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The Gang Member Label and Juvenile Justice Decision-Making

Susan Teresa Quinn



THE FLORIDA STATE UNIVERSITY
COLLEGE OF CRIMINOLOGY AND CRIMINAL JUSTICE

THE GANG MEMBER LABEL AND JUVENILE JUSTICE DECISION-MAKING

By

SUSAN TERESA QUINN

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The members of the committee approve the dissertation of Susan Teresa Quinn defended on April 19, 2010.

Gary Kleck
Professor Directing Dissertation

Irene Padavic
University Representative

William Bales
Committee Member

William Doerner
Committee Member

Approved:

Thomas G. Blomberg, Dean, College of Criminology and Criminal Justice

The Graduate School has verified and approved the above-named committee members.

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ABSTRACT

Labeling theory studies have generally focused on the creation of secondary deviance through the process of internalizing the applied label. The combination of labeling theory studies focusing on secondary deviance and the belief that labeling theory was ‘dead’ as of the 1980s has created a dearth of research regarding the impact of labels on criminal or juvenile justice processing. The purpose of the current study is to determine if there is a relationship between the gang member label and juvenile justice decisions at three stages: (1) intake, (2) disposition, and (3) incarceration release. There are a total of five primary findings related to the impact of the gang member label on juvenile justice recommendations and incarceration length. Three of the five findings are significant ($p < .05$), including one intake decision, one disposition decision, and the length of incarceration. These three findings all support the hypothesis that the gang member label increases the severity of the recommendation and the number of days incarcerated. Variables representing the Florida Department of Juvenile Justice staffs’ perception of offender attitudes are incorporated into the analyses to determine if these variables mediate the hypothesized relationship between the gang member label and juvenile justice decisions. The findings weakly support the hypothesis that perceptions of the offenders will partially mediate the relationship between the gang member label and recommendation severity or the number of days incarcerated. However, the variables only mediate a small portion of the impact of the gang member label on the dependent variables. Finally, interaction terms are included in the analyses to see if the hypothesized impact of the gang member label on juvenile justice decision-making varies based on individual characteristics (e.g., race, sex). The hypothesis that the impact of the gang member label will vary based on demographic characteristics is largely unsupported.

CHAPTER 1

INTRODUCTION

Labeling theory studies have generally focused on the creation of secondary deviance through the process of internalizing the applied label. The combination of labeling theory studies focusing on secondary deviance and the belief that labeling theory was ‘dead’ as of the 1980s has created a dearth of research regarding the impact of labels on criminal or juvenile justice processing. This study will attempt to fill in the resulting gap in research by using labeling theory to examine the application of the gang member label on juvenile justice decision-making.

The purpose of the current study is to determine if there is a relationship between the gang member label and juvenile justice decisions at three stages: (1) intake, (2) disposition, and (3) incarceration release. I will test the labeling theory hypothesis that the gang member label increases the severity of juvenile justice decisions. Variables representing the Florida Department of Juvenile Justice staffs’ perception of offender attitudes are incorporated into the analyses to determine if these variables mediate the hypothesized relationship between the gang member label and juvenile justice decisions. Finally, interaction terms are included in the analyses to see if the hypothesized impact of the gang member label on juvenile justice decision-making varies based on individual characteristics (e.g., race, sex).

Gangs

The first appearance of gangs in the United States is not documented, but Howell (1998) contends that the presence of gangs began to increase in urban areas (New York, Boston, and Philadelphia) during the early 1880s at the start of the Industrial Revolution. During the industrial era, the presence of gangs expanded into other urban areas, such as Chicago, during periods of immigration and population increases (Spergel, 1990). The increase in gang activity since the 1980s was not the first increase, but rather part of a

trending up and down with increases in the latter part of the 1880s, during the 1920s, and again in the 1960s (Curry and Decker, 1998; Howell, 1998). Since the 1970s, gang characteristics have changed with increased mobility, access to firearms, and involvement in the drug trade (Howell, 1998; Spergel, 1990).

Police and media have reported a sharp increase in the level of gang activity since the 1980s (Esbensen and Huizinga, 1993; McCorkle and Miethe, 2002). Gangs are seen as becoming more aggressive and infiltrating areas not previously associated with gang activity, including suburban and rural locations (Bjerregaard, 2003; Feld, 1998; Spergel, 1990). Gang activity may have increased due to social disorganization caused by changes in the structure of society and traditional institutions and values (Miethe and McCorkle, 1997; McCorkle and Miethe, 2002; Spergel, 1990). However, gang activity may not have actually increased, and the increase in perceived gang activities may have occurred because of the expansion and refinement of gang activity reporting (Miethe and McCorkle, 1997; McCorkle and Miethe, 2002).

McCorkle and Miethe (2002) and Cyr (2003) have argued that the reaction to gangs constitutes a moral panic. Cohen (1972, p. 9) defined a moral panic as when “a condition, episode, person or group of persons emerges to become defined as a threat to societal values and interests.” In a moral panic, the focus is on the behavior, or believed behavior, of certain individuals or groups, and the perception of threat is out of proportion with the actual threat (Cohen, 1972; Cyr, 2003; McCorkle and Miethe, 2002). These individuals or groups are defined as *folk devils* and only ascribed negative attributes, with the elimination of all positive characteristics. In this case, the folk devils are gang members (Cohen, 1972; McCorkle and Miethe, 2002).

In 2008, Florida State Attorney McCollum declared a war on gangs in the state of Florida that would include more and stronger crime control measures. The term *war on* has received a great deal of use in regards to social issues (e.g., war on poverty), particularly in matters related to criminal justice. A *war on crime* was originally declared in the mid-1900s, and it is still a term used decades later. The general war on crime is associated with other wars, such as the war on drugs, the war on terrorism, and the war on gangs. The term allows for personalization of the particular topic into an *us* and *them* dichotomy. The *us* in the war on crime are those people who fight against crime, and the

them are those people who commit crimes or allow others to commit crimes. Individuals, such as politicians and agency representatives, attempt to avoid the perception that they are soft on crime and allow for the commission of crimes (Bjerregaard, 2003; Feld, 1999).

Federal, state, and local governments have allocated funds to combat gangs. Many jurisdictions have implemented anti-gang legislation that included new criminal codes, specifically targeting gang activities (e.g., gang member solicitation), and harsher penalties for criminal behavior under existing legislation (Bjerregaard, 2003; McCorkle and Miethe, 2002; Miethe and McCorkle, 1997). New legislation was deemed necessary because of the unique issues experienced by law enforcement and the court system in addressing gang problems, such as the prosecution of multiple offenders for group criminal offenses, handling cases that involve both adult and juvenile co-offenders, and witness problems (e.g., fear of involvement, witnesses are other gang members) (Bjerregaard, 2003).

Three primary approaches for dealing with gangs are: (1) prevention, (2) intervention, and (3) suppression. The role of prevention initiatives is to address factors associated with joining a gang, whereas intervention strategies are designed to direct individuals out of gangs. Suppression initiatives focus on the arrest, prosecution, and supervision (before and after contact with the justice system) of gang members (Bjerregaard, 2003, p. 172). The belief that rehabilitation does not work has led to a stronger emphasis on suppression techniques in comparison to prevention or intervention strategies, particularly in areas of established gang activity (Klein, 1995; Bjerregaard, 2003).

Though gang suppression initiatives are more common than prevention or intervention efforts, they have received several criticisms. One criticism is that the suppression efforts are focused on areas that are predominantly minority and poor, which are viewed as a threat to society (Bjerregaard, 2003; Sampson and Laub, 1993). Another criticism is that suppression initiatives may actually increase gang activities due to a backlash against additional controls through the labeling of youth and adults (Bjerregaard, 2003). A third criticism of suppression efforts is that gang definitions are

often vague, open to interpretation, and may vary across agencies and jurisdictions (Bjerregaard, 2003).

The lack of consensus regarding conceptual and operational definitions of gangs and gang members affects academic research, as well as law enforcement initiatives (Ball and Curry, 1995; Bjerregaard, 2002; Bjerregaard, 2003; Esbensen, Winfree, He, and Taylor, 2001; Snyder and Sickmund, 2006; Spergel, 1990). In calculating the number of gangs or the number of gang members, a definition that is too narrow can lead to underestimates, while a definition that is too broad can lead to overestimates. These estimates can impact monetary allocations, as well as public fears (Esbensen *et al.*, 2001).

Two common categories of gang definitions are: (1) process-based definitions and (2) delinquency-based definitions. Process-based definitions focus on the characteristics that lead to the formation of a gang as an organized entity, which is used to distinguish gangs from other groups of people who are just hanging out together. In Thrasher's (1927, pp. 45-46) examination of more than 1,000 gangs, he proposed that gangs were too diverse to be defined under a single definition and, instead, proposed that gangs share a common set of characteristics based on their natural history that distinguishes gangs from other types of collectives. Thrasher's (1927, pp. 45-55) list of gang characteristics includes: (1) a spontaneous and unplanned origin, (2) a shared *esprit de corps*, (3) intimate face-to-face relations, (4) a sense of organization, solidarity, and morale, (5) a recognition and reaction to a hostile element, (6) a heritage of memories, and (7) the recognition and defense of a territory or geographic area.

Delinquency-based definitions limit the classification of gangs to groups that participate in delinquent activities. This type of definition contends that a gang by its nature is involved in delinquent activities. In *The American Street Gang*, Klein (1971, p. 1428) defines a gang as a group that is recognized by others in the neighborhood, defines itself as a gang, and is reacted to by neighbors and law enforcement agencies due to its delinquent activities. In the National Youth Gang Center (NYGC) annual survey, agencies reported that the most important characteristic in defining a gang is that members of the group must commit crimes together. Other characteristics include having a name, displaying colors/symbols, hanging out together, claiming turf/territory, and the presence of leadership.

The difference between Thrasher's and Klein's definitions displays one of the major issues in defining gang activities, which is whether the gang definition should include delinquent or criminal behavior. The inclusion of delinquency in the gang definition is problematic for multiple reasons. First, delinquency is often a group activity, so this definition would not distinguish between a delinquent group and a gang. Second, the inclusion of delinquency as a defining characteristic of gangs tends to minimize other characteristics that are of theoretical interest (Ball and Curry, 1995; Bjerregaard, 2002). Third, correlates leading to delinquency are the same as those leading to gang formation (e.g., male youth, lower socioeconomic status, urban residence) (Ball and Curry, 1995, p. 235; Bjerregaard, 2002). Conly (1993) suggested dropping use of the term gang altogether since it is often not used by the groups themselves. Others have suggested an ostensive definition, in other words, "I know it when I see it." This method creates the same problem as defining pornography or obscenity in this manner because it does not have an objective basis and will differ depending on the individual proposing the definition (Ball and Curry, 1995, p. 226).

As with defining what a gang is, determining who is a gang member is also problematic. Many definitions for gang members use physical characteristics, such as the wearing of specific colors or clothing and having certain tattoos as indications of gang membership. However, many of these characteristics have become part of popular culture (Bjerregaard, 2003; McCorkle and Miethe, 2002), which allows for the possibility of targeting certain individuals because they look like stereotypical gang members rather than because they are gang members (Bjerregaard, 2003). One common way of dealing with the definitional issues in determining gang membership is to rely upon self-reporting (Ball and Curry, 1995; Bjerregaard, 2002; Esbensen, *et al.*, 2001). According to the NYGC, agencies most frequently use self-nomination to determine gang membership. This process has issues of its own, including that individuals may classify their connections differently, thus one person may consider a group a gang but another individual in the same group does not consider it a gang. Furthermore, individuals may respond dishonestly (Ball and Curry, 1995; Bjerregaard, 2002).

Gang membership is often unstable with members joining and leaving at various points in time. Furthermore, gang participation may differ depending on whether the

individual is a core member or a fringe member. A core member is intricately involved in the gang, whereas a fringe member may only associate with gang members and not actually belong to the gang. These definitional issues further complicate determining who is a gang member (Bjerregaard, 2003; Decker and Curry, 2000; Spergel, 1990).

Researchers have examined three models explaining the association of delinquency and gangs: (1) a *kind of person* model, (2) a *kind of group* model, and (3) an enhancement model. The kind of person model contends that gangs select individuals who are already committing delinquent acts. Based on this model, gang members should have higher rates of delinquency than non-gang members. They also would have had higher rates of delinquency prior to, during, and after leaving a gang. The kind of group model focuses on social facilitation and posits that the delinquency of gang members is only higher than non-gang members when they are active members of the gang. The enhancement model is a combination of the kind of person and the kind of group models in which gangs recruit members who are already committing delinquent acts and then facilitate increased delinquency within the gang (Lahey, Gordon, Loeber, Stouthamer-Loeber, and Farrington, 1999; Thornberry, Krohn, Lizotte, and Chard-Wierschem, 1993).

Thornberry *et al.* (1993) examined explanations for why gang members tend to commit more violent and serious offenses using longitudinal data from the Rochester Youth Development Study. They found support for the kind of group model for youth who were transient gang members (less than one year) and for the kind of group and enhancement models for youth who were stable gang members (more than two years). In contrast, Lahey *et al.* (1999) examined cross-sectional data collected from surveys of elementary and middle school boys. They found support for the kind of person model in gang entry because the youth who were already delinquent were more likely to join a gang. The authors argued that gang membership was the next developmental step within the delinquency trajectory.

Prior studies have identified five domains of risk factors for gang involvement: community, family, school, peers, and individual. Factors within the community domain include social disorganization, poverty, availability of drugs, gangs in the neighborhood, availability of firearms, and the arrest rate. Family risk factors consist of single-parent households, family members in a gang, poverty, lack of attachment to family, child

maltreatment, and lack of parental supervision. School risk factors include school failure, negative labeling by teachers, school behavior problems, low commitment to school, and low attachment to school. Peer risk factors consist of involvement with delinquent peers and association with gang members. Individual risk factors include committing delinquent offenses, aggression, anti-social beliefs, alcohol use, and drug use (Bjerregaard and Smith, 1993; Bursik and Grasmick, 1993; Curry and Spergel, 1988, 1992; Esbensen and Huizinga, 1993; Eitle, Gunkel, Van Gundy, 2004; Esbensen *et al.*, 2001; Hill, Howell, Hawkins, Battin-Pearson, 1999; Howell, 1998; Howell and Egley, 2005; Miller, 1958; Lahey *et al.*, 1999; Sullivan, 1989; Thornberry *et al.*, 2003).

Though gangs have existed in the United States for at least the last hundred years, there are continued issues in defining what a gang is and who is a gang member. The primary issue of debate in defining a gang is whether delinquency is an appropriate part of the definition. The issue also causes difficulty in defining who is a gang member. Determining who is a gang member is further complicated by unstable gang membership. Self-reporting measures are the primary method for determining gang membership in academic research and law enforcement initiatives.

Juvenile Justice in the United States

In the United States, the treatment of youth has varied over the centuries from the 18th century when offenders were treated as adults to the 21st century when offenders began to be viewed as not having the same mental capabilities as adults and having different needs (Blomberg and Lucken, 2000). Prior to the establishment of the juvenile court, youth were often treated differently by age categories: (1) under seven-years-old, (2) seven- to 14-years-old, and (3) over the age of 14-years-old. Offenders under seven-years-old were viewed as unable to form criminal intent, thus not subject to criminal sanctions. If the offenders were between seven- and 14-years-old, they were viewed as possibly being able to form criminal intent. Offenders over the age of 14 were criminally responsible and subject to criminal sanctions (Blomberg and Lucken, 2000; Feld, 2002). Criminal sanctions for youth over the age of seven could be as severe as death (Feld, 2002).

During the early 1800s, age-segregated institutions for offenders were established along the East Coast with the opening of similar institutions in other parts of the country by the mid-1800s (Feld, 2002). In 1899, the first juvenile court was established in Chicago (Illinois Juvenile Court Act) and was followed by the establishment of juvenile courts in every other state (Feld, 1999; Feld, 2002), thus expanding the separation of handling adult and juvenile offenders (Feld, 2002).

During the latter part of the 1800s, the United States changed from a rural, agriculture-based society to an urban, industrial society due to modernization. Industrialization also resulted in increased immigration from rural areas and from Southern and Eastern Europe. Furthermore, due to industrialization, there was increased division between home life and work life. In turn, modernization and immigration weakened the ability of families, communities, and religious institutions to provide informal social controls (Blomberg and Lucken, 2000; Feld, 1999; Feld, 2002; Mears, 2002; Rothman, 1980).

The Progressive Movement developed in response to modernization and immigration. According to the ideology of the Progressive Movement, experts and professionals could study social and economic problems and develop rational and scientific solutions, which the government could then use to remedy the problems (Feld, 2002, p. 913). As informal social controls weakened due to modernization and immigration, Progressive reformers increasingly relied upon formal organizations to maintain order and implement social changes. Through the use of formal organizations, Progressives attempted to assimilate and acculturate immigrants and poor people (Blomberg and Lucken, 2000; Feld, 1999; Feld, 2002; Mears, 2002; Rothman, 1980).

The Progressive Movement was known for its emphasis on ‘child-saving,’ which focused on juvenile court, child labor, compulsory education, and social welfare reforms. Child-saving reforms reflected the Progressive Movement’s reliance upon formal organizations and views that children are vulnerable and in need of guidance, particularly poor and immigrant children. Progressives may have been looking out for the best interest of children, but they were also attempting to increase control over them (Blomberg and Lucken, 2000; Feld, 1999; Feld, 2002; Mears, 2002; Rothman, 1980).

Changes in criminological theory at the beginning of the 20th century influenced Progressive criminal justice policies. Based on Positive Criminology, Progressive reformers rejected the idea of 'free will' and sought to scientifically study offenders and identify causes of crime and delinquency (Feld, 2002; Rothman, 1980). The idea that behavior was determined as opposed to chosen decreased the offender's moral responsibility and justified a focus on rehabilitating the offender as compared to punishing the offender (Feld, 1998; Feld, 2002). These concepts resulted in the *Rehabilitative Ideal*, which incorporated the use of medical analogies and focused on the treatment of offenders. The Rehabilitative Ideal influenced Progressive criminal justice reforms, such as indeterminate sentencing, probation and parole, and the juvenile court (Feld, 2002).

The juvenile court removed children from the adult criminal justice process, reinforced the idea that children are vulnerable and in need of guidance, and acted as *parens patriae*, which is when the juvenile court acts as a parent to the children (Blomberg and Lucken, 2000; Feld, 1999; Feld, 2002). The idea that the juvenile court acts as a parent to juveniles supported the view of the proceedings as civil rather than criminal and increased the jurisdiction of the juvenile court to non-criminal offenses, such as sexual activity, smoking, immorality, or waywardness (Feld, 2002). The juvenile court has typically handled four types of youth (Blomberg and Lucken, 2000; Mears, 2002; Rothman, 1980). Delinquent youth are ones who committed an act that if they were an adult, the act would be considered a criminal offense. Status offenders are youth who committed an offense that was considered harmful but would not be an offense if committed by an adult (e.g., running away, skipping school). Neglected and dependent youth are ones whose parents would not or could not provide the essential care, respectively (Blomberg and Lucken, 2000; Rothman, 1980).

Based on the rehabilitative focus of the juvenile court, Progressives believed that scientific analysis of the information would result in a proper diagnosis and intervention strategy that are in the juvenile's best interest. Thus, decisions were based on the offender's character and social circumstances rather than the offense itself. In an effort to decrease the stigmatizing impact of the court, terms regularly used in the adult court were modified for use in the juvenile court. For example, juveniles are adjudicated rather than

convicted and received dispositions rather than sentences. To further decrease the stigmatizing impact of the juvenile court, it used informal and closed proceedings (Feld, 2002).

The juvenile court was more informal than the adult court in which the court officials, including the judge, prosecutors, and probation officers, would meet with the youth and parents, and the focus was to be on individualized treatment and rehabilitation that is in the *best interest* of the child as opposed to punishment (Blomberg and Lucken, 2000; Feld, 1998; Sims and Preston, 2006). The preferred disposition in the juvenile court was probation or community supervision where probation officers would supervise offenders and report information back to the juvenile court. Progressive reformers viewed probation as an alternative to dismissal rather than incarceration, which allowed for the expansion of formal social control. In comparison, confinement was only to be used as a last resort (Feld, 2002, p. 915).

The use of indeterminate, individualized confinement periods based on when the offender is deemed rehabilitated resulted in the extended confinement of some offenders. Progressive reformers increased the use of cottage-style reformatories for the confinement of juvenile offenders, which were designed to simulate a home environment with two staff acting as parents to the offenders within the cottage. Reformatories were renamed as vocational or training schools and incorporated academic and vocational education as part of the rehabilitation (Feld, 2002).

By the 1960s, the impact of the Rehabilitative Ideal had begun to decrease (Feld, 2002). This decrease in support occurred because of criticisms of rehabilitation as a coercive form of social control, differential treatment of similar offenders, and an increase in support for more *tough on crime* and *law and order* measures as opposed to rehabilitation (Feld, 1999; Feld, 2002). With the decrease in support for rehabilitation and an increase in support for punishment, there was also an increase in concern regarding procedural safeguards for juvenile offenders. Since the juvenile court was based on ideas of rehabilitation and is supposed to act in the best interest of the child, youth did not receive the same rights as adults (e.g., due process, presumption of innocence, jury trial, defense counsel), which began to change with United States Supreme Court decisions in

the 1960s (Blomberg and Lucken, 2000; Feld, 1999; Feld, 2002; Sims and Preston, 2006).

During the mid-1900s, the decisions of the United States Supreme Court altered the functioning of the juvenile court when it addressed juvenile court issues with particular attention paid to the Fourteenth (Due Process) Amendment (Feld, 1999; Sims and Preston, 2006). According to the Fourteenth Amendment, “no state shall enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny any person within its jurisdiction the equal protection of the laws.” The changes in the juvenile court were precipitated by three United States Supreme Court decisions (Gault, Winship, and McKeiver) (Feld, 1998; Feld, 2002).

In *In re Gault*, 387 U.S. 1 (1967), Gerald Francis Gault, 15-years-old, was taken into custody because his neighbor had filed a complaint that he was making lewd phone calls. Notice of his hearing was not provided to his mother and the accuser did not attend. The judge determined that Gault had made some admission of guilt and committed Gault to a facility for at least six years. An adult convicted of a similar charge would most likely have been sentenced to two months. The United States Supreme Court determined that the youth was entitled to: notice of the charges, notice of the right to counsel and to have counsel appointed if indigent, right to confront/cross-examine witnesses, and protection against self-incrimination. The United States Supreme Court decision in *in re Gault* increased the similarity between the juvenile court and adult court and concluded that the more informal nature of the juvenile court should not allow for a ‘kangaroo court’ (Sims and Preston, 2006).

The United States Supreme Court concluded in *In re Winship*, 397 U.S. 358 (1970) that states must prove delinquency beyond a reasonable doubt rather than the weaker standard of preponderance of the evidence. In contrast to the increase in procedural safeguards provided by Gault and Winship, *In re McKeiver*, 403 U.S. 528 (1971) maintained a distinction between the juvenile and adult court. In this decision, the United States Supreme Court determined that juveniles do not have the right to a jury trial and that delinquency hearings must involve “accurate fact-finding,” which a judge can perform (Feld, 2002; Sims and Preston, 2006).

The juvenile court shifted from determining causes of delinquent behavior and rehabilitative interventions to proving the offender committed the acts legitimated increases in punitiveness. The United States Supreme Court decisions in addition to academic research that concluded rehabilitative interventions have little to no impact on recidivism further eroded the use of rehabilitation (Feld, 2002; Lipton, Martinson, and Wilks, 1975). By the 1980s, issues of drugs, specifically crack, and urban violence lead to more calls for tougher punishments. Increases in punitiveness were also evident during the 1990s with increases in the use of incarceration and transfers to adult court (Bazemore and Umbreit, 1995; Benekos and Merlo, 2008; Blomberg and Lucken, 2000; Feld, 1999; Macallair, 1993; Mears, 2002; Mears and Field, 2000; Sims and Preston, 2006).

The two competing ideas of youth have directed the transformations in the juvenile court over the last century. First, youth are viewed as individuals who need protection and guidance from their parents and the government because they are viewed as vulnerable and innocent. The second view is that youth have similar mental capacities to adults and that it is society that needs protection from the activities of the youth (Feld, 1999; Sims and Preston, 2006). The conflicting ideas led to the implementation of 'criminological triage,' which is a spectrum of responses from the 'soft end' to the 'middle' to the 'hard end' (Feld, 1999, p. 188; Feld, 2002). The 'soft end' consists of alternatives to sanctions, specifically designed to divert youth from the juvenile justice system, in particular status offenders, and included use of diversion and diversion programs (e.g., drug courts). The 'hard end' is generally comprised of transferring juveniles from the juvenile justice system to the adult system and other 'get tough on crime' measures. The 'middle' consists of increasing sanctions within the juvenile court, which has become more punishment and procedurally oriented (Feld, 1999; Feld, 2002). The changes in the juvenile court have resulted in questions regarding the need for a separate adult and juvenile justice system (Feld, 2002).

CHAPTER 2

THEORY

Introduction

Labeling theory contends that occasional, minor rule breaking is normal, but that societal reaction to the original deviance can increase the likelihood of subsequent delinquency. The main impacts of a label are changes in personal identity, exclusion from opportunities, and an increased likelihood of subsequent delinquency (Paternoster and Iovanni, 1989). This chapter will explore the foundation of labeling theory and use this framework to explain the expected impact of the gang member label on juvenile justice decision-making.

Labeling Theory

Labeling theory rose to prominence in the 1960s and 1970s as a critique of the criminal justice process. It represented a shift away from the mainstream theory, which focused on the offender. The theory decreased in popularity during the 1980s, a period also associated with the increased implementation of *get tough* measures for dealing with juvenile crime, such as increased use of confinement, longer periods of confinement, and transfers to the adult system (Triplett, 2000). Labeling theory began to show signs of revitalization during the 1990s with further theoretical specification, including the examination of intervening and conditioning variables (Paternoster and Iovanni, 1989).

Labeling theory was initially constructed through the interactionist view in which delinquency is the product of interactions between *delinquents* and *labelers*. Labeling theory contends that “the experience of being labeled by social control agencies may result in an alteration of personal identity, an exclusion from the normal routines of everyday life, and a greater involvement in delinquent acts” (Paterson and Iovanni, 1989, p. 363). Blumer (1969) coined the term "symbolic interactionism," which incorporated ideas from both Cooley and Mead. Blumer specified three tenets of symbolic

interactionism: (1) "human beings act toward things on the basis of the meanings they ascribe to those things," (2) "the meaning of such things is derived from, or arises out of, the social interaction that one has with others and the society," and (3) "these meanings are handled in, and modified through, an interpretive process used by the person in dealing with the things he/she encounters." According to symbolic interactionism, people interact with each other by interpreting the meanings of actions, which are derived from and modified by social interaction.

Cooley's (1902) term *looking-glass self* refers to the development of a person's sense of self through social interactions with others and the perceptions of others. In a social setting, people see themselves as others see them, which results in an identity (sense of self), and can change as the perceptions of others' change. In the process of changing to meet expectations, it is possible for a self-fulfilling prophecy to occur. For example, a youth is perceived as delinquent by others, the youth forms or modifies his or her identity based on this perception, and the youth commits subsequent offenses due to this delinquent identity.

Mead (1934) contended that individuals actively create their own sense of self through interactions with others, specifically through the use of symbols (language, gestures). This view contrasts with Cooley's determinist view. When individuals attempt to imagine how others view them (role-playing), they are taking on the view of the *generalized other*. It is necessary for children to role-play in early childhood to develop a sense of self and practice seeing the viewpoints of other's in the group and not just their own viewpoints. The process of developing an understanding of the generalized other involves language, play, and games. Language is communication through symbols and allows for taking the role of the other. In play, children take the role of a specific other (e.g., mother, doctor) and act as they believe the other would act. Games involve a more complicated form of play in which the child takes the role of all others and must understand the rules that govern or organize the game (e.g., baseball game). When the child can view himself or herself from the viewpoint of the generalized other, then he or she can develop a full sense of self.

Tannenbaum's (1938) *dramatization of evil* incorporated tenets of symbolic interactionism and provided the basis for labeling theory. He believed that most youth

committed acts of delinquency but that youth who were caught were tagged and then treated differently, which resulted in the youth viewing themselves as delinquent. “The process of making the criminal . . . is a process of tagging, defining, identifying, segregating, describing, emphasizing, making conscious and self-conscious” (Tannenbaum, 1938: p. 19). Tannenbaum held that this process could result in a self-fulfilling prophecy, in which youth that were labeled as delinquent would commit subsequent delinquent offenses.

Lemert (1951) further refined the idea of the dramatization of evil by incorporating the concepts of primary and secondary deviance. Lemert contended that most youth commit acts of minor delinquency, which he referred to as primary deviance. During this stage, the youth may view their acts as delinquent but they do not see themselves as delinquent. If caught, the youth are stigmatized and can come to view themselves as delinquent. Goffman (1963) referred to this condition as having a *spoiled identity*. Secondary deviance is the delinquency committed due to the internalization of the delinquent label. Delinquent acts are considered primary deviance, even after a labeling event, if the individual has not internalized the delinquent label. According to Lemert (1951, p. 76), the process leading to secondary deviance occurs in the following order:

1. primary deviation;
2. social penalties;
3. further primary deviation;
4. stronger penalties and rejections;
5. further deviation, perhaps with hostilities and resentment beginning to focus upon those doing the penalizing;
6. crisis reached in the tolerant quotient, expressed in formal action by the community stigmatizing the deviant;
7. strengthening of the deviant conduct as a reaction to the stigmatizing and penalties;
8. ultimate acceptance of deviant social status and efforts at adjustment on the basis of the associated role.

Not all labels carry the same weight. The status of criminal can act as a dominant label that overrides all other labels or statuses. Becker (1963) referred to the dominant label as a master status. Due to the presence of the criminal master status, social interactions are modified as people react to the label rather than the individual. The labeled individual can internalize the master status, leading to changes in the individual's sense of self.

An example of Tannenbaum's dramatization of evil and Lemert's primary and secondary deviance is a youth who is in trouble for a minor school disciplinary problem (e.g., talking back to the teacher, interrupting class). The youth is labeled as a troublemaker and suspended or placed in in-school suspension with other similarly labeled individuals. Due to zero tolerance policies, schools are more likely to involve resource officers, which are local police officers assigned to schools, to handle minor disciplinary problems that were previously handled by school administration. The youth can be then be charged with a delinquent offense. For example, in Florida, youth can be charged with disrupting a school function, which makes it illegal to "disrupt or interfere with the lawful administration or functions of any educational institution, school board, or activity on school board property" (FL Statutes 877.13) and is considered a second-degree misdemeanor. Either through the school or juvenile justice system, the youth is labeled for a minor delinquent act, which in turn can lead to a change in self-identification. Subsequent delinquent acts that are due to the internalization of the delinquent label are considered secondary deviance.

Not all interactions with others carry the same weight. Schur (1971) identified three social audiences that react to deviant behavior. The *significant other* audience is an informal group of those that are close to the individual, such as family or friends. The *social-control-agency* audience is a formal group that can apply formal labels and is authoritative in nature, such as law enforcement or courts. The *society-at-large* audience is a primarily informal group that can react to deviant behavior and put pressure on the social-control-agency audience to react to specific forms of behavior. Formal institutions (e.g., criminal justice system) can carry greater weight than informal institutions (e.g., family, peers) and provide a stronger reaction to minor transgressions.

The impact of the interaction can also vary based on its visibility. Status degradation ceremonies can add emphasis to the labeling and increase the likelihood of internalization by solidifying the label in a public arena (Garfinkel, 1956). Ceremonies tend to have three stages: confrontation between the rule-breaker and community representative, judgment of the rule breaker, and social placement (e.g., prison) (Erikson, 1962). Arguments for closing juvenile courts to the public are often based on the expected negative labeling impact of a status degradation ceremony on young offenders.

In addition to the impact on the sense of self, labeling can also result in blocked access to conventional opportunities, such as school or work. This blocked access can have a compounding impact on subsequent life opportunities (Becker, 1963; Sampson and Laub, 1993). For example, ex-prisoners are not eligible to receive certain kinds of financial aid, and some educational institutions will not accept former prison inmates as students. Work opportunities are also limited for ex-prisoners due to restrictions against them working in specific environments, such as schools, as well as discrimination by employers. Due to the presence of the label, individuals may also find themselves excluded from conventional social groups by the group members or due to their own intentional avoidance of socializing with conventional others (Becker, 1963; Goffman, 1963; Matza, 1969). The delinquent group offers rationalizations and attitudes supporting delinquent behavior. Participation in the delinquent group causes further modifications to the individual's identity and social interactions, thus resulting in a self-fulfilling prophecy (Becker, 1963). These changes in status and social interaction can cause a complete adjustment to the labeled individual's sense of identity, a process referred to as *role engulfment* (Becker, 1963; Garfinkel, 1956; Matza, 1969; Schur, 1971).

Labeling Theory Modifications

Modifications to labeling theory have taken into account factors intervening between the label and secondary deviance. For example, Matsueda (1992) focused on the intervening symbolic interaction portion of labeling theory with increased attention to the self. He found that children modify their sense of self based on parental assessments. Therefore, if a parent views the child as bad, then the child will also view him or herself

as bad. In turn, the modification of identity is associated with an increase in subsequent delinquency.

In the mental health field, Link and associated researchers (Link, Cullen, Frank, & Wozniak, 1987; Link, Cullen, Struening, Shrout, & Dohrenwend, 1989) developed a modified labeling theory to explain the impact of a mental illness label. They argued that based on the stigma attached to the label of mental illness, individuals are discriminated against and devalued. Individuals admitted to psychiatric treatment reported that the mental illness label negatively impacted their self-esteem, societal ties, and employment (e.g., power). The labeled individuals tended to display coping responses, including hiding the diagnosis and treatment from others, withdrawing from others who may reject them due to the mental illness label, and educating others to try and change the perception of the label.

