

higher than the rates for the other three groups. In 2005, for example, the rate for young African-American males (64.1) was 8 times the rate for young white males (7.9), 16 times the rate for young African-American females (4.0), and more than 60 times the rate for young white females (0.7). The second trend revealed by the data is that the homicide offending rates for each group peaked in either 1990 or 1995 and declined dramatically after 1995. The rate for African-American males, for example, was 194.0 in 1990, 178.6 in 1995, 63.2 in 2000, and 64.1 in 2005. For white males, the rates fell from 22.0 (1990 and 1995) to 7.9 (2005).

The intraracial pattern identified in Chapter 2 for all homicides—that is, most homicides involve victims and offenders of the same race—is found for juvenile homicides as well. However, interracial homicides are more common among young perpetrators.⁴⁹

Explaining Racial and Ethnic Differences in Violent Behavior The data discussed thus far reveal that there are racial and ethnic differences in violent behavior among juveniles. Data on homicide indicate that African-American males have the highest offending rate, and self-report data on other types of violence reveal that Asians and whites have lower rates of offending than Native Americans, Hispanics, and African Americans.

Researchers have advanced a number of explanations for these racial and ethnic differences. Although a detailed discussion of these explanations is beyond the scope of this book, they generally focus on the effects of community social disorganization,⁵⁰ individual and family level risk factors,⁵¹ weakened family attachments and weak bonds to school and work,⁵² and involvement with delinquent peers and gangs.⁵³ Most studies focus on *either* individual/family influences or community level risk factors such as social disorganization. There are very few studies that examine the causes of violent crime across these levels of analysis.

An exception to this is the study by McNulty and Bellair (discussed earlier); this study found that Asians were significantly less likely than whites to engage in serious violent behavior and that Native Americans, Hispanics, and African Americans were more likely than whites to report they had committed violent acts.⁵⁴ To explain these differences, McNulty and Bellair controlled for individual factors (e.g., gender, age, use of alcohol/drugs, easy access to a gun, and prior violent behavior), family characteristics (e.g., type of family structure, parents' education and income), social bonds indicators (e.g., family attachment, school bonding, grades in school), involvement in gangs, exposure to violence, and community characteristics (e.g., social disorganization and residential stability). They found that the racial/ethnic differences in violent behavior disappeared when they included these explanatory factors in a single model. As they noted, "statistical differences between whites and minority groups are explained by variation in community disadvantage (for blacks), involvement in gangs (for Hispanics), social bonds (for Native Americans), and situational variables (for Asians)."⁵⁵

The authors of this study concluded that their results had important implications for implementing policies designed to reduce youth violence. They noted, however, that "the implementation of social programs is unlikely to alter contemporary patterns of racial and ethnic group involvement in violent behavior

without amelioration of the fundamental social and economic inequalities faced by minority group members.”⁵⁶

Similar results were found by Paula J. Fite, Porche Wynn, and Dustin A. Pardini,⁵⁷ who used data from the Pittsburgh youth survey to examine discrepancies in violent arrest rates between African-American and white male juveniles. They found that 38.4 percent of the African-American boys, but only 24.6 percent of the white boys, were arrested for a violent offense as juveniles. They also found, however, that race was significantly correlated with 10 of the 14 risk factors they were examining, including conduct problems, low academic achievement, family socioeconomic status, poor parent-child communication, peer delinquency, neighborhood disadvantage, and neighborhood problems.

The authors used statistical techniques that allowed them to determine whether these risk factors could explain the relationship between race and likelihood of arrest as a juvenile. As they noted, “If race is no longer a significant predictor of arrests after the inclusion of the risk factors in the model, then it suggests that race only indirectly affects arrest through its relation with one or more risk factors in the model.”⁵⁸ In fact, their results were consistent with this: once the risk factors were added to the model, race was no longer a predictor of arrest for a violent crime.

Further analysis revealed that several of the risk factors had a significant effect on the likelihood of a violence-related arrest. The odds of arrest were higher for youth with conduct problems, low academic achievement, problems in communicating with parents, delinquent peers, and neighborhood problems. These five risk factors accounted for 70 percent of the relationship between race and arrest for a violent offense.⁵⁹

In terms of policy implications, the authors of this study concluded that interventions designed to reduce juvenile arrests should focus on young boys exhibiting early signs of conduct problems such as fighting, stealing, and vandalizing property. Noting that low academic achievement also was associated with an increased risk of arrest, they suggested that “programs designed for children exhibiting co-occurring conduct disorder symptoms and academic problems will likely have the greatest impact on disproportionate minority arrest rates.”⁶⁰ (See Box 10.1 for a discussion of how the media portrays racial differences in juvenile offending.)

