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THE INFLUENCE OF RACE ON JUVENILE JUSTICE DECISION
MAKING IN IOWA: AN ANALYSIS OF INVOLVEMENT
IN DIVERSIONARY PROGRAMS AT THE INTAKE STAGE

A Thesis

Presented to the

Department of Criminal Justice

and the

Faculty of the Graduate College

University of Nebraska

In Partial Fulfillment

of the Requirements for the Degree

Master of Arts

University of Nebraska at Omaha

by

Jayne M. Arneil

May 1993

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THESIS ACCEPTANCE

Acceptance for the faculty of the Graduate College, University of Nebraska, in partial fulfillment of the requirements for the degree Master of Arts, University of Nebraska at Omaha.

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ABSTRACT

This thesis was undertaken to assess the influence of race on juvenile justice decision making. More specifically, the research examines the extent to which race and other extralegal factors as well as legal factors influence the use of release, informal adjustment, and further court processing via the petition, at the intake stage in juvenile justice proceedings. More importantly, this thesis focuses on the factors related to the type of diversion engaged in by youth receiving an informal adjustment at the intake stage.

An informal adjustment is one of the most important alternatives available at the intake stage. It is a form of diversion where youth avoid further court processing by agreeing to participate in some types of services (e.g., informal probation, community service, payment of resitution). For the present analysis, the types of informal adjustments youth receive at the intake stage are defined as: whether or not probation is required; when probation is required, whether or not additional conditions are required; and when probation is not required, whether or not conditions are ordered by the juvenile court official.

This study examines 3,157 white, black, and Hispanic youth referred to juvenile court in four counties in Iowa for the years 1980 through 1991. The analyses included

information on the youth's referral offense, prior offenses, family, school, and case outcomes for both the prior and current involvement.

The logistic regression results indicate that black youth are more likely to receive the most lenient and the most severe case dispositions at the intake stage compared with white youth and Hispanic youth. Furthermore, the findings suggest that black youth and Hispanic youth are more likely to receive less supervision within an informal adjustment than similarly situated white youth.

The discussion focuses on reasons underlying the complex pattern of racial discrimination found in this study. This thesis and other studies examining race effects in the juvenile justice system may allow for the development of policy recommendations that may rectify the kinds of racial disparities that have been found to exist.

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With sincere gratitude I dedicate this project to several individuals. To my parents, Darrell and Carol, for teaching perseverance in all things; to my family, for providing support during this project and my graduate studies at the University of Nebraska at Omaha; and to Pat and his family, for their words of encouragement throughout the course of this project.

Finally, I acknowledge that without God this project would not have been completed. Through the numerous hours of frustration and disappointment I experienced during the course of my studies and this project, I found as a constant source of strength the words found in 2 Corinthians 4:8-9, "We are hard pressed on every side, but not crushed; perplexed, but not in despair; persecuted, but not abandoned; struck down, but not destroyed."

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CHAPTER 1
INTRODUCTION

In the adult criminal system, legal factors (i.e., offense severity, number of charges) are viewed as the only legitimate grounds for sentencing (Horwitz and Wasserman, 1980:411). In the juvenile system, both legal and extralegal factors (i.e., gender, age, family structure), however, are believed to play an appropriate role in determining a youth's disposition (Tomkins, 1990). Matza (1964) suggests that almost "everything counts" in juvenile justice decisions, and the juvenile justice system is based on the concept of *parens patriae*. Underlying this concept is the practice of juvenile justice officials working towards the best interests of the child, with the goal of rehabilitation as its strong emphasis. Although court decisions in the last 30 years have provided greater due process rights (i.e., In Re Gault), juvenile justice decision makers are still allowed broad discretionary powers (Roberts, 1989). Thus, there is still a focus on the needs of the offender as well as on the offense (Tomkins, 1990:305).

A common belief is that decision makers need to consider a broad range of factors to determine what is in the best interests of the youth (Tomkins, 1990:305; Roberts, 1989:57). Others contend that such broad latitude in discretion,

however, could allow for discriminatory practices in case processing decisions (Leiber,1992a; Pope and Feyerherm,1990a). Although it is widely accepted that extralegal factors should be considered in the decision making process, the extent to which those factors should predict case processing and outcome is an issue of concern (Terry,1967a; McCarthy and Smith,1986; Cohen and Kluegel,1979; Scarpitti and Stephenson,1971). Of particular interest is the question of whether race or ethnicity should ever play a role in juvenile justice decision making (Fagan, Slaughter, and Hartstone,1987; Zatz,1987; Bishop and Frazier,1988).

Discretion and the Use of Diversion

Since discretion is greatest when intervention is informal, it is especially important to consider the role of race on decisions relating to juvenile diversion programs. Juvenile diversion refers to any "process used by components of the criminal justice system (police, prosecution, courts, corrections) whereby youth avoid formal juvenile court processing and adjudication" (Roberts,1989:78). Diversion is considered a discretionary act intended to forestall adjudication, resulting in a termination of official intervention and/or referral of a youth to a program outside the system (Sandhu and Heasley,1981:94). Its primary function is to "provide individually tailored services for youths while

minimizing their penetration into the formal juvenile court system" (Blomberg,1983:24,25). These services could include group, individual, and whole family counseling, placement outside the home, recreational and tutorial programs, and/or work programs (Blomberg,1983:24,25). Thus, the concept of diversion and its implementation fits in with the goal of rehabilitation in juvenile proceedings.

The rise of juvenile diversion is in large part attributable to the popularity of two delinquency causation theories: labeling theory and differential association theory. Labeling theory is concerned less with the causes of delinquency and more with the effect official handling by criminal justice components has on the future of youth who come into contact with the law. Essentially, if a youth's delinquent acts are detected by the law, a negative social label (e.g., "troublemaker", "criminal", "juvenile delinquent") will be attached to the youth for the rest of his or her life. And as this negative feedback continues, the youth will reevaluate his/her identity, and commitment to a delinquent life will be established (Siegal and Senna,1988).

Lemert (1967) suggests that this labeling problem is a major and unintended consequence of adjudication. Therefore, to avoid the detrimental effect of labeling and stigmatizing, juveniles with the potential of being processed through the juvenile justice system "should be diverted into less harmful

agencies--youth service bureaus or welfare agencies" (Empey,1982:410).

The second theory supporting diversion practices is differential association. This theory holds that

criminal behavior is acquired through interaction in groups that have more criminal than noncriminal definitions, and whether the individual internalizes these definitions depends upon the importance of such associations within the individual's total network of social relationships (Farrell and Swigert,1982:167).

Consequently, potential delinquents should not be adjudicated to a correctional institution where more experienced delinquents can reinforce the deviant behavior and provide additional sets of deviant behavior (Sandhu and Heasley,1981). Thus, to avoid the inevitable labeling and the potentially detrimental environment that promotes deviant behavior, youth should be diverted away from formal court processing when feasible.

Rationales for Diversion

These theoretical rationales provide several arguments for the use of diversion programs. These hold that diversion:

- 1) avoids negative labeling and stigmatization
- 2) reduces unnecessary social control and coercion
- 3) reduces recidivism of delinquent offenders
- 4) provides services (assistance) to youth and their families

5) reduces justice system costs since it is less than the per capita cost of institutionalization (Decker, 1985:208).

Those in the juvenile justice field realize that diversion is inherent in the system: "diversion will occur whether one is for or against it, for or against the juvenile justice system, or for or against extending constitutional protections to youths" (Sandhu and Heasley, 1981:102). Since it is essentially a discretionary act, the use of diversion is likely to continue as this type of job (probationary work) is granted discretion freely and is rarely regulated by legal constraints (Frazier, 1983:145). Hence, "the question is not whether diversion should occur, but when and under what circumstances it is best encouraged" (Sandhu and Heasley, 1981:102).

Currently, diversion remains a popular reform in Iowa juvenile justice. A variety of diversionary programs have been created in this state to deal with juvenile offenders. One central program is the use of informal probation. Whereas formal or official probation occurs after the filing of a petition, and may be included in an agreement between the juvenile court official and the youth in either case of a consent decree or an adjudication, informal probation is used at the informal adjustment stage in place of further court processing. Although informal probation involves supervision

by a probation officer, it does not result in admission into a training facility if it is determined to be unsuccessful probation. Unsuccessful probation within the informal adjustment may result in the filing of a petition for further court processing.

Other diversion requirements may include completion of community service, payment of restitution, participation in anti-shoplifting programs, or receiving tutoring. Additionally, youth may be referred into substance abuse treatment or a mental health facility when their situations warrant such action. The selection of a specific condition is determined by the identified needs of the juvenile, nature of the complaint referral, and that the best interests of the juvenile and the public will be served by those agreed upon conditions (First Judicial District, Juvenile Court Services Pamphlet, 1986:9,5).

Much controversy, however, surrounds the use and effectiveness of these diversionary programs. This controversy centers around two conflicting perspectives on how the juvenile justice system should operate and what it should accomplish. These perspectives are: that diversion is effective and cost efficient, and that diversion is abusive since it widens the net of social control over youthful offenders' lives where non-intervention would have otherwise been disposed. The positive and negative responses associated

with these perspectives are discussed below.

The Effectiveness of Diversion

One source of controversy is based on the view that diversion is the most effective and cost efficient approach when dealing with juvenile offenders (Schwartz,1989; Schur,1971). Additionally, diversion is thought to reduce the negative features of stigma associated with juvenile justice processing. Proponents of diversion argue that these programs reduce future delinquency, the costs of institutionalization, and negative labeling.

Some studies have found equal or lower recidivism rates among those who participated in one kind of diversion program--restitution (Schneider,1986; Wax,1977). Palmer and Lewis (1980) found an overall reduction in recidivism at 17.3 percent in a six-month evaluation of fifteen juvenile diversion programs in California.

Moreover, these diversionary programs are also thought to be less expensive than institutionalization. Palmer and Lewis (1980) estimated a \$2,900 savings for every 100 youths diverted rather than processed through the system. Additionally, advocates of diversionary programs contend that diversion is significantly less expensive than attempting to solve the problem of juvenile delinquency (Palmer, Bohnstedt, and Lewis,1978). A final attribute of diversion programs is

that they "are far more humane than formal processing in that deprivations (e.g., detention, etc.) incurred by youths who are processed are not encountered by diverted youths" (Lundman, 1976:436).

Osgood and Weichselbaum (1984) sought to determine if "properly implemented" diversion programs reduced the negative features of stigma and coerciveness likely in juvenile justice system processing. Their data were from nine evaluated programs in a nationwide effort funded by the Office of Juvenile Justice and Delinquency Prevention. They compared views on diversion programs for four groups: diversion service providers, service providers at justice agencies, clients of diversion programs, and clients at justice agencies.

The investigators concluded that diversion projects reduced coercion, control, and stigmatization for those clients who were diverted, rather than processed through the court system. They stated that "even if diversion programs entail some degree of coercion and social control, it is substantially less than for formal dispositions" and "diversion programs are characterized by a greater concern with servicing their clients' needs, and they reduce at least one form of stigma" (Osgood and Weichselbaum, 1984:53,54). Palmer and Lewis (1980) concluded that even though juvenile diversion programs may not always achieve all of their stated

goals, even a modest achievement "would represent a positive contribution to individuals and/or society...making diversion worthwhile" (p.207).

Negative Labeling and Expanding the "Net"

Despite the above findings, criticisms of diversion programs persist. Critics of diversion programs argue that these programs produce a "labeling effect comparable to that produced by continued processing in the juvenile justice system" (Klein,1976; Bullington, et al.,1978). Furthermore, Bullington et al. (1978) contend that "diversion programs currently in vogue are potentially as abusive as the programs they seek to reform. Innovations being advertised as alternatives to incarceration may prove to be merely an alternative form of incarceration" (p.70).

Diversion has also been criticized as ineffective and unproductive. Research indicates that youth being diverted away from further juvenile court processing "make no better adjustment in the community than those who go through official channels" (Siegal and Senna,1988:443).

