

**Race and Detention Decision Making and the Impact on Juvenile Court Outcomes**

**in Black Hawk County, Iowa,**

Technical Full Report

by

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## Preface

As part of their participation in the federal government's Formula Grant Funds, the state of Iowa is attempting to comply with the disproportionate minority contact mandate (DMC). States participating in the Formula Grants Program are required to determine whether disproportionate minority confinement exists, identify the causes, and develop and implement corrective strategies (Federal Register, 1991:22969). In 2002, the DMC mandate was modified 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 change broadened the DMC initiative from "disproportionate minority confinement" to "disproportionate minority contact," requiring an examination of possible disproportionate representation of minority youth at all decision points in the juvenile justice system.

Although States are allowed considerable amount of freedom in addressing DMC, they have to indicate in their application for Formula Grants funds how they are progressing on this issue within the context of five interrelated phases or stages: identification, assessment, intervention, evaluation, and monitoring (Hamparian and Leiber, 1997; Disproportionate Minority Confinement Technical Assistance Manual, 2000, 1990). Information on the DMC mandate and publications concerning DMC in general can be found in the 3<sup>rd</sup> edition of the Disproportionate Minority Contact Technical Assistance Manual and at: <http://ojjdp.ncjrs.org/dmc/>.

Below each of the five interrelated stages of the DMC mandate are provided:

*1. Identification:* The identification phase is descriptive and originally involved ascertaining the number and proportion of minority youths in secure detention facilities, secure correctional facilities, jails, and lockups. Data is typically computed into a relative rate and allows for the comparison of one racial/ethnic group to another and their involvement in the juvenile justice system (see, <http://ojjdp.ncjrs.org/dmc/tools/index.html>).

*2. Assessment:* If a determination is made from the identification phase that disproportionate minority representation exists, the State is required to conduct an assessment that investigates the specific reasons or possible contributing factors for the situation. The assessment phase attempts to discover the causes of the discrepancies in the case processing and outcomes between whites and minorities. Assessments should, at a minimum, identify and provide possible explanations for the possible differences between whites and minorities in contact, arrest, diversion, adjudication, court disposition, including differences for secure detention and other incarceration and waiver of youth to adult court. In essence, the assessment phase requires an examination of minority youth involvement at justice system stages beyond incarceration and a search for why overrepresentation exists.

*3. Intervention:* This third phase entails selecting and implementing the specific strategies and interventions to reduce minority overrepresentation. Depending upon the location(s) and causes of DMC that were identified in the identification and assessment phases, appropriate intervention activities may include developing or revising policy procedures; decision making criteria and/or legislation; establishing services and

programs; providing training and staffing; and improving information systems.

Additional information on possible interventions can be found at: The OJJDP Model Programs Guide ([http://www.dsgonline.com/mpg2.5/mpg\\_index.htm](http://www.dsgonline.com/mpg2.5/mpg_index.htm)) and *Seven Steps to Develop and Evaluate Strategies to Reduce Disproportionate Minority Contact (DMC)* (<http://www.jrsa.org/jjec/>).

4. *Evaluation*: Evaluation of the intervention strategies is viewed by OJJDP as important as the intervention(s) itself because the information obtained informs us as to whether the intervention or strategies are working as intended. Furthermore, the results from the evaluation can be used to modify to alter the interventions as well it being replicated or adopted by another community and agency to address DMC in their locality. Similar to the assessment phase, the evaluation phase is research based. For more information on the evaluation phase, see *Seven Steps to Develop and Evaluate Strategies to Reduce Disproportionate Minority Contact (DMC)* (<http://www.jrsa.org/jjec/>) and the Disproportionate Minority Confinement Technical Assistance Manual (2006).

5. *Monitoring*: The fifth and final stage involves States to monitor DMC. The underlying premise driving the concern for monitoring is that minority overrepresentation is **an ongoing issue** and requires continuous and systematic tracking over time. DMC monitoring ideally is coordinated with monitoring for other initiatives, such as the deinstitutionalization of status offenders, the separation of youths from adults in institutions, and the removal of youths from adult jails and lockups.

### *Summary*

In short, States are to develop a comprehensive approach that includes the identification of DMC, a determination of its causes or contributing factors, and solutions



to reduce it. Progress toward compliance with the requirements of Section 223(a)(23) is reported by each State and territory in their Comprehensive JJDP Three-Year Plans and annual Plan Updates which are reviewed by OJJDP to determine the status of compliance.

Because of its focus on differences in outcomes between minority and white youth, the DMC effort is an initiative that focuses on decision making within the juvenile justice system that includes police contact. Overall, the mandate reflects a systems-oriented approach to DMC with a focus on the equitable treatment for all youth. However, multiple approaches are encouraged to be developed and implemented to address a wide range of possible factors that may contribute to DMC and include inquiries as to whether minority youth commit more crime and more serious crime (commonly referred to as the differential behavior or offending explanation) and issues pertaining to differences in the application of decision making criteria as well as legislation and policies that disproportionately impact minorities and differences in opportunities for participation in prevention and treatment programs (commonly referred to as the differential selection or bias explanation).

*A Need for Local Participation and the Focus of the Current Study*

Local involvement is particularly important in aiding the state and overall efforts to address DMC. In the early summer of 2005, I met with juvenile court personnel from Black Hawk County to discuss the possibility of conducting a detailed study of detention in their jurisdiction. The initiative for the study came from the Court itself due to concerns of the number of youth and in particular, minority youth, in detention. A detailed inquiry into the use of detention, the types of detention used, for what and who,

had not been previously conducted. After gaining judicial permission, I agreed to examine detention decision making in Black Hawk County and its impact on juvenile justice decision making.

The present study would be classified as part of the assessment stage of the DMC mandate. It is important to note that two previous assessment studies that focused primarily on juvenile justice decision making have been conducted and included, as well as other jurisdictions, Black Hawk County (Leiber, 1993; Leiber, 2003; Leiber et al., 2006). The primary difference between those two studies and the current research is the detailed assessment of detention decision making with a focus on a single jurisdiction, Black Hawk County.

Data was collected from juvenile court files for all youth detained in 2003 through 2004 in Black Hawk County. A random sample of whites and a disproportionate sample of African Americans who were referred to juvenile court during the same time frame but not held in detention were also included as a comparison group.

What is presented within this report is a discussion on the extent of DMC and detention in Iowa and within the jurisdiction of Black Hawk County juvenile court services. A brief review of prior research on DMC and detention nationally and in Iowa is also discussed. The methodology used in the study to assess detention decision making and the results are also provided followed by a summary and recommendations to reduce the use of secure detention and DMC in general. For those that are interested, **there is also an executive brief and an executive report** that accompanies this full technical report. These can be found at: [http://www.uiowa.edu/~nrcfcp/dmcr/news\\_and\\_report.shtml](http://www.uiowa.edu/~nrcfcp/dmcr/news_and_report.shtml).

## Chapter One

### **Detention in Iowa and the Extent of DMC**

In this Chapter, a brief background is provided on the types of detention legislation that exist in Iowa, followed by a discussion of the extent of DMC and detention in the jurisdiction of Black Hawk County. The Chapter concludes with a summary.

#### *Types of Detention*

Admission to the detention facility is controlled by the juvenile court; specifically through individual juvenile court officers and a judge. Police officers that have a child in custody call a juvenile court officer and the juvenile court officer calls a judge prior to placing a youth into detention. Juvenile court officers may or may not have a recommendation for detention when contacting the judge. Recommendations and decisions to detain are based on an array of factors considered by the juvenile court officer and the judge. There is no written detention survey instrument to assist in detention decisions at this facility.

While a verbal court order can initiate placement, a written court order must be issued within 24 hours of detention (Iowa Code 2001, section 232.44). Detention can be used to: minimize risk of re-offending while the current delinquent charge(s) is determined and the case is settled; prevent flight; and protect the alleged offender from imminent bodily harm. Detention can be also used as a sanction for violation of court orders or probation rules as well as a 48 hour or two day dispositional placement (Iowa Code 2001, section 232.22; 232.52).

A violation of probation (VOP) does not entail a new crime and is generally viewed as a technical violation, such as failure to obey curfew or some other condition established by the court. The 48 hour dispositional hold was passed as a judicial sentencing option in 1996.

In short, below are the three ways youth can be held in detention in Iowa:

1. Non 48 hour hold (232.52.2) – detained prior to or at adjudication, crime involved.
2. Adjudicated (found delinquent), pending disposition (232.47) – detained after adjudication but awaiting judicial disposition, crime and/or violation of probation condition (e.g., missed appointment, curfew violation, etc.).
3. 48 hour hold (232.52) – detained post disposition.

Similar to detention criteria across the country (Hoytt et al., 2002), state statute lacks specificity and provides a great deal of discretion to the police, juvenile court officers, and judges to determine whether detention is necessary (Iowa Code 2001, section 232.22, 232.52).

#### *Detention and DMC*

The average daily population of publicly-operated juvenile detention centers increased by 72 percent between 1985 and 1995 and reflected an increase of 642 percent of detention centers in the nation. Subsequently, six out of ten incarcerated juveniles are housed in a detention center that is over capacity (Wilson, Lipsey & Soydon, 2003). While overcapacity is an issue many parts of the country, in Iowa and in Black Hawk County it is not, most detention facilities operate at about half capacity (Division of

Criminal and Juvenile Justice Planning, 2006). Iowa and Black Hawk County, however, are similar to nationwide data on the existence of DMC and detention.

Nation-wide, for example, between 1983 and 1997, while the overall youth detention population increased by 47 percent, the detained white youth population increased by 21 percent compared to 76 percent to detained minority youth (Justice Policy Institute, 2002, p. 2). This means that four out of five new youth detained during this 15-year period were youth of color (Justice Policy Institute, 2002). Also, in 1997, 19 percent of all juvenile delinquent referrals resulted in detention with African American youth comprising 47 percent of those detained (Hoytt, Schiraldi, Smith & Ziedenberg 2002). In addition and although the extent may vary by locality and the stage, DMC, for the most part, is evident across the country and across the entire juvenile justice system (e.g., Bilchik, 1999, Disproportionate Minority Contact Technical Assistance Manual, 2006; National Council on Crime & Delinquency, 2007).

Similar DMC overrepresentation exists in Iowa and Black Hawk County (Iowa Division of Criminal and Juvenile Justice Planning, 2006). On a five year average (1998 through 2002), minority youth made up 29 percent of those detained; had a relative index of 3.2 and represented about 319 percent of overrepresentation (National Resource Center for Family Centered Practice, 2003). Or in other words, roughly 3 minority youth were detained relative to 1 white youth. The relative rate index is a formula used by the Office of Juvenile Justice & Delinquency Prevention (OJJDP) to measure minority overrepresentation and is required to be calculated by states.

In terms of raw numbers, of the 5,294 juvenile detention holds in Iowa in 2000, 1,476 were minority youth (National Resource Center for Family Centered Practice,

2003). Keep in mind that minority youth comprised 9 percent of the youth population in Iowa.

In Black Hawk, minority youth made up about 18 percent of the youth population but almost 50 percent of the youth detained or 278 percent overrepresentation on average during 1998 through 2002. In 2005, 254 youth were admitted for detention. At the start of 2007, the figure is up to 417. African Americans made up 137 of the 254 and 222 of the 417 detentions, respectively (Division of Criminal and Juvenile Justice Planning, 2007: 17).

More specific, in Black Hawk overrepresentation at the end of 2006 is as follows: arrest (4.71), referral (4.13), detention (1.62), and placement in the state training school (2.15). The relative rate index for African American youth was lower than their white counterpart at the decision point of diversion (.65), delinquency finding (.90), and probation (.87) (Division of Criminal and Juvenile Justice Planning, 2007: 17).

In the present study, decision making in 2003 and 2004 is examined in Black Hawk. DMC, for the most part, parallels the information given above. For example, the relative index rate for detention in 2004 was 1.75 while in 2003, it was 1.58. The only difference from the 2003 through 2004 time frame to now is that, as reported above, a greater number of youth are being admitted to detention.

### *Summary*

There are essentially three ways that youth can be detained in Iowa (non 48 hour hold, adjudicated pending disposition, and 48 hour hold). In the state of Iowa and in Black Hawk minority youth and in particular, African Americans, are overrepresented at detention as well as at other stages in the juvenile justice system. In Chapter Two, prior

research is examined regarding the factors that influence the detention making process and what impact being held in detention has on decision making at other stages in the system.

## Chapter Two

### **Prior Research on Race and Detention**

In this Chapter, prior research that examines the factors that influence juvenile justice decision making is briefly reviewed, followed by a discussion of past research on the determinants of court proceedings in Black Hawk. Next, research is discussed that has assessed detention and what impact being detained has on further court proceedings. A summary concludes the Chapter.

#### *Explanations for Minority Overrepresentation*

Explanations for minority overrepresentation in the juvenile justice system, including detention, have centered on either differential offending (i.e., minorities commit more crime and more serious crime) and/or racial/ethnic bias (Feyerherm, 1996; Huizinga et al., 2007; Leiber, 2002). Both of these explanations for minority overrepresentation in the juvenile justice system have roots in consensus and various versions of conflict theory and are often viewed as in opposition to one another. While both positions or explanations may have validity, there is considerable evidence that being a minority, especially an African American, works to his/her disadvantage relative to whites in terms of case processing and case outcomes within the juvenile justice system (Jones & Poe-Yamagata, 2000; Pope, Lovell, & Hsia, 2002).

For example, over the years there have been numerous studies that have examined the extent to which race, legal criteria, and extralegal factors influence case processing and case outcomes in the juvenile justice system (e.g., Bell & Lang, 1985; Bishop & Frazier, 1988; DeJong & Jackson, 1998; Leiber, 1994; Leiber et al., 2007; Leiber and



Johnson, 2007; Mears, 1998; Sanborn, 1996). Most of these studies have discovered that crime severity, prior record and other legal considerations predict decision making (e.g., Tracy, 2002). Five recent comprehensive reviews of this literature, however, have also shown that although legal and extralegal factors (e.g., age) explain decision making, the evidence is fairly strong that these factors alone are unable to completely account for race differences in involvement in the juvenile justice system (Bishop, 2006; Engen, Steen & Bridges, 2002; Leiber, 2002; Pope & Feyerherm, 1992; Pope et al., 2002).

Pope and Feyerherm (1992), for example, found in their analysis of 46 articles published in the 1970s and 1980s that race impacted decision making in two-thirds of the studies. Bishop (2005) updated the research to the year 2000 to include 150 studies and arrived at similar results. As stated by Bishop, “The issue is not longer simply whether whites and youths of color are treated differently. Instead, the preeminent challenge for scholars is to explain how these differences come about” (2005: 2).

In a review of state assessment studies, Leiber (2002) discovered that despite variability in the studies, most (n=32) reported evidence of race differences in juvenile justice outcomes that are not completely accounted for by differential involvement in crime. In only 12 states, minority overrepresentation, as presented in the identification phase, was determined to be the result of solely legal factors (i.e., severity of the crime).

Several studies have also discovered that many legal and extralegal variables may be racially tainted and work to the disadvantage of minority youth. Lockhart et. al. (1990), for example, examined racial disparity in 159 counties within Georgia’s juvenile justice system. With 1988 as the base year, this study revealed that a major determinant of outcome was the severity of the current charge and the extent of prior contact with the

juvenile justice system. Compared to white youth, African American youth tended to have more prior contact and to be arrested for more severe offenses.

In some states, the use of semi-structured interviews with juvenile justice personnel showed that race bias was often indirectly operating through decision-makers' perceptions of minority youth and their family, in particular, African Americans, that were fostered by stereotyping (e.g., Frazier and Bishop, 1995; Leiber 2003; 1993; Leiber and Mack, 2003). In Florida, for example, the respondents indicated that assessments about single-parent homes are made when handling youth and include inquires into the ability of the family to provide supervision and having the youth adhere to possible court stipulations. Those interviewed indicated that a single-parent home is seen as more dysfunctional and affects minorities more harshly since they are more likely to come from such households. In addition, Fraizer and Bishop (1995) point out further that decision-makers see nonwhite families as being less adequate than white families even when both families are broken. The broken minority family was perceived as "more broken" than whites from similar homes (1995: 35).

The results from state assessment studies parallel those from the general literature of research on juvenile justice decision making (Bishop, 2005; Engen et al., 2002; Pope and Feyerherm, 1992; Pope et al., 2002). Although an in-depth discussion of these studies is beyond the scope of this report, race was found to have either a direct relationship with decision making and/or interaction or combination effects with legal variables (e.g., crime type, prior record), extralegal factors (e.g., age, family status), process variables (e.g., detention) and/or community contexts (e.g., % poverty).

Bridges and Steen (1998), for example, examined how reliance on racial stereotypes by decision makers shaped assessments of the youth and in turn, impacted case outcomes. Probation officers were found to use different causal attributions to assess the delinquent behavior of African Americans and whites. Further, African American youth involvement in delinquency was viewed as related to internal or dispositional attributions (i.e., lack of individual responsibility), whereas delinquency among white youth was attributed to external causes (i.e., impoverished conditions). Because internal attributions resulted in perceptions that the youths were at higher risk for re-offending, decision makers recommended longer sentences for African Americans than for whites. The end result, values and beliefs of decision makers created a legally recognizable but racially stereotypic image of an offender that affected the decision making process.

### *Summary*

In short, a common theme running through these studies is the identification of the variable effects of race on decision making and the factors that influence these effects. While the source of the contextual effect(s) may vary, one emphasis is the racial stereotyping by decision-makers of African American youth. These stereotypes include blacks as undisciplined, living in dysfunctional families that are primarily headed by young mothers, dangerous, delinquent, and drug offenders (Feld, 1999). These perceptions often work to the disadvantage of African Americans relative to whites and may account for the overrepresentation of minorities in the juvenile justice system.

### *Studies of Juvenile Decision Making in Black Hawk County*

Next, the discussion centers on prior research that includes two formal assessment studies that had been conducted to further understand the contributing factors to minority youth contact

with the system. First, however, the decision making stages in Iowa's juvenile justice system is discussed.

*Decision Making Stages in Iowa.* Iowa Code Section 232.2(12) defines a delinquent act as the violation of any state law or local ordinance which would constitute a public offense if committed by an adult, the violation of a federal law or a law of another state which violation constitutes a criminal offense if the case involving that act has been referred to the juvenile court, offenses for possession of alcohol (Iowa law expressly forbids the use of detention for youth for possession of alcohol). Court proceedings for delinquent youth are outlined in Iowa Code Section 232.

Youth that commit delinquent acts can be referred for processing (typically by law enforcement) to the juvenile court. Many cases referred to juvenile court are diverted from formal system processing and receive either an informal adjustment (a contract outlining the conditions of probation signed by the youth and a juvenile court officer), or a consent decree (a consent decree is similar to an informal adjustment except it is signed by a judge). Youth that require formal system processing have a delinquency petition filed, receive delinquency adjudication, and dispositional hearings. A fairly extensive array of dispositional options are available for delinquent youth which include probation, day treatment, substance abuse treatment, mental health treatment, residential placement, etc. Narrative for select decision points is provided below:

- “Complaints to Juvenile Court” – Complaints are typically referred to juvenile court by law enforcement. Complaints are law violations by juveniles. “Arrest” or “taking youth into custody” was discussed previously in this report. There may be more than one offense included in a complaint. Complaints are processed by juvenile court services (JCS) staff. Complaints are often synonymous with the decision of referral to juvenile court.
- “Informal Adjustment” – A significant number of youth referred to the juvenile court receive informal adjustments, which are contracts that youth enter into with

- JCS staff. Informal adjustment is an option for youth utilized (often for younger or less serious offenders) that have admitted their involvement in a delinquent act. The conditions of an informal adjustment can include juvenile court supervision, restitution/community service, prohibiting a youth from driving, referral to a private agency, voluntary participation in batterers' treatment, etc.
- “Petitions Filed” – JCS staff refer youth that require more serious court intervention to the county attorney. The county attorney may “file a petition” on any given offense. The filing of a petition constitutes the formal involvement of the court.
  - “Consent Decree” – At any time after the filing of a petition and prior to an order of adjudication the juvenile court may enter a consent decree. Consent decrees are similar to informal adjustment agreements. Consent decrees are court orders that specify conditions and requirements for youth. The terms and conditions of consent decrees may include supervision of the child by the juvenile court or other designated agency, community service/restitution, prohibiting a youth from driving, participation in batterers' treatment, etc.
  - “Adjudications” - Adjudications are court hearings that provide a formal finding of guilt. A youth that is found guilty is “adjudicated a delinquent”.
  - Dispositions – Dispositional hearings are provided for youth that have had a delinquency adjudication. Dispositional hearings are often conducted as part of the adjudication hearing. Dispositions for the juvenile court include probation/court supervision, restitution/community service, driving suspension/revocation, special care & treatment, batterers education, foster family care, brief juvenile detention facility hold, community-based delinquency services, group care, mental health institution placement, state training school placement, independent living, etc.
  - “Waiver to Adult Court” – Youth are waived to adult court (placed under the jurisdiction of the district court) if they have committed certain serious offenses, and/or are older youth and are deemed as requiring additional court supervision, and/or it is determined that they can no longer benefit from the supervision or services of the juvenile justice system.

*Review of Prior Assessment Research on Juvenile Justice Decision Making in*

*Black Hawk.* An exhaustive review of the literature that has examined juvenile justice decision making in Black Hawk County and Iowa in general, is beyond the scope of this study. An exhaustive review of that material will not be provided here.

For more detailed information (although not exhaustive), the reader is asked to refer to Table A2.1. where a listing of reports and articles written on race and juvenile justice decision making in Black Hawk and Iowa with the research question and main findings are also articulated (located at the end of the report).

The forthcoming discussion is adapted from a book by Leiber (2003), *The Contexts of Juvenile Justice Decision Making: When Race Matters* (State University of New York Press), that represents findings from two assessment studies conducted in the early 1990s and again in 2006 (Leiber, 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, 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, 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, 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”). The two assessment technical reports can be downloaded at:

[http://www.uiowa.edu/~nrcfcp/dmcr/news\\_and\\_report.shtml](http://www.uiowa.edu/~nrcfcp/dmcr/news_and_report.shtml).

### *1. Findings from the Early 1990s Assessment Study*

The forthcoming discussion will focus only on the findings as they pertain to Black Hawk County. The analysis was conducted in three stages. The first stage of the analysis examined the extent of social control exercised in Black Hawk County. This stage involved the examination of the case processing and outcomes of youth, differentiated first by jurisdiction then race. Logistic regression was used in the next stage to determine if the observed associations and patterns in the movement of youth in each court remained once controls were employed. The third and final stage of the analysis entailed the use of semi-structured interviews with juvenile court personnel 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 stage in the analysis was driven by the belief that the effects of race are subtle and often conditioned by factors used by decision-makers to legally justify case processing and outcomes.

The overall small number of minority youth in the jurisdiction required the selection of delinquency referral cases for a 12-year period from 1980 to 1991. A random sample of court referrals identified as white was selected and disproportionate random sampling was used to select African American. The weighted sample size used in the research was 7,208 with 2,020 cases from Black Hawk.

Juvenile court personnel were interviewed through semi-open-ended questions that focused on their beliefs concerning crime, family, the role of the juvenile court, DMC, and findings specific to the quantitative component of the study. The interviews were taped and transcribed and ranged in length from one to two hours. The personnel

were interviewed in late 1991 and early 1992. Juvenile court probation officers, public defenders, prosecutors, and judges comprise the nonrandom sample.

