

What Youth Can't Do: The Juvenile Court and the Social Construction of
Youth Offending

by

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B.S., Chapman University, 2007

M.S., Kansas State University, 2009

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Abstract

At each milestone of its development, advocates of the juvenile court have repeatedly and rightly recognized the court for what it is: a powerful instrument affecting the normal development of youth. The juvenile court is a social institution organized to achieve certain values. At its most mundane, it ensures that certain practices and beliefs actually exist somewhere in the world. At its most grandiose, it imprints these behaviors and thoughts on those involved, extending its locus of influence and transforming society itself.

Because of its potential to transform people's lives, it is important to understand the circumstances under which the juvenile court more regularly and, perhaps more zealously, reinforces what people can and cannot do.

To understand social control and the juvenile court, court case records were drawn from a large, Midwestern Juvenile Court filed between January 1st, 2012 and December 31st, 2016. These records were obtained using the juvenile court's Justice Information Leveraging System, an online, real-time court records management system available to the public.

Drawing a random sample of juvenile court cases (N=582), the present study examines the effects of demeanor, context, race, social class, and gender on court imposed social control. Controlling for alternative explanations (i.e., prior involvement, offense severity, judge idiosyncrasies, and age), the present study shows that demeanor, context and race, as well as demeanor and gender affect decisions made during the juvenile court process.

Among cases involving youth whose contexts were criminogenic, minority youth, more than white youth, were more likely to be detained prior to adjudication. Additionally, the effect of demeanor on disposition length among cases involving girls was greater than that observed among boys. Lastly, cases involving youth whose demeanors were disagreeable, were more likely to be detained and to receive dispositions that were longer and more severe than cases involving youth whose demeanors were agreeable.

Notably, sufficient evidence was observed of effects involving offense severity and prior record on social control. Cases involving youth charged with a felony were, more than cases involving youth charged only with misdemeanors, more likely to be detained, disposed to a more severe intervention, and disposed for a longer period of time.

Cases involving youth with more involved prior records generally received greater social control, particularly regarding detention and disposition length. However, mixed results were observed regarding adjudication and disposition severity. Sufficient evidence was observed to suggest that not all youth received a “first-timer discount” at adjudication. Likewise, first-timers were, compared to those with a history of court involvement (but not adjudication), more likely to receive some form of court intervention.

These findings suggest new directions for juvenile court policy and practice. The juvenile court should investigate racial and gender disparity in what it does. It is possible that mundance, unintentional practices reinforce disparate social arrangements. Additionally, the court should reassess its reliance on “Just Deserts” and other graduated forms of intervention. As the latest research on adolescent development suggests (Steinberg [2007](#)), youth are not adults, and, as such, should not be judged by adult standards.

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Dedication

This work is dedicated to young people everywhere. May you know and value the best discoveries this life has to offer.

Chapter 1

Introduction

With the advent of the juvenile court, society ushered into motion a new social process to reinforce traditional beliefs over the inherent natures of people according to age. Originally idealized as a benevolent institution, the new court in fact served a larger, ulterior purpose: to distribute the privileges associated with who is and who is not an adult¹. On the one hand, it established a social arrangement that youth were prohibited from changing or opting out of (Platt 1969, p. 100). On the other hand, it reinforced a framework through which adults could intervene into the lives of youth. On another hand, it made governmental intervention the premier means of intervention. In the name of rehabilitation and punishment, the juvenile court has “protected” youth and the community from a vast array of behaviors, ranging from staying out late at night and exhibiting signs of future criminality to larceny and homicide. It is in these ways and more that the juvenile court has served to define what it means to be a person of a certain age since the 1900s.

Since its inception, the juvenile court has reinforced the dominant social movements of the day, intervening in the lives of youth, and reshaping the youth experience itself according to the whims and machinations of adults. Grappling with industrialization, urbanization,

¹In the United States, age, measured in years, serves as the indicator dividing youth from adults. While different states designate different ages as the dividing line between the statuses youth and adult, most settling around the age of 18, the distinction itself is somewhat arbitrary, especially given variations in human development. In the present study, “youth” are recognized as people under a certain age, while “adults” are recognized as those over a certain age.

and immigration, the juvenile court was a crown achievement of diverse yet powerful social interests during the Progressive Era. In the name of rehabilitation, the court ushered in new processes and practices of governmental intervention into the lives of youth. Following this period, the juvenile court underwent a number of profound changes, some in the interests of youth, others in fear of youth themselves. The Due Process Revolution, initiated in the late 1960s by the United States Supreme Court, set in motion efforts to reform the court, to ameliorate its organizational deficiencies and redefine its mission. Coinciding with these efforts, however, the United States experienced a growing wave of anxiety. A new “breed” of youth were predicted to permeate communities across the nation. Beginning in the 1980s, new “tough on crime” measures retooled the juvenile court to aggressively address this perceived threat (real or otherwise).

The present study recognizes the juvenile court as a profound social process, as an integral part of society, as a mechanism that simultaneously reinforces and transforms the ways people live their lives. This study takes a broad yet deep look into the social practice that is the juvenile court. It clarifies the juvenile court process and proposes policy to better guide its behavior. To better understand the juvenile court, it is important to first understand its place in history. By reviewing past trends in youth processing, this study provides context better to understand the structural and cultural material available to the juvenile court today. What follows briefly reviews the major social movements that have reconfigured the juvenile court and, simultaneously, redefined what it means to be a person under a certain age

1.1 From Past to Present: A History of the Juvenile Court

Founded in 1899 in Cook County, Illinois, the juvenile court stood as a crowning achievement of the Progressive Movement (Platt 1969). Through the juvenile court, a line was drawn establishing two separate legal processes: one for adults and another for youth (J. W. Mack

1909, p. 115). Organized under a doctrine of *parens patriae*², the juvenile court was tasked to act as the firm yet fair, steadfast parental authority to all at-risk youth³ (Pound 1964, p. 145). The foremost mission of the juvenile court was the treatment and rehabilitation of youth in conflict with the law—not punishment (J. W. Mack 1909, pp. 106, 107). It was to be a different kind of court (J. W. Mack 1909, pp. 120, 115, 109; Platt 1969, p. 144; Bartollas and Schmallegger 2011, p. 337; McMillin 2013, p. 1490). Hearings were informal and noncriminal in nature. Records were kept confidential. Legal counsel and juries were absent. The public was barred from the courtroom.

Even the language employed differed from that exercised in the adult system (J. W. Mack 1909, pp. 106, 108). Youth were not convicted of crimes, but “adjudicated” for committing “delinquent” acts. Similarly, youth were not sentenced to penitentiaries, but “disposed” or “committed” to “reformatories.” The new court brought together parents, court officials, and other agencies who worked cooperatively in the best interests of all youth (J. W. Mack 1909, pp. 107, 119; Platt 1969, p. 144). It was a model for youth justice everywhere (McMillin 2013, p. 1490). By 1905 the majority of states (31) had officially implemented their own juvenile court system and, by 1928, the scope of the court was nearly universal, adopted in all but 2 states (Platt 1969, p. 139; Bremner 1970, p. 515).

Contrary to popular belief, the Progressive Movement and its crown achievement, the juvenile court, did more than just seek to improve the conditions of disadvantaged youth. Faced with increased threats from urbanization and immigration, the creation of the juvenile court was itself an effort to reinforce the authority of traditional institutions (e.g., family) (Platt 1969, p. 99). By advancing beliefs that youth were “naturally” dependent, lacking self-control, and susceptible to predation, the Child Savers⁴ mobilized resources and reinforced the privileged status of adults over youth. Youthful behaviors previously regarded as normal

²*Parens patriae* is Latin for “parent of the nation.” As a legal doctrine, *parens patriae* recognized the juvenile court as responsible for all youth. As established in *ex parte Crouse* (1838), the doctrine permitted the new court to legally intervene into the lives of youth.

³At-risk refers to all youth in the general population between infancy and maturity, as defined by state statute, generally between the ages of 10 and 17 (J. W. Mack 1909, p. 108).

⁴The Child Savers were Progressive Era reformers concerned with delinquency and the processing of youth offenders (PBS 2017).

and inconsequential were delinquentized. It was through the Progressive Movement and the court that governmental social controls, controls devised and enforced by adults, were extended into the lives of youth nationwide. It was through the court that “[y]oung people were denied,” according to Platt (1969, p. 100), “the option of withdrawing from or changing the institutions which governed their lives.”

1.1.1 A Special Focus on Girls

Early 20th century reform campaigns problematized normal adolescent feminine behaviors and amassed public demand to intervene into the lives of girls considered “wayward and in need of control” (Odem 1995, p. 4). Popular thinking of the time argued intervention into the lives of girls was necessary to prevent “serious moral, social, and health threats to the rest of society” (Odem 1995, p. 96). As future mothers and caregivers, delinquent girls, it was argued, were themselves regarded as conditions conducive to delinquency⁵, likely to provide family-lives detrimental to future generations of children, if left unchecked (Odem 1995, pp. 97, 98). While saving boys was considered important, popular opinion regarded their delinquency as less far reaching than girls, as problems largely confined to their own pathways through life (Vedder and Somerville 1970, p. viii).

To help combat this threat, police agencies expanded their efforts, hiring, for the first time ever, special policewomen, police matrons, to monitor “dance halls, cafes, picture shows and other public amusements places” and to escort girls who were “in danger of becoming delinquent to their homes and to make reports to their parents with a proper warning” (Odem and Schlossman 1991, p. 190; The Los Angeles Police Department 1914, p. 26; Kurtz, Linnemann, and Williams 2012, p. 240). School officials similarly intervened into the lives of girls, referring them (the girls) to the juvenile court for allegedly engaging in delinquent acts, such as dressing provocatively or conversing idly with young men (Odem 1995, p. 136). More than any other group, however, working-class families referred their own

⁵In the book *The Delinquent Girl*, originally published in 1903, Vedder and Somerville (1970, p. viii) recommended that “[w]hile studying delinquent girls, we should keep this in mind; when you train a man, you train one individual; when you train a woman, you train a family.”

daughters to the juvenile court⁶ (Odem 1995, pp. 43, 49). Girls who acted independently, who ran away, formed unapproved relationships with men, or found themselves pregnant out of wedlock were frequently subjected to formal court intervention (Odem 1995, pp. 49, 50, 51; Schwartz 2012, p. 1388).

Examining referral sources in 1997 provided by M Sickmund (2000), Chesney-Lind and R. G. Shelden (2004) argued girls disproportionately enter the juvenile justice through channels other than law enforcement. While 85% of delinquency referrals were issued by law enforcement, law enforcement was responsible for only 47% of status offense referrals (M Sickmund 2000). Investigating gender differences among status offense cases, Chesney-Lind and R. G. Shelden (2004) observed that police more frequently (94%) referred boys charged with liquor-law violations (68%), while police less frequently (40%) referred girls charged with running away (over 60%). Comparing typical boys charges to typical girls charges, Chesney-Lind and R. G. Shelden (2004) concluded that girls, unlike boys, were more frequently referred to the juvenile court, for certain offenses, by non-law enforcement officials. The authors argued that even today, parents and other community organizations play a major role in bringing girls into the juvenile justice system (Chesney-Lind and R. G. Shelden 2004, p. 188).

1.1.2 Black and White Experiences

Largely missing from even the most critical investigations into the juvenile court are the experiences of black youth. Throughout what Ward (2012, pp. 4, 8) referred to as the Era of Jim Crow Juvenile Justice, black youth were denied access to the new juvenile court and many other state funded juvenile justice services. During this period, black youth in conflict with the law were largely processed in the adult criminal system and, if sentenced out of the home, placed in facilities with adults (Ward 2012, p. 11). Through this separate and unequal, non-rehabilitative, in fact punishing, social arrangement, untold structural violence

⁶Examining case records of girls petitioned in 1920 to the city of Los Angeles juvenile court, Odem and Schlossman (1991, p. 198) observed that almost half (47%) were initiated by parents, guardians, or relatives, largely surpassing police (27%), schools, social welfare agencies, and other individuals (26%) as the most common referral source (Odem 1995, p. 135).

was, according to Ward (2012, pp. 4, 10), introduced into the lives of black youth.

More than just affecting youth, however, black adults struggled to participate in the liberal advances in juvenile justice of the time. For many black adults, participation in the new juvenile court and system of justice was equated with true racial democracy (Ward 2012, p. 5). Adult participation meant not only rehabilitative opportunities for black youth, but also inclusion in the democratic process of controlling common institutional resources (Ward 2012, pp. 5, 10). Denied governmental involvement, the black child-savers, receiving resources from the black community, particularly via black women's clubs, developed their own youth justice capacities⁷ and provided many black youth with innovative treatment alternatives (Ward 2012, p. 8).

Evidence exists to suggest that black and white youth continue to experience the system of juvenile justice differently. Over multiple stages in youth processing, research on court intervention has generally reported finding important discriminatory effects (Pope and Feyerherm 1990; Pope, Lovell, and Hsia 2002). Reviewing 46 studies published in the 1970s and 1980s on youth processing, Pope and Feyerherm (1990, p. 333) reported “[r]oughly...two-thirds [of these studies] found evidence of disproportionate treatment of minorities [across the juvenile justice system], even after statistical controls were introduced.” Similarly, Pope, Lovell, and Hsia (2002, p. 5), reviewing 34 studies published between 1989 and 2001, reported 25 of them showed minorities received more severe treatment across the juvenile justice system.

Evidence for what Chesney-Lind and Pasko (2004, p. 200) and R. G. Shelden (2006, p. 406) referred to as a “two-track system,” a system where the processing of girls differs by race or ethnicity, has also been observed among the courts. Bartollas (1993) reported that private facilities were completely comprised of white girls (100%), while public facilities largely consisted of black girls (61%). Likewise, J. Miller (1994, p. 232) observed that white girls (75%) were more frequently recommended for placement in a treatment facility compared to Latina (34.6%) or black (20%) girls.

⁷In addition to drawing on resources from the black community, black adults challenged the prevailing system, through legal means as well as protests, and, through these efforts, brought about reforms that supported their justice goals (Ward 2012, p. 8).

1.1.3 The Due Process Revolution

In response to gross legal discretion committed by judges and other juvenile court professionals, the United States Supreme Court ushered in a period of due process restructuring within the juvenile court. The first major decision to reign in court discretion was with *Kent v. United States* (1966). On September 2, 1961, sixteen-year-old Morris A. Kent, Jr., then on probation, broke in, robbed, and raped a woman in her own home. Without informing or involving Kent's parents, without presenting findings, and ignoring motions issued by Kent's attorney, the presiding judge swiftly and assuredly waived Kent's case to the adult criminal court. In the adult court, Kent was found guilty of eight counts of housebreaking, robbery, and rape and sentenced to a minimum of thirty years in prison. While the acts committed by Kent were severe, the handling of the case left little room to truly make sense of the night's events.

Reviewing the Kent case, Supreme Court Judge Abe Fortas concluded that, in the juvenile court, "the child receives the worst of both worlds." Not only did the judge deny Kent the due process protections of the adult system, but he (the judge) also failed to provide Kent with the concern and attentive care of the youth court. While the acts committed were serious, the judge failed to review a sworn affidavit by a psychiatrist that Kent suffered from "severe psychopathology" and required psychiatric treatment; not punishment. Through this pivotal case, the Supreme Court decided that, when transferring youth from the juvenile to the adult criminal court, the juvenile court itself "must measure up to the essentials of due process and fair treatment" (*Kent v. United States*, 1966).

Following this decision, due process rights were greatly extended to youth in 1967 through the case *In re Gault*. In *In re Gault*, Gerald Gault, then fifteen years old, was disposed in Arizona after an uninvestigated complaint by a neighbor of a lewd phone call was made to local officials (Bartollas and S. J. Miller 2011, p. 123). Without being informed of his right to counsel, right to remain silent, or opportunity to cross-examine the complainant, Gault was disposed to secure confinement until the age of 21 (Bartollas and S. J. Miller 2011, p. 123). Notably, Gault's parents were not contacted by the authorities. In fact, Gault's

parents only learned of their son's proceedings after calling the police to report that their son was missing. Following *In re Gault*, youth were guaranteed the right to a notice of the charges against them, the right to an attorney, the right to confront witnesses, the right to cross-examine witnesses, and the privilege against self-incrimination.

Since *In re Gault* the Supreme Court has introduced a number of due process requirements into the juvenile court process.

- 1970 - *In re Winship* established that guilt must be proven beyond a reasonable doubt and not according to a preponderance of the evidence.
- 1971 - *McKeiver v. Pennsylvania* concluded that the constitution does not require that youth receive a trial by jury.
- 1975 - *Breed v. Jones* recognized transfer to the adult court after adjudication by the juvenile court as a form of double jeopardy.
- 1977/1979 - *Oklahoma Publishing Co. v. District Court* and *Smith v. Daily Mail Publishing Co.* guaranteed the rights of the press to report juvenile court proceedings.
- 1982 - *Eddings v. Oklahoma* recognized the age of youth as a legal mitigating factor when considering the death penalty.
- 1984 - *Schall v. Martin* permitted the juvenile court to detain youth prior to a formal court hearing.

Notably, not all procedural safeguards were extended to the juvenile court during this time. *Oklahoma Publishing Co. v. District Court* and *Smith v. Daily Mail Publishing Co.* established that circumstances exist where the press are prohibited from reporting a case. While *In re Gault* was the start of a landslide of due process reforms, not all adult rights were granted to youth. For instance, a footnote from *In re Gault* stipulates that due process rights do not apply prior to or after adjudication.

1.1.4 Mobilizing Resources/Mandating Actions

Coinciding with these Supreme Court decisions, the juvenile court experienced pressure to reform through the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974 and its subsequent revisions. The JJDP Act 1974 allocated federal funds and established requirements to support efforts designed at preventing delinquency and improving juvenile justice practices across the system (Office of Juvenile Justice and Delinquency Prevention 2017). Initially, the JJDP Act focused on separating adult from youth offenders and removing status offenders⁸ from state run institutions (*Juvenile Justice and Delinquency Prevention Act 1974*). Section 223(a)(13) stipulated that youth confined to adult facilities must not have direct contact with adult offenders, either by sight or sound. Proponents of this requirement argued separating youth in the system from adults was necessary for the safety of the youth involved (Office of Juvenile Justice and Delinquency Prevention 1996). Similarly, the deinstitutionalization of status offenders sought to prevent undue harm to youth involved in the system (Office of Juvenile Justice and Delinquency Prevention 1996). Section 223(a)(12)(A) stipulated that, prior to adjudication⁹ and disposition¹⁰, the justice system could not confine youth to secure facilities. Proponents of the act argued the needs of youth, specifically those charged with status offenses, were best served by members of the community and not the juvenile justice system (Chesney-Lind and R. G. Shelden 2004, p. 35).

Disparate treatment based on gender was not explicitly stated in the JJDP Act, however, the substantial focus on the treatment of status offenses, offenses that frequently involve girls, impacted the involvement of girls in the justice system, specifically with regard to institutionalization (Chesney-Lind and R. G. Shelden 2004, p. 35). Notably, support for the law was not unanimous. Testifying on behalf of the National Council of Juvenile and Family Court Judges in opposition to the law, Judge John R. Milligan argued “[t]he effect of

⁸Status offenses consist of actions that are defined as illegal solely based on the age of the person committing them. Status offenses are acts that would be perfectly legal if committed by an adult, but are illegal and grounds for justice system intervention when committed by youth.

⁹Adjudication is the stage in the juvenile court process where a judge rules whether or not the youth involved in a case is “guilty” of the charges against them or “not guilty.”

¹⁰For a youth found guilty of an offense, disposition is the stage in the juvenile court process where the judge decides the type of formal intervention the youth is to receive.

the Juvenile Justice Act as it now exists is to allow a child ultimately to decide for himself whether he will go to school, whether he will live at home, whether he will continue to run, run, run, away from home, or whether he will even obey orders of your court” (United States House of Representatives 1980, p. 136).

In 1980, the JJDP Act was revised to return some discretion to juvenile justice officials regarding status offenders and institutionalization. A clause was introduced which permitted court officials to institutionalize youth whenever they (the youth) were in violation of a valid court order¹¹ (U.S. Statutes at Large 1980). While the language used favoring institutionalization included boys, this change impacted girls the most. Bishop and Frazier (1991) showed, in a sample of court cases collected between 1985 and 1987 from the state of Florida ($n = 162,012$), that while gender had a weak effect at disposition, girls charged with criminal offenses (4.9%) were, unlike boys, substantially less likely to receive incarceration dispositions than girls whose most severe criminal offense consisted of a contempt of court violation (29.9%).

In response to the excessive institutionalization of youth through court order violations, the 1992 reauthorization of the JJDP Act required that in order for juvenile courts to issue a court order, they (the courts) must first assess “both the behavior of the juvenile being referred and the reasons why the juvenile might have committed the behavior,” subject the youth to the order in the presence of a judge, and provide youth “the full due process rights guaranteed to such juvenile[s] by the Constitution of the United States” (United States House of Representatives 1992, p. 4983). Furthermore, this reauthorization required that courts, before placing youth in secure confinement, first rule out the benefits of all other disposition options and file an official report regarding their decision (United States House of Representatives 1992, p. 4983).

While these legal safeguards were imposed to better protect youth, the courts regularly found reasons to further involve youth in the system, especially girls. Rates for the “Obstruction of justice” and “Other public order” offenses, potential indicators of court infractions

¹¹A valid court order is an order issued by a court against a defendant. Failure to comply with the order is itself an offense and grounds for further court intervention.

leading to the re-classification of status offense cases to delinquency cases (i.e., bootstrapping¹²), increased, respectively, by 142% and 46% between 1991 to 2000 (Puzzanchera et al. 2004, p. 7). With respect to gender, the Annie E. Casey Foundation (American Bar Association 2001) similarly reported that girls (54%) more than boys (19%) were placed in secure confinement as a result of technical violations of their parole or probation stipulations.

Over the years, the JJDP Act has extended its focus from the separation of adult and youth offenders and the deinstitutionalization of status offenders to cover the confinement of youth in adult jails and the proportionality of contact involving racial minorities with the juvenile justice system (D. Hamparian and Leiber 1997). Section 223(a)(14) stipulates that justice agencies must not confine youth involved with the system to jails or lockup facilities designed for adults. That is, facilities designed with adults in mind are not suitable, according to this stipulation, for youth offenders.

One of the biggest changes, however, to the JJDP Act focused on the disproportionate contact minority youth have had with the juvenile justice system. National data and research have shown that minority youth, at multiple stages in youth justice system, are overrepresented relative to their numbers in the general population (Hsia and D. M. Hamparian 1998; Pope and Feyerherm 1990). In the landmark report *A Delicate Balance*, the Coalition for Juvenile Justice (1989), reported that the percentage of minority youth held in public custody increased from 45.0% in 1977 to 53.0% in 1982. Furthermore, the report claimed that the number of minority youth committed increased between 1979 and 1982 by 5,759 youth, “representing 93.0% of the entire increase in incarceration in public facilities.” Based on findings such as these, disproportionate minority confinement (later contact) was elevated in 1992 to a core requirement of the JJDP Act (*Juvenile Justice and Delinquency Prevention*

¹²The concept of bootstrapping refers to any decision made by a juvenile court official that changes a youth’s status from a status offender to a delinquent through stipulations applied to a prior disposition (Costello and Worthington 1981, p. 42; Chesney-Lind and R. G. Shelden 2004, p. 206; Feld 1999a, p. 178; Bernard 1992, p. 28; R. G. Shelden 2006, p. 406). Bootstrapping has been shown to occur through contempt citations (Costello and Worthington 1981, p. 42; Bishop and Frazier 1991; Chesney-Lind and R. G. Shelden 2004, p. 187) and probation or parole violations (American Bar Association 2001, p. 20), infractions which have been shown to increase the odds of petition to court (Bishop and Frazier 1991), pre-trial detention (Bishop and Frazier 1991), and commitment to a “semi-secure” facility (Costello and Worthington 1981, p. 42; Bishop and Frazier 1991; Robinson 1990, p. 202).

[Act 1974](#)). Section 223(a)(23) stipulates that, in order for agencies to receive federal monies, agencies must not only determine whether or not minority youth are over represented at various stages of the justice process, but also take action to identify and address system aspects that reinforce these social patterns.

1.1.5 Getting “Tough” on Youth

While the 1970s instigated numerous changes to juvenile justice across the United States, national attention and policy in more recent years has focused on the rising threat of youth crime and violence (Feld [1999b](#); Zimring [2000](#); Bennet, Dilulio, and Walters [1996](#)). Mass media publications such as *Time* and *The Weekly Standard* helped develop and spread fears over a “new breed” of “superpredators” that had even hardened adult criminals fearful of their safety (Dilulio [1995](#); *The Nation: The Crime Wave* [1975](#)). During this time, national magazines and news broadcasts were ripe with depictions of violent girl stereotypes, often claiming, as *Newsweek* once did, that “some girls now carry guns... [while others, more disturbingly] hide razor blades in their mouths” (Leslie et al. [1993](#), p. 44). The image of the “bad girl,” a subclass of the violent girl stereotype, was further clarified in an episode of *ABC Primetime Live*, entitled “Girls in the Hood,” as not only a girl of color, but also masculine in their offending: “[w]hat might surprise you,” said Sam Donaldson, “is that many [gang members]... are young women” (*Girls in the Hood* [1997](#)).

According to then Princeton sociologist John J. Dilulio, Jr., arguably the most prominent voice on the subject, youth crime rates were “soaring” among males 14 to 17, increasing between 1985 and 1992 by 50% among white males and 300% among black males (Dilulio [1995](#)). Worse still, he predicted that the real harm of youth violence was yet to come (Dilulio [1995](#)). Dilulio ([1995](#)) projected that by 2005 the number of white and black males between the ages of 14 to 17 would increase by 25% and 50%, respectively, constituting, what he called, a “demographic crime bomb.” Concern for the safety of the nation was expressed more forcefully by Alan Fox, then head of the Department of Criminology at Northeastern University, who forewarned “[s]o long as we fool ourselves in thinking that we’re winning

the war against crime, we may be blindsided by this bloodbath of teenage violence that is lurking in the future” (Zoglin 1996, p. 52).

As part of the larger “Get Tough” Movement of the late 1970s to the mid 1990s, anxieties over dangerous youth lead to changes in juvenile court policy and practice (Garland 2001; Simon 2007; Reiman and Leighton 2015; Zimring 2000). Between 1992 and 1997, most states passed tough new laws, permitting, and in some cases mandating, the harsher treatment of youth by the justice system (Snyder and Melissa Sickmund 1999). New transfer laws were established that permitted judges and prosecutors the ability to transfer youth from the juvenile to the adult court at younger ages. The power of the juvenile court was expanded in some areas through “blended jurisdiction,” sentences that are more typical of adults or sentences that extend into young adulthood. The confidentiality ensured by the juvenile court also diminished during this time, as court proceedings and records were made more accessible to the general public. During this time, the Supreme Court lowered the minimum death penalty age to 16 years old (see *Thompson v. Oklahoma* 1988 and *Stanford v. Kentucky* 1989).

1.1.6 The Juvenile Court Today

In light of these different social movements, some scholars have argued that the juvenile court suffers from a kind of identity crisis. Finckenauer (1984, p. 116) described the disposition of the juvenile court as generally “ambivalent,” at times “even schizophrenic.” Research into the attitudes of juvenile court professionals has shown a mix of punitive and rehabilitative inclinations toward youth (Feld 1991; Gaarder, Rodriguez, and Zatz 2004; J. Miller 1994; Bridges and Steen 1998). Interviewing probation officers from a juvenile court in Maricopa County, Arizona, Gaarder, Rodriguez, and Zatz (2004) showed that some court officials took a hardline position against youth involved with the court. According to one officer, “Girls play the system better than the boys...[t]hey play the role as if they’re so helpless...and the majority of the judges are male and they fall into that trap every single time” (Gaarder, Rodriguez, and Zatz 2004, p. 556). Other officials, however, viewed the primary mission of

the juvenile court as a supportive, compassionate, and rehabilitative one. “The whole thing just burns a hole in me,” reported a probation officer, “a lot of times it really is the parent’s fault but the kid gets hauled away to jail for protection” (Gaarder, Rodriguez, and Zatz 2004, p. 566).

1.2 The Present Study

According to Chesney-Lind and R. G. Sheldon (2004, p. 164), the juvenile court has always attempted to balance multiple agendas. Even at the height of the Progressive Era, when youth in conflict with the law were deemed good and worthy of saving from negative external influences, the opposite opinion, that youth were wicked and the environment was good, persisted. Over the years, however, the juvenile court has undergone profound changes, emerging as an amalgam of contemporary and historic thoughts and practices regarding the normal behavior of youth.

The state of Kansas is one such place where the thoughts and goals of youth justice encompass a variety of goals and inclinations. Discussing a series of major upcoming statewide reforms, juvenile court judge David M. Frick of Harrison County¹³, Kansas opened with a mixed vision of juvenile justice, one that stressed accountability and rehabilitation: “Community safety, that’s our number one goal here. We’re not trying to be soft on crime, or soft on kids, we want our communities to be safer. And if that means putting the kid in juvenile corrections, then so be it. If that means trying to keep him in the community and figuring out how to avoid future [offending], reduce recidivism, and avoid future crimes, [then] that’s what we want to do [too].”

Similarly, Kansas Representative John Rubin (R), chairman of the House Corrections and Juvenile Justice Committee, recognized a multitude of competing juvenile justice efforts across the state. Reflecting on two major reforms, he talked¹⁴ about measures implemented

¹³“David M. Frick” and “Harrison County” are pseudonyms. These names were chosen to protect the anonymity and confidentiality of the particular juvenile court studied.

¹⁴These statements were made during a public training session addressing changes expected to occur once Senate Bill 367, a major juvenile justice reform bill, takes effect.

by the state to get both softer and tougher on crime “we did some initial amendments to Kansas statutes in the 2013, 2014 term, raising the minimum age at which a juvenile [can be] prosecuted as an adult” as well as adding “an additional lower level of offense to the juvenile sentencing matrix.” Notably, these conflicting efforts were not lost on Rubin. Based on these reforms “it become clear,” to Rubin (and others), “that we needed a comprehensive review of the effectiveness and the implementation of the juvenile code in the state of Kansas.”

