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CRIMINOLOGY

GENDER BIAS IN JUVENILE JUSTICE PROCESSING: IMPLICATIONS OF THE JJDP ACT

Donna M. Bishop* and Charles E. Frazier**

I. INTRODUCTION

The criminological literature has traditionally depicted female juvenile misconduct as sexual or "relational" in nature.¹ Increasingly, however, commentators have recognized that this picture is distorted and inaccurate, reflecting biases in American culture and in the juvenile justice system.² Historically, American cultural beliefs have encouraged far greater protectiveness toward young wo-

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Acknowledgment: We would like to thank John C. Henretta for his helpful comments and for statistical advice; nevertheless, we alone are responsible for any errors that remain.

¹ See, e.g., Meda Chesney-Lind, *Guilty by Reason of Sex: Young Women and the Juvenile Justice System*, in *THE CRIMINAL JUSTICE SYSTEM AND WOMEN* (Barbara R. Price & Natalie J. Sokoloff eds., 1982); Malcolm W. Klein, *The Etiology of Female Crime: A Review of the Literature*, 8 *ISSUES IN CRIMINOLOGY* 3 (1973).

A substantial proportion of young women who enter the juvenile justice system are referred for status offenses (that is, "juvenile only" offenses, which would not constitute crimes if committed by adults), especially running away from home and incorrigibility. Research suggests that these status offense labels are often used euphemistically to reinforce traditional norms restricting female sexual involvement. See, e.g., R. Hale Andrews & Andrew H. Cohn, *Ungovernability: The Unjustifiable Jurisdiction*, 83 *YALE L.J.* 1383 (1974).

² See, e.g., MEDA CHESNEY-LIND & RANDALL SHELDEN, *GIRLS, DELINQUENCY, AND JUVENILE JUSTICE* (1992); Lee Teitelbaum & Leslie J. Harris, *Some Historical Perspectives on Governmental Regulation of Children and Parents*, in *BEYOND CONTROL: STATUS OFFENDERS IN THE JUVENILE COURT* (Lee Teitelbaum & Aidan R. Gough eds., 1977); Lee Teitelbaum & Leslie J. Harris, *Some Historical Perspectives on Governmental Regulation of Children and Parents*, in *BEYOND CONTROL: STATUS OFFENDERS IN THE JUVENILE COURT* (Lee Teitelbaum & Aidan R. Gough eds., 1977); Steven L. Schlossman & Stephanie Wallach, *The Crime of*

men who engage in minor forms of social deviance—especially sexual deviance—than toward young men involved in similar minor misdeeds.³ Research indicates, for example, that parents often refer their daughters to the juvenile justice system for sexual misbehavior and defiance of parental authority⁴ but view similar behavior by their sons as less problematic.⁵ In addition, there is evidence that juvenile justice officials have reinforced a cultural double standard by selectively attending to female sexual and family problems.⁶

Over the last thirty years there have been numerous studies of how the juvenile justice system deals with male and female offenders.⁷ A historical review of their findings reveals an interesting pattern. With few exceptions, the findings of analyses of data collected more than fifteen years ago are remarkably consistent and can be briefly summarized. The findings of this body of research suggest that females were considerably more likely than males to be referred to the juvenile justice system for status offenses—that is, for “juvenile only” offenses, which would not constitute crimes if committed by adults (*e.g.*, runaway, incorrigibility, truancy). Moreover, once referred, female status offenders were more likely than their male counterparts to be petitioned to formal court processing, to be placed in pre-adjudicatory detention, and to be incarcerated upon the judicial disposition of their cases.⁸

Precocious Sexuality: Female Juvenile Delinquency in the Progressive Era, 48 HARV. EDUC. REV. 65 (1978).

³ See CHESNEY-LIND & SHELDEN, *supra* note 2; Alan Sussman, *Sex-based Discrimination and the PINS Jurisdiction*, in BEYOND CONTROL: STATUS OFFENDERS IN THE JUVENILE COURT (Lee Teitelbaum & Aidan R. Gough eds., 1977); Lee Teitelbaum & Leslie J. Harris, *Some Historical Perspectives on Governmental Regulation of Children and Parents*, in BEYOND CONTROL: STATUS OFFENDERS IN THE JUVENILE COURT (Lee Teitelbaum & Aidan R. Gough eds., 1977); Teitelbaum & Harris, *supra* note 2; Schlossman & Wallach, *supra* note 2.

⁴ Such defiance is frequently translated into charges of being “wayward,” “un-governable,” or “beyond parental control.”

⁵ It is noteworthy that status offenders are most often referred to the juvenile justice system by parents, rather than by law enforcement officials. Parents thus contribute in a significant way to gender bias in the juvenile justice system. See Chesney-Lind, *supra* note 1; Orman W. Ketcham, *Why Jurisdiction Over Status Offenders Should Be Eliminated From Juvenile Courts*, in STATUS OFFENDERS AND THE JUVENILE JUSTICE SYSTEM (Richard Allinson ed., 1978); Carl E. Pope & William H. Feyerherm, *Gender Bias in Juvenile Court Dispositions*, 6 J. SOC. SCI. RES. 1 (1982).

⁶ See Chesney-Lind, *supra* note 1; Meda Chesney-Lind, *Girls and De-institutionalization*, 20 CRIM. JUST. ABSTRACTS 144 (1988).

⁷ See, *e.g.*, *infra* notes 8-10, 12-14.

⁸ See Andrews & Cohn, *supra* note 1; Meda Chesney-Lind, *Judicial Enforcement of the Female Sex Role: The Family Court and the Female Delinquent*, 8 ISSUES IN CRIMINOLOGY 8 (1973); Meda Chesney-Lind, *Judicial Paternalism and the Female Status Offender: Training Women to Know Their Place*, 23 CRIME & DELINQ. 121 (1977); Yona Cohn, *Criteria for the Probation Officer's Recommendation to the Juvenile Court*, 9 CRIME & DELINQ. 262 (1963); Allan Conway & Carol Bogdan, *Sexual Delinquency: The Persistence of the Double Standard*, 23 CRIME

In contrast, when we consider acts of delinquency (offenses that would be crimes if committed by adults), research for this same time period indicates that delinquent males frequently received harsher treatment than delinquent females. Consistent with the so-called "chivalry" or "paternalism" hypothesis, police were less likely to arrest females suspected of person or property crimes.⁹ Moreover, post-arrest processing decisions appeared to amplify the gender differential apparent in the arrest findings: Young female offenders were less likely than their male counterparts to be formally charged with criminal offenses; and, if charged, they were less likely than males to be institutionalized for these offenses.¹⁰