Advancements in labeling theory have also examined the conditioning impact of personal characteristics on the relationship between the label and secondary deviance. Lofland (1969) focused on the conditioning impact of social bonds. He argued that deviance escalation depends on (1) how tightly an individual is bound to his or her identity, (2) the bonds between the individual and deviant/non-deviant others, and (3) if the individual and labeler use similar label definitions. Deviance escalation is more likely if the individual is not tightly bound to his or her pre-label sense of self, has a weak bond to conventional others, has a strong bond to deviant others, and the individual and the labeler employ similar label definitions.

Researchers have also examined the conditioning impact of race and class. Some researchers have proposed that a label would have less impact on minorities or individuals of a lower socio-economic status because they were already disadvantaged (Ageton & Elliot, 1974; Jensen, 1972), whereas others have argued that those who are already disadvantaged are less able to protect themselves from the negative impacts of a label (Bernburg and Krohn, 2003).

The Creation and Enforcement of Rules

Labeling theory reached its highest point of popularity during the 1960s and 1970s with the addition of conflict elements to symbolic interactionism. Becker (1963) is often credited with popularizing labeling theory with his book *Outsiders*, in which he addressed the issues of why some actions are labeled and why certain people are more likely to be labeled. According to the conflict perspective, individuals form groups with others who are similar to themselves. These groups, in turn, compete with other groups over resources, beliefs, and ideologies. The dominant group controls the greatest resources, including economic, social, and political power, which allows this group to define what behaviors are considered criminal (Lanier and Henry, 2004). Behaviors are not in and of themselves deviant. They must be labeled as such (Becker, 1963; Erikson, 1962). Since the dominant group determines the definition of crime, it is more likely that behaviors of subordinate groups, especially behaviors viewed as threatening to the dominant group, will receive a criminal label. Crime definitions are not stable and may change as power shifts between different groups (Becker, 1963; Quinney, 1975; Turk, 1969).

Since the label of deviant is dependent upon the reaction of others, deviants are not a homogenous group and may include individuals who did not commit the deviant act while excluding others who did commit the act (Becker, 1963; Lofland, 1969; Schur, 1971). Becker (1963) subdivides deviant behavior into four groups based on the actions of the individual and the reactions of the social group: (1) conformers, (2) pure deviants, (3) falsely accused, and (4) secret deviants. The conformer does not commit delinquent acts and is not perceived as deviant. In comparison, the pure deviant commits the delinquent act and is perceived as delinquent. The falsely accused does not commit the act but is perceived as deviant, whereas the secret deviant commits delinquent acts but is not considered deviant. The process of labeling affects the pure deviant and the falsely accused because they are viewed as deviant, regardless of their actual behavior.

There are two primary roles in the creation and implementation of rules: (1) rule creators and (2) rule enforcers. Rule creators develop new rules because the current ones are not acceptable. Moral crusaders tend to come from the ranks of the middle and upper

classes and can use the power from their position to further their cause. They tend to focus on helping those viewed as beneath them in the social hierarchy. The groups whose efforts are the focus of the moral crusaders do not necessarily like the means or the purpose of the moral crusaders. For example, Prohibitionists were trying to help people achieve a better life by preventing the drinking of alcohol (Becker, 1963).

In addition to defining crime, the dominant group has the ability to regulate how these crime definitions are applied through the enforcement and administration of laws by legal agents. Legal agents or rule enforcers (e.g., legislators, police officials, court officials, and corrections officials) act in the interest of the dominant group (Quinney, 1975). Rule enforcers implement existing and newly created rules, either through existing rule enforcement groups or through newly created groups (e.g., the creation of Homeland Security in addition to the FBI and CIA after 9/11), and can selectively enforce rules and label others as deviant. The rule enforcer is more concerned with implementing the rule than with the content of the rule, which can lead to conflict between the rule creator and the rule enforcer (Becker, 1963; Lofland, 1969; Erikson, 1962; Kitsuse, 1962).

The reaction to rule-breaking behavior is dependent on several factors. First, the reaction to specific acts can vary across time, such as alcohol use and homosexuality. Second, the actors involved can impact the strength of the reaction. Individuals with economic or social power can receive a less severe reaction than individuals without this power. On the flip side, rule-breaking behavior that harms groups with political, economic, or social power may result in a stronger reaction than behavior that harms groups without these resources (Becker, 1963). Ericson (1977) contended that the greater the social distance between the labeled individual and the person doing the labeling, the more likely a deviant label is applied and the easier it is to apply. Finally, the reaction to an act can depend on the consequences. For example, sex outside of marriage rarely receives a strong reaction, but pregnancy outside of marriage can have strong, negative consequences (Becker, 1963).

Criticisms

Labeling theory was particularly popular during the 1960s and 1970s. The theory was used as a justification for supporting modifications to the handling of juvenile delinquents with a focus on deinstitutionalization, decriminalization of status offenses, and diverting youth from the juvenile justice system. However, in the 1980s, an increase in juvenile violent crime preceded an increase in get tough measures (Triplett, 2000). Critics of labeling theory offer several points of concern. First, labeling theory does not explain why people commit delinquent offenses in the first place. Second, it does not address the issue of career criminals who have never received a criminal label or why there is deviance escalation among individuals not labeled. Third, some researchers have asked if labeling theory is actually a theory since it does not contain testable propositions (Gibbs, 1966; Gibbs and Erickson, 1975; Schur, 1969; Tittle, 1980; Wellford and Triplett, 1993).

Labeling theory has also lacked empirical support. Tittle (1980) interprets labeling theory to mean that status characteristics (e.g., race) should have more importance than the seriousness of the offense in explaining secondary deviance. However, labeling theorists generally contend that once all other factors are held constant, then labeling will have *some* impact on subsequent delinquency and, except in the case of master status, not necessarily have the greatest explanatory value (Paternoster and Iovanni, 1989). Additionally, the research has tended to focus on the association between the label itself and subsequent delinquency without taking into account changes in self-concept as an intervening factor. Modern labeling theorists have responded to criticisms through the inclusion of intervening and conditioning factors in theoretical modifications and empirical assessments.

Gang Membership Theoretical Applications

Labeling theory has primarily focused on the creation of secondary deviance through the application of a negative label. However, the theory also explains the differential treatment of labeled individuals. Based on labeling theory, individuals labeled

as gang members are expected to receive more severe juvenile justice processing decisions.

Over the last several decades, federal, state, and local governments have developed and implemented anti-gang legislation. Rule creators have developed new anti-gang legislation to address a perceived problem that current legislation is viewed as not handling effectively. Anti-gang legislation is generally aimed at criminalizing gang-related behaviors and increasing penalties for gang-related offenses. Federal, state, and local law enforcement and prosecuting agencies are primarily responsible for the enforcement of the anti-gang legislation often through the establishment of specific units to address gang issues (Bjerregaard, 2003).

One of the primary steps in many pieces of anti-gang legislation is to label certain people as gang members and specific activities as gang-related (Bjerregaard, 2003). Minorities in poor, urban areas, who lack social, political, or economic power, are more likely to receive a criminal label and have their activities classified as criminal than others who have the necessary power to resist the labeling process (Becker, 1963; Quinney, 1970). Similarly, these groups are also expected to be more likely to receive the gang member label and have their activities classified as gang-related.

The increased focus on information sharing allows the gang member label applied in one jurisdiction to carry over to other jurisdictions. A primary issue with this process is that gang member and gang activity definitions vary across jurisdictions, thus the meaning and weight of the label may also vary across jurisdictions (Bjerregaard, 2003). Currently, there are several national databases that facilitate the collecting and sharing of gang information between local, state, and national law enforcement agencies: the Regional Information Sharing Systems Gang Database (RISSGang) and the Federal Bureau of Investigation's National Gang Intelligence Center (NGIC) database and the Violent Gang and Terrorist Organization File (VGTOF). Information sources generally include arrest reports, incident reports, and intelligence collected on actual or suspected gang members and gang activities (Brown, 2008).

According to labeling theory, each individual holds multiple social statuses, such as age, race/ethnicity, gender, occupation, and socioeconomic status. The application of the gang member label is expected to reduce the perception of the individual to a *type* or

essential self (Garfinkel, 1956; Matza, 1969). Secondary characteristics are automatically assigned to the individual based on the label. Thus, individuals receiving the gang member label are viewed as dangerous based on the perception that gang members are violent, regardless of the behavior of the individual.

Matarazzo, Carrington, and Hiscott (2001) described two assumptions of the juvenile justice system based on labeling theory: (1) decision-making processes in the juvenile justice system represent points at which the decision maker assesses the offender as a type of person needing a certain level of intervention and (2) the decisions are made based on case information as well as on working conceptions or characterizations of delinquents. Though the juvenile justice system still has a more individualized, rehabilitation focus than the adult system, it does entail the use of punishment.

Not all labels are negative; however, the gang member label is a negative label. Focal concerns theory provides a framework for explaining why the gang member label is expected to elicit a punishment-oriented response from the juvenile justice system. In focal concerns theory, individuals perceived as blameworthy or posing a threat to the community will receive more severe criminal and juvenile justice outcomes (Steffensmeier and Demuth, 2001; Steffensmeier, Ulmer, and Kramer, 1998). Research examining gang involvement has found that individuals who commit violent crime and have more extensive criminal histories are more likely to be involved in gang activities (Bjerregaard and Smith, 1993; Li, Stanton, Pack, Harris, Cottrell, and Burns, 2002). It is thought that these traits are assigned to the individual based on the gang member label as secondary characteristics, regardless of the individual's actions, and are associated with an increased sense of blameworthiness. Based on the same secondary characteristics, gang members are viewed as a threat to the community. Both the view of gang members as more blameworthy and as a threat to the community are expected to result in more severe processing decisions. In this manner, the gang member label allows the development of a patterned response in which all gang members are treated in a similar way.

Focal Concerns Theory

According to focal concerns theory, both legal and extra-legal factors impact juvenile justice decisions. Legal variables tend to provide the most explanatory value in studies of juvenile justice processing. Steffensmeier *et al.* (1998) borrowed the term focal concerns from Miller's (1958) work related to delinquent subcultures. According to focal concerns theory, three factors primarily impact sentencing decisions, including blameworthiness, protection of the community, and practical constraints and consequences (Steffensmeier *et al.*, 1998, pp. 766-767).

The first focal concern, blameworthiness, is generally associated with the retributive or *just deserts* model of punishment, in which the punishment should be in proportion with the crime. Offense seriousness is the most often used variable to represent blameworthiness, and it is measured as offender culpability and the harm created by the offense. In addition to offense seriousness, the offender's criminal history, role in the crime, and history of victimization can impact the perception of blameworthiness. An extensive criminal history or the role of leader in a crime can increase the perception of blameworthiness in comparison to a history of victimization, which can decrease the assessment of blameworthiness (Steffensmeier and Demuth, 2001; Steffensmeier *et al.*, 1998).

Protection of the community is the second focal concern. This focal concern relies upon the same variables used to assess blameworthiness (e.g., seriousness of the offense, criminal history), but it is conceptually distinct. It includes an additional focus on the need to incapacitate and/or deter offenders. The judge assesses the dangerousness of the offender and the likelihood that the offender will recidivate based on the offense (e.g., type, weapon involvement), the offender's criminal history, and other offender characteristics, such as education, substance use, and family situation (Steffensmeier and Demuth, 2001; Steffensmeier *et al.*, 1998).

The third focal concern is practical constraints and consequences. At the organizational level, this focal concern centers on courtroom working relationships and the impact of decisions on local and state resources (e.g., prison capacity). At the individual level, the judge may take into account the consequences of specific

punishments. For example, sentencing a single mother may result in foster care placements for her children (Steffensmeier and Demuth, 2001; Steffensmeier *et al.*, 1998).

Judges rarely have all relevant offender or case information when making a decision. Thus, judges develop a perceptual shorthand to determine blameworthiness, offender dangerousness, likelihood of recidivism, and individual consequences. In addition to legal factors, such as offense seriousness and criminal history, the perceptual shorthand may include attributions of extra-legal factors, including race, gender, or age (Steffensmeier *et al.*, 1998). Bridges and Steen (1998) examined probation officer recommendations and determined that probation officers were more likely to attribute the delinquency of black youth to internal factors (e.g., personality) and the delinquency of white youth to external factors (e.g., single-parent home). The result is that black youth are considered more blameworthy and more likely to recidivate.

Albonetti's (1991) theory of bounded rationality-uncertainty avoidance also addresses the issue of judicial decision-making with limited information. Rational choice models of decision-making imply that a decision is based on a complete set of knowledge related to the decision. Criminal justice and juvenile justice decision makers rarely, if ever, have all of the necessary information, resulting in uncertainty associated with their decisions. In an effort to avoid or at least reduce this uncertainty, decision makers develop patterned responses based on the information that is available, such as offense seriousness and criminal history. The primary area of uncertainty is associated with the second focal concern, protection of the community, in which the decision makers have to decide the likelihood of offenders recidivating. The combination of existing information and attributions based on offender characteristics provides a basis for making the decision under conditions of *bounded rationality*.

Summary

Labeling theory began to show signs of revitalization during the 1990s after its highest point of popularity in the 1960s and 1970s and subsequent decline in popularity during the 1980s. Labeling theory primarily focuses on the creation of secondary

deviance due to the application of a negative label. Modifications to labeling theory have incorporated factors intervening between the label and secondary deviance and the conditioning impact of personal characteristics on the relationship between the label and secondary deviance. Labeling theory also explains the differential treatment of labeled individuals. Based on labeling theory, individuals labeled as gang members are expected to receive more severe juvenile justice processing decisions.

CHAPTER 3

LITERATURE REVIEW

Introduction

There is a considerable body of literature that examines criminal and juvenile justice processing determinates, which has primarily depended on the conflict perspective as a theoretical basis. The conflict perspective is used in studies that examine the impact of extra-legal factors, particularly race, on official juvenile and criminal justice outcomes. Focal concerns theory builds on the conflict perspective by including legal variables in addition to extra-legal variables.

This review examines the factors impacting juvenile justice processing at four stages, including intake, pre-adjudication detention, adjudication, and disposition. Independent variables of interest include: legal factors (offense seriousness, criminal history, and detention), demographic characteristics (race, gender, and age), and juvenile-specific factors (school and family) using focal concerns theory as a framework. Finally, the two studies analyzing the impact of the gang member label on criminal and juvenile justice processing decisions are discussed.

Study Assessment Process

Studies were acquired through a review of electronic sources and bibliographies. The primary electronic source was Cambridge Scientific Abstracts and the following keywords were used in the search: sentenc*, diver*, arrest*, adjudicat*, disposit*, prison*, and incarcerat*. Studies that met the specified criteria were selected for examination. First, the study must focus on determinants of juvenile justice processing. Second, the study must analyze data from the 1980s or later. Over the last 30 years, the focus of juvenile justice processing has shifted more towards punishment from the previous focus on treatment and rehabilitation. Finally, the studies must control for offense seriousness. Offense seriousness has been found to have a substantial effect on

juvenile and criminal justice processing decisions (Engen *et al.*, 2002; Kleck, 1981; Pratt, 1998).

Juvenile Justice Processing Outcomes

Four outcome measures are included in this literature review: (1) intake, (2) pre-adjudication detention, (3) adjudication, and (4) disposition. Intake refers to all processes prior to adjudication and generally involves the decision to formally process the youth through the system or to divert the youth from further system contact. Youth who are formally processed through the system enter the adjudication stage, which involves the determination of guilt by a judge. If a youth is found guilty, then he or she will enter the disposition stage at which point punishment, such as release, community supervision, or confinement, is determined. Movement of youth from intake to adjudication to disposition requires specific outcomes at prior decision points. For example, a youth who is diverted from the system will not continue to the adjudication stage. The pre-adjudication detention stage follows intake but the decision to detain a youth is not a prerequisite for movement to the adjudication or disposition stages.

Independent Variables

This section reviews independent variables commonly used in juvenile justice decision-making research. Hypotheses based on theory and prior research are constructed and tested against the total set of findings. Due to the limited number of findings for some of the independent variables, a sign test is only provided for findings concerning the six most reported correlates: offense seriousness, prior number of offenses, prior stay in a detention facility, race, sex, and age (Cooper, 1998). Individual studies are displayed in Table A.1. in Appendix A, and summary information is available in Table A.2. in Appendix A.

Legal Variables

Offense Seriousness

A primary criticism of early sentencing research was that the studies did not control for the current offense (Hagan, 1974; Kleck, 1981). Offense seriousness is also a common measure for two of the three focal points, blameworthiness and protection of the community. Since more serious offenses are expected to be associated with an increase in the perception of blameworthiness and threat to the community, offenders who commit more serious offenses are expected to receive more severe outcomes. Creation of an offense seriousness scale and the total number of offenses are frequently used methods for measuring offense seriousness.

To create an offense seriousness scale, researchers assigned a numeric value to the current offenses (e.g., murder, vandalism) or categories of offenses (e.g., misdemeanor property). The scores were then added together to create a scale (Armstrong and Rodriguez, 2005; Bishop and Frazier, 1992; Bishop and Frazier, 1996; DeJong and Jackson, 1998; DeJong and Jackson, 1998; Guevara, Spohn, and Herz, 2004; Johnson and Secret, 1990; Johnson and Secret, 1995; Kurtz *et al.*, 2008; Leiber and Fox, 2005; Leiber and Johnson, 2008; Leiber and Mack, 2003; Leiber, 1994; Leiber and Stairs, 1999; Leiber, Johnson, and Fox, 2007; MacDonald and Chesney-Lind, 2001; MacDonald, 2001; MacDonald, 2003; McCarthy and Smith, 1986; McCluskey, Varano, and Huebner, 2004; Ray and Alarid, 2004; Rodriguez, 2007; Ryan, Hernandez, and Marshall, 2007; Secret and Johnson, 1997; Wu, 1997). Offenders with higher offense seriousness scores are expected to receive more severe outcomes. Significantly more findings support the hypothesis that as offense seriousness increases so does the severity of juvenile justice outcomes than could be obtained by chance alone ($p < .05$). Of the 73 findings, 77% supported the hypothesis.

Another method of measuring offense seriousness is to count the number of offenses. Of the studies that included this measure, few relied on the variable as the only measure of offense seriousness (D'Angelo and Brown, 2008; Kupchick, 2006; Ruback and Vardaman, 1997; Wordes, Bynum, and Corley, 1994). Most of the studies included

the number of offenses in addition to an offense seriousness score (Leiber and Fox, 2005; Leiber and Johnson, 2008; Leiber and Mack, 2003; Leiber, 1994; Leiber and Stairs, 1999; Leiber *et al.*, 2007; Ray and Alarid, 2004; Ryan *et al.*, 2007). Of the 26 findings, 81% supported the hypothesis that as the number of current offenses increases so does the severity of juvenile justice outcomes.

Criminal history

Similar to current offense seriousness, a criticism of early sentencing research was the exclusion of criminal history information (Hagan, 1974; Kleck, 1981). The criminal history of an offender is a common measure of the focal concern threat to the community since past behavior is viewed as a predictor of subsequent behavior. Thus, offenders with more extensive or serious criminal histories are expected to receive more severe outcomes. In the juvenile justice processing studies reviewed, criminal history was measured using the number of prior offenses and the creation of a prior offense seriousness scale.

The most commonly used measure of criminal history in recent research was the number of past offenses (Armstrong and Rodriguez, 2005; Bishop and Frazier, 1996; D'Angelo and Brown, 2008; DeJong and Jackson, 1998; Guevara *et al.*, 2004; Guevara *et al.*, 2006; Guevara, Herz, and Spohn, 2008; Johnson and Secret, 1990; Johnson and Secret, 1995; Kupchick, 2006; Kurtz *et al.*, 2008; Leiber and Fox, 2005; Leiber and Johnson, 2008; Leiber and Mack, 2003; Leiber, 1994; Leiber and Stairs, 1999; Leiber *et al.*, 2007; MacDonald, 2001; MacDonald, 2003; McCarthy and Smith, 1986; Ray and Alarid, 2004; Ruback and Vardaman, 1997; Secret and Johnson, 1997; Webb, 2006; Wordes *et al.*, 1994; Wu, 1997). Offenders with higher numbers of prior offenses are expected to receive more severe outcomes. The sign test indicated significantly more findings support the hypothesis that the severity of juvenile justice outcomes increases as the number of prior offenses increases than could be obtained by chance alone ($p < .05$). Of the 71 findings, 79% supported the hypothesis.

Another measure of criminal history was the creation of a prior offense seriousness scale that takes into account the seriousness of the offense in addition to the

number of offenses (Bishop and Frazier, 1992; Bishop and Frazier, 1996; Leiber and Fox, 2005; Rodriguez, 2007). Offenders with higher prior offense seriousness scores are expected to receive more severe juvenile justice outcomes. Of the 11 findings, 73% supported the hypothesis.

Detention

Depending on the jurisdiction, a judge can order a youth confined to a detention facility for the time period between the intake and adjudication stages. The placement of youth in a detention facility is not supposed to impact subsequent intake, adjudication, and disposition decisions (Bishop and Frazier, 1992; D'Angelo and Brown, 2008; Guevara et al., 2004; Guevara *et al.*, 2008; Johnson and Secret, 1990; Johnson and Secret, 1995; Kupchick, 2006; Leiber and Fox, 2005; Leiber, 1994; McCarthy and Smith, 1986; Rodriguez, 2007; Secret and Johnson, 1997; Wu, 1997). The issue that arises with examining pre-adjudication detention is that the decision to confine a youth to a detention center is largely based on the seriousness of the current offense and the individual's criminal history, which are also the factors associated with intake and disposition decisions. The sign test indicated significantly more findings support the hypothesis that a history of confinement in a detention facility increases the severity of juvenile justice outcomes independent of current offenses and prior offenses than could be obtained by chance ($p < .05$). Of the 37 findings, 84% supported the hypothesis.

Demographic Factors

The studies examining determinates of juvenile justice processing decisions have overwhelmingly focused on extra-legal variables, particularly race. Extra-legal variables were also referred to as legally irrelevant variables because decision-making should not take into account these factors. At one time, juvenile justice processing analyses focused on these extra-legal variables largely to the exclusion of legally relevant control variables, such as offense seriousness and criminal history. These studies tended to find support for the impact of extra-legal variables. However, the inclusion of legal factors

generally decreased the impact of extra-legal variables on juvenile justice decision-making (Engen *et al.*, 2002).

Race

Offender race is the most widely examined variable in juvenile justice processing. The evidence regarding the impact of race on juvenile justice decision-making is at best mixed resulting in varying conclusions. One conclusion is referred to as *differential involvement*, which contends that disparities are due to differences in offending and that juvenile justice decision-making is based on legal factors, including offense seriousness and prior offense history (Bell and Lang, 1985; Bishop and Frazier, 1992; Sampson and Lauritsen, 1997). Another conclusion is referred to as *differential treatment* and is consistent with the conflict perspective by proposing that disparities occur because of discrimination against groups viewed as threatening (e.g., minorities, poor) and the lack of resources these groups have to resist formal sanctions (Bridges, Crutchfield, and Simpson, 1987; Pope and Feyerherm, 1990). For example, a youth from a family with greater financial resources may be able to hire a private attorney rather than relying upon a public defender or not having an attorney at all. The differential involvement hypothesis argues that controlling for relevant legal factors should diminish the impact of race on juvenile justice outcomes, which contrasts with the differential treatment hypothesis that contends the impact of race should remain after controlling for the relevant legal factors.

The most common examination of race on juvenile justice processing decisions compared black and white offenders (Armstrong and Rodriguez, 2005; Bishop and Frazier, 1992; Bishop and Frazier, 1996; DeJong and Jackson, 1998; Frazier, Bishop, and Henretta, 1992; Johnson and Secret, 1990; Johnson and Secret, 1995; Kupchick, 2006; Kurtz *et al.*, 2008; Leiber and Fox, 2005; Leiber and Johnson, 2008; Leiber, 1994; Leiber *et al.*, 2007; McCarthy and Smith, 1986; Ray and Alarid, 2004; Rodriguez, 2007; Ryan *et al.*, 2007; Webb, 2006; Wordes *et al.*, 1994). Other studies compared minority offenders to non-minority offenders without reference to a specific racial or ethnic group (D'Angelo and Brown, 2008; Guevara *et al.*, 2004; Guevara *et al.*, 2006; Guevara *et al.*, 2008; Leiber and Mack, 2003; Leiber and Stairs, 1999; MacDonald and Chesney-Lind, 2001;

MacDonald, 2001; MacDonald, 2003; Ruback and Vardaman, 1997; Secret and Johnson, 1997; Wu, 1997). Finally, a few studies included a Hispanic ethnicity variable (Armstrong and Rodriguez, 2005; DeJong and Jackson, 1998; Rodriguez, 2007; Ryan *et al.*, 2007; Webb, 2006; Wordes *et al.*, 1994). Causal attribution theory and the differential treatment hypothesis contend that minority offenders are expected to receive more severe outcomes. The sign test indicated significantly more findings support the hypothesis that minorities will receive more severe juvenile justice outcomes than could be obtained by chance alone ($p < .05$). Of the 91 findings, 65% supported the hypothesis.

Gender

Though the bulk of research on juvenile justice processing decisions has focused on race, researchers have also examined the impact of gender on decision-making, and this factor is often included as a control variable. Chivalry or paternalistic theories contend that because females are perceived as less threatening than males, they are treated with more leniency in the adult and juvenile justice systems. Spohn and Beichner (2000) found that judges viewed women as “less culpable, less likely to recidivate, and more amenable to rehabilitation,” which corresponds to the blameworthiness and protection of the community focal concerns. In contrast to the paternalistic theories, the evil women theory contends that females who violate gender norms and values will receive more severe outcomes (Chesney-Lind, 1996; Crew, 1991). The sign test indicated significantly more findings support the hypothesis that males receive more severe juvenile justice outcomes than could be obtained by chance alone ($p < .05$). Of the 69 findings, 65% supported the hypothesis.

Age

Age is a common control variable in juvenile justice processing research. Younger youth are expected to receive more lenient treatment from the juvenile justice system because they are seen as less responsible for their actions and more amenable to rehabilitation. They are also less likely to have had prior contact with the juvenile justice

system and are viewed as less of a threat to the community (Fagan, Slaughter, and Harsteon, 1987; Lieber and Johnson, 2008). The sign test indicated significantly more findings support the hypothesis that as age increases so does the severity of juvenile justice outcomes than could be obtained by chance alone ($p < .05$). Of the 83 findings, 65% supported the hypothesis.

Life Factor Variables

The original purpose of the juvenile justice system was to act in the role of parent and punishment was a secondary focus. Since the 1980s, juvenile justice handling has become more focused on punishment (e.g., transfers to adult court, juvenile commitment placement) (Feld, 1999). Analyses of juvenile justice decision-making are similar to analyses of adult sentencing decision-making. Variables that are specific to juveniles or related to rehabilitation have received less attention compared to legal and demographic variables. Of these variables, school-related and family structure factors have received the most attention.

Of the juvenile-related variables, school participation has received the most attention (DeJong and Jackson, 1998; Kurtz *et al.*, 2008; Leiber and Fox, 2005; Leiber and Johnson, 2008; Leiber and Stairs, 1999; Leiber, 1994; Rodriguez, 2007; Wordes *et al.*, 1994). Youth who are attending school are participating in a culturally accepted activity and viewed as being under a form of informal social control. According to Black's Theory of Law, low levels of perceived informal social control (e.g., school, family) can result in higher levels of formal social control (e.g., incarceration). Youth who are attending school are expected to receive less severe juvenile justice outcomes than youth who are not attending school. Of the 18 findings, 78% supported this hypothesis.

In addition to school participation, juvenile justice analyses have also focused on family structure, specifically single-parent homes (Armstrong and Rodriguez, 2005; DeJong and Jackson, 1998; Kurtz *et al.*, 2008; Leiber and Fox, 2005; Leiber and Johnson, 2008; Leiber and Stairs, 1999; Leiber, 1994; Wordes *et al.*, 1994). Single-parent households are perceived as unable to provide the stability or supervision of two-parent

households. Based on Black's Theory of Law, the lack of perceived informal social control provided by the single-parent family structure is expected to result in more formal social control. Youth residing in single-parent households are expected to receive more severe juvenile justice outcomes. Of the 21 findings, 71% supported the hypothesis.

Researchers have expanded the examination of family-related determinates of juvenile justice decisions to include interactions with child welfare agencies, which typically handle cases of abuse and neglect (D'Angelo and Brown, 2008; Ryan *et al.*, 2007). Similar to the explanation for increased formal social control associated with single-parent households, households that have had contact with child welfare agencies are expected to provide less informal social control than households that have not had contact with these agencies. The three findings that examined this issue found youth residing in homes with a history of child welfare agency involvement received more severe juvenile justice outcomes, specifically at the intake and disposition stages. Kurtz *et al.* (2008) further explored the topic of family characteristics and juvenile justice outcomes by examining the impact of a family history of incarceration. A family history of criminal involvement is expected to impact juvenile justice outcomes in one of two ways. First, families with a history of criminal involvement are expected to provide less informal social control. Second, a youth may receive a label as a member of a criminally involved family that would increase the likelihood of receiving a more severe juvenile justice outcome. The researcher found that youth with family members who have a criminal history were more likely to be detained than youth without a family history of criminal involvement.

Issues of rehabilitation have received little attention in the juvenile justice processing literature. Even though the juvenile justice system has moved more towards the punishment end of the justice continuum in the last several decades in contrast to the rehabilitation end, it is surprising to see little examination of the impact of mental health and substance abuse issues on juvenile justice decision-making. Based on a risk-needs model of offender rehabilitation, it is expected that youth with more serious mental health or substance abuse problems would receive more severe outcomes because more intensive services are provided in commitment facilities as compared to the services available in the community. Predicting similar results, youth who have mental health or

substances abuse problems may be perceived as a threat to the community, thus resulting in more severe outcomes. The dearth of study in this area is probably due to the lack of information available to juvenile justice decision makers, which is often limited to legal and demographic information. To date, juvenile justice processing studies have not included existing mental health issues as an independent variable. Several studies have included substance abuse issues and found that youth identified as having substance abuse issues receive more severe juvenile justice outcomes (D'Angelo and Brown, 2008; Kurtz *et al.*, 2008).

Gang Member as a Label

Two empirical studies have examined the impact of the gang member label on legal processing outcomes (Zatz, 1985; Miethe and McCorkle, 1997). Both studies used Becker's master status theory as a theoretical framework. Gang member labels were not found to impact juvenile justice processing in one study (Zatz, 1985) and actually were associated with less severe adult criminal justice processing outcomes in another study (Miethe and McCorkle, 1997).

Zatz (1985) examined the impact of the gang member label on juvenile justice processing outcomes for Chicano males in Phoenix, Arizona. The term *Chicano* refers to Mexican-Americans. Zatz acquired the names of identified gang members from the Arizona Department of Corrections and police departments in the Phoenix metropolitan area, with the exception of the Phoenix police department, which would not release the names of gang members.¹ All of the youth included in the study were referred to the juvenile court between January 1981 and May 1983. The gang member group consisted of youth designated as gang members by the Arizona Department of Corrections or local police departments, and the comparison group was composed of youth who were not identified as gang members. The juvenile court provided data for the 172 gang members and 85 comparison group members from their earliest arrest to the end of the study period (May 1983). The dependent variable was the final disposition, which could be dismissal,

¹ The researcher did not provide a reason for why the Phoenix Police Department would not release the information.

informal processing, probation, commitment to the Department of Corrections², or remand to the adult court. The researcher controlled for individual factors (e.g., age, school, employment, family structure), offense characteristics (e.g., offense seriousness, accomplices, involvement of weapons, type of offense), and criminal history factors (e.g., prior juvenile court referrals). Zatz determined that gang membership did not impact the disposition decision.

Miethe and McCorkle (1997) analyzed the impact of a gang member label on charge dismissal and dispositions for adult, male, felony offenders in Clark County, Nevada (Las Vegas area) whose cases were handled by the Clark County District Attorney's Office in 1993. A criminal case was considered a gang case if the offender is a gang member or the offense was committed to benefit a gang. The Special Enforcement Division (SED) of the Metropolitan Police Department reviews each of the cases involving suspected gang members and forwards gang cases to the Clark County District Attorney's Gang Prosecution Unit. Prosecutors review the cases and reassign non-gang cases to other units.

The researchers acquired a random sample of 168 felony gang cases and a random sample of 202 felony non-gang cases that had similar offenses to the gang cases sample. According to the researchers, the gang member label may act as a master status because: (1) the label is applied early in the process and is carried through to subsequent stages, (2) gang cases are prosecuted by a specialized unit within the District Attorney's Office, and (3) gang cases may receive additional penalties in the punishment stage. The analyses involved two dependent variables: (1) whether the case was dismissed prior to trial and (2) whether the case resulted in a prison sentence following conviction. The researchers controlled for individual factors (e.g., age, race), offense characteristics (e.g., offense seriousness, number of offense, involvement of firearm weapons), and criminal history factors (e.g., prior arrest record).

Miethe and McCorkle hypothesized gang cases would receive more severe outcomes than non-gang cases because gang cases represent a threat to society. Miethe and McCorkle determined that gang cases were significantly more likely to be dismissed

² At the time of the study, the Arizona Department of Corrections oversaw both juvenile and adult corrections.

($p < .05$) and that upon conviction gang cases were less likely to result in a prison sentence ($p < .01$). The researchers proposed several possible explanations for the findings.

