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**Influences on Disposition and Detention Decisions in the Juvenile Justice System**

by

**Brian F. O'Neill, MSW**

**A dissertation submitted to the Graduate Faculty in Criminal Justice in partial fulfillment of the requirements for the degree of Doctor of Philosophy,  
The City University of New York**

2001

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This manuscript has been read and accepted for the Graduate Faculty in Criminal Justice in satisfaction of the dissertation requirement for the degree of Doctor of Philosophy.

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**Abstract**

**Influences on Disposition and Detention Decisions in the Juvenile Justice System**

by

**Brian F. O'Neill**

**Advisor: Professor Charles Winick**

**This dissertation examines the disposition and pre-trial detention of juveniles in one medium-sized county located in a northeastern state. The sample (N=642) included blacks, whites, and Hispanic males and females adjudicated delinquent in the summer of 2000. The following independent variables were analyzed with respect to the dependent variables of detention and a disposition of out-of-home placement: age, sex, address, race, current offense (misdemeanors, violent misdemeanors, felonies, violent felonies, and probation violations), prior offense (misdemeanors, violent misdemeanors, felonies, and violent felonies), and previous dispositions (community or placement). In addition, for juveniles appearing in court (n=390), parental and legal representation in court were also examined. Probation violations, current charges, previous convictions, and previous dispositions all predicted placement. Urban address was significant suggesting a possible reason for minority overrepresentation. The other major finding was that private defense was superior to public defense and that youth without legal representation had the lowest probability of placement.**

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## **Glossary of Terms**

**Adjudication hearing-** Formal proceeding involving a prosecutor and a defense lawyer in which evidence is presented and the juvenile's guilt or innocence is determined by a juvenile judge or master.

**Consent Decree-**When a juvenile agrees to have his or her case disposed of without a hearing before an judge or master. The consent decree or administrative order is signed by a judge, which approves the disposition.

**Detention-** Secure facility holding juveniles awaiting adjudication, or disposition.

**Detention hearing-** Proceeding heard by a judge or master to determine whether or not it is appropriate to continue to hold a juvenile in a detention facility.

**Disposition-** Results of the delinquency adjudication; may be nominal, conditional, or custodial. May occur immediately after adjudication or at a separate hearing.

**Informal probation-** When a juvenile waives his or her right to a hearing, pleads guilty to an offense and is placed on probation.

**Master-Court-appointed official authorized to preside over all juvenile justice procedures. In order for a case to be disposed of by a master, a juvenile must agree to allow his or her case to be heard by a master instead of a judge. Dispositions suggested by Masters must be approved by a judge.**

## **Introduction**

**This study reports on the influences on dispositional outcome in the juvenile justice system. The study's main purpose is to determine which variables are most important in determining the consequence for a juvenile who is adjudicated delinquent. Extra-legal variables examined include race, age, sex, and neighborhood of the juvenile. Legal variables include previous disposition, seriousness of offense, previous offenses, legal representation, parental representation in court, and judicial characteristics. The population considered consists of persons under 18, the age at which an individual is considered an adult in the jurisdiction under examination.**

**Of particular interest in this study is the influence of race on disposition. The influence of race throughout the criminal justice system is rather well documented. Two-thirds of the literature indicates that a correlation between race as a factor in arrest and/or conviction and disposition (Conley, 1994). According to data from the Sentencing Project (Maurer & Huling, 1995), one in three black males, age 20 to 29, is either incarcerated, on probation, or on parole. For young male Latinos, it is one in eight, and the rate for young white males, one in fifteen. The Sentencing Project estimated that in 1995, 827,440 African-American men in their twenties, or 32.2 percent, are in prison or jail on any given day in America, and resulted in a cost of \$6 billion in 1995. The number of young blacks in the correctional system was more than one-and-a-half times the number in college (543,000) and the numbers of the former continue to grow.**

Since many inmates begin as juvenile offenders, it is important to ascertain whether the pattern of racial overrepresentation begins in the juvenile system, and if so, to determine what might be some of the possible causes. If racial discrepancies begin in the juvenile system, and if those differences are due in part to racial prejudice, addressing that problem may eventually have an impact upon the adult system. It is quite possible that race has a progressive effect, which begins with arrest and continues through disposition.

Overrepresentation of minorities in the juvenile justice system is also well documented, especially for African-American males, to the extent that the Juvenile Justice and Delinquency Prevention Act mandated states to examine and implement policies to address the problem (Mann, 1994). The juvenile system includes arrest, police disposition prior to adjudication, detention, disposition, and possible transfer to the adult system. Some evidence suggests that, other things being equal, the juvenile system responds more harshly to minorities than it does to white youth. Such harsh treatment may be reflected in higher arrest rates, greater numbers of minority youth detained, more punitive dispositions as opposed to treatment-oriented dispositions, and transfer to the adult system at a higher rate than for white youth.

Several states have studied the problem of minority overrepresentation in the juvenile justice system. In New Jersey, the Governor's Juvenile Justice and Delinquency Prevention Advisory Committee studied the problem of disproportionate black and Hispanic incarceration rates (New Jersey, 1990). Arizona's Office of Juvenile Justice and Delinquency Prevention also examined the problem of disproportionate minority

confinement (Arizona, 1996). Oregon did the same (Oregon, 1996), as did North Carolina (North Carolina, 1996), Washington state (Washington, 1993), Iowa (Iowa, 1996), and Florida (Florida, 1996). Each of these states found an overrepresentation of minorities at each phase of its system. That minority youth are overrepresented at every stage of the juvenile system from arrest to disposition to secure facilities is not a matter for contention; however, the reasons for race and ethnic discrepancies are a matter of debate.

Two explanations are frequently offered to account for minority overrepresentation in the juvenile justice system. One is that the system is discriminatory, that minority youth do not commit more crime but are arrested more often and dealt with more harshly. Alternatively, minority youth do commit more crime, perhaps because of other variables such as economic conditions (Shepherd, 1994). Of course other variables may themselves reflect broader forms of racial discrimination. Studies that attempt to ascertain whether minority juveniles are more likely to be processed by the system because of discrimination compare self-reported delinquency to official delinquency rates and attempt to find evidence that although white and nonwhite self-reported rates are similar, nonwhites are arrested and referred to juvenile court more often. Other researchers concede that minority youth commit more crime, but attempt to explain these differences through indirect influences such as socio-economic conditions.

The body of research, which has attempted to attribute racial/ethnic biases to indirect influences of race, is not very extensive. Some studies have examined family structure, neighborhood environment, family income, and demeanor as influencing police and juvenile system responses; however, these studies have produced mixed and inconclusive

results. An assessment of the research literature by Pope and Feyerherm (1990) reviewed 46 studies, two-thirds of which found disproportionately severe treatment of minority youth in the juvenile justice system. They concluded that there was substantial support for race effects throughout the system.

This study examines sentencing outcomes, which are categorized as treatment--or punishment--focused depending on the type of disposition. Intervention that is community-based will be considered most treatment-oriented, with out-of-home placement considered the most punitive. The criteria for categorization in this study are based upon similar categorizations in previous studies. Although in many previous studies, out-of-home placement in a public secure facility was considered to be the most severe consequence, such categorization presents several problems. Many of the institutional placements in this study defy simple categorization because several institutions contain several types of settings and juveniles do not always stay in a particular setting during their entire placement. In addition, a more secure facility does not necessarily mean a program is more punitive or less treatment-oriented. For this study out-of-home intervention will be considered a more severe consequence than probation and community-based alternatives that allow the juvenile to remain at home. Along with extra-legal factors (race/ethnicity, age, sex, neighborhood), legal characteristics (prior offenses, past disposition, seriousness of offense, legal representation, and parental representation in court) will be examined. The influence of parental representation has rarely been considered in such research.

This study does not attempt to address the question of whether or not nonwhite youth actually commit more crime, but will instead focus on whether system responses differ

for minority and white youth. Included in this study are white, black, and Latino youth. Since Latino youth are not often specifically studied, their differentiation here may contribute to the body of knowledge. Judicial characteristics will also be considered in this study because juvenile proceedings are highly restricted; few studies have examined juvenile judges and this may also contribute to our knowledge about decision-making in the juvenile system. It is important not only to discover how pronounced racial/ethnic differences are in the juvenile system, but also to examine the effects across the entire system. In addition, possible indirect causes of racial/ethnic differences in system response must be explored, so that policy formation can address the problem.

## **Chapter 1**

### **Theoretical Perspectives and Review of the Literature**

The literature that attempts to answer questions relevant to this study can be divided into several categories, some of which parallel the components of the juvenile justice system. First, there are studies regarding arrest and police practice with respect to juveniles. Other research is focused on issues surrounding detention, such as the overrepresentation of nonwhite juveniles in pretrial detention and the possible impact of detention upon disposition. Still other studies focus on disposition, specifically whether white and nonwhite youth are treated differently. Finally, some research attempts to discover the reasons for differential responses to nonwhite and white juveniles. Following an analysis of the literature in these various categories, theoretical explanations of the findings will be explored.

#### **Police Discretion**

The entrance of a juvenile into the system often depends upon police intervention or absence of intervention. Although referral to the juvenile system can be made by someone other than the police, police are usually the gateway to the system. While this study will not address the issue of youth arrest, some research deserves mention. Several studies have considered arrest as part of a system-wide analysis, which included detention, and disposition but fewer researchers have focused exclusively on arrest.

Police have several options when faced with the prospect of intervention in the case of a juvenile. They can counsel and release with no formal intervention, release and file a

juvenile court petition, or detain and file a juvenile court petition. Incidence of minority arrests has been examined in several studies and the findings suggest that minority youth are more likely to be arrested. Klein (1990) included arrest in a system-wide analysis and found that although minority youth in Delaware represented 25 percent of the population, they accounted for 35 percent of those arrested and 56.6 percent of juveniles who were detained. Similarly, Bishop and Frazier (1996) noted that although black male youth constituted only about 15 percent of the population nationally, they accounted for 28 percent of all youth arrested. In 1987, Fagan, Slaughter, and Hartstone discovered that black male youth arrests constituted more than 50 percent of the nation's juvenile property crime arrests and more than one-third of all juvenile offenses involving violence. Bell and Lang (1985) considered police intervention (counsel and release, release with petition, detain with petition) in their study of 533 juveniles processed in Los Angeles County. They found no differences in the dispositions of black and Mexican-American youth, although they did find that white youth were less likely to receive the counsel and release outcome or the detain and petition outcome. White youth were more likely to be released to the custody of parents or guardians and petitioned. It is possible that either officials were less able to contact parents of minority youth or made less effort to do so.

Statistics for delinquency in 1995 indicated that white youth accounted for 58 percent of person offense cases, 70 percent of property offenses, 64 percent of drug law violations, and 64 percent of public order cases. Black youth constituted 31 percent of all delinquency cases, 26 percent of property offenses, 34 percent of drug cases, and 33 percent of public order cases. Juveniles of other races made up 4 percent of delinquency

cases in 1995. A closer examination of rates makes racial differences more obvious. The case rate for black juveniles, who were disposed of as delinquent, was 123.7 for every 1,000 youths at risk. The white rate was less than half the black rate at 50 for every 1,000. Youth of other races had a rate of 44. The category of "other races" includes Latinos. While both black and white cases increased between 1986 and 1995, white rates increased 34 percent, while black rates went up 72 percent, suggesting that the problem of racial disparity was getting worse (OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, 1998). The reasons more black youth are subject to official intervention remain unresolved.

### **Detention**

Detention facilities are the jails of the juvenile justice system. After arrest, juveniles are either released with a petition, or placed in secure detention until their detention hearing, which must occur within seventy-two hours. At the detention or intake hearing, the master decides whether to release the juvenile unconditionally, release to parents or guardians until adjudication, release to a community-based resource, remand to detention until adjudication, or waive and transfer the case to the adult system (this can be automatic in some jurisdictions for specific serious crimes).

Current data indicate that minority confinement in detention is much greater than white confinement. Although black juveniles constitute only 15 percent of those age 10 to 17 in the United States, they made up 26 percent of juveniles arrested from 1996 through 1997 and 45 percent of those detained (detention rate for all cases was 30 percent). In 1997, minorities accounted for 62 percent of detainees nationwide. In the

state which is the subject of this study, the juvenile minority population was 18 percent in 1997, but the detained juvenile population was 51 percent minority (Office of Juvenile Justice and Delinquency Prevention, 1999). The trend nationally from 1987 through 1996 has been an escalation of minorities in detention. For white juveniles, detention cases increased 18 percent from 1987 through 1996, but for black juveniles the rate went up 71 percent. The increase of other races during this same time period was 50 percent. The percentage of total juvenile cases that involved detention remained between 25 and 30 percent for black youth from 1987 through 1996, but it dropped for whites (less than 15 percent of all cases in 1996) and for other races (less than 20 percent of all cases) during that same period (Office of Juvenile Justice and Delinquency Prevention, 1999).

System-wide differences in how minority youth are treated more harshly than non-minority youth have also been examined. A recent report by the Youth Law Center based on research done by the National Counsel on Crime and Delinquency (2000) found that minority youth were more likely than non-minority youth to be arrested, detained prior to adjudication, formally charged, waived to adult court, and placed out-of-home.

According to FBI data from 1998, African American youth were overrepresented in the proportion of arrests in 26 of 29 offense categories. Although the majority of cases referred to juvenile court in 1997 involved white youth, the proportion of cases referred involving African Americans was twice their proportion in the population. African-American youth were also more likely to be detained pretrial than white youth, even when charged with the same offense. Data for 1997 indicated African American youth were detained at a rate of 27 percent compared to 19 percent for youth of other races and 15 percent for whites. The difference was especially pronounced for drug offenses, in

which African Americans were more than twice as likely to be detained as whites or those of other races. In addition, in 1997 about three in four drug cases involving African Americans were formally processed (78 percent) compared to 56 percent of cases involving whites and 55 percent involving other races. Minorities were also much more likely to be waived to adult court than white youth charged, even when charged with a similar crime.

Drugs also play a role in waiver. White youth were 59 percent of cases petitioned to the adult court in drug cases, 35 percent of which were waived to adult court in 1997. African-American drug cases represented 39 percent of cases petitioned, 63 percent of which were waived to adult court. Evidence suggesting that minority youth are more likely to be held in secure detention is not new. Fagan, Slaughter, and Hartstone (1987) found substantial evidence that minorities are subject to harsher responses in the juvenile system. Controlling for offense severity, offense characteristics, and extralegal factors, they compared white and minority youth. Minorities were found to receive consistently harsher dispositions, including detention.

Several states have also studied the problem of minority overrepresentation in their juvenile justice systems, including detention. In Florida, in a three-month period in 1991, 61,893 children were referred to the juvenile justice system. Of those children, 50 percent were white, 33 percent black, 10 percent Hispanic, and less than 3 percent Asian-Pacific Islander or Native American. It is important to note that although a higher percentage of whites was arrested, a larger percentage of nonwhites was placed in detention, transferred to an adult court or committed to an institution (Florida Department of Health, 1993). Another earlier Florida study, which examined intake records from

1977 through 1979, also found race to be a factor at detention and intake points (Frazier and Cochran, 1986). A Minnesota Supreme Court task force also found minority overrepresentation in detention facilities in Hennepin County, Minnesota. Controlling for offense and prior convictions, minorities were detained almost two and one-half times more frequently than whites (Minnesota, 1993).

Fewer studies have specifically examined the extent of Hispanic overrepresentation in detention facilities. Martinez (1987) found that between 1977 and 1982 Hispanics showed the largest increase in incarceration in public detention centers and training schools in Colorado. During this period, Hispanic youth incarceration in such facilities increased 42.9 percent and black incarceration 22.2 percent; white incarceration declined 7.4 percent. Wordes, Bynum, and Corley (1994) examined 691 juvenile felony cases drawn from five counties in one state. Their analysis indicated that black and Latino youth were more likely than whites to be placed in secure detention by both police and the courts. Most studies combine Hispanics within the category "other" or they group them within a more general category, "nonwhites."

Family factors may be partly responsible for the difference in detention rates between minority and non-minority youth. Fenwick (1982) considered the decision to file a petition in juvenile court and detention. While the seriousness of the offense and priors were the most important factors, black youths were more likely to have a petition filed. Family affiliation was the most important factor regarding the decision to detain; those with strong ties to conventional families were more likely to be released. Conventional families were defined as consisting of two parents. Fenwick covers some new ground, although he did not examine parental representation in court. Since the single-parent rate

for black families is about 50 percent, black juveniles are less likely to have ties to conventional families. Kempf, Decker, and Bing (1990) also considered family structure in their study of the Missouri juvenile system. They found black youth to be overrepresented in detention and out-of-home placement facilities. In addition, they found that black youth were more likely to live only with their mothers and in homes that had poor supervision. It is possible that the characteristics of minority families result in greater use of pretrial detention and more punitive disposition, such as out-of-home placement.

Snyder (1990) offered another explanation for minority overrepresentation in detention, the larger percentages of minority youth arrested for drug law violations. Data of thirteen states from the National Center of Justice revealed that in 1985 and 1986, 990,000 cases were processed, 25 percent of which resulted in detention. Detention was more likely in serious cases and for minority youth. Detention occurred in 29 percent of nonwhite delinquency cases, compared to 23 percent of white delinquency cases. While the number of white youth detained stayed constant between 1985 and 1986, the number of nonwhite youth detained went up 13 percent in that same period. One possible reason for this discrepancy was the large increase in nonwhite youth detained for drug offenses. From 1985 through 1986 the number of nonwhite youth referred for drug law violations went up 42 percent, while the number of white youth referred for such offenses declined by 6 percent. The implication is that drug law violations are more likely to result in detention, but this may not be accurate. Only by comparing whites and nonwhites according to offense can this be ascertained. It is also possible that drug offenses by nonwhite youth are perceived to be more serious and provoke harsher response than

when committed by a white youth, especially considering recent data. In 1997, minorities represented 33 percent of juvenile drug arrests and 59 percent of juvenile drug cases detained (Office of Juvenile Justice and Delinquency Prevention, 1999). Based on these data black youth are possibly overrepresented in drug arrests considering that self-report data indicate equal white and nonwhite youth drug use. Of course, the self-report data are based on the assumption that blacks and whites self-report in the same way. In addition, the large percentage of black youth detained may indicate a biased perception of black drug offenders as more dangerous than similar white offenders, and this perception may influence other decisions as the juvenile progresses through the system.

Detention may be important because of the possibility that it leads to a longer or harsher sentence at disposition. Since minorities are more likely to be detained, then it is possible that detention helps lead to future confinement in punitive settings for longer periods of time. Frazier and Bishop (1985), Krisberg and Schwartz (1983), and McCarthy (1987) found that detention had a negative impact at disposition. Frazier, Bishop, and Henretta (1992) found that detention was not related to the sentencing decision. Wu (1997) studied racial effects in Ohio using a random sample of 2,334 cases from 17 counties in 1989. The results indicated that minorities were more likely to be detained and that detained juveniles were more likely to be adjudicated and confined than non-detained youth. Detention may be influential or not depending upon how individual judges or masters perceive detention. Detention may also be related to the types of crimes that are more common in a particular jurisdiction; more violent and serious offenses may lead to more use of detention and those offenses in turn may lead to a

harsher disposition. Because of its possible influence, detention prior to disposition will also be examined in this study.

### **Disposition**

Disposition is the sentencing phase of the juvenile justice system. Disposition usually occurs after adjudication, a formal hearing before a judge or master, which results in a dismissal or an adjudication of delinquency for a specific crime or crimes. Sometimes disposition is done at a separate proceeding, but often it is done at the adjudication hearing following a finding of delinquency. Disposition can also be done informally for non-violent, first-time offenders who are willing to waive their right to a formal hearing and be placed on informal probation avoiding the stigma and cost of court. Although the goal of the juvenile system is supposedly guidance and treatment, intervention can be highly restrictive and punitive. Wide variation exists in the dispositions available in the juvenile court, ranging from informal probation, to probation with community-based intervention, to various out-of-home placements. The outcomes of informal probation, regular probation or probation accompanied by a community-based program all enable the juvenile to remain at home with specific conditions.

Other sanctions place more conditions and responsibilities on the juvenile, such as community service and regular drug tests. Sanctions, which require the juvenile to live in an institution, have the most punitive association. Out-of-home placements can be either public or private facilities and range from non-secure group homes (private) to secure training schools (public). The duration and type of placement can also vary widely. Some placements are short-term (30 days or less) and are treatment oriented, while others

are long-term (9 to 12 months) and are more punitive. State training schools are generally identified in the literature to be the most punitive facilities and have the most prison-like environment. Evidence indicates that minorities are overrepresented in secure facilities, which have been identified as more punishment oriented than non-secure facilities, although the distinction between secure and non-secure facilities may not be as well defined as the literature suggests. It is clear however that minorities spend more time in residential facilities.

National data indicate that out-of-home placement is on the rise. In 1987 there were 105,600 cases that resulted in placement and in 1996 that number had risen to 159,400, which represents a 51 percent increase. Minority youth have been most affected by these increases. Although the majority of placed juveniles were white (59 percent), between 1987 and 1996 placement increased for black youth by 58 percent and for youth of other races by 128 percent, while white placement increased by only 43 percent. In 1996, 26 percent of cases involving white youth resulted in out-of-home placement compared to 32 percent of cases involving black and other minority youth. Although these figures cannot control for the severity of offense or for prior offense, they may suggest discrimination and/or a lack of community resources for minority youth. Since placement was the disposition more often in public order offenses (32 percent), person offenses (31 percent) and property offenses (26 percent), it is possible that minority placements reflect offense patterns, but it is unlikely that type of offense can account for much of the disparity (MacKenzie, 1999). Evidence indicates that minority youth are overrepresented in out-of-home placements particularly in those that are public, which may be indicative of system-wide discrimination.