In sum, the findings of early studies of the influence of gender on juvenile justice processing suggest that police officers, intake personnel, judges, and other court officials supported a sexual double standard. Compared to their male counterparts, female status offenders were singled out for especially harsh protectionist treatment. At the same time, male delinquents (that is, those who committed criminal-type offenses) received harsher and more punitive penalties than their female counterparts.¹¹

& DELINQ. 131 (1977); Susan K. Datesman & Frank R. Scarpitti, *Unequal Protection for Males and Females in the Juvenile Court*, in WOMEN CRIME AND JUSTICE (Susan K. Datesman & Frank R. Scarpitti eds., 1980); Don C. Gibbons & Manzer J. Griswold, *Sex Differences Among Juvenile Court Referrals*, 42 SOC'Y & SOC. RES. 106 (1957); Nathan Goldman, *The Differential Selection of Juvenile Offenders for Court Appearances*, in CRIME AND LEGAL PROCESS (William J. Chambliss ed., 1969); Peter C. Kratcoski, *Differential Treatment of Delinquent Boys and Girls in Juvenile Court*, 53 CHILD WELFARE 16 (1974); Marvin D. Krohn, James P. Curry, & Shirley Nelson-Kilger, *Is Chivalry Dead? An Analysis of Changes in Police Dispositions of Males and Females*, 21 CRIMINOLOGY 417 (1983); Coramae Richey Mann, *The Differential Treatment Between Boys and Girls in Juvenile Court*, 3 JUV. & FAM. C. J. 37 (May 1979); A.W. McEachern & Riva Bauzer, *Factors Related to Disposition in Juvenile Police Contacts*, in JUVENILE GANGS IN CONTEXT (Malcolm W. Klein & Barbara G. Myerhoff eds., 1967); Thomas P. Monahan, *Police Dispositions of Juvenile Offenders*, 31 PHYLON 129 (1970); Edward J. Pawlak, *Differential Selection of Juveniles for Detention*, 14 J. OF RES. IN CRIME & DELINQ. 152 (1977); Schlossman & Wallach, *supra* note 2; Randall G. Shelden, *Sex Discrimination in the Juvenile Justice System: Memphis, Tennessee, 1900-1917*, in COMPARING MALE AND FEMALE OFFENDERS (Marguerite Q. Warren ed., 1981); Sussman, *supra* note 3.

But see Timothy Carter, *Juvenile Court Dispositions*, 17 CRIMINOLOGY 341 (1979); Terence Dungworth, *Discretion in the Juvenile Justice System: The Impact of Case Characteristics on Prehearing Detention*, in JUVENILE DELINQUENCY: LITTLE BROTHER GROWS UP (Theodore Ferdinand ed., 1977); Charles W. Thomas & Robin J. Cage, *The Effect of Social Characteristics on Juvenile Court Dispositions*, 18 SOC. Q. 237 (1977).

⁹ See DELBERT S. ELLIOTT & HARWIN L. VOSS, *DELINQUENCY AND DROPOUT* (1974); Monahan, *supra* note 8.

¹⁰ See Chesney-Lind, *Judicial Enforcement*, *supra* note 8; Lawrence E. Cohen & James R. Kluegel, *The Detention Decision: A Study of the Impact of Social Characteristics and Legal Factors in Two Metropolitan Courts*, 58 SOC. FORCES 146 (1979); Datesman & Scarpitti, *supra* note 8; McEachern & Bauzer, *supra* note 8; Thomas & Cage, *supra* note 8.

¹¹ Official responses to female status offenders, while often harsh and restrictive, typically have been couched in paternalistic and protectionist rhetoric. Unlike her brother,

In the past decade, this picture has begun to change. Recent studies have challenged the traditional understanding of the role that gender plays in juvenile justice decision-making. For example, two relatively recent studies of the court referral and judicial disposition stages of processing report no difference in the treatment accorded male and female status offenders.¹² In addition, while some recent studies report that males charged with criminal-type offenses are treated more harshly than their female counterparts,¹³ several other studies find no evidence that gender influences delinquency case outcomes.¹⁴

At the very least, these more recent studies suggest that the role of gender in juvenile case processing is less clear today than it was fifteen years ago, when studies consistently reported substantial gender differentials. Conservatively, one might conclude only that the impact of gender has become more equivocal: There are about as many recent studies reporting that gender plays no significant role in justice decision-making as there are studies reporting significant gender effects. Even in those recent studies that report significant gender differences, however, the magnitude of these differences is considerably smaller than typically found in earlier

whose defiance of parental authority and sexual activity have been tolerated if not encouraged, the female status offender has been the object of great moral solicitude. Although males thus have enjoyed an advantage relative to females with respect to status offenses and minor "morals" crimes, they have been disadvantaged when it comes to crimes against property and person. Males who commit delinquent offenses have been punished considerably more severely than their female counterparts, perhaps in part because cultural stereotypes of females in general and female offenders in particular are inconsistent with notions of "dangerousness." Where there is little perceived threat, there is little or no call for punishment.

¹² Stevens H. Clarke & Gary G. Koch, *Juvenile Court: Therapy or Crime Control, and Do Lawyers Make a Difference?*, 14 LAW & SOC'Y REV. 263 (1980); Katherine S. Teilmann & Pierre H. Landry Jr., *Gender Bias in Juvenile Justice*, 18 J. OF RES. IN CRIME & DELINQ. 47 (1981).

¹³ M. A. Bortner & Wornie L. Reed, *The Preeminence of Process: An Example of Refocused Justice Research*, 66 SOC. SCI. Q. 413 (1985); Arthur E. Peterson, *Youthful Offender Designations and Sentencing in the New York Criminal Courts*, 35 SOC. PROBS. 111 (1988); Pope & Feyerherm, *supra* note 5; William G. Staples, *Toward a Structural Perspective on Gender Bias in the Juvenile Court*, 27 SOC. PERSP. 349 (1984); Charles R. Tittle & Daniel J. Curran, *Contingencies for Dispositional Disparities in Juvenile Justice* 67 SOC. FORCES 23 (1988).

¹⁴ Clarke & Koch, *supra* note 12; Dale Dannefer & Russel K. Schutt, *Race and Juvenile Justice Processing in Court and Police Agencies*, 87 AM. J. OF SOC'Y 1113 (1982); Rogers McCarthy & Brent L. Smith, *The Conceptualization of Discrimination in the Justice Process: The Impact of Administrative Factors and Screening Decisions on Juvenile Court Dispositions*, 24 CRIMINOLOGY 41 (1986); Rogers McCarthy, *Preventive Detention and Pretrial Custody in the Juvenile Court*, 15 J. OF CRIM. JUST. 185 (1987); Joy Mott, *Police Decisions for Dealing with Juvenile Offenders*, 23 BRIT. J. OF CRIMINOLOGY 249 (1983); Charles D. Phillips & Simon Dinitz, *Labelling and Juvenile Court Dispositions: Official Responses to a Cohort of Violent Juveniles*, 23 Soc. Q. 267 (1982).

years. Thus, the record seems to suggest that gender plays a less significant role in juvenile justice processing today than it did in the past.