Most of the juvenile court personnel participated in the study (90%) and a large majority were white (94%). The respondents were on average 41 years old, male (64%), specialized in the social sciences (74%) and have 10 years of job tenure. Cross tabulations and analysis of variance (ANOVA) failed to show statistically significant differences on these background characteristics by jurisdiction (not shown).

In terms of social control, youth and minorities had the greatest probability of moving through the system and receiving a change of placement/transfer to adult court in Black Hawk. The racial gap, however, was greater in the other jurisdictions studied than in Black Hawk.

Results from the multivariate analysis reveal the presence of race effects 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 found at the intake stage in all four jurisdictions. The examination of the community characteristics, organizational features of the juvenile court, and the themes from the interviews with the court personnel provided added insights into the contexts of decision making and the role race plays in the process in each jurisdiction.

The court ideology of Black Hawk centers around offender accountability, intervention, and rehabilitation that may account, in part, for the willingness to exercise social control. The source of this ideology appears to be the court's history, as well as beliefs that the court is dealing with youth that have multiple problems, are younger, and



come from single-parent families. An examination of the community characteristics of Black Hawk show poverty, racial inequality, a strong African American presence, and high crime rates relative to the other three jurisdictions. The Jurisdiction had also high levels of babies born to unwed teens, ranking second to Scott.

African American families are seen by the decision-makers in Black Hawk as dysfunctional, most often headed by a teen-age single female and distrustful though not necessarily less cooperative with representatives of the court. The last depiction of African Americans is noteworthy, as it contradicts decision-makers' the explanation for the finding that African Americans were more likely to be referred on at intake than whites. Decision-makers believed this to be the result of African Americans either failing to agree to participate to the conditions of diversion or not appearing for intake meetings. The suggestions for reducing DMC focused on the prevention of delinquency and to a less degree, increased cultural sensitivity among court personnel.

In short, decision making within each of the four jurisdictions, including Black Hawk, is multifaceted and more complex than often portrayed by theory and prior research. As predicted by consensus theory, legal and relevant extralegal considerations, however, account for much of the decision making.

History, structural characteristics of the community and organizational features of the court, as well as ideas and perceptions of decision-makers concerning race, crime, family, and respect for authority also impact decision making and the treatment of minority youth and youth in general, to varying degrees. The effect these factors have on decision making may differ by jurisdiction, the stage in the proceedings, and the racial group. The findings support the view that an analytic framework must be used that

allows for the discovery of the multiple contexts involved in juvenile justice decision making and the confinement of minority youth.

## *2. Findings from the 2006 Assessment Study*

In late spring of 2004, Michael Leiber met with staff of the Division of Criminal and Juvenile Justice Planning (CJJP) to discuss the possibility of conducting a second assessment of disproportionate minority contact with Iowa's juvenile justice system. His proposal, which was accepted, involved an update of a 1993 Leiber study that required manual collection of data from case files in Black Hawk, Scott, Woodbury and Polk counties. The new study, included Black Hawk, Scott, Linn, and Johnson Counties, and made use of Iowa's Justice Data Warehouse (JDW) and covered juvenile justice activity from 1998 through 2004 (Leiber, Johnson and Fox, 2006).

The sample included 4,400 cases involving delinquent court referrals with 1,100 cases being taken from each of the four jurisdictions. The population studied included a random sample of white youth, with African American youth and judicial disposition cases over-sampled to increase numbers in the study and to assess decision making across the juvenile justice system. Bivariate statistics in the form of crosstabulations and zero order correlations as well as logistic regression with tests for race interactions were used as the statistical procedures for analyses.

Race was discovered to be a statistically significant determinant of the intake decision to refer you on for further court proceedings even after considerations for the relative effects of other extralegal factors and legal variables. Compared to being a white youth, being an African American youth increases the probability of receiving the more severe outcome at intake by +.10. Furthermore, tests for race interaction relationships

with other independent variables and intake decision making revealed one statistically significant joint combination effect. African Americans charged with an alcohol offense increases the likelihood of intake referral relative to all other youth. An examination of the separate models for white and black youth show this relationship between race and alcohol and intake decision making in greater detail. For whites, alcohol impacts the dependent variable in a negative manner by a probability of  $-.24$ , while for blacks the effect is positive and increases the chances of court referral by a probability of  $+.34$ .

Furthermore, race was not a statistically significant predictor of intake decision making involving the outcome of release. Interestingly, being charged with alcohol for a white is statistically significant and increases the likelihood of release by  $+.14$ . No such effect was present for African Americans.

Dependent on the intake decision, legal factors such as prior referrals, the number of charges, crime severity, and offenses involving persons or drugs were statistically significant predictors, and the direction of the effects are what would be expected. For example, the more severe the crime the greater the chances of receiving a recommendation of court referral ( $+.09$ ) and not being released ( $-.04$ ).

It is important to note that females are less likely than males to be referred for further court proceedings by a probability of  $-.09$  once relevant factors are controlled. Decision making at the stages of petition, initial appearance, adjudication and judicial disposition yielded very few race effects and as predicted, legal variables explained to some degree the decision making process (Leiber, Johnson and Fox, 2006).

In short, 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. More specific, African American youth and African Americans charged with an alcohol offense were more likely than whites to be referred for further court proceedings at intake. Overall, these findings parallel those reported by Leiber in 1993.

#### *Studies of Race and Detention Decision Making*

Neither of the two assessment studies examined in detail decision making as related to detention. In fact, the last assessment study by Leiber et al. (2006) did not include detention. To our knowledge there has been only one empirical study conducted that has looked at detention in Iowa. Leiber and Fox (2005) examined detention in Black Hawk. The methodology and findings from Leiber and Fox are described below.

To examine the factors that predict juvenile court decision making cases for the study were selected from juvenile court referrals over a twenty one -year period, 1980 through 2000, from Black Hawk involving youth accused of delinquent behavior. The court cases consisted of a random sample of referrals identified as white (n=3172) and a disproportionate random sampling of African American (n=2382). The weighted sample size used in the research was 5,554.

Detention was first treated as a dependent and later as an independent variable to capture possible indirect effects through the stages of intake, petition, initial appearance, adjudication and judicial disposition. As a dependent variable, initial detention consisted of a youth being detained prior to the intake stage. Overall, a small percent of youth had been held in detention at that point (6%).

A number of the legal and extralegal variables predicted detention and intake decision making (e.g., number of prior referrals, severity of prior disposition, crime severity, age) as does the procedural variable counsel. We also found support for the expectation that race directly, in interaction with other independent variables, and indirectly through detention impacts decision making. For the purpose of clarity, the discussion will be limited to the effects of detention and race on the decision making stages.

Compared to white youth, being African American increased the likelihood of being detained by 5 percent. Estimations for race interaction effects with each independent variable also produced a statistically significant relationship between race and drugs. For whites, participation in drugs had an inverse and non-statistically significant effect on detention. For African Americans, involvement with drugs had a positive and statistically significant effect on the dependent variable and increased the probability of being detained by 10 percent.

While race was not a statistically significant determinant of the decision to refer youth for further court proceedings at intake, detention was. Being detained increased the likelihood of receiving the more severe outcome at intake by 19 percent. Thus, African American youth were more likely than white youth to be referred on for further court proceedings at intake since they were more likely to be detained.

Distinguishing between diversion/further court proceedings and release showed that detention had an inverse effect with intake decision making while race had a positive effect. Being African American increases the chances of being released at intake by

26 percent. Thus, African Americans were both more likely to be referred on intake through detention as well as be released relative to whites. What this also means is that African Americans were less likely to participate in diversion than are similarly situated whites.

There was also evidence of race interaction relationships with family status, involvement in person offenses, and once again, drug offenses and the decision to release. More specific, for whites, being from a single-parent household increased the chances of being released by 6 percent while for African Americans in the same family situation, the chances of being released decreased by 6 percent. Being African American and involved with a person offense decreased the likelihood of receiving a release at intake by 18 percent and for a drug offense by 16 percent. Neither person offenses nor drug offenses were statistically significant predictors of the decision to release for whites.

Although there was no evidence of a race interaction effect with detention on the decision to release, the weight of detention operates differently for whites relative to African Americans. For whites, being detained decreased the probability of being released by 6 percent. For African Americans, being detained decreased the probability of receiving the more lenient outcome by 14 percent. The finding of detention status having a varying impact on decision making by race parallels the results of prior research (e.g., Kempf-Leonard & Sontheimer, 1995).

In short, race directly influenced detention decisions and in combination with participation with drugs impacted not only detention but the decision to be released at intake even after controlling for relevant legal and extralegal factors. Race also in interaction with family status and person offenses influenced intake decision making.

While race was not a predictor of the decision to recommend further court proceedings at intake, it indirectly affected this decision through detention status.

Although complex and not as consistent, the findings at the other stages, for the most part, support those evident at detention and intake. Both detention and race individually, indirectly, and in interaction with one another and other independent variables influenced case proceedings and case outcomes. For petition, for example, neither detention nor race impacted decision making. However, being African American and having a more severe prior referral increased the likelihood of being petitioned by 3 percent relative to all other youth.

At the next stage of the proceedings, detention and race in combination with counsel predicted decision making at initial appearance. The chances of moving on from this stage to adjudication increased by 18 percent for a youth detained. The probability of receiving the more severe outcome at initial appearance increased by 17 percent for African American youth who had no legal representation.

While neither detention nor race had statistically significant additive effects on the adjudication process, the two acted in combination to impact decision making. For whites held in detention, the chances of being adjudicated increased by 13 percent. However, once again corrections for sample bias indicate the factors that predict decision making at initial appearance increased the probability of being adjudicated for African Americans by 19 percent.

The final stage of decision making revealed that detention has a positive statistically significant effect on judicial disposition while race has an inverse effect.

Detention increased the likelihood of receiving an outcome involving a change of placement at judicial disposition by 16 percent. Being African American decreased the probability of receiving the more severe outcome by 18 percent.

### *Summary*

African American youth are overrepresented in Iowa's juvenile justice system and in Black Hawk County. Furthermore, in three studies of decision making in Black Hawk County African American youth were found to be treated differently than their similarly situated white counterpart. More specific, in one study that focused on detention, African American youth were more likely than whites to receive the more severe outcome at detention, initial appearance, and adjudication even after controlling for relevant legal and extralegal criteria and legal representation. Most of the relationships involved interaction effects between being African American with such factors as drug offending, being from a single-parent household, crimes against persons, the severity of the prior referral, and not having counsel. African Americans also moved further through the system because of the impact of detention on decision making at intake, initial appearance, and judicial disposition. Thus, the presence of African Americans in the juvenile justice system, including detention, can be attributed to differential involvement in delinquency, differential selection, and detention, which to some degree, is racially tainted.

The results from this study also reveal a number of complex relationships that sometimes affect whites in a more severe manner such as the association between being white and detention at adjudication. African American youth who were not detained at some point during the proceedings were more likely than white youth to receive the more



lenient outcome at judicial disposition. Although prior research has found race effects to amplify later in the proceedings (e.g., McCarthy & Smith, 1986) there is an abundance of other research that has shown African Americans to receive more severe outcomes earlier in the system (e.g., Pope and Feyerherm, 1992) with later stages involving either no race effects or corrections for bias at previous stages which involve receiving the more lenient outcome (e.g., Leiber, 1994). Additionally, it has been argued that as youth move further into formal court proceedings legal criteria grow in importance which restricts discretion and may result in African Americans receiving less severe outcomes due to the lack of significant evidence to justify the need for greater intervention (e.g., Bishop, 2005). An exception to this point and reported in the study by Leiber and Fox (2005) is the fairly consistent finding that African Americans may also be more likely than whites to receive a change of placement at judicial disposition due to the impact detention has on decision making at this stage.

The results also add further support to the contention that the juvenile justice decision making needs to be viewed as a process and that as many stages as possible should be included in researching the factors that impact case outcomes. The failure to see decision making as a process may result in the inability to capture both the direct and indirect effects of race and detention on decision making.

## Chapter Three

### **The Present Research**

The present study is an assessment of the factors that influence detention decisions and juvenile court proceedings and outcomes in Black Hawk County. Under scoring the need for the study is that with the exception of the Leiber and Fox (2005) study, no research has conducted a detail inquiry into detention decision making in Black Hawk County. Although Leiber and Fox (2005) examined the determinants of detention and the relative impact on juvenile court proceedings, the study collapsed detention and did not differentiate between the three types of detention – non 48 hour hold, detention prior to disposition, and 48 hour hold post disposition – and failed to examine the role probation violation has in detention decision making. This latter omission has been ignored by prior research overall but is believed to play a significant factor in contributing to DMC (Steinhart, 2001).

Research is needed that examines what constitutes the reason for the detention referral and if the kinds of behavior or nonbehavior vary by race. Violations of probation as a justification for detention is increasing, has race implications, and has been relatively neglected (Steinhart, 2001). The impetus for the present research is to fill these voids in the prior research.

In this Chapter, the site, data and sample are described as are the case characteristics. The analysis procedures employed follows and concludes the discussion.

## **Site, Data and Samples**

### *Site*

The regional detention facility is located in the jurisdiction of Black Hawk and opened in late March of 1989. The facility is governed by a 20 county membership commission, which Black Hawk is the largest county, and includes a detention supervisor that handles both pre-adjudicated and adjudicated youth from member and nonmember counties (Thomas, 2003). Until retiring in 2005, the detention supervisor had been overseeing the facility since its inception. Originally built with 15 beds, the facility expanded to 31 beds in 1996 (North East Iowa Detention Center Annual Report, 2004).

Black Hawk County has a population of 130,224 people with persons age 17 and younger constituting 24 percent of the population (Bureau of the Census, 2000). African Americans comprise the largest group of minority youth (11% to 13%). In the largest city (Waterloo) within this county, African American youth make up about 19 percent of all youth (Bureau of the Census, 2000). The present research focuses on youth referred from this county to detention and youth handled within the juvenile court within this county.

### *Data and methods*

Data for the present research come from multiple sources. To examine the factors that predict juvenile court detention and decision making in general cases were selected from: (1) cases resulting in detention from 2003 through 2004 (n=478), and (2) cases that did not involve detention but represented cases referred to juvenile court between 2003 and 2004 involving youth accused of delinquent behavior (n=449).

It is important to note that an attempt was made to identify all cases that resulted in detention during 2003 through 2004. Of the 550 cases identified, 478 or 87% of the cases were located in the search through case files. There is no evidence that the missing 72 cases differed by race.

Thus, the detention cases comprise a nonrandom sample. To ensure the ability to make comparisons between racial/ethnic groups and across decision making stages (i.e., detention to intake to judicial disposition), random sampling of case files was used for whites while disproportionate random sampling was utilized for African Americans. The juvenile court non detained sample was weighted to reflect the general population of cases referred. The sample size used in the present research was 927.

Information from the annual reports compiled by the detention facility and the juvenile court was also used. This data is examined to identify trends in detention use for the period of 1990 through 2004.

### *Independent variables*

Table 3.1 presents the independent variables represented by extralegal (e.g., age), legal (e.g., crime severity), and the procedural variable, legal counsel. The distributions are differentiated by white and African American. The operationalization and inclusion of the variables is based on theory and prior research (e.g., Bishop & Frazier, 1988; DeJong & Jackson, 1998).

At the outset, it is important to point out that few differences exist between whites and African Americans on the variables, including those representing legal factors. The differences will be noted in the context of the discussion of the variables.

Table 3.1. Values and Frequency Distributions of Extralegal and Legal Variables Differentiated by Race

Variables	Value	Total		White		African American	
		(N=927)		(N=509)		(N=418)	
		N	%	N	%	N	%
<b>Independent</b>							
Race	0 white	509	55				
	1 African American	418	45				
Gender	0 male	681	74	365	72	317	76
	1 female	246	26	144	28	101	24
Age (low to high)	mean=	14.76		14.98		14.49	
	std. dev.=	1.91		1.90		1.88	
	range=	7-18		7-18		8-18	
Family status	0 married	204	22	160	31	45	11*
	1 one parent	723	78	349	69	373	89
School attendance <sup>a</sup>							
Attending but problems	0 no	570	61	325	64	245	59
	1 yes	358	39	184	36	173	41
Drop out	0 no	858	92	463	91	395	94
	1 yes	69	8	46	9	23	6
# of prior referrals (low to high)	mean=	3.25		3.03		3.53	
	std. dev.=	3.23		3.22		3.42	
	range=	0-20		0-18		0-20	
Severity prior disposition	0 < than adjudication	527	57	305	60	222	53
	1 adjudication	400	43	204	40	196	47
Court authority	0 no	656	71	358	70	297	71
	1 yes	271	29	151	30	121	29
# of charges (low to high)	mean=	1.75		1.72		1.78	
	std. dev.=	1.39		1.47		1.29	
	range=	1-11		1-11		1-10	
Crime severity (low to high)	mean=	2.15		2.07		2.26	
	std.dev.=	1.53		1.44		1.64	
	range=	1-7		1-7		1-7	

Table 3.1. continued

Variables	Value	Total (N=927)		White (N=509)		African American (N=418)	
		N	%	N	%	N	%
<b>Independent</b>							
<b>Crime type<sup>b</sup></b>							
Property	0 no	539	58	191	38	170	41
	1 yes	388	42	318	62	248	59
Person	0 no	749	81	441	87	314	75
	1 yes	178	19	68	13	104	25
Drugs	0 no	738	80	386	76	352	84*
	1 yes	189	20	123	24	66	16
Counsel <sup>c</sup>	0 yes	447	48	220	43	227	54*
	1 no	480	52	289	57	191	46

<sup>a</sup> Dummy variables, reference category attending school, no problems. After intake, school variables are collapsed into school problems (0=no, 1=yes) due to small number of drop outs as cases move through stages.

<sup>b</sup> Dummy variables, reference category other (e.g., disorderly conduct, etc.)

<sup>c</sup> Yes category includes retained and appointed

\*Cross tabulations reveal statistical significant association ( $p \leq .01$ ).

A significant majority of the respondents were white (55%), male (74%) and approximately 15 years of age. Family living status was defined as a two-parent household versus a one-parent household. Seventy-eight percent of the sample resided in households with one parent present. African American youth are more likely than white youth to report coming from this type of family (89% compared to 69%). Although African Americans have been found to be overrepresented in the juvenile court previously (Leiber and Mack, 2003), the percentages are quite high and most likely reflect the nature of the sample (i.e., detained youth). School status was measured by two dummy variables: attending but problems and not attending. The reference category was

attending school. For both whites and African Americans, most attend school and without problems being noted.

Three measures of the juvenile's previous legal history included the number of prior contacts with the juvenile justice system (interval), the severity of the prior referral (less than adjudication =0, adjudicated =10 and whether the youth was under court authority at the time of the current referral (no =0, yes =1). Characteristics of the current offense were the number of charges against the youth (interval), the seriousness of the offense (interval) and the type of delinquency. Because of the theoretical importance of offense type in juvenile justice decision-making (e.g., Sampson & Laub, 1993) and results from prior research (Johnson & Scheuble, 1991), dummy variables were created to distinguish between property, person, and drug offenses. Referrals consisting of disorderly conduct, resisting arrest, etc., comprised the reference category.

Although detained youth are part of the sample, most cases were still classified as misdemeanors and involved property crimes. Only nineteen percent and twenty percent of the sample were charged with a person offense or a drug offense, respectively. In terms of race, whites indicate a greater percentage for drugs (24%) than African Americans (16%). Although African Americans are somewhat higher for referrals involving person offenses than whites (25% compared to 13%), a statistical significant association was not found. No substantial difference exists between the two racial groups for property offending. Overall, the offenses reflect national aggregate arrest statistics (Snyder & Sickmund, 1999) and are somewhat limited in severity.

Although limited research exists on the topic, it has been found that most youth in the juvenile justice system are not represented by legal counsel and when representation

is present, the majority of youth have a public defender or a court appointed attorney (e.g., Feld, 1988). Research has also shown that irrespective of the severity of the offense, youth with counsel receive more severe sanctions than those without an attorney (e.g., Bortner, 1982; Feld, 1988; 1989) and this relationship may be conditioned by the race of the youth (Guervara, Spohn, and Herz, 2004). Because of the lack of research in this area and the possibility that legal representation may influence case processing and outcomes, it is included in the analysis (court appointed/privately retained =0, no counsel =1). Most likely the result of the sample, more youth had some form of legal counsel than expected (48%) but most did not. Interestingly, African Americans are reported to be more likely than whites to have some form of legal counsel (54% compared to 43%).

#### *Dependent variables*

Following the suggestions of Pope and Feyerherm (1992), decision-making in the juvenile justice system was viewed as a process consisting of many successive stages rather than simply one or two discrete decisions. Each of the five stages examined constitute a dependent variable, with the most severe decision outcome representing the reference category for analysis purposes. The distributions are presented in Table 3.2.

Detention is represented by: Non 48 hour hold or what is referred here as a crime detetention, adjudicated pending disposition, and 48 hour hold. Of the detentions, most can be classified as non 48 hour holds (55% of those detained), followed by 48 hour holds (26%) and those detained who were adjudicated and awaiting disposition (18%). To allow for the assessment of possible indirect relationships, that is, if race is working through detention and detention in turn is impacting other stage in the proceedings, detention will also be included in other equations as an independent variable.



Table 3.2. Values and Distribution of Decision Making Stages (N=927)

Variables	Value	N	%
<b>Dependent</b>			
<b>Detention<sup>a</sup></b>			
Non 48 hour hold (Crime detention)	1 yes	249	55
	(incidents)	325	56
<b>Adjudicated pending</b>			
disposition (court violation)	1 yes	83	18
	(incidents)	95	16
48 Hour hold	1 yes	117	26
	(incidents)	164	28
Intake	0 release	132	14
	1 diversion	267	29
	2 refer to court	528	57
Petition	0 no	73	14
	1 yes	455	86
Adjudication	0 no	88	20
	1 yes	367	80
Judicial disposition <sup>b</sup>	0 community	119	30
	1 out of home placement	282	70
	0 community	119	30
	1 out of home placement	165	41
	2 48 hour hold	117	29

<sup>a</sup> Treated as both an independent and dependent variable. Percent represents “of those detained”. Later in the analysis, detention is redefined as intake detention (0, no=740 and 1, yes=187).

<sup>b</sup> Difference from adjudication to judicial disposition reflects 34 youth waived to adult court which is included in out of home placement.

Intake was measured by release, diversion or informal adjustment and referral to court. The most common outcome at intake was referral to court (57%), followed by diversion (29%), and release (14%). Again, due to the nature of the sample, a larger percentage of youth are receiving court referral than is what is common in this jurisdiction where participation in diversion is the norm (Leiber, 2003). It is important to point out that 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 (86%) were petitioned.

Normally, initial appearance would be next stage in the proceedings. However, due to a lack of variation in this outcome – most youth did not receive a consent decree (98%), this decision making stage was not included in the analysis. The lack of variation most likely reflects the nature of the samples studied.

Next, the adjudication stage is operationalized as dismissed and as the adjudication of delinquency. Eighty percent of the cases reaching this stage were adjudicated delinquent.