Overall in 1996, 28 percent of delinquency cases resulted in out-of-home placements. Probation resulted in 54 percent of the cases, 4 percent were released at disposition, and 13 percent had fines, restitution, community service, or referral to other treatment agencies (MacKenzie, 1999). For county X, which is the subject of this study, for the year 1998, of the 1,017 cases disposed of, 198 (or 19.5 percent ) resulted in out-of-home placement. In addition, 25.8 percent received probation, 11 percent received informal probation, and about 7 percent were either dismissed with a warning or the complaint was withdrawn. Another 43.7 percent were disposed of in other ways (fines, consent decree, referred to another agency, waived to adult court, or unspecified). Some of the dispositions (38.5 percent) concerned reviews of cases previously disposed including reviews of placement. If only new dispositions are considered (625 cases), the percentage resulting in out-of-home placement rises to 31.7 percent, which is higher than the latest national figure for placement (County X Annual Report, 1998).

The Census of Juveniles in Residential Placement (CJRP) first conducted in October 1997, gives some basis for comparison of minority and nonminority time in confinement. The CJRP is a one-day census, which indicates the time the juvenile has spent in the facility up to the date it was taken; however, it does not provide the total length of stay. The CJRP provides the number of days juveniles have spent either in detention awaiting disposition, or in facilities to which they are committed as a result of disposition. In the committed population, minorities had been in the facility an average of 193 days compared to 174 days for nonminority whites. For the detained minority juveniles, the time incarcerated was an average of 43 days compared to 36 days for non-minority

whites. Part of the reason for these differences can be found in racial patterns in offenses (Office of Juvenile Justice and Delinquency Prevention, 1999).

Juveniles held for violent offenses were committed an average of 266 days compared to the overall rate of 186 days. Findings were comparable for the detained population. Minorities had a larger proportion of offenses against the person, especially violent offenses. When individual offense categories were compared, racial differences were found to be insignificant (Office of Juvenile Justice and Delinquency Prevention, 1999). Other evidence, however, does indicate a racial pattern of longer, harsher dispositions regardless of offense patterns.

Disposition also reflected large racial differences. White youth were less likely to receive out-of-home placement in 1997 (26 percent) than African Americans (32 percent) or youth of other races (29 percent). For every offense category, minority youth were more likely to be placed out-of-home. Minority youth were also overrepresented in residential placement for all offense types. Minorities constituted 66 percent of those in public facilities (almost twice the white rate of 34 percent), and 54 percent of those in private facilities. Latinos were detained and committed to public facilities at almost double the proportion in private facilities (21 percent to 11 percent). The admissions rate to state public facilities for youth with no prior admissions was six times higher for African Americans than for white youth and three times higher for Latinos than for whites. With 34 percent of the adolescent population in 1997, minority youth constituted 62 percent of those in detention, 67 percent of those in public facilities, and 54 percent of those in private facilities (NCDD, 2000).

Baxemore (1993) found a strong correlation between race and sentence in the state of Washington. Minority youth received longer sentences, controlling for seriousness of offense and priors. Bailey and Peterson (1981) studied over 54,000 juvenile dispositions between 1969 and 1975 in Ohio and concluded that race had no significant effect on outcome. However, they found detention status and offense were the best predictors of a more severe disposition. Although race did not directly affect disposition, it may have been a factor if minorities were more likely to be detained, a variable that was not studied in this case. Belknap (1984) examined juvenile disposition across several counties in one Midwestern state in an eighteen-month period 1978 through 1979. In the largest county, 66 percent of nonwhite juvenile violent offenders were sentenced to the most severe placement (training schools), while only 23 percent of white juvenile violent offenders were sent to training schools. Bishop and Frazier (1988) also concluded that race had both a direct and an indirect effect on juvenile justice processing, although seriousness of offense and prior offenses had more influence.

Dean and Brame (1994) also found racial differences in dispositional outcome. An assessment of data from ten North Carolina counties revealed that although blacks constituted about one-fourth of the juvenile population, they accounted for half the juveniles referred to court. In addition, black youth made up two-thirds of those sentenced to training schools, which were considered to be the harshest disposition available. However, since seriousness of offense was not controlled for, the implications are unclear. Dunn, Cernovich, and Wicks (1993) considered overrepresentation and overconfinement of minority juveniles in Ohio. Seriousness of offense did not account for the differences between minority and white youth in detention. Minority youth were

referred to juvenile court at a rate twice the proportion that their representation in the population suggested. In addition, minority youth were detained and confined to institutions more frequently than whites with comparable offenses and priors.

Slaughter and Harstone (1987) found evidence of system-wide discrimination in the juvenile system. Samples of white and minority youth were drawn from each point in the system and controlled for offense severity, offense characteristics, and extra-legal variables. Minority youth were more likely to be charged, detained, adjudicated, and be given harsher disposition. Frazier and Cochran (1986) found that juvenile minorities were subjected to more formal outcomes and greater restriction, although length of disposition was not correlated with race. Henretta, Frazier, and Bishop (1986) also found that race did have some influence with black youth who were more likely than whites to receive a harsh disposition.

Horwitz and Wasserman (1980) examined the effects of race (white, black, Latino) as well as social class, sex, age, broken-family status, priors, and seriousness of offense on disposition in a sample of cases from Newark, New Jersey, in 1973. Priors and seriousness of offense were found to be most strongly associated with harshness of disposition, although social variables had the most impact. Race was not significant. In Texas, Jeffords, Lindsey, and McNitt (1993) found racial effects. Based on data from the Texas juvenile system in 1992, the rate of violent offender commitments per violent referrals was 9.3 for blacks, 8.9 for Hispanics, and 4.8 for whites. Black juveniles also had the highest likelihood of transfer to adult court, with a rate of 8.2 per 100 felony referrals compared to 6.0 for Hispanics and 3.2 for whites. Minority youth were also

about twice as likely to be committed to the Texas Youth Commission without a chance of community placement first.

System-wide analysis by Johnson and Secret (1990) in Nebraska uncovered evidence of discrimination regarding juveniles. Examination of data over six years between 1982 and 1987 revealed that blacks were treated more harshly at each stage of the juvenile system including disposition. Kempf (1992) looked specifically at the type of intervention offered to juvenile racial groups in Pennsylvania. Data consisted of 2,016 cases collected from 14 counties equally divided as urban, suburban, or rural. Minority youth were detained at a higher rate except for minor offenses, for which whites were detained more frequently. Placement for white youth usually involved group home settings or drug treatment, while minority placement most commonly meant confinement in public residential facilities. Kempf also pointed out that serious drug offenses were seldom committed by white youth and that public residential facilities were rated the least desirable option by the juvenile justice personnel, which raises serious questions regarding the appropriateness of response to minority offenders in the state.

Klein (1990) found indicators of minority overrepresentation at various stages of the system in Delaware. Minorities constituted 25 percent of the juvenile population, while representing 35 percent of those arrested, 56.6 percent of those detained, and 66.5 percent of those sentenced to the Ferris School, a secure correctional facility. Krisberg, Schwartz, Fishman, Eisikovits, Guttman, and Joe (1987) also found minority youth more likely to be placed in public juvenile correctional facilities. National data show that minority (black, Hispanic, Asian, Native American) youth are housed in such facilities three to four times more often than whites. Although FBI data and self-report data indicated that

minority youth are somewhat more likely to commit serious crime, the difference was not substantial enough to account for the larger proportion of minorities in secure public facilities. Martinez (1987) also found minority youth more likely to be incarcerated in public detention centers and training schools. Using national data, Martinez found that between 1977 and 1982, Hispanic youth in public detention or training schools went up 42.9 percent, while blacks increased 22.2 percent, and whites decreased by 7.4 percent. The author also points out that delinquency rates between races cannot account for the discrepancies: however, he did not conduct an analysis according to severity of offense or priors.

McGarrell (1993) examined data from 159 counties between 1985 and 1989. He concluded that nonwhite youth were more likely than whites to be referred to court, be detained, and be placed outside the home. McGarrell speculates that some of the overrepresentation may be the increase of formality in drug offenses, although he did not measure this variable. Ramirez (1990) studied the juvenile justice system in Colorado. Data from 1987 indicated that blacks and Hispanics accounted for 54 percent of the juveniles in secure placement, and 20 percent of the juveniles processed. Most minority juveniles were confined in secure public institutions, while most whites were housed in non-secure private treatment facilities.

Secret and Johnson (1997) examined the effect of race on juvenile court decision making in Nebraska from 1988 through 1993. They examined data from 90 counties, which ranged from 5,095 to 6,755 cases per year. Each stage of processing, detention, adjudication, and disposition was studied. Independent variables included race, sex, age, offense seriousness, prior offenses, court type, and county characteristics. When other

variables were controlled for, delinquent black youth were found to be more likely to be detained and to receive a harsher penalty. However, white youth were more likely than black youth to be found delinquent as opposed to a finding of status offender. The authors speculate that harsher treatment of blacks both at preadjudication and sentencing may be perceived as bias against African-Americans.

Having established to their satisfaction that minority youth are overrepresented and receive harsher treatment, some researchers have attempted to discover why this is so. Some authors suggest the lack of availability of non-secure facilities for minorities, which may help explain the overrepresentation of minorities in secure facilities. Bortner, Schneider, Herman, Miller, and Cheh-Soucy (1990) and the New Jersey Supreme Court task force on Minority Concerns (1989) blame the larger percentage of blacks in secure placement on the limited amount of private residential placements available for blacks. Disposition will be examined in this study by comparing probation outcomes with out-of-home placement.

### **Courtroom Variables**

#### **Legal representation**

Another possible difference between minority and non-minority youth may be legal representation. Feld (1991) found that in one county in Minnesota, private lawyers represented about 10 percent of all youth, public defenders 37.5 percent, and about 52 percent had no representation. Although more whites had private lawyers than minorities (30 percent to 10 percent), minorities were more likely to have some type of representation than were white youth. Feld actually found an inverse relationship

between legal representation and a punitive outcome. Because this variable has been largely ignored in other studies, it will be included in this study.

### **Judicial Factors**

Judicial characteristics may also play a significant role in dispositional outcome, although research indicates that the effect is indirect and must be examined along with the offender's attitudes and behaviors (Myers, 1988). Some characteristics, such as political affiliation, have been shown to affect judicial decisions, but others such as race and gender have been found to have little or no impact (Myers, 1988). The relationship between judicial behavior and social characteristics is rather complicated and is affected by a variety of factors including level of court (Carp & Roland, 1983), time period under consideration (Carp & Roland, 1983), the geographic area (van Koppen & Kate, 1984), and the issue being decided (Goldman, 1975; Nagel, 1974).

Judges who were former prosecutors have been found to be less sympathetic to the disadvantaged (Nagel, 1962). However, several studies have found no significant differences in the sentencing behavior of former prosecutors (Gibson, 1978; Frazier and Block, 1982). Myers (1988) found older judges to be more punitive than younger judges, which is consistent with other research, although the focus of such research has usually been trial court judges at the appellate level in either state or federal court (Myers, 1988). It is important to note that this may not be true of juvenile court judges, since the new approach is to make the juvenile system more punitive, and older judges may actually be more likely to follow the traditional model of the juvenile court and use a treatment orientation (Baxemore & Feder, 1997).

Much of the scant literature on the behavior of juvenile court judges concerns the source of judicial ideology. Bazemore and Feder (1997) proposed three models to explain sanctioning orientation. The first model, the organizational environmental approach, would focus on size and location of court (urban or rural), time spent by judges on juvenile cases, and the influence of other court professionals. A second model, the ideological influence model, emphasizes professional commitments to due process, and professional guidelines on decision making. Finally, the third approach, the individual importation model, concentrates on the characteristics of the judge based upon socialization and career experience. Bazemore and Feder (1997) found in their study that juvenile judges in Florida place an increased emphasis on punishment regardless of age or background. They concluded that socialization has moved judges toward a punitive orientation regardless of prior experience in what has traditionally been a more treatment-oriented system. Since the Bazemore and Feder study, the climate of the juvenile court has become even more punishment-oriented. The contention that a punitive orientation makes judges more likely to see some offenders, especially older minority offenders, as untreatable remains uninvestigated. It was the intention to study specific judicial characteristics in this study, such as race/ethnicity, age, gender, and previous work experience (prosecutorial experience or not), years of overall experience, juvenile court experience, and local background (including political affiliation), however the sample of judges was too small to make meaningful comparisons. In this study judicial analysis was limited to interviews of judges and masters.

### **Family Factors-Parental Representation in Court**

Some researchers have also examined family structure, although it is often defined inconsistently and vaguely. Fenwick (1982) found that family affiliation was the most important factor in the decision to detain. Youth with strong ties to conventional families were more likely to be released. With a higher proportion of single-parent families for blacks, this may be an indirect effect of race. However, Gray-Ray and Ray (1990) in their study of 293 black males found that family structure and parental supervision and control were not significant predictors of minor delinquency. They speculate that reliance on the extended family in the black culture may reduce effects of single-parent households. Johnson's study (1986) of over 700 high school sophomores found that officials were more likely to respond to the behavior of mother-only families, which may help account for overrepresentation of minorities in the system; however, he did not account for race.

One indirect influence of family structure may be family representation in court, which may in turn affect detention and disposition decisions. Very few researchers have considered this variable. Kempf, Decker, and Bing (1990) in their study of juvenile justice in Missouri found an overrepresentation of blacks in detention and out-of-home placements. In addition, they found that black youth were more likely to live only with their mothers and were less likely to have parental representation in court. Parents of black youth may also be perceived by judges and probation officers as being less capable of providing supervision, especially in the case of single-mother households. It is quite possible that parental representation acts through the variable of race, because single-parent households are more prevalent for minorities. It is possible that a lack of parental

representation, which is more likely in minority families, leads to a more punitive disposition rather than race does. Parental representation as a variable in disposition decisions will be further examined in this study.

### **Neighborhood Factors**

In addition, non-legal factors such as neighborhood and family structure will also be considered in this study. Previous researchers have considered the neighborhood environment as a contributor to minority overrepresentation. Peeples and Loeber (1994) found that residence in underclass neighborhoods was significantly related to delinquent behavior. They also found that when white youth resided in underclass neighborhoods, differences between white and black delinquency disappeared. Feld (1991) pointed out that the minority population is concentrated in urban areas, where more serious crimes by juveniles is found. The racial demographics of underclass neighborhoods may be partly responsible for the large percentage of minorities in the juvenile justice system. In this study disposition of urban youth will be compared to youth that reside in non-urban areas.

### **Theoretical Basis of Racial Disproportionality**

The theoretical basis of differential treatment of minority juveniles can be found in several sources. The most common theoretical base mentioned in studies of racial bias in criminal justice are labeling theory and conflict theory (Leiber & Woodrick, 1995). Regarding the labeling perspective, harsher treatment of minority juveniles at all levels of the juvenile justice system (arrest, detention, adjudication, and disposition) may be

partially due to the labels associated with young minority offenders. Although Becker's classic work *The Outsiders* was written in 1963, it may have relevance in explaining the differential treatment of minority juveniles today. Becker expands upon the work of Hughes (1945) in explaining the master status, the self-identity which dominates a personality above all other rival roles or identities.

Negroes are informally expected to have certain status traits and not to have others; people are surprised and find it anomalous if a Negro turns out to be a doctor or a college professor. People often have the master trait status but lack some of the auxiliary, informally expected characteristics; for example, one may be a doctor but be female or Negro. (Becker, 1963, p.32)

The harsher treatment of minority juvenile offenders may be evidence that the trait status expectations of authority agents still differ from the trait status expectations of non-minority offenders. The difference may be partly due to the perception that minority delinquents are more likely to be dangerous. Delinquency as an official label carries many negative connotations, but for minorities this may include the trait of dangerousness, a characteristic that is not as likely to be associated with non-minority juveniles.

Offense characteristics may be partially responsible for the perception of minority offenders, but it may also be the result of a socially constructed reality. The entire process starts with arrest, which is influenced by police perceptions of minorities and then leads to a more likely detention, which is then followed by a harsher sentence at disposition marked by placement in a secure public facility. At each step of the process the label of dangerous offender is more firmly affixed. According to Lemert (1972),

secondary deviation results as a consequence of initial identification of an individual as deviant. The label itself leads to subsequent deviant acts. Minority juveniles provoke a much harsher societal response and the result is a much greater stigma, which in turn leads to subsequent harsher disposition, leading to an escalating cycle. Once fully involved in the juvenile system, a minority youth is perceived as less redeemable than a comparable non-minority youth and as a result is subjected to harsher intervention.

Degradational change in status to a great extent in-heres [sic] to the institutional setting itself, and is objectively manifested in the number of agencies and organizations which, through systematic recording of biographical data, practice exclusion of persons who have been processed by the juvenile court.

At some point in processing by the juvenile court, depending on the individual and the court, we assume that deviation qualitatively changes in relation to the processing and to the impacts of the court and other agencies who take control over the child. Deviation becomes secondary in nature and, in a real sense, deviation begets deviation. (Lemert, 1972, p.59)

For minority youth, processing by the system causes more severe degradational change because it involves more severe intervention. The intervention, which is of a more punitive nature, carries with it the association that individuals the system deems appropriate for such responses must be less redeemable or less treatable or that reformation requires more serious interventions. For example, a youth who is sent to a secure public facility will be perceived differently by the system from a youth who is given a sanction in the community or placement in a non-secure facility. The goals of a secure public placement are largely incapacitation and community protection, whereas

the goals of less restrictive alternatives are treatment focused. The perceptions of an individual juvenile by probation officers, lawyers, and judges will all be affected by previous system responses. More punitive responses by the system further stigmatize a youth as less treatable and more suitable for punishment and incapacitation. The cumulative negative effect of the labeling process was also substantiated by Sampson and Laub (1997), who theorized that official reactions to primary deviance would foster additional crime in the form of secondary deviance, a component of their Life-Course Theory of Cumulative Disadvantage and the Stability of Delinquency. One contributor to secondary deviance is the “self-fulfilling prophecy” or “reflective role-taking,” in which those who are labeled take on the roles and behaviors associated with that label (Heimer and Matsueda, 1994).

The labeling process may be especially detrimental to minorities. Adams, Johnson, and Evans (1998) discovered in their analysis of racial differences in informal labeling that the effects were greater for black youth. Using data from the National Youth Survey (NYS) collected in 1976 and 1978 of more than 1600 subjects, labeling was found to be a predictor of delinquency. The NYS included self-reported delinquency and also asked respondents the extent to which teachers, parents, and peers would agree with such labels as “bad kid,” “breaks rules,” “gets into trouble,” and “does things against the law” that they selected to describe themselves. Responses collected in 1976 were compared to self-reported delinquency in 1978. While labeling was found to predict delinquency for all groups, minorities were more adversely affected by informal labeling than were whites. Although this study only concerns informal labels originating from parents, peers, and teachers and not from the criminal justice system, it is quite possible that informal

labels lead to formal labels, making minorities more susceptible to the negative influence of labeling.

The labeling process is further influenced by the values and standards on which labels are based. In our society, those in authority who affix the labels, operate from a middle-class perspective. Cohen (1955) referred to “middle-class measuring rods” as the basis for the value judgments of those in authority. Because the lower class has different values, they are more likely to be identified and labeled as deviants. Unable to succeed, lower class youth form a reaction formation, an intense hostile response to middle-class society. In addition behaviors, which serve as coping mechanisms in the lower class are labeled as deviant by the middle-class on whose values the law is based. Behaviors such as aggressiveness and defensiveness are perceived by those in authority as predictors of future violent behavior and justification to label a juvenile as potentially dangerous. Since minority youth are disproportionately lower class, they are most affected by middle-class assessments of behavior. The implications of this added identity are more severe consequences for minority juveniles, which are compounded as an individual progresses through the juvenile justice system.

The following theories are from the conflict perspective, which argues that the differential treatment of minority offenders results in part from the middle-class perspective to which they pose a greater threat. Sampson and Laub (1993) found that race and poverty influenced formal petitioning, detention before disposition, and out-of-home placement of juveniles. In particular black juveniles were treated more harshly, which may have been a result of the perception that they posed a greater threat than other similar non-black offenders. Since the middle class controls the juvenile system, fear of

minorities results in the harsher treatment and greater incapacitation of minority offenders. The greater incapacitation of minority offenders is an attempt to control their perceived larger threat to society. It is an example of how reality is socially constructed, since greater incapacitation, especially in secure facilities, is evidence that minorities are more dangerous. Tittle and Curran (1988) studied juvenile dispositions in thirty-one Florida counties and found that the higher the percentage of non-whites and young persons in the population the greater the disparity between minority and white sentences.

Race-based conflict theory maintains that discrimination is not only statistically significant, but is institutionalized within the criminal justice system. Weitzer (1996) reviewed studies that indicated racial discrimination as well as studies that failed to show racial discrimination. Such inconsistencies according to Weitzer did not offer strong support for race-based conflict theory, because more studies should have shown racial bias. However, Weitzer also argues that if the system is actually unbiased, then there should not be any evidence to the contrary and future studies will likely continue to find evidence of racial discrimination. Liska and Tausig (1979) mention several theoretical justifications for discrimination in the criminal justice system based on social class and race. Although conflict theory is only weakly supported on the matter of social class differentials, the literature strongly and consistently supported a racial differential operating at each decision level of the system.

