

to professionals whose decisions appear to have been influenced by racial or ethnic bias.

- State legislatures should mandate the development of a race, ethnic, and cultural diversity curriculum that personnel at every level of the juvenile justice system should be required to complete.
- Intake policies and practices should be altered so that youths referred for screening are not rendered ineligible for diversion and other front-end programs if their parents or guardians (a) cannot be contacted, (b) are contacted but are unable to be present for an intake interview, or (c) are unable to participate in family-centered programs.
- In any situation in which persons with economic resources (e.g., income or insurance benefits) are allowed to arrange for private care as a means of diversion from the juvenile justice system or less harsh formal dispositions, precisely the same treatment services should be made available at state expense to serve the poor—whether minority or majority race youths.

Frazier and Bishop acknowledged that these "fairly modest proposals" were unlikely to eliminate racial discrimination that had "survived for generations in a legal environment that expressly forbids it." Nonetheless, they were "cautiously optimistic" that their recommendations would have some effect. As they stated, "if implemented with a genuine interest in their success, such policies will both help reduce discriminatory actions and promote equal justice."¹²¹

Processing Juveniles in Pennsylvania Kimberly Kempf Leonard and Henry Sontheimer¹²² explored the effect of race and ethnicity on juvenile justice case outcomes in Pennsylvania. Although African Americans and Hispanics accounted for only 19 percent and 4 percent, respectively, of the general youth population in the 14 counties included in the study, they comprised 46 percent (African Americans) and 7 percent (Hispanics) of all referrals to juvenile court.¹²³

Like the two studies discussed earlier, this study used a multivariate model to examine the effect of race/ethnicity on a series of juvenile justice outcomes. Leonard and Sontheimer found that both African-American and Hispanic youth were more likely than whites with similar offenses, prior records, and school problems to have their cases formally processed, especially in nonrural court settings.¹²⁴ They also found that minority youth were significantly more likely than whites to be detained prior to adjudication and that detention was a strong predictor of subsequent outcomes. African-American and Hispanic youth, in other words, were detained more frequently than whites and, as a result, were more likely than whites to be adjudicated delinquent and placed in a residential facility following adjudication.

Leonard and Sontheimer suggest that their findings have important policy implications. In particular, they recommend that

[The] criteria used by individual intake officers should be evaluated to determine whether factors that may more often negatively affect minorities are accorded importance. Racially neutral criteria in detention

decisions should be established . . . Cultural bias, including value judgments not based on fact (such as notions that minority parents may not provide adequate supervision for their children or that certain neighborhoods are not conducive to growing up well), must not influence detention.¹²⁵

Intake and Disposition Decisions in Pennsylvania A second study of juvenile justice decision making in Pennsylvania focused on two stages in the process: the decision to formally refer a youth to the juvenile court rather than handle the case informally and the decision to place the youth in a secure detention facility following adjudication.¹²⁶ As shown in Table 10.9, which displays the bivariate relationships between the two outcomes and the legal and extralegal variables that may affect those outcomes, Christina DeJong and Kenneth C. Jackson found that African-American and Hispanic youth were more likely than white youth to be referred to juvenile court; they also were more likely to be committed to a detention facility. The likelihood of a formal referral also was greater for youth with the following characteristics: male, aged 15 and older, living in a single-parent (mother only) family, not in school, charged with a drug offense, charged with a felony, and with two or more prior arrests. A similar pattern of results was found for the decision to place the youth in a secure facility.

Further analysis of the data using multivariate techniques led DeJong and Jackson to conclude that race/ethnicity did not have a significant effect on either outcome once the other variables were taken into consideration. Although Hispanics were significantly more likely than whites and African Americans to be formally referred to juvenile court, the referral rates for African-American and white youth did not differ. And neither Hispanics nor African Americans faced greater odds than whites of commitment to a secure facility. The race of the youth, however, did affect these outcomes indirectly. In particular, white youth who lived with both parents were less likely than those who lived in single-parent families to be formally referred to juvenile court or placed in secure confinement following disposition. Among African-American youth, on the other hand, living with both parents rather than in a single-parent household did not have these positive effects. As DeJong and Jackson pointed out, "Black youths are treated the same whether they are living with parents or with their mothers only; for these youths, family status does not protect against [formal referral or] incarceration."¹²⁷ In addition, African-American youth, but not white youth, were treated more harshly in rural counties than in urban or suburban counties.

