

**An Examination of the Factors that Influence Juvenile Justice Decision Making  
In The Jurisdictions of Black Hawk, Johnson, Linn and Scott, Iowa:**

**An Assessment Study**

EXECUTIVE SUMMARY

by

Michael J. Leiber, Ph.D.  
Wilder School of Government and Public Affairs  
Virginia Commonwealth University  
Richmond, Virginia 23284-2028  
(804) 828-8053  
mjleiber@vuc.edu

Joseph Johnson, M.A.  
School of Criminal Justice  
Michigan State University

and

Kristan Fox, M.P.P.  
Wilder School of Government and Public Affairs  
Virginia Commonwealth University

**An Examination of the Factors that Influence Juvenile Justice Decision Making  
In The Jurisdictions of Black Hawk, Johnson, Linn and Scott, Iowa:**

**An Assessment Study**

August, 2006

EXECUTIVE SUMMARY

Prepared for the State of Iowa, Division of Criminal and Juvenile Justice Planning  
Lucas State Office Building  
Des Moines, IA 50319

by

Michael J. Leiber, Ph.D.  
Wilder School of Government and Public Affairs  
Virginia Commonwealth University  
Richmond, Virginia 23284-2028  
(804) 828-8053  
mjleiber@vuc.edu

Joseph Johnson, M.A.  
School of Criminal Justice  
Michigan State University

and

Kristan Fox, M.P.P.  
Wilder School of Government and Public Affairs  
Virginia Commonwealth University

## Preface

As part of the reauthorized Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974, states participating in the Formula Grants Program are asked to address “juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups, who come into contact with the juvenile justice system.” This component of the JJDP Act has been known as Disproportionate Minority Contact or DMC.

To address the DMC mandate, States are required to determine whether disproportionate minority contact exists, identify the causes, and develop and implement corrective strategies (Federal Register, 1991:22969). The focus of inquiry involves an examination of possible disproportionate representation of minority youth at all decision points in the juvenile justice system and includes the police. This process occurs in five interrelated phases: identification (the extent of DMC), assessment (a search for the causes of DMC), intervention (strategies to reduce DMC), evaluation (examine if the interventions are impacting DMC) and monitoring (assess DMC over time).

In late spring of 2004, Michael Leiber met with the Division of Criminal and Juvenile Justice Planning to discuss the possibility of conducting the second assessment study of disproportionate minority contact with Iowa’s juvenile justice system using the state-wide computer based data system or what is called Iowa’s Justice Data Warehouse (JDW). The four jurisdictions to be studied were Black Hawk, Johnson, Lynn, and Scott and the time frame covered was to be from 1998 through 2004. Leiber had conducted the first assessment study (Leiber, 1993; 2003) using data collected manually from juvenile

court case files. The jurisdictions examined were Black Hawk, Woodbury, Polk and Scott and the time frame consisted of referrals between 1980 through 1990. The final assessment technical report can be downloaded at: [http://www.uiowa.edu/~nrcfcp/dmrc/news\\_and\\_report.shtml](http://www.uiowa.edu/~nrcfcp/dmrc/news_and_report.shtml).

The impetus for this second assessment study lies in that more than a decade has past since the first study on DMC and in light of the activity the state of Iowa has put forth to addresses DMC, research was needed to examine two objectives: (1) to what extent do legal and extralegal considerations, including race, impact decision making in each of the four jurisdictions and (2) in Black Hawk and Scott County, how do the observed results compare to those reported in 1993.

In the sections to follow, a brief discussion is provided on the extent of minority youth overrepresentation (the identification phase) in Iowa's juvenile justice system and in particular, Black Hawk, Johnson, Linn, and Scott, the four jurisdictions that are the focus of this study. A detailed discussion is then presented on the examination of the potential reasons or causes for the minority overrepresentation in the juvenile justice system (the assessment phase). A discussion of recommendations concludes the executive report. The full technical report is: *An Examination of the Factors that Influence Juvenile Justice Decision Making In The Jurisdictions of Black Hawk, Johnson, Linn and Scott, Iowa: An Assessment Study* (Leiber, Johnson, and Fox, 2006). An executive brief is also available.

***Identification: Minority Youth Are Overrepresented in the Juvenile Justice System***

In the early 1990s, youth minority overrepresentation existed in Iowa's secure facilities (Moore and Kuker, 1993). Minority youth comprised 37 percent of juveniles held in jail/lockups, 32 percent in detention, and 28 percent of the admissions to the State Training School (Moore and Kuker, 1993). African Americans were the most overrepresented minority group in the system. For example, they accounted for 21 percent of the State Training School population (Kuker, 1991). Minority youth and especially African Americans also spent on average longer lengths of stay in both jail/lockup and detention than whites (Moore and Kuker, 1993). Minority youths comprised 4.8 percent of the total population of Iowa, and up to 10 percent or more of some cities (Census Bureau, 1990). In the city of Waterloo, located in Black Hawk County in the northern part of Iowa, African American youth made up just over 19 percent of all youth.