Labeling and conflict theories provide the basis of racial discrimination in the criminal justice system. This study will revisit the theoretical models presented when discussing the findings.

## **Chapter 2**

### **Methodology**

The purpose of this study is to discover which variables influence disposition and detention decisions in juvenile court in a mid-sized county in a northeastern state. Independent legal variables include previous disposition, seriousness of offense, previous offenses, legal representation, and parental representation in court. Independent extra-legal variables include race/ethnicity, age, sex, and neighborhood of the juvenile. Previous disposition includes the categories of violent felony (most serious), felony, violent misdemeanor, and misdemeanor (least serious), as well as probation violation. Seriousness of offense refers to the most current charges, which have been disposed of and includes the categories of misdemeanor, violent misdemeanor, felony, violent felony, and probation violation. The probation violation or violation of a court order refers to a condition of probation, which has not been followed by the juvenile and, depending upon the discretion of the probation officer, may result in a return to court for further consequences.

Courtroom variables were also examined for disposition outcomes, but were not available for detention outcomes, and included legal representation, and parental representation in court. Legal representation includes the categories of private counsel, public defender, none, in which case the juvenile waived his or her right to counsel, or unavailable (UA) or unapplicable (NA). Parental representation in court refers to the family members of the juvenile present at the disposition hearing. Parental representation include mother, father, family friends, siblings, grandparents, uncles and aunts and others. It should be noted that when cases are disposed of by informal probation, consent

decree or administrative order, there is no dispositional hearing and the categories concerning the courtroom (judge or master, legal representation, and parental representation) are not applicable. In some other cases data regarding either parental representation or legal representation was missing. Thus, only those cases appearing in court with all data available were included for analysis of courtroom variables. Detention prior to adjudication concerns pre-trial confinement, which is based on the discretion of the police and the probation officer. A detention hearing, which must be held within 72 hours of confinement, is usually held before a master and determines whether the juvenile will continue to be held while awaiting adjudication. The master usually follows the directive of the probation officer, although he or she is not obligated to do so. It was the intention of this study to study judicial characteristics including race/ethnicity, gender, time on the bench, experience in juvenile court, political affiliation, and previous work experience. It was also intended to categorize judges as treatment or punishment oriented depending upon decisions at disposition in order to discover if orientation was correlated. However, the sample of judges was too limited and their backgrounds too similar to make meaningful comparisons in this study.

The extra-legal variable category includes, race/ethnicity (white, non-Hispanic, African-American, Hispanic, and Asian). Age indicates the age of the juvenile at his or her most recent disposition. Neighborhood includes only the categories of urban or non-urban. Classifications by the probation department of urban, suburban, or rural were found to be meaningless, because they were done many years ago and population demographics have shifted since that time, making some of the rural areas suburban. So for this study urban refers to one of two cities of the county under study, one of 101,000

(Town A) and the other 69,000 (Town B); non-urban refers to any cases outside either one of these cities. For the city of 69,000 only a small part is under the jurisdiction of the county. Despite increases in the county population, the two cities remain the only areas with 60,000 or more people.

The dependent variable is disposition, which ranges from least punitive and restrictive (informal probation) to most punitive and restrictive (placement). The categories of disposition include: informal probation, foster care, community intervention, out-of-home placement in a non-secure private facility, out-of-home placement in a secure private facility, out-of-home placement in a non-secure public facility, and out-of-home placement in a secure public facility. For purposes of data analysis, community intervention included informal probation, probation, and foster care. Placement categories were collapsed to include both secure and nonsecure. In the county under study, 190 different agencies were contracted to fulfill disposition. The majority of agencies, 120 (63 percent) were private non-secure facilities, with 13 (6.8 percent) public secure, 4 (2 percent) public non-secure, 3 (about 1.5 percent) private secure, and the remaining 50 (26.3 percent) community-based. The community-based agencies offer services to the juvenile and his or her family while allowing the juvenile to remain in the home; they are usually private agencies. The most severe disposition is out-of-home placement.

In addition to statistical analysis, interviews with judges or masters, probation officers, defense lawyers, are included to discover if the criteria that officials purport to be using are consistent with the data analysis. The questionnaires, which were the basis of face-to-face interviews with court officials can be found in appendix number two. Interviews

with prosecutors were sought, but despite repeated attempts the prosecutor's office did not respond to interview requests. Interviews are used to determine if the perceptions of officials regarding disposition of minorities are consistent with quantitative findings. Interviews can also add depth to the data and provide a qualitative aspect of the study.

### **Composition Sample**

The sample consisted of all those on probation in county X in the summer (May through August) of 1999 who did not have an impending court date, so that at the time of data collection the cases had been disposed of. All of those in the study had been either adjudicated delinquent (found guilty of some crime) or had waived their right to a hearing and agreed to informal probation. Informal probation was used for some first-time non-violent offenders (9.2 percent of the sample). The time period for data collection was selected because it is usually the heaviest period for new referrals. Some of those on probation are new referrals, while others are repeat offenders who have been open cases for some time. Almost all those in the sample reside in county X, but there are a few who are from a neighboring state, arrested in county X, and disposed of by county X.

The sample consists of male and female juveniles who are on informal probation, regular probation, probation with community intervention, or out-of-home placement. While most in the sample are under age 18, a minority are maintained on probation as late as age 21 if their offense occurred while they were a juvenile. In cases of repeat offenders, the most recent disposition, exclusive of a review of placement hearing, is the basis for data regarding current disposition. Review of placement or disposition is required to access progress of intervention and in some cases results in further

intervention or a release from a facility followed by aftercare. Some of the dispositions in the sample are for violation of a court order or violation of probation, in which case the individual is on probation for a previous offense, but has violated the terms of his or her probation and has been returned to court for further disposition. A descriptive summary of the characteristics (age and race) of the sample can be found in Table 1, which includes sex, age, and race of the sample. The mean age of the sample was 16.35. Asians were excluded because they comprised less than one percent of the sample. Address, defined as either urban or non-urban can be found in Table 2.

The most criminal charges, which resulted in the most recent disposition of the sample are summarized starting with Table 3, which includes felonies, misdemeanors, and probation violations. Current violent offenses (misdemeanors and felonies) are shown in Table 4. The most common offense in the sample is a non-violent misdemeanor and the rarest offense is a violent felony. These findings are consistent with national data on juvenile delinquency, which follow the same pattern. As indicated in Table 3, over 60% of the sample had at least one misdemeanor as the most current offense. Probation violations combined here with violation of court orders was the second most common offense representing over 20% of the sample also shown in Table 3. Felonies, shown in Table 3, were found in the most current convictions of just over 18% of the sample. If all races are included, 5% of black offenders were convicted of at least one violent felony, compared to 5.8 percent of the Hispanics, and 3 percent of the white offenders. Asian offenders had a violent felony rate of zero (there were only 6 Asians in the sample). If all violent offenses are combined (misdemeanors and felonies) 19.4 percent of black offenders, 18.8 percent of Hispanic offenders, 13.4 percent of white

offenders, and 16 percent of Asian offenders were convicted of a violent crime. Prior violent crime for the sample was also rather rare.

Prior offenses shown in Tables 5 and 6 indicate misdemeanors were the most common previous offense with 47.5% (308) of the sample having at least one prior misdemeanor conviction (Table 6). Prior felonies (Table 5) were less common with almost 20% of the sample with at least one prior felony conviction. Only about 16% of the sample had a previous violent misdemeanor (Table 6) and only about 8% had at least one previous violent felony (Table 6).

Disposition of the sample is summarized in Table 7, indicating community intervention as the most common outcome (52.9 percent). Community intervention consists of regular probation with some additional intervention, such as community service hours, the most common sentence used in tandem with probation. Other common community interventions include outpatient drug and alcohol counseling, family counseling, and attending the Prisoners Against Drugs Program. Community intervention might include several programs or some combination of programs. Another 37% of the sample received an out-of-home disposition placement. Table 7 indicates that 24% (156) of the sample had been on probation at least once before and 11.8% (77) had been on probation more than one time previously. Table 7 indicates that 35.3% (229) had been previously placed outside of the home and 21.3% (138) had been placed two or more times previously.

### **Setting of the Study**

The population of this study was obtained from juveniles on probation in county X, in a northeastern state during the summer of 1999. County X had a 1999 population of 299,855, which ranked in the top third of the counties of the state. The county includes one city (A) of about 101,000 and a small part of a city (B) of 69,000. In the state of county X the estimated population of juveniles (ages 0-17) was about 84 percent white, 12 percent black, .2 percent Asian, and 4 percent Hispanic for 1997 (Office of Juvenile Justice and Delinquency Prevention, 2000). According to Snyder, Poole, and Wan (2000) the total population of county X age 10 to 17 for 1999 was 30,981 with 15,817 males (51%), 15,164 females (49%), 3,532 Hispanics, 1,480 African Americans, 706 Asians, 71 Native Americans and 28,724 whites. Snyder, Poole and Wan's (2000) data however includes the totals according to race, not ethnicity so that the total numbers include African-Americans, Asians, Native Americans and whites equal 30,981. Hispanics are included with the category of white in the total. More accurate county level data was not available, so approximate data of a county population of 10-17 year-olds is 5% African American, 10% Hispanic, and 85% white.

The sample collected (N=648) was 56 percent white, 16.6 percent black, 26.2 percent Hispanic, and .2 percent Asian. The data indicate an overrepresentation of minorities on probation in county X, as is the case in many other counties in the state and across the nation. Also evident is the high percentage of the sample living in the urban areas (64 percent), which may influence minority numbers, since the majority of minority juveniles in the sample reside in the urban areas (defined as living in city A or B). In the sample, of the black youth (n=109), 99, or over 90 percent live in urban areas compared to 93.5

percent of the Hispanics and only 42.4 percent of the whites. Together, blacks and Hispanics constitute 62.6 percent of the sample that live in an urban area. Minority overrepresentation may also be partly influenced by the greater police presence, which characterizes urban areas. Of course increased police may be the result of more crime in the urban areas or at least greater visible crime. According to 1997 population estimates, city A contained 36 percent of the county population. In addition, in 1997, the police of city A made 51 percent of the juvenile probation referrals to county X (County X Annual Report, 1998). Visibility of minority offenders in urban areas along with a larger police presence may lead to more minority arrests.

A sample of judges and masters, probation officers, defense lawyers, and prosecutors of county X was also interviewed for this study. All participants in the interviews were selected using snowball sampling and are not inclusive of all personnel in any of the respective categories. In addition, information regarding judges' age, race/ethnicity, gender, previous work experience, years on the bench, juvenile court experience, and political affiliation was obtained from each judge's office, although judicial data was too limited to provide analysis.

### **Data Collection**

The quantitative data were collected at the probation office of county X between May and August of 2000. Qualitative data were in the form of interviews with judges and masters, probation officers, and defense lawyers, which were conducted during the same time period. A questionnaire for each category (defense lawyer, judge or master, and probation officer) of respondents was used in a face-to-face interview. For the

quantitative data, only current cases, with no open or pending court date were included in the study. Some cases were closed (inactive) by the time data collection was completed, but they were still included in the study. Since the total number of open cases was in constant flux, it was not possible to exclude every closed case or include every new open case during the time of data collection.

Quantitative data was collected using the computer database of the juvenile probation office of county X. Each of the cases contained an identification number, date-of-birth, race, sex, address, all charges (priors up to most recent), placement/disposition history (including pre-trial detentions), judge or master presiding at each disposition, and probation officer. Also included are case notes by the probation officer, which usually include who was present at disposition and what type of legal representation, if any, the juvenile had. Some of the cases do not include parental and legal representation information in the case notes, so that information is missing from these cases.

Ideally, the data set would also include information regarding parental and legal representation at detention hearings, but these are not courts of record and probation officer case notes seldom mention who was present at detention hearings. The principal investigator sought permission to attend both detention and adjudication hearings, but because of the closed nature of the juvenile system permission was denied. Without access to actual hearings the investigator was limited to case notes, which were not always consistent in their informational content.

## **Coding of Variables**

Offenses were categorized as violation of probation, misdemeanor, violent misdemeanor, felony, and violent felony. Violation of probation has been combined with violation of a court order. By “violation of probation” it is understood that the juvenile has been returned to court because he or she did not adhere to a condition of probation, such as school attendance or keeping appointments with the probation officer. By “violation of a court order” it is understood that the juvenile has been remanded to court because he or she failed to adhere to a condition of disposition specified by order of the court, such as failure to attend mandated counseling or report for community service or complete community service in a timely fashion. Misdemeanors are offenses that if committed by an adult, could result in jail time up to one year. Typical offenses for juveniles in this category include property offenses (theft, burglary, and vandalism), possession of small amounts of illegal drugs, terroristic threats, reckless endangerment, harassment, driving offenses (usually driving without a license), possession of a weapon, and possession of drug paraphernalia. Misdemeanors are the most common offenses of those on probation in county X and the most common for those in the sample.

Violent misdemeanors involve crimes against the person, which do not involve a weapon and in which physical injury is minor, most commonly simple assault. Felonies are crimes that, if committed by an adult, could result in incarceration of a year or more. Typical juvenile offenses in this category include possession of drugs with intent to deliver, stealing or destroying property of a large value, arson, and possession of a firearm. Violent felonies are crimes against the person that result in serious injury or involve the use of a weapon. The most common violent felony is aggravated assault, but

**this category also includes the more rare robbery and attempted robbery, rape and attempted rape, sexual abuse, manslaughter, vehicular homicide, and attempted homicide. Although juveniles have committed homicide in County X, the murder rate for juveniles in the county is low and the sample included no such cases. As previously mentioned, violent felonies are the rarest offenses in the sample.**

**“Parental representation” is used to indicate who (from the juvenile’s family) was present at the most recent disposition. The categories indicate how those present were related to the juvenile (with the exception of paramour of parent) and include mother, father, grandmother, grandfather, stepfather, stepmother, paramour, aunt, uncle, sister, brother, guardian, family friend, other, and various combinations of each of these. Some juveniles had no family representation and in other cases the data was not available, since it depended upon probation officer case notes. “Legal representation” includes public defender, private lawyer, none, or either. “None” means that the juvenile waived his or her right to representation and the judge or master allowed the case to proceed without a lawyer for the defense. The category “either” refers to cases in which the person defending the juvenile has worked as both a private attorney and for the public defender’s office. When the case notes only refer to a name common to both, there is no way to discern in which capacity the lawyer was working in the case. In the cases of consent decree or administrative order, there is no court hearing and information regarding parental or legal representation in court is non-applicable. Many cases, especially those involving a first-time minor offense and an admission of guilt are disposed of using informal probation, which requires only an order signed by a judge, thus avoiding the time and expense of a court proceeding.**

“Race/ethnicity” is either African-American, Hispanic, white, or Asian. Hispanic in county X is most frequently Puerto Rican. “Address” is defined as urban or non-urban depending upon the location inside city A or B (urban) or outside city A or B (non-urban). Detention is either pre-trial incarceration or not.

“Adjudication” refers to the sentence or disposition. The categories are “community intervention”, “informal probation”, “foster care”, “public non-secure placement”, “private non-secure placement”, “private secure placement”, and “public secure placement”. The sentence under consideration is the most recent one for which the juvenile has been sentenced. Prior placement refers to all previous dispositions resulting from previous crimes. The categories for prior placement are community or residential. Community placements indicate all probation and community intervention outcomes, and residential indicates the number of placements out-of-home.

There are 15 different probation officers in the data set. County X has more than 15 officers, and the county caseload is equally divided with most officers assigned between 45 and 50 cases. New officers are assigned only 15 to 20 cases and some officers only work intake, so that they don’t have a stable caseload. Each individual juvenile in the sample has a probation officer. Because of the large number of probation officers, the influence of probation officer on disposition could not be tested.

### **Data Coding**

The data used in this study was coded as follows:

#### **Demographic variables**

**I.D. number:** A randomly assigned five digit number.

**Sex:** 0 = Male  
1 = Female

**Race:**  
**Hispanic:** 0 = nonhispanic  
1 = Hispanic

**Black:** 0 = nonblack  
1 = Black

**Asian:** omitted from analysis because they comprise less than 1% of the sample.

**White:** the reference group, always coded 0.

**Address:** 0 = Nonurban (rural and suburban)  
1 = Urban

**Age:** Based on date on birth (mo/da/yr)

### **Current Offenses**

**Felonies** (most current felony convictions)- continuous

**Mis.** (most current misdemeanors)- continuous

**Viofel.** (most current violent felonies)- continuous

**Viomis.** (most current violent misdemeanors)-continuous

**Povo** (current probation violations)- 1 or 0

### **Prior offenses**

**Priorfel.** (prior felonies)-continuous

**Priorvf** (prior violent felonies)- continuous

**Priormis.** (prior misdemeanors)- continuous

**Priorvm** (prior violent misdemeanors) – continuous

### **Pre-adjudication confinement**

**Detention:** 0 = not detained  
1 = detained

**Previous dispositions**

Pc (prior community placements or previous times on probation)- continuous

Pr (prior residential placements)- continuous

**Dispositional outcomes (for most current convictions)**

**Placement (all out-of-home placements both secure and nonsecure)**

0 = community intervention (informal and formal probation)

1 = out-of-home placement

**Courtroom variables (Adjudication and disposition)**

**Parental (parental or family representation at adjudication and disposition)**

Mom- 0 = none, other relative, dad, mom and dad, and ua or na (data unavailable or unapplicable)

1 = Mom

Dad- 0 = none, other relative, mom and dad, mom, and ua or na.

1 = Dad

**Parents2 (Mom and Dad present at disposition)**

0 = none, other relative, mom, dad, and ua or na.

1 = Mom and Dad

**Other: 0 = mom and dad, mom, dad, ua or na**

1 = other relative

**Legal representation (legal representation at disposition)**

**Public (public defender)**

0 = Private, none, ua or na.

1 = Public defender

**Private (private lawyer)**

0 = Public defender, none, ua or na.

1 = Private lawyer

## **Hypothesis Testing**

For the purpose of this study adjudication will be defined as most recent disposition of a juvenile found to be delinquent. Legal variables include previous offenses (prior misdemeanors, prior violent misdemeanors, felonies, and prior violent felonies), prior placement (either community-based or out-of-home placement), most recent conviction(s) (violation of probation, misdemeanor, violent misdemeanor, felony, or violent felony), legal representation in court (public defender, private lawyer, or none), and parental representation in court (juvenile's family members present at disposition). Extra-legal variables include race, age, sex, and neighborhood (urban or non-urban) of the juvenile.

The primary hypothesis examined in this study tests the relationship between race and disposition. The purpose of this examination is to determine if minority (African-American and Hispanic) juveniles are treated more harshly than similar non-minority juveniles in county X.

**H1: Minority juveniles adjudicated delinquent are more likely to receive a restrictive disposition (placement) than are comparable white delinquents.**

In addition to the primary hypothesis, a number of secondary hypotheses were also tested. Parental representation in court at disposition may influence outcome at disposition and representation may be related to race.

**H2: Minority youth are less likely to have parental representation in court, which increases the likelihood of a placement.**

Detention, which may also act through race, is another variable tested in this study.

**H3: Minority juveniles are more likely than white juveniles to be detained after a**

detention hearing prior to adjudication.

Minority youth are more likely to reside in urban rather than non-urban neighborhoods, which leads to hypothesis four.

H4: Urban youth are more likely than non-urban to be placed.

Other hypotheses tested in this study concerned courtroom variables.

H5: Youth with private representation in court are more likely to receive a community-based disposition than youth represented by a court-appointed attorney at disposition.

Although ideally this study would have also considered judicial factors, the sample of masters and judges was too limited and analysis was not possible. However, judges and masters were interviewed and their comments were incorporated in the qualitative section of this study.

## **Variables**

The dependent variable tested in this study is juvenile disposition. The disposition was ranked according to severity from least restrictive and least punitive to most restrictive and most punitive. Disposition is either placement or community intervention. Disposition categories are based on previous research, which consistently rates harshness of sentence in the juvenile system based on level of restriction. Public facilities are consistently considered to be more punitive settings in research literature, but because there can be wide variation within these categories disposition in this study will be defined as either placement or community intervention. Placement includes all out-of-home placement both secure and non-secure. Community intervention consists of

informal probation, probation, probation with community-based services and foster care. Informal probation affords the juvenile the opportunity to complete probation without formal processing, although a record of informal probation is kept, so that another transgression will usually result at least in formal probation.

Foster care is rather rare for probation clients because children placed in the foster care system usually have dependency and neglect issues rather than criminal behavior. Children with such issues in the state under study are usually handled by the agency of Children and Youth. In some cases, where there are both criminal and dependency issues, probation may be involved in conjunction with the agency of children and youth. Foster care differs from other placements because the motive for placement differs from other probation placements. In the case of foster care, the motive is not so much corrections, as it is with other cases, but with care and nurturing. Foster care is a non-secure placement with a family for the purpose of stabilizing a family environment. The rareness of its use in the juvenile probation department is reflected by the small number in the sample, which received foster care as disposition (n = 4 or .6 percent of the sample).

Community intervention is the most common disposition. It combines regular probation conditions (curfew, school attendance, reporting to the probation officer, and avoiding contact with others on probation) along with community-based intervention. Community-based intervention includes community service or working without pay in the community either to pay fines or to pay restitution. In cases that involve drug charges, juveniles are routinely ordered to attend the Prisoners Against Drugs Program (an educational program featuring presentations by convicted adult drug offenders), and

often are ordered to attend out-patient counseling services. Community intervention sometimes includes advocate or mentoring services or family counseling.