According to the researchers, the most likely explanation was that gang cases receive more lenient treatment than non-gang cases because of issues related to the processing of gang members, such as the lack of victim and witness cooperation and credibility. They also suggested that the greater likelihood for gang cases to result in a dismissal is due to pressure placed on police to make an arrest in cases that are perceived as a special threat to the public (e.g., drive-by shootings), which may result in subsequent dismissal if the cases lack legal standing. It is possible that controlling for these factors would reveal that the gang member label decreases charge dismissals and increases the severity of dispositions. Furthermore, gang cases may receive more lenient treatment because of the offense location (e.g., low-income or predominantly minority neighborhoods) and victim characteristics (e.g., gang member, poor, minority).

Based on master status theory, gang members are expected to receive more severe outcomes than non-gang members. The two empirical studies published to date either did not find that the gang member label significantly impacts outcomes or found that gang members were treated more leniently. One criticism of these studies is how the gang member label is defined. Zatz determined gang members based on information from the Department of Corrections and did not take into account if the decision makers all have access to the same information or when the label was applied. For example, the police, prosecutors, and judges may not have the same gang member information as the Department of Corrections. Furthermore, the gang member label may have been applied at varying points in the process, such as after arrest but before disposition, thus the police and the judges have different information but the offender is labeled as a gang member at both decision points in the analyses. The Miethe and McCorkle study gang label definition included both gang members and non-gang members who committed a gang-related offense. The current study improves upon the gang definition from the Zatz (1985) and Miethe and McCorkle (1997) studies. The gang member label is based on a standardized definition and is entered into the Juvenile Justice Information Center, which contains information Department staff are required to use when making decisions. JJIS

automatically records the date the label is applied, which is used to verify that the gang member label is available to staff at each decision point.

Summary

This literature review examines factors impacting juvenile justice processing at four stages: intake, pre-adjudication detention, adjudication, and disposition. Studies focusing on the determinants of juvenile justice processing since the 1980s were acquired through a review of electronic sources and bibliographies. The findings of these studies provide an empirical basis for the current research. Based on the meta-analysis, more severe juvenile justice outcomes are associated with higher levels of current offense severity or a higher number of prior offenses. Also, minorities, males, and older juvenile offenders receive more severe juvenile justice outcomes. Zatz (1985) was the only study of juvenile justice outcomes to incorporate the gang member label as an independent variable. The Zatz study determined that the gang member label does not impact juvenile justice outcomes.

CHAPTER 4

RESEARCH METHODOLOGY

Introduction

Studies of labeling theory have generally focused on the creation of secondary deviance. The combination of labeling theory studies focusing on secondary deviance and the decrease of support for labeling theory in the 1980s led to a scarcity of research regarding the impact of labels on criminal or juvenile justice processing. This study attempts to fill in the resulting gap in research by using labeling theory to examine the application of the gang member label on juvenile justice processing decision-making. In the state of Florida, all offenses committed by individuals under the age of majority, 18-years-old, are initially handled by the Florida Department of Juvenile Justice. At varying points in the process, the individual may exit the process or be transferred to the adult system.

This study examines the impact of the gang member label at three juvenile justice decision points: intake, disposition, and incarceration release. At intake, probation officers recommend to the State Attorney's Office to handle the case non-judicially (diversion) or judicially. If the case will be transferred to adult court, then it will generally occur at this stage with the State Attorney direct filing the case in adult criminal court regardless of a recommendation from the Department of Juvenile Justice. At disposition, probation officers make a recommendation to the judge for either community supervision or incarceration through a Pre-Disposition Report. If the judge decides to deviate from the Pre-Disposition Report, then he or she is required to provide an explanation for the deviation.

The final decision point is release from a commitment facility. Commitment managers determine program assignments, transfers between programs, and eventual release from the commitment facility to the community. Juveniles incarcerated in the State of Florida are subject to indeterminate lengths of stay up to the age of 22. In contrast to adult sentencing studies, no juvenile studies in the last 30 years have

examined the factors related to lengths of incarceration. This situation may be due to the greater use of indeterminate sentencing in the juvenile justice system as compared to the adult system. Data on variables likely to impact indeterminate lengths of stay, such as assessed needs for substance abuse, educational, or mental health services, are often not collected in a systematic, consistent manner. In 2007, the Florida Department of Juvenile Justice implemented an assessment instrument that systematically and consistently collects information on substance abuse, educational, and mental health needs in addition to other social factors. Therefore, this information is now available for inclusion in models of juvenile justice decision-making.

Individual gang member information is available through a number of different sources in the state of Florida. Most agencies that deal with adult or juvenile offenders, such as the statewide departments of juvenile justice, corrections, and law enforcement, as well as local law enforcement entities and courts, have their own methods for tracking gang members. Although Florida is in the process of establishing a statewide system for sharing gang information, the data currently available varies across statewide agencies and local jurisdictions. For example, a judge may receive gang information from a number of different sources during the adjudication or disposition phase: offender information sheets, written reports from local law enforcement, or information provided verbally in court. For this reason, the current study examines recommendations and incarceration releases, which allows for the establishment of a direct link between the information that is available to the decision maker and the decisions that these individuals make.

Prior studies examining the impact of the gang member label on processing decisions have dealt with similar issues. Zatz (1985) combined sources of data, which did not take into account differences in the gang member information available at different stages of processing. Meithe and McCorkle (1997) included both individuals labeled as gang members as well as individuals officially processed for gang-related crimes, which could include non-gang members. In comparison, this study uses a standardized gang member indicator that is entered into the Juvenile Justice Information System (JJIS) by Department staff (i.e., juvenile probation officers and commitment managers), who are also responsible for making the processing recommendations and decisions. The study

also takes into account when the gang member label was applied to verify that the gang information was available at the time of the decision. The Florida Department of Juvenile Justice Policy 8.09, which is in accordance with Florida Statutes Chapters 874 and 39, is the basis for the gang member label definition.

A criminal street gang is “a formal or informal ongoing organization, association, or group that has as one of its primary activities the commission of criminal or delinquent acts, and that consist of three or more persons who:

- a) Have a common name or common identifying signs, colors, or symbols and
- b) Have two or more members who, individually or collectively, engage in or have engaged in a pattern of criminal street gang activity.”

A criminal street gang member is “a person who is a member of a criminal street gang as defined in the criminal street gang definition above and who meets two or more of the following criteria:

- a) Admits to criminal street gang membership.
- b) Is identified as a criminal street gang member by a parent or guardian.
- c) Is identified as a criminal street gang member by a documented reliable informant.
- d) Resides in or frequents a particular criminal street gang's area and adopts their style of dress, their use of hand signs, or their tattoos, and associates with known criminal street gang members.
- e) Is identified as a criminal street gang member by an informant of previously untested reliability and such identification is corroborated by independent information.
- f) Has been arrested more than once in the company of identified criminal street gang members for offenses which are consistent with usual criminal street gang activity.
- g) Is identified as a criminal street gang member by physical evidence such as photographs or other documentation.
- h) Has been stopped in the company of known criminal street gang members four or more times.”

This study improves upon the available research in several ways. First, the gang member label that is used in the study is standardized. All staff members receive the same training regarding the determination of gang involvement and data entry of this information. Second, availability at the decision point is verified since the date when the gang member label is applied is recorded. Third, this study also improves on existing research by including a variable measuring the probation officers' and commitment managers' perception of offender attitudes/beliefs. Much of the research examining the impact of labels and statuses on adult and juvenile justice decision-making assumes that negative attributes among decision makers are why certain labels and statuses increase the severity of decision-making without actually measuring perceptions. The inclusion of this variable is expected to partially mediate the hypothesized relationship between the gang member label and juvenile justice decision-making. Fourth, the current study further builds on the existing research foundation by examining the conditioning effect of race and sex on the hypothesized relationship between the gang member label and juvenile justice decision-making. Prior studies were primarily limited to male, non-white populations, thus sample composition made it difficult to examine interaction effects. Fifth, the study includes independent variables specific to the life factors (e.g., family structure, alcohol/drug use, mental health issues, school, peers) that were included in few past studies of juvenile justice processing. Finally, this study uses length of incarceration as a dependent variable, which has not been used in more than thirty years as a dependent variable in a study of juvenile justice processing.

Research Questions and Hypothesis

The first step of the study focuses on determining if the gang member label has an effect on juvenile justice processing. According to labeling theory, those who are labeled as gang members are expected to receive more severe recommendations and spend more days incarcerated.

Research Question 1: Does the gang member label influence the severity of recommendations? Does the gang member label influence the number of days incarcerated?

Hypothesis 1a: Gang members are more likely to receive a recommendation for judicial processing.

Hypothesis 1b: Gang members are more likely to receive a recommendation for incarceration.

Hypothesis 1c: Gang members are expected to spend more days incarcerated.

The research focusing on the impact of a negative label on juvenile justice processing has not examined the mediating factors of perceived offender characteristics. Decision makers are expected to describe gang members as more likely to support the use of physical/verbal aggression, to support anti-social behaviors, and to minimize the harm created by the offense. The decision makers' perception of the offender is expected to partially mediate the hypothesized relationship between the gang member label and juvenile justice recommendations and length of incarceration.

Research Question 2: Do decision makers' perceptions of attitudes mediate the relationship between the gang member label and severity of recommendations? Do decision makers' perceptions of attitudes mediate the relationship between the gang member label and the number of days incarcerated?

Hypothesis 2a: Perception of attitudes will mediate the relationship between the gang member label and a recommendation for judicial processing.

Hypothesis 2b: Perception of attitudes will mediate the relationship between the gang member label and a recommendation for incarceration.

Hypothesis 2c: Perception of attitudes will mediate the relationship between the gang member label and the number of days incarcerated.

Prior studies examining the impact of the gang member label on juvenile justice processing are generally limited to non-white and male populations. Based on these data, the researchers could not have examined if race/ethnicity and sex condition the hypothesized relationship between the gang member label and criminal and juvenile

justice processing. It is expected that the hypothesized relationship will be stronger for gang members that resemble the expected characteristics of a gang member (e.g., non-white, male). For example, the relationship will be stronger for male gang members than for female gang members.

Research Question 3: Does race/ethnicity condition the relationship between the gang member label and severity of recommendations? Does race/ethnicity condition the relationship between the gang member label and the number of days incarcerated?

Hypothesis 3a: The effect of the gang member label on the recommendation for judicial processing will be greater for black and Hispanic offenders than white offenders.

Hypothesis 3b: The effect of the gang member label on the recommendation for incarceration will be greater for black and Hispanic offenders than white offenders.

Hypothesis 3c: The effect of the gang member label on the number of days incarcerated will be greater for Hispanic and black offenders than white offenders.

Research Question 4: Does sex condition the relationship between the gang member label and severity of recommendations? Does sex condition the relationship between the gang member label and the number of days incarcerated?

Hypothesis 4a: The effect of the gang member label on the recommendation for judicial processing will be greater for males than females.

Hypothesis 4b: The effect of the gang member label on the recommendation for incarceration will be greater for males than females.

Hypothesis 4c: The effect of the gang member label on the number of days incarcerated will be greater for males than females.

Data

This study analyzes five datasets: (1) Dade County intake, (2) Volusia County intake, (3) Dade County disposition, (4) Volusia County disposition, and (5) statewide sentence length. Four datasets consist of intake and disposition decisions between January 1, 2007 and June 30, 2009 in two Florida counties (Dade County and Volusia County). There were several steps taken to choose Dade County and Volusia County. First, counties with recommendations for at least 100 offenders labeled as gang members at the intake and disposition decision points were selected. One hundred is an arbitrary number and could have been higher or lower. It was used as the minimum number with the assumption that this number would allow variation (e.g., race/ethnicity, sex) within the group labeled as gang members. The majority of counties were eliminated at this stage, especially smaller, rural counties that have few offenders and less reported gang activity. In the next step, the counties were subdivided between large and small using one million residents as a division line. In the third step, the large and small counties are ranked separately based on the availability of the intake recommendation and then the disposition recommendation. Counties with a minimum of 90% availability at both stages were selected.

This process resulted in the selection of Dade County and Volusia County. Sufficient information was not available to perform the analyses at both the intake and disposition decision points in the remaining counties. According to the 2008 Census information, the majority (82%) of the 2,398,245 residents in Dade County were non-white, including 20% black and 62% Hispanic. The population for Volusia County was 498,036 and 76% of the population was white, 11% black, and 11% Hispanic. Volusia County is located on the east coast of Florida and the largest city is Daytona Beach. The results are specific to each of the counties and are not generalizable to the state of Florida. The inclusion of analyses for these counties provides two different contexts in which to examine the impact of the gang member label on the severity of intake and disposition recommendations.

Dade County provides a similar setting to the two previous studies that examined the impact of the gang member label (Meithe and McCorkle, 1997; Zatz, 1985). The two

prior studies were located in urban areas with more than 1 million residents: Los Angeles, CA (Zatz, 1985) and Phoenix, AZ (Meithe and McCorkle, 1997). There are more than 2.3 million residents in Dade County. Additionally, the prior studies primarily involved largely non-white offender populations, which is also the case in Dade County where more than 90% of the offenders in each dataset are non-white. Zatz (1985) limited the study to Hispanic youth, and Meithe and McCorkle (1997) examined a sample that contained few non-minority gang members. Finally, the two prior studies were performed in areas with high levels of reported gang activity. The 2009 Threat Assessment determined that Dade County had the highest number of gang member residents within the state of Florida.

In general, studies of gangs have primarily focused on inner-city, non-white populations; however, gang activities have also been reported in predominantly white areas outside of the inner-city. Volusia County has fewer than 1 million residents, a largely white offender population, and some gang activity but not at the high levels reported in Dade County. The inclusion of Volusia County allows for a test of gang member label effects in an area different from those previously studied. It is suspected that the likelihood of the gang member label impacting the severity of the intake and disposition recommendation is more likely to occur in Volusia County than in Dade County because there is less gang activity in Volusia County, thus any gang activity will be seen as threatening and result in more severe recommendations.

Availability of recommendations at both the intake and disposition points is one of the county selection criteria. The use of State Attorney Recommendations and Pre-Disposition Reports vary across counties. State Attorney Recommendations are completed based on agreements between the Department of Juvenile Justice and the local State Attorney's Office and may result in a low rate (e.g., completed only for felony offenses) or a high rate of provided recommendations (e.g., completed for all offenses that were not diverted prior to intake). The use of Pre-Disposition Reports also varies between counties. At a minimum, a Pre-Disposition Report is completed for each offender sentenced to a commitment facility or at the judge's request. Some counties also complete Pre-Disposition Reports for most, if not all, adjudicated offenders prior to the disposition hearing. The selected counties display a high use rate (more than 90%) for the

State Attorney Recommendation for offenders not diverted prior to intake (Dade County: 98%; Volusia County: 93%) and for the Pre-Disposition Report for adjudicated offenders (Dade County: 97%; Volusia County: 93%). Most counties had a high use rate for one or the other. Few of the counties had a high use rate for both the State Attorney Recommendation and the Pre-Disposition Report recommendation.

The third dataset includes all offenders entering a commitment facility during calendar year 2007. This dataset is used to examine the impact of the gang member label on the number of days incarcerated. As of October 2009, all of the 6,099 offenders entering commitment facilities in 2007 had exited to the community with the exception of 21 offenders who were transferred to the adult system. The 21 offenders are dropped from the analyses because the confinement and release information from the adult system are not available.

Dependent Variables

Three dependent variables representing different decision-making points are analyzed in the study: intake decisions, disposition decisions, and the length of incarceration. Descriptions of the intake and disposition dependent variables are found in Table 1, a description of the length of incarceration dependent variable is found in Table 2. The dependent variable for the intake decision point is the probation officer's recommendation to the State Attorney for non-judicial or judicial handling (0 = non-judicial handling, 1 = judicial handling). This decision point occurs following the offender coming to the attention of authorities but prior to a determination of guilt. Following a determination of guilt, the next decision point is to decide the sanction for the offender, which is also referred to as a disposition. The dependent variable for the disposition decision is the probation officer's recommendation for community supervision or incarceration, which is also known as an 'in/out' decision (0 = community supervision, 1 = incarceration). The offenders in these analyses are limited to those who were adjudicated guilty and excluded offenders for whom adjudication was withheld because these offenders cannot receive an incarceration disposition. The third dependent

Table 1. Variable Descriptions and Coding for Intake and Disposition Analyses		
Dependent Variables	Coding	
Recommendation for judicial handling	0=Non-Judicial, 1=Judicial	
Recommendation for disposition	0=Community Supervision, 1=Incarceration	
Independent Variables	Coding	Expected Direction
Gang Member Label	0=Not a Gang Member, 1=Gang Member	+
Black or Hispanic ¹	0=No, 1=Yes	+
Other ¹	0=No, 1=Yes	+
Male	0=Female, 1=Male	+
Age at Recommendation	Years	+
Median Income of Block Group	Dollars (\$1,000)	-
Current Offense Severity	Numeric Score Based on the Severity and Number of Offenses	+
Current Drug Offense-Marijuana Only ²	0=No, 1=Yes	+
Current Drug Offense-Not Limited to Marijuana ²	0=No, 1=Yes	+
Current Felony Offense	0=No, 1=Yes	+
Current Sex Offense	0=No, 1=Yes	+
Current Violent Offense	0=No, 1=Yes	+
Current Offense Took Place on School Grounds	0=No, 1=Yes	+
Prior Offense Severity	Numeric Score Based on the Severity and Number of Offenses	+
Prior Drug Offense-Marijuana Only ³	0=No, 1=Yes	+
Prior Drug Offense-Not Limited to Marijuana ³	0=No, 1=Yes	+
Prior Felony Offense	0=No, 1=Yes	+
Prior Sex Offense	0=No, 1=Yes	+
Prior Violent Offense	0=No, 1=Yes	+
On Probation at Time of Recommendation	0=No, 1=Yes	+
In a Detention Facility at Time of Recommendation	0=No, 1=Yes	+

¹The comparison group is White.

²The comparison group is no current drug offense.

³The comparison group is no prior drug offense.

⁴The comparison group is Home-Two Parents/Step-Parents & No Family Members.

Table 1. Variable Descriptions and Coding for Intake and Disposition Analyses cont.

Independent Variables	Coding	Expected Direction
Previously in a Commitment Facility	0=No, 1=Yes	+
Previously on Probation	0=No, 1=Yes	+
Previously in a Detention Facility	0=No, 1=Yes	+
Home-One Parent/Step-Parent & No Family Members ⁴	0=No, 1=Yes	+
Home-No Parents/Step-Parents & One Family Member ⁴	0=No, 1=Yes	+
Home-No Parents/Step-Parents & Multiple Family Members ⁴	0=No, 1=Yes	+
Home-Two Parents/Step-Parents & Family Member(s) ⁴	0=No, 1=Yes	+
Home-One Parent/Step-Parent & Family Member(s) ⁴	0=No, 1=Yes	+
Home-Non-Family Placement ⁴	0=No, 1=Yes	+
Home-Unspecified ⁴	0=No, 1=Yes	+
Alcohol Use is Disruptive	0=No Alcohol Use/Alcohol Use is Not Disruptive, 1=Alcohol Use is Disruptive	+
Drug Use is Disruptive	0=No Drug Use/Drug Use is Not Disruptive, 1=Drug Use is Disruptive	+
Mental Health Disorder Identified	0=No Mental Health Disorder Identified, 1=Mental Health Disorder Identified	+
School Commitment-Grades (Most Recent Term)	0=Dropped Out/Expelled or Enrolled with mostly Cs/Ds/Fs, 1=Graduated/GED or Enrolled with mostly As/Bs/Cs	-
School Involvement	0=Other, 1=Enrolled and attending or Graduated/GED	-
Associates with Anti-Social Peers	0=No Anti-Social Peers, 1=Anti-Social Peers	+

¹The comparison group is White.

²The comparison group is no current drug offense.

³The comparison group is no prior drug offense.

⁴The comparison group is Home-Two Parents/Step-Parents & No Family Members.

Table 1. Variable Descriptions and Coding for Intake and Disposition Analyses cont.		
Independent Variables	Coding	Expected Direction
Conventional Behavior	0=Does not abide by conventions/values, does not believe that conventions/values always apply to him/her, hostile to conventions/values, 1=Abides by conventions/values	-
Responsibility	0=Minimizes/justifies/blames others for anti-social behavior, accepts or is proud of anti-social behavior, 1=Accepts responsibility for anti-social behavior	-
Verbal aggression	0=Believes that verbal aggression is rarely appropriate, 1=Believes that verbal aggression is sometimes or often appropriate	+
Physical aggression	0=Believes that physical aggression is never or rarely appropriate, 1=Believes that physical aggression is sometimes or often appropriate	+
Anger	0=No history of or occasional feelings of anger/irritability, 1=History of consistent feelings of anger/irritability or aggressive reactions to frustration/irritability	+

¹The comparison group is White.

²The comparison group is no current drug offense.

³The comparison group is no prior drug offense.

⁴The comparison group is Home-Two Parents/Step-Parents & No Family Members.

Table 2. Variable Descriptions and Coding for Length of Stay Analyses		
Dependent Variable	Coding	
Length of Incarceration	Days	
Independent Variables	Coding	Expected Direction
Gang Member Label	0=Not a Gang Member, 1=Gang Member	+
Black ¹	0=No, 1=Yes	+
Hispanic ¹	0=No, 1=Yes	+
Other ¹	0=No, 1=Yes	+
Male	0=Female, 1=Male	+
Age at Recommendation	Years	+
Family Income (\$1,000)	\$7.5=less than \$15,000, \$25=\$15,001-\$34,999, \$42.5=\$35,000-\$49,999, \$57.5=greater than \$50,000	-
Current Offense Severity	Numeric Score Based on the Severity and Number of Offenses	+
Current Drug Offense-Marijuana Only ²	0=No, 1=Yes	+
Current Drug Offense-Not Limited to Marijuana ²	0=No, 1=Yes	+
Current Felony Offense	0=No, 1=Yes	+
Current Sex Offense	0=No, 1=Yes	+
Current Violent Offense	0=No, 1=Yes	+
Current Offense Took Place on School Grounds	0=No, 1=Yes	+
Prior Offense Severity	Numeric Score Based on the Severity and Number of Offenses	+
Prior Drug Offense-Marijuana Only ³	0=No, 1=Yes	+
Prior Drug Offense-Not Limited to Marijuana ³	0=No, 1=Yes	+
Prior Felony Offense	0=No, 1=Yes	+
Prior Sex Offense	0=No, 1=Yes	+
Prior Violent Offense	0=No, 1=Yes	+
Offense Severity while in the Commitment Facility	Numeric Score Based on the Severity and Number of Offenses	+

¹The comparison group is White.

²The comparison group is no current drug offense.

³The comparison group is no prior drug offense.

⁴The comparison group is Home-Two Parents/Step-Parents & No Family Members.

Independent Variables	Coding	Expected Direction
Felony Offense while in the Commitment Facility	0=No, 1=Yes	+
Sex Offense while in the Commitment Facility	0=No, 1=Yes	+
Violent Offense while in the Commitment Facility	0=No, 1=Yes	+
Drug Offense while in the Commitment Facility-Not Limited to Marijuana	0=No, 1=Yes	+
Drug Offense while in the Commitment Facility-Marijuana Only	0=No, 1=Yes	+
Previously in a Commitment Facility	0=No, 1=Yes	+
Previously on Probation	0=No, 1=Yes	+
Home-One Parent/Step-Parent & No Family Members ⁴	0=No, 1=Yes	+
Home-No Parents/Step-Parents & One Family Member ⁴	0=No, 1=Yes	+
Home-No Parents/Step-Parents & Multiple Family Members ⁴	0=No, 1=Yes	+
Home-Two Parents/Step-Parents & Family Member(s) ⁴	0=No, 1=Yes	+
Home-One Parent/Step-Parent & Family Member(s) ⁴	0=No, 1=Yes	+
Home-Non-Family Placement ⁴	0=No, 1=Yes	+
Home-Unspecified ⁴	0=No, 1=Yes	+
Alcohol Use is Disruptive	0=No Alcohol Use/Alcohol Use is Not Disruptive, 1=Alcohol Use is Disruptive	+
Drug Use is Disruptive	0=No Drug Use/Drug Use is Not Disruptive, 1=Drug Use is Disruptive	+

¹The comparison group is White.

²The comparison group is no current drug offense.

³The comparison group is no prior drug offense.

⁴The comparison group is Home-Two Parents/Step-Parents & No Family Members.

Independent Variables	Coding	Expected Direction
Mental Health Disorder Identified	0=No Mental Health Disorder Identified, 1=Mental Health Disorder Identified	+
School Commitment-Grades (Most Recent Term)	0=Dropped Out/Expelled or Enrolled with mostly Cs/Ds/Fs, 1=Graduated/GED or Enrolled with mostly As/Bs/Cs	-
School Involvement	0=Other, 1=Enrolled and attending or Graduated/GED	-
Associates with Anti-Social Peers	0=No Anti-Social Peers, 1=Anti-Social Peers	+
Conventional Behavior	0=Does not abide by conventions/values, does not believe that conventions/values always apply to him/her, hostile to conventions/values, 1=Abides by conventions/values	-
Responsibility	0=Minimizes/justifies/blames others for anti-social behavior, accepts or is proud of anti-social behavior, 1=Accepts responsibility for anti-social behavior	-
Verbal aggression	0=Believes that verbal aggression is rarely appropriate, 1=Believes that verbal aggression is sometimes or often appropriate	+
Physical aggression	0=Believes that physical aggression is never or rarely appropriate, 1=Believes that physical aggression is sometimes or often appropriate	+
Anger	0=No history of or occasional feelings of anger/irritability, 1=History of consistent feelings of anger/irritability or aggressive reactions to frustration/irritability	+

¹The comparison group is White.

²The comparison group is no current drug offense.

³The comparison group is no prior drug offense.

⁴The comparison group is Home-Two Parents/Step-Parents & No Family Members.

variable is the length of the incarceration period, which is based on the number of days between entering a commitment facility and exiting a facility to the community.

Primary Independent Variable of Interest

The primary independent variable of interest is whether or not the offender is labeled as a gang member (0 = no, 1 = yes). The description of the gang member label variable used in the intake and disposition analyses is found in Table 1, and a description of the gang member label variable used in the length of incarceration analysis is found in Table 2. The variable is based on information Department staff have entered into the Juvenile Justice Information System (JJIS). At various points in the juvenile justice continuum, Department staff members meet with offenders and enter information, such as gang involvement, into the system. Offenders are specifically asked questions regarding their gang membership and gang activities. This information is then used to determine if, according to the standards described above in Florida Statutes Chapters 874 and 39, the offender should be labeled as a gang member within JJIS. If the determination is made that the offender is a gang member, then a gang member flag is activated on the offender's record. Gang membership for the purposes of this study is based on the presence of the gang member flag on the offender's records. If the flag is not activated, then the offender is not labeled as a gang member. The date the gang member flag is activated is automatically recorded within JJIS allowing for verification of information availability at each decision point. For example, a State Attorney Recommendation is completed for an offender on July 1, 2007, and a Pre-Disposition Report is completed on December 1, 2007. If the gang member label is applied on October 1, 2007, the offender is considered a gang member for the disposition analysis but not for the intake analysis. It is possible to deactivate the gang member label once it has been activated; however, deactivation did not impact any of the offenders in the five datasets.

Other Independent Variables

There are many other attributes that could affect juvenile justice decisions that also are associated with gang membership. To better assess the impact of the gang label itself and separate it from the effects of potentially confounding factors, they are statistically controlled in multivariate analyses. Excluding these variables from analyses could result in the determining of a relationship between the gang member label and juvenile justice recommendations and periods of incarceration, when the association is actually spurious. Descriptions of the independent variables in the intake and disposition analyses are found in Table 1, and descriptions of the independent variables in the length of incarceration analysis are found in Table 2.

Demographic variables are the first set of control variables incorporated into the analyses: male (0 = female, 1 = male), age at the time of recommendation or commitment facility entry (years), race/ethnicity, and income. According to focal concerns theory as well as chivalry theories, females are expected to receive more lenient treatment because they are seen as less likely to recidivate and as posing less of a threat to the community. Also based on focal concerns theory, younger offenders are expected to receive less severe recommendations and longer periods of incarceration because they are viewed as less of a threat and are also more likely to have committed only less serious offenses.

Recommendations and incarceration length also are expected to vary according to race/ethnicity. Based on causal attribution theory and the differential treatment hypothesis, non-white offenders are expected to receive more severe recommendations and spend more days incarcerated than white offenders. Race/ethnicity variables include black (0 = no, 1 = yes), white (0 = no, 1 = yes), Hispanic (0 = no, 1 = yes), and other (0 = no, 1 = yes). These variables are based on two existing variables: (1) race and (2) ethnicity. The race variable categorizes offenders as white, black, or other. The ethnicity variable classifies offenders as Hispanic or non-Hispanic. The race/ethnicity variable is created by recoding offenders in the race variable as Hispanic based on the ethnicity variable. For example, an offender who is noted as Hispanic in the ethnicity variable is classified as Hispanic in the race/ethnicity variable regardless of the designation within the race variable. This modification primarily impacts offenders categorized as white in

the race variable. A series of race/ethnicity variables are entered into the analyses with one of the variables excluded as a reference category. The reference category is white offenders for each analysis.

Due to the unavailability of individual family income data for the intake and disposition samples, the income variable is based on the median income of the Census 2000 block group in which the offender resided. Block groups are the smallest grouping for which income information is available. Between 85% and 95% of the addresses in each intake and disposition dataset are matched to a specific block group. A match between an address and a specific block group may not be available due to incorrect or missing address information or the address may not have existed at the time of the 2000 Census. For the length of incarceration analyses, family income information is collected as part of the commitment facility entry process and is available for more than 95% of offenders incarcerated in commitment facilities. There are five ranges available within the income variable: less than \$15,000, \$15,001-\$34,999, \$35,000-\$49,999, and greater than \$50,000. The income variable will be coded using the mid-point of each category with the exception of the final category, which will be coded as \$57,500 based on the mid-point of the \$15,000 interval width of the previous categories (\$7,500 = less than \$15,000, \$25,000 = \$15,001-\$34,999, \$42,500 = \$35,000-\$49,999, \$57,500 = greater than \$50,000).

Legal factors are the next set of variables incorporated into the analyses: offense characteristics and system contact. Offenders who have committed more serious offenses, have more extensive prior offense histories, or have committed certain types of offenses (e.g., felony, violent, sexual, drug) are expected to receive more severe recommendations and longer periods of incarceration because they are viewed as more blameworthy and posing a greater threat to the community. The current, prior, and offenses committed during incarceration variables include offense severity scores, drug offenses not limited to marijuana (0 = no, 1 = yes), drug offenses involving marijuana only (0 = no, 1 = yes), felony offenses (0 = no, 1 = yes), sexual offenses (0 = no, 1 = yes), and violent offenses (0 = no, 1 = yes) as well as current offenses that took place on school grounds (0 = no, 1 = yes).

Offense severity scores take into account both the seriousness of the offense and the number of times offenses were recorded. Each offense is assigned a numeric value as described in the *Florida Criminal Punishment Code: Scoresheet Preparation Manual* prepared by the Florida Department of Corrections and the Office of the State Courts Administrator (July 2009), which are then summed to create an offense score. The numeric value is based on the severity of the offense with more serious offenses assigned higher values. The values also vary depending on whether the offenses are primary (current), additional (current), or prior offenses. There are a wide variety of methods for calculating an offense seriousness score, such as the Sellin-Wolfgang scale (Sellin and Wolfgang, 1964), but this process was chosen because it takes into account the perceived seriousness of offenses in the state of Florida.

Current offenses are defined as the offenses: (1) referenced in the State Attorney Recommendation for the intake decision, (2) referenced in the Pre-Disposition Report for the disposition decision, or (3) associated with the current period of confinement for the length of incarceration dependent variable. The current offense severity score is the sum of the primary offense value and the additional offense values. The primary offense is the most serious offense under consideration or associated with the incarceration period. The points for a primary offense range from 2 to 116. The sentencing guidelines do not contain a value for a primary offense that is a misdemeanor because it is designed for adult felony offenders so the number 2 was assigned to misdemeanor primary offenses, which is half of the value assigned to the least serious felony offense. Any other offenses that are under consideration at the decision point or associated with the incarceration period are additional offenses. The points for an additional offense range from .2 for a misdemeanor offense to 58 for the most serious felony offense.

The prior offense severity score and the score for offenses committed during incarceration are created in a similar manner to the current offense severity score. The prior offense severity score is the sum of the point values for any offenses that occurred prior to the previously determined current offenses. The point values for prior offenses range from .2 for a misdemeanor offense to 29 for the most serious felony offense. The score for offenses committed during incarceration is the sum of the point values for offenses that occurred between the date of entry into the commitment facility and the date

of exit to community. The point values are based on the additional point values for current offenses because these offenses are viewed as an extension of the previous behavior.

Prior system contact is expected to impact juvenile justice decision-making. Offenders with higher levels of system contact are expected to receive more severe recommendations and spend more days incarcerated. At the time of the intake and disposition recommendation, offenders may be on probation (0 = no, 1 = yes) or in a detention facility (0 = no, 1 = yes). Detention facilities are temporary commitment facilities primarily used to house serious offenders during the time period after intake and before disposition. Prior system contact includes previously being on probation (0 = no, 1 = yes), incarcerated (0 = no, 1 = yes), or in a detention facility (0 = no, 1 = yes). The system contact variables for the incarceration length analyses are limited to previously being on probation or incarcerated in a commitment facility. Nearly all incarcerated offenders were previously in a detention facility either during the intake and disposition stages or during transfer between locations, such as the county of residence and the commitment facility; therefore, this variable is not included in the incarceration length analyses.

