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# Addressing Racial Disproportionality in the Juvenile Justice System:

# An Evaluation of the King County Juvenile Court 180-Program

Stephanie Jones

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Master of Arts in Criminal Justice

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#### Abstract

Restorative justice programs are frequently designed to divert youth from the criminal justice system and to decrease recidivism. In 2011, King County established a restorative justice program, the 180-program, to decrease new referrals and to decrease racial disproportionality in the juvenile court. While previous studies have found lower overall new referral rates for youth who completed the 180-program, gaps remain. The program has not been measured for likelihood of recidivism and completion rates based on race. The 180-program has been compared to other juvenile justice programs but has not been analyzed for its individual success and effectiveness. Informed by self-concept and labeling theories, this study re-assesses the 180-program's success in confronting the disproportionality issue in the juvenile justice system. Purposive sampling of secondary data was utilized. Racial equity scoring and logistic regression was used as measurement/ analytic tools. Limitations and policy implications are discussed.

### **CHAPTER 1: Importance of Research to the Field of Criminal Justice**

There has been a historical debate about the practice of the juvenile justice system, but citizens and policy holders prime their decisions on the safety of the community and what is best for our youth. Chapter 1 shares the rise of the juvenile justice system and the shift in its purpose. The characteristics of juveniles is analyzed which proceeds to racial disparities in the system. Next, diversion programs are discussed narrowing in on the subject of the study, the 180-program.

## **Background on Juvenile Courts**

Early in American history the law was influenced by the common law of England. One known English attorney, William Blackstone, reported a person must have the intent to commit a crime and had to commit an unlawful act (ABA Division for Public Education, 2019). If one of the two were missing, then no crime was committed. Thus, Blackstone identified infants, children too young to understand their actions, as incapable of committing crimes. Children seven years old and younger were classified as infants; children between seven and fourteen were a gray zone; and children over the age of fourteen were liable and treated like adults (ABA Division for Public Education, 2019).

Proceeding colonization, offenders were punished harshly in public settings. If a person did not have the economic means to pay for their crime, they faced corporal punishment like public flogging (Cullen & Gilbert, 1982). Jails in America were initially holding places for citizens in debt and serious criminals. Around the American Revolution, citizens were inspired by enlightenment and social order and determined the public corporal punishments as brutal and ineffective. These reformers constructed facilities for punishment needs with no consideration for rehabilitation (Cullen & Gilbert, 1982). The jails were secured and built to hold offenders for

long periods of time with no consideration for sanitary or safe living. A British prison reformer, John Howard, identified the disease, exploitation and sanitary issues of criminal facilities and was determined to create change (Cullen & Gilbert, 1982). Members of the reform society in Philadelphia followed Howard's perspective and campaigned for solitary confinement of prisoners. Solitary confinement faced several reforms to address suicides and mental health. There were two main types of solitary confinement facilities: solitary and silent (Cullen & Gilbert, 1982). Solitary jails separated inmates in cells and silent jails ordered inmates to remain silent and never converse with one another. Both types of inmates were grouped with others during specific points of the day and men, women, and children were confined in the same buildings. With the solitary model, penitentiaries strived to be become more rehabilitation focused. The courts were responsible for placement in the facilities and were more concerned with older and repeat offenders. The prisons were mainly inhabited by immigrants and poor natives (Cullen & Gilbert, 1982).

Until the mid-1800's, there was no gender or age division in the jails. Women, children and men were confined in penitentiaries together with the hardest criminals (Cullen & Gilbert, 1982). The prisons were overcrowded with a lack of food, clothing, and bedding. The environment was cold unsanitary and unsafe (Barnes, 1921). Women and children were housed with mentally ill and/or dangerous men and were physically and sexually abused. Female inmates of various ages used prostitution as a method of survival; securing food and a guardian. Youth faced extreme punishment and a lack of reform in the brutal conditions imposed on them (Cullen & Gilbert, 1982). Jailers would sell alcohol, and the stronger prisoners would steal clothing and other items from the weaker prisoners to satisfy their needs. The facilities were inhumane for adults and juveniles alike. Many reformers such as Thomas Eddy, Charles G.

Haines, Cadwallder D. Colden, and John Griscom wanted to focus on protecting juvenile offenders by separating them from adult offenders (Barnes, 1921). They identified the negative effects the environment had on children's development and believed juvenile offenders should receive rehabilitation in order to avoid a lifetime of crime. Two penal reformers, Thomas Eddy and John Griscom, organized the Society for the Prevention of Pauperism and in 1825, opened the New York House of Refuge (ABA Division for Public Education, 2019; Barnes, 1921; Center on Juvenile &

Criminal Justice, 2019). This institution was the first to house youth who were considered to be on a delinquent path (Center on Juvenile & Criminal Justice, 2019). By 1840, approximately twenty-five more refuge institutions were developed and began the movement toward a juvenile justice system (Center on Juvenile & Criminal Justice, 2019).

The Progressives were key reformers to pushing for rehabilitation in the criminal justice system. One Progressive reformer, Jane Addams was concerned with poverty, overcrowding and criminality in urban areas. She believed it was time to face these issues and encourage citizens welfare (Cullen & Gilbert, 1982). The Progressive era pushed for rehabilitation and less retribution. Progressive reformers believed that offenders should be viewed in a case by case basis. Meaning some offenders should be housed in prison while others should remain in the community. The Progressives focus on a therapeutic agenda introduced parole boards, probation officers, and individualized rehabilitation plans (Cullen & Gilbert, 1982). In 1889, Jane Addams established a settlement called the Hull House in Chicago. Progressive reformers involved in the Hull House and other progressives wanted to control juvenile behavior. They fought to separate youth from the adult system on the basis that youth are malleable and cannot be held accountable for their actions (Lundblad, 1995). Thus, the first juvenile court was established in Cook County,

Illinois in 1899 (ABA Division for Public Education, 2019; Center on Juvenile & Criminal Justice, 2019; Field, 2019; Juvenile Law Center, 2019). The juvenile court was created as an alternative for criminal courts to respond to misconducts by youth, since children were seen as less blameworthy and more susceptible to change (Field, 2019; Juvenile Law Center, 2019). Progressives emphasized the education of and juveniles in the system and disagreed with punishment toward juvenile offenders (Cullen & Gilbert, 1982). Around 1920, every state initiated a juvenile justice system (ABA Division for Public Education, 2019; Juvenile Law Center, 2019). The juvenile courts were based on the legal doctrine of parens patrie, which is Latin for parent of the state/country (ABA Division for Public Education, 2019; Center on Juvenile & Criminal Justice, 2019; Cullen & Gilbert, 1982; Lundblad, 1995). The State had the power to serve as the guardian of the juveniles in their jurisdiction (ABA Division for Public Education, 2019). The judges ruled based on the best interest of the child. Reformers put faith and efforts toward judge and State discretion, without considering the risk of corruption; in time the Supreme court granted youth due process rights to protect them from abuse of the system (Cullen & Gilbert, 1982). The juvenile courts were informal, non-adversarial, and conversations were had between the judge and the youth with no legal representation (ABA Division for Public Education, 2019; Juvenile Law Center, 2019). The cases were treated like civil cases and the courts provided a probation system and separate rehabilitation to encourage the youth to become law abiding citizens. Youth received community supervision and special facilities where they could be kept until adulthood. Not only were juvenile courts used for delinquency but other violations to include status offenses. The progressive era emphasized the renovation of treatment, sentencing practices, and due process rights (Cullen & Gilbert, 1982).

Supreme court rulings have affected the juvenile court process. In *re Gault*, 387 US 1 (1967) ruled that juveniles who are subject to delinquency hearings are entitled to due process rights (ABA Division for Public Education, 2019; Field, 2019; Juvenile Law Center, 2019). Juvenile rights changed again with In *re Winship*, 397 US. 358 (1970) where the Supreme court ruled juveniles facing criminal charges should be found guilty beyond a reasonable doubt rather than preponderance of the evidence (ABA Division for Public Education, 2019). However, in 1971 with the Supreme court's ruling in *McKeiver v. Pennsylvania*, 403 US. 528 (1921), juveniles are not entitled trial by jury (ABA Division for Public Education, 2019; Juvenile Law Center, 2019).

In modern times, the juvenile justice system still holds rehabilitation as the main goal; youth receive education while incarcerated and juvenile court hearings are closed to the public (Juvenile Law Center, 2019). Research in developmental psychology have found the important areas of an adolescent brain are not fully developed until the mid-twenties (Arain et al., 2013; Casey et al., 2008). Adolescence is a transitional period where youth lack cognitive control and are impulsive. The amygdala, the emotional part of the brain, is used to process situations and decision making. The brain is fully developed upon adulthood, around age 25. Adults are likely to make decisions with the prefrontal, the rational part of the brain (Arain et al., 2013; Casey et al., 2008). The research reveals youth are immature and susceptibility to negative influences; but can be rehabilitated if they choose a negative life-path (Juvenile Law Center, 2019). With knowledge of child development, constitutional changes in how youth are charged and sentenced are constantly forming. In the 21st century, states have been instituting reforms in the juvenile justice system (Center on Juvenile & Criminal Justice, 2019). Policy reforms include reducing the number of offenses that can be auto-declined, increasing the maximum age for adolescents to

remain in juvenile placement rather than adult prisons, changing statues for juvenile felons to be eligible for diversions, establishing drug/treatment courts to provide a rehabilitative focus, and transitioning away from life imprisonment of juveniles.

### **Characteristics of Juveniles in Juvenile System**

Studies have demonstrated that youth with low socioeconomic statuses and/or live in low socioeconomic neighborhoods are more likely to commit deviant acts than youth from high socioeconomic statuses and neighborhoods (Ellis & McDonald, 2001; Hirschi, 1969; Rekker et al., 2015; Samson et al., 1997). In addition, youth who have been exposed to the juvenile court are more likely to commit future violent and non-violent crime than youth who did not receive juvenile intervention (Petitclerc et al., 2012). According to the Office of Juvenile Justice Programs (2017), an estimated 818,900 delinquency cases were handled by the juvenile courts. This reflects a steady decrease of 523,500 cases from 2010. In 2017, approximately half of the youth were under 16 years old. Similar to adult courts, the majority of cases involved male offenders with females representing in less than 30% of cases. Over half of the juveniles were minorities with American Indian and Asian/ Native Pacific Islander youth representing about 1% of cases each, and Hispanic youth representing approximately 18% of juvenile cases (Office of Juvenile Justice Programs, 2017). Black youth represent about 16% of the national youth population but accounted for 35% of cases; compared to White youth who make up over 75% or the nation and represented 44% of juvenile cases. Although the amount of juvenile cases has decrease between 2010 and 2017, the gender, age, and race statistics have remained consistent (Office of Juvenile Justice Programs, 2017). Black juveniles between the ages of ten to seventeen comprise about 15% of their age group in the population, yet they represent about 25% of all delinquent arrests, 30% of referrals to juvenile court, 40% of all detained juveniles, and close to

60% of waivers to adult criminal court (Crutchfield et al., 2010; Piquero, 2008; Rodriguez, 2010).

In 2016, 731 youth were admitted to the King county juvenile detention center. Of these youth 26% were White, 16% Hispanic, 4.9% Native American/Alaska Native, 7.8% were Asian American and approximately 45% of the youth were Black (Gilman & Sanford, 2017). The available data provides undeniable significant to the constant disparities found with the juvenile justice system. In order to change the system, we must accept that inadequacies exist.

#### **Racial Disparities in Juvenile Courts**

Based on the characteristics of the juvenile justice system previously discussed, minorities generally and Black youth specifically are disproportionately represented. Racial disparity in the juvenile courts appears different by jurisdiction (Crutchfield et al., 2010). One location may struggle with disparity in policing while other jurisdictions may experience disparities in a later stage such as in the court system. Though it is recognized in different stages does not mean it is non-existent in a city. In 2005, there were over thirty-one million youth in juvenile court jurisdiction (Davis & Sorensen, 2013). Of that population, 108.4 per 1,000 juveniles identified as Black compared to 44.4 per 1,000 juveniles who identified as White; Black youth were more than doubled their White counterparts (Crutchfield et al., 2010; Davis & Sorensen, 2013).) Previous research suggests that racial disparity in juvenile justice is more prevalent in states with smaller minority populations (Davis & Sorensen, 2013). Differential selection theory suggests that racial stereotyping leads to greater rates of minority youths contact with law enforcement followed by the courts (Claus et al., 2018; Davis & Sorensen, 2013).

Systemic racism is historical in the criminal justice system through the disparities of minorities. Black defendants appear to face worse consequences with the system than White

defendants (Rachlinski et al., 2009). However, criminal justice actors may unintentionally contribute to the disparity through implicit bias. Implicit bias is the unconscious stereotypes that impacts our decisions in society (Casey et al., 2013). As we develop, our brain learns how to process and identify different objects based on sensory information. At some point our brain learns to identify people but placing them in various groups such as age, race, gender and combinations of them all (Casey et al., 2013). Through this process, we strategically create automatic associations to the groups that are not factual, like viewing elderly people as frail; these associations are implicit bias (Casey et al., 2013). Implicit bias tests exist that measure individuals' unconscious attitudes toward different groups. The Implicit Association Test (IAT) measures a person's reaction time to stimuli. The test measures reaction times to two stimuli that are strongly connected and have weak connections (Casey et al., 2013). For instance, studies suggest that White people are faster at pairing white racial stimuli to the word good and Black racial stimuli to the word bad which suggests negative bias toward the Black race compared to the White race (Casey et al., 2013). Studies have found that people of all races have consistent negative implicit bias of Blacks (Darling, 2017). Casey et al. (2013) argue that court actors strive to avoid explicit, conscious, bias in their processing and rulings on cases but fail to consider the implicit bias that may not be easily identified. In 2009, researchers discovered that 97 of judges in Florida and a similar percentage in California believe they avoid racial prejudice in their services (Darling, 2017). Through the same study, researchers determined that 87% of citizens in California believe Judges assign harsher sentences to Black people (Darling, 2017). Furthermore, using the IAT in a study, judges were identified for higher rates of negative implicit bias toward Black people compared to the average White subject (Darling, 2017; Rachlinski et al., 2009). Throughout implicit bias test, criminal justice actors are more likely to be harsher on Black

defendants compared to White defendants (Darling, 2017). As explained earlier about each criminal justice actor's role in racial disparity, the decisions of the actors could be controlled through implicit bias.