Placement outside the home is in either a secure or non-secure facility. Such facilities can be either public or private, although private facilities are far more common in the state under study. Secure facilities have locked doors and a secured perimeter, which may include a barbed-wire fence. Secure facilities are self-contained to minimize the resident's contact with the community. For example, such facilities have their own educational programs, so that the juvenile does not have to leave to attend school. Non-secure facilities, such as group homes, are not locked down, although community contact may be restricted. Juveniles in non-secure programs often attend public school in the community in which the facility is located. Generally, public secure facilities are used for either serious offenders or repeat offenders who have continued to offend after placement in less secure institutions. The most common placement in the sample is in a non-secure private facility. Of the juveniles in placement in the sample ( $n = 210$ ), 122, or 58 percent, are in private non-secure institutions.

The independent variables of this study include both legal and extra-legal factors. Legal variables include seriousness of offense (felony, violent felony, misdemeanor, violent misdemeanor, probation violation), previous offenses (felony, violent felony, misdemeanor, violent misdemeanor), legal representation (private lawyer, public defender, none, or non-applicable or unavailable), parental representation (mom and dad, dad, mom, other relative, none, non-applicable or unavailable), pre-adjudication (detention), and previous placement or intervention (prior community interventions and

prior residential placements). Extra-legal variables include race, age, sex, and neighborhood of the juvenile.

### **Method of Analysis**

SPSS, version 9.0, was used for the statistical procedures in this study. The statistical method used for analysis of the data was logistic regression. Logistic regression is ideal for a binary discrete dependent variable, and is thus distinguished from the linear regression model. Logistic regression is also appropriate when the independent variables include continuous and categorical variables, which is the case in this study. For analysis a dummy dependent variable was created for each outcome, community (probation, informal probation, and foster care), and placement (public secure, private secure, public non-secure, and private non-secure) (Hosmer and Lemeshow, 1989).

Logistic regression models estimate how each independent variable in a set of variables affect a dependent variable, in this case disposition. Logistic regression indicates the importance and strength of each independent variable (Hosmer and Lemeshow, 1989). Stepwise-forward logistic regression tests each independent variable by comparing a model with and without the variable. If a variable is found to be insignificant, it is dropped from the model. Lemeshow and Hosmer (1989) suggest that variables significant at the .25 level be included in the model. The end result of step-wise logistic regression is a model containing only those independent variables that have a statistical significance ( $p < .25$ ) on the dependent variable. The fewer the independent variables included, the more stable the model. However, each variable in the model must be supported by theory, and variables may be added or deleted to create custom models

used in this study. The program also indicates what percentage of cases is correctly predicted using the model.

## **Chapter 3**

### **Results**

#### **Detention**

Detention is important because of its potential to influence disposition. In this study juveniles detained prior to adjudication were more likely to receive placement, which is consistent with some of the literature. It is important to examine the variables that may affect detention because of its potential future impact and the possibility that factors leading to detention overlap with factors leading to placement. In other words, youth may be detained for the same reasons they are placed. However, it is also possible that detention itself carries an implication of dangerousness, which influences the perception of the juvenile.

The official reasons listed for detaining a youth are that he or she is a risk to abscond before the hearing, poses a significant risk to the community, or themselves, or has been charged with a serious offense. Other possible reasons for detaining a juvenile were explored in interviews with probation officers. The interview findings are discussed in detail in a later chapter. Asians were omitted from analysis because of their insignificant representation (6 or .09%). Table 8 summarizes the juveniles detained according to race, omitting Asians because of their insignificant representation in the sample.

Minorities were detained at a higher rate than whites, with both blacks and Hispanics detained at more than 50 percent compared to 40 percent for white youth. A chi-square, as shown in Table 9, indicates that although a larger proportion of black and Hispanic youth is detained than white youth, the difference is significant only for Hispanic youth.

Logistic regression was the statistical procedure used to discover which independent variables significantly influenced detention. The first model was produced using a forward conditional approach in which each variable is tested individually in the model by comparing the significance of the log likelihood ratio with and without its inclusion. When significance (Log LR) > .25, the variable is removed from the model. The final result is a model that includes only those variables that are significant. As shown in Table 10, probation violations (POVO), prior residential placements (PR), prior misdemeanors (PRIORMIS), felonies (FELONIES), prior felonies (PRIORFEL), and age were all significant at the .05 level. The inclusion of each of these variables is supported by previous research.

The most significant variable influencing detention was a violation of probation, which involves a juvenile who is non-compliant regarding one of the general conditions common to all probationers, such as school attendance or a specific condition specified in an individual court order such as drug counseling. A probation violation indicates that the offender failed to follow terms and conditions of probation while living in the community, so that a more restrictive response may be justified and that response often includes detention. Sometimes a juvenile who violates probation is detained as a sort of wake-up call, so that he or she will appreciate the importance of probation. In some cases juveniles on probation have a suspended commitment to an institutional placement, so that a violation triggers a return to court and an amended disposition of placement. It is also important to note that probation officers have a large amount of discretion regarding which violations provoke a return to court. Failure to keep appointments, missing curfew, testing positive for an illegal drug, and maintaining friendships with others on probation

are all possible violations. The probation officer has discretion to handle such transgressions either unofficially or officially by returning the juvenile to court. If the response is a return to court, then the probation officer has further discretion in detaining or not detaining prior to the hearing.

With a log likelihood of  $-306.610$  both a wald and a log lr significance of  $.0000$ , probation violations (POVO) have the greatest effect in increasing the odds of detention. The odds ratio indicates that when the independent variable increases one unit, the odds that the dependent equals one increase by a factor of  $16.2394$  (Exp B), when other variables are controlled. Transforming the logit coefficient to show the percentage increase in odds is done by subtracting one from the odds ratio and multiplying by  $100$  (Garson, 2000). A probation violation increases the odds of detention by  $1523.9\%$  with respect to the other variables included in the model.

Previous placement dispositions were also highly influential on detention. Prior residential placements (PR) were significant at the levels of  $.0000$  (log lr) and  $.0002$  (wald) with a log likelihood of  $-281.658$ . The odds ratio for felonies was  $1.4911$ , which indicates that each one unit increase in felonies increased the odds of detention by  $48.1\%$ . Age was also significant at levels of  $.0305$  (log lr) and  $.0328$  (wald). Each one-year increase in age increased the odds of detention by  $13.8\%$ .

Current offense was also somewhat important for detention. It should be pointed out that the number of crimes a juvenile is charged with at detention may be greater than the charges he or she is convicted of, since some charges may be dismissed or reduced before adjudication and disposition. However, it is expected that the final number of convictions will still provide a close numerical indication of the original charges.

Felonies had a log likelihood of  $-277.044$ , significant at the levels of  $.0014$  (log lr) and  $.0017$  (wald). Each current felony increased the odds of detention by 65%.

Prior convictions were also influential for detention. Prior misdemeanors had a log likelihood of  $-279.273$  which was significant at the levels of  $.0001$  (log lr) and  $.0003$  (wald). The greater the number of previous residential placements, the greater the probability of detention. The odds ratio for previous residential placements was  $1.4911$ , which means that each unit increase in residential placement increased the odds of detention by 48.1%. Prior felonies was the next significant predictor with a log likelihood of  $-276.884$ , which was significant at the levels of  $.0017$  (log lr) and  $.0049$  (wald). The more previous prior misdemeanors the juvenile has on his or her record, the more likely the juvenile will be detained. The odds ratio of prior misdemeanors was  $1.4576$ , which means that a one unit increase in previous misdemeanors increased the odds of detention by 44.8%. The model had a predictive accuracy of 81.93%.

Following step-wise logistic regression, a custom model was created based on the results of the model in table 11. In addition to the variables found to be significant at least at the  $.25$  level, additional variables were added whose inclusion was supported by the literature. Because research on detention consistently finds race to be a factor in detention decisions and because the question of race or ethnicity is central to this study, black ethnicity was included in the custom model along with Hispanic. Asians make up less than one percent of the sample, so they were not included. The results of the analysis on the custom model can be found in table 11.

Results of custom model number one produced a few changes. Probation violations remained most significant followed by prior residential placements, prior misdemeanors,

felonies, and age. Although the additional variables of Hispanic and black were not significant at the .05 level, Hispanics were significant at the .1211 level. In the custom model two (Table 12), Hispanic and black were again included, but address was not. The impact is dramatic in the absence of address, as Hispanic is significant for detention at the .0158 level and black is significant at the .2109 level. Other variables remain rather consistent in their influence on detention. Custom model number one had a predictive accuracy of 81.62% and custom model number two had a predictive accuracy of 81.31%.

### **Placement**

Again for the purposes of logistic regression, the dependent variable was dummy coded with placement as 1, and foster care, probation, and informal probation as 0. Placement included both public secure, public non-secure, private secure, and private non-secure. All placements outside the home are included in this category. Step-wise forward conditional analysis was used to produce the model shown in table 13. All cases were included, but courtroom variables (parental representation, and legal representation) were excluded. Ten independent variables were significant: age, sex, prior misdemeanors (PRIORMIS), prior violent misdemeanors (PRIORVM), prior violent felonies (PRIORVF), felonies, probation violations (POVO), prior community interventions (PC), prior residential placements (PR), and address (URBAN). The inclusion of each of these variables is supported by theory. Probation violations had the strongest influence on placement with a log likelihood of  $-283.255$ , which was significant at the .0000 level for both the log likelihood and the wald. A probation violation increased the odds of placement by 238%.

Prior misdemeanors also had a strong effect with a log likelihood of  $-282.135$ , which had significance levels of  $.0000$  (log lr) and  $.0001$  (wald). Each prior misdemeanor increased the odds of placement by 32.3%. Previous residential placements were also highly significant at the levels of  $.0000$  (log lr) and  $.0002$  (wald). Each prior placement increased the odds of placement by 35.2%. Prior community interventions were significant at the  $.0003$  level (log lr) and at the  $.0013$  level (wald) with a log likelihood of  $-279.549$ . Each prior community intervention increased the odds of placement by 51.1%.

Age was significant at the levels of  $.0034$  (log lr) and  $.0043$  (wald) with a log likelihood of  $-277.334$ . Each one-year increase in age increased the probability of placement by 21.9%. Sex was significant at the levels of  $.0063$  (log lr) and  $.0093$  (wald) with a log likelihood of  $-276.773$ . Females were 43.4% less likely to be placed than males. Address (URBAN) was significant at the levels of  $.0071$  (log lr) and  $.0084$ . Address had a log likelihood of  $-276.666$ . Urban youth were 88% more likely to be placed than non-urban youth. Felonies were significant at the levels of  $.0080$  (log lr) and  $.0078$  (wald) with a log likelihood of  $-276.566$ . Each current felony increased the probability of placement by 52.3%.

Prior violent misdemeanors were significant at the levels of  $.0282$  (log lr) and  $.0338$  (wald) with a log likelihood of  $-275.465$ . Each prior violent misdemeanor conviction increased the odds of placement by 53.8%. Prior violent felonies were also influential with a log likelihood of  $-275.401$ , significant at the levels of  $.0301$  (log lr) and  $.0487$  (wald). Although each prior violent felony increased the odds of placement by 108.7%, the overall impact on the model is not as pronounced as other variables because prior

violent felonies are somewhat rare in the sample. The model had a predictive accuracy of 81.93%.

A custom model included the additional variables of black, and Hispanic. Black and Hispanic were added because race is central to this study and is widely supported in the literature as being correlated with disposition. Once again because of their small representation in the sample, Asians were omitted from the custom mode. As indicated in table 14, neither of the additional variables was significant. The significance based on the wald statistic indicates that blacks are somewhat more likely to be placed than Hispanics. Although race does increase the odds of placement slightly, other variables are much more influential. Probation violations and prior interventions continue to be the most reliable predictors for placement. The null hypothesis that blacks and Hispanics are no more likely to be placed cannot be rejected. The model has a predictive accuracy of 82.24%. A second custom model was created and is shown in table 15, which included black and Hispanic, but omitted address (URBAN). In this model black were significant at the level of .0564 and Hispanics were significant at .1563. Address negates the influence of black and Hispanic. The predictive accuracy of this model is 82.71%.

Further analysis of placement, which included courtroom variables (legal representation, and parental representation), was conducted. Once again only relevant cases, that went to court and for which legal representation and parental representation data were available, were included (n = 390). As shown in Table 16, step-wise forward conditional regression was used to select a model containing only the significant variables ( $p < .25$ ). Variables that were statistically significant ( $p < .05$ ) for placement included public defender (PUBLIC), private lawyer (PRIVATE), probation violations

(POVO), prior residential placements (PR), prior community interventions (PC), sex, prior violent misdemeanors (PRIORVM), age, prior misdemeanors (PRIORMIS), and felonies.

Legal representation of public defender had the most effect on placement with a log likelihood of  $-195.817$ , which was significant at the .0000 level for log lr. and at the .0001 level for wald. The reference group for this variable in this model is no legal representation, which means that each legal variable is compared to the constant of no legal representation in court. The reference group for family representation is also none. Youth represented by public defenders were 494% more likely to be placed than those without legal representation. Youth represented by private counsel fared somewhat better. Private lawyer had a log likelihood of  $-188.101$  with significance levels of .0279 (log lr) and .0316 (wald). Youth represented by a private lawyer were 221.6% more likely to be placed than those without legal representation.

Prior dispositions were also influential. Prior residential placements had a log likelihood of  $-191.502$ , which was significant at the levels of .0006 (log lr) and .0022 (wald). Each prior residential placement increased the odds of placement by 31.2%. Prior community interventions were significant at the levels of .0025 (log lr) and .0072 (wald) with a log likelihood of  $-190.239$ . Each prior community intervention increased the odds of placement by 45.5%.

Prior offenses were also influential. Prior violent misdemeanors with a log likelihood of  $-189.698$  had significance levels of .0046 (log lr) and .0099 (wald). Prior violent misdemeanors increased the odds of placement by 89.2% although their overall effect on the model was less than some other variables because on the rarity of violent offenses in

the sample. Prior misdemeanors had significance levels of .0060 (log lr) and .0099 (wald) with a log likelihood of -189.460. Each prior misdemeanor increased the odds of placement by 22.6%.

Probation violations remain highly influential in this model with a log likelihood of -189.706, which was significant at the levels of .0046 (log lr) and .0049 (wald). Each probation violation increased the odds of placement by 176.2%. Sex had significance levels of .0029 (log lr) and .0040 (wald) with a log likelihood of -190.127. Males were 33.8% more likely to be placed than females. Age was also influential with significance levels of .0099 (log lr) and .0114 (wald) with a log likelihood of -189.012. Each one-year increase in age increases the odds of placement by 23.4%. Felonies with a log likelihood of -187.603 were significant at the levels of .05 (log lr) and .0527 (wald). Each current felony increased the odds of placement by 49.7%. None of the combinations of family representation had a significant influence on disposition. The predictive accuracy of this model was 79.74%.

A second forward conditional model, shown in Table 17, used none as the reference group for legal representation and mom and dad as the reference group for parents. Once again public legal representation is very influential at the significance levels of .0000 (log lr) and .0001 (wald). Compared to no legal representation, the presence of a public defender increased the odds of placement by 494%. Private counsel increased the odds of placement 221.8% at the significance levels of .0279 (log lr) and .0316 (wald). Parental representation continued to be statistically insignificant, although presence of relatives other than parents increased the odds of placement somewhat when compared to

the presence of mom and dad in court, but not at significant levels. In this model address and racial variables are not significant. The predictive accuracy of this model is 79.74%

A third model was created using the forward conditional approach, but with the reference group of public defender for legal representation and none for family representation. As shown in Table 18, both private counsel and no counsel reduces the probability of placement compared to public defense counsel, although only the absence of a lawyer was statistically significant. The absence of legal counsel was significant at the levels of .0000 (log lr) and .0001 (wald) with a log likelihood of -195.817. Variables found to be statistically significant are consistent with previous models. The predictive accuracy of this model is 79.74%.

A custom model was created adding variables that were supported by research previously cited in this study. Several studies (MacKenzie, 1999, Baxemore, 1993, Bishop and Frazier, 1988, and Dean and Brame, 1994) support the inclusion of race. The model, shown in table 19, included the independent variables of black, Hispanic, age, sex, address, misdemeanors, probation violations, prior misdemeanors, prior violent misdemeanors, prior community interventions, prior residential placements, private legal representation, and public legal representation. The reference group for legal representation is none. Legal representation continues to be the most influential variable.

The legal representation of public defender is significant at the .0000 level. Juveniles with public defense are 568.7% more likely to be placed than those without legal representation. Private representation is significant at the .0260 level. Private representation increases the odds of placement by 230.1% compared to no legal representation. Both black and Hispanic remain statistically insignificant although blacks

were somewhat more likely to be placed than whites and Hispanics. The predictive accuracy of this model is 78.72%.

A second custom model with courtroom variables was created and is shown in Table 20. Address (URBAN) was omitted and black and Hispanic were included to determine whether this would raise the significance of race, as was the case in the custom model without courtroom variables (Table 13). Although the significance of black and Hispanic did increase in the absence of address, neither achieved significance. The significance of other variables changed little from the previous model. Legal representation continued to be most influential with both public and private counsel increasing the probability of placement. Public defense was significant at the .0000 level (wald) and private defense was significant at the .0261 level (wald). Youth with public defenders were had a 566.2% greater likelihood to be placed than those without legal representation and those with private counsel had a 230% greater likelihood to be placed. Both black and Hispanic ethnicity have similar effects in increasing the odds of placement, but this effect is not significant. The customized model had a predictive accuracy of 73.67%.

The most consistent variables, which predicted placement as an outcome, included prior interventions (both residential and community), previous offenses, probation violations, and seriousness of offense. Of the courtroom variables examined, only legal representation was significant, as the absence of a lawyer reduced the probability of placement compared to both public and private representation. Public legal representation was the most significant predictor of placement of all independent variables tested.

## **Chapter 4**

### **Discussion**

#### **Detention**

Quantitative data analysis and interviews with court officials (probation officers, defense lawyers, and judges and masters) lead to some conclusions in County X. Comments from court officials were based on interviews with eight probation officers, five judges and one defense lawyer. Data analysis indicated that probation violations were the most significant predictor of detention prior to adjudication. A probation violation involves a juvenile who is currently on probation for a previous offense, but violates either the terms or conditions of probation or violates a court order. Some terms of probation are automatic with all cases and include curfew, school attendance, avoiding contact with others on probation, and keeping appointments with the probation officer. Additional terms may be added to probation on an individual basis and such conditions may include drug testing, community service, family therapy, individual counseling, or group counseling. A juvenile may have also violated the conditions of house arrest. An individual on probation is allowed to remain in the community and serve out his or her sentence as long as the terms of probation are adhered to.

Although a probation violation does not mean an automatic return to court for additional terms and conditions, once the probation officer schedules the juvenile for court this outcome is highly likely. The probation officer has great discretion in what action is taken in the case of a probation violation. The officer can ignore the violation, which is possible if the violation is minor and the juvenile is near completion of

probation. Budgetary constraints can also play a part: if the county is near the end of its fiscal year and money is scarce, placement costs are avoided and only serious transgressions would result in detention. Once the probation officer has made the decision to return a juvenile to court, the officer probably has also made the decision to ask the judge or master to impose additional conditions or placement otherwise the officer would not schedule the juvenile for court. There may also be a tendency to hold a juvenile in detention because a violation may indicate that the juvenile is not taking his or her probation very seriously. Detention in some cases may be an attempt to punish the juvenile for disregarding probation conditions.

Another variable that was significant in detention decisions was prior residential placements. Juveniles who have a history of residential placements would logically be considered higher risk to cause harm to themselves or others or to abscond. Prior residential placements are also a possible indicator that the juvenile is facing another placement, which could lead to fear and a failure to show-up for adjudication. Prior offenses, whether misdemeanors or felonies, also probably predicted detention for many of the same reasons as prior residential placements. Juveniles who are known to the probation office as either currently on probation or as having been on probation in the past are less likely to be cut slack. However, it should also be pointed out that first-time offenders were sometimes detained. It is also the case that a youth handled through consent decree would not appear for adjudication, but that does not necessarily mean that such a juvenile would not be detained. Although such cases are rare, a juvenile could be detained, but then processed informally. In the original model in table five, urban address was also significant in predicting detention, but when race (black and Hispanic)

were added along with misdemeanors in the custom model, address was no longer significant. The negation of address by minorities can be explained by the fact that most of the minorities in the sample resided in the urban area of County X.

Other demographic variables which were significant included age and sex. Age has positive correlation with detention for several reasons, one is that other significant variables of previous offenses and previous interventions are likely to increase with age and another is that more mature youth may be seen as more dangerous to the community. In addition, young children may be considered to be inappropriate for detention because of the bullying factor. Older youth in detention may physically and psychologically harass younger children, which makes detention potentially more harmful to a child who is unable to fend for him or herself. Males are more likely to be detained for a couple of reasons. First of all, males are more likely to have felony charges, which are correlated with detention. Secondly, since detention is segregated and females are less common in the system overall, resources for females are more limited and fewer females can be detained.

It is interesting to note that seriousness of offense was significant only for felonies. Current charges in this sample rarely contained violent crimes, which may explain why they were less of a factor. Misdemeanors, the most common offense, may not have been a serious enough offense to justify pre-adjudication confinement and was therefore not significant for detention. Previous offenses of all categories were significant for detention perhaps because they provide juvenile personnel with the best indicator of predicting future behavior. Previous dispositions were also significant for detention. Juveniles with a history of previous unsuccessful interventions may be perceived as more

of a risk to the community. It is also possible that a juvenile is detained for the purpose of punishment, and that a juvenile justice personnel are more apt to punish a juvenile that has not responded to previous interventions.

