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Being Young and Black

What Are Their Effects on Juvenile Justice Decision Making?

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This study examined the extent to which race and age individually and jointly determined juvenile justice case outcomes at intake and judicial disposition among males in one county juvenile court in the state of Iowa. Using an interpretation of the symbolic threat thesis and the emphasis on stereotyping as the theoretical framework, we discovered that being Black and older increased a youth's chances of receiving an intake court referral and decreased the odds of participation in intake diversion. Age did not condition intake decision making for African Americans but was discovered to temper case outcomes for Whites. Although individual relationships were found, there was no evidence of joint race-age effects in decision making at judicial disposition.

Keywords: *race; age; symbolic threat; juvenile court decision making*

In the study of race and juvenile justice decision making, one line of inquiry has been to assess the extent to which legal criteria and extralegal factors are racially tainted and work to the disadvantage of minorities and of African Americans in particular, compared with Whites (e.g., Guevara, Herz, & Spohn, 2006; Leiber & Mack, 2003a; Pope & Feyerherm, 1993). Traditionally, age has been seen not only as a legitimate extralegal criterion

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but as a mitigating consideration by the juvenile court because of beliefs that younger youth lack *mens rea* (intent) because of immaturity, inexperience, and lack of education to evaluate the consequences of their conduct and to resist peer pressure (Steinberg & Scott, 2003). There has also been an assumption that the younger the youth, the less culpable they are because of their malleability for rehabilitation (*Roper v. Simmons*, 2005).

Accordingly, older youth are generally believed to be more responsible for their behavior and as a result are handled more formally than are younger youth (Champion, 2001). The extent this age relationship, or "youth discount," within juvenile justice proceedings extends to both Whites and African Americans has been neglected. That is, research has not assessed in detail whether consideration of age by decision makers is the same for White and Black male youth.

The objective of this research was to address this gap in the literature by assessing the effects race and age have, individually and jointly, on juvenile justice case outcomes among male youth in one county court in the state of Iowa. An interpretation of the symbolic threat thesis was used as a theoretical framework to examine the relationships between race and age on one hand and intake and judicial disposition decision making on the other.¹ The results can advance our understanding of how legal and extralegal factors, such as age, may contribute to African American overrepresentation in the juvenile justice system.

Theoretical Background

Relatively recent research on race and juvenile justice decision making has attempted either to use a contextual analysis without a theoretical referent (e.g., Armstrong & Rodriguez, 2005) or to refine the conflict perspective within a contextual framework (e.g., Sampson & Laub, 1993). In both approaches, the emphasis has been on the identification of the variable effects of race on decision making. The symbolic threat thesis is one example of a theoretical perspective that attempts to identify the contingencies of juvenile justice decision making by focusing on the characteristics of youth, especially minorities, and the social psychological emotions of juvenile court officers.

These emotions include identification (or the lack of identification) with a youth and the youth's behavior, as well as fear and jealousy of the youth. Emotions such as these are thought to manifest themselves in beliefs that minority youth pose symbolic threats to middle-class standards and public

safety. The symbolic threat is also fostered by negative perceptions of African Americans and corresponding stereotypes made by decision makers (Tittle & Curran, 1988). These stereotypical perceptions of minorities and youth were assumed to be “threatening” because justice officials were unable to identify with African Americans or experience a “youthful” lifestyle as adults. As stated by Tittle (1994, p. 41), these “symbolically driven emotions rooted in identification and fear heavily influence the way individuals react to people and events. The less the identification and the greater the fear, the more likely is social control to be attempted.”

Others have further refined the symbolic threat thesis and the emphasis on racial stereotyping and the perceptions of juvenile court personnel by focusing on the imagery of minority youth as “drug offenders” and “dangerous.” Sampson and Laub (1993), for example, treated these perceptions as representing symbolic threats to the middle class and their standards and values. Bridges and colleagues examined the interplay between racial stereotypic images, causal attributions, and concerns for the public and moral order of a community (Bridges, Conley, Engen, & Price-Spratlen, 1995; Bridges & Steen, 1998).

Tittle and Curran (1988) have argued and found support for the claim that these perceptions may be fueled or tempered by characteristics associated with being young. The use of the term *youth* by Tittle and Curran was somewhat vague, however, in that there was no real discussion of how *youth* was defined, what ages constituted *young*, or whether the effects of age on decision making were race specific.

The question for this study is, if age plays a role in decision making, does that role play out similarly for both White and African American males? Although prior research on the juvenile justice system has failed to address this question, it has addressed the individual effects of race and age and the combination of the two on decision making.