In their study, Claus et al. (2018) found greater racial disparity in correlation to severity of crime. Minority youth with less severe charges were more likely to be referred to the juvenile courts than White youth. But disproportionality was not for severe charges (Claus et al., 2018). These findings can reflect the increased discretion law enforcement agents and courts have when addressing less serious cases compared to more serious cases (Claus et al., 2018). According to Hyland (2018), black youth account for more person offense cases than any other charge type. For misdemeanor cases, law enforcement agents exercise more discretion in arrest decisions and the courts have more discretion in dispositions. Moreover, previous contact with law enforcement increased the likelihood of future referrals by law enforcement. Regardless of race, ethnicity, and severity of the charge, males were more likely to be referred to the juvenile justice system than females. In a study of minority disproportionality in all stages of the juvenile justice system, Rodriguez (2010) concluded that Black, Hispanic, and American Indian youth were treated more harshly than White youth. The disparity in severity levels was apparent in the frontend and back-end of the process. Furthermore, Rodriguez (2010) found that pre-adjudication detention was a significant predictor in court outcomes. Youth who faced pre-adjudication detention were more like to have formal charges filed, less likely to have charges dismissed, and more likely to be removed from their homes into institutions (Guevara et al., 2006; Rodriguez, 2010). Racial disparity exists; however, the causes are difficult to identify due to inconsistent research findings (Guevara et al., 2006). Few national data reports provide information to study racial disparities in the juvenile system (Claus et al., 2018; Piquero, 2008). The Uniform Crime

Report (UCR) provides the best statistics for criminal justice analysis; however, it does not include information on the ethnicity of the offenders (Claus et al., 2018).

With the lack of ethnicity reported in data collection it is hard to address ethnic disparities for Hispanic, Native American, and Asian American youth in the system nationally. Ethnic based studies remain on the small scale of state and city populations (Claus et al., 2018; Piquero, 2008; Rodriguez, 2010). Claus et al. (2018) identified that the National Incident Based Reporting System (NIBRS) is the only "large-scale administrative criminal justice data collection that provides information about the ethnicity of suspects after an arrest has been made" (p.1379). Although the OJJDP data collects ethnicity as a variable, some data provided by States label Hispanic individuals as White rather than identifying ethnicity. This causes inaccurate perceptions and undercounting of Hispanics (Piquero, 2008). Thus, using OJJDP data during analysis has ethnicity-based limitations (Davis & Sorensen, 2013; Piquero, 2008). Around fifteen states have enacted legislation to identify and address the disproportionality in the juvenile justice system (NCSL, 2018). Washington is not identified as one of the states but King County strives to address this challenge.

## **King County Diversions**

King County strives to be recognized as the best run government in the nation (Constantine, 2017). King County struggles like the rest of the nation with disproportionality in the juvenile justice system (King County Office of Performance, Strategy & Budget, 2014). Black youth have more referrals by law enforcement to the criminal justice system than White youth and are statistically less likely to be assigned diversions rather than formal court hearings compared to their White counterparts (King County Office of Performance, Strategy & Budget,

2014). In 2012, Black youth were referred to the Juvenile court five times more than White youth (King County Office of Performance, Strategy & Budget, 2014).

The county has worked on decreasing racial disparity through restorative programs that limit non-offender youth's presence in detention and decrease arrest rates. Non-offender youth such as at-risk youth and truant individuals attend separate courts and programs than mainstream individuals. Advisors and community partners work with these families and youth to develop prevention plans that address youth needs and keep youth out of the system.

In 2016, the Family Intervention and Restorative Services (FIRS) program was established to address juvenile domestic violence. Rather than handle the individuals in the juvenile detention center, the youth are placed at an overnight respite center and receive descalation services prior to being reunited with their family. The family is offered services to address domestic violence including mental health, drug and alcohol, and in-home family counseling.

In 2019, the prosecutor's office developed the Community Empowered Disposition Alternative and Resolution program (CEDAR). This program is a legal case benefit that focuses on youth facing a first-time felony case that are not class A felonies. These charges can include Robbery 2, Theft 1, and Assault 3. The prosecuting attorney, probation officer, and youth create a community-based intervention plan for the juvenile to complete. The youths charge is dropped down to a lower offense with a possibility of dismissal (on a case by case basis). CEDAR keeps youth out of mainstream court and out of detention if the youth successfully adheres to the program.

Youth charged with drug related crimes and/or struggle with addiction can be referred to the juvenile Drug Court program. Drug Court is a treatment court that is focused on maintaining

sobriety and a healthy lifestyle for the youth (Stein et al., 2013). Based on a mental health assessment and drug and alcohol assessment, the drug court team, including provider, judge, prosecutor, defense, and probation counselor, develop a treatment plan for the youth. Upon successful completion of the program the delinquent charges are dismissed from the youth's record (Stein et al., 2013).

The Community Accountability Board (CABS) is a diversion program for all misdemeanor offenses excluding sex offender charges. The youth does not go through the court process and instead work with community partners. Youth meet in the community and complete the program presented to them. The case is never formally filed and provides no conviction or criminal record. Prior to 2011, CABS was the main diversion program offered. If the youth failed to show or failed to complete the diversions, there was a lack of second and third chances. It was not until 2011, that youth had a final chance at success with the implementation of the 180-program.

### The 180-program Background

According to the King County Office of Performance, Strategy & Budget, (2014) during 2010-2011, King County Prosecuting Attorney Dan Satterberg and former Director of Zion Preparatory School, Doug Wheeler, informally discussed the disparity rates of Black youth in the juvenile justice system for low-level offenses. Some youth previously failed the court run diversion and no other programs were available. Satterberg was concerned that youth with criminal records were more likely to re-offend and less likely to succeed. Wheeler brainstormed with the community and in August 2011, a partnership of the King County Prosecutors office and the Rainier Valley 98118 Leaders Roundtable established the 180-program. The 180-program accepted youth who were referred for first or second low-level misdemeanor offenses

that were not a person to person crime. These youths either failed or were rejected from other juvenile court diversions and allowed a last chance diversion with the 180-program. Youth were required to attend a four-hour Saturday workshop held in South Seattle and upon successful completion their charges were dismissed (King County Office of Performance, Strategy & Budget, 2014). The 180-program offered presentations and group discussions, led by community volunteers, in order to provide the youth with needed resources and help the youth find value in themselves. Parents were welcome to attend a parent session at the same time to provide them with resources for their family; aftercare, mentoring youth as they integrate into a positive lifestyle, was provided for youth who completed the program.

### **Importance**

The 180-Program was implemented to decrease racial disparity in the King County Juvenile Court. The referrals of youth to the program increase yearly and there is discussion of revising the policy to include other juvenile charges. If the 180-Program achieves the set goals, then several youths of color will avoid new referrals and be on a path to a better life. However, if the research finds that disparity rates are still prevalent for the 180-Program youth then the implications must be considered, and a review of the program would be beneficial. Research on the effects of diversions are important in order to truly make an impact in the communities we serve.

The present research will explore if the 180-Program was successful in decreasing racial disparity and disproportionality in the system. The program has not been evaluated for likelihood of recidivism and the rate of youth successfully completing the program based on race. Chapter 2 will discuss juvenile needs and the consideration of adverse childhood experiences in juvenile justice treatment programs. Intersectionality's of racial disparities are identified including gender

differences. Additionally, a review of diversion programs, racial disproportionality, and the impact of disproportionality will be discussed. The chapter will conclude with previous research of the 180-program findings and limitations. Then, Chapter 3 introduces the methodology of the present research including procedure, variables, and analyses. Chapter 4 will reveal the results of the study followed by a discussion and conclusion of the work in Chapter 5.

#### **CHAPTER 2: Literature Review**

There is a variety of research on youth and the juvenile justice system, but little research on the success of juvenile diversions. This literature review explores juveniles needs based on assessments and adverse childhood experiences. Next, is a dive into juvenile diversion programs and the history of racial discrimination throughout the nation is presented. Furthermore, a review on the impact of disproportionality through the lenses of self-concept and labeling theory is highlighted. Finally, the process of the 180-program is revealed along with previous research conducted on the 180-program.

#### Juvenile Needs

Youth are still in the developmental stage of life which makes them malleable. Their involvement in various experiences and trauma can make them more or less at-risk for delinquent behavior. It is important to identify juveniles needs to determine the best route to take in treatment and diversion. Adverse childhood experiences (ACEs) is an umbrella term for experiences of abuse, neglect, and other violent/ traumatic occurrences that happen to individuals during childhood or adolescents (Burke et al., 2011). ACEs can negatively affect an individual's health and decision making. ACEs score is a level of measurement that determines the variety of adverse experiences a person faced during childhood. The greater a person's ACEs score, the more at risk a person is for health issues (chronic disease, post-traumatic stress) and behavioral problems (Burke et al., 2011). The ACE score of a juvenile can determine the type of treatment and assistance the youth needs.

Burke et al. (2011) examined low-income urban youth in San Francisco. The researchers acquired data from a child health center to measure ACEs in association with weight, behavior,

and learning skills, and they concluded that an ACEs score of four or greater was correlated with learning and behavioral disorders (Burke et al., 2011). Thus, youth who are assessed and found with equal to or higher ACEs scores of four may require resources to identify behavioral and learning problems.

Youth with high ACEs scores and those in the foster system have a greater risk of health risk behaviors like violence, substance use, and delinquency than other youth (Garrido et al., 2018). Garrido et al. (2018) examined 515 nine to eleven-year-old children who were placed in foster care due to maltreatment. The researchers assessed on ACEs scores and health risk behaviors and found that youth with high ACE scores were at a greater risk of health risk behaviors. With each additional adverse experience, the likelihood of involvement in violence increased by 24%, delinquency increase by 48% and substance youth increased by 50%. Early identification of vulnerable youth can assist with prevention and intervention programs for at risk youth and juveniles (Garrido et al., 2018).

There is little research in racial and ethnic differences of ACEs (Mersky & Janczewski, 2018). Although high ACEs scores seem to be more prevalent with Black and Hispanic individuals, White and Native American individuals ACEs scores are more prevalent when accounting for socioeconomic status (Mersky & Janczewski, 2018). Research considering the relationship of race, ethnicity, socioeconomic status, and ACE is needed to identify the prevalence of adverse experiences in low poverty areas (Mersky & Janczewski, 2018).

Research has uncovered that there is a high prevalence of social, emotional, and behavioral problems among youth involved in the juvenile justice system (Neely-Barnes & Whitted, 2011). Service providers must be aware of the differing needs based on race, gender, and age (Neely-Barnes & Whitted, 2011). Designing and assessing programs that address the

needs of youth at-risk or involved in the juvenile justice system could be cost effective with decreasing recidivism (Neely-Barnes & Whitted, 2011). With information from ACEs scoring and other juvenile needs assessments, the juvenile justice system can place youth in treatment and intervention programs that reflect the youth's individual needs (Jones & Wyant, 2007). Mixing high-risk and low-risk individuals in juvenile justice programs is not effective; placement decisions should be based on offender criteria not offense type (Jones & Wyant, 2007). Each program should have a specific target population including risk and needs to provide the best intervention and treatment (Jones & Wyant, 2007). Towberman (1992) recognized juvenile justice agencies measure needs based on psychogenic models and psychological factors including emotional factors, education deficits, substance abuse, peer association, and sexual abuse deviance. The researcher identified the importance of these measurements but recommended that juvenile justice programs consider assessing need deficits that directly relate to delinquency and design early corrective intervention to have more success in rehabilitation (Towberman, 1992).

Although race is a key factor to racial disparity in the system, intersectionality plays a role in the increased likelihood of youth experiencing juvenile justice involvement.

Intersectionality is: multiple forms of inequalities within a person's identity that create obstacles within society (Claus et al., 2018). Studies show that racial disparity can vary when accounting for extralegal and contextual factors; and it is likely that minority racial identities will be at a greater disadvantage than dominant racial identities (Claus et al., 2018; Piquero, 2008). Factors such as age, gender, neighborhood demographics, and crime type can overlap with race to determine the level of involvement a youth will face in the system (Claus et al., 2018; Guevara et al., 2006; Piquero, 2008). Minority juveniles are statistically younger, are more likely to face

drug charges, and come from single-parent households than White juveniles (Crutchfield et al., 2010). Moreover, youth from single-parent households only have support and guidance from one guardian rather than a pair. Youth raised in single-parent households increase the likelihood of pre-trial detention 2.5 times more, and 5.5 times more formal charges for Black youth compared to White youth (Crutchfield et al., 2010). Older adolescent black males are more likely to be mainstreamed, going through the traditional juvenile court process, at higher rates than female, White, and younger juveniles (Crutchfield et al., 2010; Goodkind et al., 2013). Neighborhood demographics relate to racial disparity because police are more likely to arrest suspects in heterogenous or minority neighborhoods (Crutchfield et al., 2010). Moreover, youth who livedin poverty-stricken areas were treated more severely in the juvenile justice system compared to youth in structurally advantaged neighborhoods (Rodriguez, 2010). The type of crime is also important in the intersectionality with race. "African Americans represent 31% of drug offenses and are detained 49% of [the] time" (Crutchfield et al., 2010, p. 915). Black youth also represent 29% of property crimes and 39% of youth arrested for the offense (Crutchfield et al., 2010). Another type of intersectionality is the youths home environment and negative experiences. Researchers have found that between 30%-70% of juvenile justice youth have experienced child abuse and Black youth are more likely than White youth to be removed from their home (Goodkind et al., 2013). The overrepresentation of Black youth in the juvenile justice system can be connected to socio-economic status because Black youth face higher rates of poverty than White youth (Goodkind et al., 2013).