Life factor variables, including social and rehabilitation variables, are incorporated into the analyses after the legal variables. Social variables include factors related to the offender's family structure, school, and peer associations. Based on Black's theory of law, low levels of perceived informal social control provided by the family structure and schools are expected to result in more severe juvenile justice recommendations and longer periods of incarceration, which represent types of formal social control. Offenders involved in school and under the control of their parents are viewed as less of a threat to the community, thus resulting in less severe juvenile justice recommendations and shorter periods of incarceration. The presence of informal social control is based on the four elements identified in Hirschi's theory of social control: (1) attachment, (2) commitment, (3) involvement, and (4) belief. Attachment refers to the extent that individuals are attached to others, such as parents, peers, or teachers (Hirschi, 1969: p. 18), and is measured based on the family structure and peer association variables. Commitment refers to the individual's investment of time and energy in

conventional behavior (Hirschi, 1969: p. 20) and is operationalized in the school commitment variable. Involvement is the individual's participation in conventional activities (Hirschi, 1969: p. 22) and is measured in the school involvement variable. Belief refers to acceptance of a common value system (Hirschi, 1969: p. 23) and is operationalized in the five variables that measure decision maker perceptions that the offender: supports conventional behavior, takes responsibility, supports the use of verbal aggression, supports the use of physical aggression, or has angry or aggressive responses to frustrations.

The family structure variables represent the attachment element of informal social control and are based on adult family members who are identified as living in the same residence as the offender. Eight dummy variables (0 = no, 1 = yes) are used to assess the subject's living situation: (1) One parent/step-parent and no family members, (2) Two parents/step-parents and no family members, (3) No parents/step-parents and one family member, (4) No parents/step-parents and multiple family members, (5) Two parents/step-parents and multiple family members, (6) One parent/step-parent and family members, (7) Non-family placement (i.e., foster care), and (8) Unspecified. The unspecified category is inclusive of all in cases in which there is not information regarding adult family members or official out-of-home placement and could include offenders living on their own, living with non-family adults, or where information is simply missing. The two parents/step-parents and no family members variable is excluded from the analyses as the reference category. Due to the expectation that the two parents/step-parents and no family members structure is expected to be perceived as more stable than the other family structures, offenders residing in this home structure are expected to receive less severe recommendations and spend less time incarcerated.

The peer association variable represents the attachment element of informal social control (0 = does not associate with anti-social peers, 1 = associates with anti-social peers). It is based on an assessment question that asks about with whom the offender spends time (anti-social peers are defined as individuals who are hostile to or disruptive of the legal social order or who violate the law). Offenders who spend time with anti-social peers are expected to receive more severe recommendations and spend more days incarcerated.

The school commitment variable represents the commitment element of informal social control. School commitment (0 = dropped out/expelled or enrolled with mostly Cs/Ds/Fs, 1 = graduated/GED or enrolled with mostly As/Bs/Cs) is based on an assessment question that asks about academic performance in the most recent school term. Offenders who are invested in school either because they have completed their basic education (e.g., high school graduation, GED) or are enrolled and receiving above average grades are expected to receive less severe recommendations and spend fewer days incarcerated.

The school involvement variable represents the involvement element of informal social control. School involvement (0 = enrolled and attending or graduated/GED, 1 = other) is based on two assessment questions that ask about (1) offender's current enrollment status and (2) offender's attendance (habitual truancy is defined in Florida Statute Chapter 1003 as 15 unexcused absences within 90 days). Offenders who are attending school are expected to have less time for delinquent behavior and thus are expected to receive less severe recommendations and shorter periods of incarceration.

The decision makers' perceptions of the offender's attitudes and beliefs represent the belief element of informal social control. These perceptions are expected to partially mediate the relationship between the gang member label and the severity of recommendations and periods of incarceration. Questions include perceptions related to: (1) conventional behavior (0 = abides by conventions/values, 1 = does not abide by conventions/values, does not believe that conventions/values always apply to him/her, hostile to conventions/values); (2) responsibility (0 = accepts responsibility for anti-social behavior, 1 = minimizes/justifies/blames others for anti-social behavior, accepts or is proud of anti-social behavior); (3) verbal aggression (0 = believes that verbal aggression is rarely appropriate, 1 = believes that verbal aggression is sometimes or often appropriate); (4) physical aggression (0 = believes that physical aggression is never or rarely appropriate, 1 = believes that physical aggression is sometimes or often appropriate); (5) anger (0 = no history of or occasional feelings of anger/irritability, 1 = history of consistent feelings of anger/irritability or aggressive reactions to frustration/irritability). Offenders who are perceived as expressing beliefs that do not align with the accepted common value system are expected to receive more severe

recommendations and spend more days incarcerated. Though these variables are included as life factors, they are entered in the following step so that a comparison can be made between the two models.

Based on the rehabilitation model of juvenile justice, alcohol and drug abuse and mental health issues are expected to increase the likelihood of judicial handling at intake, incarceration at disposition, and the length of time incarcerated because the decision makers are expected to view the juvenile justice system as being able to provide more intensive treatment than the offender would receive otherwise. Substance use variables include both alcohol use and drug use. Alcohol use (0 = no alcohol use/alcohol use is not disruptive, 1 = alcohol use is disruptive) is based on assessment questions regarding current or past abuse of alcohol. Drug use (0 = no drug use/drug use is not disruptive, 1 = drug use is disruptive) is based on assessment questions regarding current or past abuse of drugs. Mental health diagnosis (0 = no mental health disorder identified, 1 = mental health disorder identified) is based on an assessment question about the existence of a formal mental health diagnosis. As noted in the literature review chapter, few studies have included rehabilitation needs in juvenile justice analyses even though the juvenile system is supposed to be more focused on these issues than the adult system.

Analytic Strategy

Logistic and Ordinary Least Squares Regression are used to analyze the data. Logistic regression is used to analyze the dichotomous dependent variables for intake (judicial, non-judicial) and disposition (community supervision, incarceration) recommendations. Ordinary least squares regression is used to analyze the length of incarceration.

Imputation of Missing Data

An initial review of the information identified missing data issues in each of the datasets. The majority of the missing data is related to the income variable. The income variable in the intake and disposition datasets is based on the median income of the block

group in which the offender resides. After matching the offender's address information to the 2000 Census data, 13-14% of offenders in the intake datasets and 5% of offenders in the disposition datasets are missing income data. Two reasons the income data for these datasets are missing is because address information was not provided or the information was incorrect. Neither scenario is expected to result in systematically missing information. However, another reason the data are missing is that the address may not have existed at the time of the 2000 Census, thus the offenders may be residing in areas of higher social disorganization due to the movement of a large number of people into newly occupied buildings or neighborhoods. Data missing due to this scenario are expected to be systematically missing and show significant differences between missing and non-missing cases in terms of offense variables. In contrast to the income variables in the intake and disposition datasets, which uses a proxy measure, the income variable in the incarceration length dataset is based on a self-report measure. Approximately 5% of the offenders are missing income information. The data missing for this measure are expected to be systematically missing based on the value of the income variable itself because offenders who have lower family incomes are expected to be less likely to answer this question.

There are three types of missing data: (1) Missing Completely At Random (MCAR), (2) Missing At Random (MAR), and (3) Not Missing At Random (NMAR). In cases of MCAR data, missing data are not associated with observed data or the value of the missing data (Little and Rubin, 2002, p. 12, Schafer and Graham, 2002, p. 151). For MAR data, the missing data are associated with observed data but not with the value of the missing data (Little and Rubin, 2002, p. 12; Schafer and Graham, 2002, p. 151). Finally, if the data are NMAR, the missing data are associated with the value of the missing data (Little and Rubin, 2002, p. 12; Schafer and Graham, 2002, p. 151).

There are a multitude of methods for handling missing data, which make assumptions regarding the type of missing data. One method is to delete cases (i.e., listwise, pairwise) in which data are missing; however, this process can bias the estimates if the data are not MCAR (Pigott, 2001; Schafer, 1999). This method also has the flaw of possibly introducing sample bias. Another method is single imputation, in which the missing value is replaced with a plausible value, such as the mean of the observed cases

or an estimate based on a regression equation (Pigott, 2001; Schafer, 1999). Single imputation can be fairly accurate if the amount of missing data is less than 5% (Schafer, 1999, p. 7). A third method is multiple imputation, which creates 2 or more datasets and then pools the results (Schafer, 1999).

Little's MCAR test is used to determine if the data are missing at random. If the test is significant, then the data are not MCAR. Based on the prior assessment of the type of data missing, specifically income information, it is suspected that the data are not MCAR. Of the five datasets, only the disposition dataset for Dade County was not significant for Little's MCAR test indicating that this is the only MCAR dataset. Since the remaining datasets are not MCAR, then certain methods for handling missing data, such as listwise or pairwise deletion or imputation of the mean, are not appropriate.

Multiple imputation is preferred to other methods for handling missing data because it takes into account the uncertainty created by imputing data (Buhi, Goodson, and Neilands, 2008) and, based on the results of simulation studies, its ability to effectively handle NMAR data (Buhi *et al.*, 2008; Marshall, Altman, Royston, and Holder, 2010). In simulation studies, complete datasets are altered to represent MCAR, MAR, and NMAR scenarios and then the precision of methods for handling missing data are examined. The simulation studies determined that multiple imputation provides acceptable estimates for NMAR data if less than 25% of the data are missing (Buhi *et al.*, 2008; Marshall *et al.*, 2010) and that the imputation for MAR data only performed slightly better than the imputation for NMAR data (Rose and Fraser, 2008).

The multiple imputation analysis process contains two steps: (1) determining replacement values for missing data and (2) analyzing data. Possible replacement values for missing data are estimated based on the non-missing values of the independent variables to create multiple complete datasets. The multiple imputation values are created based on the Markov Chain Monte Carlo in which the distribution of each element varies based on the value of the previous one (Schafer, 1997, p. 3). Though any number of datasets in the multiple imputation process can be created, five to ten datasets are sufficient (Schafer, 1999). For the purposes of this study, ten datasets sets are created. Analysis of each of the ten complete datasets is completed and then combined by pooling

the multiple analysis results, which combines the parameter estimates and standard errors to create a single set of results.

CHAPTER 5

RESULTS

This chapter presents the findings from the logistic regression and ordinary least squares regression analyses. The findings are subdivided into three sections: (1) intake-likelihood of judicial handling, (2) disposition-likelihood of incarceration, and (3) incarceration length. Within each section, the descriptive statistics are presented followed by the findings from the multivariate models.

Intake: Likelihood of Judicial Handling

This section presents the findings related to the examination of the likelihood for receiving a judicial handling recommendation, which is also referred to as a non-diversion recommendation, by a juvenile probation officer to the State Attorney's Office. First, the descriptive statistics for Dade County and Volusia County intake analyses are reviewed, which are presented in Table 3. Next, the results for the six logistic regression models are discussed, which are found in Tables 4-9.

Descriptive Statistics

Of the 6,794 cases in Dade County, 6,689 have an available State Attorney Recommendation (98%). The proportion of available State Attorney Recommendations is lower in Volusia County where 2,683 of the 2,872 cases are available (93%). The dependent variable in these analyses is the juvenile probation officer's recommendation to the State Attorney Office, which is for either judicial handling or non-judicial handling (diversion). The State Attorney's Office is not required to follow the recommendation of the juvenile probation officer. In Dade County, the final outcome of the case matches the recommendation in 75% of the cases, and the corresponding proportion in Volusia County is 78%. In both counties, the proportion of diversion final outcomes is higher in the group where the final outcome and the recommendation do not match indicating that the deviation resulted in more lenient final outcomes.

Table 3. Descriptive Statistics for Dade & Volusia Intake Analyses

Dependent Variable	Dade					Volusia						
	Cases	Missing (%)	Min.	Max.	Mean/Percent	S.D.	Cases	Missing (%)	Min.	Max.	Mean/Percent	S.D.
	6,689						2,683					
Recommendation for judicial handling	6,689	0%	0	1	68%		2,683	0%	0	1	39%	
Independent Variables												
Gang Member Label	6,689	0%	0	1	5%		2,683	0%	0	1	5%	
Black	6,689	0%	0	1	50%		2,683	0%	0	1	28%	
Hispanic	6,689	0%	0	1	44%		2,683	0%	0	1	10%	
White	6,689	0%	0	1	6%		2,683	0%	0	1	62%	
Other	6,689	0%	0	1	0%		2,683	0%	0	1	0%	
Male	6,689	0%	0	1	79%		2,683	0%	0	1	70%	
Age at Recommendation	6,689	0%	8.5	19.9	16.1	1.5	2,683	0%	8.3	19.0	15.9	1.6
Median Income of Block Group (\$1,000)	5,867	12%	6.7	200.0	32.4	16.5	2,317	14%	10.5	82.9	35.1	11.0
Current Offense Severity	6,689	0%	0.2	781.3	14.4	32.3	2,683	0%	0.2	370.0	6.0	15.2
Current Drug Offense-Marijuana Only	6,689	0%	0	1	12%		2,683	0%	0	1	16%	
Current Drug Offense-Not Limited to Marijuana	6,689	0%	0	1	7%		2,683	0%	0	1	10%	
Current Felony Offense	6,689	0%	0	1	69%		2,683	0%	0	1	39%	
Current Sex Offense	6,689	0%	0	1	2%		2,683	0%	0	1	1%	
Current Violent Offense	6,689	0%	0	1	31%		2,683	0%	0	1	27%	
Current Offense Took Place on School Grounds	6,689	0%	0	1	20%		2,683	0%	0	1	23%	
Prior Offense Severity	6,689	0%	0.0	244.2	6.5	17.1	2,683	0%	0.0	247.3	8.5	25.5
Prior Drug Offense-Marijuana Only	6,689	0%	0	1	8%		2,683	0%	0	1	8%	
Prior Drug Offense-Not Limited to Marijuana	6,689	0%	0	1	3%		2,683	0%	0	1	5%	
Prior Felony Offense	6,689	0%	0	1	30%		2,683	0%	0	1	25%	
Prior Sex Offense	6,689	0%	0	1	1%		2,683	0%	0	1	3%	
Prior Violent Offense	6,689	0%	0	1	25%		2,683	0%	0	1	29%	
On Probation at Time of Recommendation	6,689	0%	0	1	4%		2,683	0%	0	1	12%	
In a Detention Facility at Time of Recommendation	6,689	0%	0	1	5%		2,683	0%	0	1	9%	
Previously in a Commitment Facility	6,689	0%	0	1	1%		2,683	0%	0	1	4%	
Previously on Probation	6,689	0%	0	1	5%		2,683	0%	0	1	13%	
Previously in a Detention Facility	6,689	0%	0	1	10%		2,683	0%	0	1	20%	

Table 3. Descriptive Statistics for Dade & Volusia Intake Analyses cont.

	Dade					Volusia						
	Cases	Missing (%)	Min.	Max.	Mean/Percent	S.D.	Cases	Missing (%)	Min.	Max.	Mean/Percent	S.D.
Home-One Parent/Step-Parent & No Family Members	6,686	0%	0	1	60%		2,682	0%	0	1	48%	
Home-Two Parents/Step-Parents & No Family Members	6,686	0%	0	1	22%		2,682	0%	0	1	21%	
Home-No Parents/Step-Parents & One Family Member	6,686	0%	0	1	5%		2,682	0%	0	1	4%	
Home-No Parents/Step-Parents & Multiple Family Members	6,686	0%	0	1	1%		2,682	0%	0	1	1%	
Home-Two Parents/Step-Parents & Family Member(s)	6,686	0%	0	1	1%		2,682	0%	0	1	1%	
Home-One Parent/Step-Parent & Family Member(s)	6,686	0%	0	1	5%		2,682	0%	0	1	3%	
Home-Non-Family Placement	6,686	0%	0	1	2%		2,682	0%	0	1	1%	
Home-Unspecified	6,686	0%	0	1	4%		2,682	0%	0	1	21%	
Alcohol Use is Disruptive	6,642	1%	0	1	3%		2,585	4%	0	1	5%	
Drug Use is Disruptive	6,642	1%	0	1	11%		2,585	4%	0	1	14%	
Mental Health Disorder Identified	6,528	2%	0	1	5%		2,509	6%	0	1	12%	
School Commitment-Grades	6,642	1%	0	1	47%		2,585	4%	0	1	58%	
School Involvement	6,642	1%	0	1	74%		2,585	4%	0	1	83%	
Associates with Anti-Social Peers	6,642	1%	0	1	71%		2,585	4%	0	1	72%	
Conventional Behavior	6,642	1%	0	1	67%		2,585	4%	0	1	63%	
Responsibility	6,642	1%	0	1	72%		2,585	4%	0	1	69%	
Verbal aggression	6,642	1%	0	1	36%		2,585	4%	0	1	38%	
Physical aggression	6,642	1%	0	1	48%		2,585	4%	0	1	46%	
Anger	6,642	1%	0	1	45%		2,585	4%	0	1	45%	

Recommendation & Actual Decision Match (75%) Recommendation & Actual Decision Match (78%)
 Missing Recommendation (n=105) Missing Recommendation (n=189)

The descriptive statistics are discussed for cases with an available State Attorney Recommendation. There are 2,683 recommendations available for the offenders in Volusia County and more than double that number in Dade County ($n=6,689$). The proportion of offenders receiving a judicial handling recommendation is nearly 30 percentage points higher in Dade County (68%) than in Volusia County (39%). Dade County has an extensive civil citation program that diverts misdemeanor offenders during encounters with police officers, thus the more serious offenders are sent for intake processing at the Department of Juvenile Justice. However, police officers may informally divert youth in both Dade and Volusia County, which would not necessarily be reported to the Department of Juvenile Justice. Another possible explanation for the difference in judicial handling recommendations is that offenders in Dade County commit more offenses and more serious offenses than offenders in Volusia County.

The discussion of independent variable descriptive statistics is limited to those variables that are examined in the stated hypotheses. In both counties, 5% of the offenders are labeled as gang members. The racial-ethnicity make-up of offenders is very different between Dade County and Volusia County. In Dade County, the largest racial-ethnic group of offenders is black (50%), followed by Hispanic (44%), and then white (6%). In comparison, white offenders constitute 62% of the offenders in Volusia County, followed by black offenders (28%), and Hispanic offenders (10%). The majority of the offenders are male in both Dade County (79%) and Volusia County (70%). Dade County and Volusia County, respectively, report similar proportions for the perceptions of the offender regarding conventional behavior (67%, 63%), taking responsibility (72%, 69%), supporting verbal aggression (36%, 38%), supporting physical aggression (48%, 46%), and having an angry or aggressive response to frustrations (45%, 45%).

After the missing data values were imputed, tolerance levels and bivariate correlations were examined for indications of multicollinearity. With the exception of the Black and Hispanic variables in Dade County, all of the tolerance levels are greater than .20. Furthermore, all of the correlations are below .80, except for the correlation between the Black and Hispanic variables in Dade County. Correlations above .80 can indicate the presence of multicollinearity (Lewis-Beck, 1980). The Black and Hispanic variables are

removed from the analyses and replaced with a variable that indicates if offenders are black *or* Hispanic, which is compared to the excluded category of white offenders.

Logistic Regression Results

The first logistic regression model only includes the gang member label variable without any control variables (Table 4). This model reports a Nagelkerke R^2 of .01 and accurately predicts the intake recommendation in 68% of cases in Dade County. The Nagelkerke R^2 is used as a pseudo-measure of variance explained to provide a rough model goodness-of-fit measure and should be interpreted with caution (Pampel, 2000). In Volusia County, the model reports a Nagelkerke R^2 of .02 and accurately predicts the intake recommendation in 63% of the cases. The gang member label is associated with a higher likelihood of a judicial handling recommendation in both Dade County and Volusia County. In Dade County, offenders labeled as gang members are 3.18 times more likely to receive a judicial handling recommendation than offenders not labeled as gang members ($p < .05$). In Volusia County, the odds ratio is higher at 3.60 times higher for offenders labeled as gang members ($p < .05$).

Table 4. Logistic Regression for Dade & Volusia Intake Analyses: Likelihood of Judicial Processing (Non-Diversion) Recommendation-Model 1				
Variables	Dade		Volusia	
	B(S.E.)	Odds Ratio	B(S.E.)	Odds Ratio
Constant	0.69(0.03)*	1.99	-0.53(0.04)*	0.59
Gang Member Label	1.16(0.16)*	3.18	1.28(0.19)*	3.60
N	6,689		2,683	
Overall Percent Correct (%)	68		63	
Nagelkerke R^2	0.01		0.02	

* $p < .05$

The second model incorporates demographic characteristics: race/ethnicity, age, sex, and income (Table 5). This model reports a Nagelkerke R^2 of .07, which is an increase in the explained variance of .05 from the previous model, and accurately predicts the intake recommendation in 68% of cases in Dade County. As compared to Dade County, the inclusion of demographic variables creates a greater change in the Volusia County model that reports a Nagelkerke R^2 of .11, an increase of .09, and an accurate

Table 5. Logistic Regression for Dade & Volusia Intake Analyses: Likelihood of Judicial Processing (Non-Diversion) Recommendation-Model 2				
Variables	Dade		Volusia	
	B(S.E.)	Odds Ratio	B(S.E.)	Odds Ratio
Constant	-2.36(0.32)*	0.09	-2.43(0.45)*	0.09
Gang Member Label	1.11(0.16)*	3.03	1.13(0.20)*	3.09
Black or Hispanic ¹	0.30(0.11)*	1.35	0.55(0.09)*	1.74
Other ¹	0.18(0.59)	1.19	-1.08(0.81)	0.34
Male	0.77(0.06)*	2.16	0.78(0.10)*	2.19
Age at Recommendation	0.15(0.02)*	1.17	0.12(0.03)*	1.13
Median Income of Block Group	-0.01(.00)*	0.99	-0.02(0.00)*	0.98
N	6,689		2,683	
Overall Percent Correct (%)	68		66	
Nagelkerke R^2	0.07		0.11	

* $p < .05$

¹The comparison group is White.

prediction rate of 66%, a three percentage point increase from the previous model. The gang member label increases the likelihood of a judicial handling recommendation in Dade County by a factor of 3.03 ($p < .05$), which is .09 less than the model that did not incorporate demographic characteristics. In Volusia County, the gang member label increases the likelihood of a non-diversion recommendation by a factor of 3.09 ($p < .05$), which is .51 less than the model that did not include demographic variables. Since the association between the gang member label and the recommendation for judicial handling only slightly decreased with the inclusion of the demographic variables, these factors do not account for the association between the gang member label and the recommendation for judicial handling.

The race-ethnicity variables for Dade County and Volusia County are both constructed using a series of dummy variables with the white race-ethnicity group as the comparison group. Offenders who are black or Hispanic are 35% more likely to receive a recommendation for judicial handling than white offenders in Dade County. In Volusia County, black or Hispanic offenders are 74% more likely to receive a judicial handling recommendation than white offenders ($p < .05$). The odds of receiving a non-diversion recommendation for offenders in the “other” race-ethnicity category as compared to white offenders are not significantly different in Dade County or Volusia County. Male

offenders are more likely to receive a judicial handling recommendation in both Dade County and Volusia County by a factor of 2.16 and 2.19, respectively. The likelihood of receiving a judicial handling recommendation increases with age by 17% and 13% per year of age in Dade County and Volusia County, respectively ($p < .05$). For example, in Dade County, if the odds of receiving a judicial handling recommendation for a 15-year-old subject are 1, then the odds for a 16-year-old subject are 1.17, and the odds for a 17-year-old subject are 1.34. In Dade County, a \$1,000 increase in the median income of the block group of the offender increases the likelihood of a recommendation for judicial handling by 1% ($p < .05$). In Volusia County, a \$1,000 increase is associated with a 2% increase in the likelihood of a recommendation for judicial handling ($p < .05$).

The third model includes offense characteristic variables, including current offenses, prior offenses, as well as system contact variables, in addition to the gang member label and demographic variables (Table 6). With the inclusion of these variables, the Nagelkerke R^2 for Dade County increases to .47 from .07, and for Volusia County, it increases to .49 from .11. The percentage of cases for which the model accurately predicts the intake recommendation also increases to 80% in both Dade County and Volusia County. In short, offense characteristics and system contact account for a great deal of the variation in the intake recommendation. In Dade County, offenders with the gang member label are 2.47 times more likely to receive a judicial handling recommendation, which is a decrease of .56 with the inclusion of the offense and system contact variables ($p < .05$), thus some of the previously identified impact of the gang label variable is due to the more serious offenses and system contact by offenders labeled as gang members. In this model, the odds of offenders labeled as gang members receiving a judicial handling recommendation do not differ significantly from the odds of offenders who are not labeled as gang members in Volusia County, suggesting that offense characteristics and system contact largely account for the association between the gang member label and the recommendation for judicial handling found in Models 1 and 2.

With the addition of offense characteristics and system contact variables, the odds of black or Hispanic offenders receiving a judicial handling recommendation are no longer significantly different from the odds for white offenders in Dade County. In Volusia County, black or Hispanic offenders are 49% more likely to receive a non-

Table 6. Logistic Regression for Dade & Volusia Intake Analyses: Likelihood of Judicial Processing (Non-Diversion) Recommendation-Model 3				
Variables	Dade		Volusia	
	B(S.E.)	Odds Ratio	B(S.E.)	Odds Ratio
Constant	-3.04(0.41)*	0.05	-2.98(0.58)*	0.05
Gang Member Label	0.90(0.18)*	2.47	0.34(0.26)	1.41
Black or Hispanic ¹	0.09(0.14)	1.09	0.40(0.11)*	1.49
Other ¹	0.49(0.62)	1.64	-0.56(0.96)	0.57
Male	0.33(0.08)*	1.39	0.13(0.12)	1.13
Age at Recommendation	0.11(0.02)*	1.12	0.07(0.03)*	1.07
Median Income of Block Group	-0.01(0.00)*	0.99	-0.01(0.01)*	0.99
Current Offense Severity	0.08(0.00)*	1.08	0.03(0.01)*	1.03
Current Drug Offense-Marijuana Only ²	0.18(0.10)	1.20	-0.24(0.17)	0.79
Current Drug Offense-Not Limited to Marijuana ²	-0.08(0.14)	0.92	0.30(0.19)	1.35
Current Felony Offense	0.51(0.08)*	1.67	1.17(0.12)*	3.21
Current Sex Offense	-0.48(0.36)	0.62	1.35(0.52)*	3.86
Current Violent Offense	1.59(0.09)*	4.91	0.31(0.12)*	1.37
Current Offense Took Place on School Grounds	-0.25(0.08)*	0.78	-0.28(0.13)*	0.76
Prior Offense Severity	0.02(0.01)*	1.02	0.02(0.00)*	1.02
Prior Drug Offense-Marijuana Only ³	1.16(0.18)*	3.20	0.84(0.23)*	2.33
Prior Drug Offense-Not Limited to Marijuana ³	1.15(0.43)*	3.16	0.53(0.29)	1.70
Prior Felony Offense	1.28(0.12)*	3.61	0.95(0.14)*	2.59
Prior Sex Offense	-0.25(0.47)	0.78	-0.13(0.42)	0.88
Prior Violent Offense	0.86(0.11)*	2.37	0.71(0.13)*	2.03
On Probation at Time of Recommendation	0.15(0.31)	1.17	0.59(0.22)*	1.81
In a Detention Facility at Time of Recommendation	0.08(0.28)	1.08	0.47(0.23)*	1.60
Previously in a Commitment Facility	-0.62(0.83)	0.54	0.25(0.42)	1.28
Previously on Probation	0.50(0.34)	1.66	0.22(0.24)	1.25
Previously in a Detention Facility	0.52(0.25)*	1.69	0.50(0.19)*	1.64
N	6,689		2,683	
Overall Percent Correct (%)	80		80	
Nagelkerke R ²	0.47		0.49	

* $p < .05$

¹The comparison group is White.

²The comparison group is no current drug offense.

³The comparison group is no prior drug offense.

diversion recommendation than white offenders, which is a decrease of .25 from the previous model ($p < .05$). Male offenders are 39% more likely to receive a judicial handling recommendation as compared to female offenders in Dade County but the difference is not significant in Volusia County ($p < .05$). Older offenders have a greater likelihood of receiving a non-diversion recommendation than younger offenders with a

12% increase for each year older at the time of the recommendation in Dade County and a 7% increase per year in Volusia County ($p < .05$). In both Dade County and Volusia County, a \$1,000 increase in the median income of the block group of the offender increases the likelihood of a recommendation for judicial handling by 1% ($p < .05$).

Current offense variables include offense severity and types of offenses (e.g., drug, felony, sexual, violent, and took place on school grounds). Under focal concerns theory, these variables are measures of blameworthiness and threat to the community. The likelihood of receiving a judicial handling recommendation increases with each one unit increase of the offense severity score by 8% in Dade County and 3% in Volusia ($p < .05$). For example, in Dade County, if the odds of receiving a judicial handling recommendation for an offense severity score of 14 is 1, then the odds for an offender with an offense severity score of 15 is 1.08, and for an offense severity score of 16 is 1.16. Current felony offenses under consideration increase the likelihood of a non-diversion recommendation by 67% in Dade County and by a factor of 3.21 in Volusia County ($p < .05$). Current violent offenses also increase the likelihood of a judicial handling recommendation by a factor of 4.91 in Dade County and by 37% in Volusia County ($p < .05$). Sexual offenses currently under consideration increase the likelihood of a non-diversion recommendation by 3.86 in Volusia County ($p < .05$), but in Dade County, the odds of receiving a judicial handling recommendation for an offender with current sexual offenses do not differ significantly from an offender without sexual offenses currently under consideration. A current offense that took place on school grounds actually decreases the likelihood of a judicial handling recommendation by slightly more than 20% in both Dade County (22%) and Volusia County (24%) ($p < .05$). This finding is surprising due to the increase in sanction severity for offenses that occur on school grounds. For example, the sanctions for weapon or drug possession are more severe if the offenses occurred on school grounds.

Prior offense variables include offense severity and types of offenses (e.g., drug, felony, sexual, and violent). Under focal concerns theory, these variables are measures of threat to the community. The likelihood of receiving a judicial handling recommendation increases with each one unit increase of the prior offense severity score by 2% in both Dade County and Volusia County ($p < .05$). Offenders with prior felony offenses are 3.61

times more likely to receive a judicial handling recommendation than offenders without prior felony offenses in Dade County and 2.59 times more likely in Volusia County ($p < .05$). Offenders with prior violent offenses are also more likely to receive a non-diversion recommendation by a factor of 2.37 in Dade County and by a factor of 2.03 in Volusia County ($p < .05$). Offenders with prior drug offenses that only involve marijuana are 3.20 times more likely to receive a judicial handling recommendation than offenders without any prior drug offenses in Dade County and 2.33 times more likely in Volusia County ($p < .05$). Offenders with prior drug offenses not limited to marijuana are 3.16 times more likely to receive a non-diversion recommendation as compared to offenders without any prior drug offenses in Dade County ($p < .05$) but the odds are not significantly different in Volusia County. The odds for offenders with prior sexual offenses receiving a judicial handling recommendation do not differ significantly from offenders without prior sexual offenses in Dade or Volusia County.

System contact variables include being on probation at the time of the recommendation, in a detention facility at the time of recommendation, previously in a commitment facility, previously on probation, or previously in a detention facility. Offenders who were previously in a detention facility are 69% more likely to receive a judicial handling recommendation as compared to offenders not previously held in a detention facility in Dade County and 64% more likely in Volusia County ($p < .05$). Being on probation or in a detention facility at the time of the recommendation increases the likelihood of a judicial handling recommendation in Volusia County by 81% and 60%, respectively ($p < .05$). The odds do not differ significantly for offenders previously incarcerated or on probation as compared to offenders not previously in a commitment facility or on probation in either Dade or Volusia County.

In general, the inclusion of the offense and system contact variables in Model 3 decreases the estimated impact of the gang member label in Dade County by 18% and eliminates the impact in Volusia County, suggesting that the more severe intake recommendation is partly due to legitimate factors. The inclusion of these variables also decreases the impact of some demographic variables on the likelihood of receiving a judicial handling recommendation. The offense and system contact variables provide

more explanatory value by substantially increasing the proportion of variance explained in both Dade County and Volusia County between Model 2 and Model 3.

The fourth model includes life factor variables: family structure, alcohol use, drug use, mental health disorder, school, and peer variables (Table 7). With the inclusion of these variables, the Nagelkerke R^2 increases slightly from .47 to .48 in Dade County and from .49 to .51 for Volusia County. The percentage of cases for which the model accurately predicts the intake recommendation remains at 80% for Dade County and increases only marginally to 81% in Volusia County. The inclusion of the life factor variables decreases the estimated impact of the gang member label on the likelihood of a judicial handling recommendation, but offenders with the gang member label are still 2.06 times more likely to receive a non-diversion recommendation as compared to offenders without the gang member label in Dade County ($p < .05$), which is .41 less than the previous model.

