EXTRALEGAL DETERMINANTS OF JUVENILE ARRESTS

DISSERTATION

Presented in Partial Fulfillment of the Requirements for

The Degree Doctor of Philosophy in the

Graduate School of the Ohio State University

By

Michael A. Tapia, M.A.

*****

The Ohio State University

2008

Dissertation Committee

Professor Paul E. Bellair, Adviser

Professor Richard Lundman

Professor Ruth D. Peterson

Approved by

_______________________

Adviser

Graduate Program in Sociology
This study uses a synthesis of conflict and labeling theory to reexamine the often-observed link between race and arrest. Where past research has not adequately explored the specific nature of this relationship, I show how it is conditioned by social class and gang membership. Using longitudinal data on a representative sample of U.S. teens, various direct and indirect effects of these test items on arrest frequency are detected with Poisson and Negative Binomial regression. In support of main effects labeling hypotheses, I find that race-ethnic minority status, low SES, and gang membership increase the risk of arrest, controlling for demographic and legal items. Interaction effects are modeled with the probing of simple slopes for race groups for a clearer depiction of the nature and form of the various relationships.

Consistent with research on “out of place” effects for minority youth in high-SES contexts, and counter to expectations, interactions show that racial minority status increases arrests for high-SES youth relative to low-SES youth. Reminiscent of research on the “Latino Paradox”, the effect of race-ethnicity on arrest at low-income levels exerts a slight protective feature for Hispanics, opposite of the effect for blacks. Race by Gang interactions were robust for both groups, with slightly stronger effects for black youth, again underscoring the importance of running tests for minority groups separately. This approach to theory testing corresponds to a recently stated objective of the ongoing
federal initiative on Disproportionate Minority Contact (DMC) with the juvenile justice system. Recommendations for future research include examining a broader range of delinquent offenses and exploring interactions between extralegal and legal variables.
ACKNOWLEDGMENTS

Patricia Harris deserves special mention for providing me with superb mentorship in many areas of academic life. Thank you Patti, for selflessly sharing your research expertise and for being supportive, even when I didn’t wanna listen. Ruben Martinez was also instrumental in helping to steer this “vato’s” unorthodox path onto a meaningful academic track. Thanks to Jesse Zapata (a.k.a. “El Dean”), who made it all happen in the end. My family has been extremely supportive of my efforts, especially my wife, Raquel, who has patiently accompanied me on every step of this journey. I dedicate this work to you and little Pily. Finally, I owe a debt of gratitude to my academic mentors at Ohio State Sociology. To my chair, Paul Bellair, you were a great adviser who directed this research with a firm hand and taught me a lot in the process. I enjoyed and benefited from all our great discussions on youth, gangs, cops, and regression. To Ruth Peterson, thanks for never giving up on me and for helping to develop this not-so-young scholar over the years. Having Rick Lundman, the renowned juvenile justice scholar on my committee was an honor and a delight, thanks for all your insight and support. Thanks also to Rich Harris and Bob Kaufman, who never declined to offer logistical and statistical advice when called upon for help. The combined influence of this substantial grouping of people, along with many other faculty, friends, and family who are not
mentioned here (you know who you are) is reminiscent of one wise woman’s observation that “it takes a village.” It was especially true in my case.
VITA

January 1974 .................................................................Born, El Paso, Texas
June 1992.................................................................Graduate, Ysleta High School
May 1996.........................BA Political Science, St. Mary’s University, San Antonio
August 2001.........................MA Sociology, University of Texas, San Antonio

PUBLICATIONS


FIELDS OF STUDY

Major Field: Sociology
Concentration: Criminology
Juvenile Justice
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abstract</td>
<td>ii</td>
</tr>
<tr>
<td>Acknowledgments</td>
<td>iv</td>
</tr>
<tr>
<td>Vita</td>
<td>vi</td>
</tr>
<tr>
<td>List of Tables</td>
<td>xiii</td>
</tr>
<tr>
<td>List of Figures</td>
<td>xiv</td>
</tr>
<tr>
<td>List of Appendices</td>
<td>xv</td>
</tr>
<tr>
<td><strong>Chapters</strong></td>
<td></td>
</tr>
<tr>
<td><strong>CHAPTER 1: INTRODUCTION AND THEORETICAL BACKGROUND</strong></td>
<td></td>
</tr>
<tr>
<td>Labeling and Conflict</td>
<td>3</td>
</tr>
<tr>
<td>Conflict-Based Components of Labeling</td>
<td>5</td>
</tr>
<tr>
<td><em>Racial and Ethnic Minorities</em></td>
<td>5</td>
</tr>
<tr>
<td><em>Social Class</em></td>
<td>6</td>
</tr>
<tr>
<td>Labeling and Symbolic Interactionism</td>
<td>8</td>
</tr>
<tr>
<td>Labeling Propositions and Gang Membership</td>
<td>9</td>
</tr>
<tr>
<td><em>Gang Membership as a Deviant Status</em></td>
<td>11</td>
</tr>
<tr>
<td><em>Interaction Effects</em></td>
<td>13</td>
</tr>
<tr>
<td>Summary and Remaining Chapters</td>
<td>14</td>
</tr>
</tbody>
</table>
# CHAPTER 2: ISSUES AND CONCEPTS IN ARREST RESEARCH

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Three Main Approaches to Studying Juvenile Arrest</td>
<td>16</td>
</tr>
<tr>
<td><em>Official Records</em></td>
<td>16</td>
</tr>
<tr>
<td><em>Police Contacts</em></td>
<td>17</td>
</tr>
<tr>
<td><em>Survey Data</em></td>
<td>19</td>
</tr>
<tr>
<td>Correlates of Juvenile Arrest</td>
<td>21</td>
</tr>
<tr>
<td>Race and Arrest</td>
<td>23</td>
</tr>
<tr>
<td><em>Race and Delinquency</em></td>
<td>23</td>
</tr>
<tr>
<td>Hispanic Ethnicity</td>
<td>25</td>
</tr>
<tr>
<td>Socio-Economic Status (SES)</td>
<td>27</td>
</tr>
<tr>
<td><em>SES Measurements</em></td>
<td>28</td>
</tr>
<tr>
<td><em>SES and Arrest</em></td>
<td>29</td>
</tr>
<tr>
<td>Legal Variables</td>
<td>30</td>
</tr>
<tr>
<td><em>Crime Severity</em></td>
<td>30</td>
</tr>
<tr>
<td><em>Offense Severity in Survey Data</em></td>
<td>31</td>
</tr>
<tr>
<td><em>Prevalence and Incidence</em></td>
<td>32</td>
</tr>
<tr>
<td><em>Criminal History</em></td>
<td>34</td>
</tr>
<tr>
<td>Demographic Items</td>
<td>37</td>
</tr>
</tbody>
</table>
### CHAPTER 3: GANGS AND JUVENILE ARREST

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delinquent Subculture</td>
<td>42</td>
</tr>
<tr>
<td>The Elusive Gang Definition</td>
<td>44</td>
</tr>
<tr>
<td>Gangs and Delinquency</td>
<td>45</td>
</tr>
<tr>
<td>Gangs and Arrest</td>
<td>46</td>
</tr>
<tr>
<td>A Gang-Delinquency Caveat</td>
<td>48</td>
</tr>
<tr>
<td>Summary</td>
<td>50</td>
</tr>
</tbody>
</table>

### CHAPTER 4: HYPOTHESES, DATA, AND METHODS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>52</td>
</tr>
<tr>
<td>Hypotheses</td>
<td>53</td>
</tr>
<tr>
<td>Race and SES</td>
<td>53</td>
</tr>
<tr>
<td>Race x SES</td>
<td>54</td>
</tr>
<tr>
<td>Gang Membership</td>
<td>55</td>
</tr>
<tr>
<td>Race x Gang Membership</td>
<td>56</td>
</tr>
</tbody>
</table>
CHAPTER 5: TESTING THE RACE-ETHNIC LABELING HYPOTHESIS

Page

Introduction............................................................................................................70
Labeling and Arrest................................................................................................70
Focus on Race & Ethnicity ....................................................................................76
Multivariate Modeling of the Race Effect .............................................................78
Discussion ..............................................................................................................90
### CHAPTER 6: SES AND THE RACE-ARREST RELATIONSHIP

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>92</td>
</tr>
<tr>
<td>SES Model 1: Interviewer Rated SES</td>
<td>93</td>
</tr>
<tr>
<td>SES Model 2: Income as SES</td>
<td>96</td>
</tr>
<tr>
<td>SES Model 3: Logged Income as SES</td>
<td>99</td>
</tr>
<tr>
<td>SES Models Summary</td>
<td>101</td>
</tr>
<tr>
<td>Probing the Race x SES Interaction</td>
<td>101</td>
</tr>
<tr>
<td>(i) Race Model</td>
<td>102</td>
</tr>
<tr>
<td>(ii) Race and Income</td>
<td>104</td>
</tr>
<tr>
<td>(iii) Race, Income, their Interaction, and Controls</td>
<td>105</td>
</tr>
<tr>
<td>Race as Moderator</td>
<td>107</td>
</tr>
<tr>
<td>Summary</td>
<td>109</td>
</tr>
</tbody>
</table>

### CHAPTER 7: SPECIFYING THE RACE-ARREST LINK: THE ROLE OF GANG MEMBERSHIP

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>111</td>
</tr>
<tr>
<td>Gang Model</td>
<td>112</td>
</tr>
<tr>
<td>Probing the Race x Gang Interaction</td>
<td>116</td>
</tr>
</tbody>
</table>


CHAPTER 8: DISCUSSION OF FINDINGS

Introduction........................................................................................................126
Discussion of Findings......................................................................................127

The Race-Ethnic Labeling Hypothesis .........................................................127
Hispanic Youth ............................................................................................128
SES ...............................................................................................................129
Gang Membership .......................................................................................130
Race x SES ..................................................................................................132

The Gang Member of Color Hypothesis .......................................................133
Legal Items ...................................................................................................137
Criminal History ..........................................................................................138
Demographic Controls ...............................................................................140
Limitations and Conclusions .......................................................................141
Appendices ....................................................................................................144

Appendix A ...................................................................................................144
Appendix B ...................................................................................................145
Appendix C ..............................................................................................146

Bibliography ........................................................................................................147
LIST OF TABLES

Tables:  

5.1. Delinquency Status by Arrested Status in the NLSY97, Waves 1-4 ..........72
5.2. Characteristics of Potential Labeling Victims, NLSY97, Waves 1-4 ..........75
5.3. Sample Characteristics by Race ...............................................................78
5.4. Arrest by Interviewer-Rated SES and Race ............................................79
5.5. Arrest by Race and Gang Membership ..................................................80
5.6. Model 1: Number of Arrests on Race and Controls .................................82
6.1. Arrests on Race, Rated SES, and Interactions  .........................................95
6.2. Arrests on Race, Income, and Interactions .............................................98
6.3. Arrests on Race, Logged Income, and Interactions ..................................100
7.1. Arrests on Race, Gang Membership, and Interactions ............................114
A.1. General Delinquency Index .................................................................144
B.1. Delinquent and Full Sample Comparisons ............................................145
C.1. Delinquency by Gang Member Status ..................................................146
C.2. 4-year Delinquency Score by Gang Member Status ...............................146
# LIST OF FIGURES

<table>
<thead>
<tr>
<th>Figure</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1. General Arrest Trend</td>
<td>61</td>
</tr>
<tr>
<td>4.2. Trend Among Arrested Population</td>
<td>62</td>
</tr>
<tr>
<td>6.1. Arrests by Race with Controls</td>
<td>103</td>
</tr>
<tr>
<td>6.2. Arrests by Race and Income, With Controls</td>
<td>104</td>
</tr>
<tr>
<td>6.3. Arrests by Race x Income, With Controls</td>
<td>106</td>
</tr>
<tr>
<td>6.4. Arrests by Income, Moderated by Race</td>
<td>108</td>
</tr>
<tr>
<td>6.5. Arrests by Income, Moderated by Ethnicity</td>
<td>109</td>
</tr>
<tr>
<td>7.1. Arrests on Race by Gang Membership Status</td>
<td>116</td>
</tr>
<tr>
<td>7.2. Arrests by Race Dichotomy, Moderated by Gang Status</td>
<td>117</td>
</tr>
<tr>
<td>7.3. Arrests by Gang Membership, Moderated by Race</td>
<td>118</td>
</tr>
<tr>
<td>7.4. Arrests by Ethnicity, Moderated by Gang Status</td>
<td>118</td>
</tr>
<tr>
<td>7.5. Arrests by Gang Status, Moderated by Ethnicity</td>
<td>120</td>
</tr>
<tr>
<td>7.6. Arrests by Race by Gang Membership Status (Poisson)</td>
<td>121</td>
</tr>
<tr>
<td>7.7. Arrests by Race Dichotomy, Moderated by Gang Status (Poisson)</td>
<td>122</td>
</tr>
<tr>
<td>7.8. Arrests by Gang Status, Moderated by Race (Poisson)</td>
<td>122</td>
</tr>
<tr>
<td>7.9. Arrests by Ethnicity, Moderated by Gang Status (Poisson)</td>
<td>123</td>
</tr>
<tr>
<td>7.10. Arrests by Gang Status, Moderated by Ethnicity (Poisson)</td>
<td>124</td>
</tr>
</tbody>
</table>
LIST OF APPENDICES

Appendix A: General Delinquency Index, 12-month Incidence .........................144
Appendix B: Delinquent and Full Sample Comparisons .....................................145
Appendix C: Delinquency by Gang Member Status............................................146

BIBLIOGRAPHY ................................................................................................147
CHAPTER 1

INTRODUCTION AND THEORETICAL BACKGROUND

The role played by extralegal factors in justice system responses to delinquency has long interested crime researchers (Bernberg et al. 2006; Black and Reiss 1970; Brownfield et al. 2001; Chambliss 1973; Curry 2000; Erickson 1971; Gove 1975; Hindelang et al. 1981; Hirschfield et al. 2006; Huizinga and Elliott 1987; Ludwig et al. 2001; Lundman et al. 1978; Paternoster and Iovanni 1989; Piliavin and Briar 1964; Sampson 1986; Terry 1967). Yet, there is little recent research on the effect of extralegal variables on the decision to arrest\(^1\), the mechanism that selects youth for advanced system processing. In fact, since Sampson’s (1986) well-noted investigation of the effects of extralegal variables on juvenile justice decisionmaking, only five studies in the published delinquency literature have used individual-level arrest of juveniles as a main outcome variable (Brownfield et al. 2001; Curry 2000; Farrington et al. 2007; Hirschfield et al. 2006; Sealock and Simpson 1998).

Prior research has not adequately explored the arrest risk presented by racial minority status. Because there is a need to specify the conditions under which it is a salient arrest predictor, the role of race in arrest dynamics is examined here in the context of poverty and gang membership. Additionally, few studies have examined juvenile

\(^1\) Arrest is akin to the term “take into custody” in the juvenile justice system. For brevity, the term “arrest” is used in this research.
arrest risk longitudinally, failing to note the effects of changing life circumstances of youth on their chances of arrest. Using the National Longitudinal Survey of Youth 1997 to extend the research into these areas, this work provides a more ample and rigorous test of the notion that extralegal status variables, and racial minority status in particular, will significantly increase the risk of arrest than is found in the current literature.

There are essentially two competing theoretical perspectives on the determinants of arrest. On the one hand is a rational-legal premise that the best predictors are purely legal factors. In this view, the patrol officers’ primary modality is more reactive than proactive (Black and Reiss 1970; Lundman et al. 1978; Wilbanks 1987). Thus, only such legal factors as the youth’s frequency of offending, the severity of their crime(s), and their official criminal history should have a bearing on arrest. By this account, social groups with higher arrest rates are simply more delinquent and commit more serious crimes than other groups (Hindelang et al. 1979; Thornberry et al. 2003; Wilbanks 1987).

Countering this argument is an extra-legal perspective, articulated in the traditions of conflict and labeling theory over the past several decades (Brownfield et al. 2001; Chambliss 1973; Curry 2000; Lemert 1951; Quinney 1970; 1974; Stinchcombe 1963; Turk 1969). It asserts that police routinely target the poor and minority groups in their patrol practices. The result is that certain groups have a higher risk for arrest, regardless of their levels of delinquent behavior. Consequently, the filtering of cases into the criminal justice system is a biased process that unduly labels poor, minority communities
and their subcultures as delinquent. This dissertation evaluates the utility of these competing perspectives in explaining the arrest of juveniles.

This first chapter introduces the conflict-based components of labeling theory as the main theoretical framework in the research. This strand of labeling theory is used to highlight the role of race, ethnicity, social class, and gang membership in predicting juvenile arrest. A final section provides an overview of chapters 2 through 8.

**Labeling and Conflict**

Labeling and conflict theories are closely aligned. Labeling is regarded as a sub-theory of the broader conflict perspective (Paternoster and Iovanni 1989), which is concerned primarily with measures taken by powerful groups to maintain their dominant status in society (Quinney 1974; Bell and Lang 1985). Genuine labeling theory is more focused on the disfranchising of certain groups from power. This is accomplished through the construction of deviant labels resulting from societal reactions to characteristics like race, class, behavior, or forms of personal expression. Nonetheless, labeling and conflict theories share more similarities than differences. They both explain modern definitions of crime and social control in terms of class and power relations. In both perspectives, the ruling class establishes values, norms, and acceptable forms of behavior through its control of society’s dominant institutions (Goode 1975). This process also defines what is deviant, undesirable, unacceptable, and in effect, *criminal* behavior in a given historical era (Paternoster and Iovanni 1989). Certain behaviors of
the poor, powerless, and marginalized segments of society are thus more likely to be
criminalized than those of the mainstream or conventional segments. Quinney (1970;
1974) has even suggested the ruling system creates the slum conditions it deems criminal.

Tannenbaum (1938) provided a foundation for conflict and labeling in *Crime and
the Community* where he wrote about criminal behavior as a normal outcome that is
enmeshed with many facets of life. Conflicts of interest between diverse social groups in
a rapidly changing industrial era resulted in the labeling of those with less influence as
“evil” and “criminal”. For example, the outlawing of once legal behaviors such as
alcohol consumption, prostitution, vagrancy, or loitering on street corners, served to
regulate conduct norms in a society growing in complexity and specialization
(Tannenbaum 1938: 31). Sellin (1938), too wrote of conduct norms as a set of cultural
rules for comportment that were ultimately enforced by the government. In complex
societies some rules are not well-defined, leading to pluralistic competition for social and
cultural dominance. Those groups with the most power, i.e. the moral and numerical
majority, create laws to protect their interests.

This power arrangement places many members of the lower class, of communities
of color, and unconventional or marginalized segments of society into frequent contact
with the agents of law enforcement. Because certain elements of poverty and many
forms of deviance in the lower class have a public manifestation that is unsightly to the
mainstream, formal control mechanisms attempt to minimize them (Rosenthal 2000).
Police patrol is said to be targeted on their activities and expressions of unconformity. Economic innovations that are more common in lower class communities must operate in the “underground” or illegitimate market because such street-level transactions involving the sex or drug trade have been condemned by the moral majority. Whether motivated by economics, cultural or subcultural norms, idiosyncrasies of personality, or mental illness, such forms of deviance are not well understood and are often feared by the public. As a result, they are vilified by the dominant societal norm and formally criminalized in the legal code. In short, the hegemonic establishment criminalizes difference, especially when it exists in the context of economic poverty.

**Conflict-Based Components of Labeling**

*Racial and Ethnic Minorities*

The role of race in the rubric of conflict and labeling appears in several analytical frameworks. On a macro level, use of the threat hypothesis has been one way to model repressive, formal social control of minority groups. On the micro-level, racial profiling and ecological contamination serve as new paradigms for thinking about police-minority group relations. In social-psychology, race-ethnic minority status is often regarded as a form of stigma (Goffman 1963; Levin and van Laar 2006), as an indicator of “subculture” (Fischer 1995), and as carrying the connotation or *label* of criminality (Mann and Zatz 1995; Martinez 2002; Russell 1998; Walker et al. 2003).
The profiling paradigm is certainly relevant to the current framework. To the extent that racial profiling deals with the targeting of minorities or minority communities by police while on routine patrol, it is useful. However, race effects on arrest may be also be more subtle than outright profiling. It is important to consider typical patrol duties and how police come into contact with the public to fully assess the nature of police-juvenile relations.