This observation lends itself to several possible interpretations. One explanation is that sociocultural changes—chief among them, the feminist movement—may have produced attitudinal changes that have in turn prompted more egalitarian treatment of male and female offenders. For example, Chesney-Lind has suggested that “recent studies which have found less sex differentials in the official treatment of status offenders may be pointing to a new awareness among court personnel that excesses of judicial paternalism may be inappropriate.”¹⁵

A second explanation for the apparently diminishing role of gender in the processing of status offenders is that significant legal changes have forced more evenhanded treatment of males and females, even in the absence of changes in the attitudes of juvenile justice officials. One such legal change was brought about by the passage of the Juvenile Justice and Delinquency Prevention Act of 1974¹⁶ (hereinafter “the JJDP Act” or “the Act”), which mandates the deinstitutionalization of status offenders. Under the JJDP Act, participating states may not place status offenders in any secure facility, including jails, police lockups, juvenile detention centers, or training schools. One consequence of this change in the law may be that it has become difficult for justice officials to practice differentially protectionist policies toward female status offenders. That is, to the extent that females were disadvantaged in the past by practices now forbidden, the legal reforms of the last fifteen years may have tended to equalize the treatment accorded male and female status offenders.

Finally, there is the possibility that no significant changes have occurred in the treatment of males and females, but that differential treatment is now hidden in one or more ways. Studies by Mahoney and Fenster¹⁷ and Curran¹⁸ suggest that gender bias in the processing of status offenders continues unabated, but in a manner that would not be detected through the usual methods of analysis (*e.g.*, using data contained in the official records for male and female sta-

¹⁵ Chesney-Lind, *supra* note 1, at 95.

¹⁶ Juvenile Justice and Delinquency Prevention Act, 42 U.S.C. § 5601 (1974)[hereinafter JJDP Act].

¹⁷ Anne Rankin Mahoney & Carol Fenster, *Female Delinquents in a Suburban Court*, in JUDGE LAWYER VICTIM THIEF: WOMAN, GENDER ROLES & CRIMINAL JUSTICE (Nicole Hahn Rafter & Elizabeth Anne Stanko eds., 1982).

¹⁸ Daniel J. Curran, *The Myth of the New Female Delinquent*, 30 CRIME & DELINQ. 386 (1984).

tus offenders). Based on courtroom observations, Mahoney and Fenster report that, following the decriminalization of status offenses in 1979, many girls appeared in court for criminal-type offenses that previously could have been classified as status offenses. They suggest that justice officials may have redefined many status offenses as criminal-type offenses in order to render girls eligible for the kinds of protectionist sanctions which had traditionally been applied. Similarly, Curran reports that legal reclassification of status offenses may have taken place in Philadelphia after the law was changed in 1976 to remove status offenses from the jurisdiction of the juvenile court. Juvenile court statistics for Philadelphia showed a dramatic increase in the number of females charged with criminal-type offenses over the period 1977-80. This increase is best attributed, in Curran's view, to changes in the classification of offenses.¹⁹

Gender bias may be obscured in other ways as well.²⁰ Certain provisions of the JJDP Act permit practices that might allow justice officials to circumvent the spirit of the law and its mandate of deinstitutionalization. Of particular concern is a 1980 amendment to the Act, which provides that status offenders found in contempt of court for violating a valid court order may be placed in secure detention facilities,²¹ thus permitting the juvenile courts to use their contempt power to incarcerate repeat status offenders. For example, if runaway youths who were ordered by the court to remain at home, were to run away again, they might be found in contempt of court—a criminal-type offense, in that adjudged contemnors can be incarcerated or otherwise institutionalized. Contempt proceedings may be initiated based on either a subsequent status offense or a failure to comply with an earlier court order.

If the juvenile courts applied their contempt power differentially more often to female status offenders, the effect would be a concealment of the continuation of traditional patterns of gender bias. In that case, non-status offense data would include female status offenders (subsequently held in contempt), who traditionally have received harsher protectionist treatment than their male counterparts, in addition to male delinquents (charged with criminal-type offenses), who traditionally have received harsher penalties than

¹⁹ The line between status offenses and delinquency offenses may be easily manipulated by justice officials. For example, runaways may be arrested for loitering and prowling, thereby rendering them eligible for institutionalization in secure detention facilities and training schools.

²⁰ Jan C. Costello & Nancy L. Worthington, *Incarcerating Status Offenders: Attempts to Circumvent the Juvenile Justice and Delinquency Prevention Act*, 16 HARV. C.R.-C.L. L. REV. 41 (1981).

²¹ JJDP Act, *supra* note 16, at § 223(a)(12)(A).

their female delinquent counterparts. Because these effects pull in opposite directions, failure to distinguish between contempt and other criminal-type offenses might obscure real gender differences in processing.

II. THE PRESENT RESEARCH

This study examines the effects that the reform initiatives mandated by the JJDP Act have had on the juvenile justice system to determine whether the system's past pattern of unequal treatment of male and female status offenders and delinquents has been corrected or merely masked. Fresh analysis is needed in part because the JJDP Act's mandate to deinstitutionalize status offenders may have reduced both the motivations and the opportunities to treat females differently from males.²² In addition, as suggested above, the Act may also have had the unintended consequence of encouraging practices that make gender differentials in juvenile justice processing more difficult to detect.

Using the records of status and non-status offense referrals processed in Florida over a three-year period, we evaluate the extent to which gender affects decisions made at several stages in juvenile justice processing, from initial intake through judicial disposition. We conduct multivariate analyses that include controls for a number of legal and extralegal variables of potential relevance to processing decisions. In addition to exploring the main effects of gender in additive models, we estimate interactive models to determine whether the effect of gender is conditioned by levels of other predictor variables.²³ Given the possibility, noted above, that gender effects are contingent upon offense, interactions between gender and offense type are of special interest.

A. THE SAMPLE

Data for this research are drawn from records of the total population of cases referred to the juvenile justice system in Florida from January 1, 1985 to December 31, 1987. Florida has been a participant in programs under the JJDP Act since the mid-1970's. Further, because of its large population and high rates of crime and delinquency, Florida has routinely received substantial block grant

²² See Krohn, Curry & Nelson-Kilger, *supra* note 8; Chesney-Lind & Shelden, *supra* note 2.

²³ Terance D. Miethe & Charles A. Moore, *Racial Differences in Criminal Processing: The Consequences of Model Selection on Conclusions About Differential Treatment*, 27 Soc. Q. 217 (1986).

funding from the federal government to effectuate the Act's mandate. Consequently, Florida's juvenile justice officials presumably have considerable incentive to comply with requirements of the JJDP Act.