DeJong and Jackson speculated that the fact that family status did not affect outcomes for African-American youth might be due to juvenile justice officials' stereotyped beliefs about African-American families. That is, officials "may view all black fathers as absentee" or "may view the black family structure as weak."¹²⁸ If this is the case, African-American youth who live in two-parent families would not be regarded as better candidates for diversion or for treatment within the community than those who live in single-parent families. This type of subtle discrimination may be more common than the overt discrimination that characterized the system in earlier eras.¹²⁹

TABLE 10.9 The Characteristics of Youth Formally Referred to Juvenile Court and Placed in Secure Confinement Following Disposition

	Formally Referred (%)	Placed in Secure Facility (%)
Race/ethnicity		
White	49.5	14.9
Black	61.4	17.8
Hispanic	59.4	22.9
Gender		
Male	57.5	17.1
Female	38.4	12.9
Age		
12 and below	43.7	11.8
13	50.0	14.3
14	51.9	17.5
15	56.9	12.7
16	58.6	21.0
17 and above	54.7	17.1
Living with mother only	65.9	17.8
Living with both parents	55.1	10.7
In school	61.0	15.8
Not in school	68.2	22.6
Charge type		
Property	66.2	16.1
Violent	61.2	15.9
Drug	71.6	23.7
Other	29.6	15.6
Charge seriousness		
Felony	78.5	19.5
Misdemeanor	35.8	12.5
Number of prior arrests		
None	48.7	10.5
One	64.7	22.9
Two	70.1	32.2
Three or more	76.4	35.8

SOURCE: Adapted from Christina DeJong and Kenneth C. Jackson, "Putting Race Into Context: Race, Juvenile Justice Processing, and Urbanization," *Justice Quarterly* 15 (1998), pp. 487-504, Table 2. Reprinted with permission of the publisher (Taylor & Francis Ltd, <http://www.tandf.co.uk/journals>).

Adjudication and Disposition Decisions in Georgia A study of juvenile court outcomes in Georgia focused on the interaction between the race of the juvenile and admitting or denying the crime.¹³⁰ R. Barry Ruback and Paula J. Vardaman posited two opposing effects for admitting/denying guilt, one based on the youth's potential for rehabilitation and the other based on due process considerations. They asserted that if the primary goal of the juvenile justice system was rehabilitation, then indicators of amenability to rehabilitation should be important predictors of case disposition. Since admitting guilt signals that the youth accepts responsibility for his or her actions and feels remorse and also indicates that the youth may be a good candidate for treatment rather than punishment, an admission of guilt should—again, if rehabilitation is the goal—lead to more lenient treatment. On the other hand, if the goal of the court is to punish the guilty, *denial* of guilt might lead to more lenient treatment. This might be particularly true, according to Ruback and Vardaman, in large urban jurisdictions with heavy caseloads. If the youth denies that he is guilty, the court must hold an evidentiary hearing and prove the charges. Prosecutors might prefer to dismiss the case rather than use their limited resources to secure a conviction.

Ruback and Vardaman found that whereas African Americans were overrepresented in juvenile court populations in the 16 Georgia counties they examined, white youth were treated more harshly than African-American youth.¹³¹ White juveniles (43 percent) were more likely than African-American juveniles (39 percent) to be adjudicated delinquent, and African-American juveniles (29 percent) were more likely than white juveniles (23 percent) to have their cases dismissed. The authors also found that white youth were substantially more likely to admit the crimes they were accused of committing: 66 percent of the whites, compared to only 51 percent of the African Americans, admitted their guilt.

When Ruback and Vardaman compared adjudication outcomes for African-American and white youth, controlling for crime seriousness, prior record, whether the case was heard in an urban or rural county, whether the youth admitted guilt, and the youth's age and gender, they found that race had no effect. Admitting guilt, on the other hand, had a strong effect on the likelihood of being adjudicated delinquent. Youth who admitted their guilt were more likely to be adjudicated delinquent. The odds of being adjudicated delinquent also were higher in rural than in urban counties.