In the present research, youth transferred to adult court were included within the definition of judicial disposition (see also, Bishop & Frazier, 1988). Judicial disposition was first defined as an outcome that resulted in a change of placement (e.g., training school, residential facility, group home, detention) or transfer to adult court versus

probation and/or treatment within the community. Seven percent of the youth at this stage received a disposition involving a change of placement/transfer to adult court. Judicial disposition was also measured by differentiating between community-based corrections, out of home placement, and a 48 hour hold to fully capture the factors that influence this decision making stage.

#### *Analysis procedures*

The first step in the analysis is to examine the type and length of detention, followed by the reason for the detention, and the characteristics of those youth not detained to those detained. Each of these will be differentiated by race. Next, trends in the use of detention and the factors, including race, associated with detention are assessed.

The next step involves the use of multivariate procedures in the form of logistic regression and binomial regression to determine the predictors of detention and decision making at intake, petition, adjudication, and judicial disposition. Logistic and binomial regression allow 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 such as age, are taken into account race should not explain decision making. Accordingly, 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 recommended for petition, 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.

In addition to estimating additive models for each dependent variable, separate models for each racial group will be 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. Coefficient comparison tests involving z scores were performed to examine the presence of race interaction effects (e.g., Paternoster et al., 1998).

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 at the minimum something exists that is working to disadvantage of one racial group relative to another.

Logistic regression coefficients by themselves do not lend to the interpretation of what impact an individual variable (race, crime severity, etc.) has on a dependent variable (decision making). To allow for the comparison of the relative effect of each variable on decision making, the odds ratio will be interpreted to examine and compare the magnitude of the effect. Ideally, factors such as crime type, crime severity, etc. should increase the odds of receiving an outcome more than race/ethnicity net the effects of legal and extralegal considerations on decision making. With some exceptions which will be discussed in the forthcoming analysis, the results from zero-order correlations and from the collinearity diagnostic statistics revealed acceptable levels of shared correlation among variables (Belsley et al., 1980).

In the present study, control for sample selection bias was not used. That is, the process of excluding youth in a systematic manner at various stages may create a more homogeneous population as they move from one point in the proceedings to the next. This occurrence may result in sample selection bias (Berk, 1983). While methods are available to correct for this possibility (Heckman, 1974), Stolenzberg and Relles (1990, p. 408, 413) indicate such techniques may cause additional problems. This is especially true when theory does not strongly indicate the existence of bias or when other important variables are not available for inclusion in equations to correct for the sample selection bias. Multicollinearity is also often a problem in attempting to correct for possible sample selection bias (Bushway, Johnson and Slocum, 2007). In short, while correction for possible selection bias is widely used in the sentencing literature, there are those that question its appropriateness and indicate that it is often misused (e.g., Bushway et al.,

2007; Maguire, 1992; Stolzenberg and Relles, 1990). The justification for exclusion of the hazard rate was based on these concerns.

## Chapter Four

### **An Examination of the Extent and Reasons for Detention**

In Chapter Four, **we analyze the data collected from case files of youth detained in 2003 through 2004** to assess: (1) the extent of use and length of detention, (2) the reason for the type of detention, and (3) the characteristics of youth non-detained and those held in detention. Each of these is also differentiated by the race of the youth. A summary concludes the Chapter.

#### *The extent of use and length of detention*

Table 4.1 presents the bivariate results representing the extent of use, length of detention distinguished by white and African American. As described in Chapter Three and again here in Part A of Table 4.1., we can observe that the non 48 hour hold - youth detained due to be accused of committing a delinquent offense leading to the juvenile court referral and/or prior to adjudication - makes up 55% of the detentions, followed by 26% for 48 hour holds and 18% for a court violation.

Most youth evidence on average one detention. But, depending on the type of detention, anywhere from 13% (court violation) to 29% (48 hour hold) of the youth will experience multiple detentions. For non 48 hour holds, the average length of detention is about 16 days, 12 days for a court violation and almost 2 days for a 48 hour hold.

In part B of Table 4.1., information is provided differentiating the extent and type of detention by race. Cross tabulations failed to show an association between race and each type of detention while Analysis of Variance (ANOVA) did not indicate a mean

difference by race and the length of detention. African Americans, however, are overrepresented.

Table 4.1. Extent, Type and Length of Detention Differentiated by Race

*Part A: Extent*

	Crime		Court Violation		48 Hour Hold		
	N	%	N	%	N	%	
Number	249	55	83	18	117	26	
Number of times detained	1	249	77	83	87	117	71
	2	51	16	9	10	29	18
	3	19	5	2	2	11	7
	4	6	2	1	1	6	3
	5	-	-	-	-	1	1
Length of detention (days)	mean=	16.49		12.25		1.99	
	std.dev.=	18.28		12.59		.08	
	range=	1-120		1-54		1-2	

*Part B: Extent by Race*

	<u>White</u>						<u>African American</u>						
	Crime		Court Violation		48 Hour Hold		Crime		Court Violation		48 Hour Hold		
	N	%	N	%	N	%	N	%	N	%	N	%	
Number (represents total)	164	57	46	16	78	27	161	54	49	17	86	29	
Number of times detained <sup>a</sup>	1	125	76	43	94	51	65	124	77	40	82	66	77
	2	29	18	3	6	14	18	22	14	6	12	15	17
	3	8	5	-	-	7	9	11	7	2	4	4	5
	4	2	1	-	-	5	7	4	2	1	2	1	1
	5	-	-	-	-	1	1	-	-	-	-	-	-
Length of detention (days)	mean=	17.41		14.25		2.00		15.57		10.66		2.00	
	std.dev.=	21.11		13.37		.00		14.93		11.83		.00	
	range=	1-120		1-53		2-2		1-120		1-54		2-2	

Note: Tests failed to show differences by race and each type of detention, and race by length of detention.



<sup>a</sup>Analysis of Variance (ANOVA) revealed differences by race for the number of times detained for court violation ( $F= 3.95$ , significance  $p= .05$ ) and 48 hour hold ( $F=5.59$ , significance  $p= .02$ ).

Differences by race exist for the number of times detained for a court violation and the number of times detained as a result of a 48 hour hold. A closer look of these relationships shows that African Americans are more likely to receive multiple detentions as a result of court violations than are whites. When the detention is a 48 hour hold the relationship is reversed. Whites are more likely to be the subjects of multiple detentions for a 48 hour hold than are African Americans.

Next, detention was collapsed to represent a total detention variable counting those detained only once. In Table 4.2., it is evident that African American youth overall are more likely to be detained at some point than are whites ( $p < .01$ ). Forty-five percent of whites are detained compared to 54% of African Americans.

Table 4.2. Race and Total Detention

Race	Detained			
	No		Yes	
	N	%	N	%
White	285	60	224	50
		55 (% of whites)		45 (% of whites)
African American	193	40	225	50
		46 (% of African Americans)		54 (% of African Americans)

Detained represents total detention for an individual (does not include multiple detentions for a single type of detention).

Cross tabulations revealed a significant association between race and detention (Pearson Chi Square= 9.09,  $p < .01$ ).

*Reason for detention*

In part A of Table 4.3., data is presented that details the reason for a crime detention or a non 48 hour hold and the crime severity. Recall that earlier tests for association failed to reveal a statistically significant relationship between this type of detention and race. A greater percentage of whites, however, are detained for a property offense (46%) and a person offense (29%) compared to African Americans, 39% and 17% respectively, while the latter race group is more likely to be detained than the former for a drug offense (22% v. 13%) and other kinds of activity (e.g., resisting an officer) (22% v. 12%). No differences were found between race and crime severity.

An examination of the use of detention for a court violation by race (part B) indicates that for both whites and African Americans involvement in non-criminal activity make up the primary reason for this type of detention. Sixty-five percent of whites and seventy-three percent of African Americans are detained for non-criminal behavior. There is no difference between whites and African Americans and the chances of being detained for a court violation. Keep in mind that African Americans, however, are overrepresented relative to their presence in the general population and those referred to juvenile court.

Of the 29 youth that were detained due to a crime, whites were likely to be involved in a person offense and other kinds of minor activity. African Americans were more likely to be referred for a court violation detention for property offending and drug offending. Please note that the numbers within each racial group is small, 16 and 13 respectively.

Table 4.3. Reason for Detention, Differentiated by Type and Race\*

*Part A: Crime Detention*

Reason	Detained (N=325)		White (N=164)		African American (N=161)	
	N	%	N	%	N	%
<b>Crime**</b>						
Property	137	42	75	46	62	39
Person	75	23	47	29	28	17
Drug	58	18	22	13	36	22
Other	55	17	20	12	35	22
<b>Severity (low to high)</b>						
Mean=	2.91		2.87		2.96	
Std.Dev.=	1.62		1.50		1.73	
Range=	1-6		1-6		1-6	

*Part B: Court Violation – Adjudication Pending Disposition*

Reason	Detained (N=95)		White (N=46)		African American (N=49)	
	N	%	N	%	N	%
<b>Behavior</b>						
Crime	29	31	16	35	13	27
Noncrime	66	69	30	65	36	73
<b><u>Crime Type</u></b>						
Property	14	27	5	31	9	69
Person	1	3	1	6	-	-
Drug	4	14	1	6	3	23
Other	10	55	9	56	1	8
<b><u>Noncrime</u></b>						
Curfew	37	56	16	53	21	58
School	4	6	2	7	2	6
Restitution	4	6	1	3	3	8
Runaway	4	6	3	10	1	3
Missed appointment	2	3	-	-	2	6
Failed urinalysis	15	23	8	27	7	19
<b>Previously detained</b>						
No	64	67	32	70	32	65
Yes	31	33	14	30	17	35

Table 4.3. Continued

*Part C: 48 Hour Hold – Disposition*

Reason	Detained (N=164)		White (N=78)		American (N=86)	
	N	%	N	%	N	%
Prior Offending						
Court authority						
No	90	55	47	60	43	50
Yes	74	45	31	40	43	50
Prior referrals (low to high)						
Mean=	4.59		4.52		4.65	
Std.dev.=	3.56		3.13		3.94	
Range=	0-17		0-10		0-17	
Crime						
Property	71	43	38	49	33	38
Person	30	18	12	15	18	21
Drug	31	19	17	22	14	16
Other	32	20	11	14	21	24
Severity (low to high)						
Mean=	2.35		2.60		2.13	
Std.Dev.=	1.56		1.44		1.64	
Range=	1-6		1-6		1-6	
Gender						
Male	150	92	69	89	81	94
Female	14	8	9	11	5	6
Age (low to high)						
Mean=	14.59		14.95		14.27	
Std.dev.=	1.60		1.38		1.66	
Range=	9-18		9-18		11-17	
Family structure						
Two parent	42	26	21	27	7	8**
One parent	122	74	57	73	79	92
Previously detained						
No	92	56	50	51	49	57
Yes	72	44	38	49	37	43

\*Tests failed to show statistically significant associations between each detention type and race.

\*\*Tests show statistically significant association.

Note: for 48 hour detention, 60 youth detained as non 48 hour hold and 12 youth detained at adjudication. Eleven youth received 48 hour detention for previously failing urinalysis with 10 of those being African American.

Over half of the youth, both white and African American, detained for a non-crime involved curfew violations. It is important to note, however, that while not recorded many of the youth detained for curfew violations were also involved in other activities, such as missing appointments that led to the detention. Failing urinalysis accounts for about an additional 20 percent of the non-crime violations for both racial groups. The remaining activity is similarly distributed for whites and African Americans among problems associated with school, restitution, running away, and missed appointments.

Thirty-one of those detained for a court violation were also detained previously under a non 48 hour hold. Of those previously detained, white youth made up 14 or 45% of the detentions while African Americans comprised 17 or 55%.

Because justification for the use of a 48 hour hold is rather vague and is primarily up to the discretion of a judge to order, included in the table is background information on extralegal factors such as gender, age, family structure, and prior offending and being detained earlier in the proceedings (part C, Table 4.4).

Some general characteristics of those detained as a result of a 48 hour hold, is the following: a slight majority were not under court authority at the time of the initial court referral; evidence on average over four prior contacts with the juvenile court; involved in a property offense; male; on average 14 and a half years old; come from a single parent home (74%) and were not previously detained (56%).

As with the other forms of detention, no race association is evident with 48 hour holds. Again, African American youth, however, are overrepresented in 48 hour detentions.

An examination of the variables representing prior offending, extralegal factors, and being previously detained also fail to show race differences. There is one exception. African American youth who receive a 48 hour detention are more likely than white youth in a similar situation to come from a single parent household (92% compared to 73%).

#### *Characteristics of non-detained and detained youth*

In Table 4.4., the characteristics of the non-detained and detained samples are provided and differentiated by race within each group. The discussion will first center on differences by non-detained vs. detained, followed by race.

As discussed previously and although overrepresented in both groups, African Americans are more likely to be detained than are whites. Furthermore and relative to the non-detained sample of youth, those detained are: male, on average older, attending school with problems noted, evidence a greater number of prior court referrals, at least adjudicated on the prior disposition, under court authority, have a greater number of charges on the offense leading to the referral, participate in more serious offending and engage in person crimes. Note that the most common crime for both groups, however, is for a property offense.

Comparing the whites and African Americans within each group, reveals a few differences. For the non-detained youth, African Americans are more likely than whites to come from a single parent household and evidence a greater number of prior referrals. In contrast, whites who were never detained proportionately were more likely to be a drop out and have been charged with a drug offense than African Americans.

For those detained, whites are older and less likely to come from a single parent household and be under court authority at the time of the referral than are African Americans. In addition, the reported difference between the non-detained and detained group concerning person offense appears to be driven more by whites than African Americans.

### *Summary*

Although overrepresented in all three types of detention, there was no evidence of race differences in each of the three types of detention studied. When detention is collapsed, African Americans are more likely than whites to be detained.

Of the detentions, non 48 hour holds - youth detained due to be accused of committing a delinquent offense leading to the juvenile court referral and/or prior to adjudication - makes up 55% of the detentions, followed by 26% for 48 hour holds and 18% for a court violation. For non 48 hour holds, the average length of detention is about 16 days, 12 days for a court violation and almost 2 days for a 48 hour hold. No race differences were reported.

African American youth, however, are subject to more multiple court violation detentions than are white youth. Interestingly, this relationship is reversed when the detention is a 48 hour hold where whites are more likely to receive multiple 48 hour hold detentions than are African Americans.

A greater percentage of whites, are detained for non 48 hour holds for a property offense and a person offense compared to African Americans. The latter race group is more likely to be detained than the former for a drug offense and other kinds of activity.

Table 4.4. Values and Frequency Distributions of Background and Legal Variables Differentiated by Non-Detained and Detained and Race

Variables	Value	Non-Detained						Detained					
		Total		White		African American		Total		White		African American	
		(N=478)		(N=285)		(N=193)		(N=449)		(N=224)		(N=225)	
		N	%	N	%	N	%	N	%	N	%	N	%
<i>Background</i>													
Race	0 white	285	60					224	50*				
	1 African American	193	40					225	50				
Gender	0 male	239	50	120	42	119	62	394	83*	195	88	196	88
	1 female	239	50	165	58	74	38	55	13	29	12	29	12
Age (low to high)	mean=	14.69		14.93		14.35		14.83*		15.05		14.61]	
	std. dev.=	2.20		2.19		2.18		1.54		1.46		1.05	
	range=	7-19		7-18		8-19		9-18		9-18		11-18	
Family status	0 married	151	31	119	42	32	16]	56	12*	42	18	14	6]
	1 one parent	327	69	166	58	161	83	393	88	182	82	214	94
School attendance <sup>a</sup>	0 no	343	72	210	74	133	70	226	50*	114	51	111	49
Attending but problems	1 yes	135	28	75	25	60	30	223	50	110	49	114	51
Drop out	0 no	435	89	255	90	180	93]	430	96	215	96	215	96
	1 yes	43	11	30	10	13	7	19	4	9	4	10	4
<i>Legal History</i>													
# of prior referrals (low to high)	mean=	2.09		1.87		2.43]		4.46*		4.52		4.44	
	std. dev.=	2.72		2.68		2.75		3.45		3.23		.24	
	range=	0-15		0-15		0-10		0-20		0-18		0-20	



Table 4.4. continued

Variables	Value	Non-Detained						Detained					
		Total		White		African American		Total		White		African American	
		(N=478)		(N=285)		(N=193)		(N=449)		(N=224)		(N=225)	
		N	%	N	%	N	%	N	%	N	%	N	%
<i>Legal History</i>													
Severity of prior disposition	0 < adjudication	385	81	236	83	149	79	142	32*	69	32	73	32
	1 adjudication	93	19	49	17	44	21	307	68	155	68	152	68
Court authority	0 no	422	90	254	90	168	89	228	51*	102	46	126	57]
	1 yes	56	10	31	10	25	11	221	49	122	54	99	43
#of charges (low to high)	mean=	1.23		1.79		1.29		2.29*		2.38		2.20	
	std.dev.=	.31		.30		.79		1.67		1.85		.10	
	range=	1-10		1-10		1-6		1-10		1-11		1-10	
Crime severity (low to high)	mean=	1.78		1.73		1.85		3.39*		3.45		3.32	
	std.dev.=	1.66		1.63		1.71		2.44		2.44		1.61	
	range=	1-7		1-7		1-7		1-7		1-7		1-7	
<i>Crime type<sup>b</sup></i>													
Property	0 no	278	58	167	59	111	57	260	58	120	55	140	60
	1 yes	200	42	118	41	82	42	189	42	104	45	85	40
Person	0 no	387	83	241	86	156	80	352	78*	165	74	187	81]
	1 yes	81	17	44	14	37	20	97	22	59	26	38	19
Drugs	0 no	373	78	201	70	172	91]	365	81	185	83	180	79
	1 yes	105	12	84	30	21	9	84	19	39	17	45	21

\*\* Difference between non-detained and detained ( $p \leq .01$ ), with exception of person ( $p \leq .05$ ).

] Difference within group by race ( $p \leq .01$ , except for # of priors for race and non-detained and person for race by detained,  $p \leq .05$ ).

Of the 29 youth that were detained under a court violation due to a crime, whites were likely to be involved in a person offense and other kinds of minor activity. African Americans were more likely to be referred for a court violation detention for property offending and drug offending.

Over half of the youth, both white and African American, detained for a non-crime involved curfew violations, followed by failing urinalysis for both racial groups. Thirty-one of those detained for a court violation were also detained previously under a non 48 hour hold. Of those previously detained, white youth made up 14 or 45% of the detentions while African Americans comprised 17 or 55%.

For 48 hour holds, few race differences in prior offending, in the extralegal characteristics and previous detention were found. African American youth who received a 48 hour detention, however, were more likely than white youth in a similar situation to come from a single parent household.

Overall, noticeable differences exist between youth detained and those who never experienced a detention. Detained youth are likely to be older, reside in a single parent home, have a greater number of prior referrals, more severe past disposition, had been under court authority, exhibit a greater number of charges and participate in person offense more so than those not detained. A few differences by race on these characteristics are evident within both the non-detained and detained samples.

Because these results are based on bivariate comparisons we are only presented with a descriptive picture of detention in Black Hawk in 2003 and 2004. Next, we assessed detention in Black Hawk over time to get an idea of trends in usage, the reason for the detention, and the extent race differences may be evident.

## Chapter Five

### **An Examination of the Extent and Reasons for Detention Over Time**

In this Chapter, **information provided by the detention facility was used to examine the use and reasons for detention in Black Hawk County for the years 1990 through 2004.** The analysis is descriptive and is presented through figures to allow for a visual inspection of trends. The Chapter concludes with a summary.

#### *Use of detention*

Figure 1 shows the trends in detention use for the years 1990 through 2004 (located at end of report). The data on the bottom of Figure 1 **were based on the percent of youth referrals to juvenile court that resulted in detention.**

An examination of Figure 1, shows a slight increase in the use of detention over-time with a stabilizing effect from about 2000 through 2004. For example, in 1990, 19 percent of the youth referred to juvenile court from this county resulted in detention. In 1996, the year the detention facility expanded from 15 beds to 31 beds, the percent detained was 17 percent, grew to 19 percent in 1997, and 27 percent in 1998. Thus, following the expansion an increase was evident in the percent of youth held in detention. However, starting with the year 2000, there has been a leveling off in the percent of youth detained with the percentages ranging from 26 percent to 23 percent. While an increase in detention occurred during the 15 year period the increase is rather small ranging from a plus 8 percent to more recently a plus 4 percent. It appears that the rather small number of beds may act as a cap against a significant increase in detention use. In short, detention use is not as linear or pronounced as one would have anticipated given national

trends concerning an overreliance on detention; often resulting in overcrowding (Wilson, Lipsey & Soydon, 2003).

In the top half of Figure 1, information is presented that details white and African American youth involvement with detention. **The data is based on the percentage of those detained** . Information was not available in the early 1990s for the number of court referrals by race to use as the base for comparison.

As can be seen, African American youth are disproportionately overrepresented in detention but the overrepresentation, with an exception, has not grown over time. In 1990, African Americans made up 54 percent of the detention population; 60 percent in 1992 and 1995; the mid to high 40 percent range from 1996 through 1999; 53 percent in 2000, 44 percent in 2003 and 54 percent in 2004. Since a relatively significant decrease in 2002, African Americans in detention show a significant increase in 2003 and 2004 even surpassing whites, who as a group evidenced a decline, in terms of the percent within a racial group to be detained. Recall that in 1990, African Americans comprised 11 percent of the youth population age 17 and younger. In 2000, they made up 13 percent. Similar to figures across the state of Iowa (Division of Criminal and Juvenile Justice Planning and Statistical Analysis, 2006) and the nation (Bilchik, 1999), African American youth from Black Hawk are overrepresented in secure detention.

#### *Reasons for detention*

Next, we examined whether variation in the reasons for detention admissions may account for the observed findings. Reasons for detention are differentiated by offenses involving property, person, and drugs and court or probation violation, and two day disposition outcomes. The data are presented in Figure 2 (located end of report).

With some exceptions, referrals involving property and person offenses and court violations have been in decline over the years. In 1990 through 1993, property crimes were the number one reason for detention comprising 37 percent to 40 percent of admissions during this time. Starting around 1995, court violations replaced property crimes as the primary reason for detention and although in decline remains as the number two reason for admission until this day. Admissions for court violations have ranged from 40 percent to 22 percent. Unfortunately and even though data documenting the detention admissions for violation of court or probation are often incomplete or absent in many jurisdictions, this finding parallels those nation-wide (Steinhart, 2001). For example, in both Cook County, Illinois, and Multnomah County, Oregon, and before detention reform was implemented, admissions for juvenile probation violators made up 20 to 35 percent of the detentions (Steinhart, 2001: 20).

The dispositional sanction of detention or the two-day hold has been increasing since the legislature allowed for the 48 hour hold. In 2004, it is the most common reason for admission. The dispositional outcome increased from 4 percent in 1996, the year legislation was implemented, as a reason for admission to 18 percent in 2002 to 34 percent in 2004.

The percent of admissions involving crimes against persons has ranged from a high of 26 percent in 1993 to a low of 11 percent in 2003, and in 2004 ranks fourth among the reasons for detention at 13 percent. Surprisingly, drug offenses constitute a relatively small percentage of the reasons for detention and represents somewhere around 7 to 10 percent of the admissions and in 2004 comprised 4 percent.

In short, 48 hour holds make up the largest percentage of detention admissions. From 1992 through 2003, detention admissions were driven by court or probation violations, now the second most common reason, followed by property offenses and crimes against persons. Drug offenses represent a relatively small percentage of the admissions for detention.