There are strong arguments examining the intersectionality of race, ethnicity, and gender in the juvenile justice system as disparate treatment in the juvenile justice system reflects the crossing of several demographic factors (Claus et al., 2018; Crutchfield et al., 2010; Davis &

Sorensen, 2013; Goodkind et al., 2013; Guevara et al., 2006). In 2002, females represented 29% of all juvenile arrests and their representation is slowly increasing (Guevara et al., 2006). Although arrests of females have remained lower than juvenile males, females arrest rates have increased at a greater rate than males (Guevara et al., 2006). For instance, between 1998 and 2002, female arrests for aggravated assault increased by 99% whereas male arrests for aggravated assault rose by 14% (Guevara et al., 2006). Detention placement rates for female juveniles have also slowly increased throughout the years (Guevara et al., 2006). Black girls are more likely to be recommended for mainstream court processing than White girls and receive harsher sentences and Hispanic girls are also identified as facing harsher sentences than their White counterparts (Guevara et al., 2006). Between 1988 and 1997, Black female juveniles had a 123% increase in pre-adjudication detention and post-adjudication increased by 106%; while White females pre-adjudication detention increased by 41% and post-adjudication detention increased by 74% (Guevara et al., 2006). Females have increased involvement in the juvenile justice system when they have greater involvement in the child welfare system; this effect is not found in males (Goodkind et al., 2013). However, minority males have greater disadvantage than females in multiple stages of the system because males are identified for higher delinquent involvement (Claus et al., 2018; Goodkind et al., 2013). Previous research has found that Black male juveniles receive the harshest sentences and White female juveniles receive the most lenient sentences of all juveniles (Guevara et al., 2006). In 2007, Black males were incarcerated 6 times more that White males and Hispanic males were incarcerated almost double the number of White males (Davis & Sorensen, 2013; Piquero, 2008). Piquero (2008, p. 63) noted "the highest White incarceration rate did not even approach the lowest Black incarceration rate."

Additionally, it is estimated that 33% of all Black males will be imprisoned within their lifetime (Davis & Sorensen, 2013).

#### **Juvenile Diversions and Programs**

Juvenile needs, including ACEs and gender have strong influences on racial disparity. Legislation and the juvenile system attempt to address racial disparity through programs like diversion. Diversions were a response to poverty, disproportionality, and the lack of opportunity being labeled the causes for delinquency. Diversion programs are all unique on the process of the program and goals they want to achieve. (Mears et al., 2016; Stafford, 2016).

As mentioned earlier, the King County Juvenile Court partnered with community volunteers and organizations to create diversion programs for Juveniles. The FIRS program began in 2017. FIRS goal is to develop an intervention plan with families who have experienced domestic violence with their youth. The plan is catered to the specific family needs. Several resources and educational opportunities are provided to youth and their families. The youth do not have to face formal charges to receive the FIRS services. Since this intervention-based diversion program was piloted a few years ago, research evaluation outcomes have not been reported.

Similarly, the CEDAR program was recently developed in 2019 and remains in the pilot stage at the time of the thesis. An approximate funding of \$400,000 was awarded to the CEDAR program for the 2019-2010 biennial King County budget. The CEDAR program speeds up first-time felony charges through reduced sentences and dismissals. The goal of the CEDAR program is to allow juveniles an opportunity to accept responsibility of their actions while obtaining community resources and support. The long-term goal of the CEDAR program is to reduce racial disproportionality in the juvenile system and reduce the use of juvenile detention (Satterberg,

2019). CEDAR strives to address racial disproportionality by focusing on most frequent felony filings including robbery 2, assault 2-3, residential burglary, burglary 2, motor vehicle theft, and unlawful possession of a firearm 2 (Satterberg, 2019). Minority youth represent 82% of offenders who face these felony charges (Satterberg, 2019). Thus, CEDAR provides an opportunity to avoid more serious sentences and lengths of confinement.

The juvenile Drug Court program is a nation-wide evidence-based practice (Henggler, 2007; van Wormer & Lutze, 2011; Wilson et al., 2016). The goal of the Drug Court program is to reduce recidivism and substance abuse. The program provides participants with community resources like housing, clothing, food, and other assistance. Youth are required to attend drug and alcohol treatment and address mental health and trauma informed care. Parents and supportive adults are included in the process to create a wrap-around effort for the participant. Minority juveniles represent 31 percent of drug offenders and are more likely to face drug charges than White juveniles (Crutchfield et al., 2010). Allowing youth to participate and complete Drug Court allows an avenue of lowering disparity within the court.

CABS program started in the 1990's and is supported by the Partnership for Youth Justice program. The program consists of community volunteers all throughout King County that determine the ramifications of a juvenile's offense. The volunteer's decisions are formed around the goal of restoring the youth and victims in an informal hearing. In agreement with the board, a youth may pay restitution, do community services, counseling, or educational classes as a consequence. When a youth completes the program, the case is dropped from record. At the time of this thesis, data is being compiled to evaluate the success of this program.

Other agencies outside of the courts like Community Passageways and the If Project, work cohesively with schools, police, courts and community to divert youth from the juvenile

justice system. Community Passageways partners with King County to provide culturally relevant mentoring and resources to at risk youth and delinquent youth (Davis, 2019). The organization uses a four-pronged approach of prevention, diversion, incarceration and re-entry. Community Passageways work with youth to guide them down the right path; inspire youth to divert away from crime and avoid recidivism; support those affected by the system; and assist with easy re-integration in the community (Davis). The goal of Community Passageways is to enable safety, reconciliation and happiness within the communities they serve (Davis, 2019).

The If Project is an organization that focuses on intervention, prevention, and incarceration reduction (Bogucki & Horan, 2019). The organization partners with law enforcement agencies and the goal of the program is to lead youth and adults in the system as well as at-risk youth down a positive path (Bogucki & Horan, 2019). The If projects name comes from a simple question on "If there was something someone could have said or done to change the path that led you here what would it have been?" (Bogucki & Horan, 2019). The workshops and presentations for youth are led by previously incarcerated individuals. The adults share their experiences with the youth and provide life changing advice. Meetings occur with the community and in detention centers. The program assists with racial disproportionality by identifying juvenile needs and working to decrease recidivism. Helfgott et al. (2017, 2019) conducted two types of analysis on the IF Project and participants. Using the tools of survey, observation, and focus groups the researchers studied the achievements of the If Project and concluded that the program achieved the goals of identifying the needs and risks of the participants and encouraging self-awareness to enable their future life success (Helfgott et al., 2017). The study also recognized that men and woman had similar eye-opening experiences through the programs process (Helfgott et al., 2017). In another study by Helfgott et al. (2019)

the adult participants' essays were analyzed to identify the process of self- awareness and change. The researchers found that factors that lead participants toward the criminal justice system are connected to intergenerational patterns criminality (Helfgott et al., 2019). Most of the participants histories started in adolescents, leaving participants to tackle adult issues early on (Helfgott et al., 2019). The If Project creates hope for the participating offenders and reduces the negative behaviors associated with criminogenic factors (Helfgott et al., 2017). Moreover, the act of writing their negative life-course can be a method of coping and healing. However, studies have yet to address juveniles' response to the If Project and whether it positively influences them to choose different life trajectories.

Because diversion are heterogenous they may go unevaluated or evaluations would be irresolute (Mears et al., 2016). Some diversion programs focus on no sanctions or treatments, while others are based on services and treatments outside the juvenile courts. Some cases are dismissed with program completion while others provide the opportunity for a lesser sanction (Stafford, 2016).

Although diversions were established in the late 1900's, there is mixed research on the topic (Stafford, 2016). Some research suggests that diversions have low success with decreasing disparities in the juvenile system and can cause additional harm to minority youth navigating the system (Ericson & Eckberg, 2016; Loeb et al., 2015; Mears et al. 2016; Stafford, 2016). For example, using diversion data from eight police agencies in a large Midwest metropolitan county, Ericson & Eckberg (2016) measure the effects race had on an officer's decision to divert a case. The researchers reviewed cases regarding 2,680 non-White juveniles and 888 White juveniles with an average age of fifteen. Over sixty-percent of the youth were males and twenty-percent of the cases were felonies. Ericson and Eckberg (2016) concluded that officers did not

divert all of the eligible cases and there were racial disparities in diversions as White youth had higher diversion rates than non-White youth. Furthermore, the researchers found that non-White youth who were older or had previous referrals were more likely to be charged then diverted.

Loeb et al. (2015) suggest that not only does race determine diversion opportunities but is a predictor of success or failure in diversion programs. Using records of 161 juveniles who were referred to a diversion program the researchers studied the key variables that determined the success or failure of the program. Loeb et al. (2015) found that Black youth were less likely to complete diversions compared to White youth but there was no racial difference in reoffending. The researchers suggested that race is a predictor of failure due to social variables such as low-income and poor education (Loeb et al., 2015). Black families may face the barriers of minimal transportation, nutrition, sleep and failed educational institutions. The researchers noted that Black youth are disproportionately involved in the criminal justice system, even with the opportunity of diversion. Loeb et al. (2015) implied diversion programs for Black youth should be culturally competent and should consist of diverse role models that the youth can relate to.

Diversions can be useful when it creates net-narrowing. Net-narrowing is when diversions involved youth who would otherwise be processed in the formal system (Stafford, 2016). Youth who are diverted complete the goal of holding the youth accountable while avoiding the formal courts (Mears et al., 2016). Youth would escape an official record, avoid court costs, and elude the negative stigmas surrounding formal sanctions (Mears et al., 2016). The courts would benefit because net-narrowing could reduce the caseloads in the juvenile courts and allow the courts to place more focus on more severe juvenile cases (Mears et al., 2016; Stafford, 2016).

Researchers note that diversions can harm youth through net-widening (Mears et al., 2016; Stafford, 2016). Net-widening is when youth who would otherwise not be processed in the juvenile courts are referred to diversions (Stafford, 2016). Inviting police into educational institutions enables the criminalization of school disciplinary acts. The school resource officers have the power to subject the youth to the juvenile justice system for school related delinquency that would otherwise been addressed by the school administration which can lead the youth into the school to prison pipeline (Curtis, 2014). The opportunity of officer discretion in schools expands the diversion program in a negative way by including youth who may have committed disciplinary infractions that do not break the law (Mears et al., 2016; Stafford, 2016). Moreover, diversions are mainly managed by private vendors who have vested interest in the expansion of the programs. The operators could encourage net-widening in order to promote the diversion program and remain economically successful. The pressures from the courts and the diversion managers could enable officers to implicitly direct disciplinary behavior to diversions. Some diversion programs expect youth to admit their wrongdoings before diversion is permitted (Mears et al., 2016). If the youth chooses not to admit fault they could be transferred to the formal system and face restrictive sanctions. The original charge could be one that would have been dismissed if diversions did not exist (Mears et al., 2016). The struggle to improve racial disparity through diversions is an ongoing effort. Racial disparity has been in existence for generations. Research and awareness can only increase knowledge and enable change.

#### **Racial Discrimination & Disproportionality**

Before slavery, people were not classified by their race. Native Americans were viewed as 'the others' but all other groups were not judged specifically by color. The introduction of slavery developed the idea of racial separation (Alexander, 2000). Prior to slavery, indentured

servants were used for free labor. Plantation owners looked for a way to obtain cheap labor with the expansion of plantations. The fear of Native Americans backlashing made them not suitable as slaves and European immigrants were in short supply. Plantation owners decided to choose people from Africa to become slaves because they were not familiar with the European culture and language (Alexander, 2000). This made Africans powerless and easier to control in America. Slavery became a function of racialized social control when the plantation owners wanted to keep an alliance between the lower-class Whites and the Black slaves from occurring. A plan was devised to force an obvious difference between the lower-class Whites and the slaves. The lower-class Whites received a racial bribe where they were provided special privileges, providing them a stake in slavery. Black slaves were labeled as uncivilized and unintelligent. The racial caste was created, and White supremacy emerged (Alexander, 2000). "The structure and content of the original Constitution was based largely on the effort to preserve a racial caste system- slavery- while at the same time affording political and economic rights to Whites" (Alexander, 2010, p. 25). To justify the social control, White people were viewed as supreme and Blacks were considered three-fifths of a man. No matter how more skilled a Black man was compared to a White man, he would never climb the social ladder and was held down by his race alone.

The racial hierarchy developed in slavery was the means for economic growth. In the 1800's the jails and prisons were made up of immigrants, White Americans, and indigenous people (Cullen & Gilbert, 1982). African Americans made up a small percentage of the prison population due to slavery. "To lock up a slave was to 'punish' his master by depriving the latter of labor" (Crutchfield et al., 2010, p. 905). It was not until the abolishment of slavery that prisoners became disproportionality black. The hierarchy was challenged with the Declaration of

Emancipation. Slaves were proclaimed free men and the racial caste had come to an end. However, the racial division was not ceased but rather adapted to the circumstance. In the South, the plantation owners were in debt and were determined to find a solution to their economic and political loss. The lower-class Whites continued to be separated from the Blacks with a psychological bribe of superiority (Alexander, 2000). Whites were consumed with the stereotypes that Blacks were dangerous predators who would rape White women (Alexander, 2000). By 1865, Southern legislation used the moral panic against Black people to adopt Black Codes. The Black Codes were laws focused on Black people and the expectations of them in society.

The new social control of criminality was presented. Freed men were required to have a job at the beginning of every year, if they were not able to prove employment they were deemed vagrant and convicted (Alexander, 2000). In eight of the states, it was legal for prisoners to be hired out. The early Black prisoners were leased out to plantation owners to work the fields that slaves previously labored; and leased to work in mining and railroad industries (Alexander, 2010; Crutchfield et al., 2010). Thus, controlling the freedmen and obtaining the free labor of the unequal race. The Black Codes were soon overturned around 1865, and Black men fought for civil rights. In the Reconstruction era between 1863-1877, African Americans fought for political power along with economic and social equality. Once again, the powerful Southern White men pulled out their thinking hats.

