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PRE-PRINT VERSION

**Race, Ethnic, and Gender Divides in
Juvenile Court Sanctioning and Rehabilitative Intervention**

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ABSTRACT

Objectives: Drawing on focal concerns theory, as well as scholarship on the juvenile court's mandate to consider youth culpability and amenability to treatment, we develop hypotheses that seek to examine whether the court will (1) punish whites less severely and (2) be more likely to intervene with whites through rehabilitative intervention and, simultaneously, be more punitive and less rehabilitative with minorities, and, in particular, black males.

Method: Florida juvenile court referral data and multinomial logistic regression analyses are used to examine multicategory disposition and "sub-disposition" measures.

Results: Findings suggest that minority youth, especially black males, are not only more likely to receive punitive sanctions, they also are less likely than are white youth to receive rehabilitative interventions and instead experience significantly higher rates of dismissals. The analyses indicate that similar racial and ethnic disparities emerge when "sub-dispositions"—specifically, placement options within diversion and probation—are examined.

Conclusions: The results underscore the salience of race, ethnicity, and gender in juvenile court decisions about punitive sanctioning and rehabilitative intervention, as well as the importance of employing multicategory disposition measures that better reflect the range of sanctioning and intervention options available to the court.

Key words: juvenile court, sanctions, race, ethnicity, gender

INTRODUCTION

A growing body of scholarship has developed in recent decades identifying racial and ethnic disparities in the handling of youth referred to juvenile courts. Research typically has found that minorities, blacks in particular, are more likely to receive severe sanctions as compared to whites, even after controlling for a range of legal and extra-legal factors (Bishop and Frazier 1988; Leiber 1994; Guevera, Herz, and Spohn 2006; Rodriguez 2010; Fagan 2010; Fader et al. 2014). Such disparities have raised concerns about the potential for juvenile court involvement to adversely affect minorities, especially minority males, and to contribute to entrenched racial and ethnic inequality (Zatz 1987; Sampson 2014). Fagan (2010:53) has argued, for example, that tougher youth sanctioning essentially “mortgages the long-term prospects of young males for marriage, employment, and social stability over a lifetime.”

In juvenile court, tougher punishment is one pathway through which disparities can emerge. Another pathway, one that has been less well studied, is the use of rehabilitative interventions. The historical mission of the juvenile court calls for punishment, when necessary, but also rehabilitative intervention, especially when the court believes that youth are amenable to treatment (Feld 1999; Klein 1979; Mears 2012). Accordingly, a more complete understanding of minority disparities in juvenile court requires attention not only to punishment but also to the willingness of the court to intervene in ways that emphasize rehabilitation. It requires, too, investigation of whether, for a given type of sanction, youth are the recipients of more rehabilitation-oriented rather than control-oriented intervention (Lipsey 2009; Fader et al. 2014).

A limitation of prior work that has made it difficult to assess these dual pathways centers on the conceptualization and operationalization of juvenile punishments. Many studies of court dispositions, for example, have focused primarily on the decision to place youth who have been adjudicated delinquent into secure confinement. This line of work has sought to identify factors associated with custodial versus non-custodial punishment. Such an approach obscures the fact that youth may receive any of several types of dispositions, including diversion, probation, and

transfer, the latter of which many scholars characterize as a sanction (see, e.g., Feld 1998; Fagan and Zimring 2000; Mears et al. 2014). Dismissal, too, is a possible outcome, even among adjudicated youth. The failure to model these outcomes simultaneously is important in juvenile court because these interventions, especially diversion and probation, constitute a central focus of the court (Feld 1993; Kupchik 2006; Fagan 2010; Feld and Bishop 2010). In addition, there is the potential for within-sanction variation to exist. For example, the intensity of probation supervision intensity and custodial restrictions, respectively, may vary.

Against this backdrop, the goal of this study is to extend research on racial, ethnic, and gender disparities in the punishment experiences of juveniles. In particular, we assess whether evidence of disparities emerges via two pathways—the distribution of punitive sanctions and rehabilitative interventions, respectively. In so doing, the study extends prior work by testing arguments about juvenile court sanctioning and by examining multicategory disposition outcomes, including analysis of different types of diversion, probation, and commitment. These more specific categories allow us to differentiate between dispositions within broader sanction types that may be more rehabilitative or punitive in focus. Drawing on prior theory and research, we hypothesize that white youth will receive sanctions that presumptively appear to be less severe compared to the sanctions received by minorities and, at the same time, that white youth will be more likely to be diverted toward rehabilitative programming or probation. We also anticipate that these patterns will be more pronounced among male youth. Below, we discuss prior literature to situate this study and to ground the development of these hypotheses. We then discuss the data and methods, the findings, and their implications for research and policy.

BACKGROUND

The Philosophy of the Juvenile Court and the Diversity of Sanctions

Historically, the juvenile court's philosophy has focused on acting in the "best interests" of youth (Scott and Steinberg 2008; Merlo and Benekos 2010). Indeed, for that reason, it was

established as a civil court rather than criminal court (Feld 1999). The idea, captured in part by the doctrine of *parens patriae*, was that court intervention should proceed much as a capable parent might (Greenwood and Turner 2011). Specifically, the primary emphasis would be on both sanctions and intervention. Punitive sanctions were necessary in some instances to punish severe crimes and to deter future offending. At the same time, rehabilitation was viewed as a critical element of court efforts to propel youth into prosocial life trajectories.

As part of its rehabilitative focus, the court emphasized active intervention (Tanenhaus 2004). This emphasis can best be seen in the court's use of diversion as a means by which to secure services and treatment for youth as well as the requirement, typically, of services and treatment for those on probation (Klein 1979). From this perspective, diversion and probation should be used even for relatively less serious types of delinquency. Doing so provides an opportunity to "help" youth and prevent the onset of more, or more serious, offending. At the same time, diversion and probation can be used for more serious types of delinquency, but with the same goal. In other instances, the court might seek to dismiss cases outright to avoid potential harms, including labeling effects, that result from receiving a court disposition. The court might also dismiss in instances when prosecutors and judges anticipate that sanctions and their costs would be wasted or ineffective, such as for older youth (Mears et al. 2014). That does not mean that diversion always results in limited intervention. To the contrary, active intervention, in the hopes of reducing offending, would be consistent with diversion efforts.

This dual emphasis—punishment and rehabilitation—means that an understanding of court sentencing ideally should examine not only factors related to receiving a custodial placement but also the factors related to receiving each of several possible dispositions, including dismissal, diversion, probation, and commitment, as well as the possibility of transfer to adult court (Feld 1995; Leiber and Stairs 1999; Fagan and Zimring 2000; Fader et al. 2014). In addition, studies ideally should examine factors related to within-disposition heterogeneity (Fader et al. 2014). Different types of diversion interventions exist, for example, and probation placements can involve placement in more intensive supervision where rehabilitative programming may be more

likely or in less intensive supervision where such programming may be less likely.

More Punitive Sanctions for Minority Youth

Accounts of juvenile court sanctioning point to the salience of examining not only diverse sanctions but also the role of race and ethnicity (Feld 1999). Scholarship to date has focused primarily on the greater likelihood of minorities receiving more severe sanctions, and, in particular, custodial placements. Racial and ethnic disparities in receiving tougher sanctions have emerged across a large body of studies, including work that has examined court sanctioning across diverse local and state contexts (see, e.g., Thornberry 1979; Bell and Lang 1985; Bishop and Frazier 1988; Leiber 1994; Leiber and Mack 2003; Davis and Sorensen 2013; Rodriguez 2010, 2013). In short, studies consistently find that minority youth, blacks in particular, receive tougher sanctions than their white youth counterparts.