Prior Research

Race Effects

Many studies have examined the individual effects of race on juvenile justice decision making. An in-depth discussion of these findings is beyond the scope of this article, but some research has shown that legal factors rather than race predict decision making and lend support to a consensus interpretation for race differences in case outcomes (e.g., Tracy, 2002). Five recent comprehensive reviews of the literature, however, demonstrate that

legal and extralegal factors alone are unable to account for race differentials in involvement in the juvenile justice system (Bishop, 2005; Engen, Steen, & Bridges, 2002; Leiber, 2002; Pope & Feyerherm, 1993; Pope, Lovell, & Hsia, 2002; see also Pope & Leiber, 2005).

More specifically, race was discovered to have either a direct relationship to decision making or an interaction effect with legal variables (e.g., crime type, prior record) and/or extralegal factors (e.g., family structure) and/or indirect effects on decision making (e.g., detention status). The greatest disparities in case processing in the juvenile justice system also appear to often exist before formal court intervention occurs, typically at intake. In addition, African American youth are less likely to participate in diversion at intake than similarly situated White youth (e.g., Leiber & Stairs, 1999).

The influence of race on decision making at judicial disposition, once controls for legal criteria and extralegal factors are considered, has been less consistent than at intake (e.g., Bishop, 2005; Bishop & Frazier, 1988; Leiber & Jamieson, 1995). Despite the inconsistent effects of race on judicial disposition, statistics have shown that African Americans are disproportionately placed in secure facilities, including state training schools, compared with Whites (Snyder, 2005).

In short, a considerable amount of evidence indicates that race has some effect on juvenile justice decision making. Race effects, however, are often tied to racial stereotyping, and the extent and form it has appear to be contextual (Armstrong & Rodriguez, 2005; Leiber, 2003).

Age Effects

In terms of the effects of age on decision making, the results from several studies reveal that younger youth receive less severe outcomes at each stage of court processing, including intake, than older youth do (e.g., Frazier, Bishop, & Henretta, 1992). Champion (2001, p. 189) indicated that younger youth might be handled more informally at intake because they were seen as less responsible for their actions than their older counterparts were. Furthermore, it may be that older youth were more likely to be seen as problematic, as evidenced by a greater history of prior contact with the system, participation in serious delinquency, and resistance to informal intervention (Champion, 2001, p. 189). Fagan, Slaughter, and Harstone (1987) have argued that because older youths have less time remaining within juvenile jurisdiction, the court may perceive them as less amenable to treatment than are younger offenders. It is also possible that in comparison with younger youth, older youth may be perceived to be more threatening and more in need of intervention.

Race and Age Effects

With the exception of studies that focused on waiver proceedings (e.g., Fagan & Zimring, 2000; Kurlychek & Johnson, 2004), the combination effects of race and age on the treatment of youth within juvenile justice proceedings has, for the most part, not been studied. DeJong and Jackson (1998), however, did examine the relationships between race and age in juvenile proceedings and discovered that although age did not affect the likelihood of referral for African Americans, Whites were more likely to be referred from intake if they were older. Likewise, Bridges and Steen (1998) discovered evidence that racial stereotyping, together with a reliance on attributing the behavior of African Americans to internal factors, may lead juvenile court personnel to dismiss the mitigating impact of age or immaturity for African American youth more than for White youth when deciding case outcomes. Last, Leiber and Mack (2003b) found that age had an influence on intake outcomes for both Whites and African Americans. Being a midteen (ages 15-16) and White with a greater number of prior court referrals increased the likelihood of referral to petition at intake, but being a late teen (ages 17-18) and from a single-parent household affected intake decision making in a similar way for African Americans.

With the exception of the research by Leiber and Mack (2003b), the other two studies did not specifically focus the analysis on race and age, and therefore a detailed assessment of the possible relationships these may or may not have on decision making was not conducted. A weakness of Leiber and Mack's (2003b) study was that they relied on aggregate data from four juvenile courts, and thus the individual and combination effects of race and age on decision making within a specific court may have been masked. These limitations provided the impetus for this study.

More research on the race/age effects on decision making has been conducted with adults in the criminal justice system. This research has discovered that decision makers often stereotype young adult African American males as "dangerous, committed to street life, and less reformable" than older offenders and in turn subject them to increased social control (Steffensmeier, Ulmer, & Kramer, 1998). Using an integrated framework consisting of attribution and labeling theories, Albonetti and Hepburn (1996), for example, examined the individual and joint effects of age, minority status, gender, and prior offending on the decision to defer prosecution and recommend referral of felony drug defendants to a drug treatment program. Age was differentiated by young (age 16-23), middle (age 24-30), and older (age 31 and older). Albonetti and Hepburn (pp. 67, 73-75) hypothesized that males, minorities, and older defendants "are linked to a

low likelihood of rehabilitation,” and as such these factors were anticipated to reduce the likelihood of referral to treatment diversion. Albonetti and Hepburn also hypothesized that having a prior record would condition these relationships and decrease participation in the diversion program.