The authors of the study concluded that the harsher treatment of white youth could be attributed to two factors. First, whites were more likely than African Americans to admit guilt, and admitting guilt led to a higher likelihood of being adjudicated delinquent. Second, cases involving whites were more likely than those involving African Americans to be processed in rural courts, where the odds of being adjudicated delinquent were higher.¹³² They also suggested that their results might reflect judges' beliefs that white youths would be more likely to benefit from the interventions and services available to the court. Thus,

an intervention by the court may be deemed more likely to affect the future behavior of white juveniles (who generally have shorter legal histories), while the same intervention with Black juveniles (who generally

have longer legal histories) may be perceived as wasted effort. It may be . . . that only white juveniles are believed to be worth investing resources in so as to reduce the chances of their committing future crimes.¹³³

Ruback and Vardaman maintained that this also might explain why white youth admitted their guilt at a higher rate than African-American youth. That is, juvenile justice officials might have urged whites to admit the crime so that they could receive an informal adjustment and court intervention.

Race/Ethnicity, Gender, and Age: Juvenile Justice in Nebraska

The studies discussed thus far all tested for the direct effects of race/ethnicity; that is, these studies examined whether African-American and Hispanic youth were treated more harshly than white youth. Dae-Hoon Kwak used Nebraska data to examine the interactions among age, gender, race/ethnicity, and four juvenile court outcomes: detention, petition, adjudication, and disposition.¹³⁴ He controlled for the seriousness of the offense, the youth's prior delinquency referrals, whether the case was handled by a separate juvenile court or a regular county court, and the year of the referral. He found that each of the offender characteristics affected some or all of the outcomes: youth of color generally were treated more harshly than white youth, younger offenders were treated more leniently than offenders who were between the ages of 13 and 17, and males were more likely than females to be petitioned and transferred to legal custody.¹³⁵

Kwak then compared outcomes for African-American males who were 16 or 17 years old with outcomes for other categories of offenders. Although he found differences for each of the four outcomes, the most consistent outcomes were found for the disposition decision, which was measured by a dichotomous variable that differentiated between decisions that transferred the legal custody of the youth (i.e., transferred the youth to a secure facility or into the custody of a public agency) and those that did not (i.e., probation, dismissal of charges with a warning from the judge, or a fine). As shown in Table 10.10, African-American males, aged 16 and 17, received substantially harsher dispositions than all of the other groups, except for Hispanic females aged 10–12, black males aged 13–15, Hispanic males aged 13–15, and Native American males aged 16 and 17. Of particular interest is the fact that white males, regardless of age, were substantially less likely than 16- and 17-year-old African-American males to have their legal custody transferred to a secure facility or a state agency. The probability differences were 21.0 percent for white males aged 10–12, 13.9 percent for white males aged 13–15, and 17.7 percent for white males aged 16 and 17. Overall, then, male teenagers of color, and especially African-American male teenagers, were treated more harshly than other offenders.

In summary, the results of the studies reviewed here suggest that the effect of race/ethnicity on juvenile court outcomes is complex. Some researchers conclude that race and ethnicity have direct or overt effects on case outcomes. Research conducted in Florida and Pennsylvania, for example, found that racial minorities were treated more harshly than whites at several stages in the juvenile

TABLE 10.10 Differences in the Probabilities of Placement in a Secure Facility or Transfer to a State Agency

Probability Differences between African-American Males, Ages 16 and 17, and. . .

White Female	
Age 10-12	-18.7%
Age 13-15	-17.2%
Age 16-17	-18.8%
Black Female	
Age 10-12	-26.1%
Age 13-15	-6.8%
Age 16-17	-19.6%
Hispanic Female	
Age 10-12	Not significant
Age 13-15	-12.2%
Age 16-17	-22.6%
Native American Female	
Age 10-12	-28.0%
Age 13-15	-12.0%
Age 16-17	-16.8%
White Male	
Age 10-12	-21.0%
Age 13-15	-13.9%
Age 16-17	-17.7%
African-American Male	
Age 10-12	-12.8%
Age 13-15	Not significant
Hispanic Male	
Age 10-12	-26.3%
Age 13-15	Not significant
Age 16-17	Not significant
Native American Male	
Age 10-12	-24.0%
Age 13-15	-6.6%
Age 16-17	Not significant