Consistent with the demands made by Representative Rubin and the state of Kansas, the present effort conducts a thorough investigation into the practices of the juvenile court. It investigates the juvenile court and identifies where it is “tough” on youth and delinquency and where it is “soft.” Furthermore, the present study examines why the court is the way it is. Drawing on popular sociological and criminological perspectives, the present study examines the mechanisms that make treating youth one way or the other appear natural, normal, and right. By doing so, the present effort clarifies the juvenile court process and, drawing on the evidence observed, proposes new policies and directions for the juvenile court.

1.2.1 Research questions

The present study examines juvenile justice processing in the state of Kansas. Drawing on a sample of court case records from a large, Midwestern juvenile court filed in Kansas over a five year period, it accounts for the facts to better understand the process that is the juvenile court as it is today. While the proposed research effort employs popular sociological and criminological perspectives, it is fundamentally organized toward answering the following research questions:

1. What factors affect the amount of social control imposed by the juvenile court?
2. How do factors that affect social control differ by race, social class, and gender?

1.3 Study Outline

Chapter 2 reviews the literature on juvenile court processing. While reviewing the literature, four major themes emerged. The four major perspectives around which the literature was organized consisted of legal realism, conflict, societal reaction, and multiracial feminism.

Legal realism, conflict, societal reaction, and multiracial feminism provide unique ways of understanding the juvenile court. Chapter 3 explores these theories, consults and incorporates classic and modern views on their core conceptual components, and proposes hypotheses for empirical investigation. Throughout this chapter, important gaps in the literature are identified.

Chapter 4 details the research method proposed to study the juvenile court. This chapter describes the research design, the population and unit of analysis, the sampling approach, and a novel, new way to collect court case records. Furthermore, this chapter describes the ways the proposed study will bridge the theory developed in Chapter 3 with empirical reality. It describes the ways core conceptual components are observable and identifies important alternative explanations worth controlling for. This chapter ends with a description of the statistical procedures proposed to summarize and make sense of these juvenile court case records.

The findings of statistical procedures are presented in Chapter 5. This chapter describes the sample. It presents univariate and bivariate statistics. It shows the findings of multiple regression procedures. By employing statistical procedures, inference is then made to the population of juvenile court cases.

Chapter 6 discusses the findings observed in Chapter 5. It reviews what was observed among these sample juvenile court case data and what was not. This chapter considers the facts and identifies and develops explanations consistent with those facts. Furthermore, this chapter makes efforts to synthesize these facts and provide an explanation accounting for what was observed.

Chapter 7 concludes this dissertation. It summarizes the present effort. It highlights contributions to the literature. It identifies avenues for future research. More importantly,

it provides recommendations to juvenile court decision-makers regarding court policy and practice.

Chapter 2

Literature review

Originally organized under the doctrine of *parens patriae*, the juvenile court was tasked with determining the best course of action for youth in conflict with the law. While noble in sentiment, the doctrine of *parens patriae* proved unreliable¹ and progressively gave way to alternative frameworks of juvenile court intervention². Like their predecessor, however, processing models are ideal-types³ that not only differ from most day-to-day court reality, but also fail to fully explain the range of possible court behaviors. Given the vast scope of behaviors exhibited by the court, researchers have turned to legal realist, societal reaction, conflict, and feminist perspectives, to name a few, in their efforts to understand and explain exactly what it is the juvenile court does. This chapter reviews these perspectives, outlines their general frameworks, their major tenets and hypotheses, and, more importantly, highlights key findings on juvenile court intervention from empirical investigations.

¹See *In re Gault* 387 U.S. 1 (1967).

²The due process court model is a popular juvenile court model. This model strives to uphold the constitution and ensure the rights of defendants (e.g., right to an attorney, right to confront witnesses) are not violated during formal case processing.

³See Weber (1968).

2.1 The Legal Realism Perspective

Law is defined, according to Wendell (1897, p. 461), a founder of the legal realist perspective, as “[t]he prophecies of what the courts will do in fact, and nothing more pretentious.” Pound (1927, p. 326), an early proponent of sociological jurisprudence, framed the “characteristic marks” of the legal realist perspective in a similar way, claiming its task was to uncover “the working of law [itself] rather than its abstract content.” In avoiding pretension and abstraction, the legal realist movement sought to distinguish itself from legal formalism⁴, and its variations, such as textualism⁵, that claimed judges, in deciding case outcomes, stick to the principles⁶ and the facts and suppress their moral and political inclinations (Leiter 2005, pp. 50, 53; Leiter 2010). Either as sociological jurisprudence or legal realism, the goals of this research tradition are to understand the function of law and legal processes so as to uncover the “real rules,” as opposed to the “paper rules,” or “law in books,” that truly govern “law in action” (Llewellyn 1930; Pound 1927). By understanding law in this way, the legal process, its policies and practices, could, as envisioned by the proponents of this perspective, change “continuous with and dependent upon empirical inquiry in the natural and social sciences” (Leiter 1996, p. 264).

Research has made efforts to uncover the true dynamics underlying the processing of youth by the juvenile justice system (Mears et al. 2014; Guevara, Boyd, et al. 2011). In the article *The “True” Juvenile Offender: Age Effects and Juvenile Court Sanctioning*, Mears et al. (2014) argued the precedent in justice processing to treat individuals differently with respect to age would further emerge within the juvenile court itself, such that younger and older youth would receive less court intervention than youth whose ages were more typical for the court. In a sample of 27,035 unique referrals to the Florida juvenile court in 2008,

⁴Legal realism argued the best way to predict judicial behavior was based on what judges actually do, while legal formalism argued judicial behavior was best understood based on the reasons for case outcomes provided by judges themselves (Shiner 1995, p. 425).

⁵Textualism advocates for the literal interpretation of laws, arguing judges should interpret laws as written and not by other means, such as the intentions of those who wrote them (Easterbrook 1988, p. 65; Scalia 1998, p. 17)

⁶According to legal formalism, uncontroversial principles exist in case law that judges can readily identify and draw on to make sense of the facts and decide case outcomes (Kronman 1995, p. 171; Leiter and Duxbury 1997, p. 373).

Mears et al. (2014, pp. 177, 182) observed a statistically significant quadratic effect in the predicted direction among formally processed youth, net relevant controls, between age and each disposition category, with the exception of diversion.

Kalven et al. (1966, p. 165), in a study of jury decision-making regarding sexual assault cases, hypothesized that a jury, when faced with a less serious case and weak evidence, is liberated from the “discipline of the evidence” and more likely to take “a merciful view of the facts.” This perspective was extended by Guevara, Boyd, et al. (2011, pp. 203, 204) who examined court outcomes at multiple decision-making stages among court cases drawn from two juvenile courts in a Midwestern state ($n = 2,435$). These court cases showed, according to Guevara, Boyd, et al. (2011, pp. 208-9), partial support for the liberation proposition. Youth with more prior referrals and more serious charges were more likely, at most stages in the court process, to receive severe intervention, while, at earlier, less formal stages of the court process, such as pre-adjudication detention, white youth and girls received more lenient treatment. Though proponents of the realist approach frequently focus on explaining aspects of the justice system process, other researchers have examined justice processing with a greater emphasis on grand theory development.

Social control, as conceptualized by Black (1998, p. 4), encompasses the ways “people define and respond to deviant behavior.” It “is found,” according to Black (1976, p. 105), “wherever and whenever people hold each other to standards explicitly or implicitly, consciously or not: on the street, in prison, at home, at a party.” In the book *The Behavior of Law*, Black (1976) outlines a theory of social control around the concept of law. Foremost to this theory, Black (1976, p. 3) defined law as a quantitative variable, whereby “[a]ny initiation, invocation, or application of law increases its quantity.” Defined in this way, more complaints to legal authorities, more arrests by police, more prosecutions by attorneys, and more convictions by judges, indicate greater amounts of law (Black 1976, pp. 3-4). The amount of law co-varies, according to Black (1976, pp. 1-2, 6), across time, geography, and historical epoch along five “dimensions” of social space, those being “stratification, morphology, culture, organization, and social control” (Black 1995). Through this conception of law and these social dimensions, Black (1976, pp. 21-24, 107, 17) developed over 24 propositions

to explain the behavior of law, such as “[l]aw varies inversely with other [forms of] social control” and “law varies directly with rank,” many of which have been investigated empirically. Efforts to understand law in this way have been subjected to both empirical investigation (Staples 1987; Kurtz, Linnemann, and R. Spohn 2008) and theoretical elaboration (Dannefer 1984).

Staples (1987, pp. 10-1) examined the effects of social control and respectability, as proposed by Black (1976), on law at various stages of the juvenile justice process. Data for this study consisted of a cohort of youth drawn using a random sample of cases from across eight California counties over the years 1976 to 1978 (Staples 1987, pp. 7, 10, 12-3). Prior offense, an indicator of respectability, was significant, as reported by Staples (1987, pp. 17, 20), at all three processing stages. Probation status, another indicator of respectability, though only applicable at the petition to court stage, was also observed to have a significant effect. Indicators of social control were less consistent however, showing significant gender and age effects at, respectively, disposition and police referral⁷ but not at any other processing stage (Staples 1987, p. 20). Referral source, another indicator of social control, was significant where applicable, at police referral, while school status, another indicator of social control, had a significant effect on petition to court, but not at court disposition; no significant effects were observed for youth living in a single-parent household at petition or disposition (Staples 1987, p. 20).

In a more recent sample of youth ($n = 497$) from a small judicial district in Kansas collected from 2002 to 2004, Kurtz, Linnemann, and R. Spohn (2008, pp. 145-6) examined the effects of respectability and informal social control on placement to detention at time of intake. Youth with parents who had a criminal history, an indicator of respectability, were twice as likely than those whose parents did not have such a record to receive pre-trial detention (Kurtz, Linnemann, and R. Spohn 2008, p. 149). For social control, youth from single-parent households were more than twice as likely to receive pre-trial detention than those from two parent households; no statistically significant effect was observed among youth

⁷Youth in conflict with police are subject to a number of different outcomes. These outcomes range from an informal warning to “move along” to an official referral to the juvenile court.

regarding school enrollment (Kurtz, Linnemann, and R. Spohn 2008, p. 149). While these studies showed mixed support for some of the propositions proposed by Black, other studies have gone on to refine and test concepts developed under the law-as-behavior formulation.

Dannefer (1984) tested and advanced the Blackian proposition of relational distance in the context of juvenile justice processing. Black (1976, pp. 40-8) proposed the amount of law at any decision point in the justice process was contingent on the relationship between the offender and the person filing the complaint. While research has shown the distance between complainant and youth in conflict with the law affects the amount of law applied, the direction of the relationship has not always been consistent. Some studies have found that greater distance increases law (Ennis 1967, p. 44; J. Hall 1952, p. 318; Black 1980, p. 106) while others, particularly those focused on youth, found lesser distance increases law (Chused 1972, pp. 531, 559; Andrews and A. H. Cohn 1974).

Entitled the *relational resource hypothesis*, Dannefer (1984, p. 251) argued “family conflicts at a minimum cost the accused party allies who are normally important as resources and in some circumstances turn those lost allies into aggressive adversaries.” In formulating this relational resource hypothesis, Dannefer (1984) accepted Black’s claim and challenge, that “[i]t is possible to formulate propositions that explain the quantity and style of law in every setting,” and further brought the theory of law into the setting of juvenile court processing (Black 1976, p. 6).

Dannefer (1984, pp. 251, 253) investigated the relational resource hypothesis using a sample of status offense court cases drawn from six county juvenile courts and, from within two of these counties, six police juvenile bureaus in an urban northeastern state. The relational resource hypothesis claims that youth brought before the justice system by one or more members of their own family not only lose valuable advocates, but also, in some situations, gain opponents against their case (Dannefer 1984, p. 251). Dannefer (1984, p. 251) examined the relational resource hypothesis by examining the effect of complainant identity (i.e., parent-signed vs police- or other-signed) on the processing outcomes of police referrals to juvenile court ($n = 603$), intake scheduled court hearings ($n = 292$), pre-court detentions ($n = 587$), and judicial dispositions ($n = 686$), while controlling for potentially confound-

ing factors. Among the detention data, Dannefer (1984, p. 258) found evidence to suggest complainant, family configuration, and the interaction between the two had larger effects compared to the control variables of prior offense, school enrollment, and gender.

Unlike these detention data, however, the disposition model showed greater support for legal factors over measures of relational resource or informal social control (Dannefer 1984, pp. 266-7). These disposition data showed larger effects for the variables prior number of offenses, pre-court detention, complainant, and number of priors compared to school enrollment and family configuration (Dannefer 1984, p. 260). While detention decision, prior offenses, and the interaction between these two variables had larger effects on disposition than the identity of the complainant, identity of complainant nonetheless had a significant and large effect (Dannefer 1984, pp. 266-7). Controlling for potential spurious effects and examining multiple juvenile processing stages, Dannefer (1984, pp. 266-7) found sufficient evidence to suggest that relational proximity between youth and their parents, more than between youth and police or citizens, had a larger effect on the processing of youth in the juvenile court.

The legal realist perspective regards the juvenile justice system as a site of legal action. Various factors, such as “stratification, morphology, culture, organization, and social control” (Black 1995), affect the quantity and quality of court intervention in different situations. While this perspective explicates the conditions under which law occurs, it largely ignores the ways these conditions change over time, let alone come together in the first place.

2.2 The Societal Reaction Perspective

Derived from the symbolic interactionist tradition, the societal reaction perspective asserts that society is shaped through social interaction. As a macro perspective of social life, societal reaction examines the collective responses people have to deviance, the “[m]ythologies, stigma, stereotypes, patterns of exploitation, accommodation, segregation, and methods of control” developed around it (E. M. Lemert, C. C. Lemert, and Winter 2000, p. 32). As a micro perspective, societal reaction examines these collective responses from those involved

with them firsthand, the meanings they make of them, and the relationships they form that reinforce or resist their influence (E. M. Lemert 1951; Copes and Topalli 2010, p. 329). At both levels, societal reaction concerns itself with identity, with individuals immersed in culture and structure, and seeks to understand the principle ways people not only know and respond to each other, but also to themselves (Curra 2000; Kubrin, Stucky, and Krohn 2009, p. 200). While the indicators of deviant behaviors themselves change over time, “[t]he use of lipstick, rouge, silk stockings, and smoking and drinking were all once confined to women with low social status or to prostitutes, yet today they are universally sanctioned as normal behavior for women of all classes,” their essential effects have largely remained unchanged (E. M. Lemert, C. C. Lemert, and Winter 2000, p. 33; K. T. Erikson 1966, p. 197). At one time or another there exist, according to E. M. Lemert, C. C. Lemert, and Winter (2000, p. 37), significant indicators that are “organized subjectively and transformed into active roles and become the social criteria for assigning [deviant] status” to individuals.

Like “a rumor,” deviance is a social construction, “a negotiable enterprise within a socially bound arena of discourse” (Cicourel 1995, p. 336). For Cicourel (1995, p. 333), the “delinquent” was less a person and more a defined role, “an emergent product,” the sum total of social control and resistance efforts, “transformed over time according to a sequence of encounters, oral and written reports, perspective readings, retrospective readings of “what happened,” and the practical circumstances of “settling” matters in everyday agency business.” Emerson (1969, p. 268) similarly viewed the juvenile court as a discriminatory process that disfavored those who were more suitable to play the deviant part, claiming “the assessment of moral character” was the chief “characteristic court activity.” In this way, the creation of the delinquent is a step in the creation of history where “members of socially organized activities, through their practical reasoning, *seek* order in their perception and interpretation of an environment of objects to articulate the particulars of an unfolding action scene with some general policy or rule” (Cicourel 1995, p. 331). “The legal system,” itself, “determines,” according to Cicourel (1995, pp. 328-9), “the nature of social control, the judicial procedures that are likely to follow, and the kinds of delinquent or nondelinquent products officially recorded or not recorded.” While Emerson (1969, p. 273) recognized

activity within the court to “recast cases” and develop its own processing criteria, he also highlighted the connections between different institutions involved in the juvenile justice system, in which “court personnel come to share the indices of moral character” adopted by external social forms.

The societal reaction perspective has undergone much development through the concept of labeling. Becker (1973, p. 9) defined the deviant individual as the “one to whom that label has successfully been applied” and deviant behaviors themselves as “behavior that people so label.” Three traditions on labeling examine the amplification of behaviors and responses to those labeled deviant. Becker (1973) argued social control agents and moral entrepreneurs repeatedly work in tandem, at times as partners, to raise awareness of certain behaviors, to identify them (the behaviors) as problematic, and mobilize resources against those thought to commit such acts. Social control agents are in a precarious state, according to Becker (1973, p. 157); not only must they prove themselves effective at addressing criminal and delinquent activity, but, at the same time, must show that problems of crime and delinquency in their communities persist. The application of labels to individuals is argued to have far reaching effects, “vortical effects” which lead to further involvement with the justice system (E. M. Lemert 1951; Conklin 1992; Tannenbaum 1938; Kitsuse 1964; Scheff and Sundstrom 1970; Phillips and Dinitz 1982, p. 268).

Tannenbaum (1938, pp. 19-20) viewed labels applied by the juvenile justice systems as a “dramatization of evil” that prevented access to conventional roles and restricted youth to deviant ones. Becker (1973, p. 35) argued, more strongly, that “the treatment of the deviants denies them the ordinary means of carrying on the routines of everyday life open to most people. Because of this denial, the deviant must of necessity develop illegitimate routines.” “[P]rimary deviation,” according to Conklin (1992, p. 296), “can lead to the labeling of the rule breaker, which can affect an individual’s self-concept and opportunities and drive the person into a subculture” more accepting of deviant behaviors. Individuals labeled deviant can then accept their labels and, due the commitment to their new self-concept, engage in behaviors consistent with it, a phenomenon which E. M. Lemert (1951, pp. 75-8) referred to as “secondary deviance.” For Phillips and Dinitz (1982, p. 267), court disposition was

conceptualized as a "...mechanism that drags recipients on to further acts of deviance, to still more punishment, and eventually to some irreversible, graceless state." In addition to individuals responding to the reactions of other people, other people themselves can respond to people depending on whether or not they have received the "sticky label" of deviant and "sticky" friends. (Tannenbaum 1938; Kitsuse 1964; Hare 1998, p. 115; Matarazzo, Carrington, and Hiscott 2001, p. 172).

One version of the amplification hypothesis asserts that individuals are subject to greater or harsher treatment by social control agents depending on the extent to which they were labeled in the past (Tannenbaum 1938, pp. 19-20). In this way, community members define behaviors as deviant and respond to individuals thought to have acted in such ways not only with the imposition of sanctions, but also with stigmatizations, new social statuses which elicit further negative reactions from other people (Kitsuse 1964, p. 256). The juvenile court, as suggested by Mahoney (1974, p. 584), functions as a "degradation process," as a process of sanctions and stigmatization for youth where each youth "becomes in the eyes of the witnesses a different person" (Garfinkel 1956, p. 422). Some proponents of this hypothesis have advocated that "deviant" youth should receive radical non-intervention, suggesting people "[l]eave the kids alone wherever possible" and claiming "the less said about it [i.e., deviance] the better" (Tannenbaum 1938, p. 20; Schur 1973, p. 155). Champion (1992, p. 113) argued "those diverted away from the juvenile justice system will presumably stand a better chance of avoiding future involvement with it than those exposed to it."

While some researchers suggest any labeling process includes a negotiation component (Schur 1973, pp. 56-8), others regard the power structure of this process as necessarily asymmetrical, such that, at best, those receiving a negative label can diminish, but never reduce completely, the extent to which they are labeled deviant (Mahoney 1974, pp. 585-6). For some researchers, the labeling perspective provides a framework to make sense of the processing and further processing of individuals who have received official responses in the past.

Evidence of the amplification hypothesis has been mixed among the literature, with some studies finding stabilization (Thornberry and Christenson 1984; Matarazzo, Carrington,

ton, and Hiscott 2001), others finding evidence of escalation (Thornberry and Christenson 1984; Matarazzo, Carrington, and Hiscott 2001; Phillips and Dinitz 1982), and others still finding escalation, but only under certain conditions (Phillips and Dinitz 1982).

Prior dispositions were observed by Thornberry and Christenson (1984, p. 434) to correlate with current dispositions among a birth cohort sample consisting of boys ages 10 to 18 born in 1945 who lived in Philadelphia. Thornberry and Christenson (1984, pp. 434, 442) observed a pattern of stabilization among these court case histories, where youth were more likely to receive the same disposition they received for their last offense than either a more or less severe offense. Henretta, Frazier, and Bishop (1986, pp. 554-5), in a sample of court case records ($N = 9,714$) filed between the years 1979 and 1982 obtained from Florida's Department of Health and Rehabilitative Services (the state agency responsible for intake and other juvenile justice processing services) found, similar to Thornberry and Christenson (1984), evidence of a relationship between prior and current dispositions. However, Henretta, Frazier, and Bishop (1986, p. 559) observed in this sample of male youth evidence of escalation, even after controlling for number of referrals, current offense severity, race, and last prior offense severity. Youth in the study were more likely to receive a disposition at least as severe as the one received previously, and did not experience stabilization, as had been initially hypothesized.

Phillips and Dinitz (1982, pp. 269, 276), in a study of societal reaction and labeling effects observed in a cohort sample of juvenile court cases ($N = 3,316$) involving youth born between 1956 and 1960 in Franklin County, Ohio and arrested for violent offenses, found a "vortex" effect between past and current dispositions. While Phillips and Dinitz (1982, p. 276) found evidence of a relationship between prior and current dispositions, they concluded that the clearest evidence of this effect was only observable among youth previously institutionalized in an Ohio Youth Commission facility, a small subset relative to the size of study sample.

More recently, Matarazzo, Carrington, and Hiscott (2001, pp. 169, 173-4) investigated the effects of prior dispositions on current disposition severity. They ranked prior dispositions from most to least severe as secure custody, open custody, probation, and some other less

severe form of intervention. Data for this study, originally obtained as part of the Canadian Youth Court Survey (YCS) covering the fiscal years 1993 to 1994, consisted of a sample of disposed court cases ($n = 16,636$) involving youth with two or more prior dispositions not transferred to the adult criminal court ($n = 94$) (Matarazzo, Carrington, and Hiscott 2001, pp. 172-4). Matarazzo, Carrington, and Hiscott (2001, pp. 169, 195) found evidence to suggest current dispositions were related to the last two prior dispositions even when taking into account the most recent offense. Considering the magnitude and direction of these effects, Matarazzo, Carrington, and Hiscott (2001, pp. 169, 196) observed that the pattern of stabilization, (that is, when current disposition was similar to prior disposition) was stronger than the pattern of escalation, when the current disposition was more severe than prior disposition. Escalation in dispositions tended to occur between the first and second most recent dispositions, where youth received open custody instead of probation (Matarazzo, Carrington, and Hiscott 2001, p. 197). On the other hand, de-escalation was observed, to a more limited extent. When it did occur, it generally involved youth who transitioned from probation to some other, less intense form of intervention (Matarazzo, Carrington, and Hiscott 2001, p. 197). While this study shows promise in testing labeling effects, its results were limited due to a small sample size and a lack of simultaneous statistical controls, such as age, gender, and most recent prior offense (Matarazzo, Carrington, and Hiscott 2001, pp. 180, 181-2). Matarazzo, Carrington, and Hiscott (2001, p. 196) provide some support for the effects of labeling in juvenile justice processing and concluded that “a criminal history is a history of judicial reactions to past behavior, rather than behavior itself.”

While moral entrepreneurs compete against one another to gain resources and obtain ownership of issues, the societal reaction perspective tends to ignore the conflict of competing groups once new social arrangements are established. As criticized by Liska, Lawrence, and Benson (1981, p. 141), the societal reaction perspective tends to ignore the powerful, focusing instead its attention on the powerless, those unable to fully avoid the application of negative labels. Similarly, the legal realist perspective tends to ignore social movements that drive change. While legal realists account for the effects of unequal ranks in status on court

outcomes, they (the realists) often fail to account for these differences as part of a larger political context, ignoring the ways status positions are arranged in the first place.

2.3 The Conflict Perspective

Efforts to make and enforce laws, efforts to dictate what individuals and groups must and must not do in certain circumstances, revolve around the conflicting interests of opposing groups (Sellin 1938a). In the struggle to realize interests, different groups compete against one another for control of law and the legal system (Vold 1958, p. 339). It is through law and the legal system, through the ability to criminalize certain behaviors, that opposition is removed and groups are free to achieve their interests (Ross 1998; Liska 1992, p. 53). According to Vold (1958, p. 339), this struggle over law shapes “[t]he whole political process of law making, law breaking and law enforcement” itself. It is in this way that ownership of the legal process is itself a group interest. It is in this way that competition over law not only shapes the mobilization of the legal process itself, but society as well. According to the conflict tradition, law and the legal system are instrumental in the production and maintenance of exploitation of some groups by other groups.

Conflict theorists have elaborated on the law-as-political-phenomenon perspective, especially with regard to legal processes. Known as the social distance effect, Turk (1966, p. 349) argued the greater the asymmetrical distribution of power favoring one group over other groups, the greater the criminalization by those with more power of opposing efforts or actions. Additional work on the conflict perspective has recognized the effect of organizational constraints on justice system processes, suggesting individuals or groups that put greater “strain” on the justice system or the interests of elites are pursued less vigorously while those who offer the “fewest rewards for nonenforcement of the laws” receive the severest intervention (Chambliss 1969, p. 84). The conflict perspective argues that laws give the state, and, by extension, those with more power, the right to take action through the justice system against individuals or groups whose actions threaten the existing class system (Copes and Topalli 2010, p. 402).

Class, according to the conflict perspective, serves as a fundamental social division in the mobilization of law to satisfy the interests of elites against competing groups (Chambliss and Seidman 1971, p. 475; Reiman 1999, p. 25; Vold, Bernard, and Snipes 2002, p. 241; Quinney 1977, p. 45). The criminalization of interests divided across class lines is a major focus of some work produced by Chambliss (1975, p. 225). In addition to asking “Why do some people commit crimes and others do not?” it is equally important to ask, they argued, “Why are some acts defined as criminal while others are not?” Similar to Chambliss and Mankoff (1976, p. 100), Quinney (1974, p. 24) advanced a connection between power divisions and law, claiming that law “starts as a tool of the dominant class and ends by maintaining the dominance of that class. Law serves the powerful over the weak...”

Quinney recognized the contradiction between the mythology of law as an instrument to benefit everyone in a society and its uneven application. The claim that law fails to serve the interests of all people finds support, as reported by Kubrin, Stucky, and Krohn (2009, p. 227), in the “[h]undreds of thousands of people [who] die each year as a result of corporations’ actions or failure to act.” According to Kappeler, Blumberg, and Potter (2000), “corporate crime is 13.5 times more deadly than homicide” in the United States. “The fact is,” argues Reiman (1999, p. 25), “the label ‘crime’ is not used in America to name all or the worst of the actions that cause misery and suffering to Americans. It is primarily reserved for the dangerous actions of the poor.”

The application of law diverges along two tracks such that those with less power receive the most severe outcomes while those with the more power “are either not [regarded as] criminal, or if technically criminal, not prosecuted, or if prosecuted, not punished or if punished, only mildly” (Chambliss and Seidman 1971, p. 475; Reiman 1999, p. 29). Along class lines, the legal process tends to intervene more severely among those who not only have less economic and political power, but also those that most threaten the established interests of those with more power (Vold, Bernard, and Snipes 2002, p. 241).

Carter and Clelland (1979, p. 98) presented and applied a neo-Marxian theory to explain variation among juvenile court dispositions. In the Marxist tradition, Carter and Clelland (1979, p. 98) argued that in order to keep wages low, alternatives to the advanced capital-

ist system must be stymied wherever they occur, adolescence being one of those locations. While property and person offenses are argued by Carter and Clelland (1979, p. 100) to offend government and advanced capitalist systems regardless of class, they claim status and victimless offenses conflict solely with the capitalist order and, as such, youth from lower classes are disposed more harshly. Lower class youth are argued to face harsher dispositions regarding moral offenses, because they are less involved in conventional, pro-capitalist socializing activities (Carter and Clelland 1979, p. 100).

Data for this study consisted of a random sample of official court case records drawn from a metropolitan juvenile court over the final six months of 1974 ($n = 246$) (Carter and Clelland 1979, p. 101). Among status/victimless crimes, social class, net controls, was observed to correlate significantly with case workers' disposition recommendations and judicial dispositions to the detriment of lower class youth. Results among property and person offenses were mixed. While no evidence was observed of an effect between social class and recommended disposition, social class was observed to correlate significantly with judicial disposition. These findings are, according to Carter and Clelland (1979, p. 103), consistent with the neo-Marxian class conflict hypothesis that youth from lower-class backgrounds, who are viewed by the court as a threat to conventional, capitalist society, receive harsher court interventions.

The conflict perspective has been applied to juvenile justice processing at the macro level (Sampson and Laub 1993) as well as at the meso- and micro-levels (Tittle and Curran 1988a; Leiber and K. Y. Mack 2003; Leiber, Bishop, and Chamlin 2011) through the social threat hypothesis. The social threat hypothesis, as described by Liska (1992, p. 8), is comprised of the variables: threatening people, threatening acts, and crime control efforts. It posits that the invocation of crime control is directly explained by the concept of threat, threat itself being composed of the concepts threatening people and threatening acts.

At times the concept of threat and its effect is viewed as systemic; that is, the actions and reactions of the juvenile justice system inherently satisfy the interests of the dominant social system. According to Carter and Clelland (1979, p. 99) "[t]he juvenile courts' emphasis on the control of morality functions to secure the social economic and political order by giving

sanction to the system of class domination. Therefore, the class bias of the juvenile system of justice is revealed in the functions and consequences of the institutions and policies of that system and subsequent system of class domination, rather than in the conscious class control motives of those who support or directly participate in the juvenile system.”