The Juvenile Justice and Delinquency Prevention Act of 1974, stipulated the criteria for detaining a juvenile prior to adjudication. Eight probation officers of County X were interviewed (one was omitted because the officer was a new employee) using the questions found in Appendix 2. Answers to the question, "What factors would lead you to recommend detaining a juvenile?" were fairly consistent and complied with legal standards. Five probation officers considered that a juvenile should be detained if he or she appeared to pose a threat to him or herself or the community. Two probation officers mentioned drug and alcohol abuse as important and one mentioned school behavior. Four probation officers also considered seriousness of offense important. One probation officer mentioned the importance of prior record. One officer also stated that a risk of abscondment was a justification for detention.

Departmental policy can also be a factor in a recommendation of detention. City A is near a drug corridor of the northeast and sometimes juveniles who are arrested for possession with intent to deliver are from out-of-state. In cases such as these, the probation department has a standing policy to request that the juvenile be detained. One of the reasons for the policy in these cases is that juveniles cannot be transported back home and parents are seldom present at detention hearings. According to two of the probation officers interviewed, police discretion also plays a significant role. When police pick up a juvenile, they can release or call juvenile probation and ask for

permission to detain. One probation officer also explained the importance of police input.

If a probation officer is on call late at night and gets a phone call he or she will base the decision to detain on what the officer has to say about the situation. In such cases police input is very important.

(Personal interview with Probation Officer, 2000).

Some departments want every juvenile detained, while others leave it up to the probation department. Two probation officers thought that race played a role in police discretion, with minorities more likely to be referred to probation and whites more likely to be warned and released. Although race was not statistically significant for detention, the disproportionate minority referrals to probation might be partially explained by police practices. The final decision to detain or release is in the hands of the probation officer. It would have been helpful to collect data regarding police discretion, but this was not possible within the limits of this study.

The detained juvenile is entitled to a due process hearing within seventy-two hours in order to determine whether the youth will remain in detention until adjudication or be released into the custody of a parent or guardian. So called "preventive detention", in which a juvenile was detained, but released prior to seventy-two hours for the purpose of punishment without due process, was at one time fairly common. However, since the Juvenile Justice and Delinquency Prevention Act of 1974, this has become illegal, although it still sometimes is done. Although the master (virtually all detention hearings take place before masters) makes the final ruling, the recommendation of the probation officer is very important. When asked "How often does a judge or master follow your

recommendation on detaining a juvenile?," responses were very consistent. Two officers said recommendations were followed ninety-nine percent of the time and one reported it was one hundred percent of the time. Another officer said it was ninety-five to one hundred percent. Another officer thought that her recommendation was followed ninety-five percent of the time. One probation officer placed his rate of acceptance at seventy-five percent and one placed his rate at seventy percent. It would appear that a master not following the recommendation of a probation officer regarding detention, is unusual.

Ideally courtroom variables (legal representation and parental representation) for detention would have been included in this study. However, the records of detention hearings were rather limited and details regarding courtroom variables depended upon probation officer case notes, which were widely inconsistent. It would be valuable to learn whether parental representation affected detention. Obviously, when no parent or guardian is present, a master cannot release the juvenile. The relevance of family representation at detention hearings remains uninvestigated.

In conclusion, the most important independent variables influencing detention are probation violations, prior misdemeanors, prior interventions (both community and placement), age, sex, address, felonies, and prior record (misdemeanors, violent misdemeanors, and violent felonies). The null hypothesis that minorities are not significantly more likely to be detained cannot be rejected. Race is not a significant variable for detention in this sample, but minorities may still be overrepresented in detention for other reasons. Police discretion may be responsible for larger numbers of minority referrals because police can elect to call the probation office and file charges or release the juvenile without any intervention. Most minorities in the sample live in urban

areas, and this was significant for detention. Race may not be a direct factor at detention hearings partly because only two masters hear the vast majority of detention hearings.

Detention was not considered as an independent variable for adjudication/disposition because it is indistinguishable from placement. Judges were asked about the influence of detention on disposition in question number seven of the judicial questionnaire (Appendix Two), "Are you more likely to consider out of home placement in cases in which a child was detained prior to the hearing?" Four of the five judges or masters interviewed said no. One judge emphasized that he may not agree that the juvenile should have been detained. Another judge mentioned that detention might be influenced by an inability to contact the parents. It should be pointed out however, that the master or judge who reported that detention would be a factor supporting placement, heard the majority of cases in the sample that appeared in court (55 percent). The same variables that may influence detention (probation violations, prior residential placements, prior misdemeanors, felonies, and prior felonies) also may influence placement. It is logical to assume that a probation officer who recommends detention is also likely to recommend placement at disposition. The criteria that led a probation officer to detain a juvenile (current charges and prior offenses) are also relevant at disposition. In addition, probation violations, the most significant predictor for detention, is also highly significant for placement. A juvenile who has disregarded the conditions of probation is more likely to be detained and more likely to have additional sanctions imposed, and one of those likely sanctions is placement.

## **Placement**

The placement category included public secure, public non-secure, private secure, and private non-secure. All placements outside the home, with the exception of foster care were included in this category. In the first analysis, which included all cases, but excluded independent courtroom variables (legal representation, and parental representation) ten independent variables were found to be significant. Probation violations (POVO), previous residential placements (PR), prior misdemeanors (PRIORMIS), prior violent misdemeanors (PRIORVM), prior community interventions (PC), address (URBAN), sex, age, prior violent felonies (PRIORVF), and felonies were all significant for placement. As expected, probation violations are most significant because they represent the failure of a less restrictive disposition. Previous placements and community interventions also represent a history of failed previous attempts to reform a youth. Probation officers and judges or masters consider what other alternatives have been tried in the past before determining what recommendations are appropriate. The tendency is to increase the level of restriction if less restrictive options have been tried in the past or maintain the level of restriction in a different program if placement has been tried in the past.

Prior offenses, especially serious offenses, were another important consideration in removing the juvenile from the community. One of the bases for placement is protection of the community and a juvenile who has demonstrated a propensity for violence may be seen as a threat. Seriousness of current offense was also important for the same reason. Felonies were significant for placement, but as in the case of detention, violent offenses were not. The rarity of violent offenses may be the reason they are not significant.

Although misdemeanors are less serious, repeated misdemeanors may indicate the failure of previous less restrictive interventions and lead juvenile justice personnel to try a more restrictive disposition.

For several reasons males were more likely candidates for placement than were females. Males were more likely to have serious charges and a prior history of violent felonies, both of which increase the odds of placement. In addition, as was the case for detention, there are fewer placement alternatives for females, which limit the number of females who can be placed. Age is correlated with placement and more time in the system, and the latter is correlated with prior offenses and prior interventions. Younger offenders may also be considered less suitable for placement, depending upon the age of those in a facility. If a juvenile is a lot younger than other juveniles in a facility, this may raise concerns about safety and negative influence. Although there are some facilities that are appropriate for younger offenders, there are fewer institutions in this category, so placement options for younger offenders are more limited.

Address was also significant, as urban youth were more likely to be placed than non-urban youth. Placement differences may begin with differences in police diversion and discretion. One of the possible reasons for this difference is discretion by law enforcement and the higher percentage of minorities in the urban areas. Comments by probation officers in question number 10 of the probation officer questionnaire may shed some light on this discrepancy. Some probation officers thought that race played a significant role in police discretion. One probation officer commented, "They (police) only see Hispanics" and another offered that, "...Race may play a role in police discretion". One probation officer thought that race also affects cases with serious

charges, "Police see a little white boy who couldn't make it in prison and they refer it to juvenile. They see the same situation for a minority and they direct file the case, the juvenile is sent to prison and is charged as an adult." The issue of certification of juveniles as adults is beyond the scope of this study. Another possible reason for racial differences may be because of parental availability. Police may be more likely to refer a juvenile to probation if the officer is unable to contact the parents. Contacting parents may be more difficult in the case of single-parent households, which are more common for minorities. Police presence is also more pronounced in urban areas, which contain more minorities and this may result in more minority arrests. For example, it is easier for police to detect criminal activity through routine patrols of an urban housing project than it would be to detect similar activity in a suburban environment, where such activity may be more likely to occur out of plain view.

When all cases were considered (N=642) race was not significant for placement, which fails to reject the null hypothesis that there is no significant differences between the placement of minority and non-minority juveniles. However, when racial variables were included, but address was not, blacks were significant for placement at the .06 level and Hispanics were significant at the .1563 level. Urban address is correlated with placement and race is correlated with urban address, as was the case for detention, which may partially account for the overrepresentation of minorities in placement. It also appears as if address diminishes in influence at later stages in the juvenile justice process, which may indicate that police discretion is one of the causes of this effect.

## **Courtroom Variables**

When courtroom variables (legal and parental representation) were included in analysis, cases were limited to youth who appeared in court and for which data for both courtroom variables was available. In some cases information on one of both courtroom variables was omitted from the record. The result is an analysis of 390 cases. For the most part, independent variables found significant in analysis, which did not include courtroom variables, were consistent with independent variables found to be significant in analysis that included courtroom variables with some notable exceptions (legal representation, and address). Probation violations, prior interventions (community and residential), prior offenses (misdemeanors and violent misdemeanors), and seriousness of offense (felonies) continued to be significant. Legal representation was highly significant, while family representation was not. Individual judge or master could not be statistically analyzed because there were too few different judges or masters hearing cases and it was not possible to make one judge or master the reference case because there was no basis for differentiation.

In data analysis that included courtroom variables, address ceased to be significant and black ethnicity increased in significance, although not to statistically significant levels. It is possible that address is less influential when only court cases are included because discretionary variables diminish as juveniles progress through the system. Discretion, which causes more juveniles from urban areas to be processed, may be more of a reflection of police practices. Discretion at higher levels of the juvenile justice system from probation officers, lawyers, and judges or masters may be more limited. Once a juvenile appears before the court, that juvenile is more likely to be a repeat

offender and discretion tends to become formulaic in which disposition is based on current offenses, past offenses, and past interventions.

### **Judge or Master**

Analysis of whether the individual judge or master affected disposition was not possible nor were there enough judges in the sample to test hypothesis number six, that judges with prosecutorial experience, less time on the bench, and less experience in juvenile court were likely to be more punitive. Two masters with very similar backgrounds heard 68 percent of all cases in the sample that went to court, with the remainder widely scattered among nine other masters or judges. Judicial analysis is therefore limited to comments made by the five judges interviewed using the questionnaire (Appendix Two). One of the judges interviewed did not hear any of the cases in the sample, although he has heard juvenile cases in the past.

When asked in question number 8, “What factors are most important to you in determining a consequence for a juvenile?”, responses were fairly consistent. Judge or master one, who heard the majority of cases listed the criteria for decision-making as follows: victim injured or present (seriousness of offense), and whether it was a repeat offense. Judge or master number two listed prior history (including offenses and placements), age, and home situation. He explained that home situation meant whether there was structure and supervision in the home. Judge or master number three listed nature of crime, priors and nature of problems as the criteria most important for disposition. Judge or master three also mentioned that placement may be influenced by budgetary concerns and may be less likely near the end of the fiscal year.

Judge or master four indicated that the most important consideration in making a disposition decision was the identity of the probation officer. He explained that some probation officers are highly respected and he would follow their recommendation, but others were less credible and he would carefully examine the case and not rely on the recommendation of the probation officer. He also considered strength of homelife and attitude of the child as important considerations in disposition. Judge four did not hear any of the cases in the sample, although he had served in the juvenile court in the past. Judge five listed seriousness of offense, home situation, parental cooperation, prior record, age, and probation officer's report as the most important variables in deciding disposition.

The criteria used by judges and masters in determining disposition were consistent with the criteria found to be significant in data analysis. Prior offenses, current offense, and age were listed by judges and also found to be consistently significant for disposition in data analysis. Although homelife or parental involvement was also considered important by most judges or masters, in data analysis parental representation in court was not found to be significant. As mentioned previously, none of the judges reported that they were influenced by the presence of one or two parents in court, which suggests that judges and masters use criteria other than courtroom representation to assess family functioning. Judges or masters may rely on social summaries prepared by the probation officer, which include family environment appraisals.

## **Legal Representation**

Type of legal representation significantly influenced disposition, a fact that was not predicted by previous research. Private representation and public representation were significantly correlated with placement compared to juveniles who waived their legal counsel. When public defenders were considered the reference group, both private representation and no legal representation decreased the odds of placement. An absence of legal representation was the most significant independent variable tested in any model and had an inverse relationship with the dependent variable of placement.

The explanation of why the absence of a lawyer reduces the odds of placement may be due to indirect influences. Waiver of legal counsel depends upon the discretion of the judge or master. Judges or masters may be much more reluctant to allow juveniles to waive legal counsel in cases in which placement is a likely outcome. Judges or masters are well aware of what the probation officer is recommending before the hearing begins, so they know if the juvenile is likely to suffer a loss of liberty. Basically, when placement is likely, it raises the stakes and judges or masters may not be as comfortable proceeding without a legal advocate for the juvenile and may be less willing to let the juvenile waive his or her right to counsel. If the juvenile seems to be facing some minor consequence, such as an extension of probation, and this appears to be a foregone conclusion, judges or masters may be more at ease waiving the right to counsel. The negative correlation of no legal representation and placement may be explained partly because such individuals would not be permitted to appear without counsel unless placement was unlikely.

Age and urban address were significantly correlated with an absence of legal counsel as shown in tables 21 and 22. As indicated in Table 21, 81.3% (48) of the youth without a lawyer (59) were between the ages of 16 and 19 and 64% (38) were between the ages of 17 and 19. It would appear that judges are much more likely to allow waiver of legal counsel in the case of older juveniles, who might be more able to understand the proceedings without the benefit of legal counsel. Another possible reason that age is strongly correlated with less severe sanctions may be the tendency of the system to give up on youth who are nearing the end of juvenile jurisdiction. Generally previous interventions and prior record predict placement, but not in the case of juveniles without legal representation. It may be that the system has exhausted its resources on such juveniles and is content to dismiss or maintain older juveniles until they reach the age of 18 and are no longer under the jurisdiction of the juvenile justice system. Juveniles in this category are not candidates for placement perhaps because the juvenile system is no longer willing to commit resources to them.

Also of interest is the majority of urban youth with public defenders, which is correlated with placement. As indicated in Table 22, 78% of the urban youth appearing in court were represented by a public defender, while only 61% of the non-urban youth had public representation, which is a significant difference as demonstrated by the Chi-square test. Because of the large concentration of minorities in the urban areas, racial differences were also evident in legal representation. Table 23 indicates that of the 79 black youth who appeared in court, only 11.3% were represented by private counsel, while 7.8% of Hispanics had private representation. In contrast, 14% of white youth appearing in court had the benefit of private legal representation. The implication is that

urban minority youth were much more likely to have a public defender, which may offer the weakest legal advocacy.

In response to question number 9 of the probation officer questionnaire (found in appendix two), “Do you think type of legal representation affects disposition?” Most probation officers surveyed did think private representation offered some advantages, which was consistent with data analysis. Five of the eight probation officers interviewed thought that a private attorney offered at least some advantages over a public defender. Specifically bargaining and fighting was perceived to be a characteristic of private lawyers and some probation officers thought it helped to reduce charges and “...cut a better deal for their clients...,” while one probation officer thought that the result was “...pretty much the same...” Another probation officer downplayed the difference between public defenders and private lawyers saying that most private lawyers lacked experience in the juvenile justice system. Child advocacy certainly isn’t an area of legal specialization, at least not in the county studied. However, it is also possible, as one probation officer observed, that the private lawyers are operating based on their experience in the adult system, which is based on bargaining for the best possible deal for their client.

A defense lawyer, who is the head of juvenile representation for the public defender’s office was also interviewed, using a questionnaire, which can be found in Appendix Four. In answer to question number 2, “How often do you challenge the charges?”, the response was 50-65% of the time. Responding to question number 3, “How often are charges dropped?” he replied, “...dropped, hardly ever. Reduced? often...”. Both of these responses indicate the role of defense in the juvenile system is very similar to that

of the role in the adult system, namely to bargain with the prosecutor for the best deal by entering a guilty plea for some charges in exchange for dropping other charges. Charges that are challenged are usually challenged informally outside the courtroom until the defense and prosecution reach an agreement. Probation officers also have a vital role in this process, recommending the charges filed and disposition. Public defenders, in the words of the chief public defender, “rarely” challenge the recommendation of the probation officer. The question of whether private lawyers challenge charges more often remains uninvestigated.

When asked about the weekly workload of public defenders (question number 6), the response was, “...five or six cases per day and about twenty-five to thirty per week.” The time spent per case (question number 7) could range from “...fifteen minutes to two days...”. Some cases take very little time because the probation officer has already talked with the youth in the presence of his or her parent(s) about what the youth is willing to admit and what the probable disposition will be. The public defender in many cases is simply making sure that the youth is making a knowing acknowledgment and is in agreement with the recommendation of the probation officer. The judge or master also makes it a point to ask youths in court if they have been able to discuss their case with their lawyer.

In answer to question number 8, “Does the time and resources spent on a case differ for private counsel versus public defender?” The head of the public defender’s office replied, “A private lawyer may do more things. And spend more time on billable activities, although it is not really profitable to specialize in juvenile cases.” He did not

think that there was any difference in quality between private and public representation in the juvenile court, although this was not supported by statistical analysis.

### **Parental Representation**

The null hypothesis that parental representation will affect disposition cannot be rejected nor can the hypothesis that minority youth will be adversely affected by a lack of parental representation. The absence of influence of parental representation on disposition was unexpected, but might partly be explained by the discretion of the master or judge hearing the case. Item number six in the judicial questionnaire asked, "Are you more likely to consider placement out of the home in cases in which there is only one parent present compared to similar cases where there are two parents present in the courtroom?" Each of the five judges or masters questioned answered "no" to this question, although they all said that they would opt for placement when there were no parents present, because as one judge stated, "If there is no contact, there is no home". However, one judge stated that the disposition still depended on the recommendation of the probation officer and it was possible that the absence of parental representation was not an indication of a lack of family resources. If the probation officer had been in contact with a parent and there was a good explanation for their absence, a return home was not beyond possibility, which is consistent with statistical analysis that failed to find correlations with any of the parental combinations studied (mom and dad, mom, dad, other relatives, and none).

Another reason two parents are not necessarily better than one is because single-parent representation is the norm, and although it is rare to have both parents present in court, it

is even more rare for minorities. Some judges and masters also notice the difference in representation according to ethnicity as indicated by question number five, "Is there a pattern of single or no parent representation according to race or ethnicity?" Three judges or masters thought that African-Americans were more likely to have single-parent representation. The most common single-parent representation according to the judges or masters was mothers, which is consistent with the actual data. The judicial estimate of how often only one parent was present varied with two judges saying 50 percent, one 75 percent, one 90 percent and one 98 percent, which is rather consistent with the sample in which both parents were present in only 24.4% percent of the cases. Single-parent representation in the juvenile court in county X was widely acknowledged by the judges and masters. Since single-parent representation was so common, judges and masters may look to other criteria when considering placement options.

Probation officers were also asked to assess the relevance of parental involvement in the interview shown in Appendix 2. Question number 6 asked "How would parental involvement influence your recommendation of disposition?" Responses varied, but most probation officers considered parental involvement to be very important. One probation officer called parental involvement a "big factor..." and added that it could offset serious charges. Two other probation officers would consider parental input if it were appropriate. However one other probation officer said that input from parents would not initiate a course of action. Seven of the eight officers interviewed considered parental involvement to be an important consideration.

One indicator of parental involvement may be their presence at disposition. Probation officers addressed this issue in question number 7, "How often do juveniles have both

parents present at disposition?” Responses ranged from less than 50 percent (two officers) to “rarely”, but all responses indicated that having both parents present was uncommon. Two probation officers added that the geographic distribution of their caseload had a large bearing on parental representation, with inner city cases much more likely to have single-parent representation than rural or suburban areas. Question number 8, “Is there a pattern with parental representation with respect to race or ethnicity?” produced a variety of responses. One officer could not comment because he only has Hispanic youth on his caseload and another could not comment because he had only whites on his caseload. Another officer was new and had too few court appearances to make a judgment. One officer thought that two-parent representation was more common for Hispanics, while two of the officers thought that mother-only representation was more common with Hispanics. Another probation officer thought that minorities had single-parent representation more often. For those officers with racially diverse caseloads, all but one considered single-parent representation to be more common for minorities.

The public defender interview (Appendix Four) also addressed this issue in question number 10, “Do you think parental representation in court influences disposition?” The response given was, “Yes, and the probation officer’s recommendation.” The public defender thought that placement was less likely with both parents present in court and also noted that very few fathers were present in court regardless of race or ethnicity.

The actual breakdown of family representation of the sample according to race can be found in Table 24, which indicates that 5% of black youth had both parents in court compared to 6.9% of Hispanics and 40.2% of whites. Also of interest is the fact that of the 222 cases with single parent representation in court, 85.5% were represented by

## **Chapter 5**

### **Implications and Conclusion**

#### **Theoretical Basis of Findings**

The labeling perspective and conflict theory are supported by some of the results found in this study. Urban address was strongly correlated with placement, which may also explain the overrepresentation of minorities in placement. Support is offered in this study for Peeples and Loeber (1994), who found underclass neighborhoods to have more crime regardless of their racial composition. Underclass neighborhoods may be more common in the areas designated as urban in this study, which are also the areas containing a larger percentage of minorities. Feld (1991) also found more serious juvenile crime in urban areas, which could also account for the correlation of urban address and placement in this study. Urban address may also have implications in police discretion.