An examination of information for 2005, for the state of Iowa and each of the four jurisdictions, reveals similar indicators of DMC (see <http://www.uiowa.edu/%7Enrcfcp/dmrc/>). For example, state-wide data show minority youth over-representation in the system but the extent varies by the minority group and the stage. For example, for every 4 black youth arrested, 1 white youth is arrested (relative rate=4.05). In contrast, for every 1 white youth arrested, Asian Americans are arrested at a relative rate of .61. Irrespective of a youth's minority grouping, underrepresentation in cases diverted is evident. Data for the jurisdictions of Black Hawk, Johnson, Linn, and Scott report similar minority youth, especially for African Americans, over- and under- representation in the juvenile justice system.

Overall, similar to trends reported from the early 1990s and 2000, minority overrepresentation in Iowa's juvenile justice system exists and this is most pronounced at arrest, court referral, secure detention and confinement in secure correctional facilities. The extent of the disproportionate overrepresentation of minority youth parallels nation wide findings (Hamparian and Leiber, 1997). Likewise, the lack of minority participation in diversion is also similar to results reported across the country (Sickmund, 2004).

***Assessment: Legal Factors, Race, And Gender Explain Case Outcomes***

*Data*

In contrast to the first assessment study that examined data from juvenile court case files, in this second research effort information was coded from Iowa's Justice Data Warehouse (JDW). JDW is a central repository of key criminal and juvenile justice information. Information for the warehouse is taken from the Iowa Court Information System (ICIS).

*Sampling*

A number of sampling techniques were used to gather the data for the present research. Three factors influenced the sampling technique. The first factor is that the dominant racial group is white. Therefore, random sampling was employed with this group of youth. A second consideration is that a relatively small number of minority youth (mostly African American) are present in each jurisdiction. Consequently, over sampling of minority youth was used to ensure large enough numbers to make racial comparisons. For both racial groups, sampling was based on delinquent cases referred to each of the four jurisdictions starting in 1998 through 2004.

Initial runs with the data revealed a relatively small number of cases in all four jurisdictions reached the disposition stage and because underlying the DMC mandate is concern over the disproportionate number of minority youth in the juvenile justice system and in particular, secure corrections (Hamparain and Leiber, 1997), dispositional cases were identified. From these dispositional cases, whites were randomly sampled while for minorities over sampling was used. The total sample of cases used in the study is 4,400. Each jurisdiction comprises 25 percent of the total.

### *Variables*

The independent variables include extralegal and legal factors representing race, age and gender, prior record, and current offense. Previous research on the influence of race on juvenile justice decision making includes similar variables (e.g., Bishop and Frazier, 1988). Several central variables, however, such as family status, school status, and detention is not included because information on these was not available. The omission of these variables is a limitation of the study due to their importance in decision making and possible association with race/ethnicity and case outcomes (Leiber and Fox, 2005; Leiber and Mack, 2003; Bishop, 2005).

The social traits are represented by race/ethnicity, gender, and age. Race/ethnicity is operationalized by white and African American or black. Because of the sampling procedures employed, the racial makeup is evenly distributed across all four jurisdictions. The mean age of the sample is about 15 and ½ years old and a large majority are male (70%). There are no jurisdictional differences in terms of age and gender.

The juvenile's previous history of contact with the system is captured by the variable prior referrals and is treated as an interval variable. The mean number of prior

referrals for the full sample is 2.23. An examination for differences by jurisdiction reveals that youth in Johnson (mean=1.70) have on average less referrals than any other jurisdiction and in particular compared to Linn (mean= 2.27) and Scott (mean=2.96). Three variables are used to represent the current offense: the number of charges (interval), the seriousness of the offense (less to more severe, interval), and the type of offense. Because of the theoretical importance of drug offending in a contextual analysis of race and decision making (e.g., Sampson and Laub, 1993), dummy variables were created to distinguish between property, person, drug offenses, and alcohol. Referrals consisting of disorderly conduct, resisting arrest, probation and conduct offenses, and so forth comprise the reference group. Most cases are classified as less serious (mostly, misdemeanors) and the largest percent of crimes involve property offenses (43%).

Tests for differences by jurisdiction show that a greater percentage of cases in Linn involve a person offense (33%) relative to the other three jurisdictions but especially compared to Black Hawk (20%). Differences are also noted between these same two jurisdictions and activity classified as "other". In Black Hawk, 22 percent of the cases involved behavior that fell into this grouping compared to eight percent in Linn. Despite these differences, overall the case characteristics in each jurisdiction are more alike than they are different.