The duties of patrol are less law-enforcement oriented than they are in providing general assistance. Arrests or citations represent only 9 to 14 percent of all contacts with the public (Bayley and Mendelsohn 1969; Reisig et al. 2004; Smith 1986). Studies of field contacts with juveniles note that most of what comes to the attention of police is citizen-initiated and not police-initiated (Black and Reiss 1970; Lundman et al. 1978). The range of options police have in deciding how to deal with juvenile suspects is generally referred to as police “disposition.” Given the substantial discretion police have in their dealings with juveniles (detailed in Chapters 2 and 4), it is best to conceptualize the effects of minority group membership on arrest as resting with police disposition in addition to blatant profiling.

Race is also linked to the concept of ecological contamination. Patrol officers cognitively organize the areas they patrol along the lines of race and class, and most share the belief that minority neighborhoods are generally more crime-prone (Kline 1997; Meehan and Ponder 2002; Smith 1986; Werthman and Piliavin 1967). Police bias is thus
central to this labeling perspective, as it is potentially linked to overpatrol of minority areas or differential treatment of minority subjects.

**Social Class**

A practical set of propositions describes the role of social class in the conflict and labeling perspective. A key feature of poverty is substandard housing in the form of dilapidation, a lack of private space, and on the extreme end, homelessness, pushing subjects in those conditions out into the public sphere more often than middle class subjects. Tannenbaum (1938) discusses how crowding in the homes of lower class youth drives them to the street where they are differentially exposed to illegal economic and deviant cultural practices. Moreover, the chaos of the street is conducive to the preferred social settings of youth, who are normally more attracted to environments with action and excitement. Stinchcombe (1963) made a similar set of points, equating the lack of dwelling space to the lack of personal space and privacy. Although deviant or criminal behavior is thought to be normally distributed in the population, illicit activities in lower class settings disproportionately occur in public places. Since regulation of public spaces is one of the central responsibilities of patrol police (Klinger 1997; Stinchcombe 1963; Werthman and Pilliavin 1967), this arrangement increases the processing of lower class subjects through the justice system. Moreover, the detection of deviant, undesirable, or illegal practices are subject to less legal scrutiny by due process standards, resulting in
easier targets for arrest than those taking place behind closed doors on private property (Rosenthal 2000).

Ecological contamination also pertains to the role of socioeconomic status (SES) in arrest. As with race, persons in poor areas have a higher chance for arrest because patrols are more concentrated there and because class-based profiling occurs there (Sampson 1986; Shannon 1991; Simcha-Fagan and Schwartz 1986; Smith 1986). Patrol studies suggest that officers working high-crime (and presumably high poverty) areas develop cynical views about its general inhabitants’ crime-proneness (Klinger 1997; Meehan and Ponder 2002). Also, because inner city street corners have special meaning to gang youth as a staging area for claiming their turf (Miller 1958; Rosenthal 2000; Vigil 1988; Werthman and Pilliavin 1967) this “public spaces” perspective is theoretically relevant. Given these connections between class and space, the expectation is that subjects of lower-SES and/or living in a lower-SES context will have increased chances for arrest.

**Labeling and Symbolic Interactionism**

In addition to its clear linkage to conflict theory, labeling is also firmly rooted in the sociological tradition of symbolic interactionism. This facet comprises the entire second half of the labeling propositions, a logical continuation of its conflict-related components. These aspects of labeling, focused on the making of the deviant, have come to be known as “core” labeling theory. Where its conflict principles are important in
determining who is targeted for labeling by social, moral, and legal authorities, the theory’s remainder provides a rich description of the labelees’ reaction to, and future associations with, labelers and society at large. It depicts problems of adjustment on the part of labeled persons, i.e. those designated as deviants by society and its control agents.

Drawing on symbolic interactionism, Becker (1963) was among the first labeling theorists to argue that self-perception is shaped by messages other people give about who they are. Many labeled individuals eventually embrace their new identity, making future deviations more probable. Becker would add that the deviant character of those labeled produces a self-fulfilling prophecy, eventually becoming a “master status”. A final step in the making of the deviant is to join an organized group whose members rationalize their deviant position and create an ideology. The following section considers how youth gang membership embodies many of these qualities and is a concept conducive to testing several labeling propositions.

Labeling Propositions and Gang Membership

Symbolic interactionist elements of labeling theory are thus distinguished from its conflict-based ones. This suggests the importance of identifying which component is being tested, if not specifying how each portion is relevant. Paternoster and Iovanni (1989) identify several areas where juvenile delinquency could be examined with labeling theory. These include the influence of “extralegal” attributes in determining who is labeled by social control agencies, as described by the conflict paradigm. This is
the primary framework for determining what characteristics place youth at a higher risk of being labeled by police (i.e. race, class, gang membership), but symbolic interaction components are also implied by this framework. The contribution of social and physical attributes in determining face-to-face encounters, and the impact of labeling on personal identity are strands of the theory that are enveloped within the conflict framework.

The arrest process requires that police and youth cross paths in space and time. In most cases, police act on suspect descriptions offered by citizens (Black and Reiss 1970; Lundman et al. 1978; Piliavin and Briar 1964). Police may already be familiar with the suspect based on past interactions (Klinger 1997; Monahan 1970; Werthman and Piliavin 1967). In other cases, youth become immediate suspects to police on routine patrol, based on their behavior, as in a youth who is “caught in the act”, or who is “acting suspicious” (Werthman and Piliavin 1967). Whatever the circumstances, there is a visual basis to each encounter between youth and police. Thus, if the arrest process involves a focus on the “social and physical attributes [of youth] in helping to determine face-to-face encounters [with police]” (Paternoster and Iovanni 1989: 362), this labeling proposition is relevant.

Profiling may be most pronounced for gang youth, based on physical appearance cues such as style of clothing, tattoos, use of colors and symbols, and associations with other known gang youth (Jackson and McBride 1996; Valdez 2000; Werthman and Piliavin 1967). Since these physical cues are key demarcators of the youth street gang
subculture, recognition of signs of gang involvement has become an important part of law enforcement and school personnel training (National Youth Gang Center 2007; Valdez 2000).

Although not specifically tested in a causal framework, personal identity issues in labeling are somewhat relevant to this study in that gang membership is a self-reported indicator in the data. For youth to self-identify as a gang member when asked the survey question “have you ever been or are you currently a member of a gang?” suggests something about their own notions of their identity. At a minimum, the youth’s gang member status, or the desire to be perceived as a gang member in some cases, is strong enough for him or her to admit to real or imagined associations with a gang.

Gang Membership as a Deviant Status

Gang membership is a deviant status on many levels, beginning with its scarcity. Where a necessary feature of a deviant status is that it is rare in the population, i.e. that it is “different” or non-conformist, it qualifies. In any given year of the survey data used in this analysis, a mere 2.5 to 3 percent of youth claim gang membership. Beyond its rareness in the population, gang membership is a deviant social status for youth in a number of interesting ways. Even in early theoretical notions about the conditions under which gangs emerge, youth who belong to gangs are misfits or outcasts of one form or another. Cohen (1955), Cloward and Ohlin (1960), and Short and Strodtbeck (1965) each described a process by which youth who didn’t perform well in mainstream institutions
such as public school were ostracized and tagged as special, different, or problematic. In turn, these youth identified each other in the neighborhood and formed anti-social peer groups based on a value system that inverted middle-class values of decency and respect for society’s norms.

Because gangs are considered an extreme form of delinquent youth subculture, they are often viewed as an insidious social problem. Youth gangs are widely feared and in many contexts assume the role of “public enemy”. The effort to contain or eliminate gang activity is a staple of police work, resulting in a long-held rivalry between gangs and police (Brownfield et al. 2001; McCorkle and Miethe 1997; Rosenthal 2000; Werthman and Pilliavin 1967; Katz and Webb 2006). In labeling theory, that “attempts to do something about deviance” produce a heightened commitment to the very behavior that enforcement agents are attempting to eradicate” (Paternoster and Iovanni 1989: 362), is the quandary of the American youth gang problem (Klein 1995). Staunch allegiance to the gang and loyalty to its turf have characterized the youth gang subculture for quite some time (Jackson and McBride 1996; Miller 1958; Rosenthal 2000; Sanchez-Jankowski 1991; Thrasher 1927; Valdez 2000; Vigil 1998; 2002; Werthman and Pilliavin 1967). Moreover, recent work shows that official labeling of youth significantly increases their chances of joining a gang (Bemberg et al. 2006).

That gang youth have earned their negative label by engaging in more delinquency than non-gang youth is all but axiomatic. The dominant view is that youth
gang membership is nearly synonymous with delinquency (Battin et al. 1998; Bjerregaard and Lizotte 1993; Esbensen and Huizinga 1993; Gordon et al. 2004; Henry et al. 2001; Huff 1996; Thornberry et al. 1993; 2003). There exists, however, a strand of research claiming that differences in delinquency levels between gang and non-gang youth have been overstated (Chesney-Lind et al. 1994; Curry 2000; Curry and Spergel 1992; McCorkle and Miethe 1998; Zatz 1985; 1987). Whatever the evidence presented by either side in past research (discussed in Chapter 3), a critical test of whether gang youth are unduly targeted for arrest must control for delinquency level and observe the effects of gang membership status on the risk of arrest, net of all other legal and extralegal variables. I thus employ such an analytical strategy here.

**Interaction Effects**

In light of the various labeling principles considered above, one objective is to determine whether the extralegal variables of interest, race, social class, or gang membership yield labeling effects on arrest. To begin, each of these variables has exerted main effects on juvenile arrest in past research. But there are conceptual reasons to expect statistical overlap among these items as well. This nexus of race, poverty, and delinquent subculture is often stated in social disorganization theory, for example (Bursik and Grasmick 1993; Kornhauser 1978; Sampson and Groves 1989; Shaw and McKay 1942; Veysey and Messner 1999).
The first interaction examined here is minority status $\times$ social class. These variables have presented various challenges to researchers when included in the same study. In the macro race and crime research (Land et al. 1990), as well as in the neighborhoods and policing research (Meehan and Ponder 2002; Reisig et al. 2004; Sealock and Simpson 1998; Smith 1986), it is difficult to distinguish race from class effects. However, their interaction has not been a significant predictor of individual-level juvenile arrest in prior research (Brownfield et al. 2001). A test for interaction is carried out here under a different design using national-level data.

A second common observation in the literature is that the youth gang population is overwhelmingly a racial-ethnic minority one (Dukes et al. 1997; Henry et al. 2001; Klein 1995; McNulty and Bellair 2003; Rosenthal 2000). Some have referred to this as “multiple marginality” (Freng and Huizinga 2007; Vigil 2002), which is likely to have implications for the current research context. I thus test for the interactive effect of minority status and gang member status on arrest risk, something no other study has done.

**Summary and Remaining Chapters**

The labeling propositions presented here have had some relevance to past research on system responses to delinquency. However, few have used them to guide research on the arrest of juveniles. This approach enables an inquiry into whether extralegal bias is present in arrests of U.S. youth.
Chapter 2 evaluates the various approaches to studying arrest risk and identifies several key conceptual issues tied to that effort. It then establishes a set of correlates of juvenile arrest as indicated by the literature, with a special focus on race and class. Chapter 3 considers the role of gang membership in predicting arrest. Chapter 4 states hypotheses, details how the survey data are operationalized for measurement, and describes the analytic methods used. Chapter 5 begins with descriptive information in making the case for labeling in a juvenile arrest context. It then presents a multivariate analysis of the race-arrest relationship. Chapter 6 evaluates the role of SES in arrest risk in relation to the race effect. In much the same way, Chapter 7 examines the manner in which gang membership conditions the race-arrest relationship. Finally, Chapter 8 summarizes findings, discusses research outcomes and limitations, and identifies fruitful areas for additional research on this topic.
This chapter examines research on juvenile arrest to establish the salient arrest predictors for the current study. The first section evaluates the merits of the three main approaches used in past research on this topic. Because correlates of arrest are now studied in terms of relations between variables in increasing or decreasing arrest risk, this section argues that survey data is most appropriate for such pursuits. Subsequent sections identify legal and extralegal determinants of juvenile arrest.

Of particular interest is whether and how being black or Hispanic increases the chance of arrest. While studied extensively, it remains unclear why being black is often a significant predictor of arrest, net of controls. Arrest research on Hispanics is less abundant and rather inconclusive. This chapter proposes that tying these race and ethnic categories to social class and gang membership indicators will offer key insights on their relationship to arrest risk.

Three Main Approaches to Studying Juvenile Arrest

Official Records

Prior research on the determinants of juvenile arrest relies on three sources of data. A number of studies use official arrest data (Bell and Lang 1985; Cicourel 1976; Dannefur and Schutt 1982; Ferdinand and Luchterhand 1970; McEachern and Bauzer
1967; Terry 1967). These efforts have been informative in identifying legal determinants of arrest and potential sources of extralegal bias. However, because most delinquency goes undetected by police (Curry and Spergel 1992; Dunford and Elliott 1984; Elliott et al. 1987; Elliott and Voss 1974; Empey 1982; Farrington et al. 1996; Gould 1969; Hindelang et al. 1981; Hirschi 1969; Huizinga and Elliott 1987; Morenoff 2005; Sampson 1986; Thornberry and Krohn 2002; Williams and Gold 1972), this method fails to account for the full universe of arrestable incidents carried out by the wider youth population from which the arrests are drawn. As a small subset of all delinquent incidents, arrests may not be representative of them (Elliott and Ageton 1980; Gould 1969; Hindelang et al. 1981; Huizinga and Elliott 1987; Ludwig et al. 2001; Snyder 2006; Williams and Gold 1972). Also, since juveniles are more likely than adults to commit crime in groups, many arrests can result from a single incident (Erickson 1971; Snyder 2006; Warr 1996; 2002). Finally, agency arrest records are rife with errors in data entry, filing, and completeness (Monahan 1970). These limitations of official data make them less than ideal for a study on arrest risk.

**Police Contacts**

Use of field data on police-juvenile contacts provides a second approach in this area of research (Black and Reiss 1970; Lundman et al. 1978; Piliavin and Briar 1964; Werthman and Pilliavin 1967). This method widens the universe to all youth the police encounter, but is still limited inasmuch as police contacts represent a small subset of
delinquent acts carried out by the larger youth population. This wider population of youth engaging in delinquent acts is also “eligible” for arrest, but their acts fail to gain the attention of police. Much of what comes to the attention of police is based on citizen reports (Black and Reiss 1970; Lundman et al. 1978) and may be influenced by officer characteristics, patrol area characteristics (Klinger 1997; Novak et al. 2002; Reisig et al. 2004; Shannon 1991; Smith 1986; Werthman and Piliavin 1967) or patrol directives to focus on certain types of delinquency over others (Cicourel 1976; Monahan 1970).

Even with police contact, most juvenile offenders do not get taken into custody. By all estimates, less than 20 percent of juvenile encounters with police result in arrest (Black and Reiss 1970; Lundman et al. 1978; McEachern and Bauzer 1967; Myers 1999). A main reason for the low rate of arrest in juvenile-police encounters is the substantive nature of delinquent acts themselves. The vast majority of juvenile offenses are not serious or violent (Black and Reiss 1970; Erickson 1971; Ferdinand and Luchterhand 1970; Harris 1986; Lundman et al. 1978; Piliavin and Briar 1964). Therefore, officer discretion becomes extremely relevant in these cases. Officer discretion in juvenile matters has been referred to as an extension of the juvenile court philosophy of leniency and treatment over punishment, wherever possible (Bell and Lang 1985; Pilliavin and Briar 1964). Police may also be deterred from making arrests for minor incidents to avoid overwhelming the court with petty offenses which may not be successfully prosecuted (Bayley and Mendelsohn 1969; Monahan 1970). It is important, however, to note that for very serious cases arrest is nearly certain.
Finally, most studies using official and police contact data share the limitation of context.\textsuperscript{2} It is clear that the majority of police-juvenile interactions are citizen-initiated, yet studies of this nature do not account well for the roughly 30 percent of non-traffic stop encounters that are police-initiated. This ignores how race or SES factor into the targeting practices of police while in a proactive mode or on routine patrol. One exception is the work of Werthman and Piliavin (1967), who addressed this qualitatively with a focus on gang youth-police interactions. Theirs was largely a depiction of a rivalry over public space, noting more aggressive patrols of public spaces in low income neighborhoods. These authors also comment that police consider black youth to be “out of place” when seen in higher income neighborhoods, which can translate to arrest risk.

\textit{Survey Data}

A third source for research on determinants of juvenile arrest is survey data (Brownfield et al. 2001; Curry 2000; Elliott and Voss 1974; Hindelang et al. 1981; Hirschi 1969; Hirschfield et al. 2006; Sampson 1986; Sealock and Simpson 1998; Shannon 1991; Simcha-Fagan and Schwartz 1986; Williams and Gold 1972). The universe for arrest risk with survey data is typically all youth in a given sampling area, delinquent and non-delinquent. For a representative sample of the U.S. youth population,
for example, the concept of “all delinquency” is synonymous with the sample’s self-reported delinquency. Arrests are also self-reported.³ At a minimum, these are the two components necessary for computing the chances of arrest. Survey data also contain various demographic and social risk factors that can be considered exogenous to police-juvenile interactions.

Whereas “no arrest” in official or police contact data is essentially the legal disposition of counsel and release, sources of the “no arrest” outcome in survey data are more varied. In addition to counsel and release, youth may not have committed a delinquent act during the survey period, or may have avoided police detection or apprehension for their misdeeds. Moreover, with the survey data method, the contribution of each risk item to the chance for arrest is more easily quantifiable in a multivariate framework due to wider variability on items and the larger number of cases.⁴

In summary, most early studies explored arrest risk factors with official data and observations of police-juvenile contacts. Recent efforts have shifted toward the use of survey data, in recognition of limitations of the former two data types (Hindelang et al. 1981). That is not to suggest survey data are void of limitations for studying arrest risk. They do not contain information on citizen demands for arrest, the presence of witnesses and evidence, or suspect demeanor at the time of arrest, which are shown to be key legal risk factors (Black and Reiss 1970; Lundman et al. 1978; Pilliavin and Briar 1964).

³ The validity of self reported data is addressed in Chapters 4 and 5.
⁴ Dannefur and Schutt (1982) provide an exception with official data.
However, survey data are free of the criminal justice bias of arrest data and contain a broad set of extralegal items needed to fully address risk for all youth, not just those whose delinquency is detected by the police. Finally, key risk factors available in studies using survey data that is not typical of studies using other data sources are socioeconomic status and gang membership status.

**Correlates of Juvenile Arrest**

Various legal and extralegal variables emerge as correlates of juvenile arrest in the delinquency literature. Legal variables common to the survey research are crime severity and criminal history. The ability of these legal variables to predict arrest is well-established. A rational-legal premise holds that the chances of arrest increase with offense seriousness and frequency, a view supported by studies using the various types of arrest data (Black and Reiss 1970; Brownfield et al. 2001; Dannefur and Schutt 1982; Hirschfield et al. 2006; Lundman et al. 1978; Monahan 1970; Pilliavin and Briar 1964; Sampson 1986; Simcha-Fagan and Scwhartz 1986; Thornberry et al. 2003; Williams and Gold 1972). However, there is much less agreement on the role of extra-legal variables in arrest risk.

Extra-legal variables include demographic and other social characteristics. As main items of interest, race and ethnicity are discussed first, followed by socio-economic status (SES). Demographic items consist of sex, age, and place (urban and rural). While a number of social variables appear in the recent survey literature on juvenile arrest (e.g.
family and peer influences, difficulties in school, and mental health status), I contend that criminal history accounts for much of the influence of these items. Most studies using these social items fail to control for criminal history. For some, the focus has been on first-time arrest (Hirchfield et al. 2006), while for others, criminal history is viewed as more relevant in adjudicatory stages (Sampson 1986; Farrington et al. 2007).

Criminal history is theorized to be something of an omnibus control in the current research. After much preliminary testing with the various social correlates listed above, criminal history appears to be a suitable composite or proxy for many of the environmental influences and stressors contributing to arrest. Use of this approach results in a more parsimonious model.

Criminal history is a legally and socially relevant control item, picking up the effects of deviant predisposition (latent traits), state dependence (environmental influences), and official labeling effects (police familiarity with youth). It arguably accounts for much of the crime-proneness that exists in a random sample of U.S. youth (Nagin and Farrington 1992), and increases police familiarity with the subject, perhaps leading to labeling and future arrests (Curry 2000). Use of criminal history thus results in a particularly rigorous test of race, SES, or gang-based labeling that emerges beyond the criminal propensity and official labeling effect.