Founded in 1865, the Ku Klux Klan began a campaign against the Reconstruction era and participated in bombings, lynching's, and mob violence; the peak of the violence began in 1868 (Alexander, 2000). Federal troops soon withdrew from the South and abandoned the fight. Black Codes were re-developed focusing on mischief and insulting gestures as types of vagrancy laws

(Alexander, 2000). This created a major increase in prisoners who were disproportionately Black. The constitution did abolish slavery but still to this day approves slavery as a punishment for a crime. There were new securities for the economy since the prisoners were used in markets for convict leasing (Alexander, 2000). The death rates increased, because unlike slavery, the private contractors did not care about the health of their laborers and would leave them to die after injury or exhaustion (Alexander, 2000). In the 20<sup>th</sup> century Black female delinquents remained in adult prisons until segregated youth facilities were developed. These youth were assigned limited tasks and were not provided similar trainings to the White youth or adults (Guevara et al., 2006). Society perceived Black females as inherently criminal and hyper-sexual which increased negative bias in the criminal justice system and led to harsher sentences for Black females compared to White females (Guevara et al., 2006).

Discrimination and segregation also upheld the racial hierarchy and provided the lower-class Whites with the psychological sense of superiority over Blacks. The reversal of *Brown vs. Board of Education* of 1954, marked the end of the Jim Crow Era and discrimination was unjustified and challenged. Elliott M. Rudwick (1959, 1960) and several other criminologists in the 1960's were the first to publish about racial disparities in policing. Rudwick (1959, 1960) expressed the need for Black law enforcement agents to ensure adequate policing and fair treatment of all citizens (Crutchfield et al., 2010).

At the point of the fight against discrimination, there were already generations of families that were rewarded with the racial hierarchy. Racial difference became less of a way to receive free labor and focused on maintaining superiority. However, those in power could no longer speak about racial stereotypes and labels openly and they strategically hid the ideas under carefully phrased connotations. The coded repression of Black people was the beginning of the

New Jim Crow. The New Jim Crow is when people in power transitioned the conversation from race rights and discrimination and veiled their speeches as being tough on crime. Our Presidents view issues of welfare and illegal drugs as the main problems, while painting pictures of Black crack whores, crack babies, and gang bangers (Alexander, 2000). In June 1971, President Nixon proclaimed a "War on Drugs" and later President Reagan increased funding for drug law enforcement and cut funding for drug treatment and education (Alexander, 2000). At the same time, manufacturing jobs were being moved away from inner city communities, and Black men lacked the means to travel outside the city. The decline of employment in inner cities forced families to turn to the selling of drugs to make ends meet The War on Drugs allowed people to explicitly/implicitly view African Americans as less than. Drug laws seeked harsher penalties against crack cocaine, a Black man's drug, compared to powder cocaine, a White man's drug (Alexander, 2000). The downfall of the inner cities became prevalent and mass incarceration was disproportionality Black. Current drug policies encourage large scale arrests and policing of heterogenous communities. The policies neglect the use of evidence-based drug treatments and diversions (Piquero, 2008). The New Jim Crow is the racial caste using implicit connections to make inferior the Black race. The New Jim Crow is not only held in mass incarceration but within the rights of our nation's felons. The laws make it harder for a felon to obtain employment, housing, and education; along with losing the right to vote (Alexander, 2000). It is harder to argue the existence of the New Jim Crow because no one in control flat out says it is a racial caste and hides the racism under the legal structure.

In the 1970's there was a movement to replace juvenile retribution with rehabilitation to take youth out of institutions, also known as the deinstitutionalization movement. During this time White delinquents accounted for 75% of the decrease in institutions; when incarceration

rose again in the 1980's, Black delinquents accounted for 93% of the increase (Davis & Sorensen, 2013). During a legislative testimony in 1986, researcher Ira Schwartz argued that minority youth accounted for over half of the juveniles in detention but were not disproportionately involved in delinquency. In 1988, the Juvenile Justice and Prevention Act was amended to require states to address disproportionate minority confinement in detention (DMC) (Davis & Sorensen, 2013). In 2002, to identify racial disparities in all stages of the juvenile justice system, the Juvenile Justice and Delinquency Prevention Act lengthened the concept from a focus on confinement to a focus on contact (Piquero, 2008). Contact with the juvenile justice system begins from the first contact with police to the final stage of incarceration (Piquero, 2008). States with high rates of disproportionality were required to develop a reduction plan (Guevara et al., 2006; Piquero, 2008). Data was also collected by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to identify results and progress in decreasing racial disparities (Davis & Sorensen, 2013). Variables collected by OJJDP included arrest, referral, detention, petitioning, transfer to criminal court, disposition, and placement following adjudication (Piquero, 2008).

Racial disproportionality is found in all stages in the juvenile justice system. Throughout the stages, minority representation grows larger and at a faster rate than White youth's representation (Piquero, 2008; Rodriguez, 2010). Disparities involving Black youth are found at every stage (Guevara et al., 2006; Piquero, 2008).

Racial disparities within the criminal justice system arguably begins in the community and schools but the formal processing and discretion begins with law enforcement contact. Law enforcement agents have discretion on delinquency during contact and arrest of a juvenile (Claus et al., 2018). Officers have more discretion in the juvenile justice system than any other criminal

justice actor (Piquero, 2008). They have the discretionary power to leave a youth with a warning, release youth to their guardian, refer the youth to diversion, or pursue formal charges (Claus et al., 2018; Dunham & Alpert, 2015; Piquero, 2008)). Black youth have higher rates of arrest for serious crimes that proceed to adult courts (Davis & Sorensen, 2013; Guevara et al., 2006). Law enforcement agents target neighborhoods with specific crime hotspots. Urban cities have greater crime intensity areas which leads to more law enforcement on patrol. Lower socio-economic neighborhoods have a disproportionate population of minority citizens and more likely to be identified hotspots. There are higher law enforcement patrols in these heterogenous neighborhoods which leads to the higher targeting and arrest rates of minorities compared to White homogenous middle-to-upper-class neighborhoods (Anderson, 1994). The targeting of specific crime types in hotspot neighborhoods create greater police contact for Black youth compared to White youth (Piquero, 2008). Studies show that minority youth are more likely to be contacted and arrested than White youth, thus beginning the ripple effect, also known as bias amplification, of racial disproportionality in the juvenile system (Claus et al., 2018; Guevara et al., 2006; Piquero, 2008, Rodriguez, 2010).

Once in the system, prosecutors determine if the case will proceed with formal charges and have the discretion to move less serious cases to diversion and restorative justice programs; or on a more serious note attempt to waive the case to the adult court (Crutchfield et al., 2010). Black juveniles are more likely to face formal charges than any other racial group (Crutchfield et al., 2010; Piquero, 2008). In 2005, racial disparity was most prominent for formal charges against involved Black youth at 71% compared to 52% of involved White youth.

Probation counselors/officers handle youth supervision provide recommendations based on assessments (Crutchfield et al., 2010; Piquero, 2008). Probation officers attribute Black youth

delinquency to personality traits and negative attitudes. Officers describe Black youth as more delinquent and likely to recidivate compared to perceiving White youth as delinquent in result of their social environment (Crutchfield et al., 2010; Piquero, 2008; Rodriguez, 2010). Negative perceptions are hypothesized as the reason for differing sentencing recommendations (Piquero, 2008; Rodriguez, 2010). An experimental design study involving racial priming was conducted with probation counselors to measure their perceptions of youth. The subjects were provided racial or neutral primes and then provided the same two vignettes about a hypothetical juvenile. Probation subjects who received the racial prime perceived the juvenile as more mature, more violent, more blameworthy, more likely to recidivate, and more deserving of punishment than the probation subjects who were provided a neutral prime. Thus, racial bias and stereotypes influence the perceptions of juveniles (Graham & Lowery, 2004).

Judges have the discretion of sentencing decisions. Youth may be ordered to residential placement (i.e. institutionalization, group homes, or camp) or be placed on probation/supervision. In 2005, 62% of White juveniles were placed on probation/supervision compared to 56% of Black juveniles (Crutchfield et al., 2010). Black youth involved in the juvenile justice system have more restrictive dispositions, with few opportunities to avoid incarceration and long-term supervision, and are sentenced more harshly than White juveniles, even when accounting for similar offenses and prior records (Piquero, 2008). In their study, Guevara et al. (2006) found that judges had racial bias for males during pre-adjudication. But racial bias was present in female dispositions. In addition, judges considered the type of offense when determining male sentences but gave more weight to prior juvenile history for female sentences. As mention earlier, Black youth are more likely to be detained pre-adjudication and post-adjudication detention affects future dispositional placement (Guevara et al., 2006;

Rodriguez, 2010). Other researchers reported that judges treated White youth more severely and Black youth more lenient during pre-adjudication decisions (Rodriguez, 2010). Researchers relate the phenomenon to a correction theory. The correction theory suggests the judges are more lenient to correct the disparity rates in the arrests and referral stages. Thus, adjusting the data to create a balance in the justice system (Rodriguez, 2010).

Minority youth are detained for longer amounts of time than their White counterparts (Piquero, 2008). Guevara et al. (2006) reflected that "because the [criminal justice] system operates cumulatively, the risk is compounded and the end result is that Black juveniles are three times as likely as White juveniles to end up in residential placement." A recent study found that Black youth remain in custody for 61 days more than White youth, and Latino youth are held for 112 days more than White youth. The Sentencing Project reported a 43% rise of Hispanics in state and federal prisons between 1990 and 2005 (Piquero, 2008).

Diversion opportunities are less likely to be provided to youth who were detained pretrial. Where the odds of diversion referrals decrease by 96% for Black juveniles compared to 33% of White juveniles with the occurrence of pre-trial detention (Crutchfield et al., 2010). As mentioned earlier, racial disparities within juvenile justice begin in the community and schools. Negative perceptions of Black youth in the educational institution has created a target on these students, leading them into the school to prison pipeline.

In the early 1990's, educators in inner-city schools struggled to combat gang culture and gun violence with the institutions. Community members and the school districts brainstormed ideas for violence prevention in schools. Serious enforcements were created to respond to the negative culture. By 1991, metal detectors were installed in several junior high and high schools in the East Coast, and educators began practicing search and seizures (Gastic, 2011). Schools in

urban communities began to look like prisons with bared windows and strict enforcement. These inner-city schools were in poverty-stricken areas; students demographics were heterogenous with students being predominantly minorities (Gastic, 2011). The presence of metal detectors instilled more fear in the students as they questioned the safety level of their institution (Gastic, 2011).

In 1994, due to the concern of gang violence in schools, Congress implemented the *Guns Free Schools Act* to focus on punishment, deterrence and incapacitation or deviant youth (Curtis, 2014). All government funded schools were expected to have procedures that mandated a one-year suspension of any youth who brought guns to school (Curtis, 2014). However, most educational institutions failed to comply with the policy. Legislatures did not push for compliance or incentivize for public schools. This all changed in the spring of 1999 when students, Eric Harris and Dylan Klebold, went on a shooting rampage at Columbine High School in Colorado, murdering 12 students and a teacher. This was known as the deadliest high school shooting in United States history at the time (Larkin, 2007).

In the aftermath of the Columbine High School shooting, public schools increased awareness of the *Gun Free Schools Act* and laid down the foundation for the zero-tolerance policy. Zero-tolerance was first used in 1983 by the Navy when they suspected crewmembers of drug use; the zero-tolerance policy is a strict school discipline policy against weapons at school, drug abuse, and disruptive behaviors (Gage et al., 2013). The main purpose of the policy is to ensure no tolerance for rule breakers in educational institutions (Brady, 2002). The enforcement of the policy is supported with severe and punitive punishment that could involve a school resource officer, who is a sworn law enforcement officer. By the end of 1995, 43 states established zero-tolerance policies, and by 1999, all 50 states complied (Brady, 2002).

Prior to the zero-tolerance policy, rates of violence in grades K-12 were in a steady decline (Castillo, 2013). Schools failed to comply follow the Guns Free Schools Act until the shooting of a middle-class suburban school with mainly White youth were affected. Gang activity fueled the Gun Free Schools Act, which then paved the way for the zero-tolerance policy (Castillo, 2013). The moral panic created by the Columbine shooting was arguable a race-based call for change. Moral panic is a strong societal reaction of fear, to a person or event, that is not in proportion to the actual threat (Jenkins, 1998). In this case, the level of perceived fear after the Columbine shooting was not equivalent to the threat of suburban school violence in the 1990's. Urban schools needed policy reform, yet, the response did not occur until the situation seemed to matter to the public. The Columbine shooting was a threat to the societal interests of the nation and zero-tolerance policy was created due to a socially constructed fear of increased school violence (Castillo, 2013; Garland, 2008). The mass-media encouraged the concerns from the event and brought school violence into visibility (Garland, 2008). Moral panics differ in intensity, duration, and social impact (Garland, 2008). The Columbine shooting brought on high intensity panic to the nation for a moderate amount of time. Only in recent years have people began to recall school shootings as new events unfolded. The moral panic of the Columbine shooting was an isolated incidence, but the event and legislative policies left a social impact on a group whose demographics were opposite the majority of the offenders and victims of the Columbine shooting.

Although the zero-tolerance policy was implemented to assure safe educational institutions in the nation, it inadvertently constructed the school to prison pipeline. After the implementation of the zero-tolerance policy, criminologists acknowledged the inordinate outcome of the policy with empirical studies focusing on the effects of the zero-tolerance Policy.

Researchers found the zero-tolerance policy to be more of a burden that ruins lives and creates more work for the education institutions and the juvenile justice system (Smith, 2013). Criminologists and sociologists created the concept of the school to prison pipeline in order to explain the disproportionate number of students of color being pushed out of schools and pulled in the juvenile justice system (Curtis, 2014). Parents, educators and legislative actors failed to recognize the dismissal of procedural and substantive due process of youth with the establishment of the zero-tolerance policy (Brady, 2017). The nation believed they were making school safer without considering the negative effects on youth. With the initiation of the zero-tolerance policy researchers have found that urban youth of color are subject to higher rates of suspension, expulsion, and incarceration than their White counterparts (Black, 2015; Bryan, 2017; Castillo, 2013; Heitzeg, 2009).