At other times, the concept of threat is characterized more by the perceptions of individuals, of their sense of threat, of an “offensiveness, which is determined by social status and context” (J. Irwin 1985, p. 17). This can be expressed through symbolic threats, expressions which “provoke jealousy, envy, or personal fear among elites” (Tittle and Curran 1988a, p. 53; Leiber and K. Y. Mack 2003, pp. 36-7), rather than by overt threats made by some individuals against others. However the perception of threat, in terms of “actual physical harm or loss of material resources” was, according to Lofland (1969, p. 17), still a major motivation of justice system intervention. Under either conception, the concept of elites has been extended to include not only political elites and adult individuals from the dominant white racial majority (Tittle and Curran 1988a, p. 52), but also ““mainstream America”—middle-class and working-class citizens who represent the dominant majority in American society” (Sampson and Laub 1993, pp. 289-90; Leiber and K. Y. Mack 2003, pp. 36-7).

Examining juvenile justice processing through the lens of the social threat hypothesis, Leiber and K. Y. Mack (2003, p. 58) concluded that court personnel based their decisions partly on stereotypes about youth and their families. In a sample of court cases ($n = 6,933$) from four juvenile court districts across the state of Iowa, Leiber and K. Y. Mack (2003, pp. 34, 42-3) observed differences in juvenile justice processing by race, gender, and family status. Black youth were more likely than white youth to receive further court processing at intake and, regarding outcomes, were more likely to receive dismissal than diversion, especially among males (Leiber and K. Y. Mack 2003, pp. 48, 57). The effect of race was conditioned among these cases by family status at intake (Leiber and K. Y. Mack 2003, pp. 50, 57), such that black youth from single-parent households received more severe outcomes at intake than black youth from two-parent households. Consistent with these findings, one court personnel reported “I think there seems to be more of them [minorities] committing

crimes.” Another official reported, “A lot of it has to do with the fact that they don’t have money, they don’t have jobs...the way they are brought up that it is okay to steal, their role models are terrible” (Leiber and K. Y. Mack 2003, p. 58).

The effects of threat on juvenile court processing was investigated by Tittle and Curran (1988a, pp. 33-4) through random samples of court cases from 31 Florida counties (82-214 cases per county, $n = 5,669$ cases total) in 1979. Tittle and Curran (1988a, pp. 23, 51) failed to find evidence of general discrimination practices among the Florida juvenile courts, but the researchers did find evidence of discrimination when certain contingencies were taken into account. Tittle and Curran (1988a, p. 52) showed that minority youth from areas with larger youth and nonwhite populations faced greater disposition severity when charged with drug and/or sex offenses.

Tittle and Curran (1988a, p. 52) concluded that this systematic variation among case dispositions by race and contingencies, contingencies which included community and offense type characteristics, was consistent with the social threat hypothesis proposed by the conflict perspective. They concluded that “adult whites see in nonwhites and youth those qualities that they now lack (or are losing)” and, in response to their perceptions of loss, punish more severely those they “envy or resent...who possess such qualities” (Tittle and Curran 1988a, p. 53).

Youth qualities consistent with the threat hypothesis that affect juvenile justice processing additionally include, according to Tittle and Curran (1988a, p. 52), symbols that provoke fear among adult personnel through such qualities as “aggressiveness, sexuality, and absence of personal discipline.” While the finding that youth and minority population sizes affect race and court outcomes captures, if not crudely, the degree of threat against elites by minorities, it also adds support to another important concept in the conflict tradition, namely the concept of visibility.

Much investigation and discussion has emerged among the conflict literature on the relationship between visibility and justice system processing, both in terms of youth visibility (Chambliss 1973; C. W. Thomas and Sieverdes 1974) and justice system scrutiny (Chambliss and Nagasawa 1969, p. 76; Tittle and Curran 1988a, p. 52; Sampson 1986; Chesney-Lind

and Eliason 2006; Morash 1984, p. 99). The visibility hypothesis states that, on the one hand, justice system personnel and agencies concentrate their attention and resources around certain behaviors or individuals thought to be problematic; and, on the other hand, that individuals who exhibit more publicly behaviors deemed problematic receive more attention from the justice system (Chambliss 1973; Chambliss and Nagasawa 1969).

In a two-year comparative study of two groups of boys from Hanibal High School, Chambliss (1973, p. 186) showed boys from lower-class families ($n = 6$) were subject to greater justice processing than boys from upper-middle-class families ($n = 8$). The lower-class boys, denoted the Roughnecks, and the upper-class boys, denoted the Saints, were, according to Chambliss (1973, pp. 186, 188, 190), no different in their involvement in delinquent behaviors nor drastically different regarding scholastic achievement, such that no youth received a grade below a “C” in any of their classes at school. However the perception of teachers, parents, justice agents, and other community members was that the Saints were good kids deserving of second chances and helping hands, while the Roughnecks were viewed as troublemakers, different from other youth, and in need of greater justice system intervention (Chambliss 1973, p. 188).

Chambliss (1973) explained this contradiction in regard toward the boys through the joint effect of visibility and class. The Saints, coming from upper-middle-class families, had access to cars and so were able to express their delinquent behaviors and engage in “pranks” outside of town, where nobody knew who they were, while the Roughnecks, who lived on the outskirts of town and did not have access to certain types of transportation, were left with few options as to where they could congregate, options which frequently restricted them to the middle of the town where everyone could see what they were doing (Chambliss 1973, p. 192).

Daly and Chesney-Lind (1988, p. 516) criticized existing perspectives of crime and crime control, claiming gender-neutral renditions of social life fail to grasp the fact that “neither the social order nor the social structure of crime is [itself] gender-neutral.” Criticisms of existing perspectives further included the lack of gender informed research, the mis-application of gender-neutral generalizations to the lives of women and girls, and, worse, sexist depictions

of women and girls (Daly and Maher 1998, p. 2; Paternoster and Bachman 2001, p. 262).

More than justice criticism, feminist perspectives have yielded new questions (Daly and Chesney-Lind 1988, p. 515) and explanations (Giordano, Deines, and Cernkovich 2006, p. 20; Renzetti 2013, p. 70) regarding the social construction of crime and crime control. Daly and Chesney-Lind (1988, p. 515) asked, “Why are women less likely than men to be involved in crime? Conversely, why are men more crime prone than women? What explains [these] gender differences?” Feminist criminological research considers the lived experiences of people as both offenders and victims of crime and how these life experiences are not only shaped by race, class, and gender, but also reshape the structure of society itself in return (Renzetti 2013, p. 70). By considering gender differences and similarities among different social positions, research under the feminist perspective works “to draw more attention to the unique concerns of girls and women and to highlight the ways in which gender inequalities structure criminal and noncriminal options, definitions of self, and processes of social control” (Giordano, Deines, and Cernkovich 2006, p. 20).

2.4 Multiracial Feminist Perspectives

Lived experiences situated among well-formed social arrangements stand as a signature theme of contemporary feminist theory. Collins (1999, p. 245), in the book *Black feminist thought: Knowledge, consciousness, and the politics of empowerment*, outlined a perspective of social life where the sum total of social arrangements come together to form a matrix of domination. The matrix of domination constitutes a hierarchy of power, a formation where “intersecting oppressions originate, develop, and are contained” that condition the ways individuals and groups can think and act. The ideas of Anderson and Collins (2004, p. 7) and Collins (1999) find common ground with the concept of ruling relations advanced by D. E. Smith (2005, p. 10), wherein which the everyday lives of individuals are situated in networks of prescribed modes of thought and action. Whether from the vantage point of Anderson and Collins (2004, p. 7) and Collins (1999) or D. E. Smith (2005), a complex “structural pattern [exists that not only] affects individual consciousness, [but also] group interaction,

and group access to institutional power and privileges.”

The vast majority of feminist research on the juvenile court has investigated differences in treatment among girls and boys. Through these efforts, numerous perspectives have emerged to explain court behavior, ranging from the sexist beliefs of court officials to the court itself as a process to reinforce conventional family and gender social relations. While these perspectives have helped organize the facts, newer intersectional perspectives have emerged that better account for the diverse array of behaviors exhibited by the court. These new theories account for multiple social locations (in addition to gender) and the ways these differences are accomplished through the juvenile court. This section reviews the juvenile court literature and highlights classical explanations of court behavior as well as new perspectives that locate the juvenile court at the intersection of race, class, and gender.

Early research on the juvenile court decision-making argued the treatment of girls was due to sexist beliefs held by court officials. The evil woman hypothesis argues court officials regard girls as inherently evil and, as such, treats them (girls) more severely than boys (Chesney-Lind 1973, p. 54). Under this conception, the evil girl is punished to reinforce conventional modes of female behavior (Chesney-Lind 1977, p. 128; Nagel and Hagan 1983, pp. 115-6; Leiber and K. Y. Mack 2003, p. 38; Belknap 2007, p. 149). While any female gender role violation warrants greater court intervention, violations against norms of female chastity are, under this conception, considered especially offensive. According to Chesney-Lind (1977, p. 123), the juvenile court serves to control girls by removing them from tempting situations (e.g., sexual temptations), situations to which they (girls) supposedly succumb easily. Consistent with this perspective, research has largely shown that court officials treat girls more severely than boys, especially for status offenses (Bishop and Frazier 1991; Chesney-Lind 1977; Datesman and Scarpitti 1977; R. Sheldon and Horvath 1986; Odem 1995; Chesney-Lind and R. G. Sheldon 1997; R. Sheldon and Horvath 1986; Mann 1979).

In other studies, however, disparate treatment favoring boys over girls has not been observed. Researchers have proposed the existence of a chivalry effect, claiming decision-makers strive to protect girls or, less overtly, believe girls are incapable of engaging in offensive

behaviors (W. I. Thomas 1907; Pollak 1961; Farnworth and Teske Jr 1995; Belknap 2007; Chernoff n.d.). Instead of receiving more severe treatment, these studies report girls receive more lenient treatment than their male counterparts (Bishop and Frazier 1996; Farrington and A. M. Morris 1983; D. R. Johnson and Scheuble 1991; Visher 1983; Poe-Yamagata and Butts 1996; D. R. Johnson and Scheuble 1991; Leiber and K. Y. Mack 2003, p. 59).

Contrary to these perspectives, some researchers have suggested court officials provide girls and boys with “relatively even-handed” treatment, especially when legally relevant factors are taken into account (Teilmann et al. 1981, p. 47; Carter 1979; Clarke and Koch 1979; Cohen and Kluegel 1979; Dannefer and R. K. Schutt 1982; Datesman and Scarpitti 1977; Fenwick 1982; Phillips and Dinitz 1982). Teilmann et al. (1981, pp. 47, 52, 54), in a sample of court cases, subdivided by offenses, drawn from seven counties, one in northern California, another in Arizona, two in Illinois, one in Delaware, and two in Washington, in 1976 ($n = 6,040$), observed that while “status offenders are consistently given harsher treatment than delinquent offenders” this pattern, net legal factors, such as offense type and prior record, is as “true for boys as it is for girls.”

More recent investigations into the juvenile court have conceived of the court process itself as a major contributor to the social construction of asymmetrical power relations (Mann 1979, p. 47; Chesney-Lind 1973, p. 54; Rogers 1972, p. 224; Kratcoski 1974, p. 20). For both girls and boys, parents are known to draw on the juvenile court to reinforce the obedience of their children (Chesney-Lind 1973, p. 54; Andrews and A. H. Cohn 1974, p. 1396; Kratcoski 1974, p. 20). Among parents looking to reinforce their authority, complaints filed against children have ranged from “He is such a liar, his mind is bad and he needs to be put away” to, as reported by a probation officer, “she paid more attention to her negative peers than to his [the father’s] advice and others that sincerely care about her” (Andrews and A. H. Cohn 1974, p. 1396; Watkins 1998, p. 59). Consistent with these assertions, research has shown youth charged with offenses against their parents faced higher detention rates, lower parental withdrawal rates, and higher commitment rates than those faced with other charges (Andrews and A. H. Cohn 1974, pp. 1396-7; Y. Cohn 1970, p. 197). While parents file complaints against both their daughters and their sons, the parental need to

control girls has found, according to this view, a particularly zealous ally among the juvenile court.

Interviews with court officials have exposed a sexual double standard favoring boys over girls (Chesney-Lind 1973, p. 54; Andrews and A. H. Cohn 1974, p. 1397; Kratcoski 1974, p. 20). Regarding youth disposed to the Connecticut Long Lane School in 1970-1971, one judge reasoned “[w]hy, most of the girls I commit are for status offenses. I figure if a girl is about to get pregnant, we’ll keep her until she’s sixteen and then ADC (Aid for Dependent Children) will pick her up!” (Rogers 1972, p. 227). Similarly, one probation officer employed in 1999 by the Maricopa county, Arizona Juvenile Court, suggested “[i]t would be good to have gender specific—all girls—for feminine problems or feminine-related issues—we have a lot of STDs transmitted” (Gaarder, Rodriguez, and Zatz 2004, p. 567). While probation officers frequently connect girls’ sexual abuse histories with their involvement with the court (Bond-Maupin, Maupin, and Leisenring 2002, p. 71), officers nonetheless regard the sexuality of girls as problematic. As one white, male intern commented, “If you aren’t careful with girls, they pull the wool over your eyes. They come in here, put some perfume on, cosmetics, lipstick and you know. . .” (Bond-Maupin, Maupin, and Leisenring 2002, p. 66).

More recent research on juvenile court processing has extended efforts to account for differences in court processing across race, class, and gender. Examining the individual and joint effect of race, gender, and family status among a sample of court referrals drawn from four juvenile court jurisdictions in Iowa between 1980 and 1991 ($n = 6,933$), Leiber and K. Y. Mack (2003, pp. 42-3, 57), observed that race, at all processing stages, had an effect on court outcomes. Among white youth, court outcomes were conditioned according to gender and family status of the youth. Similarly, Guevara, Herz, and C. Spohn (2006, p. 264), in a sample of court referrals drawn from two Midwestern juvenile courts over 1990-1994, found evidence to suggest race and gender had an interactive effect on pre-adjudication detention and disposition decisions as well as on the severity of these outcomes.

While Peck, Leiber, and Brubaker (2013, pp. 256, 260) failed to observe race or gender effects during intake, they did, however, observe evidence suggesting an interaction effect among the two factors at later court stages. Among their sample of court referrals for status

offenses drawn from two mid-Atlantic states from 2003 to 2008 ($n = 7,779$), black female youth, at trial, were more than twice as likely, compared to white and black males, to be adjudicated.

Evidence for what Chesney-Lind and Pasko (2004, p. 200) and R. G. Sheldon (2006, p. 406) referred to as a “two-track system,” a system where the processing of girls differs by race or ethnicity, has been observed among the courts. Bartollas (1993) reported that private facilities were completely comprised of white girls (100%), while public facilities largely consisted of black girls (61%). Likewise, J. Miller (1994, p. 232) observed that white girls (75%) were more frequently recommended for placement in a treatment facility compared to Latina (34.6%) or black (20%) girls.

While research has greatly explicated differences in juvenile processing across race, class, and gender, more work is needed to clarify the criteria that tie these factors together. Surprisingly little is known about the attributions court officials give to youth and their behaviors. Why do youth act the way they do? What are the pathways that lead youth into the juvenile court and what choices do youth make, if any, along the way? More importantly, this research needs to piece together the consequences of officials’ attributions for youth. How do attributions affect rehabilitation? How do they affect punishment? By accounting more thoroughly for the thoughts of those involved, research into juvenile justice processing can better achieve the methodological “missing-link” needed to understand the social construction of race, class, and gender. The research covered in the remainder of this chapter reviews methodologically sophisticated approaches that better connect court official’s beliefs with youth processing outcomes.

Research shows that juvenile court policies and practices based on race, class, and gender stereotypes reinforce asymmetrical power relations (J. Miller 1994; Bridges and Steen 1998; Gaarder, Rodriguez, and Zatz 2004). Drawing on a sample of juvenile court records ($n = 233$) filed between 1990 and 1991 across three counties in a western state, Bridges and Steen (1998, p. 567) observed that probation officers’ beliefs mediated the effect of race on services provided by the courts. Records for black youth typically recommended punishment and included comments such as “feels no remorse,” “does not take offense seriously,” and

“uncooperative with current probation officer” (Bridges and Steen 1998, p. 559). On the other hand, records for white youth typically recommended rehabilitative services, noting that their problems were primarily due to delinquent “peers,” a “dysfunctional family,” “poor attendance at school,” or “drug/alcohol problems” (Bridges and Steen 1998, p. 559). Consistent with prior research (J. Miller 1994, p. 235), Bridges and Steen (1998, p. 567) reported that court officials held black youth largely responsible for their own actions, while the actions of white youth were frequently attributed to external influences.

It is through race, class, and gender stereotypes that court officials discredit the experiences and situations of youth and hold youth personally responsible for their actions (J. Miller 1994; Gaarder, Rodriguez, and Zatz 2004). Examining the social construction of race, class, and gender among a sample of court records filed at an area office of the Los Angeles County Probation Department, J. Miller (1994, p. 224) reported findings consistent with those observed by Bridges and Steen (1998, p. 567). By and large, court officials attributed the offending of white and Latina girls to external influences, while attributing the offending of black girls to flawed character traits (J. Miller 1994, p. 235). Unlike Bridges and Steen (1998) however, J. Miller (1994, p. 235) showed that middle-class black girls were treated more like white and Latina girls than lower-class black girls. Although middle-class black girls received some lenience from the court, the severity of the treatment they received was still harsher than that experienced by white and Latina girls (J. Miller 1994, p. 236). Based on biased beliefs about the ways middle-class black girls should behave, court officials regarded middle-class black girls as ungrateful for their situations, wasteful of their opportunities, and, hence, not entirely innocent (J. Miller 1994, p. 236).

Similar to J. Miller (1994) and Bridges and Steen (1998), Gaarder, Rodriguez, and Zatz (2004, p. 548) examined perceptions held by juvenile court officials about youth and the ways these perceptions affected the delivery of court services. Data in this study focused on the Maricopa County, Arizona juvenile court (1999) and included both a random sample of case files drawn from girls referred to probation ($n = 174$) as well as responses from in-depth, semi-structured interviews drawn from a convenience sample of probation officers ($n = 14$) (Gaarder, Rodriguez, and Zatz 2004, pp. 547-8, 553-4). After reviewing these data, Gaarder,

Rodriguez, and Zatz (2004, pp. 556, 572, 575) reported juvenile court officials tended to react negatively toward youth who they (the officers) regarded as “harder to work with.” These “harder to work with” youth generally consisted of those considered sexually “promiscuous” or those labeled as “criers,” “liars,” or “manipulators” (Gaarder, Rodriguez, and Zatz 2004, p. 556). While boys and girls were observed to engage in all these behaviors, Gaarder, Rodriguez, and Zatz (2004, p. 556) reported girls were overrepresented among those treated for being “too needy” or having “too many issues.”

Gaarder, Rodriguez, and Zatz (2004, p. 547) concluded that stereotypes about girls and their families not only promoted negative thoughts and feelings among court officials, but also affected the treatment the girls received. Several probation officers attributed the behaviors of “manipulative” girls to girls’ “bad choices” and irresponsible families (Gaarder, Rodriguez, and Zatz 2004, pp. 558, 561). Through these negative conceptions, officers were, according to Gaarder, Rodriguez, and Zatz (2004, p. 560), able to simultaneously suppress their own knowledge of girls’ past experiences (e.g., abuse histories) and hold girls individually responsible for their alleged actions.

For girls deemed worthy of treatment, gender responsive programming⁸ is generally inappropriate or unavailable⁹. Research shows, girls involved with the court frequently have prior abuse histories (Belknap and Holsinger 1998; Chesney-Lind and R. G. Sheldon 2004; Wyatt, Newcomb, and Riederer 1993; L Acoca 1998) or severely lack adequate financial resources. Instead of addressing these and other realities, Gaarder, Rodriguez, and Zatz (2004, p. 567) argued court officials tend to provide girls with services based on stereotypical beliefs about

⁸Gender responsive programming, as defined by Girls Incorporated (1997, p. v), is programming that is “designed to meet the needs of young women as individuals, to take female development into account, and to avoid perpetuating limiting stereotypes based on gender, race, class, language, sexual orientation, disability, and other personal and cultural factors.”

⁹Advocates for girls have highlighted that, despite the availability of federal Challenge E Grants, juvenile courts have largely failed to provide programming responsive to the unique challenges faced by young women (Children’s Defense Fund and Girls Inc. 2002; Gaarder, Rodriguez, and Zatz 2004, p. 569). Of what little programming there is, high costs and distant locations have had the unfortunate effect of preventing many girls, especially girls from disadvantaged backgrounds, from receiving these valuable services (Gaarder, Rodriguez, and Zatz 2004, p. 562). While gender specific services were often available through youth correctional facilities (Gaarder, Rodriguez, and Zatz 2004, p. 573), this option is highly problematic. It suggests that, for many girls, the only way to receive gender responsive programming is to also suffer the most severe punishment offered by the court.

girls. Examining treatment recommendations, Gaarder, Rodriguez, and Zatz (2004, p. 559) observed pregnant girls were provided with counseling or parenting classes when, in reality, they needed childcare or a safe place to live. Similarly, probation officers recommended counseling services to homeless girls, while doing less to address the financial needs of these girls and their families (Gaarder, Rodriguez, and Zatz 2004, p. 569).

When explicitly asked about gender responsive treatment, court officials tended to reiterate conventional beliefs about girls and boys. Unlike boys, probation officers largely thought girls would benefit from greater involvement in sexual education (e.g., STIs, pregnancy), parenting, and self-esteem programming (Gaarder, Rodriguez, and Zatz 2004, pp. 567, 569). By acting on conventional stereotypes about girls, Gaarder, Rodriguez, and Zatz (2004) argued court officials not only burdened girls with irrelevant court obligations, but also prevented girls from receiving the services they sorely needed.

Chapter 3

Theory and hypotheses

This chapter reviews scholarly thoughts and efforts to understand social control and the juvenile court process. It covers four major sociological and criminological perspectives on the subject, those being: legal realism, societal reaction, conflict, and multiracial feminist thought. By examining social control from these different perspectives, the proposed study aims to better understand the richness of the juvenile court, its forms and functions, its uses, abuses as well as resistance to it. On the one hand, the proposed study strives to address the “continuing lack . . . between conceptual and empirical analyses of the determinants of the decision-making process” among studies of youth processing (C. W. Thomas and Cage [1977](#), p. 239). On another, it aims to provide a more encompassing explanation.

Drawing on sociological and criminological perspectives, hypotheses are developed and presented to support empirical investigation into the juvenile court. As a contribution toward theoretical integration, this chapter is organized around these hypotheses. Under this framework, similarities among the different sociological and criminological perspectives considered are brought into greater relief. The proposed study argues that, while each perspective provides unique view points and insights of various social processes, they can, under the right circumstances, share much in common. In the context of the juvenile court, there are moments when the different perspectives synthesize; at once yielding similar hypotheses and providing a more nuanced depiction of social life. However, there are several claims about

social life that are unique to the different perspectives, especially within the context of the juvenile court. In addition to highlighting similarities, this chapter will document where the different perspectives diverge, and yield unique explanations about the juvenile court process.

3.1 Perspectives on the Social Process

3.1.1 Legal Realism

Efforts toward empirical knowledge of legal behavior were championed by Wendell (1897, p. 461), who argued investigations into law should identify “[t]he prophecies of what the courts will do in fact, and nothing more pretentious.” Almost thirty years later, Pound (1927, p. 326) reiterated this sentiment, arguing the “characteristic marks” in the study of law ought to focus on discovering “the working of law [itself]” and not “its abstract content.” Through this emphasis on empiricism, researchers under the realist tradition have sought to uncover the “real rules,” as opposed to the “paper rules” or “law in books,” that truly govern “law in action” (Llewellyn 1930; Pound 1927). By formulating law in this way, the realist perspective attempts to understand law based on what people actually do, as opposed to considering only what people say they do.

In the book *The Behavior of Law*, Black (1976, pp. 2, 6) provides a general framework for conceptualizing and encompassing actions that constitute the behavior of the legal system. For Black (1976, pp. 2, 3, 6), law is an observable phenomenon, a quantitative variable, absent or present in some cases, lesser or greater in other cases. Law includes “the observable dispositions of judges, policemen, prosecutors, or administrative official” (Black 1972, p. 1091). Arrest, to further clarify this conception, is itself “a social phenomenon,” whose presence or absence indicates more or less law (Black 1976, p. 8). Notably, proponents of the legal realist perspective recognize that law does not exist in isolation. According to Black (1976, pp. 1-2, 6), the amount present at any given moment covaries with other social phenomena, namely “stratification, morphology, culture, organization, and,” of particular

interest to the present study, other forms of “social control.”

The legal realist perspective differs from the societal reaction, conflict, and multiracial feminist perspectives in that it is rooted in what Black (1995) referred to as “pure” sociology. Unlike the societal reaction, conflict and multiracial feminist perspectives, the legal realist perspective makes no claims about the motivations, the beliefs or interests, behind social phenomena (Black 1995, p. 862). Instead, social phenomena simply exist. Social phenomena are multifaceted events, where more or less of some aspects correspond with more or less of others.

3.1.2 Societal Reaction

Crime, to quote Braithwaite (1989, pp. 1-2), “whatever its form, is a kind of behavior which is poorly regarded in the community compared to most other acts, and behavior where this poor regard is institutionalized.” This institutionalized regard, this response to certain behaviors, specifically deviant ones, varies widely in extent and complexity from person to person, except in special cases, where the response is formalized and varies much less. The reaction by society toward deviance is a powerful technology, and similar to other technologies, subject to further alterations, whereby certain people, known as agents of social control, are required to act in more specified ways under certain conditions (Sellin 1938b, p. 28; Kubrin, Stucky, and Krohn 2009, p. 221). K. T. Erikson (1966, pp. 7, 27) referred to the formal response as a “deployment pattern,” as a social control apparatus specified and implemented to treat or act upon those presumed to have engaged in deviant behavior.

While formal social control is restricted by the quantity of resources devoted to it, the way this practice is deployed can itself overcome these barriers (K. T. Erikson 1966, p. 24). Work under the societal reaction perspective has recognized the application of delinquent labels by the juvenile justice system as a “dramatization of evil,” a process that not only denies youth access to conventional roles, but also one that can lead youth to self identify as a deviant person (Tannenbaum 1938, pp. 19-20; Conklin 1992, p. 296). E. M. Lemert (1951, pp. 75-8), in what he referred to as “secondary deviance,” argued youth labeled as deviant

may subsequently accept their new status or associate with peers who are accepting of such acts and, due to these self- and group-conceptions, engage in or permit further delinquent behaviors.

The societal reaction perspective differs from the legal realist and conflict perspectives in its recognition that the application of law is a construction that society has choice over. Society's deployment pattern, the technology, social or otherwise, that it employs, is not inevitable, even though for some it might seem that way. Similar to multiracial feminist perspectives, the societal reaction perspective attempts to understand the machinery through which the law of the land is imposed and reinforced.

3.1.3 Conflict

“[S]ociety-conflict [is] inherent in any human group” and this conflict is, according to (Chambliss and Seidman 1971, p. 3), especially pronounced in “modern industrialized societies.” Culture conflict, which occurs between groups with different conduct norms, is inevitable, but the ramifications of these conflicts “depend[s] upon the character and interests of those groups in the population which influence legislation” (Sellin 1938b, p. 21). That is to say, those in control.

Where people or acts threaten the interests of those in power social control will manifest (Liska 1992, p. 8). But threats themselves, as J. Irwin (1985, p. 17) pointed out, are not equally experienced by everyone and are largely “determined by social status and context.” Similarly, in a critique of the labeling perspective, Liska, Lawrence, and Benson (1981, p. 141) argued some individuals more than others “possess the resources to actively resist societal reaction.” It is in this way that threatening actions and economic and racial status moderate social control.

Similar to the legal realist perspective, there is a kind of “social physics” governing the application of law. While the quantity of law changes, these rules remain and, as social forces, find new ways to manifest.

Unlike the legal realists, the conflict perspective regards the justice system itself as an

instrument of oppression. It is not impartial. It should be abolished. It is in this way similar to the multiracial feminist and societal reaction perspectives. Though conflict is inevitable, oppression is not. Efforts can be made to make social life less worse.

3.1.4 Multiracial Feminist Thought

Multiracial feminist thought conceptualizes the dimensions of society (e.g., race, class, gender) as constituting a “matrix of domination,” a social system organized ideologically and structurally to achieve domination and subordination (Collins 1991). Similar to other conceptions of society, people within the matrix of domination are situated in relation to each other according to certain differences (e.g., black or white, working-class or upper-class, female or male) (Collins 1991; Burgess-Proctor 2006, p. 36; Zinn and Dill 1996, p. 327) and, based on these social designations, held accountable for certain actions (West and Zimmerman 1987, p. 137; West and Fenstermaker 1995, pp. 22, 23). Unlike more egalitarian conceptions, however, the matrix of domination is rooted in oppression, values and practices that favor some people over others in many situations solely based on the social categories they fit into (Renzetti 2013, p. 8; Zinn and Dill 1996, pp. 322-3). It is in this way that the particular configuration of a society’s dimensions, shape people’s experiences, affecting “individual consciousness, group interaction, and group access to institutional power and privilege” (M. Andersen and Collins 2004, p. 7; Margaret Andersen and Collins 1992, p. xxi).

Central to multiracial feminism is the assertion that social life is organized to provide certain people with greater power and privilege over others. According to M. Andersen and Collins (2004, pp. 16, 17), all behaviors under the matrix of domination are measured against the “false norm” of those in power. Discussing the social construction of American history, for instance, M. Andersen and Collins (2004, p. 16) argued “groups whose experiences have been vital in the formation of society and culture have been silenced in the construction of knowledge about this society.” While the acts of those in power are given precedence, life under the matrix of domination, however, cannot outright bar the involvement of marginal-

ized groups from making history. People from marginalized groups frequently engage in social movements and, despite the barriers, perform politically powerful acts that, compared to dominant groups, are just as important, if not more so. However, as M. Andersen and Collins (2004, p. 16) elaborated, “[b]y minimizing the experiences and creations of those different groups, we communicate that they have no history or that their work and creativity and is less important and less central to the development of culture [sic].” No matter the important actions taken, those who better conform to dominant false norms, always benefit, in one way or another, in what they do.

Similar to the conflict perspective, the multiracial feminist perspective asserts that power differentials are supported through social status. While the conflict perspective has broadened and refined these statuses, core thinking of this tradition is more hesitant about which ones matter than the multiracial feminist perspective. The multiracial perspective argues that oppression occurs through social statuses, regardless of whether theory thinks them important enough.