This study focused on the extent legal and extralegal factors, including race, impact decisions once the youth is in the system. Decision making is measured by intake, petition, consent decree, adjudication, and judicial disposition. As noted previously, detention is not included as a dependent variable because of the lack of information.

Two measures of intake decision making were used as dependent variables. To overcome the shortcoming of past conceptualizations of decision making at intake, this stage in the process was measured in two ways: (1) Intake 1 - release/diversion versus further court processing and (2) Intake 2 - release versus diversion/further court processing. The most common outcome at intake was court referral (45%), followed by informal adjustment or diversion (32%) and release (24%). In Iowa, juvenile court officers make the decision to release, to offer an informal adjustment in the form of diversion, or to recommend further court processing at intake. State statute requires an admission of guilt as a prerequisite for diversion or an informal adjustment (Iowa Juvenile Code Statute 232.29).

The decision to seek further formal court proceedings is made by the prosecutor and occurs at the stage of petition. A significant majority of the juveniles (92 percent) were petitioned.

The next stage in the proceedings is initial appearance, and analogous to the use of diversion or the informal adjustment at intake, 19 percent of the youth at this stage accept a consent decree while the rest go on to the adjudication stage. As with the intake stage, these youth must admit guilt to participate in the diversionary option.

The adjudication stage is operationalized as dismissed and as the adjudication of delinquency. Eighty-three percent of the cases reaching this stage were adjudicated delinquent.

Next to the death penalty, transfer to adult jurisdiction can be the most severe sanction given to a youth and disproportionately involves African Americans relative to whites (Stahl, 1999). In the present research, youth transferred to adult court were first

included within the definition of judicial disposition (see also, Bishop & Frazier, 1988). Judicial disposition was defined as an outcome that resulted in a change of placement (e.g., training school, residential facility, group home) or transfer to adult court versus probation and/or treatment within the community. Thirty-two percent of the youth at this stage received a disposition involving a change of placement/transfer to adult court. To assess for the possible confounding effects of age and the waiver of youth to adult court, we also examined judicial disposition without this outcome included in the placement category of the dependent variable. Waiver by itself is not analyzed as a separate stage since only four percent of the entire sample was referred to this stage.

#### *Analysis Procedures*

A main objective of an assessment study is to examine the extent legal factors in the form of crime severity, crime type, etc. and to a lesser degree, extralegal factors such as age influence decision making. To accomplish this task, multivariate analyses in the form of logistic regression are used. This type of statistical tool allows for the ability to take into consideration multiple factors at the same time and these factors are assumed to be the same (i.e., crime severity, crime type, etc.) that a decision-maker relies on in arriving at a case outcome for a youth.

Theoretically, once legal criteria and to some degree, extralegal factors are taken into account race should not explain decision making. If race differences exist in case outcomes, it is because of differences in the legal and extralegal factors. That is, if African Americans are found to be more likely than whites to be petitioned, it is, for example, because they evidence greater involvement in more serious crime. This line of thought is how we believe and want the system to work. Conversely, if race differences

in case outcomes are present even after legal and extralegal factors are considered, that means in addition to crime severity, etc., something else is going on that might involve some form of bias and/or program deficiency.

Separate models for each jurisdiction and each racial group were also estimated to assess for the possibility of interaction effects. A race interaction relationship with decision making indicates that some variable, such as gender or crime type, works in conjunction with race to influence decision-makers differently than other youth. For example, being African American and a male (African American male) may impact decision making differently than being just African American or being just a male or being a white male. Therefore, tests for the possibility of combination relationships between race and each independent variable with decision making allows for a more thorough examination of the complexities surrounding juvenile justice decision making than just the assessment of the individual effects of race, crime severity, etc. on case outcomes. Objectively, after legal and extralegal factors are considered, tests should not produce findings of either individual relationships of race with decision making or evidence of race interaction relationships with other variables and case proceedings. If a race interaction relationship is found to exist, this points once again to the possibility that bias may be operating or something exists that is working to disadvantage one racial group relative to another.

### *Results*

In this section, summary information is provided concerning the results from the logistic regression first for Black Hawk, Johnson, Linn, and Scott. Recall that more detailed information and tables can be found in the full technical report: Leiber, Johnson,

and Fox (2006) *An Examination of the Factors that Influence Juvenile Justice Decision Making In The Jurisdictions of Black Hawk, Johnson, Linn and Scott, Iowa: An Assessment Study*.