Interest in sanction disparities stem in part from scholarly interest in understanding how structural inequality may contribute to formal social control (Sampson 2014). It stems as well from policymaker concerns about disproportional sanctioning of minorities (Feld 1993, 1999; Cabaniss et al. 2007; Scott and Steinberg 2008). Congress has used funding requirements, for example, as a means by which to prompt states to take steps to reduce disproportionate minority confinement (Coleman 2011). However, attempts to understand and reduce racial and ethnic disparities requires investigating not only the use of punitive sanctions but also variation in the use of rehabilitation-oriented dispositions among whites and minorities.

Less Rehabilitative Intervention for Minority Youth

For minority youth, sanctioning disparities may emerge by receiving tougher punishments. They also may emerge by being less likely to receive rehabilitation-oriented sanctions, or, for a given type of sanction (e.g., probation or commitment), a rehabilitation-oriented variant of that sanction (Leiber and Stairs 1999; Mears et al. 2011; Fader et al. 2014). Thus, understanding

racial and ethnic patterning in court dispositions requires examining the distribution of different types of sanctions, some of which may be more or less punitive and others of which may be more or less rehabilitative. The dual emphasis on punishment and rehabilitation thus creates opportunities to investigate the possibility that minorities may be more likely to be punished and, simultaneously, less likely to receive rehabilitation-oriented attention from the court.

This latter possibility highlights that scholarship on youth sanctioning can benefit by considering a spectrum of punishments and interventions. For example, under such an approach, researchers can investigate whether minorities are more likely to have their cases dismissed rather than be diverted for services or receive a disposition to probation. As we discuss below, such a pattern aligns with theoretical arguments about court actors' views of minority youth and their amenability to, or deservingness of, treatment (Bridges and Steen 1998). From this perspective, the court may be more likely to intervene with white youth, and, for example, divert them in an effort to "save" them through "child-saving" interventions. Several empirical studies in fact have found that, after controlling for potential confounding variables, black youth are less likely to receive diversion and more likely to be dismissed outright than are white youth (see, e.g., Leiber and Jamieson 1995; Guevara, Herz, and Spohn 2006; Leiber, Brubaker, and Fox 2009). Here, again, diversion does not have to amount to a more rehabilitative sanction; historically, however, rehabilitation constitutes a central goal of diversion.

The idea that intervention in less serious cases would be warranted is anathema to adult court. However, it remains central to the philosophy and mission of juvenile justice. This difference results in part from the juvenile court's child welfare emphasis (Feld 1999), one that views sanctioning and rehabilitation as appropriate when they are likely to help youth, especially in instances where juveniles appear to be amenable to treatment and thus likely to change (Klein 1979; Mears 2012). Such an assessment stems from court actors formally or informally assessing youth and their social circumstances and determining whether assignment to a diversionary intervention or probation is in the youth's best interests (Fagan 2010).

Gender Divides in Sanctioning and Rehabilitative Intervention

Prior scholarship implicates not only race and ethnicity but also gender as a critical factor that influences court dispositions. Research has found, for example, that males are more likely to receive more punitive-oriented sanctions than are females (Bishop and Frazier 1992; Leiber and Peck 2014). The chivalry (or paternalism) perspective suggests that court actors employ cognitive heuristics and perceptual shorthands (e.g., Hawkins 1981)—in this case, implicit views about gender—when determining how referred youth should be sanctioned. Accordingly, gender disparities will emerge if female youth are viewed as benefiting more from a benevolent rather than punitive approach (Koeppel 2014). Some studies find support for the hypothesis, but others counter it. For example, some studies find that when female youth commit offenses that contradict traditional perceptions of what constitutes “gender-typical” crime, they may receive harsher sanctions than their male counterparts (Chesney-Lind 2006; Moore and Padavic 2010).

This literature has informed studies of sanctioning more broadly, and it has led to investigation of the ways in which race, ethnicity, and gender may intersect in court decisionmaking (e.g., Steffensmeier, Ulmer, Kramer 1998; Spohn and Biechner 2000; Geuvara, Herz, and Spohn 2006). For example, some research studies suggest that black males, followed by Latino males, receive more severe dispositions in juvenile and adult courts than do white males (e.g., Leiber, Brubaker, and Fox 2009; Leiber and Peck 2014).

Theoretical Accounts of Sentencing Disparities

Prior work has established that minorities receive more punitive sanctions, and that male minorities, blacks in particular, are especially likely to receive them. In addition, it suggests that minority youth may be less likely to receive rehabilitative dispositions. Here we discuss two theories that illuminate why these patterns exist and we then present the study’s hypotheses.

Focal concerns and punishment

Focal concerns theory is premised in part on the observation that court actors balance consideration of several dimensions, including perceived offender culpability, blameworthiness, and the potential danger they pose to community members, as well as case processing and court resource constraints (e.g., Steffensmeier, Ulmer, and Kramer 1998). The theory does not explicitly argue that racial and ethnic disparities will emerge; rather, it suggests that social groups that are perceived as threatening will experience disparate, and typically more punitive, sanctions. Court actors, for example, may perceive minorities to be more culpable, dangerous, and threatening, and thus deserving of harsher punishment (e.g., Spohn and Holleran 2000).

To facilitate processing decisions, court actors may rely on cognitive heuristics, or “shortcuts” (Kahneman 2011), what can amount to stereotypes about individuals or cases. Due to heavy court processing demands, courtroom personnel typically must make rapid decisions and do so with limited information. Heuristics, or stereotypes, constitute a primary tool with which court actors can assess cases and in turn identify the types of dispositions or interventions that appear to be warranted (Albonetti and Hepburn 1996; Bridges and Steen 1998). To the extent that minority youth are perceived to be more criminal and threatening, the court thus may steer black youth toward more punitive, control-oriented punishments.

Latinos, too, may be subject to stereotypical views about their criminality. For example, Latino youth may be perceived as “gang-involved, violent, and unresponsive to the justice system” (Rodriguez 2010:395; see also, Demuth 2002, 2003). Court actors may unconsciously equate “Latino” with views of Latinos as “criminal” and as not amenable to treatment (Hagan and Palloni 1999; Demuth and Steffensmeier 2004). However, some scholarship suggests that there may be few pronounced court sanctioning differences between Latinos and whites. Court actors thus may perceive Latinos to be more similar to whites than to blacks (see, e.g., Gaarder, Rodriguez, and Zatz 2004; Moore and Padavic 2010).

Focal concerns and rehabilitative intervention

A corollary to the focal concerns argument is that court actors not only consider culpability and threat when determining how to punish, they also consider amenability to treatment when determining how much to emphasize rehabilitation (Albonetti and Hepburn 1996; Bridges and Steen 1998). If minority youth are viewed as less amenable to treatment and less deserving of or likely to benefit from rehabilitation, sanctioning, or intervention, disparities may result (Leiber and Jamieson 1995; Bishop and Frazier 1996). For example, judges and prosecutors may be more inclined to attribute minority youths' deviance to engrained propensities to offend (Bridges and Steen 1998), a situation that court actors may view rehabilitative interventions as unable to address. White youth, by contrast, may be viewed as more influenced by external conditions and thus as more treatable or amenable to being "saved." Accordingly, white youth in this situation would be more likely to receive rehabilitative intervention.