Similar to the societal reaction perspective, a major goal of the multiracial feminist perspective is to discover the machinery that reinforces power social hierarchies. Furthermore, the multiracial feminist perspective finds common ground with the societal reaction perspective in its practical application. Similar to the initial spirit of legal realism, the application of law is something society should improve.

3.2 Race

Since the turn of the century, popular thinking on race has advanced the belief that the true nature of black people is one riddled with “defects” and rooted in “sloth and vice” (Muhammad 2011, pp. , 15; Moyers and Muhammad 2012). Examining racial attitudes in major newspapers and literary magazines published between 1877 and 1901, Logan (1965, pp. 159-60) reported black people in the North were regarded as “lazy, improvident, child-like, irresponsible, chicken-stealing, crap-shooting, policy-playing, razor-toting, immoral and criminal.” Drawing on 1890 US Census data, Hoffman (1896, p. 225), refined the conception

of black people's true nature in his study on race, mortality and crime, linking it directly with criminal behavior. For Hoffman (1896, p. 228), the census, arrest and prison data all "showed without exception that the criminality of the negro exceeds that of any other race of any numerical importance in this country." While opponents recognized the impact environmental conditions (Ball 1894b, p. 392) and justice system policy and practice have on crime and crime statistics (Ball 1894a, pp. 389, 390), the salient, predominant explanation of racial crime disparity rested on the nature of black people themselves.

More than one hundred years later, this "crime-prone stereotype" continues to define the lives of black youth (Steffensmeier, Ulmer, and Kramer 1998, p. 764). Young, black males are disproportionately portrayed in the mass media as "dropouts," "delinquents," "dope addicts," "street-smart dudes," and "welfare pimps" (Gibbs 1988, p. 2; Dunier 1992; Lemelle 1994; Lyman 1994). Similarly, national magazines and news broadcasts are ripe with depictions of violent girls stereotypes, often claiming, as *Newsweek* once did, that "some girls now carry guns... [while others, more disturbingly] hide razor blades in their mouths" (Leslie et al. 1993, p. 44). The image of the "bad girl," a subclass of the violent girl stereotype, was recently advanced in a report by *Action News JAX*, entitled "Jacksonville community leaders concerned after girl 'gang' rap video goes viral," as not only a girl of color, but also a gang member who actively recruits young children into the criminal life-style (Spruill 2016). Above all else, crime remains in the popular media the defining trait of black youth and black culture.

Researchers of the multiracial feminist and conflict traditions recognize racial disparity as a defining feature of juvenile case processing (Tittle and Curran 1988a, p. 52; Sampson and Laub 1993, pp. 289-90; Leiber and K. Y. Mack 2003, pp. 36-7; Bridges and Steen 1998, p. 567; J. Miller 1994, p. 224). According to Bridges and Steen (1998, p. 567) and J. Miller (1994, p. 224), black youth are inseparable from popular notions of criminality. Crime among black youth, they argue, is something court officials regard as natural—as something normal—as something black youth choose to do. Unlike white youth, black youth are always responsible. They are always worthy of blame and deserving of punishment—hence they receive more of it.

This conception of the juvenile court and its racial bias is similarly advanced by the conflict perspective (Tittle and Curran 1988a, p. 52; Sampson and Laub 1993, pp. 289-90; Leiber and K. Y. Mack 2003, pp. 36-7). Under this perspective, the primary aim of juvenile court, and the justice system, more broadly, is to reinforce the advantages of the white racial majority (Tittle and Curran 1988a, p. 52). Through the threat hypothesis, the conflict perspective asserts that white elites are threatened by racial minority youth and, as such, impose greater social control on non-white youth.

Legal realist researchers have similarly asserted that non-white individuals received greater social control due to their cultural distance (Chappell and Maggard 2007, p. 268; Black 1976, p. 77). Black (1976, p. 77) claimed that “an Italian official is more likely to be lenient with an Italian, a Puerto Rican with a Puerto Rican, a Jew with a Jew. Scramble these, and law increases, whether by arrest, a judicial finding, or a parole decision.” Elsewhere, Black (1976, p. 70) elaborates that “cultural minorities,” such as indigenous people in the United States, “receive more severe sentences than whites.” He continues, explaining that “[a]n Indian is also more vulnerable to a criminal complaint, arrest, prosecution, or conviction, and to civil proceedings of all kinds.”

Where probation officers, judges, attorneys, families and youth involved in the juvenile court represent groups from different racial backgrounds, the conflict perspective argues power differentials favoring white majority groups over those in the minority will emerge. Similarly, the multiracial feminist perspective argues that court officials, trained through popular mass media misconceptions, believe racial minority youth are inherently criminal and routinely treat them (i.e., minority youth) thus. Whether responding to threats or acting on beliefs about criminality, these perspectives argue that racial minority youth are treated more severity compared to their white counterparts. More formally:

Hypothesis 1. *Non-white youth (more than white youth) receive more social control from the juvenile court.*

3.3 Social Class

Through law, modern industrialized societies are “divided [shaped] according to such critical characteristics as power, wealth, prestige, way of life, and perception of the world,” privileging some over others (Chambliss and Seidman 1971, p. 3). Over the years, the notion of elites, those in dominant positions across these characteristics, has been extended to not only include political elites from the white racial majority (Tittle and Curran 1988a, p. 52), but also “‘mainstream America’ middle-class and working-class citizens who represent the dominant majority in American society” (Sampson and Laub 1993, pp. 289-90; Leiber and K. Y. Mack 2003, pp. 36-7).

According to Sampson and Laub (1993, p. 288), it is along social class lines that society is divided into two groups: those “groups which threaten the hegemony of middle- and upper-class rule” and those who rule. Drawing on the work of other conflict theorists (Quinney 1977; Quinney 1974; Turk 1969; Chambliss and Seidman 1971), Sampson and Laub (1993, p. 288) advanced the idea that lower class people are a greater threat and “are more likely to be subjected to intensified social control... compared with groups that are perceived as less threatening to the status quo.”

Similarly, M. Andersen and Collins (2004, pp. 16, 17), a pioneer of the multiracial feminist perspective, argued all behaviors are measured against the “false norm” of those in power—especially that of individuals with greater economic social standing. Consistent with this thinking, conflict theorists have argued that the justice system’s emphasis on controlling morality, especially that of the juvenile court’s, organizes it, in effect, to intervene into the lives of lower class people (Carter and Clelland 1979, p. 99).

Contrary to this effect, Black (1976, p. 16) asserted that, even though some court officials occupy higher social class statuses, it does not necessarily result in greater social control. “[A] judge with lowly origins might also be more sympathetic than a judge from the higher levels of society” However, this, he contends, is more the exception than the rule. Consistent with conflict and multiracial feminist perspectives, Black (1976, p. 15), argued court officials with higher social class statuses (who are generally from higher class backgrounds) were more

likely to intervene into the lives of those with lesser social class statuses.

Conflict and multiracial feminist theories further note that it is not necessary for social class bias to be intentional to be effective (Carter and Clelland 1979, p. 99; J. Miller 1994; Gaarder, Rodriguez, and Zatz 2004). It is through years of training in what behaviors are and are not normal, natural, and right (West and Fenstermaker 1995; West and Fenstermaker 1993), that court officials are sufficiently equipped to favor higher class youth over lower class ones (J. Miller 1994; Gaarder, Rodriguez, and Zatz 2004).

Within the juvenile court, crime and delinquency are lower class behaviors. Instead of giving people what they need to act otherwise, the juvenile court punishes, regardless of what it says it is doing, youth for violating upper class norms. Juvenile court officials mistakenly believe, in effect, that reinforcing the social class hierarchy is the same as promoting or protecting upper class standards of living. It confuses having a lower class social status with acting lower class—acting criminal, delinquent—and, hence, imposes greater social control.

Hypothesis 2. *Lower class youth (more than higher class youth) receive more social control from the juvenile court.*

3.4 Gender

In the United States, the popular expression that girls are made of “sugar and spice” represents a class of paternalistic attitudes that delineate the “true” nature of girls from boys (Chesney-Lind and K. Irwin 2004, p. 45). Sometimes conceptualized as the “good girl,” girls under this framework are expected to act properly and refrain from behaving in ways that are anything except nice and wholesome (Chesney-Lind 1977, p. 122). Combining this “sugar and spice” thinking with beliefs about normal, youthful sexual activity, Mann (1979, p. 38) identified a sexual double standard based on gender.

While the normal boy is expected to “sow a few wild oats,” the normal girl, Mann (1979, p. 38) argued, is not; in fact, she (the normal girl) is excluded from doing so (Mann 1979, p. 38; Chesney-Lind 1973, p. 54; Alder 1998, p. 85-86; Chesney-Lind 1977, pp. 122, 129).

Similarly, the belief that “boys will be boys,” when combined with the logic of “sugar and spice,” creates a double standard with respect to harm (Chesney-Lind 1977, p. 129). Under this framework, the normal boy is selfish, disruptive and, to some extent, even violent (Hooks 1981, p. 29; Chesney-Lind 1977, p. 129). The normal girl, however, is not (Taylor-Thompson 2005, p. 1138). Again, she is forbidden from engaging in such behaviors.

More than just identifying and punishing violators of conventional gender norms, however, juvenile justice in the United States is itself a practice in sexism (Chesney-Lind 1989, p. 16; Chesney-Lind 1977, p. 122). She argued that boys are treated less severely than girls because boys, unlike girls, are protected by the ethos of patriarchy, particularly by the belief that “boys will be boys” (Chesney-Lind 1977, p. 129; Taylor-Thompson 2005, p. 1138). Girls, on the other hand, are treated more severely by the courts because any delinquent act committed by a girl threatens the system of male privilege (Dalby 1993, p. 434). Under this view, delinquent behaviors are masculine behaviors, acts the use of which are strictly reserved for boys (Chesney-Lind 2010, p. 420). By routinely treating girls more severely, the juvenile court reinforces a de facto double standard, empowering boys throughout the court process, normalizing their delinquency at the expense of girls.

Hypothesis 3. *Compared to boys, girls receive greater social control from the juvenile court.*

3.5 Demeanor

According to Lofland (1969, p. 17), the perception of threat, in terms of “actual physical harm or loss of material resources” was considered a major motivation of justice system intervention. While more social-psychological, however, a disagreeable demeanor, such as “aggressiveness, sexuality, and absence of personal discipline” (Tittle and Curran 1988a, p. 52), can also carry considerable weight and threaten the position of social control agents. The conflict perspective argues that youth who are more aggressive in the courtroom, who fight the charges against them, as opposed to those who accept guilt, or who fail to comply as expected, are viewed as more threatening by court officials.

Similar to the conflict perspective, Bridges and Steen (1998, p. 567) reported that the social control imposed by the court was contingent on how the youth involved interacted with court officials. Explanations given for the offending behavior of youth focused largely on their (i.e., the youth's) demeanor—their attitude and willingness to comply. Common criteria indicating a disagreeable demeanor consisted of “does not admit guilt,” “feels no remorse,” “does not take offense seriously,” “uncooperative with current probation officer,” and “uncooperative in past encounters” (Bridges and Steen 1998, p. 559). Similar to these conclusions, J. Miller (1994, p. 235) argued, among probation officers, the offending of some youth was largely attributed to their (i.e., the youth's) “inappropriate ‘lifestyle’ choices.” Unlike some youth, these youth, claimed officials, know their behaviors are wrong, but choose to do them anyway.

Unlike the conflict and multiracial perspectives, the societal reaction perspective recognizes the acts youth perform to avoid negative demeanor attributions. Cicourel (1995, p. 336) likened delinquent youth to a “rumor,” claiming the identification and creation of delinquency was “a negotiable enterprise within a socially bound arena of discourse.” Juvenile court actors develop and attempt to prove accounts as to what happened regarding the youth involved in their cases and predict what they (the youth) will do next (Cicourel 1995, p. 300). Court actors are well trained at speculating about youth developmental trajectories, however their life course perceptions are not as accurately measured as some might think. Youth negotiate, some more successfully than others, the reactions made by the court and thus the outcomes of their cases (Cicourel 1995, pp. 302, 326; Schur 1973, pp. 56-8; Fagan 2000, p. 65).

Similar to the perspectives considered, Black (1976, pp. 71-3) argued that “[a]ny person who is unconventional in his dress, speech, manner, ideas, or anything else, is more vulnerable to law of every kind.” Youth whose demeanors fail, intentionally or not, to live up to the expectations of court officials, as well as the juvenile court process, are regarded as acting in an “unconventional” manner. It is these youth, then, that receive greater social control from the juvenile court.

Hypothesis 4. *Youth whose demeanors are disagreeable (more than youth whose demeanors are not disagreeable) receive more social control from the juvenile court.*

3.6 Context

Researchers of the conflict tradition have broke ground on the conception of threat, recognizing a youth's context as a cause for greater social control. Contexts that are predominantly black or lower class are argued to be a greater threat to elites and their interests (Tittle and Curran 1988a, pp. 47-48; Sampson and Laub 1993, p. 289). Similarly, the conflict perspective argues elites are threatened by family and school conditions that are inconsistent with their (i.e., the elites') norms and values (Leiber and K. Y. Mack 2003, p. 42; Carter and Clelland 1979, pp. 99, 103).

The importance of context has also been recognized by the legal realist tradition. Black (1976, p. 111), in his conception of respectability, argued the behavior of those youth associate with matters. The peers, family members, and coworkers of youth, if poorly regarded by court officials, affects the amount of social control they (i.e., the youth) receive. Furthermore, families that fail to provide adequate social control in the home are regarded as cause enough to impose social control into the lives of you (Black 1976, p. 108).

Similar to the conflict and legal realist perspectives, contextual effects have been recognized by multiracial feminist researchers as powerful explanations of greater social control. Examining reports filed by juvenile court probation officers, Bridges and Steen (1998, p. 567) observed that the offense explanations given for some youth focused largely on whether their (i.e., the youths') social environment was supportive of delinquency. Criteria associated with external criminogenic influences consisted of "peers are delinquent," "peers are a negative influence," "dysfunctional family," "lots of family conflict," "poor grades," "poor attendance at school," "uses drugs and/or alcohol," and "has drug/alcohol problems" (Bridges and Steen 1998, p. 559).

Consistent with conclusions reached by Bridges and Steen (1998), J. Miller (1994, p. 224) reported probation officers generally attributed the offending of certain youth to external

criminogenic influences. Elaborating on the beliefs of the officers, J. Miller (1994, p. 235) argued the offending of some youth was generally attributed to personal deficiencies, internal weaknesses that made them susceptible to external influences.

Juvenile court officials act on their interpretations of youths' context. Youth from certain areas that or involved with certain people who do not conform to the status quo established by white, middle- to upper-class, all American society are problematic. They regarded as delinquents. As people who choose delinquency. As people who are responsible for it. It is through a youth's social context, and it propensity for delinquency, that juvenile court officials impose greater social control.

Hypothesis 5. *Youth whose contexts are criminogenic (more than youth whose contexts are not criminogenic) receive more social control from the juvenile court.*

3.7 Demeanor and Race

The multiracial feminist perspective contends that seemingly reasonable acts reinforce hierarchies based on race, class, and gender. Examining juvenile court probation reports, Bridges and Steen (1998, p. 567) and J. Miller (1994, p. 224) observed probation officers routinely impose greater social control among youth whose demeanors they (i.e., the probation officers) regarded as disagreeable. Ideologically, these probation officers thought they were acting in a fair and just manner—youth who fail to comply or act in hostile ways “should” receive greater social control. However, as Bridges and Steen (1998, p. 567) and J. Miller (1994, p. 224) highlighted, it was black youth, more than their white counterparts, whose demeanors were regarded as disagreeable.

Similar to multiracial feminist perspectives, conflict researchers have proposed a joint effect between demeanor and race on social control (Liska 1992, p. 8; Carter and Clelland 1979, p. 103). According to Liska (1992, p. 8), threat itself is composed to two types: threatening people and threatening acts. A black person is a threatening person (Tittle and Curran 1988a, p. 53; Sampson and Laub 1993, p. 288). Threatening acts can range from “actual physical harm or loss of material resources” (Lofland 1969, p. 17) or victimless or

status offenses (Carter and Clelland 1979) to more symbolic actions, such as “aggressiveness, sexuality, and absence of personal discipline” (Tittle and Curran 1988a, p. 52). Combined, they increase the amount of threat and, subsequently, the amount of social control.

Black (1976) proposed a relationship between demeanor and race, similar to that expressed by multiracial and conflict researchers. On the one hand, Black (1976, p. 70) argued that white people have greater privilege, and experience less social control, compared to minority groups (e.g., indigenous people in the United States). On the other hand, he argued that these behaviors, behaviors that separate cultural minorities from cultural majorities, can and do change. Based on this logic, it stands to reason that minority groups who act in conventional ways, ways typical of majority groups, receive less social control.

Social process theories suggest a joint effect between demeanor and race. Racial minorities youth receive greater social control than their white counterparts. However, this effect is moderated by the demeanor of the youth. It is defiant youth, as opposed to compliant youth, who receive greater social control and this is more evident depending on the race of the youth in question.

Hypothesis 6. *Non-white youth whose demeanors are disagreeable (more than non-white youth whose demeanors are agreeable, more than white youth whose demeanors are disagreeable, more than white youth whose demeanors are agreeable) receive more social control from the juvenile court.*

3.8 Demeanor and Social Class

The social threat hypothesis argues elites pursue greater social control against those that threaten their (the elites’) own interests. These threats, as described by Liska (1992, p. 8), consist of two types: threatening people and threatening acts. Threatening people are “determined,” according to J. Irwin (1985, p. 17), “by social status” and populated by those considered to occupy lower ranking economic (Sampson and Laub 1993, p. 288) social positions. An act is considered threatening if it causes “physical harm or loss of material resources” (Lofland 1969, p. 17), violate status laws (Carter and Clelland 1979), or if it

involves, or is perceived to involve, a display of “aggressiveness, sexuality, and absence of personal discipline” (Tittle and Curran 1988a, p. 52). These variables, threatening people and threatening acts, combine, increasing the amount of threat present and—in response—the amount of social control imposed.

Hypothesis 7. *Lower class youth whose demeanors are disagreeable (more than lower class youth whose demeanors are agreeable, more than upper class youth whose demeanors are disagreeable, more than upper class youth whose demeanors are agreeable) receive more social control from the juvenile court.*

3.9 Demeanor and Gender

With respect to the juvenile justice system, multiracial feminist thought recognizes that disparate social arrangements are reinforced through the beliefs and practices of court officials. Studies of court official beliefs repeatedly show girls and boys are not regarded the same way (Baines 1996; Gaarder, Rodriguez, and Zatz 2004; J. Miller 1994). While boys are “pretty straightforward” and “outward about everything,” court officials are less positive about girls, considering girls more “manipulative,” “hysterical,” “brooding” and, overall, requiring a greater degree of emotional investment (Baines 1996, pp. 474-81).

Gaarder, Rodriguez, and Zatz (2004, p. 548) examined how perceptions about youth, particularly those held by juvenile court officials, affect the amount of social control they receive. (Gaarder, Rodriguez, and Zatz 2004, p. 556) concluded that juvenile court officials treated some youth with greater disdain than other youth. The problem youth consisted of those who were “harder to work with,” sexually “promiscuous,” and who cried, lied, and manipulated other people for their own benefit (Gaarder, Rodriguez, and Zatz 2004, p. 556). From responses provided by court officials, Gaarder, Rodriguez, and Zatz (2004, p. 556) observed that boys and girls both engaged in these “problematic” behaviors. However, as Gaarder, Rodriguez, and Zatz (2004, p. 556) highlighted, it was girls and not boys who were overrepresented among those regarded as being “too needy” or having “too many issues.”

It is through a negative or disagreeable demeanor that juvenile court officials react negatively and impose greater social control. It is also a mechanism through which girls, more than boys, are the recipients of that control—even though girls and boys both engage in such behavior. The present study hypothesizes an interaction effect between demeanor and gender. All youth receive greater social control when their demeanor is, or is perceived to, be disagreeable. However, this effect is stronger among girls compared to boys.

Hypothesis 8. *Girls whose demeanors are disagreeable (more than girls whose demeanors are agreeable, more than boys whose demeanors are disagreeable, more than boys whose demeanors are agreeable) receive more social control from the juvenile court.*

3.10 Context and Race

In their efforts to understand the relationship between race and social control, researchers, some under the conflict perspective, have recognized the importance of contexts that are supportive, or perceived to support, delinquent behavior (Leiber and K. Y. Mack 2003, p. 57; Pope and Feyerherm 1993; Frazier and Bishop 1995, p. 35). Similar to research by Pope and Feyerherm (1993) and Frazier and Bishop (1995, p. 35), Leiber and K. Y. Mack (2003, p. 57) argued that stereotypes favoring traditional nuclear family values affect the amount of social control imposed by the juvenile court. Unlike single-parent families, court officials believe families with both biological parents provide more appropriate socialization and better supervision (Bishop and Frazier 1995, p. 409; Corley, Bynum, and Wordes 1995, p. 165). More than just a family effect, however, Leiber and K. Y. Mack (2003, p. 57) contend that negative connotations about single-parent households are even worse for black families—and that this has repercussions for juvenile case processing.

For Frazier and Bishop (1995, p. 35), thinking about minority families was itself a form of racial bias. Left unchecked, these researchers claimed such thinking “ultimately operate[s] to justify the system’s bent toward treating youths from minority families more formally and more harshly.”

With the exception of the work of, surprisingly little research exists regarding perceptions of race, peer involvement, and illicit drug abuse on juvenile court decision-making. This is surprising given the popular stereotypes of gang members and drug abusers/dealers as being primarily young and black (Tonry 1996, p. 105; Crawford, Chiricos, and Kleck 1998; Sampson and Laub 1993, p. 290).

What research there is has primarily come from the conflict tradition. Considering justice system trends related to the “war on drugs,” Sampson and Laub (1993, p. 290) argued that “it is difficult if not impossible to disentangle the various elements [race, social class, drugs] of the problem.” Furthermore, Tittle and Curran (1988a, p. 52) observed strong effects related to “drug/sexual offenses” and concluded that these offenses “represent overt behavioral manifestations of the very qualities [that] frighten white adults or generate resentment and envy.”

The lack of research is even more surprising given statements made by political leaders associating race and drugs. It was not so long ago that Dr. William J. Bennett, former drug czar of the United States, claimed, caveats notwithstanding, that “if you wanted to reduce crime you could—if that were your sole purpose, you could abort every black baby in this country, and your crime rate would go down” (Faler 2005). And more recently, Kansas Representative Steve Alford argued that drugs, particularly marijuana, should not be legalized, because black people, “because of their character makeup, their genetics,” were more susceptible to their harmful effects (Minton 2017).

Based on these conceptions, the present study hypothesizes a joint effect between race and contextual elements thought to support delinquency. Particularly, black youth, unlike their white counterparts, receive greater social control because court officials believe their (i.e., the youths’) families, social, and personal conditions make them a risk.

Hypothesis 9. *Non-white youth whose contexts are criminogenic (more than youth whose contexts are not criminogenic, more than white youth whose contexts are criminogenic) receive more social control from the juvenile court.*

3.11 Context and Social Class

The conflict perspective outlined by Liska (1992, p. 8) proposed a relationship between threatening people and threatening acts on the amount of social control imposed. And, for the most part, research under this tradition has worked within this formulation, elaborating on those acts (Jacobs 1979, p. 918; Jackson and Carroll 1981, p. 295; Kania and Mackey 1977; Liska 1992, pp. 57-8; Piven and Cloward 2012; Jackson and Carroll 1981, p. 295; Lofland 1969, p. 17; Carter and Clelland 1979) and people (Sampson and Laub 1993, p. 288; J. Irwin 1985, p. 17; Tittle and Curran 1988a, p. 53; Liska 1992) considered threatening.

A few researchers, however, have expanded the symbolic threat type of threat to include a persons' social context (Leiber and K. Y. Mack 2003, p. 42; Tittle and Curran 1988a, pp. 47-48). Tittle and Curran (1988a, pp. 47-48) argued that individual level social class effects were contingent on the social class status of the individual's community. They hypothesized that lower class youth from communities with greater income inequality were a greater threat and, hence, more likely to receive social control.

While examining community level variables was beyond the scope of the present study, this proposition nonetheless supports the notion that context is important for understanding the effect of social class. In fact, Tittle and Curran (1988a, p. 29) further developed the symbolic contextual threat by proposing a joint effect between social class and family context. They argued that "youth who are members of lower status groups and are from inadequate homes will receive harsher dispositions in order to make sure they are brought under elite control and they mature into loyal supporters of the status quo."

Consistent with such thinking, the present study proposes a joint effect between social class and context on social control. Specifically, cases involving youth from lower class backgrounds pose a greater threat to juvenile court officials and, hence, receive greater social control. Furthermore, the strength of this relationship is moderated by the context of the youth involved in the court. That is to say, lower class youth receive even more social control when their social context supports, or is perceived to support, delinquent behavior.

Hypothesis 10. *Lower class youth whose contexts are criminogenic (more than youth whose*

contexts are not criminogenic, more than higher class youth whose contexts are criminogenic) receive more social control from the juvenile court.

3.12 Context and Gender

Multiracial feminist research has proposed that insufficient parental involvement, as well as other contextual matters, such as spending time with boys, drug use in the family, are reasons for greater court intervention (Rogers 1972, p. 227; Odem 1995, p. 136; Gaarder, Rodriguez, and Zatz 2004, p. 561). Gaarder, Rodriguez, and Zatz (2004, p. 561) reported that juvenile court officials believed girls cannot avoid social control unless their parents are adequately involved. Girls receive greater social control when parents that do not “take responsibility for their children, seek help for their parenting problems,” or are “[un]willing to work with probation officers.”

This proposition that girls receive greater social control when faced with criminogenic contexts echos the false-chivalry hypothesis identified by Belknap (2007, p. 149). Recall, the evil woman hypothesis argues that court officials regard girls as inherently evil and, as such, treats them (girls) more severely than boys (Chesney-Lind 1973, p. 54). But as Belknap (2007, p. 149) highlighted, the evil woman hypothesis can occur with chivalrous overtones—such that court officials may impose greater social control for benefit of women. In this way that Chesney-Lind (1977, p. 123) argued the juvenile court uses the presence of tempting situations, situations to which they (girls) supposedly succumb easily, as justification for greater social control.

The multiracial feminist perspective posits a relationship between context and gender on social control. It is no surprise to juvenile court officials that girls require greater social control when their contexts are criminogenic, which is not so much the case for boys. In other words, girls receive greater social control than boys. However, this effect is moderated by context. Girls in criminogenic contexts are subject to even greater social control.

Hypothesis 11. *Girls whose contexts are criminogenic (more than Girls whose contexts are not criminogenic, more than boys whose contexts are criminogenic, more than boys whose*

contexts are not criminogenic) receive more social control from the juvenile court.

3.13 Prior Record

Notably, the agreement between the legal realist perspective and the societal reaction perspective is clearest regarding prior record with the justice system. Black (1976, pp. 112, 115) argued respectability takes many forms and varies according to the type of social control it represents, but certain applications, such as school or court records, carry substantial weight in the United States. In fact, Black (1976, p. 11), while discussing respectability, argued “a juvenile with a past record is” less respectable and “more vulnerable to law” than one without one.

Work under the societal reaction perspective generally recognizes the juvenile court a “degradation process,” whereby youth, “in the eyes of the witnesses,” are given a new, negative status and transformed into “a different person” (Garfinkel 1956, p. 422; Mahoney 1974, p. 584). The inability of courts to punish without demanding further negative reaction, has lead some researchers to advocate for radical non-intervention, claiming “the less said about it [i.e., the deviance] the better” and suggesting the courts ought to “[l]eave the kids alone wherever possible” (Tannenbaum 1938, p. 20; Schur 1973, p. 155).

Recognizing an amplification effect, Champion (1992, p. 113) argued “those diverted away from the juvenile justice system will presumably stand a better chance of avoiding future involvement with it than those exposed to it.”

While much theoretical work exists on negative statuses, “there has been [surprisingly] little examination,” as observed by Kurtz, Linnemann, and R. Spohn (2008, p. 144), of “how the concept of respectability influences court processing.”

One hurdle to these efforts deals with the way respectability ought to be measured. Werthman and Piliavin (1967, pp. 72-3) argued a youth with a prior record, “the sum total of previous contacts[,] may be enough to affect a judgment about his moral character adversely, regardless of the nature or magnitude of the present offense and regardless of the reasons he was previously contacted.” Kitsuse (1964, p. 256), on the other hand, argued it

was through adjudication, the finding of guilt, that youth were stigmatized by the courts, and changed through the imposition of social statuses intended to elicit further negative reactions from other people. The present study will address this lack of research on respectability by examining these alternative conceptions of prior record with the juvenile court.

Hypothesis 12. *Youth with lengthier prior court contact (more than youth with less lengthy prior court contacts) receive more social control from the juvenile court.*

Hypothesis 13. *Youth with lengthier history of adjudication (more than youth with less lengthy histories of adjudication) receive more social control from the juvenile court.*

3.14 Offense Severity

Philosopher and proponent of punishment Kant (1952) argued that “punishment can never be administered merely as a means for promoting another good”—that rather it should be “pronounced over all criminals proportionate to their internal wickedness.” Taking a utilitarian approach, Bentham (1962, p. 396) argued that “general prevention ought to be the chief end of punishment, as it is its real justification.” This vein of thinking has supported efforts to tie the severity of the offense to the type of punishment imposed.

Thoughts that “the punishment should fit the crime” are consistent with state supported sentencing guidelines. The juvenile court under review operates using a sentencing matrix—a framework suggesting the amount and type of disposition youth receive. Under this framework, dispositions are tied to past adjudications as well as the severity of the most severe offense. While this framework does not mandate disposition decisions, it nonetheless establishes a pathway outlining what normal court intervention should look like.

Given the strength of the logic and policy toward offense severity and social control, offense severity is accounted for in the present study.

Hypothesis 14. *Youth with more severe charges (more than youth with less severe charges) receive more social control from the juvenile court.*

3.15 Age

Recent research has explored the effect of age in juvenile court decision-making. Mears et al. (2014, p. 174) proposed a curvilinear relationship between age and disposition, claiming that some dispositions were more for youth falling into certain age ranges. Just as there are two justice systems based on age, these researchers argued further distinctions based on age would emerge.