Box 10.1 Race, Crime, and the Media

In a 2001 review of over 70 studies focusing on crime in the news, Lori Dorfman and Vincent Schiraldi, of the Berkeley Media Studies Group, asked the following questions: Does news coverage reflect actual crime trends? How does news coverage depict minority crime? Does news coverage disproportionately depict youth of color as perpetrators of crime?⁶¹

The authors of the report concluded that “the studies taken together indicate that depictions of crime in the news are not reflective of the rate of crime generally, the proportion of crime that is violent, the proportion of crime committed by people of color, or the proportion of crime that is committed by youth. The problem is not

the inaccuracy of individual stories, but the cumulative choices of what is included in the news—or not included—presents the public with a false picture of higher frequency and severity of crime than is actually the case."⁶²

Dorfman and Schiraldi noted that although crime dropped 20 percent from 1990 to 1998, crime news coverage increased by over 80 percent.⁶³ Moreover, 75 percent of the studies found that minorities were overrepresented as perpetrators;⁶⁴ over 80 percent of the studies found that more attention was paid to white victims than to minority victims.⁶⁵ The authors concluded that the studies revealed that a "misinformation synergy" occurs in the way crime news is presented in the media.⁶⁶ The result is a message that crime is constantly on the increase, the offenders are young, minority males, and their victims are white.

JUVENILES OF COLOR AND THE POLICE

The racial/ethnic patterns found in data on arrests of juveniles raise questions about the general pattern of relations between the police and juveniles. We discussed this subject in Chapter 4. It is useful to review the major points here.

First, juveniles have a high level of contact with the police, and juveniles of color have particularly high rates of contact. Several factors explain this pattern. Most importantly, young people tend to be out on the street more than adults. This is simply a matter of lifestyle related to the life cycle. Low-income juveniles are even more likely to be out in public than middle-class youth. (See Box 10.2

Box 10.2 Police Use of Deadly Force Against Juveniles: The Case of Tamir Rice

Although accurate and complete data on the race of those killed by the police are difficult to come by, most commentators agree that young African-American men face substantially higher odds than do young white men. One of the most highly publicized and controversial cases occurred in November of 2014 in Cleveland, where Officer Timothy Loehmann shot and killed Tamir Rice, a 12-year-old African-American boy who was playing with a pellet gun in a Cleveland Park.

The case began when a 911 caller notified police that a man—"probably a juvenile"—was pointing a gun—"probably fake"—at people in the park. Unfortunately, the 911 operator did not relay these caveats to Loehmann or his partner. Officer Loehmann, who stated that Rice was drawing the pellet gun from his waistband as he arrived on the scene, shot Rice within seconds of arriving at the park. Video from the scene confirmed that Rice did reach for the gun, but it was not known whether he intended to fire at the officer, hand the gun to him, or show him that it was not a real firearm.

One year later, a Cuyahoga County grand jury declined to charge Officer Loehmann in the killing of Tamir Rice. Timothy J. McGinty, the county prosecutor, said that he recommended that the grand jury not bring any charges, noting that the shooting reflected a "perfect storm of human error, mistakes, and miscommunication."

for a discussion of a police shooting involving a 12-year-old African-American boy in Chicago.) Middle-class and wealthy people have more opportunities for indoor recreation: family rooms, large back yards, and so on. A study of juvenile gangs in the 1960s found that gang members regarded the street corner as, in effect, their private space.⁶⁷ At the same time, juveniles are more likely to be criminal offenders than middle-age people. Criminal activity peaks between ages 14 and 24. For this reason, the police are likely to pay closer attention to juveniles—and to stop and question them on the street—than to older people (for further discussion of this, see Focus on An Issue: The Use of Gang Databases).

Second, in large part because of the higher levels of contact, juveniles consistently have less favorable attitudes toward the police. Age and race, in fact, are the two most important determinants of public attitudes, with both young people and African Americans having the most negative view of the police. As Chapter 4 explains, the attitudes of Hispanics are less favorable than non-Hispanic whites but not as negative as those of African Americans. When age and race are combined, the result is that young African Americans have the most negative attitudes toward the police.⁶⁸

Attitudes—and behavior that reflects negative attitudes—can have a significant impact on arrest rates. In his pioneering study of arrest patterns, Donald Black found that the demeanor of the suspect was one of the important determinants of officers' decision to make an arrest. With other factors held constant, individuals who were less respectful or more hostile were more likely to be arrested. Black then found that African Americans were more likely to be less respectful of the police, and consequently were more likely to be arrested. Thus, the general state of poor relations leads to hostility in individual encounters with the police, which in turn results in higher arrest rates.⁶⁹