In short, minority youth not only may receive tougher sanctions because they are perceived as more threatening and culpable, they also may be less likely to receive rehabilitative intervention because they are perceived to be less treatable (Bell and Yang 1985; Albonetti and Hepburn 1996; Leiber and Stairs 1999). Few studies have assessed this idea empirically. However, scholarship to date lends support to the argument and suggests that such a disparity may arise from court actors viewing racial and ethnic minorities as being more criminal and as residing in more criminogenic contexts (Zatz 1987; Leiber and Jamieson 1995; Albonetti and Hepburn 1996; Bishop and Frazier 1996; Bridges and Steen 1998; Bishop et al. 2010).

In one of the few studies to assess this idea directly, Albonetti and Hepburn (1996) examined factors that influence prosecutorial discretion in sanctions for adult offenders. They found that court members not only identified minorities as more dangerous and culpable but also as constituting poor candidates for rehabilitation. Such an assessment is notable because court actors might logically view residing in a more criminogenic setting as grounds for more, not less, intervention (Bishop et al. 2010; Fagan 2010). Bridges and Steen (1998) identified similar attributions assigned to minority youth in their study of juvenile probations officers. They found that officers were more inclined to attribute the core causes of deviance among black youth to

personal traits and to view such youth as more culpable and dangerous (p. 567).

A crucial implication flows from the possibility that court actors view minorities as less rehabilitatable. Specifically, the end result may be that the court may be likely to dismiss minority youth from court rather than to assign youth to rehabilitative treatment. Indeed, some studies have found that black youth are more likely to be dismissed than to be diverted to rehabilitation (Leiber and Stairs 1999; see also Albonetti and Hepburn 1996; Bridges and Steen 1998). The differences may result, as Leiber and Stairs (1999:78) suggested, from “differences in perceptions of criminality and suitability for rehabilitation among members of juvenile court systems” (Leiber and Stairs 1999:78; see also Bell and Lang 1985).

In a related vein, Fader et al. (2014) examined detailed detention assignments among youth assigned to juvenile residential facilities in Philadelphia. The authors found that black youth were more likely to be placed in facilities emphasizing physical programming, whereas white youth were more likely to be placed in therapeutic treatment programs. Both types of sanctions can be viewed as seeking to balance punishment and rehabilitation. However, the treatment programs arguably represent the more traditional child-saving approach associated with juvenile justice (Fader et al. 2014). These studies illustrate how minority youth may be more likely both to receive tougher punishment and to receive less rehabilitative intervention.

DISPARITIES IN PUNISHMENT AND REHABILITATION: HYPOTHESES

There is no scholarly consensus regarding which sanctions are more punitive or rehabilitative (Klein 1979; Mears et al. 2011). In some instances, a sanction may be viewed as more punitive than another. For example, probation might be seen as more punitive if the alternative is diversion, and it might be seen as more rehabilitative if the alternative is incarceration. Even so, prior work typically has viewed custodial placements and transfer as more punitive sanctions than probation, diversion, and dismissal. Probation and diversion dispositions can be more difficult to adjudicate. As a result, researchers at best can identify that a disparity exists in the

use of these sanctions. One avenue, however, for extending scholarship involves modeling simultaneously the use of these different sanction categories relative to one another.

Accordingly, this study seeks to contribute to scholarship on juvenile court sanctioning by employing a broader set of disposition categories, and types of “sub-disposition” sanctions, than has been used in most prior work. In so doing, we draw on theory and research to identify six guiding hypotheses about the racial, ethnic, and gender-based patterning of court sanctioning.

Hypothesis 1: Minority youth will have a higher likelihood of receiving more severe sanctions. This hypothesis stems from focal concerns research and prior studies of juvenile court sanctioning that have identified such disparities across juvenile justice systems (Bishop and Frazier 1988; Steffensmeier, Ulmer, and Kramer 1998; Feld 1999). Here, transfers to adult court followed by commitments can be viewed as the most punitive-focused sanctions.

Hypothesis 2: Minority youth will have a lower likelihood of receiving interventions and treatments. This hypothesis draws on focal concerns theory by examining whether minority youth not only are more likely to be punished severely but also are less likely to receive rehabilitative intervention (e.g., Albonetti and Hepburn 1996; Bridges and Steen 1998; Leiber and Stairs 1999; Fader et al. 2014). Specifically, this hypothesis anticipates that minority youth will be more likely to be dismissed outright rather than to be diverted or to receive probation. As we discuss in the conclusion, such a pattern does not itself necessarily mean that minority youth receive less rehabilitation. However, as a literal matter, it means that such youth receive less intervention—and, in particular, less of the two “work horse” interventions thought to combine both punishment and rehabilitation—from the juvenile court.

Hypothesis 3: Among youth who receive diversionary outcomes, minorities will receive less intensive intervention. The logic here parallels that for hypothesis 2. Minority youth diverted from the juvenile court necessarily, as with white youth, do not receive terms of probation or commitment. However, a range of options exist within diversion (Klein 1979; Feld 1999). A guiding assumption here is that more intensive diversion or probation may be viewed as more rehabilitation-oriented. As noted above, however, it might conceivably be viewed as more

punitive in nature. In that case, a disparity exists but it may not be one that necessarily implies less rehabilitation for minorities; rather, it might imply less punitive intervention. Such a pattern would not be consistent with prior work, and yet could be viewed as plausible, if improbable.

Hypothesis 4: Among youth who receive probation, minority youth will receive less intensive probation. Here, as with hypothesis 3, the expected effect centers on the fact that probation itself can vary. For example, intensive probation incurs greater costs and, although it may be considered more punitive, it is likely to provide enhanced opportunities for rehabilitative intervention through closer contact with supervising officers and more treatment and services. By contrast, regular probation involves less supervision and court involvement, and lower costs.

Hypothesis 5: Among youth who are committed to custodial facilities, minorities will receive more restrictive placements. Higher-level security facilities may be more punitive or control-oriented, and so the expectation is that minority youth will be more likely to be placed in them and less likely to be placed in lower-security facilities. The counter to this logic is that among committed youth, treatment and services will be provided across all placement types and that risk classification concerns alone will dictate placement type (see, however, Fader et al. 2014). To the extent that this second logic holds, we can anticipate that there will be little to no difference in the security level of custodial placements among minority and white youth.

Hypothesis 6: Racial and ethnic disparities in sanctioning and rehabilitative intervention will be more pronounced for males. Prior sentencing studies based on the focal concerns framework emphasize the idea that males, minority males in particular, constitute a potential “threat” group that warrants a more punitive, control-oriented response, and an overall less rehabilitation-oriented response (Steffensmeier, Ulmer, and Kramer 1998; Leiber and Peck 2014). Accordingly, we can anticipate that racial and ethnic divides in punishment and rehabilitative intervention will be more pronounced among males as compared to females.

DATA AND METHODS

Data for this study come from the Florida Department of Juvenile Justice (FLDJJ). The sample consists of all individuals referred to the juvenile system in the state of Florida in 2008 (N = 74,638). For youth with repeated referrals during this time period, we keep only the last referral of 2008 (their most recent referral from that year). Our analyses focus on the implications of race and ethnicity, and so we drop 488 cases where no racial or ethnic designation existed. The final, analysis sample consists of 74,150 youth. The dataset is useful because it contains a large proportion of Latino offenders and detailed disposition designations that allow for the creation of a range of multi-category disposition and intervention measures.

