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RACE, SOCIOECONOMIC STATUS AND SENTENCING IN THE JUVENILE JUSTICE SYSTEM

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Racial and social class discrimination in the administration of justice has long been of theoretical and empirical interest to criminologists. Although many theoretical works assume that such discrimination exists, Terry has pointed out that this assumption has been made "... even though empirical research dealing with these issues is relatively sparse and poorly conceived."[1] For example, Lemert states that "Members of minority groups, migrants, and persons with limited economic means are often the ... scapegoats of the frustrated police in our local communities."[2] Clinard makes a similar assumption: "It is a generally established fact that the Negroes, as well as Spanish speaking peoples, on the whole, are arrested, tried, convicted, and returned to prison more often than others who commit comparable offenses."[3] Sutherland and Cressey, without data, assert:

> (a) Negroes are more liable to arrest than whites ... (c) Negroes have a higher conviction rate than whites. (d) Negroes are often punished more severely than whites, but this is not true for all crimes. (e) Whites are most likely to receive probation and suspended sentences. (f) Negroes receive pardons less often than do whites.[4]

The purpose of the present study is to examine empirically the validity of this assumption using data from the juvenile justice system in Philadelphia. The basic question to be answered is: Do blacks and members of a low socioeconomic strata (SES) receive more severe dispositions than whites and members of a high SES?

The answer is not simple for there are legal variables to be considered. The principles of Anglo-Saxon justice should not permit nonlegal variables like race and social class to affect the severity of dispositions. Legal variables, however, such as the seriousness of the offense and the number of previous offenses committed by the defendant, may be expected to have a decisive effect on the disposition.

The fact that blacks and lower SES subjects are more likely to be recidivists and to commit serious offenses[5] suggests that these legal variables should be controlled in any attempt to examine the effect of race and socioeconomic status. Otherwise, to find that blacks and lower SES subjects receive more severe dispositions may only reflect the fact that they are indeed more serious offenders. Conclusions about the relationship between social characteristics and dispositions should only be made when these legal variables are held constant.

PREVIOUS WORK[6]

Terry conducted a study based on a sample of all the cases of delinquent behavior that occurred between 1958 and 1962 in a midwestern community with a population of 100,000.[7] Terry ranked the

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[1] Terry, *Discrimination in the Handling of Juvenile Offenders by Social Control Agencies*, 1967 J. RESEARCH IN CRIME AND DELINQUENCY 218, 219.

[2] E. LEMERT, SOCIAL PATHOLOGY: A SYSTEMATIC APPROACH TO THE THEORY OF SOCIOPATHIC BEHAVIOR 311 (1951).

[3] M. CLINARD, THE SOCIOLOGY OF DEVIANT BEHAVIOR 550–51 (1963).

[4] E. SUTHERLAND & D. CRESSEY, PRINCIPLES OF CRIMINOLOGY 286 (1960). These passages are meant to be illustrative of the more general acceptance of this assumption and certainly do not exhaust the case. Further examples and references concerning this question can be found in Terry, *supra* note 1, at 219–20.

[5] *See* M. WOLFGANG, R. FIGLIO & T. SELLIN, DELINQUENCY IN A BIRTH COHORT Ch. 5–6 (1972).

[6] Because of the differences between the adult and juvenile court systems, only studies dealing with the latter will be reviewed. Since the present study is based on official police records, only studies based on similar data are considered. Observational studies, like Piliavin and Briar's, will not be treated because of methodological differences. *See* Piliavin, Irving & Briar, *Police Encounters with Juveniles*, 70 AM. J. SOC. 206 (1964).

[7] Terry, *supra* note 1, and *The Screening of Juvenile Offenders*, 58 J. CRIM. L.C. & P.S. 173 (1967) [hereinafter cited as *Screening*]. The same study is the basis of two articles.

dispositions according to the severity that the police, the probation department and the juvenile court could give an individual, and then correlated them with a number of independent variables. Although the dispositions in the jurisdiction that Terry studied are slightly different from the dispositions used in Philadelphia, their rank order in terms of severity are quite similar to the scheme employed here.