The remainder of this chapter identifies findings regarding these legal and extralegal items in the arrest literature and considers their salience for the current study.
Race, ethnicity, and social class are discussed first, followed by demographic and legal items. The expected role of gang membership in arrest is the topic of the next full chapter (Chapter 3).

**Race and Arrest**

There is little doubt that black youth arrest rate is higher than that of white youth\(^5\) (Black and Reiss 1970; Brownfield et al. 2001; Elliott and Ageton 1980; Farrington et al. 2003; Ferdinand and Luchterhand 1970; Gould 1969; Hindelang et al. 1979; Hirschfield et al. 2006; Hirschi 1969; Huizinga and Elliott 1987; Lundman et al. 1978; Monahan 1970; Morenoff 2005; Piliavin and Briar 1964; Sampson 1986; Shannon 1991; Snyder 2006; Terry 1967; Weiner and Willie 1971; Werthman and Piliavin 1967; Williams and Gold 1972). All sources of arrest data have yielded this finding. However, there is no consensus on whether the arrest rate of black youth corresponds to their levels of criminal offending.

**Race and Delinquency**

Evidence on whether black youth engage in more delinquency than other groups is mixed. In descriptive statistics, black youth report slightly more delinquency. These differences are often not significant, yet, the overall black youth arrest rate for delinquency is twice that of white youth. Many speculate that the discrepancy reflects differences in patrol of black and white communities (Farrington et al. 2003; Huizinga

---

\(^5\) Because Asian and Native American youth comprise a small proportion (1% each) of youth arrested in the U.S. (Snyder 2006), they are not included in the current research.
and Elliott 1987; Sampson 1986; Simcha-Fagan and Schwartz 1986). Others consider possible differences in demeanor toward police by race (e.g. Piliavin and Briar 1964; Werthman and Piliavin 1967). Some field studies suggest that the higher arrest rates of black youth are due to their higher levels of serious delinquency and citizen demands for their arrest (Black and Reiss 1970; Lundman et al. 1978). Some have even suggested that black youth underreport their delinquency in survey data (Hindelang et al. 1981), while others have since found evidence to the contrary (Farrington et al. 1996; Maxfield et al. 2000).

The rate of self reported crime for black youth is markedly higher than whites’ for certain offenses, but not to the extent that warrants such a high arrest rate. Where the self reported serious offense rate for black youth is double that of whites (Elliott and Ageton 1980; Farrington et al. 1996; 2003; Hindelang et al. 1979; Kaufman 2005; Morenoff 2005; Peeples and Loeber 1994; Williams and Gold 1972), they are arrested for these crimes four times as often as whites (Snyder 2006), down from six times the rate through the 1990’s (Farrington et al. 2003). Moreover, the racial difference in serious offending is not always significant (Huizinga and Elliott 1987, Maxfield et al. 2000; Peeples and Loeber 1994; Williams and Gold 1972). This is true of at least one study with official data (Monahan 1970).

Many efforts to tease out race effects in crime and delinquency studies have been unsuccessful. Recent studies show that an individual’s race loses its statistically
significant relationship with violence once contextual items are accounted for (Bellair and McNulty 2005; Kaufman 2005; Peeples and Loeber 1994; Sampson et al. 2005; Wikstrom and Loeber 2000). Yet, race is a significant predictor of juvenile arrest in every published recent study that examines this issue (Brownfield et al. 2001; Dannefur and Schutt 1982; Hirschfield et al. 2006; Sampson 1986; Sealock and Simpson 1998).

**Hispanic Ethnicity**

The growing ethnic diversity of the U.S. is not well reflected in its delinquency research. Crime, delinquency, and justice research on minorities is largely confined to black-white comparisons (Kaufman 2005; Martinez 2002; Russell 1998; Sissons 1979; Walker et al. 2003). The historical limitations of official and survey data have stunted research on Hispanics in particular, the U.S.’s largest minority group. For example, national-level arrest data are not available for Hispanics (Morenoff 2005; Sissons 1979; Walker et al. 2003). In much prominent survey research, Hispanic youth were not adequately sampled to generalize to the population and were therefore dropped from the study (Elliott and Ageton 1980; Farrington et al. 1996; 2003; Lynam et al. 2000; Simcha-Fagan and Schwartz 1986; Wikstrom and Loeber 2000).

Recent developments in survey data have helped to remedy this situation. The data used here, the *National Longitudinal Survey of Youth 1997* (NLSY97) oversamples Hispanics, yielding enough cases for sufficient variation on a number of observed
outcomes, including arrest. This makes possible what is perhaps the first national-level study on the arrest risk posed by the juvenile’s Hispanic ethnicity status.

There is a small body of research on Hispanic youth and arrest for specific cities. Terry (1967) finds no ethnicity effect on arrest for Mexican Americans in one city in the 1950’s. McEachern and Bauzer (1967) and Cicourel (1976) also fail to observe a pattern in decisions to file petitions for Mexican, black, and white youth in various southern California cities. In a two-city study, Dannefur and Schutt (1982) do find Hispanics to be more at risk for arrest than whites, but less at risk than black youth. Finally, Bell and Lang (1985) examine post arrest intake decisions for youth in Los Angeles. They find that intake officers file petitions for blacks and Mexican Americans more often than for white youth.

In summary, the higher arrest rate of black youth has received ample attention in the literature. Yet the discrepancy between self reported delinquency levels and arrest levels of black youth remains to be explained (Hindelang et al. 1981; Huizinga and Elliott 1987; Farrington et al. 2003). Some researchers consider citizen demands for arrest (Black and Reiss 1970; Lundman et al. 1978), suspect demeanor (Black and Reiss 1970; Lundman et al. 1978; Piliavin and Briar 1964; Reisig et al. 2004; Werthman and Piliavin 1967), and validity of self reports as potential sources of the discrepancy (Farrington et al. 1996; Hindelang et al. 1981; Maxfield et al. 2000). Others have looked to police bias as an explanation of elevated levels of arrest for minority youth (Brownfield et al. 2001;
Farrington et al. 2003; Huizinga and Elliott 1987; Sampson 1986; Simcha-Fagan and Schwartz 1986). The current study takes the latter as its springboard.

**Socio-Economic Status (SES)**

The overrepresentation of lower socio-economic status (SES) youth in arrest data has created much debate (Black and Reiss 1970; Chambliss 1973; Elliott and Ageton 1980; Hindelang et al. 1979; Lundman et al. 1978; Short and Nye 1957; Terry 1967; Weiner and Willie 1971). One obvious possibility is that poor youth are disproportionately involved in delinquency. However, Nye and Short’s (1956) self report data showed that delinquency was class invariant, fueling the labeling perspective that the poor are unduly targeted for arrest. Labeling theorists argued that deviance in poor areas comes under increased police scrutiny, in turn criminalizing the lower class (Quinney 1974; Stinchcombe 1963).

Critics claimed that Nye and Short’s self report data failed to capture serious forms of delinquency (Hindelang et al. 1979; Hirschi 1969; Monahan 1970). This was an important omission since lower SES subjects are disproportionately arrested for more serious crimes. According to Hindelang et al. (1979) the so-called discrepancy between arrest rates in official crime data and self reported delinquency rates was an illusion. They argued that if self reports measured serious forms of delinquency, the marked contrasts by race and class seen in arrest data would also emerge in self report data. When more serious items were added to self reports, initial tests did confirm the
Hindelang group’s assertion, but with interesting caveats. Race and class differences are more pronounced at the high-end of the frequency of offending continuum (Elliott and Ageton 1980; Elliott et al. 1985).

**SES Measurements**

Various individual and contextual measures of SES appear in the recent youth survey literature. Individual-level measures include parent’s education (Brownfield et al. 2001; Dukes et al. 1997; Sampson 1986) the Hollingshead index, which takes occupation and education into account (Elliott et al. 1987; Hirschfield et al. 2006; Lynam et al. 2000), and household poverty-level income (Thornberry et al. 2003). Collectively, these studies report a significant effect of individual-level SES on delinquency and arrest.

Census information is used to construct a variety of contextual SES indicators (Ludwig et al. 2001; Kaufman 2005; Lynam et al. 2000; McNulty and Bellair 2003; Simcha-Fagan and Schwartz 1986; Smith 1986; Weiner and Willie 1971; Wikstrom and Loeber 2000). While some research has shown weak effects of SES on delinquency and/or arrest at the neighborhood level (Elliott et al. 1996; Simcha-Fagan and Schwartz 1986), other recent multilevel research has shown stronger contextual effects (Bellair and McNulty 2005; Kaufman 2005; Lynam et al. 2000; Sampson 1986; Sampson et al. 2005; Smith 1986; Wikstrom and Loeber 2000).

Several studies combine individual and contextual SES measures. Sampson (1986) used both parent’s education level and interviewer rating of the neighborhood.
Elliott et al. (1987) and Hirschfield et al. (2006) use both Hollingshead for family SES and parent perceptions of neighborhood quality for neighborhood SES. Weiner and Willie (1971) use Hollingshead for individual SES and aggregate these up to the census tract for a contextual measurement. Simcha-Fagan and Schwartz (1986) also utilize multi-level SES indicators.

**SES and Arrest**

Though the effect of SES on arrest remained in doubt for the past several decades, the recent evidence favors the negative effect. Sampson (1986) found contextual and individual effects of SES on arrest and juvenile court petitioning, respectively. Simcha-Fagan and Schwartz (1986) also found individual and contextual SES effects on arrest. Brownfield et al. (2001) find that social class affects the chances for arrest, where interestingly, gang membership does not. Conceptualizing these social categories as “master statuses”, lower-class subjects and black youth are at an increased risk for arrest. In Hirschfield et al. (2006) individual SES is a significant predictor of arrest, but neighborhood SES is not. Ludwig et al. (2001) find that youth whose families relocate from high poverty to medium or low poverty areas experience a decreased number of arrests for violent crimes, but not property crimes. Finally, outside of the strictly juvenile context, several have shown that SES is a strong aggregate determinant of arrest across neighborhoods (Reisig et al. 2004; Shannon 1991; Smith 1986).
Legal Variables

Crime Severity

As previously noted, most delinquency is not serious in nature. Felonies comprise a small proportion of delinquent incidents in contact data, ranging from 5 to 14 percent of the total (Black and Reiss 1970; Cicourel 1976; Lundman et al. 1978). Arrests were made in about 80 percent of these cases, on average. Piliavin and Briar (1964) find that index crimes almost categorically result in arrest, with the exceptions of burglary (30 percent no arrest) and auto theft (12 percent no arrest). The most serious cases aside, however, the role of offense seriousness was not a major factor in arrest decisions.

With ten years of juvenile arrest data for Philadelphia, Monahan (1970) found that 60 to 90 percent of Part I Index Crimes resulted in arrest. Of these major crimes, larceny suspects were arrested least often, from a high of 74 percent in 1957, to a low of 42 percent in 1958, and remaining low until 1968 when it rose to 58 percent. Burglary suspects were arrested in 70 to 87 percent of cases in this timeframe. These particular data show substantial fluctuation in the total percent of suspects arrested over time with many nuances in crime severity by race and gender.

Also using official data, Dannefur and Schutt (1982) find property and drug crimes contributed to arrest more often than violent or minor crimes. However, extralegal variables were better predictors than legal ones in this study. Race was the
absolute strongest predictor of arrest in the study and interaction effects for race by
allegation were also present.

Overall, the rate of arrests for misdemeanors and less serious crimes is predictably
lower than for felonies and more serious crimes. Depending on the type of misdemeanor
and race of suspect, anywhere from 4 to 60 percent were arrested in field studies (Black
and Reiss 1970; Cicourel 1976; Lundman et al. 1978). In the Philadelphia study,
Monahan (1970) finds that overall, 20 to 30 percent of minor offenses result in arrest. An
important caveat is that among the offenses rated as minor, gun carrying, sex offenses,
arson\(^6\), and receiving stolen property resulted in arrest between 70 to 85 percent of the
time. Arrests for incorrigibility and “protection” cases also were in the “high” range
(Monahan 1970: 137). Gambling, liquor law violations, trespassing, vandalism, and
runaway resulted in arrest less than 20 percent of the time. McEachern and Bauzer
(1967) make reference to the difficulty of arbitrarily coding official data on police-
juvenile contacts by degree of severity. As discussed below, this is also a challenge with
self report survey data.

*Offense Severity in Survey Data*

Since its inception in the late 1950’s, the self report delinquency questionnaire has
undergone much change as a data collection tool. Over time, its items began to reflect
the way crimes were recorded in official data, such as in the UCR. Yet, even among

---

\(^6\) Now a Part I or “serious” crime in the UCR.
recent surveys, there is substantial variation in the types of delinquency questions asked. These items have been re-distributed into indices of various delinquency types in the literature, including violent, serious, serious-violent, street, moderate, minor, general, property, public order, and substance use, among others.

Prevalence and Incidence

Self report data yield measures of both prevalence and incidence of offending. Prevalence refers to whether youth have ever done any of the delinquent items mentioned in the survey, either in their lifetime, or in a shorter time frame, typically the last 12 months. This measurement taps offense diversity (i.e. how many different types of crimes have youth committed). The individual’s prevalence score may also be a sum of all items checked off, with little regard to the seriousness of those offenses. These are referred to as “variety scales” (Hindelang et al. 1981; Sweeten 2006).

While some arrest researchers do utilize prevalence measures, they are in the minority. Brownfield et al. (2001), for example, assess arrest risk in part by constructing a 3-item delinquency index from lifetime prevalence of self report. This is a very limited notion of arrest risk since it fails to inform on the opportunities for detection. The more appropriate method of assessing arrest risk is to use incidence measures. These are frequencies or counts of delinquent acts committed, typically within the past year. The following studies have used this method.

7 Have you ever assaulted someone, committed theft, or stolen a vehicle?
Hirschfield et al. (2006) find that a 17-item serious delinquency index and 12 month incidence for marijuana and alcohol use reflected an increased chance for arrest, while an eight-item minor delinquency index did not. Sampson (1986) also modeled the impact of offense severity on the lifetime prevalence of arrest using OLS regression. For males, serious delinquency was the strongest predictor of arrest, followed by drug crimes, and family/school offenses (hitting parents, expelled from classroom). For females, the drug crimes index was the strongest predictor of arrest, followed by family/school offenses, then serious delinquency. In logistic regression, delinquent peers, neighborhood socioeconomic status and black suspect outranked the predictive power of offense severity for males. For females, the strongest predictors were family/school delinquency and neighborhood socioeconomic status.

With National Survey of Youth (NSY) data, Williams and Gold (1972) find that frequency of offending contributes to arrest risk more than the seriousness of said behavior(s). Most of the offenses (88 percent) resulting in arrest were detected in progress by police or citizens, suggesting that arrest is largely a function of chance. One study on chronic offenders provides a profound example of this.

With National Youth Survey (NYS) data, Dunford and Elliott (1984) show that of 242 self-reported chronic offenders, 86 percent were never arrested during the time of their crime spree (over a 3 year period of survey). Remarkably, 17 percent of career offenders had never been arrested. There was evidence of a frequency-based tipping
point, however. Over a two-year period, those youth reporting up to 100 offenses were not at high risk for arrest (about 5 percent were arrested). The probability of arrest doubled for those reporting 100-200 offenses and quadrupled for those reporting more than 200 offenses.

**Criminal History**

The emphasis placed on the role of prior arrest record in this study draws on two criminological explanations of crime and arrest. Each asserts that the best predictor of criminal involvement is prior criminality, yet they arrive at that conclusion in a different manner. By one account (state-dependence), prior participation in crime may reflect reduced inhibitions and higher motivations to commit crime (Nagin and Farrington 1992; Nagin and Paternoster 1991). This explanation considers the influence of environmental cues and exposure to criminogenic contexts.

The population heterogeneity explanation of enduring crime-proneness is a trait-based set of ideas that include either the effects of IQ and/or early socialization practices by parents. Whatever the root cause, the result is a low self control “trait” that is latent, is somewhat normally distributed in the population, and is a characteristic that persists over the lifespan (Nagin and Farrington 1992; Nagin and Paternoster 1991).

It has also been noted that area police tend to become familiar with prior arrestees, perhaps leading to official labeling (Curry 2000). By labeling theory, this in turn can lead to secondary labeling effects and further criminal embeddedness (Bernberg
et al 2006; Nagin and Paternoster 1991). For these properties, use of criminal history
provides a rigorous test of race, SES, or gang-based labeling. In fact, its inclusion
results in a rather conservative estimate of labeling effects. Any extralegal effect
obtained with criminal history in the model is a labeling effect that goes beyond criminal
propensity and official labeling.

Empirically, having a prior record is a predictor of future arrest for juveniles
(Battin et al. 1998; Curry 2000; Dannefur and Schutt 1982; Piliavin and Briar 1964;
Terry 1963). Battin et al. (1998) find that a prior record with the King County Court in
Seattle by age 13 exerts a strong influence on arrest by age 15. Curry (2000) finds that
youth with a prior arrest have double the arrest rate of first offenders, and in logistic
regression, having a prior arrest raises the odds of arrest more than sixfold. The number
of prior arrests also significantly raises the odds of arrest, but to a lesser degree.
Dannefur and Schutt (1982) observed that having no prior arrests is associated with a
counsel and release disposition by police.

Some claim that patrol officers rely on their familiarity with the suspect’s record
based on reputation or past interactions (Monahan 1970; Werthman and Piliavin 1967).
Others say this is rare (Piliavin and Briar 1964). Black and Reiss (1970: 69) note that
prior record may be more important to the intake officer than to the patrol officer since
“this information is usually not accessible to the officer in the field setting.” The same

---

8 The Regression models for count data used here are well-suited to analyzing data that reflect such
heterogeneity in the population (Long 1997).
observation is noted elsewhere (Piliavin and Briar 1964). In an analysis of factors related
to the filing of a petition, which is typically the work of the intake officer and not the
patrol officer, McEachern and Bauzer (1967) find that prior record significantly increases
these filings. As discussed by Cicourel (1976) and others, deliberations of the intake
officer are more careful and investigative than reactive. However, advances in
information technology in patrol may increase the importance of the suspect’s criminal
history in modern studies of initial contacts between police and youth in the community
(Meehan and Ponder 2002).

In summary, the arrest risk presented by offense severity is rather intuitive, but
there are some interesting caveats involving high arrest rates for certain minor offenses
(Monahan 1970). Factoring in offense frequency as captured in survey data adds a
fascinating dimension to the notion of risk. As described by Williams and Gold (1972)
and especially by Dunford and Elliott (1984), frequency of committing acts adds to arrest
risk by increasing the odds of detection, but only past an extremely high threshold for
chronic offenders. Although the data used here do not include survey questions about
murder, rape, or assault with a deadly weapon, crime intensity is expected to be a
significant arrest predictor.

Prior arrest is expected to be a major correlate of future arrest. In addition to its
relevance to criminal propensity, it may also have official labeling effects with patrol
officers. Some past research suggests however, that the role of prior offenses in system
processing of juveniles seems to be more important to the duties of the intake officer than to those of the officer on the street. Yet, the studies making this claim are rather dated, conducted prior to advances in computer-based information retrieving in patrol.

**Demographic Items**

**Sex**

A widely accepted tenet of criminology is that males are the disproportionate perpetrators of crime and delinquency. Males also comprise the vast majority of arrests. However, the gender gap in arrest has been closing for many crime categories over the past several decades. The closing of the gap may either be due to increases in female involvement in crime or to changes in law enforcement dispositions toward female suspects. The most recent evidence favors the latter argument (Chesney-Lind 1999; Steffensmeir et al. 2005).

Literature on system treatment of juveniles has addressed whether females are afforded more leniency than males. The scope of findings on this topic is limited in at least three ways. First, much of the work is focused on later stages of criminal justice processing (Farrington et al. 2007; Visher 1983). Secondly, studies on arrest pertain mostly to adult females or suspects of mixed ages (Novak et al. 2002; Smith and Visher 1981; Visher 1983). Finally, some work on juvenile arrest either examines only males (Hirschfield et al. 2006; Simcha-Fagan and Schwartz 1986), uses separate equations for males and females (Sampson 1986; Thornberry et al. 2003), or does not specify gender in
the analysis (Brownfield et al. 2001). I briefly summarize findings of the more informative studies below and formulate an expectation for the null effect of gender on juvenile arrest.