Dependent Variables

Table 1 includes details about each outcome measure and the analyses' covariates. The first analysis uses a five-category measure of a youth's general disposition and includes dismissal, diversion, probation, commitment, and transfer. Prior studies typically use dichotomous measures of juvenile court outcomes. As described below, the five-category outcome in our first set of analyses provides a more nuanced examination of racial and ethnic patterning across court sanctions than what prior studies have typically performed.

We expand this conceptual framework further, however, in the subsequent analyses to observe whether disparities emerge when we look at placement *within* sanctions. The second analysis uses a three-category measure of diversion. Diversion options include judicial warning, delinquency prevention, and community processing. In Florida, delinquency prevention includes a diverse range of traditional juvenile justice interventions, such as intensive counseling and participation in any of a wide variety of treatment programs. Community processing interventions consist of community-based diversion experiences, such as participation in teen court and community service. (FL-DJJ program details can be found at <http://www.djj.state.fl.us/research/reports/car.>) The final two sets of analyses focus on probation and commitment, respectively. The dependent variable for youth who received probation is a

two-category measure, which distinguishes between regular probation and intensive probation. Analyses of commitment placement types employ a three-category measure that identifies youth as having received low-security, medium-security, or high-security custody placements.

Insert table 1 about here.

Covariates

The analyses include race and ethnicity (white, black, Latino) and a control for each youth's age at the time of the referral. We introduce a quadratic term to capture potential curvilinearity in the relationship between age and disposition. As we describe below, we separate the sample by sex for each analysis. We also account for legal factors that, if omitted, might bias the estimation of race and ethnicity effects on dispositions. The analyses include a count measure of the number of prior adjudications accumulated for each youth to control for prior offending and the court's awareness that prior interventions may not have been successful in reducing a youth's likelihood of offending. As prior studies have indicated, a more serious juvenile offending record might lead the court to sanction a given youth more severely (Rodriguez 2010). The analyses thus include a measure of offense severity. Similar to prior studies (e.g., Leiber and Peck 2014), we use a scaled control variable for offense severity, which ranges from 1 to 40 (higher values indicate a more serious offense type). This measure is based on the FL-DJJ's consensus panel assessment, one in which department officials work to rank-order juvenile crime types based on perceived relative severity to create a score that indicates least to most serious offenses. For example, public order crimes are ranked as low severity whereas homicide is ranked as highest severity; the National Center for Juvenile Justice (2007:15) provides additional details about the measure. Prior studies have also identified the potential for preadjudication detention to affect dispositions (Rodriguez 2013). Accordingly, we include a dichotomous indicator of whether a given youth was held in detention prior to adjudication.

Analytic Plan

We employ a series of multinomial logistic and logistic regression models to examine the influence of race and ethnicity on juvenile court sanctioning decisions. In each analysis, we include dummy variables for the 20 juvenile court circuits in the state of Florida to account for potential variation in sentencing patterns across circuits. To conserve space, we omit the individual coefficient estimates for each circuit from the tables below (available upon request). First, we examine the five-category general disposition outcome. This outcome measure is more nuanced than what has typically been employed in juvenile justice studies of sentencing disparities and includes dismissals as one of the five outcomes. For example, prior studies frequently have combined dismissal and diversion rather than treat them separately. However, doing so obscures that diversion constitutes a proactive attempt by the court to intervene with youth. Treating them as distinct dispositions allows this difference to be examined and to determine if race, ethnicity, and gender are differentially related to each. Second, we examine, among those youth who receive diversion, the specific type of diversionary intervention that they receive. Third, we examine, among those youth who receive probation, the specific type of probation they receive. Fourth, we examine, among those youth who receive commitment, the specific type of commitment placement they receive.

For each set of analyses, we examine males ($N = 50,303$) and females ($N = 23,847$) separately for two reasons. First, as a substantial body of scholarship highlights, males and females typically reside in different social and offending contexts. Research indicates, for example, that females differ from males across a range of dimensions, including their familial and peer backgrounds, their responses to individual- and community-level risk factors, and perhaps most importantly, the responses of juvenile courts to each group (Leiber, Brubaker, and Fox 2009; Guevara, Herz, and Spohn 2005; Bright, Kohl, and Jonson-Reid 2014). Accordingly, a split-sample approach allows us to account for differential effects of the covariates, including race and ethnicity. This approach is similar to those taken in scholarship on social stratification, in which scholars have explicitly described the importance of examining demographic groups

separately (see, e.g., Krivo and Peterson 2000). Second, a key focus of the paper consists of identifying whether interactions emerge between race, ethnicity, and gender. The split modeling approach allows for straightforward and easily interpreted estimates of such effects. Ancillary analyses using a single model that included race, ethnicity, and gender interactions yielded statistically and substantively similar results to those presented here.

FINDINGS

Race, Ethnicity, Gender, and Disposition

Examination of juvenile court disparities in punishment and in rehabilitative intervention requires accounting for the range of sanctions at the disposal of the court. Here, we account for this heterogeneity by employing a five-category outcome measure. Table 2 includes multinomial (non-ordered) logistic regression models of this outcome regressed on race, ethnicity, and the controls. Panel A in table 2 includes the model for males, and panel B includes only females. The outcome reference category for both groups is dismissal.

Insert table 2 about here.

As inspection of the table shows, minority males are less likely to receive rehabilitation-oriented dispositions than they are to be dismissed, when compared to whites, and they are also more likely to receive the more punitive sanctions of commitment and adult transfer. For example, blacks are less likely to receive diversion ($b = -.458$) or probation ($b = -.243$) and more likely to be committed to a residential facility ($b = .251$) or to be transferred to adult court ($b = .489$). The pattern for Latino males is similar, except no evidence of a statistically significant difference between Latinos and whites in the likelihood of being placed on probation emerges.

The findings for females differ. Although the direction of estimated race and ethnicity effects are similar for females compared to males, only one statistically significant race coefficient surfaces. Specifically, as with black males, black females are less likely to be diverted than they are to be dismissed ($b = -.342$).

To facilitate interpretation of the multinomial models in table 2, figure 1 provides the predicted values for both males and females in panels A and B, respectively, based on the estimates from table 2. Three patterns emerge. First, we can see what appears to be a greater willingness of the juvenile court to dismiss minority youth, especially minority males, and a greater willingness to intervene with white youth through diversion and probation. Among females, a similar pattern occurs for diversion but not probation. In addition, panel A in figure 1 illustrates that differences in probation between whites, blacks, and Latinos, although significant, are substantively smaller than the differences that emerge for the other disposition categories.

Insert figure 1 about here.

Second, among males, minority youth, blacks in particular, are more likely to receive the more punitive sanctions of commitment and adult court transfer. These two patterns together support the contention that minority youth are simultaneously at a heightened risk for receiving more punitive sanctions and a reduced likelihood of receiving rehabilitation or intervention, a byproduct of which is a significantly increased rate of dismissals compared to whites.

Third, similar disparities emerge for males and females alike, but only for dismissal and diversion. In addition, we can see that diversion constitutes the primary disposition of choice in juvenile court for females. That pattern differs for males, who overall appear to be equally likely to have cases dismissed as be diverted and, to a lesser extent, to receive probation. This greater use of diversion with females may reflect a greater inclination of the juvenile court to treat female offenders more benevolently, and in a more rehabilitative manner, than male offenders.

Race, Ethnicity, Gender, and Within-Disposition Designations

To this point, we find evidence that minority youth, and especially black males, black females, and Latino males, are more likely to be dismissed and less likely to receive diversion and probation than are their white counterparts. In addition, when receiving a disposition other than dismissal, minority males are more likely to receive commitment and transfer than they are

diversion and probation than are white males. Next, we take a more detailed examination of the distribution of dispositional outcomes by assessing variation in designations that occur within the broad disposition types included in the outcome measure for table 2's estimates. Here, we anticipate that, even within broad groups, substantial heterogeneity in dispositional outcomes provides increased opportunities for minority youth to experience disparities that might further disadvantage these groups as they proceed through the justice system.