McDermott (1976), in his national evaluation of juvenile diversion, also found negative consequences of diversion programs. He states that the programs may increase the budget and the staff of the juvenile justice system and result in more intensive handling of nondiverted youth. Additionally,

diversion programs may abandon traditional diversion processes (screening) in favor of diversion into the system and increase the influence of legal authorities within private programs (p.5).

Another criticism questions the constitutionality of certain diversion practices. Selke (1982) claims that "constitutionally guaranteed safeguards may be bypassed as the scope of extralegal social control is expanded under the guise of diversion" (p.396). For instance, Nejelski (1973), in reference to the Juvenile Conference Committee in New Jersey, suggested that the committees were placing youthful offenders on probation, levying fines for restitution purposes, and ordering psychiatric treatment and personality testing without any form of judicial review. Furthermore, Nejelski (1976) suggests that diversion programs are "dangerous to the extent that they may be only a halfway measure which takes pressure off the justice system to eliminate status offenses. Instead, diversion programs create an equally coercive social control system with less visibility and accountability" (p.394).

The most damaging criticism, however, is that diversion programs actually involve children in the justice system who previously would have been released without official notice, rather than limiting the stigma and system penetration as it was designed to do (Siegal and Senna, 1988:443). This phenomenon is referred to as widening the net. Various

studies suggest that police and court personnel are likely to use diversion programs for youth who ordinarily would have been released at the arrest or intake stage (ibid:443). This is common since diversion is viewed as a more attractive alternative to both official processing and simple release of the offender. However, the adverse consequences of relying upon this option are demonstrated in empirical studies. One study conducted by Frazier and Cochran (1986b) found that after controlling for legal and extralegal variables such as offense severity, prior record, race, gender, and age, diverted youth experienced at least as much involvement with the juvenile justice system as did youth who were not diverted into the programs. Thus, youthful offenders selected for diversion services may not be exempt from a serious delinquent label nor significant intrusion in their lives.

Not only have diversion practices been criticized for widening the social net, but questions have been raised concerning racial discrimination in the use of these programs (Carter and Klein,1976). This final criticism of diversion programs reflects the concern that race may play an extensive role in the disposition of these programs. This issue is discussed below.

Theoretical Considerations

Issues of discretion in the juvenile justice system and

particularly with the use of diversion lead to questions of whether the extralegal variable, race, is considered in juvenile case dispositions. Numerous studies have attempted to empirically examine and measure the effects of race on decision making (Leiber,1991a,1992a,1992b,1992c; Pope and Feyerherm,1990a). Some studies have found no evidence of differential effects (Frazier and Bishop,1985; Cohen and Kluegel,1979,1978; Bailey and Peterson,1981), while others have found support for differential treatment of juveniles in the justice process (Thornberry,1979; Feyerherm,1981; Zatz,1982; Thornberry and Christenson,1984; Bortner and Reed,1985; Bortner et al.,1985; Pope and Feyerherm,1990a). Still, other studies indicate other extralegal factors make a difference in certain decisions while in others they do not (McCarthy and Smith,1986; Fagan et al.,1987).

The consensus model and the conflict model are two theoretical perspectives that have been advanced to explain this racial disparity in the juvenile justice system. The consensus model broadly suggests that society is based on a consensus of values among its members, and the state is organized to maintain the public interest (Chambliss and Seidman,1971). Underlying the consensus model is the assumption that offense related characteristics influence decision making. That is, juvenile justice officials consider in their decisions a youth's prior delinquent record,

seriousness of the offense, and the number of charges (Liska and Tausig, 1979). According to this view, differences in case processing and case outcomes among racial/ethnic groups reflect differences in delinquent activity. Therefore, legal characteristics, and not racial bias, account for any differences that may exist in case outcome for blacks relative to whites. Thus, for similar offenses, the dispositions given to whites in comparison to minority groups should be essentially equal (Bernard, 1983).

In contrast, the conflict model emphasizes the dominance of some social groups by others and views social disorder as based on manipulation and coercion by the powerful, dominant groups (Ritzer, 1988:201). This model also suggests that behaviors typical of relatively powerless people (i.e., minority groups) are more likely to be officially defined as criminal. Additionally, these relatively powerless people themselves are more likely to be processed by criminal justice agencies (Sellin, 1938; Vold and Bernard, 1958). Therefore, the conflict model suggests that black youth are more likely to receive more severe dispositions than their white counterparts based on their ethnicity (Johnson and Secret, 1990). The current study tests both theoretical perspectives by examining the extent to which legal and extralegal factors determine case outcome at the intake stage and within a disposition of an informal adjustment at this stage in juvenile justice

proceedings.

STATEMENT OF THE PROBLEM

The objective of this study is to build upon past studies and provide greater insight into the primary effects of race on juvenile justice decision making. The proposed research attempts to answer two research questions. First, does race influence a case disposition of release, informal adjustment, or further court processing at the intake stage of juvenile proceedings? Second, do case outcomes within an informal adjustment, specifically the use of diversionary programs at this stage in the proceedings, differ for black youth and Hispanic youth in contrast to white youth? That is, are black youth and Hispanic youth sanctioned more harshly within diversion programs for comparable offenses than white youth at the intake stage in juvenile justice proceedings?

A comprehensive review of past studies of race and its influence on case processing outcomes at the intake stage, and on diversion involvement is first presented, followed by a discussion of the shortcomings of previous studies examining the influence of race on juvenile justice decision making. The implications for the current study are then presented. A description of the variables and the methodology utilized in the present research is outlined in Chapter 3. The findings are presented in Chapter 4. Discussion and conclusions, along

with a description of limitations of this study, and research and policy implications are contained in the final chapter of the thesis.

CHAPTER 2
REVIEW OF THE LITERATURE

Race on Juvenile Justice Processing

Gender, age, and social class discrimination in juvenile dispositions are crucial issues (Thornberry,1973; Feyerherm,1981; Zatz,1982; Bortner et al.,1985; Chesney-Lind,1977). However, a perennial challenge facing those in the field of criminal justice is the extent to which race influences juvenile justice decision making (Leiber,1991a; Pope and Feyerherm,1990a).

Despite extensive research over the last thirty years into the factors that affect juvenile court dispositions, most researchers find it difficult to draw strong conclusions from the evidence (Bishop and Frazier,1988:243). Some studies have found little or no support for differential treatment due to race, gender, or age (Cohen and Kluegel,1978, 1979; Bailey and Peterson,1981; Bortner and Reed,1985; Bortner et al.,1985; Terry,1967a,1967b; Cohen,1975). For example, Bailey and Peterson (1981) examined over 54,000 delinquent and unruly cases disposed of in an Ohio Juvenile Court for a seven-year time frame. The relative effect of legal and extralegal case characteristics on the severity of the dispositions was considered. The two dispositional categories were (1) those receiving a disposition short of institutionalization, which

included cases adjusted informally, warned and released, payment of fines, and (2) those referred out of the community to a public or private institution for delinquent or unruly children (Bailey and Peterson,1981:46). The findings indicated that a youth's previous court experience was most significantly related to the dispositions rendered in this court. However, the extralegal factors of race, age, gender, and socioeconomic status were not found to have a significant effect on the severity of the disposition.

In contrast to these studies, several researchers have found extralegal factors to be greatly associated with differing case outcomes while controlling for relevant legal variables such as offense type and prior criminal involvement (Thornberry,1973,1979; Feyerherm,1981; Zatz,1982; Bortner et al.,1985; Chesney-Lind,1977; Arnold,1971; Sieverdes,1973). Race effects are clearly evident when the juvenile justice system is viewed as a process rather than as distinct decision points. Bishop and Frazier (1988) note that most studies of juvenile justice decision making have been restricted to one stage in processing, most commonly the dispositional stage. This is largely due to the difficulty of obtaining juvenile court records that provide information from arrest to disposition. However, multistage research is important since "the cumulative effects of small and even nonsignificant race differentials at multiple processing points may be quite

substantial" (Bishop and Frazier,1988:243).

In support of this claim, research by Piliavin and Briar (1964) suggests that black youth are systematically discriminated against in all sectors of the juvenile justice system. Furthermore, an empirical study by Brown et al. (1990) notes that blacks, as a group, are more likely to be arrested; if arrested, they are more likely to be sent to court; if sent to court, they are more likely to receive a more severe disposition than comparable whites (p.87).

Bishop and Frazier (1988) also claim that the influence of race is far more pervasive in juvenile case processing than previously indicated by single-stage research. They found that blacks are "more likely to be recommended for formal processing, referred to court, adjudicated delinquent, and given harsher dispositions than comparable white offenders" (p.258). Thus, while race may have small effects at each processing point, the incremental impact of race is cause for concern (Bishop and Frazier,1988; Fagan, Slaughter, and Hartstone,1987; Leiber,1991a,1992a,1992b,1992c). As differential treatment accumulates over the juvenile processing stages, sizeable differences could result in disadvantaging black youths relative to white youths (Bishop and Frazier,1988; Johnson and Secret,1990; Dannefer and Schutt,1982; McCarthy and Smith,1986). In their comprehensive review of the literature, Pope and Feyerherm (1990a) found

that twenty-six out of forty-six studies examined reported some degree of evidence supporting selection bias within the juvenile system (p.35). This finding underscores the importance of viewing the juvenile justice system as a process.

Bell and Lang (1985) suggest that the effect of race is "complex" in that treatment of black juvenile offenders "may be neither consistently harsh nor more lenient" (p.324). Past juvenile studies have indicated that in certain instances, blacks may be treated more harshly than whites but in other instances they may receive more lenient dispositions. Dannefer and Schutt (1982), for example, discovered that minorities were treated more harshly than whites by police, by being more likely to be referred to juvenile court rather than released. The pattern was reversed at the dispositional stage, where blacks received less severe sentences than whites. At the dispositional stage then, blacks were more likely to receive probation rather than incarceration in a post-dispositional correctional facility. Bortner, Sunderland, and Winn (1985) also found that black status offenders were less likely to receive formal hearings and severe dispositions than white status offenders in their study of juvenile court cases located in a large, affluent, midwestern metropolitan county.

Race differentials are also found in certain locations.

Dannefer and Schutt (1982), for example, found blacks were treated more leniently than whites by juvenile courts in jurisdictions where blacks represented a large portion of the population. Similarly, Bridges and Crutchfield suggest that "blacks are more likely than whites to be imprisoned in states with a small black proportion and high levels of economic inequality" (p.449). Upon examination of potential differential treatment by race in juvenile justice processing, Frazier, Bishop and Henretta (1992) found that an increase in the proportions of whites in a population increases the racial gap in the severity of juvenile case outcomes (p.455).

In summary, it is difficult to answer affirmatively how race influences decision making in the juvenile justice system. The effect of race appears to be moving in two different directions, where blacks are treated more harshly than whites as opposed to where blacks receive the more lenient disposition than whites. Thus a more complicated theory of racial disparity must be advanced if these patterns are to be explained. In essence, it may be safe to say that "the only consistent finding of prior research is that there are no consistencies in the determinants of the decision making process" (Thomas and Sieverdes, 1975:416). However, Zatz (1987) states that research has generally found "subtle, if not overt, bias" in juvenile justice decisions (p.86).

Decision Making at the Intake Stage

Although researchers have traditionally focused their efforts on determining whether racial discrimination in the juvenile court is made by judges at the adjudicatory and/or dispositional hearings, recent evidence suggests that the intake stage of court processing is the "most crucial determinant of the final dispositional outcome" (Cohen and Kluegel, 1979:144). Numerous studies examining juvenile court records have consistently found that fewer than half of all juveniles referred to court intake are handled officially and referred for further court processing (Empey, 1978; Blumstein and Stafford, 1974; National Center for Juvenile Justice, 1977). Therefore, the decision at intake appears to be the most critical stage in juvenile justice proceedings, for it is at this point that a large number of youth are filtered out and avoid official court intervention.