Curtis (2014) examined how the zero-tolerance policy pushes students out of school and directs them toward the juvenile justice system. The Guns Free Act was a response to the incidents of violence in educational institutions in the 1980's and 1990's. State lawmakers considered punishment, deterrence, and incapacitation as a method to increase school safety (Curtis, 2014). Curtis (2014) acknowledged that zero-tolerance polices mandate predetermined consequences or punishments for specific offenses that assumed removing deviant youth from school would create a better learning environment and deter other youth from engaging in deviant behaviors. Regardless of the assumption, youth of color are disproportionately affected in the institutions. African American and Latino students are more likely to be arrested for disciplinary acts that their White counterparts and pushed out of schools for misconduct. The racial disparities of school discipline make students of color more prone to the negative effects of the zero-tolerance policies (Curtis, 2014). As minority youths misconduct becomes the

responsibility of the juvenile justice system, they are prone to greater racial disproportionality and are likely to get stuck in the cycle of the system (Curtis, 2014). The overuse of the juvenile justice system for school disciplinary acts perpetuates the school-to-prison-pipeline instead of creating a safe place to learn (Curtis, 2014).

The reason the zero-tolerance policy is known as the school-to prison-pipeline is because of its disciplinary system. In the 1990's, majority of schools hired school resource officers to patrol the school and stop criminal acts. The presences of school resource officers in schools increases the likelihood for youth to be arrested for misconduct rather than face in school discipline. The educational institution disciplinary system changed from consisting of only inschool punishments to involving the juvenile justice system. When a teacher is coping with an unruly or deviant child, they will send the child to the administration office where they would meet with the dean or vice principle. The administrator proceeds with deterring the youth with services (i.e. counseling), in-school suspension, or a warning, and the punishment stays in the school system. The administrator also has the choice of referring the child to the school resource officer. If the child is sent to the school resource officer, the officer has the decision, without hearing the child's opinion, of introducing the situation to the juvenile justice system. The zero-tolerance policy and teacher practices create racial inequalities for specifically Black males (Allen & Smith, 2014). Researchers found that educators may perceive Black male students as aggressive, disrespectful, delinquent, and intimidating even when these behaviors are not present (Allen & Smith, 2014). Allen and Smith (2014) divulge that Black males are disproportionately disciplined for minor infractions in school and therefore have increased encounters with on campus law enforcement. The disciplinary actions that schools normally handled like dress code violations and class disruptions are now subject to police authority

(Allen & Smith, 2014). Aull (2002) shared a case example of a student who did not need formal processing.

Alexa Gonzalez was in big trouble. Police handcuffed the girl, paraded her through the hallways of Junior High School 190 in New York City, and escorted her to the local precinct station. There, Gonzalez remained handcuffed to a pole for more than two hours while her mother tried in vain to convince officers to let her see her daughter. Police issued Gonzalez a court summons. She was sentenced to eight hours of community service. Her crime? Doodling on her desk with a lime green erasable marker. She was twelve years old at the time. Zero-tolerance (p. 179).

Students are forced into juvenile justice and the racial disparities of the system for minor youthful indiscretions. The lack of in-house discipline creates harm to the learning process of the youth and put them in greater risk of delinquency (Aull, 2002). In 2010, Black youth represented approximately 17% of the population but receive about 32% of all out-of-school suspensions. Compared to White youth who made up 63% of the nation and received approximately 50% of all out-of-school suspensions (Fowler, 2011). Students should learn key developmental skills within the educational institution, not within the courts (Fowler, 2011). Regardless of age, Black students are three times more likely to be suspended and expelled than White youth (Holland & Hefling, 2014). Male students make up more than two-thirds of suspensions, but Black female students are suspended at greater rates than any other female (Holland & Hefling, 2014). No age is off limits, between 2011-2012 5,000 preschoolers nationally were suspended once with

approximately 2,500 suspended more than once (Holland & Hefling, 2014). The disproportionality of suspension remained in preschool as it did for older youth.

During a study of a zero-tolerance policy for unexcused absence, Gage et al. (2013) recognized an over representation of minorities being punished by the policy. The researchers advised that the zero-tolerance policy is appropriate for illegal weapons and drug offenses but did not have a place in the punishment of minor student offenses (Gage et al., 2013). The policy results in negatively focusing on non-delinquent students who are in need of assistance and resources and not the focus on behaviors it was created to address (Gage et al., 2013). Teachers, counselors, and administrators should be addressing the school barriers created for all students especially Black males and take a collective effort to dismantle a pipeline that society created (Allen & Smith, 2014).

Belowitz et al. (2017) argued that the lack of visible minority teachers allows for stricter disciplines against minority youth in schools; and minority students are enforced with stricter and harsher zero-tolerance policies. This is partially due to the lack of available services for minority youth as well as misinterpretations of minority youth's behaviors (Belowitz et al., 2017). Bryan (2017) had a similar argument against the zero-tolerance policy, suggesting that White teachers disproportionately target and discipline Black students. Bryan proposes that teachers should be educated to shift their disciplinary practice in order to foster the value of minority youth. Additionally, Bryan (2017) advocated for the recruitment of Black male teachers to support minority youth generally and Black male students specifically.

# **Impact of Disproportionality**

# **Self-Concept**

A person's self-concept develops from the varying situations an individual partakes (Goodson & Morash, 2017; Snyder, 1965). Snyder's (1965) added postulates to the self-concept theory include:

- (1) The individual's self-concept functions to direct his behavior.
- (2) The self-concept emerges from the social situations in which the individual is a participant.
- (3) As the individual participates in situations with varying social expectations his self-concept is modified. (a) The individual self-concept reflects the actual or perceived expectations of significant others in the situation. (b) Without the support of the group's expectations the self-concept is threatened, and will, with high probability, be modified.

Delinquency is said to fulfill the deficiencies for youth of negative self-concept (Bynum & Weiner, 2002; Kaplan, 1975). Adolescents who have not established a sense of self and determined their individual qualities are not protected from involvement in delinquency (Bynum & Weiner, 2002). Possible selves provide motivation for a youth's actions. A balance of a youth's perceived goals and fears of possible selves induces strategy to attain their goals (Goodson & Morash, 2017). In order to change a youth's behavior and increase self-concept, their responses to situations must be redefined and the insufficiencies must be replaced with positive choices and identification (Snyder, 1995). In their study, Bynum and Weiner (2002) measured the self-concept levels of adolescent African American males. The researchers discovered that non-offenders had significantly higher self-concept levels than non-violent delinquent males. However, assaultive- violent offenders had higher self-concept levels than nonviolent offenders and non-offender youth. Further, the researchers concluded that high self-

concept insulates non-offender youth from delinquency and youth with lower self-concept scores are more likely to be delinquent. Moreover, if an adolescent accepts their delinquency and identifies their behaviors as appropriate, self-concept no longer has the same effect (Bynum & Weiner, 2002). Self-concept includes self-esteem and identity (Goodson & Morash, 2017) African American youth who experience discrimination and racial disparities may see the low social status of their race. The prejudice expectations of African American youth "will be reflected on their self-image and behavior," generating low self-esteem, self-hatred, and uncertainty (Snyder, 1995, p. 245). Self-concept is a result of significant situations, expectations, and interactions which guides a person's behavior (Snyder, 1995). Thus, a marginalized youth is more likely to have low self-concept and increased chances at delinquency than non-marginalized youth.

Several researchers have determined that violence is a coping strategy among minority and urban adolescents to deal with the pressures of poverty and violence in their communities (Bynum & Weiner, 2002). If minority or urban adolescents view violence as a normal behavior preventing victimization, they may internalize violence as an effect way to face controversy. The deviant youth perceive their delinquency as appropriate and become comfortable with their identity, with increases their self-concept. Inner city youth may view their introduction to the juvenile justice system as a rite of passage toward adulthood and this creates a societal norm in the community. Therefore, self-concept is not lowered by the delinquent label (Hirschfield, 2008). The 180-program allows the youth to work on their self-concept and encourages them to reflect on themselves as individuals. Youth often have hopes to fulfill positive roles in society but lack realistic strategies for achievement (Goodson & Morash, 2017). The 180-program guides youth toward realizing practical approaches to find positive self-fulfillment. Self-concept

are the qualities people ascribe to and the theory stems from the idea that youth with negative self-concept are more likely to be delinquent than youth with positive self-concept (Bynum & Weiner, 2002; Snyder, 1965).

# Labeling

Parallel to the self-concept theory, the way a person sees themselves, is the labeling theory, the way others perceive a person. Although the 180-program's focuses more so on self-concept, the dismissal of the adolescent's charges protects them from the degrading juvenile label. Tannenbaum (1938) speculated labeling theory initially and the responsibility social interactions have for deviant acts; but Lemert (1951, 1972) inspired by the social pathology of drug addiction, expanded on the theory with primary and secondary deviance. Primary deviance is any behavior that is recognized as deviant, secondary deviance is the social reaction to deviance and the role created by the deviant in response to degradation rituals. Becker (1966) elaborated labeling theory with "the outsiders" theory in which social groups establish rules and a person who breaks the rules are consequently punished and labeled as outsiders. The outsider uses the label to justify the deviant behavior and behavior comes before the deviant. According to Klein (1974), first time offender youth who are diverted to community agencies rather than charged in the juvenile justice system are less likely to recidivate. The criminal justice system places formal labels on people who are charged with minor offenses and felonies; the formal label of a juvenile increases involvement in deviant social groups (Bernburg et al., 2006). Youth who feel stigmatized and/ or labeled in the juvenile justice system are more likely to recidivate and the effects are stronger for Black youth (Chiricos et al., 2007).

Chiricos et al. (2007) accounted for 95,919 felons whose felony label was applied or withheld in Florida courts. The researchers hypothesized that male and female felons with applied felony labels are more likely to recidivate than male and female felons whose labels were

withheld. Recidivation only included cases where the subject was found guilty of a charge. Chiricos et al. (2007) created three main conclusions from their research findings. First, those who were adjudicated and labeled as a felon were significantly more likely to recidivate than those whose adjudication were withheld. Second, the effects of the felony label are greater for White subjects compared to minorities, females compared to males, and older adults with no prior convictions compared to younger adults with prior felony history. Lastly, minimizing labels at the individual level reduced recidivism within the broader community (Chiricos et al., 2007). The researchers discuss the impact of labeling based on race and gender due to societal expectations. Criminality is perceived as a masculine act and stereotypically minority situation (Chiricos et al., 2007). White individuals and women are not expected to get caught up in the criminal system, so the felony label creates a greater perception of societal judgement which in turn increases the labeling effect (Chiricos et al., 2007). Chiricos et al. (2007) noted that previous research contradicts this conclusion by determining labeling effects are greater for minorities than for Whites. However, the previous studies address juveniles instead of adults, suggesting that the relationship between race and labeling effects differ with age.

One of the studies that contradicted the findings of Chiricos et al. (2007) was conducted by Bernburg & Krohn (2003). The researchers interviewed youth in various timeframes from the time the youth were about 13.5 to 22 years old. Bernburg & Krohn (2003) also used police records to compare with the self-reports of delinquent involvement. The goal of the study was to identify the effects of police intervention and juvenile justice intervention on early adulthood crime; study the long-term effect of formal labeling on delinquency; and to understand the importance of race and poverty to formal labeling. Through their study, Bernburg & Krohn (2003) established that formal labeling of juveniles negatively influenced education and

employment which in turn can affect the socioeconomic life-course outcomes. In addition, formal labeling of juveniles is directly correlated to criminality during adulthood in that youth who are labeled juveniles are more likely than their counterparts to participate in criminal activity in adulthood (Bernberg & Krohn, 2003). Finally, the researchers recognized that impoverished youth and African American male juveniles were more effected by labeling than White male juveniles (Bernburg & Krohn, 2003). Based on the two previous studies of labeling theory, it is important for future research to control for age with the correlation of labeling theory and race.

In terms of juveniles, labeling theory suggests that a formal criminal label will increase involvement in deviant social groups and future criminality (Bernburg et al., 2006). Bernburg et al. (2006) did a longitudinal test of labeling theory using seventh and eighth grade public school students in New York (N= 870). The researchers oversampled males and students from high crime areas because these youth are at greater risks of offending (Bernburg et al., 2006). Of the sample 72% of the subjects were male and 28% were female. Moreover, Black youth made up 69% of the study compared to 16% Hispanic youth and 15% White youth. Bernburg et al. (2006) study was to identify the relationships between formal deviant labeling, deviant peers, and deviancy. Using a self-reporting model, the researchers concurred that formal labeling of a juvenile increases deviant peer involvement; youth who have gone through the formal juvenile justice system are more likely than their counterparts to develop or maintain delinquent friendships (Bernburg et al., 2007). Moreover, the researchers concluded that formal labeling increases the likelihood of future delinquent acts (Bernburg et al., 2006). Bernburg et al (2006) suggested that "deviant groups provide social shelter from stigma as well as providing collective rationalizations, definitions, peer pressure, and opportunities that encourage and facilitate deviant behavior" (p. 68). Thus, youth's perception of themselves based on societal labels can lead to positive or negative life events.

### The Process

In 2017, the name of the program changed from the 180-program to Choose 180 to make it synonymous with a community program rather than a court-based program, and to make the website easier to find. In collaboration with the prosecutor's office, the program changed from being a second chance diversion to a first-time opportunity. The present researcher will alternate between the names of the 180-program and Choose 180 to reflect the years being addressed (i.e. before 2017 is the 180-program, after 2017 is Choose 180). Originally youth were referred to the 180-program when they received a second misdemeanor and/or failed the CABS program. Last year, prosecutors began referring youth to the 180-program for first and second misdemeanors without first referring youth to the CABS program. The 180-program is different than CABS because the CABS record is available to the State whereas charges in participation with Chose 180 are not reported to the State. Youth are able to be referred to the program more than once but it is rare. Most multi-referral incidences occur after two years and no less.

