Characteristics**

**Research should be attentive to the organizational structure within which juvenile justice decisions are reached as well as environmental influences in the communities of which they are a part.**

Most juvenile justice research examining race effects tends to focus on individual decision-makers. Yet, the juvenile justice system does not operate in a vacuum. There is an internal organizational structure and an ecological sphere within which decisions are made. Actors within the juvenile justice systems are responsive to the day to day constraints placed on them by their jobs as well as the local community of which they are a part. These factors may have a major impact and place subtle or not so subtle limits on the nature of decision-making. In her examination of public opinion and federal dispositions affecting draft cases, Cook (1977:592) notes:

The myth of judicial independence from external pressures has discouraged the testing of environmental correlates of judicial decisions. The findings of this study suggest that exogenous variables, in particular public opinion, contribute to our understanding of changing judicial behavior.

Organizational constraints can be grouped into two sets: those which describe the internal workings of the organization, and those which describe the ecology within which the organization operates. With regard to the former Heyedebrand (1977) has identified a number of organizational pressures which may effect the operation of courts. Among these are included increases in the volume and complexity of

caseloads, the proliferation of new legal and procedural rules, fiscal crisis reflected in decreasing budgets and the growth of non-traditional administrative innovations. Thus internal "pushes and pulls" within the organization may have a subtle or not so subtle impact on the types of decisions rendered.

Similarly, juvenile justice agencies are often responsive to the environments in which they are located. Perhaps the most researched environmental characteristic is the urban/rural dichotomy. Here different patterns of decision-making have been observed with rural youth frequently receiving more severe dispositions. Variations have also been noted across counties. Strasburg (1978), in his examination of the processing of violent delinquents in three metropolitan New York counties, found that official responses to juvenile violence varied substantially depending upon the county in which the offender was processed. Pope and Feyerherm (1982) found race and gender differences across California counties. Within some county juvenile court systems dispositions were more severe and race/gender differences more pronounced than within others.

While the importance of both internal and external environmental pressures have been recognized, they have not been adequately researched. As our examination of the research literature revealed, few studies have taken these factors into account. Part of the problem lies in the difficulty of coding and measuring organizational characteristics. Still, it is important that future research examine such factors if we are to increase our understanding of how decisions are made especially those pertaining to race.

## **Identification of Minority Groups**

**Research should attempt to focus on minorities other than Blacks.**

By far the majority of the research literature has targeted Black youth while virtually ignoring Hispanics, Asian Pacific Islanders and American Native populations. While there are reasons for this, future research on juvenile processing should include these additional groups. Also, researchers should specify the operational definitions that lead to the identification of the youth being studied.

## **Family Background**

**Research should attempt to include information on the family characteristics of those minority and majority youth processed through the system.**

When possible information should be obtained regarding the family situation of those minority and majority youth who are being processed through the juvenile justice system. At a minimum this should include whether the home is intact or non-intact, and hopefully who the youth resides. Information should also be collected on whether parents/guardians are willing or have the resources to provide support. There is a body of research which indicates that youth from single parent homes often face more severe dispositions than those from intact homes especially if it is female based. These homes may have less resources to provide needed support. Since Black youth are proportionately more likely to reside in single parent homes they may be more at risk than white youth. In other words, family situation may be one mechanism through which race indirectly effects outcome decisions.

## **Jurisdictional Differences**

**Research should focus on rural/suburban jurisdictions as well as on major metropolitan areas.**

The bulk of research to date has examined race and juvenile processing in major metropolitan areas. Although certain minority groups such as Blacks are more likely to be found among urban populations this is not necessarily true for Hispanics, Native Americans or Blacks living in the South. Thus future research should give some attention to the way in which race may effect decision-making in rural/suburban settings.

## **Sample Selection Bias**

**Research should take into account changes in sample size as cases are processed through the system.**

Within the juvenile justice system sample size changes as youth are screened and filtered out at various processing stages. Thus probabilities change at different decision points. Most previous research has not taken into account sample attrition bias. One way of doing this is by computing a hazard rate which is the probability that each case is eliminated at various stages. Another possibility would be to draw supplementary samples at later stages in the system. Future research designs should take this into account, if possible, in order to avoid misspecification.

## **Policy Guidelines**

In the section dealing with program initiative efforts a number of recommendations were made to deal with the problem of overrepresentation of minority youth in the juvenile justice system. These recommendations followed two separate tracks. The first dealt with measures to identify the nature of the problem if it does exist and the second with steps to alleviate disproportionate representation. With regard to the former, the following recommendations are made.

**(1) Development of Systematic Monitoring Procedure to Determine the Percent of Minority/Majority Youth Being Processed Through Each Stage of the Juvenile Justice System at Regular Intervals.**

The literature review and the analysis of the California and Florida data clearly demonstrates that differential processing can occur at any stage of the juvenile justice system. This analysis also suggests that race/ethnic differences are more pronounced at the earlier processing stages (i.e., intake and detention). Therefore, those jurisdictions concerned with this problem will need to implement a system to identify those stages where disproportionately occurs and the extent to which it exists. Further, such monitoring will need to be undertaken at regular intervals in order to determine the nature of any changes in the system. One model that could be used to accomplish this was presented in the secondary data analysis section (see pp. 55-69 and Appendix C). Basically, the decision points for both the California and Florida data were presented as a branching network thus identifying those points where differences between minority/majority youth were greatest. Additionally, by examining the end

states (dispositions) one could determine the probabilities of receiving lessor and more severe dispositions for different racial/ethnic youth. While this model was illustrated with statewide data it could also be applied to various jurisdictional levels (e.g., county and local agencies).

Further, this model can also be used to assess the extent to which local jurisdictions vary from the statewide average. For both California and Florida it was demonstrated that some counties departed markedly with regard to severity of disposition when compared to the state as a whole. In other words, there were some counties in which minority youth received much more severe dispositions compared to majority youth and others in which they did not. While this analysis demonstrates that there are differences, it did not examine the nature of these differences - whether they are accounted for by "selection bias" or other factors. Nonetheless, it does target those counties which may need further analysis. While the focus here was on the end states or disposition, the same technique could be applied to any decision point.

In order to use this model, data must be provided in a transactional framework. In other words, the data must be present in the form of computerized records with the ability to link one stage of the system to the next. While many states have this capability others do not. In some states juvenile justice information is only available in the form of summary tallies. In these instances a form similar to that present in Appendix D could be used to monitor disproportionate outcomes. A variation of this form was developed to assist the states in meeting the formula funding requirements under the Delinquency Prevention Act as amended in 1988. Under this requirement

states are required to demonstrate whether or not minority youth are disproportionately overrepresented in secure facilities. As indicated in Appendix D information pertaining to the total number of youths processed at each of the six stages would be entered along with the number of minority youth. Comparisons would then be made between the percentage of minority youth processed and their representation in the total population thus producing an index of disproportional treatment. This technique could be applied to specific minority groups (e.g., Blacks, Hispanics, etc.) and to various stages of processing. It could also be used on a state, county or local level. Thus, both the transactional and summary models could be used to monitor the juvenile justice system.

**(2) An Intensive Examination of those Stages in the Juvenile Justice System with the Widest Gaps Between Minority and Majority Youth.**

Once those stages of juvenile processing with the largest gaps between minority/majority youth have been identified, they need to be targeted for further evaluation. For example, if it were found that minority youth were substantially more likely to be detained in secure facilities then the criteria used in reaching that decision must be examined. In some jurisdictions there are little or no criteria for making a detention decision. It may, for example, be based on intake workers subjective impressions. Thus, different intake workers may be using vastly different criteria which may in turn lead to an overrepresentation of minorities. Even in those jurisdictions with articulated criteria, intake workers may not be applying them across the board or the criteria may have subtle race biases built into them. In any event, the nature of decision making must be examined.

One strategy for accomplishing this would be to systematically review all existing criteria and guidelines. This would be followed by an evaluation to determine whether the criteria were justified under existing juvenile statutes or whether there might be subtle race differences operating. For example, if "idleness" (whether the youth is in school or employed or doing nothing) is important in reaching a detention decision then one needs to examine race differences by this characteristic. If Black youth are more likely to be "idle", and therefore more likely to be detained, this may in part account for larger percentages of Blacks in secure facilities. A determination then needs to be made whether or how this criterion should be used. If nothing else this procedure can be used to determine how existing criteria may or may not account for minority overrepresentation.

Following this review (or in the absence of any written criteria) a representative sample of decision makers (e.g., intake workers) could be surveyed. The goal here would be to identify (either through questionnaires or structured interviews) the manner in which decisions are reached. In other words intake workers would be asked to self report the characteristics they consider to be most important to them in reaching a decision to detain in a secure facility. Responses could then be cross referenced against actual cases. Decisions could then be made regarding the process - whether it is working sufficiently well, requires some alterations or needs to be completely re-worked. The point to all this is not to assess blame, but merely to aid in understanding the dynamics of decision making.

### **(3) Implementation of a Research Plan to Test the Race Bias Hypothesis.**

As indicated in the literature review and the secondary data analysis there are various analytic strategies that could be employed to determine whether or not a race effect exists. Depending on the type of data available (if it exists in computerized records or has to be compiled from case files) one could examine the relationship between any decision point and an array of social and legal factors (see Appendix E for a listing of case information that might be collected on a routine basis in order to enhance the analysis). For example, if previous monitoring reveals that minority overrepresentation exists at the point of detention then both direct and indirect race effects could be examined. There are a number of statistical procedures that would support such an analysis (e.g., multivariate contingency tables, path analytic techniques, logistic regression, log linear and discriminate function analysis and the like). The decision to detain could be analyzed for minority/majority youth with possible controls for gender, age, income, family status, instant offense, prior commitments, current status or other factors depending upon their availability. In addition, a qualitative component could be added involving observation of various proceedings and interviews with youthfull offenders, probation officers, police, judges and the like.

The results of this analysis would indicate in a quantitative and qualitative sense whether or not race makes a difference and, if it does, the manner in which it operates. For example, it may be the case that racial status is linked to family stability which in turn effects the probability of being detained. In other words youth coming

from single parent households may face a higher probability of detention than those coming from a two parent household. In many major metropolitan areas evidence suggests that minority youth are less likely to reside with both parents compared to majority youth. Therefore, family status may be the mechanism linking race to detention. Or it may be the case that income level makes a difference. Family stability may only be predictive for those residing in low income areas. Or it may only be a factor for those youths charged with less serious offenses or those with no previous juvenile court commitments. On the other hand, for certain jurisdictions racial status may play no role as evidenced by the analysis. In this situation overrepresentation of minority youth could not be attributed to the operation of the juvenile justice system. Solutions to the problem then would have to focus elsewhere.

The above scenario underscores the fact that the analysis and conclusions drawn from it can be relatively straightforward or extremely complex. Nonetheless, it does provide a foundation for making informed decisions and generating research policy. The basic point is that it is too often the case that we don't know what is going on within specific juvenile justice systems. While we may know that minorities are disproportionately represented, we have no knowledge of why this is the case or any concrete information to guide us. If nothing more, an analytic strategy as outlined here would provide that basic information needed to make informed decisions.

Given the procedures outlined above, when race is found to be a factor in accounting for minority overrepresentation then a strategy for reducing its influence

must be developed. The following recommendations are offered to help accomplish this goal.

**(1) Implementation of Training Workshops Focusing on Race and Juvenile Processing.**

The goal here would be to sensitize and educate principal actors (e.g., probation officers, judges, etc.) in the juvenile justice system with regard to race related issues. Such training programs have proven successful in other criminal justice areas and there is no reason to suspect that they could not make an impact here. For example, sentencing institutes have proven somewhat successful in articulating sentencing philosophy and reducing disparity. Under this model judges from various jurisdictions attend workshops at a central site over a period of a few days. During this time differences in sentencing philosophies are discussed and evaluated. Oftentimes training exercises are prescribed using "mock" trials. Sentencing councils have a similar objective although they involve judges from a single court. Actual cases are discussed among judges and recommended sentences are given. Through the use of both institutes and councils it is hoped that some degree of unanimity will be achieved in sentencing thus reducing disparate outcomes.

There are a variety of training models that could be utilized which, in turn, could be adapted to the needs of specific jurisdictions. Among the topics to be discussed could be all or some of the following:

- Overview and summary of the history of race relations in this country.
- Race relations as they pertain to the adult and juvenile justice systems (e.g., within incarcerated populations).

- Structural and economic conditions as they pertain to the ghetto underclass and the implications for the justice system.
- Review and discussion of the existing research literature as it pertains to minorities and the juvenile justice system (what we know and what we don't know).
- Review and evaluation of policies and procedures within particular jurisdictions in order to determine their impact on processing decisions.

The topics suggested above are exemplary of the type of issues that could be utilized to generally sensitize juvenile justice actors to race related problems. More specific programs geared toward achieving racial equity could include the following:

- Workshops with various actors (probation officers, judges, etc.) focusing on the nature of decision-making in their respective areas. How decisions are made and what influence race might play.
- Discussion of various alternative strategies for decision-making (e.g., use of guidelines as noted below).
- Training session geared toward implementing different decision-making models.

The objective of the models discussed above is to sensitize juvenile court personnel to minority issues and secondly, to develop techniques to reduce disparity, if it does exist, and ensure equity in processing. The specific nature of the training programs can be developed depending on the needs of the particular jurisdiction and the specific objectives desired. In addition, jurisdictions should make major efforts to recruit and retain minority staff. Ideally, minority staffing patterns should be representative of the client population.