In this study, address is influential at early stages of the process, but less important in court, which suggests that police practices may play a role. Klein (1990) and Bishop and Frazier (1996) among others found minority youth were more often arrested with respect to their numerical representation in the general population and it is possible that the significance of address represents a similar trend in the jurisdiction under study here.

mothers compared to 14.4% of fathers. Only 9% of single parent representation for blacks was a father compared to 12% of Hispanics and 19% of whites, which is also a reflection of demographic trends with respect to single-parent households.

Although parental representation may have some influence on the recommendation of probation officers and the subsequent sentence by judges or masters, other variables appear to have greater influence. Parental involvement indicated here via presence in court may not be the most accurate way to measure this variable. Future research should also consider social report summaries in which the probation officer characterizes the juvenile's home environment.

### **Policy Implications**

Results of this study suggest that minority representation in the juvenile justice system should be reduced in county X. The reason for this particular trend is unclear, but it may originate with police practices, since address is correlated with detention and placement. The reasons that urban residents are more likely to receive formal intervention remain uninvestigated, but the role of the police officer may be a key component. It is the police officer who most often initiates a juvenile's entrance into the juvenile justice system. The significance of urban address has racial implications as well because the majority of minority youth in County X reside in urban areas. In addition, future research should examine the process of police discretion in order to discover what factors influence the police to handle a case informally or refer the case to juvenile probation. It is important to discover whether race plays an important role in police discretion as has been alleged by probation officers interviewed in this study.

Because probation violations were an important factor in both detention and disposition outcomes, future research that focuses on the process of probation officer discretion may shed light on why some violations result in a return to court and others provoke no official action. It is possible that race plays a significant role in the subjective process by which probation officers respond to violations of probation or violations of a court order. Overrepresentation of minorities in placement may increase the odds that juveniles will become adult criminals. The large numbers of minorities in the adult system may be partly due to the large numbers of minority youth in secure juvenile facilities. If fewer minority juveniles are placed, this may eventually reduce the number of minorities in adult prison. County X also has an overrepresentation of minorities in its

adult system. Obviously, reducing the number of minorities in the criminal justice system will require changes throughout the entire system, but reducing the number of minority youth in institutions would be a positive step in the right direction.

A task force should be appointed in county X to explore the possible reasons for minority overrepresentation. The task force should consist of both juvenile court personnel (probation officers, judges, masters, prosecutors, and defense lawyers) along with law enforcement, professionals treating juvenile offenders, and parents of juveniles. The task force may discover actual causes for minority overrepresentation and make suggestions to reduce the number of juveniles in the system. It is possible that minority overrepresentation in the juvenile justice system is not the result of overt racism, but rather the result of criteria used for formal intervention, which may place urban youth at a disadvantage. For example, family structure, school performance, and school attendance may be important and valid criteria, however such criteria may make a formal referral to the juvenile court a more probable response for an urban youth, who is more likely to be a minority youth as well.

## **Conclusion**

This study discovered some evidence that urban youth in county X are treated more harshly than non-urban youth in the juvenile justice system. The findings also suggest that address is important for discretion in the early stages, but not a factor once the juvenile appears in court. The implication is that police practices may result in a larger number of urban residents being formally processed, which has racial implications, since most of the minority juveniles in the county under study live in urban areas. It is also

possible that some other variable occurs commonly with urban address, which influences the decision-making process and is more likely to result in placement. It may be that some criteria for placement such as school performance or family dynamics place urban youth at a disadvantage compared to non-urban youth.

The juvenile justice system under study appears to dispose of cases using primarily a formulaic approach. Probation violations and prior interventions are most strongly correlated with the disposition of placement. Previous offenses and current charges are also correlated with placement. As age increases, so does the probability of placement. Males are also more likely to be placed than females. Ideally, this study would have included an analysis of secure versus nonsecure placement, but such distinctions were not mutually exclusive so this was not possible. Future research should include a longitudinal analysis in which a juvenile is followed through placement in order to determine if there are racial differences in type of placement, a premise which has been indicated in other studies. While the sample is substantial, ideally it would have been a random sample of cases drawn over a much longer time period.

Courtroom variables examined in this study included parental representation and legal representation. Courtroom variables are somewhat rare in studies of the juvenile justice system, because access is greatly restricted. One variable included here, but other studies have neglected, was parental representation in the courtroom. It was thought that a minority juvenile would be less likely to have both parents present at adjudication and disposition and this would be a contributing factor in disposition. Specifically, it was thought that having only one parent or another relative present in court would increase the odds of a placement outside the home. While it was true that minority youth had less

parental representation, this did not adversely affect disposition, because disposition was not significantly influenced by parental representation. Parental representation was used to measure parental involvement, which may have been an error. Parental involvement may be significant, but perhaps to evaluate family resources probation officers and judges rely on the social summary information rather than physical presence in the courtroom. Much more data is needed on courtroom variables in the juvenile system in spite of legal obstacles.

Future research should continue to explore the influence of parental variables on disposition, but may have to define this variable differently. Because of the significant difference in parental representation between minority and non-minority youth, this should continue to be explored as a possible reason for minority overrepresentation in the juvenile justice system. Other studies should also examine family variables with respect to detention. The intention of this study was initially to include family representation in detention hearings, but this would have required actual observation of detention hearings, which was not permitted.

Legal representation analysis revealed the surprising result that lack of legal representation actually decreased the probability of placement. The absence of legal representation is most likely correlated with a low probability of placement because judges or masters are unlikely to allow a juvenile to waive counsel in cases where placement is likely. The reasons that placement is unlikely should also be investigated because of the policy implication that the juvenile system gives up on older juveniles who are nearing the age limit of jurisdiction. Another important finding was that a private legal defense may be superior to that of a public defender. The finding has racial

implications because urban dwellers were significantly more likely to have public defense and urban dwellers were most likely to be minorities. The picture that emerges is that of a two-tiered legal defense with minorities having less access to adequate legal advocacy because they are more likely to rely on a public defender. A recent report by Eckenbrecht (1996) states that juvenile public defender offices are plagued by inexperience, poor training and large caseloads. The study of 124 public defender offices revealed that 55% of public defenders spend less than twenty-four months in juvenile court, rarely file appeals, and have excessive caseloads.

Future research should examine the differences between private and public counsel in the juvenile justice system in order to lessen the disparity. Specifically, differences between public and private defense should be investigated in terms of contesting charges, having charges dismissed, having charges reduced and dispositional outcome. Future research should also ask judges or masters the conditions under which they would permit waiver of legal counsel in order to test the hypothesis that youth, who are permitted to waive counsel, are rarely facing placement.

It was also the intention of this study to include judicial characteristics as an independent variable, but the small number of judges hearing cases made this statistically insignificant. However, juvenile judges and masters have infrequently been studied and future research should include this variable if possible. None of the hypotheses regarding judges or masters could be tested here, but they remain important issues to be resolved. Particularly it would be important to discover if judges or masters with more experience are more apt to follow the traditional model of the juvenile court as a surrogate parent and

whether those newer to the profession are more likely to favor a more-punishment focused model.

Another area not covered in this study and which warrants further investigation is the role of police in the juvenile justice system. Comments made by probation officers of county X made it clear that police discretion plays a large role in the juvenile system. Police officers in many jurisdictions have the authority to divert juveniles from the system or make an official referral to the probation department. Diversion can either be a warning or involve some type of supervised community service instead of a probation referral. Police officers also play a large part in the detention process, because they often make the arrest and then initiate a contact with the child's parents. Some probation officers interviewed in this study suggested that the police practice racial discrimination when it comes to making a referral and in how diligent they are in contacting parents. The implication by some probation officers was that every effort is made to contact the parents of a white juvenile so that the youth can be returned home, but that some police make only a minimal effort to contact parents in the case of a minority youth. Future research should attempt to uncover the hidden world of police diversion of juveniles and explore how police behavior may lead to detention.

Because poor records are kept regarding detention hearings, future research should also include direct observation of detention hearings to discover what variables influence the decision to detain a youth prior to adjudication or disposition. It would be especially beneficial to examine the same courtroom variables of parental representation, identity of judge or master, and legal representation at detention hearings, data that has rarely been studied.

**Future research regarding the juvenile justice system should attempt to discover possible reasons for the overrepresentation of minority youth in the juvenile justice system. Overrepresentation found here and elsewhere may be a reflection of larger cultural bias, which is manifested throughout society. Factors such as a lack of alternative resources, biased police practices, family structure, judicial experience, and legal advocacy, may be responsible for the phenomenon of minority overrepresentation and should be examined in greater detail.**

## **Appendix One:**

### **Tables**

**Table 1: Age, Sex, and Race of Sample****Frequencies****Statistics**

		sex	age	race
N	Valid	642	642	642
	Missing	0	0	0

**Frequency Table****sex**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	male	531	82.7	82.7	82.7
	female	111	17.3	17.3	100.0
	Total	642	100.0	100.0	

**age**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	11	6	.9	.9	.9
	12	7	1.1	1.1	2.0
	13	27	4.2	4.2	6.2
	14	57	8.9	8.9	15.1
	15	82	12.8	12.8	27.9
	16	120	18.7	18.7	46.6
	17	167	26.0	26.0	72.6
	18	138	21.5	21.5	94.1
	19	35	5.5	5.5	99.5
	20	2	.3	.3	99.8
	21	1	.2	.2	100.0
	Total	642	100.0	100.0	

**race**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	black	109	17.0	17.0	17.0
	hispanic	170	26.5	26.5	43.5
	white	363	56.5	56.5	100.0
	Total	642	100.0	100.0	

**Table 2: Address (Urban vs. Non-Urban) of Sample****Frequencies****Statistics**

urban

<b>N</b>	<b>Valid</b>	<b>642</b>
	<b>Missing</b>	<b>0</b>

urban

		<b>Frequency</b>	<b>Percent</b>	<b>Valid Percent</b>	<b>Cumulative Percent</b>
<b>Valid</b>	nonurban	230	35.8	35.8	35.8
	urban	412	64.2	64.2	100.0
	<b>Total</b>	<b>642</b>	<b>100.0</b>	<b>100.0</b>	

**Table 3: Current Non-Violent Offenses of Sample****Frequencies****Statistics**

		<b>felonies</b>	<b>misdemeanors</b>	<b>probation violations</b>
<b>N</b>	<b>Valid</b>	642	642	642
	<b>Missing</b>	0	0	0

**Frequency Table****felonies**

		<b>Frequency</b>	<b>Percent</b>	<b>Valid Percent</b>	<b>Cumulative Percent</b>
<b>Valid</b>	0	526	81.9	81.9	81.9
	1	74	11.5	11.5	93.5
	2	35	5.5	5.5	98.9
	3	3	.5	.5	99.4
	4	4	.6	.6	100.0
	<b>Total</b>	<b>642</b>	<b>100.0</b>	<b>100.0</b>	

**misdemeanors**

		<b>Frequency</b>	<b>Percent</b>	<b>Valid Percent</b>	<b>Cumulative Percent</b>
<b>Valid</b>	0	256	39.9	39.9	39.9
	1	215	33.5	33.5	73.4
	2	111	17.3	17.3	90.7
	3	34	5.3	5.3	96.0
	4	14	2.2	2.2	98.1
	5	5	.8	.8	98.9
	6	3	.5	.5	99.4
	7	1	.2	.2	99.5
	8	1	.2	.2	99.7
	9	1	.2	.2	99.8
	24	1	.2	.2	100.0
	<b>Total</b>	<b>642</b>	<b>100.0</b>	<b>100.0</b>	

**probation violations**

		<b>Frequency</b>	<b>Percent</b>	<b>Valid Percent</b>	<b>Cumulative Percent</b>
<b>Valid</b>	0	507	79.0	79.0	79.0
	1	135	21.0	21.0	100.0
	<b>Total</b>	<b>642</b>	<b>100.0</b>	<b>100.0</b>	

**Table 4: Current Violent Offenses of Sample****Frequencies****Statistics**

		prior violent felonies	prior violent misdemeanors
N	Valid	642	642
	Missing	0	0

**Frequency Table****prior violent felonies**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	0	589	91.7	91.7	91.7
	1	40	6.2	6.2	98.0
	2	10	1.6	1.6	99.5
	3	2	.3	.3	99.8
	4	1	.2	.2	100.0
	Total	642	100.0	100.0	

**prior violent misdemeanors**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	0	539	84.0	84.0	84.0
	1	77	12.0	12.0	96.0
	2	17	2.6	2.6	98.6
	3	4	.6	.6	99.2
	4	5	.8	.8	100.0
	Total	642	100.0	100.0	

**Table 5: Prior Non-Violent Offenses of Sample****Frequencies****Statistics**

		prior misdemeanors	prior felonies
N	Valid	642	642
	Missing	0	0

**Frequency Table****prior misdemeanors**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	0	335	52.2	52.2	52.2
	1	97	15.1	15.1	67.3
	2	81	12.6	12.6	79.9
	3	45	7.0	7.0	86.9
	4	30	4.7	4.7	91.6
	5	18	2.8	2.8	94.4
	6	13	2.0	2.0	96.4
	7	10	1.6	1.6	98.0
	8	5	.8	.8	98.8
	9	1	.2	.2	98.9
	10	2	.3	.3	99.2
	11	3	.5	.5	99.7
	15	1	.2	.2	99.8
	25	1	.2	.2	100.0
	Total	642	100.0	100.0	

**prior felonies**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	0	515	80.2	80.2	80.2
	1	54	8.4	8.4	88.6
	2	42	6.5	6.5	95.2
	3	12	1.9	1.9	97.0
	4	8	1.2	1.2	98.3
	5	3	.5	.5	98.8
	6	4	.6	.6	99.4
	7	1	.2	.2	99.5
	8	2	.3	.3	99.8
	11	1	.2	.2	100.0
	Total	642	100.0	100.0	

**Table 6: Prior Violent Offenses of Sample****Frequencies****Statistics**

		prior violent felonies	prior violent misdemeanors
<b>N</b>	Valid	642	642
	Missing	0	0

**Frequency Table****prior violent felonies**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	0	589	91.7	91.7	91.7
	1	40	6.2	6.2	98.0
	2	10	1.6	1.6	99.5
	3	2	.3	.3	99.8
	4	1	.2	.2	100.0
	<b>Total</b>	<b>642</b>	<b>100.0</b>	<b>100.0</b>	

**prior violent misdemeanors**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	0	539	84.0	84.0	84.0
	1	77	12.0	12.0	96.0
	2	17	2.6	2.6	98.6
	3	4	.6	.6	99.2
	4	5	.8	.8	100.0
	<b>Total</b>	<b>642</b>	<b>100.0</b>	<b>100.0</b>	

**Frequencies**

**Statistics**

		placement	prior community placements	prior residential placements
N	Valid	648	648	648
	Missing	0	0	0

**Frequency Table**

**placement**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	community placement	408	63.0	63.0	63.0
	Total	648	100.0	100.0	100.0

**prior community placements**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	0	492	75.9	75.9	75.9
	1	79	12.2	12.2	88.1
	2	36	5.6	5.6	93.7
	3	22	3.4	3.4	97.1
	4	5	.8	.8	97.8
	5	6	.9	.9	98.8
	6	3	.5	.5	99.2
	7	2	.3	.3	99.5
	8	2	.3	.3	99.8
	10	1	.2	.2	100.0
	Total	648	100.0	100.0	

**prior residential placements**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	0	419	64.7	64.7	64.7
	1	91	14.0	14.0	78.7
	2	40	6.2	6.2	84.9
	3	29	4.5	4.5	89.4
	4	20	3.1	3.1	92.4
	5	13	2.0	2.0	94.4
	6	18	2.8	2.8	97.2
	7	8	1.2	1.2	98.5
	8	3	.5	.5	98.9
	9	3	.5	.5	99.4
	10	3	.5	.5	99.8
	11	1	.2	.2	100.0
Total	648	100.0	100.0		

**Table 8: Pre-Trial Detention According to Race****Crosstabs****Case Processing Summary**

	Cases					
	Valid		Missing		Total	
	N	Percent	N	Percent	N	Percent
<b>race * detention</b>	<b>642</b>	<b>100.0%</b>	<b>0</b>	<b>.0%</b>	<b>642</b>	<b>100.0%</b>

**race \* detention Crosstabulation**

Count

		detention		Total
		not detained	detained	
<b>race</b>	<b>black</b>	50	59	109
	<b>hispanic</b>	70	100	170
	<b>white</b>	216	147	363
<b>Total</b>		<b>336</b>	<b>306</b>	<b>642</b>

**Table 9: Chi-Square Test for Hispanic Detention****Crosstabs****Case Processing Summary**

	Cases					
	Valid		Missing		Total	
	N	Percent	N	Percent	N	Percent
hispanic * detention	642	100.0%	0	.0%	642	100.0%

**hispanic \* detention Crosstabulation****Count**

		detention		Total
		not detained	detained	
hispanic	white, asian, black	266	206	472
	hispanic	70	100	170
<b>Total</b>		<b>336</b>	<b>306</b>	<b>642</b>

**Chi-Square Tests**

	Value	df	Asymp. Sig. (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)
Pearson Chi-Square	11.545 <sup>b</sup>	1	.001		
Continuity Correction <sup>a</sup>	10.944	1	.001		
Likelihood Ratio	11.567	1	.001		
Fisher's Exact Test				.001	.000
Linear-by-Linear Association	11.527	1	.001		
N of Valid Cases	642				

a. Computed only for a 2x2 table

b. 0 cells (.0%) have expected count less than 5. The minimum expected count is 81.03.

**Table 10: Forward Conditional Logistic Regression Results for Detention**

----- Variables in the Equation -----							
Variable	B	S.E.	Wald	df	Sig	R	Exp (B)
AGE	.1376	.0645	4.5540	1	.0328	.0536	1.1475
SEX	-.5321	.3044	3.0563	1	.0804	-.0345	.5874
URBAN	.4519	.2548	3.1461	1	.0761	.0359	1.5713
HISPANIC	.3626	.2570	1.9915	1	.1582	.0000	1.4371
MIS	-.1412	.1019	1.9195	1	.1659	.0000	.8683
FELONIES	.5069	.1612	9.8849	1	.0017	.0942	1.6602
VIOFELON	.7033	.3868	3.3057	1	.0690	.0383	2.0205
POVO	2.7874	.4071	46.8765	1	.0000	.2247	16.2394
PRIORMIS	.2926	.0815	12.9040	1	.0003	.1108	1.3399
PRIORVM	.3146	.2227	1.9942	1	.1579	.0000	1.3696
PRIORFEL	.3768	.1340	7.9060	1	.0049	.0815	1.4576
PR	.3995	.1076	13.7861	1	.0002	.1152	1.4911
Constant	-3.9761	1.0978	13.1175	1	.0003		

----- Model if Term Removed -----  
Based on Conditional Parameter Estimates

Term Removed	Log Likelihood	-2 Log LR	df	Significance of Log LR
AGE	-274.300	4.682	1	.0305
SEX	-273.562	3.206	1	.0734
URBAN	-273.554	3.189	1	.0741
HISPANIC	-272.955	1.991	1	.1582
MIS	-273.008	2.098	1	.1475
FELONIES	-277.044	10.169	1	.0014
VIOFELON	-273.637	3.355	1	.0670
POVO	-306.610	69.302	1	.0000
PRIORMIS	-279.273	14.627	1	.0001
PRIORVM	-273.015	2.112	1	.1461
PRIORFEL	-276.884	9.850	1	.0017
PR	-281.658	19.396	1	.0000

----- Variables not in the Equation -----  
Residual Chi Square 2.189 with 4 df Sig = .7011

Variable	Score	df	Sig	R
BLACK	.4178	1	.5180	.0000
VIOMIS	.3510	1	.5535	.0000
PRIORVF	.3399	1	.5599	.0000
PC	1.1235	1	.2892	.0000

No more variables can be deleted or added.