After attending a Choose 180 workshop, the researcher was provided insight of the process of the program. Participants are welcomed to the 2100 building in Seattle where they check in and are provided a specific colored name tag. The participants are guided into a lecture hall where they are introduced to the Choose 180 team. The team consists of the Executive Director, Program Manager, Development & Communications Managers, Outreach Specialist, and community volunteers. The Choose 180 team also consists of Prosecuting Attorneys and a community member with a therapy dog. The attorneys inform the participants that upon

completion of the workshop the referral will be dropped. They also offer to assist with finding court dates and warrant look-up.

The workshop begins with a color of connected bead exercise. The moderator says if you have ever skipped school to come pick up a green bead. Adults and youth alike stand up and are handed a green bead from a friendly face in the front. A presenter tells a story about a past event and the struggles he faced. Afterward, he requests that anyone who has ever damaged someone's property to pick-up a purple bead. Throughout the exercise different speakers take the stage to share their story. Each time the speaker ends with a request for people to retrieve beads. The other beads represented if you have ever taken something that didn't belong to you; if you have ever used or sold drugs and alcohol; and if you have every physically harmed someone. Everyone in the room, including observers participated in the color of connected bead exercise. Next, the participants split up in groups, that were assigned to a Choose 180 staff member based on the color of their name tags, to share the beads they accrued. Parents are also placed together in a group for this exercise. The groups were then led to different rooms where the participants share dreams, goals, and barriers. The participants and staff member discuss available resources for each case and build road maps for success. Each participant must consider where they are going, where they are, what they will leave behind, and what they need to work on. Finally, the participants come back to the main lecture hall and fill out cards stating that they choose 180. One at a time, participants remove their beads, present their cards and receive a bracelet and a completion of the program.

### **Previous Research on the 180-program**

The King County Office of Performance Strategy and Budget (2014) compared the 180-programs 2012 data to a re-diversion program's 2009 data in order to compare the effects on

recidivism and racial disparity. The 2012 cohort of the 180-program, consisting of 445 youth, was evaluated. These youth either failed or were rejected from the CABS program.

Demographics and information on offense severity and prior referrals were obtained. Recidivism data was provided from government databases to track the cases of youth who turned 18 during the timeframe of the study. The comparison group included 390 youth from a 2009 re-diversion program. Cases were similar in no domestic violence cases were accepted in both programs, youth were previously rejected or failed the CABS program, and charges had to be low level offenses. Recidivism data was provided from the same government databases as the study group. The study group and comparison group were similar in racial demographics. The comparison group consisted of 126 African American youth which was 34% of the subjects and the study group had 140 African American youth which was 31% of the subjects. White youth in the comparison group made up 41% of the subjects and in the study group they represented 42% of the subjects. All other racial and ethnic representations were similar. The study group had a greater representation of males, 66%, compared to the comparison group 57%. The mean number of prior referrals we also substantially different .46 in comparison group verses .70 in the study group. However, the main offense for both groups was theft. Using logistic regression for propensity scoring, and the analysis of variance test, the researchers found that youth in the 180program were approximately 20% likely to recidivated compared to approximately 24% in the comparison group. There were no statistically significant results for recidivism by race. The limitations to the study were the comparison groups data was three years older than the 180program data. Further, the program was not compared to the traditional system which would determine the effects diversions have on delinquent youth.

Murphy et al. (2017) with the Law Societies & Justice Group Honors Cohort gathered data from the King County Juvenile Courts diversion referrals in 2014. The researchers compiled data on referral dates, offense types, zip codes, dispositions and demographic information. Finally, each participant was assigned a unique identification number. After removing inadequate data, Murphy et al. (2017) analyzed the subject pool of 1190 juveniles who were referred to diversions in 2014. The study did not include juvenile probation diversions, only community-based diversions including the 180-program. The researchers created time and age variables then re-categorized offense type, disposition, race and age categories (Murphy et al., 2017). Self-reported ethnicities were missing from most of the subjects and was not included in the study. Race data was obtained through police referrals. The gender ratio included approximately 44% female and 56% male subjects. Race was separated into four groups; White  $(\sim45\%)$ , Black  $(\sim29\%)$ , Other  $(\sim24\%)$ , and Unknown  $(\sim2\%)$ . Theft was the most common offense referral covering almost 50% of referrals. Theft was the most common referral type for all minority races while White youth were referred for theft and drug/alcohol crimes at a similar rate. The researchers analyzed CABS and 180-program diversions and identified patterns in referrals and factors for completion. The study revealed that youth who attended CAB diversions almost always completed them. Of the 830 youth who signed a CAB diversion agreement, 765 or about 92% successfully completed. There was a lack of data on the attendance rates for the 180program, so it could not be compared to CABS diversions, but Murphy et al. (2017) believed completion rates for the 180-program were high. Although there were high rates of completion it did not consist of youth who were referred and did not attend. Of the youth referred, about 26% did not attend. About 56% of youth who did not attend a CAB attended the 180-program. The researchers suggested this was due to 180-program staff contacting the youth via phone rather

than through a letter like the CABS program (Murphy et al., 2017). Moreover, the study showed that minority youth completed diversions at a lower rate than White youth. About 66% of Black youth completed a diversion compared to about 84% of White youth. Murphy et al. (2017) theorized that the process of contacting the youth disproportionately affected minority youth. In addition, the study recognized that Black subjects were filed on at a rate of approximately 1.7 times more than which they were referred to diversions compared to White subjects who were filed on a rate of approximately 1.7 times less than which they were referred to diversions. The zip-codes of the participants focused on the cities of Seattle, Kent, Auburn, Federal Way, and Renton. The zip-codes with the higher rates of referral also had higher rates of minorities referred. For example, a Federal Way zip-code was ranked first for location; About 36.2% of the youth referred from that zip-code were Black compared to 27% who were White. Finally, the researchers suggested that race influenced the age of referral to diversions. White youth were mostly in the older age groups and Black youth were represented in the younger age groups. The limitations to the study was the lack of consistency with data including attendance rates and completion information. Furthermore, the demographic data was from police reports, based on police perception and identification, not from the self-report of the youth.

# **Hypotheses**

The purpose of this study is to re-assess the 180-program and its effect on racial disparities and new referrals in the juvenile justice system. 180-program was not measured for likelihood of new referrals and racial disproportionality within the program. This study will fill the gaps of identifying strengths and weaknesses of this individual diversion program.

This study is designed to assess whether the King County Juvenile 180-program decreases the rates of disproportionality in the Juvenile Justice system for low-level offenses. In

addition, based on self-concept and restorative justice, does the completion or lack of completion of the 180-program effect new referral rates?

The 180-program differed from other diversion programs because it is organized by diverse community members that represent the neighborhoods in King County. The program is also one day long which lowers the attendance and transportation expectations of week-long diversions. The culturally unique design of the 180-program could make it convenient and persuasive for juveniles which could decrease disparity rates in the criminal justice system. My hypothesis is the 180-program does decrease rates of disproportionality in the juvenile justice system and completion does have an effect on new rates of referrals. In conclusion, this chapter processed the history of racial disparity and the risk factors of juveniles. The history of racial disparity in the criminal justice system extends far in history. Research has unveiled various factors that contribute to juvenile delinquency. Identifying the needs and risk factors of youth can assist with prevention efforts. There are various diversion programs throughout the nation including King County. These diversions including the 180-program, aim to divert youth from the criminal justice system to positive life trajectories. Previous research on the 180-program did not focus on its individual success and effectiveness. Using labeling theory and self-concept theory the present study will attempt to add to the existing research. Chapter 3 provides the methodology for the present study including procedure, sample, and analysis.

### **CHAPTER 3: Method**

The purpose of this study is to re-assess the 180-program and its effect on racial disparities and new referrals in the juvenile justice system. The analysis of the program is to determine the effectiveness of the program and possible disparity. In other words, does the 180-

program provide the participants with enough guidance to keep them on a positive life course trajectory, and does this program format work with minority participants? This chapter dives into the methodology used to analyze the 180-program and the variables included.

# **Procedure**

Prior to obtaining the data, the investigator met with the Director of the Juvenile Court and the Prosecutor's office in King County (Seattle, Washington) to receive approval to obtain secondary data from both departments. Additionally, the investigator applied to the Institutional Review Board at Seattle University and received exemption from review. Since the study involves juvenile's information, the investigator requested to obtain re-coded data to be unaware of who the participants were. No names were provided to the investigator and all subjects were assigned an identification number. In order to further increase confidentiality, the investigator chose to again recode the youth's identification number a second time for each subject. Further, the investigator did not request information on the youth's zip-code, educational institutions, or any demographics that could potentially identify the youth.

# Sample

The proposed research used purposive sampling of secondary data obtained from the King County Superior Court's Juvenile Information Management System (JIMS) of youth referred to the 180-program between January 2016 to December 2016 (N=~445). Referred youth are those with low-level misdemeanor offenses such as shoplifting and malicious mischief, that do not involve weapons, who are offered the opportunity to attend a Saturday workshop to have the charges dropped. Each youth was followed for one year after their completion or rejection (i.e. failure to show) in the 180-program, extending from January 2016 to December 2017. These specific dates were chosen for a number of reasons. The Prosecutor's office moved their data

from JIMS into a new database after 2017. Furthermore, at the time of the study, data for 2018 is still being collected and 2016-2017 data is the most available.

### Variables

## Independent

The primary independent variable was race/ethnicity and the secondary variables were, type of offense referred to 180-program and offense level. Ethnicity was included in the race variable. Race was coded 1 for White/Caucasian, 2 for African American/Black, 3 for Hispanic/Latino, 4 for Native American, 5 for Asian/ Pacific Islander, and 6 for Other/Unknown. Race was also grouped based on minority status where 0 represented minorities and 1 represented White. Type of offense referred was grouped into different charge types and recoded; 1 for larceny, 2 for vehicle based crimes, 3 for drug/alcohol crimes, 4 for violence crimes, 5 for crimes involving driving, 6 for crimes involving public transportation, 7 for police involved crimes, 8 for crimes involving weapons, 9 for criminal trespass and violations, and 10 for all other crime types. Offense level were recoded as 1 for misdemeanor, 2 for felony, and 3 for other violation. The data did not provide information on previous offenses.

I measured disproportionality using a similar approach as the racial equity scorecard (Richardson & Derezotes, 2010). The racial equity scorecard was created by the Alliance for Racial Equity in Child Welfare to address racial disproportionality in the child welfare system. The scorecard captures the estimated population of each race in the general population compared to the number of subjects, based on race, who are in the child welfare system. The scorecard then formulates the disproportionality rate by the representation of each race within the welfare system compared to general population and creates a disparity ratio. The present study used the racial equity scorecard as inspiration for measuring disproportionality in the 180-program. The 180-program disparity scorecard captured the estimated population of each race in King County

in 2016 compared to the number of youths who were referred to the 180-program. This was used to compare the representation of each race in the community verse the program. Other information was obtained as follows: (1) the percent of youth, based on race, who completed or failed to complete the 180-program in 2016; (2) the percent of youth who completed or failed to complete the 180-program with new referrals within one year; and (3) the percent, based on race, of youth who completed or failed to complete the 180-program with new referrals within one year. These statistics provide information about the effectiveness of the program on preventing youth from gaining new referrals and identifies possible disparities in program completion.

# Dependent

The dependent variables were new referrals and time between completion or rejection date of 180-program and the new referral. New referral is any referral to the prosecutor's office during a chosen timeframe; it provides more measurement flexibility than recidivism. Re-offense rates within 1 year of being referred to the 180-program was recoded 1 for yes and 2 for no. The time between completion or rejection of the 180-program and new referral was coded in days. The date of the completion or rejection to the 180-program was subtracted from the date of the new referral to confirm the number of days between the two events. The average neighborhood income based on zip-code of each subject was also identified as a dependent variable. Income was grouped into 12 sections. Neighborhood average incomes from 0-40,000 was coded 1, 40,001-50,000 was coded 2, 50,001-60,000 was coded 3; codes continued until code 12 which was range 140,001- highest limit.

# Comparison Group

The comparison group were youth who completed the 180-program and youth who did not complete the 180-program. Youth who completed the 180-program were coded 1, youth who did not complete were coded 2.

### Control Variables

The additional control variables were gender and age. The nominal variable gender was be coded 1 for male, 2 for female, and 3 for other gender preference. Since the age group only consists of adolescent youth the ordinal variable was coded to specific interval ages rather than age range. Age was recorded based on the age of the subject at the time of the initial referral.

# Demographics

At the start there were 445 subjects in the study. There were eighteen cases of repeat subjects who had multiple charge events in 2016. The most recent charges of the two charges, for each repeat was deleted, leaving the final subject count as 427. Four of the subjects with multiple charge events completed the 180-program and none of these subjects re-offended within a year of their latest offense; this data was not significant using Phi and Cramer's V. The study consisted of 267 males (62%) and 160 females (38%). The subjects age ranged from 11 to 18 years old with a mean age of 15.69 and a mode of 17. The greatest number of subjects were Black/African American, consisting of 40.4% of subjects. This coincides with previous research suggesting that Black youth are more likely to be involved in the criminal justice system (Crutchfield et al., 2010; Piquero, 2008; Rodriguez, 2010). Followed by 27.6% White, 16.6% Hispanic, 9.8% Asian/Pacific Islander, 3.5% American Indian, and 2% Unknown. The subjects came from various areas within King County. The most popular zip-codes were Auburn 98002 (6.1%), Federal Way 98003 (5.9%), Federal Way 98023 (4.9%), and Kent 98032 (4.2%). The average income of the King County zip-codes was obtained from the United States Census Bureau (2020). Data from the 2016 census year was used to correlate with the subjects 180program referral year. The average income for each zip-codes obtained in the study ranged from \$49,474 to \$191,320, with a mean of \$89,094.33 and a mode of \$77,866. Approximately 47% of the average income based on zip-codes were below \$80,000 and approximately 25% of subjects lived in a neighborhood with an annual household income of over 100,000. Researchers must keep in mind that income is based on the household and not individuals.