*Reasons for detention by race*

Official statistics and to some extent self-report surveys reveal that African Americans commit more serious crime and are more persistent offenders than are whites (e.g., Hawkins, 2003; McNulty & Belliar, 2003; Pope & Snyder, 2003). Accordingly, if African American youth commit more serious crime this should increase their likelihood of being detained since along with other factors participation in serious crime may lead to perceptions that the youth may be dangerous which is generally viewed as a major criterion for detention.

In addition, despite evidence that shows few differences in drug offending, an imagery of the African American as a drug user and drug pusher has been created that has resulted in their overrepresentation in both the juvenile and criminal justice systems (e.g., Chambliss, 1995; McGarrell, 1993; Miller, 1996). More specific, Snyder (1990) has shown that arrests for drug offending led to increases in the use of detention for African American youth across the country (see also, Justice Policy Institute, 2002; McGarrell, 1993). Finally, the increase use of court or probation violations as a justification for detention appears to have also contributed to African American overrepresentation in detention (Feyerherm, 2000; Hoytt et al., 2002). Thus, we examined trends in detention

by race in further detail to see if the overrepresentation of African American youth can be accounted for by the reason for admission.

Figure 3 presents trend data for property admissions for detention by race (located at end of report). Compared to African Americans, a much larger percent of whites detained are for property offenses. The racial gap remains steady through most of the 1990s, closes in 2000, widens in 2001 and 2003, and closes again in 2002 and 2004. In 1990, the percent of whites detained for property admissions was 48 percent and, for the most part, has steadily declined to a low of 17 percent in 2004. Although a relatively similar decline is evident for African Americans, especially from 1994 through 1999, the percent of African Americans detained for property crimes has not been as drastic ranging from a high of 29 percent in 1993 to a low of 9 percent in 2003.

Detention as a result of crimes against a person is detailed in Figure 4 (located at end of report). Although smaller than that reported for property offending and not as continuous over time, and may even vary a bit more by the time-period, a racial gap is evident. Relative to whites, for example, a larger percent of African American youth detained was for person offenses in 1990, and in 1992 through 1994 and again in 2001 through 2004. The racial gap was almost nonexistent from about 1995 through 2000. Thus, admissions for person offenses account for some of the African American overrepresentation in detention in the early 1990s and in the first part of the decade of 2000. But, keep in mind that admissions to detention as a result of person offenses overall ranked fourth of the reasons for placement (Figure 2).

The most glaring racial gap in the reason for admission to detention is for drug crimes (Figure 5, located at end of report). For the most part, the racial gap persists

throughout the 1990 – 2004 time-frame. The exception is in 2001. Relative to whites, the most significant contributor to blacks being disproportionately detained is involvement in drug offending. In 1991, 13 percent of African American youth detained were charged with drug crimes compared to 3 percent of the whites. In 1997, the percentages were 14 percent for blacks and 4 percent for whites. In 1999, the percentages were 18 percent for the former racial group and 7 percent for the latter racial group. In 2004, 11 percent of African Americans detained were for a drug offense compared to 3 percent for whites. Keep in mind that drug offenses represent about 7 to 10 percent of detention admissions.

Figure 6 provides information on detention by court violations (located at end of report). Although not as wide of a gap as for drug admissions, a racial difference between African Americans and whites is evident. With some exceptions, African Americans made up a larger percent of the detention admissions for court violations than whites. The racial gap was especially apparent in the early 90s and again in the latter part of the 90s and 2001 through 2003. In 2004, the percent of whites detained for a court violation surpassed the percent of African Americans (27% compared to 22%). Similar to drug offenses and to some degree, person offenses, until recently, being detained for court violations also contributed to the minority overrepresentation in detention.

Detention for a two day disposition or the 48 hour hold from 1996 through 2004 is presented in Figure 7 (located at end of report). Recall that this type of detention has been increasing and represented the most common reason for detention (Figure 2). Compared to the other reasons for detention, the racial gap is pretty narrow with African Americans constituting a larger percentage in 1999 through 2001 and again, in 2003.



Whites comprised a larger percent in 1998, 2002 and in 2004. In 2004, the percent of whites detained for a 48 hour hold was 27 percent whereas the percent of African Americans was 22 percent.

### *Summary*

Overall, an examination of the trends from 1990 through 2004 reveals that the primary reasons for detention admissions for whites are court violations, followed by property crimes, and person offenses. For African Americans, it is court violations, crimes against persons and property offenses. The biggest racial gap in admissions over time, however, is admissions for drug offending. These findings provide some insights into the reasons for admissions, trends over -time, and the minority overrepresentation in detention during the 1990s and the early part of this decade.

## Chapter Six

### **The Influence of Legal and Extralegal Factors on Detention Decision Making**

Up to this point, the analysis has focused on descriptive information that provides us with a picture of the use of detention in Black Hawk. In this Chapter, results are presented from examining the factors that explain each type of detention decision making once multiple variables are considered. A summary section is provided at the end of the Chapter.

#### *Factors predictive of crime detention*

Table 6.1. provides the logistic regression results for detention due to a crime prior to adjudication or what is referred to as a non 48 hour detention. In column 1, it is evident, as in the bivariate analyses, that race by itself is not a determinant of this type of detention. Tests for race interactions with each independent variable and the dependent variable (crime detention), however, yielded evidence of race acting in relationship with age, family structure, being a drop out, and drug and property offending.

Comparing column 2 and column 3, age is a significant predictor for whites but not African Americans. Being older and white increases the odds of this type of detention by .34 or 34 percent. Although statistically significant for both whites and African Americans, coming from a single parent household has a relatively stronger impact for the latter group and the likelihood of being detained (seven times greater than a similarly situated white). Being a drop out impacts detention decision making differently for each racial group. For whites, not attending school decreases the odds of detention by .24. For African Americans, being a drop out has no statistically significant

relationship with the dependent variable. We can also see that youth charged with a property offense inversely impacts the detention decision for whites while having no influence for African Americans. A white involved in a property offense decreases the likelihood of being detained by 60% relative to an African American charged with a similar offense. Likewise, a white participating in a drug offense is less likely to be held in detention than a similarly situated African American. More specific, a white drug offender decreases his or her odds of being detained by 66% relative to an African American drug offender.

While race acts in combination with several variables to affect detention decision making, so too do most of the legal variables, such as crime severity and the number of charges. Overall, most of the variables influence detention decision making in the anticipated direction; that is, a more severe crime, for example, increases the odds of being detained, etc.

#### *Factors predictive of detention due to court violation*

The determinants of detention due to a court violation are presented in Table 6.2. Before the results are discussed, three things need to be addressed. First, due to the small number of drop outs (N=14) at this stage in the proceedings, adjudicated pending disposition, the school variables were collapsed to represent no school problems noted (N= 163,coded 0) and school problems (N= 207,coded 1). Second, after an initial run of a regression equation and the discovery that not only was the behavior involving a crime or another court violation strongly statistically significant with the detention decision, the model appeared to be unstable. The variable behavior lacked variation as all but one

Table 6.1. Logistic Regression Coefficient Results for Detention Due to Crime

Variable	Full Model (1)	White (2)	African American (3)
<i>Background</i>			
Race	.03 <sup>a</sup> (1.03)		
Gender	-.29 (.75)	-.09 (.92)	-.08 (.92)
Age	.09 (1.10)	<b>.20**</b> (1.34)	-.01] (.99)
Family structure	<b>1.01**</b> (2.72)	<b>.69*</b> (2.02)	<b>2.21**]</b> (9.11)
Attend school but problems	.11 (1.13)	.28 (1.32)	-.05 (.95)
Drop out	-.65 (.52)	<b>-1.44*</b> (.24)	.09] (1.09)
<i>Legal History</i>			
#prior referrals	.03 (1.03)	.06 (1.06)	-.01 (.99)
Severity of prior disposition	<b>.87**</b> (2.39)	<b>.70*</b> (2.02)	<b>.95**</b> (2.59)
Court authority	<b>.60**</b> (1.82)	<b>.86**</b> (2.37)	.45 (1.57)
#charges	<b>.45**</b> (1.57)	<b>.43**</b> (1.53)	<b>.54**</b> (1.71)
Property	<b>-.42**</b> (.66)	<b>-.92*</b> (.40)	-.17] (.84)
Person	.25 (1.28)	.65 (1.91)	-.26 (.77)
Drug	-.15 (.86)	<b>-1.09**</b> (.34)	.63] (1.88)
Crime severity	<b>.33**</b> (1.39)	<b>.37**</b> (1.45)	<b>.41**</b> (1.50)
<i>-2 Log Likelihood</i>	762.93	366.85	364.22

<sup>a</sup>Logistic regression coefficient, odds ratio ( ).

Note: ] tests using coefficient comparisons revealed a weak but statistically significant difference at  $p < .05$  for family structure (z score= 2.02) and drugs (zscore= -2.00) and at  $p < .01$  for age (z score= 2.36), drop out (zscore= -3.72) and property (zscore= -3.36).

\*\*  $p < .01$ , \*  $p < .05$

Table 6.2. Logistic Regression Coefficient Results for Detention Due to Court Violation Differentiated by Race (Adjudicated Pending Disposition)

Variable	Full Model (1)	White (2)	African American (3)
<i>Background</i>			
Race	.01 <sup>a</sup> (1.01)		
Gender	-.98 (.37)	-1.09 (.34)	-.79 (.45)
Age	-.10 (.90)	-.18 (.84)	.02 (1.02)
Family status	.73 (2.07)	1.16 (3.18)	1.46 (4.29)
School problems	.24 (1.27)	-.39 (.68)	.59 (1.81)
<i>Prior Legal History</i>			
#Prior referrals	.01 (1.01)	.03 (1.03)	.03 (1.03)
Severity of prior disposition	.11 (1.11)	.42 (1.52)	-.07 (.93)
Court authority	.62 (1.86)	-.24 (.77)	<b>1.26*</b> (3.54)
#Charges	.12 (1.13)	<b>.33*</b> (1.39)	.07 (1.07)
Crime severity	-.13 (.88)	-.27 (.77)	-.07 (.93)
Property	.59 (1.79)	-.16 (.85)	1.24 (3.45)
Person	.63 (1.88)	<b>1.89*</b> (6.60)	-.34 (.71)
Drugs	.29 (1.34)	.06 (1.06)	.30 (1.14)
<i>Prior Detention</i>			
Detained	<b>-.62*</b> (.54)	<b>-1.57**</b> (.21)	-.70] (.49)
-2 Log Likelihood	286.42	114.42	145.94
N=	306	139	167

<sup>a</sup>Logistic regression coefficient, odds ratio ( ).

Note: Examination of the distributions for the behavior that led to this type of detention revealed a lack of variation. Of the youth who had a violation only one was not detained. Thus, this variable was omitted from the model.

] tests using coefficient comparisons revealed a statistically significant difference at  $p < .01$  for prior detention (z score= -2.51).

\*\*  $p < .01$ , \*  $p < .05$

person was not detained. Thus, this variable was dropped from the analysis. Finally, detention is included as an independent variable and represented youth who were not previously subjected to a non48 hour detention (coded 0) and those previously detained (coded 1).

In column 1, we can see that race does not have a direct influence on detention due to a court violation. It should be pointed out that in the models where behavior was the dependent variable, race was also not discovered to be a statistically significant predictor (not shown).

One race interaction, however, was found to impact this type of detention. Relative to similarly situated African Americans, whites previously detained decreased the odds of being detained by 79 percent.

In short, youth that participate in a crime or non crime violation strongly influences the likelihood of this type of detention. Being white and previously detained decreases the odds of being detained pending disposition. Overall, the models are a bit shaky and produce evidence of very few statistically significant determinants of detention due to a court violation being adjudicated and pending judicial disposition.

#### *Factors predictive of 48 hour hold*

Since there is a tremendous amount of discretion involved in a judge ordering a 48 hour hold and criteria overall is vague, the analyses was preformed with background or extralegal factors, prior legal history variables, prior detention and the behavior that led to a detention at adjudication but pending disposition included in the model. It is important to note that adjudication detention was initially part of the regression equation but results revealed multicollinearity with the behavior that resulted in the detention.

After exchanging the detention variable and the behavioral variable in and out of the models, a decision was made to omit the detention variable and keep the variable representing the behavior in the model to address the problem of multicollinearity. The results with the detention variable and without the behavior variable paralleled those with the latter in the model and the former excluded.

Table 6.3. provides the logistic regression results for understanding the factors predictive of detention post judicial disposition (48 hour hold). Similar to the models estimating detention after adjudication pending disposition few individual statistically significant relationships with the 48 hour hold are evident.

Race does not have a direct effect on the dependent variable but operates in conjunction with gender and prior referral. For example, the effects of gender on detention decision making is specific for African Americans. In column 3, we can see that being African American and female decreases the odds of detention by 88% compared to African American males and white males and females. Whites with a greater number of prior court referrals decreases the odds of a 48 hour hold detention by 22% relative to similarly situated African Americans.

Interestingly, youth with more severe crimes at the time of the court referral, those previously detained, and youth without counsel decreases the odds of a 48 hour hold detention. None of these relationships differ by statistically by race.

Table 6.3 Logistic Regression Coefficient Results for Detention Post Judicial Disposition (48 Hour Hold)

Variable	Full Model (1)	White (2)	African American (3)
<i>Background</i>			
Race	.27 <sup>a</sup> (1.31)	-	-
Gender	-.52 (.59)	.27 (1.31)	<b>-2.14*</b> (.12)
Age	<b>-.24*</b> (.79)	-.03 (.97)	-.20 (.82)
Family structure	-.23 (.79)	-.87 (.42)	.27 (1.31)
Attending school but problems	-.07 (.93)	.50 (1.65)	-.56 (.57)
<i>Prior Legal History</i>			
#prior referrals	-.09 (.92)	<b>-.25**</b> (.78)	.03] (1.02)
Severity of prior disposition	.62 (1.85)	.58 (1.78)	.71 (2.03)
Court authority	-.33 (.72)	-.02 (.98)	-.79 (.45)
#Charges	.01 (1.08)	.05 (1.05)	-.15 (.86)
Property offense	-.06 (.94)	.05 (1.05)	-.51 (.60)
Person offense	.25 (1.28)	.27 (1.31)	-.09 (.80)
Drug offense	.30 (1.35)	1.52 (4.58)	-.22 (.80)
Crime severity	<b>-.22*</b> (.80)	.02 (1.01)	-.24 (.78)
<i>Prior Detention</i>			
Detained	<b>-2.13**</b> (.12)	<b>-2.27**</b> (.10)	<b>-2.46**</b> (.08)
Behavior	-.60 (.55)	-.18 (.84)	-1.27 (.28)



Table 6.3. continued

Variable	Full Model (1)	White (2)	African American (3)
<i>Counsel</i>			
Attorney	<b>-2.44**</b> (.09)	<b>-2.15*</b> (.12)	<b>-3.13**</b> (.04)
-2 Log Likelihood	283.92	123.40	134.27
N	362	160	202

<sup>a</sup>Logistic regression coefficient, odds ratio ( ).

Note: Due to a lack of variation in drop out (too few cases dropped out) at this point, the variable was omitted.

] test using coefficient comparisons revealed statistical significant difference at  $p < .01$  for gender (z score= -3.92) and #prior referrals (z score= -5.37).

\*\*  $p < .01$ , \*  $p < .05$

*Summary*

Results from the use of multivariate logistic regression reveal that race appears to have contextual effects with a number of legal and extralegal variables. These joint or interaction relationships operate to increase the likelihood of detention but also decrease the odds of this occurring. For example, for non-48 hour holds or detention due to a crime prior to adjudication, African Americans from single parent homes significantly increase the likelihood of this type of detention. On the other hand, being older increases the chances of detention for whites. Being white also in combination with being a drop out or participating in either a property offense or a drug offense decreases the odds of detention.

The decision to detain for a court violation for youth adjudicated and pending disposition is impacted most by an actual crime or another type of court violation. Race was found to influence the decision making process but in a direction that reduces the likelihood of this outcome. That is, being white and previously detained reduces the chances of this type of detention compared to a similar African American.

Race does not have a direct effect on the decision to order a 48 hour hold detention but does act in conjunction with gender and prior referral. Being African American and female decreases the odds of detention while whites with a greater number of prior court referrals decrease the odds of a 48 hour hold detention.

In all three types of detention studied, legal variables and to some extent, extralegal factors, such as age or coming from a single parent home, are statistically significant predictors of detention proceedings. But, overall and especially for detention after adjudication pending disposition and the 48 hour hold detention, few individual statistically significant relationships are evident.

## Chapter Seven

### **Detention and Its Impact on Juvenile Court Proceedings**

In this Chapter, an assessment is made of the factors, including detention, that predict decision making at intake, petition, adjudication, and judicial disposition. A summary section is provided at the end of the Chapter.

#### *Factors predictive of initial detention*

Although we analyzed the predictors of the three types of detention in the previous chapter, there is a need to examine what factors predict detention prior to intake. Recall that what was referred to as a crime detention or non 48 hour hold captured detention from the initial referral up to being adjudicated. Here, the detention measure counts only youth detained prior to or at intake. This type of measurement should allow for a better assessment of the possible indirect relationship race and detention may have with decision making at other stages in the proceedings. These results are presented in Table 7.1.

In column 1, it is evident that race has a positive statistically significant relationship with the decision to detain. Being African American increases the likelihood of detention by 95%.

Being male, coming from a single parent home, evidence of a greater past contact with the system, under court authority and charged with a more severe crime increase the chances of detention. Conversely, having school problems, involved in a property and drug offense decrease the likelihood of detention.

Table 7.1. Logistic Regression Results for Detention

Variable	Full Model (1)	White (2)	African American (3)
<i>Background</i>			
Race	<b>.67<sup>***</sup></b> (1.95)		
Gender	<b>-.93<sup>**</sup></b> (.39)	-.68 (.51)	<b>-.84<sup>*</sup></b> (.43)
Age	-.01 (.99)	.11 (1.12)	-.02 (.98)
Family structure	<b>.87<sup>**</sup></b> (2.40)	<b>.50</b> (1.65)	<b>1.60<sup>**</sup></b> (4.96)
Attend school but problems	<b>-.50<sup>**</sup></b> (.60)	-.30 (.74)	<b>-.80<sup>**</sup>]</b> (.45)
Drop out	-.45 (.64)	.18 (1.21)	-.09 (.52)
<i>Legal History</i>			
#prior referrals	<b>.09<sup>**</sup></b> (1.09)	<b>.15<sup>**</sup></b> (1.16)	.05 (1.05)
Severity of prior disposition	.35 (1.42)	.64 (1.90)	.09 (1.10)
Court authority	<b>.74<sup>**</sup></b> (2.01)	.51 (.60)	<b>1.05<sup>**</sup></b> (2.85)
#charges	<b>.27<sup>**</sup></b> (1.31)	<b>.27<sup>**</sup></b> (1.31)	<b>.33<sup>**</sup></b> (1.40)
Property	<b>-.70<sup>**</sup></b> (.50)	<b>-1.48<sup>**</sup></b> (.23)	<b>-.46]</b> (.63)
Person	-.11 (.90)	.59 (1.81)	<b>-.88<sup>*</sup></b> (.42)
Drug	<b>-.66<sup>*</sup></b> (.86)	<b>-1.41<sup>*</sup></b> (.24)	<b>-.32]</b> (.73)
Crime severity	<b>.41<sup>**</sup></b> (1.51)	<b>.34<sup>**</sup></b> (1.41)	<b>.42<sup>**</sup></b> (1.52)
N=	927	451	486
-2 Log Likelihood	697.87	285.87	376.65

<sup>a</sup>Logistic regression coefficient, odds ratio ( ).

Note: detention, 740 no detention, 187 detained.

] tests using coefficient comparisons revealed a statistically significant difference at  $p < .01$  for attending school but problems (z score= -2.42), for property (z score= -3.49) and drug (z score= -3.79).

\*\*  $p < .01$ , \*  $p < .05$

An examination of the models for whites (column 2) and African Americans (column 3) show that statistically significant differences exist by each racial group in the factors that influence the decision to detain. For whites, involvement in both property and drug offending decrease the chances of detention by odds of .77 and .76, respectively. The effect of having school problems observed with the dependent variable in the full model (column 1), appears to be conditioned by being African American. For African Americans having school problems decreases the odds of detention by .26.

*Factors predictive of intake decision making*

Multinomial logistic regression is used since intake is differentiated between three nominal outcomes: release, diversion or informal adjustment, and referral to court. The equations were modeled first without detention (Table 7.2.) followed by detention included (Table 7.3). This method allows for greater insights into the possible interrelationship between race and detention with intake decision making.

A look at race across the models reveals that race is not a predictor of the decision to refer to court relative to release (column 1). Race, however, is inversely related to the decisions to refer to court (column 4) and release (column 7) compared to diversion. That is, African Americans are less likely to participate in diversion compared to being referred to court. In addition, African Americans are less likely to participate in diversion relative to being released.

In Table 7.3., the race relationship with diversion and court referral disappears once detention is included into the model (column 4) while the race effect involving release compared to diversion remains. The disappearance of the race effect is tied to the relationship with detention. Rather than race, detention is now predictive of the decision

to refer to court versus participation in diversion (see bottom of table, column 4). This finding indicates that since race was predictive of detention and detention, in turn, is a determinant of the intake decision to refer to court, an indirect effect between race, detention and intake decision making is present.

Youth that are detained decreased the odds of diversion relative to court referral by .96 or 96%. Detention is a strong indicator of intake decision making. Whites who were detained decreased the likelihood of court referral by 33% (column 5). The effect of detention for African Americans was skewed and omitted from the model (column 6). This was caused from a lack of variation in the detention variable involving the outcome of diversion. Not one African American that was detained received diversion but was instead referred to court.

Detention is not predictive of the decision to refer to court relative to release (column 1) but it is a determinant of the decision to release relative to diversion (column 7). Youth who were detained decreased the odds of diversion relative to release by .95.

To allow for equal comparisons for whites and African Americans in the factors that predict intake decision making, the discussion will focus on the remaining results from Table 7.2. This is done because detention had to be omitted from the models for African Americans. Looking at Table 7.2., the findings show that there is also evidence of contextual relationships between race with other independent variables and intake decision making.

Comparing the effects of the severity of the prior disposition for whites (column 2) and African Americans (column 3), it appears that, although weak at  $p < .05$ , African American youth with a more severe prior disposition decreases his or her chances of

release by 66%. Comparing the outcomes of court referral to diversion, being white and from a single parent household reduces the likelihood of participation in diversion than similarly situated African Americans. This is somewhat of a surprising finding because prior research has often found that coming from a single parent home worked more to the disadvantage of African Americans than whites (e.g., Leiber, 2003; Leiber and Mack, 2003; Bishop, 2005).

In general, many of the legal factors and to some extent, extralegal considerations influence intake decision making and most often in the anticipated direction. Gender is one of the extralegal factors that impact the decision to refer youth to court versus participation in diversion (column 4). Being female increases the likelihood of diversion by 64% compared to a similarly situated male.