Florida has a statewide juvenile justice information system well suited to the questions we wished to address. From this information system we obtained a data set consisting of cases referred to juvenile justice intake units throughout the state. Florida law requires that all juvenile complaint reports be processed through intake offices located in each county. Thus, the data include records of all police contacts (except those that resulted in informal field adjustments) as well as referrals from parents, school officials and other non-police sources. The data set is quite comprehensive—it includes cases closed without action and cases disposed of informally (*e.g.*, through diversion to a community service agency), as well as cases formally petitioned to and processed in juvenile court or transferred to adult court jurisdiction. We were able to organize the records so that we could trace the movement of youths through several processing stages in the juvenile justice system. In delinquency (non-status offense) cases, the sequence of processing stages included intake screening, detention, court referral, adjudication, and judicial disposition. Because of structural differences within the juvenile justice system, status offense cases included only three processing stages: court referral, adjudication, and judicial disposition.

Because prior research suggests that processing decisions are affected by youths' prior records of offending and by the dispositions of youths' prior cases,²⁴ controlling for offense and processing histories is important. Accordingly, we restricted our analyses to the last referral in 1987 for each youth in the data set. This procedure allowed us to capture at least two full years of prior offense and prior disposition information. The total number of youths included in the analyses is 137,671.

B. DEPENDENT VARIABLES

We examined five dependent variables for delinquency cases and three for cases involving status offenses. All of the dependent variables were encoded dichotomously.

²⁴ John C. Henretta, Charles E. Frazier & Donna M. Bishop, *The Effect of Prior Case Outcomes on Juvenile Justice Decision-Making*, 65 SOC. FORCES 554 (1986); Terence P. Thornberry & Ronald L. Christenson, *Juvenile Justice Decision Making as a Longitudinal Process*, 63 SOC. FORCES 433 (1984).

1. *Delinquency Cases*

a. Intake Screening

For delinquency cases, intake screening begins the official juvenile justice process. In Florida, intake officers review the facts of the case, interview the juvenile and (where possible) the juvenile's parents or guardians, and make non-binding recommendations to state's prosecuting attorneys regarding the preferred method of handling each referral. Intake officers may recommend that a case be closed without action, that it be diverted from the juvenile justice system for informal handling, or that it be referred to the juvenile court for formal processing. *Intake Screening* outcomes are coded as follows: either 0 if closed without action or handled informally, or 1 if referred for formal processing.

b. Detention Status

Decisions regarding detention status are made in all delinquency cases shortly after a referral is received. Detention decisions are made jointly by intake staff, law enforcement officials (when the referral is police-initiated), and prosecutors. For *Detention Status*, cases that resulted in pre-adjudicatory detention are coded 1; those released are coded 0.²⁵

c. Court Referral

After reviewing intake recommendations, Florida prosecutors decide whether a delinquency case will proceed to formal court processing.²⁶ *Court Referral* is coded to distinguish between cases in which no petition was filed or in which a petition was filed and subsequently withdrawn (coded 0), and cases in which a petition was filed that resulted in formal court processing (coded 1).

d. Adjudication

The next stage of delinquency case processing involves judicial decision-making. In the first of two major court decisions, judges decide whether to adjudicate a youth delinquent (*i.e.*, to find him or her guilty of the charge(s)) or to dismiss the case, find the youth not guilty, or withhold adjudication. *Adjudication* is coded to distinguish

²⁵ Unfortunately, the data do not permit construction of a measure of length of detention (*i.e.*, days detained). We are only able to distinguish between youths who were not detained—or if detained, were held a few hours, or at most overnight—and those who were detained continuously from arrest through to the disposition of their cases.

²⁶ Because intake officers' recommendations are non-binding, prosecutors review all delinquency cases referred to juvenile justice intake.

between youths who, for any of the aforementioned reasons, were not adjudicated delinquent (coded 0) and those who were formally adjudicated delinquent (coded 1).

e. Judicial Disposition

The second major court decision involves the equivalent of sentencing in a criminal court. Youths found to have committed delinquent offenses may receive a number of alternative judicial dispositions, ranging from community-based sanctions and services (e.g., probation, intensive probation) to commitment to residential facilities (e.g., youth camps, training schools). Additionally, youths may be transferred to criminal court for trial as adults, arguably the most severe sanction available to the juvenile justice system. In this study, *Judicial Disposition* is coded to distinguish between those ordered into some kind of community-based program (coded 0) and those committed to a residential facility or transferred to criminal court (coded 1).

2. Status Offenses

a. Court Referral and Adjudication

Status offenders in Florida, like criminal-type offenders (delinquents), enter the justice system at the intake screening stage. Because status offenders are legally defined as dependents rather than delinquents, however, their processing differs somewhat from that of youths charged with offenses that would be crimes if committed by adults. First, intake officers decide, rather than merely recommend, whether there should be formal court action for status offenders. In contrast to their advisory role in delinquency cases, the intake officers make the *final* decision whether or not to petition these cases to juvenile court. The first stage in status offender processing, then, is *Court Referral*, which is coded to distinguish between cases closed without action or handled informally (coded 0) and those petitioned to juvenile court (coded 1). The second stage in the processing of status offenders is *Adjudication*, which is coded in the same manner as was the analogous stage of delinquency case processing, described above.

b. Judicial Disposition

The third stage in the processing of status offenders is judicial disposition. In a general sense, status offenders who are adjudicated dependent by the court risk the same fate as delinquent offenders, *viz.*, placement outside the home in some residential or

institutional facility such as a foster home or a group home. At the most severe end of the continuum of dispositional alternatives, however, status offenders are not subject to the two harshest sanctions reserved for delinquent offenders, incarceration in a training school and transfer to criminal court. Outcomes of *Judicial Disposition* are coded to distinguish between youths ordered by the court to receive some community-based service or treatment (coded 0) and those made wards of the court and removed from their homes (coded 1). These encodings are generally analogous to those used for the *Judicial Disposition* variable in delinquency case processing, described above.

C. INDEPENDENT VARIABLES

1. *Social Characteristics*

The independent variables examined in this study include social characteristics of offenders and attributes of their current offenses, offense histories, and case processing outcomes. The offender characteristics are *Gender* (coded female = 0; male = 1), *Race* (coded black = 0; white = 1), and *Age* (coded in one-year intervals, from 7-18).