## *Analyses*

A series of descriptive analyses was utilized including calculating frequencies and measures of central tendency. Bivariate analyses were also used to identify the relationship between the race and the variables of age, type of offense, offense level, and previous offenses within the sample. Additionally, bivariate analysis was also used to determine the correlation of gender and the variables of age, type of offense, offense level, and previous offenses within the sample. The data was reviewed to determine relevant and significant statistics to the study. Charges were evaluated to acknowledge the most common case type. Next the 180-programs completion rates were analyzed along with new referrals to measure the impact of race on success (Taniguchi et al., 2017). Race in conjunction with other variables were identified followed by gender based significant data. Data was reviewed using frequency tables, crosstabs; significant data was identified using Chi-square. Inferential statistics like logistic regression was used to further analyze statistically significant results. A limitation to the methodology is the lack of ability to determine racial disparity in the referral process to the 180-program. Since the present study is attempting to see if the program is culturally relevant to decrease disparity within the program, the measure of the referral process would've been icing on the cake.

## **CHAPTER 4: Results**

To examine the association between race and completion rates of the 180-program, race variables were the specified predictor of interest. All analyses in this study furthermore included the aforementioned control variables. Race was not a significant predictor of completion rates or

re-offense rates for youth referred to the 180-program. However, race and gender were significant predictors of charge types within the study.

## Charges

Of the youth referred to the 180-program, 74 (17.3%) were facing more than one charge. Charges in the study were focused on the most serious offense for all subjects. Offenses were separated into ten groupings: larceny, vehicle crime, drug/alcohol, violent crime, driving crimes, transportation, police involved crime, weapons, criminal trespass/violations, and other. Larceny crimes including theft contributed to 196 (45.9%) of the most serious offense for the subjects. Vehicle crimes are defined as crimes that involved the use of a vehicle not owned by the subject and included 3 (.7%) of the most serious offenses for the subjects. Drug and alcohol crimes were charges that violated the controlled substance act such as possession of marijuana. Drug and alcohol cases contributed to 66 (15.5%) of the most serious offenses. Violent crimes included harm to other, like assault and contributed to 77 (18%) of the most serious charges. Driving charges were cases that involved negligence behind the wheel and contributed to 6 (1.4%) of the most serious charges. Transportation charges included incidents involving violation of public transportation and contributed to 8 (1.9%) of most serious charges. Police involved charges were any criminal act that involved initial police contact and contributed to 14 (3.3%) of most serious charges. Weapon charges are cases that involve possession of a weapon, excluding robberies, and contribute to 8 (1.9%) of the most serious offenses. Criminal trespass and violation charges are cases that involve trespass or violation of previous court orders; they contribute to 25 (5.9%) of the most serious charges. Finally, other charges are all other charges that do not meet the requirements of the groups and are considered miscellaneous, they contribute to 24 (5.6%) of the most serious offenses. As expected, most 180-program candidates were most often charged with misdemeanors (94.2%) as opposed to felonies (5.9%).

### **Diversions**

Of the youth who were referred to the 180-program, 155 (36.3%) of the youth completed compared to 272 youth (63.7%) who failed to complete. Reasons for non-completion varied such as cannot locate, charge dismissed, and failed to attend. Within the one-year time period from the date of referral, 48 subjects (11.2%) obtained a new offense compared to 379 subjects (88.8%) who did not. The days between referral date and new offense for subjects who re-offended within one year ranged from 2 days to 348 days with a mean of 135.29 and median of 102.5, no specific mode was available for this analysis.

### Race-Based

Of the youth who completed the 180-program, 48 (31%) re-offended within one year compared to 107 (69%) who did not reoffend within one year. All the youth who did not complete the 180-program were not recorded for a re-offense within one year of the referral date; this will be discussed in the next section.

White youth completed the 180-program at a rate of 39.8%; Black/African American 34.1%; Hispanic 45.1%; Native/American Indian youth 40%; Asian/Pacific Islander 19%; and Unknown 37.5%, based on Chi-square these findings were not significant,  $X^2$  (5, N= 427) = 8.9, p = .115. When examining the data based on minority status (not including unknown), 39.8% of White youth completed the 180-program compared to 34.9% of minority youth; this difference was not significant  $X^2$  (1, N= 419) = .90, p = .343.

Re-offenses were broken up by race as follows: Eleven percent of White youth reoffended compared to 89% who did not. Twelve and one-tenth percent of Black/African

American youth reoffended compared to 87.9% who did not. Fifteen and a half percent of Hispanic youth reoffended compared to 84.5% who did not. 6.7% of Native/American Indian youth reoffended compared to 93.3% who did not. 4.8% of Asian/Pacific Islander youth reoffended compared to 95.2% who did not. Finally, none of the youth who identified as "other/unknown" reoffended, this will be discussed in the next section. There was no significance found for these comparisons  $X^2$  (5, N= 427) = 4.5, p = .476. When examining the data based on minority status (not including unknown), 11% of White youth reoffended compared to 11.6% of minority youth. Based on Chi-Square results, there was no significance found for the race of youth who completed the program and re-offending,  $X^2$  (1, N= 419) = .03, P = .860.

There were some significant correlations found between race and charge type. Drug/alcohol charges and race were significant at the .01 level,  $X^2$  (5, N= 427) =38.1, p < .001, but the relationship was moderate to low with a Phi of .299. Data was broken down with 29.7% White, 6.4% Black, 19.7% Hispanic, 0% Native/American Indian, 7.1% Asian/Pacific Islander, and 37.5% Unknown. Police involved charges were significant at the .05 level,  $X^2$  (5, N= 427) = 14.2, p = .014. The relationship was low with a Phi of .182. and a breakdown of .8% White, 2.9% Black, 9.9% Hispanic, 6.7% Native/American Indian, 0% Asian/Pacific Islander, and 0% Unknown. Using Chi-square there was significance of criminal trespass and violations at the .05 level,  $X^2$  (5, N= 427) = 14.7, p = .012. The relationship was low with a Phi of .185; 6.8% White, 4% Black, 1.4% Hispanic, 13.3% Native/American Indian, 16.7% Asian/Pacific Islander, and 0% Unknown race. All other charge groups were found insignificant.

Comparing White and Black youth specifically, there were no significant correlations between race and completion of the 180-program or re-offending within a year. However, a

significance was found between Black and White youth and charge type. Black youth (51.4%) had higher rates of larceny charges as the most serious offense compared to White youth (36.4%) at the .05 level  $X^2$  (1, N= 291) = 6.4, p = .012. The relationship was low with a Phi of .148. White youth (29.7%) had higher rates of drug/alcohol charges as the most serious offense compared to Black youth (6.4%), significant at the .01 level  $X^2$  (1, N= 291) = 28.6, p < .001. The relationship was moderate with a Phi of .314.

Using Chi-Square there was a significant correlation of income level and minority status; minorities were found to have lower average income levels compare to White youth,  $X^2$  (10, N= 416) = 64.7, p < .001. The relationship was moderate with a Phi of .394, but income had no significant correlation to completion of the 180-program or re-offense.

### **Gender Based**

Approximately 35.6% of female subjects completed the 180-program compared to 36.7% of male subjects; based on the Chi-square analysis, there was not a significant difference between the groups  $X^2$  (1, N= 427) = .05, p = .822. However, only 6.3% of female subjects reoffended compared to 14.2% of male subjects; the findings were significant at the .05 level,  $X^2$  (1, N= 427) = 6.4, p = .011, with a Phi of .122. There were no significant statistics found regarding race and gender. There was a significant relationship found between crime grouping and gender. The charge of larceny was noted for 60.6% of females and 37.1% of males; this was significant at the .01 level,  $X^2$  (1, N= 427) = 22.3, p < .001, with a Phi of .229. A significance was found for drug/alcohol offenses at the .01 level,  $X^2$  (1, N= 427) = 12.4, p < .001, with a Phi of .170. About 7.5% of females and 20.2% of males were noted for this charge type. For other miscellaneous crime types there was a significance at the .01 level,  $X^2$  (1, N= 427) = 6.8, p = .009, with a Phi of .126; 1.9% of females and 7.9% of males. There was no significant

correlation between gender and vehicle crimes, violent crimes, transportation-based crimes, police involved crimes or weapon involved crimes, or criminal trespass and violations. Only 10.6% of females compared to 21.3% of males were charged with multiple offenses in a case; this was significant at the .01 level,  $X^2$  (1, N= 427) = 8.0, p = .005, with a Phi of .137.

Focusing on race and gender combined, using Chi -square there were no significant relationships between being a Black male or Black female compared to a White male or White female and the completion or re-offense rates  $X^2$  (1, N= 291) = .09, p = .770. There was a significant correlation between being a White male compared to a Black male for the charge of drugs/alcohol at the .01 level  $X^2$  (1, N= 172) = 22.5, p < .001. Thirty-seven and a half percent of White males were charged with drugs/alcohol compared to 8% of Black males. Black and White females also had a significant correlation with drug/alcohol charges at the .05 level,  $X^2$  (1, N= 119) = 5.9, p = .015. Seventeen and four tenths percent of White females were charged with drug/alcohol compared to 4.1% of Black females.

# Regression

Logistic regression analyses were used to further analyze significant data sets with binary dependent variables. The relationship between race and the charge of drugs/alcohol was analyzed while controlling for the subject's gender and age at referral. Based on chance alone, predicting all subjects were not charged with drugs/alcohol, the net proportion of cases that would be predicted correctly are 84.5%. The classification table when controlling for race, gender, and age did not show an improvement in the predicted value. The Wald statistic reveals that gender and age at referral were significant predictors of drug/alcohol charges at the .01 level. Race was significant at the .05 level. Thus, race is a significant predictor of drug/alcohol charges while controlling for gender and age (see table 1). Figure one provides a visual of the relationship of

percentage of each race who were charges with drug/alcohol offenses. Youth identified as other and White have higher percentages whereas Native American subjects were recorded at a lower percentage.

Table 1

Logistic Regression Analysis on Dependent Variables: Drug/Alcohol, Police Involved Charges, and Criminal Trespass.

	Drug/Alcohol			Police Involved			Criminal Trespass		
	Wald	df	Significance	Wald	df	Significance	Wald	df	Significance
Race	4.306	1	.038	.612	1	.434	2.270	1	.132
Gender	13.895	1	.000**	.559	1	.455	.689	1	.406
Age at	12.118	1	.000**	1.229	1	.268	.995	1	.319
Referral									
Constant	9.452	1	.002	3.856	1	.050	.533	1	.465

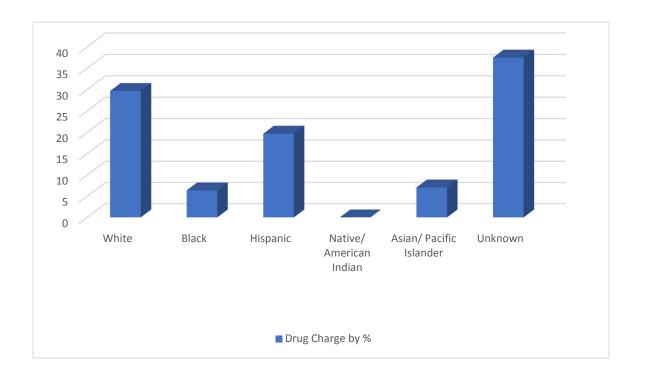
<sup>\*</sup>significant at the .05 level.

The relationship between race and the charge of a police involved offense was analyzed while controlling for the subject's gender and age at referral. Using the prediction that all subjects did not have a police-involved charge, the net proportion of cases that would be predicted correctly are 96.7%. The classification table while controlling for race, gender and age does not show an improvement in the predicted value. The Wald statistic reveals no significant levels. Therefore, race is not a significant predictor of police involved charges while controlling for age and gender (see table 1).

Figure 1

Drug Charge Based on Race

<sup>\*\*</sup> significant at the .01 level.



The relationship between race and a criminal trespass/violation charge was analyzed while controlling for the subject's gender and age at referral. Using the prediction that all subjects did not receive criminal trespass/violation charges, the net proportion of cases that would be predicted correctly are 94.1%. The classification table while controlling for race, gender, and age does not show an improvement in the predicted value. The Wald statistic showed no significant levels; race is not a significant predictor of police involved charges while controlling for age and gender (see table 1).

Being a Black or White subject in relationship to a larceny charge was analyzed while controlling for the subject's gender and age at referral. With the prediction that all subjects did not have a larceny charge, the net proportion of cases that would be predicted correctly are 54.6%. The classification table while controlling for the subject being Black or White, gender and age at referral showed an improvement to 60.1% for the predicted value. The Wald statistic

showed significant levels for being a Black or White youth and gender. Thus, the comparison of Black and White youth is a significant predictor of a larceny charge while controlling for age at referral and gender (see table 2).

Table 2

Logistic Regression Analysis on Dependent Variables: Larceny and Drug/Alcohol Charges

	Larceny			Drug/Alcohol			
	Wald df Significance		Significance	Wald	df	Significance	
Black or White	7.102	1	.008**	21.841	1	.000**	
Age at Referral	2.668	1	.102	5.116	1	.024*	
Gender	10.573	1	.001**	6.743	1	.009**	
Constant	7.316	1	.007	4.056	1	.044	

<sup>\*</sup>significant at the .05 level.

Being a Black or White subject in relationship to a drug/alcohol charge was analyzed while controlling for the subject's gender and age at referral. With the prediction that all subjects did not have a drug/alcohol charge, the net proportion of cases that would be predicted correctly are 84.2%. The classification table while controlling for the subject being Black or White, gender and age at referral showed a lack of improvement as the predictor decreased to 82.8%% for the predicted value. The Wald statistic showed significant levels for Black or White youth and gender at the .01 level; age at referral was significant at the .05 level. Thus, the comparison of Black and White youth is a significant predictor of a drug/alcohol charge while controlling for age at referral and gender (see table 2).

Minority status and income level of a subject's neighborhood were analyzed while controlling for the subject's gender and age at referral. With the prediction that all subject's neighborhoods have an average income level of \$80,000 or more, the net proportion of cases that would be predicted correctly are 52.4%. The classification table while controlling for the

<sup>\*\*</sup> significant at the .01 level.

minority status, gender, and age at referral showed an improvement to 61.3 for the predicted value. The Wald statistic showed a significant level for minority status at the .01 level; minority status is a significant predictor of neighborhood average income while controlling for age at referral and gender (see table 3).