Some have found that the risk of arrest for females is lower than for males (Elliott and Voss 1974; Monahan 1970; Williams and Gold 1972). Others have found the opposite, that controlling for offense severity and other correlates of arrest, females are arrested more often (Ferdinand and Luchterhand 1970; Terry 1967; Tielman and Landry 1981). Still others have found sex to have no effect net of controls (Dannefur and Schutt 1982; Farrington et al. 2007; McEachern and Bauzer 1967).

Visher (1983) discusses the conditional role of “chivalry” in arrest. The chivalry effect is expected where male agents of the law reward females with legal leniency for performing their expected (normative) gender role. She argues that such interactions become transformed into an exchange between a man and a woman in addition to officer and suspect. DeFleur (1975) made similar observations tied to drug arrests. Some find, however, that arrest risk for males is especially pronounced in serious offenses (Monahan 1970; Sampson 1986), where one would expect a female effect since committing serious crimes is not very “ladylike.” Of the major crimes, females are most involved in larceny (Chesney-Lind 1999; Monahan 1970; Steffensmeir et al. 2005). Another key finding in the literature is that younger females are more likely to be arrested than adult females (Chesney-Lind 1978; Giallombardo 1980).
Mixed evidence in the chivalry debate makes it difficult to hypothesize about the role of gender in juvenile arrest. However, two factors help to sway expectations toward a null effect. A steady increase in the arrest of young females serves to weaken the otherwise robust feature of male offending intensity. Even if these increases are due to changes in police behavior, females’ chances for arrest have increased over time.

A second consideration is data-related. According to Steffensmeier et al. (2005) a methodology that isolates the less serious forms of violence narrows the gender gap in offending. The lack of measurements for extreme violence in the current study should thus serve to narrow the gender gap in offending and further weaken the male gender effect on the chance of arrest. Although their focus is on court referrals, Farrington et al. (2007) inadvertently show no gender bias in arrest, once gang membership, gun carrying, and rebelliousness were controlled.

Age

Recent official arrest data show that with the exception of a slight drop for age 15, the proportion of youth arrested in the U.S. increases up to age 18 and beyond (Uniform Crime Report 1995-2005). A similar pattern of linear increase in arrest (with age) is also observed in the literature (Butts and Snyder 2006; Elliott et al. 1987; McEachern and Bauzer 1967; Shannon 1991; Simcha-Fagan and Schwartz 1986; Werthman and Piliavin 1967; Williams and Gold 1972). However, the same age-graded pattern is often absent in self reported offending (Elliott et al. 1987; Simcha-Fagan and Schwartz 1986; also see
In most survey data, delinquency levels appear steady during the teen years (ages 11-17). Some have observed a peak in offending in mid-to-late adolescence (Henry et al. 2001; Williams and Gold 1972). Still, others have shown that delinquency is more pronounced in the early teen years (Thornberry et al. 2003).

Given this mixed evidence on the effect of age on delinquency, the effect of age on arrest is a key relationship to consider. That is, offending intensity is either stable or decreases with age, yet arrest risk is expected to increase with age. If so, this would be a clear indication of the importance of extralegal factors to the arrest decision.

The substantive implications are that police, victims, school authorities, etc. treat younger teenage suspects with more leniency than older teen suspects. A second possibility is that such results are artifacts of the way offending intensity is measured. In this interpretation, as youth age, they may offend less frequently, but their crimes become more serious, drawing the attention of police and the community.

Chapter Summary

A brief examination of the main approaches to studying risk factors in juvenile arrest concludes that survey data are well suited for the task. They are free of the criminal justice bias of official data and contain information on a broader base of “arrest eligible” youth. These data also enable the critical test of the notion that legal variables explain the race effect on arrests.

---

9 See Hirschfield et al. (2006) for a recent exception.
This review of the literature indicates that race should emerge as a significant predictor of juvenile arrest. There is not much certainty about the durability of its effect in the presence of legal and other extralegal variables, however. The particular form of the race-arrest relationship is also not well understood and even less is known about Hispanic youth and arrest. Analyzing national-level data will provide a valuable contribution to this race-ethnic discourse.

The most intuitive predictors of arrest are the legal factors. The frequency of delinquent acts, crime severity, and criminal history are among the more durable legal risk factors. Yet, some idiosyncratic legal variables important to the arrest process are lacking from this summary of arrest correlates. Field contact data point to factors such as citizen demands for arrest, suspect demeanor, and the presence of witnesses and evidence (Black and Reiss 1970; Lundman et al. 1978; Pilliavin and Briar 1964). Monahan (1970) also discusses the role of public pressures to demand arrest in certain types of cases. These are also deficits of the current research, a limitation articulated in the discussion of findings in Chapter 8.
CHAPTER 3

GANGS AND JUVENILE ARREST

Of the key potential correlates of juvenile arrest, none has received less attention in the literature than involvement in a delinquent subculture. Given that the street gang epitomizes delinquent youth subculture, surprisingly little is known about its role in juvenile arrest. This may be due in part to the ambiguity of what constitutes a gang, or what it means for an individual to be a gang member. This chapter explores the meaning of gang membership as a component of delinquent subculture by considering the term’s history and its modern conceptualizations. The limited body of research on gangs and arrest is also discussed. The role of gang membership in testing labeling propositions relating to the risk of arrest is then detailed. It is expected to have a direct effect on arrest odds in addition to having interactive effects with race.

Delinquent Subculture

The notion of delinquent subculture is rooted in Shaw and McKay’s (1943) theory of social disorganization and cultural transmission. These concepts were developed to explain juvenile delinquency in urban areas during times of rapid change. The influx of foreign immigrants to eastern and Midwestern inner cities in the early 1900’s, for example, created inner-city neighborhoods high in population density and poverty. Shaw
and McKay found the problem of delinquent and unsupervised youth to be concentrated in these areas of the city.

High delinquency areas of the city were said to have developed a delinquent subculture, whereby unsupervised youth congregated on street corners, formed groups, and eventually developed their own deviant value systems. Delinquent behavior became characterized by turf boundaries and delinquent specializations such as theft and prostitution. The areas of town high in delinquency were said to be “socially disorganized”. These areas were high in mobility, in ethnic heterogeneity, and in poverty, which disrupted social networks and the ability of the community to control crime.

Shaw and McKay (1942) argued that a place high in delinquency tends to develop a subcultural component over time. This general process attaches to these parts of the city and is reproduced over successive generations. Transmission of the area’s history and its continued distress to youth in those communities is cited as the basis for what we now know as youth gang or street gang formations. The effect of unsupervised peer groups in increasing neighborhood delinquency is well noted in modern disorganization research (Sampson and Groves 1989; Veysey and Messner 1999). However, it is much less clear what differentiates a delinquent peer network from a youth gang.
**The Elusive Gang Definition**

The precise definition of a “youth gang” or “street gang” has been debated for nearly a century (Ball and Spergel 1995; Esbensen et al. 2001; Howell et al. 2001). While it has become the main component of the modern definition, the first definitions did not include criminal activity as a necessary feature of the youth gang (Thrasher 1927). Walter Miller (1958: 14) was among the first to specify this condition, writing that the “delinquent gang is one subtype [of the street corner group], defined on the basis of frequency of participation in law violating activity.” Cohen (1955), Cloward and Ohlin (1960), and Short and Strodtbeck (1965) would go on to link the formation of delinquent peer groups to the marginalization of poor youth in mainstream institutions such as public school.

The essence of the American street gang has always been shrouded in urban folklore (Jackson and McBride 1996; Klein 1995; Sanchez-Jankowski 1991; Valdez 2000). Popular representations of gang subculture are replete with initiation rites, the flashing of hand signs, brandishing of colors, use of street-based vernacular, and other cultural signifiers endowed with meaning for its members and the police.

The elusive composition of the youth gang and its membership even carries over into scientific research on the subject. For example, Dukes et al. (1997: 140) comment that “social science knowledge on youth gangs and how their members differ from non-gang youths is limited and controversial…more specifically how they differ from the
general population.” Morash (1983) also points to the difficulty in distinguishing gang formations from street corner groups both in terms of the types and levels of delinquency engaged in by each, and in features of group structure. A more recent complication involves youths’ attempts to disguise their gang member status from police by using conventional styles of dress, covering up tattoos, and denying their involvement (Brownfield et al. 2001; Katz et al. 2001: Katz and Webb 2006).

**Gangs and Delinquency**

In the quest for a concrete definition of the gang, an ongoing debate in the literature is whether frequent engagement in criminal activity is what distinguishes the gang from other subcultural groups of youth. The dominant view is that gang youth are more likely than non-gang youth to engage in delinquency (Battin et al. 1998; Bjerregaard and Lizotte 1993; Gordon et al. 2004; Henry et al. 2001). As noted by Huff (1996), most gang researchers regard the crime proneness of the youth gang as its defining characteristic. Esbensen and Huizinga (1993: 566-67) write “one point of consensus in the voluminous gang literature is the high rate of criminal activity among [its] members.” Indeed, Thornberry et al. (1993; 2003) have stated that the high level of serious and violent criminality among gang members is perhaps the most robust and consistent observation in criminological research.

Estimates of the differences in delinquency between gang and non-gang youth vary. Huff (1996) found the rate of offending for gang youth on most crime categories
was double that of non-gang youth in Cleveland. Esbensen and Huizinga (1993) find that general delinquency rates of gang youth are three to four times higher than those of non-gang youth in Denver. Thornberry et al. (1993) found delinquency rates of gang youth to be four to five times higher than those of non-gang youth in Rochester. Finally, in a multivariate framework, many have shown that gang membership contributes to delinquency net of key controls (Battin et al. 1998; Brownfield and Thompson 2002; Gordon et al. 2004; Henry et al. 2001; McNulty and Bellair 2003; Thornberry et al 2003).

Gangs and Arrest

Much serious delinquency occurs outside the gang context (Curry 2000; Curry and Spergel 1992; Klein 1995; Morash 1983; Thompson et al. 1996; Thornberry et al. 2003), yet findings of elevated levels of self-report delinquency by gang youth seem irrefutable. In terms of arrest, however, several studies have demonstrated that delinquency and gang membership are not as intimately linked as most would expect. One group of studies evaluates arrest data for specific cities and finds little to no difference in the number and types of charges filed against gang and non-gang youth (Chesney-Lind et al. 1994; McCorkle and Miethe 1998; Zatz 1985; 1987). Others find that in multivariate analyses, gang membership does not significantly increase the chances of arrest (Brownfield et al. 2001; Sampson 1986).

Curry (2000) noted that the effect of self reported gang involvement on arrest had not been thoroughly studied, calling for research on the effects of labeling of gang youth.
by police. Official labeling increases the likelihood of future arrest because the labeled youth may be suspected in neighborhood crimes, regardless of his or her actual offending intensity (Curry 2000; Werthman and Piliavin 1967). Thus, by labeling theory, gang members are under increased police scrutiny due to the widespread belief in their crime-proneness, and their chances for arrest should increase net of delinquency level.

Two recent studies purport to depict a link between gang membership and arrest. Katz et al. (2001) find that gang youth were arrested more often than non-gang youth for all crime types in Mesa, Arizona. With no self-reported delinquency data on these arrestees to corroborate “increased delinquency levels”, however, little can be gleaned about police bias or increased delinquency. Such a study does not advance our understanding of the relationship of delinquency to arrest for gang youth.

Another study with methodological limitations is Thornberry et al. (2003), who show that gang members in Rochester are significantly more likely to engage in all forms of delinquency and get arrested (but in separate analyses). They argue that significant differences in arrest between gang youth and non-gang youth is not a function of police bias, but a direct consequence of delinquent intensity by gang youth in that city. In an effort to provide additional evidence against a labeling hypothesis, these authors show that duration of gang membership alone doesn’t affect arrest among male youth. However, these findings are merely results of bivariate correlations.
Several studies have provided critical tests of the issue, but with conflicting results. Two published articles using data from the Seattle Youth Study find that gang membership is not a significant risk factor for juvenile arrest (Brownfield et al. 2001; Sampson 1986). However, the gang data for the Seattle Youth Study are viewed as problematic in several ways. First, the percentage of youth indicating they were currently members of “what some people refer to as a gang” is peculiarly high at 14 percent, compared to most other estimates ranging between 5 and 9 percent (Esbensen and Huizinga 1993; Esbensen et al. 2001; Thornberry 2003). Brownfield et al. (2001: 79) also comment that the lack of concern over gangs in Seattle at the time of data collection did not spur police to target gang youth for arrest.

Curry (2000: 1264), on the other hand, reports that self-admitted gang involvement increases the odds of arrest, net of self reported delinquency, providing evidence of labeling in Chicago. Whether gang membership significantly predicts arrest controlling for delinquency is still in dispute. Studies using survey data to address this problem have nonetheless informed a model for the current study. It provides a critical test of the issue, the first to do so with national-level youth data.

**A Gang-Delinquency Caveat**

As a cautionary note, there are cogent theoretical and methodological reasons not to expect gang membership status to directly affect arrest odds. An early description of street corner gangs suggests that because many gang boys are from disrupted or single
parent households, the peer group represents more than just a friendship venue (Miller 1958). The gang may serve as an extension of the family unit or even as a surrogate family of sorts. Matza’s (1964) “Delinquency and Drift” perspective also suggests that gang-involved youth become members of gangs for reasons other than criminal motivations and opportunities. Even the most delinquent youth have other normative roles in life, and are not particularly committed to delinquent ideals. Moreover, Thompson et al. (1996) find no differences in patterns of offending between gang and non-gang youth in terms of their areas of “specialization.” Both groups largely engage in what the survey research refers to as “general” delinquency.

Field research with youth gangs also suggests that any serious offending that sets them apart from other youth represents only a small fraction of the time and energy devoted to other, non-criminal roles and activities. Moore (1978; 1992), Horowitz (1980), Hagedorn (1988), Sanchez-Jankowski (1991), Padilla (1992), Decker and Van Winkle (1996), Vigil (1998; 2002), Miller (2001), and Valdez et al. (2006) are among the ethnographic researchers who have pointed to the gang as a surrogate family, providing other needs for dejected or misfit youth. This body of research depicts the gang members’ routine activities as non-criminal.

On a methodological note, Curry (2000) suggests that youth who self-report gang membership in Chicago are not as delinquent as police-identified gang youth. Use of self reported gang membership in the current study national sample may dilute the effects of
gang membership on delinquency. Such insights, coupled with mixed quantitative findings on arrests of gang youth reviewed here, serve to rival the expectation that self-reported gang membership will significantly increase arrest risk. While a main effect of gang membership on arrest is hypothesized, it is possible that its effects will be stronger in specific contexts, such as when it is made to interact with race.

In sum, it is clear that any research on the predisposing factors to juvenile arrest ought to include a measure of gang membership. If gang members are considered more crime-prone than non-gang youth, they should be among the most often arrested groups of youth. However, self-reported gang members make up very small portions of the youth population, and a good deal of serious delinquency no doubt takes place outside the gang context, by non-gang members. An added paradox is that some police-identified and self-reported gang youth engage in minimal amounts of delinquency (Chesney-Lind et al 1994; Curry and Spergel 1992; Curry 2000).10

**Summary**

This chapter has explored the meaning, measurement, and expected role of gang membership in this study. Elements of delinquent subculture are seldom accounted for in research on the determinants of juvenile arrest. A brief examination of the conceptualization of delinquent subculture in the literature notes that youth gangs

---

10 Also shown in Appendix C of the current study.
represent the most potent form of the delinquent peer group. Beyond that, the definition is rather amorphous.

With a focus on gang membership, this chapter discussed the application of labeling theory to detect extralegal arrest bias, generally. Whatever the differences in delinquency reported by gang and non-gang youth, for example, controlling for delinquency among these groups enables the critical test of primary labeling effects.

I argue that inclusion of gang membership is important to understanding the role of extralegal factors in arrest research. Examining how gang membership conditions the race effect and vice versa, lends more clarity to the contours of labeling in arrest. The next chapter states hypotheses for this and other expected relationships and provides an overview of the data and methods used to model them.
CHAPTER 4

HYPOTHESES, DATA, AND METHODS

Introduction

This is a longitudinal study of the race-arrest relationship in a representative sample of U.S. adolescents. It specifically examines how poverty and gang membership condition this relationship. The need for such a study is driven by insufficient exploration of the race-arrest relationship in prior research. While race has emerged as a predictor of juvenile arrest in past studies, it is not clear under what conditions this is so. The few recent studies on juvenile arrest bias typically examine the main effects of race and poverty, but not how arrest risk is enhanced by their combined effects. Even fewer studies have examined the combined effect of race and gang membership in increasing arrest risk.

This chapter offers five hypotheses regarding the relationship of race, poverty and gang membership to arrest and which specify the direction of each of these relationships. Each hypothesis addresses a different labeling proposition, as informed by the literature. The following sections discuss these hypotheses, the sample, variables, and analytic methods used.
Hypotheses

I begin by hypothesizing the main effect of race on arrest to establish whether it exists in this national dataset on youth. This provides a baseline for more refined hypotheses predicting the particular conditions under which race effects might emerge. For a thorough evaluation of pure and conditioned labeling effects in juvenile arrest, attention is first given to the main effects of poverty and gang membership on arrest risk.

Race and SES

In past research, black youth have a higher risk of arrest than white youth, controlling for delinquency level (Brownfield et al. 2001; Dannefur and Schutt 1982; Hirschfield et al. 2006; Sampson 1986). Some find that Hispanic youth have increased chances for arrest (Dannefur and Schutt 1982; Bell and Lang 1985), while others find no effect for this group (Cicourel 1976; McEachern and Bauzer 1967; Terry 1967). Because “Hispanic” resembles “black” as a minority status variable in terms of threat, stigma, and potential for profiling, labeling theory predicts it will increase arrest risk.

\[ H_1: \text{Race-ethnic minority status will significantly increase arrest risk, relative to whites, controlling for legal variables.} \]

The relationship between poverty and arrest has been argued theoretically and supported empirically (Reisig et al. 2004; Sampson 1986; Shannon 1991; Simcha-Fagan and Schwartz 1986; Smith 1986). Insights on the aggressive use of public spaces by persons in poor areas and the ecological contamination perspective both drive this
expectation. In short, poorer areas may be saturated by police patrol, and youth may receive differential treatment based on where they live or “hang out” (Klinger 1997; Meehan and Ponder 2002; Sealock and Simpson 1998; Stinchcombe 1963; Werthman and Pilliavin 1967).

\( H_2: \) Low socioeconomic status (SES) will significantly increase arrest risk, relative to high SES, controlling for legal variables.

**Race \times SES**

There is much to suggest that interacting the effects of racial minority status and poverty will increase arrest risk. There is substantial theoretical and empirical overlap of these categories in the delinquency literature. For example, relationships between race-ethnic minority status and poverty (among others) have been a cornerstone of social disorganization theory for decades (Bursik and Grasmick 1993; Kornhauser 1978; Sampson and Groves 1989; Shaw and McKay 1942; Veysey and Messner 1999).

In the macro race and crime research (Land et al. 1990), as well as in the neighborhoods and policing research (Meehan and Ponder 2002; Reisig et al. 2004; Sealock and Simpson 1998; Smith 1986) race and poverty effects are often complexly related. A significant interaction effect between minority status and poverty on arrest risk is thus very plausible.

\( H_3: \) The interaction of minority status and low SES will significantly increase arrest risk, controlling for legal variables.
Gang Membership

The last pair of hypotheses pertain to the role of gang membership in arrest risk. Subjects who report being a current member of a gang are expected to have increased chances for arrest, controlling for their delinquency level and criminal history. This prediction is consistent with several labeling propositions. The first is the deviant nature of gang membership via its rarity in the population and its social ostracism. The widespread belief in the criminogenic nature of the gang deems it a serious social problem and a public nuisance.

A second relevant labeling proposition is linked to its recognizable social and physical attributes. Police profiling and arrest disposition may be more pronounced for gang youth, based on physical appearance cues and associations with other known gang youth (Jackson and McBride 1996; Werthman and Piliavin 1967; Valdez 2000). Recognition of these signifiers of youth street gang subculture has become standard in police work and has perpetuated the long held rivalry between police and gang members (Brownfield et al. 2001; Katz et al. 2001; Katz and Webb 2006; McMorkle and Miethe 1997; Rosenthal 2000; Werthman and Piliavin 1967; Zatz 1985; 1987).

H4: Current gang membership will significantly increase arrest risk, controlling for legal variables.