The most important finding in Terry's study concerns the nonlegal variables of race and SES. In zero-order relationships race and SES were consistently, but not very strongly, related to the severity of the dispositions; but after the number of previous offenses and the seriousness of the offense were controlled, the weak relationships that did exist vanished. "The evidence indicates that the severity of the disposition is not a function of the degree of minority status of the juvenile offender or his socioeconomic status."[8] Age, however, was significantly and positively related to the severity of dispositions, and when the legal variables were controlled, this relationship remained.

The legal variables, on the other hand, were strongly related to the severity of dispositions.

> Only one of the major hypotheses is completely and consistently supported at the three stages of the legal-judicial system. . . . The severity of the societal reaction is a function, at least in part, of the amount of deviance [previous offenses] engaged in by the offender. Also relevant, but less clearly so, [is] the degree of deviation [the seriousness of the offense] . . .[9]

None of the other legal or nonlegal variables that Terry studied were significantly or consistently related to the dependent variable of dispositions, with the sole exception of the number of adult offenders involved in a given offense. ". . . [I]t seems to be a safe conclusion that legalistic variables play a significant role in the process at all of the stages considered."[10] The same cannot be said for the nonlegal variables, however. With the exception of age, they were not strongly related to dispositions, and with the introduction of the legal variables as controls the relationship vanished.

A number of other studies have arrived at similar conclusions. McEachern and Bauzer examined patterns of police referrals to the juvenile court in Santa Monica, California.[11] No relationship between race and disposition was found. "The proportions of petitions requested for the three ethnic categories used in this analysis are .28 for Negroes, .27 for Mexican-Americans, and .26 for Angloes."[12] Thus, even when the legal variables were ignored, ethnic group membership did not affect the referral practices of the police. As in Terry's study, McEachern and Bauzer found the legal variables to be most strongly related to dispositions. Delinquents who committed serious offenses, who had a greater number of previous offenses, and who were on probation when arrested were far more likely to be referred to the juvenile court than their counterparts.

An earlier study conducted by Goldman closely parallels the work of McEachern and Bauzer, for it is also concerned with the manner in which the police referred cases to the juvenile court.[13] In general, black children were more likely than white children to be referred to the juvenile court. For example, 6.1 per cent of all the cases involved black delinquents but the blacks ". . . constituted 11.4 per cent of those referred to the juvenile court."[14] Although the black children were more likely to be referred to juvenile court, they were also more likely to commit more serious offenses and to have had a greater amount of previous contact with the police. Although the legal variables were not held constant, the author suggests that they tend to explain the relationship. "It must be noted that all of the Negro children who were referred to court were involved in instances of serious offenses . . ."[15]

Shannon used an ecological approach to investigate the referral behavior of the police in three communities of Madison, Wisconsin.[16] One area was predominantly lower class, another predominantly middle class but with some working class sections, and the third was a mixture of middle and "high class" sections. As would be expected, the lower class had a disproportionately high referral rate to the juvenile court, while the higher class area had a disproportionately low rate. The referral rate in

[8] Terry, *supra* note 1, at 228.
[9] *Screening*, *supra* note 7, at 179.
[10] *Id.* at 181.
[11] McEachern & Bauzer, *Factors Related to Disposition in Juvenile Police Contacts* in JUVENILE GANGS IN CONTEXT 148 (M. Klein & B. Myerhoff eds. 1964).
[12] *Id.* at 150.
[13] N. Goldman, Police Reporting of Offenders to Juvenile Court 11 (mimeographed paper on file with author).
[14] *Id.* at 2.
[15] *Id.* at 3.
[16] Shannon, *Types and Patterns of Delinquency Referral in a Middle-Sized City*, 4 BRIT. J. DELINQUENCY 24 (1963).

the middle class area was about the same as the expected rate. When Shannon controlled for the seriousness of the offense committed, the relationship between social class and dispositions was eliminated. Delinquents from the lower class area committed more serious offenses than delinquents from the other areas. "This means that . . . juveniles engaging in comparable types of delinquent behavior receive pretty much the same treatment from the Madison police." [17]