A study published in 2003 used data from the National Incident-Based Reporting System (NIBRS) to assess whether the likelihood of arrest varied by the race of the juvenile in incidents involving murder, a violent sex offense, robbery, aggravated assault, simple assault, or intimidation.⁷⁰ (These incidents were selected because they were the ones in which there was interaction between the offender and the victim, and victims were asked to describe the characteristics of the offender.) Carl E. Pope and Howard N. Snyder found that white juveniles were significantly more likely than African-American juveniles to be arrested: whites made up 69.2 percent of all juvenile offenders (based on victim's perceptions) but 72.7 percent of all juvenile offenders who were arrested. The results of a multivariate analysis that controlled for other incident characteristics (e.g., the number of victims; the age, sex, and race of the victim; the relationship between the victim and the offender; and the offender's sex) revealed that the likelihood of arrest did not vary for white and nonwhite juveniles. This was true for each state and for each of the types of offenses examined. According to Pope and Snyder, "Overall, the NIBRS data offer no evidence to support the hypothesis that police are more likely to arrest nonwhite juvenile offenders than white juvenile offenders, once other incident attributes are taken into consideration."⁷¹

FOCUS ON AN ISSUEThe Use of Gang Databases

In the late 1980s, California became the first state to create a computerized database of suspected gang members. Originally known as GREAT (Gang Reporting, Evaluation, and Trafficking System), by 2000 CalGang contained the names of over 300,000 suspected gang members. In fact the CalGang database included more names than there were students in the University of California system.⁷²

As concerns about youth violence mounted during the early 1990s, other jurisdictions followed California's example. Laws authorizing law enforcement agencies to compile databases of gang members were enacted in Colorado, Florida, Illinois, Georgia, Tennessee, Texas, Minnesota, Ohio, and Virginia. The FBI also maintains a database, the Violent Gang and Terrorist Organization File, which became operational in 1995.⁷³

The criteria for inclusion in a gang database—which typically includes information about the individual (name, address, physical description and/or photograph, tattoos, gang moniker), the gang (type and racial makeup), and a record of all police encounters with the individual—are vague. The Texas statute, for example, states that an individual can be included in the gang database if two or more of the following conditions are met: (1) self-admission by the individual of criminal street gang membership; (2) an identification of the individual as a criminal street gang member by an informant or other individual of unknown reliability; (3) a corroborated identification of the individual by an informant or other individual of unknown reliability; (4) evidence that the individual frequents a documented area of a criminal

street gang, associates with known criminal street gang members, and uses criminal street gang dress, hand signals, tattoos, or symbols; or (5) evidence that the individual has been arrested or taken into custody with known criminal street gang members for an offense or conduct consistent with criminal street gang activity.⁷⁴ Critics of the use of gang databases point to the third criterion, which allows entry of "associates" of gang members without evidence of actual gang membership, as especially problematic. According to a former California attorney general, the CalGang database mixes "verified criminal history and gang affiliations with unverified intelligence and hearsay evidence, including reports on persons who have committed no crime."⁷⁵

Other critics suggest that the gang databases, which are racially neutral on their face, are racially biased. One observer, for example, stated that "it's not a crackdown on gangs; it's a crackdown on blacks."⁷⁶ Statistics on the composition of gang databases confirm this. In 1997 in Orange County, California, for example, Hispanics, who made up only 27 percent of the county population, made up 74 percent of the youth in the database; in fact 93 percent of those included in the database were people of color. In 1993 African Americans made up 5 percent of Denver's population but 47 percent of those in the gang database; Hispanics made up 12 percent of the population but 33 percent of the gang database.⁷⁷ In Schaumburg, Illinois (a suburb of Chicago), African Americans made up 3.7 percent of the village's population but 22 percent of gang members in the database.⁷⁸

(Continued)

Gang database supporters counter that these statistics simply reflect the composition of criminal street gangs. The fact that most of the individuals whose names appear on gang databases are African American, Hispanic, and Asian, in other words, is due not to racially discriminatory policing but to the fact that most of those who belong to street gangs are racial minorities. Critics, however, maintain that the vagueness of the criteria for inclusion in the database, coupled with accounts by youth of color of repeated stops and frequent questions about gang membership and the extremely high percentages of African Americans and Hispanics in gang databases in cities like Los Angeles and Denver, "support claims that the number of racial minorities who are not gang members but are included in the database is disproportionate."⁷⁹