Several methodological issues from past research inform one to take a cautious approach in making this hypothesis. To begin, two of the three studies on this topic fail
to find that gang membership increases the odds of arrest (Brownfield et al. 2001; Sampson 1986). However, because both of these efforts used data from the Seattle Youth Study, such replication might be regarded as a single finding. The one study that rivals this finding involved a sample of Chicago youth (Curry 2000). It finds that gang membership does increase the odds of arrest, beyond what can be explained by delinquency level.

Measurement issues may rival the labeling hypothesis for gang youth. The Seattle studies referenced above use the same measurement of gang membership status as I use here. After providing youth with a definition of a “gang”, they are asked to self report whether they have ever been in a gang, and if so, were they in a gang over the past year. In the spectrum of rigorous measurements of gang membership, Esbensen et al. (2001) identify this as a mid-range. This runs the risk of sampling many “wannabe” gang youth or “fringe” members that do not engage in much serious crime.11

**Race x Gang Membership**

Finally, I consider the interaction effect between race and gang membership on arrest in H₅. That the youth gang population is overwhelmingly a racial-ethnic minority population (Dukes et al. 1997; Henry et al. 2001; Klein 1995; McNulty and Bellair 2003; Rosenthal 2000) informs this hypothesis. Moreover, expectations for the effects of gang

---

11 Assessments of gang membership that do not offer a definition of a gang before collecting the youths’ report, or that do not ask about their current membership status are the least restrictive. The most restrictive measurements ask about the gang’s name, its tenure, and the youth’s level of involvement, i.e. whether one is a “core” or “fringe” member.
membership alone are quite weak, reflected in the carefully qualified discussion accompanying H4. That minority gang membership represents a culmination of “multiple marginalization” (Freng and Huizinga 2007; Vigil 2002), is a compelling notion driving the expectation for the combined effect of racial minority status and gang membership on arrest.

H3: The interaction of minority status and gang member status will significantly increase arrest risk, controlling for legal variables.

Sample

This research employs data from the National Longitudinal Survey of Youth 1997 cohort (NLSY97). The NLSY97 was administered to a random, multi-stage cluster sample of about 9,000 youths born from 1980 through 1984 and living in the United States in 1997. It is a nationally representative sample of youth who were 12 to 16 years old as of December 31, 1996. The data consist of a cross-sectional sample of respondents representative of all youths (N = 6,748) and an oversample of black and Hispanic youths (N = 2,236). The initial interview took place in 1997 and the survey is ongoing, administered in consecutive years, with nine available waves to date. This panel-data structure makes it possible to track individuals over time on various indicators. These data contain a wide range of information on respondents, including their delinquency levels, arrests, and social environments. Most of the information is obtained through
youth self-reports with additional information gathered from the youths’ parents and interviewer ratings of neighborhood quality.

Sample attrition, missing cases, and missing data are common in longitudinal datasets (Allison 2002; Fitzmaurice et al. 2003), and the NLSY97 is no exception. Follow-up interviews may be difficult to obtain for any number of reasons including death, illness, unavailability, refusal, or inability to locate (Center for Human Resource Research 2007). Overall response rates for the panels used in the current study were (N = 8,984) in 1997, (N = 8,386) in 1998, (N = 8,209) in 1999, and (N = 8,081) in 2000. Over 80 percent of youth in wave 1 are present in each follow-up. Because my outcome of interest is juvenile arrest, I focus on the younger portion of the sample.

For a constant (n) of cases across waves, I selected the youngest cohort of youth for whom data on family routines were gathered (n = 4,452), further selecting those with complete data on arrests (n = 3,881), and imputed their missing values on independent variables. These youth are ages 12 to 14 at wave 1 (1997), maturing to 16 to 18 years of age by wave 4 (year 2000).

Questions on household income are missing on nearly one-quarter of all cases. With this exception, no other variable in the analysis is missing more than 10 percent of its cases over 4 waves. Indicators of gang membership and alcohol use are the main sources of missing data, at 10 and 6 percent, respectively. To remedy this deficiency, I used race-ethnicity, age, sex, family structure, geographic place, and a family routines
index to predict values for all missing cases to yield 3,881 cases across 4 waves. This amounts to 15,524 person-year observations.

**Measures**

*Dependent Variable*

The dependent variable is the number of arrests reported by youth in each of the 4 waves. The use of self reported arrest data has one main limitation. While such data are generally found to be valid (Farrington et al. 1996; Hindelang et al. 1981; Maxfield et al. 2000; Thornberry and Krohn 2002), a source of error in self report arrest data is the ambiguous nature of arrest, especially with juveniles, for whom police have the various disposition options of counsel and release, referral to diversion, write citation, detain for questioning, and take into custody (Bell and Lang 1985; McEachern and Bauzer 1964; Pilliavin and Briar 1964).

Several studies match the self reported arrests of youth with their official arrest records for verification (Brownfield et al. 2001; Elliott and Voss 1974; Farrington 2007; Hirschfield 2006; Hirschi 1969; Ludwig et al. 2001; Williams and Gold 1972). The main implication for proceeding without such a validity check is the dependent variable defers to a measure of official contact with police. Some youth may misperceive their contact with the police as an arrest, even if another, less punitive disposition option was used. Although the majority of self reported arrests show up in official records (Hindelang et
al. 1981; Hirschfield et al. 2006; Hirschi 1969), the dependent variable must technically be considered contact with police for the lack of official records to cross check.12

Figures 4.1 and 4.2 examine trends associated with the dependent variable. Figure 4.1 depicts a steady increase in the proportion of youth ever arrested over 4 waves. It is a cumulative total of the percent of youth ever arrested, thus the proportion naturally grows over time. Yet, arrest is a rather rare event in a population of youth.

---

12 Claims of arrest in the survey lead to questions about further processing by the justice system. This cannot be used as a validity check, however, because information regarding prosecution and punitive sanctions are also self reported.
Figure 4.2 examines the trend among the arrested population. Of those arrested, relatively few experienced the event(s) in Wave 2. With this exception, arrests increased with each wave. These figures may reflect changes in delinquency or in law enforcement decision-making in the U.S. For example, in a study of Philadelphia juvenile arrest data from 1955 to 1966, Monahan (1970) pointed to irregular fluctuations in the proportion arrested over time with little evidence of changing levels of delinquency. Taken together, Figures 4.1 and 4.2 may provide clues about the possible link of age to arrest. Further descriptive and multivariate information addresses the age-arrest issue in subsequent chapters.

**Test Variables**

Race and ethnicity are represented by dummy variables for white, black, and Hispanic respondents. White is the omitted race category in all regression analyses.

SES is measured in several ways. The first is an index derived from interviewer remarks regarding the interior and exterior of the housing unit where the youth lives, in
addition to whether the interviewer feared for his or her safety. The index gauges SES from low to high on a scale of 0 to 5 ($\alpha = .71$). It is then dummied into low, middle, and high SES ratings. High SES is the omitted category in regression analyses. In a separate model, I use parent-reported household income collected at Wave 1, and in a third model, its natural log transformation.

In the NLSY97, a gang is defined as “a group that hangs out together, wears gang colors or clothes, has set clear boundaries of its territory or turf, and protects its members and turf against other rival gangs through fighting or threats.” This definition is presented before asking whether the youth has ever been a member his or herself. A “yes” response leads to a question about recent (current) gang membership. Current gang membership is the operational definition of “gang member” status in each wave.

**Legal Variables**

The NLSY97 contains a battery of self-reported delinquency items, entered into a laptop computer during a self-administered portion of the survey. These items screen on
the basis of having committed any of the mentioned acts within the past 12 months, ranging in severity from minor theft to assault with injury. An affirmative response on the screener leads to the number of times the act was carried out within that year. This frequency measure is the basis for most index construction in the delinquency literature.

**Minor Delinquency.** Substance use items and vandalism are grouped as minor delinquency. Alcohol use is measured as the number of occasions in the last 30 days in which 5 or more alcoholic drinks were consumed. Marijuana use is also measured by the number of days the drug was used over the past month. Its z-scores were combined with those of the number of times the respondent used cocaine or other hard drugs since the last interview to form a general drug use index ($\alpha = .38$). Vandalism is the reported number of times youth vandalized or destroyed property since the last wave.

**Serious Delinquency.** Assault, the property crime index, and drug sales are grouped as serious delinquency. Assault is the reported number of times youth assaulted or caused bodily injury to others since the last wave. Property Crime is an incidence composite of minor theft, major theft, and handling stolen property, with scores ranging from 0 to 13 ($\alpha = .62$). Involvement in drug sales is also an annual frequency measure.

Some respondent exaggeration is sure to be part of any youth survey (see Elliott et al 1987; Maxfield et al. 2000). Extremely high values may be careless estimates based on youths’ inability or unwillingness to recall the number of incidents. For example, Thornberry and Krohn (2002) have also discussed “testing effects” as responses given
haphazardly to get on to the next question in the event of a lengthy interview. Extremely high counts for any item seem to have poor face validity, and thus are assigned to the highest value in the recode, which also serves to reduce skewness in their distributions (See Appendix A for delinquency index coding). Items representing less-serious forms of delinquency are weighted accordingly by collapsing more of their values.

*Criminal History.* Prior record is accounted for by controlling for the number of arrests accumulated up to the year prior to each wave in the analysis.

*Control Variables*

Like the test items, the group of demographic control items used here are extralegal variables shown to explain variance in juvenile justice outcomes in past research. Yet, with sparse research on the determinants of juvenile arrest in the last few decades, there is not much consensus on their expected effect. Holding them constant not only helps to isolate labeling effects on key extralegal variables for evaluation of hypotheses, but offers a reevaluation of the effect of these demographic controls on juvenile arrests.

Sex is a dummy variable equal to “1” for males. Because males engage in more serious delinquency than females (Elliott et al. 1987), are more often involved in gang activity (Dukes et al. 1997; Esbensen and Huizinga 1993) and because they comprise the vast majority of juvenile arrests in the U.S. (Snyder 2008), I control for sex. This helps to avoid confounding the effects of delinquency or gang membership on arrests with an
unobserved male effect. Controlling for sex also addresses long held debates about the closing of the gender gap in juvenile arrests (Chesney-Lind 1999; Steffensmeir et al. 2005), and the positive male effect on juvenile arrest (Elliott and Voss 1974; Monahan 1970; Williams and Gold 1972) versus the positive female effect (Ferdinand and Luchterhand 1970; Terry 1967; Tielman and Landry 1981).

Age is a continuous variable, from 12 to 18. Two factors make it a critical demographic control to include in these models. First, there is some uncertainty about the effect of age on arrest, and virtually no research that examines its effect in a longitudinal design. A positive effect has been frequently observed in the literature (Butts and Snyder 2006; Elliott et al. 1987; McEachern and Bauzer 1967; Shannon 1991; Simcha-Fagan and Schwartz 1986; Werthman and Piliavin 1967; Williams and Gold 1972). Yet, this positive effect of age is often absent in self reported delinquency (Elliott et al. 1987; Henry et al. 2001; Simcha-Fagan and Schwartz 1986; Thornberry et al. 2003; Tracy 1979; Williams and Gold 1972), posing a quandary of sorts. Secondly, because the odds of having a juvenile record are partly a function of age (younger teens less likely to have an arrest record) it is important to measure these processes separately.

Geographic place is measured in interviewer remarks, resulting in a dummy variable equal to “1” for urban. Several considerations from the literature have informed this distinction for geographic place. Self reported adolescent violence (McNulty and

13 See Hirschield et al. (2006) for a recent exception.
Bellair 2003) and official arrest rates for juvenile violence are higher in urban versus non-urban contexts (Osgood and Chambers 2003). Also, while there is growing evidence of the spread of gang formations to rural areas (Evans et al. 1999; Weisheit and Wells 2004), it is a long-held assumption that gang activity predominates in urban areas (Klein 1995; Miller 1958; Padilla 1992; Rosenthal 2000; Sanchez-Jankowski 1991; Short 1965; Vigil 1988). Finally, Laub (1981) has shown that for less serious crimes (comprising most incidences of juvenile delinquency) is less-often reported in urban versus rural settings.

**Analytic Method**

I begin making the empirical case for labeling with descriptive statistics on a pool of potentially “bad” or seemingly legally unfounded arrests. With the full sample, means comparisons by race are made for arrest and all other items in the analysis. In the multivariate arena, Random Effects regression procedures for low-count data (i.e. arrests) are used to evaluate five hypotheses over three chapters.

**Random Effects**

The focus on race and the inclusion of other items in the study with unchanging values (sex, wave 1 income) precludes the use of fixed effects, warranting a random effects model (REM) (Johnston and DiNardo 1997; Long and Freese 2003; Wooldridge 2002). These models have several advantages over the ordinary linear model, for which response error may be correlated over time in a repeated-observation panel design like
the NLSY97. The error term in a REM is assumed to have a bivariate normal distribution, which is uncorrelated across subjects. The second advantage is REM is a variance component model, which partitions the total residual into within-individual and between-individual components. The subject-specific variance, or random intercept component is constant over time, while the between-subjects variance, or residual component varies randomly over time. The within individual results can be interpreted as the combined effect of all unobserved subject-specific covariates (i.e. unobserved heterogeneity). These are individual differences in overall mean level of response after controls. The random coefficients also allow for between-subject heterogeneity in effects of covariates (Rabe-Hesketh and Everitt 2007). Finally, unlike fixed effects models, findings from random effects analyses enable inferences about (arrest dynamics in) the larger population from which the sample is drawn, U.S. adolescents in this case.

**Regression Models for Count Data**

Count data, especially those with a non-trivial amount of zeros and with no theoretical upper limit are well suited to the Poisson procedure (Wooldridge 2002). As described, number of arrests is one such variable. However, attention must be given to two potential violations of Poisson model assumptions in this study. The first is the assumption of equidispersion, or that the variance of the outcome variable is equal to its mean. Poisson can yield inefficient estimates in the event of overdispersion, where the variance exceeds the mean (Cameron and Travedi 1986; 1998; Long 1997; Long and
Freese 2003; Wooldridge 2002). Arrest descriptives in Table 5.3 indicate that these observations are overdispersed, with a variance-mean ratio of 2.35.\textsuperscript{14}

The second assumption is independence of observations, or that events in the count data are not affected by prior events. Arrests are not considered to be fully independent observations in this research. As discussed in Chapter 2, prior arrests are expected to increase the likelihood of future arrests (Battin et al. 1998; Curry 2000; Dannefur and Schutt 1982; Piliavin and Briar 1964).

The Negative Binomial procedure, a variant of Poisson, deals better with violations of both assumptions, producing better estimates than Poisson in either case (Cameron and Travedi 1986; 1998; Long 1997; Long and Freese 2003; Wooldridge 2002). It is used here to account for these conditions of the data and theory. However, several statistical considerations cause me to keep Poisson models in the study. The first, noted by Wooldridge (2002: 672) is that Random Effects Poisson models typically account for overdispersion and serial dependence or “contagion” in the data. The second consideration is a general warning against the use of a Negative Binomial model in a longitudinal analysis when Poisson is an option, due to possible distortion of the multiplicative individual-specific effect and because of potential intercept shift (Cameron and Trivedi 1998:279-280).

\textsuperscript{14} Confirmed with the likelihood ratio test for overdispersion: $2*(\text{LL}_{\text{full model}} - \text{LL}_{\text{constant only}})$. It has rejected the $H_0$ that $\alpha = 0$; Chi-squared = 1462.02, $p<.0000$. 68
**Approach**

The analytical strategy most common to the literature on detecting racial bias in the juvenile justice system is the use of reduced form equations, entered in hierarchical fashion to note whether the race effect can be explained by other factors (Huizinga et al 2007). I use this approach in Chapter 5 by first examining a baseline equation of race and demographic controls, then entering minor delinquency, serious delinquency, and finally criminal history. This is a direct test of the hypothesis that there will be a race effect on arrest risk, net of legal items (H1).

Chapter 6 evaluates the main and conditioning roles of SES on arrest risk in tests of H2 and H3. Three separate analyses are conducted in Chapter 6, each using a different SES measurement. Interviewer-rating of SES is used in Model 1, parent-reported household income in Model 2, and logged household income in Model 3. Chapter 7 examines the main and conditioning roles of gang membership in tests of H4 and H5. Significant interactions in Chapters 6 and 7 are probed for clearer interpretation of effects. All models are estimated with Random Effects Poisson and Random Effects Negative Binomial regression.\(^{15}\)

---

\(^{15}\) As a refinement on the notion of arrest eligibility and risk, all analyses were replicated using a subsample of self-reported offenders. This addresses the possibility that including non-offenders in the arrest eligible population will offer too conservative an estimate of the impact of legal variables on arrest risk. The theoretical concern is that non-offenders are not truly arrest eligible, having a constant (near-zero) chance of arrest. Results in Appendix B show slight differences between several models, but major findings and conclusions on hypothesis testing are largely the same for offenders only and for the full sample.
CHAPTER 5

TESTING THE RACE-ETHNIC LABELING HYPOTHESIS

Introduction

Much past research finds that black youth stand a higher risk of arrest than do white youth, even after controlling for delinquency levels (Brownfield et al. 2001; Dannefur and Schutt 1982; Hirschfield et al. 2006; Sampson 1986). Some also find this to be true of Hispanic youth (Bell and Lang 1985; Dannefur and Schutt 1982), while others find no effect for this group (Cicourel 1976; McEachern and Bauzer 1967; Terry 1967). The current research improves upon past efforts by revisiting the question with national-level data and by interacting race with other extralegal variables to specify its role in arrest dynamics. This chapter offers empirical justification for a labeling perspective in examining the main effect of race on arrest, prior to further probing with interaction effects in Chapters 6 and 7.

Labeling and Arrest

I begin by making a case for the suitability of labeling theory to study the arrest of juveniles, a pivotal first stage in the formal processing of youth through the justice system. The application of labeling theory to delinquency and justice issues is well-stated elsewhere (Gove 1975; Patternoster and Iovanni 1989). However, it has most often been used to study bias in later stages of processing, if not to depict the future
consequences of contact with the juvenile system in the lives of youth. Few have used it to guide research on the selecting of youth for system processing.

Like most social science theories, labeling exists on a continuum of conservative and extreme perspectives. Labeling purists would argue that certain groups are targeted for criminal justice processing, solely based on skin color, their socioeconomic status, the communities they inhabit or frequent, the way they dress, etc. In short, taking the extreme labeling position on juvenile arrest decision-making is to argue that police routinely target the poor and minority youth in their patrol practices. These groups are thus expected to have a higher risk for arrest, regardless of their levels of delinquent behavior.

A more moderate position is fueled by awareness of the growing professionalism in policing and adherence to the justice ideal that is becoming more codified among law enforcement agencies nationally. Most legal scholars and perhaps even moderate labeling theorists would more readily assume that people are arrested primarily on the basis of committing illegal acts. All other considerations or biases affecting the arrest decision would be secondary, at best.

It follows that non-offenders are not truly arrest eligible. Barring any anomalies, such as mistaken identity or other errors in police investigation, they should not be arrested. Then perhaps the most compelling case for labeling is to show that 1.) some youth get picked up by police for no apparent legal reason; and 2.) these youth are
disproportionately race-ethnic minorities, lower class youth, and/or gang members. I begin with this framework to explore the extent to which there is a basis for labeling in the current research context.

Table 5.1 examines the 4-year self reported delinquency status\textsuperscript{16} by 4-year arrest status for the full sample.

<table>
<thead>
<tr>
<th>Delinquency</th>
<th>Arrested</th>
<th>No</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
<td></td>
<td>8,952</td>
<td>131</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(65.3%)</td>
<td>(19.6%)</td>
</tr>
<tr>
<td>Yes</td>
<td></td>
<td>4,747</td>
<td>538</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(34.7%)</td>
<td>(80.4%)</td>
</tr>
</tbody>
</table>

(N) observations (4 years) = 14,368.\textsuperscript{17}

Table 5.1: Self Reported Delinquency Status by Arrested Status in the NLSY97, Waves 1 - 4

Nearly 20 percent of youth who self reported an arrest over the four waves reported engaging in none of the various types of delinquent acts examined in this study. Such a high figure may be due to the somewhat restricted range of “actionable” (Thornberry et al. 2003) or “arrestable” offenses examined. These include alcohol and drug use, vandalism, petty and grand theft, handling stolen property, assault, and selling

\textsuperscript{16} For the types of delinquency included in the study only.