Hohenstein examined the referral practices of the police in Philadelphia, basing his analysis on 504 delinquent events committed in 1960.[18] These 504 events constitute a ten per cent sample of all the index offenses committed in 1960, as defined by Sellin and Wolfgang.[19] Using predictive attribute analysis to examine the data, Hohenstein found that "three important factors were involved in determining the disposition decision: (1) the attitude of the victim, (2) the previous record of the offender, and (3) the seriousness of the present event." [20] The most striking finding was that the attitude of the victim was the most important variable involved. Regardless of the amount of recidivism or the seriousness of the event, when the victim did not favor prosecution, the offender was almost always given the least serious disposition available. However, when the victim was in favor of prosecution, the offender was usually arrested. Relative to nonlegal variables, Hohenstein found race to be virtually unrelated to dispositions and the age of the offender was totally unrelated.[21] The legal variables of seriousness, recidivism, and the attitude of the victim, however, were found to relate to dispositions.

In general, the preceeding research shows that when legal variables such as the seriousness of the offense and the number of previous offenses committed are held constant, the nonlegal variables of race and SES have been found not to affect disposition decisions. Terry's concluding remarks can be used to summarize this body of literature:

> While our research has focused on only some of the many variables that may be relevant in [disposing of juvenile offenders], it seems to be a safe conclusion that legalistic variables play a significant role in the process at all of the stages considered.[22]

Clearly, the findings of these previous studies do not support the assumptions of Lemert, Clinard and others. Given the findings of the research reported to date, blacks and low SES subjects are not more likely than their counterparts to be treated more severely in the juvenile justice system when recidivism and the seriousness of the offense are held constant.

The studies discussed serve two functions: first, to limit the number of variables to be examined; and second, to form hypotheses. The present research deals only with the variables that were previously found to be most significantly related to dispositions: race, SES, number of previous offenses, and the seriousness of the offense. Other analyzed variables were generally found to be unrelated to dispositions. For example, Terry found that variables such as the number of individuals involved in the offense, the delinquency rate of the area of residence, the degree of involvement with offenders of the opposite sex did not affect the severity of dispositions given by legal agencies. The hypotheses which may be formed are:

1. Blacks and delinquents from the low SES receive more severe dispositions than their counterparts.
2. Juveniles who commit serious offenses and have many previous offenses also receive more severe dispositions.
3. When legal variables are held constant, nonlegal variables are unrelated to disposition decisions.

Methodology

To test these hypotheses data collected by Wolfgang, Figlio and Sellin were used.[23] This study gathered information on all males who were born in 1945 and who lived in Philadelphia at least from the ages of ten through seventeen years. By using the records of a variety of agencies, primarily the schools of Philadelphia, the cohort study delimited a population of 9,945 boys. Of this cohort, 3,475 boys were found to have committed at least one delinquent act, and it is this group of delinquents who were analyzed in the present study. After

[17] *Id.* at 33.

[18] Hohenstein, *Factors Influencing the Police Disposition of Juvenile Offenders*, in Delinquency: Selected Essays 138 (T. Sellin & M. Wolfgang eds. 1969).

[19] T. Sellin & M. Wolfgang, The Measurement of Delinquency (1964).

[20] Hohenstein, *supra* note 18, at 146.

[21] This study did not contain information on SES.

[22] *Screening*, *supra* note 7, at 181.

[23] M. Wolfgang, R. Figlio, & T. Sellin, *supra* note 5. The writer wishes to express his deep appreciation to these authors for their generous cooperation in the present research.

delimiting the cohort population, a search was made by Wolfgang *et al.* through the files of the Philadelphia Police Department for all *officially* recorded delinquent acts committed by the cohort subjects. There were 10,214 delinquent events, with final dispositions recorded for 9,601 cases.[24]

Measurement of the dependent variable, the severity of legal dispositions, is relatively clear-cut because it is a legal variable already defined by the penal code of Pennsylvania. According to police records, the dispositions that can be given to a juvenile in Philadelphia are the following:

1. *Remedial arrest:* handled entirely by the police. In this case, the juvenile is almost always taken to the police station and detained for an hour or so. His case is not forwarded to any other legal agency (e.g., the courts), but his parents or legal guardians are notified and the case is often referred to the city's Department of Welfare. The offense, however, is listed in his police file. (6515)[25]
2. *Discharged:* cases referred by the police but dismissed at the first juvenile court hearing or after a court continuance, unaccompanied by probation. (590)
3. *Adjusted:* cases dismissed at the juvenile court, either by a juvenile court judge or a member of the court staff after the case is adjusted, but without the use of probation. (748)
4. *Fine and/or restitution:* cases in which the juvenile pays a fine, makes restitution to the victim, or both. (20)
5. *Probation:* cases in which the juvenile court sentences the individual to a certain period of time on probation. (1074)
6. *Institutionalization:* cases in which the juvenile court sentences the individual to spend a certain period of time in a correctional institution. (654)

Because of the similarity of some categories and the small frequencies in others, these six dispositions have been collapsed into the following four:

Remedial arrest	6,515	67.9%
Adjusted (Adjusted and Discharged)	1,338	13.9%
Probation (Probation and Fine and/or Restitution)	1,094	11.4%
Institutionalization	654	6.8%
Total	9,601	100.0%

[24] For a variety of reasons, information on the dispositions of the other 613 offenses was missing or incomplete.

[25] The number following each definition refers to the number of cohort offenses that received such disposition.

Data are presented so as to allow examination of differential disposition at each of the major stages of the juvenile justice system: the police, intake hearings by the juvenile court's probation department, and hearings by the juvenile court itself. The major decision for the police is whether to treat a juvenile leniently by giving him a remedial arrest, or to treat him more severely by referring him to the juvenile court. We shall compare the percentage of cases given remedial arrests with the percentage of cases referred to the court. At the level of the intake hearing the major decision is whether to adjust the case, the more lenient option, or to refer the case for a formal juvenile court hearing. The comparison is between the adjusted category and the referred category—the sum of the cases given a sentence of probation or institutionalization. Finally, the major decision for the juvenile court judge concerns probation which is the lenient alternative, or institutionalization, the severe alternative. These two dispositions will be compared. In sum, the following comparisons are made: (1) for the police—remedial vs. referral; (2) for the intake process—adjusted vs. referral; (3) for the juvenile court—probation vs. institutionalization.

Race and Disposition

As can be seen in Table 1, black offenders are more likely than white offenders to receive a more severe disposition at each of the three stages. The police, for example, give a remedial disposition to 78.8 per cent of the white juveniles, but to only 59.2 per cent of the blacks. At the intake hearing

TABLE 1

Disposition by Race

Disposition	Race		Total
	Black	White	
Remedial %.....	59.2	78.8	67.9
Referral %.....	40.8	21.2	32.1
	(5362)*	(4239)	(9601)
Adjusted %.....	41.8	47.1	43.4
Referral %.....	58.2	52.9	56.6
	(2186)	(900)	(3086)
Probation %.....	57.7	75.6	62.6
Institution %.....	42.3	24.4	37.4
	(1272)	(476)	(1748)

* In this and all subsequent tables the numbers upon which the percentages are based are presented in parentheses.

the racial differences are not as great, but are still in the same direction. Blacks are less likely (41.8%) than whites (47.1%) to have their cases adjusted, but are more likely (58.2%) than whites (52.9%) to be referred for a court hearing. At the stage of the court hearing the differences are of the same magnitude as the differences observed at the police level. For example, 42.3 per cent of the blacks are sent to correctional institutions, but only 24.4 per cent of whites are handled in this fashion.

The race of the juvenile makes a difference in the way he is handled by the juvenile justice system. However, this difference may be explained by such legal variables as the seriousness of the offense and the subject's previous record. Before controlling for these variables, their relationship to the dependent variable must be determined. Table 2 presents the relationship between the seriousness of the offense and the severity of disposition. At all three stages the more serious the offense, the more severe the disposition. The differences between seriousness of offense and type of disposition are greatest at the police level and least at the juvenile court level.

