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PRE-PRINT VERSION

**Exploring State-Level Variation in Juvenile Incarceration Rates:
Symbolic Threats and Competing Explanations***

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Symbolic Threats and Competing Explanations**

ABSTRACT

Despite large-scale increases in juvenile incarceration rates nationally, relatively little attention has been given to explaining why some states invest more heavily than others in the long-term confinement of young offenders. This paper explores four potential explanations. First, investment in juvenile incarceration may be greater where symbolic threats to social order are higher. Second, it may be greater in states where crime, especially juvenile violent crime, is more prevalent. Third, juvenile incarceration practices may simply reflect those deemed suitable for adult offenders; thus, states with higher adult incarceration rates may incarcerate more juveniles. Finally, cultural acceptance of punitive policies, as in the South, may contribute to higher rates of juvenile incarceration. Using state-level data, the paper focuses primarily on the first explanation and the extent to which the alternatives can account for any observed symbolic threat effect. The study's implications for policy and research are discussed.

KEY WORDS: juvenile incarceration symbolic threat

Exploring State-Level Variation in Juvenile Incarceration Rates: Symbolic Threats and Competing Explanations

INTRODUCTION

During the tough-on-crime decade of the 1990s, juvenile incarceration increased by 43 percent, with over 108,000 youth held in confinement at the start of the twenty-first century (Sickmund 2004).¹ Sixty percent of these youth were serving at least one year or more (Snyder 2004). Clearly, the United States has witnessed a pronounced sea-change in how it manages young offenders, with states now giving far greater emphasis to a policy—incarceration—that runs counter to the rehabilitative foundations of the juvenile justice system as envisioned by its creators over 100 years ago (Feld 1999; Mears and Travis 2004; Krisberg 2005).

Yet, not all states equally embrace incarceration as a way of managing juvenile offenders. For example, in 1997, at the peak of the “get tough” boom, juvenile incarceration rates varied dramatically among states, from a low of 70 (Vermont) per 100,000 juveniles age 10 through the upper age of jurisdiction to a high of 583 (Louisiana), with an average of 368 for the country as a whole (Sickmund 2000). Such variation is typical, regardless of over-time trends in confinement of juveniles. For example, the rates of juvenile incarceration in public facilities varied, in 1975, from a low of 17 (Massachusetts) to a high of 399 (Nevada), and, in 1987, from a low of 24 (Vermont) to a high of 498 (California) (McGarrell 1991).

Despite the marked increase in juvenile incarceration in recent decades, as well as the continuing state-level variation in incarceration practices, remarkably little attention has been given to explaining why some states aggressively use incarceration and others do not (McGarrell

1991; Greenberg and West 2001; Jacobs and Carmichael 2001; Useem et al. 2003; Smith 2004). Moreover, most such studies focus on adult rather than juvenile incarceration. The relative inattention is surprising for at least two reasons. Historically, incarceration was supposed to be an option of last resort in the juvenile justice system, but no longer is in many states. In addition, it represents an expensive policy, one involving a long-term commitment to new levels of incarceration and thus to any attendant costs.

Given these considerations, this paper aims to stimulate greater understanding and discussions about the use of juvenile incarceration. To this end, it examines and empirically tests four leading explanations for variation among states in their use of what generally is viewed as the juvenile justice system's most severe sanction. One is that punitive juvenile justice policies arise in states where symbolic threats to the social order are greatest. Another is that such policies result when crime, especially juvenile violent crime, is higher. A third is that juvenile justice correctional policies largely mirror those of the adult correctional system, reflecting, at the state-level, an inclination to view juvenile and adult offenders similarly. And a fourth is that punitive policies essentially stem from "get tough," culturally-based philosophies concerning the punishment of offenders. As discussed below, each explanation presents markedly different implications for policy and practice.

This paper is organized as follows. It begins by describing the emergence of "get tough" trends in juvenile justice during the past two decades and potential explanations for state-level variation in juvenile incarceration rates. It then discusses the data and methods used to test each of the four hypothesized explanations for variation in juvenile incarceration. Results of these tests are presented in the findings section. The conclusion elaborates on the research and policy implications of the study, emphasizing the need for greater attention to developing and testing

theories that can account for why states use juvenile incarceration and, as importantly, whether different levels of incarceration may contribute to different outcomes, such as reduced crime.