Most of the hypothesized effects were found, but the relationships were more complex than expected. As anticipated, being male and older and having a prior record increased the likelihood of further prosecution. Minority status, however, influenced decision making only in interaction with age and prior record. For younger minorities, having no prior record increased the likelihood of prosecution, although having a prior record increased the likelihood of participation in the drug diversion program (Albonetti & Hepburn, 1996).

Steffensmeier et al. (1998) undertook a similar study because prior sentencing research failed to contextualize race effects by age and gender. Consistent with the symbolic threat thesis and the perspective used by Albonetti and Hepburn (1996), Steffensmeier et al. used an approach that emphasized racial stereotyping and a “focal concerns” framework that incorporated assessments about blameworthiness, protection of the community, and organizational considerations and constraints with interpretations of attribution theory to understand criminal justice sentencing. The quantitative results indicated that age, race, and gender had significant independent and interaction effects on sentencing. Young Black males received more-severe sentences than did any other age, race, and gender interaction.

Through interviews, Steffensmeier et al. (1998) confirmed the contention that decision makers racially stereotyped young African American males as dangerous and unsuitable for release into society. They concluded their study by stating that there is a need for “further research analyzing how race effects may be mediated by other factors . . . such as age” (p. 789). We responded to this call for continued study because research has not paid enough attention to the possible interrelated effects race and age may have on outcomes within juvenile justice proceedings.

Hypotheses

We are concerned with whether a “youth discount” exists in juvenile justice decision making and to what extent it applies to both Whites and African Americans. As previously discussed, in the development of the symbolic threat thesis, although Tittle and Curran (1988) discussed in general the effects that race and a youth’s age may have on decision making,

specifics were lacking. Therefore, there are several interpretations of the symbolic threat thesis that could be used to guide the study. The interpretation relied on for this research is that the youthful characteristics as described by Tittle and Curran apply to all youth (i.e., age 17 and younger) but are perceived by decision makers to be more strongly associated with African Americans as a whole because of racial stereotypes. If this interpretation is correct, then age most likely would not be a factor in case outcomes for African Americans but may influence decision making for Whites. This assumption would also be in line with the results from DeJong and Jackson (1998) and Bridges and Steen (1998).

Thus, on the basis of this interpretation of the symbolic threat thesis, the *parens patriae* foundation of the juvenile court, and prior research, the following three hypotheses guided the research:

Hypothesis 1: Being African American will increase the likelihood of more severe outcomes than White youth experience once legal and extralegal considerations are controlled.

Hypothesis 2: Being older will increase the likelihood of more-severe outcomes than younger youth once legal and extralegal considerations are controlled.

The third and final hypothesis guiding the research focused on the interaction effects of race and age on decision making. This hypothesis posits that being White and younger will result in more-lenient outcomes, or a “youth discount.”

Hypothesis 3: Being White and younger will result in more-lenient outcomes once relevant factors are considered.

In short, we expected to discover that the influence of age on decision making and the resulting youth discount would be race specific (would not apply to African Americans but would apply to Whites).

This Research

This research focused on decision making in a single county juvenile court in the state of Iowa. The county has a population of 130,224, with persons age 17 and younger constituting 24% of the population (U.S. Census Bureau, 2000). Although the county juvenile court is the third largest in the state, this jurisdiction has the largest African American presence, with

African Americans comprising 11% to 13% of the population. In the largest city within this county, African American youth make up about 19% of all youth (U.S. Census Bureau, 2000).

Similar to trends across the country during the 1980s and 1990s, both the state of Iowa and the county in which the juvenile court is located experienced increases in youth crime in general and in serious crime more specifically. Arrests among African Americans were especially high (Division of Criminal and Juvenile Justice Planning and Statistical Analysis, 2000).² In addition, increases in reported gang presence and in minority youth overrepresentation in secure detention and secure corrections were also reported during this time in the state as a whole and in the county of the juvenile court (Division of Criminal and Juvenile Justice Planning and Statistical Analysis, 2000; Leiber, Sandstrom, Engstrom, & Puls, 1998).³ The legislative changes that occurred as part of the nationwide get-tough movement also were evident in Iowa as the state enacted legislation that expanded the criteria to transfer youth to adult court (Division of Criminal and Juvenile Justice Planning and Statistical Analysis, 2000).