**(2) Establish a "check and balance" System with regard to Juvenile Processing Decisions.**

In some jurisdictions decisions are made by individuals without any provision for review. For example, it is not uncommon for probation officers to decide whether or not the case should be closed/dismissed or processed further (intake) or whether the juvenile should be held in detention and in what type of facility. Initially, such decisions are within the sole discretion of the intake worker (whether following stipulated guidelines or not) and are not subject to review. In other jurisdictions there are provisions for further review. In Florida, intake workers make a recommendation of whether or not to file a petition of delinquency which is subsequently reviewed by the District Attorney's Office which then makes the final determination.

In those instances where intake and detention decisions are reached independently it may be feasible to consider a re-structuring of the decision-making process. One way of doing this would be to involve multiple decision-makers. In other words it would be the responsibility of more than one intake worker to review a particular case and concur with the decision to process through intake or place a youth in detention. This would provide for a system with shared responsibility and accountability (a "check and balance" system).

Another possibility would be to develop some type of review procedure of individual decisions. Typically, this could take the form of a review panel. This panel (comprised of any number of probation officers, district attorneys, etc.) would have responsibility for reviewing all intake and detention decisions to ensure that they meet acceptable standards (e.g., established guidelines, statutory criteria, etc.).

Using either of these models it would then be possible to establish a procedure for routine audit and review to ensure that processing decisions are racially neutral. Introducing a "check and balance" system will necessarily increase staff workload and introduce additional steps in the decision-making process. However, if the primary goal is to ensure that processing decisions are made in a fair and racially neutral manner then such steps are certainly worth consideration.

**(3) Development of Guidelines to Aid Decision-Makers in Reaching Outcome Decisions.**

Guideline based decision-making has been used effectively in a variety of areas including parole, sentencing and pre-trial release. The overall goal is to delineate the criteria on which decisions should be based and to simplify the decision-making process. One assumption underlying a guideline based approach is that discretion will be reduced thus decreasing disparity in outcome. One of the earliest uses of this approach was in the development of parole guidelines in the federal correctional system. While the technique used to construct parole guidelines can be quite complex the conceptual basis is relatively straightforward. First, the criteria generally used in reaching parole decisions are examined and quantified. Those criteria which are the best predictors of parole outcome (e.g., prior convictions, prior commitments, age at current offense and the like) are cross classified with the severity of the current offense. The result is a salient factor score which specifies a range of time during which an inmate should be considered for parole. These guidelines were in use in the federal system until abolished in 1987 when parole was eliminated.

Many states and the federal system currently use a guideline approach to determine appropriate sentences for adult offenders. Federal sentencing guidelines went into effect in 1987 and are conceptually similar to the former parole guidelines. Again, a grid is constructed on the basis of two scores (seriousness of the offense and offender characteristics that are predictive of recidivism). Based upon these characteristics, judges determine the appropriate sentences. Sentence guidelines were designed, in part, to constrain judicial discretion and thereby reduce sentence disparity. Following the same logic, pre-trial release guidelines establishing criteria by which to release defendants prior to trial are now being implemented in some jurisdictions.

A guideline based approach could be implemented at a number of stages in juvenile processing (e.g., intake, detention and disposition). If properly constructed, they could reduce discretion in reaching outcome decisions and help to ensure equity in processing. This approach should focus on keeping youth out of the system and avoiding further penetration into it. Unfortunately, the traditional guideline based approach establishes criteria for bringing people into the system and often serves to exacerbate the problem. It should be noted, however, that there are some potential problems that need to be addressed when instituting guidelines. For example, the starting point in establishing guidelines is to examine the previous patterns of decision-making in order to identify those criteria that are most appropriate. If previous decisions were not racially neutral, one merely builds the past into the present and the end result will be the same. Similarly, if any factor built into the guidelines is not racially

neutral, then a guidelines approach may be more subtle with regard to racial disproportionality but no less real. Given these attendant problems it is still possible to develop a guideline based approach that will help to ensure fairness in juvenile processing.

## SUMMARY AND CONCLUSIONS

This project has undertaken a fairly intensive analysis of many issues focusing on the relationship between minority status and the juvenile justice system. In each of its three phases (literature review, program initiative identification and secondary analysis) an attempt was made to determine what factors are important with regard to processing decisions and how potential biases could operate and be eliminated from the juvenile justice system. This analysis does suggest that one's racial status may make a difference in outcome in that minority youth are more at risk when compared to their majority counterparts. Support for this premise is found in both the literature review and secondary data analysis.

This project identified, located and compiled the existing literature relating minority status to actions of the juvenile justice system. A systematic method of summarizing the research literature was presented in matrix form. Each study was coded in terms of its methodological attributes and findings to include sample size, sampling method, location, minority group, statistical techniques and similar factors.

Among the more salient findings were the following:

- **Those studies finding evidence of selection bias were generally no less sophisticated methodologically than those studies finding no such evidence, nor were the data of any lesser quality.**
- **The preponderance of findings from the research literature suggests both direct and indirect race effects or a mixed pattern (being present at some stages and not at others).**
- **When selection bias does exist, it can occur at any stage of juvenile processing.**

- **In some instances, small racial differences may accumulate and become more pronounced as minority youth are processed further into the juvenile justice system.**

The secondary data analysis examined data obtained from the National Juvenile Court Data Archives for the states of California and Florida. Each state's juvenile justice system was modeled and decision points were presented in the form of branching networks. Thus, it was possible to examine differences between minority and majority youth as they proceeded through various decision stages. Results of the analysis for both California and Florida underscored the following:

- **For both states there were differences between minority/majority youth with minority youth generally receiving the more severe outcomes.**
- **Differences were more pronounced at the earlier stages (intake and detention) than at the latter stages (adjudication and disposition).**
- **For both California and Florida there were marked differences among the counties with regard to severity of dispositions when compared to the overall state pattern.**

A third phase of the project involved a survey of existing program initiatives across jurisdictions. Here, the intent was to identify efforts to attend to the question of equity in processing and deal with the problem of minority overrepresentation. A variety of methods were used to identify such program/policy initiatives. Overall, the results proved to be disappointing in that few such efforts were identified. The responses to our inquiries underscored the fact that the vast majority of jurisdictions were not directly dealing with this issue.

Given the fact that the existing literature suggests differences in outcome based upon race which is supported by the analysis of statewide data from California and Florida and that few efforts are being made to attend to this problem, it would seem that more efforts are needed in this area. Hence, a number of research guidelines were presented in order to focus future inquiry. Similarly, policy guidelines were also presented which focused on two main areas. The first was a set of recommendations to determine whether or not racial overrepresentation is a problem in any given jurisdiction. Second, if disproportionality does exist, recommendations were made to reduce the gap between minority and majority youth. It is hoped that the analysis undertaken herein and the recommendations which flow from it will have an impact in ensuring equal and fair treatment for all youth coming into contact with the juvenile justice system.

## POSTSCRIPT

While a draft of this report was completed in October of 1989, comments and suggestions from the outside reviewers, as requested by OJJDP, were received in February of 1991. It was at that time that we began making the final revisions for this report. Because of time pressures for publication and numerous requests for the final document a decision was made by OJJDP and the principal investigators not to update the research and analyses or make any major substantive changes. We are aware, however, that additional research has been produced since this report was finalized. Having reviewed that research, it is our opinion that it does not change the findings and recommendations contained in this report in any substantive manner. Moreover, we believe that the most recent research demonstrates the fact that minority status does make a difference in outcome decisions and documents the need for more attention to this critical issue. In future publications we will address this additional body of literature. In the meantime, we present below some of the major changes that have occurred regarding the issue of minority overrepresentation and some findings from those states that have produced research in this area.

In January of 1989, the National Coalition of Juvenile Justice Advisory Groups produced a report entitled A Delicate Balance which was presented to the President, the Congress and the Administrator of OJJDP. In essence, this report identified the problems faced by minority youth within the juvenile justice system as well as their overrepresentation in secure facilities. It also identified a strategy for reducing such

overrepresentation and urged that Congress identify this problem as a priority issue. Congress responded. The Juvenile Justice and Delinquency Prevention Act as amended, began to target minority overrepresentation as a major agenda item.

The amended Act provided for two phases in dealing with the problem of minority overrepresentation within the juvenile justice system. Under Phase I states were required to demonstrate whether minority youth were overrepresented in secure facilities with regard to their population base. If such overrepresentation was found, the states were then required to take steps to account for it. Under Phase II this typically took the form of examining additional stages in juvenile process (eg, intake, detention, adjudication and disposition) which often involved additional data collection. To date three states (Florida, Georgia and Missouri) have completed research projects under Phase II requirements. Together these projects lend further support to the argument that minority status does make a difference within the juvenile justice system.

Bishop and Frazier (1990) utilized statewide data over a three year period to examine case processing through Florida's juvenile justice system. Their analysis revealed that race (being nonwhite) did make a difference with regard to outcome decisions. According to Bishop and Frazier (1990:3):

Nonwhite juveniles processed for delinquency offenses in 1987 received more severe (ie., more formal and/or more restrictive) dispositions than their white counterparts at several stages of juvenile processing. Specifically, we found that when juvenile offenders were alike in terms of age, gender, seriousness of the offense which prompted the current referral, and seriousness of their prior records, the probability of receiving the harshest disposition available at each of several processing stages was higher for non-white than for white youth.

These disparities were found to exist for petition, secure detention, commitment to an institution and transfers to adult court. A second stage of this study included a telephone survey with a random sample of juvenile justice decision-makers (eg., intake workers, judges and the like). Interestingly, most respondents thought that race did make a difference within Florida's juvenile justice system. Responses indicated that race differences were tied to the lack of social and economic resources as well as prejudicial attitudes within the system (Bishop and Frazier, 1990:5). Among the policy recommendations of this project was the need to establish clearer criteria to guide decision-making and the need for cultural diversity training. One of the more controversial recommendations centered on the lack of resources available to minority youth. In essence, it was recommended that economic and family situation (eg. whether the family is able or willing to provide support) should not impact negatively on non-white youth.

Lockhart et. al. (1990) examined racial disparity within Georgia's juvenile justice system. With 1988 as the base year, this study analyzed juvenile case records across Georgia's 159 counties. In addition, survey data were obtained through mailed questionnaires sent to court workers and juvenile court judges. Analysis of the case records revealed that a major determinant of outcome was the severity of the current charge and the extent of prior contact with the juvenile justice system. Black compared to white youth tended to have more prior contact and to be arrested for more severe offenses. As the authors' note:

Thus, gross racial disparities do exist in Georgia's juvenile justice system. The fact that law enforcement officials have considerable discretion in the determination of how many and what types of charges to place against an alleged offender complicates the interpretation of such disparities. Black youth either are committing more serious crimes at younger ages than are white youth, or they are being charged with more serious crimes at younger ages than are white youth. In the former instance, we have understandable disparity. The second scenario constitutes racial discrimination. (Lockhart, et. al. 1990:10).

These results point to the possibility that offense and prior record may not be legally neutral factors. If bias influences these decisions, then race differences will be accentuated throughout the system.

Finally, Kempf, Decker and Bing (1990) examined the processing of minority youth through the Missouri juvenile justice system. This study examined processing differences between Black and white youth across eight juvenile circuit courts which varied by degree of urbanization. Results in the urban courts demonstrated that, all else being equal, Black youths were more likely than their white counterparts to be held in detention and were also more likely to be referred for felony offenses. Parental influences were also found to effect outcome decisions such as parental willingness to provide support and whether the youth resided in an intact or non-intact home. For rural courts, however, Black youth received more severe outcomes at the disposition stage in that they were more likely than white youth to be placed out of the home. As Kempf, Decker and Bing (1990:18) note:

As shown in this study, race and gender biases do exist within juvenile justice processing in Missouri. They are less obvious than the glaring rural and urban differences, but they are no less important. Evidence exists that decision processes are systematically disadvantaging youths who are either Black, female, or both. They receive harsher treatment at detention, have more

Perhaps one of the major findings of the Missouri study is the difference between the urban and rural courts. In essence, two different types of juvenile courts were found to be operating in Missouri - a more legalistic court in the urban areas and one geared toward a more traditional pre-Gault model in the rural areas, each of which provides differential treatment for which Black youth are more at risk.

Recent research findings from Missouri, Georgia and Florida again demonstrate that there are problems with the juvenile justice system and the manner in which it processes minority youth. Currently, a number of other states (eg. Michigan, Ohio, California, Pennsylvania, Iowa) are in various stages of research in addressing issues pertaining to minorities and the juvenile justice system and these reports will be forthcoming.