Moreover, there are many who argue that the greatest disparities in case processing occur before the formal intervention of court processing, in particular, at the intake stage (Pope and Feyerherm, 1990a:53-54; Bortner and Reed, 1985). The intake officer is permitted a great deal of discretion and is relatively free from the legal constraints which govern the adjudicatory and dispositional processes (Frazier, 1983:145). And given the number of options available to intake officers (i.e., release, informal adjustment, further court

processing), the intake stage is of particular importance. Since there is considerable discretion available to these key decision makers, there exists the potential for differential treatment simply because more discretion creates more opportunities to discriminate (Emerson, 1969; Rosett and Cressey, 1976). If juvenile justice personnel are overrelying on extralegal factors, especially race, in determining intake decisions, the effect it may have for youthful offenders must be addressed.

The intake stage is the pre-judicial disposition stage in juvenile court and it is one method of "employing the arbitrating and treating authority of the juvenile court without the disadvantages of adjudication" (Carter and Klein, 1976:15). The formal or informal handling of juveniles is generally made by a probation intake officer of the court. Krisberg and Austin (1978) describe this process:

Once police decide to refer a youth to the juvenile court rather than using the informal alternatives available at the time of arrest, the child is typically referred to an intake unit of the court usually staffed by probation officers. The role function of the intake units is to screen the cases referred by the police or other individuals to determine whether a formal delinquency petition should be filed in the court. If a decision is made to file a petition, an investigation of the case is made to determine the validity of the allegations in the petition. The intake officer may decide that the allegations are without basis or that the case may be difficult to substantiate, and suggest that the juvenile be informally processed without further court intervention...Most juveniles never go beyond the point of police contact, since police are influenced by

the fact that cases are subject to the discretion of probation intake officers (p.91).

In other words, the intake officer decides whether a youth may be released, receive an informal adjustment, or be recommended to go on to the stage of petition. "An informal adjustment" is a form of diversion where the youth avoids further processing by agreeing to participate in some type of service (i.e., informal probation, restitution, community service) (Foy et al.,1991). Under this form of intervention, a youth may be redirected into the system if he/she fails to abide by the conditions of the agreement. The data for this thesis were collected in Iowa where the state statute requires admittance of guilt as a prerequisite for this outcome (Iowa Juvenile Code Statute 232.29).

Numerous studies have examined the extent to which minority status may have on the intake screening of cases. Some researchers have found little or no evidence for racial discrimination at the intake stage of juvenile proceedings (Cohen and Kluegel,1979; Carter,1979; Huryn,1982). Cohen and Kluegel (1979) found that race had no significant direct effect or interaction effect on the two decisions rendered by the intake officer which were categorized as either informal treatment or formal hearing. Rather, violent offenders and status offenders had the greatest overall probability of being formally adjudicated in both the Denver, Colorado and Memphis,

Tennessee courts. The court's philosophy and the extralegal factor of gender also had significant effects on the likelihood of juvenile adjudication.

Similarly, Carter (1979) found legalistic variables to be consistent in increasing the likelihood of a more severe disposition in his study of juvenile court records in the southeastern United States. The intake disposition involved the decision to handle the case unofficially or officially before the juvenile judge. Particular indicators of more severe disposition (official handling of the case) were the number of previous court referrals and multiple petitions. Rather than racial bias, Carter (1979) found a pattern of social class discrimination at every juvenile court disposition level included in the model.

Huryn (1983) also found no support for racial discrimination at the intake stage in a comprehensive three-year study of youth processed in the state of North Carolina. The intake recommendations in this study were categorized as referral to juvenile court or diversion from further legal proceedings.

Nonetheless, several studies have found race to be an important predictor of case outcome at the intake stage. Some research has provided moderate to strong empirical support (Bishop and Frazier, 1988; Frazier, 1983; Poole and Regoli, 1980; Thornberry, 1973; Sieverdes, Shoemaker, and Cunningham, 1979;

Thornberry and Christenson,1984). For example, Liska and Tausig (1979) concluded from a review of the literature that race was a consistent, significant factor in the screening decision. They found that blacks were more likely to receive more severe dispositions than their white counterparts. Liska and Tausig (1979) examined the three decision points of arrest, judicial referral after being arrested, and judicial disposition. Similarly, Bishop and Frazier (1988) found blacks are 11 percent more likely to be recommended for formal processing than their white youth counterparts (p.258).

Cicourel (1968) and Emerson (1969) claim that "unfavorable social cues (i.e., poor demeanor, lack of contribution, broken family) used by probation personnel to assess a youth's character and potential for causing trouble are disproportionately found among minority and low-SES youth." Therefore, minority youth are more likely than white youth to be severely sanctioned due to these perceptions of juvenile court personnel. Furthermore, Thornberry (1973) found low-SES male youth were more likely than middle/high-SES youth to be handled formally by the Philadelphia courts.

Bell and Lang (1985) did not find a simple pattern of racial discrimination in their model that included the four case dispositions of counsel and release, diversion, release petition, and detain petition. They concluded that white youth were treated at times more leniently than black and

Mexican American offenders and that white youth are less likely to receive both the most severe and the least severe juvenile case dispositions (Bell and Lang, 1985:324). Bell and Lang (1985) also found that age and a longer record of prior offenses increases the severity of punishment while juvenile cooperation significantly reduced the severity of the disposition.)

Brown and colleagues (1990) also found a complicated pattern between race and the type of disposition rendered by juvenile court at first referral. White youth were more likely than minority youth to be adjudicated at first referral to juvenile court (p.92). Furthermore, white youth adjudicated at first referral were less likely than minority youth as adults to have a conviction record; whereas, minority youth who were not adjudicated at first referral were more likely than other minority youth to have a conviction record. Therefore, minority youth would have fared better if they had been treated similarly to majority youth. Brown et al. (1990) conclude that "Discrimination seems to have a negative effect on minorities even when it is discriminatory lenience" (p.92).

Leiber (1993) considered the influence of race on the juvenile justice system by addressing the system as a process, rather than as distinct decision points. He operationalized race/ethnicity by two dummy variables, designated as black and Hispanic with white the reference category. Leiber (1993)

also included in his model a youth's age, gender, prior record, and whether the youth was under court authority at the time of the referral. Leiber (1993) further constructed three dummy variables from the type of offense the youth was charged with at the time of the referral. These variables were "Profit", "Damage to property/or harm to persons", and "Drugs". The reference category was "Other". The rationale for creating the variables in this manner was to isolate the individual effects of utilitarian crimes and drug usage from other delinquent activity, on the assumption "that acts for profit could be perceived to be linked to drug involvement" (Leiber, 1993:10).

Regressing intake, (defined as release/informal adjustment vs. further court proceedings) on the legal and extralegal variables revealed several statistically significant findings. Leiber (1993) found that youth charged with more serious offenses, those who had more prior offenses, youth who were under court authority at the time of the referral, and older youth increased the likelihood to receiving an increasingly more severe outcome at the intake stage in juvenile proceedings. Race clearly influenced the determination of release and recommendation to court processing. Black youth were more likely than whites to receive the more lenient and severe outcome. That is, blacks were more likely than whites to be released and recommended

for further court processing.

Informal Intervention or Diversion

One of the most important alternatives available at the intake stage is informal intervention, or the use of diversion, within an informal adjustment disposition. Considerable discretion is widely used in juvenile justice decision making in the utilization of this outcome. This section will examine the race issues associated with the use of diversion.

The Influence of Race on the Use of Diversion

Several studies have examined the relationship between race and decision making in regard to diversion. Some critics of diversion programs argue that "diversion program clients tend to be drawn from groups that are predominately middle-class" and that as a result, "many lower-class youths who might benefit from diversion's family services are being denied those services" (Blomberg, 1983:10). In contrast, Schwartz (1989) observes that the poor and nonwhites are more likely to be involved in diversion programs. Frazier, Richards, and Potter (1983) examined evidence of net widening at three different stages in juvenile justice processing. They also found a higher proportion of blacks in the diverted group than in the nondiverted group at the intake stage. The

diverted youth tended to be younger and were less likely to have a prior record of delinquency (Frazier, Richards, and Potter, 1983:117). The diverted youth were also more likely to be charged with committing serious offenses (ibid:120).

Latessa et al. (1984) also found that blacks were more likely to be diverted than whites from formal processing in the juvenile justice system. Youth residing in the city rather than outside the city and 13-to-15 year-olds were also more likely to be diverted from formal processing (p.156). In contrast to Frazier, Richards, and Potter (1983), Latessa et al. (1984) also found youth charged with less serious offenses were more likely to be diverted to treatment programs than the more serious offending youth. This finding is consistent with those of Cohn (1963), Zimmerman and Chein (1977), and Dungworth (1977).

The literature on race and informal processing suggest that diversion may be used in a racially discriminatory manner. However, it is a complex pattern, which is further complicated by the limitations of past studies. /

FACTORS THAT MAY ACCOUNT FOR INCONCLUSIVE FINDINGS OF RACE BIAS IN JUVENILE PROCEEDINGS

It is difficult to arrive at any definite conclusions regarding race effects and harsher treatments within in the juvenile justice system. Some studies find support of race

effects while others do not. The inconclusiveness of research in assessing the impact of legal and extralegal factors on decision making may be explained by several factors.

Discretion and Geographic Considerations

The individual philosophies of juvenile courts across the country complicate efforts to identify and understand patterns of decision making (Leiber,1992b; Waegel,1989). Some researchers have noted the importance of whether the juvenile court adopts a more traditional or due process approach (Aday,1986). Furthermore, with the wide range of discretion available to juvenile justice personnel in these differing juvenile courts, a variety of factors may be influential in the case disposition. Factors such as the seriousness of an offense and the number of prior offenses, are consistently found to influence case disposition (Leiber,1992a; Tomkins,1990; Thomas and Sieverdes,1975; Bell and Lang,1985). However, factors such as "the quality of parenting and family life" lend themselves to a variety of interpretations (Waegel,1989:167).

Additionally, the social context in which the studies were conducted may account for the conflicting findings (Kempf, Decker, and Bing,1990; Johnson and Scheuble,1991). For example, Bailey and Peterson (1981) suggest that location of the juvenile courts may cause divergent findings in that

extralegal factors may be more important in some courts than in others (p.44). McCarthy and Hoge (1987) note that some of the discrepant findings in previous research may be accounted for by the use of different time periods.

Unclear and Imprecise Variable Definitions

Other factors that may attribute to the inconclusiveness of past research findings may be unclear variable definitions and crude and imprecise measures of variables (Bailey and Peterson,1981). Although researchers may control for legal variables such as the severity of the offense, prior record, and prior disposition, the measures of these variables are imprecise. Cohen (1975), for example, operationalized offenses as high seriousness and low seriousness. The extralegal variable, school status, is another likely candidate for imprecise operationalization. Schneider, Griffith, and Schneider (1982) defined this variable as not in school versus full time. However, youth experiencing problems in school may be treated differently from youth in these two categories.

The inclusion of certain variables also adds to the controversy (Pope and Feyerherm,1990a; Bishop and Frazier,1988; Leiber,1991b). More recent studies have included and controlled for at least the severity of the current offense and prior record (e.g., Johnson and

Secret,1990; Fenwick,1982). As noted by Bishop and Frazier (1988), early research often failed to assess the impact of these variables on juvenile justice decision making. In addition, many of these studies fail to control for age (e.g., Thornberry,1973; Thornberry and Christenson,1984), whether the family was intact (e.g., Bishop and Frazier,1988), and school performance (e.g., Thornberry and Christenson,1984). In a court system that emphasizes "individualized" justice (Waegel,1989), each of these factors could play a significant role in determining case outcomes.

While several shortcomings surround the omission of independent variables in past studies, similar problems regarding the dependent variable are also apparent. Even studies that employ a multitude of possible outcomes often fail to include many of the decision making points and options available to decision makers.

For example, a critical weakness of past studies is the failure to distinguish between the three possible outcomes at the intake stage. Leiber (1992b) suggests that it is important to distinguish between youth who receive a straight release from those who agree to participate in some kind of diversion within an informal adjustment agreement short of the filing of the petition, and youth who are recommended for further court processing (p.87). Most often researchers have treated the decision to release and the utilization of an

informal adjustment option as one and the same (e.g., Bishop and Frazier, 1988; Feyerherm and Pope, 1989; Bortner and Reed, 1985). Leiber (1992b) feels that failure to differentiate between the possible case outcomes at the intake stage may obscure race effects. For example, Leiber (1993) indicated that if the outcome at the intake stage were categorized as release/informal adjustment versus further court processing, valuable information would not have been provided on the overrepresentation of black youth in the release or formal processing outcomes.