Data

Because of the relatively small number of minority youth in this county and in Iowa in general, juvenile court case files were identified for a 21-year period, 1980 through 2000, involving youth accused of delinquent behavior. To ensure the ability to make comparisons between racial/ethnic groups across decision-making stages (i.e., intake to judicial disposition), random sampling of these identified case files was used for Whites and disproportionate random sampling was used for African Americans, for a total of 5,554.⁴ Because of theory, results from prior research, and the hypotheses guiding the study, the sample in this research was restricted to males, reducing the weighted sample in this research to 4,182.

Variables

Table 1 presents the variables, the coding scheme, and the distributions of the independent and dependent variables used in the study. The operationalization and inclusion of the variables are based on theory and prior research (e.g., Bishop & Frazier, 1988).

Race was differentiated by White versus African American. Age was defined first as an interval variable and then distinguished as preteen (12 and under), early teen (13-14), midteen (15-16), and late teen (17-18).

Table 1
Values and Frequency Distributions of Variables—Males (*N* = 4,182)

Variables	Value	<i>N</i>	Percentage
Independent			
Race	0 White	2,709	65
	1 Black	1,473	35
Age ^a (low to high)	<i>M</i> = 15.47		
	<i>SD</i> = 2.02		
	range = 6-18		
	0 preteen (<12)	379	9
	1 early teen (13-14)	567	14
	2 midteen (15-16)	1,485	35
Controls	3 late teen (17-18)	1,751	42
	0 married	2,104	50
	1 one member	2,078	50
Family status			
School attendance ^b	Attending but problems		
	0 no	3,470	83
Dropout	1 yes	712	17
	0 no	3,816	91
Number of prior referrals	1 yes	366	9
	<i>M</i> = 2.35		
Court authority	<i>SD</i> = 2.94		
	range = 0-10		
	0 no	3,080	74
Number of charges	1 yes	1,102	26
	<i>M</i> = 1.37		
Crime severity	<i>SD</i> = .85		
	range = 1-7		
	0 misdemeanor	3,435	82
Crime type ^c	1 felony	747	18
	Property		
Person	0 no	2,069	49
	1 yes	2,113	51
Drugs	0 no	3,606	86
	1 yes	576	14
Dependent			
Intake	0 no	3,581	86
	1 yes	601	14
	0 release	1,045	25
Judicial disposition	1 diversion	1,673	40
	2 refer to court	1,464	35
	0 community based	351	32
	1 out-of-home placement	736	68

a. Treated as both an interval and a rank ordered variable.

b. Dummy variables, reference category attending school, no problems.

c. Dummy variables, reference category other (e.g., disorderly conduct, etc.).

Although juvenile court jurisdiction generally ends at age 18 in Iowa, if a formal petition has been filed before a teen turns 18, jurisdiction can be extended to include 18-year-olds. The age categories employed paralleled the classification scheme used by the Office of Juvenile Justice and Delinquency Prevention, and for the most part, the distributions were comparable to national data (e.g., Butts & Snyder, 1997). The largest percentage of youth fell into the age category of late teen (42%), followed by midteen (35%). Preteens constituted the smallest percentage of the youth referred to court (9%).

A number of extralegal and legal factors were also included in the analysis as controls. The sample was evenly split in terms of residing in households with two parents present versus one parent. School status was measured by two dummy variables: *attending but problems* and *not attending*. The reference category was attending school.

Two measures of a juvenile's previous legal history included the number of prior contacts with the juvenile justice system (interval) and whether the youth was under court authority at the time of the current referral (*no* = 0, *yes* = 1). Characteristics of the current offense were the number of charges against the youth (interval), crime severity (*misdemeanor* = 0, *felony* = 1), and type of delinquency. Because of the theoretical importance of offense type in juvenile justice decision making (e.g., Sampson & Laub, 1993), dummy variables were created to distinguish among property, person, and drug offenses.⁵ Referrals consisting of disorderly conduct, resisting arrest, and so forth comprised the reference category. Most cases were classified as misdemeanors (82%) and involved property crimes (51%). Only 14% of the teens were charged with a person offense or a drug offense. Offenses of this sample of juveniles reflected national aggregate arrest statistics (Snyder, 2005) and were somewhat limited in severity.

Intake decision making is one of the dependent variables and is defined as release, diversion, and court referral. The most common outcome at intake was diversion (40%), followed by referral to court (35%) and release (25%). In Iowa, juvenile court officers make the decision to release, to offer an informal adjustment in the form of diversion, or to recommend further court processing at intake. State statute requires an admission of guilt as a prerequisite for diversion or an informal adjustment (Iowa Juvenile Code Statute 232.29).

Judicial disposition, the second dependent variable, was operationalized as a case outcome that resulted in probation and/or treatment within the community versus placement outside of the home (e.g., training school, residential facility, group home). In all, 68% of the youth received the more severe outcome at this stage.