Table 7.2. Multinomial Logistic Regression Results for Intake Decision Making – (Without Intake Detention)

Variable	Court Referral Compared to Release			Court Referral Compared to Diversion			Release Compared to Diversion		
	Full Model (1)	White (2)	African American (3)	Full Model (4)	White (5)	African American (6)	Full Model (7)	White (8)	African American (9)
Race	.23 (1.25)			<b>-.49*</b> (.61)			<b>-.71**</b> (.49)		
Gender	.37 (1.45)	.15 (1.59)	.45 (1.57)	<b>.49*</b> (1.64)	.45 (1.56)	.43 (1.54)	.12 (1.13)	.30 (1.35)	-.02 (.83)
Age	.09 (1.09)	.17 (1.19)	.03 (1.03)	-.11 (.90)	-.03 (.97)	.15 (.86)	<b>-.19**</b> (.82)	<b>-.20*</b> (.82)	<b>-.18*</b> (.82)
Family structure	<b>-.61*</b> (.54)	<b>-.78*</b> (.46)	-.36 (.70)	<b>-1.04**</b> (.35)	<b>-1.39**</b> (.25)	-.31 (.74)	-.43 (.65)	-.61 (.54)	.05 (1.05)
Attending school but problems	-.32 (.72)	.06 (1.06)	-.57 (.56)	<b>-.48*</b> (.62)	-.31 (.73)	-.58 (.56)	-.16 (.85)	-.37 (.69)	-.02 (.98)
Drop out	<b>1.21**</b> (3.34)	<b>1.15*</b> (3.16)	<b>1.32*</b> (3.74)	.22 (1.25)	.22 (1.23)	.20 (1.22)	<b>-.98**</b> (.37)	<b>-.94*</b> (.39)	1.12 (.33)
# of prior referrals	-.01 (.99)	<b>-.15*</b> (.86)	.07 (1.07)	<b>-.17**</b> (.84)	<b>-.21**</b> (.81)	-.15 (.86)	<b>-.16**</b> (.85)	-.06 (.94)	<b>-.23**</b> (.80)
Severity prior disposition	<b>-.77**</b> (.46)	-.61 (.55)	<b>-1.08**]</b> (.34)	<b>-2.07**</b> (.13)	<b>-2.03**</b> (.13)	<b>-2.34**</b> (.10)	<b>-1.30**</b> (.27)	<b>-1.43**</b> (.24)	<b>-1.26*</b> (.29)



Table 7.2. continued

Variable	Court Referral Compared to Release			Court Referral Compared to Diversion			Release Compared to Diversion		
	Full Model (1)	White (2)	African American (3)	Full Model (4)	White (5)	African American (6)	Full Model (7)	White (8)	African American (9)
Court authority	<b>.72*</b> (2.04)	.64 (1.89)	.76 (2.14)	<b>1.61**</b> (5.02)	<b>1.65**</b> (5.24)	<b>1.48*</b> (4.41)	<b>.90*</b> (2.46)	1.02 (2.78)	.72 (2.06)
# of charges	<b>-.59**</b> (.56)	<b>-.36*</b> (.69)	<b>-.91**</b> (.40)	<b>-.97**</b> (.37)	<b>-.79**</b> (.45)	<b>-1.29**</b> (.27)	-.38 (.68)	-.43 (.65)	-.38 (.68)
Crime severity	<b>-.32**</b> (.73)	<b>-.27**</b> (.76)	<b>-.43**</b> (.65)	<b>-.43**</b> (.65)	<b>-.41**</b> (.67)	<b>-.48*</b> (.62)	-.11 (.89)	-.13 (.88)	-.05 (.98)
Property	.07 (1.07)	.03 (1.03)	.06 (1.06)	.02 (1.01)	-.54 (.58)	.44 (1.54)	-.05 (.95)	-.59 (.56)	.37 (1.45)
Person	-.28 (.75)	-.43 (.65)	-.06 (.94)	-.47 (.65)	-.91 (.40)	.12 (1.27)	-.16 (.85)	-.48 (.62)	.18 (1.20)
Drugs	<b>-.80*</b> (.45)	-1.05 (.35)	-.35 (.71)	-.05 (.96)	-.48 (.62)	.12 (1.12)	.75 (2.13)	.57 (1.77)	.46 (1.59)
- 2 Log Likelihood	1113.41	598.57	488.76	1113.41	598.57	448.76	1113.41	598.57	488.76

Note: Regression coefficient, odds ratio ( ).

] tests using coefficient comparison revealed statistically significant difference at  $p < .05$  for severity of prior disposition (z score=2.06) involving referral to release and at  $p < .01$  for family structure (z score=-2.86) involving referral to diversion. Tests failed to yield evidence of significant race differences for model involving release to diversion.

\*\*  $p < .01$ , \* $p < .05$

Table 7.3. Multinomial Logistic Regression Results for Intake Decision Making – (With Intake Detention)

Variable	Court Referral Compared to Release			Court Referral Compared to Diversion			Release Compared to Diversion		
	Full Model (1)	White (2)	African American (3)	Full Model (4)	White (5)	African American (6)	Full Model (7)	White (8)	African American (9)
Race	.27 (1.31)			-.39 (.67)			<b>-.66**</b> (.52)		
Gender	.35 (1.42)	.12 (1.13)	.46 (1.59)	<b>.49*</b> (1.26)	.43 (1.54)	.57 (1.77)	.14 (1.14)	.31 (1.36)	.11 (1.12)
Age	.09 (1.10)	.19 (1.06)	.02 (1.02)	-.10 (.90)	-.01 (.99)	-.17 (.84)	<b>-.19**</b> (.82)	<b>-.20*</b> (.82)	<b>-.20*</b> (.82)
Family structure	<b>-.60*</b> (.55)	<b>-.76*</b> (.45)	-.33 (.72)	<b>-1.01**</b> (.36)	<b>-1.39**</b> (.25)	-.13 (.88)	-.41 (.67)	-.63 (.54)	.20 (1.22)
Attending school but problems	-.35 (.70)	.01 (1.01)	-.62 (.54)	<b>-.58*</b> (.56)	-.40 (.67)	-.73 (.48)	-.23 (.79)	-.40 (.67)	-.10 (.90)
Drop out	<b>1.18**</b> (3.27)	<b>1.12*</b> (3.06)	<b>1.25*</b> (3.48)	.14 (1.14)	.15 (1.16)	-.11 (.90)	<b>-1.05**</b> (.35)	<b>-.97*</b> (.38)	1.36 (.26)
# of prior referrals	-.01 (.99)	<b>-.15*</b> (.86)	.07 (1.07)	<b>-.17**</b> (.84)	<b>-.20**</b> (.82)	<b>-.17*</b> (.84)	<b>-.16**</b> (.85)	-.06 (.94)	<b>-.24**</b> (.79)
Severity prior disposition	<b>-.78**</b> (.46)	-.61 (.55)	<b>-1.06*]</b> (.35)	<b>-2.08**</b> (.13)	<b>-2.04**</b> (.13)	<b>-2.10**</b> (.12)	<b>-1.30**</b> (.27)	<b>-1.43**</b> (.24)	-1.04 (.36)

Table 7.3. continued

Variable	Court Referral Compared to Release			Court Referral Compared to Diversion			Release Compared to Diversion		
	Full Model (1)	White (2)	African American (3)	Full Model (4)	White (5)	African American (6)	Full Model (7)	White (8)	African American (9)
Court authority	<b>.68*</b> (1.97)	.58 (1.78)	-.68 (.51)	<b>1.40**</b> (4.08)	<b>1.62**</b> (5.07)	-1.04 (.35)	.73 (2.07)	1.04 (2.84)	-.36 (.70)
# of charges	<b>-.58**</b> (.56)	<b>-.34*</b> (.71)	<b>-.93**</b> (.40)	<b>-.84**</b> (.43)	<b>-.71**</b> (.49)	<b>-1.00**</b> (.37)	-.26 (.77)	-.37 (.69)	-.07 (.93)
Crime severity	<b>-.31**</b> (.73)	<b>-.26**</b> (.77)	<b>-.51**</b> (.60)	<b>-.39**</b> (.68)	<b>-.38**</b> (.68)	<b>-.33*</b> (.72)	-.08 (.93)	-.13 (.88)	.18 (1.20)
Property	.04 (1.04)	-.05 (.95)	-1.00 (.91)	-.01 (.99)	-.65 (.52)	.32 (1.38)	-.05 (.95)	-.59 (.55)	.41 (1.51)
Person	-.29 (.75)	-.40 (.67)	.01 (1.01)	-.36 (.69)	-.76 (.47)	.24 (1.27)	-.07 (.93)	-.36 (.69)	.23 (1.26)
Drugs	<b>-.83*</b> (.44)	<b>-1.65*</b> (.31)	-.34 (.71)	-.09 (.91)	-.64 (.53)	.40 (1.50)	.73 (2.08)	.52 (1.69)	.74 (2.10)
Detention (at intake)	-.23 (.79)	-.67 (.51)	-.13 (.88)	<b>-3.22**</b> (.04)	<b>-2.52*</b> (.67)	--	<b>-2.99**</b> (.05)	-1.85 (.16)	--
- 2 Log Likelihood	1095.24	594.61	757.84	1095.24	594.61	757.84	1095.24	594.61	757.84

Note: Regression coefficient, odds ratio ( ). – All African Americans detained received court referral relative to diversion. ] tests using coefficient comparison revealed statistically significant difference at  $p < .05$  for severity of prior disposition ( $z$  score=2.06) and at  $p < .01$  for drugs ( $z$  score=-2.68). Tests for other race interactions were not conducted for other models due to the dropping of intake detention.

\*\*  $p < .01$ , \* $p < .05$

### *Factors predictive of petition, adjudication, and judicial disposition*

In this section, the factors predictive of decision making at the remaining stages in the proceedings are examined with a primary focus on the possible relationships between race and detention. The stages to be studied are petition, adjudication, and judicial disposition. Judicial disposition decision making was defined in two ways.

First, judicial disposition was coded as (0) community-based versus placement outside of the home/transfer to adult court (1). Youth who received detention as part of a 48 hour hold had been classified as a placement outside of the home. Next, judicial disposition was coded by community-based disposition (0), placement outside of the home (1) and a 48 hour hold (2). This latter measurement was used to better isolate and compare the factors that influence the three possible outcomes that a judge has to choose from at judicial disposition. Table 7.4. provides the logistic regression results for the factors predictive of decision making at petition, adjudication, and judicial disposition differentiated by models for whites and African Americans.

A look at the results for the full models for each of the three decision making stages, reveals a significant relationship between race and adjudication (column 4). Being African American increases the chances of being adjudicated delinquent by 104% compared to a similarly situated white. There is no evidence of a main statistically significant effect between race and petition (column 1) and race and judicial disposition (column 7). Combination relationships between race and each independent variable with decision making, however, are present.

At petition and although weak at  $p < .05$ , being African American and from a single parent household and African American under court authority at the time of the initial court referral increases the likelihood of being petitioned (five and a half times for the former relationship and over four and three quarter for the latter) (column 3). The relationship between family structure and court authority and being white are not statistically significant and are inverse rather than positive (column 2). Race also interacts with crime severity and the legal counsel represented by the variable, attorney. White youth who commit more serious crime are more likely than their African American counterpart to be petitioned (column 2). Conversely, African Americans who do not have legal counsel decrease their chances of being petitioned by 74%.

In addition to the relationships discussed other noteworthy findings are that detention is not a predictor of petition decision making. But, gender does have a positive impact. Being females increases the likelihood of petition by over three times relative to similar males. At first glance, this relationship appears to be conditioned by being a white female. Tests for differences in the relative magnitude of the coefficients for whites and African Americans, however, failed to support this assumption.

At adjudication, being a white female decreases the likelihood of adjudication by 83% compared to her counterparts (column 5). Similarly and although weak at  $p < .05$ , being a white and involved in a more severe crime decreases the odds of adjudication by .25 or 25%. These latter two findings appear to be just the opposite of those discovered at petition and raise the question as to whether a correction factor is going on from the decision making of the prosecutor at petition to the judge at adjudication.

Like decision making at petition only a few individual factors are predictive of decision making at adjudication. Also, detention is once again not a determinant of adjudication proceedings. As discussed below, this is not true at judicial disposition.

At judicial disposition, for whites detained at some point, (does not include detained while awaiting disposition), increases the chances of receiving the more severe outcome compared to similarly situated African Americans (by four times). Alternatively and although weak at  $p < .05$ , adjudicated African Americans and detained but awaiting disposition decrease the likelihood of receiving the more severe outcome by 88%.

Thus, detention while one of the factors that contributes to African American overrepresentation at intake and does not appear up to play a significant role at petition or adjudication, impacts decision making at judicial disposition. The impact, however, appears to apply to both African American and white youth but in different ways – a more lenient outcome for African Americans detained prior to disposition and a more severe outcome for whites detained at some point earlier in the proceedings at or prior to adjudication.

Besides conditioning the existence of race relationships with the various measures of detention, an interaction effect with the dependent variable exists between race and reporting of school problems. African Americans who are having school problems decreased the odds of receiving out of home placement by .88 (column 9).

Table 7.4. Logistic Regression Results for Decision Making at Petition, Adjudication, and Judicial Disposition.

Variable	Petition			Adjudication			Judicial Disposition		
	Full Model	White	African American	Full Model	White	African American	Full Model	White	African American
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Race	.34 <sup>a</sup> (1.41)			<b>.71**</b> (2.04)			.04 (1.04)		
Gender	<b>1.18**</b> (3.26)	<b>1.94**</b> (6.98)	.75 (2.11)	<b>.93*</b> (2.54)	<b>-1.79**</b> (.17)	.31]] (1.35)	.25 (1.27)	-.04 (.96)	.32 (1.37)
Age	-.11 (.89)	.03 (1.03)	-.21 (.81)	-.03 (.98)	.01 (1.01)	.02 (1.02)	<b>.25**</b> (1.28)	<b>.49**</b> (1.61)	<b>.38**</b> (1.46)
Family structure	.57 (1.76)	-.16 (.85)	<b>1.72**]</b> (5.55)	.03 (1.02)	.02 (1.02)	.43 (1.54)	-.59 (.55)	-.79 (.45)	-1.92 (.15)
School problems	.08 (1.08)	-.14 (.87)	.56 (1.75)	<b>.82**</b> (2.28)	<b>-.75*</b> (.47)	<b>1.01*</b> (2.73)	<b>-.97**</b> (.38)	-.65 (.52)	<b>-1.61**]]]</b> (.20)
# Prior referrals	-.03 (.98)	-.02 (.98)	-.04 (.96)	-.03 (.97)	-.05 (.95)	-.09 (.92)	.08 (1.08)	.07 (1.08)	.13 (1.14)
Severity of prior disposition	.29 (1.03)	.47 (1.60)	-.49 (.61)	.04 (1.04)	-.17 (.84)	-.43 (.65)	.33 (1.39)	-.49 (.61)	.84 (2.32)
Court authority	.45 (1.57)	-.01 (.99)	<b>1.59**]</b> (4.88)	-.21 (.81)	-.25 (.78)	.18 (1.20)	.47 (1.59)	-.22 (.80)	<b>1.28**</b> (3.59)
# Charges	<b>.35**</b> (1.41)	<b>.44*</b> (1.55)	.23 (1.26)	.14 (1.15)	-.18 (.83)	.15 (1.16)	-.06 (.94)	.20 (1.22)	<b>-.33*</b> (.72)
Property	.10 (1.10)	.27 (1.31)	-.28 (.75)	.40 (1.48)	.30 (1.35)	<b>1.52*</b> (4.60)	-.32 (.72)	-.92 (.40)	.41 (1.51)
Person	-.06 (.94)	.42 (1.53)	-.30 (.74)	.35 (1.41)	-.63 (.53)	.08 (1.08)	-.59 (.55)	-.36 (.69)	-1.26 (.28)
Crime severity	<b>.29**</b> (1.33)	<b>.61**</b> (1.84)	.09] (1.09)	<b>.35**</b> (1.42)	<b>-.29**</b> (.75)	.13]] (1.13)	.05 (1.05)	.28 (1.38)	-.02 (.98)

Table 7.4. continued

Variable	Petition			Adjudication			Judicial Disposition		
	Full Model (1)	White (2)	African American (3)	Full Model (4)	White (5)	African American (6)	Full Model (7)	White (8)	African American (9)
Detention	.16 (1.17)	.15 (1.17)	-.08 (.92)	-.41 (.66)	.39 (1.48)	-.73 (.48)	<b>.73**</b> (2.09)	<b>1.41**</b> (4.01)	-.01]]] (.99)
Adjudication detention							<b>-1.21**</b> (.30)	-.60 (.55)	<b>-2.13**</b> ]]] (.12)
Attorney	<b>-.94**</b> (.39)	-.49 (.61)	<b>-1.33*]</b> (.26)	-.60 (.55)	-.24 (.78)	-.94 (.39)	-.44 (.64)	-.53 (.58)	-.86 (.42)
-2 Log Likelihood	362.84	186.89	150.63	402.03	221.06	163.53	382.50	179.31	153.91
N	537	254	283	465	223	242	390	190	200

<sup>a</sup>Logistic regression coefficient, odds ratio ( ).

] tests using coefficient comparisons revealed a weak but statistically significant difference at  $p < .05$  for family structure (z score= 2.12) and court authority (z score= 2.23) and at  $p < .01$  for crime severity (z score= 2.64) and attorney (z score= -2.85).

]] tests using coefficient comparisons revealed a weak but statistically significant difference at  $p < .05$  for crime severity (z score= -1.98) and at  $p < .01$  for gender (z score= -3.76).

]]] tests using coefficient comparisons revealed a weak but statistically significant difference at  $p < .05$  for detention (z score= 2.12) and at  $p < .01$  for school problems (z score= -2.77) and adjudication detention (z score= -3.36).

\*\*  $p < .01$ , \*  $p < .05$



Table 7.5. presents the results from the use of multinomial regression with judicial disposition operationalized as three outcomes: community, placement, and 48 hour hold. Overall, measuring judicial disposition in this manner provides a clearer picture into the factors that predict each of these outcomes.

Comparing the decision to a 48 hour hold to a community disposition, we can see that race and gender interact to play an influential role in the process (column 1 through 3). Being African American and female increases the likelihood of receiving a community based sanction by over eight times relative to a 48 hour hold.

Gender and race do not condition the decision to order a 48 hour hold compared to a disposition of placement. Being female, however, does increase the odds of receiving the latter outcome by almost five more times relative to a similarly situated male (column 4).

Both measures of detention increase the decisions to employ a community disposition (column 1) and an out of home placement (column 4) relative to a order of a 48 hour hold. Race differences in the effect or magnitude of the effect with each decision are not evident.

Joint race relationships, however, exist when decision making is examined involving an outcome of community-based corrections versus out of home placement. Once again, race and indications of school problems and race and being detained awaiting judicial disposition impact this decision (see Table 7.4.). African Americans who have problems at school decrease the odds of out of home placement by 80% when the alternative is community-based corrections (Table 7.5., column 9). Likewise, African

Table 7.5. Multinomial Logistic Regression Results for Judicial Disposition Decision Making – 48 Hour Hold Included as Distinct Outcome

Variable	48 Hour Hold Compared to Community			48 Hour Hold Compared to Out of Home Placement			Community Compared to Out of Home Placement		
	Full Model	White	African American	Full Model	White	African American	Full Model	White	African American
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Race	.02 <sup>a</sup> (1.02)			-.29 (.75)			-.31 (.73)		
Gender	.97 (2.64)	.63 (1.89)	<b>2.12*</b> ] (8.35)	<b>1.61**</b> (4.98)	<b>1.26*</b> (3.52)	<b>2.70**</b> (14.82)	.63 (1.88)	.63 (1.87)	.57 (1.78)
Age	<b>.26*</b> (1.29)	<b>.34*</b> (1.40)	.08 (1.08)	<b>.46**</b> (1.59)	<b>.43**</b> (1.54)	<b>.48**</b> (1.62)	<b>.21**</b> (1.23)	.09 (1.01)	<b>.40**</b> (1.49)
Family structure	.34 (1.41)	.25 (1.28)	1.42 (4.17)	-.48 (.62)	-.51 (.60)	-.10 (.91)	-.82 (.44)	-.76 (.47)	1.53 (.22)
School problems	<b>.71*</b> (2.04)	.23 (1.26)	<b>1.26*</b> (3.54)	-.24 (.79)	-.25 (.78)	-.32 (.73)	<b>-.96**</b> (.38)	-.49 (.62)	<b>-1.58**</b> ]] (.20)
# of prior referrals	-.04 (.95)	-.01 (.99)	-.11 (.89)	.04 (1.04)	.11 (1.12)	-.04 (.96)	.09 (1.09)	.12 (1.13)	.07 (1.07)
Severity prior disposition	-.33 (.72)	-.10 (.90)	-.58 (.56)	-.25 (.78)	-.23 (.79)	-.13 (.88)	.08 (1.08)	-.13 (.88)	.45 (1.58)
Court authority	<b>-.89*</b> (.41)	-.87 (.42)	-.91 (.40)	-.55 (.57)	-.97 (.38)	-.41 (.66)	.34 (1.40)	-.10 (.91)	.50 (1.65)
# of charges	-.04 (.58)	<b>-.43*</b> (.65)	.34 (.40)	-.07 (.93)	-.22 (.88)	.07 (1.07)	-.04 (.96)	.31 (1.36)	<b>-.27*</b> (.76)

Table 7.5. continued

Variable	48 Hour Hold Compared to Community			48 Hour Hold Compared to Out of Home Placement			Community Compared to Out of Home Placement		
	Full Model	White	African American	Full Model	White	African American	Full Model	White	African American
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Crime severity	.18 (1.19)	.05 (1.05)	.29 (1.34)	<b>.19*</b> (1.21)	.14 (1.15)	.23 (1.26)	.02 (1.02)	.09 (1.09)	-.06 (.94)
Property	.39 (1.48)	.50 (1.65)	.22 (1.25)	.23 (1.26)	.56 (1.74)	.20 (1.23)	-.16 (.85)	.06 (1.06)	-.02 (.98)
Person	.87 (2.39)	.76 (2.12)	1.24 (3.45)	.27 (1.31)	.32 (1.32)	.17 (1.19)	-.60 (.55)	-.44 (.64)	-1.07 (.34)
Drugs	.08 (1.08)	<b>-.64*</b> (.52)	.92 (2.51)	-.33 (.72)	-.40 (.59)	.25 (1.28)	-.40 (.67)	.24 (1.27)	-.67 (.51)
Detention	<b>3.31**</b> (27.48)	<b>3.11**</b> (22.52)	<b>3.65**</b> (38.45)	<b>3.64**</b> (38.20)	<b>3.79**</b> (44.43)	<b>3.68**</b> (39.44)	.33 (1.39)	.68 (1.97)	.02 (1.02)
Adjudication detention	<b>3.06**</b> (21.44)	<b>2.67**</b> (14.47)	<b>3.62**</b> (37.23)	<b>2.02**</b> (7.57)	<b>2.56**</b> (12.89)	<b>1.46*</b> (4.30)	<b>-1.04**</b> (.35)	-.11 (.89)	<b>-2.16**]]</b> (.12)
Attorney	<b>2.08**</b> (8.04)	<b>1.52*</b> (4.57)	<b>2.86**</b> (17.41)	<b>2.40**</b> (11.03)	<b>2.06**</b> (7.87)	<b>2.95**</b> (19.14)	.32 (1.37)	.54 (1.72)	.09 (1.10)
- 2 Log Likelihood	658.50	326.18	297.84	658.50	326.18	297.84	658.50	326.18	757.84
N	390	190	242	390	190	242	390	190	242

<sup>a</sup>Logistic regression coefficient, odds ratio ( ).