THE USE OF GANG DATABASES: POLICE HARASSMENT AND SENTENCE ENHANCEMENTS

Critics' concerns about racial and ethnic disparities in gang databases focus on the potential for police harassment, as well as the fact that in many states inclusion in a gang database may result in harsher sentences. Two incidents in California illustrate the potential for police harassment. The first took place in Garden Grove. In 1993, three Asian teens were stopped by Garden Grove police officers at a strip mall that the officers claimed was frequented by gang members. The officers questioned the youths, took down information on them that was later entered into the gang database, and took photographs of them without their permission.⁸⁰ The second incident took place in Union City. In 2002, Union City police officers called a "gang intervention meeting" at a local high

school. They rounded up 60 students, most of whom were Hispanic and Asian, and sent them to separate classrooms based on their race/ethnicity. The students were then searched, interrogated, and photographed; the information was collected; and the photographs of the students were entered into the gang database.⁸¹ Both of these cases resulted in suits filed by the ACLU of Northern California. In the first case, a settlement was reached in which the police department agreed to take photographs only if they had reasonable suspicion of criminal activity and written consent. The settlement in the second case is similar; it required police to destroy the photographs and other material collected during the sweep and prohibits further photographing of students for the gang database.

There also is evidence that inclusion in a gang database may lead to harsher treatment for youth convicted of crimes. In Arizona, for example, the prosecutor may increase the charges from a misdemeanor to a felony if the offense was committed for the benefit of a gang; if the youth is adjudicated delinquent, the prosecutor may request a sentence enhancement for gang-related activity.⁸² In 2000, 60 percent of California voters approved Proposition 21, The Gang Violence and Juvenile Crime Prevention Act, which increased the sentence enhancements for gang-related crimes. If the crime is serious, 5 years are added to the sentence; if the crime is violent, 10 years are added. Proposition 21 also makes it easier to prosecute juveniles who are alleged gang members as adults, allows the police to use wiretaps against known or suspected gang members, and adds gang-related murder to the list of special circumstances that make offenders eligible for the death penalty.

If, as critics contend, inclusion in a gang database is more likely for youth of color, these gang-related sentence

enhancements, which are racially neutral on their face, may have racially discriminatory effects. As Marjorie S. Zatz and Richard P. Krecker noted, "if ascriptions of gang membership did not carry penalties, defining gang membership in racialized ways might be innocuous. . . . But allegations of gang membership do carry added

penalties, at least in Arizona." Noting that Hispanic boys and girls were more likely than whites to be identified as gang members, and thus more likely to be subject to the penalty enhancements, they asked, how does this differ "in effect even if not in intent, from saying that the severity of sanctions is increased for Latinos?"⁸³

RACE/ETHNICITY AND THE JUVENILE JUSTICE SYSTEM

One particularly troubling aspect of juvenile justice as it has been constructed throughout the twentieth century is its disproportionate involvement, in an aggregate social sense, with youths from the lowest socioeconomic strata, who at least in the latter half of the twentieth century overwhelmingly have been children of color.⁸⁴

Although most research on the effect of race on the processing of criminal defendants has focused on adults, researchers also have examined the juvenile justice system for evidence of racial discrimination. Noting that the juvenile system, with its philosophy of *parens patriae*,⁸⁵ is more discretionary and less formal than the adult system, researchers suggest that there is greater potential for racial discrimination in the processing of juveniles than in the processing of adults. In cases involving juveniles, in other words, criminal justice officials are more concerned about rehabilitation than retribution, and they have discretion to decide whether to handle the case formally or informally. As a result, they have more opportunities than those who handle cases involving adults to take extralegal factors such as race/ethnicity and gender into consideration during the decision-making process.

FOCUS ON AN ISSUE

The Past, Present, and Future of the Juvenile Court

The traditional view of the emergence of the juvenile court in America pictures the "child savers" as a liberal movement of the late nineteenth century, made up of benevolent, civic-minded, middle-class

Americans who worked to help delinquent, abused, and neglected children who were suffering due to the negative impact of the rapid growth of industrialization. Although the emergence of the

(Continued)

juvenile court is most often described as the creation of a welfare agency for the humane treatment of children,⁸⁶ Anthony Platt highlighted the movement's social control agenda as well. According to Platt, the "child saving movement" did little to humanize the justice system for children, but rather "helped create a system that subjected more and more juveniles to arbitrary and degrading punishments."⁸⁷

Platt contended that the attention of the juvenile court was originally focused on a select group of at-risk youth: court personnel originally focused on the children of urban, foreign-born, poor families for their moral reclamation projects.⁸⁸ Barry Feld argued that in modern times the juvenile court continues to intervene disproportionately in the lives of minority youth.⁸⁹ He asserted that the persistent overrepresentation of minority youth at all stages of the system is largely the consequence of the juvenile court's unstable foundation of trying to reconcile social welfare and social control agendas. This conceptual contradiction allows "public

officials to couch their get-tough policy changes in terms of 'public safety' rather than racial oppression."⁹⁰

Feld argued that the social welfare and social control aims of the juvenile court are irreconcilable and that attempts to pursue and reconcile these two competing agendas have left the contemporary juvenile court in crisis. He called it "a conceptually and administratively bankrupt institution with neither a rationale nor a justification."⁹¹ He also contended that the juvenile court today offers a "second-class criminal court for young people" and does not function as a welfare agency.⁹² Feld suggested that the distinction between adult and juvenile courts should be eliminated and that social welfare agencies should be used to address the needs of youth. His suggestion would make age a mitigating factor in our traditional, adjudicatory (adult) court system.