A series of variables are included in the fourth model to examine the impact of different family structures on the likelihood of a judicial handling recommendation. The comparison group is a family structure of two parents/step-parents with no other adult family members residing in the home. Offenders in the unspecified category are 33% in Dade County and 56% in Volusia County less likely to receive a non-diversion recommendation ($p < .05$). In Volusia County, offenders residing in a home with one parent or step-parent and no other family members are 30% less likely to receive a judicial handling recommendation than the comparison group whereas offenders residing with one parent and additional adult family members are 74% more likely in Dade County ($p < .05$). The odds for the remaining categories do not significantly differ from the comparison group. Of the alcohol and drug use variables and the mental health variable, only the alcohol use variable in Dade County has a significant effect. Offenders in Dade County for whom alcohol use is disruptive are 81% more likely to receive a non-diversion recommendation ($p < .05$). The odds of offenders with a mental health disorder for receiving a judicial handling recommendation do not significantly differ from the odds for offenders without a mental health disorder. In Dade County, offenders who were enrolled and receiving As, Bs, and Cs or had graduated or received a GED are 37% less

Table 7. Logistic Regression for Dade & Volusia Intake Analyses: Likelihood of Judicial Processing (Non-Diversion) Recommendation-Model 4				
Variables	Dade		Volusia	
	B(S.E.)	Odds Ratio	B(S.E.)	Odds Ratio
Constant	-3.37(0.45)*	0.03	-1.63(0.64)*	0.20
Gang Member Label	0.72(0.19)*	2.06	0.13(0.26)	1.14
Black or Hispanic ¹	0.07(0.14)	1.07	0.41(0.12)*	1.50
Other ¹	0.72(0.63)	2.05	-0.63(1.01)	0.53
Male	0.28(0.08)*	1.32	0.12(0.12)	1.13
Age at Recommendation	0.13(0.02)*	1.14	0.03(0.03)	1.03
Median Income of Block Group	0.00(0.00)	1.00	-0.01(0.01)*	0.99
Current Offense Severity	0.08(0.00)*	1.08	0.03(0.01)*	1.03
Current Drug Offense-Marijuana Only ²	0.10(0.11)	1.11	-0.32(0.17)	0.73
Current Drug Offense-Not Limited to Marijuana ²	-0.14(0.14)	0.87	0.29(0.19)	1.33
Current Felony Offense	0.52(0.08)*	1.68	1.12(0.13)*	3.06
Current Sex Offense	-0.51(0.35)	0.60	1.48(0.53)*	4.38
Current Violent Offense	1.62(0.09)*	5.06	0.29(0.13)*	1.34
Current Offense Took Place on School Grounds	-0.25(0.09)*	0.78	-0.26(0.13)*	0.77
Prior Offense Severity	0.02(0.01)*	1.02	0.02(0.00)*	1.02
Prior Drug Offense-Marijuana Only ³	1.07(0.19)*	2.91	0.77(0.23)*	2.16
Prior Drug Offense-Not Limited to Marijuana ³	1.13(0.43)*	3.10	0.45(0.30)	1.56
Prior Felony Offense	1.28(0.12)*	3.58	0.90(0.14)*	2.45
Prior Sex Offense	-0.14(0.47)	0.87	-0.07(0.42)	0.93
Prior Violent Offense	0.83(0.11)*	2.29	0.61(0.13)*	1.84
On Probation at Time of Recommendation	0.15(0.31)	1.17	0.65(0.23)*	1.91
In a Detention Facility at Time of Recommendation	0.03(0.28)	1.03	0.39(0.24)	1.47
Previously in a Commitment Facility	-0.52(0.83)	0.60	0.19(0.42)	1.21
Previously on Probation	0.46(0.34)	1.58	0.19(0.24)	1.21
Previously in a Detention Facility	0.46(0.25)	1.58	0.42(0.20)*	1.53
Home-One Parent/Step-Parent & No Family Members ⁴	0.15(0.08)	1.16	-0.35(0.13)*	0.70
Home-No Parents/Step-Parents & One Family Member ⁴	0.07(0.16)	1.07	-0.02(0.27)	0.98
Home-No Parents/Step-Parents & Multiple Family Members ⁴	0.27(0.33)	1.31	0.13(0.43)	1.14

* $p < .05$

¹The comparison group is White.

²The comparison group is no current drug offense.

³The comparison group is no prior drug offense.

⁴The comparison group is Home-Two Parents/Step-Parents & No Family Members

Table 7. Logistic Regression for Dade & Volusia Intake Analyses: Likelihood of Judicial Processing (Non-Diversion) Recommendation-Model 4 cont.				
Variables	Dade		Volusia	
	B(S.E.)	Odds Ratio	B(S.E.)	Odds Ratio
Home-Two Parents/Step-Parents & Family Member(s) ⁴	0.48(0.61)	1.62	0.72(0.67)	2.05
Home-One Parent/Step-Parent & Family Member(s) ⁴	0.55(0.20)*	1.74	0.51(0.35)	1.67
Home-Non-Family Placement ⁴	-0.03(0.25)	0.97	0.25(0.48)	1.28
Home-Unspecified ⁴	-0.40(0.18)*	0.67	-0.82(0.18)*	0.44
Alcohol Use is Disruptive	0.59(0.26)*	1.81	0.45(0.28)	1.56
Drug Use is Disruptive	0.15(0.14)	1.16	0.08(0.19)	1.09
Mental Health Disorder Identified	0.31(0.18)	1.36	0.21(0.17)	1.24
School Commitment-Grades	-0.45(0.07)*	0.64	-0.04(0.13)	0.96
School Involvement	0.05(0.09)	1.05	-0.65(0.16)*	0.52
Associates with Anti-Social Peers	0.20(0.07)*	1.23	0.09(0.12)	1.09
N	6,689		2,683	
Overall Percent Correct (%)	80		81	
Nagelkerke R ²	0.48		0.51	

* $p < .05$

¹The comparison group is White.

²The comparison group is no current drug offense.

³The comparison group is no prior drug offense.

⁴The comparison group is Home-Two Parents/Step-Parents & No Family Members

likely to receive a judicial handling recommendation than offenders who had dropped out, were expelled, or who were enrolled and receiving mostly Cs, Ds, Fs. In Volusia County, offenders who were enrolled and attending school or who had graduated or received a GED are 49% less likely to receive a non-diversion recommendation ($p < .05$). In Dade County, offenders associating with anti-social peers are 23% more likely to receive a non-diversion recommendation than offenders not associating with anti-social peers ($p < .05$).

The fifth model includes decision-maker perceptions of the offender related to conventional behavior, accepting responsibility for actions, believing that verbal aggression is acceptable, believing that physical aggression is acceptable, and having a history of angry or aggressive reactions to frustrations (Table 8). A simplified version of this table where all finding values are removed and an asterisk (*) is placed under the county name if the independent variable is significantly associated with the dependent

Table 8. Logistic Regression for Dade & Volusia Intake Analyses: Likelihood of Judicial Processing (Non-Diversion) Recommendation-Model 5				
Variables	Dade		Volusia	
	B(S.E.)	Odds Ratio	B(S.E.)	Odds Ratio
Constant	-2.98(0.46)*	0.05	-1.20(0.67)	0.30
Gang Member Label	0.63(0.19)*	1.87	0.00(0.27)	1.00
Black or Hispanic ¹	0.07(0.14)	1.07	0.34(0.12)*	1.40
Other ¹	0.66(0.63)	1.94	-0.44(0.97)	0.64
Male	0.29(0.08)*	1.34	0.12(0.12)	1.12
Age at Recommendation	0.14(0.02)*	1.15	0.05(0.04)	1.05
Median Income of Block Group	0.00(0.00)	1.00	-0.01(0.01)*	0.99
Current Offense Severity	0.08(0.00)*	1.08	0.03(0.01)*	1.03
Current Drug Offense-Marijuana Only ²	0.12(0.11)	1.13	-0.24(0.18)	0.78
Current Drug Offense-Not Limited to Marijuana ²	-0.12(0.14)	0.89	0.25(0.19)	1.29
Current Felony Offense	0.54(0.08)*	1.71	1.15(0.13)*	3.17
Current Sex Offense	-0.44(0.36)	0.64	1.62(0.54)*	5.05
Current Violent Offense	1.63(0.10)*	5.09	0.23(0.13)	1.26
Current Offense Took Place on School Grounds	-0.28(0.09)*	0.75	-0.33(0.13)*	0.72
Prior Offense Severity	0.02(0.01)*	1.02	0.01(0.00)*	1.01
Prior Drug Offense-Marijuana Only ³	1.05(0.19)*	2.85	0.73(0.23)*	2.07
Prior Drug Offense-Not Limited to Marijuana ³	1.12(0.43)*	3.06	0.36(0.30)	1.43
Prior Felony Offense	1.26(0.12)*	3.53	0.86(0.15)*	2.36
Prior Sex Offense	-0.13(0.47)	0.88	-0.09(0.43)	0.92
Prior Violent Offense	0.80(0.11)*	2.24	0.59(0.13)*	1.81
On Probation at Time of Recommendation	0.20(0.31)	1.22	0.69(0.23)*	1.99
In a Detention Facility at Time of Recommendation	0.08(0.28)	1.09	0.34(0.24)	1.41
Previously in a Commitment Facility	-0.64(0.84)	0.52	0.11(0.42)	1.12
Previously on Probation	0.47(0.34)	1.60	0.17(0.25)	1.18
Previously in a Detention Facility	0.41(0.26)	1.50	0.37(0.20)	1.45
Home-One Parent/Step-Parent & No Family Members ⁴	0.16(0.09)	1.18	-0.33(0.13)*	0.72
Home-No Parents/Step-Parents & One Family Member ⁴	0.09(0.16)	1.09	-0.08(0.28)	0.92
Home-No Parents/Step-Parents & Multiple Family Members ⁴	0.22(0.33)	1.25	0.07(0.44)	1.07

* $p < .05$

¹The comparison group is White.

²The comparison group is no current drug offense.

³The comparison group is no prior drug offense.

⁴The comparison group is Home-Two Parents/Step-Parents & No Family Members

Table 8. Logistic Regression for Dade & Volusia Intake Analyses: Likelihood of Judicial Processing (Non-Diversion) Recommendation-Model 5 cont.				
Variables	Dade		Volusia	
	B(S.E.)	Odds Ratio	B(S.E.)	Odds Ratio
Home-Two Parents/Step-Parents & Family Member(s) ⁴	0.51(0.61)	1.66	0.82(0.68)	2.28
Home-One Parent/Step-Parent & Family Member(s) ⁴	0.54(0.20)*	1.71	0.47(0.35)	1.59
Home-Non-Family Placement ⁴	-0.02(0.25)	0.98	0.22(0.48)	1.24
Home-Unspecified ⁴	-0.38(0.18)*	0.68	-0.80(0.18)*	0.45
Alcohol Use is Disruptive	0.52(0.27)	1.68	0.37(0.28)	1.44
Drug Use is Disruptive	-0.02(0.14)	0.98	0.02(0.19)	1.02
Mental Health Disorder Identified	0.18(0.18)	1.20	0.12(0.17)	1.12
School Commitment-Grades	-0.42(0.08)*	0.66	0.03(0.13)	1.03
School Involvement	0.12(0.09)	1.13	-0.64(0.16)*	0.53
Associates with Anti-Social Peers	0.13(0.07)	1.14	-0.09(0.13)	0.92
Conventional Behavior	-0.45(0.09)*	0.64	-0.51(0.13)*	0.60
Responsibility	-0.40(0.10)*	0.67	-0.38(0.13)*	0.69
Verbal aggression	0.16(0.09)	1.17	-0.07(0.14)	0.93
Physical aggression	-0.10(0.08)	0.91	0.16(0.13)	1.18
Anger	0.00(0.07)	1.00	0.01(0.13)	1.01
N	6,689		2,683	
Overall Percent Correct (%)	80		81	
Nagelkerke R^2	0.49		0.52	

* $p < .05$

¹The comparison group is White.

²The comparison group is no current drug offense.

³The comparison group is no prior drug offense.

⁴The comparison group is Home-Two Parents/Step-Parents & No Family Members

variable is included as Table B.1. in Appendix B. With the inclusion of these variables, the Nagelkerke R^2 for Dade County increases by .01 to .49 and by .01 to .52 in Volusia County. The percentage of cases for which the intake recommendation is accurately predicted increases marginally to 81% for Volusia County and remains at 80% for Dade County. The inclusion of the offender perception variables decreases the estimated impact of the gang member label on the likelihood of a judicial handling recommendation. Offenders with the gang member label are 87% more likely to receive a non-diversion recommendation as compared to offenders without the gang member label in Dade County, which is .19 less than the previous model ($p < .05$).

Decision-maker perceptions that the offender abides by conventional behavior standards and accepts responsibility decreases the likelihood of a judicial handling recommendation. Offenders perceived as abiding by behavior conventions are 36% less likely to receive a non-diversion recommendation in Dade County and 40% less likely in Volusia County than offenders not perceived in this way ($p < .05$). Similarly, offenders who are perceived as accepting responsibility are 33% less likely to receive a judicial handling recommendation in Dade County and 31% less likely in Volusia County as compared to offenders who are not perceived as accepting responsibility for their actions ($p < .05$). The odds of offenders who are perceived as supporting verbal aggression, physical aggression, or who are perceived as reacting with anger or aggression to frustrations for a judicial handling recommendation do not differ significantly from offenders that are not perceived in these ways.

The sixth model includes interaction terms to determine if demographic characteristics moderate the hypothesized relationship between the gang member label and the intake recommendation (Table 9). Three interaction terms are included in the model: Black or Hispanic*Gang, Other*Gang, and Male*Gang. There are no gang members in the “other” race-ethnicity category and the interaction terms were dropped from the analyses. None of the interaction terms for Dade County are significant indicating that the estimated impact of the gang member label does not vary by race-ethnicity or by sex. Only the Black or Hispanic*Gang interaction term in Volusia County is significant ($p < .05$). The finding indicates that the black or Hispanic gang members are 4.95 times more likely to receive a judicial handling recommendation than white gang members. To further investigate this issue, two additional models are analyzed: (1) one for black or Hispanic offenders only and (2) one for white offenders only. The results are displayed in Table 10. In the black or Hispanic offender model, gang members are 2.21 times more likely to receive a judicial handling recommendation ($p < .05$). In comparison, gang members in the white offender model are 62% less likely to receive a non-diversion recommendation ($p < .05$). It is surprising that the gang member label actually decreases the likelihood of judicial handling for white offenders. Even though white offenders labeled as gang members may meet the criteria, the probation officers making the

Table 9. Logistic Regression for Dade & Volusia Intake Analyses: Likelihood of Judicial Processing (Non-Diversion) Recommendation-Model 6				
Variables	Dade		Volusia	
	B(S.E.)	Odds Ratio	B(S.E.)	Odds Ratio
Constant	-2.95(0.46)*	0.05	-1.12(0.67)	0.33
Gang Member Label	-0.48(1.13)	0.62	-0.98(0.64)	0.38
Black or Hispanic ¹	0.06(0.14)	1.06	0.26(0.12)*	1.30
Other ¹	0.66(0.63)	1.93	-0.63(1.09)	0.53
Male	0.28(0.08)*	1.32	0.09(0.13)	1.10
Age at Recommendation	0.14(0.02)*	1.15	0.05(0.04)	1.05
Median Income of Block Group	0.00(0.00)	1.00	-0.01(0.01)*	0.99
Current Offense Severity	0.08(0.00)*	1.08	0.03(0.01)*	1.03
Current Drug Offense-Marijuana Only ²	0.12(0.11)	1.13	-0.23(0.18)	0.79
Current Drug Offense-Not Limited to Marijuana ²	-0.12(0.14)	0.89	0.23(0.19)	1.25
Current Felony Offense	0.54(0.08)*	1.72	1.17(0.13)*	3.21
Current Sex Offense	-0.45(0.36)	0.64	1.64(0.54)*	5.14
Current Violent Offense	1.63(0.10)*	5.10	0.23(0.13)	1.26
Current Offense Took Place on School Grounds	-0.29(0.09)*	0.75	-0.33(0.13)*	0.72
Prior Offense Severity	0.02(0.01)*	1.02	0.01(0.00)*	1.01
Prior Drug Offense-Marijuana Only ³	1.05(0.19)*	2.85	0.76(0.23)*	2.13
Prior Drug Offense-Not Limited to Marijuana ³	1.11(0.43)*	3.04	0.37(0.30)	1.45
Prior Felony Offense	1.26(0.12)*	3.54	0.87(0.15)*	2.40
Prior Sex Offense	-0.13(0.47)	0.88	-0.06(0.43)	0.94
Prior Violent Offense	0.81(0.11)*	2.24	0.60(0.13)*	1.82
On Probation at Time of Recommendation	0.19(0.31)	1.21	0.69(0.23)*	1.98
In a Detention Facility at Time of Recommendation	0.08(0.28)	1.08	0.34(0.24)	1.41
Previously in a Commitment Facility	-0.67(0.84)	0.51	0.14(0.42)	1.16
Previously on Probation	0.46(0.34)	1.59	0.17(0.25)	1.19
Previously in a Detention Facility	0.43(0.26)	1.53	0.39(0.20)	1.47
Home-One Parent/Step-Parent & No Family Members ⁴	0.16(0.09)	1.18	-0.35(0.13)*	0.71
Home-No Parents/Step-Parents & One Family Member ⁴	0.09(0.16)	1.09	-0.05(0.28)	0.95
Home-No Parents/Step-Parents & Multiple Family Members ⁴	0.22(0.33)	1.24	0.10(0.45)	1.11

* $p < .05$

¹The comparison group is White.

²The comparison group is no current drug offense.

³The comparison group is no prior drug offense.

⁴The comparison group is Home-Two Parents/Step-Parents & No Family Members

Table 9. Logistic Regression for Dade & Volusia Intake Analyses: Likelihood of Judicial Processing (Non-Diversion) Recommendation-Model 6 cont.				
Variables	Dade		Volusia	
	B(S.E.)	Odds Ratio	B(S.E.)	Odds Ratio
Home-Two Parents/Step-Parents & Family Member(s) ⁴	0.51(0.61)	1.67	0.81(0.68)	2.26
Home-One Parent/Step-Parent & Family Member(s) ⁴	0.54(0.20)*	1.71	0.42(0.36)	1.52
Home-Non-Family Placement ⁴	-0.02(0.25)	0.98	0.33(0.48)	1.39
Home-Unspecified ⁴	-0.38(0.18)*	0.68	-0.80(0.18)*	0.45
Alcohol Use is Disruptive	0.51(0.27)	1.67	0.36(0.28)	1.43
Drug Use is Disruptive	-0.02(0.14)	0.98	0.00(0.19)	1.00
Mental Health Disorder Identified	0.19(0.18)	1.21	0.12(0.17)	1.12
School Commitment-Grades	-0.42(0.08)*	0.65	0.03(0.13)	1.03
School Involvement	0.12(0.09)	1.13	-0.62(0.16)*	0.54
Associates with Anti-Social Peers	0.13(0.07)	1.14	-0.09(0.13)	0.91
Conventional Behavior	-0.45(0.09)*	0.64	-0.51(0.13)*	0.60
Responsibility	-0.39(0.10)*	0.67	-0.38(0.14)*	0.68
Verbal aggression	0.15(0.09)	1.17	-0.07(0.14)	0.93
Physical aggression	-0.10(0.08)	0.91	0.15(0.13)	1.17
Anger	0.00(0.07)	1.00	0.01(0.13)	1.01
Black or Hispanic*Gang	0.61(1.04)	1.85	1.60(0.55)*	4.95
Other*Gang	N/A	N/A	N/A	N/A
Male*Gang	0.62(0.49)	1.86	0.10(0.66)	1.10
N	6,689		2,683	
Overall Percent Correct (%)	80		81	
Nagelkerke R ²	0.49		0.53	

* $p < .05$

¹The comparison group is White.

²The comparison group is no current drug offense.

³The comparison group is no prior drug offense.

⁴The comparison group is Home-Two Parents/Step-Parents & No Family Members

recommendation may view these offenders as unfairly targeted or victims of circumstance and act more leniently.

The six logistic regression models examining the intake decision point provide some support for the hypothesis that the gang member label increases the likelihood of a judicial handling recommendation. The hypothesis is supported in Dade County but not in Volusia County. However, the model containing interaction terms in Volusia County indicate that the estimated impact of the gang member label varied for black or

Table 10. Logistic Regression for Volusia Black/Hispanic and White Intake Analyses Likelihood of Judicial Processing (Non-Diversion) Recommendation				
Variables	Black/Hispanic		White	
	B(S.E.)	Odds Ratio	B(S.E.)	Odds Ratio
Constant	-2.24(1.08)*	0.11	-0.41(0.87)	0.67
Gang Member Label	0.79(0.39)*	2.21	-0.96(0.44)*	0.38
Male	0.23(0.21)	1.26	0.04(0.16)	1.04
Age at Recommendation	0.12(0.06)*	1.12	0.01(0.05)	1.01
Median Income of Block Group	-0.02(0.01)*	0.98	-0.01(0.01)	0.99
Current Offense Severity	0.06(0.01)*	1.06	0.02(0.01)*	1.02
Current Drug Offense-Marijuana Only ²	-0.69(0.34)*	0.50	-0.08(0.21)	0.92
Current Drug Offense-Not Limited to Marijuana ²	0.65(0.42)	1.92	0.05(0.22)	1.05
Current Felony Offense	0.80(0.21)*	2.22	1.41(0.17)*	4.09
Current Sex Offense	2.03(0.92)*	7.62	1.48(0.68)*	4.40
Current Violent Offense	0.44(0.21)*	1.55	0.04(0.18)	1.04
Current Offense Took Place on School Grounds	-0.28(0.21)	0.76	-0.39(0.18)*	0.67
Prior Offense Severity	0.01(0.01)	1.01	0.02(0.01)*	1.02
Prior Drug Offense-Marijuana Only ³	0.70(0.43)	2.01	0.71(0.28)*	2.03
Prior Drug Offense-Not Limited to Marijuana ³	-0.04(0.61)	0.96	0.53(0.35)	1.71
Prior Felony Offense	1.06(0.25)*	2.88	0.81(0.19)*	2.24
Prior Sex Offense	1.33(0.84)	3.79	-1.02(0.57)	0.36
Prior Violent Offense	0.52(0.21)*	1.68	0.68(0.18)*	1.98
On Probation at Time of Recommendation	0.47(0.37)	1.59	0.84(0.30)*	2.31
In a Detention Facility at Time of Recommendation	0.14(0.35)	1.15	0.48(0.34)	1.62
Previously in a Commitment Facility	0.02(0.59)	1.02	0.35(0.61)	1.42
Previously on Probation	0.07(0.40)	1.07	0.29(0.33)	1.34
Previously in a Detention Facility	0.84(0.35)*	2.31	0.15(0.26)	1.16
Home-One Parent/Step-Parent & No Family Members ⁴	-0.35(0.25)	0.70	-0.33(0.17)*	0.72
Home-No Parents/Step-Parents & One Family Member ⁴	-0.07(0.41)	0.93	0.03(0.41)	1.03
Home-No Parents/Step-Parents & Multiple Family Members ⁴	-0.14(0.86)	0.87	0.18(0.54)	1.19
Home-Two Parents/Step-Parents & Family Member(s) ⁴	0.67(1.10)	1.96	0.98(0.90)	2.66

* $p < .05$

¹The comparison group is White.

²The comparison group is no current drug offense.

³The comparison group is no prior drug offense.

⁴The comparison group is Home-Two Parents/Step-Parents & No Family Members

Table 10. Logistic Regression for Volusia Black/Hispanic and White Intake Analyses Likelihood of Judicial Processing (Non-Diversion) Recommendation cont.				
Variables	Black/Hispanic		White	
	B(S.E.)	Odds Ratio	B(S.E.)	Odds Ratio
Home-One Parent/Step-Parent & Family Member(s) ⁴	0.31(0.52)	1.36	0.44(0.51)	1.56
Home-Non-Family Placement ⁴	0.62(0.67)	1.86	-0.23(0.74)	0.80
Home-Unspecified ⁴	-0.69(0.33)*	0.50	-0.81(0.22)*	0.44
Alcohol Use is Disruptive	1.62(0.76)*	5.06	0.11(0.32)	1.11
Drug Use is Disruptive	-0.53(0.41)	0.59	0.14(0.22)	1.15
Mental Health Disorder Identified	0.29(0.36)	1.34	0.08(0.21)	1.08
School Commitment-Grades	0.10(0.21)	1.11	-0.02(0.17)	0.98
School Involvement	-0.28(0.27)	0.76	-0.89(0.21)*	0.41
Associates with Anti-Social Peers	0.04(0.21)	1.04	-0.19(0.17)	0.83
Conventional Behavior	-0.53(0.22)*	0.59	-0.55(0.18)*	0.58
Responsibility	-0.31(0.22)	0.73	-0.39(0.18)*	0.68
Verbal aggression	-0.29(0.24)	0.74	0.03(0.18)	1.03
Physical aggression	0.25(0.23)	1.29	0.13(0.17)	1.14
Anger	0.09(0.21)	1.09	0.01(0.17)	1.01
N	1,016		1,654	
Overall Percent Correct (%)	83		81	
Nagelkerke R^2	0.58		0.48	

* $p < .05$

¹The comparison group is White.

²The comparison group is no current drug offense.

³The comparison group is no prior drug offense.

⁴The comparison group is Home-Two Parents/Step-Parents & No Family Members

Hispanic and white offenders, specifically the gang member label increases the likelihood of a judicial handling recommendation for black or Hispanic offenders but decreases the likelihood for white offenders. The hypothesis that the impact of the gang member label varies based on offender demographic characteristics is only supported in one out of four possible results. The variables measuring perception of the offender only mediate a small portion of the relationship between the gang member label and intake decision, thus providing little support for the hypothesis that these factors help explain why the gang member label impacts the intake recommendation in Dade County. However, it is also possible that the variables may not accurately or fully represent the specific perceptual concepts that do mediate the effect. Even though Model 5 takes into account legal and non-legal factors that are supposed to guide decision-making, only approximately half of

the variance is explained in either the Dade County or Volusia County model indicating that probation officers' recommendations for judicial handling are unpredictable and not explained by information available in the written records.

Disposition: Likelihood of Incarceration

This section presents the findings related to the examination of the likelihood of an incarceration recommendation, which is also referred to as an 'in/out' decision, by the juvenile probation officer. First, the descriptive statistics for the Dade County and Volusia County disposition analyses are reviewed, which are presented in Table 11. Next, the results for the six logistic regression models are discussed, which are found in Tables 12-17.

Descriptive Statistics

Of the 798 cases in Dade County, 774 have an available Pre-Disposition Report recommendation (97%). The proportion of available Pre-Disposition Report recommendations is lower in Volusia County where 785 of the 846 cases are available (93%). The dependent variable in these analyses is the juvenile probation officer's recommendation in the Pre-Disposition Report, which is either for community supervision or incarceration. The judge is not required to follow the recommendation of the juvenile probation officer. In Dade County, the final outcome of the case matches the recommendation in 91% of the cases, and the corresponding proportion in Volusia County is 83%. In both counties, the proportion of community supervision final outcomes is higher in the group where the final outcome and the recommendation do not match indicating that the deviation resulted in more lenient final outcomes.

The descriptive statistics are discussed for cases with an available Pre-Disposition Report recommendation. There are 774 recommendations available for the offenders in Dade County and a slightly higher number available in Volusia County ($n=785$). The proportion of offenders receiving an incarceration recommendation is nearly double in Dade County (54%) than in Volusia County (28%). The discussion of independent variable descriptive statistics is limited to those variables that are examined in the stated hypotheses. The proportion of offenders who are labeled as gang members is higher in

Table 11. Descriptive Statistics for Dade & Volusia Disposition Analyses

	Dade					Volusia						
	Cases	Missing (%)	Min.	Max.	Mean/Percent	S.D.	Cases	Missing (%)	Min.	Max.	Mean/Percent	S.D.
Subjects	774						785					
Dependent Variable												
Recommendation for disposition	774	0%	0	1	54%		785	0%	0	1	28%	
Independent Variables												
Gang Member Label	774	0%	0	1	18%		785	0%	0	1	14%	
Black	774	0%	0	1	54%		785	0%	0	1	39%	
Hispanic	774	0%	0	1	41%		785	0%	0	1	6%	
White	774	0%	0	1	5%		785	0%	0	1	55%	
Other	774	0%	0	1	0%		785	0%	0	0	0%	
Male	774	0%	0	1	89%		785	0%	0	1	82%	
Age at Recommendation	774	0%	13.1	18.6	16.7	1.1	785	0%	10.3	18.7	16.4	1.4
Median Income of Block Group (\$1,000)	735	5%	6.7	130.2	30.0	14.6	742	5%	10.5	82.9	32.0	11.5
Current Offense Severity	774	0%	0.2	352.5	40.6	42.4	785	0%	0.2	329.6	39.8	48.9
Current Drug Offense-Marijuana Only	774	0%	0	1	16%		785	0%	0	1	12%	
Current Drug Offense-Not Limited to Marijuana	774	0%	0	1	14%		785	0%	0	1	11%	
Current Felony Offense	774	0%	0	1	83%		785	0%	0	1	55%	
Current Sex Offense	774	0%	0	1	1%		785	0%	0	1	2%	
Current Violent Offense	774	0%	0	1	43%		785	0%	0	1	31%	
Current Offense Took Place on School Grounds	774	0%	0	1	18%		785	0%	0	1	16%	
Prior Offense Severity	774	0%	0.0	285.8	26.8	30.0	785	0%	0.0	282.1	30.9	41.6
Prior Drug Offense-Marijuana Only	774	0%	0	1	27%		785	0%	0	1	28%	
Prior Drug Offense-Not Limited to Marijuana	774	0%	0	1	14%		785	0%	0	1	22%	
Prior Felony Offense	774	0%	0	1	85%		785	0%	0	1	79%	
Prior Sex Offense	774	0%	0	1	5%		785	0%	0	1	7%	
Prior Violent Offense	774	0%	0	1	64%		785	0%	0	1	64%	
On Probation at Time of Recommendation	774	0%	0	1	35%		785	0%	0	1	41%	
In a Detention Facility at Time of Recommendation	774	0%	0	1	49%		785	0%	0	1	32%	
Previously in a Commitment Facility	774	0%	0	1	7%		785	0%	0	1	17%	
Previously on Probation	774	0%	0	1	43%		785	0%	0	1	47%	
Previously in a Detention Facility	774	0%	0	1	92%		785	0%	0	1	75%	

Table 11. Descriptive Statistics for Dade & Volusia Disposition Analyses cont.

	Dade					Volusia						
	Cases	Missing (%)	Min.	Max.	Mean/Percent	S.D.	Cases	Missing (%)	Min.	Max.	Mean/Percent	S.D.
Home-One Parent/Step-Parent & No Family Members	774	0%	0	1	50%		782	0%	0	1	51%	
Home-Two Parents/Step-Parents & No Family Members	774	0%	0	1	26%		782	0%	0	1	26%	
Home-No Parents/Step-Parents & One Family Member	774	0%	0	1	6%		782	0%	0	1	6%	
Home-No Parents/Step-Parents & Multiple Family Members	774	0%	0	1	2%		782	0%	0	1	3%	
Home-Two Parents/Step-Parents & Family Member(s)	774	0%	0	1	2%		782	0%	0	1	1%	
Home-One Parent/Step-Parent & Family Member(s)	774	0%	0	1	9%		782	0%	0	1	7%	
Home-Non-Family Placement	774	0%	0	1	3%		782	0%	0	1	3%	
Home-Unspecified	774	0%	0	1	2%		782	0%	0	1	3%	
Alcohol Use is Disruptive	774	0%	0	1	7%		745	5%	0	1	9%	
Drug Use is Disruptive	774	0%	0	1	32%		745	5%	0	1	27%	
Mental Health Disorder Identified	768	1%	0	1	13%		735	6%	0	1	20%	
School Commitment-Grades	774	0%	0	1	29%		745	5%	0	1	44%	
School Involvement	773	0%	0	1	53%		744	5%	0	1	70%	
Associates with Anti-Social Peers	774	0%	0	1	91%		745	5%	0	1	87%	
Conventional Behavior	774	0%	0	1	40%		745	5%	0	1	39%	
Responsibility	774	0%	0	1	49%		745	5%	0	1	51%	
Verbal aggression	774	0%	0	1	51%		745	5%	0	1	54%	
Physical aggression	774	0%	0	1	66%		745	5%	0	1	65%	
Anger	774	0%	0	1	66%		744	5%	0	1	63%	

Recommendation & Actual Decision Match (91%)

Missing Recommendation (n=24)

Recommendation & Actual Decision Match (83%)

Missing Recommendation (n=61)

Dade County (18%) than in Volusia County (14%). The racial-ethnicity make-up of offenders is very different between Dade County and Volusia County. In Dade County, the largest racial-ethnic group of offenders is black (54%), followed by Hispanic (41%), and white (5%). In comparison, in Volusia County, white offenders constitute 55% of the offenders, followed by black offenders (39%), and Hispanic offenders (6%). The majority of the offenders are male in both Dade County (89%) and Volusia County (82%). Dade and Volusia County, respectively, reported similar proportions for the perceptions of the offender regarding conventional behavior (40%, 39%), taking responsibility (49%, 51%), supporting verbal aggression (51%, 54%), supporting physical aggression (66%, 65%), and having an angry or aggressive response to frustrations (66%, 63%).

After the missing data values were imputed, tolerance levels and bivariate correlations were examined. With the exception of the Black and Hispanic variables in Dade County, all of the tolerance levels are greater than .20. Furthermore, all of the correlations are below .80, except for the correlation between the Black and Hispanic variables in Dade County. Correlations above .80 can indicate the presence of multicollinearity (Lewis-Beck, 1980). The Black and Hispanic variables are removed from the analyses and replaced with a variable that indicates if offenders are black *or* Hispanic, which is compared to the excluded category of white offenders.

Logistic Regression Results

The first logistic regression model only includes the gang member label variable without any control variables (Table 12). This model reports a Nagelkerke R^2 of .01 and accurately predicts the disposition recommendation in 54% of cases in Dade County. In

Table 12. Logistic Regression for Dade & Volusia Intake Analyses: Likelihood of Incarceration Recommendation (In/Out Decision)-Model 1				
Variables	Dade		Volusia	
	B(S.E.)	Odds Ratio	B(S.E.)	Odds Ratio
Constant	0.08(0.08)	1.08	-1.21(0.09)*	0.30
Gang Member Label	0.50(0.19)*	1.65	1.59(0.22)*	4.91
N	774		785	
Overall Percent Correct (%)	54		75	
Nagelkerke R^2	0.01		0.10	

* $p < .05$

Volusia County, the model reports a Nagelkerke R^2 of .10 and accurately predicts 75% of the disposition recommendations. The gang member label is associated with a higher likelihood of an incarceration recommendation in both Dade County and Volusia County. In Dade County, offenders labeled as gang members are 65% more likely to receive an incarceration recommendation than offenders not labeled as gang members ($p < .05$). In Volusia County, offenders labeled as gang members are 4.91 times more likely to receive an incarceration recommendation ($p < .05$), which is substantially higher than Dade County.