Diversion

Table 3 focuses on diversion and tests the expectation that even among youth who receive diversion (N = 30,304), disparities still emerge. Here, judicial warning, arguably the least intensive diversion type, serves as the reference category. Inspection of the table reveals evidence in support of the hypotheses. Specifically, for males, we find a pattern that parallels the pattern from table 2—among those diverted, minority youth are significantly less likely to receive treatment and intervention-oriented diversionary outcomes and are more likely than whites to receive a judicial warning. This pattern emerges for both males and females, with one exception—Latino females have a likelihood of receiving a community processing diversionary outcome that is not significantly different from that for white females.

Insert table 3 about here.

Figure 2 illustrates the predicted likelihoods of diversionary dispositions to facilitate interpretation of the results from table 3. Panel A includes the results for males. Here, we can see the substantially greater likelihood of black males to receive a judicial warning compared to both whites and Latinos, and the decreased likelihood of black males receiving delinquency prevention and community processing interventions. Similar differences exist for Latinos; however, the disparity between Latinos and whites is more muted. Panel B presents the sanction probabilities for females. We can see racial and ethnic disparities for females that are largely similar to those that emerge among males.

Insert figure 2 about here.

Probation

Next, we turn to probation. Table 4 presents models aimed at examining potential racial and ethnic disparities among youth placed on probation (N = 16,373). For both males (b = $-.375$) and females (b = $-.346$) who receive probation, the logistic regression estimates indicate that black youth, as compared to white youth, are less likely to receive intensive probation. Relative differences in levels of rehabilitation and punishment between regular and intensive probation are not definitive, but this finding suggests that juvenile courts may be less willing to administer more intensive, expensive, and potentially service-oriented probation to black youth. No statistically significant differences between Latino and white youth, or among males and females, respectively, emerged. (To conserve space, we do not include the predicted probabilities for the different dispositions in a figure.)

Insert table 4 about here.

Commitment

Last, to what extent do disparities emerge when we examine youth in custodial confinement? Table 5 examines only those youth who received commitment as their disposition (N = 4,624). Recall that we anticipated that minority youth will receive more control-oriented intervention through placement in higher-security confinement. The analyses reveal no such pattern. That is, although minority youth, especially black males, are substantially more likely to receive a commitment placement than are whites, as shown in table 2, we do not find that black or Latino youth are more likely to receive higher-security level placements. Indeed, we find that minority youth are less likely to receive placements in medium- or high-security level facilities. Specifically, black males and Latino males are less likely than white males to be placed in medium-security commitment facilities, and black females are less likely than white females to

be placed in medium- and high-security level custodial facilities.

Insert table 5 about here.

What accounts for these unexpected patterns? One possibility is that black youth may be receiving commitments, albeit less severe ones, for less serious crimes. We explored this possibility through ancillary analyses comparing offense severity scores by race and ethnicity for youth who received different dispositions. We found no evidence that blacks or Latinos were receiving low-custody commitments for less severe offenses as compared to whites. A second possibility is that within the custody levels themselves, heterogeneity may exist that obscures racialized patterns of sanctioning (see, e.g., Fader et al. 2014). For example, greater levels of rehabilitative services and treatment may be more likely in the higher-security level facilities.

DISCUSSION AND CONCLUSION

Scholarship has consistently identified racial and ethnic disparities in juvenile court punishments (Bishop and Frazier 1988; Feld 1998; Rodriguez 2010). However, because of the wide range of dispositions and interventions available in juvenile court as well as the court's historical emphasis on rehabilitation, disparities also may exist in which youth receive rehabilitative intervention (Fader et al. 2014). Drawing on focal concerns theory and scholarship on juvenile justice and court sanctioning, this study examined whether racial, ethnic, and gender divides in juvenile court punishment *and* rehabilitation exist. Several findings emerged.

First, disparities in juvenile court sanctioning that disadvantage minorities, blacks in particular, are consistent and are more nuanced than what studies previously have identified. The results across and within the different disposition types can be summarized as follows:

- Across five disposition groups (dismissal, diversion, probation, commitment, transfer), blacks were substantially more likely than whites to receive severe sanctions (e.g., commitment as well as transfer to adult courts). At the same time, black youth were less likely to receive interventions, such as diversion and probation, traditionally viewed as

rehabilitation-focused, and were more likely to receive dismissals.

- Among diverted youth, minorities were less likely to receive such rehabilitation-oriented intervention as referral to delinquency prevention and community-based assistance programs and instead were more likely to receive judicial warnings. It thus appears that even when the focus is on diverted youth, juvenile courts are less willing to assign more resource-intensive and rehabilitation-oriented programming to minority youth.
- Among probated youth, blacks, but not Latinos, were less likely than whites to receive intensive probation. This pattern, too, suggests that juvenile courts may be less inclined to invest resources in treating or assisting minority youth, and, in particular, blacks.
- Among youth placed in custodial facilities, minority males were less likely to receive medium-security custody placements and black females were less likely to receive medium-security or high-security custody placements. The pattern suggests the possibility that minority youth, once incarcerated, receive less punitive sanctioning; alternatively, to the extent that rehabilitative services are concentrated in high-security facilities, they receive less intensive rehabilitative intervention.

In general, then, the analyses across and within juvenile disposition types indicate that black youth, and in some instances, Latino youth—as compared to white youth—are both more likely to receive severe sanctions and less likely to receive rehabilitation-oriented interventions. We also found that race and ethnicity effects are more robust than prior research has indicated, as indicated by patterns of greater punitiveness and lesser rehabilitation for minorities that extend across a range of dispositions and that arise within specific types of dispositions.

Second, the effects of race and ethnicity are largely similar for males and females, respectively. This pattern accords with prior work that has found that racial and ethnic differences in court outcomes emerge regardless of gender (see, e.g., Steffensmeier, Ulmer, and Kramer 1998; Spohn and Beichner 2000). However, the present study also found that, in some instances, racial and ethnic sanctioning differences varied among males and females, respectively. For example, the analyses indicated that white females received more

rehabilitation-oriented sanctions and interventions and that black males received more punitive sanctions. This pattern in particular suggests that the court views these two groups as lying on opposing sides of a spectrum of culpability and intervention-worthiness.

Third, the analyses highlight that multicategory disposition measures help to provide a more complete depiction of sentencing patterns. Combining dismissal and diversion, for example, would have obscured the patterns identified here that show varied use of dismissal and diversion, respectively, among minorities and whites. In addition, the identified patterns lend further support to calls by researchers for the use of more nuanced measures that capture specific disposition sub-types (see, e.g., Fader et al. 2014). Doing so affords opportunities to investigate more directly the ways in which the juvenile court operates and the extent to which some groups, such as minorities, receive more punishment and less rehabilitation.

The results presented in this paper align with focal concerns theory and work that underscores the salience of perceptual shorthands, or cognitive heuristics (Kahneman 2011), in the rapid-paced decisionmaking of juvenile court prosecutors and judges (Bishop and Frazier 1988; Steffensmeier, Ulmer, and Kramer 1998). To date, studies have focused primarily on the idea that certain groups may be viewed as more threatening and so warrant punitive, control-oriented responses (e.g., Hawkins 1981; Spohn and Holleran 2000). In the juvenile court, however, rehabilitation constitutes a central goal, one that calls for active intervention (Feld 1999; Fagan 2010). Accordingly, when focusing on young offenders, focal concerns and minority threat theoretical perspectives logically can be construed as providing an explanation not only for more punitive punishment but also for less intervention.