Would this policy suggestion ease the oppressive element of the juvenile court's intervention in the lives of racial and ethnic minorities? Why or why not?

There is compelling evidence that racial minorities are overrepresented in the juvenile justice system. In 2013, for example, African Americans made up about 16 percent of the U.S. population aged 10–17 but 35 percent of all youth under juvenile court jurisdiction. Whites constituted approximately 76 percent of the youth population but only 62 percent of all offenders in juvenile court. African-American juveniles were involved in 42 percent of person offense cases (murder, rape, robbery, and assault), 36 percent of property offense cases, 21 percent of drug offense cases, and 36 percent of public-order offenses.⁹³ Stated another way, the total delinquency case rate for African-American juveniles (74.3) in 2013 was more than twice the rate for white juveniles (27.4) and for Native American juveniles (29.6); the delinquency case rate for Asian juveniles was only 7.3.⁹⁴

There also is evidence of racial disparity in the treatment of juvenile offenders. As shown in Table 10.6, which presents nationwide data on juvenile court outcomes in 2013, African Americans were treated more harshly than whites at several stages in the juvenile justice process. African Americans were more likely than whites to be detained prior to juvenile court disposition and to be petitioned to juvenile court for further processing. Among those adjudicated delinquent,

TABLE 10.6 Juvenile Court Case Outcomes, 2013

	Whites	African Americans	Native Americans	Asians
Delinquent Cases				
Detained prior to juvenile court disposition	19%	25%	24%	21%
Petitioned to juvenile court	52%	61%	54%	58%
Petitioned Cases				
Adjudicated delinquent	58%	51%	65%	57%
Waived to adult court	0.7%	0.8%	0.9%	0.3%
Adjudicated Cases				
Placed out of home	23%	27%	24%	18%
Placed on probation	65%	61%	61%	74%

SOURCE: National Center for Juvenile Justice, *Juvenile Court Statistics 2013* (Washington, DC: Office of Juvenile Justice and Delinquency Prevention, 2015).

African Americans were more likely than whites to be placed in a juvenile facility but somewhat less likely than whites to be placed on probation. White youth, on the other hand, were more likely than African-American youth to be adjudicated delinquent. The data presented in Table 10.6 also reveal that Native Americans are treated more harshly than whites at all stages of the process; in fact, Native Americans are more likely than African Americans to be adjudicated delinquent and waived to adult court. Asian Americans were the least likely of the four groups to be waived to adult court or placed in a juvenile facility; they were the most likely to be placed on probation.

Much of the criticism of the treatment of racial minorities by the juvenile justice system focuses on the fact that racial minorities are more likely than whites to be detained in secure facilities prior to adjudication and sentenced to secure confinement following adjudication. Since 1988 the Juvenile Justice and Delinquency Prevention Act has required states to determine whether the proportion of minorities in confinement exceeds their proportion of the population. If there is disproportionate minority confinement, the state must develop and implement policies to reduce it. As shown in Table 10.6, 27 percent of African-American and 24 percent of Native American youth who were adjudicated delinquent received an out-of-home placement disposition; for white youth, the figure was 23 percent. Among youth adjudicated delinquent for drug offenses, 21 percent of African-American youth received an out-of-home placement, compared with 18 percent of Native American youth, and 15 percent of white youth.⁹⁵

Although most of the statistics on disproportionate minority confinement compare African-American and white youth, there is some state-level evidence that Hispanic and Native American youth are overrepresented in juvenile detention facilities. In Santa Cruz County, California, for example, Hispanics comprised 33 percent of the population ages 10 through 17 but made up 64 percent of the youths incarcerated in the Juvenile Hall on any given day in 1997 and 1998.⁹⁶

A study in Colorado revealed that Hispanic youths were overrepresented at all stages in the juvenile justice system, and a study in North Dakota found that Native American youth made up 8 percent of the juvenile population but 21 percent of secure detention placements and 33 percent of secure correctional placements.⁹⁷