This measurement problem is evident in numerous studies. Nearly all previous research designs, excluding Bell and Lang (1985) and Leiber (1991a, 1992a, 1992b, 1992c, 1993) have measured the stage of intake with only two outcomes. For example, Thornberry (1973) considered two options at the intake stage: adjust the case, a more lenient option, or refer the case for a formal juvenile court hearing (p.93). Cohen and Kluegel (1979) defined the decision at intake as informal treatment versus formal hearing. Poole and Regoli (1980) measured the case disposition at intake as either adjusted or court referred. Likewise, Fenwick (1982) and Huryn (1982) defined this variable as adjustment versus petition to court.

Still more examples remain that consider only two outcomes at the intake stage. Frazier and Cochran (1986) examined the diverted youth versus the nondiverted or

processed youth. In a more recent study, Bishop and Frazier (1988) even described the three possible options at the intake stage (case closure recommendation, diversion from the juvenile justice system to a public or private agency for informal services, or further processing into the juvenile justice system). However, Bishop and Frazier (1988) still failed to differentiate between them by measuring this screening outcome as closed without action/diverted versus refer for formal processing (Bishop and Frazier, 1988:247).

Bell and Lang's 1985 study in Los Angeles County did differentiate between all possible outcomes in juvenile intake dispositions. They defined them as: counsel and release, diversion, release petition, and detain petition. However, Bell and Lang (1985) did not consider a wide range of criminal offenses in the juvenile system. For example, they categorized all offenses into only five groups: "threatening school officer or employees, other crimes against persons, burglary, other theft, and drug offenses" (p.316). They also failed to control for some important variables in their analyses such as the prior offense disposition, whether the youth was under court authority at the time of the offense charge, the number of current charges, or the severity of the offense leading to the referral.

Leiber (1992b) also distinguished between the three possible intake options in his studies of juvenile processing

in Iowa. However, Leiber (1992b) only focused on black and white youth, which provides little insight into the potential differential treatment experienced by other minority groups such as Hispanic youth. Leiber (1993) and Bell and Lang (1985) also failed to extend their studies to examine the possible influence of race on the use and type of diversion programs within an informal adjustment at the intake stage. Therefore, little information is provided on whether race influences the use of diversion programs within the intake stage in the juvenile justice system.

Studies also tend to use small samples (Carter, 1979; Poole and Regoli, 1980; Sieverdes, Shoemaker, and Cunningham, 1979). This may similarly account for the inconclusiveness of studies examining the influence of race on juvenile justice processing.

Unsophisticated Analytic Techniques

The statistical procedures employed may also explain the inconclusiveness of past research. Some studies, for example, either examine race in simple bivariate analyses (Thornberry, 1973) and/or control for legal variables only one at a time (Thomas and Cage, 1977) or not at all (Scarpitti and Stephenson, 1971). A more sophisticated analysis procedure, multivariate techniques, involves the process of estimating the effect of one variable while simultaneously controlling

for the effects of other variables. It is necessary to employ multivariate techniques in order to isolate the independent effect of each legal and extralegal factor on case dispositions. This technique has not been employed in several past studies concerned with the effects of race on the juvenile process.

CHAPTER 3

THE PRESENT RESEARCH

Studies examining the influence of race on juvenile justice processing are inconsistent and inconclusive in general (Frazier, 1983:338) and in particular with regard to the intake stage. In part, this inconclusiveness may be due to the weaknesses of the studies per se. Additionally, few studies to date have focused on how race affects the use of diversion at the intake stage. Leiber (1991a; 1992a; 1992b; 1992c; 1993) went beyond most research on intake by differentiating between the three possible outcomes of release, informal adjustment, or further court processing via the petition. Leiber (1993), however, failed to assess the effects of race with the use and type of diversion programs within an informal adjustment agreement. This option still involves many options, some of which involve more intervention and supervision than others into a youth's life.

Accordingly, the present study was undertaken to assess the influence of race on juvenile justice decision making at the stage of intake. More specifically, the research examines the extent to which race and other extralegal factors as well as legal factors influence the type of informal adjustment required at the intake stage. Rather than defining race as whites vs. nonwhites, this thesis examines blacks, Hispanics,

and whites with the types of informal adjustments: probation, probation with or without conditions, and no probation, with or without conditions.

A youth is selected for probation (supervision) by the intake officers when there is a

history of problems in the home, school, or community; a history of prior referrals; when the juvenile is showing some personal problems (i.e., juvenile has self-image difficulty); and when there is a need for goal oriented supervision (First Judicial District, Juvenile Court Services Pamphlet, 1986:7).

The youth must follow certain conditions under the agreement of an informal adjustment. These include obeying all local ordinances, State and Federal laws, obeying the rules of his/her parent(s), guardian or custodian, attending school regularly and obeying school rules and regulations, obeying curfew regulations, no use of alcoholic beverages or controlled substances, and reporting to Juvenile Court Services as required (First Judicial District, Juvenile Court Services Pamphlet, 1986:9).

A disposition of probation with additional conditions includes all the requirements under probation along with completing additional services required by the juvenile court official. These may include completing community service, payment of restitution, participation in anti-shoplifting programs, or receiving tutoring, or a referral to another agency (e.g., mental health facility, substance abuse program)

(First Judicial District, Juvenile Court Services Pamphlet, 1986:9).

When a youth does not receive probation, conditions may still be required within the informal adjustment at the intake stage. These conditions may include completion of one or more of the following programs: community service, restitution, shoplifting, tutoring, or referral to another agency. When a youth receives no probation and no conditions in the informal adjustment agreement, it may be referred to as a "just stay out of trouble" disposition. The case is usually held open for a period not exceeding six months. Furthermore, the youth is not required to meet with a juvenile court official and after a six month period when no infractions are reported, the juvenile case is closed. However, court intervention can occur if the child's behavior warrants such action (e.g., commission of a criminal act).

Research Hypotheses

Although a review of past research yields inconclusive findings concerning the influence of race on juvenile justice decision making, there is enough evidence of racial disparity to test the hypothesis that race will be predictive of case outcome within informal adjustments. The prediction is that black youth and Hispanic youth are more likely than similarly situated white youth to receive the more severe dispositions

within an informal adjustment. The more severe dispositions is equated to more intrusion into a youth's life. Therefore, black youth and Hispanic youth are more likely than white youth to receive more supervision and conditions within their informal adjustment disposition at the intake stage in juvenile proceedings.

This hypothesis is broadly derived from conflict theory. Recall, this theoretical model emphasizes that behaviors typical of relatively powerless people (i.e., minority groups) are more likely to be officially defined as criminal. Additionally, these relatively powerless people themselves are more likely to be processed by criminal justice agencies (Sellin,1938; Vold and Bernard,1958). Therefore, the hypothesis follows the conflict model in suggesting that minority groups are more likely to receive more severe dispositions than their white counterparts based on their ethnicity.

Data Set

The Federal Office of Juvenile Justice and Delinquency Prevention recently issued a mandate to every state that receives federal funds for juvenile processing. The mandate requires that it be determined whether minority youth are disproportionately represented in detention facilities and out of home, or aftercare, facilities. If such disproportionate

representation is present, the Office of the Juvenile Justice and Delinquency Prevention requires the state to examine the reasons for the occurrence (Federal Register, 1991:22969).

The disproportionate representation of black youth in Iowa detention facilities, most notably the state training school, has been identified. Thus, there is a need for research addressing the influence of race on juvenile justice processing in the state of Iowa, which is a participant in the formula grants program. Minorities only comprise roughly 3% of the state's population overall, and up to 10% or more in some cities. As of 1990, however, black youth alone constituted 21% of the admissions at the state training school in Iowa (Leiber, 1992c:8).

The Office of the Criminal and Juvenile Justice Planning Center with the cooperation of the Iowa Juvenile Justice Advisory Group contracted with Professor Michael J. Leiber, from the University of Northern Iowa, to study the reasons for the disproportionate representation. The data used for the proposed study is the result of that effort to assess the influence of race on juvenile justice decision making in Iowa.

The data set used for this study included samples of referrals to four juvenile courts in Iowa for the years 1980 through 1991. A referral was defined as a youth accused of committing a delinquent offense, and referred to the court by the police, school officials, or the youth's parents. A youth

accused of committing more than one delinquent offense during a given incident was counted as only one referral. Thus, the unit of analysis is the juvenile rather than the charge. Multiple offenses were taken into account by the variable 'Current Number of Charges', which will be discussed later in the chapter.

The size of the minority youth population residing in a particular county determined which counties were chosen for examination. These counties will be referred to as County A, County B, County C, and County D. For a complete population description of this study, refer to Leiber (1992b, 1992c).

County A: This county has a total population of 123,798 with persons age 17 and younger comprising 31,402 (Bureau of the Census, 1990). Minority youth comprise 13.32% of those age 17 and younger, (11.14% are black, 1.14% Hispanic) (Bureau of the Census, 1990). The largest city in the county has a youth population that is 19.05% black and 2.37% Hispanic (Bureau of Census, 1990).

The juvenile court services in County A handles only those referrals involving delinquent offenses. The average number of referrals each year is about 700, but has ranged from 1,339 in the year 1989 to 675 in the year 1983 (Leiber, 1992b:9-12).

A total sample of 9,011 referrals was identified, for the period of study. Since the research focused on racial

differences, it was important to have adequate numbers of both whites and minorities represented in the sample. Therefore, disproportionate stratified sampling was employed to create racial comparison groups. A random sample of 1,218 referrals of delinquent cases involving white youths was selected for analyses. The entire black youth population (n=900) was targeted to provide a sufficiently large number for comparison purposes. Of this number, 823 had files available. The total analysis sample for County A therefore numbered 2,030 (Leiber,1992b:14).

County B: This county has a total population of 98,276 with persons age 17 and younger making up 27,579 of that number (Bureau of the Census,1990). Minority youth comprise 9.36% of those age 17 and younger (2.84% are black, 3.97% are Hispanic) (Bureau of Census,1990). The largest city within County B has a youth population that is 3.44% black and 4.72% Hispanic (Bureau of Census,1990).

The juvenile court services in this county handle referrals involving both delinquent offenses and cases pertaining to children in need of supervision. The average number of delinquent referrals has ranged from an average of 800 in the early 1980's to roughly 1,800 in the late 1980's. The average number of juvenile court probation officers ranged from 7 to 8 in the 1980's (Leiber,1992b:12).

A total of 10,331 referrals were identified during the

time frame. A random sample of referrals of delinquent cases identified as white (n=507) were selected for the analyses. The total number of whites identified was 8,282. American Native Indians referred to juvenile court services were also selected from a random pool of referrals. Due to the relatively small number of studies of juvenile case processing involving these people (Pope and Feyerherm,1990b), oversampling was employed (n=985 out of 1,440). All blacks (n=475), Hispanics (n=83), and Asians (n=51) referred to juvenile court services were included in the analyses. The total sample used for County B is 2,101 (Leiber,1992b:14-15).

County C: This county has a total population of 327,140 with persons age 17 and younger comprising 81,971 (Bureau of the Census,1990). Minority youth make up 10.25% of those age 17 and younger (6.08% are black and 2.80% are Hispanic) (Bureau of Census,1990). The largest city within County C has a youth population that is 10.01% black and 3.72% Hispanic (Bureau of Census,1990).

The juvenile court services in this county handle referrals involving delinquent offenses, cases pertaining to children in need of supervision, and incidents where mental health is at issue. Juvenile court services in this county also deal with parental termination rights and situations where families and their children need assistance.

As in County B, information was collected on whites,

blacks, Hispanics, Asians, and American Native Indians. Due to the manner in which records are kept in this particular county, 5,000 to 7,000 files could not be located. It is believed these records have been either destroyed and/or misplaced. Thus, the number of referrals in County C is actually higher than the identified 9,353 referrals involving delinquent offenses. A random sample of referrals of delinquent cases identified as white (n=1,005) were selected from 7,515 for the analyses. Disproportionate random sampling was used for blacks (n=788 out of 1,632). All cases involving Hispanic youths (n=119), Asian youth (n=66), and American Native Indians (n=21) were also recorded. The total sample used for county C is 1,199 (Leiber,1992b:15).