This article goes beyond prior research on minority effects on juvenile court sanctioning by considering both of these dimensions and by documenting that, within and across sanctions, blacks are more likely to be punitively sanctioned and less likely to receive rehabilitative intervention. In so doing, the study's findings underscore the salience of minority status as a marker, or signal, that courts use to determine how to punish and, separately, how, or whether, to help through the provision of services and treatment.

These findings underscore the need for conceptualizing and empirically assessing the punitive and rehabilitative contours of juvenile court sanctions. Such work is critical and yet challenging. It is critical because an accurate characterization of court dispositions requires knowledge of the extent to which a given disposition, or disposition sub-type, balances punitive and rehabilitative goals. It is challenging because the levels of punishment and rehabilitation for any given sanction are not absolute; they may vary across circumstance, person, and place (Mears et al. 2011). For example, diversion would be considered in most instances a rehabilitative sanction if the counterfactual sanction is residential commitment or adult transfer. By contrast, for some youth, such as those who commit certain status offenses or less serious offenses, placement in a diversionary program can represent a more punitive option than an outright dismissal or a judicial warning. The heterogeneity inherent to a given sanction category across jurisdictions and states creates additional complexity (Fader et al. 2014). Advances in scholarship will occur in part from two directions—assessment of the views court practitioners hold of the relative balance of punitiveness and rehabilitation associated with a given disposition and of the actual extent to which a given disposition is punitive or rehabilitative.

Although the findings here lend warrant to the notion that minorities may be differentially sanctioned and treated in juvenile court, they rest on assumed rather than measured perceptual processes. That limitation ideally will be addressed in future research through assessment of court practitioner views about specific youth and cases and of objective features of the youth and the cases (see, e.g., Albonetti and Hepburn 1996; Bridges and Steen 1998). Such work should examine directly the extent to which court actors hold implicit biases about certain groups, and even certain communities, that in turn contribute to sentencing decisions (Baumer 2013; Henning 2013). Is it the case, for example, that court actors truly view black or Latino youth as less likely to be amenable to or benefit from rehabilitative services? And, if so, do these perceptions affect the willingness of court actors to impose punitive sanctions and, simultaneously to assign youth to rehabilitative services and treatment? In a related vein, do these views vary for female youth or minority females (Peck, Leiber, and Brubaker 2014)?

The findings here, too, rest on assumptions about the extent to which a given sanction is “punitive” and “rehabilitative.” We relied on prior scholarship to characterize particular dispositions (e.g., custodial placements versus probation). As emphasized above, however, a more objective approach to classifying dispositions, and disposition sub-types, is needed. One approach that courts could apply is a rank-ordering of different sanctions with respect both to perceived punitiveness and to perceived rehabilitation-centeredness. The perceptions would not necessarily represent the objective reality of these dispositions. However, the documentation of these views in turn could be used to assess the extent to which minorities and other groups experience disproportionately more punitive or less rehabilitative sanctions.

From a policy perspective, the results of this study suggest the importance of viewing racial and ethnic disproportionality differently than has occurred to date. National policy efforts typically have emphasized a goal of reducing racial inequality in the juvenile justice system (Coleman 2011), with a primary focus on reducing minority overrepresentation in confinement. However, as this study suggests, racial and ethnic minorities may also be less likely to receive rehabilitative interventions and thus to be the beneficiaries of the avowed goals of the juvenile court—to intervene through a combination of punishment and rehabilitation to increase the chances that youth can go on to lead prosocial lives (Mears et al. 2011). There is, accordingly, a need to consider monitoring efforts that include a focus not only on minority disparities in punishment but also on minority disparities in rehabilitative intervention.

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Table 1. Descriptive Statistics

	Full		Males		Females	
	Mean	S.D.	Mean	S.D.	Mean	S.D.
General Disposition Types						
Dismissal	.28	.45	.30	.46	.24	.43
Diversion	.40	.49	.34	.47	.53	.50
Probation	.22	.41	.23	.42	.19	.39
Commitment	.06	.24	.08	.27	.03	.39
Transfer	.04	.19	.05	.22	.01	.10
Diversion Types						
Judicial Warning	.15	.36	.19	.39	.11	.31
Delinquency Prevention	.61	.49	.58	.49	.64	.48
Community Processing	.24	.42	.23	.42	.24	.43
Probation Types						
Regular Probation	.79	.40	.80	.40	.77	.42
Intensive Probation	.21	.40	.20	.40	.23	.42
Commitment Types						
Low Commitment	.16	.36	.15	.36	.19	.39
Medium Commitment	.67	.47	.66	.47	.70	.46
High Commitment	.18	.38	.19	.39	.11	.31
Covariates						
Sex (1=male, 0=female)	.68	.47	—	—	—	—
Age (continuous)	15.40	1.65	15.43	1.68	15.35	1.60
White	.44	.50	.42	.49	.47	.50
Black	.39	.49	.39	.49	.39	.49
Latino	.18	.38	.19	.39	.15	.35
Offense Severity (continuous)	19.74	8.87	20.39	9.45	18.37	7.32
Prior Adjudications (count)	.28	.88	.35	.99	.12	.56
Preadjudication Detention (1=yes)	.09	.29	.10	.30	.07	.25

Notes: Sample sizes for each group are as follows: full sample, N = 74,150; males, N = 50,303; females, N = 23,847. Descriptive statistics for diversion types, probation types, and commitment types include only those individuals who received diversion, probation, or commitment, respectively, as their general disposition.

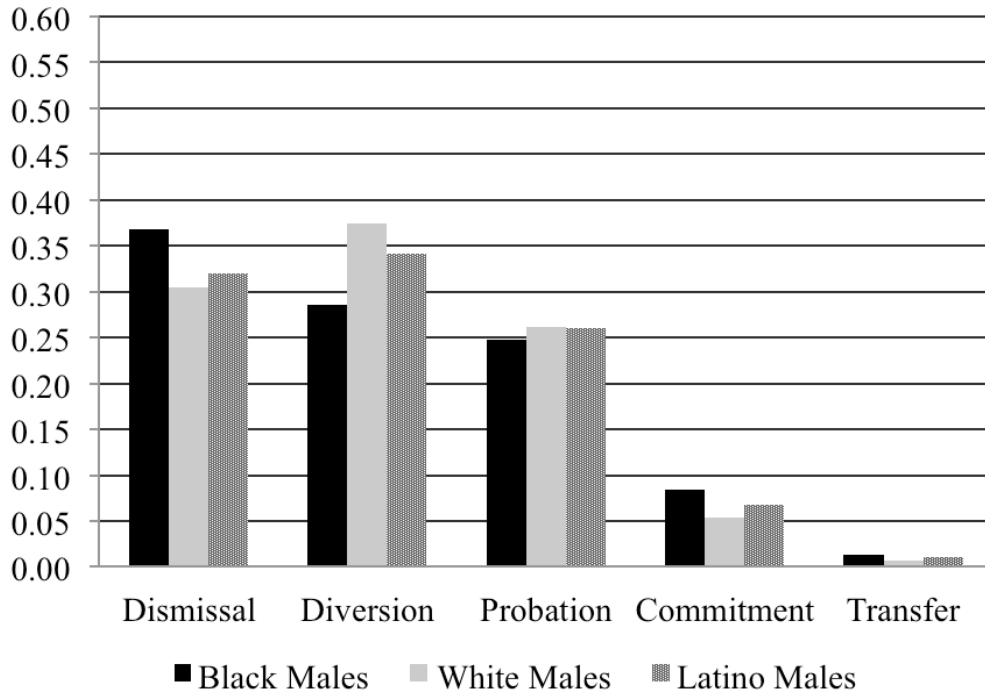
Table 2. Multinomial Logistic Regression of a 5-Category Juvenile Disposition Measure on Race, Ethnicity, and Covariates, by Sex