**Table 11: Custom Model I: Logistic Regression Results for Detention**

----- Variables in the Equation -----							
Variable	B	S.E.	Wald	df	Sig	R	Exp(B)
AGE	.1357	.0646	4.4207	1	.0355	.0522	1.1454
SEX	-.5348	.3035	3.1054	1	.0780	-.0353	.5858
HISPANIC	.4378	.2824	2.4031	1	.1211	.0213	1.5493
BLACK	.2044	.3164	.4175	1	.5182	.0000	1.2268
URBAN	.3894	.2730	2.0339	1	.1538	.0062	1.4761
MIS	-.1371	.1021	1.8045	1	.1792	.0000	.8719
FELONIES	.5029	.1609	9.7653	1	.0018	.0935	1.6536
VIOFELON	.6901	.3881	3.1618	1	.0754	.0362	1.9939
POVO	2.8007	.4081	47.0924	1	.0000	.2253	16.4570
PRIORMIS	.2902	.0816	12.6355	1	.0004	.1094	1.3367
PRIORVM	.3059	.2233	1.8760	1	.1708	.0000	1.3579
PRIORFEL	.3767	.1346	7.8259	1	.0052	.0810	1.4574
PR	.3999	.1075	13.8329	1	.0002	.1154	1.4917
Constant	-3.9602	1.0981	13.0066	1	.0003		

**Table 12: Custom Model II: Logistics Regression Results for Detention**

----- Variables in the Equation -----							
Variable	B	S.E.	Wald	df	Sig	R	Exp (B)
AGE	.1299	.0642	4.0948	1	.0430	.0486	1.1387
SEX	-.5475	.3021	3.2842	1	.0700	-.0380	.5784
HISPANIC	.6153	.2550	5.8240	1	.0158	.0656	1.8503
BLACK	.3705	.2961	1.5656	1	.2109	.0000	1.4484
MIS	-.1504	.1016	2.1930	1	.1386	-.0147	.8604
FELONIES	.4965	.1600	9.6329	1	.0019	.0927	1.6429
VIOFELON	.7069	.3880	3.3200	1	.0684	.0385	2.0278
POVO	2.7841	.4086	46.4184	1	.0000	.2236	16.1845
PRIORMIS	.2874	.0816	12.4097	1	.0004	.1082	1.3330
PRIORVM	.3359	.2234	2.2605	1	.1327	.0171	1.3992
PRIORFEL	.3939	.1364	8.3410	1	.0039	.0845	1.4828
PR	.4072	.1077	14.2889	1	.0002	.1176	1.5026
Constant	-3.6701	1.0729	11.7019	1	.0006		

**Table 13: Forward Conditional Logistics Regression Results  
for Placement Without Courtroom Variables**

Classification Table for PLACED  
The Cut Value is .50

		Predicted		Percent Correct
		community c	placement p	
Observed community	c	365	38	90.57%
placement	p	78	161	67.36%
Overall				81.93%

----- Variables in the Equation -----

Variable	B	S.E.	Wald	df	Sig	R	Exp(B)
AGE	.1982	.0694	8.1492	1	.0043	.0852	1.2192
SEX	-.8329	.3201	6.7697	1	.0093	-.0750	.4348
URBAN	.6323	.2397	6.9566	1	.0084	.0765	1.8819
FELONIES	.4244	.1595	7.0780	1	.0078	.0774	1.5287
POVO	1.2170	.2711	20.1453	1	.0000	.1463	3.3769
PRIORMIS	.2800	.0706	15.7092	1	.0001	.1272	1.3231
PRIORVM	.4303	.2027	4.5058	1	.0338	.0544	1.5377
PRIORFEL	.1634	.0996	2.6941	1	.1007	.0286	1.1776
PRIORVF	.7356	.3731	3.8863	1	.0487	.0472	2.0867
PC	.4129	.1285	10.3228	1	.0013	.0991	1.5113
PR	.3016	.0820	13.5433	1	.0002	.1167	1.3520
Constant	-5.6059	1.1814	22.5153	1	.0000		

----- Model if Term Removed -----

Based on Conditional Parameter Estimates

Term Removed	Log Likelihood	-2 Log LR	df	Significance of Log LR
AGE	-277.334	8.571	1	.0034
SEX	-276.773	7.449	1	.0063
URBAN	-276.666	7.236	1	.0071
FELONIES	-276.566	7.036	1	.0080
POVO	-283.255	20.415	1	.0000
PRIORMIS	-282.135	18.174	1	.0000
PRIORVM	-275.456	4.817	1	.0282
PRIORFEL	-274.478	2.860	1	.0908
PRIORVF	-275.401	4.706	1	.0301
PC	-279.549	13.002	1	.0003
PR	-281.414	16.732	1	.0000

**Table 14: Custom Model I: Logistics Regression Results  
for Placement Without Courtroom Variables**

----- Variables in the Equation -----							
Variable	B	S.E.	Wald	df	Sig	R	Exp (B)
AGE	.1982	.0697	8.0901	1	.0045	.0848	1.2192
SEX	-.8241	.3200	6.6342	1	.0100	-.0739	.4386
FELONIES	.4168	.1594	6.8344	1	.0089	.0755	1.5172
POVO	1.2199	.2715	20.1955	1	.0000	.1465	3.3868
PRIORMIS	.2750	.0712	14.9214	1	.0001	.1235	1.3166
PRIORVM	.4248	.2028	4.3852	1	.0363	.0530	1.5293
PRIORFEL	.1601	.1000	2.5657	1	.1092	.0258	1.1737
PRIORVF	.7049	.3729	3.5733	1	.0587	.0431	2.0236
PC	.4221	.1289	10.7266	1	.0011	.1015	1.5252
PR	.3025	.0818	13.6796	1	.0002	.1174	1.3532
BLACK	.3252	.3118	1.0878	1	.2970	.0000	1.3843
HISPANIC	.1093	.2865	.1456	1	.7028	.0000	1.1155
URBAN	.5359	.2734	3.8424	1	.0500	.0466	1.7090
Constant	-5.6219	1.1853	22.4966	1	.0000		

**Table 15: Custom Model II: Logistics Regression Results  
for Placement Without Courtroom Variables**

----- Variables in the Equation -----							
Variable	B	S.E.	Wald	df	Sig	R	Exp (B)
AGE	.1906	.0694	7.5327	1	.0061	.0808	1.2100
SEX	-.8165	.3184	6.5779	1	.0103	-.0735	.4420
FELONIES	.4153	.1571	6.9877	1	.0082	.0767	1.5148
POVO	1.1801	.2701	19.0809	1	.0000	.1420	3.2545
PRIORMIS	.2633	.0707	13.8807	1	.0002	.1184	1.3012
PRIORVM	.4645	.2036	5.2043	1	.0225	.0615	1.5913
PRIORFEL	.1663	.1020	2.6594	1	.1029	.0279	1.1810
PRIORVF	.7535	.3761	4.0142	1	.0451	.0487	2.1243
PC	.4289	.1286	11.1243	1	.0009	.1038	1.5355
PR	.3097	.0817	14.3768	1	.0001	.1208	1.3630
BLACK	.5558	.2913	3.6413	1	.0564	.0440	1.7434
HISPANIC	.3644	.2571	2.0099	1	.1563	.0034	1.4397
Constant	-5.2437	1.1642	20.2876	1	.0000		

**Table 16: Forward Conditional Logistics Regression Results  
for Placement With Courtroom Variables  
(Reference groups: none for both parental and legal representation)**

----- Variables in the Equation -----							
Variable	B	S.E.	Wald	df	Sig	R	Exp(B)
AGE	.2103	.0831	6.4002	1	.0114	.0902	1.2340
SEX	-1.0841	.3771	8.2644	1	.0040	-.1077	.3382
BLACK	.4116	.3216	1.6374	1	.2007	.0000	1.5092
MIS	.1993	.1418	1.9738	1	.1600	.0000	1.2205
FELONIES	.4033	.2081	3.7546	1	.0527	.0570	1.4967
POVO	1.0159	.3610	7.9216	1	.0049	.1047	2.7619
PRIORMIS	.2040	.0791	6.6483	1	.0099	.0928	1.2263
PRIORVM	.6374	.2470	6.6605	1	.0099	.0929	1.8915
PC	.3747	.1394	7.2264	1	.0072	.0984	1.4546
PR	.2712	.0884	9.4057	1	.0022	.1171	1.3116
RELATIVE	.5467	.3914	1.9510	1	.1625	.0000	1.7275
PRIVATE	1.1680	.5433	4.6225	1	.0316	.0697	3.2157
PUBLIC	1.7817	.4400	16.3987	1	.0001	.1632	5.9399
Constant	-6.4402	1.4964	18.5230	1	.0000		

----- Model if Term Removed -----  
Based on Conditional Parameter Estimates

Term Removed	Log Likelihood	-2 Log LR	df	Significance of Log LR
AGE	-189.012	6.658	1	.0099
SEX	-190.127	8.888	1	.0029
BLACK	-186.509	1.653	1	.1986
MIS	-186.681	1.996	1	.1577
FELONIES	-187.603	3.840	1	.0500
POVO	-189.706	8.046	1	.0046
PRIORMIS	-189.460	7.556	1	.0060
PRIORVM	-189.698	8.031	1	.0046
PC	-190.239	9.114	1	.0025
PR	-191.502	11.640	1	.0006
RELATIVE	-186.673	1.981	1	.1593
PRIVATE	-188.101	4.836	1	.0279
PUBLIC	-195.817	20.270	1	.0000

**Table 17: Forward Conditional Logistics Regression Results  
for Placement With Courtroom Variables  
(Reference groups: mom and dad for parental representation,  
none for legal representation)**

----- Variables in the Equation -----							
Variable	B	S.E.	Wald	df	Sig	R	Exp(B)
AGE	.2103	.0831	6.4002	1	.0114	.0902	1.2340
SEX	-1.0841	.3771	8.2644	1	.0040	-.1077	.3382
BLACK	.4116	.3216	1.6374	1	.2007	.0000	1.5092
MIS	.1993	.1418	1.9738	1	.1600	.0000	1.2205
FELONIES	.4033	.2081	3.7546	1	.0527	.0570	1.4967
POVO	1.0159	.3610	7.9216	1	.0049	.1047	2.7619
PRIORMIS	.2040	.0791	6.6483	1	.0099	.0928	1.2263
PRIORVM	.6374	.2470	6.6605	1	.0099	.0929	1.8915
PC	.3747	.1394	7.2264	1	.0072	.0984	1.4546
PR	.2712	.0884	9.4057	1	.0022	.1171	1.3116
RELATIVE	.5467	.3914	1.9510	1	.1625	.0000	1.7275
PUBLIC	1.7817	.4400	16.3987	1	.0001	.1632	5.9399
PRIVATE	1.1680	.5433	4.6225	1	.0316	.0697	3.2157
Constant	-6.4402	1.4964	18.5230	1	.0000		

----- Model if Term Removed -----  
Based on Conditional Parameter Estimates

Term Removed	Log Likelihood	-2 Log LR	df	Significance of Log LR
AGE	-189.012	6.658	1	.0099
SEX	-190.127	8.888	1	.0029
BLACK	-186.509	1.653	1	.1986
MIS	-186.681	1.996	1	.1577
FELONIES	-187.603	3.840	1	.0500
POVO	-189.706	8.046	1	.0046
PRIORMIS	-189.460	7.556	1	.0060
PRIORVM	-189.698	8.031	1	.0046
PC	-190.239	9.114	1	.0025
PR	-191.502	11.640	1	.0006
RELATIVE	-186.673	1.981	1	.1593
PUBLIC	-195.817	20.270	1	.0000
PRIVATE	-188.101	4.836	1	.0279

**Table 18: Forward Conditional Logistics Regression Results  
for Placement With Courtroom Variables  
(Reference groups: none for parental representation,  
public defender for legal representation)**

----- Variables in the Equation -----							
Variable	B	S.E.	Wald	df	Sig	R	Exp(B)
AGE	.2103	.0831	6.4002	1	.0114	.0902	1.2340
SEX	-1.0841	.3771	8.2644	1	.0040	-.1077	.3382
BLACK	.4116	.3216	1.6374	1	.2007	.0000	1.5092
MIS	.1993	.1418	1.9738	1	.1600	.0000	1.2205
FELONIES	.4033	.2081	3.7546	1	.0527	.0570	1.4967
POVO	1.0159	.3610	7.9216	1	.0049	.1047	2.7619
PRIORMIS	.2040	.0791	6.6483	1	.0099	.0928	1.2263
PRIORVM	.6374	.2470	6.6605	1	.0099	.0929	1.8915
PC	.3747	.1394	7.2264	1	.0072	.0984	1.4546
PR	.2712	.0884	9.4057	1	.0022	.1171	1.3116
RELATIVE	.5467	.3914	1.9510	1	.1625	.0000	1.7275
PRIVATE	-.6137	.3922	2.4485	1	.1176	-.0288	.5414
NOLAWYER	-1.7817	.4400	16.3987	1	.0001	-.1632	.1684
Constant	-4.6585	1.3831	11.3449	1	.0008		

----- Model if Term Removed -----  
Based on Conditional Parameter Estimates

Term Removed	Log Likelihood	-2 Log LR	df	Significance of Log LR
AGE	-189.012	6.658	1	.0099
SEX	-190.127	8.888	1	.0029
BLACK	-186.509	1.653	1	.1986
MIS	-186.681	1.996	1	.1577
FELONIES	-187.603	3.840	1	.0500
POVO	-189.706	8.046	1	.0046
PRIORMIS	-189.460	7.556	1	.0060
PRIORVM	-189.698	8.031	1	.0046
PC	-190.239	9.114	1	.0025
PR	-191.502	11.640	1	.0006
RELATIVE	-186.673	1.981	1	.1593
PRIVATE	-186.946	2.527	1	.1119
NOLAWYER	-195.817	20.270	1	.0000

**Table 19: Custom Model I: Logistics Regression Results  
for Placement With Courtroom Variables  
(Reference groups: none for both parental and legal representation)**

----- Variables in the Equation -----							
Variable	B	S.E.	Wald	df	Sig	R	Exp (B)
AGE	.2163	.0822	6.9227	1	.0085	.0955	1.2414
SEX	-1.1639	.3783	9.4675	1	.0021	-.1176	.3123
BLACK	.4202	.3605	1.3587	1	.2438	.0000	1.5223
HISPANIC	-.0880	.3510	.0628	1	.8021	.0000	.9158
MIS	.1097	.1353	.6577	1	.4174	.0000	1.1160
POVO	.7464	.3429	4.7364	1	.0295	.0712	2.1093
PRIORMIS	.2074	.0785	6.9710	1	.0083	.0959	1.2304
PRIORVM	.5835	.2458	5.6331	1	.0176	.0820	1.7923
PC	.3752	.1389	7.2994	1	.0069	.0990	1.4553
PR	.2629	.0877	8.9814	1	.0027	.1137	1.3007
PRIVATE	1.1969	.5375	4.9584	1	.0260	.0740	3.3097
PUBLIC	1.9001	.4398	18.6639	1	.0000	.1756	6.6867
URBAN	-.0280	.3282	.0073	1	.9320	.0000	.9724
Constant	-6.2200	1.4806	17.6491	1	.0000		

**Table 20: Custom Model II: Logistics Regression Results  
for Placement With Courtroom Variables  
(Reference groups: none for both parental and legal representation)**

----- Variables in the Equation -----							
Variable	B	S.E.	Wald	df	Sig	R	Exp(B)
AGE	.2163	.0822	6.9262	1	.0085	.0955	1.2415
SEX	-1.1627	.3780	9.4617	1	.0021	-.1175	.3127
BLACK	.4088	.3345	1.4933	1	.2217	.0000	1.5049
HISPANIC	-.1001	.3209	.0974	1	.7550	.0000	.9047
MIS	.1093	.1352	.6540	1	.4187	.0000	1.1155
POVO	.7484	.3420	4.7884	1	.0287	.0718	2.1137
PRIORMIS	.2081	.0781	7.0880	1	.0078	.0970	1.2313
PRIORVM	.5813	.2442	5.6663	1	.0173	.0824	1.7884
PC	.3753	.1389	7.3022	1	.0069	.0991	1.4554
PR	.2624	.0875	8.9938	1	.0027	.1138	1.3000
PRIVATE	1.1957	.5374	4.9503	1	.0261	.0739	3.3060
PUBLIC	1.8965	.4378	18.7704	1	.0000	.1762	6.6629
Constant	-6.2325	1.4735	17.8904	1	.0000		

**Table 21: Age and No Legal Representation****Crosstabs****Case Processing Summary**

	Cases					
	Valid		Missing		Total	
	N	Percent	N	Percent	N	Percent
age * no lawyer	648	100.0%	0	.0%	648	100.0%

**age \* no lawyer Crosstabulation****Count**

		no lawyer		Total
		public defender, private, ua, na	no lawyer present	
age	11	6		6
	12	7		7
	13	26	1	27
	14	54	3	57
	15	77	7	84
	16	110	11	121
	17	150	19	169
	18	122	17	139
	19	32	3	35
	20	2		2
	21	1		1
<b>Total</b>		<b>587</b>	<b>61</b>	<b>648</b>

Table 22: Address and No Legal Representation With Chi-Square Test

## Crosstabs

## Case Processing Summary

	Cases					
	Valid		Missing		Total	
	N	Percent	N	Percent	N	Percent
urban * public lawyer	390	100.0%	0	.0%	390	100.0%

## urban \* public lawyer Crosstabulation

## Count

		public lawyer		Total
		none, private, na, ua, either	public defender	
urban	nonurban	47	74	121
	urban	59	210	269
Total		106	284	390

## Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)
Pearson Chi-Square	12.058 <sup>b</sup>	1	.001		
Continuity Correction <sup>a</sup>	11.218	1	.001		
Likelihood Ratio	11.642	1	.001		
Fisher's Exact Test				.001	.000
Linear-by-Linear Association	12.027	1	.001		
N of Valid Cases	390				

a. Computed only for a 2x2 table

b. 0 cells (.0%) have expected count less than 5. The minimum expected count is 32.89.

**Crosstabs**

**Case Processing Summary**

	Cases					
	Valid		Missing		Total	
	N	Percent	N	Percent	N	Percent
race * legal representation	390	100.0%	0	.0%	390	100.0%

**race \* legal representation Crosstabulation**

Count

		legal representation			Total
		public defender	private	none	
race	black	58	9	12	79
	hispanic	87	8	7	102
	white	139	30	40	209
<b>Total</b>		<b>284</b>	<b>47</b>	<b>59</b>	<b>390</b>

**Table 24: Race and Parental Representation****Crosstabs****Case Processing Summary**

	Cases					
	Valid		Missing		Total	
	N	Percent	N	Percent	N	Percent
race * parental unit	390	100.0%	0	.0%	390	100.0%

**race \* parental unit Crosstabulation****Count**

		parental unit					Total
		none	other relative	mom	dad	mom and dad	
race	black	7	13	50	5	4	79
	hispanic	9	13	64	9	7	102
	white	10	21	76	18	84	209
<b>Total</b>		<b>26</b>	<b>47</b>	<b>190</b>	<b>32</b>	<b>95</b>	<b>390</b>

## **Appendix Two:**

### **Questionnaires**

### Probation Officer Questionnaire

1. How often does a judge or master follow your recommendation on detaining a juvenile?
2. What factors would lead you to recommend detaining a juvenile?
3. How often does the judge or master follow your recommendation for disposition?
4. What factors would lead you to recommend an out-of-home placement?
5. How often and under what circumstances would you recommend an out-of-home placement?
6. How would parental involvement influence your recommendation of disposition?
7. How often do juveniles have both parents present at disposition?
8. Is there a pattern with parental representation with respect to race or ethnicity?
9. Do you think type of legal representation effects disposition?
10. What role does police discretion play in the juvenile system?

### Judicial Questionnaire

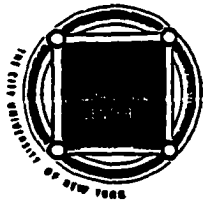
1. In the juvenile adjudication proceedings, how often does a child have parental representation?
2. How often are no parents present?
3. How often is only one parent present?
4. In cases of single-parent representation, which is usually present?
5. Is there a pattern of single or no parent representation according to race or ethnicity?
6. Are you likely to consider placement out-of-the home in cases in which there is only one parent present compared to similar cases where two parents are present in the courtroom? What about when there is no parental representation?
7. Are you more likely to consider out-of-home placement in cases in which a child was detained prior to the hearing?
8. What factors are most important to you in determining a consequence for a juvenile?

**Defense Council Questionnaire**

1. Describe your role in the juvenile justice system.
2. How often do you challenge the charges?
3. How often are the charges dropped?
4. How often do you challenge the recommendation of the probation officer?
5. How often are clients in agreement with the probation officer's recommendation?
6. What is your daily workload in the juvenile court?
7. How much time do you spend per case?
8. Does the time and resources spent on a case differ for private council versus public defender?
9. Do you notice a pattern with parental representation in court with respect to race or ethnicity?
10. Do you think parental representation in court influences disposition?
11. Do you think race or ethnicity of the accused influence disposition?
12. Do you think pretrial detention influences disposition?

## **Appendix Three:**

### **Consent Forms**



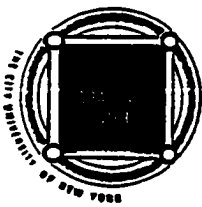
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The Graduate School and University Center

John Jay College of Criminal Justice  
The City University of New York  
899 Tenth Avenue, #434  
New York, NY 10019  
TEL 212.237.8419/8818 FAX 212.237.8940

My name is Brian O'Neill and I am a professor at West Chester University in the Criminal Justice Department and I am a student in the Criminal Justice Department at the Graduate School and University Center at the City University of New York (CUNY), and the principal investigator of this project, entitled "Influences of Disposition Decisions in the Juvenile Justice System". The study will examine how disposition in juvenile court may be influenced by race of the juvenile, legal representation, parental representation in court, age of the juvenile, sex of the juvenile, previous offenses, seriousness of current offense, previous dispositions, probation officer, and judge or master hearing the case. The study will be completed the fall of 2000. I would like permission to interview you about your experiences with the juvenile justice system in this country and would like to conduct this interview face-to-face.

The interview will take twenty minutes to ½ hour and will be conducted at your convenience in a private office. The interview will not be tape-recorded. All information gathered will be kept strictly confidential, and be stored in a locked file cabinet, to which only I will have access. If you wish, you can examine the questions to be asked before the interview. At any time you can refuse to answer any questions or end the interview.



The Graduate School and University Center

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New York, NY 10019  
TEL 212.237.8419/8818 FAX 212.237.8940

The only risk involved in this study is that you may experience some discomfort in answering some questions pertaining to your decision-making process in the juvenile system. The benefit of your participation is that it may reveal problems in juvenile disposition, which can then be addressed.