In addition to theoretical interests, age is an important variable worth controlling. Age acts as a kind of opportunity. Older youth have had, by definition, more time to be involved with the justice system, acquiring a more lengthy records. They can have more prior arrests, more prior adjudications, and more associations with court involved youth (affecting, by extension, perceptions of their context). It is also possible that older youth might be perceived differently than younger youth. Older youth might be viewed as more culpable and hence receive greater social control. As such, it might appear as though prior record or court involved peers has an effect when there is in fact none.

Hypothesis 15. *Older youth, compared to younger youth, receive different amounts of social control from the juvenile court.*

3.16 Judge Idiosyncrasies

What little research there is on juvenile court judges shows that, in their application of law, they do not greatly differ on ethical standards (J. C. Hall 1963) or in their inclination to transfer jurisdiction of youth to the adult court (Applegate et al. 2000). The latest profile of juvenile court judges, conducted in 1974, showed that judges were predominantly male, 53.1 years old, married, and protestant (K. C. Smith 1974). The most pressing problems reported by these judges had to do with insufficient resources (e.g., facilities, training, staff, staff resources) (K. C. Smith 1974, p. 36). When it comes to court philosophical goals, juvenile court judges support both rehabilitation and just-deserts forms of intervention (Bazemore and Feder 1997).

Even though there is much debate in literature on judicial decision-making, surprisingly little is known about the effect juvenile court personalities themselves have on outcomes at key stages of the juvenile justice process. Humes ([2015](#), p. 16), in his depiction of Judge Dorn, rendered an image of the juvenile court judge as a powerful figure—one with the ability to impact what court officials and youth do—dedicated to improving the lives of youth. Judge Frick of Harrison County, however, ranked community safety as his court’s top priority: “We’re not trying to be soft on crime, or soft on kids, we want our communities to be safer.”

Given that it is the judge who decides the outcome at each stage, it is possible that variations in judge might correspond to variation in case outcomes. That is to say, some judges might decide cases differently than other cases. Because of this, the present study hypothesizes a judge idiosyncrasies effect.

Hypothesis 16. *Youth whose cases are processed by different juvenile court judges receive different amounts of social control.*

Chapter 4

Method

To make sense of juvenile court processing, the present study brings together four different perspectives on social control: legal realism, societal reaction, conflict, and multiracial feminism. From the literature reviewed in Chapter 2, combined with the concepts and hypotheses covered and developed in Chapter 3, it is clear that each perspective spotlights unique and important aspects of the juvenile court process. To better understand the juvenile court, as well as these perspectives themselves, the present study examines a sample of court cases drawn from a large Midwestern juvenile court in Harrison County, Kansas filed between 2012 and 2016. The work presented in this chapter outlines the connection between theory and observation, describing the study site, the research design, unit of analysis, sampling method, data collection process, and the operationalization of variables.

4.1 The Study Site

Data obtained for this study consisted of juvenile court cases filed in Harrison County, Kansas between 2012 and 2016. The site was discovered while informally discussing the possibility of programmatically downloading records from publicly available, online governmental databases with a few juvenile court officials. After broaching the idea, one of the officials reported that the Harrison County juvenile court made detailed court records available to

the public online and suggested exploring their (the court’s) system. While several jurisdictions make juvenile court records publicly available online (Shah, Fine, and Legal 2014), it is the detail of case data available in Harrison County, as well as the personal connections to those involved with that court, and other courts in the area, that made it attractive for investigation.

Notably, there was an element of convenience in selecting Harrison County as a study site. However, convenience does not necessarily imply that Harrison County does not make for an interesting case study.

Harrison County is something of an anomaly among Kansas counties. The county has the highest median household income (\$76,113) and highest per-capita income (\$40,331) across the state (U.S. Census Bureau 2017). Unlike many places in Kansas, most residents in Harrison County live in urban areas (96.17%) (U.S. Census Bureau 2010). Cumulative estimates spanning April 1, 2010 to July, 2016 showed higher natural and migration population increases (40,272 and 16,229, respectively) in the area than any other county within the state (P. D. U.S. Census Bureau 2017). The only similarity the county has with most other locations in Kansas is its racial composition. The population is a predominantly white (86.9%), with black (4.5%) and Asian (4.5%) comprising the next two largest racial groups (U.S. Census Bureau n.d.).

But even among metropolitan areas across the United States, Harrison County stands out. In recent years, several cities in this county have been repeatedly listed in *Money* magazine’s list of the “100 Best Cities in the United States”—a few ranking among the top 10 (“100 Best Cities in the United States” 2011; “Best Places to Live 2008 - Kansas” 2008).

In addition to greater resources, leadership in Harrison County has expressed¹ a commitment to juvenile justice reform. The former Director of the Harrison County Department of Corrections stated “[Harrison County] has been the leader in the state in trying to reform juvenile justice from the beginning.” Echoing this sentiment, Judge Frick argued it was more than just a commitment. Judge Frick advanced the belief that “we [the Harrison

¹The following statements were made during a local chapter meeting of the League of Women Voters on juvenile justice in Harrison County, Kansas.

County Juvenile Court] really are at the forefront of this juvenile justice movement [within the state].”

In some ways Harrison County (and other counties like it) is the proverbial canary in the coal mine. Harrison County is the State of Kansas’ best shot at a modern, progressive juvenile court. If disparity exists here, it raises serious questions about what is going on in other jurisdictions across the state.

In addition to its role within Kansas, Harrison County was preferred due to the high quality of data it provides. As stated in the method section of the Easy Access to Juvenile Court Statistics: 1985-2014, a major access point for data submitted to the National Juvenile Court Data Archive, not all records maintained by juvenile courts are easily accessible. The accessibility of records maintained varies widely from one juvenile court to the next—some courts can provide detailed information at the individual case level, while others cannot—others are more limited, only able to provide information in aggregate (Melissa Sickmund 2017).

In addition to accessibility, the quality of records maintained is not the same across all jurisdictions. In order to be included in the annual report *Juvenile Court Statistics*, a product of the National Center for Juvenile Justice, juvenile courts must “demonstrate a pattern of consistent reporting over time (at least 2 years),” a requirement that suggests not all courts are able to do so (Hockenberry and Puzzanchera 2017, p. 91).

Unlike some Kansas jurisdictions, court processing and records in Harrison County are maintained through the use of a state of the art computer automated system. Known as the Justice Information Leveraging System (or JILS), this system provides efficient access across the county’s justice system to juvenile court records. Not only does this system provide access to case level information, but it also expedites and tracks various court actions and decisions throughout the court process. According to the System Director, “a judge can electronically sign an order and an attorney on that case can see it on his mobile device in real-time”². It is in this way that court records available through JILS provide a unique

²In the interest of anonymity and confidentiality, citations are not provided for quotes regarding the JILS system.

opportunity to investigate, in detail, the ways juvenile justice is accomplished.

4.2 Research Design

Data for the present study were gathered and analyzed under a cross-sectional, non-experimental research design (McClendon 2002, pp. 5-6). The particular design employed is similar to that of the “one-shot case study” described by Campbell and Stanley (1963, p. 6-7). The present study examines the social phenomenon that is social control using a single sample drawn from a single juvenile court over a five year period, covering the years 2012 to 2016 (Campbell and Stanley 1963, p. 7). While not generalizable to all juvenile courts across all time periods, this approach can, as suggested by Reinhartz (1992), “invalidate some [hypotheses] and suggest new research and theoretical directions.”

While human phenomenon are dynamic and ever changing, the present study assumes, following Blalock (1964, p. 7), stability within the juvenile court process. That is to say, juvenile court hearings may vary from case-to-case, but by-and-large it is assumed that the legal system remained largely consistent during the study period and did not undergo any radical alterations. As required by Campbell and Stanley (1963, p. 6), observations on the dependent variables for the analytical units considered here followed the existence of all explanatory independent variables. Notably, this research design fails to control experimentally for a few internal factors of validity. However, statistical controls were employed, which not only partial out the effects of the independent variables on the dependent variables, but also allow for the control of alternative explanations (McClendon 2002, p. 9, 88).

4.3 Unit of Analysis/Study Population

The unit of analysis for this study consists of the court case. A “case” consists of official documentation for a single youth acquired and maintained by justice system professionals regarding one or more recent charges of law violation. The conception of the analytical unit proposed here is similar to that employed in the Juvenile Court Statistics, 2013 report pro-

vided by the National Center for Juvenile Justice (Hockenberry and Puzzanchera 2015, p. 1). In this report, a case represents a youth “processed by a juvenile court on a new referral, regardless of the number of law violations contained in the referral” (Hockenberry and Puzzanchera 2015, p. 1). As with the Juvenile Court Statistics report, cases involving youth with multiple referrals throughout the study period were regarded as unique analytical units (Hockenberry and Puzzanchera 2015, p. 1). That is, they are assumed to be independent of one another.

In the study jurisdiction, there is no legal requirement limiting the processing time for a case. In the present study, a case is considered “disposed” following practices employed by the Office of Juvenile Justice and Delinquency Prevention. According to Hockenberry and Puzzanchera (2015, p. 1), a case is considered disposed whenever “a definite action was taken as the result of the referral—i.e., a plan of treatment was selected or initiated.” In the event that a disposition decision was reassessed (say due to the violation of the terms of probation), the earlier disposition decision was given precedence.

Each case consists of all accompanying information on the youth involved with the case. This accompanying information consists of the case history (ROA), charges against the defendant, accounting costs and payments made, the calendar of events, and any associated cases. For any case, associated cases consisted of prior cases filed with the court for the youth in question as well as any companion cases with which the case was associated. A companion case is a case that is processed in connection (concurrently or previously) with some other case, always involving a different youth than the one involved in said other case. Similar to youth referred multiple times to the juvenile court, cases and companion cases are assumed to be independent of one another. Notably, police report identification numbers were also known, however these reports were not included in the present study. This limitation was due to a lack of accessibility. Lack of accessibility is also the reason why school records, health records, and more detailed written reports by justice system officials were omitted from the study.

4.4 Sampling Method

Data for this study consist of a simple random sample of cases filed with the Harrison County, Kansas juvenile court between 2012 and 2016. According to R. Schutt and O’Neil (2013, p. 19), the data collection method and underlying process itself comprise the two sources of randomness and uncertainty when attempting to know something about the world. By drawing a random sample of cases from a population of possible cases, it is possible to know and account for the uncertainty introduced into the data by the data collection process itself. Any random sample is as different as any other random sample is to any other additional random sample and the total distribution of these differences comprise what statisticians call the sampling distribution. While other sampling procedures exist (e.g., snowball sample), it is not possible to account for the biases and distortions they introduce into the data observed (R. Schutt and O’Neil 2013, p. 20). It is in this way that the court case data examined are regarded as an adequate sample from which to make statistical inferences about the data generating process at hand: the social habit that is juvenile court case processing.

4.4.1 Data Collection

A sample of court case records was drawn from JILS, the court record management system for Harrison County, Kansas. According to the director of the system, JILS provides “everyone in the [Harrison County] criminal justice system” access to court information in real-time³. In a recent 2016 job posting for the county, JILS is described as “an integrated data system” that “allow[s] courts, law enforcement and corrections agencies to share information.” According to the JILS system director, “a judge can electronically sign an order and an attorney on that case can see it on his mobile device in real-time.” Just as immediately, “a sheriff’s deputy can,” according to the director, “make an arrest, enter the information from their patrol car, and the subject’s probation officer can instantly see what happened.” JILS serves as the primary court record system in Harrison County, providing court officials, including

³Again, citations are not provided for quotes regarding the JILS system to protect the anonymity and confidentiality of the court and those involved with it.

court clerics, probation officers, judges, attorneys, law enforcement (e.g., sheriff’s deputies), and, to a limited extent, government mental health professionals, in addition to the general public, the court documents they need.

Henry (1990, p. 50) defines a *sampling frame* as “the list from which the sample is selected,” a list which Fowler Jr (2009, p. 21) might refer to as a *comprehensive list* when it “completely covers the target population.” When every unit in the target population is included in the sampling frame, non-sampling bias is reduced (Fowler Jr 2009, p. 45). That is to say, when the sampling frame and the target population coincide, conclusions about the observations in our sample can reflect the population they are intended to represent (Henry 1990, p. 84; Sudman 1983, p. 175; Kish 1965, p. 520; Fowler Jr 2009, p. 11).

The “operational definition” of the target population of the present juvenile justice study consists of all formal, non-sex offense cases processed by the Harrison County, Kansas juvenile court between January 1st and December 31st over the years 2012 to 2016 (Henry 1990, p. 74, 51).

A single court case record can be queried using JILS by entering its case number into the *Case No* field and clicking the button *Number/Exact Name Search*. Records in this system are uniquely identified and of the form *YYCCNNNNNN*, where *YY* denotes a given two digit year, *CC* the case record type (juvenile records are denoted *JV*), and *NNNNNN* signifies its case number. Case records are numbered sequentially, restarting at 000001 with each new year. As such, it is possible to identify each case and, hence, gather records using a random selection probability sampling method.

A random selection probability sampling technique was used to sample these court case data. Notably, valid simple random sampling must satisfy a few assumptions. As outlined by Frankfort-Nachmias and Leon-Guerrero (2010, p. 210), a simple random sample requires 1) that every unit in a population has an equal chance of being selected and 2) any sample that could be drawn from the population must have an equal chance of being drawn as any other possible sample. In survey research, it is common to sample units from a population without replacement. Sampling without replacement occurs when a unit, once sampled from a population, is not eligible to be selected a subsequent time (Kish 1965, p. 37). Das (2009,

p. 493) shows that sampling without replacement does not violate the conditions required for a simple random sample. Not only does every sample have a chance of selection equal to $\frac{1}{\binom{N}{n}}$, where n is the sample size and N is the population size, but also every unit has an equal chance of being selected ($\frac{1}{N}$ of being the first unit selected, $\frac{1}{N-1}$ of being the second, and so forth).

Random selection was conducted by first assigning each court case a number from 1 to 6,234, where 6,234 represents the total number of cases in the target juvenile court population (Fowler Jr 2009, p. 24). From this numbered list of court records, a sample list of 623 numbers was generated by systematically selecting numbers from a random number table, such as those found in Appendix D of Frankfort-Nachmias and Nachmias (2007, p. 500-501). Restricting random numbers to the first four digits, the first number in the table selected was 1048 and the second number in the table was 2236. This selection process was continued until the last number in the first column was reached, which was 1566, after which, the first number in the second column was selected, which was 1501. This selection pattern was continued, proceeding down and across columns in the manner described, selecting numbers, and stopping after 623 unique numbers had been selected (Henry 1990, p. 96).

Notably, many common statistical procedures assume that samples are drawn from an infinite population (Christensen 1996, p. 28). The fact that the size of the target population is known (recall, $N = 6,234$) it is clear that the proposed study violates this assumption. When the population of interest is finite, some researchers suggest applying a finite population correction (FPC) factor (Kish 1965, p. 43) to any statistical procedures performed. “In practice [however] the [FPC] can be ignored,” according to Cochran (1953, p. 17), “when ever the sampling fraction does not exceed 5% and for many purposes even if it is as high as 10%. The effect of ignoring the correction is to overestimate the standard error of the estimate.” That is to say, when a sample is small relative to the population, the population is safely considered infinite enough. As such, the present study made efforts to not sample excessively from the target population. As recommended by Cochran (1953), no more than 623 court records were selected into the sample⁴.

⁴ The sample size drawn is notably on the large end recommended by Cochran (1953). This was done

Notably, juvenile court case records in Kansas are, in some cases, eligible for expungement two years after they are disposed. While the present data collection effort was first initiated in 2013, the process itself was not streamlined until 2014. As such, 2012 represents the earliest year where none of the cases considered were subject to expungement.

While efforts were made so as to avoid issues due to expungement, certain populations were not available through JILS. Based on a conversation with a court official from the Harrison County juvenile court, it was determined that the populations not available through JILS consisted of status offense cases, truant cases, cases involving children in need of care (CINC), and sex offense cases. Additionally, a few cases were transferred (22) from Harrison County to other jurisdictions or waived, transferred from the youth to the adult court (6). Since the events and outcomes of these cases were largely unknown, they were omitted from the study. Furthermore, court officials did not record, for unknown reasons, the outcomes on several other cases (13). Similar to transfer cases, these records were omitted from the sample. Due to these omissions, the final sample size was reduced to 582 juvenile court cases.

4.5 The Juvenile Court Process

It is important to outline the juvenile court process in Harrison County, Kansas, to trace the paths that cases can take as they move from the initial referral stage to the “final” disposition stage. One methodological benefit in documenting these paths is that it helps establish the temporal sequence of the independent variables on the dependent variables—to establish that the X ’s, so to speak, do in fact precede the Y ’s (McClendon 2002, p. 5). In the present study, a court case begins when it is filed with the juvenile court. That is to say, the present study only considers cases handled formally; recognized by the court as juvenile offender (JO)

following recommendations provided by Fowler Jr (2009). As outlined by Fowler Jr (2009, p. 45), the number of units sampled was determined in part to obtain “the minimum sample sizes that can be tolerated for the smallest subgroups of importance.” Similarly, a larger sample was preferred to allow for the construction of models with more variables. According to Agresti (1996, p. 138), the number of variables permitted when conducting logistic regression, for instance, depends on the distribution of the outcome variable. He recommends that every variable included in a model should correspond to ten observations on both levels of the outcome variable. It should also be noted that a larger sample size results in smaller standard errors of regression estimates and, hence, more powerful statistical tests.

cases. Recall, cases handled informally (e.g., CINC, Truancy) were unavailable and, hence, beyond the scope of the present study. Similarly, it is worth noting that multiple stages exist prior to formal court intervention. First youth have contact with the police. Then they have contact with juvenile intake and assessment. It is only after sufficient evidence is observed and intervention need recognized that cases are formally processed by the juvenile court—these are the cases considered in the present study.

The four major stages of the court process consist of diversion request, answer to charges, adjudication, and disposition. Each of these stages has their various outcomes. The remainder of this section describes the outcomes of these stages. In addition to these major stages, a number of orders, motions, violations, and the like can take place along the way. The present study involves one of these intermediate stages: pre-adjudication detention. At its most lenient, a case is diverted or dismissed. At its most severe, a case involves pre-adjudicatory detention, a guilty finding, and a disposition to an out of home placement facility.

After a case is filed with the court, youth and their families are given one of two options on how next to proceed. Youth and their families may either request diversion from the court or answer the charges levied against them. If diversion is not granted (or not applicable), then youth must answer the charges against them. Youth are then given the option to either plea guilty (or no contest⁵) to the charges against them or plea not guilty. Youth who plea guilty (or no contest) are automatically adjudicated by the court. At this point youth are officially recognized by the justice system as juvenile offenders. A trial is then scheduled for youth who fail to plea guilty.

In Harrison County the burden of proof for the youth court is the same as it is in the adult court. To find a youth guilty of the charges against them, the District Attorney's Office must prove that the youth is guilty beyond a reasonable doubt. At this point in the court process, youth may or may not be found guilty of the charges against them. Cases where the youth involved are found guilty (either by plea, trial, or judicial decision-making)

⁵Youth brought before the juvenile court can plea no contest or nolo contendere to the charges against them. In effect, there is not practical difference between pleading guilty and no contest. In both cases, youth who make such pleas are adjudicated and accept disposition. However, a plea of no contest asserts is not the same as pleading guilty. Youth who plea no contest do not admit guilt, while those who plead guilty do.

are then disposed by a judge. The judge has the power to order the youth involved in a case to serve one of four different outcomes. A youth in Harrison County may be disposed to pay a fine, probation, treatment, and/or out of home placement in a facility.

4.6 Operationalization Concepts

A major goal of the present study is to observe the ways the legal realist, societal reaction, conflict, and feminist perspectives behave in the context of the juvenile court. While these perspectives draw on several of the same indicators, each perspective uniquely suggests different factors that contribute to outcomes within the court. The following sections connect the concepts presented in Chapters 2 and 3 with the empirical reality that is the juvenile court. This chapter concludes with a description of the statistical methods that were employed to analyze these court case data.

4.7 Measurement of Dependent Variables

Following the work of Black (1976, pp. 2, 3, 6), social control is operationalized as a quantitative variable. Social control occurs more in some situations and less in other situations. In fact, social control is mutable in any given situation; acts occur that increase or decrease, add to or subtract from, the amount present in any given situation. As specified by Black (1976, p. 3), “[d]etention before trial is more law than release, a bail bond more than none, and a higher bail bond more than one that is lower. A trial or other hearing is itself an increase of law, and some outcomes are more law than others: A decision in behalf of the plaintiff is more law than a decision in behalf of the defendant, and conviction is more than acquittal.” Numerous actions occur during the processing of youth by the juvenile court that affect the quantity of social control invoked. The present study considers four indicators of social control: pre-adjudicatory detention, adjudication, disposition, and length of disposition.

Pre-adjudicatory detention is used to indicate social control. Consistent with prior re-

search, pre-adjudicatory detention was operationalized as a binary outcome, occurring whenever the youth involved in a case was detained prior to determining their status of guilty or not guilty (Secret and J. B. Johnson 1997, p. 454; Kupchik, Fagan, and Liberman 2003, p. 21; Kurtz, Linnemann, and R. Spohn 2008, p. 147; Guevara, Boyd, et al. 2011, p. 204). When youth were detained, pre-adjudicatory detention for a case was assigned a value of 1. When it did not occur, the case was assigned a value of 0.

The second measure of social control consists of adjudication. Similar to pre-adjudication detention, adjudication was operationalized as a binary outcome, occurring whenever a case received a disposition and not occurring whenever a case was dismissed. This method of operationalizing adjudication is consistent with prior research Secret and J. B. Johnson (1997, p. 454), Freiburger and Burke (2011, p. 357), Leiber, Peck, and Beaudry-Cyr (2014, p. 256), Leiber and K. Y. Mack (2003, p. 47), and J. B. Johnson and Secret (1990, p. 165). When the former event occurred, adjudication was assigned a value of 1. When the later event occurred, the case was assigned an adjudication value of 0.

Research on social control and the juvenile court has largely focused on the disposition stage—the stage where the court determines the type of intervention youth receive—and has measured it in diverse ways. Some studies have operationalized disposition as a binary variable, representing one of two categories (Hayeslip 1979, p. 11; Staples 1987, p. 14; Secret and J. B. Johnson 1997, p. 454; Bishop and Frazier 1996, pp. 396-7). For example, Leiber and K. Y. Mack (2003, p. 47) compared “change of placement (e.g., training school, residential facility, group home) or transfer to adult court” to “probation and/or treatment within the community.” Other studies, however, have recognized disposition as an ordinal measure, one that takes on more than two categories, each representing lesser to greater levels of intervention (D. R. Johnson and Scheuble 1991, p. 681; C. W. Thomas and Cage 1977, p. 241; Cohen and Kluegel 1978, p. 166; Kupchik, Fagan, and Liberman 2003, p. 22; Phillips and Dinitz 1982, p. 269; Carter and Clelland 1979, p. 103; McCarthy and B. L. Smith 1986, p. 50).

Among the cases sampled, social control, as observed by the dispositions assigned, was measured as an ordinal variable. Guevara, Boyd, et al. (2011, p. 204) operationalized

“disposition” a taking on one of three levels: “0 for dismissal of the charges, 1 for probation, and 2 for out-of-home placement.” Similarly, disposition in the present study was represented using two dummy variables. Cases disposed to diversion or restitution were assigned a value of 1 (0 otherwise). Similarly, cases disposed to probation or out of home placement were assigned a value of 1 (0 otherwise). Notably, cases that were dismissed served as the reference category.

Examining incarceration disposition lengths for the New York–New Jersey metropolitan statistical area (6 counties), Kupchik, Fagan, and Liberman (2003, pp. 16, 32) observed a pattern among the cases they could not account for. They reported that, in New York, distribution lengths followed a trimodal distribution (Kupchik, Fagan, and Liberman 2003, p. 32), clustering around 3-6 months, 24-30 months, and 48-60 months.

In Harrison County, court officials recorded the amount of time (in months) to which youth were disposed. Disposition lengths ranged from 0 months to a maximum of 64 months. While variation among these disposition lengths was observed, a trimodal distribution, similar to the work of Kupchik, Fagan, and Liberman (2003, p. 32), was observed⁶. More than any other lengths, juvenile court cases were disposed to either 0, 6, or 9 months of intervention. As such, responses were categorized as 0 months, greater than 0 months up to 6 months, and greater than 6 months.

4.8 Measurement of Independent Variables

Independent variables, as outlined in Chapter 3, were constructed based on findings in the literature as well as the four sociological and criminological perspectives considered. This section describes how these variables were operationalized.

Independent variables are described in four sections. The first section describes demographic variables. These variables consist of race, gender, and age. Second, items repre-

⁶Notably, the work of Kupchik, Fagan, and Liberman (2003, p. 32) on disposition length focused on months incarcerated and not, more broadly, months of intervention. However, the pattern observed among the present juvenile court study is consistent with what they found (i.e., trimodal). Furthermore, few other juvenile court studies exist, if any, that examine disposition length as a dependent variable and even less focus on disposition length more broadly, incorporating all disposition outcomes.

senting social environmental variables are described. This section describes items used to account for family and peer contexts. The remainder of this section covers legal variables. Legal variables range from those related to offense severity and prior involvement to actions taken and decisions made during the court process itself. Finally, composite measures (e.g. threatening people) are detailed.

4.8.1 Race

Previous research has largely operationalized race as a dichotomous variable, comparing White youth to Black (or African American) youth (J. B. Johnson and Secret 1990, p. 166; Leiber and K. Y. Mack 2003, p. 44; Secret and J. B. Johnson 1997, p. 454; Thornberry 1973, p. 93; Bishop and Frazier 1988, p. 248; C. W. Thomas and Sieverdes 1974, p. 125) or White youth to Non-white youth (Guevara, Boyd, et al. 2011, p. 205; Hayeslip 1979, p. 11; Kurtz, Linnemann, and R. Spohn 2008, p. 147; Cohen and Kluegel 1978, p. 166; Bishop and Frazier 1996, pp. 397-8).

While many studies have conceptualized race as a dichotomous measure, the case records sampled indicated a multitude of races. As defined by the Harrison County juvenile court, youth fell into one of five racial categories, consisting of Asian, Black, Indigenous, Other, and White. Going beyond White and Other, many researchers have accounted for additional social locations, such as Latina/Latino (Desai et al. 2012, p. 35; Freiburger and Burke 2011, p. 357; Caudill et al. 2013, p. 187; Mears et al. 2014, p. 179; Kupchik, Fagan, and Liberman 2003, p. 21; Fader, Kurlychek, and Morgan 2014, p. 131) and Native American (Freiburger and Burke 2011, p. 357),

Notably, the distribution of cases by race showed little variation across—the vast majority of cases falling into either White or Black. Consistent with the work of Bishop and Frazier (1996, p. 398), race in the present study was operationalized as having two levels: White and Non-white. Cases involving youth who were White were assigned a value of 1, while those involving Non-white (i.e., black, Asian, indigenous) were assigned a value of 0.

4.8.2 Social Class

Over the past several decades researchers of the juvenile court have conceptualized and measured social class in a number of different ways. Researchers have operationalized social class according to parental socio-economic status, some using a composite score based on parents' occupational and educational attainment (Sampson 1986, p. 879), while others have used a score based on parents' occupational status and gross family income (C. W. Thomas and Sieverdes 1974, p. 125). Studies interested in the effect of social class have also drawn on measures of parental financial status, such as family annual income (Cohen and Kluegel 1978, p. 166) or neighborhood income level (McCarthy and B. L. Smith 1986, pp. 49-50; Phillips and Dinitz 1982, p. 269). Using a "neo-Marxian conception of class," Carter and Clelland (1979, p. 101) had court case workers assess, based on their own beliefs, the social class of the youth involved with the juvenile court.

In the Harrison County juvenile court, youth and their families are able to apply for financial assistance. In order to receive this assistance, a financial affidavit is filed and then the financial need of the family is assessed. The court either approves or denies this request. Cases where a financial affidavit was filed and approved were assigned a value of 1. Cases that either did not file a financial affidavit or were denied approval were assigned a value of 0.

Given the focus on financial means, the present study's operationalization of social class shares some commonalities with the works of Cohen and Kluegel (1978, p. 166), McCarthy and B. L. Smith (1986, pp. 49-50), and Phillips and Dinitz (1982, p. 269). However, by incorporating the opinions and decisions of court officials, this measure of social class bears some resemblance to the "neo-Marxian conception of class" used by Carter and Clelland (1979, p. 101).

While several researchers have measured class as the financial status of youth and their parents, few, if any, have incorporated the courts' assessment of that status. Additional, those studies that have incorporated court officials' opinions about the social class of youth, have not clearly identified what those officials understood social class to mean. The present

study addresses this gap in the juvenile court literature and introduces a measure of class that involves court officials' assessment of the financial status of youth and their families.

4.8.3 Gender

Prior research into court processing in the juvenile court has conceptualized Sex as a binary experience, categorizing youth as either Female or Male J. B. Johnson and Secret (1990, p. 166), Guevara, Boyd, et al. (2011, p. 205), Hayeslip (1979, p. 11), Kurtz, Linnemann, and R. Spohn (2008, p. 147), Leiber and K. Y. Mack (2003, p. 44), Kupchik, Fagan, and Liberman (2003, p. 21), Secret and J. B. Johnson (1997, p. 454), Caudill et al. (2013, p. 187), Bishop and Frazier (1996, p. 398), Bishop and Frazier (1988, p. 248), Freiburger and Burke (2011, p. 357), Leiber, Peck, and Beaudry-Cyr (2014, p. 256), Fader, Kurlychek, and Morgan (2014, p. 131), and Mears et al. (2014, p. 179). Similarly, the court records sampled identified the youth involved as either Female or Male. As such, youth in the sample identified as Male were assigned a value of 1, while cases involving youth identified as Female were assigned a value of 0.

