

**Race and Detention Decision Making and the Impact on Juvenile Court Outcomes  
in Black Hawk County, Iowa**

Executive Summary

by

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## Preface

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.

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. For those that are interested, **there is also a full technical report**

**and an executive brief** that accompanies this executive summary. 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).

## The Study

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).

- 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.

Comparing the whites and African Americans within each group, for example, revealed that for the non-detained youth, African Americans were 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 were older and less likely to come from a single parent household and be under court authority at the time of the referral than were African Americans.

- The reported difference between the non-detained and detained group concerning person offense appeared to be driven more by whites than African Americans.

*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. For example, 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 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 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.
- Being older increased the chances of detention for whites by 34%.
- On the other hand, 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 being detained for a court violation 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 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 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,

- 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 female increased the likelihood of petition by over three times relative to similar males.

At adjudication,

- 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.
- Being a white female decreased the likelihood of adjudication by 83% compared to her male counterpart.
- 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 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 for policy reform should involve the structuring of decision making, especially at detention and intake (see below). One way to do this is to adopt detention risk assessment instruments (Justice 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., Hoytt et al., 2002; Justice Policy Institute, 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, African Americans, Asians, 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 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 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 and information that is too difficult to track. Improvement along these lines would significantly strengthen the overall study and possible conclusions concerning race and juvenile justice 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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