### Black Hawk

Legal factors were most often predictors of intake decision making and to a lesser extent, formal decision making as represented by the stages of petition, initial appearance, adjudication and judicial disposition. Race, however, was also a predictor of the decision to recommend further court proceedings at intake, petition, and adjudication even after considerations for the relative effects of other extralegal and legal variables. More specific, after controlling for relevant legal and extralegal considerations:

- African American youth have a 10 percent increased likelihood than similarly situated whites to be referred for further court proceedings at intake. Or, for every 100 white youth referred, there will be 110 African Americans.
- African Americans charged with an alcohol offense were found to have a 34 percent increased likelihood than other youth to be referred for further court proceedings at intake. Or, for every 100 youth referred, being African American and involved with alcohol will increase the chances of referral by +34 (or 134).
- Being older and African American increased the chances of being petitioned by 2 percent compared to other youth. Or, for every 100 youth petitioned, being older and African American will increase the chances of being petitioned by + 2 (or 102).

- Being African American decreases the chances of being adjudicated by 13 percent than similarly situated whites. Or, for every 100 white youth adjudicated, there will be 87 African American youth.

It is important to note that females are less likely than males to be referred for further court proceedings by 9 percent once relevant factors are controlled.

### Johnson

As in Black Hawk, legal factors were predictors of intake decision making and to a lesser extent, formal decision making as represented by the stages of petition, initial appearance, adjudication and judicial disposition. For example, prior referrals, the number of charges, and crime severity increased the chances of being recommended for further court proceedings at intake.

Race, however, was also found to be a predictor of decision making. After controlling for relevant legal and extralegal considerations the findings are:

- African American youth have increased likelihood of receiving the more severe outcome than white youth by 15 percent. Or, for every 100 white youth, there will be 115 African Americans referred.
- Compared to a similarly situated white being African American increases the chances of being released by 10 percent. Or, for every 100 white youth released, 110 African Americans will be released.

On the basis of these two findings, it means that African Americans are less likely than whites to participate in intake diversion or informal adjustments.

- Whites charged with a more severe crime were 9 percent more likely than other youth to participate in a formal adjustment at initial appearance.

Or, for 100 youth, being white and charged with a severe crime would increase the chances of a formal adjustment by +9 (or 109).

- African Americans who are older appear to have a 5 percent increased chance of receiving community based corrections than all other youth at judicial disposition once waiver is excluded from consideration. Or, for every 100 youth, being African American and older increases the chances of community based corrections by +5 (or 105).

### Linn

As in the other two jurisdictions, legal factors predict decision making and so too does race. After controlling for relevant legal and extralegal considerations the findings are:

- Compared to being white, an African American has an increased chance of 12 percent of receiving a recommendation for further court proceedings at intake. Or, for every 100 white youth, there will be 112 African Americans referred on at intake.
- Relative to similarly situated whites, African Americans are less likely to be adjudicated delinquent by 12 percent. Or, for every 100 white youth adjudicated, there will be 88 African Americans adjudicated.
- African Americans are less likely than whites to receive a judicial disposition outcome involving placement out of the home or transfer to adult court (by 18 percent). Or, for every 100 white youth placed outside of the home, there will be 82 African Americans.

### Scott

Similar to the findings from the other three jurisdictions, legal factors as well as other extralegal considerations and race are determinants of intake decision making and to a lesser degree, formal court proceedings. As expected, legal criteria such as prior referral, the number of charges, crime severity and being involved in property offending influence intake decision making and in the anticipated direction. That is, the more severe the crime the greater the chances of being referred for further court proceedings as well as not receiving an outcome of release. After controlling for relevant legal and extralegal considerations the specific race findings are:

- Being African American increases the likelihood of receiving a recommendation for further court proceedings at intake by 13 percent. Or, for every 100 white youth referred on at intake, there will be 113 African Americans.
- There is no evidence of either direct or interaction effects of race on formal court decision making.

Being a female was found to decrease the probability of receiving a recommendation of further court proceedings by 9 percent.

### Discussion of Themes

Results from the multivariate analysis reveal that in all four jurisdictions legal factors in the form of such criteria as crime seriousness and prior referral explain decision making and these are often the strongest predictors and this was especially true at the intake stage. Still, there is evidence of race effects on decision making in all four jurisdictions that are not accounted for by legal and relevant extralegal factors. The race

effects varied by the stage and involved both more severe and more lenient outcomes, sometimes in the same jurisdiction.

Race effects, however, were most pronounced and consistently found at the intake stage in all four jurisdictions even after consideration of offending characteristics. African American youth are more likely to be referred for further court proceedings than similarly situated white youth. Consequently, it appears that both offending characteristics and racial bias seem to be contributing to African American overrepresentation in the juvenile justice system in each of the four jurisdictions. This conclusion was also arrived at in the earlier assessment study (Leiber, 2003, 1993) when similar results were reported for the influence of legal criteria and race on decision making in Black Hawk and Scott counties. In general, the results also parallel those from research across the country (Bishop, 2005; Tracy, 2002).