The second model incorporates demographic characteristics: race/ethnicity, age, sex, and income (Table 13). This model reports a Nagelkerke R^2 of .04, which is an increase in the explained variance of .03 from the previous model, and accurately predicts the disposition recommendation in 59% of cases in Dade County. In Volusia County, the inclusion of demographic variables increases the Nagelkerke R^2 from .10 to .14 but the accurate prediction rate for the disposition recommendation remains unchanged. The gang member label increases the likelihood of an incarceration recommendation in both Dade County and Volusia County by a factor of 1.62 and 4.64, respectively ($p < .05$). These findings are similar to the previous model indicating that the association between the gang member label and the disposition recommendation is not due to the race, sex, or

Table 13. Logistic Regression for Dade & Volusia Intake Analyses: Likelihood of Incarceration Recommendation (In/Out Decision)-Model 2				
Variables	Dade		Volusia	
	B(S.E.)	Odds Ratio	B(S.E.)	Odds Ratio
Constant	3.74(1.20)*	42.17	-0.07(0.98)	0.94
Gang Member Label	0.48(0.19)*	1.62	1.54(0.23)*	4.64
Black or Hispanic ¹	0.00(0.35)	1.00	0.60(0.18)*	1.83
Other ¹	N/A	N/A	N/A	N/A
Male	0.25(0.24)	1.28	0.54(0.24)*	1.71
Age at Recommendation	-0.23(0.07)*	0.80	-0.11(0.06)	0.90
Median Income of Block Group	0.00(0.01)	1.00	0.00(0.01)	1.00
N	774		785	
Overall Percent Correct (%)	59		75	
Nagelkerke R^2	0.04		0.14	

* $p < .05$

¹The comparison group is White.

age of the gang member. The race-ethnicity variables for Dade County and Volusia County are both constructed using a series of dummy variables with the white race-ethnicity group as the comparison group. The odds of receiving an incarceration recommendation for black or Hispanic offenders or offenders in the “other” race-ethnicity category as compared to white offenders are not significantly different in Dade County. In Volusia County, black or Hispanic offenders are 83% more likely to receive an incarceration recommendation as compared to white offenders ($p < .05$). In Volusia County, male offenders are 71% more likely to receive an incarceration recommendation than females, but in Dade County the differences are not significant between males and females. The likelihood of receiving an incarceration recommendation decreases with age by 20% in Dade County ($p < .05$) for each year older the offender is at the time of the recommendation, but age is not significant in Volusia County. As offenders become closer to the age of 18, there is an increased likelihood that the more serious offenders are sent directly to the adult system, thus bypassing the disposition stage in the juvenile system, which could partially explain the results related to age for Dade County. The median income of the block group is not significantly related to the recommendation decision.

The third model includes offense characteristic variables, including current offenses, prior offenses, as well as system contact variables, in addition to the gang member label and demographic variables (Table 14). With the inclusion of these variables, the Nagelkerke R^2 increases for both counties from .04 to .28 for Dade County and from .14 to .45 for Volusia County. The percentage of cases for which the model accurately predicts the disposition recommendation increases from 68% to 69% in Dade County and remains at 80% in Volusia County. In Volusia County, offenders with the gang member label are 3.61 times more likely to receive an incarceration recommendation compared to offenders not labeled as gang members, which is a decrease of 1.03 from the previous model ($p < .05$). In this model for Dade County, with the inclusion of the offense and system contact variables, the odds of offenders labeled as gang members receiving an incarceration recommendation do not differ significantly from the odds of offenders who are not labeled as gang members.

Table 14. Logistic Regression for Dade & Volusia Intake Analyses: Likelihood of Incarceration Recommendation (In/Out Decision)-Model 3				
Variables	Dade		Volusia	
	B(S.E.)	Odds Ratio	B(S.E.)	Odds Ratio
Constant	3.52(1.47)*	33.63	-0.11(1.33)	0.90
Gang Member Label	0.23(0.21)	1.25	1.29(0.28)*	3.61
Black or Hispanic ¹	-0.20(0.39)	0.82	0.20(0.22)	1.23
Other ¹	N/A	N/A	N/A	N/A
Male	-0.09(0.27)	0.91	0.06(0.30)	1.06
Age at Recommendation	-0.36(0.08)*	0.70	-0.26(0.08)*	0.77
Median Income of Block Group	0.01(0.01)	1.01	0.00(0.01)	1.00
Current Offense Severity	0.01(0.00)*	1.01	-0.01(0.00)*	0.99
Current Drug Offense-Marijuana Only ²	0.03(0.25)	1.03	0.56(0.34)	1.75
Current Drug Offense-Not Limited to Marijuana ²	0.51(0.28)	1.67	0.68(0.33)*	1.98
Current Felony Offense	0.45(0.24)	1.56	1.17(0.23)*	3.21
Current Sex Offense	0.51(1.05)	1.67	1.54(0.67)*	4.66
Current Violent Offense	0.05(0.19)	1.06	0.69(0.24)*	1.99
Current Offense Took Place on School Grounds	-0.28(0.22)	0.76	0.03(0.27)	1.03
Prior Offense Severity	0.01(0.00)*	1.01	0.00(0.00)	1.00
Prior Drug Offense-Marijuana Only ³	-0.33(0.21)	0.72	0.08(0.25)	1.08
Prior Drug Offense-Not Limited to Marijuana ³	0.36(0.27)	1.44	0.17(0.28)	1.19
Prior Felony Offense	0.15(0.26)	1.16	-0.02(0.32)	0.98
Prior Sex Offense	-0.29(0.41)	0.75	0.29(0.38)	1.34
Prior Violent Offense	0.19(0.19)	1.20	-0.38(0.25)	0.69
On Probation at Time of Recommendation	0.39(0.18)*	1.47	1.12(0.23)*	3.07
In a Detention Facility at Time of Recommendation	1.38(0.19)*	3.96	1.40(0.21)*	4.05
Previously in a Commitment Facility	0.04(0.36)	1.04	-0.21(0.30)	0.81
Previously on Probation	0.68(0.20)*	1.98	0.74(0.25)*	2.09
Previously in a Detention Facility	0.57(0.33)	1.77	1.16(0.37)*	3.19
N		774		785
Overall Percent Correct (%)		68		80
Nagelkerke R ²		0.28		0.45

* $p < .05$

¹The comparison group is White.

²The comparison group is no current drug offense.

³The comparison group is no prior drug offense.

With the addition of offense characteristic and system contact variables, the odds of black and Hispanic offenders receiving an incarceration recommendation are no longer significantly different from the odds for white offenders in Volusia County. In addition, the odds of male offenders receiving an incarceration recommendation are no longer significantly different from female offenders. Older offenders are less likely to receive an

incarceration recommendation than younger offenders with a 30% decrease for each year older at the time of the recommendation in Dade County and a 23% decrease for each year older in Volusia County ($p < .05$). One possible explanation for these results is that more serious offenders who are closer to the age of 18 may be direct filed to adult court; therefore, the remaining older offenders are also less serious offenders.

Current offense variables include offense severity and types of offenses (e.g., drug, felony, sexual, violent, and took place on school grounds). Under focal concerns theory, these variables are measures of blameworthiness and threat to the community. The likelihood of receiving an incarceration recommendation increases with each unit increase of the offense severity score by 1% in Dade County but decreases by 1% in Volusia County ($p < .05$). The finding for Volusia County is surprising because it appears that probation officers in Volusia County are making recommendations that are contrary to the philosophy of preserving public safety since they are less likely to recommend incarceration for more serious current offenses. Of the current offense variables for Dade County, the offense severity score is the only one significantly related to the likelihood of an incarceration recommendation. In Volusia County, current felony offenses under consideration increases the likelihood of an incarceration recommendation by a factor of 3.21 and current violent offenses by a factor of 1.99 ($p < .05$). Sexual offenses currently under consideration increase the likelihood of an incarceration recommendation by a factor of 4.66 in Volusia County ($p < .05$). An offense taking place on school grounds is not significantly related to the likelihood of an incarceration recommendation. Of the current drug offense variables, only current drug offenses not limited to marijuana is significantly related to the likelihood of an incarceration recommendation, which increases by a factor of 1.98 ($p < .05$).

Prior offense variables include offense severity and types of offenses (e.g., drug, felony, sex, and violent). Of the prior offense variables, only offense severity is associated with an incarceration recommendation in Dade County and none are related to this decision in Volusia County. In Dade County, a one unit increase in the prior offense severity score increases the likelihood of an incarceration recommendation by 1%. The lack of significant findings in Volusia County suggests that probation officers are not

using offense history to make recommendation decisions, which is contrary to the philosophy of protecting public safety.

System contact variables include being on probation at the time of the recommendation, in a detention facility at the time of recommendation, previously in a commitment facility, previously on probation, or previously in a detention facility. Being on probation at the time of the recommendation increases the likelihood of an incarceration recommendation in Volusia County by a factor of 3.07 and increases the likelihood by 47% in Dade County ($p < .05$). Offenders who were previously in a detention facility are 3.96 and 4.05 times more likely to receive an incarceration recommendation as compared to offenders not previously held in a detention facility in Dade County and Volusia County, respectively ($p < .05$). Offenders previously on probation are 98% more likely to receive an incarceration recommendation in Dade County and more likely by a factor of 2.09 in Volusia County ($p < .05$). The odds do not differ significantly for offenders previously in a commitment facility or in a detention facility as compared to offenders not previously in a commitment facility or in a detention facility in either Dade or Volusia County.

In general, the inclusion of the offense and system contact variables in Model 3 decreases the estimated impact of the gang member label by 22% in Volusia County and eliminates the impact in Dade County. Therefore, some of the previously identified impact of the gang member label on the disposition decision is due to offenses and system contact characterizing gang members. The inclusion of these variables also decreases the estimated impact of some demographic variables (e.g., black and Hispanic in Volusia County) on the likelihood of receiving an incarceration recommendation. The offense and system contact variables provide more explanatory value than the gang label or demographic variables based on the increase in the proportion of variance explained in both Dade County and Volusia County.

The fourth model includes life factor variables: family structure, alcohol use, drug use, mental health disorder, school, and peer variables (Table 15). With the inclusion of these variables, the Nagelkerke R^2 increases from .28 to .34 in Dade County and from .45 to .48 in Volusia County. The percentage of cases for which the model accurately predicts the disposition recommendation increases marginally in Dade County (71%) and

Table 15. Logistic Regression for Dade & Volusia Intake Analyses: Likelihood of Incarceration Recommendation (In/Out Decision)-Model 4				
Variables	Dade		Volusia	
	B(S.E.)	Odds Ratio	B(S.E.)	Odds Ratio
Constant	2.45(1.61)	11.55	-0.61(1.50)	0.54
Gang Member Label	0.11(0.23)	1.12	1.15(0.29)*	3.15
Black or Hispanic ¹	-0.20(0.40)	0.82	0.45(0.24)	1.56
Other ¹	N/A	N/A	N/A	N/A
Male	-0.07(0.28)	0.94	0.17(0.31)	1.19
Age at Recommendation	-0.33(0.09)*	0.72	-0.25(0.08)*	0.78
Median Income of Block Group	0.01(0.01)	1.01	0.00(0.01)	1.00
Current Offense Severity	0.01(0.00)*	1.01	-0.01(0.00)*	0.99
Current Drug Offense-Marijuana Only ²	-0.01(0.26)	0.99	0.54(0.35)	1.72
Current Drug Offense-Not Limited to Marijuana ²	0.45(0.29)	1.57	0.66(0.34)	1.94
Current Felony Offense	0.48(0.26)	1.61	1.20(0.24)*	3.33
Current Sex Offense	0.57(1.24)	1.77	1.66(0.69)*	5.27
Current Violent Offense	0.08(0.19)	1.08	0.64(0.24)*	1.91
Current Offense Took Place on School Grounds	-0.32(0.24)	0.72	-0.01(0.28)	0.99
Prior Offense Severity	0.01(0.00)*	1.01	0.00(0.00)	1.00
Prior Drug Offense-Marijuana Only ³	-0.52(0.22)*	0.59	0.01(0.26)	1.01
Prior Drug Offense-Not Limited to Marijuana ³	0.37(0.29)	1.45	0.13(0.29)	1.13
Prior Felony Offense	0.18(0.27)	1.20	-0.03(0.33)	0.97
Prior Sex Offense	-0.43(0.45)	0.65	0.32(0.40)	1.37
Prior Violent Offense	0.13(0.20)	1.14	-0.40(0.26)	0.67
On Probation at Time of Recommendation	0.38(0.19)*	1.46	1.12(0.24)*	3.08
In a Detention Facility at Time of Recommendation	1.35(0.20)*	3.86	1.38(0.21)*	3.96
Previously in a Commitment Facility	0.15(0.37)	1.17	-0.30(0.31)	0.74
Previously on Probation	0.66(0.20)*	1.94	0.81(0.26)*	2.25
Previously in a Detention Facility	0.53(0.34)	1.70	1.01(0.38)*	2.74
Home-One Parent/Step-Parent & No Family Members ⁴	0.16(0.21)	1.17	-0.24(0.26)	0.79
Home-No Parents/Step-Parents & One Family Member ⁴	0.38(0.38)	1.47	-0.49(0.46)	0.61
Home-No Parents/Step-Parents & Multiple Family Members ⁴	0.93(0.64)	2.53	0.18(0.61)	1.20

* $p < .05$

¹The comparison group is White.

²The comparison group is no current drug offense.

³The comparison group is no prior drug offense.

⁴The comparison group is Home-Two Parents/Step-Parents & No Family Members

Table 15. Logistic Regression for Dade & Volusia Intake Analyses: Likelihood of Incarceration Recommendation (In/Out Decision)-Model 4 cont.				
Variables	Dade		Volusia	
	B(S.E.)	Odds Ratio	B(S.E.)	Odds Ratio
Home-Two Parents/Step-Parents & Family Member(s) ⁴	0.03(0.73)	1.03	1.04(0.87)	2.83
Home-One Parent/Step-Parent & Family Member(s) ⁴	0.49(0.35)	1.63	-0.30(0.45)	0.74
Home-Non-Family Placement ⁴	0.14(0.54)	1.15	0.45(0.58)	1.57
Home-Unspecified ⁴	-0.56(0.58)	0.57	-0.35(0.70)	0.70
Alcohol Use is Disruptive	-0.22(0.36)	0.80	-0.34(0.40)	0.71
Drug Use is Disruptive	0.50(0.21)*	1.64	0.36(0.25)	1.44
Mental Health Disorder Identified	0.82(0.29)*	2.27	0.58(0.26)*	1.78
School Commitment-Grades	-0.54(0.22)*	0.58	-0.09(0.25)	0.92
School Involvement	-0.26(0.21)	0.77	-0.27(0.26)	0.76
Associates with Anti-Social Peers	0.36(0.32)	1.43	0.47(0.39)	1.60
N	774		785	
Overall Percent Correct (%)	71		81	
Nagelkerke R ²	0.34		0.48	

* $p < .05$

¹The comparison group is White.

²The comparison group is no current drug offense.

³The comparison group is no prior drug offense.

⁴The comparison group is Home-Two Parents/Step-Parents & No Family Members

Volusia County (81%). The inclusion of the life factor variables decreases the estimated impact of the gang member label on the likelihood of an incarceration recommendation. Offenders with the gang member label are 3.15 times more likely to receive an incarceration recommendation as compared to offenders without the gang member label in Dade County ($p < .05$), which is a decrease in the odds ratio of .46 from the previous model.

A series of variables are included in the fourth model to examine the impact of different family structures on the likelihood of an incarceration recommendation. None of the family structure variables are significantly related to the recommendation decision. Of the alcohol and drug use variables, only drug use in Dade County is significantly related to the likelihood of receiving an incarceration recommendation. Offenders for whom drug use is disruptive are 64% more likely to receive an incarceration recommendation ($p < .05$). Offenders with a mental health disorder diagnosis are 2.27 times more likely to

receive an incarceration recommendation in Dade County and 78% more likely in Volusia County. In Dade County, offenders who were enrolled and receiving As, Bs, and Cs or had graduated or received a GED are 42% less likely to receive an incarceration recommendation. The remaining school variables and the associating with anti-social peers variable are not significantly associated with the recommendation decision.

The fifth model includes decision-maker perceptions of the offender related to conventional behavior, accepting responsibility for actions, believing that verbal aggression is acceptable, believing that physical aggression is acceptable, and having a history of angry or aggressive reactions to frustrations (Table 16). A simplified version of this table where all finding values are removed and an asterisk (*) is placed under the county name if the independent variable is significantly related with the dependent variable is included as Table B.2. in Appendix B. With the inclusion of these variables, the Nagelkerke R^2 for Dade County increases by .01 to .35, and the Nagelkerke R^2 remains the same in Volusia County. The percentage of cases for which the model accurately predicts the disposition recommendation remained at 81% for Volusia County and at 71% for Dade County ($p < .05$). The inclusion of the offender perception variables slightly decreases the estimated impact of the gang member label on the likelihood of an incarceration recommendation. This finding indicates that the perceptions of the offender play at most a minor role mediating the effect of the gang member label on incarceration recommendations. Offenders with the gang member label are 2.95 times more likely to receive an incarceration recommendation as compared to offenders without the gang member label in Volusia County, which is .20 less than the previous model ($p < .05$). Of the perception variables, only two are significantly related to the likelihood of an incarceration recommendation. In Dade County, offenders supporting the use of verbal aggression are 96% more likely to receive an incarceration recommendation. Surprisingly, offenders supporting the use of physical aggression are 40% less likely to receive an incarceration recommendation.

The sixth model includes interaction terms to determine if demographic characteristics moderate the hypothesized relationship between the gang member label and the disposition recommendation (Table 17). Three interaction terms are included in the model: Black or Hispanic*Gang, Other*Gang, and Male*Gang. There are not gang

Table 16. Logistic Regression for Dade & Volusia Intake Analyses: Likelihood of Incarceration Recommendation (In/Out Decision)-Model 5				
Variables	Dade		Volusia	
	B(S.E.)	Odds Ratio	B(S.E.)	Odds Ratio
Constant	2.33(1.65)	10.25	-0.61(1.56)	0.54
Gang Member Label	0.13(0.23)	1.14	1.08(0.29)*	2.95
Black or Hispanic ¹	-0.29(0.41)	0.75	0.41(0.24)	1.50
Other ¹	N/A	N/A	N/A	N/A
Male	-0.03(0.29)	0.97	0.16(0.31)	1.17
Age at Recommendation	-0.32(0.09)*	0.72	-0.23(0.09)*	0.79
Median Income of Block Group	0.01(0.01)	1.01	0.00(0.01)	1.00
Current Offense Severity	0.01(0.00)*	1.01	-0.01(0.00)*	0.99
Current Drug Offense-Marijuana Only ²	0.01(0.26)	1.01	0.60(0.36)	1.83
Current Drug Offense-Not Limited to Marijuana ²	0.44(0.30)	1.55	0.68(0.35)*	1.98
Current Felony Offense	0.50(0.26)	1.65	1.23(0.24)*	3.43
Current Sex Offense	0.61(1.20)	1.85	1.67(0.68)*	5.33
Current Violent Offense	0.06(0.20)	1.06	0.64(0.25)*	1.90
Current Offense Took Place on School Grounds	-0.38(0.24)	0.69	-0.03(0.29)	0.97
Prior Offense Severity	0.01(0.00)*	1.01	0.00(0.00)	1.00
Prior Drug Offense-Marijuana Only ³	-0.57(0.22)*	0.57	0.01(0.26)	1.01
Prior Drug Offense-Not Limited to Marijuana ³	0.38(0.29)	1.46	0.10(0.29)	1.11
Prior Felony Offense	0.16(0.28)	1.18	-0.06(0.33)	0.94
Prior Sex Offense	-0.48(0.46)	0.62	0.33(0.40)	1.39
Prior Violent Offense	0.16(0.21)	1.17	-0.41(0.26)	0.66
On Probation at Time of Recommendation	0.37(0.19)	1.44	1.12(0.24)*	3.05
In a Detention Facility at Time of Recommendation	1.38(0.20)*	3.96	1.35(0.21)*	3.85
Previously in a Commitment Facility	0.16(0.38)	1.17	-0.27(0.31)	0.76
Previously on Probation	0.67(0.20)*	1.95	0.79(0.27)*	2.20
Previously in a Detention Facility	0.52(0.35)	1.68	0.96(0.39)*	2.61
Home-One Parent/Step-Parent & No Family Members ⁴	0.19(0.21)	1.22	-0.22(0.26)	0.81
Home-No Parents/Step-Parents & One Family Member ⁴	0.50(0.39)	1.65	-0.51(0.47)	0.60
Home-No Parents/Step-Parents & Multiple Family Members ⁴	1.02(0.66)	2.78	0.11(0.61)	1.11

* $p < .05$

¹The comparison group is White.

²The comparison group is no current drug offense.

³The comparison group is no prior drug offense.

⁴The comparison group is Home-Two Parents/Step-Parents & No Family Members

Table 16. Logistic Regression for Dade & Volusia Intake Analyses: Likelihood of Incarceration Recommendation (In/Out Decision)-Model 5 cont.				
Variables	Dade		Volusia	
	B(S.E.)	Odds Ratio	B(S.E.)	Odds Ratio
Home-Two Parents/Step-Parents & Family Member(s) ⁴	-0.07(0.73)	0.93	1.05(0.86)	2.86
Home-One Parent/Step-Parent & Family Member(s) ⁴	0.58(0.35)	1.78	-0.32(0.45)	0.73
Home-Non-Family Placement ⁴	0.26(0.54)	1.29	0.38(0.58)	1.46
Home-Unspecified ⁴	-0.56(0.59)	0.57	-0.39(0.70)	0.68
Alcohol Use is Disruptive	-0.19(0.37)	0.83	-0.37(0.40)	0.69
Drug Use is Disruptive	0.53(0.22)*	1.70	0.30(0.26)	1.35
Mental Health Disorder Identified	0.80(0.30)*	2.23	0.52(0.27)	1.68
School Commitment-Grades	-0.53(0.23)*	0.59	-0.08(0.25)	0.92
School Involvement	-0.22(0.21)	0.80	-0.23(0.26)	0.79
Associates with Anti-Social Peers	0.41(0.32)	1.51	0.40(0.40)	1.49
Conventional Behavior	0.08(0.22)	1.08	-0.35(0.27)	0.70
Responsibility	0.03(0.21)	1.03	-0.18(0.24)	0.84
Verbal aggression	0.68(0.22)*	1.96	-0.06(0.26)	0.94
Physical aggression	-0.51(0.23)*	0.60	0.02(0.30)	1.02
Anger	-0.06(0.20)	0.94	0.13(0.25)	1.14
N	774		785	
Overall Percent Correct (%)	71		81	
Nagelkerke R ²	0.35		0.48	

* $p < .05$

¹The comparison group is White.

²The comparison group is no current drug offense.

³The comparison group is no prior drug offense.

⁴The comparison group is Home-Two Parents/Step-Parents & No Family Members

members in the “other” race-ethnicity category, and the interaction term was dropped from the analysis. None of the interaction terms are significant indicating that the estimated impact of the gang member label does not vary by race-ethnicity or by sex. The six logistic regression models examining the disposition decision point provide some support for the hypothesis that the gang member label increases the likelihood of an incarceration recommendation. The hypothesis is supported in Volusia County but not in Dade County. The hypothesis that the impact of the gang member label varies based on offender demographic characteristics is not supported by the results of the analyses. The perception-of-the-offender variables only mediate a small portion of the relationship

Table 17. Logistic Regression for Dade & Volusia Intake Analyses: Likelihood of Incarceration Recommendation (In/Out Decision)-Model 6				
Variables	Dade		Volusia	
	B(S.E.)	Odds Ratio	B(S.E.)	Odds Ratio
Constant	2.48(1.66)	11.99	-0.60(1.59)	0.55
Gang Member Label	-0.79(1.24)	0.45	0.75(0.80)	2.12
Black or Hispanic ¹	-0.44(0.45)	0.64	0.45(0.27)	1.57403
Other ¹	N/A	N/A	N/A	N/A
Male	-0.05(0.31)	0.95	0.06(0.34)	1.06
Age at Recommendation	-0.32(0.09)*	0.72	-0.23(0.09)*	0.79
Median Income of Block Group	0.01(0.01)	1.01	0.00(0.01)	1.00
Current Offense Severity	0.01(0.00)*	1.01	-0.01(0.00)*	0.99
Current Drug Offense-Marijuana Only ²	0.02(0.26)	1.02	0.63(0.36)	1.87
Current Drug Offense-Not Limited to Marijuana ²	0.43(0.30)	1.54	0.69(0.35)*	2.00
Current Felony Offense	0.51(0.26)*	1.67	1.24(0.24)*	3.47
Current Sex Offense	0.63(1.20)	1.87	1.68(0.69)*	5.39
Current Violent Offense	0.05(0.20)	1.05	0.64(0.25)*	1.90
Current Offense Took Place on School Grounds	-0.37(0.24)	0.69	-0.04(0.29)	0.96
Prior Offense Severity	0.01(0.00)*	1.01	0.00(0.00)	1.00
Prior Drug Offense-Marijuana Only ³	-0.57(0.22)*	0.57	0.01(0.26)	1.01
Prior Drug Offense-Not Limited to Marijuana ³	0.36(0.29)	1.43	0.10(0.29)	1.11
Prior Felony Offense	0.18(0.28)	1.19	-0.04(0.33)	0.96
Prior Sex Offense	-0.49(0.46)	0.61	0.35(0.40)	1.41
Prior Violent Offense	0.17(0.21)	1.18	-0.41(0.26)	0.66
On Probation at Time of Recommendation	0.35(0.19)	1.43	1.12(0.24)*	3.07
In a Detention Facility at Time of Recommendation	1.37(0.20)*	3.93	1.34(0.21)*	3.80
Previously in a Commitment Facility	0.15(0.38)	1.16	-0.27(0.31)	0.76
Previously on Probation	0.66(0.20)*	1.94	0.79(0.27)*	2.20
Previously in a Detention Facility	0.50(0.36)	1.64	0.95(0.39)*	2.59
Home-One Parent/Step-Parent & No Family Members ⁴	0.19(0.21)	1.21	-0.22(0.26)	0.80
Home-No Parents/Step-Parents & One Family Member ⁴	0.51(0.39)	1.66	-0.48(0.47)	0.62
Home-No Parents/Step-Parents & Multiple Family Members ⁴	1.02(0.66)	2.78	0.19(0.62)	1.21

* $p < .05$

¹The comparison group is White.

²The comparison group is no current drug offense.

³The comparison group is no prior drug offense.

⁴The comparison group is Home-Two Parents/Step-Parents & No Family Members

Table 17. Logistic Regression for Dade & Volusia Intake Analyses: Likelihood of Incarceration Recommendation (In/Out Decision)-Model 6 cont.				
Variables	Dade		Volusia	
	B(S.E.)	Odds Ratio	B(S.E.)	Odds Ratio
Home-Two Parents/Step-Parents & Family Member(s) ⁴	-0.07(0.73)	0.93	1.07(0.86)	2.91
Home-One Parent/Step-Parent & Family Member(s) ⁴	0.59(0.35)	1.81	-0.32(0.45)	0.73
Home-Non-Family Placement ⁴	0.25(0.54)	1.28	0.36(0.58)	1.43
Home-Unspecified ⁴	-0.54(0.60)	0.58	-0.39(0.70)	0.68
Alcohol Use is Disruptive	-0.20(0.37)	0.82	-0.37(0.41)	0.69
Drug Use is Disruptive	0.55(0.22)*	1.73	0.32(0.26)	1.38
Mental Health Disorder Identified	0.80(0.30)*	2.23	0.52(0.27)	1.69
School Commitment-Grades	-0.54(0.23)*	0.58	-0.08(0.25)	0.92
School Involvement	-0.21(0.21)	0.81	-0.23(0.26)	0.80
Associates with Anti-Social Peers	0.42(0.32)	1.52	0.41(0.40)	1.50
Conventional Behavior	0.08(0.22)	1.08	-0.36(0.27)	0.69
Responsibility	0.03(0.21)	1.03	-0.17(0.24)	0.85
Verbal aggression	0.70(0.22)*	2.01	-0.06(0.26)	0.94
Physical aggression	-0.52(0.23)*	0.59	0.02(0.30)	1.02
Anger	-0.06(0.20)	0.94	0.13(0.26)	1.14
Black or Hispanic*Gang	0.82(1.02)	2.27	-0.23(0.56)	0.79
Other*Gang	N/A	N/A	N/A	N/A
Male*Gang	0.16(0.75)	1.17	0.54(0.79)	1.72
N	774		785	
Overall Percent Correct (%)	71		81	
Nagelkerke R ²	0.35		0.48	

* $p < .05$

¹The comparison group is White.

²The comparison group is no current drug offense.

³The comparison group is no prior drug offense.

⁴The comparison group is Home-Two Parents/Step-Parents & No Family Members

between the gang member label and the incarceration recommendation, thus providing little support for the hypothesis that these factors provide explanatory value in why the gang member label impacts the disposition recommendation. However, as noted in the intake section, the results could be due to inadequacies of the perception variables themselves. Even though Model 5 takes into account legal and non-legal factors that are supposed to guide decision-making, only approximately one-third of the variance is explained in the Dade County model and a little under half of the variance is explained in

the Volusia County model indicating that probation officers' recommendations for incarceration are unpredictable and not explained by information available in the written records.

Incarceration Length

This section presents the findings related to the length of incarceration analyses based on data covering the entire state of Florida. Commitment managers determine program assignments, transfers between programs, and eventual release from the commitment facility to the community. First, the descriptive statistics are reviewed, which are presented in Table 18. Next, the results for the six ordinary least square regression models are discussed, which are found in Tables 19-24.

Descriptive Statistics

Of the 6,099 offenders who entered a commitment facility during calendar year 2007, 6,078 exited by December 31, 2009. The remaining 21 offenders were all transferred to the adult correctional system and subsequent confinement and release information is not available. To determine if eliminating the 21 offenders from the analyses would bias the results, a dummy variable was created (0 = unavailable exit date, 1 = available exit date). A series of t-tests were used to compare the two groups. The groups did not differ significantly on critical independent variables. The 21 offenders were dropped from the analyses.

The descriptive statistics contain information on the remaining 6,078 offenders. The average incarceration period is 255 days or approximately 8.5 months. Of the 6,078 offenders, 1,033 are labeled as gang members (17%). The discussion of independent variable descriptive statistics is limited to those variables that are examined in the stated hypotheses. More than half of the offenders are black (52%), followed by white (37%), and Hispanic (10%). Of the perceptions of the offender variables, more than three-quarters of the offenders are described as reacting to frustrations with anger and aggression (77%). Furthermore, 72% of the offenders are perceived as supporting physical aggression as an appropriate response to an issue and 64% as supporting verbal

Table 18. Descriptive Statistics for Statewide Length of Incarceration Analyses

	Cases	Missing (%)	Min.	Max.	Mean/Percent	S.D.
Subjects	6,078					
Dependent Variable						
Length of Incarceration (Days)	6,078		2.0	869.0	254.5	114.0
Independent Variables						
Gang Member Label	6,078	0%	0	1	17%	
Black	6,078	0%	0	1	52%	
Hispanic	6,078	0%	0	1	10%	
White	6,078	0%	0	1	37%	
Other	6,078	0%	0	1	0%	
Male	6,078	0%	0	1	84%	
Age at Entry into the Commitment Facility	6,078	0%	10.5	20.4	16.4	1.30
Family Income (\$1,000)	5,806	4%	7.5	57.5	28.0	13.5
Current Offense Severity	6,078	0%	2.0	2,372.0	167.4	192.6
Current Drug Offense-Marijuana Only	6,078	0%	0	1	18%	
Current Drug Offense-Not Limited to Marijuana	6,078	0%	0	1	17%	
Current Felony Offense	6,078	0%	0	1	83%	
Current Sex Offense	6,078	0%	0	1	4%	
Current Violent Offense	6,078	0%	0	1	48%	
Current Offense Took Place on School Grounds	6,078	0%	0	1	28%	
Prior Offense Severity	6,078	0%	0	626.3	21.9	37.3
Prior Drug Offense-Marijuana Only	6,078	0%	0	1	18%	
Prior Drug Offense-Not Limited to Marijuana	6,078	0%	0	1	14%	
Prior Felony Offense	6,078	0%	0	1	67%	
Prior Sex Offense	6,078	0%	0	1	5%	
Prior Violent Offense	6,078	0%	0	1	55%	
Offense Severity while in the Commitment Facility	6,078	0%	0.0	216.0	0.5	4.5
Felony Offense while in the Commitment Facility	6,078	0%	0	1	4%	

Table 18. Descriptive Statistics for Statewide Length of Incarceration Analyses cont.