4.8.4 Demeanor

Researchers have argued that youth who are uncooperative are treated differently by the juvenile court than those who are (J. Miller 1994, p. 224; Bridges and Steen 1998, p. 559). For Bridges and Steen (1998, p. 559), “uncooperativeness” was observable whenever youth were “uncooperative with [their] current probation officer” or “uncooperative [with their probation officers] in past encounters.” In a more recent study, Steen et al. (2010, pp. 254, 262-263) refined this conception of uncooperativeness to cover youth with “no desire to change.” A lack of desire to change was evident by a lack of involvement with the court, such as failing to “comply with court orders” or failing to take advantage of court resources.

Bridges and Steen (1998, p. 559) further argued that cases where the youth involved “does not admit guilt” are more likely to be viewed negatively by juvenile court officials. Four years earlier, J. Miller (1994, p. 224) argued that cases involving youth who were

“accepting of her responsibility,” who made efforts to “improve her behavior at home,” and showed a “desire to follow all court orders without subsequent problems” were viewed positively by official of the juvenile court.

Youth who failed to appear as scheduled, violated orders issued by the court, or failed to admit guilt were regarded as having a disagreeable demeanor. Cases involving youth who acted in these ways were assigned a value of 1. On the other hand, cases involving youth who always appeared before the court as scheduled, admitted guilt, or participated in court orders as expected were assigned a value of 0.

4.8.5 Context

A number of criteria go into identifying youth whose offending is due to negative external influences. Poor parental involvement, involvement with delinquent peers, and drugs and/or alcohol are indicators of negative social environments, one supportive of delinquent behaviors (J. Miller 1994; Bridges and Steen 1998; Carter and Clelland 1979).

Prior research on juvenile case processing has largely accounted for the effect of parents by including variables that measure different household arrangements (Leiber and K. Y. Mack 2003, p. 44; Carter and Clelland 1979, p. 101; Caudill et al. 2013, p. 187; C. W. Thomas and Sieverdes 1974, p. 125; C. W. Thomas and Cage 1977, p. 241). For example, Kurtz, Linnemann, and R. Spohn (2008, p. 147) examined the effect of “single parent household” on juvenile case processing. Kurtz, Linnemann, and R. Spohn (2008) operationalized this family effect using a dichotomous variable, categorizing youth as coming from either a single parent home or a home with more than one parent/guardian.

Similarly, researcher have developed measures for accounting for the presence of other court involved peers. C. W. Thomas and Sieverdes (1974, p. 125), for instance, operationalized the “presence of co-offenders with the offender” as a dichotomous variable, taking on a value of “yes” when “co-offenders” were present and “no” otherwise.

When previous research has examined the effects of drugs and/or alcohol, dichotomous indicators have been the usual measurement type employed (Kurtz, Linnemann, and R.

Spohn 2008, p. 147; Means, Heller, and Janofsky 2012, p. 335; Freiburger and Burke 2011, p. 358; Cohen and Kluegel 1978, p. 166; Fader, Kurlychek, and Morgan 2014, p. 132); though risk assessment instruments promise a new means of more finely measuring this variables (Desai et al. 2012, p. 37).

The present study employed a composite measure to indicate the presence or absence of an environment conducive to delinquency. Cases with poor family involvement, the presence of delinquent peers, or the presence of drugs or alcohol indicated a criminogenic context and were assigned a value of 1. Cases that did not exhibit any of these criteria were assigned a value of 0

4.8.6 Offense Severity

Over the past several decades researchers of the juvenile court have developed various strategies for measuring the severity of the offenses that bring youth before the juvenile court. Among the studies reviewed, offense severity was largely treated as an ordinal variable, not only classifying charges, but also ranking them from least to most severe (Secret and J. B. Johnson 1997, p. 455; J. B. Johnson and Secret 1990, p. 166; Fader, Kurlychek, and Morgan 2014, p. 131; Mears et al. 2014, p. 179; Tittle and Curran 1988a, p. 36; McCarthy and B. L. Smith 1986, p. 50; Sellin and Wolfgang 1964). Fader, Kurlychek, and Morgan (2014, p. 131), for example, measured offense severity using a scoring system developed by the Pennsylvania Commission on Sentencing. This measurement instrument accounts for both broad offense categories (e.g., assault, theft, robbery, etc.) and nuanced offense subcategories (e.g., amount and type of drug, injury to victim). Using this system, Fader, Kurlychek, and Morgan (2014) assigned cases offense severity scores, ranging from 1 (least severe) to 14 (most severe).

While some scholars employ more nuanced scales, many studies employ broader measures of offense severity (Cohen and Kluegel 1978, p. 166; Desai et al. 2012, p. 35; C. W. Thomas and Sieverdes 1974, p. 125; Bishop and Frazier 1996, p. 398; Tittle and Curran 1988a, p. 36; Staples 1987, p. 14; Hayeslip 1979, p. 11; Leiber and K. Y. Mack 2003, p. 44;

Kurtz, Linnemann, and R. Spohn 2008, p. 147; Guevara, Boyd, et al. 2011, p. 205). For example, C. W. Thomas and Sieverdes (1974, p. 125) classified, from least to most severe, cases as either “undisciplined” offenses, misdemeanors, or felonies. Though such measures are by definition less nuanced, several researchers have included supplementary indicators of offense severity, in addition to their primary measures of offense severity, such as whether a weapon was involved (Kupchik, Fagan, and Liberman 2003, p. 21), whether an offense was violent (Desai et al. 2012, p. 35), or whether an offense was against a person (Kurtz, Linnemann, and R. Spohn 2008, p. 147)

Offense severity was measured based on the charges counted against youth involved in the cases. Every case had a non-zero number of charges. These charges ranged in severity, from less severe (i.e., misdemeanors) to more severe (i.e., felonies). Consistent with prior research, offense severity was operationalized as a dichotomous variable (Guevara, Boyd, et al. 2011, p. 205; Kurtz, Linnemann, and R. Spohn 2008, p. 147; Leiber and K. Y. Mack 2003, p. 44). Cases with one or more felonies were identified as more severe and assigned a value of 1. Similarly, cases with no felonies were identified as less severe and assigned a value of 0.

4.8.7 Prior Involvement

It is not uncommon for youth involved with the juvenile court to have been involved with the court in the past. Previous research has operationalized prior involvement as a ratio variable, counting the number of times youth have been referred to the juvenile court (Guevara, Boyd, et al. 2011, p. 205; Leiber and K. Y. Mack 2003, p. 44; Leiber, Peck, and Beaudry-Cyr 2014, p. 256). Similarly, researchers have measured the frequency of juvenile justice involvement by using the number of prior arrests (Phillips and Dinitz 1982, p. 269), offenses (C. W. Thomas and Sieverdes 1974, p. 125), or contacts with the court (Freiburger and Burke 2011, p. 358).

For different reasons, researchers have collapsed their measures of prior involvement, turning ratio scales into ordinal ones (Fader, Kurlychek, and Morgan 2014, p. 131; C. W.

Thomas and Cage 1977, p. 241; Hayeslip 1979, p. 11; Thornberry 1973, p. 94). Fader, Kurlychek, and Morgan (2014, p. 131), for example, coded the “number of prior arrests” youth had had with police as either “none (reference), one to three, and more than three.” Similarly, other researchers have reduced their measures of prior involvement to take on only one of two values (Cohen and Kluegel 1978, p. 166; D. R. Johnson and Scheuble 1991, pp. 681-2; Staples 1987, p. 14; Kurtz, Linnemann, and R. Spohn 2008, p. 147). Because too few youth had multiple contacts with the court, D. R. Johnson and Scheuble (1991, pp. 681-2), for instance, dichotomized prior involvement “into no prior record and one or more court contacts.”

Prior involvement was determined by the number of cases associated with a case. Cases had anywhere from 0 to 20 associated cases. Departing from prior research, the types of prior involvement were operationalized using two dummy variables. The first dummy variables took on a value of 1 when a case involved a youth who had a history of past adjudications and 0 when the youth had no formal prior involvement with the court. The second dummy variables compared cases involving youth with a history of court involvement (but not adjudications) to those involving youth formally involved with the court for the first time (1 and 0, respectively).

4.8.8 Judge Idiosyncrasies

In the book “No Matter How Loud I Shout: A Year in the Life of Juvenile Court,” Humes (2015) examines juvenile court processing and the impact of passionate and demanding new judge. For youth and court officials alike, (Humes 2015, p. 16), Judge Roosevelt Dorn’s juvenile court is, to some extent, a different kind of court. Outside Hume’s investigative report, surprisingly little is known about the effect judge idiosyncrasies play on case-by-case juvenile case processing. The present study addresses this gap.

A total of 5 judges were identified as presiding over cases in the Harrison County juvenile court. Notably, one of the judges presided over only two cases. In lieu of omitting cases associated with this judge, judges who infrequently presided over cases were combined into

a single category.

As such, one dummy⁷ variable was created to account for the idiosyncratic effects of the judges on the indicators of social control. This dummy variable took on a value of 1 when Judge Frick was involved and a value of 0 when he was not.

4.8.9 Age

Age was determined based on the age listed among the court records. In addition to the date of birth, the court recorded the age, in years, of the youth involved in these cases at time of referral. In the state of Kansas, the court holds jurisdiction over youth whose ages range from a minimum of 10 years old to a maximum of 23 years old.

While most prior research has operationalized age a continuous variable (measured in years) (J. B. Johnson and Secret 1990, p. 166; Guevara, Boyd, et al. 2011, p. 205; Secret and J. B. Johnson 1997, p. 454; Caudill et al. 2013, p. 187; Bishop and Frazier 1996, p. 398; Bishop and Frazier 1988, p. 248; C. W. Thomas and Sieverdes 1974, p. 125; Freiburger and Burke 2011, p. 358; Leiber, Peck, and Beaudry-Cyr 2014, p. 256; Fader, Kurlychek, and Morgan 2014, p. 131), the present study operationalized age as a dichotomous variable⁸. Consistent with results⁹ observed by Mears et al. (2014, p. 183), cases involving youth over the age of eighteen were assigned a value of 1, while those involving youth under eighteen

⁷Ideally, each judge would have their own dummy variable (except the reference judge). While it is not always possible to do this, researchers should do what they can to maintain as many of the levels as possible. Unfortunately, a single dummy variable was used to account for idiosyncrasies among these five judges. This is a crude measure of this effect. A crude measure was used to correct for model estimate convergence failures, which, when using a less crude judge measure, occurred in a few of the models.

⁸Age was alternatively operationalized as a ratio variable from date of birth to initial filing with the court, the log of this measure, as well as a five level ordinal variable, ranging from 14 to 18 or 19 (ages rounded down). For several models of disposition severity, involving each of the aforementioned age operationalizations, SAS warned that “Negative individual predicted probabilities were identified in the final model fit” and that the “Validity of the model fit is questionable.” No such warning was raised when operationalizing age a dichotomous variable.

⁹Mears et al. (2014, p. 183) showed that among formally processed cases, the predicted probabilities of receiving juvenile court intervention (with the exception of waiver to the adult court, which was higher) were lower among those involving older youth (particularly, among 16 and 17 year olds). With the exception of waiver, cases involving younger youth (under 12, though, in some ways, under 14 as well) were similarly less likely to receive court intervention. With the present study, however, the minimum age observed was 14. Additionally, the present study excluded cases waived to the adult court. As such, cases in the present study involving older youth, especially the oldest youth, should receive less social control.

were assigned a value of 0.

4.9 Methods of Data Analysis

To examine the research hypotheses outlined in Chapter 3, juvenile court case data were analyzed using descriptive statistics, Goodman-Kruskal Gamma, as well as logistic, and ordinal logistic regressions. Multiple regression techniques were employed so as to statistically control for several variables simultaneously (McClendon 2002, p. 9). By including multiple variables in the same model, these methods allow for the simultaneous control of spurious¹⁰ effects as well as alternative causal factors.

For two of the four indicators of social control (pre-adjudicatory detention and adjudication) logistic regression was employed. Recall, pre-adjudicatory detention and adjudication were measured on a binary scale, taking on a value of 1 if the outcome occurred and a value of 0 otherwise. When binary outcomes represent the dependent variable of interest, logistic regression is recommended as an appropriate analytical technique (Reynolds 1977, p. 29; Agresti 1996, p. 99; Agresti and Finlay 2009, p. 483).

Ordinal logistic regression was employed to analyze the third and fourth indicator of social control: disposition severity and length. Recall, disposition severity and length were both measured as ordered factors. Youth disposed were disposed to either no court intervention, informal court intervention, or, the most severe, formal court intervention. Similarly, youth who were disposed received either 0 months, more than zero months up to 6 months, or over 6 months of court intervention. Ordered logistic regression is recognized as an appropriate modeling technique when working with dependent variables measured on an ordinal scale (Agresti and Finlay 2009, p. 496; Agresti 1996, p. 180).

In order to properly conduct an ordinal regression, also known as cumulative logistic regression, the data must support the proportional odds assumption. Recall, cumulative logistic regression simultaneously models the log odds of an observation being in category j

¹⁰Spuriousness occurs when an independent and dependent variable that are unrelated to each other appear related due to some third variable that affects both of them (McClendon 2002, p. 8).

or less (vs greater than category j) for $j - 1$ levels, j representing the number of levels of the ordinal dependent variable of interest. The proportional odds assumption (also known as the parallel lines assumption) assumes that, for each independent variable, the effect is the same across each of these different models (Agresti 1996, p. 182). Notably, several key study variable failed to support this assumption. As such, partial proportional odds modeling was employed (Derr 2013, p. 3; Peterson and Harrell Jr 1990). The advantage of this modeling strategy is to treat effects where the assumption holds as equivalent across the $j - 1$ models and different otherwise.

Notably, ordinary least squares (OLS) regression was not employed to model these indicators of social control. First of all, this decision was made because OLS regression requires (assumes) that the dependent variable is continuous and the dependent variables considered in this study are all categorical (Agresti and Finlay 2009, p. 483). Second, OLS regression was not selected because it does not yield satisfactory parameter estimates when the dependent variable is measured on a binary, ordinal, or count scale (Agresti and Finlay 2009, p. 484). To illustrate this point, consider performing an OLS regression on a binary outcome variable. Recall, a binary variable is a variable that can take on only one of two values (often denoted by 1 or 0 or *success* or *failure*, respectively). According to Agresti and Finlay (2009, p. 483), “[r]egression models for binary response variables describe the population proportions.” However, a model with a binary outcome variable estimated using OLS regression may yield values that do not strictly fall between 0 and 1. In fact, the estimated regression equation may produce fitted values of the dependent variable that are less than 0, between 0 and 1, or greater than 1. Since predicted values outside the expected ranges are nonsensical, alternative regression techniques were preferred to OLS regression.

The analysis presented in Chapter 5 is organized by four indicators of social control, those being: pre-adjudicatory detention, adjudication, disposition severity, and disposition length. For each social control indicator, models are constructed based on the theory and hypotheses developed in Chapter 3. After analyzing the collective ability of these hypotheses to explain juvenile court case outcomes, control variables are introduced. The results of these initial efforts are then reassessed and the most stable findings reported.

Chapter 5

Results

The following sections present the statistical results for a random sample of juvenile court cases ($N = 582$) filed with the Harrison County, Kansas juvenile court over a five year period (2012-2016). First the univariate characteristics of the sample are presented. The sample is described in terms of legal and extra-legal variables, as outlined in Chapter 4. After providing an overview of the sample, bivariate statistics are presented. Measures of association are constructed to examine the relationships between the study and control variables on the four indicators of social control: pre-adjudicatory detention, adjudication, disposition severity, and length of disposition. Following these analyses, multivariate findings are presented. This chapter examines the joint effect hypotheses on social control developed in Chapter 3, while simultaneously controlling for alternative explanations.

5.1 Univariate

Table [5.1](#) shows univariate findings from the sample of juvenile court cases processed in Harrison County. These findings consist of sample counts and percentages for the dependent variables pre-adjudicatory detention, adjudication, disposition severity, and disposition length. In addition to the outcomes of these juvenile court cases, findings for other features are presented. These variables consist of legal variables, specifically offense severity, prior

record, and judge idiosyncrasies. Extra-legal variables consist of race, social class, gender, and age. In addition to these variables, findings on contextual and individual related events, namely the demeanor and context of the youth involved, are accounted for.

Table 5.1: *Descriptive Statistics (N = 582).*

Variable	Count	(Percentage)
Detention (Detained)	181	(31.10)
Adjudication (Adjudicated)	456	(78.35)
Disposition Severity		
Dismissal	126	(21.65)
Informal	214	(36.77)
Formal	242	(41.58)
Disposition Length		
0 Months	172	(29.55)
$0 < \text{Months} \leq 6$	216	(37.11)
> 6 Months	194	(33.33)
Age (≥ 18 Years)	24	(4.12)
Context (Criminogenic)	500	(85.91)
Demeanor (Disagreeable)	162	(27.84)
Gender (Male)	398	(68.38)
Judge Idiosyncrasies (Judge Frick)	302	(51.89)
Offense Severity (Felony)	122	(20.96)
Prior Record		
First Time Involved	207	(35.57)
Past Involvement	194	(33.33)
Past Adjudication	181	(31.10)
Race (White)	434	(74.57)
Social Class (Lower Class)	60	(10.31)
Variable	Mean	(SD)
Age (Years)	16.48	(1.11)
Disposition Length (Months)	5.69	(5.02)

Among the juvenile court cases filed with the Harrison County juvenile court, most resulted in some form of social control. 31.10% of cases involved a youth placed in detention (i.e., a secure facility outside the home) prior to adjudication. At adjudication, 78.35% of the cases involved youth who were found guilty by the court of one or more of the charges filed against them. Of the cases sampled, 36.77% received a disposition involving some kind of informal court requirement, such as diversion or paying a fine. Most (41.58%), however,

received formal intervention of some kind, such as probation or out of home placement, while the rest (21.65%) were dismissed. On average the youth involved in these cases were disposed to 5.69 (SD = 5.02) months of court intervention.

Felonies (20.96%) were less common than misdemeanors (79.04%) as the primary reason youth were involved with the court, though most cases involved youth who had had a history of court involvement. Of the cases sampled, 33.33% involved youth who had been involved with the court in the past (but were found not guilty), 31.10% had been adjudicated guilty in one or more previous cases, while the remainder were involved with the court for the first time (35.57%). The majority of these cases were presided over by Judge Frick (51.89%).

Youth involved in these juvenile court cases were predominately white (74.57%), male (68.38%), and from more financial secure backgrounds (89.69%). The average age of youth involved with these cases was 16.48 years (SD = 1.11); though 4.12% were over the age of eighteen.

Over the lifetimes of these cases, some sort of disagreeable demeanor (e.g., failure to appear) occurred between several youth involved in these cases and the juvenile court (27.84%). Of the cases processed, the majority involved youth whose social contexts were conducive to, or thought to support, delinquent behavior (85.91%).

5.2 Bivariate

Table 5.2 shows bivariate statistics of association (via Goodman-Kruskal Gamma) between the independent variables and indicators of social control. Overall, the strongest bivariate effects on the indicators of social control involved, from greatest to least, offense severity (0.60), demeanor (0.59), and context (0.46). Offense severity had the strongest effects on pre-adjudicatory detention (0.60) and disposition length (0.54), but only the third largest effect on adjudication (0.21), and severity of disposition (0.27). Context had the first, second, and third largest effects on three social control items, respectively adjudication (0.39), disposition length (0.32), and pre-adjudicatory detention (0.46). However, context only ranked eighth for disposition severity (0.04). The first largest effect on disposition severity was with prior

record (0.36), though the ranking of prior record was much smaller for the other indicators (5th for detention, 8th for adjudication, and 6th for disposition length). The remainder of this section further details the bivariate effects observed for the four indicators of social control.

Table 5.2: *Goodman-Kruskal Gamma Correlation Matrix Independent Variables on Social Control (N = 582).*

	Adjudication	Disposition Length	Disposition Severity	Detention
Age	0.17	-0.30	-0.21	-0.40
Context	0.39*	0.32*	0.04	0.46*
Demeanor	0.05	0.28*	0.31*	0.59*
Gender	-0.24*	-0.02	0.03	0.19*
Judge Idiosyncrasies	0.03	0.11	-0.02	-0.08
Offense Severity	0.21	0.54*	0.27*	0.60*
Prior Record	-0.05	0.19*	0.36*	0.39*
Race	0.13	0.23*	0.06	-0.26*
Social Class	0.06	-0.16	-0.00	0.22

* p-value < 0.05.

5.2.1 Pre-adjudicatory Detention

With respect to being detained prior to adjudication, the Goodman-Kruskal Gamma was largest, in terms of absolute value, for the variables offense severity (0.60), demeanor (0.59), context (0.46), age (over eighteen) (-0.40), and prior record (0.39). All of these effects on detention status, with the exception of age, were statistically significant at the $\alpha = 0.05$ level.

Moderate effect sizes were observed between pre-adjudicatory detention status and race (-0.26), social class (0.22), and gender (0.19). Notably, statistically significant effects ($\alpha = 0.05$) were observed for race and gender, but not for social class. Of the remaining independent variables, no appreciable or significant effects were observed on detention status.

5.2.2 Adjudication

Statistically significant effects were observed between the independent variables and whether the youth involved in the court cases were adjudicated guilty. The largest effect sizes between adjudication status the independent variables involved context (0.39), gender (-0.24), offense severity (0.21), age (0.17), and race (0.13). Notably, only the effects of context and gender were statistically significant ($\alpha = 0.05$). Insufficient evidence was observed of an effect between the other independent variables and the outcomes of the adjudication process ($\alpha = 0.05$).

Disposition Severity

Examining bivariate effects for the severity of intervention disposed by the juvenile court, statistically significant effects were observed. The largest effects on disposition consisted of prior record (0.36), demeanor (0.31), and offense severity (0.27). These effects on disposition severity were all statistically significant at the $\alpha = 0.05$ level. Notably, there was a sizable estimated effect for being over eighteen (vs under), equaling -0.21. However, this effect was not statistically significant ($\alpha = 0.05$). The effects of context, race, social class, gender, and differences between the personalities of the judges on disposition severity were also not statistically significant ($\alpha = 0.05$).

Disposition Length

Disposition length was observed to correlate with most of the independent variables. Offense severity, social context, age, demeanor, and race had the largest effects on how long youth involved in these cases were disposed (0.54, 0.32, -0.30, 0.28, and 0.23, respectively). For disposition length, these effects were all statistically significant ($\alpha = 0.05$), with the exception of age. The estimated Gamma coefficient for the effect of prior record (0.19) on disposition length was also statistically significant ($\alpha = 0.05$), though its effect size was smaller. All other correlations involving disposition length, however, were not statistically significant at the $\alpha = 0.05$ level.

5.3 Multivariate

This section presents multivariate findings for the indicators of social control: pre-adjudicatory detention, adjudication, disposition severity, and disposition length. The models presented examine the two-way interaction effects involving demeanor by race, social class, and gender as well as the effects of context by race, social class, and gender. More than just presenting results involving the study variables, these findings were tested by adding relevant control variables, including offense severity, prior record, age, and judge idiosyncrasies.

Models were constructed based on the study variables as well as relevant control variables. Likelihood ratio tests were then employed to assess how much better, if at all, the models with and without control variables explained these data.

Pairwise comparisons of the indicators of social control were made across the levels of the variables and interaction effects whenever possible. Pairwise comparisons were based on the estimated $\log(\text{Odds})$ (similar to least squares means) of the expected log odds of the indicators of social control. The false positive rate was controlled for using the Tukey-Kramer method. When it was not possible to make such comparisons, interpretations of interaction effects were provided to the extent possible.

After introducing control variables, the statistical significance of the effects are reconsidered. Effects that were previously significant but no longer were once control variables were introduced, are identified. Likewise, effects that remained significant are noted. Effects that became significant once control variables were added are also highlighted—as well as described in detail. Finally, changes in the magnitudes of the effects before and after control variables were accounted for—indicating confounding and suppression effects—are discussed.

5.3.1 Model Comparison

Table 5.3 shows results comparing the effects of the study variables on the indicators of social control against their intercept only counterparts. Chi-square tests for these comparisons were statistically significant ($\alpha = 0.05$) for most models of social control indicators, those being pre-adjudicatory detention ($\chi^2 = 83.58$, $df = 11$), disposition severity ($\chi^2 = 73.21$, $df = 13$),

and disposition length ($\chi^2 = 56.50$, $df = 12$). However, the model for the study variables on adjudication ($\chi^2 = 16.04$, $df = 11$) was no better than that of the null adjudication model.

Table 5.3: *Model Comparison: Reduced vs Null.*

Model	-2 Log(Likelihood)	DF	P-Value
Detention	83.5773	11	< 0.0001
Adjudication	16.0389	11	0.1397
Disposition Severity	73.2105	13	< 0.0001
Disposition Length	56.5020	12	< 0.0001

To assess the stability of the effects observed, variables controlling for offense severity, prior record, age, and judge idiosyncrasies were introduced. To conduct these assessments, chi-square likelihood ratio tests were performed (see Table 5.4). Test statistics comparing the study-variable-only models on detention status ($\chi^2 = 72.95$, $df = 5$), adjudication ($\chi^2 = 15.84$, $df = 5$), disposition severity ($\chi^2 = 136.30$, $df = 8$), and disposition length ($\chi^2 = 134.76$, $df = 8$) to the models consisting of the study variables and the control variables were greater than the upper 0.95 percentiles of the chi-square distributions (with respective degrees of freedom). Hence, sufficient evidence was observed showing that the models with control variables were more favorable than models consisting solely of the study variables.

Table 5.4: *Model Comparison: Full vs Reduced.*

Model	-2 Log(Likelihood)	DF	P-Value
Detention	72.9480	5	< 0.0001
Adjudication	15.8380	5	0.0073
Disposition Severity	136.3027	8	< 0.0001
Disposition Length	134.7558	8	< 0.0001

5.3.2 Pre-adjudicatory Detention

Table 5.5 shows estimates of the coefficients for the study variables on the detention decision as well as tests of the significance of their effects (see model without control variables). Among the study variables, statistically significant ($\alpha = 0.05$) effects on being detained (vs not) were observed for demeanor, context, and the interaction between context and race.

The signs of the effects for demeanor, context, and the joint effect of context and race on detention status were positive, with the exception of the joint effect, which was negative.

The estimated effect for demeanor on the log odds of being detained prior to adjudication (vs not) equaled 1.84. This finding suggests that, compared to cases involving youth whose demeanor was agreeable, the odds of being detained (vs not detained), were $\exp(1.84) = 6.30$ times greater among those involving youth whose demeanor was disagreeable.

Recall, a joint effect was observed ($\alpha = 0.05$) between context and race regarding pre-adjudicatory detention. To better understand this joint effect, estimated log(odds) were calculated and pairwise comparison tests were conducted (see Table 5.6 and Table 5.7).

Adjusting for false positives using Tukey's method, a statistically significant difference in the log odds of being detained (vs not detained) was observed between cases involving non-white youth whose contexts were criminogenic and cases involving non-white youth whose contexts were not criminogenic. The estimated difference for this effect equaled 3.33, suggesting that, compared to cases involving non-white youth whose contexts were not criminogenic, the odds of being detained (vs not detained) were 27.85 times greater among those involving non-white youth whose contexts were supportive of delinquency.

Post-hoc pairwise comparisons (multiplicity adjusted using Tukey's method) for context and race on detention status also showed that a statistically significant difference existed between white youth and non-white among cases where a criminogenic context was present. As suggested by the estimated difference for these classifications (-0.70), the odds of being detained (vs not detained) for cases involving non-white youth whose contexts were criminogenic were just over twice $\left(\frac{1}{\exp(-0.70)} = 2.02\right)$ the size of those involving white youth whose contexts were also criminogenic.

The stability of the findings observed for the study variables on detention status were assessed by controlling, statistically, for relevant legal explanations (see Table 5.5, specifically the model where control variables are included).

Consistent with previous findings, statistically significant ($\alpha = 0.05$) effects on detention status were observed for the effects of demeanor, context, and the joint effect between context and race—even after accounting for alternative explanations. Furthermore, the directions of

Table 5.5: *Logistic Regression Analyses of Detention Model ($N = 582$).*

Variable	W.O. Controls		W. Controls	
	Estimate	(SE)	Estimate	(SE)
Intercept	-4.1605*	(1.2721)	-5.1387*	(1.2634)
Demeanor (Disagreeable)	1.8403*	(0.5106)	1.5716*	(0.5621)
Context (Criminogenic)	2.9714*	(1.2831)	3.3667*	(1.2568)
Race (White)	1.2948	(0.8531)	1.3367	(0.8900)
Social Class (Lower Class)	-0.8275	(1.1503)	-0.9639	(1.2019)
Gender (Male)	1.5849	(1.1244)	1.1911	(1.1299)
Demeanor X Race	0.1098	(0.4546)	0.1046	(0.4942)
Demeanor X Social Class	-0.0129	(0.6961)	-0.1060	(0.7706)
Demeanor X Gender	-0.8263	(0.4531)	-0.7493	(0.4918)
Context X Race	-2.0539*	(0.8659)	-2.2726*	(0.9014)
Context X Social Class	1.5316	(1.1850)	2.0058	(1.2528)
Context X Gender	-0.8206	(1.1399)	-0.6802	(1.1485)
Offense Severity (Felony)			1.6003*	(0.2538)
Past Involvement			0.7281*	(0.2733)
Past Adjudication			1.5061*	(0.2761)
Judge Idiosyncrasies (Judge Frick)			-0.2883	(0.2144)
Age (≥ 18 Years)			-1.0564	(0.7004)

* p-value < 0.05.

Table 5.6: *Estimated log(Odds): Reduced Context and Race on Detention Model (N = 582).*

Context X Race		Estimate	(SE)
Criminogenic	White	-0.4486	(0.1935)
Criminogenic	Non-white	0.2555	(0.2545)
Non-criminogenic	White	-1.7217	(0.7524)
Non-criminogenic	Non-white	-3.0714	(1.0474)

Table 5.7: *Pairwise Comparisons: Reduced Context and Race on Detention Model (N = 582).*

Comparison	Estimate	(SE)
Criminogenic and White - Criminogenic and Non-white	-0.7041*	(0.2348)
Criminogenic and White - Non-criminogenic and White	1.2730	(0.7672)
Criminogenic and White - Non-Criminogenic and Non-white	2.6228	(1.0591)
Criminogenic and Non-white - Non-criminogenic and White	1.9771	(0.7868)
Criminogenic and Non-white - Non-criminogenic and Non-white	3.3269*	(1.0702)
Non-criminogenic and White - Non-criminogenic and Non-white	1.3497	(0.8376)

* p-value < 0.05.

the effect failed to change after introducing control variables: main effects for demeanor and context were again positive, while the joint effect for context and race remained negative.