When the amount of recidivism is used as the independent variable, as in Table 3, similar differences are observed. The expected relationship is present at all three stages and the differences are strong at all stages. At the police level, for example, remedial disposition for first offenders occurs in 79.6 per cent of the cases, while offenders with three or more previous offenses are given remedial dispositions in only 54.2 per cent of the cases. At the juvenile court level first offenders are sent to an institution in 14.0 per cent of the cases, but 50.0 per cent of the juveniles with three or more previous offenses are institutionalized. These two legal variables are strongly associated with disposition decisions as would be expected from previous studies. The task now is to see if they explain the relationship between race and disposition.

In Table 4 the racial differences are presented, holding constant the seriousness of the offense. The striking finding is that racial differences are still quite apparent even when the influence of the seriousness of the offense is controlled. In only one of the six comparisons, the intake stage for high seriousness offenses, does the difference come close to disappearing, and even here blacks are less likely than whites (36.5% vs. 38.4%) to have their

TABLE 2

DISPOSITION BY SERIOUSNESS

Disposition	Seriousness*		Total
	Low	High	
Remedial %.....	88.0	37.3	67.9
Referral %.....	12.0	62.7	32.1
	(5782)	(3819)	(9601)
Adjusted %.....	65.4	37.0	43.4
Referral %.....	34.6	63.0	56.6
	(691)	(2395)	(3086)
Probation %.....	66.5	62.0	62.6
Institution %.....	33.5	38.0	37.4
	(239)	(1509)	(1748)

* Seriousness is measured by the Sellin-Wolfgang index. See footnote 19. A low seriousness score is less than 1 and a high score is 1 or more.

TABLE 3

DISPOSITION BY NUMBER OF PREVIOUS OFFENSES

Disposition	Number of Previous Offenses			Total
	None	1 or 2	3+	
Remedial %.....	79.6	69.6	54.2	67.9
Referral %.....	20.4	30.4	45.8	32.1
	(3404)	(2912)	(3285)	(9601)
Adjusted %.....	57.0	47.0	34.9	43.4
Referral %.....	43.0	53.0	65.1	56.6
	(696)	(886)	(1504)	(3086)
Probation %.....	86.0	73.8	50.0	62.6
Institution %.....	14.0	26.2	50.0	37.4
	(299)	(470)	(979)	(1748)

TABLE 4

DISPOSITION BY SERIOUSNESS AND RACE

Disposition	Seriousness			
	Low		High	
	Black	White	Black	White
Remedial %.....	83.9	92.3	30.0	50.4
Referral %.....	16.1	7.7	70.0	49.6
	(2909)	(2873)	(2453)	(1366)
Adjusted %.....	61.4	73.9	36.5	38.4
Referral %.....	38.6	26.1	63.5	61.6
	(469)	(222)	(1717)	(678)
Probation %.....	60.8	84.5	57.2	74.4
Institution %.....	39.2	15.5	42.8	25.6
	(181)	(58)	(1091)	(418)

cases adjusted. In the other five comparisons the differences are relatively large. Taking the juvenile court stage as one example, we see that for offenses with a low seriousness score, 39.2 per cent of blacks are institutionalized compared to only 15.2 per cent of whites. For the more serious offenses, 42.8 per cent of blacks are institutionalized, but only 25.6 per cent of whites are so treated. Racial differences observed in the zero-order relationship are not explained by the seriousness of the offense.

If the first and third columns and the second and fourth columns in Table 4 are compared, we observe the relationship between seriousness and dispositions when race is held constant. From these comparisons it is clear that the seriousness of the offense plays a major role in determining the severity of the disposition. Both black and white subjects are more likely to receive a severe disposition when they commit serious offenses. This fact is true at all three stages of the juvenile justice system. Race and seriousness tend to interact in relation to dispositions. Thus, for all three stages, white subjects who committed offenses of low seriousness are most likely to receive a lenient disposition while black subjects who committed a high seriousness offense are least likely to receive a lenient disposition.