	Cases	Missing (%)	Min.	Max.	Mean/Percent	S.D.
Sex Offense while in the Commitment Facility	6,078	0%	0	1	0%	
Violent Offense while in the Commitment Facility	6,078	0%	0	1	5%	
Drug Offense while in the Commitment Facility-Not Marijuana	6,078	0%	0	1	0%	
Drug Offense while in the Commitment Facility-Marijuana Only	6,078	0%	0	1	0%	
Previously in a Commitment Facility	6,078	0%	0	1	39%	
Previously on Probation	6,078	0%	0	1	82%	
Home-One Parent/Step-Parent & No Family Members	6,078	0%	0	1	46%	
Home-Two Parents/Step-Parents & No Family Members	6,078	0%	0	1	27%	
Home-No Parents/Step-Parents & One Family Member	6,078	0%	0	1	6%	
Home-No Parents/Step-Parents & Multiple Family Members	6,078	0%	0	1	3%	
Home-Two Parents/Step-Parents & Family Member(s)	6,078	0%	0	1	2%	
Home-One Parent/Step-Parent & Family Member(s)	6,078	0%	0	1	8%	
Home-Non-Family Placement	6,078	0%	0	1	4%	
Home-Unspecified	6,078	0%	0	1	3%	
Alcohol Use is Disruptive	6,065	0%	0	1	18%	
Drug Use is Disruptive	6,065	0%	0	1	39%	
Mental Health Disorder Identified	5,976	2%	0	1	22%	
School Commitment-Grades	6,065	0%	0	1	36%	
School Involvement	6,060	0%	0	1	55%	
Associates with Anti-Social Peers	6,065	0%	0	1	91%	
Conventional Behavior	6,065	0%	0	1	21%	
Responsibility	6,065	0%	0	1	37%	
Verbal aggression	6,065	0%	0	1	64%	
Physical aggression	6,065	0%	0	1	72%	
Anger	6,062	0%	0	1	77%	

Missing Release Date (n=21)

aggression as an acceptable response. Smaller percentages are perceived as abiding by behavior conventions (21%) or taking responsibility for their actions (37%).

After the missing data values were imputed, bivariate correlations and tolerance levels were examined for indications of multicollinearity. Only the correlation between the “felony offense committed while incarcerated” variable and the “violent offense committed while incarcerated” variable exceeds .80. The tolerances levels for both variables are above .20. Due to the bivariate correlation, the two variables are combined into a single variable, which indicates if the offender committed offenses that are both violent and felonies while incarcerated (0 = no, 1 = yes).

Ordinary Least Squares Regression Results

The first ordinary least squares regression model only includes the gang member label variable without any control variables (Table 19). Since this outcome measure is a continuous variable rather than a binary variable, ordinary least squares methods are used to estimate parameters. This model reports a R^2 of .004. The gang member label is associated with an increase in the number of days incarcerated of 21 days or three weeks ($p < .05$).

Table 19. OLS Regression for Statewide Analyses: Length of Incarceration (Days)-Model 1	
Variables	B (S.E.)
Constant	250.94(1.60)*
Gang Member Label	20.71(3.89)*
N	6,077
Adjusted R^2	0.004

* $p < .05$

The second model incorporates demographic characteristics: race/ethnicity, age, sex, and income (Table 20). This model increases to a R^2 of .02. The gang member label increases the number of days incarcerated by 19 ($p < .05$), which is a decrease of 2 days from the effect estimated in the single predictor model. The race-ethnicity variables are constructed using a series of dummy variables with white offenders as the reference category. Black offenders are incarcerated 12 days longer than white offenders, and Hispanic offenders spend 13 more days than white offenders ($p < .05$). Male offenders are

Table 20. OLS Regression for Statewide Analyses: Length of Incarceration (Days)-Model 2	
Variables	B (S.E.)
Constant	371.41(18.95)*
Gang Member Label	19.10(3.92)*
Black ¹	12.37(3.22)*
Hispanic ¹	13.16(5.22)*
Other ¹	-10.52(23.23)
Male	18.91(4.02)*
Age at Entry into the Commitment Facility	-8.96(1.12)*
Family Income	0.13(0.11)
	N
	6,077
	Adjusted R ²
	0.021

* $p < .05$

¹The comparison group is White.

incarcerated for 19 more days than female offenders. The number of days incarcerated decreases as the age at entry into the commitment facility increases ($p < .05$). One possible explanation for this result is that offenders who have aged out of the juvenile system may be released to the community. To further examine the impact of age on length of sentence, an alternate model is examined that replaces the age variable with an age ratio variable. The age ratio variable represents the proportion of days between the age of the offender at entry into a commitment facility and the maximum age of release, which in most cases is 19-years-old, to the number of days in 19 years. The age ratio variable is significant ($p < .05$) and indicates that for each 1% increase or 70 day increase in the age of the offender at entry into a commitment facility, there is a 1.7 day decrease in the length of sentence. Income is not significantly related to incarceration length.

The third model incorporates offense characteristic variables, including current offenses, prior offenses, offenses committed while incarcerated, as well as system contact variables, in addition to the gang member label and demographic variables (Table 21). With the inclusion of these variables, the R^2 increases to .14. In this model, with the inclusion of the offense and system contact variables, the gang member label appears to increase the number of days incarcerated by 16 ($p < .05$), which is three days less than the

Table 21. OLS Regression for Statewide Analyses: Length of Incarceration (Days)-Model 3	
Variables	B (S.E.)
Constant	325.87(19.06)*
Gang Member Label	16.31(3.69)*
Black ¹	3.14(3.09)
Hispanic ¹	13.36(4.91)*
Other ¹	-3.54(21.80)
Male	5.54(3.93)
Age at Entry into the Commitment Facility	-8.62(1.11)*
Family Income	0.20(0.11)
Current Offense Severity	0.02(0.01)*
Current Drug Offense-Marijuana Only ²	-4.83(3.89)
Current Drug Offense-Not Limited to Marijuana ²	-0.76(3.96)
Current Felony Offense	33.44(3.85)*
Current Sex Offense	111.31(7.04)*
Current Violent Offense	20.56(2.97)*
Current Offense Took Place on School Grounds	-3.49(3.19)
Prior Offense Severity	0.15(0.04)*
Prior Drug Offense-Marijuana Only ³	0.94(3.93)
Prior Drug Offense-Not Limited to Marijuana ³	3.61(4.36)
Prior Felony Offense	7.61(3.35)*
Prior Sex Offense	15.91(6.76)*
Prior Violent Offense	10.91(3.08)*
Offense Severity while in the Commitment Facility	-0.39(0.35)
Sex Offense while in the Commitment Facility	92.64(48.80)
Violent-Felony Offense while in the Commitment Facility	33.46(8.19)*
Drug Offense while in the Commitment Facility-Not Marijuana ⁴	18.28(45.50)
Drug Offense while in the Commitment Facility-Marijuana Only ⁴	239.01(78.26)*
Previously in a Commitment Facility	30.20(3.02)*
Previously on Probation	-21.69(3.76)*
N	6,077
Adjusted R ²	0.141

* $p < .05$

¹The comparison group is White.

²The comparison group is no current drug offense.

³The comparison group is no prior drug offense.

⁴The comparison group is no drug offense while in the commitment facility.

previous model. The inclusion of these variables also affects the relationship between some of the demographic variables and the period of incarceration. In this model, black

offenders do not spend significantly more days incarcerated than white offenders, and male offenders are not incarcerated for significantly more days than female offenders. These findings support the view that racial and gender differences in incarceration length are attributable to the differences in offenses and system contact. Current offense variables include offense severity and types of offenses (e.g., drug, felony, sexual, violent, and took place on school grounds). A one unit increase in the offense severity score increases the incarceration period by .20 days ($p < .05$). Offenders who have current offenses that are felony, sexual, or violent spend more days incarcerated (33, 111, and 20 days, respectively) than offenders without these types of current offenses ($p < .05$). Current drug offenses or if the offense occurred on school grounds do not significantly impact the number of days incarcerated.

Prior offense variables include offense severity and types of offenses (e.g., drug, felony, sexual, and violent). A one unit increase in the prior offense severity score increases the incarceration period by .15 days ($p < .05$). Similar to current offenses, prior felony, violent, and sexual offenses increase the number of days incarcerated (8, 11, and 16 days, respectively) as compared to offenders without a history of these types of offenses ($p < .05$). Prior drug offenses do not significantly impact the number of days incarcerated. System contact variables include previously being on probation or in a commitment facility. A history of prior incarceration in a commitment facility increases the number of days by 30 or approximately one month ($p < .05$). In comparison, a prior history of probation supervision actually decreases the number of days by 20 ($p < .05$).

Offenses committed while incarcerated variables include offense severity and types of offenses (e.g., drug, sexual, and violent-felony). Offenders who commit violent-felony offenses while incarcerated spend 33 days longer in the commitment facility ($p < .05$). If an offender commits marijuana-only drug offenses, then the number of days incarcerated increases by 239 days ($p < .05$). This finding is further examined by looking at the cases that have marijuana-only drug offenses while incarcerated. There are only two of these cases, which have incarceration lengths of approximately 350 and 750 days.

In general, the inclusion of the offense and system contact variables in Model 3 decreases the estimate of the impact of the gang member label on the incarceration

Table 22. OLS Regression for Statewide Analyses: Length of Incarceration (Days)-Model 4	
Variables	B (S.E.)
Constant	315.92(20.22)*
Gang Member Label	16.16(3.72)*
Black ¹	6.95(3.26)*
Hispanic ¹	16.51(4.95)*
Other ¹	-1.54(21.74)
Male	9.01(3.98)*
Age at Entry into the Commitment Facility	-8.31(1.12)*
Family Income	0.22(0.11)*
Current Offense Severity	0.02(0.01)*
Current Drug Offense-Marijuana Only ²	-3.93(3.91)
Current Drug Offense-Not Limited to Marijuana ²	-0.81(3.96)
Current Felony Offense	33.27(3.85)*
Current Sex Offense	108.98(7.07)*
Current Violent Offense	19.28(2.97)*
Current Offense Took Place on School Grounds	-3.76(3.18)
Prior Offense Severity	0.14(0.04)*
Prior Drug Offense-Marijuana Only ³	2.01(3.93)
Prior Drug Offense-Not Limited to Marijuana ³	4.11(4.37)
Prior Felony Offense	7.67(3.34)*
Prior Sex Offense	13.35(6.75)*
Prior Violent Offense	9.02(3.09)*
Offense Severity while in the Commitment Facility	-0.44(0.35)
Sex Offense while in the Commitment Facility	96.62(48.65)*
Violent-Felony Offense while in the Commitment Facility	30.37(8.20)*
Drug Offense while in the Commitment Facility-Not Marijuana ⁴	24.35(45.38)
Drug Offense while in the Commitment Facility-Marijuana Only ⁴	247.79(78.05)*
Previously in a Commitment Facility	29.54(3.02)*
Previously on Probation	-21.14(3.75)*
Home-One Parent/Step-Parent & No Family Members ⁵	-3.43(3.39)
Home-No Parents/Step-Parents & One Family Member ⁵	5.88(6.20)

* $p < .05$

¹The comparison group is White.

²The comparison group is no current drug offense.

³The comparison group is no prior drug offense.

⁴The comparison group is no drug offense while in the commitment facility.

⁵The comparison group is Home-Two Parents/Step-Parents & No Family Members.

Table 22. OLS Regression for Statewide Analyses: Length of Incarceration (Days)-Model 4 cont.	
Variables	B (S.E.)
Home-No Parents/Step-Parents & Multiple Family Members ⁵	4.19(8.01)
Home-Two Parents/Step-Parents & Family Member(s) ⁵	-15.71(10.23)
Home-One Parent/Step-Parent & Family Member(s) ⁵	0.59(5.49)
Home-Non-Family Placement ⁵	19.64(7.24)*
Home-Unspecified ⁵	22.14(8.88)*
Alcohol Use is Disruptive	2.44(4.22)
Drug Use is Disruptive	0.25(3.37)
Mental Health Disorder Identified	18.29(3.49)*
School Commitment-Grades (Most Recent Term)	-3.25(3.44)
School Involvement	3.79(3.38)
Associates with Anti-Social Peers	-4.98(4.73)
N	6,077
Adjusted R ²	0.148

* $p < .05$

¹The comparison group is White.

²The comparison group is no current drug offense.

³The comparison group is no prior drug offense.

⁴The comparison group is no drug offense while in the commitment facility.

⁵The comparison group is Home-Two Parents/Step-Parents & No Family Members.

length. The inclusion of these variables also decreases the impact of some demographic variables (e.g., black, male) on the number of days incarcerated. Based on the R^2 , the offense and system contact variables provide more explanatory value than the previous model that includes only the gang member label and demographic characteristics.

The fourth model includes life factor variables: family structure, alcohol use, drug use, mental health disorder, school, and peer variables (Table 22). With the inclusion of these variables, the R^2 increases to .15. The gang member label increases the number of days incarcerated by 16 ($p < .05$), which does not differ from the previous model. The comparison group for the family structure variables is the group with two parents/step-parents and no other adult family members residing in the home. Offenders in the unspecified category are incarcerated 22 days longer than offenders residing in a home with two parents/step-parents and no other family members and those residing in non-family placements spend 20 more days incarcerated ($p < .05$). The remaining family

Table 23. OLS Regression for Statewide Analyses: Length of Incarceration (Days)-Model 5	
Variables	B (S.E.)
Constant	313.80(20.76)*
Gang Member Label	15.28(3.73)*
Black ¹	7.02(3.26)*
Hispanic ¹	16.89(4.96)*
Other ¹	-2.96(21.73)
Male	9.19(3.98)*
Age at Entry into the Commitment Facility	-7.95(1.13)*
Family Income	0.23(0.11)*
Current Offense Severity	0.02(0.01)*
Current Drug Offense-Marijuana Only ²	-3.53(3.91)
Current Drug Offense-Not Limited to Marijuana ²	-1.03(3.96)
Current Felony Offense	33.91(3.85)*
Current Sex Offense	110.44(7.09)*
Current Violent Offense	18.72(2.99)*
Current Offense Took Place on School Grounds	-4.12(3.18)
Prior Offense Severity	0.14(0.04)*
Prior Drug Offense-Marijuana Only ³	2.08(3.93)
Prior Drug Offense-Not Limited to Marijuana ³	4.46(4.37)
Prior Felony Offense	7.59(3.34)*
Prior Sex Offense	13.37(6.75)*
Prior Violent Offense	8.35(3.10)*
Offense Severity while in the Commitment Facility	-0.44(0.35)
Sex Offense while in the Commitment Facility	99.68(48.65)*
Violent-Felony Offense while in the Commitment Facility	29.24(8.21)*
Drug Offense while in the Commitment Facility-Not Marijuana ⁴	23.46(45.37)
Drug Offense while in the Commitment Facility-Marijuana Only ⁴	257.06(78.04)*
Previously in a Commitment Facility	29.36(3.02)*
Previously on Probation	-21.81(3.76)*
Home-One Parent/Step-Parent & No Family Members ⁵	-3.18(3.39)
Home-No Parents/Step-Parents & One Family Member ⁵	6.05(6.19)

* $p < .05$

¹The comparison group is White.

²The comparison group is no current drug offense.

³The comparison group is no prior drug offense.

⁴The comparison group is no drug offense while in the commitment facility.

⁵The comparison group is Home-Two Parents/Step-Parents & No Family Members.

Table 23. OLS Regression for Statewide Analyses: Length of Incarceration (Days)-Model 5 cont.	
Variables	B (S.E.)
Home-No Parents/Step-Parents & Multiple Family Members ⁵	4.92(8.00)
Home-Two Parents/Step-Parents & Family Member(s) ⁵	-15.38(10.22)
Home-One Parent/Step-Parent & Family Member(s) ⁵	0.69(5.49)
Home-Non-Family Placement ⁵	19.82(7.24)*
Home-Unspecified ⁵	22.55(8.87)*
Alcohol Use is Disruptive	2.07(4.22)
Drug Use is Disruptive	-1.18(3.39)
Mental Health Disorder Identified	17.04(3.53)*
School Commitment-Grades (Most Recent Term)	-1.94(3.46)
School Involvement	4.30(3.38)
Associates with Anti-Social Peers	-7.66(4.79)
Conventional Behavior	-6.55(3.91)
Responsibility	-4.02(3.27)
Verbal aggression	6.88(3.57)
Physical aggression	-0.19(3.81)
Anger	-2.63(3.58)
N	6,077
Adjusted R^2	0.150

* $p < .05$

¹The comparison group is White.

²The comparison group is no current drug offense.

³The comparison group is no prior drug offense.

⁴The comparison group is no drug offense while in the commitment facility.

⁵The comparison group is Home-Two Parents/Step-Parents & No Family Members.

structure variables are not significant. The presence of a mental illness disorder diagnosis increases the incarceration length by 18 days ($p < .05$). Alcohol use and drug use do not significantly impact the length of incarceration. School variables and associating with anti-social peers also do not significantly impact the number of days incarcerated.

The fifth model includes commitment manager's perceptions of the offender related to conventional behavior, accepting responsibility for actions, believing that verbal aggression is acceptable, believing that physical aggression is acceptable, and having a history of angry or aggressive reactions to frustrations (Table 23). With the inclusion of these variables, the R^2 remains the same at .15. None of the perception

Table 24. OLS Regression for Statewide Analyses: Length of Incarceration (Days)-Model 6	
Variables	B (S.E.)
Constant	311.23(20.84)*
Gang Member Label	31.25(11.05)*
Black ¹	8.06(3.47)*
Hispanic ¹	18.96(5.87)*
Other ¹	21.45(33.44)
Male	10.84(4.24)*
Age at Entry into the Commitment Facility	-7.92(1.13)*
Family Income	0.23(0.11)*
Current Offense Severity	0.02(0.01)*
Current Drug Offense-Marijuana Only ²	-3.54(3.92)
Current Drug Offense-Not Limited to Marijuana ²	-0.98(3.96)
Current Felony Offense	33.65(3.85)*
Current Sex Offense	110.62(7.09)*
Current Violent Offense	18.68(2.99)*
Current Offense Took Place on School Grounds	-4.03(3.18)
Prior Offense Severity	0.14(0.04)*
Prior Drug Offense-Marijuana Only ³	2.06(3.93)
Prior Drug Offense-Not Limited to Marijuana ³	4.47(4.37)
Prior Felony Offense	7.52(3.34)*
Prior Sex Offense	13.40(6.75)*
Prior Violent Offense	8.35(3.10)*
Offense Severity while in the Commitment Facility	-0.45(0.35)
Sex Offense while in the Commitment Facility	100.32(48.65)*
Violent-Felony Offense while in the Commitment Facility	29.53(8.21)*
Drug Offense while in the Commitment Facility-Not Marijuana ⁴	23.19(45.37)
Drug Offense while in the Commitment Facility-Marijuana Only ⁴	256.73(78.04)*
Previously in a Commitment Facility	29.30(3.02)*
Previously on Probation	-21.74(3.76)*
Home-One Parent/Step-Parent & No Family Members ⁵	-3.19(3.39)
Home-No Parents/Step-Parents & One Family Member ⁵	5.90(6.20)

* $p < .05$

¹The comparison group is White.

²The comparison group is no current drug offense.

³The comparison group is no prior drug offense.

⁴The comparison group is no drug offense while in the commitment facility.

⁵The comparison group is Home-Two Parents/Step-Parents & No Family Members.

Table 24. OLS Regression for Statewide Analyses: Length of Incarceration (Days)-Model 6 cont.	
Variables	B (S.E.)
Home-No Parents/Step-Parents & Multiple Family Members ⁵	5.27(8.01)
Home-Two Parents/Step-Parents & Family Member(s) ⁵	-15.43(10.23)
Home-One Parent/Step-Parent & Family Member(s) ⁵	0.63(5.49)
Home-Non-Family Placement ⁵	19.80(7.24)*
Home-Unspecified ⁵	22.32(8.88)*
Alcohol Use is Disruptive	1.71(4.23)
Drug Use is Disruptive	-1.29(3.39)
Mental Health Disorder Identified	16.74(3.53)*
School Commitment-Grades (Most Recent Term)	-1.89(3.46)
School Involvement	4.34(3.38)
Associates with Anti-Social Peers	-7.50(4.80)
Conventional Behavior	-6.56(3.91)
Responsibility	-3.99(3.27)
Verbal aggression	6.92(3.57)
Physical aggression	-0.13(3.81)
Anger	-2.61(3.58)
Black*Gang	-7.27(8.43)
Hispanic*Gang	-9.04(11.10)
Other*Gang	-45.75(44.22)
Male*Gang	-11.90(11.25)
N	6,077
Adjusted R ²	0.149

* $p < .05$

¹The comparison group is White.

²The comparison group is no current drug offense.

³The comparison group is no prior drug offense.

⁴The comparison group is no drug offense while in the commitment facility.

⁵The comparison group is Home-Two Parents/Step-Parents & No Family Members.

variables are significantly related to the number of days incarcerated. The gang member label is associated with 15 more days of incarceration, which is about 6% above the average incarceration period of 255 days ($p < .05$). The inclusion of the offender perception variables only slightly decreases the estimated impact of the gang member label on the number of days incarcerated by one day ($p < .05$).

The sixth model includes interaction terms to determine if demographic characteristics moderate the hypothesized relationship between the gang member label

and the length of incarceration (Table 24). Four interaction terms are included in the model: Black*Gang, Hispanic*Gang, Other*Gang, and Male*Gang. None of the interaction terms are significant, indicating that the impact of the gang member label does not vary by race-ethnicity or by sex.

The six ordinary least squares regression models support the hypothesis that the gang member label increases the number of days incarcerated. In the full model prior to the incorporation of the interaction terms, the gang member label increases the number of days incarcerated by 15 or 6% of the average length of incarceration. The perception-of-the-offender variables do not mediate the relationship between the gang member label and the length of incarceration, providing little support for the hypothesis that these factors help explain why the gang member label impacts the length of incarceration. The hypothesis that the impact of the gang member label varies based on offender demographic characteristics is not supported by the results. Even though Model 5 takes into account legal and non-legal factors that are supposed to guide decision-making, only 15% of the variance is explained. Information available in the written records does not explain much of the variance suggesting that idiosyncratic elements are affecting the length of incarceration decisions.

CHAPTER 6

SUMMARY AND CONCLUSIONS

Gang Member Label

The primary goal of this study was to determine if the gang member label impacts juvenile justice decision-making at three points: intake, disposition, and incarceration release. Accordingly, the first step of the study was to determine if the gang member label has an effect on juvenile justice processing. Specific research questions included: Does the gang member label influence the severity of recommendations? Does the gang member label influence the number of days incarcerated? Factors that are expected to impact juvenile justice decision-making and are associated with gang membership were incorporated into the analyses to avoid concluding that a relationship was causal when it was actually spurious. These factors included demographic, legal, and life factor variables. The findings from each dataset were considered separately, such as the manner in which findings from different studies were examined in the meta-analysis from the literature review chapter. Model 5 in Table 8 (intake decision), Table 16 (disposition decision), and Table 23 (length of incarceration) was used as the comparison model.

The first juvenile justice decision point examined in this study was intake. At intake, probation officers recommend to the State Attorney's Office to handle the case non-judicially (diversion) or judicially. According to the first intake hypothesis, offenders labeled as gang members are more likely to receive a recommendation for judicial processing. The findings varied by county. In Dade County, offenders labeled as gang members were 87% more likely to receive a judicial handling recommendation than non-gang members ($p < .05$) (Table 8). This result supported the first intake hypothesis and suggested that probation officers were taking into account the presence of the gang member label when making an intake recommendation. In contrast, offenders labeled as gang members in Volusia County were not significantly more likely to receive a recommendation for judicial processing than offenders not labeled as gang members.

The second juvenile justice decision point examined in this study was disposition. At disposition, probation officers make a recommendation to the judge, through a Pre-

Disposition Report, for either community supervision or incarceration. According to the first disposition hypothesis, offenders labeled as gang members are more likely to receive a recommendation for incarceration. The findings varied by county. In Dade County, the gang member label was not significantly related to the disposition recommendation. In contrast, offenders labeled as gang members were 2.85 times more likely to receive an incarceration recommendation than non-gang members in Volusia County ($p < .05$) (Table 16). This result supported the first disposition hypothesis and indicated that the gang member label influenced the probation officers' decisions.

The final decision point was release from a commitment facility. Commitment managers determine program assignments, transfers between programs, and eventual release from the commitment facility to the community. According to the first incarceration length hypothesis, offenders labeled as gang members are expected to spend more days incarcerated. Offenders labeled as gang members were incarcerated for 15 days longer than offenders not labeled as gang members, which was 6% of the average length of incarceration (Table 23). This result supported the first incarceration length hypothesis and indicated that the gang member label influenced the decisions of commitment managers.

There were a total of five findings related to the impact of the gang member label on juvenile justice recommendations and incarceration length. Three of the five findings were significant ($p < .05$), including one intake decision, one disposition decision, and the length of incarceration. These three findings all supported the hypothesis that the gang member label increases the severity of the recommendation and the number of days incarcerated. The two non-significant findings were consistent with the conclusions of the Zatz (1985) study that the gang member label did not impact juvenile justice outcomes. None of the findings were consistent with the conclusions of the Miethe and McCorkle (1997) study, which determined that the gang member label decreased the severity of criminal justice outcomes.

One surprising result was that the impact of the gang member label on recommendation severity varied within each county. In Dade County, the gang member label impacted the intake decision but not the disposition decision. In contrast, in Volusia County, the gang member label impacted the disposition decision but not the intake decision. Since the decision makers, specifically probation officers, were the same for

each decision point, it was expected that if the gang member label impacted the intake decision then it would also impact the disposition decision.

The inclusion of current and prior offense variables as well as the offenses during incarceration for the length of incarceration analyses decreased or eliminated the impact of the gang member label on the dependent variables in all five models. These findings were consistent with the expected results since gang members were expected to have committed more serious current offenses. These findings were also consistent with prior research that legal variables largely explained the results of juvenile justice outcomes.

Labeling theory research has largely focused on labels created through the juvenile justice or criminal justice process, such as offender, convict, or prisoner. This study provides a unique contribution to the labeling theory research because it examined a label that was expected to impact juvenile justice decision-making but was not based on prior responses from the juvenile justice system. Two previous studies examined the impact of the gang member label (Zatz, 1985; Miethe and McCorkle, 1997); however, due to definitional issues, both studies lacked validity. Zatz (1985) used information from one agency that was unlikely to have been available to decision makers at the other agencies. Miethe and McCorkle (1997) defined a gang member as an offender who committed a gang-related offense, which also could include non-gang members. The structure of this study provided a valid examination of the gang member label because when and to whom the gang member information was available was taken into account.

Mediating Variables

A secondary goal of the study was to determine if certain decision-makers' perceptions mediate the hypothesized relationship between the gang member label and juvenile justice decision-making. This examination provided a unique contribution to the labeling theory research by examining factors that intervene between the gang member label and the intake and disposition recommendations and the length of incarceration. Five variables representing perceptions of the offender were included within this model: (1) conventional behavior, (2) accepting responsibility for actions, (3) believing that verbal aggression is acceptable, (4) believing that physical aggression is acceptable, and (5) having a history of angry or aggressive reactions to frustrations. Research questions

for this part of the study included: Do decision-makers' perceptions of these attitudes mediate the relationship between the gang member label and severity of recommendations? Do decision-makers' perceptions of a juvenile's attitudes mediate the relationship between the gang member label and the number of days incarcerated?

Perceptions of offender attitudes and behavior variables were expected to decrease the hypothesized impact of the gang member label on juvenile justice recommendation severity and the number of days spent incarcerated. For model 4, three of the dependent variables (e.g., intake in Dade County, disposition in Volusia County, and length of incarceration) were significantly impacted by the gang member label. The inclusion of the perception-of-the-offender variables in Model 5 only slightly decreased the impact of the gang member label in each of the three datasets. The inclusion of these variables in both the intake and disposition datasets decreased the odds by approximately .2. The .2 difference represented a greater change in intake where the odds were modified from 2.06 to 1.87 as compared to the disposition dataset with a change from 3.05 to 2.85. The inclusion of these variables also decreased the number-of-days difference spent incarcerated between offenders labeled as gang members and offenders not labeled as gang members by less than one day from 16.16 to 15.28. The findings weakly supported the hypothesis that perceptions of the offenders partially mediate the relationship between the gang member label and recommendation severity or the number of days incarcerated. However, the variables only mediated a small portion of the impact of the gang member label on the dependent variables.

The impact of the five variables representing perceptions of the offender differed between the juvenile justice decision points. For both Dade and Volusia County, perceptions that the offender was abiding by conventions/values decreased the likelihood of receiving a recommendation for judicial handling, which was consistent with the expected result. Perceptions that the offender accepted responsibility for his or her actions also decreased the likelihood of a judicial handling recommendation in both counties. The remaining variables were not significant at the intake stage. Since the purpose of the intake juvenile justice decision point was to determine if the offender should be diverted from further official processing, offenders who expressed views consistent with accepted behavior norms or who accepted responsibility for their actions may be viewed as under more informal social control than offenders who expressed

conflicting views, so that more formal types of social control were not deemed to be as necessary.

In comparison to the intake decision point, the perception that the offender supports the use of verbal or physical aggression significantly impacted the likelihood of a recommendation for incarceration. Perceptions of abiding by conventional behavior norms or taking responsibility were not significant at the disposition stage possibly because a determination of guilt has already been decided. Perceptions that the offender supports verbal or physical aggression were expected to increase the severity of the disposition recommendation. The finding for verbal aggression was consistent with this expectation. Offenders expressing socially appropriate responses to issues were viewed as under more informal social control, thus less formal social control was deemed necessary. Surprisingly, supporting the use of physical aggression actually decreased the likelihood of an incarceration recommendation. One possible reason for this result was that statements supporting physical aggression may be viewed as bravado, specifically if the offender did not have a history of violent offenses. Of the offenders who supported the use of physical aggression, 25% of the offenders did not have either a current or prior violent offense.

None of the perception-of-the-offender variables impacted the number of days incarcerated. One possible explanation for this result was that the actual behavior while incarcerated carries more weight than perception of offender attitudes and beliefs. Another possibility was that these variables may not be valid. For example, the anger variable was not significantly related to any of the dependent variables. The choices provided to the decision maker may not have represented the perceptions that actually influence their decision, or the recorded perceptions may not accurately reflect their true perceptions.

Conditioning Variables

Another secondary goal of the study was to determine if race/ethnicity and sex condition the hypothesized relationship between the gang member label and juvenile justice recommendations and incarceration length. This examination provided a unique contribution to the labeling theory research by examining the conditioning impact of

demographic variables on the hypothesized association between the gang member label and juvenile justice decisions. Research questions included: Does race/ethnicity condition the relationship between the gang member label and severity of recommendations? Does race/ethnicity condition the relationship between the gang member label and the number of days incarcerated? Does sex condition the relationship between the gang member label and severity of recommendations? Does sex condition the relationship between the gang member label and the number of days incarcerated? There are a total of seven interaction terms involving the gang member label and race/ethnicity included in the analyses: (1) two terms for each county in the intake analyses, (2) two terms for each county in the disposition analyses, and (3) three terms in the length of incarceration analysis. Of the seven possible interaction terms involving race/ethnicity, only one was significant. In Volusia County, the intake decision finding for the Black or Hispanic*Gang variable was significant indicating that the impact of the gang member label varied according to race/ethnicity. Black or Hispanic gang members were 4.59 times more likely to receive a judicial handling recommendation than white gang members. This finding supported the hypothesis that the impact of the gang member label varies by race/ethnicity.

Black offenders who were labeled as gang members were 2.21 times more likely to receive a recommendation for judicial handling than black offenders who were not labeled as gang members (Table 10). In contrast, white offenders who were labeled as gang members were 62% less likely than white offenders who not labeled as gang members to receive a non-diversion recommendation. The expectation was that the gang member label would have a greater impact for offenders who resemble the stereotype of a gang member and that the gang member label would have a lesser impact but still be in the expected direction or be non-significant for the other groups of offenders. It was surprising that the gang member label actually decreased the likelihood of judicial handling for white offenders. Even though white offenders labeled as gang members may meet the criteria, the probation officers making the recommendations may view these offenders as unfairly targeted or a victim of circumstance, thus less of a threat than offenders who were labeled as gang members. It was also possible that random chance alone could create the appearance of an interaction since multiple interactions were examined and only one was significant ($p < .05$); therefore, limited confidence should be placed on this result.

In addition to the interaction between the gang member label and race/ethnicity, the interaction between the gang member label and sex also was examined. It was expected that the impact of the gang member label would vary by sex. Based on the interaction term Male*Gang, the impact of the gang member label on recommendation severity or the number of days spent incarcerated did not vary based on sex. The hypothesis that the impact of the gang member label would vary based on demographic characteristics was largely unsupported with only one of 12 findings consistent with this hypothesis, and this single finding could be the product of random chance.

Implications

Over the last several decades, the federal, state, and local governments have developed and implemented anti-gang legislation. A common part of that legislation is the identifying and tracking of gang members and gang activities. The dominant purpose of this legislation is to deter gang activity and gang involvement. At a group-level, this legislation is meant to deter people from joining gangs and participating in gang activities for fear of being caught and punished. At the individual-level, more severe sanctions are applied for gang-related activities to deter the offenders from future gang-related activities (Bjerregaard, 2003).

However, this focus on identifying and labeling gang members can have unintended consequences. One of the justifications for identifying and tracking gang members is because of their higher level of delinquent behavior as compared to non-gang members. This study examined one of the consequences, which is that the gang member label itself can directly impact the severity of the juvenile justice decisions. Presence of the gang member label increased the likelihood of a recommendation for judicial handling, the likelihood of a recommendation for incarceration, and the length of incarceration. The relationship was retained in three out of five datasets after incorporation of legal variables indicating that the gang member label had a separate and distinct impact from offense variables.

In this study, the gang member label was found to increase contact with the juvenile justice system. This contact can have immediate and long-term impacts on the offender. Offenders that are diverted at the intake decision point cease their contact at this

juncture with the juvenile justice system, thus decreasing the likelihood of internalizing the label of *offender*. Since the offender probably does not know, though he or she might suspect, that the gang member label is impacting juvenile justice decisions, it is unlikely that this label would be further strengthened. However, the subsequent processes of adjudication and disposition can increase the individual's awareness of the offender label.