Notably, the magnitude of the effect of demeanor on detention status decreased after control variables were introduced, falling from 1.84 to 1.57. This decrease in effect is suggestive of a confounding effect among one or more of the control variables.

For context and the interaction between context and race, however, the magnitudes of the effects increased after introducing control variables, rising from 2.97 to 3.37 and -2.05 and -2.27, respectively. Given these increases in effect, it is possible that there is a suppression effect among one or more of the control variables.

Post-hoc comparisons were again conducted (using the multiplicity adjustment advanced by Tukey and Kramer) to better understand the interaction between context and race on pre-adjudicatory detention, all things considered (see Tables 5.8 and 5.9). After taking alternative explanations into account, all—and more—of the statistically significant differences (Tukey-Kramer adjusted) previously observed were significant.

Stable significant differences were observed between: 1) non-white youth cases where

Table 5.8: *Estimated log(Odds): Full Context and Race on Detention Model (N = 582).*

Context X Race		Estimate	(SE)
Criminogenic	White	-0.4347	(0.3995)
Criminogenic	Non-white	0.4489	(0.4439)
Non-criminogenic	White	-2.1916	(0.8597)
Non-criminogenic	Non-white	-3.5806	(1.1265)

Table 5.9: *Pairwise Comparisons: Full Context and Race on Detention Model (N = 582).*

Comparison	Estimate	(SE)
Criminogenic and White - Criminogenic and Non-white	-0.8836*	(0.2576)
Criminogenic and White - Non-criminogenic and White	1.7569	(0.8064)
Criminogenic and White - Non-Criminogenic and Non-white	3.1459*	(1.0754)
Criminogenic and Non-white - Non-criminogenic and White	2.6405*	(0.8334)
Criminogenic and Non-white - Non-criminogenic and Non-white	4.0295*	(1.0928)
Non-criminogenic and White - Non-criminogenic and Non-white	1.3890	(0.8677)

* p-value < 0.05.

criminogenic context was and was not present and 2) non-white cases where criminogenic context was present to white cases where criminogenic context was present—and the magnitudes of these differences increased, respectively, from 3.33 to 4.03 and -0.70 to -0.88. These increases in differences are, again, suggestive of a suppression effect. That is to say, these differences were larger in magnitude after one or more of the control variables were accounted for.

Notably, two new statistically significant differences (Tukey adjusted) were observed for the joint effect of context and race on detention status after introducing control variables.

The first new significant difference was between cases involving non-white youth whose contexts were non-criminogenic and those involving white youth whose contexts were conducive to delinquency. The size of this effect increased in magnitude after introducing control variables, from 2.62 to 3.15—suggesting a suppression effect among the control variables. What this finding suggests is that, compared to cases involving non-white youth whose contexts were not criminogenic, the odds of being detained (vs not) were 23.24 times greater among those involving white youth whose contexts were criminogenic, net relevant control variables.

The second new significant difference was between cases involving white youth whose contexts were not criminogenic and those involving non-white youth whose contexts were criminogenic. After taking relevant control variables into account, the magnitude of this effect increased from 1.98 to 2.64. This increase is again suggestive of a suppression effect among one or more of the control variables. This effect suggests that, all things being equal, the odds of being detained prior to adjudication (vs not) were 14.02 times greater among cases involving non-white youth whose contexts were criminogenic compared to those involving white youth whose contexts were not criminogenic.

It is worth highlighting that sufficient evidence ($\alpha = 0.05$) was observed for the effects of offense severity and prior record on being detained (or not) prior to adjudication. The estimated effects for offense severity and prior record were both positive, suggesting the log odds of being detained (vs not) were greater the more severe and more involved the youth involved in these cases were.

The odds ratio for offense severity equaled $\exp(1.60) = 4.95$. This finding suggests that, compared to cases involving youth whose most severe charge was a misdemeanor, the odds of being detained (vs not) were almost five times greater among cases involving youth charged with one or more felonies.

Pairwise comparisons (Tukey-Kramer adjusted) were employed to examine the log odds of being adjudicated guilty (vs not) between the different levels of prior record (see Table 5.10 and Table 5.11).

Table 5.10: *Estimated log(Odds): Full Prior Record on Detention Model ($N = 582$).*

Prior Record	Estimate	(SE)
First Time Involved	-2.1842	(0.5838)
Past Involvement	-1.4561	(0.5775)
Past Adjudication	-0.6781	(0.5691)

Statistically significant differences (Tukey adjusted) were observed between past adjudication and the other two levels: prior involvement without adjudication (-0.78) and no prior involvement (1.51). Furthermore, sufficient evidence was observed of a difference between no prior court involvement and prior court involvement without adjudication (0.73).

Table 5.11: *Pairwise Comparisons: Full Prior Record on Detention Model (N = 582).*

Comparison	Estimate	(SE)
Past Involvement - Past Adjudication	-0.7780*	(0.2503)
Past Involvement - First Time Involved	0.7281*	(0.2733)
Past Adjudication - First Time Involved	1.5061*	(0.2761)

* p-value < 0.05.

In other words, the log odds of being detained (vs not) were largest among cases involving youth with a history of past adjudications, smallest among cases involving youth involved formally with the juvenile court for the first time, leaving cases involving youth with a history of prior court involvement (no adjudications) in the middle.

More formally, the estimated odds ratios comparing the odds of being detained prior to adjudication (vs not) between cases involving youth with a history of court involvement (but no adjudications) and those formally involved for the first time equaled $\exp(0.73) = 2.07$. Net relevant controls, cases involving youth with a history of court involvement (sans adjudications) were over twice as likely to be detained (vs not detained) compared to those involving youth involved with the court formally for the first time.

Similarly, compared to cases involving youth with a history of adjudications, cases involving youth involved formally with the court for the first time and those having a history of prior court involvement (no adjudication) were, respectively, $\exp(1.51) = 4.51$ and $\frac{1}{\exp(-0.78)} = 2.18$ times less likely to be detained (vs not) prior to adjudication, all things considered.

5.3.3 Adjudication

Coefficient estimates were calculated and tests of significance were conducted for the effects of the study variables on being adjudicated guilty or not guilty by the juvenile court (see Table 5.12). Remarkably, none of the study variables, on their own, or in conjunction, had an observable effect ($\alpha = 0.05$) on the log odds of being adjudicated guilty (vs not guilty).

Regression results for the model of adjudication consisting of study variables and control variables (see Table 5.12) show mostly the same pattern of results as was observed before

taking alternative explanations into account. Again, insufficient evidence ($\alpha = 0.05$) was observed of any effect between the study variables and the log odds of being adjudicated guilty (vs not guilty).

The only variable observed to have a statistically significant effect ($\alpha = 0.05$) on adjudication, however, was prior record.

To better understand the effect of prior record on adjudication, Tukey-Kramer adjusted pairwise comparisons were conducted (see Table 5.13 and Table 5.14). Tukey adjusted pairwise comparisons showed that the log odds of being adjudicated guilty (vs not guilty) differed significantly across the levels of prior record.

Namely, statistically significant differences (Tukey adjusted) were observed between no prior court involvement and prior involvement without adjudication (-0.69) as well as prior involvement (without adjudication) and prior involvement with adjudication (-0.72). No other differences in the log odds of being adjudicated (vs not) were statistically significant ($\alpha = 0.05$) across the levels of prior record.

The estimated odds ratio for adjudication comparing cases involving youth with no prior formal court involvement to those involving youth who had been previously involved (but not adjudicated) equaled $\frac{1}{\exp(-0.69)} = 1.99$. This finding suggests that the odds of being adjudicated guilty (vs not guilty) were over twice as large for cases involving youth formally involved with the court for the first time compared to those involving youth who had been involved in the past (though not adjudicated).

While prior involvement without adjudication appeared to receive greater leniency compared to no prior formal involvement, such was not the case regarding past adjudication. Compared to cases involving youth who were involved with the court in the past (but not adjudicated guilty), the estimated odds of being adjudicated guilty (vs not) were over twice as larger $\left(\frac{1}{\exp(-0.72)} = 2.06\right)$ among cases involving youth who had a history of prior adjudications.

Table 5.12: *Logistic Regression Analyses of Adjudication Model ($N = 582$).*

Variable	W.O. Controls		W. Controls	
	Estimate	(SE)	Estimate	(SE)
Intercept	0.8187	(0.6103)	1.0289	(0.6681)
Demeanor (Disagreeable)	0.5709	(0.6143)	0.4913	(0.6353)
Context (Criminogenic)	0.5638	(0.6763)	0.4898	(0.6984)
Race (White)	0.2362	(0.5138)	0.1930	(0.5308)
Social Class (Lower Class)	0.2086	(0.7516)	0.2502	(0.7700)
Gender (Male)	-0.5162	(0.5890)	-0.6666	(0.5980)
Demeanor X Race	-0.2320	(0.5071)	-0.3231	(0.5179)
Demeanor X Social Class	0.5037	(0.8916)	0.5335	(0.9077)
Demeanor X Gender	-0.5218	(0.5622)	-0.4980	(0.5695)
Context X Race	0.0594	(0.5686)	0.1045	(0.5845)
Context X Social Class	-0.2500	(0.8493)	-0.2330	(0.8594)
Context X Gender	0.2378	(0.6438)	0.4200	(0.6523)
Offense Severity (Felony)			0.5299	(0.2858)
Past Involvement			-0.6859*	(0.2537)
Past Adjudication			0.0348	(0.2840)
Judge Idiosyncrasies (Judge Frick)			0.0464	(0.2131)
Age (≥ 18 Years)			0.3013	(0.5814)

* p-value < 0.05.

Table 5.13: *Estimated log(Odds): Full Prior Record on Adjudication Model (N = 582).*

Prior Record	Estimate	(SE)
First Time Involved	1.8475	(0.4237)
Past Involvement	1.1616	(0.4270)
Past Adjudication	1.8824	(0.4424)

Table 5.14: *Pairwise Comparisons: Full Prior Record on Adjudication Model (N = 582).*

Comparison	Estimate	(SE)
Past Involvement - Past Adjudication	-0.7208*	(0.2579)
Past Involvement - First Time Involved	-0.6859*	(0.2537)
Past Adjudication - First Time Involved	0.0348	(0.2840)

* p-value < 0.05.

5.3.4 Disposition Severity

Table 5.15 shows the multivariate regression results for the effects of most of the study variables on disposition severity¹. Of the study variables considered, the only statistically significant effect observed ($\alpha = 0.05$) was for the effect of demeanor. Demeanor was observed to have a negative effect on the log odds of receiving a dismissal or informal intervention (vs a formal one).

In light of this significant finding, an estimated odds ratio was calculated to provide insight into the effect of demeanor on disposition severity. The odds of receiving a formal disposition (vs dismissal or informal) were $1/\exp(-1.54) = 4.66$ times greater among cases involving youth whose demeanors were disagreeable compared to those involving youth whose demeanors were not.

The stability of this demeanor effect was assessed by introducing statistical control variables to the model of the study variables on disposition severity (see Table 5.15). Notably, a statistically significant ($\alpha = 0.05$) demeanor effect was again observed for disposition severity

¹The fully specified model failed to converge as expected. As such, efforts were made to select a model that accounted for as many of the main and interaction effects as possible. The final model selected omitted the joint effect between demeanor and social class. By omitting this joint effect, it was possible to fit both a model consisting solely of the study variables as well as a model consisting of the study variables and the control variables. No other omission strategy (i.e., omission of a different joint effect or control variable) yielded two models that successfully converged and accounted for as many of the proposed variables.

(i.e., dismissed or informal vs formal) after control variables were accounted for.

For disposition severity, the direction of the effect for demeanor was consistent with that observed when control variables were not present. That is to say, the direction of the effect remained negative. Notably, the magnitude of the demeanor effect decreased after control variables were introduced (from -1.54 to -1.14). This decrease suggests that a confounding effect exists among one or more of the control variables.

While not the main focus of the present study, it is worth highlighting that statistically significant ($\alpha = 0.05$) effects were observed for the effects of offense severity and prior record² on disposition severity.

The odds of receiving a more severe disposition (vs a less severe one) were $\frac{1}{\exp(-0.6173)} = 1.85$ greater among cases involving youth charged with at least one felony compared to those where no felony charges were charged.

Similarly, the odds of receiving a formal disposition (vs dismissal or informal) were, compared to cases involving youth with no prior formal involvement with the juvenile court, $\frac{1}{\exp(-1.17)} = 3.21$ and $\frac{1}{\exp(-2.35)} = 10.52$ times greater, respectively, among cases involving youth with a history of court involvement (no adjudications) and a history of adjudications.

The opposite pattern, however, was observed for the effect of prior record on receiving a dismissal (vs an informal or formal disposition). Compared to cases involving youth involved with the juvenile court for the first time, the odds of receiving a dismissal (vs informal or formal) were $\exp(0.73) = 2.08$ times greater among cases involving youth with a history of court involvement (no adjudications).

5.3.5 Disposition Length

Table 5.16 shows coefficient estimates and p-values for the effects of most of the study and control variables on the length of disposition imposed by the juvenile court³. At the $\alpha = 0.05$

²Estimated log(odds) and pairwise comparisons were not employed to examine the effect of disposition severity across the levels of prior record. As of SAS 9.4, it is not possible to calculate estimated log(odds) (a la least squares means) under PROC LOGISTIC for partial proportional odds models (i.e., when using the UNEQUALSLOPES option).

³It was not possible to fit the fully specified model (i.e., study variables and control variables). Similar to the disposition severity model, the full model for disposition length failed to converge as expected. To find

Table 5.15: *Ordinal Regression Analyses of Disposition Severity Model ($N = 582$).*

Variable	W.O. Controls		W. Controls	
	Estimate	(SE)	Estimate	(SE)
Intercept 1 [†]	−0.8075	(0.5568)	−1.2085	(0.6258)
Intercept 2 [‡]	0.8329	(0.5441)	2.1827*	(0.6260)
Demeanor (Disagreeable) 1	−0.7855	(0.4648)	−0.4396	(0.5073)
Demeanor (Disagreeable) 2	−1.5385*	(0.4450)	−1.1384*	(0.4895)
Context (Criminogenic) 1	−0.6009	(0.5837)	−0.3652	(0.6253)
Context (Criminogenic) 2	0.3274	(0.5795)	−0.1577	(0.6253)
Race (White)	−0.6891	(0.4688)	−0.5364	(0.5073)
Social Class (Lower Class)	0.0458	(0.6723)	−0.3736	(0.7632)
Gender (Male) 1	0.6841	(0.5353)	0.7174	(0.5699)
Gender (Male) 2	−0.0928	(0.5214)	0.3018	(0.5598)
Demeanor X Race	0.2308	(0.4050)	0.2009	(0.4371)
Demeanor X Gender	0.5372	(0.3996)	0.3152	(0.4304)
Context X Social Class	0.0125	(0.7286)	0.1562	(0.8211)
Context X Race	0.5421	(0.5059)	0.3890	(0.5442)
Context X Gender	−0.4438	(0.5473)	−0.4763	(0.5854)
Offense Severity (Felony)			−0.6173*	(0.2255)
Past Involvement 1			0.7304*	(0.2526)
Past Involvement 2			−1.1663*	(0.2444)
Past Adjudication 1			−0.1576	(0.2991)
Past Adjudication 2			−2.3530*	(0.2609)
Judge Idiosyncrasies (Judge Frick)			0.0953	(0.1731)
Age (≥ 18 Years) 1			−0.1440	(0.5716)
Age (≥ 18 Years) 2			0.9577	(0.5945)

* p-value < 0.05 .

† Dismissal vs Informal or Formal Intervention.

‡ Dismissal or Informal vs Formal Intervention.

level, a statistically significant negative effect was observed for demeanor, while a statistically significant positive effect was observed for the joint effect of demeanor and gender.

Notably, it was not possible to calculate estimated log(odds) (or conduct pairwise comparison tests, for that matter) for the joint effect of demeanor and gender on disposition length. However it is still possible to draw some conclusions when differences are known to exist.

Among cases involving boys, the estimated odds ratio of receiving a shorter disposition (vs longer) equaled $\exp(-1.31+0.85) = 0.63$. This finding suggests that the odds of receiving a longer disposition (vs shorter) were $\frac{1}{0.63} = 1.58$ times greater among cases involving boys with disagreeable demeanor compared to those involving boys with agreeable ones.

Similarly, the estimated odds ratio among girls of receiving a shorter disposition (vs longer) equaled $\exp(-1.31) = 0.27$. This odds ratio is interpreted to imply that the odds of receiving a longer (vs shorter) disposition were $\frac{1}{0.27} = 3.71$ times greater among cases involving girls whose demeanor was disagreeable compared to those involving girls whose demeanor was agreeable.

While it is not possible to say whether the previously mentioned demeanor effects for boys and girls were themselves statistically significant, the significant interaction effect does show that the size of the demeanor effect for girls was greater (2.35 times greater) than that for boys.

The resiliency of the study effects were investigated by constructing a model of disposition length that also took alternative explanations into account (see Table 5.16). Similar to the model consisting solely of study variables, statistically significant ($\alpha = 0.05$) demeanor and joint demeanor and gender effects on disposition length were observed. As before, the direction of the demeanor effect was negative, while the direction of the demeanor-gender interaction effect was, again, positive.

While no change in the sign and significance of these effects were observed after introducing a model that accounted for as many of the proposed variables as possible, several models were fit. These models contained mostly the same variables, differing only by a single joint effect or control variable. Of these minus-one-variable models, two converged. The model without the joint effect for demeanor and race was preferred, since its AIC value was smaller than the model without the joint effect for demeanor and social class, indicating a better fit.

Table 5.16: *Ordinal Regression Analyses of Disposition Length Model ($N = 582$).*

Variable	W.O. Controls		W. Controls	
	Estimate	(SE)	Estimate	(SE)
Intercept 1 [†]	0.8377	(0.5694)	0.7486	(0.6051)
Intercept 2 [‡]	1.7584*	(0.5931)	3.5337*	(0.6513)
Demeanor (Disagreeable)	-1.3098*	(0.3354)	-0.9186*	(0.3650)
Context (Criminogenic) 1	-1.1648	(0.6094)	-1.1457	(0.6216)
Context (Criminogenic) 2	-0.4010	(0.6326)	-1.1020	(0.6426)
Race (White)	-0.8842	(0.4845)	-0.9511	(0.5122)
Social Class (Lower Class) 1	0.1745	(0.6575)	0.2809	(0.6718)
Social Class (Lower Class) 2	0.9492	(0.7168)	0.9007	(0.7294)
Gender (Male)	-0.1676	(0.5070)	0.1419	(0.5294)
Demeanor X Social Class	0.4836	(0.6144)	0.5184	(0.6363)
Demeanor X Gender	0.8537*	(0.3913)	0.8315*	(0.4215)
Context X Race	0.3436	(0.5222)	0.3457	(0.5506)
Context X Social Class	-0.2974	(0.7179)	-0.5449	(0.7368)
Context X Gender	-0.0418	(0.5387)	-0.1679	(0.5639)
Offense Severity (Felony) 1			-1.0461*	(0.2824)
Offense Severity (Felony) 2			-2.1247*	(0.2505)
Past Involvement 1			0.4405	(0.2327)
Past Involvement 2			-0.6704*	(0.2591)
Past Adjudication 1			-0.0954	(0.2578)
Past Adjudication 2			-1.4826*	(0.2623)
Judge Idiosyncrasies (Judge Frick)			-0.2264	(0.1682)
Age (≥ 18 Years)			0.8371	(0.4356)

* p-value < 0.05 .[†] 0 Months vs More than 0 Months.[‡] 6 Months or Less vs More than 6 Months.

ducing control variables, the magnitude of these effects decreased, suggesting a confounding effect among one or more of the control variables. The magnitude of the demeanor effect decreased from -1.31 to -0.92. Similarly, the magnitude of the joint effect between demeanor and gender decreased from 0.85 to 0.83.

Notably the effect of offense severity on receiving a longer (vs shorter) disposition was $\frac{1}{\exp(-1.05)} = 2.85$ and $\frac{1}{\exp(-2.12)} = 8.37$ times greater among cases involving youth charged with at least one felony compared to those involving youth charged only with misdemeanors.

For the effect of prior record on disposition length, cases involving youth with a history of court involvement (no adjudications) and a history of past adjudications were, respectively, $\frac{1}{\exp(-0.67)} = 1.96$ and $\frac{1}{\exp(-1.48)} = 4.40$ times more likely than cases involving youth involved with the juvenile court for the first time to be disposed by the juvenile court for more than 6 months (vs 0 or 6 months).

Chapter 6

Discussion

Each model of social control invites reflection and sheds light on the social process that is the juvenile court. Patterns among the data were identified and then evaluated by taking alternative explanations of juvenile case processing into account. It is through these efforts of observation and testing that the present study sought to better understand important juvenile case processing variables and, in particular, how certain key variables, as outlined in the literature, differ by the race, class, and gender of the youth involved.

Table 6.1 summarizes the findings observed in Chapter 5. It reiterates the hypotheses proposed in Chapter 3 and shows in what ways, if any, they were supported empirically. Plus signs (i.e., +) indicate effects consistent with the hypotheses proposed. Plus/minus (i.e., +/-) signs indicate situations where the effects observed were mixed, favoring and opposing the relationships expected. Recall, it was not possible to fully specify some models. Omitted effects are represented by the letters NA (meaning not available).

While not the primary aim of the present study, the effects of offense severity and prior record were clearly present in each model of social control. Offense severity was observed to affect decisions regarding pre-adjudicatory detention, disposition severity, and disposition length. Prior record was observed to affect these indicators of social control as well, as well as decisions regarding adjudication.

Similar to these legal variables, demeanor was observed to affect multiple indicators of

Table 6.1: *Comparison of Hypotheses to Findings.*

Hypothesis	Effect	Detention	Adjudication	Disposition Severity	Disposition Length
Youth whose demeanors are disagreeable (more than youth whose demeanors are not disagreeable) receive more social control from the juvenile court.	Demeanor (Disagreeable)	+		+	+
Youth whose contexts are criminogenic (more than youth whose contexts are not criminogenic) receive more social control from the juvenile court.	Context (Criminogenic)	+			
Non-white youth (more than white youth) receive more social control from the juvenile court.	Race (White)				
Lower class youth (more than higher class youth) receive more social control from the juvenile court.	Social Class (Lower Class)				
Compared to boys, girls receive greater social control from the juvenile court.	Gender (Male)				
Non-white youth whose demeanors are disagreeable (more than non-white youth whose demeanors are agreeable, more than white youth whose demeanors are disagreeable, more than white youth whose demeanors are agreeable) receive more social control from the juvenile court.	Demeanor X Race				NA
Lower class youth whose demeanors are disagreeable (more than lower class youth whose demeanors are agreeable, more than upper class youth whose demeanors are disagreeable, more than upper class youth whose demeanors are agreeable) receive more social control from the juvenile court.	Demeanor X Social Class			NA	
Girls whose demeanors are disagreeable (more than girls whose demeanors are agreeable, more than boys whose demeanors are disagreeable, more than boys whose demeanors are agreeable) receive more social control from the juvenile court.	Demeanor X Gender				+
Non-white youth whose contexts are criminogenic (more than youth whose contexts are not criminogenic, more than white youth whose contexts are criminogenic) receive more social control from the juvenile court.	Context X Race	+			
Lower class youth whose contexts are criminogenic (more than youth whose contexts are not criminogenic, more than higher class youth whose contexts are criminogenic) receive more social control from the juvenile court.	Context X Social Class				
Girls whose contexts are criminogenic (more than Girls whose contexts are not criminogenic, more than boys whose contexts are criminogenic, more than boys whose contexts are not criminogenic) receive more social control from the juvenile court.	Context X Gender				
Youth with more severe charges (more than youth with less severe charges) receive more social control from the juvenile court.	Offense Severity (Felony)	+		+	+
Youth with lengthier prior court contact (more than youth with less lengthy prior court contacts) receive more social control from the juvenile court. Youth with lengthier history of adjudication (more than youth with less lengthy histories of adjudication) receive more social control from the juvenile court.	Past Involvement Past Adjudication	+	+/-	+/-	+
		+			+
Youth whose cases are processed by different juvenile court judges receive different amounts of social control.	Judge Idiosyncrasies (Judge Frick)				
Older youth, compared to younger youth, receive different amounts of social control from the juvenile court.	Age (≥ 18)				

+ i.e. Statistically significant. Direction as expected.

+/- i.e. Statistically significant. Mixed directions.

NA i.e. Not available.

social control, even after control and other study variables were accounted for. Demeanor was observed to correlate with detention status, disposition severity, and disposition length.

This chapter revisits and discusses the findings presented in the previous chapter. It discusses how they (the findings) fit into prior research and scholarly thought. Where unexpected findings were observed, alternative interpretations are provided. When possible, questions are asked and tasks for future research are issued. This chapter concludes with a synthesis of what was observed. It provides a rendering, a comprehensive narrative, of juvenile case processing consistent with the observed facts.

6.1 Main Effects

Before conceptualizing and discussing core juvenile case processing mechanisms, it is important to discuss what was observed empirically and how these findings fit into the existing literature. This section discusses the direction of the main effects observed. Recall, statistically significant main effects were observed for demeanor, offense severity, and prior record. As part of this discussion, unexpected findings are explained and directions for future research are highlighted.

6.1.1 Demeanor

Recall, the conflict tradition argued that people who act in threatening ways, or at least perceived to do so, are regarded threatening and, hence, receive greater social control (Liska 1992, p. 8; Jacobs 1979, p. 918; Jackson and Carroll 1981, p. 295; Kania and Mackey 1977; Liska 1992, pp. 57-8; Piven and Cloward 2012; Jackson and Carroll 1981, p. 295; Lofland 1969, p. 17; Vold, Bernard, and Snipes 2002, p. 241; Carter and Clelland 1979). Greater social control was also expected, as outlined by multiracial feminist theory, to coincide with acts indicative of being a problematic person (Gaarder, Rodriguez, and Zatz 2004; Bridges and Steen 1998).

Consistent with prior research (Desai et al. 2012, p. 37; Bridges and Steen 1998, p.

565; Gaarder, Rodriguez, and Zatz 2004, pp. 556, 572, 575), cases involving youth with a disagreeable demeanor were more likely to be detained prior to adjudication (vs not) and more likely to receive formal disposition (vs dismissal or informal), relevant control variables accounted for.

Notably, demeanor, or an act that resists court intervention, was not observed to have the effect purported by societal reaction (Mahoney 1974, pp. 585-6). Acts that were disagreeable to the court (e.g., failure to appear) resulted in greater social control—not less.

It could be that the conclusion reached has something to do with how the measure of resistance (i.e., demeanor) is conceptualized. Violating court orders and failing to appear as expected are arguably tactics in opposition to the interests of the court. However, such actions may not be the ones that ultimately lead to less justice system intervention. It is possible that not acting in this way, by going along with the court procedure, as expected, is a more effective form of resistance. Viewed this way, the findings observed support the relationship proposed by the societal reaction perspective.

Future research should discover and investigate the options available to youth and their families that allow them to mitigate juvenile court social control. Potential indicators include: pleading guilty or not guilty, hiring more effective (or experienced) defense attorneys, the specific tactics employed by defense attorneys, or other strategies for convincing the court that less severe outcomes are preferable to more severe ones.

6.1.2 Prior Record

A statistically significant prior record effect was observed across all the indicators of social control. Prior research has shown that greater prior disposition severity (Bishop and Frazier 1991, p. 1179; Bishop and Frazier 1996, p. 402; Bishop and Frazier 1988, p. 254; O'Neill 2004, p. 53), previous court referrals (Guevara, Boyd, et al. 2011, p. 208), prior arrests (Kurtz, Linnemann, and R. Spohn 2008, p. 149; Kupchik, Fagan, and Liberman 2003, p. 26), prior court referrals within the past year (J. B. Johnson and Secret 1990, p. 170; Secret and J. B. Johnson 1997, p. 464), and prior court referrals prior to the most previous year

(J. B. Johnson and Secret 1990, p. 170; Secret and J. B. Johnson 1997, p. 464) increases the likelihood of being detained. Consistent with this literature, as well as propositions advanced by Black (1976, pp. 117, 118) and others, cases involving youth with a more serious history of court involvement were, all things considered, more likely to be detained prior to adjudication.

Literature on the effect of prior record on adjudication, however, has shown mixed results. J. B. Johnson and Secret (1990, p. 173) and Secret and J. B. Johnson (1997, p. 467) showed that cases with more referrals within the past year as well as the years before that were in fact less likely to be adjudicated guilty. Bishop and Frazier (1991, p. 1182) and Bishop and Frazier (1988, p. 254), however, showed the opposite effect. They showed that the odds of being adjudicated guilty were greater among cases with more severe prior disposition experiences.

Interestingly, findings observed in the present study were consistent with both these findings. Cases involving youth with a history of court involvement (but not adjudication) received greater leniency, regarding adjudication, compared to those involving youth with either less or more serious prior court experiences, all things considered.

Notably, this finding provides partial support to the claim made by Kitsuse (1964). Recall, Kitsuse (1964, p. 256) argued that it was through adjudication, the official judgment of delinquency, that greater negative societal reaction was induced. Consistent with this idea, cases involving youth adjudicated in the past were, in some ways, more likely to be adjudicated again in their present case.

These findings however are partially at odds with the claim that, compared to those involved with the court for the first time, any prior record facilitates greater social control (Black 1976, p. 11). In fact, this finding suggests more than a lack of a first timer discount.

One possible explanation for this finding is that the court attempts to make an impression on youth formally involved with the court for the first time, so as to deter future involvement. Cases involving these youth are promised (i.e., threatened with) future adjudication, as evident by the effect of past adjudications relative, at the least, to prior involvements without a history of adjudication.

Alternatively, it could be that the juvenile court attempts to bring youth further into the juvenile justice system unless there is some known reason not to. Mears et al. (2014, p. 183) showed that younger and older youth were less likely to receive court intervention. They argued that the court was not organized to provide services to younger and older youth—hence they receive greater leniency, in some ways. Future research should examine new patterns of repeat involvement among older youth.