BACKGROUND AND HYPOTHESES

The juvenile justice system has undergone dramatic changes during the past two decades (Dawson 1990; McGarrell 1991; Singer 1996; Torbet and Szymanski 1998; Feld 1999; Butts and Mitchell 2000; Fagan and Zimring 2000; Howell 2003; Krisberg 2005). In contrast to the foundation of the first juvenile court, which emphasized the notion that the state should act as a surrogate parent (captured by the Latin phrase, parens patriae, meaning the “state as parent”) and for the “best interests” of youths, juvenile justice systems now give greater, and often explicit, priority to punishment as an end unto itself.

More generally, many reforms enacted in the past twenty-five years reflect a generalized “get tough” orientation (Howell 2003), one that more closely resembles the dominant philosophy of the criminal justice system during the latter part of the twentieth century (Wool and Stemen 2004). Almost all states, for example, enacted new or expanded laws for transferring youth to the adult justice system (Butts and Mitchell 2000). Many others created mandatory minimum incarceration terms, sentencing guidelines, mechanisms for bridging the gaps between the juvenile and adult justice systems—allowing, for example, terms of incarceration to begin in the juvenile justice system and then continue into the adult system (Fagan and Zimring 2000)—and laws specifically creating tougher sanctions for repeat, violent, drug, or weapons offenders (Torbet et al. 1998). In addition, a large number of states have reduced the confidentiality of juvenile court records and proceedings (Sanborn 1998). New laws allow, among other things,

for greater sharing of information of a youth's legal and social history among prosecutors, corrections, probation, law enforcement, educational, and social service agencies, and others with a "need to know" (Torbet et al. 1996:35).

The most common explanation of this trend has been that states were confronted by escalating juvenile violent crime, as well as visions of putative "superpredators" (DiIulio 1995; Fox 1996), and responded accordingly (Butts and Mitchell 2000). But such an explanation ignores the fact that both prior to and after the peak "get tough" period of the mid-1990s, some states aggressively used juvenile incarceration and others did not (McGarrell 1991). Indeed, it sidesteps the critical question of why variation in juvenile incarceration exists in the first place (Krisberg et al. 1984).

Among the possible explanations for such variation, at least four can be posited. This paper gives particular attention to the first, the notion of a symbolic threat, which has increasingly been touted as a cause of punitive and discriminatory criminal justice policies (see, e.g., Myers 1989; McGarrell 1991; Albonetti and Hepburn 1996; Steffensmeier et al. 1998; Greenberg and West 2001; Mears 2002; Leiber and Mack 2003; Chiricos et al. 2004). The symbolic threat hypothesis essentially dovetails with the notion from conflict theories that certain groups "threaten the hegemony of middle- and upper-class rule" and thus "are more likely to be subjected to intensified social control—more criminalization, more formal processing by the criminal justice system, and increased incarceration compared with groups that are perceived as less threatening to the status quo" (Sampson and Lauritsen 1997:356; see also Hogan et al. 2005). Recent versions of this view emphasize the possibility that symbolic threats operate not only through elites but also through "'mainstream America'—middle-class and working-class citizens who represent the dominant majority in American society" (Sampson and Lauritsen 1997:358).

A focus on symbolic threats is of interest on both theoretical and policy grounds.

Theoretically, relatively little attention has been given to the factors that shape state-level incarcerative policies, especially those focused on juvenile offenders. The symbolic threat hypothesis holds strong appeal as one possible explanation, especially given the growing body of research that suggests that combinations of such factors as race, ethnicity, gender, and class influence sentencing decisions (Steffensmeier et al. 1998; Leiber and Mack 2003) as well as studies pointing to the role of race and ethnicity in juvenile incarceration decisions (McGarrell 1991; Feld 1999; Mears and Field 2000).

On policy grounds, the possibility of a symbolic threat effect raises concerns because most views of justice accept the premise that exercises in state power should be limited to cases in which a substantively valid threat to social order exists (Axtmann 2003). The commission of a crime clearly constitutes one such threat. Presumably, a rational and defensible criminal justice policy—especially the use of one of the most extreme forms of state power—should be directly tied to such threats and not, say, to substantively irrelevant factors. We would expect, for example, that states with the highest incarceration rates should, by and large, have higher crime rates. If they do not, or if other factors, such as the socioeconomic composition of the population influence these rates, then questions arise about the fairness of the juvenile justice system. In such cases, the concern put forth by proponents of the New Penology (Useem et al. 2003:9) is that the public may be seeking overly aggressive punishment, such as increased incarceration, “without being guided by standards of what is fair, valuable, or effective.”