Studies have reported that the greatest discrepancies in decision making often occur earlier rather than later in the system (e.g., Pope and Feyerherm, 1992). In the present study, support for this claim can be found in the pervasiveness of the effects of race on intake decision making in all four jurisdictions. African American youth were more likely than white youth to receive a recommendation for further court proceedings. It is important to point out that we do not consistently find evidence of African Americans receiving more severe outcomes than whites and in fact, at times, African Americans received what would be perceived as more lenient outcomes (i.e., intake release, less likely to be adjudicated, less likely to be placed out of the home at judicial disposition).

Inconsistent practices are characteristic of “loosely coupled” organizations in general (Leiber and Jamieson, 1995; Weick, 1976; see also Meyer and Rowan, 1977), where structural elements or subunits of an organization are only loosely linked with each other. Both the adult and the juvenile justice systems have been described as loosely coupled (Hagan et al., 1979; Sampson and Laub, 1993), and the concept applies to differences in outcomes between stages in juvenile justice proceedings. While variation in the nature and correlates of juvenile justice decision making allows for individualized justice, loose coupling may perpetuate system biases more at certain points in the process than others.

Each stage within the juvenile justice system incorporates different actors, goals, and more or less specified criteria for determining the best interests of the youth. It is at intake, initial appearance, and judicial disposition that personal discretion is greatest. It was at these stages and adjudication, where differential treatment, for the most part, was operative. The relationship between system goals and actual practices at these points is relatively flexible and subject to greater individual interpretation. Conversely, discretion is exercised less at petition and adjudication, where legal criteria are generally the most influential factors in determining case outcomes. It may be that these latter stages display a stronger or more direct connection between official goals and actual practices that enhance the influence of legal criteria. Overall, the degree of coupling between institutional goals and technical activities varies by system decision point and this variation may either promote or forestall the application of racial stereotyping. For example, in the case of the findings reported here, decision making involving the receiving of the more lenient outcome of non-adjudication, and even the disposition of

community-based treatment (a loosely coupled stage) for African American youth could reflect efforts on the part of the judiciary to correct for errors in prior decision making and to offset previous injustices (Dannefer and Schutt, 1982). Or, these decision making patterns could reflect the awareness of judges of the DMC issue in general and are simply attempting to reduce the presence of African American youth in the juvenile justice system. Whether one finds greater severity or leniency, differential outcomes by race still represent a bias. The task for future research is to conduct more direct tests through interviews as to *why* we this may be occurring.

Although information from the identification phase revealed that minority youth, especially African American youth, are less likely to participate in diversionary outcomes, evidence of this from the assessment study was found only in Johnson County. Previous study has well documented that minority youth are less likely to be involved in informal adjustments than similarly situated whites (e.g., Bell and Lang, 1985; Bishop, 2005; Leiber, 1994; Leiber and Stairs, 1999; Leiber, 2003). A number of explanations have been offered to explain this consistent occurrence. These explanations range from minority youth and their families being less cooperative (including the failure to admit guilt) to minority youth and families unable to attend the intake meeting to biased perceptions on the part of juvenile court personnel or intake officers that minority youth are not suitable for participation in rehabilitative efforts.

In both Black Hawk and Scott, females were discovered to be less likely than their male counterparts at intake to receive a recommendation of further court proceedings at intake. Research in general has shown mixed findings concerning the effects of gender on case outcomes (e.g., Belknap, 2001; Chesney-Lind and

Shelden, 1998). Some research has discovered that females receive more severe outcomes than males, especially in regard to status offenses (e.g., Chesney Lind, 1988). These findings have typically been explained from a traditional sex-role perspective that suggests juvenile justice officials treat females more harshly than males in an attempt to enforce stereotypical notions of proper female behavior and to protect the sexuality of young women. The results from the present study appear to confirm the second perspective offered to explain gender differentials in case outcomes.

This second perspective, the chivalry perspective, suggests that male decision-makers may treat females more leniently because they have been taught by society to protect females, or they may have stereotypical beliefs that make it difficult for them to imagine that females engage in delinquent behavior (e.g., Bishop and Frazier, 1996; Johnson and Scheuble, 1991). These same beliefs may also foster perceptions that females may be more rehabilitative than males and therefore, provided with the opportunity to participate more often in informal adjustments.