2. *Current Offenses*

a. *Offense Seriousness*

In the analysis of delinquency cases,²⁷ a measure of *Offense Seriousness* was constructed by scoring the most serious offense with which each youth was charged according to the following values:

- 6 for felony offense against person.
- 5 for felony property offense.
- 4 for felony public order offense.
- 3 for misdemeanor person offense.
- 2 for misdemeanor property offense.
- 1 for misdemeanor offense against public order or welfare.

b. *Contempt Status*

In light of our discussion of contempt and its potential importance as a vehicle for circumventing federal mandates to deinstitutionalize status offenders, we introduced contempt status as a variable in this analysis. In Florida, juvenile contempt proceedings, which are legally recognized as delinquency proceedings, are initi-

²⁷ The analysis of status offense outcomes does not include an *Offense Seriousness* variable, as all status offenses were considered to be of approximately the same severity.

ated by intake officers and proceed through the system in the same manner as do other delinquency offenses. Contempt referrals involve instances in which an intake officer is notified that a juvenile has violated a condition of supervision previously imposed by the court.²⁸ A petition is then filed initiating a delinquency contempt proceeding, rather than a dependency action for a repeat status offense.²⁹ Officials estimate that 99 percent of contempt proceedings in Florida involve cases that originated as status offenses.³⁰ State law allows judges to place juveniles found in contempt into secure detention for up to five months and twenty-nine days at the judicial disposition of their cases.³¹ *Contempt Status* is coded to distinguish between cases referred for contempt (coded 1) and all other delinquency cases (coded 0).

3. *Offense History*

a. *Prior Record*

Prior Record is measured in terms of the severity of the youth's previous offenses. To construct this variable, we summed the severity scores of all previous referrals during the three-year study period. Each referral was scored using the same values as those discussed above in connection with offense seriousness. In cases where a youth's offense history included a status offense, the status offense was assigned a value of 1, equivalent to the most minor misdemeanor offense.

b. *Prior Disposition*

Because previous research suggests that the disposition of prior

²⁸ For example, the juvenile could be a status offender who has run away from home, violated curfew or skipped school, in violation of an order by the court, respectively, to remain at home, to return home each day by a specific hour or to attend school each day.

²⁹ As is the case with other delinquency referrals, the intake officer receives the referral—which may come from parents, school officials, or court personnel—and recommends whether to handle the case formally or informally. This recommendation is taken under advisement by the prosecutor, who makes the final determination regarding court referral. From there the case proceeds to adjudication and judicial disposition. The primary feature distinguishing contempt from other delinquency proceedings is the restricted range of dispositional alternatives available in contempt cases. Youths found in contempt may not be transferred to criminal court nor may they be institutionalized in the state's training school facilities. However, they are eligible to receive a sentence of up to six months in a secure detention facility. It is not insignificant that many juveniles placed in training school facilities for delinquency offenses are incarcerated for shorter periods of time.

³⁰ This estimate is based on personal interviews by the authors of juvenile division prosecutors and juvenile court judges over the period 1985 to 1991.

³¹ FLA. STAT. § 39.412 (1985).

referrals has a significant impact on the outcome of subsequent referrals,³² we also constructed a measure of prior disposition that scored the most severe disposition that each youth had previously received. *Prior Disposition* is coded as follows:

- 1 for no sanctions or services (*e.g.*, case closed without action).
- 2 for informal sanctions or services.
- 3 for adjudicated delinquent or dependent and referred to community-based sanctions or treatments.
- 4 for adjudicated delinquent or dependent and placed in a residential/institutional program or transferred to criminal court.

4. *Intra-Case Processing Outcomes*

Finally, we included case processing outcomes, where appropriate, as independent variables in the analyses. That is, we explored the effects of decisions made at earlier stages in processing on subsequent processing outcomes. This procedure allowed us to identify and assess possible indirect effects of gender on case outcomes. Sensitivity to the possibility of indirect effects is important: When modelling a late-stage outcome such as judicial disposition, the effects of gender may be masked due to correlations between gender and earlier processing decisions that predict late-stage outcomes.³³

III. ANALYSIS

The analysis proceeds from an examination of bivariate relationships to multivariate regression models. Because each of the dependent variables is a dichotomous contrast, we selected logistic regression as the method of estimation. In addition to estimating main effects in additive models, we also estimated models that included all two-way interactions including gender. These latter models allow us to consider whether the covariation of gender with other independent variables influences case outcomes at each processing point.

³² Henretta, Frazier, & Bishop, *supra* note 24; Thornberry & Christenson, *supra* note 24.

³³ This point is nicely illustrated in research conducted by Bortner and Reed, *supra* note 13, who examined intake screening, detention, and dispositional outcomes. They found that race had no direct effect on case dispositions. Race had a substantial effect on detention status, however, and detention status had a substantial effect on case dispositions. Thus, although black and white detainees received similar dispositions, blacks, because they were more likely to be detained, received considerably more severe dispositions than whites. This indirect effect of race on case dispositions would have been obscured had the researchers not explored indirect effects across multiple processing points.

As is evident from the above depiction, not all youths progress to the judicial disposition stage of the Florida juvenile justice processing system. Youths who are not referred to court do not proceed to the adjudicatory stage of case processing. Similarly, youths who are referred to court but who are found not guilty or whose cases are dismissed do not proceed to the judicial disposition stage of processing. Thus, there are two selection points at which youths may be removed from the sample.

Inclusion of an individual in the analysis of any stage of processing is conditional on the individual's having reached that stage. This conditioning results in a selected sample, which could in turn, if not compensated for, produce biased estimates. Biased estimates may occur when the analyst makes inferences to a population that is not sampled.³⁴ Since we wanted our estimates of gender effects to apply to the entire cohort, we included a correction for sample selection to adjust for differences in the probability of reaching a particular stage. In other words, the estimates adjust for the individual's probability of reaching the stage under consideration.

We used a two-stage estimation procedure recommended by Berk and Ray³⁵ and Berk.³⁶ Since we have two selection points, we calculated two hazard rates to represent the selection process. These hazard rates are probabilities of reaching the adjudication and judicial disposition stages, respectively. They are estimated from a logit model in which the independent variables are the predictors described earlier.³⁷ This procedure produces models for adjudicatory outcomes and judicial disposition that control for the predicted probability of inclusion from one stage of processing to the next. The coefficient of the hazard function is ordinarily not interpreted, since its role is to adjust for differing probabilities of reaching a particular stage. It represents the effect of having characteristics which make one more likely to appear in the sample.

Because hazard rates are often highly correlated with variables included in the equation,³⁸ we estimated equations for adjudication

³⁴ Ross M. Stolzenberg & Daniel A. Relles, *Theory Testing in a World of Constrained Research Design*, 18 *SOC. METHODS & RES.* 395 (1990).

³⁵ Richard A. Berk & Subhash C. Ray, *Selection Biases in Sociological Data*, 11 *SOC. SCI. RES.* 352 (1982).