The notion of a symbolic threat should not be construed as indicating that a real threat exists. Rather, the critical issue is that policymakers may directly or indirectly shape their efforts based on impressions they consciously or unconsciously associate with particular social conditions,

such as urban poverty, race, and “broken homes” (e.g., single-parent families), conditions that they view as increasing the “dangerous classes”—that is, “populations perceived as threatening become of their economic circumstances, race, or ethnicity, independently of their involvement in crime” (Greenberg and West 2001:620). Such impressions may be substantively valid (e.g., these conditions may be associated with incarceration-worthy crimes). But they also may be invalid. For example, crime rates in general are not uniformly, obviously, or statistically a function of poverty or demographics (Land and McCall 2001; Akers and Sellers 2004). Nonetheless, concerns about symbolic threats may lead to a greater use of incarceration as a symbolic attempt to show that order exists or is being restored.

But is a symbolic threat really what drives state-level juvenile incarceration policies, or is it something else? One reasonable explanation—the second examined in this paper—is that symbolic threats simply serve as a proxy for legitimate concern about crime, whether juvenile or adult (Useem et al. 2003). On the one hand, we might expect that juvenile crime, and especially violent juvenile crime, should be strongly associated with greater use of incarceration. On the other hand, public fear of crime is a function of the perceived seriousness and likelihood of particular crimes occurring (Warr and Stafford 1983). Consequently, even though property crime is generally viewed as less serious, higher levels of juvenile property crime may contribute to more incarceration. It also is possible that juvenile incarceration policy stems from adult violent crime, or primarily, given its greater prevalence, adult property crime. The reasoning is that the public and policymakers alike may pursue tougher juvenile incarceration policies primarily based on their perceptions about levels of adult crime. By contrast, both symbolic threats and crime together may help account for juvenile incarceration rates.

A third explanation is that juvenile incarceration policies simply reflect those adopted for adult offenders. For example, policymakers may focus their attention on adult incarceration and then advocate that young offenders be treated similarly to those in the criminal justice system. The possibility is far from academic—the juvenile justice system has, for example, frequently been referred to as the “stepchild” of the criminal justice system (see, e.g., Humes 1996; Burnett 2000). A related argument can be made: “Get tough” adult crime policies may contribute to criminalization of the juvenile justice system (Feld 1999), evident in part through higher rates of juvenile incarceration. Here, again, we can expect that in so far as this is true, perceptions about symbolic threats may be irrelevant. Alternatively, both symbolic threats and adult penal policies may factor in to decisions to support more punitive juvenile incarceration practices. It is possible, too, that symbolic threats may fuel adult penal policies and thus indirectly—via these policies—juvenile incarceration rates. Not least, a competing hypothesis exists. Adult incarceration rates may be inversely related to juvenile incarceration rates, resulting from a trade-off whereby states invest heavily in the imprisonment of adults and so have fewer resources for juvenile incarceration (McGarrell 1991).

Fourth, some observers, including those of a New Penology persuasion, might argue that juvenile incarceration policies flow primarily from a cultural acceptance or endorsement of punitive policies. Following this line of reasoning, we can expect that regions of the country, and particularly the South, may vary in their use of incarceration, creating a type of “justice by geography” (Krisberg et al. 1984). For example, the South has a long history of pursuing punitive criminal justice policies, such as use of the death penalty (Bonczar and Snell 2003), and so may be more likely than other regions of the country to embrace tougher juvenile

incarceration rates. In so far as the region hypothesis is supported, it may account at the same time for any putative symbolic threat effect, or both effects may be present.

Synthesizing the above explanations, we can anticipate the following: Symbolic threats may drive state-level differences in the use of juvenile incarceration. Just as plausibly, substantive concerns about crime may fuel such differences. The possibility also exists that symbolic threats may be mediated by (i.e., be transmitted through) adult incarceration policies. More generally, we can expect that factors of obviously legitimate concern, such as crime, may combine with factors of less-obvious legitimacy, such as symbolic threats, adult incarceration policies, and regional philosophies of punishment, to influence juvenile incarceration practices among states.

DATA AND METHODS

The focus of this study is on explaining state-level variation in juvenile incarceration rates. As opposed to longitudinal, over-time approaches, which typically examine whether changes in certain factors lead to changes in an outcome (see, e.g., Krisberg et al. 1984; McGarrell 1991), the cross-sectional approach allows for investigation of a quite different question—namely, what general features of states are associated with a greater use of juvenile incarceration? To answer this question, the study employs ordinary least squares (OLS) regression to predict juvenile incarceration rates using measures of symbolic threat, juvenile and adult violent and property crime, adult incarceration, and region.