## **Appendix A: Research Literature Matrix**

STUDY	MINORITY GROUP	SAMPLE or POPULATION	TIME PERIOD	JURISDICTION LOCATION	DEPENDENT VARIABLE	INDEPENDENT** VARIABLE	TYPE OF ANALYSIS	DISCRIMINATION
Aday 1986	"minority"	systematic sample 250 males, 250 females	Oct 31, 1978 - Sept 1, 1979	One Midwestern, one Southern court	Detention, Disposition	Court type: Traditional vs Due Process	Regression	No
Arnold, W.B. 1971	Hispanics/Blacks	Population: N=758 (427)	1 year	Juvenile court in south	Probation officer sends to court, sent to youth authority	Race, marital status of parents, seriousness of offense, parental occupation, delinquency rate of neighborhood, seriousness of prior offense	% differences .05	Yes
Bishop, Frazier 1988	Black	Population: 54,266 (29.4%) Black	1/79 - 12/81 3 years	Florida	Intake screening decisions, detention status, court referrals, adjudication, dispositions	Race, gender, age, offense seriousness, prior record, prior disposition	Log regression	Yes
Bortner, Reed 1985	Not defined Black	Population: N=9223	1977 1 year	Metro midwest juvenile court	Detention, screening, final disposition	Number of prior referrals, offense type, race, gender	Log linear	Yes
Bell & Lange	Blacks & Mexican Americans	Unknown 533 (males)	2/8 - 3/29/89	9 sheriff's stations and two juvenile centers in Los Angeles	Four processing stages, counsel and release division, release petition detention	Offense, priors, seriousness of priors, age, cooperative attitude, race	Multidimensional log	Mixed

\*\*All 46 studies included race as an Independent Variable although not all emphasized it as a major variable of contrast.

STUDY	MINORITY GROUP	SAMPLE or POPULATION	TIME PERIOD	JURISDICTION LOCATION	DEPENDENT VARIABLE	INDEPENDENT VARIABLE	TYPE OF ANALYSIS	DISCRIMINATION
Brown, Sagan, Greenblatt 1980	Black and Hispanic (grouped as "minority")	population of juveniles "bound-over" to adult court N = 45 (14 minority)	1979	Massachusetts	Disposition (incarcerate as adult, institutionalize as juv, probation)	race, offense severity, offense type, prior offenses	cross-tabulation, percentage	Yes
Chein & Hudson 1981	Non-white	Population: N=211 (surveys)	1974-1975	3 Minnesota & juvenile correctional facilities	Length of time spent in institutions, release to community, admit youth to institutional program	Age, sex, race, offense history, psychological and intellectual testing, school, aptitude, behavior, place of residence, evaluation of parents, juvenile's demeanor, family, environment	Chi square, analysis of variance	No
Carter 1979	Not defined	Sample: N=350	Lost?	Metro area in southeastern USA	Disposition, intake, judicial	Age, sex, race, family structure, general class, number of prior court referrals, number of previous police contacts, number of petitions filed, offense status	Discriminant analysis	No
Cohen & Kluegel 1979	Non-white, Blacks, Hispanics	Total: 8808 2845 = D 5963 = M	1/1 - 12/31/72	Denver and Memphis	Detention	Race, family income, family stability, prior record, type of offense, present activity	Log Linear	No

STUDY	MINORITY GROUP	SAMPLE or POPULATION	TIME PERIOD	JURISDICTION LOCATION	DEPENDENT VARIABLE	INDEPENDENT VARIABLE	TYPE OF ANALYSIS	DISCRIMINATION
Cohen & Kluegel 1978	Non-white Not defined	Total: 4,465 = M 2,429 = P	1/1 - 12/31/72	Denver & Memphis	Disposition	Prior record, offense type, race, social class, present activity	Log linear	No
Fagan et al. 1987	Black, Chicano, Asian, mostly Black	Sample: 225/201	1981-1984	Boston, Detroit, Newark, Phoenix	Transfer to adult court	Age, race, corrections, mental health history, criminal history, number of victims, number of co-participants	Chi square .05 level Discriminant function	No
Fagan, Slaughter, Hartstone 1987	"minority"	stratified sample by offense (violent, serious, other) n = 234/min = 120	1983	"B-level SMSA" in Western State	1) police detention 2) police referral to intake 3) petition filed 4) case outcome 5) disposition 6) sentence conditions	Age, Sex, Intact family, arrest history (frequency and severity), representation, offense type	Chi square	Overall yes
Fenwick 1982	Black	random N= 350 (Black = 235)	Mid 1976	major Eastern City	1- adjustment vs petition 2-detention awaiting hearing	Demeanor, previous and current legal severity, family disaffiliation	Multiple Classification Analysis	Mixed
Figueira McDonough Fina 1979	Non-white	Sample: 1185/4703	1964-1970 - Rio 1966-1968 - Metro	Metro & Rio	Disposition, process duration	Age, race, sex, living arrangement, conformity commitment, type of offense, number of prior offenses	Multivariate scale analysis	Mixed

STUDY	MINORITY GROUP	SAMPLE or POPULATION	TIME PERIOD	JURISDICTION LOCATION	DEPENDENT VARIABLE	INDEPENDENT VARIABLE	TYPE OF ANALYSIS	DISCRIMINATION
Fisher, Doyle-Martin 1981	Black, Mexican, Indian	population (N = 4,099)	Sept 1977 - April 1979	Southwest Metropolitan area	physical referral (in custody) vs paper referral	age, Area of Offense, priors, offense severity group behavior	Regression	Yes
Frazier, Richards, & Potter 1983	Black	Total: 1237	7/1/77-9/30/79	7 Florida counties	Intake, non-judicial disposition, judicial disposition	Age, race, sex, family income, prior referral, seriousness of offense, number of seriousness, agency case status	.05, .01, .001 Difference between means	Mixed
Frazier & Bishop 1985	Non-white	Total: 55681	1/1/79 - 12/31/81	One unnamed site.	Detention, method of disposition, severity of disposition	Age, gender, race, prior referrals, seriousness of offense, detention, severity of disposition	Regression	Mixed
Frazier and Cochran 1986	Black	N = 1,237 all diverted cases and random sample of non-diverted	July, 1977 - Sept, 1979	Florida, 8 counties	Time in system: 1- refer to recommend 2- recommend to disp 3 - total Degree of restriction Formatlity of disposition	Diversion status	Regression	Mixed
Frazier & Cochran 1986	Black	Total: 9,317	7/1/77 - 9/30/79	Florida	Detention intake, disposition and severity	Age, race, gender, offense, referral and seriousness; % county urban	Logit	Mixed

STUDY	MINORITY GROUP	SAMPLE or POPULATION	TIME PERIOD	JURISDICTION LOCATION	DEPENDENT VARIABLE	INDEPENDENT VARIABLE	TYPE OF ANALYSIS	DISCRIMINATION
Henretta, Frazier, Bishop 1986	Black	population (cases with at least one prior disposition) N = 9,714	1979 - 82	Florida	Disposition	Prior Disposition	Logit	Yes
Horwitz & Wasserman 1980	Black/Hispanic	Sample: 464	1973	Newark, NJ	Severity of disposition	Prior arrests, offense seriousness, race, social class, sex, age, broken-family status	Multiple regression (.05)	No
Hayeslip 1979	Non-white	Population: 1600	1975	Moderately sized midwestern county	Disposition: Institutional v. noninstitutional	Presence of attorney; offense type; race; sex; number of previous referrals; previous delinquent history; who adjudicated; prosecutor presence; plea	Yule's Q %	Yes
Hohenstein 1969	Blacks	Sample: 504	1960	Philadelphia	Police disposition	Offense seriousness; # of victims, victims' age, race & sex; apprehension, victim's attitude, # of offenders, age, sex, race of offenders, prior record, victim-offender relationship, property information	Predictive attribute analysis	No

STUDY	MINORITY GROUP	SAMPLE or POPULATION	TIME PERIOD	JURISDICTION LOCATION	DEPENDENT VARIABLE	INDEPENDENT VARIABLE	TYPE OF ANALYSIS	DISCRIMINATION
Huryr 1982	Non-white	Population: 63,801	1977-1979	North Carolina	Intake recommendation	Race, sex, age, urban/rural residence, complainant, offense, previous court status, number of offenses, number of previous intakes, time, family contacts	Log linear Phi/Lambda	No
Keiter 1973	Black/Puerto Rican	Population: 64	1970	Cook County, IL	Transfer	Race, age, offense, gang affiliation, prior police contacts, previous court referrals	% differences	No
Kowalski & Rickicki 1982	Black	Sample: 133	10/77 - 3/78	Alabama	Disposition: Group home or institution	Age, race, past and current offense; counselor evaluation; Wechsler IQ score	Regression/ Multiplicative Interaction	No
Kramer & Steffensmeier 1978	Non-white	Not specified	1973-1973	Large eastern state	Detention	Prior court contact, offense type, race, sex	% differences	No
Lewis, Balla, Shanok 1979	Black	random sample N = 109 minority = 43	1975 - 76	Connecticut	referral to treatment (mental health)	race	t-test, %	Yes

STUDY	MINORITY GROUP	SAMPLE or POPULATION	TIME PERIOD	JURISDICTION LOCATION	DEPENDENT VARIABLE	INDEPENDENT VARIABLE	TYPE OF ANALYSIS	DISCRIMINATION
Lundman 1978	non-white	N = 664 shoplifters apprehended by dept stores (285 under 18)	1973 - 75	midwestern Dept store security department	referral to police	value of item, age, race, sex, type of item, technique of theft	Crosstabulations, Predictive Attribute Analysis	Yes
Lundman, Sykes & Clark 1978	Black	Sample: 200 of 2835 potential contacts	15 months (beginning 6/70)	Large mid-western city	Arrest	Situational and demographic	Observation	No
McCarthy 1987	Black	population N = 620	Jan, 1982 - Aug 1982	"typical of traditional juvenile court"	Disposition of petitions (adjudicated/ dismissed - petitioner or witness action / dismissed - reassessed)	Race, offense type, prior offenses, age, sex, offense severity	Cross-tabulation, Chi square	Mixed
McCarthy & Smith 1986	Black	Population: 649	1/1/82 - 8/31/82	B-level metropolitan statistical area in southeast	Final disposition for referral petition and adjudicated youth	Race, sex, social class, prior record, seriousness of offense, days detained	Path analysis	Yes
Mann 1980	Black/Latino	Population: 50	3 months (1975)	Unnamed	Disposition	Appearance, behavior, race, cleanliness, appropriate dress, language, walk	% differences	No

STUDY	MINORITY GROUP	SAMPLE or POPULATION	TIME PERIOD	JURISDICTION LOCATION	DEPENDENT VARIABLE	INDEPENDENT VARIABLE	TYPE OF ANALYSIS	DISCRIMINATION
Marshall & Thomas 1983	Black	Sample: 2,044	Four years (not specified)	Portsmouth & Virginia Beach, VA	Disposition	Current offense, multiple offenses, number of court appearances, prior offense, race, sex, age, completeness of social history	Stepwise multiple regression	Yes
Mead 1973	Blacks	Sample: 500	1/1/68-12/31/70	Not specified	Disposition Recidivism	Race, social class, sex, age, family structure, school status, first offense	Log linear	No
Pawlak 1977	Non-white	Population: 91,716	1966-1968	66 counties in a single unnamed state	Detention	Prior court contacts, offense type, race, sex	% differences	No
Phillips & Dinitz 1982	Minority	Population: 3,316 1,138 youths 3,316 dispositions	Cohort 1956-1960	Franklin County, OH	Disposition	Offense type, prior record, prior court responses, year of offense, age, race, gender, family income	Discriminant function	No
Poole & Regoli 1980	Black	Population: 346	3 years (not specified)	Small southeastern city	Disposition: Police/ Probation/Juvenile Court	Offense; prior record; personal, behavioral & situational characteristics; family members; age; race; sex; SES	Path analysis	Yes

STUDY	MINORITY GROUP	SAMPLE or POPULATION	TIME PERIOD	JURISDICTION LOCATION	DEPENDENT VARIABLE	INDEPENDENT VARIABLE	TYPE OF ANALYSIS	DISCRIMINATION
Shelden and Horvath 1987	Black and "Non-white"	Random sample N = 436 (23% Black, 30.9% Non-white)	1984	Clark County Nevada	refer to D.A. >	Offense, # of charges, prior petitions, school status, grades, sex, prior referrals, attitude	Cross-tabulations, bivariate (stepwise regression also used but did not include race in solution)	No
Sieverdes, Shoemaker & Cunningham 1979	Black	Sample: 352	3 years (not specified)	Mid-Atlantic state	Disposition: Probation officers & judges	Age, race, sex, SES, family situation, presence of co-offenders, current offense, number of prior offenses, years possessing a record	Regression	Mixed
Thomas and Sieverdes 1975	Black	population (N = 346)	1966 - 69	Small Southeastern City	Referral for formal hearing (petition)	seriousness of current offense, frequency of prior delinquency	crosstabulation (3-way)	Yes
Thornberry 1973	Black	population (birth cohort) N = 9601, Black = 5362	Cohort 1955 - 63	Philadelphia	1- police referral 2- intake referral 3- probation vs incarceration	severity of offense, previous offenses, race, SES	Crosstabulation (4-way) percentages	Yes
Thornberry 1979	Black	Birth cohort population: 9,945	Cohort 1955-1963	Philadelphia	Final disposition	Race, SES, seriousness of offense, number of previous offenses	Log linear	Yes

STUDY	MINORITY GROUP	SAMPLE or POPULATION	TIME PERIOD	JURISDICTION LOCATION	DEPENDENT VARIABLE	INDEPENDENT VARIABLE	TYPE OF ANALYSIS	DISCRIMINATION
Thornberry & Christenson 1984	Black	Birth cohort population: 9,945	Cohort 1955-1963	Philadelphia	Current disposition type: Remedial arrest; adjustment; probation; incarceration	Prior disposition type: Same as dependent variable. Sreiousness of offense; prior arrests; race	Log linear	Yes
Thomas & Cage 1977	Black	Sample: 1522	1/1/66 - 7/31/73	Southeastern SMSA	Judicial disposition	Offense, prior record, SES, ethnicity, home situation, school enrollment, source of complaint, presiding judge	Cramer's V	Yes
Walter & Ostrander 1985	Non-white	Sample: 627	10 weeks (not specified)	Not specified	Hearings	Race, gender, age, resident, presence of attorney, type of offense, previous record, school record	Observation	No

matrix2/pope.0

**Appendix B: Program Initiative Matrix**

## RESPONSE MATRIX FOR PROGRAM INITIATIVE SEARCH

(Minorities in the Juvenile Justice System)

	RESPONDING AGENCY	PROGRAM INITIATIVES OR POLICIES IN PLACE	PROJECTS, STUDIES OR OTHER INFORMATION PROVIDED
Alaska	Department of Health & Social Services	None	Current project underway at University of Alaska's Justice Center--contact name given.
Arizona	Office of the Maricopa County Attorney	None. All programs are equally accessible. Monitor for racial fairness through statistical reports of county juvenile court.	Five-year (1983-1987) comparison of juvenile court referrals.
California	Department of the Youth Authority	Conduct Transfer of Knowledge Workshops on various subjects.	Publication of their workshop in Crime and Violence among Asian/Pacific Islander Youth.
Delaware	Department of Services for Children, Youth and their Families	None	In planning phase of a similar study.
Florida	Department of Health and Rehabilitation Services	None. Fairness for all youth is addressed in state policy manuals.	Demographic data for delinquency referrals and commitment to residential community-based programs.
Georgia	Department of Human Resources	None	Currently submitting research proposals on this topic to state funding agency.
Idaho	Department of Health and Welfare	None. Stress individual needs of clients due to low number of minority referrals.	None
Iowa	Iowa Urban Community Research Center	Not applicable	List of their publications on juvenile delinquency and adult crime research.