Similar to pre-adjudicatory detention, prior research has overwhelmingly shown that prior record increases the likelihood of receiving a more severe disposition (Bishop and Frazier 1991, p. 1182; Bishop and Frazier 1996, p. 402; Bishop and Frazier 1988, p. 254; Carter and Clelland 1979, p. 103; Leiber and K. Y. Mack 2003, p. 43; Guevara, Boyd, et al. 2011, p. 208; Staples 1987, p. 19; Kupchik, Fagan, and Liberman 2003, p. 30; Secret and J. B. Johnson 1997, p. 470; Mears et al. 2014, p. 182); though a few exceptions exist (Mears et al. 2014, p. 182).

Consistent with these studies, prior record was observed to affect disposition length and disposition severity—although this effect was, likewise, not always as expected. Compared to cases involving youth who had been previously involved (though not adjudicated), cases involving youth involved formally for the first time were more likely to receive some kind of disposition, all things considered. Similar to adjudication, this finding is partially at odds with the proposition regarding prior record and respectability (Black 1976, p. 11). Again, it is almost as if not having signs of delinquency warrants further juvenile court intervention.

But even this finding against first timers appears to have its limits. Taking relevant variables into account, cases involving youth involved formally for the first time, were less likely to receive more formal or lengthier court intervention compared to those involving youth with a history of prior involvement (adjudications or otherwise).

These findings are more in line with propositions advanced by societal reaction and legal realist scholars (Black 1976, p. 11; Kitsuse 1964, p. 256). When it came to the most severe dispositions, cases involving youth involved with the court for the first time were shown greater leniency compared to those involving youth with a history of prior involvement.

6.1.3 Offense Severity

If there is one undisputed fact about juvenile case processing it is that cases with more severe charges are more likely to be detained (Bishop and Frazier 1991, p. 1179; Secret and J. B. Johnson 1997, p. 464; Bishop and Frazier 1988, p. 254; O'Neill 2004, pp. 53-54; Guevara, Boyd, et al. 2011, p. 208; Kurtz, Linnemann, and R. Spohn 2008, p. 149), adjudicated (Bishop and Frazier 1991, p. 1182; Bishop and Frazier 1988, p. 254; Leiber and K. Y. Mack 2003, p. 43), and disposed to a more severe form of intervention (Bishop and Frazier 1991, p. 1182; Bishop and Frazier 1988, p. 254; Leiber and K. Y. Mack 2003, p. 43; Mears et al. 2014, p. 182; Staples 1987, p. 19; Tittle and Curran 1988b, p. 40; Fader, Kurlychek, and Morgan 2014, p. 135; Guevara, Boyd, et al. 2011, p. 209). This of course is not to say that counter evidence does not exist. A few studies exists showing that greater offense severity decreases the likelihood of adjudication (J. B. Johnson and Secret 1990, p. 173; Secret and J. B. Johnson 1997, p. 467) and reduces the odds of receiving a more severe disposition (Secret and J. B. Johnson 1997, p. 470).

Consistent with most of the literature, more severe offense charges were observed to affect the amount of social control imposed by the juvenile court. Compared to cases involving youth whose charges consisted solely of misdemeanors, cases involving youth who were charged with at least one felony were more likely, all things being equal, to be detained prior to adjudication and disposed to a more severe and lengthier disposition by the court.

6.2 Interaction Effects

Chambliss (1975, p. 225) and Daly and Chesney-Lind (1988, p. 515) famously questioned the relationships between race, social class, and gender and involvement with the justice system. These scholars recognized that there is nothing inherent in a person's race, social class, or gender that, in and of itself, affects their involvement one way or the other. In doing so, these scholars challenged existing scholarship to imagine and identify the specific, observable criteria through which locations in social space intersect with the justice system.

This chapter discusses efforts toward meeting these demands.

Toward a synthesis of the evidence, interaction effects suggested by the the literature were examined. The first set of joint effects considered were between context and race. The second set were between demeanor and gender.

6.2.1 Context and Race

Contextual elements supportive of delinquency interact with race—shaping the pathway youth take as they make their way through the juvenile court. Even after taking relevant control variables into account, a statistically significant interaction effect was observed between race and context on the odds of being detained (vs not).

In some ways, the effect of context appears to affect the detention decision regardless of race. White youth and non-white youth whose contexts were, or appeared to be, criminogenic were more likely to be detained than those involving, respectively, non-white youth and white youth whose contexts were not regarded as such, all things being equal. Likewise, compared to cases involving non-white youth whose contexts were not criminogenic, the odds of being detained were greater among those involving non-white youth whose contexts were criminogenic, even after taking relevant control variables into account.

But, as the interaction effect showed, the effect of context is not the same for all youth. All other explanations accounted for, the odds of being detained were greater for non-white youth compared to white youth, even when both youth were regarded as having criminogenic contexts.

In other words, white youth were observed to receive greater leniency compared to non-white youth—even when both were regarded as having contexts supportive of delinquency.

This finding of leniency for white youth compared to non-white youth is consistent with findings reported by conflict and multiracial feminist researchers (J. Miller 1994; Bridges and Steen 1998; Leiber and K. Y. Mack 2003, p. 51). As expected, differences in social control were largely understood through responses to the environmental (or at least perceptions of the environmental) contexts of the youth involved.

6.2.2 Demeanor and Gender

Consistent with prior research and theory (Bishop and Frazier 1991, pp. 1182, 1183; J. Miller 1994; Gaarder, Rodriguez, and Zatz 2004; Carter and Clelland 1979), a joint effect was observed between demeanor and gender on social control—even after taking relevant legal variables into account.

It was observed that, between cases involving boys with agreeable demeanors and those without, the cases involving boys whose demeanors were disagreeable were more likely to receive a longer disposition. Likewise, cases involving girls whose demeanors were disagreeable were more likely to receive a longer disposition compared to cases involving girls whose demeanors were not.

Unfortunately, statistical methods to calculate and examine pairwise comparisons are not widely available for the partial proportional odds model. As such, it is not known whether the differences in the lengths among girls and boys were themselves statistically significant. Furthermore, it was not possible to directly compare between the demeanor by gender groups the log odds of receiving longer dispositions. However, based on the significant interaction term, the effect does show that the size of the demeanor effect for girls was greater (2.35 times greater) than that for boys.

This finding supports the contention that juvenile court intervention is not the same for girls as it is for boys. These court records show that the effect of demeanor on disposition length has a more similar effect among boys than among girls. It should be noted, though, that until methodological advances are achieved, it is not entirely clear that this finding is in fact problematic.

It could be that, overall, girls receive greater leniency (i.e., shorter dispositions) compared to boys, but that some girls, girls with disagreeable demeanors, receive less leniency than others. Such a finding would be consistent with more recent thinking regarding the effect of chivalry in the courtroom (Farnworth and Teske Jr 1995).

It is also possible that overall boys receive shorter dispositions than girls—that the court in fact shows boys greater leniency. More than just greater punishment from the court, some

girls, those with disagreeable demeanors, might receive even more social control than others.

Research under the evil woman hypothesis, and its variants, argues that girls are punished more zealously by the juvenile court—and the more abhorrent their (i.e., girls) behavior, the greater still the amount of social control they receive (Chesney-Lind 1973, p. 54; Chesney-Lind and Eliason 2006, p. 43; Chesney-Lind 1989, p. 5; Chesney-Lind 1977, p. 121; Alder 1998, pp. 84, 85-86; Gaarder, Rodriguez, and Zatz 2004, p. 14; Y. Cohn 1970, p. 199)

Future statistical innovations are needed to make performing pairwise comparisons with partial proportional odds models possible. Once this occurs, juvenile court researchers can then more fully examine how demeanor, and other effects, moderate the relationship between gender and social control.

6.3 Synthesis of Effects

Core components to juvenile case processing consist of the severity of the offense and involvement with the court and court officials in the past. Combined, they are major rules governing what the court does. Compared to cases involving youth charged with misdemeanors, cases involving youth charged with felonies are more likely to be detained and more likely to receive more severe and longer dispositions. These findings suggest that the juvenile court routinely takes the severity of the charges against youth seriously. A felony charge, as opposed to a misdemeanor, is a guarantee of social control. It grants permission, which the court routinely acts on, to liberally impose control, however it can, into the lives of youth.

Similarly, cases where youth had a history of prior involvement were more likely to be detained. Furthermore, formal and lengthy impositions were typically disposed to youth with past court experience, adjudication or not, compared to youth involved with the court formally for the first time. But the juvenile court is not a purely tiered system. It is not that further involvement with the court necessarily leads to incrementally greater forms of social control or, equivalently, that youth with incrementally less court experience necessarily receive less of it.

One of the biggest fallacies and most important activities is the imposition of social control to youth formally involved with the court for the first time. Compared to cases involving youth with a history of court involvement (though not adjudication), the juvenile court is more likely to impose social control among cases involving youth formally involved for the first time. Youth involved for the first time are more likely to be adjudicated guilty. Youth involved for the first time are more likely to receive some kind of intervention.

A major goal of the juvenile court is to intervene into the lives of ever more youth—to expand its market, to widen its net, so to speak. To adjudicate youth is to permit future intervention. It allows the court to impose greater social control. But the effect of past adjudication does more than just change the options available to the court.

Past adjudication permits the court to assume that the youth in question did not receive adequate social control the first time around. It allows the court to recognize that a youth's debt to society was not, in fact, paid, even if they successfully completed the terms and conditions of their past disposition. It allows the court to intervene repeatedly—and with greater force—for events that occurred in the past.

But the juvenile court is not just about increasing social control. The juvenile court is designed to permit some degree of tangential involvement. There are cases involving youth who are repeatedly involved with the court that, compared to youth formally involved for the first time, receive less, and not more, severe court intervention. There is something about these youth. Something special about them or exceptional about their circumstances that does not permit, or, at least, buffers, the amount of court imposed social control in their lives.

It is in fact by design that not all youth experience the juvenile court the same way. Exceptions are a vital juvenile justice system component. But this is not to say the juvenile court does not engage in exceptions to these exceptions.

Pre-adjudicatory detention is a core practice that permits the juvenile court to routinely place youth in secure confinement—even when decisions about their guilt (or lack thereof) have yet to be determined. It is the mechanism that allows the juvenile court to act immediately and with greater severity.

Unlike other juvenile court decisions, detention is a graduated practice. It is the mechanism that guarantees that somewhere more severe charges and more extensive court histories are met with greater social control. Compared to cases involving youth charged only with misdemeanors, cases involving youth charged with felonies were more likely to be detained. Cases involving youth with a history of prior involvement (but not adjudication) were likewise more likely to be detained compared to those involving youth involved formally for the first time. Furthermore, cases involving youth with a history of past adjudications were, more than cases involving youth with a history of prior involvement (but not adjudication) and those involving youth formally involved for the first time, more likely to be detained.

The juvenile court is organized to intervene—to impose social control. The policies and practices of the court are themselves organized to achieve this goal. In fact, even the failure to achieve these goals as expected is itself a core component of imposing greater social control. Cases involving youth whose demeanors, whose actions, defy the expectations of the court, that do not support its interests, were more likely to result in being detained prior to adjudication and disposed to formal court intervention.

The juvenile court is organized to respond to the contextual elements of the youth they (i.e., the court) are involved with—especially youth of color. Regarding pre-adjudicatory detention, cases involving non-white youth are more likely to be detained compared to those involving white youth. In fact, non-white youth are more likely to be detained than white youth even when the context the youth are involved with is, or is at least considered, to support delinquent behaviors. It is through perceptions about the contexts youth find themselves in that the juvenile court is able to intervene into the lives of minority youth.

While the relationship between race and social control is moderated by contextual elements, the relationship between gender and social control is moderated by personal ones. There is a wide discrepancy in the effect that demeanor, the attitudes or actions, perceived or otherwise, has on the juvenile court process—especially among girls. It is a de facto double standard—ensuring disparate gender differences somewhere in the world, regardless of more progressive attitudes or policies. The juvenile court holds girls to a certain standard of behavior and for those that violate these standards, the amount of social control imposed is

greater, especially compared to differences observed for boys.

Chapter 7

Conclusion

Since its inception over a 100 years ago the juvenile court has encountered dramatic technological shifts in the ways people live their lives. The juvenile court has witnessed periods of tremendous catastrophe and violence—the Great Depression, the Cold War, 9/11—as well as great periods of reform and discovery—the New Deal, the Civil Rights Act, the Internet. Through it all, the juvenile court has adapted, reflecting and supporting the prevailing ideas and dominant values of the times.

These changes have profoundly impacted what the juvenile court does—what justifies intervention and what does not. On the one hand, acts that were once normal youthful behaviors have become cause for intervention. Fights between youth and parents are today treated as forms of domestic assaults (Leslie Acoca [1999](#), pp. 7-8). On the other hand, acts that were once routine cause for intervention have become issues of injustice. Amendments to the Juvenile Justice and Delinquency Prevention Act of 1974 have problematized the overrepresentation of youth of color.

However, the juvenile court has remained a foundationally hierarchical institution. It is adults and not youth who decide the shape of juvenile justice intervention—what it is youth cannot do. To redefine youth, however, is to simultaneously redefine what it means to be an adult. Platt ([1969](#), p. 99) argued that, faced with profound change, the juvenile court was created to reinforce traditional institutions. In this view, the juvenile court is a system that

reinforces traditional adult privileges and other dimensions of privilege—privileges that may have truly outlived their place in the world.

The present study examined juvenile case processing guided by popular criminological and sociological perspectives. Controlling for alternative explanations, it identified patterns in the ways social control is imposed. This chapter concludes this dissertation by discussing the policy implications of these findings, documenting important limitations to what was observed, and outlining new directions for research.

7.1 Policy Implications

Since its inception, the juvenile court has defined and reinforced the dominant conceptions of what constitutes natural and normal youth development. As a social institution, the juvenile court is organized to achieve certain values. It ensures that certain beliefs and practices, beliefs and practices it considers right, actually exist in the world. Its effects extend from the lives of individuals, youth, families, and officials, to society itself.

The empirical efforts of the present study only show and suggest what is happening in the processing of youth involved with the juvenile court. The real task is to decide whether these practices are practices that we want in the world and, more importantly, whether these practices lead us to the world we want to live in. The remainder of this section reconsiders the major findings observed. It provides ways of thinking about them and offers recommendations for juvenile court policy and practice.

In the juvenile court the quantity and severity of social control imposed depends on the severity of the acts charged. This practice is rooted in the “Just Deserts” thinking that individuals possess free will (Von Hirsch and Gaylin 1976, pp. 49-55). By providing consequences equal to their choices, this practice respects the integrity of individuals, recognizing them as morally responsible actors (Feld 1997, p. 101). It can also be attributed to those who champion the logic that, if someone is “old enough to do the crime,” then they are “old enough to do the time” (Feld 1997, p. 97). But recognizing individuals, particularly youth, as culpable, does not necessarily mean they were at the time of the offense or are as soon as

the opportunity is imposed by the court.

Either way, this application of Just Deserts thinking assumes that youth, who are not adults, possess the faculties of adults, which they are not. Feld (1997, pp. 106, 114) argued that the unique position of youth, their lack of full development, excludes them from the opportunity to appreciate and benefit from the “rational” delivery of justice. To do otherwise, to base decisions on the severity of offenses, organizes the juvenile court for people other than those it is intended to serve. In so doing, it judges youth by adults standards—standards which do not apply. Similar to practices used at during the infancy of the juvenile court (J. W. Mack 1909, p. 116), intervention plans should not be based on the severity of the offense.

It is through adjudication that youth are officially regarded as delinquent. It is a process enacted by legitimate society that confers a new negative status that has consequences. Through the initial adjudication, the juvenile court ensures that it can, promises that it will, if possible, intervene in the future. It is a means by which youth, whether they need it or not, are brought further under the jurisdiction of the justice system.

In the world that is the juvenile court, youth break the rules. They (i.e., the youth) cause harm. They (i.e., the youth) are controlled because of it. More than just fitting control to crimes, it is a world where past acts and failures accumulate and mean more together than they did separately. It is a world where greater rule breakers are distinguishable from lesser ones. People in this world do not just commit delinquent acts. Rather, they are delinquent people. It is who they are and, as importantly, this delinquent status is known to everyone.

Researchers have argued that the label of delinquent is a powerful component in the production of delinquency itself—and many have called for radical non-intervention. The argument advanced by this perspective is that for many youth, the delinquent label is the mechanism necessary for greater delinquency. They argue that by denying youth this label, the juvenile court would, in effect, deny many youth the opportunity for future delinquency—protecting the community and supporting the healthy development of youth.

Other researchers have argued that graduated intervention changes behavior and has a deterrent effect. Researchers of this persuasion argue that delinquency (including future

delinquency) is prevented through the threat of involvement. Delinquency is reduced when punished swiftly, severely, and with certainty.

It has also been argued that new intervention alternatives, such as diversion and youth courts, or life skill-building training, such as cognitive behavioral therapy, motivational interviewing, and family therapy provide the courts with tools for pro-social development, thereby benefiting youth, families, and communities.

Based on these arguments, one policy recommendation is that further study of the implications of this technology, the outcomes of this delinquent status formation process, and adjudication, are needed. Decision-makers should consider an array of success measures, in addition to recidivism, such as measuring the effects of involvement, scholastic achievement, civic and community engagement, and employment and job performance. They should assess the benefits and failures of such involvement mechanisms.

Through this technology, however, the original adjudication and intervention contains the threat of future involvement, to say the least. Once adjudicated, youth now have to live with this fact. Whether they are always conscious of it or not, it is there. It is there for them and those involved in their lives, including their friends, family, and community, for better or worse. It is a fact about their life, what they are undergoing, and who they are.

It is in the organization of the juvenile court that resistance or failure to comply to its conventions are themselves grounds for intervention (E. H. Erikson and K. T. Erikson 1957, p. 15). According to E. H. Erikson and K. T. Erikson (1957, p. 23) (and others (Zimring 1978, p. 7), see note 59), adult society is responsible, whether it knows it or not, for the production and confirmation of delinquency. Instead of taking responsibility for these developments, however, the blame is flipped. It is the youth that are the problem. It is the youth that commit the offenses. It is the youth who need to act right (E. H. Erikson and K. T. Erikson 1957, p. 16).

As advocated by E. H. Erikson and K. T. Erikson (1957, p. 23) and Gaarder, Rodriguez, and Zatz (2004, p. 556), the juvenile court should not succumb to this ideological trap. The court should recognize that a poor demeanor has more to do with the suitability of the courts' organization than the youth themselves. The juvenile court should recognize significant

demeanor effects as a signal to reevaluate and restructure its approach to delinquency.

To improve court procedure, the court could review the reasons for non-compliance. They could ask, “What is it about the court process that makes us respond negatively to youth? Why is this normal?” The court should take action to not be in that position. Is it important that youth admit guilt? Why is remorse or an apology necessary? Are youth not set up to fail if they are required to do things that they cannot do?

Juvenile courts looking to reorganize their approach could also invest in programming that meets youth where they are at instead of programming that confirms the rightness of the existing situation and the need for youth to conform. The court could make efforts within the community to support youth, their peers, and their families.

Contrary to expectations, the present study consistently observed a negative context effect. The juvenile court was observed to intervene more and impose stricter penalties when the contexts in which youth were enmeshed were supportive of delinquent behavior. J. Miller (1994) and Bridges and Steen (1998) argued that youth in these situations do not intend to offend. In fact, given better circumstances they would not. But, empirically, this condition seems to be taken as problematic by the juvenile court, and is not grounds for dismissal.

Research on the “prophecy of place” has shown that one’s social and physical location impacts their direction across the life-course (Williams 2002). Youth who are overpowered by their environments, who, supported by the resources available, commit delinquency, are not actually problematic and, in fact, show a tremendous capacity for not only conformity, but also success.

Taking this fact into account proposes new directions for juvenile court policy and practices. Cognitive behavioral therapies and other individualized training might not actually be enough for some youth. While existing treatments can provide youth with valuable life skills, the juvenile court frequently asks youth to shoulder the burdens faced by their homes and communities. The juvenile court should consider more novel interventions that support the needs—safety or otherwise—of the communities in which they serve.

The juvenile court has and continues to be involved with youth based on their racial and

gender backgrounds. A person's skin color or identification as female or male is not actually indicative of anything, including past or future delinquency. There is nothing inherent about it. Delinquency is not a biological trait more prone among black, Latina/o, or Asian youth—or boys or girls, for that matter. The fact that cases involving non-white youth and girls are, respectively, more likely to be detained or disposed to a longer disposition by the juvenile court is deplorable. Being detained involves the removal of youth from their homes and families. A longer disposition is more time involved with the juvenile court. Both involve the deprivation of opportunities, to say the least¹.

The juvenile court must implement safeguards against racial and gender disparity. One recommendation is to establish and maintain a system of third-party, external evaluation focused on racial and gender justice. The success of this on-going evaluation should focus on the equality of treatment. The charge of this effort should be to monitor key decision points and document differences in outcomes. Just as importantly, this effort should work to identify new mechanisms through which racial and gender disparities are perpetuated. Crucial to the success of these efforts, the findings of these evaluations should be routinely disseminated and discussed by court leadership, probation officers, and other court officials and staff.

7.2 Limitations

Several notable circumstances limited what was observable in the present study. These limitations were largely related to sample size, research design, coverage, and measurement.

Sample size limitations made it impossible to investigate effects for certain populations. Not having enough records meant that it was not possible to estimate and examine interaction effects involving race and gender (and class) on the indicators of social control.

The findings presented in the present study generalize to the population of juvenile court case records filed in Harrison County, Kansas between 2012 and 2016. However, they do not

¹Youth who are detained at a secure facility are strip searched. While policy dictates a speedy review process for detention cases, the experience, the harm done, is irreversible.

generalize to other counties and/or jurisdictions. In other words, the findings presented here are not necessarily observable elsewhere.

Similarly, it is worth reiterating that Harrison County is an urban court. It is possible that juvenile justice in this jurisdiction differs from that of rural locations (consider the justice by geography effect suggested by *feld1991justice*), not only in terms of policies and practices, but also what juvenile justice reform even means.

It was not possible to examine effects for populations excluded from the sampling frame. Recall, the results presented did not cover cases involving youth charged with sex offenses, youth designated as children in need of care, youth charged with status offenses, and youth labeled as truant.

However, research on social control and the juvenile court suggests that the findings discussed in the present study are usually more pronounced for some of the populations omitted, particularly when it comes to girls and status offense (Bishop and Frazier 1991; Chesney-Lind 1977; Datesman and Scarpitti 1977; R. Sheldon and Horvath 1986; Odem 1995; Chesney-Lind and R. G. Sheldon 1997; R. Sheldon and Horvath 1986; Mann 1979). It is in this way that the findings reported are arguably more conservative than what would otherwise be expected.

Another coverage issue touches on the stages in the process. Recall, the present study examined formally processed youth. However, processing decisions are made by Juvenile Intake and Assessment officers, police, school officials, parents, and so forth prior this stage. Data from these stages were not available and, hence, not included in the present study.

Notably, the types of variables available (or lack thereof) limited what was observable among these juvenile court records. Recall, police records, school records, health records, and more detailed reports recorded by court officials were not available. More than just the youth involved, little was known about the parents, the court officials themselves, peers, and other people involved in the lives of these youth. Particularly, the thoughts and opinions made by families, teachers, police, community members, and the youth themselves were largely absent from in the present study.

Context and demeanor measures at best measure the presence and absence of antagonistic

events. These measures are limited though. The effect of these variables would be better understood if they also included events in the opposite direction—events supporting social behaviors and demeanors supportive of the interests of the court, respectively.

Additionally, the composite measures of context and demeanor should each be examined and developed more rigorously. Recall, context was shown to have a positive effect on social control. Based on how this variable was constructed, this finding suggests that lesser parental involvement corresponds with greater social control. When viewed on its own, however, parental involvement was observed to have the opposite effect. Recall, it was greater involvement, not lesser, that corresponded with greater social control.

Representing judge idiosyncrasies as a binary variable masks important variations in social control. It is possible that one or more of the other judges actually differed in the social control they imposed, but that these differences were washed out when they (the judges) were lumped together.

Methodological limitations made it impossible to more thoroughly examine the effect of demeanor on disposition and how it differed for girls and boys.

Recall, only prior involvement was observed to have a statistically significant effect on adjudication. On face value, it is not expected that any of the study or control variables considered would affect whether the youth involved in a case was adjudicated delinquent. Rather, the adjudication decision is likely based on the strength of the evidence. As such, the model for adjudication is misspecified.

7.3 Future Research

The present study afforded the opportunity to investigate juvenile court decision-making at key case processing stages. However, efforts to understand these outcomes left little time to examine the unyielding number of questions that became apparent—that could have been examined. Some of these future efforts will continue to focus on the outcomes of processing stages, such as detention, adjudication, and disposition. Other efforts take an alternative approach to understanding social control. These efforts seek to better understand social

control by effects on youth and their (i.e., the youths') future involvement with the justice system.

The multiracial feminist perspective offers rich insight into the processing of youth by the juvenile court. One avenue for future research arises from the work of Chesney-Lind (1989, p. 16) and Chesney-Lind (1977, p. 122). According to Chesney-Lind (1977, pp. 122-123), officials of the juvenile justice system "ignore all but the most extreme misbehavior of boys while looking very closely at all girls' delinquency." This claim suggests that the juvenile court creates exceptions while processing youth. These exceptions favor some youth over others according to race, class, and gender. Future research should examine these interaction effects between race, class, and gender and legally relevant variables on juvenile case processing outcomes.

Much interest and discussion has emerged in the conflict literature on the relationship between visibility and justice system processing, both in terms of youth visibility (Chambliss 1973; C. W. Thomas and Sieverdes 1974) and justice system scrutiny (Chambliss and Nagasawa 1969, p. 76; Tittle and Curran 1988a, p. 52; Sampson 1986; Chesney-Lind and Eliason 2006; Morash 1984, p. 99). The visibility hypothesis states that, on the one hand, justice system personnel and agencies concentrate their attention and resources around certain behaviors or individuals thought to be problematic. On the other hand, individuals who exhibit behaviors more publicly deemed to be problematic receive more attention from the justice system (Chambliss 1973; Chambliss and Nagasawa 1969). To understand the effect of visibility, future research should examine the interaction effects between visibility and core conflict variables (e.g., threatening people, threatening acts) on juvenile case processing.

In addition to theoretical studies, future research will contribute to the growing body of research on juvenile court efficiency. One work-in-progress, co-authored with W. Richard Goe, examines timely case processing in the juvenile court. This study's aim is to identify factors that influence the timely management of cases as they are processed by the juvenile court. Just as importantly, this effort will introduce a new measure of timely case processing: the time-by-case rate. This new measure overcomes previous analytical challenges and better addresses the urgency that some cases just "sit around" while others receive immediate

attention. This variability in attention is often ignored by the court.

Black (2000, p. 345) has famously criticized most criminological and sociological perspectives for making psychological assumptions in their explanations of human behavior. While there is merit behind this critique, the social-psychology of social theory is not necessarily problematic. In fact, fruitful and insightful work has resulted from many research efforts that have developed methods to account for what people think and to relate those thoughts to what people do (J. Miller 1994; Bridges and Steen 1998; Gaarder, Rodriguez, and Zatz 2004). However it is worth advocating that new insights on social control are possible when the effects of social control are themselves examined.

Future studies of social control should examine the projections of social control itself. I have contributed toward this with a paper titled “Treating Girls like Boys: The Juvenile Court and the Impacts of Gender Neutral Programming.” This effort examines differences in treatment alternatives across race and gender and their effects on recidivism (i.e., repeat involvement with the justice system). This paper criticizes that state of youth processing, showing that, even in the era of delinquency decline, advances in case processing are far from equal. Drawing on multiracial feminist thinking on unintended consequences (Chesney-Lind and K. Irwin 2004; Gaarder, Rodriguez, and Zatz 2004), it further shows how gender- and race-neutral programming plays no small role in perpetuating disparate involvement with the juvenile court.

Another practical study examines Senate Bill 367, recent legislation promising to dramatically improve juvenile justice across the state of Kansas. Starting in 2017, this landmark piece of legislation shifted the delivery of services, moving youth away from out-of-home placements, specifically group homes, and directing them toward community-based services. Through this effort, the state was set up to save 72 million dollars over the next five years. Additionally, this effort promised to provide youth with more effective, rehabilitative services. The actual results of this effort, however, are not entirely clear. This research effort will examine changes in recidivism over time for different youth populations.

7.4 Final Thoughts

The right juvenile justice solution ultimately requires 1) the influential involvement of youth in the administration and development of justice policy and practice and 2) efforts to recognize and realize the broader goal of developing youth and training them to assume stable adult roles. When we deny youth a voice in their own development we exclude ourselves from the project of training young people into adults and deny ourselves adulthood.

Each year hundreds of thousands of youth are involved with the juvenile court (Hockenberry and Puzzanchera [2018](#)). These youth interact with police, probation officers, judges, staff and other passionate experts in the field of safety and youth justice. This involvement provides youth a profound understanding of what justice is and how it works. It gives them (i.e., youth) authentic experiences and insights that they will carry, reflect upon, and act upon their entire lives.

With decades of service toward the development of youth, the juvenile court is well positioned to train youth in the healthy development and administration of justice. To achieve this end, it is imperative that the juvenile court reorganize itself to create space and provide support for youth, families, and their communities to decide, for themselves, what justice means and looks like.

Support for restorative initiatives as core justice system practices continues to gain momentum, both at home and abroad (A. Morris and Maxwell [2001](#)). These efforts continue to show that justice is a healthy practice that everyone can be part of (Daly and Hayes [2001](#)).

There is a tremendous opportunity through the juvenile court for youth to participate in the justice process, to work with others, and to learn what successful justice looks like. It is possible and desirable for people to practice the principle of justice themselves and show others how they too can be involved.

Over one hundred years ago, the Black Child Savers recognized the true value of juvenile justice. It is not just about rehabilitating youth. It is not just about protecting the community. The juvenile court is an emancipatory project. It is an opportunity for those involved in this society and those governed by its laws to participate in and develop a more

just society.

Justice should be the primary goal of youth justice. It is time that the juvenile court release its monopoly on justice. It is time that the justice system becomes an institution of which people want to and can be part.

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