Insert Table 1 about here

The dependent variable for the analyses comes from the Census of Juveniles in Residential Placement data (Sickmund 2000) and is the juvenile incarceration rate, measured as the number of delinquent offenders in public or private detention or correctional facilities per 100,000 youths age 10 to upper age of jurisdiction in 1997. As Table 1 shows, the average rate of juvenile incarceration nationally was 301. This year was chosen because “get tough” juvenile justice reforms peaked during the mid-1990s, a time when one might expect most states to embrace comparably high rates of juvenile incarceration.

For each of the independent variables, data from 1996 are used to predict 1997 incarceration rates. A measure of symbolic threat was created by factor analyzing three variables and the resulting scores then were used in the regression models. The analysis produced a single factor with an eigenvalue of 2.15, indicating that a single measure of symbolic threat (mean of 0.0 and standard deviation of 1.0) was justified and would serve as a more reliable indicator of this construct than any of the three variables by themselves (Stevens 1992). The first variable was a measure of inequality using data from the Economic Policy Institute and Center on Budget and Policy Priorities (Bernstein et al. 2000a-b), specifically, the ratio of the average family income in the top one-fifth of families in each state versus the bottom one-fifth.² The second was the percent of families with children headed by single parents (Casey Foundation 2001).³ And the third was the percent of the population that was black (Census Bureau 1998:6). Each variable was selected based on review of prior research. Conflict theorists have long stressed, for example, the possibility that the application of law stems in large part from insecurity among elites about uprisings among the working class (Greenberg and West 2001). Similarly, family breakdown is often considered a threat to social order (Tyler and Boeckmann 1997). And race

and ethnicity are frequently cited as primary markers of a symbolic threat (Leiber and Mack 2003).

The juvenile violent crime rate was measured as the number of juvenile (under age 18) arrests for murder, forcible rape, robbery, and aggravated assault per 100,000 youth (ages 10-17), while the juvenile property crime rate was measured as the number of burglary, larceny, and auto theft arrests per 100,000 youth (Snyder 1997b).⁴ The adult violent crime rate was measured as the number of reported murders, forcible rapes, robberies, and aggravated assaults per 100,000 resident population, while the adult property crime rate was measured as the number of burglaries, larcenies, and auto thefts per 100,000 residents (Bureau of Justice Statistics 2000). The average juvenile violent and property crime rates nationally were 396 and 2,683, respectively; by contrast, the average adult violent and property crime rates were 507 and 4,314, respectively (see Table 1).

Using data from the Bureau of Justice Statistics, the adult incarceration rate was measured as the number of state and federal adult inmates per 100,000 resident population (Gilliard and Beck 1997). In 1997, the average adult incarceration rate was 329.

Finally, region was measured by coding states as belong either to the Northeast, Midwest, West, or South, using the categorizations provided in Harrison and Beck (2005) and by other researchers (e.g., King 1999). Eighteen percent of the states were coded as belonging to the Northeast, 22 percent to the Midwest, 27 percent to the West, and 33 percent to the South.

Some observers might argue that the age of juvenile jurisdiction, which varies considerably across states, might influence juvenile incarceration rates and so should be introduced as a control. For example, the majority of states use 18-years-old as the age of adulthood, but some states use age 17 as the threshold (Georgia, Illinois, Louisiana, Massachusetts, Michigan,

Missouri, New Hampshire, South Carolina, Texas, and Wisconsin) and others use age 16 (Connecticut, New York, and North Carolina) (Sickmund 2004).⁵ All analyses below were re-examined introducing dummy variables for age of jurisdiction. The results were substantively and statistically similar. Thus, for the sake of parsimony, only the analyses with the predictors of interest are presented below. Also, although the analyses employ conventional levels of statistical significance, a probability of .10 is used in three instances to emphasize that a change from one model to the next is not as dramatic as the typical threshold levels would suggest, and to show that even with a small number of cases (N=49 states), some variables were close to being statistically significant using the typical threshold of a .05 or lower probability.⁶