I may publish results of this study, but names of people, or any identifying characteristics, will not be used in publications. The location of the study will only be identified in general geographic terms. If you would like a copy, please provide me with your address and I will send you a copy in the future.

If you have any questions about this research, you can call me at (610) 436-2682 or (610) 873-2513. If you have any questions about your rights as a participant in this study, you can contact Hilry Fisher, Sponsored Research, Graduate Center/University of New York, (212) 817-7523, [hfisher@gc.cuny.edu](mailto:hfisher@gc.cuny.edu). If you have any further questions you can also contact my advisor, Dr. Charles Winnick at (212) 650-5849 or (212) 642-2409.

Thank you for your participation. I will give you a copy of this form to take with you.

If you agree to be interviewed, please sign below:

Participant signature \_\_\_\_\_

Date \_\_\_\_\_



Principal investigator signature \_\_\_\_\_

Date \_\_\_\_\_

**DISSERTATION PROPOSAL CLEARANCE: HUMAN PARTICIPANTS**

**Must be submitted by all students before research begins**

All dissertation proposals that involve research with human participants must be reviewed and approved by The Graduate Center's Committee on the Protection of Human Subjects. The review should take place, and final approval be obtained, during the proposal stage of the dissertation; research involving human participants may not begin until Committee approval has been granted. Approval must be obtained before the research has begun; approval will not be granted for research that has already begun. Please note that if the dissertation proposal is changed, the proposal must be reviewed and approved again by the Committee.

Any questions pertaining to this policy or the completion of the forms should be directed to Ms. Hilry Fisher, Director of Sponsored Research, at 212-817-7525.

NOTE: A Human Participants Certification form must be included when the dissertation is submitted.

SR

BRIAN O'NEILL  
Student's Name

CHARLES WINICK  
Adviser's Name

Project Title: Influences on Detention and Disposition  
Decisions in The Juvenile Justice System

Project Abstract (including methodology); attach and submit with this form

Please check one:

YES, this dissertation will involve the use of human participants in research. I request the Committee's approval.

NO, this dissertation will not involve the use of human participants in research.

Brian O'Neill 1/27/00  
Student's Signature Date

Charles Winick  
Adviser's Signature Date

Send form and abstract to: Ms. Hilry Fisher, Director of Sponsored Research, Room 8308

Approved: [Signature]  
Signature, Chair, Committee on the Protection of Human Subjects

3/29/00  
Date

3-06-03-00  
Approved

### **Bibliography**

- Arnold, W.R. (1971) "Race and Ethnicity Relative to Other Factors in Juvenile Court Dispositions" *American Journal of Sociology*, 77(2): 221-227.
- Austin, J. J. Dimas and D. Steinhart (1991). "Over-Representation of Minority Youth in California Juvenile Justice System", National Council on Crime and Delinquency.
- Bazemore, Gordon, and Lynette Feder (1997). "Judges in the Punitive Juvenile Court: Organizational, Career and Ideological Experiences on Sanctioning Orientation", *Justice Quarterly*, 14(1): 87-111
- Bell, D. Jr. and K. Lang. (1985). "The Intake Dispositions of Juvenile Offenders", *Journal of Research in Crime and Delinquency*, 22(4): 309-328
- Becker, Howard S. (1963). *The Outsiders*. The Free Press, New York
- Belknap, J. (1984). "The Effect of Local Policy on the Sentencing Patterns of State Wards", *Justice Quarterly* 1(4): 549-561.
- Bishop, D. M. and C.E. Frazier (1988). "The Influence of Race in Juvenile Justice Processing", *Journal of Research in Crime and Delinquency*, 25(3): 242-263.  
(1985). "The Pretrial Detention of Juveniles and Its Impact on Case Dispositions", *Journal of Criminal Law and Criminology*, 76(4): 1132-1152.
- Blalock, Hubert M. Jr. (1988) *Social Statistics, Second Edition*. New York: McGraw Hill.
- Bortner, M.A., W. L. Reed. (1985). "The Preeminence of Process: An Example of Refocused Justice Research", *Social Science Quarterly*, 66(2): 413-425.
- Bortner, M.A. A.L. Schneider, R. Herman, L.C. Miller and M.Cheh-Soucy (1990). *Black Adolescents and Juvenile Justice: Background Report to the Arizona Black Town Hall*.
- Carp, Robert A. and C.K. Rowland (1983). *Policymaking and Politics in the Federal District Courts*. Knoxville: University of Tennessee Press.
- Chambers, C. R.M. Grinnell Jr. and R.L. Gorsuch (1980). "Factors Associated With Police and Probation/Court Dispositioning: A Research Note", *Journal of Sociology And Social Welfare*, 7(2): 246-258.
- Church, V.T. (1994) *Embracing Diversity, Expanding Common Ground: The Disproportionate Incarceration on North Carolina's Minority Children-193 Update*. North Carolina Division of Youth Services, Department of Human Resources.

- Cohen, L. E. and J.R. Kluegal (1978). "Determinants of Juvenile Court Dispositions: Ascriptive and Achieved Factors in Two Metropolitan Courts", *American Sociological Review*, 43(2):162-176.
- Conley, D.J. (1994) "Adding Color to a Black and White Picture: Using Qualitative Data to Explain Racial Disproportionality in the Juvenile Justice System", *Journal of Research in Crime and Delinquency*, 31(2): 135-148
- County X Annual Report of the Office of Juvenile Probation (1998)
- Danet, B. (1980) "Language and the Legal Process", *Law and Society Review*, 17: 447-550.
- Dannefer, D. and R.K. Schutt (1982) "Race and Juvenile Justice Processing in Court and Police Agencies", *American Journal of Sociology*, 87(5): 1113-11132.
- Dean, C.W. and R. Brame (1994) "The Effect on Minority Group Membership on Juvenile Case Dispositions: An Assessment of the Evidence From Ten North Carolina Counties". Technical Report. Office of Justice Research, University of North Carolina at Charlotte, Department of Criminal Justice.
- Eckenbrecht, Margaret (1996). "Juvenile Rights in Peril", *ABA Journal*, 82 (Mar96): 106.
- Fagan, J.E. Slaughter and E. Hartstone (1987) "Blind Justice? The Impact of Race on the Juvenile Justice Process", *Crime and Delinquency*, 33: 224-258.
- Feld, B.C. (1991) "Justice by Geography: Urban, Suburban, and Rural Variations in Juvenile Justice Administration", *Journal of Criminal Law and Criminology*, 82: 152-210.
- Fenwick, C.R. (1982) "Juvenile Court Intake Decision-making: The Importance of Family Affiliation", *Journal of Criminal Justice*, 10(6): 443-453.
- Ferdinand, T.N. and E.G. Luchterhand (1970). "Inner-city Youth, the Police, the Juvenile Court and Justice", *Social Problems*, 17(4): 510-527.
- Feyerham, W. (1981) "Juvenile Court Dispositions of Status Offenders: An Analysis of Case Decisions", in R.L. McNeely and C.E. Pope (eds) *Race, Crime and Criminal Justice*, Beverly, Hills, Ca.: Sage.
- Fisher, G.A. and S.M. Doyle-Martin (1981) "The Effects of Ethnic Prejudice on Police Referral", *California-Sociologist*, 4(2): 189-205.
- Florida Department of Health and Rehabilitative Services (1993) Minority Overrepresentation Initiative for Florida, Phase I Final Report.

(1993b) Florida's Minority Overrepresentation Initiative.

Florida Department of Juvenile Justice (1996). *Minority Representation at Various Stages of the Juvenile Justice System-1994-95, Management Report #28*, Bureau of Data and Research.

Forslund, M.A. and V.A. Cranston (1975) "A Self-Report Comparison of Indian and Anglo Delinquency in Wyoming", *Criminology*, 13(2): 193-98.

Forslund, M.A. and R.E. Meyers (1974) "Delinquency Among Wind River Indian Reservation Youth", *Criminology*, 12(1): 97-106

Frazier, C.E. and D.M. Bishop (1985) "The Pretrial Detention of Juveniles and Its Impact on Case Dispositions", *Journal of Criminal Law and Criminology*, 76(4): 1132-1152.

Frazier C.E. and E. Wilbur Bock (1982) "The Effects of Court Officials on Sentencing Severity: Do Judges Make a Difference?", *Criminology*, (20): 257-272.

Frazier C.E. and J.K. Cochran (1986) "Detention of Juveniles: its Effects on Subsequent Juvenile Court Processing Decisions", *Youth and Society*, 17(3): 286-305.

Gibson, James L. (1978) "Race as a Determinant of Criminal Sentences", *Law and Society Review*, (12): 455-478.

Goldman, Sheldon (1975) "Voting Behavior on the United States Court of Appeals, 1961-64", *American Political Science Review*, (60): 370-385.

Gray-Ray, P. and M.C. Ray (1990) "Juvenile Delinquency in the Black Community", *Youth and Society*, 22(1): 67-84.

Hayeslip, Jr. D.W. (1979) "The Impact of Defense Attorney Presence on Juvenile Court Dispositions", *Juvenile and Family Court Journal*, 30(1): 9-15.

Hiemer, Karen and Ross Matsueda (1994) "Role-taking, Role-commitment, and Delinquency: A Theory of Differential Social Control", *American Sociological Review*, 59: 400-437.

Horwitz, A. and M. Wasserman (1980) "Some Misleading Conceptions in Sentencing Research: An Example and a Reformulation in the Juvenile Court", *Criminology*, 18(3): 411-424.

Hosmer, David W. and Stanley Lameshow (1989) *Applied Logistic Regression*, John Wesley and Sons, New York.

- Hughes, Everett C. (1995) "Dilemmas and Contradictions of Status", *American Journal of Sociology*, Mar: 353-359.
- Huizinga, D. and D.S. Elliot (1987) "Juvenile Offenders: Prevalence, Offender Incidence, and Arrest Rates by Race", *Crime and Delinquency*, 33: 206-223.
- Iowa Criminal and Juvenile Justice Planning Agency (1993) Description and Discussion Of Minority Representation in Iowa's Juvenile Justice System.
- Jeffores, C., J.Lindsey and S.McNitt (1993) "Overrepresentation of Minorities in the Juvenile Justice System.
- Johnson, J.B. and P.E Secret (1990) "Race and Juvenile Court Decision-Making Revisited", *Criminal Justice Policy Review*, 4(2): 159-187.
- Johnson, R.E. (1986) "Family Structure and Delinquency: General Patterns and Gender Differences", *Criminology*, 24(1): 65-84.
- Kempf, K.L., S.H. Decker and R.L.Bing (1990) "An Analysis of Apparent Disparities in the Handling of Black Youth Within Missouri's Juvenile Justice System, Department of Administration of Justice, University of Missouri-St. Louis.
- Kempf, K.L. (1992) "Role of Race in Juvenile Justice Processing in Pennsylvania", Pennsylvania Commission on Crime and Delinquency, [Reprinted in Leonard, Pope and Feyerherm(eds) (1995) *Minorities in Juvenile Justice*, Sage Publications.]
- Klein, B.J.(1990) "State Workplan on the Disproportionate Representation of Minority Youth in Secure Facilities", Delaware Criminal Justice Council.
- Kramer, J.H. and D.J. Steffensmeier (1978) "The Differential Detention/Jailing of Juveniles: A Comparison of Detention and Non-Detention Courts", *Pepperdine Law Review*, 5(3): 795-807.
- Krisberg, B., I.M. Schwartz, G. Fishman, Z. Eisikovits, E. Guttman, and K.Joe (1987) "The Incarceration of Minority Youth", *Crime and Delinquency*, 33: 173-205.
- Kurtz, P.D., M.M. Giddings, and R. Sutphen (1993) "A Prospective Investigation of Racial Disparity in the Juvenile Justice System", *Juvenile and Family Court Journal* 44(3): 43-60.
- Kuzyk, Irene (1997) "The Problem of Judges' Bias in Pre-Trial Hearings", unpublished Dissertation, The City University of New York.
- LeFlore, L. (1990) "Minority Youth in the Juvenile Justice System: A Judicial Response", *Juvenile and Family Court Journal*, 41: 1-71.

- Leiber, M.J. (1994) "Comparison of Juvenile Court Outcomes for Native Americans", African Americans, and Whites", *Justice Quarterly*, 11(2): 257-279.
- \_\_\_ and A.C. Woodrick (1995) "Theoretical and Empirical Developments in The Study of Race and Juvenile Court Processing", *Social Pathology*, 1(2): 149-164.
- \_\_\_ (1992) "Juvenile Justice Decision-Making in Iowa: An Analysis of the Influence of Race on Case Processing in Three Counties, Technical Report", Iowa Criminal and Juvenile Justice Planning Agency.
- Lemert, Edwin M.(1972) *Human Deviance, Social Problems, and Social Control*, 2<sup>nd</sup> Edition, Prentice Hall, Englewood Cliffs, New Jersey.
- Liska, A.E. and M. Tausig (1979) "Theoretical Interpretations of Social Class and Racial Differentials in Legal Decision-Making For Juveniles", *Sociological Quarterly*, 20(2): 197-207.
- MacKenzie, Lynn Ryan (1999) "Residential Placement of Adjudicated Youth, 1987-1996", OJJDP Fact Sheet, US Department of Justice, Office of Juvenile Justice and Delinquency Prevention, #117, September.
- Marshall, I.H. and C.W. Thomas (1983) "Discretionary Decision-Making and the Juvenile Court", *Juvenile and Family Court Journal*, 34: 47-60.
- Martinez, M.E., J.R. Hays, and K.S. Solway (1979) "Comparative Study of Delinquent and Non-Delinquent Mexican-American Youth", *Psychological Reports*, 44: 215-221.
- Martinez, O. (1987) "Minority Youth and Crime", *Crime and Delinquency*, 33(2): 325-328.
- Mauer, Marc and T. Hurling (1995) "Young Black Americans and the Criminal Justice System: Five Years Later", The Sentencing Project.
- McGarrell, E. F (1993) "Trends in Racial Disproportionality in Juvenile Court Processing: 1985-1989", *Crime and Delinquency*, 39: 29-48.
- McCarthy, B.R. (1987) "Preventive Detention and Pretrial Custody in the Juvenile Court", *Journal of Criminal Justice*, 15(3): 185-200.
- Minnesota Supreme Court Task Force (1993) "Report on Task Force Part III. Juvenile and Family Law", *Hamline Law Review*, 16: 624-664.
- Minnis, M.S. (1972) "The Relationship of the Social Structure of an Indian Community to Adult and Juvenile Delinquency", in Barh, Chadwich and Day (eds) *Native*

*Americans Today: Sociological Perspectives*, (PP 327-338), New York: Harper and Row.

Monahan, T. P. (1972) "The Disposition of Juvenile Offenders by Race and Sex in Relation to the Race and Sex of Police Officers", *International Review of Modern Sociology*, 2(1): 91-101.

\_\_\_(1970) "Police Dispositions of Juvenile Offenders: The Problem of Measurement and a Study of Philadelphia Data", *Phylon*, 31(2): 129-141.

Myers, Martha (1988) "Social Background and the Sentencing Behavior of Judges", *Criminology*, 26(4), 649-675.

Nagel, Stuart (1974) "Multiple Correlation of Judicial Backgrounds and Decisions", *Florida University Law Review*, (2): 258-280.

\_\_\_(1962) "Judicial Backgrounds and Criminal Cases", *Journal of Criminal Law, Criminology, and Police Science*, (53): 333-339.

New Jersey Governor's Juvenile Justice and Delinquency Prevention Advisory Committee (1990) "Disproportionate Incarceration of Black and Hispanic Youth in New Jersey".

New Jersey Supreme Court (1989) "New Jersey Supreme Court Task Force on Minority Concerns: Interim Report".

Office of Juvenile Justice and Delinquency Prevention (1996) "Evaluation of the Disproportionate Minority Confinement (DMC) Initiative Final Report".

\_\_\_(1996b) "Evaluation of the Disproportionate Minority Confinement(DMC) Initiative-Iowa Final Report.

\_\_\_(1996c) "DMC Initiative-North Carolina Final Report".

\_\_\_(1996d) "DMC Initiative-Oregon Final Report".

\_\_\_(1998e) "Juvenile Court Statistics 1995".

\_\_\_(2000f) online at: [ojjdp.ncjrs.org/ojstatbb/qa.094.html](http://ojjdp.ncjrs.org/ojstatbb/qa.094.html)

Pampel, Fred C. (2000) *Logistic Regression: A Primer*. Series: Quantitative Applications in the Social Sciences, Sage Publications, Thousand Oaks, Calif.

Pawlak, E.J. (1977) "Differential Selection of Juveniles for Detention", *Journal of Research in Crime and Delinquency*, 14(2): 152-165.

Peeples, F. and R. Loeber (1994) "Do Individual Factors and Neighborhood Context Explain Ethnic Differences in Juvenile Delinquency?", *Journal of Quantitative Criminology*, 10(2): 141-157.

- Pennell, S. and C. Curtis (1982) "Ethnic Minorities in the Juvenile Justice System", San Diego Association of Governments, Office of Juvenile Justice Delinquency Prevention.
- Pope, C.E. and W. Feyerham (1992) "Minorities and the Juvenile Justice System", Office Of Juvenile Justice and Delinquency Prevention.
- \_\_\_ (1990a) "Minority Status and Juvenile Justice Processing: An Assessment of the Research Literature (Part I)", *Criminal Justice Abstracts*, 22(2): 327-335.
- \_\_\_ (1990b) "Minority Status and Juvenile Justice Processing: An Assessment of the Research Literature (Part II)", *Criminal Justice Abstracts*, 22(3): 527-535.
- \_\_\_ (1982) "Legal, Extra-Legal, and Organizational Factors in the Disposition of Juveniles", *International Journal of Comparative and Applied Criminal Justice* 6(1): 117-123.
- \_\_\_ (1981) "Race and Juvenile Court Dispositions: An Examination of Initial Screening Decisions", *Criminal Justice and Behavior*, (3): 287-301.
- Ramirez, D.E. (1990) "The Overincarceration Rate of Minority Youth: A Judicial Response", *Colorado Lawyer*, 19: 1819-1823.
- Robbins, S.P. (1985) "Commitment, Belief, and Native American Delinquency", *Human Organization*, 44(1): 57-62.
- Secret, P.B. and J.B. Johnson (1997) "Effect of Race on Juvenile Decision Making in Nebraska: Detention, Adjudication, and Disposition, 1988-1993." *Justice Quarterly* 14(3): 445-478.
- Sampson, R. J. (1986) "Effects of Socioeconomic Context on Official Reaction to Juvenile Delinquency", *American Sociological Review*, 51(6): 876-885.
- Sampson, R.J. and J.H. Laub (1993) "Structural Variations in Juvenile Processing: Inequality, the Underclass, and Social Control", *Law and Society Review*, 27(2): 285-311.
- \_\_\_ (1997) "Life Course Theory of Cumulative Disadvantage and the Stability of Delinquency" from *Developmental Theories of Crimes and Delinquency*, editor Terence Thornberry. Rutgers University, Piscataway, New Jersey, 133-161.
- Saks, M.J. and Hastie R. (1978) *Social Psychology in Court*, New York: Van Nostrand.
- Sheldon, R. G. and J.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.
- Shepard, Jr. R.E. (1994) "Children of Color in the Juvenile Justice System", *Criminal*

*Justice*, 9:42.

Sieverdes, C.D., D.J. Shoemaker and O.R. Cunningham (1979) "Disposition Decisions By Juvenile Court Probation Officers and Judges: A Multivariate Analysis", *Criminal Justice Review*, 4(2): 212-132.

Simcha-Fagan, O. and J.E. Schwartz (1986) "Neighborhood and Delinquency: An Assessment of Contextual Effects", *Criminology*, 24(4): 667-703.

Snyder, H.N. (1990) "Growth in Minority Detentions Attributed to Drug Law Violators", National Institute of Justice Juvenile Justice Bulletin.

Snyder, H., Poole R. and Wan Y. (2000) "Easy Access to Juvenile Populations 1998" Online, Available: <http://www.ncjrs.org/ojstatbb/ezapop>

Thomas, C.W. and R.J. Cage (1977) "The Effects Social Characteristics on Juvenile Court Dispositions", *Sociological Quarterly*, 18: 237-252.

Thornberry, T.P. (1973) "Race, Socioeconomic Status and Sentencing in the Juvenile Justice System", *Journal of Criminal Law and Criminology*, 64(1): 90-98.

Tittle, Charles R. and Debra A. Curran (1998) "Contingencies for Disposition and Disparities in Juvenile Justice", *Social Forces*, 67(23).

van Koppen, Peter J. and Jan Ten Kate (1984) "Individual Differences in Judicial Behavior: Personal Characteristics and Private Law Decision-Making", *Law & Society Review*, 26: 337-357.

Washington State Commission on African American Affairs Olympia (1993) "Racial Disproportionality in the Juvenile Justice System".

Weitzer, R. (1996) "Racial Discrimination in the Criminal Justice System: Findings and Problems in the Literature", *Journal of Criminal Justice*, 24(4):309-322.

Welkowitz, J.R.Ewen, and J. Cohen (1991) *Introductory Statistics for the Behavioral Sciences*, New York: Harcourt Brace Jovanovich College Publishers.

Wordes, M., T.S. Bynum and C.J. Corley (1994) "Locking up Youth: The Impact of Race on Detention Decisions", *Journal of Crime and Delinquency*, 31(2): 149-165.

Wu, B. (1997) "Effect of Race on Juvenile Justice Processing", *Juvenile and Family Court Journal*, 48(1): 43-51.