A report by the Building Blocks for Youth initiative, a national project to address unfairness in the juvenile justice system and to promote nondiscriminatory and effective policies, also addressed this issue.⁹⁸ The authors of the report, *And Justice for Some*, concluded that minority youth—and especially African-American youth—receive harsher treatment than white youth throughout the juvenile justice system. The differences were particularly pronounced at the beginning stages of involvement with the juvenile justice system (i.e., in terms of decisions regarding intake and detention) and at the end of the process (i.e., in terms of decisions regarding out-of-home placement in a secure facility). With respect to detention prior to adjudication, the report found that minority youth were overrepresented, especially for drug offenses. White youth made up 66 percent of all youth referred to juvenile courts for drug offenses but only 44 percent of those detained. African-American youth made up 32 percent of the drug offenders referred to juvenile court but 55 percent of those detained.⁹⁹ There was a similar pattern for out-of-home placement: in every offense category, and especially for drug offenses, minority youth were more likely than white youth to be committed to a locked institution.¹⁰⁰ Mark Soler, head of the Building Blocks for Youth initiative, stated that the report painted “a devastating picture of a system that has totally failed to uphold the American promise of ‘equal justice for all.’”

The figures presented in Table 10.6 and the statistics on disproportionate minority confinement do not take racial differences in crime seriousness, prior juvenile record, or other legally relevant criteria into consideration. If racial minorities are referred to juvenile court for more serious offenses or have more serious criminal histories than whites, the observed racial disparities in case processing might diminish or disappear once these factors were taken into consideration. Like research on sentencing in adult court, studies of juvenile court outcomes consistently reveal that judges base their decisions primarily on the seriousness of the offense and the offender's prior record.¹⁰¹ Thus, “real differences in rates of criminal behavior by black youths account for part of the disparities in justice administration.”¹⁰²

Research conducted during the past 20 years reveals that racial differences in past and current involvement in crime do not account for all of the differential treatment of racial minorities in juvenile court. Carl Pope and William H. Feyerherm, for example, reviewed 46 studies published in the 1970s and 1980s.¹⁰³ They found that two-thirds of the studies they examined found evidence that racial minorities were treated more harshly, even after offense seriousness, prior record, and other legally relevant factors were taken into account. A recent review of 34 studies published from 1989 to 2001 found a similar pattern of results.¹⁰⁴ Eight of the 34 studies found that race and/or ethnicity had direct effects on juvenile court outcomes; 17 reported that the effects of race/ethnicity were contextual (i.e., present at only some decision points or for some types of offenders); only one study reported no race effects.¹⁰⁵ An analysis that focused explicitly on

disproportionate minority confinement reached the same conclusion. According to David Huizinga and Delbert S. Elliot, "Even if the slightly higher rates for more serious offenses among minorities were given more importance than is statistically indicated, the relative proportions of whites and minorities involved in delinquent behavior could not account for the observed differences in incarceration rates."¹⁰⁶

The studies conducted to date also find evidence of what is referred to as "cumulative disadvantage"¹⁰⁷ or "compound risk."¹⁰⁸ That is, they reveal that small racial differences in outcomes at the initial stages of the process "accumulate and become more pronounced as minority youths are processed further into the juvenile justice system."¹⁰⁹ The Panel on Juvenile Crime, for example, calculated the likelihood that a youth at one stage in the juvenile justice process would reach the next stage (the transitional probability), as well as the proportion of the total population under age 18 that reached each stage in the juvenile justice process (the compound probability).¹¹⁰ The panel did this separately for African-American and white youth and then used these probabilities to calculate the African American-to-white relative risk and the African American-to-white compound risk. As shown in Table 10.7, 7.2 percent of the African-American population under age 18, but only 3.6 percent of the white population under age 18, was arrested. African Americans, in other words, were twice as likely as whites to be arrested. Of those arrested, 69 percent of the African Americans and 58 percent of the whites were referred to juvenile court. Taking these differences into account resulted in a compound probability—that is, the proportion of the total youth population referred to juvenile court—of 5.0 percent for African American youth and 2.1 percent for white youth. Thus, African Americans were 2.38 times more likely than whites to be referred to juvenile court. These differences in outcomes, as Table 10.7 shows, meant that at the end of the process

TABLE 10.7 Juvenile Justice Outcomes for African Americans and Whites: Compound Risk

Outcome	Transitional Probability ^a		Compound Probability ^b		Black to White Risk	
	African Americans	Whites	African Americans	Whites	Relative Risk ^c	Compound Risk ^d
Arrested	0.072	0.036	0.072	0.036	2.00:1.00	2.00:1.00
Referred to juvenile	0.690	0.580	0.050	0.021	1.19:1.00	2.38:1.00
Case handled formally	0.620	0.540	0.031	0.011	1.15:1.00	2.82:1.00
Adjudicated delinquent/ found guilty	0.550	0.590	0.0168	0.0067	0.93:1.00	2.51:1.00
Residential placement	0.320	0.260	0.0053	0.0017	1.23:1.00	3.12:1.00

^aThe transitional probability = the proportion of youth at one stage who proceed to the next stage.