Analysis Procedures

Multivariate analysis in the form of multinomial logistic regression was first used because intake is a categorical variable with three outcomes.⁶ In multinomial logistic regression, one value of the dependent variable is designated as the reference category (Aldrich & Nelson, 1984). In this research, probabilities of membership in two categories of the dependent variable, release and diversion, were first compared with the probability of membership in the reference category, court referral. Because different factors may influence the decision to place youth in diversion rather than the decision of release (e.g., Bell & Lang, 1985), the analyses were repeated with release as the reference category. Logistic regression was used to model decision making at judicial disposition.

To discover the individual and joint effects of race and age on decision making once extralegal and legal factors were controlled and to test the hypotheses guiding the study, the analysis was performed in several steps. An equation was estimated to examine the presence of statistically significant additive effects for race and age at intake, followed by a series of models estimating two-way interactions between race and age. The analysis was repeated for judicial disposition. The odds ratio was used to compare and assess the magnitude of the effects.⁷

Results

Intake Decision Making

The logistic regression results from the estimation of the additive models representing intake decision making are presented in Table 2. The discussion will focus on the individual effects of race and age on the dependent variable.

Both race and age, for the most part, are significant determinants of intake decision making once relevant legal and extralegal factors are considered. When compared with court referral, relative to Whites, African American youth have decreased odds of receiving diversion of .45 (column 2). When decision making involves diversion relative to release, a similar inverse effect is evident (column 3, odds = .53). Being older decreased the odds of being released by .84 and receiving diversion by .78 when compared with the decision of court referral. Older youth are also less likely to be involved in diversion when compared with being released (column 3, odds = .93).

The findings that African American youth are more likely to receive both the more severe outcome of court referral and lenient outcome of release

Table 2
Multinomial Logistic Regression Results for Intake Decision Making—Full Additive Models

Variable	Court Referral Compared to		Release Compared with
	Release (1)	Diversion (2)	Diversion (3)
Race	-.17 (.85)	-.79** (.45)	-.64** (.53)
Age	-.17** (.84)	-.24** (.78)	-.07** (.93)
Controls			
Family structure	-.12 (.89)	-.32** (.73)	-.20* (.82)
Attending school but problems	-.51** (.60)	-.11 (.90)	.41** (1.50)
Dropout	-.59** (.56)	-.53** (.59)	.06 (1.06)
Number of prior referrals	-.09** (.92)	-.28** (.76)	-.19** (.83)
Court authority	-.89** (.41)	-.46** (.29)	-.34** (.71)
Number of charges	-.83** (.43)	-.46** (.63)	.38** (1.46)
Crime severity	-1.81** (.16)	-1.62** (.20)	.18 (1.20)
Property	-.16 (.85)	.93** (2.52)	1.05** (2.87)
Person	-.54** (.59)	.33* (1.39)	.84** (2.32)
Drugs	.07 (1.07)	.60** (1.83)	.54** (1.71)
-2 log likelihood		5201.567	5201.567
N =		4,182	4,182

Note: Numbers for variables represent regression coefficient, odds ratio ().

* $p < .05$. ** $p < .01$.

rather than participate in diversion are consistent with past studies (Bell & Lang, 1985; Leiber, 1994; Leiber, Johnson, Fox, & Lacks, 2007), as are the effects of being older on intake decision making (Champion, 2001). These results also confirm the first two hypotheses guiding the research.

Recall that interpretations of the symbolic threat thesis and results from past research in the criminal justice system suggest that race and age may jointly act to influence decision making. More specifically, young African American delinquents/criminals are often perceived and stereotyped by decision makers as “dangerous” and “threatening” and in need of greater social control than are Whites. Thus, our third hypothesis was predicated on the assumption that younger Whites would receive more-lenient intake outcomes than would African Americans. For clarity and ease of presentation, only the results involving the combination relationships between race and age are presented and detailed in Table 3.⁸ The results represent the *race coefficient* for each age classification.

Table 3
Multinomial Logistic Regression Results for Intake Decision Making
Differentiated by Age and Race

Variable	Court Referral Compared to		Release
	Release (1)	Diversion (2)	Compared to Diversion (3)
Preteen	.46 (1.59)	-.14 (.87)	-.60* (.55)
Early teen	.15 (1.16)	-.87** (.42)	-1.02** (.36)
Midteen	-.59** (.55)	-1.08** (.34)	-.49** (.61)
Late teen	.04 (1.01)	-.43** (.65)	-.48** (.62)

Note: Numbers for variables represent race coefficient, odds ratio (). All models included extralegal and legal factors as controls.