SOURCE: Dae-Hoon Kwak, "The Interaction of Age, Gender, and Race/Ethnicity on Juvenile Justice Decision Making in Nebraska." Unpublished master's thesis, University of Nebraska at Omaha, 2004.

justice process, including detention, and that detention had significant "spillover effects" on subsequent adjudication and disposition decisions. Other researchers conclude that the effect of race/ethnicity is indirect rather than direct. Research conducted in Pennsylvania, for instance, found that living in a two-parent family benefitted whites but not African Americans, while research in Georgia found that the harsher treatment of white youth reflected their higher rates of admitting guilt and a greater likelihood of being prosecuted in rural rather than urban jurisdictions. And a study conducted in Nebraska revealed that teenage boys were singled out for harsher treatment if they were racial minorities, especially if they were African Americans.

These studies also suggest that the effect of race on juvenile justice outcomes may vary from one jurisdiction to another and highlight the importance of contextualizing decision making in the juvenile justice system as a process. According to Philip E. Secret and James B. Johnson,¹³⁶ "in examining for racial bias in juvenile justice system decisions, we must scrutinize each step of the process to see whether previous decisions create a racial effect by changing the pool of offenders at subsequent steps." The importance of differentiating among racial and ethnic groups is also clear. As one author noted, "Circumstances surrounding the case involving minority youths not only may be different from those for whites, but also may vary among minority groups."¹³⁷

Transfer of Juveniles to Criminal Court

In 2014 juveniles (those under age 18) accounted for 7.1 percent of all arrests for murder/manslaughter, 15.6 percent of all arrests for rape, 20.6 percent of all arrests for robbery, and 8.1 percent of all arrests for aggravated assault.¹³⁸ The number of juveniles arrested increased 100 percent between 1985 and 1994¹³⁹ but declined 60 percent from 1994 to 2003.¹⁴⁰ Juvenile arrests for violent crimes increased from 66,976 in 1985 to 117,200 in 1994 (an increase of 75 percent) but declined to 42,300 (a decrease of 32 percent) in 2003 and to 42,123 (a further decline of 0.4 percent) in 2014.

The increase in juvenile crime during the 1980s and early 1990s, coupled with highly publicized cases of very young children accused of murder and other violent crimes, prompted a number of states to alter procedures for handling certain types of juvenile offenders. In 1995, for example, Illinois lowered the age of admission to prison from 13 to 10. This change was enacted after two boys, ages 10 and 11, dropped a 5-year-old boy out of a fourteenth-floor window of a Chicago public housing development. In 1996, a juvenile court judge ordered two boys, who were then 12 and 13, be sent to a high-security juvenile institution; her decision made the 12-year-old the nation's youngest inmate at a high-security prison.¹⁴¹

Other states responded to the increase in serious juvenile crime by either lowering the age when children can be transferred from juvenile court to criminal court and/or expanding the list of offenses for which juveniles can be waived to criminal court. A report by the U.S. General Accounting Office indicated that between 1978 and 1995, 44 states passed new laws regarding the waiver of juveniles

to criminal court; in 24 of these states the new laws increased the population of juveniles that potentially could be sent to criminal court.¹⁴² California, for example, changed the age at which juveniles could be waived to criminal court from 16 to 14 (for specified offenses); Missouri reduced the age at which children could be certified to stand trial as adults from 14 to 12. By 2004, there were 15 states with mandatory waiver in cases that met certain age, offense, or other criteria and 15 states with a rebuttable presumption in favor of waiver in certain kinds of cases. Currently, all but four states give juvenile court judges the power to waive jurisdiction over juvenile cases that meet certain criteria—generally, a minimum age, a specified type or level of offense, and/or a sufficiently serious record of prior delinquency.¹⁴³ And 15 states have direct file waiver provisions, which allow the prosecutor to file certain types of juvenile cases directly in criminal court. (See Box 10.3 for the criteria that courts can use in making the waiver decision.)