\textsuperscript{17} Missing cases from (n) of observations in the study (15,524) are due to z-scoring and to imputing values for missing data. These two procedures result in negative values on some delinquency data, requiring the use of non-imputed, non-z-scored delinquency variables for the “offenders only” select statement.
drugs.\textsuperscript{18} It is from these 20 percent of arrests with no apparent delinquency that one can deduce the proportion of legally unfounded arrests.

The delinquent acts examined in the current study are often referred to as “general delinquency” items in the literature (Hindelang et al. 1981; Thornberry and Krohn 2002). Status offenses such as runaway or curfew violations were not included in the study. Neither are weapons carrying, murder, rape, or other sex crimes. Altogether, these unmeasured crime types account for about 15 percent of all juvenile arrests in the U.S. (Snyder 2006). This still leaves 5 of the 20 percent of arrests unaccounted for by any form of delinquency. In other words, perhaps about $\frac{3}{4}$ of these 131 arrest cases are arrests for offenses not included in the study, suggesting that about 5 percent of all juvenile arrests are made for reasons other than delinquent activity. These are possibly “bad arrests”, and ultimately, a pool of potential cases for wrongful adjudication (Huff 2002).

Another slight possibility is that these youth are not being truthful about their arrests or their delinquency. It is important to recall however, that after much scrutiny over years of research, self report crime measurements for youth are deemed surprisingly valid (Elliott and Ageton 1980; Elliott et al. 1987; Farrington et al. 1996; Hindelang et al. 1981; Maxfield et al. 2000; Raskin-White et al. 2002; Thornberry and Krohn 2002). Despite their high level of validity, as discussed in Chapter 2, some claim that black

\textsuperscript{18} It is unknown whether youth would include acts of arson in the NLSY97’s vandalism question asking “Have you ever purposely damaged or destroyed property that did not belong to you?”
youth underreport their delinquency in survey data (Hindelang et al. 1981), while others have since found evidence to the contrary (Farrington et al. 1996; Maxfield et al. 2000). As noted in Chapter 4, when studies have the ability to cross-check, most self reported arrests show up in official records (Hindelang et al. 1981; Hirschfield et al. 2006; Hirschi 1969). Unable to cross-check arrest or delinquency data for the NLSY97, this research must rely on the validity track record of self report youth data. Table 5.2 examines the characteristics of these youth who claim to have been arrested without committing any of the forms of delinquency examined in this study.
<table>
<thead>
<tr>
<th></th>
<th>(N)</th>
<th>Subsample Mean (SD)</th>
<th>Full Sample Mean (SD)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Race</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>White</td>
<td>49</td>
<td>.37 (.48)</td>
<td>.54 ^^ (.50)</td>
</tr>
<tr>
<td>Black</td>
<td>38</td>
<td>.29* (.45)</td>
<td>.24 (.43)</td>
</tr>
<tr>
<td>Hispanic</td>
<td>44</td>
<td>.34 (.47)</td>
<td>.21^ (.41)</td>
</tr>
<tr>
<td><strong>SES (n=118)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Interviewer Rating</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Low SES</td>
<td>19</td>
<td>.16* (.37)</td>
<td>.07 (.25)</td>
</tr>
<tr>
<td>Mid SES</td>
<td>60</td>
<td>.51** (.50)</td>
<td>.42 (.47)</td>
</tr>
<tr>
<td>High SES</td>
<td>39</td>
<td>.33 (.47)</td>
<td>.51^^ (.48)</td>
</tr>
<tr>
<td><strong>Wealth</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gross HH Income</td>
<td>99</td>
<td>$32.5 (28.5)</td>
<td>$46.6^^(37.2)</td>
</tr>
<tr>
<td>(in thousands)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gang Membership</td>
<td>6</td>
<td>.048 (.21)</td>
<td>.020 (.14)</td>
</tr>
</tbody>
</table>

a Significantly different from White mean at * p < .001 in a 2 sample t-test.
b SES categories do not add up to 100 percent due to missing data.
c Significantly different from High SES at * p < .15 **, p < .10 in a 2 sample t-test.
^ Significantly different from Subsample mean at p < .10, ^^ p < .05, ^^^ p < .001 in a 2 sample t-test

Table 5.2 Characteristics of Potential Labeling Victims (Subsample), Waves 1-4
A smaller proportion of the “labeled” subsample of youth is white, as compared to the proportion of whites in the total sample and as compared to blacks within the subsample, both statistically significant relationships. Hispanics are overrepresented in the labeling subsample as well, providing preliminary evidence of disproportionate targeting of minority youth with the possibility of weak justification or no legal cause.

Interviewer-generated SES ratings and parent-generated SES measurements offer conflicting evidence on the SES characteristics of the labeling subsample. By rated SES, the subsample is mostly comprised of Mid SES youth. Surprisingly, Low SES youth are underrepresented in the subsample as compared to Mid and High SES youth. The proportion of High SES youth in the subsample is significantly larger than the proportion of Low SES youth. With income as SES, however, the labeling subsample is of a significantly lower SES than the larger sample.

Finally, gang youth are overrepresented in the labeling subsample. They account for nearly 5 percent of arrested youth with no self-reported delinquency, but only two percent of the full sample. However, because the number of gang youth in the subsample is small (n) = 6, the relationship is not significant.

**Focus on Race & Ethnicity**

This section explores bivariate and trivariate relationships for items in the study by race and ethnicity. Table 5.3 provides the starting point to addressing the race-arrest question in the full sample. It shows that the mean arrest figures of minority youth are
significantly higher than those of whites. Having established this difference on arrest, means comparisons for all other variables by race follow.

The well-documented elevated substance use level among white youth (Watt and Rogers 2007) emerges here. A less well documented and rather surprising finding, that property crime and drug sales are markedly higher among whites than minorities, also emerges. Another familiar finding in the delinquency literature that is evident here is minority youth engage in more assaultive behaviors (McNulty and Bellair 2003) and accumulate lengthier criminal records than white youth over time (Curry 2000).

Consistent with prior delinquency research on U.S. youth, (Farrington et al. 2003; Kaufman 2005; McNulty and Bellair 2003; Peeples and Loeber 1994; Wikstrom and Loeber 2000), compared to whites, both minority groups are more likely to live in lower and middle, rather than high SES contexts, they are more likely to be gang members, and to live in urban versus non-urban areas.
<table>
<thead>
<tr>
<th></th>
<th>Full Sample</th>
<th>White</th>
<th>Black</th>
<th>Hispanic</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(n) of persons = 3,881</td>
<td>n = 2,094</td>
<td>n = 960</td>
<td>n = 827</td>
</tr>
<tr>
<td></td>
<td>(n) observations = 15,524</td>
<td>obs = 8,376</td>
<td>obs = 3,840</td>
<td>obs = 3,308</td>
</tr>
<tr>
<td>Arrested</td>
<td>Mean</td>
<td>s.d.</td>
<td>Mean</td>
<td>s.d.</td>
</tr>
<tr>
<td>Arrests</td>
<td>.05</td>
<td>.22</td>
<td>.04</td>
<td>.20</td>
</tr>
<tr>
<td>RACE-ETHNICITY</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>White</td>
<td>.54</td>
<td>.50</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Black</td>
<td>.24</td>
<td>.43</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Hispanic</td>
<td>.21</td>
<td>.41</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>DEMOGRAPHIC</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>.52</td>
<td>.50</td>
<td>.53</td>
<td>.50</td>
</tr>
<tr>
<td>Age</td>
<td>15.21</td>
<td>1.61</td>
<td>15.19</td>
<td>1.60</td>
</tr>
<tr>
<td>Urban</td>
<td>.39</td>
<td>.49</td>
<td>.29</td>
<td>.45</td>
</tr>
<tr>
<td>LEGAL ITEMS</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minor Delinquency</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alcohol Use</td>
<td>.78</td>
<td>2.72</td>
<td>.93</td>
<td>2.97</td>
</tr>
<tr>
<td>Drug Use Index</td>
<td>-.10</td>
<td>1.12</td>
<td>-.07</td>
<td>1.27</td>
</tr>
<tr>
<td>Vandalism</td>
<td>.26</td>
<td>.90</td>
<td>.29</td>
<td>.95</td>
</tr>
<tr>
<td>Serious Delinquency</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assault</td>
<td>.24</td>
<td>.95</td>
<td>.20</td>
<td>.88</td>
</tr>
<tr>
<td>Property Crime Index</td>
<td>.28</td>
<td>1.11</td>
<td>.31</td>
<td>1.15</td>
</tr>
<tr>
<td>Drug Sales</td>
<td>.07</td>
<td>.44</td>
<td>.09</td>
<td>.51</td>
</tr>
<tr>
<td>Criminal History</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prior Arrests</td>
<td>.12</td>
<td>.70</td>
<td>.11</td>
<td>.64</td>
</tr>
<tr>
<td>SES</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interviewer Rating</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Low</td>
<td>.07</td>
<td>.25</td>
<td>.04</td>
<td>.20</td>
</tr>
<tr>
<td>Mid</td>
<td>.42</td>
<td>.47</td>
<td>.35</td>
<td>.46</td>
</tr>
<tr>
<td>High</td>
<td>.51</td>
<td>.48</td>
<td>.61</td>
<td>.47</td>
</tr>
<tr>
<td>Wealth</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gross HH Income</td>
<td>$46.6</td>
<td>37.2</td>
<td>$59.7</td>
<td>41.3</td>
</tr>
<tr>
<td>(in thousands)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>GANG MEMBER</td>
<td>.020</td>
<td>.14</td>
<td>.012</td>
<td>.11</td>
</tr>
</tbody>
</table>

* Significantly different from white mean at p < .05, ** p < .01, *** p < .001 in a 2 sample t-test with equal variances.

^ t-value for group is negative

Table 5.3. Sample Characteristics by Race
SES and gang membership help to clarify the role of race in arrest throughout the study. Tables 5.4 and 5.5 tabulate race and arrest by these items to begin probing for early patterns among test items.

<table>
<thead>
<tr>
<th>Low SES</th>
<th>Mid SES</th>
<th>High SES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Arrested</th>
<th>No arrest</th>
<th>Total (n)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Low SES</th>
<th>Mid SES</th>
<th>High SES</th>
</tr>
</thead>
<tbody>
<tr>
<td>n (%)</td>
<td>n (%)</td>
<td>n (%)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Chi-Squared 3.3  2.1 7.0*  
Cramer’s V .07  .03 .04

* p < .05

Table 5.4: Arrest Status by Interviewer-Rated SES and Race

None of these arrest relationships by race and class is very strong, as seen in the Cramer’s V statistic. The only significantly specified race-arrest relationship exists in the High SES category. Blacks are the most arrested race group among High SES subjects, followed by Hispanics. This is consistent with notions that minority youth may appear “out of place” in higher SES contexts, leading to elevated arrests of those subjects (Lundman and Kaufman 2003; Werthman and Piliavin 1967).

Table 5.5 shows that the most arrested groups are Hispanics among gang youth and blacks among non-gang youth. None of these relationships is significant however.
Overall, descriptive statistics begin to make a case for labeling, suggesting that race is related to the risk of arrest for youth, and it may be conditioned by class and gang status. However, these results are not totally consistent and hence the form of the race-arrest link is still rather vague. Regression models in the next section and in subsequent chapters help to clarify this link with a full set of controls and rigorous tests of hypotheses.

**Multivariate Modeling of the Race Effect**

With some preliminary support for the notion that race-ethnic minority status is related to the risk of arrest, the regression analysis in Table 5.6 tests the durability of that relationship in the presence of demographic and legal controls. Because knowledge of the more appropriate count model to use in this particular longitudinal research context remains uncertain (Cameron and Trivedi 1998; Wooldridge 2002), results are presented for Poisson and Negative Binomial regression. An advantage of including results for
both count models is it enables an assessment of the robustness of findings throughout this and the remaining analyses chapters.

Following a common approach in research on racial bias in juvenile justice, reduced form equations in Table 5.6 are entered in successive blocks to note changes in the initial effect. A baseline equation of race and demographic controls is examined in Column 1, followed by the various legal item blocks, entered one-by-one in the remaining columns. This is a direct test of the hypothesis that race is a significant predictor of arrest after controlling for legal items. Should race remain significant, the labeling hypothesis is supported, but should the legal items explain the race effect, the null hypothesis will be supported.
<table>
<thead>
<tr>
<th></th>
<th>Poisson 1</th>
<th>Poisson 2</th>
<th>Poisson 3</th>
<th>Poisson 4</th>
<th>Negative Binomial 1</th>
<th>Negative Binomial 2</th>
<th>Negative Binomial 3</th>
<th>Negative Binomial 4</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>B (SE)</td>
<td>B (SE)</td>
<td>B (SE)</td>
<td>B (SE)</td>
<td>B (SE)</td>
<td>B (SE)</td>
<td>B (SE)</td>
<td>B (SE)</td>
</tr>
<tr>
<td><strong>RACE-ETHNICITY</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>White</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black</td>
<td>.308***</td>
<td>.512***</td>
<td>.463***</td>
<td>.518***</td>
<td>.287***</td>
<td>.536***</td>
<td>.471***</td>
<td>.382***</td>
</tr>
<tr>
<td>Hispanic</td>
<td>.206***</td>
<td>.288***</td>
<td>.259***</td>
<td>.293***</td>
<td>.189*</td>
<td>.296***</td>
<td>.306***</td>
<td>.209*</td>
</tr>
<tr>
<td></td>
<td>(.073)</td>
<td>(.070)</td>
<td>(.071)</td>
<td>(.071)</td>
<td>(.105)</td>
<td>(.101)</td>
<td>(.101)</td>
<td>(.104)</td>
</tr>
<tr>
<td><strong>DEMOGRAPHIC</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>1.02***</td>
<td>.877***</td>
<td>.806***</td>
<td>.693***</td>
<td>.995***</td>
<td>.816***</td>
<td>.834***</td>
<td>.701***</td>
</tr>
<tr>
<td>Age</td>
<td>.105***</td>
<td>.066***</td>
<td>.076***</td>
<td>.068</td>
<td>(.091)</td>
<td>(.088)</td>
<td>(.088)</td>
<td>(.091)</td>
</tr>
<tr>
<td></td>
<td>(.018)</td>
<td>(.019)</td>
<td>(.019)</td>
<td>(.019)</td>
<td>(.028)</td>
<td>(.028)</td>
<td>(.028)</td>
<td>(.032)</td>
</tr>
<tr>
<td>Urban</td>
<td>.322***</td>
<td>.251***</td>
<td>.193***</td>
<td>.107*</td>
<td>.312***</td>
<td>.238***</td>
<td>.227**</td>
<td>.136</td>
</tr>
<tr>
<td></td>
<td>(.061)</td>
<td>(.061)</td>
<td>(.061)</td>
<td>(.061)</td>
<td>(.093)</td>
<td>(.090)</td>
<td>(.089)</td>
<td>(.092)</td>
</tr>
<tr>
<td><strong>LEGAL ITEMS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minor Delinquency</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alcohol Use</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drug Use Index</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vandalism</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Serious Delinquency</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assault</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Property Crime</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drug Sales</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Criminal History</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prior Arrests</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pseudo r-squared</td>
<td>.04</td>
<td>.10</td>
<td>.13</td>
<td>.17</td>
<td>.02</td>
<td>.06</td>
<td>.08</td>
<td>.15</td>
</tr>
</tbody>
</table>

| N = 3,881 | Obs. = 15,524 | * p < .10 ** p < .05 *** p < .01 |

**Table 5.6. Number of Arrests on Race and Controls.**
Column 1 in both count models establishes that race has an effect on arrest, net of demographic items. The magnitude of the race coefficients increases after introducing minor delinquency in column 2, suggesting the absence of minor delinquency from such a model somewhat suppresses the race-arrest relationship. The race indicators remain significant past the entry of serious delinquency in column 3 and criminal history in column 4. This is clear and convincing support for H1.

Consistent with past research, minority youth stand a higher risk of arrest than do white youth, even after controlling for various legal items (Bell and Lang 1985; Brownfield et al. 2001; Dannefer and Schutt 1982; Hirschfield et al. 2006; Sampson 1986). One nuance is the black slope is slightly larger than the Hispanic slope. Black racial status is associated with an expected increase in the number of arrests of about 0.45, and for Hispanics, this figure is about 0.25. The black slope never drops in its level of significance, while that of Hispanic does slightly weaken with the entry of other items in Negative Binomial regression. Some have also found a mid-range level of bias against Hispanic youth (Dannefer and Schutt 1982), while others have found equal levels of bias against blacks and Mexican Americans (Bell and Lang 1985). Less informative approaches combine black and Hispanic youth to yield “minority” effects in juvenile arrest (Hirschfield et al. 2006). The ultimate objectives of this research require more specific delineation of race effects on arrests of youth. But at this point, it is worth noting that the support found for H1 has
implications for labeling theory and for recent federal policy requiring states to address disproportionate minority contact (DMC) with the juvenile justice system. This demonstration of the positive main effect of racial minority status on arrest net of delinquency, criminal history, and demographic variables with national-level data affirms the presence of labeling in juvenile arrest. With regard to policy, these findings help to address at least one issue that has proven difficult for the states; analyzing data on Latino youth (Walker et al. 2004).

Several interesting results emerge from demographic and legal item coefficients in Table 5.6. Contrary to my expectation that sex would not play a significant role in arrests, male status is a significant predictor. While this is consistent with some past research (Elliott and Voss 1974; Monahan 1970; Williams and Gold 1972), several factors caused me to expect no sex effect. This includes recent evidence of a rather rapid closing of the sex arrest gap (Chesney-Lind 1999; Steffensmeir et al. 2005), evidence of no sex effect (Dannefur and Schutt 1982; Farrington et al. 2007; McEachern and Bauzer 1967), and that females are arrested more often after controlling for offense severity (Ferdinand and Luchterhand 1970; Terry 1967; Tielman and Landry 1981). The male effect on arrest risk is robust in the current study.

Much prior research finds that arrest increases with age (Butts and Snyder 2006; Elliott et al. 1987; McEachern and Bauzer 1967; Shannon 1991; Simcha-Fagan and Schwartz 1986; Werthman and Piliavin 1967; Williams and Gold 1972). However, my
results are more consistent with recent evidence of no age effect on arrest in youth survey data (Hirschfield et al. 2006). Future work should continue to examine the age effect for several methodological reasons. First, of the many studies finding age effects, few employ longitudinal designs. Shannon’s (1991) research uses panel data, but only on youth from a single mid-sized city. Hirschfield et al. (2006) use data with the same limitation, and also take only a single measurement of age (at Time I). Moreover, their research focus is on first time arrest, where the age effect is explained by several mental health factors. The current juvenile arrest study appears to be the first to use national data with repeated age measurements for the same individuals over time. Here, the age effect is sustained past the entry of delinquency items, but is ultimately explained by criminal history. This result may be due to the inherent link between age and prior arrests, where prior arrests are partly a function of age. Their zero order correlation is .12.

Results for the effect of residence in an urban setting on arrest were a bit mixed. In each count model, the urban effect was weakened with the entry of legal items. It remained significant in Poisson at p ≤ .10, but not in the final Negative Binomial equation. It continues to obtain mixed results, at best, even with SES in the model in Chapter 6. The analysis in Chapter 7 notes how results for urban residence change as gang membership status enters the study. Largely characterized as an urban
phenomenon, emerging research suggests youth gang activity is rapidly spreading to non-urban areas (Evans et al. 1999; Weisheit and Wells 2004).

Consistent with past research (Hirschfield et al. 2006; Raskin-White et al. 2002; Sampson 1986) alcohol use is a repeatedly significant arrest predictor. Although the effect is weak, it is an intuitive finding since alcohol use and inebriation is widely known to create behavioral changes conducive to arrest such as aggression, risk taking, reduced self awareness, etc. Alcohol use in teens is linked to numerous problem behaviors, one of which is increased involvement in violent acts (Raskin-White et al. 2002). Other inherent risks alcohol use brings for arrests of youth are offenses involving under age consumption, public intoxication, and DWI. Snyder (2008) reports over 160,000 arrests of youth for alcohol-related charges in 2005, nearly 8 percent of all arrests in that year. In the month prior to the survey, an increase in number of days youth report drinking five or more alcoholic drinks increases their expected number of arrests by about .05 for the year in both count models.

Drug use was not a consistent arrest predictor, remaining significant in Negative Binomial only. This drug use index contains Marijuana, cocaine, and other hard drugs, where substance use measurements in past arrest studies do not include hard drugs (Hirschfield et al. 2006; Sampson et al. 1986). Here, as in the Negative Binomial models of future chapters, a unit increase in the drug use index (z-scored) is expected to increase
the number of arrests by .09 for the most recent survey year. The arrest risk presented by drug use is thus about double what it is for alcohol use.