FINDINGS

Insert Table 2 about here

Inspection of Model 1 in Table 2 shows that there is a strong, positive, and statistically significant symbolic threat effect. Specifically, every one-standard deviation unit increase in symbolic threat is associated with an increase of 36 in the number of juvenile offenders incarcerated per 100,000 youth. Substituting single-parent households—the variable that loaded the highest on the symbolic threat factor—can help place this effect into context.⁷ In a separate regression analysis using households as the independent variable (mean = 26.10, s.d. = 3.96), the resulting unstandardized coefficient was 9.29.⁸ Thus, a one-standard deviation increase in the percent of single-parent households is associated with an increase of 37 (9.29 x 3.96) in the number of offenders incarcerated per 100,000 youth, indicating that a relatively small percentage

increase in single-parent households produces a relatively large increase in the juvenile incarceration rate. Similar results emerged in analyses in which the other two factor analysis variables were substituted for symbolic threat. In each instance, relatively small changes in these variables contributed to similarly large increases in the juvenile incarceration rate, suggesting that the effect of symbolic threat identified in Model 1 is substantial.⁹

Models 2 and 3 introduce crime and adult incarceration rates, respectively. In Model 2, inclusion of crime rates—most notably, juvenile property and adult violent crime rates—eliminated the symbolic threat effect. In Model 3, inclusion of the adult incarceration rate also eliminated the symbolic threat effect. Taken at face value, the patterns suggest that symbolic threats either do not exert a direct effect on juvenile incarceration rates or that the initial association is spurious. By contrast, the statistically significant effect of crime lends support to the idea that a substantively valid foundation—specifically, a “more crime, more punishment” logic (Useem et al. 2003)—for juvenile incarceration exists.

Insert Table 3 about here

The explanation for the link between adult and juvenile incarceration policies is less clear. One possibility, hypothesized above, is that adult crime policies essentially have a “trickle down” effect that contributes to criminalization of the juvenile justice system. Another possibility is that the influence of symbolic threats on juvenile incarceration arises through adult incarceration policies. That is, the greater use of juvenile incarceration might ultimately be attributed to public and policymaker concerns about symbolic threats that, in turn, contribute to adult incarceration. To investigate this possibility, Table 3 presents OLS analyses in which adult

incarceration rates are used as the dependent variable. As Model 1 shows, the symbolic threat variable was strongly predictive of adult incarceration policies, explaining over 45 percent of the variance in adult incarceration rates. Controlling for crime rates (Model 2), region (Model 3), and both crime rates and region (Model 4) reduced the strength of the symbolic threat effect from a coefficient of 93.6 to 43.8 in models 1 and 4, respectively. Even so, the association between symbolic threat and adult incarceration rates in the final model remains strong—every one standard deviation increase in the level of symbolic threat is associated with an increase of 43.8 more adult offenders incarcerated per 100,000 residents—suggesting support for the hypothesized relationship.

Returning to Table 2, a region effect surfaces in Model 4, but it is the opposite of what we would expect—namely, net of the effect of symbolic threat, Southern states are less, not more, likely to have higher juvenile incarceration rates as compared with Western states and no more likely to have higher rates than Northeastern and Midwestern states. For example, Western states incarcerate over 97 more offenders per 100,000 residents as compared with states in the South, even after controlling for the level of symbolic threat. In Model 5, which includes all of the explanatory variables, the same overall pattern arises as in models 2 through 4—namely, symbolic threat does not emerge as statistically significant, while juvenile property crime, adult violent crime, adult incarceration, and region emerge as statistically significant with similar effects to those in the previous models.

Several general findings emerge from inspection of tables 2 and 3. First, symbolic threats do not appear to factor directly, if at all, into juvenile incarceration policies. However, caution is warranted. For example, a symbolic threat effect may actually exist and simply be obscured through inclusion of the crime or adult incarceration predictors. To illustrate, higher rates of

reported crime may stem from higher levels of perceived symbolic threats.¹⁰ Specifically, residents—or “mainstream Americans” (Sampson and Lauritsen 1997:358)—in states where symbolic threat levels are higher may be more likely to report crime, in turn creating higher reported crime rates even though true crime rates may be no different than in states with lower levels of symbolic threats (O’Brien 1995).¹¹

Second, in both models 2 and 5, two types of crime were significant—juvenile property and adult violent crime, with the latter exerting a markedly stronger influence on juvenile incarceration rates. This pattern suggests one reason why “get tough” juvenile justice policies may have become so pervasive in the 1990s. On the one hand, juvenile property crime is, in contrast to juvenile violent crime, ubiquitous, thus providing a constant source of potential concern. On the other hand, adult violent crime is appreciably more common than juvenile violent crime, and was so even during the juvenile violent crime surges in the 1980s. Since research suggests that public fear of crime results from a joint consideration of both the likelihood and severity of crime (Warr and Stafford 1983), it may be that public concerns about juvenile crime stemmed from conflating their perceptions about juvenile and adult property and violent offending.

