

## Understanding the Overrepresentation of Minorities in One State's Juvenile Justice System

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### Statement of the Research Problem

Minorities are currently overrepresented in American juvenile justice systems (Bishop & Frazier, 1988; Pope & Feyerherm, 1990; Walker, Spohn, & DeLone, 1996). According to Pope and Feyerherm's (1990) review of the research in this area, minority juveniles are estimated to be overrepresented in 80 percent of the states in America. Overrepresentation means that although African Americans constitute 13 percent of the general population, they comprised 27 percent of all juvenile arrests in 1992 (Federal Bureau of Investigation, 1993). [Caucasian youth accounted for 70 percent of the juvenile arrests in 1992 (Federal Bureau of Investigation, 1993).]

Self-report studies of delinquent behavior challenge the arrest statistics, since the majority of self-report results do not indicate significant racial differentials (Elliot, Ageton, Huizinga, Knowles, & Canter, 1983; Gold, 1970). Some self-report research, however, does suggest that African Americans commit more serious offenses (Elliot, Ageton, & Canter, 1980; Huizinga & Elliot, 1987). In 1992, African American youth comprised 49 percent of all juvenile arrests for violent crimes and 26 percent of all property crimes (Federal Bureau of Investigation, 1993). However, additional research submits that even if African Americans commit more crime proportionate to their makeup in the general population, it is not enough to correspond to their arrest and confinement rates (Huizinga & Elliot, 1987; Joseph, 1995; Krisberg et al., 1987).

A myriad of factors which influence the social phenomenon of minority overrepresentation. Some of these are legal factors such as prior record or nature of the current offense; some are extralegal factors such as race or demeanor; and then there may be a combination of both types. American constitutional and criminal law suggests that justice should be based on legal factors and not extralegal factors. Thus, theoretically, persons should be judged by behaviors which are presumably under their control and not on factors beyond their control. Moreover, this application of the law should apply equally across all persons and not allow for differential treatment based on extralegal factors. Finally, whereas social science inquiry would be naive to attempt to explain the impact of the aforementioned factors or to judge what is within an individual's locus of control, a combination of quantitative data and qualitative data may, in fact, yield a deeper

understanding of minority overrepresentation since it examines both legal and, the more difficult data to collect, extralegal factors.

### Research Questions

The following five research questions were developed to investigate the role of race in minority overrepresentation in one state's juvenile justice system: 1) Is there a disparity in this state between juvenile justice processing [as measured by diversion] for African American males versus Caucasian males? 2) Is there a disparity in this state between juvenile justice sanctions [as measured by incarceration] for African American males versus Caucasian males? 3) If a disparity exists in juvenile justice processing and sanctions for African American and Caucasian males, what role does race play in this disparity? 4) Do interviews with stakeholders triangulate the quantitative findings? 5) What do the qualitative findings add?

These questions evolved from a comprehensive examination of the literature, from the preliminary findings from JLARC (1995) which suggest that a disparity does exist and that race is a significant factor, and from the researcher's interest and concern for a better understanding of this phenomenon. The research questions were shaped by the functionalist paradigm.

### Methodology

The research design is a cross-sectional study employing quantitative and qualitative methods to gain a better understanding of the role of race in the overrepresentation of minorities in one state's juvenile justice system. Qualitative methods are often used for exploratory and descriptive research, but this is usually before a phenomenon is studied quantitatively (Babbie, 1989; Creswell, 1994; Van Maanen, 1983). Qualitative methods may also be applied after quantitative methods in order to add anecdotal or "flesh to the bones" of quantitative findings (Patton, 1980; Van Maanen, 1983). Finally, qualitative methods may be used to test theory (Dey, 1993). The goal of this research, however, was not exploratory, did not seek to add anecdotal information to the quantitative findings, and was not theory testing. The goal of this research was to gain a better understanding and thus the best research design seemed to be the use of qualitative methods to triangulate (Denzin, 1978; Jick, 1983) quantitative methods.

The quantitative data set (n=2,920) is a stratified, randomly-selected sample of juvenile cases from FY 1992 collected in 1995 by the state's Joint Legislative Audit and Review Commission (JLARC). These cases were filtered to include only males since females are less likely than males to break the law and are less likely to commit serious violent crimes (Heimer, 1995; Hindelang, Hirschi, & Weis, 1981; Joseph, 1995) and to include only Caucasians and African Americans since other minorities comprise less than

four percent of this state's and national juvenile justice populations (Schuster, 1981; Tollett & Close, 1991). The quantitative data were analyzed using seven independent variables (two legal and five extralegal): crime severity, prior record, race, family income, family structure, grade repeated, and geotype (urban, suburban, rural); and two dependent variables: processing (diversion) and sanctions (incarceration). Frequency distributions were used to conduct univariate analyses and two logit models were constructed for the multivariate analyses.