STATE	RESPONDING AGENCY	PROGRAM INITIATIVES OR POLICIES IN PLACE	PROJECTS, STUDIES OR OTHER INFORMATION PROVIDED
Kansas	State Department of Social and Rehabilitation Services	None	1987 annual report of Advisory Commission on Juvenile Offender Programs. Included profiles of cases in and not in youth centers.
	Supreme Court of Kansas, Kansas Judicial Center	None	None
Louisiana	Louisiana Commission on Law Enforcement and Administration of Criminal Justice	None. Does not award funds to programs which focus on any single minority group.	None
Maine	Department of corrections	None. population is almost 100% Caucasian.	None
Maryland	International Association of Chiefs of Police	Not Applicable	No research of their own; sent article on relationship of "probable cause" to location of activity under suspicion.
Massachusetts	Department of Youth Services	Proposed group home for Hispanic boys.	Statistical analysis (1987) of youths committed to the Department of Youth Services.
Michigan	Department of Social Services	None	Racial profiles for prison commitments (all ages), age at commitment to state wards, and youth sent to various institutions.
Missouri	Department of Public Safety	None	Data analysis (1986) for juvenile court referrals, detention and dispositions. Overrepresentation noted but cautious about implying discrimination from this limited data.
Nebraska	Juvenile Justice Advisory Group	Not applicable	None

STATE	RESPONDING AGENCY	PROGRAM INITIATIVES OR POLICIES IN PLACE	PROJECTS, STUDIES OR OTHER INFORMATION PROVIDED
New Jersey	State Law Enforcement Planning Agency	None	Sent identical information listed below.
	Juvenile Delinquency Commission	None	Annual report (1986 data) of commission found differential incarceration rates, but after control of variables, the only significant correlation was with family makeup.
New York	Office of the District Attorney of Queen's County, NY	Not directly involved in providing children's services. Main concern was with unequal provision of services to child victims.	None
North Carolina	Administrative Office of the Courts	None	None
Oklahoma	Oklahoma County District Attorney's Office	None. Adopted a "comprehensive systems approach" for identifying delinquents early and agency information sharing.	None
Oregon	Department of Human Resources: Children's Services Division	None	Submitted name of a potentially useful contact.
South Dakota	Board of Charities and Corrections	None	None
Tennessee	Department of Corrections	None. Some policies are designed to provide equity to all their clients.	A sample of such policies were provided.
Virginia	Department for Children (state agency)	None	None. Interested in whatever info we can give them.
Washington	Grant County Juvenile Probation Department	Bilingual Services Project to provide liaison between Hispanic clients, court and service agencies. Also provides cultural training/education workshops to public.	None

STATE	RESPONDING AGENCY	PROGRAM INITIATIVES OR POLICIES IN PLACE	PROJECTS, STUDIES OR OTHER INFORMATION PROVIDED
Washington, DC	Department of Human Services	None	None
	Police Executive Research Forum	Not applicable	None
Wisconsin	Department of Health and Social Services	SPRITE program shows equal representation, but not directed at minorities specifically.	None
	Dane County Youth Restitution Program	None. Project PAY (diversion) not specifically oriented to minorities.	Brief demographic profile of clients and success rates provided.

Total number of agency responses = 32

**Table 2**  
**Number of White and Black Youth in Each Florida County,**  
**Chi Square and Uncertainty Coefficient with Decision Pattern**

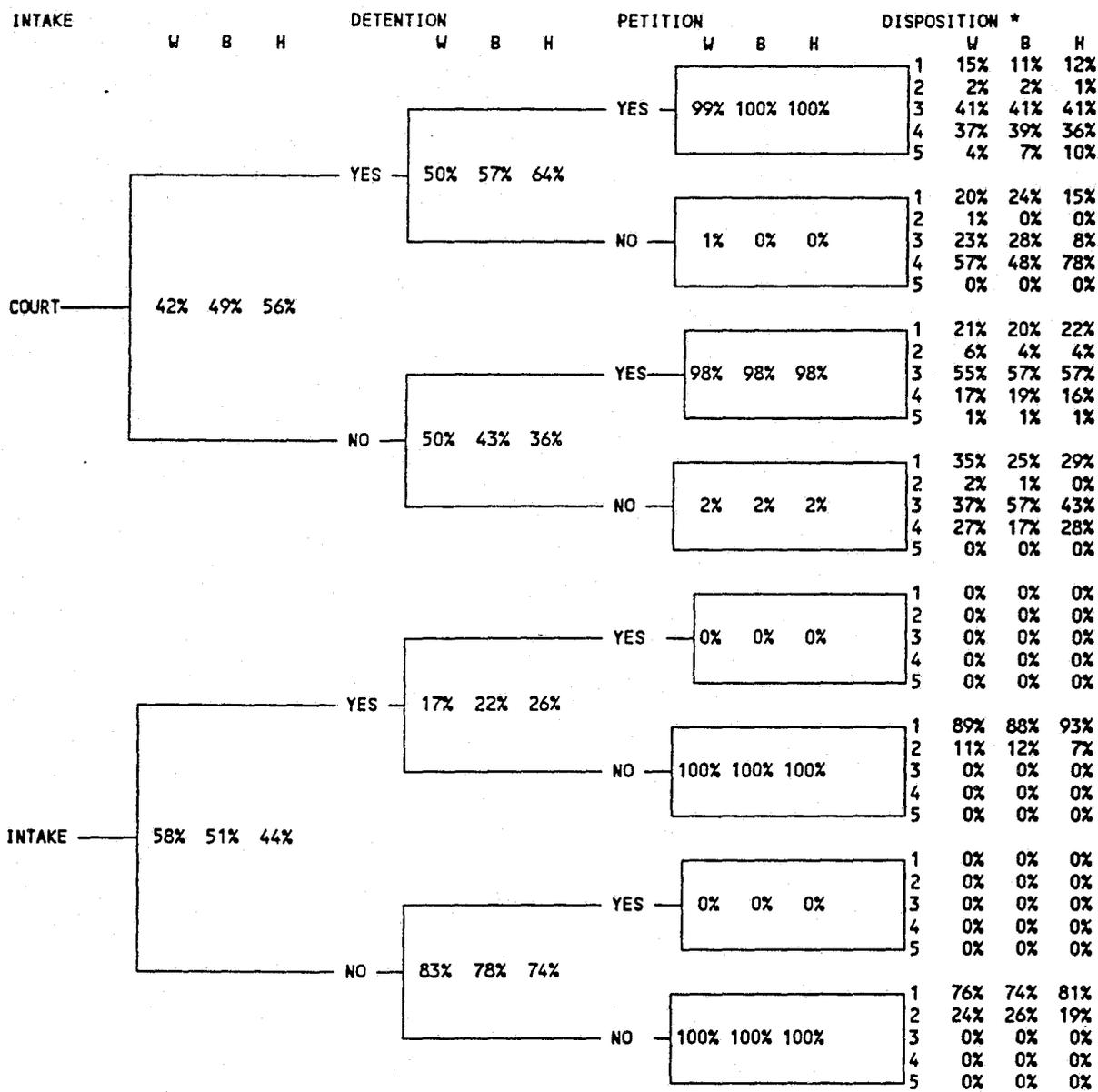
County	White	Black	Chi <sup>2</sup>	p	Uncertainty
1	587	556	118.5	.00	.0189
3	597	160	37.8	.22	.0104
4	92	34	28.8	.42	.0585
5	1515	492	139.5	.00	.0118
6	4756	2734	620.3	.00	.0175
9	290	38	57.2	.01	.0305
10	623	85	60.9	.01	.0148
11	737	76	83.7	.00	.0131
12	141	91	52.6	.03	.0493
13	5049	4827	490.1	.00	.0089
14	96	51	30.4	.40	.0435
16	2723	2015	158.9	.00	.0073
17	1026	623	73.9	.02	.0095
18	103	29	12.9	.84	.0250
20	57	166	40.3	.12	.0410
22	15	20	14.8	.32	.1102
24	35	37	39.4	.02	.1405
25	133	30	44.6	.02	.0570
26	96	56	33.2	.46	.0474
27	432	62	46.5	.11	.0196
28	207	95	56.3	.01	.0406
29	4571	2411	200.7	.00	.0054
31	351	97	65.5	.00	.0298
33	115	57	46.8	.03	.0597
35	587	153	68.7	.02	.0169
36	1572	350	85.2	.00	.0085
37	504	776	130.1	.00	.0198
40	29	75	27.5	.16	.0698
41	941	405	122.2	.00	.0149
42	750	76	72.8	.00	.0158
43	543	152	85.1	.00	.0284
44	211	38	51.2	.18	.0319
45	215	42	51.3	.04	.0350
46	457	108	84.1	.00	.0270
47	223	146	92.1	.00	.0465
48	2121	1114	118.5	.00	.00629
49	427	106	54.5	.06	.0199
50	3155	2809	353.1	.00	.0114
51	1289	99	164.8	.00	.0156
52	3858	1776	283.1	.00	.0093
53	1730	723	134.6	.00	.0097
54	304	212	52.8	.23	.0214
55	275	81	43.3	.25	.0275
56	534	566	149.2	.00	.0256
57	351	33	64.3	.00	.0229
58	1237	256	128.4	.00	.0154
59	1047	315	104.57	.00	.0146
60	113	40	33.6	.20	.0439
61	93	30	45.8	.02	.0707
62	87	73	28.4	.49	.0453
64	1716	611	172.7	.00	.0139
66	107	21	51.8	.02	.0637
TOTAL	51176	26604	2158.9	.00	.0047

\* Counties with fewer than 20 minority youth were removed from the table, however the totals reflect the entire state.