Third, adult incarceration rates exerted an influence on juvenile incarceration rates net of the other factors, most notably, crime rates. We might have anticipated that any influence of adult incarceration on juvenile incarceration would arise due to similar causes—that is, crime. But that clearly is not the case, suggesting the possibility that the general toughening, or criminalization, of the juvenile justice system during the 1990s (Feld 1999; Mears and Field 2000) may have arisen from the influence of criminal justice system policies and practices. It

also is possible that some other underlying factor may account for the use of incarceration in both the juvenile and adult justice systems.

Fourth, models 4 and 5 indicate that Midwestern and Western states are considerably more likely to use incarceration than Southern states, net of symbolic threat levels and crime and adult incarceration rates. The possibility thus arises that perhaps Southern states have been unfairly portrayed as adopting harsher responses toward juvenile offenders when, controlling for such factors as crime, they actually may employ less harsh sanctioning practices (see also Greenberg and West 2001:633).

DISCUSSION AND CONCLUSION

Incarceration represents the most severe punishment available within the juvenile justice system. Historically, and largely for that reason, it has been viewed as the option of last resort after all other attempts at rehabilitation have been tried. Today's juvenile justice system looks considerably different. Punishment increasingly has become the primary goal in many states, and the distinction between juvenile and adult justice systems has blurred (Singer 1996; Butts and Mitchell 2000; Howell 2003; Krisberg 2005). Not surprisingly, then, juvenile incarceration has escalated dramatically over the past several decades. Even so, variation in the use of juvenile incarceration remains and yet has gone largely unstudied. Viewed purely from an economic perspective, the relative inattention is remarkable given the substantial costs associated with juvenile incarceration. It is surprising, too, given the marked emphasis states increasingly have placed on government accountability and reliance on evidence-based "best" practices (Sherman et al. 1997; Cullen 2005).

The goal of this study was to test four explanations about the variation in juvenile incarceration and in so doing contribute to existing research and to greater understanding and discussion of why states vary in their use of juvenile incarceration. Specifically, symbolic threats, juvenile and adult crime, adult incarceration, and region of the country all were hypothesized to be associated with higher rates of juvenile incarceration. The analyses indicated that symbolic threats were not associated with juvenile incarceration rates, but that juvenile property and adult violent crime rates, adult incarceration rates, and region were.

Thus, some support was found for those, such as adherents of what Useem et al. (2003) have described as penological formalists, who argue that juvenile incarceration practices reflect public and policymaker concerns with crime, a presumably valid problem for which incarceration may be a legitimate response. Notably, however, juvenile violent crime was not associated with increased incarceration. By contrast, juvenile property and adult violent crime rates were. This pattern raises questions about whether juvenile incarceration rates have, as some observers have speculated, been driven by concerns about “superpredators” or whether, instead, such policies reflect a more generalized concern with both juvenile and adult, especially adult violent, crime. The results here clearly suggest greater support for the latter view.

The results of the study also point to the likelihood that concerns about a generalized criminalization of the juvenile justice system (Feld 1999; Mears and Field 2001; Howell 2003) may be misplaced. Rather, criminalization may be more likely in those states where “get tough” policies exist for adult offenders—hence the strong and positive relationship between juvenile incarceration rates and adult violent crime and incarceration rates—and less likely in others.

Finally, support emerged for those who argue that juvenile incarceration practices reflect the influence of factors of questionable legitimacy. If, for example, the assumption is that

incarceration should be used primarily to punish violent juvenile offending, it is unclear why adult violent crime or incarceration rates should factor prominently into juvenile incarceration practices. Similarly, different regions of the country appear to have different cultural or philosophical orientations that contribute to variation in sanctioning practices. Such orientations are not obviously grounded in research or evidence-based practices and ultimately contribute to what has the appearance of a seemingly arbitrary “justice by geography” (Krisberg et al. 1984). This issue aside, the fact that Southern states were actually less likely than Midwestern and Western states to have higher incarceration rates, net of levels of symbolic threat and juvenile and adult crime rates, indicates the need for caution in assuming that the South is disproportionately more punitive—at least in so far as juvenile incarceration policies are concerned—than other parts of the country.