County D: This county has a total population of 150,979 with persons age 17 and younger comprising 42,187 (Bureau of the Census,1990). Minority youth make up 11.91% of those age 17 and younger (8.31% are black, 4.22% are Hispanic) (Bureau of the Census,1990). The largest city within this county has a black youth population that is 12.83% black and 5.34% Hispanic (Bureau of the Census,1990).

A total of 4,266 referrals were identified during the twelve year time frame. The small total was the result of an active policy which calls for the destruction of files and informing youth of their right to have files sealed two years after the closure of the case. From this total, a random

sample of referrals of delinquent cases identified as white (n= 713 from 2,854) were selected for the analyses. Black youth were also randomly chosen but oversampled to create a racial comparison group (n=710 from 1,225). Hispanics and all other minority groups (n=187) comprise the remaining minority populations (Leiber,1992c:12).

In this thesis all white, black, and Hispanic youth referred to juvenile court in these four counties in Iowa are included in the analyses¹. The total sample size is 6,568 at the intake stage. Analyses involving a case disposition within an informal adjustment at the intake stage includes a sample size of 3157.

VARIABLES

This study entails an analysis of the information which was collected on a number of demographic, family, and legal variables. The distributions of the variables are presented in Table 1.

Dependent

Intake. This stage is treated as a dichotomy differentiated at various times by two of three options at intake. It will be defined in three ways: (1) release/informal adjustment vs. further proceedings; (2) release vs. informal adjustment; and (3) informal adjustment

vs. further proceedings.

For youth who received a disposition of an informal adjustment at the intake stage, there were several options available to the intake officer. A youth could receive any combination of the following conditions within their informal adjustment: probation, community service, payment of restitution, participation in anti-shoplifting programs, receiving tutoring, or referral to another agency. A stipulation of probation appeared to be utilized more frequently with dispositions, therefore the entire sample (N=3157) within an informal adjustment was considered. Next, subsamples were examined which distinguished between youth who received probation and youth who did not receive probation. The dependent variables are as follows:

Probation. Based on the entire sample, this variable is coded 0=no probation, 1=probation.

Probation with or without conditions. For youth who received probation, further analyses were conducted to determine whether they were required to fulfill additional conditions. This variable is coded 0=probation without conditions, 1=probation with conditions.

No probation--conditions or no conditions. For youth who did not receive probation, additional analyses were conducted to assess whether conditions were required of the youth. This variable is coded 0=no probation and no conditions, 1=no

probation, but conditions required.

Independent

The independent variables include extralegal or social characteristics and information pertaining to prior and current offenses and involvement with the juvenile justice system. Race/ethnicity is operationalized by two dummy variables designated as black and hispanic with white youth as the reference group. The other social characteristics are age (interval), gender (female=0, male=1), and family status (two parent household=0, one parent household=1). Information on family status originally distinguished between the possible guardians of the juvenile. These categories included parents, aunts and uncles, grandparents, or foster parents. This study, however, collapsed this variable into a dichotomy, to indicate whether youth came from one or two parent households. School status is measured by two dummy variables, attending but academic or behavioral problems and nonattending, with attending school as the reference group.

Past involvement (prior record) concerns the number of prior delinquent offenses referred to the juvenile court. This variable is interval.

Past research has indicated that the disposition of the previous offense may have a significant impact on the outcome of subsequent referrals (e.g., Sampson, 1986; Farrell and

Swigert,1978). Therefore, a measure was constructed as an indicator of that variable. Past disposition is defined as '0' where the individual received an outcome other than adjudication or waiver to adult court (i.e., release, an informal or formal adjustment) and '1' where a youth was adjudicated a delinquent or waived to adult court.

Court Authority is a measure employed here to assess whether a youth may have been under some kind of supervision when he/she was referred to the juvenile court. No court authority is coded 0, while under court authority is coded 1.

The number of offenses a youth was charged with at the time of the referral was also coded. This is an interval level measure.

A measure of offense severity involves the scoring of the most serious offense with which the youth was charged. The variable was coded misdemeanor=0, felony=1.

The type of crime a youth is charged with was also collected in the study. It is coded property crime (0), crimes against a person (1).

The independent effects of detention at the intake stage were assessed and controlled for in the juvenile proceedings. This variable is coded 0=no detention, 1=detention.

ANALYSIS

The objective in this analysis is to examine the extent

to which legal and extralegal factors are predictive of decisions at the intake stage. Leiber, using this data set, analyzed the basic intake decision of release, informal adjustment, or further court processing (1993). Since this thesis differed from Leiber's model in certain ways (different variables were included in the models as well as dissimilar offense categorization), Leiber's logistic regression analysis is replicated. Next, Ordinary Least Squares Regression (OLS) and Logistic Regression were employed to analyze the outcomes within informal adjustment--specifically, to assess which factors determined whether or not a disposition of probation was received, whether or not a probation disposition involved additional conditions, and whether or not a probation disposition involved other conditions. Logistic regression, rather than OLS regression, however, is more appropriate in this model for two important reasons. First, logistic models are based on the assumption that the dependent variables in the model are dichotomous. Therefore, using OLS, which assumes that the dependent variables are continuous, would violate this assumption since the variables in this model are dichotomous (Cleary and Angel, 1984). The second problem of using OLS regression when the dependent variables are dichotomous, is that the "estimated standard errors of the coefficients may be incorrect, leading to inappropriate conclusions regarding statistical significance" (Morgan and

Teachman,1988:933). Thus, while OLS regression is sometimes believed to provide as much information as logistic regression, the consequences of it being false are severe (Morgan and Teachman,1988).

Since the results are the same for these two multiple regression techniques, logistic regression results are presented here. The OLS regression results and the OLS table are presented in Appendix A for comparison.

CHAPTER 4

RESULTS

This chapter reports analyses and results concerning the influence of race on juvenile justice decision making in Iowa. White, black, and Hispanic youth are compared in terms of case disposition at the intake stage, along with a disposition of an informal adjustment and the use of diversion at this stage in juvenile proceedings. Results from multivariate analyses on the intake stage are first discussed, followed by the bivariate and the multivariate analyses on the outcomes within an informal adjustment.

The Intake Stage

A previous study by Leiber (1993) utilizing the same data set found that race effects are evident at the intake stage. Recall, the earlier analyses by Leiber (1993) showed that blacks were more likely than whites to be released and recommended for further court processing. Because some differences exist between Leiber (1993) and this thesis, the intake analyses are replicated here. After regressing intake on the variables included in this model, the results are similar to Leiber (1993).

Employing Logistic Regression on intake (defined as release/informal adjustment vs. further court processing) with legal and extralegal variables reveals several statistically

significant findings. In the first panel of Table II, every variable is positively and significantly related to the dependent variable except being Hispanic, gender, and family status. A race effect is evident in the case outcome of further processing as opposed to release or informal adjustment. Black youth are more likely to be recommended for further court proceedings relative to white youth. Hispanics, however, are treated similarly to whites. If the analysis ended here, a conclusion would be that black youth receive a more severe case disposition than white youth and Hispanic youth. However, in column 2 of Table II, it is clear that among those who did not receive further processing, black youth are also less likely than whites to receive an informal adjustment. Hispanics, again, are not significantly different from whites. Additional discrepancies occur for other extralegal variables as well. In contrast to column 1, youth in column 2 who are more likely to receive the less severe outcome of release are older youth, youth with more prior offenses, and youth committing crimes against persons. Youth from one parent households, rather than two parent households, are also more likely to be released.

In column 3 of Table II, those youth who are not released is considered. Race again is a significant predictor of case outcome of receiving an informal adjustment relative to being referred for further processing. Black youth are more likely

than white youth to be recommended for further court processing than receive an informal adjustment after controlling for legal and extralegal factors. The remaining legal and extralegal variables duplicate the effects found in column 1 of Table II, except the variable, school problems, is not statistically significant here.

In summary, after regressing intake on legal and extralegal variables, the effect of race is evident. Black youth are more likely than similarly situated white youth to be recommended for further court processing. But of those who are not referred for further processing, blacks are more likely to be released rather than given informal processing. Hispanics were not treated differently from whites. Therefore, black youth are more likely to receive the more lenient and more severe case outcomes at the intake stage in juvenile proceedings. This finding does not support the hypothesis which predicted that black youth and Hispanic youth would receive the more severe case dispositions.

This study will next examine more closely the informal decision making process. After a youth receives an informal adjustment at the intake stage, the influence of race on the case dispositions is assessed.

Factors Affecting the Type of Informal Adjustment

Bivariate Relationships

The bivariate analyses involve race and the three ways of conceptualizing informal adjustment outcomes: probation vs. no probation, probation with or without conditions, and no probation, with or without conditions. Table III (a-c) presents the zero-order correlations of the variables included in the analyses. Contrary to the hypothesis predicted in this thesis, black youth and Hispanic youth appear to be receiving less supervision in all three dispositions. The bivariate correlations of the legal variables with each case outcome reveal several significant correlations.

Not surprisingly, youth who were under court authority at the time of the referral, those charged with a greater number of offenses, and youth who committed a felony offense are more likely to receive a disposition of probation (Table IIIa). Additionally, older youth, youth with school problems, and youth from one parent households are also more likely to receive probation. However, those adjudicated on their previous offense are less likely to receive probation. Black youth are less likely than non-black youth to receive probation. Hispanic youth are also less likely to receive probation than non-Hispanic youth. White youth are more likely to receive probation than non-white youth.

The second case disposition refers to youth who receive

probation with or without conditions (Table IIIb). Youth who committed felony offenses were more likely to receive additional conditions. Surprisingly, youth with an official prior delinquent record, youth who had been detained at the intake stage, and youth who had committed a crime against a person are less likely to receive conditions with probation. Youth coming from one parent households rather than two parent households are also less likely to receive probation with conditions. Black youth are less likely to receive probation with conditions than non-black youth.

The final case disposition concerns youth who did not receive a disposition of probation, but may be required to complete some conditions (Table IIIc). Youth who are more likely to receive conditions in their informal adjustment agreement are those with: evidence of prior delinquent behavior, adjudication on the previous referral, under court authority at the time of the referral, and a felony charge. Older youth are also more likely to receive conditions than younger offenders. Black youth are less likely than non-black youth to receive conditions. Hispanic youth are also less likely to receive conditions than non-Hispanic youth. In other words, black youth and Hispanic youth are more likely to receive a "just stay out of trouble" disposition.

An assessment of the coefficients between any two variables included in this model can provide preliminary

information in explaining some of the race differences in case dispositions. Examining the coefficients indicates some differences between white, black and Hispanic youth in terms of prior delinquent record, the severity of their past disposition, and whether they have committed a crime while under court authority. Black youth are younger, more likely to be female, have school problems, and live in one parent households. Hispanic youth are younger than non-Hispanic youth, and are less likely to be attending school.

Despite these discrepancies, white, black and Hispanic youth referred to juvenile court are generally similar in their past and present legal background. However, black youth and Hispanic youth appear to be receiving the less severe outcomes in all three possible case dispositions under an informal adjustment agreement at the intake stage of juvenile justice proceedings. These bivariate associations taken alone, however, do not necessarily indicate leniency or harshness based on race. Past and current involvement with the juvenile justice system on other extralegal factors may be factors that account for these patterns. Therefore, multivariate models are next employed to estimate the effect of each independent variable while controlling simultaneously for the influence of all other variables. This technique is employed so that the extent to which these associations and other social and legal factors influencing each case outcome

can be assessed.

Multivariate Analyses

Logistic Regression

The logistic regression results for each case outcome within an informal adjustment disposition are presented in Table IV. These results estimate the effect of each predictor variable while controlling simultaneously for the influence of other variables in the model (Bishop and Frazier, 1988:252).