] tests using coefficient comparisons a statistically significant difference at  $p < .01$  for gender (z score= 4.84).

]] tests using coefficient comparisons revealed a statistically significant difference at  $p < .01$  for school problems (z score= 3.22) and adjudication detention (z score= 4.95).

\*\*  $p < .01$ , \* $p < .05$

Americans detained pending disposition decreases the likelihood of an out of home placement when the other case outcome involves community-based corrections. This combination relationship with the dependent variable reduces the chances of receiving the more severe outcome by 88% (column 9

### *Summary*

In short, to some extent, individually and in combination race and detention, as well as race contextual effects with a number of other factors, such as gender, family structure, school problems, and crime severity, influence decision making at various stages in the proceedings. The joint effects, including those with detention, sometimes resulted in more severe outcomes and in other instances more lenient outcomes for both whites and African Americans.

With the exception of decision making at intake, race was not found to operate through detention to produce a negative cumulative impact; that is, being detained did not cause minority overrepresentation throughout the proceedings. This finding is in contrast to results reported by Leiber and Fox (2005).

Legal factors, such as crime severity, being under court authority, predicted case outcomes. Most often these effects with decision making were in the anticipated direction. Of the extralegal considerations, being female also was influential at intake and worked in combination with race to affect adjudication and judicial disposition decision making.

## Chapter Eight

### **Summary, Discussion and Recommendations**

In this Chapter, a summary and discussion of the findings from the research within the context of theory and prior research are provided. The discussion concludes with recommendations for future research and policy.

#### *Questions, Site, and Data*

A number of questions guided the study and these were: how often is secure detention used? What are the factors associated with detention including what role, if any does race play in detention decisions? How does detention and race impact decision making at intake, petition, adjudication and judicial disposition? These questions were attempted to be addressed by looking at three types of detention in Black Hawk County, Iowa during the years 2003 and 2004.

The three types of detention examined were: (1) non 48 hour hold (232.52.2) where a youth can be detained prior to or at adjudication and a crime involved; (2) adjudicated (found delinquent) and pending disposition (232.47) – detained after adjudication but awaiting judicial disposition, crime and/or violation of probation condition (e.g., missed appointment, curfew violation, etc.), and (3) a 48 hour hold (232.52) – detained post disposition.

Data came from an attempt to track all detentions from the juvenile court and a random disproportionate sample of youth referred to juvenile court. The total weighted sample was 927. Information was also provided by the juvenile detention facility and the juvenile court that captured the use of detention and types of detention by race for the years 1990 through 2004. This information was assessed to look at detention over time.

It is important to note at the outset that in Black Hawk, minority youth made up about 18 percent of the youth population but almost 50 percent of the youth detained or 278 percent overrepresentation on average during 1998 through 2002. In 2005, 254 youth were admitted for detention. At the start of 2007, the figure is up to 417. African Americans made up 137 of the 254 and 222 of the 417 detentions, respectively (Division of Criminal and Juvenile Justice Planning, 2007: 17).

More specific, in Black Hawk overrepresentation at the end of 2006 is as follows: arrest (4.71), referral (4.13), detention (1.62), and placement in the state training school (2.15). The relative rate index for African American youth was lower than their white counterpart at the decision point of diversion (.65), delinquency finding (.90), and probation (.87) (Division of Criminal and Juvenile Justice Planning, 2007: 17).

In short, African American youth are overrepresented in detention and with some exceptions at various stages and outcomes in the juvenile court. An objective of the study was to gain some insight into what may account for this overrepresentation. Differences in offending behavior (e.g., commit more crime, more severe crime, etc.) and factors associated with this behavior (e.g., coming from a single parent household, etc.) and system issues (e.g., selection bias, lack of programming resources, etc.) typically are used to understand minority overrepresentation and were used as the foundation to study detention in Black Hawk County.

### *Summary of results*

*Descriptive information on the use of detention and characteristics of those detained.* Although overrepresented in all three types of detention, there was no evidence of race differences in each of the three types of detention studied. When detention was

collapsed, however, African Americans are more likely than whites to be detained. Forty-five percent of whites were detained compared to 54% of African Americans.

Of the detentions, non 48 hour holds - youth detained due to being accused of committing a delinquent offense leading to the juvenile court referral and/or prior to adjudication - made up 55% of the detentions, followed by 26% for 48 hour holds and 18% for a court violation. For non 48 hour holds, the average length of detention is about 16 days, 12 days for a court violation and almost 2 days for a 48 hour hold. No race differences were reported.

African American youth, however, were subject to more multiple court violation detentions than are white youth. Interestingly, this relationship was reversed when the detention is a 48 hour hold where whites were more likely to receive multiple 48 hour hold detentions than were African Americans.

A greater percentage of whites, were detained for non 48 hour holds for a property offense and a person offense compared to African Americans. The latter race group was more likely to be detained than the former for a drug offense and other kinds of activity.

Of the 29 youth that were detained under a court violation due to a crime, whites were likely to be involved in a person offense and other kinds of minor activity. African Americans were more likely to be referred for a court violation detention for property offending and drug offending.

Over half of the youth, both white and African American, detained for a non-crime involved curfew violations, followed by failing urinalysis. Although not recorded, discussions with juvenile court personnel indicated that rarely are youth detained solely

for curfew violations but most likely the situation involved other infractions, such as missing appointment as part of the reason for detention. Thirty-one of those detained for a court violation were also detained previously under a non 48 hour hold. Of those previously detained, white youth made up 14 or 45% of the detentions while African Americans comprised 17 or 55%.

For 48 hour holds, few race differences in prior offending, in the extralegal characteristics and previous detention were found. African American youth who received a 48 hour detention, however, were more likely than white youth in a similar situation to come from a single parent household.

Overall, noticeable differences exist between youth detained and those who never experienced a detention. Detained youth were likely to be older, reside in a single parent home, have a greater number of prior referrals, more severe past disposition, had been under court authority, exhibit a greater number of charges and participate in person offense more so than those not detained. Still, it is important to note that the most common crime for detention for both whites and African Americans was for a property offense. A few differences by race on other characteristics were evident within both the non-detained and detained samples.

*Descriptive information on the use and type of detention over time.* In 1990, 19 percent of the youth referred to juvenile court resulted in detention. In 1996, the year the detention facility expanded from 15 beds to 31 beds, the percent detained was 17 percent, grew to 19 percent in 1997, and 27 percent in 1998. Thus, following the expansion an increase was evident in the percent of youth held in detention. However, starting with the year 2000, there had been a leveling off in the percent of youth detained with the



percentages ranging from 26 percent to 23 percent. While an increase in detention occurred during the 15 year period examined the increase was rather small ranging from a plus 8 percent to more recently a plus 4 percent.

It appears that the rather small number of beds may act as a cap against a significant increase in detention use. In short, detention use was not discovered to be linear or pronounced as one would have anticipated given national trends concerning an overreliance on detention that often results in overcrowding (Wilson, Lipsey & Soydon, 2003).

An assessment by race and the use of detention over time showed that African American youth are disproportionately overrepresented in detention but the overrepresentation, with an exception, had not grown over time. In 1990, African Americans made up 54 percent of the detention population; 60 percent in 1992 and 1995; the mid to high 40 percent range from 1996 through 1999; 53 percent in 2000, 44 percent in 2003 and 54 percent in 2004. Since a relatively significant decrease in 2002, African Americans in detention show a significant increase in 2003 and 2004 even surpassing whites, who as a group evidenced a decline, in terms of the percent within a racial group to be detained. Recall that in 1990, African Americans comprised 11 percent of the youth population age 17 and younger. In 2000, they made up 13 percent. Thus, similar to figures across the state of Iowa (Division of Criminal and Juvenile Justice Planning and Statistical Analysis, 2006) and the nation (Bilchik, 1999), African American youth from Black Hawk are overrepresented in secure detention.

In 2004, 48 hour holds made up the largest percentage of detention admissions. From 1992 through 2003, detention admissions were driven by court or probation

violations, now the second most common reason, followed by property offenses and crimes against persons. Drug offenses represented a relatively small percentage of the admissions for detention.

Looking at the trends from 1990 through 2004 also revealed that the primary reasons for detention admissions for whites were court violations, followed by property crimes, and person offenses. For African Americans, it was court violations, crimes against persons and property offenses. The biggest racial gap in admissions over time, was admissions for drug offending. Keep in mind that drug offenses represented about 7 to 10 percent of detention admissions.

Although not as wide of a gap as for drug admissions, a racial difference between African Americans and whites was also evident for detention admissions for court violations. The racial gap was especially apparent in the early 90s and again in the latter part of the 90s and 2001 through 2003. In 2004, the percent of whites detained for a court violation surpassed the percent of African Americans (27% compared to 22%).

In short, similar to drug offenses, being detained for court violations appeared to contribute to the minority overrepresentation in detention until at least 2004. Differences over time in African American involvement in person offenses also played a role in the overrepresentation.

*Factors predictive of detention.* A general summary of race, gender, detention and race interaction effects with detention, intake, petition, adjudication, and judicial disposition is provided in Table 8.1. Results from the use of multivariate logistic regression revealed that race individual and joint contextual affects with a number of legal and extralegal variables with detention decision making.

In the Table, we can see that these joint or interaction relationships operate to increase the likelihood of detention but also decreased the odds of this occurring. For example, for non48 hour holds or detention due to a crime prior to adjudication, African Americans from single parent homes significantly increased the likelihood of this type of detention by seven times relative to a similarly situated white. On the other hand, being older increased the chances of detention for whites by 34%. Being white also in combination with being a drop out (by 76%) or participating in either a property offense (by 60%) or a drug offense (by 66%) decreased the odds of detention.

The decision to detain for a court violation for youth adjudicated and pending disposition was impacted most by an actual crime or another type of court violation. Race was also found to influence the decision making process but in a direction that reduced the likelihood of this outcome. Being white and previously detained decreased the chances of this type of detention compared to a similar African American by 79%.

Race did not directly affect the decision to order a 48 hour hold detention but acted in conjunction with gender and prior referral. Being African American and female and white with a greater number of prior court referrals decreased the chances of detention both by 88%.

Legal variables and to some extent, extralegal factors, such as age or coming from a single parent home, were also statistically significant predictors of detention proceedings. But, overall and especially for detention after adjudication pending disposition and the 48 hour hold detention, few individual statistically significant relationships were evident.

*Detention, race, and decision making at other stages.* To assess the extent detention and race, individually and in combination, may influence decision making at intake, petition, adjudication, and judicial disposition, there was the need to once again examine the factors that predict detention - detention as being detained prior to or at intake. Being African American substantially increased the likelihood of detention relative to a similar white (by 95%). Conversely, African Americans having school problems decreased the odds of this occurring by 55%. Likewise, whites involved in either property (by 77%) or drug offending (by 76%) decreased the chances of detention.

While being African American initially was found to increase the likelihood of being referred for further court proceedings at intake by 39%, this relationship disappeared once detention was considered. Being detained increased the chances of moving further into the system (by 95%) and because being African American increased the odds of being detained, they as a group were more likely to receive the more severe outcome at intake than were whites. African Americans were also found to be less likely to participate in diversion than similar whites (by 51%).

Table 8.1. General Summary of Race, Gender, and Detention Effects on Decision Making Differentiated by Stage  
 -- Results from Multivariate Analyses

Part A: Detention

Initial Detention	Crime Detention	Adjudicated Pending Disposition Detention	48 Hour Hold Detention
Blacks detained Whites property nondetention Whites drugs nondetention Males detained	Blacks single parent family detained Whites older detained Whites property nondetention Whites drug nondetention Whites drop out nondetention	Whites prior detention nondetention	Black females nondetention Whites greater prior referrals nondetention

Table 8.1. continued

## Part B: Other Stages in Proceedings

<u>Intake</u>	<u>Petition</u>	<u>Adjudication</u>	<u>Judicial Disposition</u>
Detention leads to court referral which creates indirect race effect Blacks less likely to receive diversion Males less likely to receive diversion	Detention not significant Blacks single parent family petitioned Blacks under court authority petitioned Whites more severe crime petitioned Females petitioned	Detention not significant Blacks adjudicated White females nonadjudicated Whites more severe crime nonadjudicated	Whites prior detention placement Blacks adjudication detention community Black female community Blacks w/school problems community Females placement instead of 48 hour hold

In general, many of the legal factors and to some extent, extralegal considerations influenced intake decision making and most often in the anticipated direction. Gender is one of the extralegal factors that impacted the decision to refer youth to court versus participation in diversion. Being female increased the likelihood of diversion compared to a similarly situated male by 26%.

A look at the results for each of the three remaining decision making stages revealed a significant relationship between race and decision making. At petition and although weak but statistically significant, for example, being African American and from a single parent household and African American under court authority at the time of the initial court referral increased the likelihood of being petitioned (five and a half times for the former relationship and over four and three quarters for the latter). White youth who commit more serious crime are more likely than their African American counterpart to be petitioned (by 84%). Conversely, African Americans who do not have legal counsel decreased their chances of receiving this outcome by 74%.

In addition to the relationships discussed other noteworthy findings are that detention is not a predictor of petition decision making. But, being females increased the likelihood of petition by over three times relative to similar males.

Being African American increased the chances of being adjudicated by 2 to 1 compared to a similarly situated white. Combination relationships between race and a number of independent variables with decision making also exist.

At adjudication, being a white female decreased the likelihood of adjudication by 83% compared to her male counterpart. Similarly and although weak but statistically

significant, being a white and involved in a more severe crime decreased the odds of adjudication by 25%. These latter two findings appear to be just the opposite of those discovered at petition and raise the question as to whether a correction factor is going on from the decision making of the prosecutor at petition to the judge at adjudication. Detention was not a determinant of adjudication proceedings. This can not be said of detention and judicial disposition decision making.

At judicial disposition, for whites detained at some point, (does not include detained while awaiting disposition), increased the chances of receiving the more severe outcome (by four times) compared to similarly situated African Americans. Alternatively and although weak but statistically significant, adjudicated African Americans and detained but awaiting disposition decreased the likelihood of receiving the more severe outcome by 88%.

Thus, detention while one of the factors that contributes to African American overrepresentation at intake and does not appear up to play a significant role at petition or adjudication, impacted decision making at judicial disposition. The impact, however, appears to apply to both African Americans and whites but in different ways – a more lenient outcome for African Americans detained prior to disposition and a more severe outcome for whites detained at some point earlier in the proceedings at or prior to adjudication.

Besides conditioning the existence of race relationships with the various measures of detention, an interaction effect with the dependent variable exists between race and reporting of school problems. African Americans who are having school problems decreased the odds of receiving out of home placement.



The results from multinomial regression with judicial disposition operationalized as three outcomes: community, placement, and 48 hour hold shed further light on the role of detention at this stage in terms of having an impact on outcomes and being an outcome (48 hour hold). Comparing the decision to a 48 hour hold to a community disposition, being African American and female increased the likelihood of receiving a community based sanction by over eight times relative to a 48 hour hold. Gender and race did not condition the decision to order a 48 hour hold compared to a disposition of placement. Being female, however, by itself increased the odds of receiving the latter outcome by almost five times relative to a similarly situated male.

Both measures of detention increased the decisions to employ a community disposition and an out of home placement relative to an order of a 48 hour hold. Race differences in the effect or magnitude of the effect with each decision were not evident.

#### *Concluding summary*

Overall, African American youth are overrepresented in detention and this relationship, for the most part, has remained relatively stable from 1990 through 2004. Differences exist between those detained and youth not subjected to detention. Detained youth are bit more “troubled” in terms of home environment, crimes against persons, etc., than youth not detained. But, detained youth overall are still referred more often for property offending than violent person offenses. While a few race differences exist in the characteristics of those detained and those not detained, youth from both racial groups are more alike than they are different. Although constituting a fairly small percentage relative to other reasons for detention, a racial gap exists involving detention for drug offending for African Americans compared to whites.

Forty-eight hour holds and detentions as a result of court violations that often involve more non criminal than criminal behavior have been increasing over the time frame examined. The analyses involving data from 1996 through 2004 indicated that few race differences exist in the likelihood of receiving a 48 hour hold. For court violations as a reason for detention, African Americans were overrepresented in the early 90s and late 90s until 2003.

To some extent, individually and in combination race and detention, as well as race contextual effects with a number of other factors, such as gender, family structure, school problems, and crime severity, influenced decision making at various stages in the proceedings. The joint effects, including those with detention, sometimes resulted in more severe outcomes and in other instances more lenient outcomes for both whites and African Americans.

With the exception of decision making at intake, race was not found to operate through detention to produce a negative cumulative impact. That is, being detained did not contribute to minority overrepresentation *throughout* the proceedings.

Legal factors, such as crime severity, being under court authority, predicted case outcomes. Most often these effects with decision making were in the anticipated direction. Of the extralegal considerations, being female also was influential at intake and petition, and worked in combination with race to affect adjudication and judicial disposition decision making.

#### *Discussion of general themes*

A number of general themes emerge from the results and these are: (1) African American youth are overrepresented in detention and throughout the system; (2) few

differences exist between African Americans and whites in the characteristics of those detained versus non detention and among the sample overall to justify the extent of the overrepresentation; (3) evidence was presented of possible race and gender selection bias in detention decisions and throughout other stages in the juvenile justice system that involves both more severe and lenient outcomes; (4) these differences vary by stages in the system and (5) detention does not appear to work to the disadvantage of youth and in particular, African Americans, throughout the court proceedings . Each of these themes is discussed below.

*1. African American youth are overrepresented in detention and juvenile court proceedings.* African American youth are overrepresented in both detention and in other stages that comprise the juvenile court. When detention is differentiated by one of the three types of detention, the extent of the overrepresentation or the racial gap has remained relatively stable over time. Detentions for court violations and 48 hour holds in general have increased in use and appear to exacerbate African American presence and in general youth overall. African Americans are more likely to receive multiple detentions for a court violation than are whites while the latter racial group is more likely than the former to receive multiple detentions involving a 48 hour hold. These findings confirm what has been previously reported by the Black Hawk juvenile court and the state of Iowa ((Division of Criminal and Juvenile Justice Planning, 2006; National Resource Center for Family Centered Practice, 2003) and trends nation wide (Disproportionate Minority Contact Technical Assistance Manual, 2006; Hoytt, Schiraldi, National Council on Crime & Delinquency, 2007; Smith & Ziedenberg 2002; Steinhart, 2001).

Somewhat surprising is that until 2006/2007 (Division of Criminal and Juvenile Justice Planning, 2007), the use of detention and the racial gap had remained fairly stable from 1990 through 2004. Detention use was not found to be as linear or pronounced as one would have anticipated given national trends of overcrowding (Wilson, Lipsey & Soydon, 2003). There may be several explanations for this occurrence.

Although speculative, the first explanation rests with the fact that the same superintendent of the detention facility was in place during the fifteen years examined and a similar stability existed in the juvenile court where little turnover existed. This together with the positive and collaborative working relationship between the superintendent and the juvenile court may explain the findings of stability in detention use and in the racial gap of the youth in detention. In 2006/2007 the number of youth detained rose drastically which parallels both a change in the superintendent and a number of juvenile court personnel (Division of Criminal and Juvenile Justice Planning, 2007). The second explanation has to do with the size of the facility where the small number of beds (N=31) may act as a cap against a significant increase in detention use.

*2. Few differences exist between African Americans and whites in the characteristics that might justify the overrepresentation in detention and the juvenile court in general.* Comparing the characteristics of those detained to youth not detained revealed significant differences. Youth detained are more likely to: be male, older, from a single- parent household, evidence school problems, exhibit a greater number of prior court referrals, be under court authority, and be involved in person offenses. Thus, detained youth appear to reflect a more “troubled” youth than those not detained. But, it

is important to note that even among the detained youth property offending comprised the largest percentage of the category of offenses.

Few differences were found among those detained by racial group. Detained African American youth were more likely to come from a single-parent household and involved in person offense than a detained white youth. Likewise, not many more race differences were observed in legal criteria or extralegal factors when detention was further broken down between being detained prior to or at adjudication, adjudicated pending disposition, and a 48 hour hold. Furthermore, no race differences were discovered in violations of probation in terms of crime or non criminal activity.

Thus and although legal criteria in the form of involvement in person offenses and extralegal factors such as a single-parent household, *may* account for some of the African American overrepresentation in both detention and the juvenile court, much is left unexplained. In other words, something else is occurring that is contributing to the overrepresentation and this will be further elaborated upon in the discussion below. Overall, these findings are consistent with prior research nation wide (e.g., Armstrong and Rodriguez, 2005) and that previously conducted in Black Hawk county (e.g., Leiber and Fox, 2005).

*3. Evidence was presented of possible race and gender selection bias in detention decisions and throughout other stages in the juvenile justice system that involves both more severe and lenient outcomes.* While legal criteria and extralegal factors were predictors of decision making, race, individually and in combination in legal and extralegal considerations, was also discovered to influence outcomes. These results

support those from five recent comprehensive reviews of this literature that although legal and extralegal factors explain decision making to some extent, these factors alone are unable to completely account for race differences in involvement in the juvenile justice system (Bishop, 2006; Engen, Steen & Bridges, 2002; Leiber, 2002; Pope & Feyerherm, 1992; Pope et al., 2002).

In the present study, race directly impacted the composite detention decision, intake diversion, and adjudication. Contextual or interaction relationships were also found to exist between race and a number of factors with each of the three types of detention and the remaining stages in the juvenile court process. In fact, race was involved in some way in decision making at every stage examined.

Since interviews were not conducted any interpretation of these findings is purely speculative. One explanation rests with racial stereotyping by decision-makers of African American youth (e.g., Bridges and Steen, 1998; Tittle and Curran, 1988; Leiber, 2003). These stereotypes include African Americans as undisciplined, living in dysfunctional families that are primarily headed by young mothers, dangerous, delinquent, and drug offenders (e.g., Feld, 1999). It is argued that these perceptions often work to the disadvantage of African Americans relative to whites and may account for the overrepresentation of minorities in the juvenile justice system. The results from the present research showed that being African American and from a single parent household or under court authority or involved in drug offending certainly led to differential treatment that most often involved more severe outcomes than a similarly situated white and ultimately to greater overrepresentation in detention and juvenile court proceedings.

A second explanation does not stem from the view of African Americans as threatening but instead emphasizes the *parens patriae* foundation of the juvenile court – an emphasis on treatment and intervention. According to this interpretation, decision-makers are simply “doing their job” by attempting to do what is in the best interests of the youth (e.g., Feld, 1999). For example, youth from single-parent homes may be responded to differently because of perceived notions that this family situation may not adequately meet the needs of children, provide the necessary supervision to prevent further delinquent behavior, and/or ensure abidance to stipulated conditions of probation at diversion (e.g., Bishop and Frazier 1996; Bridges et al. 1995).

Irrespective of the explanation, these findings are noteworthy because they demonstrate that both legal and extralegal considerations used by the juvenile court may be racially tainted. And, these legitimate factors, but tainted, may contribute to African American overrepresentation in detention and throughout the juvenile court proceedings.