**Appendix C: California and Florida Analysis**

Figure 1: 1985 CALIFORNIA JUVENILE JUSTICE SYSTEM

PROCESSING STAGES BY RACE (in percent)



\* Disposition Codes: 1) closed 2) informal 3) probation 4) residence change 5) CYA

Figure 2  
 FLORIDA 1985 JUVENILE COURT CASE RECORDS  
 (EXCLUDING STATUS OFFENDERS AND "OTHER" MINORITIES)

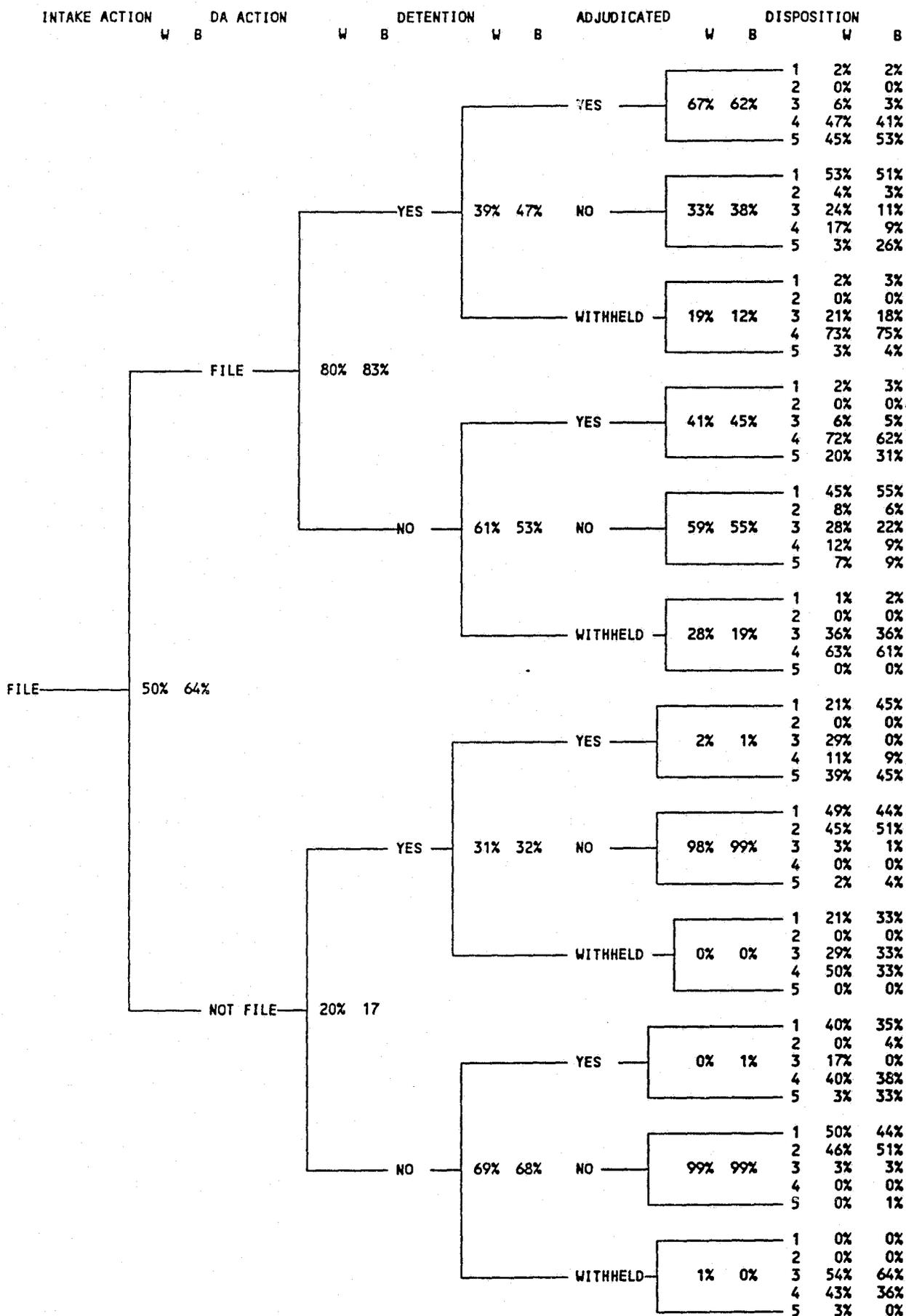
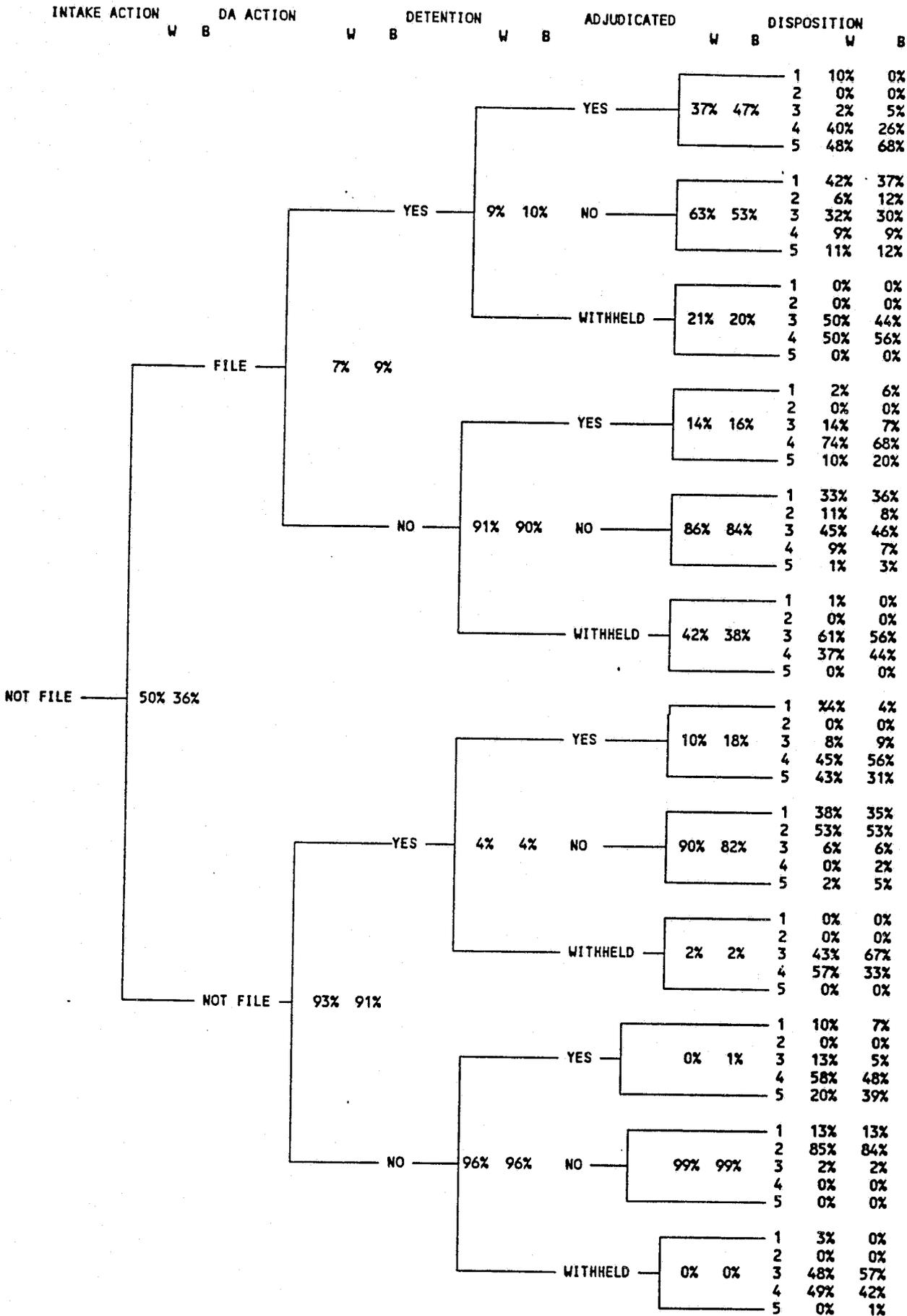


Figure 2 (continued)  
 FLORIDA 1985 JUVENILE COURT CASE RECORDS  
 (EXCLUDING STATUS OFFENDERS AND "OTHER" MINORITIES)



## Examination of Local Jurisdictions

The mechanism for summarizing the identification of counties which appear to produce disadvantageous results for minority youth is to produce a crosstabulation of the end states of the decision model with the race of the juveniles handled in each county. The basic question in examining this crosstabulation is whether the pattern of decisions is similar for youth of different races. One statistical mechanism for assessing this similarity is Chi-Square, which may be used to assess the degree to which two (or more) distributions are similar. The more different the two patterns, the larger the chi-square value. Chi square may be used to assess the likelihood that differences in two (or more) distributions represent chance variation. Table 1 (following) presents a summary of the results of crosstabulation of race and the end states of the decision model for each of the counties in California which processed more than 20 minority youth in 1985. It also presents the number of White, Black and Hispanic youth processed in each county. Associated with each county is the appropriate chi square value and the significance test, or probability that this difference might have occurred by chance. It may be seen at the bottom of the table that for the entire state the value of chi square is quite large and the likelihood of this difference occurring by chance is less than 1 in 1000.

One of the difficulties in depending totally upon chi square to identify counties which appear to be targets for more intensive investigation is that chi square is particularly sensitive to differences in the number of cases being examined. The more cases, the higher the possible chi square, even if the percentage distributions remain

constant. As a result, it is useful to examine other statistical measures. One which has some applicability is the uncertainty coefficient, which indicates the degree of uncertainty about the end state of a particular case which may be eliminated if we know the race of the juvenile involved.

By combining an examination of the uncertainty coefficient and chi square, we may identify counties which seem to have particular problems and counties in which it is reasonably clear that these problems do not exist. As noted in the text, county 1 has the highest chi square value of all the counties, and its uncertainty coefficient is over 5 times greater than that for the state as a whole. County 38 also has a very high value of Chi square and an uncertainty coefficient which is 3 times larger than the state total. Both of these counties have relatively large caseloads and relatively high volume of minority (especially Hispanic) youth processed through their systems. It would seem reasonable to target these counties for greater scrutiny to explore the possibility of discriminatory processing.

On the other hand, several of the counties appear to exhibit little or no difference in the processing of minorities, and might be studied more intensively to determine what policies or procedures differentiate them from the above mentioned jurisdictions. These counties would include county 24, county 49 and county 54. Each of these has an insignificant value for chi square, an uncertainty coefficient at or below the state total and a reasonably large caseload, including substantial numbers of minority youth.

As with the analysis of the California data, the same process may be used within each of the counties in Florida to identify jurisdictional differences in the treatment of minority youth. Table 2 presents a summary of the results of crosstabulation of race and the end states of the decision model for each of the counties in Florida which processed more than 20 minority youth in 1985. It also presents the number of Black and White/Hispanic youth processed in each county. As with California, we may identify counties which seem to have particular problems and counties in which it is reasonably clear that these problems do not exist. For example, county 6 has the highest dissimilarity in processing of Black and white youth of all the counties. County 1 also has a very high dissimilarity in processing of Black and white youth. Both of these counties have relatively large caseloads and relatively high volume of minority youth processed through their systems. County 56 also meets these criteria. It would seem reasonable to target these counties for greater scrutiny to explore the possibility of discriminatory processing.

On the other hand, several of the counties appear to exhibit little or no difference in the processing of minorities, and might be studied more intensively to determine what policies or procedures differentiate them from the above mentioned jurisdictions. These counties would include county 3 and county 54. Each of these has insignificant differences in the processing of Black and white youth and a reasonably large caseload, including substantial numbers of minority youth. County 13 might also provide an interesting target for exploration. Although it does have apparent differences in processing significant value for Chi Square, the relatively low level of the

uncertainty coefficient would suggest that the significant value of Chi Square may be attributable to the large number of cases processed in this county.

**Table 1**  
**Number of White, Black and Hispanic Youth in each California County,**  
**Chi Square and Uncertainty Coefficient with Decision Pattern**

County*	White	Black	Hispanic	Chi Square	Signif	Uncertainty
1	3487	1045	3908	1048.99	.00	.034
4	830	49	21	35.37	.06	.010
6	88	46	1	13.52	.85	.034
7	3560	399	1344	252.48	.00	.012
9	742	17	4	76.29	.00	.017
10	2741	3580	880	97.57	.00	.004
13	220	660	38	39.18	.12	.011
15	2377	1043	541	74.60	.00	.005
16	728	530	135	34.04	.19	.008
17	226	16	5	14.25	.89	.019
19	6359	7916	6024	660.99	.00	.008
20	742	576	78	71.60	.00	.016
21	802	23	84	31.91	.37	.009
23	654	33	9	47.89	.00	.012
24	1297	690	194	40.35	.28	.006
27	1273	1034	225	134.05	.00	.014
28	355	41	2	16.86	.91	.009
30	7829	3025	432	472.13	.00	.010
31	1243	83	10	60.97	.00	.008
33	3786	2065	684	106.62	.00	.004
34	4061	1011	1351	118.00	.00	.005
	132	259	1	22.70	.54	.018
	5753	2414	1023	120.57	.00	.004
37	5350	2294	1441	318.56	.00	.009
38	1858	598	1828	243.00	.00	.018
39	3193	1537	779	206.34	.00	.008
40	970	160	22	61.78	.00	.013
41	1687	457	170	78.01	.00	.007
42	1954	862	127	103.99	.00	.009
43	3017	2018	629	184.76	.00	.008
44	1572	371	75	98.02	.00	.011
45	1147	38	24	26.75	.86	.006
48	1065	128	433	41.60	.05	.006
49	2385	303	160	32.69	.24	.003
50	2499	681	183	63.91	.00	.004
51	407	87	11	27.60	.28	.018
54	913	893	69	34.27	.46	.005
56	1571	740	89	56.61	.00	.008
57	579	232	43	45.89	.03	.011
58	555	76	22	46.23	.02	.015
Total	83591	38114	23123	3799.14	.00	.006

\* Counties with fewer than 20 minority youth were removed from the table, however the totals reflect the entire state.

## **Addendix D: Index of Disproportional Treatment**

In the time which has elapsed since this material was developed, a refined version of the worksheet has been distributed to State juvenile justice planning agencies. A detailed technical assistance manual reviewing the worksheet, providing examples of its interpretation and related approaches has been produced through the auspices of Community Research Associates, Champaign, Illinois (1990).

Figure 1

Worksheet: Influence of Race on Juvenile Justice Decision Points

Step 1.

Generate and record in columns A and B the following numbers of juveniles. The most recent year for which all data is available is to be used.

Juvenile Justice Information	A	B	C	D
	NUMBER		PERCENT	Index
	Total	Minority	Minority	
1. Juveniles arrested	_____	_____	_____ %	_____
2. Juveniles seen at intake	_____	_____	_____ %	_____
3. Juveniles Placed in Secure Detention	_____	_____	_____ %	_____
4. Juveniles Adjudicated Delinquent or Petition upheld	_____	_____	_____ %	_____
5. Juveniles held in Jail or Lockup	_____	_____	_____ %	_____
6. Juveniles Placed in Secure Correctional Facilities	_____	_____	_____ %	_____
<b>Population data</b>				
7. Population at risk (age 12 - 17)	_____	_____	_____ %	

Step 2. Calculate Percentages and place in right-most column above (column C) by dividing column A by column B and multiplying that answer by 100.