The first panel of Table IV presents results for a disposition of probation within the informal adjustment. Not surprisingly, the seriousness of the offense (whether felony or misdemeanor offense) and a youth being under court authority at the time of the referral weigh heavily in the case outcome. Youth who committed a felony are more likely to receive probation than youth who committed a misdemeanor. The probation officer also takes into account the number of prior offenses, whether there was an adjudication on the previous referral, and the number of current charges. Youth who are also more likely to receive probation are those with: more current charges and those who were under court authority at the time of the referral. Persons who were adjudicated on the prior offense and youth who had more prior offenses are less likely to receive probation.

Note also, that individual characteristics play a role in

this case outcome after other variables are controlled. The strongest predictor of receiving probation is school status; youth having problems in school are more likely to receive probation than youth attending school without problems. Both older youth and youth from one parent households are more likely to receive probation.

Race Effects

Race effects are evident in this case outcome even after controlling for all other variables within the model. Black youth are .78 times as likely as white youth to receive probation. Hispanic youth are .61 times as likely as white youth to receive probation. These findings do not support the hypothesis that predicted blacks and Hispanics to receive more intrusion into their lives.

Panel 2 presents logistic regression results for youth receiving probation and additional conditions. It analyzes which factors determine whether youth are required to meet additional conditions. The variables predicting this outcome are strictly legal and processing-related. Similar to the bivariate comparisons, logistic regression results reveal that youth who committed a felony are more likely to receive probation with conditions. Contrary to the bivariate comparison findings, the prior disposition and under court authority are significant predictors on this disposition. Youth who had been adjudicated on the previous offense and who

were under court authority at the time of the current referral are more likely to receive conditions when probation is required. Youth committing person crimes rather than property crimes and youth with more prior offenses are less likely to receive conditions in addition to probation.

Race Effects

After all other variables were controlled, the relationship between being black and the outcome is no longer significant at the .05 level ($B/S.E.=1.73$), but the relationship is in the same direction as with probation. That is, blacks are less likely to receive conditions. Hispanics were not significantly different from whites. These findings partially contradict the hypothesis of blacks and Hispanics receiving more severe sanctions in their case dispositions within an informal adjustment.

Panel 3 of Table IV presents logistic regression results for those youth who did not receive a disposition of probation. This case outcome could require the fulfillment of one or more types of community-oriented services such as community service, restitution, anti-shoplifting, tutoring, or referral to another agency vs. a just stay out of trouble disposition with no specific conditions.

Legal and processing variables are significant in this decision. Youth committing person crimes and youth committing felony crimes are less likely to receive conditions. Persons

under court authority and youth with more prior delinquent offenses are also less likely to receive conditions.

Sociodemographic characteristics are also significant predictors of this decision in juvenile proceedings. Older youth are more likely to receive conditions than younger offenders; youth coming from one parent households rather than two parent households are less likely to receive conditions.

Race Effects

Race influences this case disposition as well. When probation is not required, black youth are .62 times as likely as whites to receive conditions in the informal adjustment. Hispanic youth are .49 times as likely as similarly situated white youth to receive conditions in the informal adjustment agreement. The hypothesis is once more unfounded since black youth and Hispanic youth are not receiving the more severe sanctions possible within the informal adjustment case disposition.

Consistent Predictors of Case Outcome

The logistic regression results indicate some patterns where extralegal and legal factors are significant and consistent predictors of case outcomes within an informal adjustment at the intake stage in juvenile justice proceedings. Race is a consistent predictor in all three case outcomes in juvenile proceedings. The results indicate that

black youth and Hispanic youth are less likely to receive probation, and those who do not receive probation are also less likely than white youth to receive conditions within their informal adjustment. Although not significant at the .05 level, blacks are also less likely to receive conditions with their required probation.

Further assessments of the logistic regression results indicate that older youth are more likely than younger offenders to receive probation, and to receive conditions when probation is not required. Youth from one parent households are also more likely to receive probation, but less likely to receive conditions when probation is not required. School problems is a significant predictor at only one decision: whether or not a youth received probation.

In terms of legal predictors of case outcomes, several factors are significantly related. Three variables, are significant, but not consistent, predictors in all three case outcomes, the evidence of a prior record, under court authority, and felony offenses. Youth with a prior delinquent record are less likely than youth without a history of delinquency to receive intervention in all three case outcomes. Youth who were under court authority at the time of the referral are more likely to receive more supervision in the first two decisions (i.e., probation requirement, probation with or without conditions). However, youth under

court authority are less likely to receive conditions when no probation is required.

Youth with felony offenses are more likely to receive probation and also conditions when probation is required. However, youth committing felony crimes rather than misdemeanor crimes are less likely to receive conditions when probation is not required. Youth adjudicated on the previous referral are less likely to receive probation and also more likely to receive conditions when probation is required in their informal adjustment.

The logistic regression results reveal that the number of current charges are significant at only one case outcome. Youth with more current charges are more likely to receive probation. Youth committing person crimes are less likely to receive conditions with their probation and less likely to receive conditions when probation is not required within their informal adjustment.

CHAPTER 5

SUMMARY AND DISCUSSION

The goal of this research was to ascertain the extent to which race influenced juvenile justice decision making at the intake stage and the use of diversion at this stage in Iowa. The findings from the zero-order correlations and the logistic regression suggest that race and other extralegal factors influence the decision at the intake stage as well as the decisions within the informal adjustment option. Legal and processing variables are also associated with these case outcomes. However, the findings contradict the hypothesis which predicted black youth and Hispanic youth are more likely to receive the more severe sanctions in juvenile case dispositions within an informal adjustment at the intake stage.

In this chapter, the findings from the logistic regression are summarized. A discussion of the results for the intake stage and the dispositions within an informal adjustment at this stage in juvenile proceedings are also provided.

The Intake Stage

At the intake stage, Black youth are more likely than similarly situated white youth to be recommended for further court processing. Concomitantly, black youth are also less

likely to receive a disposition of an informal adjustment relative to white youth. This supports Bell and Lang's (1985) claim that different factors may determine the use of the three possible outcomes at the intake stage. Contrary to the findings of Bell and Lang (1985), however, Hispanics are treated similarly to whites at intake.

The finding that blacks are released more frequently than whites may not necessarily indicate lenient treatment. As Leiber (1993) suggests, black youth may not be afforded the opportunities that diversion programs may provide in redirecting a youth's life. Alternatively, intake officers may not offer black youth an informal adjustment because there are no available resources suitable for the purpose of rehabilitation for black youth. Regardless, black youth are more likely to be released or recommended for further court processing than comparable white youth (Leiber, 1993:20).

Black youth may be recommended for formal treatment for a number of reasons. Admittedly, black youth may be unwilling to cooperate in the intake proceedings or admit guilt, which is required under an informal adjustment in the state of Iowa. Leiber (1992b) suggests that black youth, in contrast to Hispanic youth and white youth, may be seen as unwilling to accept responsibility for their wrongful conduct. Statements such as "I did not do it, someone else did" or "I do not agree with the requirements of the informal adjustment" may reflect

this lack of cooperation of blacks. Thus, black youth are more likely than Hispanic youth and white youth to be referred into the system rather than released or receive an informal adjustment.

The differential treatment experienced by blacks may, alternatively, reflect a kind of indirect racial discrimination. Intake personnel may perceive youth differently as a result of biases (particularly against nonwhites and low-SES persons). Leiber (1993) suggests that these differences may translate into "perceptions of what constitutes proper expressions of guilt, cooperation, and ability to conform to middle-class standards of behavior" (e.g., Willie, 1991). Therefore black youth may be more likely to be formally processed, not because of the nature or seriousness of their offenses, but because they do not meet these standards (Cohen and Kluegel, 1979; Arnold, 1971; Thornberry, 1973). Due to these perceptions, blacks may be considered as inappropriate candidates for diversion programs within an informal adjustment at the intake stage in juvenile proceedings (Leiber, 1992b:85). Thus, black youth may be indirectly discriminated against by being released and directly discriminated against by receiving the harshest disposition of being recommended for further court proceedings.

The Informal Adjustment Case Disposition

The factors that determine certain case dispositions within an informal adjustment at the intake stage vary. Three legal factors, the evidence of a prior record, under court authority, and felony offenses are significant predictors of case outcomes. Race and other extralegal factors, however, considerably influence case outcome, even after controlling for the effects of these and other legal variables within the model. Black youth and Hispanic youth are less likely than white youth to receive probation and also less likely to receive conditions when probation is not required. The findings also indicate that black offenders and Hispanic offenders are less likely to receive the disposition of conditions with probation. However, this did not reach the .05 significance level.

Age (older youth) was an important predictor on an increased likelihood of disposing more court intervention into a youth's life. Problems in school is a strong predictor of intervention with only one case outcome, while the presence of one parent households is significantly associated with two case outcomes.

The results reveal that blacks and Hispanics are less likely to receive the more severe case dispositions within an informal adjustment. Similar to the same racial discrimination pattern found at the intake stage for black

youth, a pattern may also be evident within an informal adjustment for black youth and Hispanic youth. In the informal adjustment outcomes, white youth are afforded the opportunities entailed in supervision (probation) and diversion programs. This may be a result of juvenile justice personnel viewing white youth as more rehabilitative than minority youth. Thus, more time is spent on redirecting white youth away from delinquent activity. This differential treatment may exist primarily due to racial discrimination or possibly due to a lack of available and appropriate diversion programs for minority youth. For instance, preliminary analyses indicated that Native American Indian youth in one county were directly referred to the Indian Youth of America agency. This agency is specifically tailored to meet the needs of this minority group. No such programs may exist for black youth and Hispanic youth in the state of Iowa.

A possible explanation for the age effect may be due to the assumption that younger persons are seen as deserving a "second chance"; the perception being that they are more amendable to treatment (Leiber, 1992c:36). The same assumption could also explain why youth with school problems are more likely to receive informal intervention via probation and diversion programs. Juvenile justice officials may believe these youth need more supervision and/or control since school may not be functioning for these youth as a structured

environment.

The family structure may reflect quality of the family life, and in essence may explain the reason for its effect. The increased likelihood of youth from one parent households receiving probation may reflect family dynamics which indicate a lack of love and supervision (Leiber, 1992c:36-37). Therefore, youth with "less than adequate" family structures (i.e., one parent households) may be directed into certain diversion programs in efforts to provide support and supervision.

The results suggest that youth are treated differently depending upon their race, age, school status, and family status. Recall that Matza (1964) suggested that an emphasis on *parens patriae* in juvenile court means that "everything counts" in decision making. Thus, with the wide range of discretion afforded juvenile justice personnel in arriving at decisions, there may be a number of extralegal factors that account for a certain case disposition. With this discretion, the potential exists for differential treatment based on these factors, and it is evident in this model since there is less consistency in the role of legal factors. These inconsistent patterns may also indicate that the outcomes within an informal adjustment have not been appropriately conceptualized in terms of harshness.

Limitations of the Present Research

This research represents a first step in the examination of the influence of race and other extralegal factors on informal decision making in the juvenile justice system in four counties in the state of Iowa. However, there are some areas that need to be expanded.

The first area concerns the failure to address the juvenile justice system as multiple stages when assessing race effects. Some researchers (Leiber, 1992b; Pope and Feyerherm, 1990a; Bishop and Frazier, 1988) claim that the failure to do so may lead to incorrect and incomplete conclusions regarding the influence of extralegal factors on decision making. The argument is that single or two stage analysis ignores all other relevant decision making points in the system and also fails to account for cumulative race effects across the many stages (Johnson and Secret, 1990; Dannefer and Schutt, 1982; Marshall and Thomas, 1983).

This research is also limited in that it does not control for jurisdictional differences in Iowa juvenile justice decision making. Legal factors and extralegal factors, particularly race, could differ in their strength and importance and thus in differential treatment. Leiber (1992b) found that certain extralegal factors differed in significance by county in previous analyses of the data set.

Finally, this research may not be generalizable to other

juvenile courts across the United States. Other states may offer more and different programs to diverted youth. Other states are likely to differ in their proportions of minority youth, and therefore may have specific programs available for their particular minority group composition.