	Diversion		Probation		Commitment		Transfer	
	b	S.E.	b	S.E.	b	S.E.	b	S.E.
<i>Panel A. Males (N=50,303)</i>								
Age	-.228*	(.097)	1.151***	(.112)	3.151***	(.208)	3.955***	(.586)
Age Squared	.004	(.003)	-.043***	(.004)	-.110***	(.007)	-.102***	(.018)
Black	-.458***	(.028)	-.243***	(.030)	.251***	(.044)	.489***	(.058)
Latino	-.143***	(.035)	-.056	(.038)	.184**	(.061)	.353***	(.074)
Prior Adjudications	-.846***	(.024)	-.298***	(.019)	.393***	(.014)	.251***	(.018)
Offense Severity	-.037***	(.001)	.017***	(.002)	.036***	(.002)	.175***	(.004)
Pre-adjudication Detention	.272***	(.053)	1.311***	(.047)	.892***	(.066)	.415***	(.075)
Intercept	4.011***	(.707)	-7.832***	(.821)	-24.666***	(1.542)	-44.509***	(4.660)
(Circuit dummy variables)								
Log Pseudolikelihood	-61597.300							
Pseudo R-Squared	.138							
<i>B. Females (N=23,847)</i>								
	b	S.E.	b	S.E.	b	S.E.	b	S.E.
Age	.464**	(.156)	1.341***	(.197)	3.554***	(.489)	-2.587*	(1.288)
Age Squared	-.018***	(.005)	-.048***	(.007)	-.126***	(.016)	.117**	(.041)
Black	-.342***	(.038)	-.017	(.046)	-.163	(.092)	-.095	(.162)
Latino	-.010	(.054)	.028	(.067)	-.078	(.145)	-.362	(.284)
Prior Adjudications	-1.335***	(.058)	-.121***	(.037)	.649***	(.039)	.326***	(.065)
Offense Severity	-.030***	(.003)	.017***	(.003)	.013*	(.005)	.189***	(.011)
Pre-adjudication Detention	-.340***	(.082)	.922***	(.079)	1.057***	(.140)	.270	(.212)
Intercept	-.753	(1.147)	-9.656***	(1.448)	-27.083***	(3.634)	2.716	(10.204)
(Circuit dummy variables)								
Log Pseudolikelihood	-24510.125							
Pseudo R-Squared	.104							

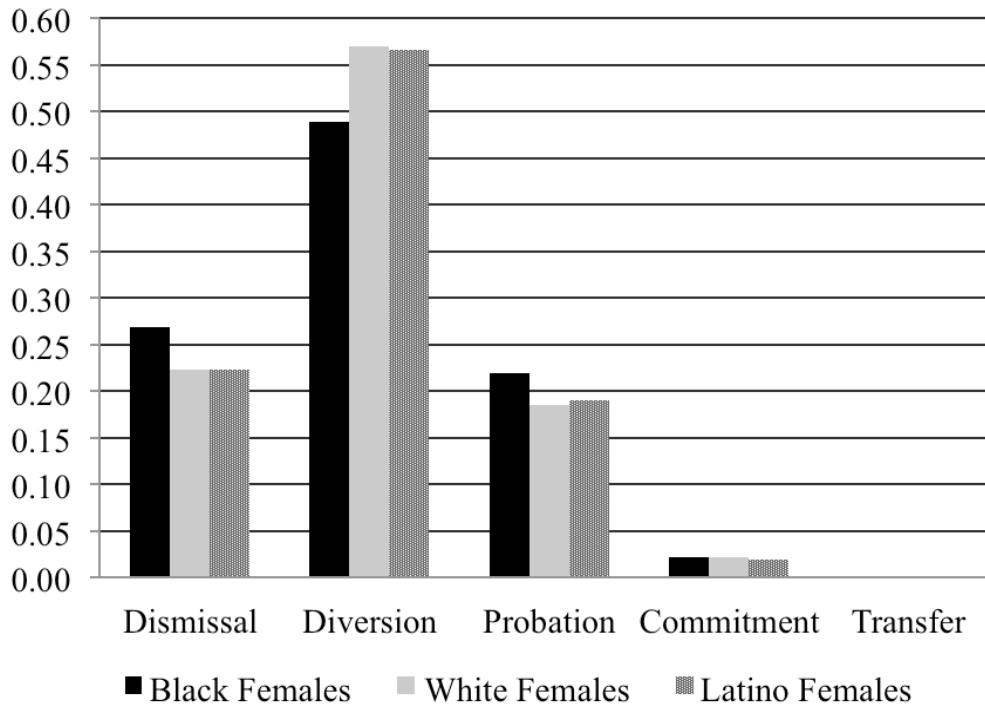
Notes: Dismissal serves as the reference category sanction. * p < .05, ** p < .01, *** p < .001

Figure 1. Predicted Likelihoods, 5-Category Disposition Measure, by Race, Ethnicity, and Sex

Panel A. Males



B. Females



Note: The likelihood of female transfer is below .01 for each race/ethnic group.

Table 3. Multinomial Logistic Regression of a 3-Category Juvenile Diversion Measure on Race, Ethnicity, and Covariates, by Sex