Step 3. Create an Index of disproportional treatment for items 1 through 6 by dividing each of the percentages in Column C. (items 1 through 6) by the percentage of minorities in the total population (Column C, item 7). Place the answer in column D.

## Interpretation of Worksheet Values

The index computed in column D of the worksheet allows a comparison of the proportion of youth at any stage of the juvenile justice system with the overall proportion of juveniles who are minority. An index value over 1.00 indicates that minorities are over-represented in comparison to the general population percentage. For example, an index value of 2.00 would mean that minority youth are represented at a rate double that expected based upon the percentage of minority youth in the population. Correspondingly, an index under 1.00 indicates that minorities are under-represented.

It is possible by comparing the indices across the various decision points to obtain an indication of whether the problem of disproportionality is increasing or decreasing as one progresses through the juvenile justice system.

In applying the procedure provided in Figure 1, a number of cautionary statements should be observed. First, the data in rows 1 through 6 should be based on either a) decisions made in the most recent year available or b) cases initiated in the most recent year (for states with computerized data systems i.e. OBTS systems). A consistent base should be used throughout, and identified. Since cases may overlap several years in their processing, it becomes important to ensure that a consistent base of cases is used. Second, the analysis may be extended to differentiate between different minority groups by recording Column B separately for different minorities (e.g. Black, Hispanic, Asian etc) and following the calculations for columns C and D separately for each group. It may be very misleading to treat all members of minority groups as equivalent and complete the calculations on a white / non-white basis.

Finally it should be noted that the process envisioned in this analysis may be criticized in several ways. First, it does not provide a direct assessment of each step. That is, if the index of disproportionality is high (say 2.0) at detention, a portion of this overrepresentation may be accounted for in terms of earlier decisions, while some may be due to the application of detention criteria. The index does not separate these in a straightforward fashion. Second, the index is based upon the pool of all juveniles in the system, while patterns of over-representation may be greatest among youths processed in certain ways. For example, it may be argued that for those youth who are not detained and against whom no formal petition is filed, one would expect to find very little in the way of disproportionate treatment of minorities. For youth who are detained and are the subject of formal proceedings however, the expectation may be very different. Finally, by only looking to summary statistics, the process does not provide a true estimate of the difference in the odds of moving from one decision to another (e.g. from intake to detention). This is particularly true in those jurisdictions which are not using an automated case tracking (Offender Based Transactional Statistics) system.

## **Appendix E: Data Collection Recommendation**

## DATA COLLECTION RECOMMENDATIONS

The following variables and conceptual areas are ones which have been shown in the literature analysis to be related to the relationship between race and juvenile system processing. They are listed here in order that researchers or evaluators exploring the relationship between race and juvenile justice processing in particular jurisdictions or sites may have a reference point in the section of variables for inclusion in such a study.

### Offense Characteristics

- legal classification
- use of weapon, type of weapon
- solitary versus group behavior, if group, leadership role
- injuries, medical attention required
- monetary damages/losses
- number of victims, age, relationship to offender
- drug involvement

### Legal Background

- number of prior arrests, adjudications, incarcerations
- severity and type of prior offenses
- prior dispositions
- time since last appearance

### Case Characteristics

- representation
- method of referral
- detention
- family presence during processing

### Personal/Familial Variables

- age
- race
- sex
- socioeconomic status (household income, parental education and occupation),  
source of household income (AFDC, etc.)
- educational performance (school attendance, grades)
- family structure (intact, single parent)
- "cooperative attitude," demeanor, presentation of self
- mental health history

### Structural Variables

- reviewable/nonreviewable decision
- adherence to "due process" model of processing
- caseload volume in court
- area characteristics--delinquency rates, percent urban, percent minority

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**Appendix H: Annotated Bibliography of the Forty-Six  
Studies Contained in the Matrix**

## ANNOTATED BIBLIOGRAPHY\*

Aday, David P., Jr. (1986). *Court structure, defense attorney use, and juvenile court decisions*. **The Sociological Quarterly** 27(1):107-119.

This article examined two separate types of juvenile courts that are differentially characterized in both procedure and structure. One is a traditional, pre-Gault style and the other is a due-process, post-Gault style. Data were gathered from the 10/31/78-9/1/79. They obtained information on case characteristics and dispositions for 250 juveniles from both courts. Disposition severity in the due process style was strongly associated with the use of an attorney. This did not hold true for traditional courts. Attorney use was found to be insignificant with regard to disposition severity. It was determined that attorneys have different roles and effects in court with different structures and procedures. Although race was not the main focus of this article, it was determined that there was no difference between race across dispositional treatment.

Arnold, William R. (1971). *Race and ethnicity relative to other factors in juvenile court dispositions*. **American Journal of Sociology**, 77(2):211-227.

This article was based on dispositions from a juvenile court located in a middle-sized community in the South. Case records were studied from a probable total population of 758 juveniles over a one-year period. Referrals to the juvenile court by probation officers, and to the youth authority by judges, were the dependent variables for this study. The independent variables included race, parent's occupation, marital status of parents, seriousness of offense, number and seriousness of prior offenses, and delinquency rates of neighborhood. This study concluded that race (anglo/black/hispanic) does have an effect on juvenile court dispositions. Minority group members are more likely to have their offense brought to court, and more likely to be committed to the state youth authority. Blacks were found to be more at risk than any other group.

\*Prepared by the following Research Assistants: Ken Elbe, Erich Wuerslin, Lisa Poupart, Lynn Pinonski, and Julie Jordarski

Bell, Duran, Jr., and Kevin Lang. (1985). *The intake dispositions of juvenile offenders*. **Journal of Research in Crime and Delinquency**, 22(4):309-328.

The intake dispositions for a sample population of 533 juvenile suspects (all male) were examined in this article. Data for this study were derived from observations of juvenile processing conducted between February 8 and March 29, 1982, at nine sheriff's stations and two juvenile justice centers in Los Angeles County. Dispositions were categorized into a set of four options: Counsel and release, diversion, release petition, and detain petition. The explanatory variables used in this study are prior police contacts, seriousness of priors, age, cooperative attitude and race. The conclusion reached in this rather complex analysis that there were no differences in the dispositional treatment of blacks and Mexican Americans. Whites, however, were less likely to receive the least and most severe dispositions, which made the drawing of any conclusions about race effects problematic.

Bishop, Donna M. and Charles E. Frazier. (1988). *The influence of race in juvenile justice processing*. **Journal of Research in Crime and Delinquency**, 25(3):242-263.

The authors studied dispositions from a total population group (54,266) of juveniles in Florida over a three-year period between January 1, 1979 and December 31, 1981. The dependent variables used in the study included intake screening decision, detention status, court referral, adjudication, and disposition. The independent variables were race (black/white), age, gender, offense seriousness, prior record, and prior dispositions. The results of this study suggest that race has both a direct and indirect (through prior disposition) effect on juvenile justice processing. While legal characteristics were most significant, a racial disadvantage was compounded for those juveniles who progressed through the various decision points of the system.

Bortner, M.A. and Wornie L. Reed. (1985). *The preeminence of process: An example of refocused justice research*. **Social Science Quarterly**, 66(2):413-425.

All delinquency referrals (9,223) to a Midwestern metropolitan juvenile court in 1977 were analyzed in this article with regard to three decision points: Detention, screening, and final disposition. The independent variables were number of prior referrals, offense type, race, and gender. The authors concluded that race is significant at detention (blacks were most likely to be detained), and that the screening decision was indirectly affected by race as a result of the decision made at detention. For final dispositions, there were direct race effects but no

significant indirect effects. In short, the claim was made that an interdependence between process variables and juvenile characteristics exists, but the relationship may be obscured at the final decision point.

Brown, Marjorie, Rachel Sagan, and Elaine Greenblatt (1980). *Juvenile bindovers in Massachusetts: 1979*.

This study gathered data on 45 juveniles in Massachusetts that were bound over to adult court for indictment in 1979. Questionnaires were submitted to probation offices regarding the juvenile bindover cases of each court. The dependent variable of the study was disposition. The independent variables were race, offense severity, offense type and prior offenses. The data collected suggested that race and age of the defendant were related to the type of disposition. This study revealed that race of the defendant may be a significant factor in sentencing decision. Minority cases showed a higher rate of incarceration and a lower rate of community supervision.

Carter, Timothy J. (1979). *Juvenile court dispositions: A comparison of status and nonstatus offenders*. *Criminology*, 17(3):341-359.

A random sample of 350 juvenile offenders was drawn from the records of a metropolitan court located in the Southeast. This paper addressed the question of whether different criteria are used to disposition status and nonstatus offenders. Dispositions were analyzed at three decision levels: Intake (official or unofficial handling of the case), case worker recommendations, and judicial. These latter two dispositions were dichotomized with regard to institutionalization. The independent criteria included age, sex, race, family structure, social class, prior court referrals, previous police contacts, and number of petitions filed. Social class bias was found at all three disposition levels, but race was important only for status offenders at intake disposition. Interaction effects were not examined.

Chein, David B. and Joe Hudson. (1981). *Discretion in Juvenile Justice*. In D. Fogel and J. Hudson (eds.), *Justice as Fairness: Perspectives on the Justice Model* (pp. 160-192).

This article was based on data collected during 1974 and 1975 from three Minnesota juvenile correctional facilities. The purpose of this study was to assess the criteria used by institutional staff in deciding whether to retain or release youth to the community and whether to parole youth after exposure to the treatment program. The analysis was

complicated by a vast array of independent variables, and a research design that employed three levels of data collection (observation, questionnaire and content analysis of staffing reports). Chi-square and analysis of variance measurements revealed that race was not an important factor for the initial decision to retain or release youth from the correctional setting. Race was important with regard to the parole decision, but in the direction opposite that which might be expected. That is, nonwhite youth were paroled earlier than white youth.

Cohen, Lawrence E. and James R. Kluegel. (1979). *The detention decision: A study of the impact of social characteristics and legal factors in two metropolitan juvenile courts.* **Social Forces**, 58(1):146-161.

Data for this study was collected from the case files of all juveniles (excluding dependency, neglect and traffic cases) referred to the Denver (2,845) and Memphis (5,963) juvenile courts during 1972. Factors examined for their possible influence on the detention decision were: Race, family income, family stability, prior record, type of offense, and present activity, i.e., whether the child is active at work or school, or idle. The results show gender differences in detention decisions, but no evidence of race or income bias. Log-linear analysis further revealed that legal factors are most pronounced regarding the detention decision, although present activity is also important. Finally, the differences in detention practices between the two courts were explained in reference to their respective rationales--Denver emphasizes due process guarantees, while Memphis is modeled under the traditional treatment orientation.

Cohen, Lawrence and James R. Kluegel. (1978). *Determinants of juvenile court dispositions: Ascriptive and achieved factors in two metropolitan courts.* **American Sociological Review**, 43(2):162-176.

The data employed in this study were gathered from completed case history records compiled for all male juveniles referred to the Denver (2,465) and Memphis (4,429) juvenile courts between January 1 and December 31, 1972. The effect of prior record and type of offense on severity of disposition were examined while controlling for the variables of race, social class and present activity (work or school/idle). It was discovered that prior record and offense were the major determinants of dispositional severity. Race had no significant association or interaction effect with legal factors on dispositions. Class did have an interaction effect, but in the opposite direction.

Fagan, Jeffrey, Ellen Slaughter, and Eliot Hartstone. (1987). *Blind justice? The impact of race on the juvenile justice process*. **Crime and Delinquency**, 33(2)April:224-258.

This article examines racial disparities in juvenile justice processing at six points. Data was gathered in a western state during 1983. Juvenile justice system records were used for this study. Although racial disparity was observed at several decision points, no consistent pattern was identified. The findings suggest that minority youth appear to receive consistently harsher dispositions, but this is not true for all levels of offense severity.

Fagan, Jeffrey, Martin Forst and T. Scott Vivona. (1987). *Racial determinants of the judicial transfer decision: Prosecuting violent youth in criminal court*. **Crime and Delinquency**, 33(2):259-286.

This study examined racial differences in judicial transfers of chronically violent delinquents to adult court. Two samples were drawn from four urban juvenile courts for comparative purposes. Based on court petitions and records from 1981 to 1984, a treatment group (225) of violent youth was compared with another sample (201) of juveniles considered for transfer. Comparisons were also made of those who remained in juvenile court and those who were transferred. Case characteristics examined included age, race, history of offender (corrections, mental health and criminal), number of victims, and number of co-participants. The results showed that while blacks are overrepresented, race, per se, does not influence the transfer decision. The seriousness of the present offense (especially homicide) and the proximity of the juvenile's age to the statutory cutoff age were most predictive of the transfer decision. The authors do suggest, however, that race may be tied to other factors not measured in this study.

Fenwick, C.R. (1982). *Juvenile court intake decision making: The importance of family affiliation*. **Journal of Criminal Justice**, 10(6):443-453.