Theoretical Implications

The results reported here suggest that the consensus model does have some relevance to explaining differences in the dispositions white youth, black youth, and Hispanic youth receive. Particularly, the legal factors of prior record, under court authority, and felony offenses are found to be significantly, albeit inconsistently, related to the various case dispositions within an informal adjustment at the intake stage in juvenile justice proceedings. However, racial differences remain after other extralegal and legal variables are controlled. Therefore the legal theory does not completely explain the differences in dispositions revealed here, lending some credence to the conflict model.

Furthermore, it appears that extralegal factors may weigh more heavily in the decisions of intake officers. This is evidenced by the fact that race is a more consistent predictor of case outcome than legal factors, particularly the legal factors of under court authority and felony offenses. Thus, decisions within the informal process are arbitrary in nature

and tend to emphasize extralegal factors.

Research and Policy Implications

The research implications of this research center on the importance of focusing on the formal and informal processes in juvenile justice proceedings to assess the influence of race. The findings support Pope and Feyerherm (1990a) and Bortner and Reed's (1985) contention that the greatest disparities in case processing may occur before formal intervention, in particular, at the intake stage. Race effects were present at this stage. Additionally, race effects were evident with two case outcomes at the informal stage of the informal adjustment.

Furthermore, the findings from this study suggest that future research in this area should differentiate between the three possible case dispositions at the intake stage: release, informal adjustment, and further court processing via the petition. Failure to distinguish between multiple case outcome at this crucial decision making point may obscure race effects. In this situation, if the case disposition at the intake stage was categorized as release/informal adjustment versus further court processing, no indication would have been provided on the underrepresentation of blacks in the informal adjustment outcome.

Finally, this research underscores the importance of

differentiating among minority youth rather than collapsing them into one global category. In the present study, black youth and Hispanic youth are similarly treated in that they are both less likely to receive more supervision in the three possible case outcomes within an informal adjustment at the intake stage. However, they are initially treated differently at the intake stage such that blacks are more likely than whites to be released and recommended for further court proceedings. Hispanics were not treated differently from whites. Additionally, preliminary analyses suggested that American Native Indian youth are treated differently than other minority groups in that they were directly referred to the Indian Youth of America agency which is specifically tailored to meet the needs of this minority group. These reasons highlight the problem in assuming that all minority youth are treated alike within the juvenile justice system (Leiber, 1992b:88). The race effects found in this study are complicated and do not support the predicted outcome stated in the hypothesis.

The Need for Future Research

This data for this study primarily resulted from the concerns of the Federal Office of Juvenile Justice and Delinquency Prevention that black youth were disproportionately represented in detention facilities in the

state of Iowa. The current research addresses the influence of race and other extralegal and legal factors on the informal processing of youth at the intake stage in juvenile justice processing. Future research could examine whether race affects the same three dispositions of probation, probation with conditions, and no probation but conditions required, within formal proceedings. That is, when a youth is recommended for further court processing, does his/her disposition of probation and conditions within the consent decree or adjudication differ for black youth and Hispanic youth relative to white youth. The extent to which extralegal factors predict case processing and outcome whether informally or formally are equally important for youthful offenders.

Future research could employ the use of interaction terms. Interaction terms allow for the evaluation of the interactive effects race may have with social, legal, and case processing variables on each case outcome (Leiber, 1993; Bishop and Frazier, 1988; Farnworth and Horan, 1980). By not using interaction terms, important findings may be overlooked. When employing logistic regression, one assumes that the impact of race is constant across levels of the other variables examined in the analyses (Leiber, 1992c:5). As the possibility exists that the effects of race may be conditioned by other variables, this procedure may conceal bias that might be present in case outcomes (Farnworth and Horan, 1980; Miethe and

Moore,1986). That is, interaction effects may be present. For example, being black and female may have an association with case outcome, whereas being only black may not have such an effect (Leiber,1992c:5). Therefore, the use of interaction terms is an important technique when assessing the effect of race on juvenile justice decision making.

Continuing research on the informal decision making process in the juvenile justice system is critical. As the labeling theory suggests, negative social labels (e.g., "troublemaker", "criminal", "juvenile delinquent") are a major and unintended consequence of adjudication. To avoid the detrimental effect of labeling and stigmatizing, juveniles should be diverted into less harmful agencies rather than processed through the system. Therefore, the factors that determine the disposition in this informal avenue of the juvenile system, an informal adjustment, are extremely important.

Future research that includes larger samples of Hispanic youth, along with Native American Indian youth and Asian youth included in the analyses, would allow for more extensive comparisons of juvenile case dispositions for minority groups. Furthermore, interviews of juvenile court officials, such as probation officers and judges would considerably improve this research design. These individuals could provide insight regarding the findings reported here. Particularly, these

interviews could aid in the understanding of why race and other factors are important in the decision making process (Leiber, 1992b:89).

CONCLUSION

Legal factors and extralegal factors, particularly race, influence juvenile justice decision making within an informal adjustment at the intake stage. Black youth and Hispanic youth are less likely than similarly situated white youth to receive the most severe sanctions involved in an informal adjustment. However, this "lenient treatment" may deprive black youth and Hispanic youth of the long-term benefits that may be derived from diversion programs within this option.

These findings underscore the complex pattern of racial discrimination in juvenile justice decision making. Future research into the informal decision making process, along with the suggested improvements stated heretofore, may be a strong move towards developing policy recommendations to rectify the racial disparities evidenced in the state of Iowa.

Footnote

1. Native American Indians were originally included in the analyses. However, the majority of these youth in one county were directly referred to another agency, Indian Youth of America. Therefore, comparable analyses were not feasible. Asian youth were also excluded from the analyses since the cases were too small in number to permit extensive empirical analyses.

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Appendix A

Ordinary Least Squares Regression

The Ordinary Least Squares (OLS) regression results for all three dependent variables are presented in the table following this discussion. Legal factors for the current offense are associated with a disposition of juvenile probation. Similar to the bivariate findings, youth who had several current charges, who were under court authority, and who committed a felony are more likely to receive probation. Additionally, youth who were adjudicated on their last offense are less likely to receive probation. Bivariate comparisons did not find the number of prior offenses to be statistically significant, however OLS did find a significant effect here, whereas youth with more prior offenses are less likely to receive probation.

The same social variables are consistently significant in the bivariate analyses. The factors important in receiving a disposition of probation are age, having a history of school problems, and the presence of only one parent households. After all these variables were controlled for, race was still a significant factor on the disposition of probation at the intake stage in these juvenile proceedings. Black youth and Hispanic youth are both less likely to receive probation than white youth.

Similar to bivariate comparisons, OLS analyses found that

youth who committed a felony crime are more likely to receive conditions along with probation. Persons who committed a person crime rather than a property crime and youth who had more prior offenses are less likely to receive probation with required conditions. Contrary to the bivariate comparisons findings, the prior disposition and under court authority were found to have significant effects on this case disposition in the OLS analyses. Youth who had been adjudicated on the previous offense and who were under court authority when the current offense was committed are more likely to receive conditions along with probation. Additionally, youth detained at the intake stage had a significant effect on whether a youth received probation with or without conditions in the bivariate comparisons. However, statistical significance was not found in the OLS analyses for this variable.

Contrary to the bivariate comparisons, race factors, specifically being black, are not associated with this decision in the juvenile justice process. Hispanic youth and white youth are treated similarly in this decision. Black youth are less likely to receive conditions with probation, although it was not significant at the .05 level. Additionally, family status is not significant in the OLS analyses.

Final analyses include youth who did not receive a disposition of probation at the intake stage. Similar to

bivariate comparisons, OLS analyses revealed that youth who had a prior delinquent record, who committed person crimes and felony crimes, and who were under court authority at the time of the current offense, are less likely to receive conditions in their informal adjustment. In other words, they received a "just stay out of trouble" disposition. In contrast to the bivariate comparisons, OLS regression did not find that adjudication on the previous referral is significantly associated with this disposition.

The significant effects of extralegal factors are consistent across the bivariate and OLS analyses for this case outcome. Older youth are more likely to receive conditions relative to younger offenders. Black youth and Hispanic youth and youth from one parent households are less likely to receive conditions in their informal adjustment.

Appendix A. Ordinary Least Squares Regression on Case Dispositions with an Informal Adjustment

	Juvenile Probation	Probation & Conditions	No Probation; Conditions Required
Race			
Black (Dummy Variable)	-.051 ^a /.052 ^{b**} (.019) ^c	-.059/.058 (.034)	-.082/.093 ^{**} (.022)
Hispanic (Dummy Variable)	-.096/.045 [*] (.039)	-.036/.014 (.078)	-.125/.068 ^{**} (.042)
Age	.014/1.071 ^{**} (.004)	.000/.001 (.008)	.012/070 ^{**} (.004)
Gender	-.003/.003 (.020)	-.017/.015 (.037)	.011/.011 (.023)
School Status			
School Problems (Dummy Variable)	.163/.129 ^{**} (.023)	.029/.025 (.036)	.031/.025 (.029)
Not Attending School (Dummy Variable)	.047/.022 (.038)	-.099/.050 (.064)	-.019/.010 (.045)
Family Status	.083/.087 ^{**} (.018)	-.053/.054 (.032)	-.056/.065 ^{**} (.020)
Prior Criminal Offenses	-.016/.048 [*] (.007)	-.040/.107 ^{**} (.013)	-.028/.010 ^{**} (.007)
Prior Disposition	-.227/.078 ^{**} (.055)	.363/.084 ^{**} (.138)	.029/013 (.056)
Court Authority	.114/.066 ^{**} (.034)	.126/.079 [*] (.053)	-.126/.076 ^{**} (.041)
Current Charges	.082/.089 ^{**} (.017)	.005/.007 (.024)	-.002/.002 (.023)
Type of Crime	.018/.013 (.025)	-.186/.132 ^{**} (.044)	-.181/.145 ^{**} (.028)
Crime Seriousness	.251/.186 ^{**} (.024)	.072/.064 [*] (.036)	-.073/.050 [*] (.033)
Intake Detention	-.188/.032 (.103)	-.390/.058 (.216)	-.139/.029 (.108)
Intercept	-.021 (.061)	.701 ^{**} (.126)	.710 ^{**} (.066)
N	3157	1045	2112

a. Unstandardized estimate

b. Standardized estimate

c. Standard error

*p less than or equal to .05

**p less than or equal to .01

Table I. Distributions of Variables for All Counties (N=3157)

<u>Variables</u>	<u>Category</u>	<u>Value</u>	<u>N</u>	<u>%</u>
<u>DEPENDENT</u>				
INTAKE				
Release		0	1724	26.2
Informal Adjustment		1	3157	48.1
Further Court Processing		2	1687	25.7
INFORMAL ADJUSTMENT DISPOSITIONS				
Probation Required				
No		0	2112	66.9
Yes		1	1045	33.1
Probation; Additional Conditions Required				
No		0	395	37.8
Yes		1	650	62.2
No Probation; Conditions Required				
No		0	529	25.0
Yes		1	1583	75.0
<u>INDEPENDENT</u>				
Race				
Black (Dummy Variable)		1	1212	38.4
Hispanic (Dummy Variable)		1	171	5.4
Age				
			X=14.402	
			STD DEV=2.423	
			RANGE=4-18	
Gender				
Female		0	789	25.0
Male		1	2368	75.0

Table 1. Contd.