A 2013 report by the National Center for Juvenile Justice noted that the number of delinquency cases judicially waived to criminal court increased by 124 percent from 1985 to 1994 but declined by 50 percent between 1994 and 2001. The number waived to criminal court was relatively stable from 2001 to 2007.

Box 10.3 *Kent v. United States* [383 U.S. 541 (1966)]: Criteria Concerning Waiver of Jurisdiction from Juvenile Court to Adult Court

In 1966, the United States Supreme Court ruled in *Kent v. United States* that waiver hearings must measure up to "the essentials of due process and fair treatment." The court held that juveniles facing waiver are entitled to representation by counsel, access to social services records, and a written statement of the reasons for the waiver. In an appendix to its opinion, the court also laid out the "criteria and principles concerning waiver of jurisdiction." The criteria that courts are to use in making the decision are:

- The seriousness of the alleged offense and whether protection of the community requires waiver.
- Whether the alleged offense was committed in an aggressive, violent, premeditated, or willful manner.
- Whether the alleged offense was against persons or against property.
- Whether there is evidence upon which a Grand Jury may be expected to return an indictment.
- The desirability of trial and disposition of the entire offense in one court when the juvenile's associates are adults who will be charged with a crime in criminal court.
- The sophistication and maturity of the juvenile as determined by consideration of his home, environmental situation, emotional attitude, and pattern of living.
- The record and previous history of the juvenile.
- The prospects for adequate protection of the public and the likelihood of reasonable rehabilitation of the juvenile by the use of procedures, services, and facilities currently available to the Juvenile Court.

but declined by 41 percent between 2007 and 2013.¹⁴⁴ (The report attributed the decline in the number of cases waived to criminal court after 1994 in part to statutory changes that excluded certain cases from juvenile court or allowed prosecutors to file serious cases directly in criminal court.) During most of this time period, the waiver rate was highest for person offenses. Not surprisingly, cases involving older youth were more likely than those involving youths 15 and younger to be waived, and cases involving males were substantially more likely than those involving females to be waived.¹⁴⁵

There also is evidence that cases involving racial minorities are more likely than those involving whites to be transferred to criminal court. For example,

- In 2013, the percentage of delinquency cases waived to criminal court nationwide was 0.6 percent for white youth, 0.8 percent for African-American youth, 0.8 percent for Native American youth, and 0.3 percent for Asian youth. Among youth charged with drug offenses, the rate was 0.6 for whites, 0.8 percent for African Americans, 1.2 percent for Native Americans, and 0.2 percent for Asians.¹⁴⁶
- In 1996, youth of color accounted for 75 percent of Los Angeles County's population between the ages 10 and 17 but 95 percent of the youths whose cases were waived to adult court; Asian Americans were three times more likely than white youth, Hispanics were 6 times more likely than white youth, and African Americans were 12 times more likely than white youth to be waived to adult court.¹⁴⁷
- African-American youth comprised 60 percent and Hispanics made up 10 percent of juveniles waived to adult court in Pennsylvania in 1994; white youth made up only 28 percent of these cases.¹⁴⁸
- African Americans made up 80 percent of all waiver request cases in South Carolina from 1985 through 1994. Eighty-one percent of the cases involving African-American youth were approved for waiver to adult court, compared to only 74 percent of the cases involving white youth.¹⁴⁹

Decisions to transfer juveniles to adult criminal courts are important because of the sentencing consequences of being convicted in criminal rather than juvenile court. Although there is some evidence that transferred youth are treated more leniently in criminal court than they would have been in juvenile court¹⁵⁰—in large part because they appear in criminal court at a younger age and with shorter criminal histories than other offenders—most studies reveal just the opposite. Jeffrey Fagan, for example, compared juvenile and criminal court outcomes for 15- and 16-year-old felony offenders in New York (where they were excluded from juvenile court) and New Jersey (where they were not).¹⁵¹ He found that youth processed in criminal courts were twice as likely as those processed in juvenile courts to be incarcerated.