The results of this study pose implications for policy. Perhaps most importantly, they suggest the need for what Zimring (1998) has termed a “jurisprudence of youth violence.” Under the best of circumstances, it can be challenging to develop coherent and defensible sanctioning policies. There is, for example, likely no single best way to balance the competing demands—retribution, deterrence, rehabilitation—society places on punishment (Guarino-Ghezzi and Loughran 2004). Yet, such challenges should not create license for imposing the most serious of sanctions, incarceration (second, perhaps, to the death penalty), in a manner that is arbitrary, unfair, or unnecessarily costly. Of course, variation among states in juvenile incarceration can be expected given that each state creates its own laws and allocates its own resources. But the result of such discretion nonetheless appears to be a situation in which, when viewed from a national perspective, states use juvenile incarceration largely in response to adult violent crime, as an extension of adult incarceration policies, or in fulfillment of regionally-

specific cultures and philosophies about how young offenders should be sanctioned—none of which in any obvious way reflect a coherent or balanced “jurisprudence of youth violence.”

One potential solution is to develop, with the assistance of policymakers, researchers, and practitioners, national guidelines for when juvenile incarceration should be used. As with sentencing guidelines, states would not be legally required to comply with the guidelines. However, they would have to document their reasons for departing from them. In addition, a national monitoring system could be created to help states document better the extent to which their use of juvenile incarceration reflects juvenile violent crime patterns and trends and is consistent either with other states or what research suggests is an optimal level.

Researchers can help ensure that such efforts are informed by the most current and rigorous research. To that end, increased investigation of when and why states use juvenile incarceration is needed (Butts and Adams 2001; Mears 2002). Just as importantly, investigation of the extent to which specific levels of juvenile incarceration can effectively reduce juvenile offending might help inform deliberations about sanctioning policies (see, e.g., Spelman 2000 Useem et al. 2003). If, for example, studies confirm that specific thresholds of juvenile incarceration create substantial reductions in juvenile crime, then policymakers then would have a stronger foundation on which to argue for specific higher or lower levels of corrections bed space.

At the same time, the study of juvenile incarceration policies and practices affords a unique opportunity to examine questions of increasingly theoretical prominence in criminology and criminal justice studies. Symbolic threats, for example, have been identified as playing a potentially profound role in sentencing, yet remain largely unstudied in ecological-level studies of state correctional practices. Because symbolic threats are so closely intertwined with race and ethnicity, as well as class and family structure, and because these in turn are intertwined with

offending (Tonry 1995; Sampson and Lauritsen 1997; Farrington 1998; McCord et al. 2001; McGarrell 2001), future research will need to disentangle the precise causal mechanisms at play in producing both juvenile and adult crime and juvenile and adult incarceration rates.

As the juvenile justice system continues to evolve in coming years, the time is none too soon for policymakers, researchers, and practitioners to revisit its logic and empirical foundations. Opinion polls consistently show that the public strongly supports both punishment and rehabilitation of young offenders and, to achieve these goals, is willing to pay more in taxes (Roberts and Stalans 1998). Politically, then, there are strong grounds for such work. In addition, the recent and dramatic changes to state juvenile justice systems point to a situation in which clear guidance increasingly will be needed to place these systems on a sound moral, legal, and organizational footing (Singer 1996; Zimring 1998; Feld 1999). Not least, research increasingly shows that many of the traditional reasons for having a separate juvenile justice system—for example, the notion that youth are physically and cognitively less mature and able to make reasoned decisions as compared with adults—have a basis in science and thus merit continued attention (Grisso 2004). Focusing on juvenile incarceration would be a highly symbolic and practical place to start.

ENDNOTES

¹ Snyder (2004) has described in detail a number of conceptual issues that create special challenges—such as distinguishing between incarceration in a detention facility while awaiting adjudication and in a long-term residential facility—in generating precise estimates of the numbers of juveniles in custody (see also Sickmund 2004).

² This measure was compiled by the United Way (2001) as part of its State of Caring Index, available on-line at <http://national.unitedway.org/stateofcaring/list.cfm>.

³ This measure was compiled for the Annie E. Casey Foundation by the U.S. Bureau of Labor Statistics using data from the Current Population Survey.

⁴ For states where 1996 data were unavailable, data from 1995 (Florida, Vermont) or 1997 (Illinois, Kentucky, Mississippi, Montana, Tennessee) were used (Snyder 1997a, 1998).

⁵ Although the definition of a “juvenile” may vary, most states provide for incarceration of youths in juvenile correctional facilities for indeterminate sentences that generally can exceed the age of adulthood (e.g., up to age 21).

⁶ Kansas and Washington, D.C. were omitted from the analyses due to incomplete data.