In addition to race impacting both detention decision making and proceedings at other stages, gender was also found to be influential. Being female increased the odds of participation in diversion, of being petitioned, not being adjudicated a delinquent, and receiving a 48 hour hold (relative to placement outside of the home) compared to a similar male. The relationship at adjudication was conditioned by being white. Also, being an African American female decreased the chances of receiving a 48 hour hold relative to an outcome of staying in the community.

Similar to race and its affect on decision making outcomes, there are several explanations for the impact of gender. First and like race, the results point to outcomes that involve both leniency and greater severity. Research in general has also shown mixed

findings concerning the effects of gender on case outcomes (e.g., Belknap, 2001; Leiber and Mack, 2003). 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.

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 (e.g., Leiber and Mack, 2003).

*4. These differences vary by stages in the system.* 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, the results show race and gender relationships with decision making at detention, intake, petition, adjudication, and judicial disposition. Thus, this claim is not supported here given the pervasiveness of the findings across all the stages examined. African Americans and females, however, were discovered to receive what would be considered as more severe and lenient outcomes.

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 detention, intake, and judicial disposition that personal discretion is greatest. 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, whites involved in severe crimes and females were petitioned (district attorney key decision-maker) but at adjudication proceedings whites involved in severe crimes and females were less likely to be adjudicated delinquent (judge key decision-maker).

This inconsistency in the severity of the outcome may reflect efforts on the part of the judiciary to correct for errors in prior decision making and to offset previous injustices (e.g., Dannefer and Schutt, 1982). African Americans with school problems and those detained after adjudication pending disposition were also found to decrease the

odds of receiving an outcome involving out of home placement relative to a disposition of community corrections at judicial disposition.

Previous study has well documented that minority youth are less likely to be involved in diversion/probation/informal adjustments than similarly situated whites (e.g., Bell and Lang, 1985; Bishop, 2005; Leiber, 1994; Leiber and Stairs, 1999; Leiber, 2003; Leiber and Johnson, 2007). 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. Unfortunately, this finding of under-representation supports what has been reported by the state of Iowa and Black Hawk county for at least a 15 years or more (e.g., Leiber, 1993; Division of Criminal and Juvenile Justice Planning, 2007). Likewise, that females are more likely than her male counterpart to participate in diversion has also been a consistent finding elsewhere (e.g., Leiber, Johnson, Fox, and Lack, 2007) and in Black Hawk county (Leiber and Mack, 2003; Leiber, Johnson and Fox, 2006).

*5. Detention does not appear to work to the disadvantage of youth and in particular, African Americans, throughout the court proceedings.* Previous research has often reported that race indirectly operates through detention to create a cumulative disadvantage throughout the juvenile court process and in turn, contributes to minority over-representation (Disproportionate Minority Contact Technical Assistance Manual, 2006; Hoytt et al., 2002). Leiber and Fox (2005) discovered such an occurrence

previously in Black Hawk County while examining decision making with data for the years 1980 through 2000.

As previously discussed, Leiber and Fox (2005) found that African American youth were more likely than whites to receive the more severe outcome at detention, initial appearance, and adjudication even after controlling for relevant legal and extralegal criteria and legal representation. Most of the relationships involved interaction effects between being African American with such factors as drug offending, being from a single-parent household, crimes against persons, the severity of the prior referral, and not having counsel. African Americans also moved further through the system because of the impact of detention on decision making at intake, initial appearance, and judicial disposition.

In the present research, some of these same relationships were reported. A cumulative disadvantage for African Americans, however, due to detention was not found. African American youth were more likely to be detained and detention in turn impacted intake decision making. But, detention was not discovered to affect petition or adjudication decision making. After the initial influence of detention on intake, the direct effects of race at petition and adjudication as well as the joint relationships with other factors seem to contribute more to African American overrepresentation later in the system than detention. In fact, at judicial disposition, being white and previously detained increased the likelihood of placement outside of the home while for African Americans being detained at adjudication decreased the chances of this occurrence.

### *Recommendations*

The following recommendations are based on the findings from the present research as well as to some degree prior research conducted in Black Hawk County (e.g., Leiber, 1993; Leiber, 2003; Leiber and Mack, 2003; Leiber and Fox, 2005; Leiber, Johnson, and Fox, 2006). In the final Chapter of the latest assessment study, for example, recommendations were discussed that were posited by Leiber and colleagues and these should still be considered by decision-makers since some of the findings reported here parallel those reported in the second assessment project as well as the first study (Leiber, 1993; Leiber, Johnson and Fox, 2006).

The recommendations discussed below are meant to be general. The ordering of the recommendations does not reflect a priority or importance. Furthermore, the recommendations are also not meant to represent an exhaustive list. Black Hawk County and the state of Iowa should attempt to consider more than one of the recommendations to reduce DMC in this jurisdiction. A multi-prong approach is needed that incorporates strategies that address delinquency offending, selection bias, and system issues to reduce DMC.

#### *Recommendation 1: **The Need to Reform Detention Admissions of All Types***

Until attempts are made to reform detention decision making, detention will continue to have some role in DMC and the equitable treatment of all youth will not be attained.

Suggestions (Policy Institute, 2002) and to be sure that these instruments are race neutral (Pope, 1995). In addition, the police, detention personnel, juvenile court decision makers, including the

judicial branch, and community in general need to collaborate on devising a strategy to see detention in terms of a continuum of services (e.g., youth shelters, foster parents, etc.) rather than solely in terms of the most secure form of detention. Likewise, interested parties need to be made aware that the development and utilization of less secure alternatives to secure detention does not necessarily mean increased threats to public safety or the implementation of race quotas (e.g., Holman and Zieldberg, 2006; Hoytt et al., 2002). In fact, the issue is fairness across the board, and within this context the presence of African American youth in secure detention should decrease because they as a group are overrepresented in secure detention.

There is also a need to build collaboration to address the issue among politicians, law enforcement, the juvenile court, local providers, and citizens. In many respects these recommendations, short the adoption of detention criteria, are already underway in Black Hawk where a DMC committee is in place and has as members from the police to politicians to the juvenile court as well as a local DMC coordinator. One of the main objectives of the DMC committee is to address detention and in fact, it was this committee that asked for the present study to be conducted.

Although the main focus of detention reform needs to take place at the front end of the system, race differences in detention were also discovered with detention after adjudication pending disposition (court violations) and with the ordering of 48 hour holds, especially when outcomes were compared at judicial disposition and involved choices between community-based corrections, placement outside of the home and the 48 hour hold. These types of detention have been less studied not only in Black Hawk but in Iowa and across the country. Some have argued that court violations is one of the significant contributors to DMC (e.g., Steinhart, 2001) and to some extent, the findings from the present study confirm this contention. But, more research is needed that not only replicates the present study but extends the focus to other jurisdictions to get a better understanding how these two forms of detention work, who is involved and what factors influence the decision making process before major reform should be taken seriously. The need for more research in other jurisdictions is heightened further by the findings that in Black Hawk detention for court violations rarely occurred for youth who received an informal adjustment at intake. To the credit of the court in Black Hawk this is good but this may not be a common practice in other jurisdictions. Despite the need for more research and replication, these findings should not be ignored or dismissed because

differential treatment of youth is occurring with the ability to detain due to court violations and 48 hour holds.

Another recommendation is for the state of Iowa and Black Hawk County in particular to work with federal and/or private nonprofit agencies such as the Anne E. Casey Foundation or the John D. and T. Catherine MacArthur Foundation, Disproportionate Minority Contact (DMC) Action Network. Technical assistance and financial support could greatly aid in achieving many of the recommendations posited here and ultimately lead to a reduction in DMC.

***Recommendation 2: Consideration of Increased Structured Decision Making at Intake***

The results from the present study, the previous assessment research (Leiber, 1993; 2003; Leiber et al., 2006) and prior research by Leiber and colleagues (1994, 1995, 1999, 2003) 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 African Americans. Females were also less likely than males to be referred to court for formal proceedings.

One solution to address these consistent findings is to reduce

discretion through the adoption of structured intake criteria. It is important to note that in Black Hawk and in other jurisdictions in Iowa an attempt is under way to adopt intake instruments to impact decision making. An evaluation is under way conducted by Justice Research and Statistics Association (JRSA) to assess what impact this will have on decision making and DMC.

***Recommendation 3: 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 at detention and through out the juvenile court proceedings. 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 both overt and most likely subtle, indirect, and often unintentional rather than intentional and operate through legitimate criteria. The ability to recognize that bias can have many forms does not weaken or dismiss its presence, or the need to educate, as well as the



development of strategies for change in the pursuit of equitable treatment for all youth, irrespective of race/ethnicity and gender.

*Recommendation 4: Conduct Additional Research on DMC*

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 detention, race, and gender have in decision making and what can be done to change that role(s). The use of semi-structured interviews with juvenile court personnel would drastically improve our understanding by providing a contexts for the findings reported here.

Another 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; Leiber, Johnson, Fox, and Lacks, 2007). Research is needed to assess how these groups

compare in case processing and outcomes relative to whites, African Americans, Asian, and other minority youth.

A final recommendation for future research is to expand the years studied beyond 2003 through 2004, the primary focus of the present research. As stated previously, a new detention superintendent is now in place as well as a new Chief juvenile officer and other retirements have occurred starting in 2005. Data submitted to the state of Iowa has indicated that detentions have grown drastically over the last two years and DMC is still a problem (Division of Criminal and Juvenile Justice Planning, 2007). This drastic increase warrants more inquiry but so too does the general lack of research into court violation detentions and 48 hour hold detentions (see above).

*Recommendation 5: **Improve Upon the Iowa Court Information System (ICIS)***

While the data for the present study came from case files, the state wide data system (ICIS) should be used to continue to study and monitor detention decision making as well decision making at other stages in the proceedings not only in Black Hawk but in other jurisdictions in Iowa. While ICIS is available to study juvenile court decision making the system needs to improve upon being accessible and being made more expedient.

A related suggestion for improvement rests with information that should 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 is not provided. Whether the youth was held in detention is also listed but you have to examine many fields to determine if detention occurred which is very time consuming and even then, you are 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.

Another recommendation on this issue 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.

*Recommendation 6: Development, Continued Use of Crime Prevention Programs*

A constant throughout the study and previous research is legal criteria accounted for some of the overrepresentation in the detention and in the juvenile court. This is not surprising because legal criteria should influence decision making and race should not, no matter how relatively small the effects may be compared to legal factors. The results reported here, however, point to the presence of race bias. The finding that legal factors also 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. Examples of programs and initiatives can be found at:

[http://www.dsgonline.com/mpg2.5/mpg\\_index.htm](http://www.dsgonline.com/mpg2.5/mpg_index.htm);

The Disproportionate Minority Contact Technical Assistance Manual (2006), 3<sup>rd</sup> edition;

*Seven Steps to Develop and Evaluate Strategies to Reduce*

*Disproportionate Minority Contact (DMC)*

(<http://www.jrsa.org/jjec/>)

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Table A2.1. Listing of Research on DMC in Iowa Conducted by Leiber

Citation	Topic/Question(s)	Findings
<p>2007 Leiber, Michael and Joseph Johnson “Being Young and Black: What Are Their Effects On Juvenile Justice Decision Making?” <u>Crime &amp; Delinquency</u></p>	<p>What are the individual and combination relationships between race and age with intake and judicial disposition decision making?  Data: Black Hawk 1980-2000</p>	<p>Both race and age individually and in interaction impact intake decision making; Being white and age interact while just being black influenced case outcomes.</p>
<p>2005 Leiber, Michael and Kristan Fox “Race and the Impact of Detention on Juvenile Justice Decision Making” <u>Crime &amp; Delinquency</u> 51(4): 470-497.</p>	<p>What is the effect of race on detention and the the degree that race and detention influence further court processing in one juvenile court jurisdiction in the state of Iowa?  Date: Black Hawk 1980-2000</p>	<p>Multivariate analyses using juvenile court data show that although legal factors account for some of the decision making and minority overrepresentation, so too does race.  Evidence is presented that, through detention, race has direct, interaction, and indirect effects that often work to the disadvantage of African American youth relative to White youth.</p>
<p>2003 Leiber, Michael J. and Kristin Y. Mack “The Individual and Joint Effects of Race, Gender, and Family Status on Juvenile Justice Decision-Making” <u>Journal of Research in Crime &amp; Delinquency</u>. 40(1): 34-70.</p>	<p>What is the extent to which the effects of race on youth justice outcomes are influenced by gender &amp; family status? What are the individual &amp; joint effects among race, gender &amp; family status on juvenile justice decision making?  Data: Black Hawk, Polk, Woodbury, Scott 1980-1991</p>	<p>Results from logistic regressions indicate that being African American affects justice outcomes, outcomes for whites are conditioned by gender &amp; family status &amp; decision-making should be viewed as a process involving both severe &amp; lenient outcomes.  African Americans males and females treated similar; white male and from a single-parent home treated differently (more severely) than white female counterpart</p>

Table A2.1. continued

Citation	Topic/Question(s)	Findings
2003 Leiber, Michael J. and Kristin Y. Mack "Race, Age and Juvenile Justice Processing" <u>Journal of Crime &amp; Justice</u> 25(2): 23-47.	Does race, age, & the combination of the two impact case outcomes for African American youth? What is the validity of the three hypotheses that involve the individual & the joint effects of race & age on juvenile justice outcomes?  Data: Black Hawk, Polk, Woodbury, Scott 1980-1991	Consistent with the symbolic threat thesis. African American youth receive more severe outcomes than white youth.  Partial support for the second hypothesis that says older youth get more severe outcomes than younger youth.  Mixed support for the third hypothesis that African American youth of all ages receive more. Being African American increases the likelihood of nonparticipation in diversion at intake & this relationship is not conditioned by age. However, race & age interact to influence the decision to refer youth on from intake but this relationship is conditioned by family status.
2002 Leiber, Michael J, Kimberly Schwarze, Kristin Y. Mack, and Margaret Farnworth "The Effects of Occupation and Education on Punitive Orientations Among Juvenile Just Personnel." <u>Journal of Criminal Justice</u> . 30: 1-14.	What are the interrelationships between occupational role & education experiences with support for punitive attitudes among juvenile justice personnel?  Data: 253 juvenile justice personnel 1992-1994	Probation officers less likely than correctional officers & teachers who worked in correctional facilities to indicate support for punitive responses to delinquent behavior.  Increases in education reduced adherence to punishment orientations. While educational requirements seemed to have an effect on impacting punitive views toward the treatment of youth, the kind of work personnel performed appeared to be essential when considering changes in how delinquent youth should be handled.

Table A2.1. continued

Citation	Topic/Question(s)	Findings
<p>2002 Leiber, Michael J “Disproportionate Minority Confinement (DMC) of Youth: An Analysis of State and Federal Efforts to Address the Issue”. <u>Crime &amp; Delinquency</u> 48 (1): 3-45.</p>	<p>What are the causes of minority overrepresentation in states’ juvenile justice systems? Are the identification and assessment stages of the DMC mandate being complied with?</p> <p>Data: Assessment Studies Nation-wide</p>	<p>The politics of, race, crime, and racial bias, along with state resistance and practical considerations, led OJJDP to adopt an approach to DMC.</p> <p>Resulted in a number of contributions to Understanding the issue of race and Involvement in the juvenile justice System, which includes sensitizing States to the issue and, in some cases a Reduction in DMC and the adoption of innovative initiatives to address the issue.</p> <p>There is also a lack of guidance and criteria to evaluate state compliance. This meant inconsistent implementation of the DMC requirement.</p>
<p>2000 Leiber, Michael J. “Gender, Religion, and Correctional Orientations Among a Sample of Juvenile Justice Personnel.” <u>Women &amp; Criminal Justice</u> 11(2): 15-44.</p>	<p>What is the extent to which women differ from men in their correctional orientation and what effect does religion and in particular, Christian fundamentalism, have in this process?</p> <p>Data: 264 juvenile justice personnel 1992-1994</p>	<p>Both gender and adherence to biblical literalness and the interrelationship between the two, are predictive of retributive and diversionary attitudes.</p> <p>Females who have a strict interpretation of the Bible favor a more strict juv. crt. Adherence to Christian fundamentalism Increase support for punitiveness; The relationship between religiosity and attitudes toward diversion is not statistically significant.</p> <p>Gender is not a statistically significant predictor of support for the death</p>



Table A2.1. continued

Citation	Topic/Question(s)	Findings
<p>1999 Leiber, Michael J. and Jayne M. Stairs “Race, Contexts, and the Use of Intake Diversion.” <u>Journal of Research in Crime &amp; Delinquency</u> 36(1): 56-86.</p>	<p>What is the influence of race on diversionary decision making at intake in three juvenile courts in the state of Iowa? With an emphasis on structural contingencies, racial stereotyping, and punitiveness.</p> <p>Data: 1980-1991 juvenile court records Black Hawk, Woodbury, Scott</p>	<p>penalty. But, women favor diversion and retribution whereas males just retribution</p> <p>Results provided partial support for the hypothesis. There is a need to broaden the scope of the search for the contingencies of decision making, to employ multiple research methodologies and to refine conflict theory to account for the differential treatment of African American youth.</p>
<p>1998 Leiber, Michael J., Mahesh Nalla, and Margaret Farnworth. “Explaining Juveniles’ Attitudes Toward the Police.” <u>Justice Quarterly</u>. 15(1): 151-174.</p>	<p>Do attitudes toward authority &amp; agents of social control develop in a larger, sociocultural context? Hypothesized that juveniles’ attitudes develop as a function of socialization in their communities’ social environment, of their deviant subcultural “preferences”, &amp; of the prior effect of these sociocultural factors on juveniles’ contacts with the police.</p> <p>Data: Accused and adjudicated delinquent youth 337 males 1991-1992</p>	<p>Youth were subject to greater social control in jurisdictions evidencing greater social and racial inequality and attitudes indicating beliefs in racial differences and punitiveness. Blacks more likely than whites to be referred for petition and less likely to participate in diversion. Few differences in the kinds of diversion ordered.</p> <p>Social background variables, particularly minority status, &amp; subcultural preferences, particularly commitment to delinquent norms, affected juveniles’ attitudes toward the police both directly &amp; indirectly (through police-juvenile interactions). View negatively</p> <p>Attitudes toward the police develop as a function of multiple factors beyond the expected effects of interacting with the</p>

Table A2.1. continued

Citation	Topic/Question(s)	Findings
1997 Leiber, Michael J. and Anne C. Woodrick. "Religion, Attributional Styles, and Adherence to Correctional Orientations." <u>Criminal Justice and Behavior</u> 24(4): 495-511.	What are the relationships among religion, attributional style, and the orientations of punitiveness & diversion among a certain sample of juvenile justice personnel?  Data: 264 juvenile court personnel 1992-1994	<p>police.</p> <p>Police contacts do not mediate the total effect of bad neighborhoods on juveniles' respect for the police.</p> <p>Juvenile-police interactions do not diminish these effects of social environment &amp; delinquent subcultures for either whites or minorities, but the significant police contacts differ for the two groups.</p> <p>Finding failed to provide support for a positive relationship among religion, dispositional attribution, &amp; a punitive orientation.</p> <p>A strict interpretation of the Bible &amp; societal attribution was predictive of attitudes toward punitiveness &amp; diversion.</p> <p>Effects of religion &amp; societal attribution varied in their directions &amp; association with specific correctional responses.</p> <p>Findings provide support or the importance of religion &amp; attributional style in understanding correctional orientations among juvenile justice personnel.</p>

Table A2.1. continued

Citation	Topic/Question(s)	Findings
1995 Leiber, Michael J. "Toward Clarification of the Concept of 'Minority' Status and Decision Making in Juvenile Court Proceeding <u>Journal of Crime &amp; Justice</u> . 18(1): 79-108.	With regards to juvenile court processing & case outcomes, are the effects of being Latino different from being African American or white?  Does race effect the failure to consider all available case outcomes at the stage of intake & decision making across the juvenile justice system?  Data: Juvenile court data, Black Hawk, Woodbury, Polk, Scott 1980-1991	Using an interpretation of conflict theory that emphasizes stereotyping on decision-making, the results suggest that differences exist in the case processing & outcomes of Latinos, African Americans, & Whites.  Blacks more likely than whites and Hispanics to receive be released and referred to petition at intake and to participate in diversion; Latinos treated similarly to whites at intake;  At petition, blacks and Latinos received more lenient outcome than whites
1995 Leiber, Michael J., Anne C. Woodrick and E. Michele Roudebush. "Religion, Discriminatory Attitudes and the Orientations of Juvenile Justice Personnel: A Research Note." <u>Criminology</u> . 33: 431-449.	Does a conservative world view reflect a patterning of attitudes that includes interrelationships among beliefs in a literal interpretation of the Bible & racial & gender stereotyping?  Data: Juvenile court personnel 5 urban counties 1992-1994	Findings provide support for the existence of a conservative patterning of attitudes that predict punitive orientations.  The resonance is less effective in explaining rehabilitative philosophies. strong association between beliefs in gender difference & adherence to a literal interpretation of the Bible.  The resonance: more conservative, greater adherence to strict interpretation of Bible and beliefs in racial and gender stereotyping and support for punitiveness

Table A2.1. continued

Citation	Topic/Question(s)	Findings
1995 Leiber, Michael J., and Katherine M. Jamieson. “Race and Decision Making Within Juvenile Justice: The Importance of Context.” <u>Journal of Quantitative            Criminology</u> . 11(4): 363-388.	Based on a revised conflict perspective, what are the racial differences in case processing decisions within four Midwest jurisdictions? What are the attitudes of juvenile court officials toward the punitiveness of the juvenile court & perceptions regarding differences between the behavior & attitudes of white & those of African Americans?  Data: Juvenile court data, Black Hawk, Woodbury, Polk, Scott 1980-1991	Both lenient & harsh treatment of African American compared to whites.  Inconsistent racial effects may be a function of variation in structural factors, “coupling” across system.  Partial support for the hypothesis that race in combination with decision makers’ attitudes would produce evidence of racial disparity in case outcomes.
1995 Leiber, Michael J. and Tina Mawhorr “Evaluating the Use of Social Skills Training and Employment with Delinquent Youth” <u>Journal of Criminal Justice</u> 23(2): 127-141.	Evaluate the implementation of the Second Chance program in Black Hawk county by Juvenile Court Services. Does the program reduce recidivism?  Data: 5 different groups entered the program In late fall of 1990 through June of 1992 4 comparison groups: 2 <sup>nd</sup> chance non- completion (n=28), 2 <sup>nd</sup> chance completion (n=57), equivalent match (n=56), random juvenile court services (n=85)	Youth who completed 2 <sup>nd</sup> chance prg. were not less likely to recidivate than control groups. Blacks less likely to complete 2 <sup>nd</sup> chance prg. than whites.
1994 Leiber, Michael J. “A Comparison of Juvenile Court Outcomes for Native North American Indians Relative to African Americans and Whites.” <u>Justice Quarterly</u> 11(2): 257-279.	Do Native American youths & African American youths receive more severe outcomes than white youths with similar backgrounds & legal histories? Are Native Americans at a greater disadvantage in general than African Americans?  Data: Woodbury juvenile court delinquent	Youths of both minority groups receive different treatment from white youths.  Although the race effects varied with the Stage assessed in he proceedings, it was found that Native American youths were more likely to receive less severe outcomes than African American