Vandalism and drug sales are significant arrest predictors in Poisson only. This is an interesting coupling, since vandalism is often considered a minor form of delinquency and drug sales a more serious one. Despite this, they share the commonality of secrecy. If results from Negative Binomial reveal the true relationship, it would not be very surprising since such forms of delinquency are often more difficult for police to detect. School administrators, for example, may hesitate to report all cases of vandalism because they appear trivial or fear it will reflect poorly on their managerial ability (Goldstein 1996). The modus-operandi for vandalism is likely to include the cover of darkness in the very late evening or early morning hours, whether for external damage to property (e.g. graffiti) or damage upon entry to an unguarded building. Similarly, drug deals are a form of deviance often taking place behind closed doors on private property. Even open-air drug markets operate with as much inconspicuousness as possible.

Assaults and thefts are repeatedly significant arrest predictors. In both count models, each increase in self reported assault incidents in the past year is expected to increase the number of arrests by about .20 for the year, a finding that is obtained throughout the study. Each increase in the number of self reported property crimes committed over the past year is expected to increase the number of arrests by about .10 in Poisson and .25 in Negative Binomial, also a recurrent finding. As the more serious
crimes, results for assault and property crime are as expected. For these items to register relatively small or insignificant slopes would be a threat to validity. Unlike drugs and vandalism, there is an immediate urgency presented by and for victims, who often press for investigation and police action in the form of arrest of a suspect for theft and assault.

Moreover, a major shift in public school policy toward various forms of delinquency has resulted from the “zero tolerance” or Safe Schools Act implemented nationwide in the mid and late 1990’s. Ever since, schools are more punitive in their handling of many forms of delinquency, but especially on those involving fighting and other forms of violence among students or those directed at teachers and staff. The main implication for many public middle and high schools is the increased use of law enforcement and formal juvenile justice processing for such infractions (Fries and DeMitchell 2007).

Consistent with prior research, the effect of criminal history on arrests is positive and significant (Battin et al. 1998; Curry 2000; Dannefur and Schutt 1982; Piliavin and Briar 1964; Terry 1963). As expected, it is one of the stronger predictors. Each increase in the number of arrests accumulated up to the year prior to each wave in the analysis is associated with an increase of about .23 arrests with Poisson while predicting at least one new future arrest in Negative Binomial. Interestingly, criminal history is not often used in studies of juvenile arrest risk, yet it clearly is a critical part of the model, addressing delinquent propensity and “reputation” effects with police already familiar with the youth
from the past encounter(s) or official labeling effects with police who may not know the youth, but who have instant computerized recall of their arrest history in the field setting.

The choice to substitute criminal history for any number of social variables involving family and peer influences, difficulties in school, and mental health status is based on my view that it accounts for much of the influence of these items. When prior arrest was entered with these items in earlier models (not shown), its effects were muted, as were the effects of the social items. Opting for use of criminal history alone has resulted in a more parsimonious model, and a rigorous test of labeling where effects of extralegal test items are conservative for having to emerge beyond the criminal propensity and official labeling effect.

Results obtained for criminal history also suggest that arrests are not independent observations. Rather, the risk of arrest is increased by having prior arrests, which theoretically favors the Negative Binomial procedure over Poisson for violation of the non-independence assumption. But, as discussed in Chapter 4, because the REM may already account for such contagion, Poisson may provide the better model fit. There is no diagnostic known to this researcher to address this issue, simply statistical theory.19

19 Fortunately, in practice, there is not much difference in results between the models. With a few exceptions on individual delinquency items, significance results are consistent and slope size for arrest predictors is often comparable between the two count models. In the case of criminal history, however, there is a marked difference in the size of the slope. The effect obtained with Negative Binomial is five times the size of the effect obtained with Poisson.
Discussion

A longstanding and ongoing federal initiative in the area of delinquency research is referred to as “Disproportionate Minority Contact (DMC)” with the juvenile justice system (Huizinga et al. 2007). The objective of this research program is to determine what causes DMC at various stages of involvement. A recent key consideration of this effort is whether elevated delinquency among minority youth explains DMC, yet much of the existing research focuses on bias in the later stages of processing. Because the arrest decision is the ever-critical filter for the system, research that focuses on that front end of the process informs both theory and policy. If the primary deviation (i.e. delinquency) and propensity for involvement in delinquency (prior arrests) are controlled and extralegal effects remain, such research is all the more valuable. In this vein, an important research question regarding the role of race in juvenile arrest was re-assessed here using labeling theory as the framework.

The positive effect of racial minority status on arrest after controlling for levels of delinquency and criminal history is clearly evidenced in this national sample of youth. Where one recent study using Rochester data finds minority effects on arrest by combining blacks and Hispanics (Hirschfield et al. 2006), the current study shows that running tests for these groups separately is more informative. Labeling effects are more pronounced for black youth than for Hispanic youth in this model. Demonstrating arrest bias against black youth generally upholds past findings, but with such sparse research on
arrests of Hispanic youth, these results shed new light on ethnicity as a risk factor. This provides a benchmark for more specific investigations of the nature and form of the race-arrest relationship in Chapters 6 and 7. The durability of these initial findings is now tested as SES and gang membership enter the study.
CHAPTER 6

SES AND THE RACE-ARREST RELATIONSHIP

Introduction

The analysis in Chapter 5 provided evidence of the main effect of race-ethnic minority status in increasing arrest risk. This is consistent with the literature on the role of black racial status in juvenile arrest and provides new findings on the labeling effect experienced by Hispanic youth. The following analyses aim to demonstrate whether and how this relationship can be explained or further specified to move this area of inquiry forward.

Informed by research that points to a substantial overlap between racial minority status and poverty, I have included SES as a test item along with race. These items are interacted to explore their combined effect on arrest risk. This chapter’s analysis facilitates various tests of main and interaction statements in H2 and H3 using Poisson and Negative Binomial regressions. Each of three models utilizes a different measure of SES.

Model 1 uses interviewer-rating of the neighborhood and home, dummied into High, Medium, and Low SES categories. Although mean-centering of interaction terms is prescribed to avoid confounding interaction term effects with those of their constitutive terms (Jaccard et al. 1990), this procedure is not appropriate for dummy variable interactions (Aiken and West 1991: 116). Comprised only of dummy variables, product
terms for Minority x SES in Model 1 contain no centered terms. Centering is, however, recommended for interactions involving continuous variables, as in Models 2 and 3. With continuous values, annual household income is mean-centered prior to being interacted with minority status. Model 3 logs income prior to mean-centering.

**SES Model 1: Interviewer-Rated SES**

Table 6.1 contains results for SES Model 1. The first column is the full race model carried over from Chapter 5. SES is entered in column 2 to note its main effect on arrest in an assessment of H2 and also to note its impact on the race-arrest relationship. High SES is the omitted category in column 2. Race x SES interactions are then added in column 3 to test H3.

Results in column 2 provide preliminary support for H2. Low SES significantly increases arrest risk, relative to High SES, controlling for demographic items, legal items, and race. With rated-SES in the model, race remains a significant predictor of arrest in the Poisson regression, but not in Negative Binomial. Race x Low SES fails to significantly increase arrest risk for blacks or Hispanics, providing no preliminary support for H3. Note, however that specifying this interaction in column 3 strengthens the Hispanic main effect to its greatest magnitude in the model, and it is again significant.

While no hypothesis is formally stated for mid-range interviewer-rated SES, it significantly interacts with minority status to reduce arrest risk, relative to the omitted category of High SES minority subjects. Table 5.4 in the previous chapter alluded to this
relationship with the significant race-arrest relationship evidenced among High SES subjects only.
<table>
<thead>
<tr>
<th>RACE-ETHNICITY</th>
<th>Poisson 1 B (SE)</th>
<th>Poisson 2 B (SE)</th>
<th>Poisson 3 B (SE)</th>
<th>Negative Binomial 1 B (SE)</th>
<th>Negative Binomial 2 B (SE)</th>
<th>Negative Binomial 3 B (SE)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black</td>
<td>.518*** (.071)</td>
<td>.401*** (.072)</td>
<td>.513*** (.131)</td>
<td>.382*** (.104)</td>
<td>.250** (.106)</td>
<td>.458*** (.178)</td>
</tr>
<tr>
<td>Hispanic</td>
<td>.293*** (.074)</td>
<td>.232*** (.074)</td>
<td>.503*** (.123)</td>
<td>.209* (.110)</td>
<td>.134 (.110)</td>
<td>.341* (.179)</td>
</tr>
</tbody>
</table>

| DEMOGRAPHIC | Male            | .693*** (.068)   | .699*** (.068)   | .703*** (.091)              | .708*** (.090)              | .712*** (.091)              |
| Age           | -.003 (.019)    | -.000 (.019)     | -.004 (.032)     | -.045 (.028)                | -.042 (.028)                | -.042 (.028)                |
| Urban         | .107* (.061)    | .024 (.062)      | .032 (.092)      | .136 (.093)                 | .063 (.093)                 | .074 (.093)                 |

| LEGAL ITEMS   | Minor Delinquency | Alcohol Use | .062*** (.005)   | .061*** (.005)   | .060*** (.005)   | .053*** (.012)   | .056*** (.012)   | .056*** (.012)   |
|               | Drug Use Index    | .016 (.011)    | .021* (.011)     | .018* (.011)     | .094*** (.032)   | .087*** (.032)   | .085*** (.032)   |
|               | Vandalism         | .093*** (.022) | .098*** (.022)   | .097*** (.022)   | .005 (.042)      | .004 (.042)      | .002 (.042)      |
|               | Serious Delinquency | Assault | .179*** (.016)   | .164*** (.016)   | .164*** (.016)   | .219*** (.032)   | .202*** (.032)   | .202*** (.032)   |
|               | Property Crime    | .095*** (.014) | .090*** (.014)   | .091*** (.014)   | .097*** (.032)   | .253*** (.031)   | .252*** (.031)   | .256*** (.031)   |
|               | Drug Sales        | .110*** (.032) | .094*** (.032)   | .097*** (.032)   | .069 (.074)      | .077 (.073)      | .075 (.073)      |
|               | Criminal History  | Prior Arrests  | .223*** (.008)   | .223*** (.008)   | .220*** (.008)   | 1.14*** (.070)   | 1.09*** (.069)   | 1.09*** (.069)   |

| SES            | Interviewer Rating | Low          | -- .945*** (.092) | -- .935** (.151) | -- .958*** (.146) | -- .817*** (.248) | -- .960*** (.344) | -- .960*** (.344) |
|                |                   | Mid          | -- .323*** (.070) | -- .507*** (.095) | -- .354*** (.097) | -- .556*** (.129) | -- .334*** (.129) | -- .334*** (.129) |

| INTERACTIONS  | Black x Low SES   | -- -- .110   | -- -- (.214)     | -- -- (.246)     | -- -- (.246)     | -- -- (.246)     | -- -- (.246)     | -- -- (.246)     |
|               | Black x Mid SES   | -- -- .294*  | -- -- (.366)     | -- -- (.366)     | -- -- (.366)     | -- -- (.366)     | -- -- (.366)     | -- -- (.366)     |
|               | Hispanic x Low SES| -- -- .306   | -- -- (.238)     | -- -- (.238)     | -- -- (.238)     | -- -- (.238)     | -- -- (.238)     | -- -- (.238)     |
|               | Hispanic x Mid SES| -- -- .447***| -- -- (.166)     | -- -- (.166)     | -- -- (.166)     | -- -- (.166)     | -- -- (.166)     | -- -- (.166)     |
| Pseudo r-squared | .17 .18 .18 .18 .15 .15 .15 |

N = 3,881        Obs. = 15,524        * p < .10 ** p < .05 *** p < .01

Table 6.1. Arrests on Race, Rated SES, and Interactions.
Demographic and legal items largely operate the same in the race model in Chapter 5 and in SES Model 1, with only two exceptions. SES mutes the small effect urban location exhibited in Poisson, and drug use is now significant in both count models. The effects of all arrest correlates is reassessed in SES Model 2, which uses parent-reported income.

**SES Model 2: Income as SES**

As seen in Table 5.2 of the previous chapter, rated SES and income are prone to yield discrepant findings on labeling issues evaluated with descriptives. This is now tested in a multivariate framework, as income replaces rated SES in Table 6.2. Proceeding as before, the first column is the full race model. Income is entered in column 2 to note its main effect on arrest in a re-assessment of H2 and, again, to note its impact on the race-arrest relationship. Race x SES interactions are then added in column 3 to test H3.

There are key differences in the way the race-arrest relationship is impacted by the introduction of SES in Models 1 and 2. In Model 1 (Table 6.1), the strong race effect was slightly weakened by the entry of SES in Negative Binomial regression, but was restored with SES x Race in the model. In Model 2 (Table 6.2) income also partially explains the race effect, weakening it when it is entered in column 2 especially in Negative Binomial. But unlike Model 1, specifying the Race x Income interaction in
Model 2 does not necessarily strengthen the race coefficient or restore its significance status (namely for black youth).

Attempts at untangling the effects of race and SES, a common challenge in the crime literature, has uncovered many nuances in the complex relationship between these variables. The current findings reiterate that the way SES is measured will impact findings, however slightly. Recall that rated-SES is an index derived from interviewer remarks regarding the youths’ living conditions. In a study of arrest, some may regard this type of SES measurement as preferable to a conventional measure that uses parental income, education, or occupation because it approximates the patrol officer’s perception-based assessment of SES. This is perhaps why it does not attenuate the race effect as much as income does. Whatever is gleaned from the quality of the home and neighborhood might not mediate the race effect on arrest as much as financial resources.

Nonetheless, hypothesis tests yield similar results. The main effect of SES in column 2 is significant and in the expected direction, again providing support for H2. The Race × SES interaction is significant in the Poisson model only and for blacks only, providing partial support for H3. Results for demographic and legal items in SES Models 1 and 2 are also virtually identical. Alcohol use, assault and property crime retrieve significant results in both models, while vandalism and drug sales continue to be significant in Poisson only. One exception is drug use loses its significant effect in Poisson, reverting back to its original significance reading in Chapter 5.
<table>
<thead>
<tr>
<th></th>
<th>Poisson 1</th>
<th>Poisson 2</th>
<th>Poisson 3</th>
<th>Negative Binomial 1</th>
<th>Negative Binomial 2</th>
<th>Negative Binomial 3</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>B</td>
<td>B</td>
<td>B</td>
<td>B</td>
<td>B</td>
<td>B</td>
</tr>
<tr>
<td></td>
<td>(SE)</td>
<td>(SE)</td>
<td>(SE)</td>
<td>(SE)</td>
<td>(SE)</td>
<td>(SE)</td>
</tr>
<tr>
<td>RACE-ETHNICITY</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black</td>
<td>.518***</td>
<td>.346***</td>
<td>.149</td>
<td>.382***</td>
<td>.186*</td>
<td>.095</td>
</tr>
<tr>
<td></td>
<td>(.071)</td>
<td>(.075)</td>
<td>(.102)</td>
<td>(.104)</td>
<td>(.110)</td>
<td>(.139)</td>
</tr>
<tr>
<td>Hispanic</td>
<td>.293***</td>
<td>.151**</td>
<td>.171*</td>
<td>.209*</td>
<td>.046</td>
<td>.006</td>
</tr>
<tr>
<td></td>
<td>(.074)</td>
<td>(.076)</td>
<td>(.089)</td>
<td>(.110)</td>
<td>(.114)</td>
<td>(.134)</td>
</tr>
<tr>
<td>DEMOGRAPHIC</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>.653***</td>
<td>.710***</td>
<td>.712***</td>
<td>.708***</td>
<td>.734***</td>
<td>.736***</td>
</tr>
<tr>
<td></td>
<td>(.068)</td>
<td>(.068)</td>
<td>(.068)</td>
<td>(.091)</td>
<td>(.091)</td>
<td>(.091)</td>
</tr>
<tr>
<td>Age</td>
<td>-.003</td>
<td>-.002</td>
<td>-.003</td>
<td>-.045</td>
<td>-.042</td>
<td>-.044</td>
</tr>
<tr>
<td></td>
<td>(.019)</td>
<td>(.019)</td>
<td>(.019)</td>
<td>(.032)</td>
<td>(.028)</td>
<td>(.028)</td>
</tr>
<tr>
<td>Urban</td>
<td>.107*</td>
<td>.070</td>
<td>.067</td>
<td>.136</td>
<td>.113</td>
<td>.105</td>
</tr>
<tr>
<td></td>
<td>(.061)</td>
<td>(.061)</td>
<td>(.061)</td>
<td>(.092)</td>
<td>(.093)</td>
<td>(.092)</td>
</tr>
<tr>
<td>LEGAL ITEMS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minor Delinquency</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alcohol Use</td>
<td>.062***</td>
<td>.061***</td>
<td>.061***</td>
<td>.053***</td>
<td>.054***</td>
<td>.054***</td>
</tr>
<tr>
<td></td>
<td>(.005)</td>
<td>(.005)</td>
<td>(.005)</td>
<td>(.012)</td>
<td>(.012)</td>
<td>(.012)</td>
</tr>
<tr>
<td>Drug Use Index</td>
<td>.016</td>
<td>.012</td>
<td>.012</td>
<td>.094***</td>
<td>.091***</td>
<td>.091***</td>
</tr>
<tr>
<td></td>
<td>(.011)</td>
<td>(.011)</td>
<td>(.011)</td>
<td>(.032)</td>
<td>(.032)</td>
<td>(.032)</td>
</tr>
<tr>
<td>Vandalism</td>
<td>.095***</td>
<td>.100***</td>
<td>.099***</td>
<td>.005</td>
<td>.010</td>
<td>.010</td>
</tr>
<tr>
<td></td>
<td>(.022)</td>
<td>(.022)</td>
<td>(.022)</td>
<td>(.042)</td>
<td>(.042)</td>
<td>(.042)</td>
</tr>
<tr>
<td>Serious Delinquency</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assault</td>
<td>.179***</td>
<td>.165***</td>
<td>.167***</td>
<td>.219***</td>
<td>.203***</td>
<td>.203***</td>
</tr>
<tr>
<td></td>
<td>(.016)</td>
<td>(.016)</td>
<td>(.016)</td>
<td>(.032)</td>
<td>(.032)</td>
<td>(.032)</td>
</tr>
<tr>
<td>Property Crime</td>
<td>.095***</td>
<td>.093***</td>
<td>.095***</td>
<td>.253***</td>
<td>.251***</td>
<td>.252***</td>
</tr>
<tr>
<td></td>
<td>(.014)</td>
<td>(.014)</td>
<td>(.014)</td>
<td>(.031)</td>
<td>(.031)</td>
<td>(.031)</td>
</tr>
<tr>
<td>Drug Sales</td>
<td>.110***</td>
<td>.117***</td>
<td>.117***</td>
<td>.069</td>
<td>.089</td>
<td>.086</td>
</tr>
<tr>
<td></td>
<td>(.032)</td>
<td>(.032)</td>
<td>(.032)</td>
<td>(.074)</td>
<td>(.073)</td>
<td>(.073)</td>
</tr>
<tr>
<td>Criminal History</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prior Arrests</td>
<td>.223***</td>
<td>.217***</td>
<td>.220***</td>
<td>1.14***</td>
<td>1.09***</td>
<td>1.09***</td>
</tr>
<tr>
<td></td>
<td>(.008)</td>
<td>(.008)</td>
<td>(.008)</td>
<td>(.070)</td>
<td>(.069)</td>
<td>(.069)</td>
</tr>
<tr>
<td>SES (Wealth)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Income</td>
<td>--</td>
<td>-.000***</td>
<td>-.000***</td>
<td>--</td>
<td>-.000***</td>
<td>-.000***</td>
</tr>
<tr>
<td></td>
<td>(0.00)</td>
<td>(0.00)</td>
<td>(0.00)</td>
<td>(0.00)</td>
<td>(0.00)</td>
<td>(0.00)</td>
</tr>
<tr>
<td>INTERACTIONS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black x Income</td>
<td>--</td>
<td>--</td>
<td>-0.00***</td>
<td>--</td>
<td>--</td>
<td>-.000</td>
</tr>
<tr>
<td></td>
<td>(0.00)</td>
<td>(0.00)</td>
<td>(0.00)</td>
<td>(0.00)</td>
<td>(0.00)</td>
<td>(0.000)</td>
</tr>
<tr>
<td>Hispanic x Income</td>
<td>--</td>
<td>--</td>
<td>-.000</td>
<td>--</td>
<td>--</td>
<td>-.000</td>
</tr>
<tr>
<td></td>
<td>(0.00)</td>
<td>(0.00)</td>
<td>(0.00)</td>
<td>(0.00)</td>
<td>(0.00)</td>
<td>(0.00)</td>
</tr>
<tr>
<td>Pseudo r-squared</td>
<td>.17</td>
<td>.18</td>
<td>.18</td>
<td>.15</td>
<td>.15</td>
<td>.15</td>
</tr>
</tbody>
</table>