* $p < .05$. ** $p < .01$.

As can be seen in Table 3 and as predicted by our third hypothesis, the findings indicate that race and age jointly temper intake decision making. Compared with the decision of court referral and similarly aged Whites, being African American and age 15 or 16 (midteen) decreased the likelihood of release by the odds of .45 (column 1). Similarly, other than the preteen group (age 12 and younger), being African American in combination with the remaining age groups decreased the likelihood of diversion compared with the decision of court referral (column 2). Relative to similarly aged Whites, the odds of this occurring for African Americans classified as early teen (age 13 or 14) are .58; for the midteen (age 15 or 16) African American, the odds are .66, and for the late teen (age 17 or 18) African American, the odds are .35. Therefore, when intake involves the decision to divert or to make a court referral, age may matter for Whites, whereas for African Americans it is less influential. A similar conclusion can be arrived at when the decision to divert is compared with the decision of release (column 3).

On the basis of these findings, we would conclude that the age discount provided to youth at intake (Table 2) is race specific (applies more to Whites than to Blacks). Thus, support is provided for our third hypothesis.

Judicial Disposition Decision Making

Table 4 presents the logistic regression results for the main additive effects of race and age as well as the other independent variables with judicial disposition. Only the individual effects of race and age on the dependent variable will be discussed.

Table 4
Logistic Regression Results for Judicial Disposition Decision Making—Full Additive Models

Variable	Community Versus Placement/Waiver
Race	-.37** (.69)
Age	.44** (1.54)
Controls	
Family structure	.30* (1.35)
Attending school but problems	-.13 (.88)
Dropout	.71** (2.03)
Number of prior referrals	.17** (1.19)
Court authority	-.17 (.85)
Number of charges	.07 (1.07)
Crime severity	.31* (1.37)
Property	.02 (1.02)
Person	.60* (1.82)
Drugs	.44 (1.55)
-2 log likelihood	1201.521
<i>N</i>	1,031

Note: Numbers for variables represent regression coefficient, odds ratio ().

* $p < .05$. ** $p < .01$.

A look at the findings reveals partial support for the first hypothesis that African Americans would receive the more severe disposition relative to similar Whites.

Although race is a statistically significant determinant of decision making at judicial disposition, the effect is unexpectedly inverse rather than positive. That is, African American youth were more likely to receive the more lenient outcome of community-based corrections than were White youth (odds = .69). As anticipated, being older increased the likelihood of receiving the more severe disposition of out-of-home placement by 54%. Thus, nonsupport is provided for the first hypothesis, although our second hypothesis is once again confirmed.

In Table 5, the findings from the combination relationships between race and age with judicial disposition decision making are provided. Unlike at intake, an examination of the interaction effects with the dependent variable indicates no evidence of any statistically significant relationships between race/age and judicial disposition decision making. Therefore, the effects of race and age on decision making at this stage are not tempered by one another. Nonsupport is provided for our third hypothesis.

Table 5
Logistic Regression Results for Judicial Disposition Decision
Making Differentiated by Age and Race

Variable	Community Versus Placement/Waiver
Preteen (<i>n</i> = 16)	—
Early teen (<i>n</i> = 104)	-.02 (.98)
Midteen (<i>n</i> = 399)	-.26 (.77)
Late teen (<i>n</i> = 511)	-.27 (.76)

Note: Numbers for variables represent race coefficient, odds ratio (). All models included extralegal and legal factors as controls.

— too few cases, unreliable model.

Summary and Discussion

The benevolent underpinnings of the juvenile court, whereby age is viewed as a justifiable criterion in the decision-making process, have often resulted in decision makers' perceiving and responding differently to younger youth than to older youth (e.g., Feld, 1999). Justification for this perception of and response to younger youth rests on such things as immaturity, lack of experience, and the inability to resist peer pressure, which augment beliefs that the younger the youth, the less culpable and the greater the possibility for rehabilitation (Champion, 2001). Relying on interpretations of the symbolic threat thesis (Tittle & Curran, 1988) and prior research in both the juvenile justice system (DeJong & Jackson, 1998) and the criminal justice system (Steffensmeier et al., 1998), we anticipated that being African American and the associated stereotype as dangerous and threatening would negate any impact age would have on the decision-making process. Conversely, a youth's age would have a tempering relationship on decision making for Whites. Mixed support was provided for the hypotheses guiding the study.