This study examined the criteria used in determining whether a juvenile is petitioned to court for formal hearing and if they are petitioned whether they are held in preadjudicatory detention. Data was collected from official court documents and systematic observations of a major eastern city juvenile intake hearing room. The dependent variables were adjustment versus petition, and also detention awaiting hearing. The independent variables examined were demeanor, previous and current legal severity and family disaffiliation. Whether or not charges are likely to be dropped depend on a variety of legal and non-legal criteria. Seriousness of current offense and of past record are the most important determinates. The study reported that youth family disaffiliation is the sole determinant in the decision to detain a youth in a custodial setting. Youth were likely to be released if they were affiliated with a conventional domestic network. The decision to detain youth pending a hearing was patterned according to the degree which the youth has an affiliation or disaffiliation to the family. The study also found that whites have a small advantage relative to blacks when the decision to adjust is considered.

Figueira-McDonough, Josefina. (1979). *Processing juvenile delinquency in two cities: A cross-national comparison*. **Journal of Research in Crime and Delinquency**, 16(1):114-142.

This comparative analysis of case processing was based on a random sample (10%) of all cases processed by two juvenile courts in separate countries: Rio de Janeiro (1,185 cases from 1964-1970) and Metro (4,703 cases from 1966-1968). The latter city is located in the east central industrial belt of the U.S., and both are comparable in population density, racial composition, and ecological conditions. Major differences in disposition and process duration between the two courts were attributed to the effect of intervening variables on the courts' responses to delinquent behavior. The variables examined were age, race, sex, living arrangements, conformity commitment, type of offense, and number of prior offenses. Race effects are apparent for Metro but not for Rio, especially regarding the severe treatment accorded status offenders in Metro. Race was found to have an intervening relationship when linked to other factors in Metro, and that it also had an indirect effect on disposition through its interaction with gender.

Fisher, Gene A. and Sarah Michele Doyle-Martin. (1981). *The Effects of Ethnic Prejudice on Police Referral*. **California Sociologist**, 4(2):189-205.

The authors examined referrals from a central city police department. Computerized court records of selected referrals that were made to a southwestern juvenile court from September 1, 1977 and April 16, 1979 were used. A total of 4,099 referrals were obtained, 45 percent of these were physical referrals. The dependent variable examined was physical referral versus paper referral. The independent variables examined were age, area of offense, priors, offense severity and group behavior. The data revealed that Anglos are 50 to 60 percent less likely to receive a physical referral than are minority youth. The presence of 3 or more priors increase the probability of physical referral 4.5 percent and absence of priors decreased the probability by same amount.

Frazier, Charles E. and Donna M. Bishop. (1985). *The pretrial detention of juveniles and its impact on case dispositions*. **Journal of Criminal Law and Criminology**, 76(4):1132-1152.

This article examined the effects of legal and sociodemographic variables on the detention decision and final disposition of juvenile court cases. A sample of 55,681 cases (excluding status offenses) was obtained from the total population of dependency and delinquency cases processed in one unknown state between January 1, 1979 and December 31, 1981. The dependent variables were detention, method of disposition and severity of disposition. The independent variables included sociodemographic (age, gender, race), legal (prior delinquency referrals, seriousness of charges on the last referral, severity of disposition of past referrals), and detention. The study's conclusion was that detention cannot be predicted on the basis of either social or legal factors. Detention also had no direct impact on the severity of subsequent dispositions, although it did increase the likelihood of a case being formally disposed. Regression analysis further revealed that discrimination in case outcomes was mixed. That is, for those juveniles who are not detained, nonwhites are more likely to be formally adjudicated; of those who are detained, whites are more likely to experience this case outcome.

Frazier, Charles E. and John C. Cochran. (1986). *Detention of juveniles: Its effects on subsequent court processing decisions*. **Youth and Society**, 17(3):286-305.

The data for this study were obtained from juvenile intake records collected in Florida between July 1, 1977 and September 30, 1979. From a total population of 31,726 cases, 9,317 were chosen for their completeness in detention information. Social and legal factors were first examined for their possible effect on the detention decision, and then controlled for in an attempt to determine the impact of detention status on subsequent juvenile justice decisions. These social/legal variables

were age, race, gender, percent urban (county of referral), offense seriousness, number of offenses charged, and prior referrals. Race was found to have an effect only at the detention and intake decision points, but even when controls were introduced, the decision to detain a juvenile was found to be an important determinant of more formal and severe actions further along the decision-making process.

Frazier, Charles and John K. Cochran. (1986). *Official Intervention, Diversion from the Juvenile Justice System, and Dynamics of human Services Work: Effects of a Reform Goal Based Labeling Theory*. **Crime and Delinquency**, 32(2)April:157-176.

This article examined the relationship between the degree of official intervention in the lives of juveniles charged with delinquent offenses and their diversion status. The dependent variables were the degree of restriction, formality of disposition and the time in the system. The independent variables examined were diversion status, age, sex, percent of urban, prior records, and offense seriousness. Data was gathered from a diversion project in Northern Florida on all delinquency cases referred to intake between July 1, 1977 through September 30, 1979 in eight different counties. The authors found that the official intervention process is as intrusive for youth diverted out of the system for services as it is for youth who were not diverted. Race was treated as an independent variable and found to be unrelated to the time in the system. The "degree of restrictive control" (number of contacts and formality of disposition) was found to be related to race.

Frazier, Charles E., Pamela Richards and R.H. Potter. (1983). *Juvenile diversion and net widening: Toward a clarification of assessment strategies*. **Human Organization**, 42(2):115-122.

This study looked at the use of diversion at three different stages of case processing: Intake, nonjudicial disposition, and judicial disposition. Data were gathered from the juvenile intake records of seven Florida counties between July 1, 1977 and September 30, 1979. The sample of 1,237 cases includes all those which involved diversion, and an equal proportion of randomly selected nondiversion cases. Eight sociodemographic and legal variables were examined for both groups: Age, race, sex, family income, agency case status, prior record, offense seriousness, and number of offenses charged. It was found that black youths were more likely than their white counterparts to be diverted at the intake and nonjudicial disposition stages. The authors suggest that the juvenile justice net is widened by diverting black juveniles whose cases do not warrant full official processing. As race was not the focus

of this article, race effects on diversion practices were not suitably reduced by controlling for the impact of other variables.

Hayeslip, David W., Jr. (1979). *The impact of defense attorney presence on juvenile court dispositions*. **Juvenile and Family Court Journal**, 30(1):9-15.

This study found that youths who were represented by counsel in juvenile court were more likely to receive harsher dispositions than those who had no lawyer. The 1975 sample of 1,600 cases (total population) were taken from the case records of a juvenile court in a Midwestern county. The independent variable (disposition) was dichotomized as placement to a non-institutional or institutional setting. Control variables included race, sex, offense type, previous referrals, prior history, adjudicator type, prosecutor presence, and plea. Presence of attorney had no effect on the dispositions of whites, but nonwhites clearly suffered harsher sanctions if represented by counsel (Yule's Q was .08 for whites; .54 for nonwhites). However, race was not the focus of this study, and interaction effects were not tested for.

Henretta, John C. Charles E. Frazier, Donna M. Bishop. (1986). *The effect of prior case outcomes on juvenile justice decisions-making*. **Social Process**, 65(2):554-562.

Prior dispositions affect on current disposition in juvenile justice decision making was examined in this article. The dependent variable was disposition and the independent variable examined was prior disposition. Data was gathered from statewide juvenile justice records maintained by intake units of 71 Health and Rehabilitation Department services from 1979 through 1982. The sample consisted of 9,714 cases with at least one prior disposition. The article revealed that outcome of current cases is highly dependent on prior dispositional outcomes and that the successive dispositions are usually carry escalating sentences. Race was examined as an independent variable and found to have a small but statically significant effect on current disposition.

Hohenstein, William F. (1969). *Factors influencing the police disposition of juvenile offenders*. In T. Sellin & M.E. Wolfgang (Eds.), **Delinquency Selected Studies**. New York: John Wiley and Sons.

This study examined the disposition of juvenile delinquents by police in Philadelphia in 1960. Data was based on 504 events, representing 10 percent fully representative sample of the reported delinquent events occurring that year. It was determined that the three factors involved in determining dispositions decision were attitude of the

victim, prior records of offender, and seriousness of present event. They found no evidence to support the claims of bias by police in disposition of the juvenile offender.

Horwitz, Allan and Michael Wasserman. (1980). *Some misleading conceptions in sentencing research: An example and a reformulation in the juvenile court.* **Criminology**, 18(3):411-424.

This paper found social background variables (family and school problems) to be more predictive of severe dispositions than either "legal" or "extralegal" variables. Multiple regression analysis (.05 level of significance) was applied to a stratified random sample (464-criminal cases only) of all 14 and 15-year-olds arrested in Newark, New Jersey, in 1973. Legal factors considered were previous arrests and seriousness of present offense, while the extralegal variables included race, social class, sex, age, and broken-family status. Variables in the latter group were found to have a negligible relationship to the severity of disposition. While legal factors were found to be important determinants of this decision, a variables of even greater impact was social background. A juvenile who was experiencing problems at home or school would be more likely to be put on probation or sent to an institution.

Huryn, Jean Scherz. (1982). *Factors in juvenile intake decisions.* In V.L. Swigert (ed.), **Law and the Legal Process** (pp. 107-118).

In this study the author studied dispositions and intake decisions from the state of North Carolina between the years 1977 and 1979. A total population of 63,801 juveniles represented all youths referred to intake during this three-year period. The intake recommendations were dichotomized as a decision for either a petition or diversion. The independent variables examined in this analysis included race (white/nonwhite), sex, age, residence (urban/rural), complaint (official/non-official), offense (delinquent/status), previous adjudications, number of prior offenses and intakes, length of time in reaching a recommendation, contacts made with family, complainant, and others making this decision. The author concluded that evidence of observed discrimination was mixed, and that race effects on disposition and intake decisions were minimal.

Keiter, Robert B. (1973). *Criminal or delinquent? A study of juvenile cases transferred to the criminal court.* **Crime and Delinquency**, 19(4):528-538.

The dependent variable in this study was the decision to transfer a case from juvenile to adult court. The 64 case records examined here represented all transfers made by the Cook County Juvenile Court in 1970. The focus was to compare case characteristics with the transfer criteria established by the prosecutor in making this decision. Race (59 black, 3 Puerto Rican), age, offense type, gang affiliation, prior police contacts and previous court referrals were the individual characteristics examined. It was concluded that nearly all transfer decisions met the prosecutor's evaluative criteria, although sometimes this decision was influenced by administrative or public policy considerations. The overrepresentation of minorities among transfers suggests racial discrimination, but a clear pattern of such a bias could not be established from the data.

Kowalski, Gregory S. and John P. Rickicki. (1982). *Determinants of juvenile postadjudication dispositions*. **Journal of Research in Crime and Delinquency**, (Jan):66-83.

This study looked at dispositions of adjudicated juveniles who were processed by the Department of Alabama Youth Services between October, 1977 and March, 1978. A random sample of 133 males was drawn from the total population of juveniles assigned to the Alabama Central Evaluation Unit for the time period stated above. Dispositions were categorized as placement to a group home or an institution. The independent variables chosen for this analysis were age, race (black/white), offense (past and current), and counselor evaluations. No observed discrimination was detected in this study.

Kramer, John H. and Darrell J. Steffensmeier. (1978). *The differential detention/jailing of juveniles: A comparison of detention and non-detention courts*. **Pepperdine Law Review**, 5(3):795-807.

An unspecified sample of delinquency cases referred to 45 county juvenile courts of a large Eastern state (1973-1975) were examined with respect to the use of detention. It was discovered that counties with a detention home detained juveniles with greater frequency than those counties which lacked such a facility. However, the use of jail for detention was more common in these latter counties. The effects of prior court contacts, offense type, sex and race on detention practices were analyzed for those counties with a detention home. Measured in percentage differences, the number of previous court contacts was found to be a significant determinant of detention, regardless of the other variables. Status offenders, particularly females, were more likely to be detained. Race was found to have little overall effect on detention,

although black males were more likely to be detained for crimes against persons. The authors suggest that detention practices may reflect stereotypic notions about sex roles and perceptions of dangerousness among blacks.

Lewis, Dorthy Ontow, David A. Balla, and Shelley S. Shanok. (1979). *Some Evidence of Race Bias in the Diagnosis and Treatment of the juvenile offender*. **American Journal of Orthopsychiatry**, 49(1)January:53-61.

This article presents clinical and epidemiological evidence of racial bias in diagnosis and treatment of black children and families. Data was gathered from an ongoing study of the medical histories of delinquent children. A random sample of 109 children known to juvenile court were obtained and examined. The dependent variable of the study was referral for treatment. The independent variable examined was race. It was determined that seriously psychiatric distributed, abused, and neglected black children were channeled to correctional facilities. Their white counterparts were more likely to be recognized as in need of help.

Lundman, Richard. (1978). *Shoplifting and police referral: A reexamination*. **Journal of Criminal Law and Criminology**, 69(3):395-401.

The purpose of this article was the reexamine the relationship of extra-legal criteria to lay referrals to police for shoplifting offenses. Data was gathered from security records of a Midwestern branch of a nationwide department store chain. Information was collected for each offense describing the offense, the offender and disposition. All offenses that occurred from 1973 through 1975 were recorded and a total of 664 cases were used in the analysis. The finding reported that retail value, age, and race are all related to the referral decision, and that gender was not related.

Lundman, Richard J., Richard E. Sykes and John P. Clark. (1978). *Police control of juveniles: A replication*. **Journal of Research in Crime and Delinquency**, 15(Jan):74-91.