This finding should not obscure the major result of Table 4. Even when the seriousness of the offense is held constant, blacks are more likely than whites to receive a more severe disposition at all three stages of the juvenile justice system. This finding refutes the hypothesis based on the results of previous studies. Unlike the other studies, the seriousness of the offense does not explain the relationship between race and disposition.

This finding is essentially the same when the number of previous offenses is held constant as in Table 5. At the police level, blacks are considerably less likely than whites to receive a remedial disposition, regardless of their previous record. At the intake hearing, however, the situation is somewhat different. For the three categories of the control variable, the rates are approximately equal, but in all three cases the small differences that do exist are in the same direction as the differences found when the seriousness of the offense was held constant. At the juvenile court level, blacks are again more likely than whites to be treated severely, especially as the number of previous offenses increases. Although the difference is not great for first offenders (15.5% vs. 11.9% institutionalized), it is sizeable (53.9% vs. 34.5% institutionalized) for those who committed three or more previous offenses. In general, the number of previous offenses does not explain differential dispositions by race.

Finally, racial differences can be examined while both major legal variables are simultaneously controlled as in Table 6. When this is done, racial differences are still clearly observable. At the police level the differences are sizeable, and in all six comparisons blacks are less likely than whites to receive a remedial disposition. The situation for the juvenile court is quite similar. Again the differences are relatively large and all in the same direction. In all six comparisons blacks are more likely to be institutionalized and less likely to

TABLE 5

DISPOSITION BY NUMBER OF PREVIOUS OFFENSES AND RACE

Disposition	Number of Previous Offenses					
	None		1 or 2		3+	
	Black	White	Black	White	Black	White
Remedial %	70.6	86.0	62.7	77.6	50.2	64.8
Referral %	29.4	14.0	37.3	22.4	49.8	35.2
	(1426)	(1978)	(1564)	(1347)	(2371)	(914)
Adjusted %	56.9	57.2	46.6	47.7	34.1	37.9
Referral %	43.1	42.8	53.4	52.3	65.9	62.1
	(420)	(276)	(584)	(302)	(1182)	(322)
Probation %	84.5	88.1	71.2	79.1	46.1	65.5
Institution %	15.5	11.9	28.8	20.9	53.9	34.5
	(181)	(118)	(312)	(158)	(779)	(200)

TABLE 6

DISPOSITION BY SERIOUSNESS, NUMBER OF PREVIOUS OFFENSES AND RACE

Disposition	Seriousness of Offense											
	Low						High					
	None		1 or 2		3+		None		1 or 2		3+	
	Black	White	Black	White	Black	White	Black	White	Black	White	Black	White
Remedial %	90.7	94.9	86.6	92.2	77.6	86.1	44.1	65.2	34.4	47.0	19.5	28.8
Referral %	9.3	5.1	13.4	7.8	22.4	13.9	55.9	34.7	65.6	53.0	80.5	76.2
	(809)	(1388)	(849)	(911)	(1251)	(574)	(617)	(590)	(716)	(436)	(1120)	(340)
Adjusted %	73.3	81.7	67.5	73.2	55.7	67.5	53.3	48.8	41.5	39.4	27.4	28.1
Referral %	22.7	18.3	32.5	26.8	44.3	32.5	46.7	51.2	58.5	60.6	72.6	71.9
	(75)	(71)	(114)	(71)	(280)	(80)	(345)	(205)	(470)	(231)	(902)	(242)
Probation %	80.0	84.6	75.7	89.5	53.2	80.8	85.1	88.6	70.5	78.2	44.7	63.2
Institution %	20.0	15.4	24.3	10.5	46.8	19.2	14.9	11.4	29.5	22.3	55.3	36.8
	(20)	(13)	(37)	(19)	(124)	(26)	(161)	(105)	(275)	(139)	(655)	(174)

be put on probation than are whites. At the intake hearing the results are not as consistent. When dealing with offenses that have a low seriousness score the results are consistent with the findings concerning the police and juvenile court levels. Regardless of the number of previous offenses, blacks are more likely than whites to receive a severe disposition, i.e., to be referred to the juvenile court. On the other hand, when dealing with offenses with a high seriousness score, there are very small differences between the races, and in two of the three comparisons whites are treated more severely than blacks. For example, for first offenders who committed serious offenses, blacks receive an adjusted disposition in 53.3 per cent of the cases, whereas whites do so in 48.8 per cent of the cases.