As expected, individually and in combination, race and age affected intake decision making. African American youth and older youth were more likely to be referred at intake than were their White and younger counterparts. In addition, the age discount applied more to Whites than to African Americans. This race/age relationship was true as well for the decision to release versus mandate participation in intake diversion. African Americans were less likely to participate in diversion than similarly situated Whites, irrespective of age. Older youth were discovered to have a greater chance of receiving a more severe judicial disposition, defined as

out-of-home placement. Contrary to expectations, however, Whites, rather than African Americans, received this outcome instead of the more lenient disposition of community-based corrections. Also, no evidence was found that race and age jointly affected decision making at judicial disposition.

Although the findings that race, age, and the interaction of the two influence intake decision making is in line with our interpretations of the symbolic threat thesis, with the emphasis on racial stereotyping, and with prior research in the juvenile justice system, decision makers may not actually be threatened by African American youth. It could be that decision makers are just simply doing their job; that is, the court is acting in accordance with the concept of *parens patriae* and responding in a slightly protective and benevolent way to meet the needs of African American youth (e.g., Bishop & Frazier, 1996; Bridges et al., 1995). Although this may be a valid interpretation and further research may be needed to improve our understanding of the findings, there is no denying that age has a conditional relationship with race and intake decision making that raises questions concerning fairness and equitable treatment.

Research has begun to show that justifiable criteria, such as assessments about the family and detention status, may appear to be objective but in reality are often racially tainted and work to the disadvantage of African Americans more so than of Whites (e.g., Leiber & Fox, 2005; Pope & Feyerherm, 1993). The *parens patriae* approach that underlies the juvenile court necessitates that age be considered in arriving at decisions as to how to proceed with youth. This consideration, however, has to extend to both Whites and African Americans. Further research is needed that examines in greater detail what it is about being African American or White and why age considerations are or are not taken into account.

The race-age relationships also affected intake decisions involving the decision to release youth relative to requiring participation in diversion. Whereas being younger increased the likelihood of involvement in diversion, age had little bearing on the likelihood of African Americans' participating in intake diversion. In fact, African Americans and older youth were more likely to be released, as opposed to diverted, than were similarly situated Whites and younger youth. Unfortunately, these findings, especially for African Americans, have been discovered to exist consistently in both prior research (e.g., Bishop, 2005) and statistics nationwide (e.g., Sickmund, 2004). Once again, there are varying explanations for this occurrence.

One explanation rests with the symbolic threat thesis and the argument that African Americans, as well as older youth, are perceived by decision makers as threatening and unsuitable for rehabilitation. Accordingly,

decision makers either refer African Americans or older youth for further court proceedings to retain social control or simply release them. Past research has shown through follow-up interviews with decision makers that intake diversion is generally reserved for White youth because White youth are perceived as more cooperative and better candidates for involvement in rehabilitative services, especially when limited resources are available for these programs and a reduction in recidivism is required as an indicator of program success (e.g., Leiber, 2003). A similar contention has been found to explain the effects of age on intake proceedings (e.g., Champion, 2001).

An alternative explanation, not necessarily in opposition to the symbolic threat thesis, is that African American youth and older youth are more likely to be released at intake because juvenile court personnel are faced with cases in which evidence may be lacking and there is no need to do anything but release the youth. According to this position, intake decision makers are correcting for early decisions, most often by the police, that, for example, involved referring African Americans to intake who should not have been referred (e.g., Bishop, 2005; Miller, 1996). Other explanations for African American youth and older youth not participating in diversion as often as do similarly situated White youth are related to assessments on the part of decision makers that youth and their family may not abide by the conditions for participation in the rehabilitative programs and issues surrounding access to phones and transportation (Bishop & Frazier, 1996; Champion, 2001).

The task for future research is to use quantitative analyses and qualitative methods to tease out which one of these explanations, as well as others, provides us with a better understanding of the reason African American youth and older youth are less likely than their White and younger counterparts to participate in intake diversion. Qualitative analyses should also cast more light on why African Americans and older youth receive both harsh and lenient intake outcomes.

Furthermore, the use of qualitative techniques may give us a greater understanding of the discrepancy in the results from intake compared with those at judicial disposition. Recall that Whites and older youth were responded to more severely than were African American and younger youth. Race and age also did not jointly influence disposition outcomes. This inconsistency in the effects of race and age and the combination of the two on decision making, although not completely supportive of the hypotheses guiding the study, are consistent with prior research that has examined decision making at multiple stages in juvenile court proceedings (Engen et al., 2002; Pope & Feyerherm, 1993). The finding of race and age effects at both

intake and judicial disposition, although not in the expected direction, further highlights two of the stages in juvenile court proceedings at which discretion, rather than legal criteria, is most influential and reliance on stereotypes is most prevalent (Bishop, 2005).