^bThe compound probability = the proportion of the population under age 18 that reach each stage in the process.

^cThe relative risk = the ratio of the black transitional probability to the white transitional probability.

^dThe compound risk = the ratio of the black compound probability to the white compound probability.

SOURCE: Adapted from The Panel on Juvenile Justice, *Juvenile Crime Juvenile Justice* (Washington, DC: National Academy Press, 2001), Figure 6.3 and Table 6.5.

African Americans were more than three times as likely as whites to be adjudicated delinquent and confined in a residential facility. As the panel pointed out, "at almost every stage in the juvenile justice process the racial disparity is clear, but not extreme. However, because the system operates cumulatively the risk is compounded and the end result is that black juveniles are three times as likely as white juveniles to end up in residential placement."¹¹¹

In the sections that follow, we summarize the findings of five methodologically sophisticated studies examining the effects of race and ethnicity on juvenile court outcomes. The first is a comparison of outcomes for African Americans and whites in Florida. The second is an analysis of outcomes for African-American, Hispanic, and white youth in Pennsylvania. The third, which also examines the treatment of juveniles in Pennsylvania, is an exploration of the degree to which decisions are affected by the urbanization of the jurisdiction and the youth's family situation. The fourth study is an examination of outcomes for white and African-American youth in Georgia, which analyzes the degree to which admitting guilt affects adjudication and disposition. The fifth study uses data from Nebraska to explore the extent to which African-American males aged 16–17 are treated differently than other youth. We also discuss evidence concerning racial disparities in waivers to adult criminal court.

Race/Ethnicity and Juvenile Court Outcomes in Five Jurisdictions Processing Juveniles in Florida Donna M. Bishop and Charles S. Frazier examined the processing of African-American and white juveniles in Florida.¹¹² In contrast to previous researchers, most of whom focused on a single stage of the juvenile justice process, these researchers followed a cohort of 54,266 youth through the system from intake through disposition. They examined the effect of race on five stages in the process: (1) the decision to refer the case to juvenile court for formal processing (rather than close the case without further action or handle the case informally); (2) the decision to place the youth in detention prior to disposition; (3) the decision to petition the youth to juvenile court; (4) the decision to adjudicate the youth delinquent (or hold a waiver hearing in anticipation of transferring the case to criminal court); and (5) the decision to commit the youth to a residential facility or transfer the case to criminal court.

Table 10.8 displays the outcomes for African-American and white youth, as well as the proportion of African Americans in the cohort at each stage in the process. These data indicate that African Americans were substantially more likely than whites to be recommended for formal processing (59.1 percent versus 45.6 percent), petitioned to juvenile court (47.3 percent versus 37.8 percent), and either incarcerated in a residential facility or transferred to criminal court (29.6 percent versus 19.5 percent). As the cohort of offenders proceeded through the juvenile justice system, the proportion of African American increased from 34.0 percent (among those recommended for formal processing) to 43.1 percent (among those committed to a residential facility or transferred to criminal court). As Bishop and Frazier pointed out, however, these differences could reflect the fact that the African-American youths in their sample were arrested for more serious crimes and had more serious prior criminal records than white youths. If this were the case, the differences would reflect racial disparity but not racial discrimination.

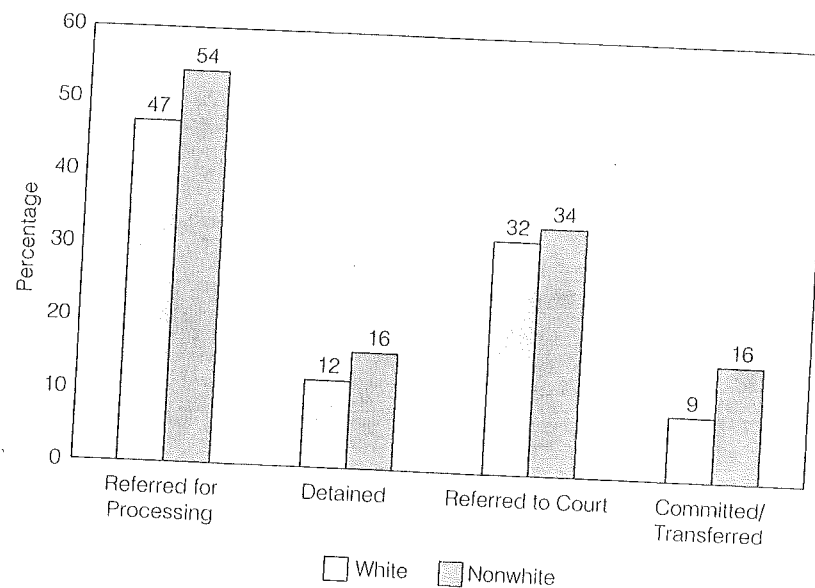
TABLE 10.8 Race and Juvenile Justice Processing in Florida, 1979-1981