In conclusion, the data reveal that blacks are treated more severely than whites throughout the juvenile justice system. At the levels of the police and juvenile court there are no deviations from this finding, even when the seriousness of the offense and the number of previous offenses are simultaneously held constant. At the level of the intake hearing this conclusion is generally supported.

SOCIOECONOMIC STATUS AND DISPOSITIONS

The relationship between SES and the severity of the disposition is quite similar to that observed when race was the independent variable. As can be seen in Table 7, members of the low SES are more likely than members of the high SES to receive a severe disposition at each of the three stages of the juvenile justice system. As was true with race, differences in disposition by SES are greater at the levels of the police and the juvenile court than at the intake hearing level; but at all three levels they are clearly observable. The question now becomes: Do these differences remain when the legal variables are held constant?

TABLE 7

DISPOSITION BY SES

Disposition	SES*		
	Low	High	Total
Remedial %	63.2	78.5	67.9
Referral %	36.9	21.5	32.1
	(6657)	(2944)	(9601)
Adjusted %	42.2	47.6	43.4
Referral %	57.7	52.4	56.6
	(2452)	(634)	(3086)
Probation %	60.5	71.4	62.6
Institution %	39.5	28.6	37.4
	(1416)	(332)	(1748)

* The measurement of this variable is based upon the median income of the census tract of residence for each subject. For a detailed discussion of the measurement of this variable see the work of Wolfgang, Figlio & Sellin cited in footnote 23.

Because the analysis of SES is similar to that of race, tables in which the seriousness of the offense and the number of previous offenses are controlled separately are not presented here.[26] The patterns are almost identical to those in Tables 4 and 5.

[26] These tables may, however, be requested from the author.

TABLE 8

DISPOSITION BY SERIOUSNESS, NUMBER OF PREVIOUS OFFENSES AND SES

Disposition	Seriousness of Offense											
	Low						High					
	None		1 or 2		3+		None		1 or 2		3+	
	Lower SES	Higher SES	Lower SES	Higher SES	Lower SES	Higher SES	Lower SES	Higher SES	Lower SES	Higher SES	Lower SES	Higher SES
Remedial %.....	91.0	96.2	88.3	91.8	79.8	81.8	49.0	65.3	36.2	47.4	20.5	28.2
Referral %.....	9.0	3.8	11.7	8.2	20.2	18.2	51.0	34.7	63.8	52.6	79.5	71.8
	(1208)	(989)	(1151)	(609)	(1423)	(402)	(804)	(403)	(860)	(289)	(1211)	(252)
Adjusted %.....	76.8	78.9	68.1	74.0	54.7	72.6	52.4	49.3	41.9	37.5	26.9	30.9
Referral %.....	23.1	21.0	31.8	26.0	45.3	27.4	47.6	50.7	58.1	62.5	73.1	69.1
	(108)	(38)	(135)	(50)	(287)	(73)	(410)	(140)	(549)	(152)	(963)	(181)
Probation %.....	80.0	87.5	79.1	84.6	56.2	70.0	85.6	88.8	74.0	69.5	46.4	60.8
Institution %.....	20.0	12.5	20.9	15.4	43.8	30.0	14.4	11.2	26.0	30.5	53.6	39.2
	(25)	(8)	(43)	(13)	(130)	(20)	(195)	(71)	(319)	(95)	(704)	(125)

When these two variables are controlled simultaneously, as in Table 8, SES differences are still present. Dealing first with the level of the police, we see that in all six comparisons the low SES subjects are less likely than the high SES subjects to be given a remedial disposition. These differences are greatest when the offense committed had a high seriousness score, but even for offenses with a low seriousness score the differences conform to the same pattern.