At the disposition decision point, the offender can either receive community supervision or be incarcerated. An offender who is incarcerated will reside within a commitment facility for an indeterminate length of time. This incarceration removes the offender from the community and restricts freedom. In addition, the incarceration disrupts family and school bonds and increases contact with other offenders. It also forces association, in commitment facilities, for longer periods of time with people with attitudes supportive of delinquent behavior. At some point, the offender will return to the community and will have to re-establish the disrupted bonds. It is anticipated that the longer an offender is incarcerated, the more difficult it is to re-establish these bonds. Due to the removal of the offender from the community, it is expected that internalization of the offender label is further strengthened and even more so if the offender is incarcerated for an extended period of time.

In addition to the immediate impacts due to the gang member label, there are also long-term impacts. The primary long-term impact is the recidivism or secondary deviance of the offender due to internalization of the offender label. Another long-term impact is blocked access to conventional opportunities, such as school or work (Becker, 1963; Chiricos, Barrick, Bales, and Bontrager, 2007; Sampson and Laub, 1993). Offenders who are accused of certain crimes and offenders returning from being incarcerated can be barred from attending some schools. Offenders may also be blocked from being employed in certain jobs. Since the average age of the offenders in each group was approximately 16-years-old, employment can be an issue for these juveniles. Blocked opportunities can result in increased recidivism without the internalization of the offender label.

The offender label as well as the gang member label can have social consequences. Based on both the offender label and further compounded by the gang member label, offenders may be excluded from conventional groups. The group itself may exclude the offender, or the offender may avoid conventional groups due to shame

based on the labels (Becker, 1963; Goffman, 1963; Matza, 1969). The exclusion from conventional groups may work to the push the offender toward delinquent groups of similarly labeled individuals, such as a gang, or towards increased involvement in the delinquent group (Becker, 1963). The participation in the delinquent group can result in increased criminal behavior.

In addition to the individual-level implications, there are consequences for the juvenile justice system. The increased likelihood of judicial handling due to the gang member label increases the workload of the juvenile court. Additionally, the increased likelihood of incarceration due to the gang member label could increase the number of offenders incarcerated within commitment facilities. The impact on commitment facilities is further increased due to the greater number of days incarcerated based on the gang member label. The greater workload for the juvenile court and commitment facilities increases the financial burden for the county and state.

Limitations and Future Research

This current study suffered from several limitations, the first of which was the possible omission of relevant variables. Information regarding which of the eight criteria were used to determine gang membership was not available. Offenders must meet at least two of the criteria to be labeled as a gang member. However, the impact of the gang member label may vary based on the number of criteria the offender meets. For example, an offender who meets six of the eight criteria may receive more severe treatment than offenders who only meet the minimum two of the eight criteria. Additionally, each of the eight criteria may carry a different weight. For example, an offender who admits to gang membership and is identified as a gang member by a parent may be treated more harshly than an offender who resides in or frequents a particular criminal street gang's area, adopts their style of dress, and associates with identified criminal street gang members but has not admitted to gang membership. Furthermore, the decision maker may make a distinction between a fringe gang member and a core member of the gang and treat the core gang member more severely. These limitations may distort the estimates of the gang member label on juvenile justice decisions because the random error in measuring how

much of a gang member an offender is weakens the association with the three dependent variables.

Another omitted set of variables was information regarding the decision maker, such as sex, race/ethnicity, or length of employment. For example, a decision maker may treat gang members who are of a different race/ethnicity as the decision maker more harshly than gang members of the same race/ethnicity as the decision maker. Decision makers who have longer lengths of employment may be disillusioned after repeatedly seeing the same offenders and be less likely to recommend diversion at intake or community supervision at disposition.

In the length of incarceration analyses, the offenses while incarcerated were taken into account. However, these offenses were limited to statutory offenses and did not include less serious forms of misconduct during incarceration (e.g., fighting, stealing). Misconduct that is not defined as a statutory offense can also occur in the community and school, thus impacting the intake and disposition decisions. If offenders labeled as gang members are more likely to commit acts of misconduct, then inclusion of this variable may decrease the association between the gang member label and number of days incarcerated.

Another omitted variable was family member involvement in gang activities. Inclusion of a variable that measures family member gang activity that is known to the decision maker, may moderate the association between the gang member label and juvenile justice decisions. Specifically, the gang member label may carry more weight for offenders with family members who are involved in gangs, thus resulting in more severe juvenile justice decisions for these offenders.

Variables expected to mediate the hypothesized relationship between the gang member label and juvenile justice decisions only mediated a small portion of the relationship. The variables may not accurately capture the decision makers' perceptions of the offender or other variables may be better for inclusion as mediating variables. For example, demeanor of the offender towards the decision maker has previously been studied and found to impact the police decisions (Engel, Sobel, Warden, 2000). Another possible explanation for these findings is that actual behavior (e.g., misconduct while incarcerated, current offenses, prior offenses) carries more weight than perceptions of offender behavior or attitudes.

Three other limitations involved the use of recommendations at the intake and disposition decision points as the dependent variable. The use of recommendations rather than outcomes was necessitated by the fact that with the recommendations a direct link between the information available and the decision can be established. However, some of the cases were missing a recommendation, which could bias the results. For example, if the missing recommendations are largely less severe and involved offenders labeled as gang members, then this could decrease or eliminate the findings that being labeled a gang member increased the severity of juvenile justice decisions. Another limitation due to the use of recommendations was that they were not necessarily followed and the final decision may not match the recommendation. The proportion of less severe final decisions was higher for cases where the recommendation and the final decision did not match than for the cases that did match, which could bias the results. Another limitation was the focusing on two counties at the intake and disposition decision points. This exclusion of other counties was necessary due to the unavailability of the data, specifically the recommendations. Based on only two Florida counties, there was no formal basis for generalizing the results beyond these areas.

Future research should include examining the impact of reactions to the gang member label on subsequent criminal behavior. Additionally, future research should further examine the impact of the gang member label on juvenile and criminal justice processing decisions keeping in mind the need to link the information available to the decision maker to the decisions the individual makes. Incorporation of variables related to the gang member label determination and decision maker characteristics should be included in future analyses. Future research should also attempt to identify the variables that mediate the relationship between the gang member label and juvenile justice and criminal justice outcomes.

APPENDIX A

INDIVIDUAL STUDIES OF JUVENILE JUSTICE PROCESSING

Table A.1. Description of Individual Studies of Juvenile Justice Processing

										Independent Variables ⁴							
										Race/Ethnicity ⁵		Current Offenses		Prior Offenses			
Studies	Time	Sample Size	Location	Analysis ²	DVs ³	Min.	Black	Hisp.	Male	Age	Det. ⁶	Severity	Charges	Severity	Charges	Single Parent	Attending School
McCarthy & Smith (1986)	1983	692	SE Metro Area	PA	Disp.		+ sig.		+ n.s.		+ n.s.	- n.s.					+ n.s.
Johnson & Secret (1990)	1982	4,033	NE	LR	Det.		+ sig.		+ sig.	+ n.s.		+ n.s.					+ sig.
	1983	4,320	NE	LR	Det.		+ sig.		+ sig.	+ n.s.		+ n.s.					+ sig.
	1984	4,469	NE	LR	Det.		+ sig.		+ sig.	+ n.s.		+ n.s.					+ sig.
	1985	4,610	NE	LR	Det.		+ sig.		+ sig.	+ n.s.		+ sig.					+ sig.
	1986	4,425	NE	LR	Det.		+ sig.		+ sig.	+ n.s.		+ n.s.					+ sig.
	1987	5,368	NE	LR	Det.		+ sig.		+ sig.	+ n.s.		+ n.s.					+ sig.
	1982	4,033	NE	LR	Intake		+ sig.		+ n.s.	- n.s.	+ sig.	+ sig.					- n.s.
	1983	4,320	NE	LR	Intake		+ sig.		+ sig.	+ n.s.	+ sig.	+ sig.					- sig.
	1984	4,469	NE	LR	Intake		+ sig.		+ sig.	+ n.s.	+ sig.	+ sig.					- sig.
	1985	4,610	NE	LR	Intake		+ sig.		+ sig.	+ n.s.	+ sig.	+ sig.					- sig.
	1986	4,425	NE	LR	Intake		+ sig.		+ sig.	+ n.s.	+ sig.	+ sig.					- sig.
	1982	4,033	NE	LR	Adj.		- sig.		- sig.	+ n.s.	- sig.	- sig.					+ n.s.
	1983	4,320	NE	LR	Adj.		- sig.		- sig.	+ n.s.	- sig.	- sig.					+ n.s.
	1984	4,469	NE	LR	Adj.		- sig.		- sig.	+ n.s.	- sig.	- sig.					- sig.
	1985	4,610	NE	LR	Adj.		- n.s.		- n.s.	+ sig.	+ sig.	- sig.					+ n.s.
	1986	4,425	NE	LR	Adj.		- sig.		- sig.	+ n.s.	- n.s.	- sig.					- sig.
	1987	5,368	NE	LR	Adj.		- sig.		- sig.	+ n.s.	+ sig.	- sig.					- sig.
Bishop & Frazier (1992)	1985-1987	137,671	FL	LR	Intake		+ sig.		+ sig.	+ n.s.	+ sig.	+ sig.					+ sig.

¹The findings from the Bishop & Frazier (1996) study are not included in the summary statistics because the samples substantially overlap with Bishop & Frazier

²HGLM-Hierarchical Generalized Linear Model; LR-Logistic Regression; MLR-Multivariate Linear Regression; OP-Ordinal Probit; PA-Path Analysis

³Dependent Variables: Disp.-Disposition; Det.-Detention; Adj.-Adjudication

⁴sig. Indicates p<.05.

⁵The reference category for minorities is non-minorities, for black is white, and for Hispanic is white. Min-Minority; Hisp.-Hispanic

⁶Detention

Table A.1. Description of Individual Studies of Juvenile Justice Processing

Studies	Time	Sample Size	Location	Analysis ²	DV ³	Race/Ethnicity ⁵		Age	Det. ⁶	Independent Variables ⁴		
						Min.	Black			Male	Current Offenses Severity Charges	Prior Offenses Severity Charges
Bishop & Frazier (1992)	1985-1987	137,671	FL	LR	Det.	+ sig.	+ sig.	+ sig.	+ sig.	+ sig.	+ sig.	+ sig.
					Intake	+ n.s.	+ sig.	+ sig.	+ sig.	+ sig.	+ sig.	+ sig.
					Adj.	- sig.	+ n.s.	+ n.s.	+ sig.	+ n.s.	+ n.s.	+ n.s.
					Disp.	+ sig.	+ sig.	+ sig.	+ sig.	+ sig.	+ sig.	+ sig.
Leiber (1994)	1980-1989	1,966	IA	LR	Intake	- n.s.	+ n.s.	+ sig.	- sig.	+ sig.	- n.s.	+ n.s.
					Disp.	- n.s.	- n.s.	- sig.	+ n.s.	- n.s.	- sig.	- n.s.
Wordes <i>et al.</i> (1994)	1990	570	N/A	LR	Det.	+ sig.	+ sig.	+ n.s.	+ sig.	+ sig.	+ n.s.	+ n.s.
Johnson & Secret (1995)	1982-1987	20,080	NE	LR	Adj.	- sig.	+ sig.	+ sig.	+ sig.	- sig.	- n.s.	- n.s.
					Disp.	- n.s.	- sig.	- sig.	+ sig.	- sig.	+ sig.	+ sig.
Bishop & Frazier (1996) ¹	1985-1987	137,028	FL	LR	Intake	+ sig.	+ sig.	+ sig.	+ sig.	+ sig.	+ sig.	+ sig.
					Det.	- sig.	+ sig.	+ sig.	+ sig.	+ sig.	+ sig.	+ sig.
					Intake	+ sig.	+ sig.	+ sig.	+ sig.	+ sig.	+ sig.	+ sig.
					Disp.	+ sig.	+ sig.	+ sig.	+ sig.	+ sig.	+ sig.	+ sig.

¹The findings from the Bishop & Frazier (1996) study are not included in the summary statistics because the samples substantially overlap with Bishop & Frazier

²HGLM-Hierarchical Generalized Linear Model; LR-Logistic Regression; MLR-Multivariate Linear Regression; OP-Ordinal Probit; PA-Path Analysis

³Dependent Variables: Disp.-Disposition; Det.-Detention; Adj.-Adjudication

⁴sig. Indicates p<.05.

⁵The reference category for minorities is non-minorities, for black is white, and for Hispanic is white. Min-Minority; Hisp.-Hispanic

⁶Detention

Table A.1. Description of Individual Studies of Juvenile Justice Processing

Independent Variables ⁴													
Studies	Time	Sample Size	Location	Analysis ²	DV ³	Race/Ethnicity ⁵		Current Offenses		Prior Offenses		Single Parent	Attending School
						Min.	Black	Hisp.	Male	Age	Det. ⁶		
Ruback & Vardaman (1997)	1993	1,768	GA	MLR	Adj.	+ sig.	+ n.s.	- n.s.	- sig.	+ n.s.	+ n.s.		
Secret & Johnson (1997)	1988-1993	25,325	NE	LR	Det.	+ sig.	- sig.	- sig.	+ sig.	+ sig.	+ sig.		
	1988-1993	25,325	NE	LR	Adj.	- sig.	+ sig.	+ sig.	- sig.	- sig.	- sig.		
	1988-1993	21,609	NE	LR	Disp.	- n.s.	- n.s.	+ sig.	- sig.	+ sig.	+ sig.		
Wu (1997)	1989	2334	OH	LR	Det.	+ sig.	- n.s.	+ n.s.	+ sig.	+ sig.	+ sig.	- n.s.	
	1989	2334	OH	LR	Adj.	- sig.	- n.s.	+ sig.	+ n.s.	- n.s.	- n.s.	+ n.s.	
	1989	2334	OH	LR	Disp.	- n.s.	+ sig.	+ sig.	+ sig.	+ sig.	+ sig.	+ n.s.	
DeJong & Jackson (1998)	1990	4683	PA	LR	Intake	+ n.s.	+ sig.	+ sig.	+ sig.	+ sig.	+ sig.	+ sig.	+ n.s.
	1990	2529	PA	LR	Disp.	- n.s.	+ n.s.	+ n.s.	+ sig.	+ sig.	+ sig.	+ sig.	- n.s.
Leiber & Stairs (1999)	1980-1991	2,016	IA	LR	Intake	+ sig.	+ n.s.	+ sig.	+ sig.	+ sig.	+ sig.	+ n.s.	- sig.
	1980-1991	1,425	IA	LR	Intake	- n.s.	- n.s.	+ sig.	+ sig.	+ sig.	+ sig.	+ sig.	- sig.
	1980-1991	1,795	IA	LR	Intake	+ sig.	- n.s.	+ sig.	+ sig.	+ n.s.	+ sig.	- n.s.	- sig.
MacDonald (2001)	1980-1987	3,000	Hawaii	OP	Intake	+ n.s.	+ n.s.	- n.s.	+ n.s.	+ n.s.	+ n.s.		

¹The findings from the Bishop & Frazier (1996) study are not included in the summary statistics because the samples substantially overlap with Bishop & Frazier

²HGLM-Hierarchical Generalized Linear Model; LR-Logistic Regression; MLR-Multivariate Linear Regression; OP-Ordinal Probit; PA-Path Analysis

³Dependent Variables: Disp.-Disposition; Det.-Detention; Adj.-Adjudication

⁴sig. Indicates p<.05.

⁵The reference category for minorities is non-minorities, for black is white, and for Hispanic is white. Min-Minority; Hisp.-Hispanic

⁶Detention

Table A.1. Description of Individual Studies of Juvenile Justice Processing

Studies	Time	Sample Size	Location	Analysis ²	DV ³	Race/Ethnicity ⁵		Age	Det. ⁶	Independent Variables ⁴		
						Min.	Black			Male	Current Offenses Severity	Offenses Severity
MacDonald & Chesney-Lind (2001)	1980-1991	59,790	Hawaii	LR	Intake	+ sig.	+ sig.	+ sig.	+ sig.	+ sig.		
		25,902	Hawaii	LR	Intake	+ sig.		+ n.s.		+ sig.		
		59,790	Hawaii	LR	Adj.	+ sig.		+ sig.		+ sig.		
		25,902	Hawaii	LR	Adj.	+ sig.		+ sig.		+ sig.		
		59,790	Hawaii	LR	Disp.	+ sig.		- sig.		- sig.		
		25,902	Hawaii	LR	Disp.	+ sig.		- sig.		- sig.		
Leiber & Mack (2003)	1980-1991	6,933	IA	LR	Intake	+ sig.		+ sig.		+ sig.		+ sig.
		791	IA	LR	Adj.	- n.s.		+ sig.		+ sig.		- n.s.
		981	IA	LR	Disp.	- n.s.		+ sig.		+ sig.		+ sig.
MacDonald (2003)	1980-1987	3,000	HI	OP	Intake	+ sig.		+ n.s.		+ n.s.		+ sig.
Guevara <i>et al.</i> (2004)	1990-1994	8,525	Mid-western Counties	LR	Intake	+ n.s.		+ sig.		+ sig.		+ sig.
		8,525	Mid-western Counties	LR	Disp.	+ sig.		+ sig.		+ sig.		+ sig.

¹The findings from the Bishop & Frazier (1996) study are not included in the summary statistics because the samples substantially overlap with Bishop & Frazier

²HGLM-Hierarchical Generalized Linear Model; LR-Logistic Regression; MLR-Multivariate Linear Regression; OP-Ordinal Probit; PA-Path Analysis

³Dependent Variables: Disp.-Disposition; Det.-Detention; Adj.-Adjudication

⁴sig. Indicates p<.05.

⁵The reference category for minorities is non-minorities, for black is white, and for Hispanic is white. Min-Minority; Hisp.-Hispanic

⁶Detention

Table A.1. Description of Individual Studies of Juvenile Justice Processing

Studies	Time	Sample Size	Location	Analysis ²	DVs ³	Race/Ethnicity ⁵		Age	Independent Variables ⁴					
						Min.	Black		Hisp.	Male	Severity	Charges	Prior Offenses	Severity
Guevara et al. (2004)	1990-1994	8,525	Mid-western Counties	LR	Disp.	+ sig.	- n.s.	- n.s.	+ sig.	- n.s.	+ sig.	+ sig.		
Guevara et al. (2006)	1990-1994	9,100	Mid-western State	LR	Det.	+ sig.	+ sig.	+ sig.	+ sig.			+ sig.		
	1990-1994	1,021	Mid-western State	LR	Disp.	- sig.	- sig.	- sig.	- sig.			+ sig.		
	1990-1994	849	Mid-western State	LR	Disp.	- sig.	- sig.	+ sig.	+ sig.			+ sig.		
	1990-1994	4,184	Mid-western State	LR	Disp.	+ n.s.	+ n.s.	- sig.	- sig.			+ sig.		
	1990-1994	4,260	Mid-western State	LR	Disp.	+ sig.	+ sig.	+ sig.	+ sig.			+ sig.		
McCluskey et al. (2004)	1993, 1995	2,519	Mid-western State	LR	Intake			- sig.	- sig.			+ sig.		
Ray & Alanid (2004)	1994	4,284	MO	LR	Intake	+ sig.	+ sig.	+ sig.	+ sig.			+ sig.		
	1994	4,284	MO	LR	Det.	+ sig.	+ sig.	+ sig.	+ sig.			+ sig.		
	1994	4,284	MO	LR	Adj.	- sig.	- sig.	- sig.	- sig.			+ sig.		- n.s.

¹The findings from the Bishop & Frazier (1996) study are not included in the summary statistics because the samples substantially overlap with Bishop & Frazier

²HGLM-Hierarchical Generalized Linear Model; LR-Logistic Regression; MLR-Multivariate Linear Regression; OP-Ordinal Probit; PA-Path Analysis

³Dependent Variables: Disp.-Disposition; Det.-Detention; Adj.-Adjudication

⁴sig. Indicates p<.05.

⁵The reference category for minorities is non-minorities, for black is white, and for Hispanic is white. Min-Minority; Hisp.-Hispanic

⁶Detention

Table A.1. Description of Individual Studies of Juvenile Justice Processing

		Independent Variables ⁴													
Studies	Time	Sample Size	Location	Analysis ²	DVs ³	Race/Ethnicity ⁵		Age	Det. ⁶	Current Offenses		Prior Offenses		Single Parent	Attending School
						Min.	Black			Hisp.	Male	Severity	Charges		
Armstrong & Rodriguez (2005)	1990	8,289	NE State	HGLM	Det.		+ sig.	+ sig.	+ sig.	+ sig.	+ sig.	+ sig.	+ sig.	+ sig.	
Leiber & Fox (2005)	1980-2000	5,554	IA	LR	Intake		+ sig.	+ sig.	+ sig.	+ sig.	+ sig.	+ sig.	+ sig.	- n.s.	- n.s.
	1980-2000	5,554	IA	LR	Det.		+ n.s.	+ sig.	+ sig.	+ sig.	- sig.	+ sig.	+ sig.	+ sig.	- sig.
	1980-2000	1,961	IA	LR	Intake		- n.s.	+ sig.	+ sig.	+ sig.	+ n.s.	+ n.s.	+ n.s.	- n.s.	- n.s.
	1980-2000	957	IA	LR	Adj.		- n.s.	- sig.	+ sig.	- sig.	- sig.	+ sig.	+ sig.	+ sig.	+ sig.
	1980-2000	1,169	IA	LR	Disp.		- sig.	+ sig.	+ sig.	+ sig.	+ n.s.	- sig.	- n.s.	+ n.s.	+ n.s.
Kupchick (2006)	1992-1993	552	NJ	LR	Disp.		- n.s.	+ n.s.	+ n.s.	+ sig.	+ sig.	+ sig.	+ sig.		
Webb (2006)	1992-1993	2,223	NJ, NY	LR	Det.		+ sig.	+ sig.	+ sig.	- sig.			+ sig.		
Leiber <i>et al.</i> (2007)	2002-2003	3,777	NW State	LR	Intake		- sig.	- n.s.	- n.s.	+ sig.	+ n.s.		- n.s.		
	2002-2003	3,777	NW State	LR	Intake		- sig.	+ sig.	+ sig.	- sig.	+ sig.		+ sig.		
	2002-2003	939	NW State	LR	Adj.		- n.s.	+ sig.	+ sig.	+ sig.	+ sig.		+ sig.		
Rodriguez (2007)	2000-2002	3,060	AZ	HGLM	Det.		- sig.	+ n.s.	+ n.s.	+ sig.	- n.s.	+ sig.	+ sig.	- sig.	- sig.

¹The findings from the Bishop & Frazier (1996) study are not included in the summary statistics because the samples substantially overlap with Bishop & Frazier

²HGLM-Hierarchical Generalized Linear Model; LR-Logistic Regression; MLR-Multivariate Linear Regression; OP-Ordinal Probit; PA-Path Analysis

³Dependent Variables: Disp.-Disposition; Det.-Detention; Adj.-Adjudication

⁴sig. Indicates p<.05.

⁵The reference category for minorities is non-minorities, for black is white, and for Hispanic is white. Min-Minority; Hisp.-Hispanic

⁶Detention

Table A.1. Description of Individual Studies of Juvenile Justice Processing

		Independent Variables ⁴													
Studies	Time	Sample Size	Location	Analysis ²	DV ³	Race/Ethnicity ⁵		Age	Det. ⁶	Current Offenses		Prior Offenses		Single Parent	Attending School
						Min.	Hisp.			Severity	Charges	Severity	Charges		
Ryan <i>et al.</i> (2007)	2002-2005	69,009	CA	LR	Intake	+ sig.	+ sig.	+ n.s.	- n.s.	+ sig.	+ sig.	+ sig.			
	2002-2005	4,669	CA	LR	Disp.	+ sig.	+ sig.	+ sig.	+ sig.	+ n.s.	- n.s.				
Guevara <i>et al.</i> (2008)	1990-1994	8,259	Mid-western State	LR	Disp.	- n.s.		- sig.	- sig.	+ sig.		+ sig.			
	1990-1994	8,259	Mid-western State	LR	Disp.	+ sig.		- sig.	- sig.	+ sig.		+ sig.			
D'Angelo & Brown (2008)	1994-2000	11,479-12,583	MO	LR	Disp.	+ sig.		- sig.	- sig.	+ sig.		+ sig.			
	2002-2004	497	KA	LR	Det.	+ n.s.		+ sig.		+ sig.		+ sig.		+ sig.	- n.s.
Leiber & Johnson (2008)	1980-2000	4,182	IA	LR	Intake	+ n.s.		+ sig.		+ sig.		+ sig.		+ n.s.	- sig.
	1980-2000	4,182	IA	LR	Intake	+ sig.		+ sig.		+ sig.		+ sig.		+ sig.	- sig.
	1980-2000	4,182	IA	LR	Disp.	- sig.		+ sig.		+ sig.		+ sig.		+ sig.	- sig.

¹The findings from the Bishop & Frazier (1996) study are not included in the summary statistics because the samples substantially overlap with Bishop & Frazier

²HGLM-Hierarchical Generalized Linear Model; LR-Logistic Regression; MLR-Multivariate Linear Regression; OP-Ordinal Probit; PA-Path Analysis

³Dependent Variables: Disp.-Disposition; Det.-Detention; Adj.-Adjudication

⁴sig. Indicates p<.05.

⁵The reference category for minorities is non-minorities, for black is white, and for Hispanic is white. Min-Minority; Hisp.-Hispanic

⁶Detention

Table A.2. Summary of Findings on the Effect of Selected Independent Variables on Juvenile Justice Outcomes

Independent Variables	Total Number of Findings	Percent of Findings			
		-sig.	-n.s.	+n.s.	+sig.
Minority	91	19%	16%	11%	54%
Male	69	10%	25%	23%	42%
Age	83	20%	14%	23%	42%
Detention	37	8%	8%	11%	73%
Current Offense Severity	73	19%	4%	12%	64%
Current Number of Charges	26	4%	15%	19%	62%
Prior Offense Severity	11	27%	0%	18%	55%
Prior Number of Charges	71	11%	10%	14%	65%
Single Parent	21	0%	29%	29%	43%
Attending School	18	44%	33%	17%	6%

APPENDIX B

SIMPLIFIED LOGISTIC REGRESSION TABLES

Table B.1. Logistic Regression for Dade & Volusia Intake Analyses-Simplified		
Variables	Dade	Volusia
Constant	*	
Gang Member Label	*	
Black or Hispanic ¹		*
Other ¹		
Male	*	
Age at Recommendation	*	
Median Income of Block Group		*
Current Offense Severity	*	*
Current Drug Offense-Marijuana Only ²		
Current Drug Offense-Not Limited to Marijuana ²		
Current Felony Offense	*	*
Current Sex Offense	*	*
Current Violent Offense	*	
Current Offense Took Place on School Grounds	*	*
Prior Offense Severity	*	*
Prior Drug Offense-Marijuana Only ³	*	*
Prior Drug Offense-Not Limited to Marijuana ³	*	
Prior Felony Offense	*	*
Prior Sex Offense		
Prior Violent Offense	*	*
On Probation at Time of Recommendation		*
In a Detention Facility at Time of Recommendation		
Previously in a Commitment Facility		
Previously on Probation		
Previously in a Detention Facility		
Home-One Parent/Step-Parent & No Family Members ⁴		*
Home-No Parents/Step-Parents & One Family Member ⁴		
Home-No Parents/Step-Parents & Multiple Family Members ⁴		
Home-Two Parents/Step-Parents & Family Member(s) ⁴		
Home-One Parent/Step-Parent & Family Member(s) ⁴	*	
Home-Non-Family Placement ⁴		
Home-Unspecified ⁴	*	*

* $p < .05$

¹The comparison group is White.

²The comparison group is no current drug offense.

³The comparison group is no prior drug offense.

⁴The comparison group is Home-Two Parents/Step-Parents & No Family Members.

Table B.1. Logistic Regression for Dade & Volusia Intake Analyses-Simplified cont.		
Variables	Dade	Volusia
Alcohol Use is Disruptive		
Drug Use is Disruptive		
Mental Health Disorder Identified		
School Commitment-Grades	*	
School Involvement		*
Associates with Anti-Social Peers		
Conventional Behavior	*	*
Responsibility	*	*
Verbal aggression		
Physical aggression		
Anger		
N	6,689	2,683
Overall Percent Correct (%)	80	81
Nagelkerke R^2	0.49	0.52

* $p < .05$

¹The comparison group is White.

²The comparison group is no current drug offense.

³The comparison group is no prior drug offense.

⁴The comparison group is Home-Two Parents/Step-Parents & No Family Members.

Table B.2. Logistic Regression for Dade & Volusia Disposition Analyses-Simplified		
Variables	Dade	Volusia
Constant		
Gang Member Label		*
Black or Hispanic ¹		
Other ¹		
Male		
Age at Recommendation	*	*
Median Income of Block Group		
Current Offense Severity	*	*
Current Drug Offense-Marijuana Only ²		
Current Drug Offense-Not Limited to Marijuana ²		*
Current Felony Offense		*
Current Sex Offense		*
Current Violent Offense		*
Current Offense Took Place on School Grounds		
Prior Offense Severity	*	
Prior Drug Offense-Marijuana Only ³	*	
Prior Drug Offense-Not Limited to Marijuana ³		
Prior Felony Offense		
Prior Sex Offense		
Prior Violent Offense		
On Probation at Time of Recommendation		*
In a Detention Facility at Time of Recommendation	*	*
Previously in a Commitment Facility		
Previously on Probation	*	*
Previously in a Detention Facility		*
Home-One Parent/Step-Parent & No Family Members ⁴		
Home-No Parents/Step-Parents & One Family Member ⁴		
Home-No Parents/Step-Parents & Multiple Family Members ⁴		
Home-Two Parents/Step-Parents & Family Member(s) ⁴		
Home-One Parent/Step-Parent & Family Member(s) ⁴		
Home-Non-Family Placement ⁴		
Home-Unspecified ⁴		

* $p < .05$

¹The comparison group is White.

²The comparison group is no current drug offense.

³The comparison group is no prior drug offense.

⁴The comparison group is Home-Two Parents/Step-Parents & No Family Members.

Variables	Dade	Volusia
Alcohol Use is Disruptive		
Drug Use is Disruptive	*	
Mental Health Disorder Identified	*	
School Commitment-Grades	*	
School Involvement		
Associates with Anti-Social Peers		
Conventional Behavior		
Responsibility		
Verbal aggression	*	
Physical aggression	*	
Anger		
N	774	785
Overall Percent Correct (%)	71	81
Nagelkerke R^2	0.35	0.48

* $p < .05$

¹The comparison group is White.

²The comparison group is no current drug offense.

³The comparison group is no prior drug offense.

⁴The comparison group is Home-Two Parents/Step-Parents & No Family Members.

APPENDIX C

USE OF HUMAN SUBJECTS IN RESEARCH – APPROVAL MEMORANDUM

Webmail

squinn@embarqmail.com

Use of Human Subjects in Research - Approval Memorandum

From : Human Subjects <humansubjects@magnet.fsu.edu> Thu, Jan 14, 2010 09:02 AM
Subject : Use of Human Subjects in Research - Approval Memorandum
To : stq9893@fsu.edu
Cc : gkleck@fsu.edu

Office of the Vice President For Research
Human Subjects Committee
Tallahassee, Florida 32306-2742
(850) 644-8673 · FAX (850) 644-4392

APPROVAL MEMORANDUM

Date: 1/14/2010

To: Susan Quinn

Address: 2302 Hartsfield Way, Tallahassee, FL 32303
Dept.: CRIMINOLOGY AND CRIMINAL JUSTICE

From: Thomas L. Jacobson, Chair

Re: Use of Human Subjects in Research
Gang Membership and Juvenile Justice Outcomes

The application that you submitted to this office in regard to the use of human subjects in the research proposal referenced above has been reviewed by the Human Subjects Committee at its meeting on 01/13/2010. Your project was approved by the Committee.

The Human Subjects Committee has not evaluated your proposal for scientific merit, except to weigh the risk to the human participants and the aspects of the proposal related to potential risk and benefit. This approval does not replace any departmental or other approvals, which may be required.

If you submitted a proposed consent form with your application, the approved stamped consent form is attached to this approval notice. Only the stamped version of the consent form may be used in recruiting research subjects.

If the project has not been completed by 1/12/2011 you must request a renewal of approval for continuation of the project. As a courtesy, a renewal notice will be sent to you prior to your expiration date; however, it is your responsibility as the Principal Investigator to timely request

renewal of your approval from the Committee.

You are advised that any change in protocol for this project must be reviewed and approved by the Committee prior to implementation of the proposed change in the protocol. A protocol change/amendment form is required to be submitted for approval by the Committee. In addition, federal regulations require that the Principal Investigator promptly report, in writing any unanticipated problems or adverse events involving risks to research subjects or others.

By copy of this memorandum, the Chair of your department and/or your major professor is reminded that he/she is responsible for being informed concerning research projects involving human subjects in the department, and should review protocols as often as needed to insure that the project is being conducted in compliance with our institution and with DHHS regulations.

This institution has an Assurance on file with the Office for Human Research Protection. The Assurance Number is IRB00000446.

Cc: Gary Kleck, Advisor
HSC No. 2009.3748

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BIOGRAPHICAL SKETCH

Susan T. Quinn received a Bachelor of Science degree in Sociology and Criminal Justice from the University of Georgia in 1999. She earned a Master of Science degree in Criminology and Criminal Justice at Florida State University in 2000. While working towards her Ph.D. in the College of Criminology and Criminal Justice, Susan taught several courses at Florida State University and held positions with the Florida Legislature and Florida Department of Juvenile Justice.