### **Recommendations**

The following recommendations are based on the findings reported in Chapter Four and the previous assessment study that are summarized and interpreted in the prior section. The ordering of the recommendations does not reflect a priority or importance. In addition, the State of Iowa should attempt to consider more than one of the recommendations to reduce DMC in each of the four jurisdictions. **A multi-prong approach is needed that incorporates strategies that address delinquency offending, selection bias, and system issues to reduce DMC.** In Chapter Two, recommendations were discussed that were posited by Leiber (1993; 2003) on the basis of the results from

the previous assessment study. These recommendations should be examined and still considered by decision-makers, especially in Black Hawk and Scott, two of the jurisdictions included in both assessment studies, since some of the findings reported here parallel those reported in the first assessment project.

The recommendations discussed below are meant to be general and apply to all four jurisdictions. However, because decision making in general varies by each jurisdiction, and the factors that influence decision making, including race, are unique to each, local solutions and strategies need to be discussed and developed to address DMC in Black Hawk, Johnson, Linn, and Scott.

*Recommendation 1: Consideration of Increased Structured Decision Making at Intake*

The results from the present study, the previous assessment research (Leiber, 1993; 2003) and prior research by Leiber and colleagues (1994, 1995, 1999, 2003, see table 2.7. of chapter 2) all point to both race and gender differences occurring at this stage even after taking into consideration relevant legal factors. Differences in case outcomes involving release, informal adjustment, and recommendation for further court proceedings at intake were found for minority youth. The most notable finding was that African Americans are recommended for further court proceedings and were less likely than whites in Johnson to participate in informal adjustments. Females were also less likely than males to be referred to court for formal proceedings in two jurisdictions. As previously discussed, a number of explanations

have been offered to explain this consistent occurrence and these range from minority youth and their families being less cooperative (including the failure to admit guilt) to minority youth and families unable to attend the intake meeting to biased perceptions on the part of juvenile court personnel or intake officers. For females, the chivalry perspective suggests that decision-makers may treat females more leniently because they perceive females to be more rehabilitative than males and therefore, are more often provided with the opportunity to participate in informal adjustments. One solution to address these findings is to reduce discretion through the adoption of structured intake criteria.

*Recommendation 2: Continue to Require Decision-Makers to Participate in Race and Gender Cultural Sensitivity Training*

Both race and gender were discovered to be consistent factors that influenced decision making involving intake. In addition to the possible engagement of volunteers from the community to act as an advocate or youth ombudsman, race and gender cultural sensitivity training may help in attaining greater equality in decision making involving youth irrespective of race/ethnicity and gender. In addition to the findings, this recommendation is based on the need to recognize that possible **racial and gender bias may be more subtle, indirect, and often unintentional rather than overt and**

**intentional** (see chapter 2, recommendation 3 below).

*Recommendation 3: Conduct Additional Research on DMC*

In contrast to the first assessment study that examined data from juvenile court case files, in this second research effort information was coded from Iowa's Justice Data Warehouse (JDW) for Black Hawk, Johnson, Lynn, and Scott Counties for the years 1998 through 2004. The jurisdictions of Black Hawk and Scott were also studied in the first assessment project. Missing from this assessment study but included in the first assessment study are the jurisdictions of Polk and Woodbury. Additional research is needed that includes these two jurisdictions not only because of their size in terms of population and racial makeup but for the purpose of allowing for comparisons of decision making and DMC currently relative to the 1980s and early 1990s when the first assessment was conducted.

Greater faith in the findings could also be obtained if additional cases were included from each of the four jurisdictions since at many stages in the proceedings following intake, a small number of cases were evident that might possibly result in misspecification of the models. Further over sampling of disposition cases for the years of 1998 through 2004 could be used to increase the size of the sample and increase faith in the results.

A third recommendation for future research is to weight the sample since the results reported were based on un-weighted data and therefore do not reflect a “true” indication of case outcomes in each of the jurisdictions. It is important to note that, as indicated earlier, results based on data prior to the over sampling of dispositional cases, yielded findings, especially at intake, similar to those reported with the over sampling of the dispositional cases.

A fourth recommendation for future research is to use qualitative methods in the form of surveys and interviews to gain greater detail and insights into one or more of the stages where race and gender differences were evident. Results from the use of qualitative techniques with juvenile court personnel should produce greater insights into what role race and gender have in decision making and what can be done to change that role(s). As discussed in Chapter Two, the use of the use of semi-structured interviews with juvenile court personnel in the first assessment study (Leiber, 2003; 1993) centered on their views on correctional orientations, race, crime, family, and respect for authority. The respondents were also asked for their explanations of the quantitative findings and suggestions to reduce disproportionate minority confinement (DMC). This strategy was employed because of beliefs that the

effects of race are subtle and often conditioned by factors used by decision-makers to legally justify case processing and outcomes. The use of qualitative methods would drastically improve our understanding by providing a contexts for the findings reported here.