³⁶ Richard A. Berk, *An Introduction to Sample Selection Bias in Sociological Data*, 48 *AM. SOC. REV.* 386 (1983).

³⁷ Detail regarding the specific mechanics of this procedure is provided by Berk, *supra* note 36.

³⁸ Martha A. Myers, *Social Background and the Sentencing Behavior of Judges*, 26 *CRIMINOLOGY* 649 (1988); DONALD B. RUBIN, *MULTIPLE IMPUTATION FOR NONRESPONSE IN SURVEYS* (1987).

and judicial disposition with and without the correction for sample selection. These alternative estimation procedures produced no substantive differences in our findings; both the absolute and relative magnitudes of the estimated coefficients for our independent variables remained stable. The models reported below include the hazard rate coefficients.

IV. FINDINGS

Tables 1 and 2 present bivariate correlations among each of the variables in our models. Table 1 displays the results for delinquency cases (*i.e.*, offenses that would be considered crimes if committed by adults). Table 2 shows results for dependency cases involving status offenses (*e.g.*, truancy, runaway).

The data in Table 1 indicate that, in delinquency cases, gender is weakly but significantly related to four of the five case processing outcomes. When referred to the juvenile justice system for criminal-type offenses, males are more likely than females to be recommended for formal processing, to be held in secure detention facilities, to be petitioned to court by prosecutors, and to be incarcerated or transferred to criminal court at the judicial disposition of their cases. Adjudication is the only outcome that is apparently unrelated to gender.

The data in Table 2 indicate that, in status offense cases, gender is weakly but significantly correlated with court referral decisions. In contrast to their delinquent counterparts, female status offenders are more likely than males to be petitioned to court. At both the adjudicatory and judicial disposition stages, however, gender appears to be unrelated to the outcome of status offense cases.

Table 3 presents results of logistic regression analyses in which we modelled the first three stages in the processing of delinquency cases: intake screening, detention status, and court referral. The Intake Screening column shows, consistent with the findings of other studies of juvenile justice processing, that both the seriousness of the current offense and the seriousness of the youth's prior record weigh heavily in intake decision-making. Intake officials also consider the prior dispositions that youths have received and, all other things being equal, are more likely to recommend formal processing in cases involving youths with histories of previous court interventions. In addition, sociodemographic characteristics (*i.e.*, age, race and gender) of youths influence intake referral decisions. Older youths, blacks, and males are significantly more likely to be recommended for formal processing than younger adolescents, whites,

TABLE 1
ZERO-ORDER BIVARIATE CORRELATIONS, MEANS, AND STANDARD DEVIATIONS
DELINQUENCY CASES ONLY

	Race	Age	Gender	Offense Severity	Prior Offense Severity	Prior Disposition	Contempt Status	Intake Screen	Detention Status	Court Referral	Adjudication	Judicial Disposition
Race	1.00	.09*	.02*	-.10*	-.11*	-.10*	.00	-.10*	-.08*	-.06*	.02*	-.14*
Age		1.00	.02*	-.04*	.16*	.16*	.03*	.16*	.16*	.13*	.01	.20*
Gender			1.00	-.12*	.14*	.12*	-.03*	.14*	.08*	.12*	.01	.10*
Offense Severity				1.00	.12*	-.11*	.10*	.40*	.30*	.29*	.04*	.14*
Prior Offense Severity					1.00	.64*	.09*	.42*	.32*	.36*	.03*	.38*
Prior Disposition						1.00	.09*	.41*	.32*	.36*	.04*	.41*
Contempt Status							1.00	.03*	.11*	.05*	.00	.03*
Intake Screening								1.00	.42*	.64*	.04*	.14*
Detention Status									1.00	.32*	.07*	.32*
Court Referral										1.00	—	—
Adjudication											1.00	—
Judicial Disposition												1.00
Mean	.71	15.11	.76	2.97	.60	.81	.01	.45	.18	.36	.94	.22
Standard Deviation	.45	2.08	.43	1.70	.97	1.33	.08	.50	.38	.48	.25	.42

* Coefficient significant at the .001 level.

TABLE 2
ZERO-ORDER BIVARIATE CORRELATIONS, MEANS, AND STANDARD DEVIATIONS
STATUS OFFENSE CASES ONLY

	Race	Age	Gender	Prior Offense Severity	Prior Disposition	Court Referral	Adjudication	Judicial Disposition
Race	1.00							
Age		.13*						
Gender			.02					
Prior Offense Severity			-.09*	-.01	-.02	.02*	.03*	-.07*
Prior Disposition			1.00	.05*	.06*	-.01	-.05*	-.08*
Court Referral				.08*	.04	-.03*	.01	.01
Adjudication				1.00	.59*	.04*	.01	.06*
Judicial Disposition					1.00	.12*	.02	.06*
						1.00	—	—
							1.00	1.00
Mean	.80	14.59	.39	.35	.48	.13	.90	.14
Standard Deviation	.40	1.92	.49	.64	.94	.34	.30	.35

* Coefficient significant at the .001 level.

TABLE 3
LOGISTIC REGRESSION RESULTS FOR INTAKE SCREENING,
DETENTION STATUS, AND COURT REFERRAL
DELINQUENCY CASES ONLY

Independent Variable	Intake Screening	Detention Status	Court Referral	
Gender	.352* (.016)	.118* (.021)	.268* (.015)	.283* (.016)
Age	.163* (.003)	.226* (.005)	.078* (.003)	.078* (.003)
Race	-.267* (.015)	-.225* (.017)	-.032 (.014)	-.033 (.014)
Offense Severity	.521* (.004)	.469* (.005)	.309* (.004)	.308* (.004)
Prior Offense Severity	.609* (.018)	.338* (.015)	.254* (.015)	.257* (.015)
Contempt Status	.808* (.018)	3.103* (.080)	.834* (.071)	1.625* (.118)
Prior Disposition	.322* (.013)	.224* (.011)	.308 (.011)	.306* (.011)
Detention Status	—	—	.955* (.018)	.959* (.018)
Gender × Contempt Status	—	—	—	-1.290* (.146)
Intercept				
	-4.852	-7.141	-3.041	-3.416
N				
	137,671	137,671	137,671	137,671
Mean of Y				
	.451	.175	.381	.381
-2 Log Likelihood				
	135,453	100,003	149,890	149,809
Model X ²				
	47,177 7 d.f.	26,923 7 d.f.	33,069 8 d.f.	31,150 9 d.f.

* Coefficient significant at the .001 level. Standard errors shown in parentheses.

and females. Of these variables, gender has the greatest impact on referral decisions—being male has approximately one and one-half times the effect on the likelihood that a youth will be recommended for formal processing as does being black, and it has about the same effect as a two-year increment in age.