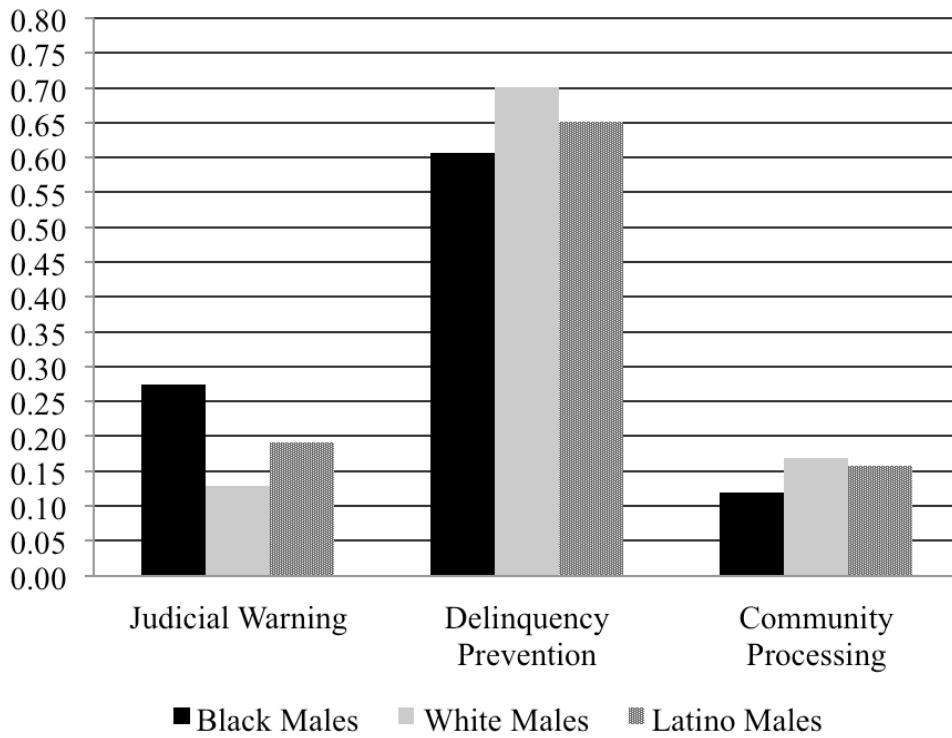
	Delinquency Prevention		Community Processing	
	b	S.E.	b	S.E.
<i>Panel A. Males (N=17,703)</i>				
Age	1.326***	(.183)	1.743***	(.217)
Age Squared	-.054***	(.006)	-.067***	(.007)
Black	-.898***	(.051)	-1.100***	(.062)
Latino	-.467***	(.067)	-.459***	(.077)
Offense Severity	.048***	(.003)	.053***	(.004)
Pre-adjudication Detention	-.075	(.114)	.011	(.126)
Intercept	-6.296***	(1.341)	-10.241***	(1.583)
(Circuit dummy variables)				
Log Pseudolikelihood	-13652.312			
Pseudo R-Squared	.173			
<i>B. Females (N=12,601)</i>				
Age	.914**	(.305)	1.147***	(.344)
Age Squared	-.039***	(.010)	-.044***	(.012)
Black	-.672***	(.067)	-.832***	(.077)
Latino	-.277**	(.104)	-.121	(.112)
Offense Severity	.054***	(.006)	.060***	(.007)
Pre-adjudication Detention	-.094	(.195)	-.203	(.213)
Intercept	3.887	(2.264)	-6.528*	(2.554)
(Circuit dummy variables)				
Log Pseudolikelihood	-9157.540			
Pseudo R-Squared	.167			

Notes: Judicial warning serves as the reference category sanction.

* $p < .05$, ** $p < .01$, *** $p < .001$

Figure 2. Predicted Likelihoods, 3-Category Diversion Measure, by Race, Ethnicity, and Sex

Panel A. Males



B. Females

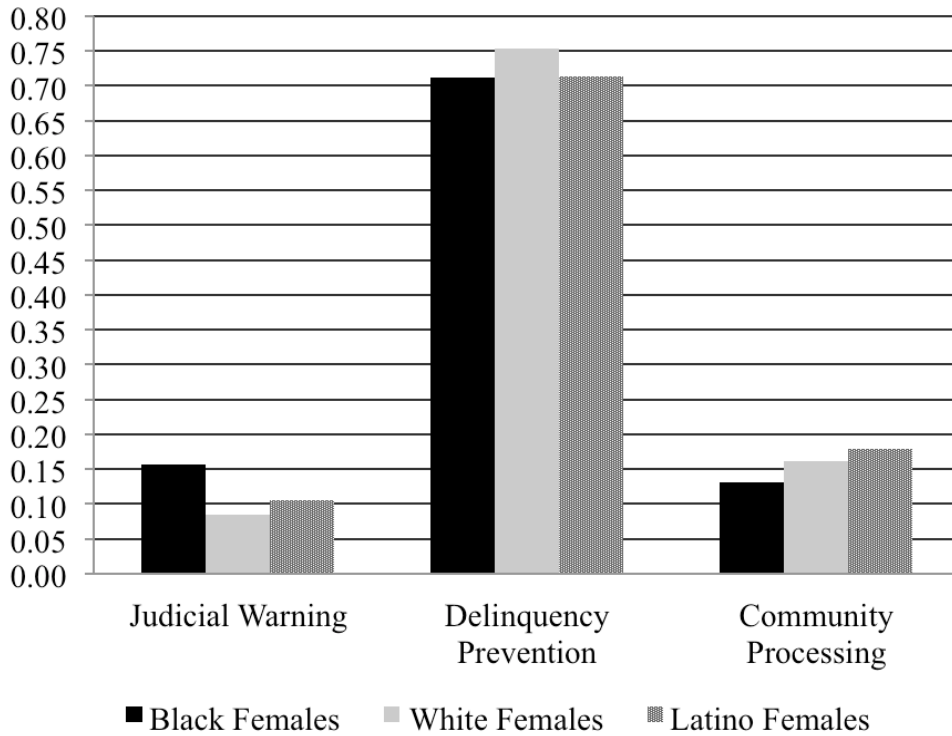


Table 4. Logistic Regression of Probation Versus Intensive Probation Decision on Race, Ethnicity, and Covariates, by Sex

<i>Panel A. Males (N=11,774)</i>	b	S.E.
Age	-.901***	(.209)
Age Squared	.022**	(.007)
Black	-.375***	(.063)
Latino	.064	(.073)
Prior Adjudications	-1.871***	(.176)
Offense Severity	.014***	(.003)
Pre-adjudication Detention	-.365***	(.067)
Intercept	6.026	(1.490)
(Circuit dummy variables)		
Log Pseudolikelihood	-4828.277	
Pseudo R-Squared	.177	
<i>B. Females (N=4,599)</i>	b	S.E.
Age	-.357	(.366)
Age Squared	.006	(.013)
Black	-.346***	(.092)
Latino	-.018	(.126)
Prior Adjudications	-2.530***	(.446)
Offense Severity	.026***	(.005)
Pre-adjudication Detention	-.361**	(.117)
Intercept	1.794	(2.664)
(Circuit dummy variables)		
Log Pseudolikelihood	-1993.782	
Pseudo R-Squared	.190	

Notes: For the dependent variable, 1=intensive probation and 0=regular probation.

* p < .05, ** p < .01, *** p < .001

Table 5. Multinomial Logistic Regression of a 3-Category Juvenile Commitment Measure on Race, Ethnicity, and Covariates, by Sex

	Medium Commitment		High Commitment	
	b	S.E.	b	S.E.
<i>Panel A. Males (N=3,944)</i>				
Age	-.159	(.556)	-.598	(.721)
Age Squared	.009	(.019)	.030	(.024)
Black	-.396***	(.117)	-.220	(.145)
Latino	-.375*	(.165)	-.180	(.206)
Prior Adjudications	.338***	(.051)	.629***	(.055)
Offense Severity	.031***	(.005)	.083***	(.006)
Pre-adjudication Detention	.020	(.155)	-.086	(.194)
Intercept	2.098	(4.122)	.574	(5.380)
(Circuit dummy variables)				
Log Pseudolikelihood	-3022.539			
Pseudo R-Squared	.125			
<i>B. Females (N=680)</i>				
Age	2.327	(1.309)	3.593	(2.403)
Age Squared	-.074	(.044)	-.111	(.079)
Black	-.581*	(.233)	-1.163**	(.391)
Latino	-.404	(.387)	.678	(.544)
Prior Adjudications	.162	(.106)	.710***	(.136)
Offense Severity	.020*	(.010)	.070***	(.016)
Pre-adjudication Detention	.084	(.337)	.602	(.602)
Intercept	-16.960	(9.724)	-30.328	(18.124)
(Circuit dummy variables)				
Log Pseudolikelihood	-469.551			
Pseudo R-Squared	.154			

Notes: Low commitment serves as the reference category sanction. Circuits 3, 7, and 16 contained too few female cases across the 3 commitment categories to allow for the inclusion of those circuits. Eliminating these circuits resulted in a loss of 50 cases from the panel B analyses.
 * $p < .05$, ** $p < .01$, *** $p < .001$