This replication of a 1970 study by Black and Reiss on police-citizen encounters basically supports their earlier findings. Race was not found to have a direct effect on the higher rate of arrests for black juveniles. The reason more black juveniles were arrested was attributed instead to the more frequent presence of black complainants who lobbied stronger for formal police action. Results were based on observations of police-citizen encounters in a large Midwestern city for a 15-month period beginning in June, 1970. Out of a pool of 2,835

potential contacts, 1,978 were defined as encounters, and 200 of these involved juveniles. Situational factors and demographic data comprised the group of independent variables examined. Although both black and white juveniles who expressed an antagonistic attitude had a greater likelihood of being arrested, whites who adopted a differential posture tended to arouse suspicion, and were subsequently taken into custody with greater frequency.

Mann, Coramae Richey. (1980). *Courtroom observations of extra-legal factors in the juvenile court dispositions of runaways boys: A field study*. **Juvenile and Family Court Journal**, 31(4):43-52.

Mann conducted an observational study of dispositions given in a small juvenile court in 1975. A total population of 50 cases (29 black, 18 white, and 3 Latino) were observed over a one-year period. Disposition was dichotomized as commitment or supervision. Other than race, the independent variables were qualitatively defined (appearance, behavior, cleanliness, dress, language, walk), and measured in terms of appropriateness. This study found that the race effect was in the opposite direction, i.e., white juveniles tended to receive more severe dispositions. No discrimination toward minority juveniles was evident, and other extra-legal factors did not play an important role in the disposition.

Marshall, Ineke H. and C.W. Thomas. (1983). *Discretionary decision-making and the juvenile court*. **Juvenile and Family Court Journal**, 34:47-60.

This study was based on a systematic random sample of court records from Portsmouth and Virginia Beach, Virginia, (N=2,044), collected over a four-year period. The dependent variable (court disposition) was measured on an ordinal level: Dismissal or nolle prosequi of case, fine or institution required, supervision other than in an institution, and institutionalization. Each of these categories was weighted to insure a realistic representation of the distances between the dispositions. The independent variables examined in this study consisted of race (black/white), age, sex, current offense type, multiple offenses, number of court appearances, and completeness of social history. It was found that discrimination was evident, and that race had both an indirect and direct effect on juvenile court dispositions.

McCarthy, Belinda R. (1987). *Case attribution in the juvenile court: An application of the crime control model*. **Justice Quarterly**, 4(2)June:237-255.

This article examined case attrition in a metropolitan court, the types of cases lost and the reasons for dismissal. Attrition was examined according to the reasons for case loss, stage at which screening occurs, nature of cases lost in terms of criminal charge, offender characteristics, and the impact of attrition on the pool of offenders that were passed on to subsequent stages of processing. Data was collected from intake staff between January 1, 1982 through August 31, 1982 on 620 youths. The finding reported that many serious crimes are dismissed because of petitioner and or the witness actions. Race was not associated with the dispositions except in the case of first time offenders and property offenders.

McCarthy, Belinda M. and Brent L. Smith. (1986). *The conceptualization of discrimination in the juvenile justice process: The impact of administrative factors and screening decisions on juvenile court dispositions*. **Criminology**, 24(1):41-64.

In this examination of the juvenile justice system as a process rather than as a series of unrelated decision points, the authors looked at the sequential impact of race, sex and social class on intake, adjudication and dispositional decision making. A total population sample of 649 delinquency referrals over an eight month period in 1982 was drawn from a B-level MSA in the Southeast. The final dispositions of juveniles referred, petitioned, and adjudicated were measured on a 15-rank ordinal scale. When legal variables (prior record, seriousness of offense and number of days detained) were controlled, path analysis revealed that race and social class had amplification effects on the final dispositions of youths who reached the adjudicatory stage of the process. The impact of legal factors declines, while race and social class effects increase as youth penetrate further into the system. In addition to the direct effect of these variables race was also found to exert a relatively strong indirect effect through social class.

Mead, Anthony. (1973). *Seriousness of delinquency, the adjudicative decision and recidivism - A longitudinal configuration analysis*. **Journal of Criminal Law and Criminology**, 64(4):478-485.

This article looks at a configurational analysis of successive stages in the juvenile justice system. The data gathered represents official delinquency records provided by a county juvenile court within a large southwestern metropolis area. A random sample of 500 cases selected from 8,470 delinquent offender recorded by the county juvenile court from January 1, 1968 through December 31 1970. The dependent variable in this study was disposition and recidivism, and the independent variable examined were race, social class, sex, age, family structure,

school status, and first offense. The finding reported a failure to demonstrate any systematic bias on the part of court personnel at the point of the hearing decision. The most important predictor of seriousness of first offense were sex, race and family structure. He also found that blacks were arrested more for serious offenses, but this had no effect on disposition or recidivism.

Pawlak, Edward J. (1977). *Differential selection of juveniles for detention*. **Journal of Research in Crime and Delinquency**, 14(2):152-165.

Data for this study were obtained from the case records of 66 county juvenile courts in a single state for the three year period, 1966-1968. The analysis of race effects however, was limited to 13 counties. It was found that the 21 courts with a detention home detained juveniles prior to disposition more frequently than those without such a facility. The use of detention by these same courts was then examined for the possible effects of race, sex, prior court contacts and type of offense. The only conclusive finding was that the probability of detention increased with the author's conclusions, based on percentage differences, were the number of prior court contacts. The remainder of the author's conclusions, based on percentage differences, were mixed and inconsistent. Generally, children who commit violations of the juvenile code are more frequently detained than those who commit criminal acts, and white females are detained more often than any other group. Nonwhites have a greater probability of detention when they commit serious crimes, but the reverse situation appears to be the case for those who violate the juvenile code.

Phillips, Charles D. and Simon Dinitiz. (1982). *Labelling and juvenile court dispositions: Official responses to a cohort of violent juveniles*. **The Sociological Quarterly**, 23(2):267-278.

This cohort study examined the effects of various legal and demographic characteristics on the dispositions of 1,138 juveniles who were born in Franklin County, Ohio, between 1956 and 1960, and who were arrested for a violent offense as a juvenile. Dispositions were grouped into four categories of ascending severity: Informal supervision, formal supervision, short detention, and institutionalization. The independent variables consisted of offense type, prior record, prior court responses, the year of the offense, and demographic characteristics (gender, age, race, and estimate of youth's family income). The results show that legal factors are most pronounced in the dispositions given by the juvenile court, and that no direct effects of race were evident.

However, the authors note that race may have an indirect effect on dispositions through its interaction with other case characteristics.

Poole, Eric D. and Robert M. Regoli. (1980). *An analysis of the determinants of juvenile court dispositions*. **Juvenile and Family Court Journal**, 13(3):23-32.

This analysis focused on the intake dispositions of all cases (346) processed through a juvenile court in a small Southeastern city over a three year period. Case dispositions were dichotomized into adjusted (release or informal supervision) or court referral categories. The legal and extralegal variables used in the study were seriousness of offense and prior record (legal), age, sex, race, and socioeconomic status (extralegal). Both direct and indirect effects of race on case dispositions were concluded from this study. The direct effect of race suggested that blacks are more likely than whites to have their case referred for a formal court hearing. Race was indirectly related to case disposition through prior record and offense seriousness.

Sheldon, G. Randall and John A. Horvath. (1987). *Intake processing in a juvenile court: A comparison of legal and nonlegal variables*. **Juvenile and Family Court Journal**, 38(3):13-19.

The authors looked at what factors influence decisions made at intake. The dependent variable was disposition; informal handling or referral to District Attorneys office. The independent variables examined were both legal and nonlegal. Legal variables were present offense, prior referrals, prior petitions filed, and prior commitment to institution. The nonlegal variable examined were age, sex, race, family status, grades attitude assessment and social class. The authors found that legal factors influence decisions made at intake where present offense was the best indicator or predictor of intake dispositions. Nonlegal factors were not found as predictors of dispositions. The authors note that bias is not evident at intake, but this doesn't mean that it does not exist outside of the court.

Sieverdes, Christopher D., Donald J. Shoemaker and Orville R. Cunningham. (1979). *Disposition decisions by juvenile court probation officers and judges: A multivariate analysis*. **Criminal Justice Review**, 4(2):121-132.

This article examined the impact of legal and extralegal variables on the dispositional decisions of juvenile court probation officers (pre-court) and judges. The sample consisted of 352 cases processed by a juvenile court in a Mid-Atlantic state over a three-year period. A

regression analysis was performed on variables grouped into a physical block (race, sex and age), a social block (socioeconomic status, family arrangement and presence of co-offenders), and a legal block (offense seriousness, prior record and number of years with a delinquent record). Results showed that legal variables were the most important factors related to disposition for both officials. Gravity of the present offense weighted most heavily in the P.O. decision, while prior record was more influential in the judge's disposition. Although race had no significant effect on judicial dispositions, a statistical relation was found between race and pre-court disposition. That is, blacks were more likely to have their cases referred to juvenile court than whites.

Thomas, Charles W. and Robin J. Cage. (1977). *The effect of social characteristics on juvenile court dispositions*. **Sociological Quarterly**, 18(Spring):237-252.

The impact of socio-demographic and offense-related variables on the severity of dispositions was the target of this article. A nonrandom sample of 1,522 juveniles who appeared in court between January 1, 1966 and July 31, 1973, was drawn from the records of a metropolitan court located in the Southeast. The following variables were fitted into a correlation matrix (Cramer's V) in order to measure the strength of their interrelationships. Disposition (dependent), sex, race, SES, school enrollment, home situation, complainant and judge (independent), and finally, prior offense record and type of offense (control). The findings of this study confirmed that blacks are more likely to receive a harsh disposition in court, even when prior record and offense are held constant. The relevance of this and other extralegal variables on disposition becomes less significant for serious offenders who have appeared in court previously.

Thomas, Charles W. and C. M. Sieverdes. (1975). *Juvenile court intake: An analysis of discretionary decision-making*. **Criminology**, 12(4):413-432.

This article examines the extent that factors not directly associated with the nature of an alleged offense may alter the probability that a juvenile will be referred for a formal hearing in the juvenile court system from January 1, 1966 through December 31, 1969. The analysis was conducted on records obtained from a juvenile court system in a Small Southeastern City. The dependent variable was referral for formal hearing, and the independent variables examined were seriousness of current offense, and frequency of prior delinquency. Study reported that blacks are more likely to be referred than whites. The authors conclude that both legal and extra-legal factors are being considered in

determination of whether to refer a case for a formal hearing in juvenile court.

Thornberry, Terence P. (1979). *Sentencing disparities in the juvenile justice system*. **Journal of Criminal Law and Criminology**, 70(2):164-171.

This article examined the final dispositions of 9,601 cases drawn from a birth cohort population of males who were born in 1945, and resided in Philadelphia between their 10th and 18th birthdays (9,945). It was discovered that legal factors (seriousness of offense, prior record) were most strongly related to the severity of the disposition. Log linear analysis further revealed that social characteristics (race, SES) also affected case outcome. When seriousness of offense, prior record and SES were controlled for, blacks were significantly more likely than whites to receive harsher dispositions. The final dispositions were categorized as remedial arrest (case is not referred to juvenile court), adjusted (dismissed at intake), probation, and correctional institutionalization.

Thornberry, Terence P. (1973). *Race and socioeconomic status and sentencing in the juvenile justice system*. **Journal of Criminal Law and Criminology**, 64(1):90-98.

This article examines empirically the validity of the assumption that blacks and members of low socioeconomic strata receive more severe dispositions than whites and members of high SES. Data were gathered from a variety of agencies. The cohort study delimited a population of 9,945 boys. Of the cohort 3,475 boys were found to have committed at least one delinquent act. The data revealed that blacks and low SES subjects were treated more severely than whites and high SES subjects through out the juvenile justice system. The authors conclude that nonlegal variable are still related to severity of disposition even when legal variables are held constant.

Thornberry, Terence P. and R.L. Christenson. (1984). *Juvenile decision making as a longitudinal process*. **Social Forces**, 63(2):433-444.

This examination of dispositions over an eight year time period (1955-1963) was an attempt to determine the impact of dispositions for prior offenses on dispositions imposed for current offenses. A birth cohort population of 9,945 boys who were born in 1945, and resided in Philadelphia from their 10th to 18th birthdays, provided the data base for this article. Both the independent variable (current dispositions) and the independent variable (prior dispositions) were measured in order of severity as follows: Remedial arrest (case resolved by police), adjustment (case resolved by intake), probation, and incarceration. The

log linear analysis employed here also controlled for the variables of offense seriousness, number of prior arrests, and race (black/white). The findings of this study indicate a strong effect of prior disposition on current disposition, and that this effect is cumulative. Although race was not the focus of this article, it was found that race did have an effect on current disposition, but not as much as legal characteristics.

Walter, James D. and Susan A. Ostrander (1985). *An observational study of a juvenile court*. In Weisheit and Culbertson (eds.), **Juvenile Delinquency: A Justice Perspective** (pp. 109-122).

In this qualitative analysis of juvenile court hearings, observations were made of 627 juveniles (50% nonwhite) at various stages of the court's proceedings, e.g., preliminary hearing, adjudication and disposition. The independent variables considered to be possibly influential on the results of these hearings included race (white/nonwhite), gender, age, residence, type of attorney, type of offense, prior record, and school record. This study found no effect of race on the disposition of cases.