A final recommendation for further research is to expand the inquiry beyond whites and African Americans. Prior research in Iowa and across the country has shown that differences in case proceedings and outcomes may exist among Hispanic or Latino youth relative to Native American youth and African Americans and whites (see Leiber, 1994; 1995). Research is needed to assess how these groups compare in case processing and outcomes relative to whites, African Americans and other minority youth.

*Recommendation 4: Continue to Use and Improve Upon Iowa's Justice Data*

**Warehouse (JDW) System for Case Management and DMC**

As noted previously, in the first assessment study information on youth came from a survey of case files whereas for this second assessment data came from JDW. The use of data from JDW was intentional for the purpose of easing the cost and time needed to undertake an assessment study and to assess whether the data could in fact be used to complete an assessment study.

Financially the study was at no cost to the state of Iowa. In terms of time, the savings relative to collecting the information manually is not as clear cut. At the time of this study, we encountered numerous problems with the JDW system, especially with the system either being down or extremely slow (sometimes taking one hour for one piece of information). Thus, the system needs to improve upon being accessible and being made more expedient.

A related suggestion for improvement rests with information that is supposed to be collected but is not, information that is too difficult to track, and information that should be collected and is not. Improvement along these lines would significantly strengthen the overall study and possible conclusions concerning race and juvenile decision making. For example, information on the type of legal representation and whether a weapon was involved in the referral of a youth are listed as data elements but most often this information was not provided. Whether the youth was held in detention was also listed but you have to examine many fields to determine if detention occurred which was very time consuming and even then, you were not sure when the detention occurred. A simple variable should be created that asks whether the youth has been detained and possibly where in the proceedings. The inability to capture detention status and include it in the assessment study

is a glaring weakness since previous research (e.g., Leiber and Fox, 2005) and state data (see information on identification, chapter 2) reveal that minority youth and in particular, African American youth, are disproportionately held in detention and detention itself contributes to DMC. Additional efforts should be made to collect data on attending school and/or school performance and indications of the family situation. Finally, the latter omission from the JDW is extremely problematic because prior research has shown a significant linkage not only between assessments about the family and juvenile justice outcomes but that such assessments often work more to the disadvantage of African Americans than whites (e.g., Leiber and Mack, 2003; Leiber, 2003).

Another recommendation centers on the need to continue, and possibly offer even more, technical support to jurisdictions in for the purpose of creating better coordination and uniformity in entering data. It has been pointed out that while improvement has occurred, there still remains differences in what is recorded, and how it is recorded, across jurisdictions.

A final recommendation concerning the state-wide data base is that CJJP has begun a process of cross referencing cases in the JDW with a sample of cases maintained in a warehouse by the Iowa

Department of Human Services (child welfare and abuse cares). It is recommended that CJJP continue its work to link such cases. Research reflects that the overrepresentation of minority youth is an issue in both the child welfare and juvenile justice systems. It would seem that linking of the data bases could serve as an important tool in affecting the issues of disproportionate minority contact in the child welfare and juvenile justice realms.

*Recommendation 5: Development, Continued Use of Crime Prevention Programs*

A constant throughout the two studies is legal criteria accounted for much of the overrepresentation in the juvenile justice system. This is not surprising because legal criteria should influence decision making. Race should not, no matter how relatively small the effects may be compared to legal factors. The finding that legal factors explain decision making suggests that minority youth may be involved in the system, in part, because of their involvement in crime and/or the kinds of crime that they are charged with. Therefore, to reduce the disproportionate number of minority youth coming into contact with the system, community based resources and programs need to be established and/or continued to be funded that focus on delinquency prevention. It is important to establish outreach efforts to both parents and youth

to connect them with activities that already exist. Most important is that minority youth have access to and the opportunity to participate in these programs. As noted previously, a multi-prong approach is needed to reduce DMC that includes a variety of strategies that focus on the prevention of delinquency, possible selection bias, and deficiencies in the juvenile justice system.