Another study compared sentencing outcomes of juveniles (those under age 18) and young adults (those ages 18–24) processed in Pennsylvania's adult criminal courts from 1997 to 1999.¹⁵² When they examined the raw data, Megan C. Kurlycheck and Brian D. Johnson found that the mean sentence imposed on

juvenile offenders was 18 months, compared to only 6 months for young adult offenders. These differences did not disappear when the authors controlled for the seriousness of the offense, the offender's criminal history, the offense type, whether the case was settled by plea or trial, and the offender's gender. Once these factors were taken into consideration, juveniles still received sentences that were 83 percent harsher than those imposed on young adults.¹⁵³ Further analysis revealed that "being juvenile" resulted in a 10-percent greater likelihood of incarceration and a 29-percent increase in sentence length."¹⁵⁴

These findings led Kurlychek and Johnson to suggest that "the transfer decision itself is used as an indicator of incorrigibility, threat to the community, and/or lack of potential for rehabilitation, resulting in a considerable 'juvenile penalty.'"¹⁵⁵ Evidence that African-American and Hispanic youth face higher odds of being transferred to adult court than do white youth suggests that this "juvenile penalty" is not applied in a racially neutral manner.

Explaining Disparate Treatment of Juvenile Offenders

The studies discussed above provide compelling evidence that African-American and Hispanic juveniles are treated more harshly than similarly situated white juveniles. The question, of course, is why this occurs. Secret and Johnson¹⁵⁶ suggest that juvenile court judges may attribute positive or negative characteristics to offenders based on their race/ethnicity. Judges, in other words, may use extralegal characteristics like race to create "a mental map of the accused person's underlying character" and to predict his/her future behavior.¹⁵⁷ As Coramae Richey Mann notes, officials' attitudes "mirror the stereotype of minorities as typically violent, dangerous, or threatening."¹⁵⁸ Alternatively, according to Secret and Johnson, the harsher treatment of African-American and Hispanic juveniles might reflect both class and race biases on the part of juvenile court judges. As conflict theory posits, "the individual's economic and social class and the color of his skin . . . determine his relationship to the legal system."¹⁵⁹

These speculations regarding court officials' perceptions of minority and white youth have not been systematically tested. Researchers assume that findings of differential treatment of racial minorities signal the presence of race-linked stereotypes or racially prejudiced attitudes, but there have been few attempts to empirically verify either the existence of differing perceptions of white and minority youth or the degree to which these perceptions can account for racial disparities in the juvenile justice system.

A study by George S. Bridges and Sara Steen¹⁶⁰ addressed this issue by examining 233 narrative reports written by juvenile probation officers in three counties in the state of Washington during 1990–1991. The narratives, which were used by the court in determining the appropriate disposition of the case, were based on interviews with the youth and his/her family and on written documents such as school records and juvenile court files. Each narrative included the probation officer's description of the youth's crime and assessment of the factors that motivated the crime, as well as an evaluation of the youth's background and assessment of his/her likelihood of recidivism. The information gleaned from these narratives

was used "to explore the relationship between race: officials' characterizations of youths, their crimes, and the causes of their crimes; officials' assessments of the threat of future crime by youths; and officials' sentence recommendations."¹⁶¹

Bridges and Steen's review of the narratives revealed that probation officers described African-American and white youth and their crimes differently. They tended to attribute crimes committed by whites to negative environmental factors (poor school performance, delinquent peers, dysfunctional family, use of drugs or alcohol), but to attribute crimes committed by African Americans to negative personality traits and "bad attitudes" (refusal to admit guilt, lack of remorse, failure to take offense seriously, lack of cooperation with court officials). They also found that probation officers judged African-American youth to have a significantly higher risk of re-offending than white youth.

Further analysis, which controlled for the juvenile's age, gender, prior criminal history, and for the seriousness of the current offense, confirmed these findings. As the authors note, "Being black significantly reduces the likelihood of negative *external* attributions by probation officers and significantly increases the likelihood of negative *internal* attributions, even after adjusting for severity of the presenting offense and the youth's prior involvement in criminal behavior."¹⁶² To illustrate these differences, the authors discuss the narratives written for two very similar cases of armed robbery, one involving an African-American youth and one involving a white youth. The African-American youth's crime was described as "very dangerous" and as "premeditated and willful," and his criminal behavior was attributed to an amoral character, lack of remorse, and no desire to change. In contrast, the white youth was portrayed as an "emaciated little boy" whose crime was attributed to a broken home, association with delinquent peers, and substance abuse.