Table A2.1. continued

Citation	Topic/Question(s)	Findings
	Referrals 1980-1989	<p>youths. Native American youths who either are under court authority at the time of the referral or are charged with serious delinquency are less likely than other youths to be referred to petition.</p> <p>Decision to recommend further processing at intake is influenced by several of the legal &amp; extralegal variables: older youths, those attending school but with evidence of behavioral &amp;/or academic problems, those under court authority, those charged with more serious crimes, those involved in a property offense, &amp; those in detention are likely to be referred to the stage of petition.</p>

Figure 1 Percent Detained

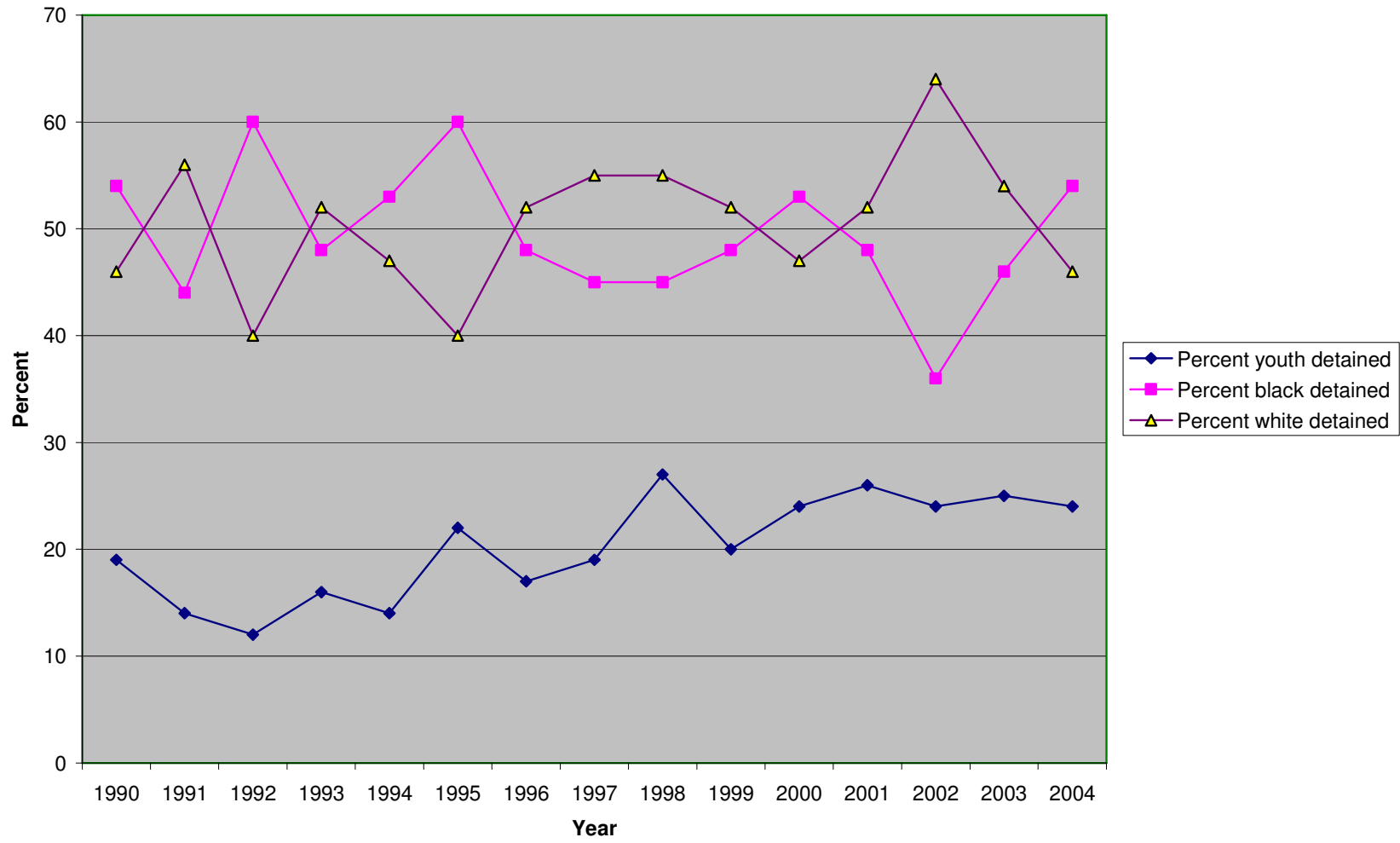


Figure 2 Reason for Detention

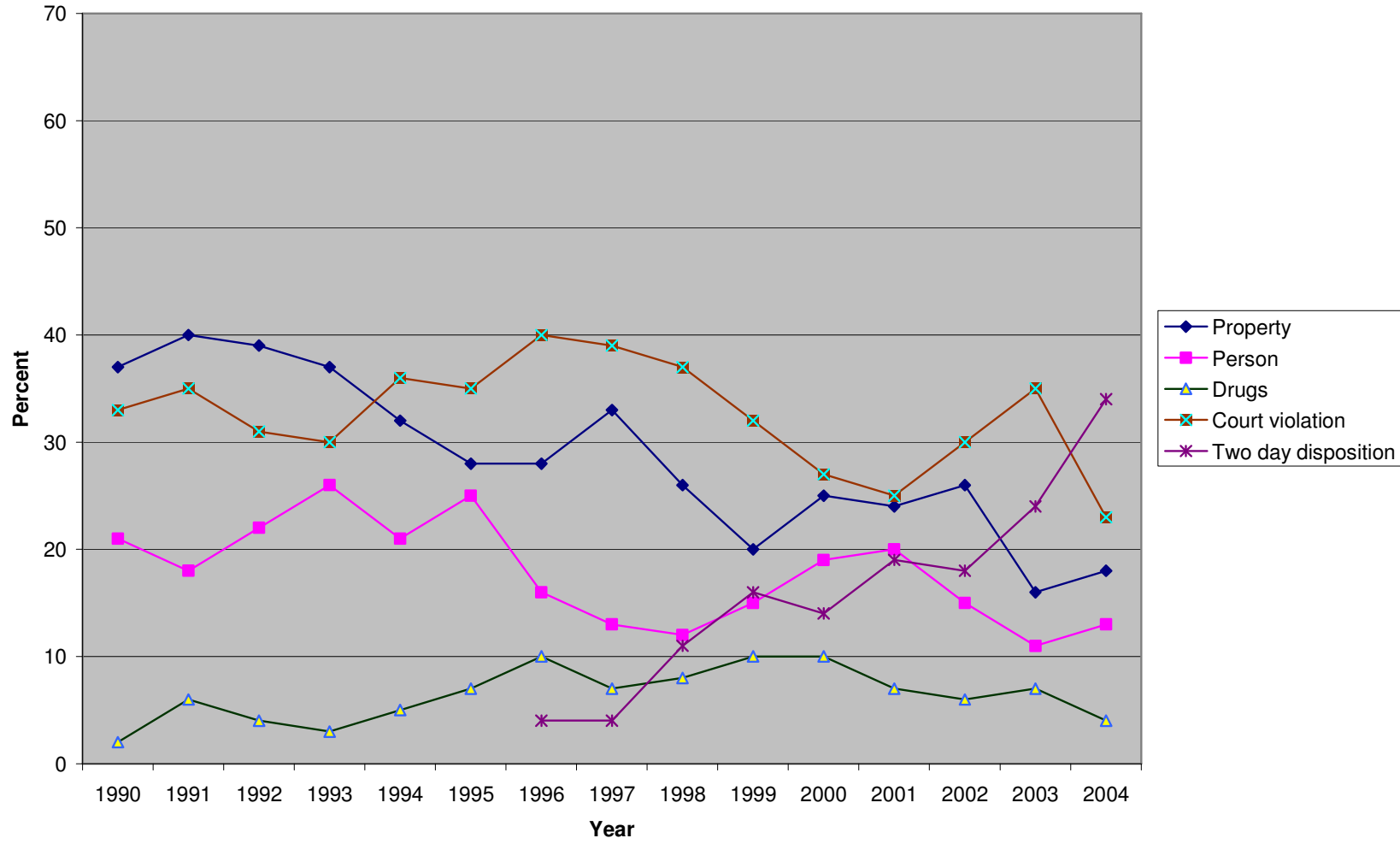


Figure 3 Reason for Detention - Property Crimes

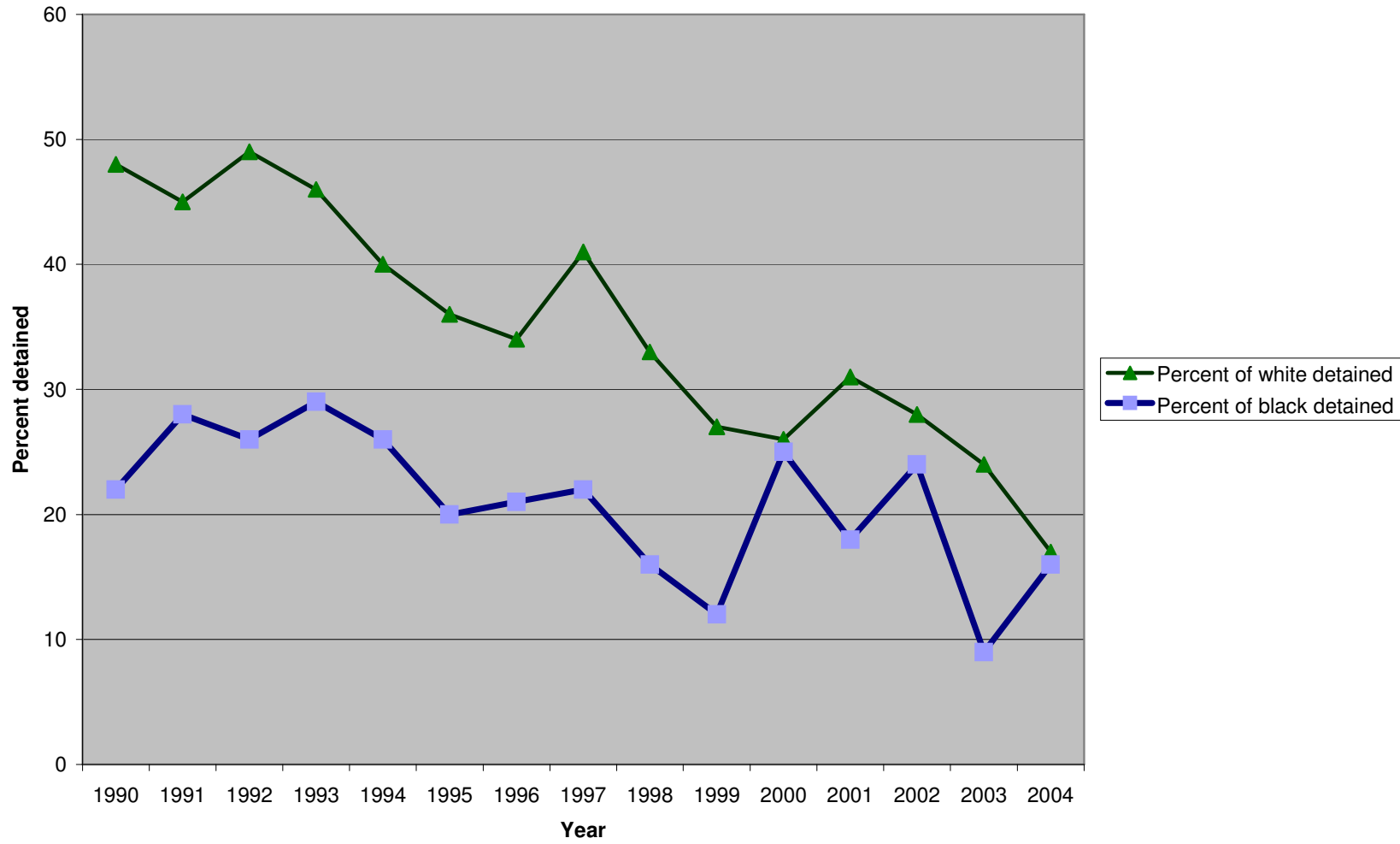




Figure 4 Reason for Detention - Person Crimes

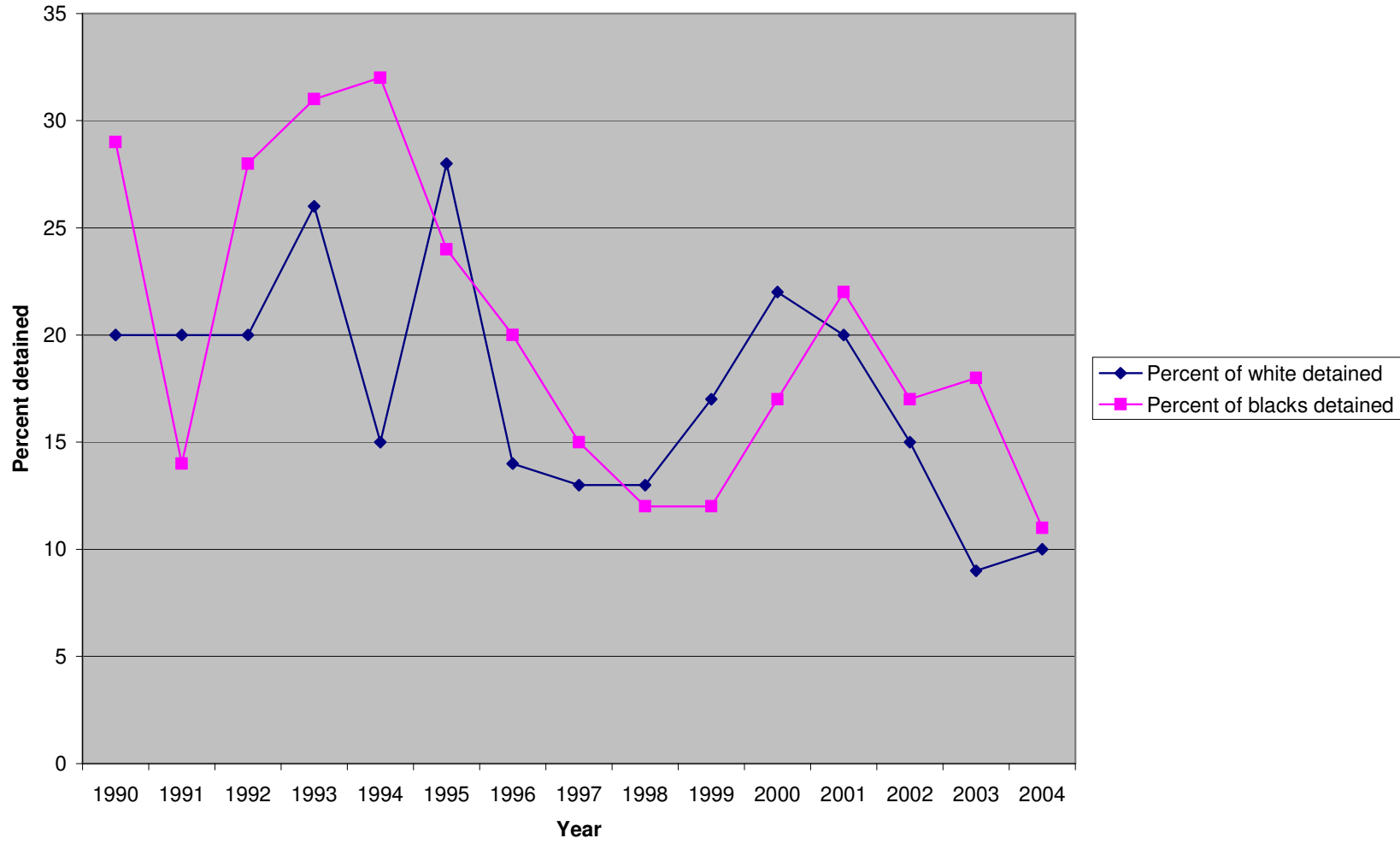


Figure 5 Reason for Detention - Drug Crimes

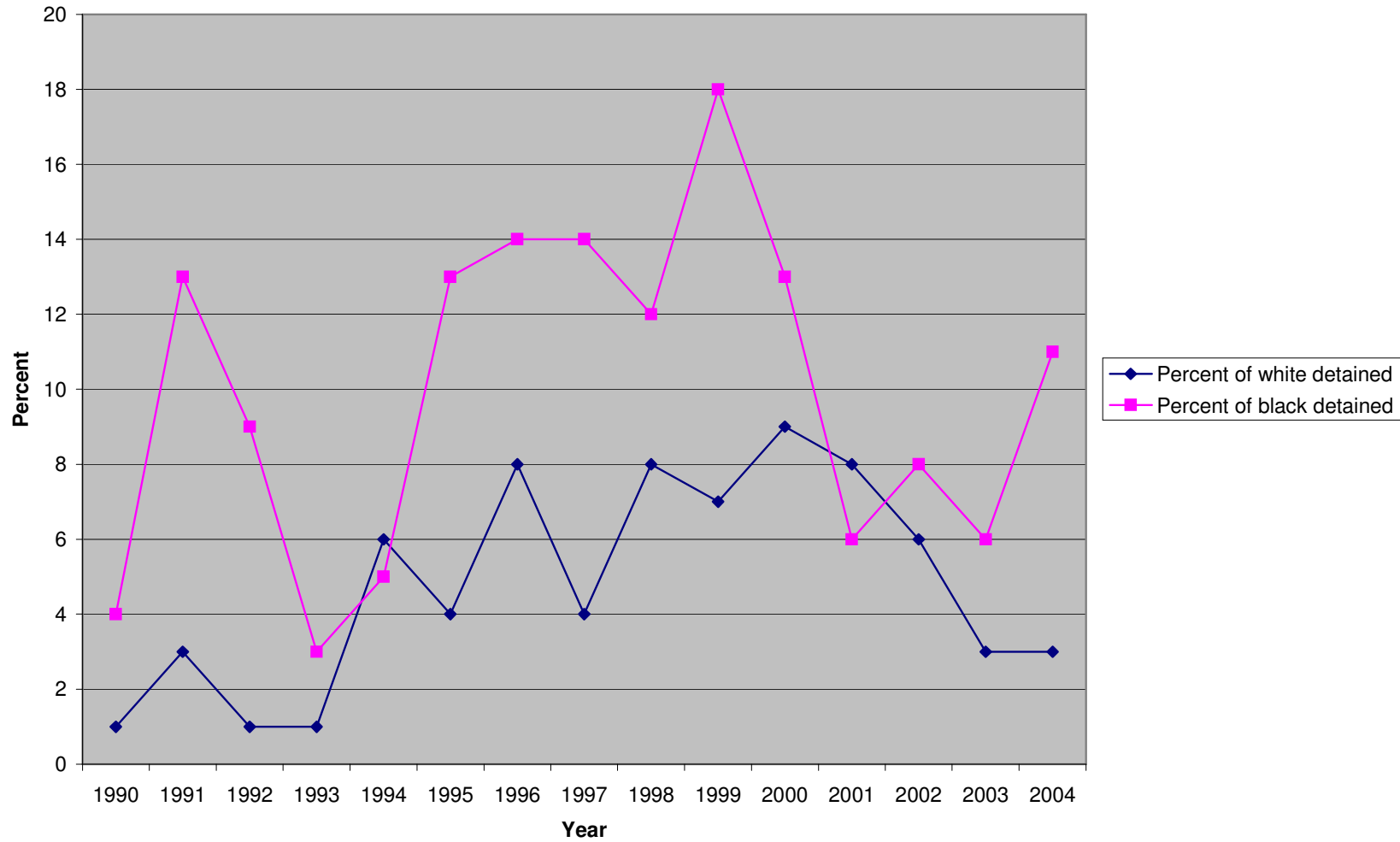


Figure 6 Reason for Detention - Court Violations

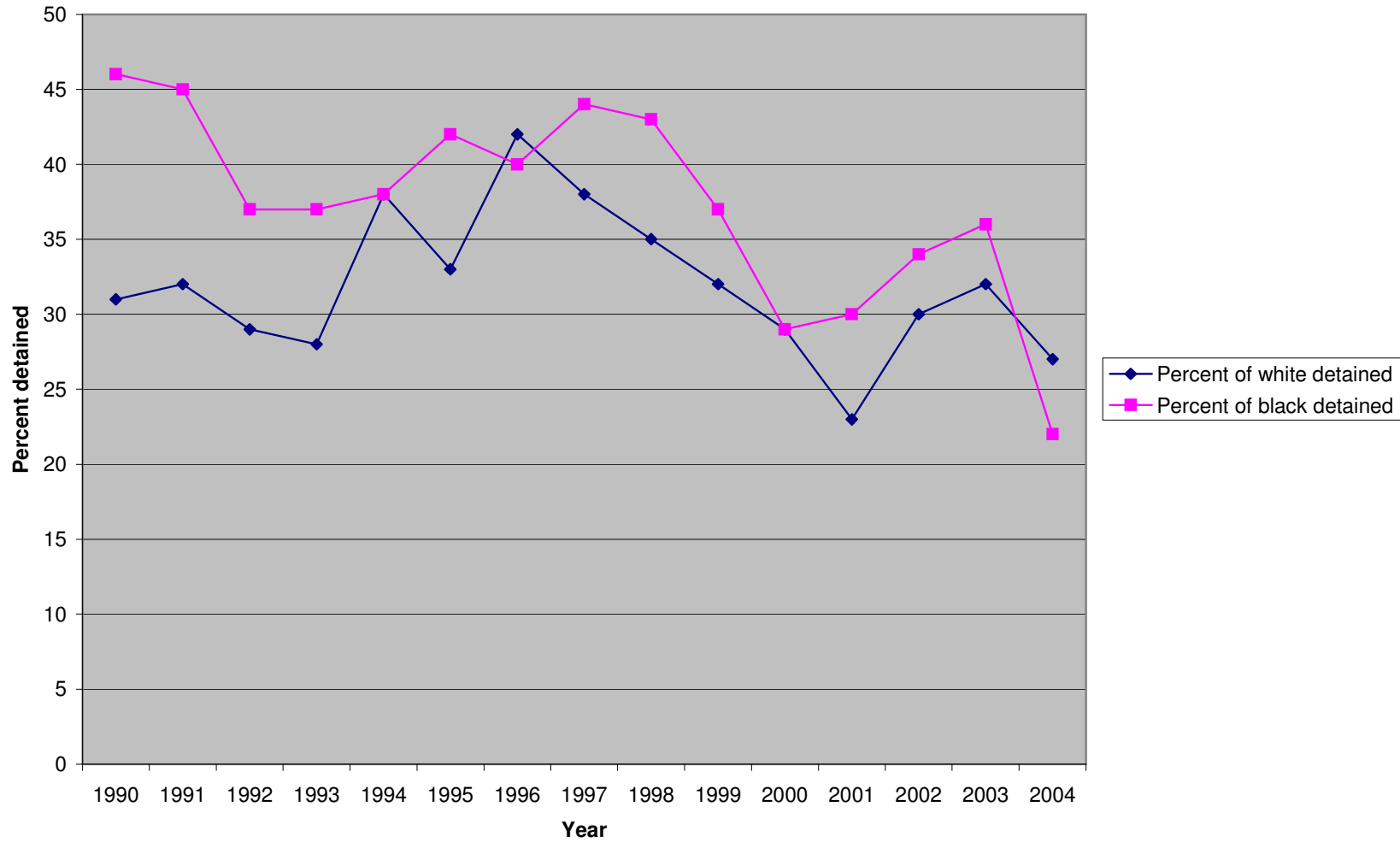


Figure 7 Reason for Detention - Two Day Disposition Outcome