Because logistic regression coefficients do not have the intuitive interpretation of least squares coefficients, it is useful to reframe this discussion in terms of the effect of gender on the *probability* that the intake officer will recommend formal processing. To do this, we illustrate with the case of a typical youth referral. For these data, the typical intake referral is a white 15-year-old who is referred for a misdemeanor against a person, such as a simple battery, and who has one prior referral for a public order misdemeanor that was closed without action. A male with these characteristics has a 54%

probability of being recommended for formal processing. The probability for a similarly situated female is 45%, a rather substantial difference of nine percentage points.

In addition to estimating the additive model presented in Table 3, we also estimated a model that included all two-way interactions involving gender.³⁹ It is noteworthy that none of the interaction terms were significant. Thus, although the main effects model shows that contempt cases are more likely to be recommended for formal processing than are non-contempt cases, there is no indication that contempt cases involving females are more likely to be recommended for formal processing by intake officers than are contempt cases involving males.

The Detention Status column in Table 3 presents logistic regression results for detention outcomes. The findings suggest that detention decisions are influenced only minimally by gender when other important variables are controlled. Given the large sample size, even small effects may be statistically significant. In terms of *substantive* significance, gender appears to have very little impact on detention decisions: In the typical referral, the probability of being detained is 13% for males and 12% for females. The strongest predictors of detention status are the legal variables (characteristics of both current and prior offenses) and prior disposition. Youths referred for contempt are especially likely to be detained, but there is no indication that this effect is conditioned by gender.⁴⁰ Race and age have modest effects on detention status: Blacks and older youths are more likely to be detained than are whites and younger adolescents.

The left half of the Court Referral column in Table 3 reveals that, as was the case with the previous stages of delinquency processing, offense seriousness, seriousness of the prior record, and prior disposition each have significant effects on prosecutorial decision-making. Also noteworthy is the finding that, net of controls for other variables in the model, being detained increases the likelihood of court referral. The effects of both age and race are very modest at this stage, although it is interesting to speculate that some of the effects of both age and race may be subsumed by the effect of deten-

³⁹ We estimated each model to include two-way interactions involving gender but report only those models where the inclusion of interaction terms produced a significant improvement in fit over the additive model.

⁴⁰ Given that females are more likely than males to be referred for contempt (See Table 1), gender is clearly related to detention status in an indirect way. Unfortunately, our data do not speak to the question of whether females are referred to the juvenile justice system for contempt based on behavior that would more often be ignored or handled unofficially if the youth were male.

tion status.⁴¹ The effect of gender on prosecutorial filing decisions is moderate. In the typical youth referral, a male has a 37.6% probability of being referred for formal prosecution, compared to a female's 31.6% probability.

The right half of the Court Referral column in Table 3 presents an interaction model that produces a significant improvement in fit over the additive model. The model reveals a significant interaction between gender and contempt status. Among males, court referral decisions seem to be little affected by whether the offense for which a referral is made involves a substantive violation of law or an instance of contempt, such as a violation of conditions previously set by the court. The typical male not in contempt has a 37.6% probability of referral to court. The probability increases modestly, to 45.7%, if the youth is referred for contempt. Among females, however, being referred for contempt has a major impact in the direction of increasing the probability of formal processing. The typical female not in contempt has a 31.2% probability of referral to court. When referred for contempt, her likelihood of court referral increases strikingly to 69.7%, a difference of nearly 40 percentage points.

Taken together, these findings indicate that, at the court referral stage, males are somewhat disadvantaged when it comes to delinquency offenses involving the commission of offenses that would be crimes if committed by adults. Females, on the other hand, are severely disadvantaged in cases where repeat status offending results in a referral for contempt of court.

In Table 4, we examine the final two stages of delinquency case processing, adjudication and judicial disposition. The Adjudication column indicates that the more severe the offense and the more severe the prior disposition, the greater the likelihood of an adjudication of delinquency. Also, black youths and those who have been detained are more likely to be adjudicated delinquent than are white youths and youths who have been released into the community pending an adjudicatory hearing. At this processing stage, there is no evidence that the offender's gender influences decision-making.

Finally, it should be mentioned that our model does a relatively poor job of accounting for adjudicatory outcomes.⁴² This is perhaps not surprising, in light of the suggestion of prior research that

⁴¹ Age and race have modest effects on detention status, and detention status has a substantial impact on the likelihood of being referred to court. Consequently, some of the impact of age and race on the probability of referral for formal processing operates *indirectly* through the effect of being detained.

⁴² Especially given our large sample size, the chi-square value for this model is very

TABLE 4
LOGISTIC REGRESSION RESULTS FOR ADJUDICATION
AND JUDICIAL DISPOSITION
DELINQUENCY CASES ONLY

Independent Variable	Adjudication	Judicial Disposition	
Gender	.148 (.067)	.697* (.053)	.786* (.056)
Age	.008 (.018)	.438* (.014)	.447* (.015)
Race	.229* (.039)	-.399* (.068)	-.521* (.067)
Offense Severity	.233* (.058)	.641* (.049)	.561* (.047)
Prior Offense Severity	.087 (.059)	.365* (.036)	.365* (.036)
Contempt Status	.541 (.237)	2.050* (.163)	4.518* (.351)
Prior Disposition	.298* (.070)	1.081* (.063)	.967* (.059)
Detention Status	1.063* (.180)	2.580* (.218)	2.209* (.208)
Hazard A ^a	-2.958 (1.015)	-6.824* (.700)	-5.957* (.669)
Hazard B ^b	—	-13.407 (4.555)	-5.039 (4.539)
Gender × Contempt Status	—	—	-4.397* (.393)
<hr/>			
Intercept	2.073	1.990	-5.918
N	52,171	47,747	47,747
Mean of Y	.93	.22	.22
-2 Log Likelihood	24,508	36,539	36,387
Model X ²	361 9 d.f.	13,933 10 d.f.	14,085 11 d.f.

* Coefficient significant at the .001 level. Standard errors shown in parentheses.

^a Hazard A represents the correction for exclusion from the adjudicatory phase of a subset of those initially referred to juvenile justice intake.

^b Hazard B represents the correction for exclusion from the judicial disposition phase of a subset of those petitioned to court.

decisions of guilt or innocence are influenced to a substantial degree by such factors as the sufficiency of the evidence and the cooperation of victims or witnesses, factors which we were not able to measure with these data.

The left half of the Judicial Disposition column in Table 4 displays the main effects model for the judicial disposition of delin-

low. Clearly, the most important determinants of court findings of delinquency are not included in our model.

quency cases. As might be expected, the seriousness of the offense has a significant impact on case disposition. Even more notable is the effect of prior disposition: All other things being equal, youths who have been incarcerated or transferred in the past are much more likely to be incarcerated again. Detention also has a significant impact on disposition decisions: Those held in secure detention awaiting final disposition are more likely to receive harsh dispositions than those released to the community.