Table 3

Logistic Regression Analysis Dependent Variable: Income Range

	Wald	df	Significance
Minority Status	22.892	1	.000**
Age at Referral	3.365	1	.067
Gender	.065	1	.799
Constant	3.704	1	.054

<sup>\*</sup>significant at the .05 level.

Gender and reoffending were analyzed while controlling for the subject's age at referral and race. With the prediction that no subjects re-offended, the net proportion of the cases that would be predicted correctly are 88.8%. The classification table, while controlling for gender, age at referral, and race does not show an improvement of the predicted value. The Wald statistic confirms a significance of gender at the .05 level while controlling for age at referral and race (see table 4). Figure 2 provides a visual of male and female subjects rates of re-offending. Males visually have an exponentially greater rate of re-offending compared to females.

Table 4

Logistic Regression Analysis of Dependent Variables: Re-offending and Multiple Charges

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Reomenaing	Multiple

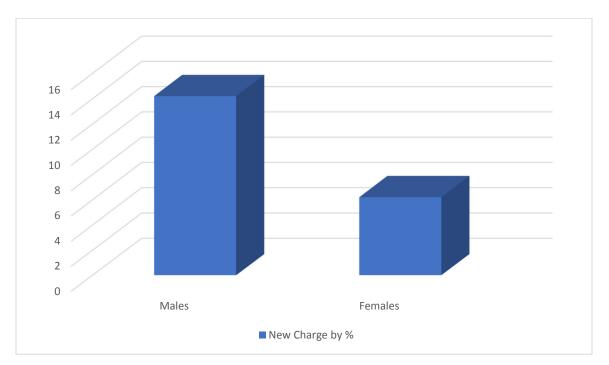
<sup>\*\*</sup> significant at the .01 level.

	Wald	df	Significance	Wald	df	Significance
Gender	6.109	1	.013*	7.825	1	.005**
Age at	1.779	1	.182	.486	1	.486
Referral						
Race	2.030	1	.154	1.309	1	.253
Constant	1.001	1	.317	.283	1	.595

<sup>\*</sup>significant at the .05 level.

Figure 2

Re-Offending Rate Based on Gender



Gender and larceny charge type was analyzed while controlling for the subject's race and age at referral. With the prediction that all subjects did not have a larceny charge, the net proportion of cases that would be predicted correctly are 54.1%. The classification table while controlling for the subject's gender, race and age at referral showed an improvement to 62.1% for the predicted value. The Wald statistic confirms a significance of gender at the .01 level while controlling for age at referral and race (see table 5).

<sup>\*\*</sup> significant at the .01 level.

Table 5

Logistic Regression Analysis for Dependent Variables: Larceny, Drug/Alcohol, and Other Charges.

	Larceny			Drug/Alcohol			Other		
	Wald	df	Significance	Wald	df	Significance	Wald	df	Significance
Gender	21.941	1	.000*	13.895	1	.000**	5.705	1	.017
Age at	.650	1	.420	12.118	1	.000**	.572	1	.449
Referral									
Race	1.762	1	.184	4.306	1	.038	.468	1	.494
Constant	5.044	1	.025	9.452	1	.002**	.179	1	.673

<sup>\*</sup>significant at the .05 level.

Gender and the drug/alcohol charge type was analyzed while controlling for the subject's race and age at referral. With the prediction that all subjects did not have a drug/alcohol charge, the net proportion of cases that would be predicted correctly are 84.5%. The classification table while controlling for the subject's gender, race and age at referral did not show an improvement for the predicted value. The Wald statistic confirms a significance of gender and age at the .01 level; gender is a significant predictor of drug/alcohol charges while controlling for age at referral and race (see table 5).

Gender and the other charge type were analyzed while controlling for the subject's race and age at referral. With the prediction that all subjects did not have the other charge type, the net proportion of cases that would be predicted correctly are 94.4%. The classification table while controlling for the subject's gender, race and age at referral did not show an improvement for the predicted value. The Wald statistic confirms a significance of gender at the .05 level while controlling for age at referral and race (see table 5).

<sup>\*\*</sup> significant at the .01 level.

Gender and if the subject had multiple charges was analyzed while controlling for the subject's race and age at referral. With the prediction that all subjects did not have multiple charges, the net proportion of cases that would be predicted correctly are 82.7%. The classification table while controlling for the subject's gender, race and age at referral did not show an improvement for the predicted value. The Wald statistic confirms a significance of gender at the .01 level while controlling for age at referral and race (see table 4).

In conclusion, race is a significant predictor of drug and alcohol charges for youth in the 180-program. More specifically being a Black or White youth has significant relationships to being charged with larceny or a drug/alcohol charge. Youth's minority status also has a significant relationship with the average income of the neighborhood the subject resides in. Moreover, the data suggests that gender plays a significant role in reoffending, larceny charges, drug/alcohol charges, other charges, and whether a subject obtained multiple charges. Using the findings from the results section, a racial disparity scorecard was developed, this will be addressed in the discussion section. Discussion will include an explanation of the findings and limitations will be addressed.

### **CHAPTER 5: Discussion**

This research investigation set out to examine whether the 180-program was effective at decreasing rates of disproportionality and re-offenses in the juvenile justice system. Results of this research investigation revealed that Black youth were referred to the 180-program at higher rates than White youth but there was not significance in the completion rates or re-offending rates based on race. These results suggest that referring youth to the 180-program did not increase their likelihood to re-offend and could decrease juvenile re-offending.

The results demonstrated that the subjects who failed to complete the 180-program had no record of re-offense. There are several variables that could lead to the inaccuracies of this data. Roughly 27% of the subjects were 17 years old at the time of their referral to the 180-program. Of those older youth, only 39% completed the 180-program versus 61% who did not. It is possible that these subjects aged out of the juvenile justice system prior to one year of the referral mark. Given the data is only on the juvenile level, it is not clear how many of the older youth re-offended on the adult level within one year of the 180-program referral. Other factors involved in the lack of re-offense is case being dismissed, being unable to locate the youth or youth being out of jurisdiction. Thus, it is possible a re-offense occurred but not within the compounds of King county. Youth who were identified as unknown/other were reported as non-re-offenders within one-year of completing the program. The researcher argues that there were not an effective number of youths in this category to be significant.

It does not come to a surprise that males were represented at a higher rate than females in the 180-program referrals. The Office of Juvenile Justice Programs (2017) reported that females were represented in less than 30% of juvenile cases. This is reflective in the 180-program data as females were represented in 38% of referrals. Males and females completed the program at similar rates but there was a significance found for the number of male's verse females who re-offended within one year of being referred to the 180-program.

Demographic variables seemed to coincide with the charge type. Previous research found that Black youth represent one third of drug/alcohol charges and almost one-third of property crimes (Crutchfield et al., 2010). The present study found that race was a significant factor for drug/alcohol charges while controlling for age and gender. There was a significant number of White youths whose most serious offense was a drug/alcohol charge whereas Black youth

represent higher rates of larceny crimes. White males were significantly more likely to have drugs and alcohol as their most serious offense compared to Black males. Moreover, White females were significantly more likely to have drugs/alcohol as their most serious offense than Black females. Larceny was the most common crime type for 180-program referrals and females' rates of larceny charges were significantly higher than males' rates. Males had significantly higher rates of drug/alcohol charges along with charges in the "other" category.

Previous research found that youth with low socio-economic status' or in low socio-economic status neighborhoods are more likely to commit deviant acts than youth with high socio-economic status' or in high socio-economic status neighborhoods (Ellis & McDonald, 2001; Hirsch, 1969; Rekker et al., 2015; Samson et al., 19997). Average household income was in the \$80,000 range, but this only represented the household income not considering the number of individuals in the home. Lacking this information makes it hard to report if poverty or needs were a factor. However, it is noted a high percentage of youth lived in South King County.

According to the United States Census Bureau (2019), White youth represented over 57% of youth in King County compared to 7.8% of Black youth. The 180-program referrals involved served a population of approximately 40% Black youth and 28% of White youth. The disproportionate number of youths in the 180-program compared to the King County population suggests that there was a high focus on directing youth of color away from the traditional court system. However, there was no significant findings for race regarding completion of the program or re-offending. Thus, it cannot be confirmed if the program is decreasing re-offense rates for minority youth. Very few subjects obtained new charges in the one year of being referred to the 180-program. This finding would need to be compared to the traditional court system or another diversion program to verify the effectiveness of the program.

A 180-program racial disparity scorecard was created using a similar approach to the racial equity scorecard (Richardson & Derezotes, 2010). The scorecard captured the estimated racial population of people under 18 years of age in King County in 2016 compared to the number of youths who were referred to the 180-program that year (see table 6). The 2016 King County population data was obtained from the United States Census Bureau (2019) and included reported information of youth all over King County. The propensity scorecard showed that White youth made up over 57% of the King County population in 2016, but only 27.6% of the 180program referrals; a negative representative difference of 30%. African American/Black youth represented approximately 8% of the 2016 population but represented over 40% of the 180program referrals, a difference of over 32%. Hispanic youth made up over 15% of the King County population in 2016 and similarly represented over 16% of 180-program referrals; a minor difference of 1.3%. Native youth represented less than 1% of the King County population but approximately 3.5% of the 180-program youth; 2.7% difference. Asian youth made up almost 16% of the King County population and represented close to 10% of the 180-program referrals; a 6% decrease. Finally, youth whose identity is unknown or labeled as "other" represent approximately 18% of the population but only 2% of 180-program referrals; a negative difference of 16%. Although the unknown/other youth have a sizeable difference between the King County population compared to referrals, an argument can be made that youth who were referred to the 180-program were provided a racial identifier which narrowed the number of youths labeled as "other."

Table 6

180-Program Disparity Scorecard

Race	Estimated population in King County (2016) in percentage.	Percent of youth referred to the 180-program (2016).	Percent difference in representation. Referral population minus King County population	Percent of youth who completed the 180- program (2016).	Percent of youth who completed the 180- program with new referrals within one- year.
White/Caucasian	57.9	27.6	-30.3	39.8	11
African American/Black	7.8	40.4	32.6	34.1	12.1
Hispanic/Latino	15.3*	16.6	1.3	45.1	15.5
Native American	.8	3.5	2.7	40	6.7
Asian/Pacific Islander	15.8	9.8	-6	19	4.8
Other/Unknown	17.6	2	-15.6	37.5	0

<sup>\*</sup>Includes youth of any race that also identify as Hispanic.

The percentage of youth who completed the 180-program and the re-offense race of youth, based on race, were provided on the scorecard. However, as previously mentioned, race was not a significant predictor of completion and re-offense rates which means race does not determine the likelihood of completing the program or re-offending within one-year.

The most unique representation differences within the scorecard are between White and African American/Black youth. White youth were represented 1/3 less in the referrals while Black youth were represented 1/3 more. It can be argued that the 180-program assists with decreasing racial disparities in the criminal justice system because more youth of color generally, Black youth specifically, are represented in the referral process and have similar chances of completing the program as their White counterparts.

The most prominent limitation to the study is that it is secondary data. This creates an inability to obtain further demographics on the subjects that may be predictors of completion or re-offense rates. The demographics that could have been beneficial to the study are education

level, guardianship (who is their caretaker), household income instead of the average household income per zip-code, subjects delays or disabilities, and other variables found within ACEs. It is unclear if race was obtained by police reports, the subject, or a mixture of both. This could create error if the perception of the youth's race is not similar to their racial make-up (Piquero, 2008). Also, it is possible that data used in the study was incorrect or incomplete due to human error. More information on the reason's youth did not complete the program and what happened to failed to complete cases would be useful in future designs. Additionally, data did not include reoffense rates that were recorded in the adult court. Over one-fourth of the youth who were referred to the 180-program in 2016 turned 18 within one year of their referral date. It is not evident if the youth re-offended as adults which affects the re-offense data. Previous offense data was not available for the present study. It is assumed that subjects who are referred to the 180-program are being charged with their first offense, but it would be beneficial to have a form of confirmation.

King County should address contradicting findings within the present study. The study showed that White youth had higher rates of drug/alcohol charges referred to the 180-program than Black youth but in previous studies, Black youth were more likely to face drug/alcohol charges than White youth (Cruthfield et al., 2010). Drug/alcohol charges for juveniles should be collected and analyzed to determine the rates of youth, based on race, who are charged with this crime type. If Black youth are found to have similar or greater drug/alcohol charges compared to White youth then the prosecutor's office should review drug/alcohol charges and how they are being processed within the system to identify possible implicit bias between these charges and the referral process into programs of the traditional court. Residency and income for youth should also be reviewed in future studies. Previous research found that socio-economic status is

related to youth's likelihood to commit deviant acts (Ellis & McDonald, 2001; Hirsch, 1969; Rekker et al., 2015; Samson et al., 1997). Using the average income for the subjects' zip-code did not provide a realistic look into the individual realities of each subject. Future research should attempt to obtain household income levels for each individual subject to further understand the relationship of income to the effectiveness of the 180-program. Also, although this could prove challenging, identifying and plotting youth's residency on map could identify specific neighborhoods and zones targeted by the 180-program referrals. This can provide guidance on where resources are needed and encourage future research for those neighborhoods and communities.

Further research should focus on 180-program referrals in conjunction with net-widening; including charges that are likely to have been dismissed if they were resolved in the traditional court (Mears et al., 2016; Stafford, 2016). There were questionable charges that were referred to the program to include disrupting a school activity, being in a park after hours, sounding a false alarm, and train/bus fare evasion. These cases are likely to been dismissed if they were resolved in the traditional court and is concern for net-widening practices. Moreover, future research should consider culturally competent associations between the 180-program and the subjects involved. Cultural competency should be analyzed from the way youth are contacted (phone, email, mail, in-person) to the procedures within the 180-program. This would allow the program to evolve in a way that could attract and assist more youth.

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