	Recommended for Formal Processing	Detained	Petitioned to Juvenile Court	Adjudicated Delinquent	Incarcerated/ Transferred
African Americans	59.1%	11.0%	47.3%	82.5%	29.6%
Whites	45.6%	10.2%	37.8%	80.0%	19.5%
Proportion					
African American	34.0%	30.0%	32.4%	33.3%	43.1%

SOURCE: Adapted from Donna M. Bishop and Charles E. Frazier, "The Influence of Race in Juvenile Justice Processing," *Journal of Research in Crime and Delinquency* 25 (1988), pp. 242-263, 250.

When the authors controlled for crime seriousness, prior record, and other predictors of juvenile justice outcomes, they found that the racial differences did not disappear. Rather, African Americans were more likely than whites to be recommended for formal processing, referred to juvenile court, and adjudicated delinquent. They also received harsher sentences than whites. These findings led Bishop and Frazier to conclude that "... race is a far more pervasive influence in processing than much previous research has indicated."¹¹³

A follow-up study using more recent (1985-1987) Florida data produced similar results.¹¹⁴ As shown in Figure 10.2, Frazier and Bishop found that outcomes

**FIGURE 10.2** Juvenile Court Outcomes for "Typical" Florida Youth, 1985-1987

SOURCE: Adapted from Charles E. Frazier and Donna M. Bishop, "Reflections on Race Effects in Juvenile Justice," in *Minorities in Juvenile Justice*, Kimberly Kempf Leonard, Carl E. Pope, and William H. Feyerherm, eds. (Thousand Oaks, CA: Sage, 1995).

for "typical" white and nonwhite youth varied significantly. They defined a typical youth as "a 15-year-old male arrested for a misdemeanor against person (e.g., simple battery), with a prior record score consistent with having one prior referral for a misdemeanor against property (e.g., criminal mischief)."¹¹⁵ Compared to his white counterpart, the typical nonwhite youth was substantially more likely to be recommended for formal processing, held in secure detention prior to disposition, and committed to a residential facility or transferred to criminal court. They also found that being detained had a significant effect on subsequent outcomes; youth who were detained were significantly more likely than those who were released to be referred to juvenile court and, if adjudicated delinquent, to be committed to a residential facility or transferred to criminal court. Thus, nonwhite youth, who were more likely than white youth to be detained, were sentenced more harshly both because of their race (a direct effect) and because of their custody status (an indirect effect).

Frazier and Bishop also conducted interviews with criminal justice officials. During the interview, the respondent was asked whether the findings of harsher treatment of nonwhites "were consistent with their experiences in Florida's juvenile justice system between 1985 and 1987."¹¹⁶ Most of the intake supervisors and public defenders stated that they believed juvenile justice dispositions were influenced by the race of the youth. In contrast, only 25 percent of the prosecutors and 33 percent of the judges believed that nonwhites were treated more harshly than similarly situated whites.

Although some of the racial differentials in treatment were attributed to racial bias—that is, to prejudiced individuals or a biased system of juvenile justice—a number of respondents suggested that the race effects actually reflected differences in economic circumstances or family situations. As one prosecutor observed, "The biggest problem is the lack of money and resources. Blacks don't have the resources. Whites are more likely to have insurance to pay for treatment. The poor I saw were always poor, but the black poor were poorer yet." Other respondents cited the fact that white parents were more likely than African-American parents to be able to hire a private attorney and, as a result, got more favorable plea bargains. Other officials mentioned the role played by family considerations, noting that youth from single-parent families or families perceived to be incapable of providing adequate supervision were treated more harshly than those from intact families. Although they acknowledged that this practice had a disparate effect on minority youth, most officials defended it as "fair and appropriate." As one judge stated, "Inadequate family and bad neighborhood correlate with race and ethnicity. It makes sense to put kids from these circumstances in residential facilities."¹¹⁷

Frazier and Bishop concluded that the results of their study "leave little doubt that juvenile justice officials believe race is a factor in juvenile justice processing."¹¹⁸ They noted that the fact that some officials believed that race directly affected juvenile justice outcomes, whereas others thought that the effect of race was subtle and indirect, meant that "policies aimed at eradicating discrimination must focus both on individual racism and on racism in its most subtle institutional forms."¹¹⁹ They offered the following recommendations:¹²⁰

- States should establish procedures for all the agencies comprising the juvenile justice system to require reporting, investigating, and responding