At the dispositional stage, each of the sociodemographic characteristics has a significant effect on case outcomes. Older youths, blacks, and males are more likely to be incarcerated or transferred than are younger adolescents, whites, and females. As can be seen from the interaction model presented in the right half of the Judicial Disposition column of Table 4, however, the effect of gender is not the same across all offense types. There is a significant interaction between gender and contempt status, the effect of which is to elevate substantially the risk of incarceration for females found in contempt. In contrast, among males, contempt status has little impact on judicial disposition. The typical male offender who is not in contempt has a 3.9% probability of incarceration. The risk is increased only slightly, to 4.4%, when he is found in contempt. In sharp contrast, the typical female offender not in contempt has a 1.8% probability of incarceration, which increases markedly to 63.2% if she is held in contempt. In short, females referred to juvenile court for contempt following an earlier adjudication for a status offense receive harsher judicial dispositions than their male counterparts.

Table 5 presents results of the processing of cases referred for status offenses. In the Court Referral column, intake decisions to refer status offenders for formal processing are modelled. The results indicate that whites, younger adolescents, those with prior referrals, and females are significantly more likely to be petitioned to court. The predicted probability of formal processing for the typical status offender—a 15-year old white youth with one prior referral—is 13% if the youth is male, and 17% if the youth is female.

Finally, we examine adjudicatory and judicial disposition outcomes for status offenders. The results reported in the Adjudication column of Table 5 indicate that, as was the case with adjudicatory outcomes in delinquency cases, our model does not provide a good fit with the data. Indeed, none of the variables in the model is a significant predictor of judicial decisions to adjudicate youths as status offenders. Similarly, the results reported in the Judicial Disposition column of Table 5 reveal that none of the independent variables reaches statistical significance in the model for

TABLE 5
LOGISTIC REGRESSION RESULTS FOR COURT REFERRAL,
ADJUDICATION, AND JUDICIAL DISPOSITION
STATUS OFFENSE CASES ONLY

Independent Variable	Court Referral	Adjudication	Judicial Disposition
Gender	-.267* (.041)	-.345 (.308)	-1.098 (.531)
Age	-.033* (.010)	-.072 (.051)	-.259 (.112)
Race	.256* (.051)	.004 (.308)	-.490 (.276)
Prior Offense Severity	.078 (.051)	-.191 (.150)	-.633 (.312)
Prior Disposition	.292* (.033)	-.338 (.393)	.884 (.544)
Hazard A ^a	—	10.403 (9.025)	31.270 (15.549)
Hazard B ^b	—	—	-29.598 (17.767)
<hr/>			
Intercept	-1.726	2.026	25.144
N	24,341	3,201	2,747
Mean of Y	.13	.90	.14
-2 Log Likelihood	18,476	2,030	2,176
Model X ²	396 5 d.f.	14 6 d.f.	40 7 d.f.

* Coefficient significant at the .001 level. Standard errors shown in parentheses.

^a Hazard A represents the correction for exclusion from the adjudicatory phase of a subset of those initially referred to juvenile justice intake.

^b Hazard B represents the correction for exclusion from the judicial disposition phase of a subset of those petitioned to court.

judicial disposition. We can only speculate that considerations such as parental cooperation and quality of the child's family environment—potentially important factors not measured here—provide some predictability to these case outcomes.

V. DISCUSSION

Our findings provide a fairly complex portrait of the effects of gender in juvenile justice processing. On the one hand, we have found that, when referred to the system for criminal-type offenses, male delinquents are substantially more likely than females (1) to be recommended for formal processing (prosecution) by intake officials, (2) to be petitioned to court by prosecutors for adjudication, (3) to be detained in secure facilities until adjudication, and (4) to receive judicial dispositions (sentences) that involve incarceration or

similar liberty constraints. This is consistent with the pattern of gender bias in the juvenile justice system's handling of delinquents that has been documented in the research literature over several decades.

Our analyses of status offense cases, on the other hand, detected little evidence of gender bias. Youths referred to the justice system for status offenses tend to be younger than the average delinquency referral, and they are typically first-time offenders. The decision to refer these youths to court, as well as the decision to place them in foster care or group homes or to return them to their natural homes, was unaffected, for the most part, by the variables included in our models. Females were somewhat more likely than males to be referred to court for status offenses, but they had approximately the same probability as males of being adjudicated dependent and returned to their natural homes.

The finding that female status offenders do not receive harsher treatment than comparable males may be a result of the restrictions imposed by the JJDP Act. We must be cautious in this interpretation, however, because we do not have comparable data for the period prior to the enactment of the JJDP Act. Nonetheless, it seems reasonable to ask whether reforms encouraged by the JJDP Act may have reduced opportunities within the juvenile justice system for differential treatment of dependent females. Like most other states participating in programs under the JJDP Act, Florida has enacted laws prohibiting the secure detention and institutionalization in training schools of status offenders. Our findings are consistent with the notion that, at least insofar as first-time status offenders are concerned, this prohibition may have had a salutary impact upon females.

Finally and importantly, our analyses of contempt cases demonstrate that considerable gender bias remains in the handling of repeat status offenders. We found that females referred for contempt are more likely to be petitioned to court than females referred for other criminal-type offenses, and are substantially more likely to be petitioned to court than males referred for contempt. Moreover, females found in contempt are much more likely than their male counterparts to be sentenced to a period of up to six months' incarceration in secure detention facilities. These differences in the treatment of male and female offenders are striking and dramatic.

VI. CONCLUSION

Our findings point to the conclusion that the traditional sexual

double standard continues to operate. Neither cultural changes, such as those associated with the feminist movement, nor changes in the law, illustrated by the JJDP Act's mandate to deinstitutionalize status offenders, have brought about legal equality between young men and women in the juvenile justice system. Historical patterns of gender bias continue: Both female status offenders and male delinquents are differentially disadvantaged in the juvenile justice system. This state of affairs appears to reflect the continuation of protectionist policies toward female status offenders, as well as an attitude toward non-status offenders (delinquents) that sanctions differentially harsher penalties for males and more leniency toward females.

It is important to highlight the fact that, had we not introduced contempt status as a variable in our analyses and looked for interaction effects, our findings would have suggested that gender bias in juvenile justice processing had diminished considerably. This conclusion certainly does not fit our findings, but it is one that has been drawn in several recent studies that did not explore possible methods by which the JJDP Act's mandate to deinstitutionalize status offenders might be circumvented. Future research should pay special attention to the contempt power as a mechanism for enabling justice officials to act upon perceptions that males and females require or deserve different sorts of responses from the juvenile justice system.