The findings for the intake hearing level, however, are not as consistent. In two of the six comparisons, those involving high seriousness offenses with no previous offenses or with one or two previous offenses, the pattern of the previous results is reversed. In these two cases the low SES subjects are more likely than the high SES subjects to be treated leniently. On the other hand, in the other four comparisons the reverse is true, since the low SES subjects are less likely to be treated leniently.

At the court level, the data are consistent with the previous results of this study. In five of the six comparisons, low SES subjects are less likely to be put on probation and more likely to be institutionalized than high SES subjects.

The findings with respect to SES are remarkably similar to those concerning race. At the levels of the police and the juvenile court the low SES subjects are treated consistently more severely than their counterparts, even when both legal variables are simultaneously controlled. At the level of the intake hearing the results are similar, but not as pronounced. When both legal variables are controlled simultaneously, and when the offense had a high seriousness score, the low SES subjects are not more likely to be treated more severely than the high SES subjects. However, this is the only deviation from the general pattern of the results. Thus, the third hypothesis—that the legal variables can explain the relationship between SES and dispositions—should be rejected.

DISCUSSION

We have noted that a number of earlier studies found that racial and social class disparities in dispositions could generally be explained by legal variables such as the seriousness of the offense and the number of previous offenses committed. That is, when the seriousness of the offense or the degree of recidivism were held constant, blacks did not receive more severe dispositions than whites, and low SES subjects did not receive more severe dispositions than high SES subjects.

An analysis of comparable data for the Philadelphia birth cohort, however, yields findings that are quite different. With the earlier studies, we found that both the legal and nonlegal variables are related to dispositions. But unlike the previous studies, the present study shows that when the two legal variables were held constant, the racial and SES differences did not disappear. Blacks and low SES subjects were more likely than whites and high SES subjects to receive severe dispositions. Although these differences were more noticeable at the levels of the police and the juvenile court than at the level of the intake hearing, they are generally observable at all three levels.

Furthermore, both sets of variables are related

to the severity of dispositions and neither set "explains away" the other. When race and SES were held constant, serious offenders and recidivists still received more severe dispositions than minor offenders and first offenders. However, as we have noted, the effect of the nonlegal variables did not disappear when the legal variables were held constant. The two sets of variables tended to interact in relation to dispositions. Using race and seriousness to illustrate this interaction, we see that the most lenient dispositions were associated with white, minor offenders, and the most severe dispositions were associated with black, serious offenders.

The most important finding, however, in relation to the previous research done in this area, is that the nonlegal variables are still related to the severity of the dispositions received, even when the legal variables are held constant. Why this happens in the birth cohort data and not in the previous studies is not readily apparent. The different nature of the surveys, cross-sectional vs. cohort, should not explain it because the cohort data have been treated in a cross-sectional fashion in this paper. Nor can other plausible factors explain this disparity. All the studies were conducted in urban areas; data were collected during similar time periods (the late 1950's and early 1960's); they used comparable measures of the major variables; and they employed a valid sample of the juvenile delinquency cases occurring in the cities in which the studies were conducted.

One other possible reason should be discussed. Only two legal variables were controlled in the present study—seriousness and recidivism. Perhaps if other variables such as the demeanor of the youth, the "quality" of the juvenile's home, and the attitude of the victim were controlled, racial and SES differences would be eliminated. These items were not tested in this study. However, the other studies controlled only for seriousness and recidivism and concluded that race and SES were not related to dispositions. Thus, although the absence of these other variables limits the scope of these findings, it does not explain the discrepancy between this study and the previous ones.

Finally, the present findings should be related to the assumption often found in the theoretical realms of criminology, namely, that blacks and members of the low SES are treated more harshly than whites and high SES subjects in the juvenile justice system. Clearly, the findings of the present study are in agreement with that assumption. But to conclude that this study confirms the assumption would perhaps be to make a generalization beyond the scope of the data. This study should, however, be used as another piece of evidence in the more general process of confirming or disconfirming that assumption.