Missing from the above discussion is the reason African American youth were more likely to receive the more lenient outcome of community-based corrections than the more severe outcome of an out-of-home placement. Although this possibility is speculative, judges could be correcting for errors in prior decision making and offsetting previous injustices (e.g., Dannefer and Schutt, 1982). Or, these decision-making patterns could reflect the awareness of judges of the disproportionate overrepresentation of African Americans in general in the juvenile justice system and are simply an attempt to reduce their presence there. Whether one finds greater severity or leniency, differential outcomes by race once legal and extralegal factors are considered still represent a bias. The task for future research is to conduct more direct tests through interviews and/or observational research to reveal why this may be occurring.

Despite the need for more research in this area, this study examined the neglected relationships that might exist between race and age and decision making at intake and judicial disposition. A youth discount appears to exist, and at least at intake, this discount, in the form of the dispensing of leniency, is race specific.

Notes

1. Although males are arrested and referred to juvenile court more often than are females and although this pattern has remained fairly constant over time, larger increases have been reported in both instances (arrests and court referral) most recently for females (Snyder, 2005). Between 1994 and 2002, for example, arrests for juvenile females increased more than male arrests did in most offense categories (Snyder, 2005). Despite this occurrence, the decision to restrict the analysis to males rests on both theory and prior research. The symbolic threat thesis and the emphasis on racial stereotyping, for example, have primarily focused on the perceptions of decision makers and the general public concerning the African American male (e.g., Feld, 1999; Steffensmeier et al., 1998; cf. Steen, Engen, & Gainey, 2005).

2. It is important to note that although arrests for juvenile crime, especially serious crime, rose in the 1980s and into the mid-1990s, juveniles were and continue to be overrepresented relative to their population for some crimes and not others, and most crime committed is non-serious (Bishop, 2006; Snyder, 2005; Triplett, 2000; Zimring, 1998). Minority youth and African Americans in particular are also disproportionately arrested (Snyder, 1990, 2005). Delinquency, especially serious delinquency, and arrest rates were also reported to be most prevalent among young males, especially among African Americans (Snyder, 2005). When results from self-report surveys are examined, the issue of differential offending by African Americans is inconclusive (Hawkins, Laub, Lauritsen, & Cothorn, 1998; Hindelang, Hirschi, & Weis, 1981; Huizinga & Elliot, 1987).

3. The growing presence of minority youth and, in particular, African American youth in juvenile corrections was part of the basis for Congress's 1988 incorporation of the Disproportionate Minority Confinement (DMC) mandate in the reauthorization of the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974. The JJDP Act was modified in 2002 to change the emphasis to "disproportionate minority contact," requiring an examination of possible disproportionate representation of minority youth at all decision points in the juvenile justice system (Leiber, 2002; Nellis, 2005).

4. Roughly 32% of the youth in the Boys State Training School are minority, with 20% of those African American. Minority youth comprise 5% of the total population of Iowa and up to 10% or more in some cities (U.S. Census Bureau, 2000). For adults, at least 1 in 12 African American Iowans is in prison, on parole, or on probation, whereas the ratio for Whites is 1 in 110. The incarceration rate for African Americans not only parallels the incarceration rate nationwide but tops the national average ("Generation in Prison," 2000). Furthermore, in the county under study, previous research has shown that minority adult felons were more likely to be sentenced to prison than they were in most other counties and for drug offenses nearly twice as often as the state average (Eby, 2001).

5. Data did not include the type of drug offense that youth were referred to court for. This is a critical omission because findings from past research point to the importance of this distinction (e.g., Peterson & Hagan, 1984; Steen et al., 2005).

6. The intake variable may be viewed as rank ordered. Ordered logistic regression was attempted, but because the results indicated a violation of the proportional odds assumption, multinomial logistic regression was used (Long, 1997). Multinomial logistic regression is an appropriate technique when the dependent variable, intake, has unordered response categories, as indicated by the violation of the proportional odds assumption, and therefore requires an estimate of multiple equations (Long, 1997).

7. The process of excluding youth in a systematic manner at various stages may create a more homogeneous population as they move from one point in the proceedings (adjudication) to the next (judicial disposition). This occurrence may result in sample selection bias (Berk, 1983). Although methods are available to correct for this possibility (Heckman, 1974), Stolenzberg and Relles (1990, pp. 408, 413) have indicated that such techniques may cause additional problems, one of them being multicollinearity (Bushway, Johnson, & Slocum, 2007). In this study initial runs with a hazard rate, a means to correct for possible selection bias, revealed significant problems with multicollinearity. Thus, control for selection bias was not included in the models.

8. Each of the models included the extralegal and legal variables listed in Table 1. Legal factors, such as crime severity and prior referral, were often statistically significant and the strongest predictors of decision making. The full model results can be obtained by contacting the lead author.

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