Bridges and Steen's examination of the factors related to probation officers' assessments of the risk of re-offending revealed that youth who committed more serious crimes or had more serious criminal histories were judged to be at higher risk of future offending. Although none of the offender's demographic characteristics, including race, was significantly related to assessments of risk, probation officers' attributions of delinquency did affect these predictions. Youth whose delinquency was attributed to negative internal causes were judged to be at higher risk of future delinquency than youth whose crimes were attributed to negative external factors. According to Bridges and Steen, "This suggests that youths whose crimes are attributed to internal causes are more likely to be viewed as 'responsible' for their crimes, engulfed in a delinquent personality and lifestyle, and prone to committing crimes in the future."¹⁶³

The authors of this study concluded that race influenced juvenile court outcomes indirectly. Probation officers were substantially more likely to attribute negative internal characteristics and attitudes to African-American youth than to white youth; these attributions, in turn, shaped their assessments of dangerousness and their predictions of future offending. As Bridges and Steen state, "Insofar as officials judge black youths to be more dangerous than white youths, they do so because they attribute crime by blacks to negative personalities or their attitudinal traits and because black offenders are more likely than white offenders to have committed serious offenses and have histories of prior involvement in crime."¹⁶⁴

The results of this study illustrate the “mechanisms by which officials’ perceptions of the offender as threatening develop or influence the process of legal decision-making.”¹⁶⁵ They suggest that perceptions of threat and, consequently, predictions about future delinquency are influenced by criminal justice officials’ assessments of the causes of criminal behavior. Thus, “officials may perceive blacks as more culpable and dangerous than whites in part because they believe the etiology of their crimes is linked to personal traits” that are “not as amenable to the correctional treatments the courts typically administer.”¹⁶⁶

JUVENILES UNDER CORRECTIONAL SUPERVISION

As the previous section illustrates, the racial makeup of juveniles at key stages of the juvenile justice system varies by decision type. Generally, nonwhite youth (the majority of whom are African American) are overrepresented at every stage of decision making. Nonwhite youth also are at greater risk of receiving harsher sanctions than white youth. For example, nonwhite youth are detained in secure custody prior to their juvenile court hearing at rates that exceed those for white youth, regardless of the seriousness of the delinquency offense. Recently, there has been a decline in the proportion of white youth detained but an increase in the proportion of African-American youth in custody.¹⁶⁷

Table 10.11 presents data on the racial and ethnic makeup of juvenile offenders who were placed in a secure public or private residential facility in 2010 after being adjudicated delinquent.¹⁶⁸ White and Asian youth are underrepresented

TABLE 10.11 Racial and Ethnic Profile of Juvenile Offenders in Residential Placement, 2010

Most Serious Offense	Percentage of Youth in Residential Placement in Each Racial/Ethnic Group				
	White	African American	Hispanic	American Indian	Asian
Total	32	41	22	2	1
Delinquency Cases	32	41	22	2	1
Homicide	16	45	32	2	2
Sexual Assault	53	27	16	1	1
Robbery	9	66	22	1	1
Aggravated Assault	22	43	30	1	2
Drug Trafficking	28	47	23	1	0
Other Drug Offenses	43	33	20	3	1
Weapons Offenses	16	52	28	1	1
Status Offenses	44	34	11	5	2

SOURCE: Melissa Sickmund and Charles Puzzanchera (eds.), *Juvenile Offenders and Victims: 2014 National Report*. Pittsburgh, PA: National Center for Juvenile Justice (2014), p. 196.