⁷ Single-parent household had a .94 loading on the factor, compared with .81 and .79 for the inequality and percent black measures, respectively.

⁸ This effect had a standard error of 3.93 and was significant at $p < .05$; the adjusted R² was .09.

⁹ For percent black (mean = 10.10, s.d. = 9.58), the regression coefficient was 2.83 (s.e. 1.67), $p < .10$, and the adjusted R² was .04. So, a one-standard deviation increase in percent black among states is associated with an increase of 27 (2.83 x 9.58) in the number of offenders incarcerated per 100,000 youth. For inequality (mean = 9.51, s.d. 1.49), the regression

coefficient was 18.16 (s.e. 10.73), $p < .10$, and the adjusted R2 was .04. Here, a one-standard deviation increase is also associated with an increase of 27 (18.16×1.49) in the number of offenders incarcerated per 100,000 youth.

¹⁰ Additional analyses with crime rates as the dependent variable suggest that symbolic threat, as an independent variable, is significantly and positively associated with reported juvenile violent crime and with reported adult violent and property crime.

¹¹ Accurate state-level offending data that would be sufficient for validating the extent to which reported crime reflects true crime do not currently exist (see O'Brien 1995; Mosher et al. 2002).

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BIOGRAPHICAL NOTE

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Table 1. Descriptive Statistics

	Mean	Std. Dev.
<i>Dependent Variable (1997)</i>		
Juvenile incarceration rate	301.00	112.80
<i>Independent Variables (1996)</i>		
Symbolic threat	0.00	1.00
Crime		
Juvenile violent crime rate	396.57	236.26
Juvenile property crime rate	2,683.41	913.27
Adult violent crime rate	507.73	254.17
Adult property crime rate	4,314.22	1,051.81
Adult incarceration rate	329.29	137.29
Region		
Northeast	.18	.39
Midwest	.22	.42
West	.27	.44
South	.33	.47

N = 49

Note: Kansas and Washington, D.C. were omitted from the analyses due to incomplete data. The symbolic threat measure was created through factor analysis, producing standardized scores with a mean of 0 and standard deviation of 1.0.

Table 2. Ordinary Least Squares Regression of Juvenile Incarceration Rates on Symbolic Threat, Juvenile and Adult Crime, Adult Incarceration Rates, and Region

	Model 1	Model 2	Model 3	Model 4	Model 5
Symbolic threat	36.12* (15.59)	26.04 (19.92)	6.12 (20.53)	59.71** (19.26)	37.92 (24.01)
Crime					
Juvenile violent crime rate		-.13 (.09)			-.14 (.09)
Juvenile property crime rate		.06** (.02)			.06* (.02)
Adult violent crime rate		.26* (.11)			.22† (.11)
Adult property crime rate		-.03 (.02)			-.04 (.02)
Adult incarceration rate			.32* (.15)		.29† (.16)
Region (reference = South)					
Northeast				3.05 (47.25)	79.43 (52.72)
Midwest				82.05 (49.76)	92.03† (47.24)
West				97.37* (46.26)	101.77* (48.08)
Constant	301.00*** (15.43)	184.48** (68.32)	195.44*** (51.44)	256.19*** (30.82)	102.70 (96.33)
Adjusted R2	.08	.24	.15	.15	.29

N = 49

Unstandardized coefficients (with standard errors in parentheses) are presented above.

† p < .01 * p < .05 ** p < .01 *** p < .001

Table 3. Ordinary Least Squares Regression of Adult Incarceration Rates on Symbolic Threat, Juvenile and Adult Crime, and Region

	Model 1	Model 2	Model 3	Model 4
Symbolic threat	93.59*** (14.65)	63.27** (19.08)	79.05*** (17.59)	43.83† (22.22)
Crime				
Juvenile violent crime rate		-.08 (.09)		-.02 (.09)
Juvenile property crime rate		.01 (.02)		-.00 (.02)
Adult violent crime rate		.21† (.11)		.17 (.11)
Adult property crime rate		.01 (.02)		.01 (.02)
Region (reference = South)				
Northeast			-126.46** (43.16)	-104.24* (48.36)
Midwest			-57.95 (45.45)	-62.72 (44.69)
West			-28.21 (42.25)	-54.93 (45.78)
Constant	329.27*** (14.50)	175.12* (65.45)	373.01*** (28.15)	253.02** (84.34)
Adjusted R2	.45	.53	.52	.55

N = 49

Unstandardized coefficients (with standard errors in parentheses) are presented above.

† p < .01 * p < .05 ** p < .01 *** p < .001