Variables	Category	Value	N	%
School Status				
	Attending but problems (Dummy Variable)	1	515	16.4
	Nonattending (Dummy Variable)	1	172	5.5
Family Status				
	Two parent household	0	1428	49.0
	One parent household	1	1489	51.0
Number of Prior Criminal Offenses				
			X=.717	
			STD DEV=1.456	
			RANGE=0-10	
Severity of Past Disposition				
	No adjudication/ no waiver	0	3070	97.2
	Adjudicated delinquent/ waived to adult court	1	87	2.8
If Committed Crime, Was Person Still Under Court Authority				
	No	0	2896	91.7
	Yes	1	261	8.3
Number of Current Charges				
			X=1.144	
			STD DEV=.538	
			RANGE=1-8	
Seriousness of Criminal Offense				
	Misdemeanor	0	2701	85.6
	Felony	1	456	14.4
Type of Crime				
	Property	0	2728	86.4
	Person	1	429	13.6
Intake Detention				
	No	0	3129	99.1
	Yes	1	28	.9

Table III. Zero-Order Correlations for Youths Given Probation within the Informal Adjustment at the Intake Stage

	Probation	White	Black	Hispanic	Age	Gender	School Problems	Not Attending School	Family Structure	Prior Criminal Offenses	Court Authority	Current Type of Charges	Crime Intake			
Probation 1.0000																
White	.0648**															
(Dummy Variable Race)	1.0000															
Black	-.0473**	-.8940**	1.0000													
(Dummy Variable Race)		1.0000														
Hispanic	-.0405*	-.2710**	-.1889**	1.0000												
(Dummy Variable Race)			1.0000													
Age	.0652**	.1904**	-.1763**	-.0385*	1.0000											
Gender	.0189	.0875**	-.1054**	.0347	-.0484**	1.0000										
School Problems	.1412**	-.0577**	.0710**	-.0261	-.0123	.0727**	1.0000									
(Dummy Variable School Status)						1.0000										
Not Attending School	.0269	.0038	-.0230	.0412*	.1801**	-.0645**	-.1060**	1.0000								
(Dummy Variable School Status)								1.0000								
Family Status	.0698**	-.2510**	.2697**	-.0296	-.1155**	-.0512**	.0213	.0206	1.0000							
Prior Criminal Offenses	-.0020	-.1060**	.1068**	.0030	.1209**	.1248**	.1737**	.0687**	.0347	1.0000						
Disposition	-.0567**	-.0561**	.0541**	.0110	.0863**	.0569**	.0880**	.0193	.0152	.3161**	1.0000					
Court Authority	.0553**	-.0340	.0336	.0044	.0661**	.0617**	.1414**	.0141	.0308	.4000**	.2446**	1.0000				
Current Charges	.1034**	.0319	-.0330	.0011	.0896**	.0276	.0509**	.0551**	-.0170	.0770**	.0018	.0288	1.0000			
Type of Crime	.0079	-.0677**	.0680**	.0031	.0159	.0216	.0326	-.0280	.0046	.0627**	.0405*	.0152	.0503**	1.0000		
Crime Seriousness	.1973**	.0395*	-.0427*	.0553	-.0216	.1185**	.0625**	.0006	.0165	.0122	-.0141	.0239	.0660**	-.0446*	1.0000	
Intake Detention	-.0235	-.0118	.0017	.0221	.0513**	.0234	-.0052	.0219	.0104	.0464**	.0460**	.0452*	.0312	.0116	.0755**	1.0000

* Significance level less than or equal to .05
 ** Significance level less than or equal to .01
 ** Coefficient cannot be computed

Table 11b. Zero-Order Correlations for Youth Given Probation with or without Conditions within the Informal Adjustment at the Intake Stage

Conditions	White	Black	Hispanic	Age	Gender	School Problems	School Not Attending	Family Structure	Prior Offenses	Criminal Disposition	Court Authority	Current Charges	Type of Crime	Intake Sentences	Detention	
Conditions†.0000																
White (Dummy Variable Race)	.0971**															
Black (Dummy Variable Race)	-.0962**	-.9166**														
Hispanic (Dummy Variable Race)	-.0074	-.2578**	-.1524**													
Age	.0065	.1948**	-.1864**	-.2338	1.0000											
Gender	.0133	.1256**	-.1248**	-.085	-.0556	1.0000										
School Problems (Dummy Variable School Status)	.0313	-.0216	.0325	-.0250	-.0422	.0480	1.0000									
Not Attending School (Dummy Variable School Status)	.0153	-.0344	.0452	.2118**	-.0656**	-.1448**	1.0000									
Family Status	-.0712*	-.2730**	.2844**	-.0134	-.1257**	-.0664*	.0543	.0316	1.0000							
Prior Criminal Offenses	-.0654*	-.0669*	.0789*	-.0245	.1594**	.1329**	.0913**	.0449	.0353	1.0000						
Prior Disposition	.0443	-.0513	.0628*	-.0250	.0893**	.0108	-.0295	-.0313	.0460*	.2168**	1.0000					
Court Authority	.0336	-.0143	.0178	-.0076	.0930**	.0953**	.0619*	.0114	.0268	.4068**	.0904**	1.0000				
Current Charges	.0002	.0592	-.0619*	.0031	.1021**	.0333	.0866**	.0691*	-.0692*	.1204**	-.0419	.0131	1.0000			
Type of Crime	-.1413**	-.0698**	.0997**	-.0140	.0245	-.0208	.0217	-.0252	-.0294	.0272	-.0022	.0521	.0234	1.0000		
Crime Sentences	.0628**	.0076	-.0243	.0399	-.0372	.1703**	.0615*	-.0187	-.0356	-.0444	-.0121	-.0401	.0603	-.1125**	1.0000	
Intake Detention	-.0714*	-.0427	.0237	.0480	.0512	.0128	-.0126	-.0187	.0342	.0553	.0973**	.0589	-.0264	.0790*	.0455	1.0000

† Significance level less than or equal to .05
 ** Significance level less than or equal to .01
 * Coefficient cannot be computed

Table III. Zero-Order Correlations for Youth Given a Disposition No Probation, but Conditions within the Informal Adjustment of the Intake Stage

Conditions	White	Black	Hispanic	Age	Gender	School Not attending Problems School	Family Prior Criminal Offenses	Prior disposition authority	Current Type of Charge	Intake
Conditions 1.0000										
White (Dummy Variable Race)	.1873**									
Black (Dummy Variable Race)	-.1391**	-.8836**								
Hispanic (Dummy Variable Race)	-.0638**	-.2748**	-.2074**							
Age	.0827**	.1851**	-.1889**	1.0000						
Gender	-.0157	.0680**	-.0951**	.0533*	-.0479*	1.0000				
School Problems (Dummy Variable)	-.0186	-.0972**	.1081**	-.0180	-.0127	.0858**	1.0000			
Not Attending School	.0028	-.0051	.0416	.1823**	-.0542*	-.0874**	1.0000			
Family Status	-.1082**	-.2475**	.2878**	-.0327	-.1185**	-.0453*	-.0159	.0116	1.0000	
Prior Criminal Offenses	-.1193**	.1228**	.1188**	.0128	.1088**	.1218**	.2287**	.0780**	.0360	1.0000
Prior Disposition	-.0480**	-.0687**	.0480**	.0179	.0910**	.0742**	.1582**	.0408	.0058	.3470**
Court Authority	-.1012**	-.0514*	.0458*	.0137	.0504*	.0414	.1752**	.0283	.0449	.4044**
Current Charges	-.0176	.0038	-.0070	.0067**	.0778**	.0218	-.0058	.0408	.0085	.0658*
Type of Crime	-.1544**	-.0882**	.0845**	.0108	.0428	.0386	-.0288	.0227	.0641**	.0583**
Crime Seriousness	-.0481*	.0422	-.0421	-.0018	-.0388	.0838**	.0119	.0064	.0349	.0483*
Intake Detention	-.0053	.0013	-.0076	.0130	.0535*	.0281	.0031	.0405	.0028	.0438*

* Significance level less than or equal to .05
 ** Significance level less than or equal to .01
 ** Coefficient cannot be computed

Table II. Logistic Regression Results from Different Measurements of Intake

	Release/Adjustment vs. Further Processing (1)	Release vs. Adjustment (2)	Adjustment vs. Further Processing (3)
Race			
Black (Dummy Variable)	.275 ^a /1.316 ^{b***} (.076) ^c	-.248/.780 ^{**} (.071)	.388/1.474 ^{**} (.085)
Hispanic (Dummy Variable)	.049/1.050 (.164)	.022/1.022 (.153)	.158/1.171 (.179)
Age	.178/1.195 ^{**} (.019)	-.067/.936 ^{**} (.015)	.209/1.233 ^{**} (.021)
Gender	.152/1.164 (.091)	-.073/.930 (.078)	.159/1.172 (.100)
School Status			
School Problems (Dummy Variable)	.305/1.356 ^{**} (.090)	.868/2.383 ^{**} (.107)	.099/1.104 (.097)
Not Attending School (Dummy Variable)	.636/1.889 ^{**} (.113)	-.088/.916 (.133)	.713/2.041 ^{**} (.133)
Family Status	.083/1.087 (.072)	-.244/.784 ^{**} (.068)	.104/1.110 (.080)
Prior Criminal Offenses	.118/1.125 ^{**} (.019)	-.140/.869 ^{**} (.023)	.210/1.233 ^{**} (.024)
Prior Disposition	1.030/2.780 ^{**} (.130)	-.080/.923 (.193)	1.065/2.901 ^{**} (.156)
Court Authority	.857/2.356 ^{**} (.098)	.138/1.148 (.128)	.839/2.315 ^{**} (.111)
Current Charges	.473/1.605 ^{**} (.053)	.196/1.216 ^{**} (.074)	.419/1.520 ^{**} (.060)
Type of Crime	.376/1.456 ^{**} (.087)	-.442/.643 ^{**} (.086)	.604/1.829 ^{**} (.099)
Crime Seriousness	1.529/4.615 ^{**} (.076)	-.047/.954 (.093)	1.651/5.214 ^{**} (.086)
Intake Detention	1.687/5.045 ^{**} (.208)	-.265/.767 (.245)	1.891/6.627 ^{**} (.268)
Intercept	-5.696 ^{**} (.318)	1.770 ^{**} (.245)	-5.869 ^{**} (.350)
-2 Log Likelihood	5325.158	5540.161	4244.449
N	6008	4460	4539

a. Regression Coefficient

b. Exponentiated Coefficient

c. Standard error of Regression Coefficient

*p less than or equal to .05

**p less than or equal to .01

Table IV. Logistic Regression Results for Case Outcomes within an Informal Adjustment

	Juvenile Probation	Probation & Conditions	No Probation; Conditions Required
Race			
Black (Dummy Variable)	-.243 ^a /.784 ^{b**} (.093) ^c	-.262/.770 (.151)	-.480/.619 ^{**} (.125)
Hispanic (Dummy Variable)	-.497/.608 [*] (.202)	-.165/.848 (.345)	-.711/.491 ^{**} (.225)
Age	.070/1.072 ^{**} (.019)	.002/1.002 (.035)	.066/1.069 ^{**} (.022)
Gender	-.017/.983 (.098)	-.086/.917 (.164)	.067/1.070 (.133)
School Status			
School Problems (Dummy Variable)	.747/2.111 ^{**} (.108)	.135/1.144 (.161)	.173/1.189 (.170)
Not Attending School (Dummy Variable)	.211/1.235 (.181)	-.427/.653 (.278)	-.114/.892 (.260)
Family Status	.400/1.492 ^{**} (.086)	-.236/.790 (.143)	-.335/.715 ^{**} (.117)
Prior Criminal Offenses	-.080/.923 [*] (.034)	-.178/.837 ^{**} (.059)	-.139/.870 ^{**} (.038)
Prior Disposition	-1.334/.263 ^{**} (.334)	2.043/7.710 [*] (.846)	.133/1.143 (.301)
Court Authority	.561/1.752 ^{**} (.160)	.583/1.792 [*] (.250)	-.617/.540 ^{**} (.214)
Current Charges	.390/1.477 ^{**} (.084)	.024/1.024 (.106)	-.015/.985 (.124)
Type of Crime	.085/1.089 (.119)	-.792/.453 ^{**} (.191)	-.907/.404 ^{**} (.146)
Crime Seriousness	1.107/3.024 ^{**} (.112)	.340/1.405 [*] (.166)	-.396/.673 [*] (.180)
Intake Detention	-.938/.392 (.542)	-2.320/.098 (1.361)	-.713/.490 (.556)
Intercept	-2.448 ^{**} (.308)	.844 (.565)	.936 [*] (.373)
-2 Log Likelihood	3502.061	1289.052	1955.248
N	3157	1045	2112

a. Regression Coefficient

b. Exponentiated Coefficient

c. Standard error of Regression Coefficient

*p less than or equal to .05

**p less than or equal to .01