## References

- Belknap, J. 2001. *The Invisible Woman: Gender, Crime and Justice*. Belmont, California: Wadsworth/Thomson Learning.
- Bell, D. and K. Lang. 1985. "The Intake Dispositions of Juvenile Offenders." *Journal of Research in Crime and Delinquency* 22: 309-328.
- Bishop, D. 2005. "The Role of Race and Ethnicity in Juvenile Justice Processing." Darnell Hawkins and Kimberly Kempf-Leonard (eds.) *Our Children, Their Children: Confronting Racial and Ethnic Differences in American Juvenile Justice*. MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice. The John T. and Catherine MacArthur Foundation. Chicago: The University of Chicago Press.
- Bishop, D., and C. Frazier. 1988. "The Influence of Race in Juvenile Justice Processing." *Journal of Research in Crime and Delinquency* 22:309-328.
- Bishop, D. and C. Frazier. 1996. "Race Effects in Juvenile Justice Decision-Making: Findings of a Statewide Analysis." *Journal of Criminal Law & Criminology* 86:392-414.
- Chesney-Lind, M., and R. Shelden. 1998. *Girls, Delinquency, and Juvenile Justice*. Belmont, California: West/Wadsworth.
- Chesney-Lind, M. 1988. "Girls and Deinstitutionalization" *Criminal Justice Abstracts*. 20: 144-65.
- Dannefer, D. and R. Schutt (1982) "Race and Juvenile Justice Processing in Court and Police Agencies." *American Journal of Sociology* 87: 1113-1132.

- Hagan, J., J.D. Hewitt and D.F. Alwin (1979) "Ceremonial Justice: Crime and Punishment in a Loosely Coupled System." *Social Forces* 58: 506-527.
- Hamparian, D. and M.J. Leiber .1997. "Disproportionate Confinement of Minority Juveniles in Secure Facilities: 1996 National report." Prepared for the Office of Juvenile Justice and Delinquency Prevention, Champaign, Illinois, Community Research Associates.
- Iowa Juvenile Code Statute 232.29
- Johnson, D., and L. Scheuble. 1991. "Gender Bias in the Disposition of Juvenile Court
- Kuker, D. (1991) "The Disproportionate Overrepresentation of Minority Youth in Secure Facilities." Paper prepared by the Department of Human Rights, Criminal and Juvenile Justice Planning Statistical Analysis Center, Des Moines, Iowa.
- Leiber, M.J. 1992a. "Juvenile Justice Decision-Making in Iowa: An Analysis of the Influences of Race on Case Processing in Three Counties Technical Report." Des Moines: Iowa Office of Criminal and Juvenile Justice Planning.
- Leiber, M.J. 1992b. "Juvenile Justice Decision Making in Iowa: An Analysis of the Influences of Race on Case Processing in Scott County: Technical Report." Des Moines: Iowa Office of Criminal and Juvenile Justice Planning.
- Leiber, M.J. 1993. "The Disproportionate Overrepresentation of Minority Youth in Secure Facilities: A Survey of Decision-Makers and Delinquents." Prepared for the State Juvenile Advisory Group of Iowa and the Office of Criminal and Juvenile Justice Planning, Des Moines, Iowa, and the Office of Juvenile Justice and Delinquency Prevention.

- Leiber, M.J. 1994. "A Comparison of Juvenile Court Outcomes for Native Americans, African Americans, and Whites." *Justice Quarterly* 11: 257-279.
- Leiber, M. 2003. *The Contexts of Juvenile Justice Decision Making: When Race Matters*. State University of New York Press.
- Leiber, M. and K. Fox. 2005. "Race and the Impact of Detention on Juvenile Justice Decision Making" *Crime & Delinquency*, 51(4): 470-497.
- Leiber, M. and K. Jamieson. 1995. "Race and Decision-Making within Juvenile Justice: The Importance of Context." *Journal of Quantitative Criminology* 11:363-388.
- Leiber, M. and K. Mack .2003. "The Individual and Joint Effects of Race, Gender, and Family Status on Juvenile Justice Decision-Making" *Journal of Research in Crime & Delinquency*, 40(1): 34-70.
- Leiber, M. and J. Stairs. 1999. "Race, Contexts, and the Use of Intake Diversion." *Journal of Research in Crime and Delinquency* 36:56-86.
- Meyer, J. and B. Rowan. 1977. "Institutional Organizations: Formal Structure as Myth and Ceremony" *American Journal of Sociology* 83: 340-363.
- Moore, R. and D. Kuker (1993) "A Description and Discussion of Minority Overrepresentation in Iowa's Juvenile Justice System." Paper prepared by the Division of Criminal and Juvenile Justice Planning, Des Moines, Iowa.
- Sampson, R., and J. Laub. 1993. "Structural Variations in Juvenile Court Processing: Inequality, the Underclass, and Social Control." *Law & Society Review* 27:285-311.
- Sickmund, M. 2004. "Juvenile in Corrections." *Juvenile Offenders and Victims*. National Report Series Bulletin. Washington, DC: OJJDP.

Stahl, A. (1999) "Delinquency Cases Waived to Criminal Court, 1987-1996." Report to  
Office of Juvenile Justice and Delinquency Prevention, April 1999, Fact sheet #  
99.

Weick, K. 1976. "Educational Organizations as Loosely Coupled Systems. *Admin. Sci.*  
*Q.* 21: 1-19.