The qualitative data (n=36) were collected by the principal investigator through face to face interviews with a purposive sample of juvenile judges, state's attorneys, defense attorneys, police officers, youth, and parents from six (two urban, two suburban, and two rural with two from Region I, two from Region II, and two from Region III) statewide courts. These primary stakeholders were asked closed- and open-ended questions in order to investigate whether race plays a role in the processing and sanctions of juvenile offenders, and if so, how race affects minority overrepresentation in this state according to the stakeholders' perceptions and experiences. The closed-ended responses were tabulated and the open-ended responses were unitized and using the constant comparison method, were then clustered into categories.

## Results

There is a disparity in this state between juvenile justice processing and sanctions for African American versus Caucasian males. Frequency distributions were conducted for each variable and suggest that Caucasian males are more likely to be diverted (22.5%, n=283) than African American males (15.3%, n=149) and African American males are more likely to be incarcerated (19.4%, n=189) than Caucasian males (8.9%, n=112). Yet, with the exception of felony narcotics offenses, there were no meaningful differences in crimes committed by Caucasian males and African American males.

The multivariate analyses included all seven independent variables: race, family income, grade repeated, family structure, geotype, severity of the crime, and prior record/number of prior misdemeanors. Severity of the crime (exponentiated ( $\beta$ ) of .9107,  $p < .001$ ) was the only independent variable which predicted diversion in the logistic regression, such that the less severe the crime, the more likely a youth was to be diverted.

The second logistic regression identified four predictors of incarceration. Race was the strongest predictor of incarceration. African American young men were 1.62 times more likely to be incarcerated than Caucasian young men (race had an exponentiated ( $\beta$ ) of 1.6276,  $p < .01$ ). The next strongest predictor was the other extralegal variable, grade repeated. Youth who had repeated a grade were 1.60 times more likely to be incarcerated than youth who had not repeated a grade (exponentiated ( $\beta$ ) of 1.6030,  $p < .01$ ). The two legal variables also predicted incarceration such that juveniles with a prior record were

1.42 times more likely to be incarcerated (exponentiated ( $\beta$ ) of 1.4203,  $p < .001$ ) and juveniles who commit more severe crimes are 1.03 times more likely to be incarcerated (exponentiated ( $\beta$ ) of 1.0363,  $p < .001$ ).

The qualitative data largely triangulated the quantitative findings and made four additional points. First, although the logistic regression did not indicate race a factor in diversion, and whereas the vast majority of professional respondents cited the legal factors of crime severity and prior record as most predictive of diversion and incarceration, half of the youth and their parents think race affects diversion and incarceration. Moreover, 75 percent of juvenile justice professionals assert that a disparity exists for processing and sanctions between African American versus Caucasian males. Youth and their parents contend that race often affects a youth's interaction with school, community, and police, which can thus affect a youth's involvement with and treatment by the courts. Juvenile justice professionals as well as youth and their families cited racial bias by individual decision-makers and by the overall system, and noted that this bias was most likely to occur by the police during the Alleged Act or Informal Handling stages.

Second, the majority of professionals cited family structure as a contributor to court involvement and the frequency distributions identified notable differences in family structure, yet neither logistic regression suggested an effect of family structure on diversion or incarceration. And no youth or parent supported family structure as affecting a juveniles involvement with the justice system.

Third, whereas few respondents mentioned education as a predictor of court involvement, there was much discussion regarding education after respondents were informed of the study's finding that youth who have repeated a grade were 1.60 times more likely to be incarcerated than those youth who had not repeated a grade. Overall the sentiment regarding this finding and education overall, is best captured by one respondent who said, "the majority of court-involved youth cannot read or write sufficiently to succeed in today's society."

Finally, the open-ended questions produced the same seven factors which are identified in the literature: socioeconomic, educational, familial, psychological, structural, and political (Note: These factors were discussed by stakeholders as interdependent and contributory not as independent and causal); but for each of these, suggested micro, mezzo, and macro dimensions (See Figure 1). Thus, the voices of the stakeholders suggest moving the research lens from including just the youth and their parents to including all stakeholders and the entire system at micro, mezzo, and macro levels.

### Implications for Social Work Practice

Previous research in crime and delinquency has for the most part, however, investigated delinquents and their parents for the causes of criminality (Empty, 1978; Glueck & Glueck, 1950; Trojanowicz & Morash, 1987). The literature, therefore, seems to assume that the causes can be isolated and that they lie within the juveniles and their families. These findings challenge both of those assumptions.

Although we have tended to look at the effects of social class or single parenthood or race on juvenile delinquency, these data suggest that this cannot and should not be done. In fact, the qualitative data suggest a decided overlap in these factors, indicating that these factors cannot be isolated or examined independently. Second, the multiple voices of various stakeholders identified other factors beyond a youth's behavior and his/her own pathology and/or family's pathology that contribute to a youth's processing and sanctions in this state's juvenile justice system. All stakeholders' perspectives contributed to the idea that there are three levels for each of the seven factors affecting juvenile delinquency. Delinquency is not created by youth and their families alone and neither is minority overrepresentation. Thus micro, mezzo, and macro psychological, racial, socioeconomic, familial, educational, structural, and political factors should be examined in order to reach a better understanding of the phenomenon of minority overrepresentation in this state's juvenile justice system.

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