among youth in residential placement, while African American, Hispanic, and Native American/Alaskan Native youth generally are overrepresented. For all of the criminal offense types, with the exception of sexual assault, youth of color made up at least two-thirds of all youth in secure residential facilities. The disparities are especially stark for African-American youth, who make up 45 percent of all youth in secure residential facilities for homicide, 66 percent for robbery, 47 percent for drug trafficking, and 52 percent for weapons offenses. For status offenses (running away from home and truancy), on the other hand, whites comprised the largest proportion of offenders placed in secure confinement.¹⁶⁹ There also is evidence that African-American males are incarcerated in state prisons at disproportionately high rates. In 1999 youth under the age of 18 accounted for only 2 percent of all new court commitments to adult prisons; in the 37 states that provided data to the National Corrections Reporting Program, there were 5,600 new court commitments involving youth younger than 18 at the time of admission.¹⁷⁰ Almost all of these youth (96 percent) were male and more than half of them (57 percent) were African-American males. African-American males made up 57 percent of new admissions for homicide, 75 percent of new admissions for robbery, and 84 percent of new admissions for drug offenses.¹⁷¹

CONCLUSION

The victimization and offending patterns for juveniles mirror those for adults. Juveniles of color, and particularly African-American males, face a higher risk of victimization than white juveniles. This pattern is found for property crime, violent crime, and homicide. In fact, the homicide victimization rate for young African-American females is higher than the rate for young white males.

Although the common perception of the juvenile offender is that he/she is a person of color,¹⁷² the data discussed above indicate that whites constitute the majority of juvenile offenders for most crimes. The notable exceptions (among the more serious index offenses) are robbery, where over half of those arrested are African American, and murder and non-negligent manslaughter, where African-American youth comprise nearly half of all arrestees. The overrepresentation of African-American juveniles in arrest statistics is not a constant, however. The most pronounced disparities are found for violent crimes, where from one-third to one-half of all arrestees are African American. There is less racial disparity for property offenses; for these crimes, between one-fourth and one-third of those arrested are African American. Further, whites are overrepresented among arrestees for many of the drug and alcohol offenses.

Recent methodologically sophisticated research reveals that racial and ethnic differences in juvenile victimization and offending rates can be attributed in large part to family and community characteristics. African-American and Hispanic youth are more likely than white youth to be the victims of violent crime because they spend more time away from home and are more likely to live in single-parent households and disadvantaged communities. Similarly, the higher rates

of violent offending found among minority youth, as compared to white youth, reflect the fact that minority youth are more likely to live in disadvantaged neighborhoods, to be members of gangs, and to have weak bonds to social institutions such as schools. The sources of risk of victimization and offending are similar for all teenagers, but the likelihood of experiencing these risk factors is higher for youth of color than for white youth.

The results of studies examining the effect of race/ethnicity on juvenile justice processing decisions suggest that the juvenile justice system, like the criminal justice system for adults, is not free of racial bias. There is compelling evidence that racial minorities are treated more harshly than whites at various points in the juvenile justice process. Most importantly, minority youth are substantially more likely than white youth to be detained pending disposition, adjudicated delinquent, and waived to adult court. They also are sentenced more harshly than their white counterparts, at least in part because of the tendency of criminal justice officials to attribute their crimes to internal (personality) rather than external (environmental) causes.

DISCUSSION QUESTIONS

1. The U.S. Supreme Court has recently ruled that mandatory life without the possibility of parole sentences violates the Eighth Amendment's prohibition against cruel and unusual punishments. Read the court's opinion in *Miller v. Alabama* (<https://www.oyez.org/cases/2011/10-9646>) and summarize the court's rationale for its ruling. Do you agree or disagree with the court's rationale in this case? Why?
2. Describe the characteristics of juvenile victims of crime. Are they similar to or different from the characteristics of adult victims of crime?
3. There is a common perception that the typical juvenile offender is a person of color. Is this an accurate perception?
4. The mayor of St. Louis has appointed you to a commission whose task it is to develop policy recommendations to ameliorate the high rate of violence against young girls in that city's disadvantaged neighborhoods/schools. What would you propose?
5. Why is there greater potential for racial discrimination in the juvenile justice system than in the adult justice system?
6. What are the dangers inherent in allowing police to use gang databases in investigating crimes?
7. Studies of the juvenile justice system reveal that racial minorities are subject to "cumulative disadvantage" or "compound risk." Explain what this means and why it is a cause for concern.
8. We suggest that preliminary evidence indicating that African-American juveniles are more likely than white juveniles to be waived to adult court should be confirmed by additional research that incorporates legally relevant criteria other than the seriousness of the offense. What other variables should be taken into consideration?