N = 3,881          Obs. = 3,524    * p ≤ .10  ** p ≤ .05  *** p ≤ .01

Table 6.2. Arrests on Race, Income, and Interactions.
SES Model 3: Logged Income as SES

Because annual personal income is said to have a log-normal distribution with a positive skew in a large sample, researchers often employ a natural log transformation of income for a more normal distribution (Sakamoto et al. 2000; Wilson 2000). The income distribution undergoes a logarithmic transformation in Model 3, reducing skewness in mean-centered income from $|2.4|$ to $|1.9|$.
<table>
<thead>
<tr>
<th></th>
<th>Poisson 1</th>
<th>Poisson 2</th>
<th>Poisson 3</th>
<th>Negative Binomial 1</th>
<th>Negative Binomial 2</th>
<th>Negative Binomial 3</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>B (SE)</td>
<td>B (SE)</td>
<td>B (SE)</td>
<td>B (SE)</td>
<td>B (SE)</td>
<td>B (SE)</td>
</tr>
<tr>
<td><strong>RACE-ETHNICITY</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black</td>
<td>.518***</td>
<td>.479***</td>
<td>.507***</td>
<td>.382***</td>
<td>.344***</td>
<td>.358***</td>
</tr>
<tr>
<td></td>
<td>(.071)</td>
<td>(.081)</td>
<td>(.102)</td>
<td>(.104)</td>
<td>(.105)</td>
<td>(.108)</td>
</tr>
<tr>
<td>Hispanic</td>
<td>.293***</td>
<td>.255***</td>
<td>.305***</td>
<td>.209*</td>
<td>.170</td>
<td>.186*</td>
</tr>
<tr>
<td></td>
<td>(.074)</td>
<td>(.074)</td>
<td>(.074)</td>
<td>(.110)</td>
<td>(.111)</td>
<td>(.112)</td>
</tr>
<tr>
<td><strong>DEMOGRAPHIC</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>.693***</td>
<td>.695***</td>
<td>.705***</td>
<td>.708***</td>
<td>.712***</td>
<td>.723***</td>
</tr>
<tr>
<td></td>
<td>(.068)</td>
<td>(.068)</td>
<td>(.068)</td>
<td>(.091)</td>
<td>(.090)</td>
<td>(.091)</td>
</tr>
<tr>
<td>Age</td>
<td>.003</td>
<td>.003</td>
<td>.004</td>
<td>-.045</td>
<td>-.047**</td>
<td>-.047</td>
</tr>
<tr>
<td></td>
<td>(.199)</td>
<td>(.199)</td>
<td>(.199)</td>
<td>(.032)</td>
<td>(.028)</td>
<td>(.029)</td>
</tr>
<tr>
<td>Urban</td>
<td>.107*</td>
<td>.098</td>
<td>.115*</td>
<td>.136</td>
<td>.121</td>
<td>.127</td>
</tr>
<tr>
<td></td>
<td>(.061)</td>
<td>(.061)</td>
<td>(.061)</td>
<td>(.092)</td>
<td>(.092)</td>
<td>(.092)</td>
</tr>
<tr>
<td><strong>LEGAL ITEMS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minor Delinquency</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alcohol Use</td>
<td>.062***</td>
<td>.062***</td>
<td>.062***</td>
<td>.053***</td>
<td>.054***</td>
<td>.055***</td>
</tr>
<tr>
<td></td>
<td>(.005)</td>
<td>(.005)</td>
<td>(.005)</td>
<td>(.012)</td>
<td>(.012)</td>
<td>(.012)</td>
</tr>
<tr>
<td>Drug Use Index</td>
<td>.016</td>
<td>.016</td>
<td>.018*</td>
<td>-.094***</td>
<td>.093***</td>
<td>.092***</td>
</tr>
<tr>
<td></td>
<td>(.011)</td>
<td>(.011)</td>
<td>(.011)</td>
<td>(.032)</td>
<td>(.032)</td>
<td>(.032)</td>
</tr>
<tr>
<td>Vandalism</td>
<td>.093***</td>
<td>.096***</td>
<td>.093***</td>
<td>.005</td>
<td>-.001</td>
<td>-.007</td>
</tr>
<tr>
<td></td>
<td>(.022)</td>
<td>(.022)</td>
<td>(.022)</td>
<td>(.042)</td>
<td>(.043)</td>
<td>(.043)</td>
</tr>
<tr>
<td>Serious Delinquency</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assault</td>
<td>.179***</td>
<td>.175***</td>
<td>.172***</td>
<td>.219***</td>
<td>.207***</td>
<td>.199***</td>
</tr>
<tr>
<td></td>
<td>(.016)</td>
<td>(.016)</td>
<td>(.016)</td>
<td>(.032)</td>
<td>(.033)</td>
<td>(.033)</td>
</tr>
<tr>
<td>Property Crime</td>
<td>.095***</td>
<td>.094***</td>
<td>.096***</td>
<td>.253***</td>
<td>.258***</td>
<td>.259***</td>
</tr>
<tr>
<td></td>
<td>(.014)</td>
<td>(.014)</td>
<td>(.014)</td>
<td>(.031)</td>
<td>(.031)</td>
<td>(.031)</td>
</tr>
<tr>
<td>Drug Sales</td>
<td>.110***</td>
<td>.114***</td>
<td>.114***</td>
<td>.069</td>
<td>.079</td>
<td>.088</td>
</tr>
<tr>
<td></td>
<td>(.032)</td>
<td>(.032)</td>
<td>(.032)</td>
<td>(.074)</td>
<td>(.074)</td>
<td>(.074)</td>
</tr>
<tr>
<td>Criminal History</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prior Arrests</td>
<td>.228***</td>
<td>.225***</td>
<td>.217***</td>
<td>1.14***</td>
<td>1.13***</td>
<td>1.12***</td>
</tr>
<tr>
<td></td>
<td>(.008)</td>
<td>(.008)</td>
<td>(.008)</td>
<td>(.070)</td>
<td>(.070)</td>
<td>(.070)</td>
</tr>
<tr>
<td>SES (<em>Wealth</em>)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Logged Income</td>
<td>--</td>
<td>-.055***</td>
<td>-.108***</td>
<td>--</td>
<td>-.056**</td>
<td>-.147***</td>
</tr>
<tr>
<td></td>
<td>(.011)</td>
<td>(.013)</td>
<td>(.013)</td>
<td>(.022)</td>
<td>(.023)</td>
<td>(.038)</td>
</tr>
<tr>
<td><strong>INTERACTIONS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black x Income</td>
<td>--</td>
<td>--</td>
<td>.093***</td>
<td>--</td>
<td>--</td>
<td>.149***</td>
</tr>
<tr>
<td></td>
<td>--</td>
<td>--</td>
<td>(.030)</td>
<td>--</td>
<td>--</td>
<td>(.064)</td>
</tr>
<tr>
<td>Hispanic x Income</td>
<td>--</td>
<td>--</td>
<td>.147***</td>
<td>--</td>
<td>--</td>
<td>.167***</td>
</tr>
<tr>
<td></td>
<td>--</td>
<td>--</td>
<td>(.036)</td>
<td>--</td>
<td>--</td>
<td>(.060)</td>
</tr>
<tr>
<td>Pseudo r-squared</td>
<td>.17</td>
<td>.17</td>
<td>.18</td>
<td>.15</td>
<td>.15</td>
<td>.15</td>
</tr>
</tbody>
</table>

N = 3,881     Obs. = 15,524     * p < .10   ** p < .05   *** p < .01

Table 6.3. Arrests on Race, Logged Income, and Interactions.
Table 6.3 contains the only model where Race x SES effects on arrest are significant for both minority groups. Slope size for these interactions is also comparable in both count models. Model 3 results closely mimic those of Model 1 on other key items. As in Model 1, the Hispanic main effect loses significance with the entry of Income in column 2 of the Negative Binomial regression, but it is restored with the entry of the interaction term.

**SES Models Summary**

Two hypotheses regarding the role of SES were addressed in this chapter. Clear support was offered for H2, the main effect of SES on arrest, net of legal items and controls. Coefficients were significant and in the expected direction each time. SES does not fully explain the race-arrest relationship, but it weakens it in nearly every case, suggesting it partials out the race effect to some degree under most modeling conditions.

Results for H3 were rather mixed. Interacting Race and SES does not appear to exhibit conditional effects in arrests very well for blacks or Hispanics. Modeling the interaction with logged income in SES Model 3 offers the most support for H3, as it is significant for both minority groups. The next section more carefully probes the nature of the significant interaction observed in this model.

**Probing the Race x Income Interaction**

This section probes the significant interactions obtained with SES Model 3. Although both count models have yielded significant Race x SES interactions, for brevity,
I only present results from Negative Binomial regression. To illustrate the logic of probing interactions, I begin with the basic race equation from Chapter 5 and proceed toward the interaction model.

A few methodological notes must first be made. Because count model coefficients are expressed as the natural logarithm of the outcome as the linear function of a set of predictors (Cameron and Travedi 1986; 1998; Long 1997; Long and Freese 2003; Wooldridge 2002), the anti-natural log of each is taken to convert them back into original units (here, annual arrest counts). This is done after solving Y for each race group.

(i) Race Model

\[
Y_{\text{NegBinom}} = .382\cdot\text{Black}^{**} + .209\cdot\text{Hispanic}^{*} + b3's\cdot\text{Demographic Items} + b4's\cdot\text{Legal Items} + (-3.41) \\
\left[6.1\right]
\]

As noted in Figure 6.1, “white” actually represents white, female, non-urban respondents, slightly reducing the usefulness of its interpretation in this exercise. This is due to the regression principle that the \( b_0 \) in equation 6.1 would normally be the value of \( Y \) for the comparison group (here, whites) when all other independent variables equal zero (Jaccard and Turrisi 2003). But with other dummy items in the equation (male and urban), the \( b_0 \) value of .033 or \((-3.41^{\text{antilog}})\) represents the predicted value of \( Y \) for the combination of omitted dummy variable groups when all other independent variables equal zero.
(ii) Race and Income

Recall that the income distribution in SES Model 3 was logged and centered around its original mean ($46,619). This transformed version of income is introduced in equation 6.2 below (corresponds to results in Negative Binomial column 2 of Table 6.3).

\[
Y_{\text{NegBinom}} = .344 \times \text{Black}^{**} + .170 \times \text{Hispanic} + (-.056) \times \text{Income}^* + \text{b4's Demographic Items} + \text{b5's Legal Items} + (-3.36). \tag{6.2}
\]

* \(p<.05\)    ** \(p<.01\)

Because income is continuous, any value within its full range may be chosen to model the simple slopes for the race groups (Aiken and West 1991). The income values selected to solve for \(Y\) are 1.75, or the centered, logged income value at one standard deviation above the mean, at the new centered mean of zero, and -1.75, one standard deviation below the mean. This central portion of the income distribution represents 68 percent of all income values.
Slopes in Figure 6.2 show the predicted distance between race groups on arrest, but now adjusted for income.

![Graph showing arrest rates by race and income](image)

**Figure 6.2. Arrests by Race & Income, with Controls**

The income slope in equation 6.2 indicates that members of each race group could expect a change of -.056 in the number of arrests if income increased by one logged income interval. However, as seen in Figure 6.2., there is not a precisely equal rate of change for each race group across 3.5 logged income intervals. At least one interpretation guideline for this unexpected pattern has been offered. In the presence of an interaction, the constant effect of one variable across the values of another variable that is typical of “main effects” is absent (Aiken and West 1991). Although the race x income interaction has not yet been specified in this exercise, this is likely an early sign of the underlying relationship.
(iii) Race, Income, their Interaction, and Controls

Equation 6.3 is the full SES Model 3 (Negative Binomial Column 3 in Table 6.3).

\[ \text{YNegBinom} = .358 \times \text{Black}^{**} + .186 \times \text{Hispanic}^{**} + (-.147) \times \text{Income}^{**} + .149 \times (\text{Black} \times \text{Income})^{**} + .167 \times (\text{Hispanic} \times \text{Income})^{**} + b6' \times \text{Demographic Items} + b7' \times \text{Legal Items} + (-3.35). \]

With the interaction terms in the equation, each race group now has its own intercept and slope. Solving \( Y \) for each race group yields the “simple” slopes for each, an advanced probing of the interaction (Aiken and West 1991).

Results in Table 6.3 have already indicated that the Black \( \times \) Income, and Hispanic \( \times \) Income terms are statistically significant, as are their constitutive items. This “omnibus” or global level of significance merely indicates that the b’s are statistically different from zero, when all other variables have a value of zero (Aiken and West 1991; Jaccard and Turrisi 2003). Note, however, that regression lines in Figure 6.3 are nearly parallel (especially minority slopes), typically an indication of no significant difference among the parallel simple slopes.

To conduct a t-test for significant differences among the groups, the simple slope is divided by its corresponding standard error. Aiken and West (1991) and Jaccard and Turrisi (2003) prescribe separate regression runs in which each race group serves as the comparison group in turn.

\[ t = \frac{b_3}{\text{se}} \]
As the omitted group in equation 6.3, “whites” are the only group for which income significantly moderates the effect of race on arrests downward ($t = -3.86, p < .01$). Despite the similar form of simple regression slopes for all race groups, income level does not significantly moderate the strong effect of racial minority status on arrests ($t_{blacks} = -0.11; t_{Hispanics} = 0.35$). This is also evident in examining how race moderates the income effect in Figures 6.4 and 6.5.

With income as the moderator, the black and Hispanic main effects are estimates of the mean difference between each group and “whites” at the mean level of income. The interaction effects represent how this mean difference changes, given a one-unit increase in income (Jaccard and Turrisi 2003). The direction and form of the interaction is more clearly illustrated in Figure 6.3.

![Figure 6.3. Arrests by Race x Income, with Controls](image)
The rate of decrease in the number of arrests created by income is nearly identical for all groups. While arrest levels are higher for blacks than for Hispanics, these minority slopes are not statistically different from each other. The lower intercept for whites makes it significantly different from the minority groups.

Race as Moderator

To probe these relationships further, I follow Kaufman’s (2002) prescription to “always interpret both ways.” Having illustrated how the effect of race varies with income, it is also informative to note the effect of income on arrest risk as race varies in its value from 0 to 1. Dummy variable values for race and income level are used in obtaining the simple slope, $Y$ from equation 6.3.

<table>
<thead>
<tr>
<th>Low Income</th>
<th>High Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>$Y_{Non-Black} = -3.09^{antilog} = .045$</td>
<td>$Y_{Non-Black} = -3.61^{antilog} = .027$</td>
</tr>
<tr>
<td>$Y_{Black} = -2.99^{antilog} = .050$</td>
<td>$Y_{Black} = -2.99^{antilog} = .050$</td>
</tr>
</tbody>
</table>

In Figure 6.4, black racial status increases arrests for low income youth by 10 percent and by 46 percent for high income youth, a significant difference at $p < .01$ ($t = 3.20$).
This is counter to expectations in H₃ and in support of research on “out of place” effects. This vantage point also more clearly illustrates two key features of the race by income interaction. The first is that the effect of race on arrest levels is not moderated by income for black youth. The second is that simple slopes for low and high income levels converge (or cross) at a value of .05 arrests for black youth.

Repeating these steps now for Hispanics, one similarity and several key differences between black and Hispanic youth are noted in Figure 6.5. First, “out of place” effects are also exhibited, with High SES increasing arrest frequency among Hispanics relative to non-Hispanic High SES subjects. However, note that the low income regression line slopes downward for Hispanics. This indicates that race moderates the low-income-arrest relationship differently for Hispanic youth, actually decreasing the number of arrests at low income levels by 11 percent (t = .82). This is

Figure 6.4. Arrests by Income, Moderated by Race
opposite of the effect for blacks, which increased arrests by 10 percent for low income youth. Another difference is that regression lines converge at a lower predicted arrest value for Hispanics, .04 versus .05 for blacks.

![Figure 6.5. Arrests by Income, Moderated by Ethnicity](image)

**Summary**

This section of Chapter 6 has illustrated the logic and usefulness of probing the globally significant set of interactions involving race and household income on a youth’s risk of arrest. Through plotting of selected values for the focal variables, the particular direction and form of these interactions is more clearly illustrated than with regression coefficients alone.

Main effect results show that income decreases the risk of arrest for all groups (Fig. 6.2), and when moderated by income, t-tests for the moderation effect of income is
only significant for whites. Two key findings emerge in switching moderator variables. The first is that race matters in arrest decisions for high-income youth. Economically privileged minority youth experience a higher arrest frequency than their non-minority counterparts. A contingency table (Table 5.4) showed a significant race-arrest relationship in the high rated-SES category only, foreshadowing the interaction results for high-income youth in Figures 6.4 and 6.5. This robust finding is consistent with notions that minority youth are “out of place” in higher SES contexts, increasing arrests of those subjects (Meehan and Ponder 2002; Russell 1998; Werthman and Piliavin 1967).

Race appears to condition the income-arrest relationship differently for blacks and Hispanics. The main difference between these minority groups is the way race impacts the number of arrests at lower income levels. Consistent with recent research on the paradoxical effect of poor Latino immigrant communities (Martinez 2002; Morenoff 2005; Nielsen et al. 2005; Sampson et al. 2005; Sampson and Bean 2006; Velez 2006), Hispanic poverty seems to offer a slight protective feature against arrest.
CHAPTER 7

SPECIFYING THE RACE-ARREST LINK:  
THE ROLE OF GANG MEMBERSHIP

Introduction

Although the topic of gang membership has not received nearly as much attention in the labeling literature as race or class, its inclusion in this type of research is clearly warranted. Given the linkage of gang membership to elevated delinquency, a legacy of police-gang rivalry, and the widespread social disapproval of this deviant status, gang members ought to be among the most often arrested group of youth known to social science. Yet, there is limited empirical proof of this. Of the few studies addressing this issue, there is more support for the idea that after controlling for legal variables, gang membership is not a significant arrest predictor.

A key methodological issue regarding the definition and measurement of gang membership warns researchers not to take for granted the gang-arrest relationship. Use of the self reported gang measurement has the potential to sample less-delinquent fringe members of the gang, as well as gang “wannabes”, and can dilute the expected effect of gang membership on delinquency or arrest (Curry 2000; Esbensen et al. 2001). As discussed in Chapter 3, only three studies have executed a critical test of the notion that
gang membership is a risk factor for arrest, net of delinquency. This is the first study to examine the issue with national-level data.

The main effect of gang membership on arrest risk (H4) is evaluated here. That race-ethnic minority status is intertwined with gang phenomena is evident in the gang literature, and is attested to by police practitioners nationwide. This connection between gang membership and racial minority status (H5) is also part of this chapter’s model specification.

**Gang Model**

This analysis follows the same logic as the SES models in Chapter 6. The baseline race model from previous analyses is the first equation, followed by the main-effect test item (gang membership) equation in column 2, and the Race x Gang interaction items in column 3. This model is again estimated with Poisson and Negative Binomial regression procedures to assess consistency of findings and account for potential violations of traditional count model assumptions. As before, the data are overdispersed ($G^2 = 1440.59, p<.0000$).

Beginning with changes in demographic and legal items from past chapters, Table 7.1 shows that the effect of urban location on arrest is strengthened with gang membership included. It remains significant in each Poisson equation and is significant for the first time in the study with Negative Binomial. Consistent with past accounts that gang activity is primarily an urban phenomenon (Klein 1995; Miller 1958; Padilla 1992;
Rosenthal 2000; Sanchez-Jankowski 1991; Short 1965; Vigil 1988), it appears that the effect of urban location on arrest was somewhat suppressed without specifying gang membership.

Interestingly, no mediation effects are apparent between gang membership and several delinquency variables often thought to be related to the youth gang subculture. Significance tests and slope readings for vandalism, assault, and drug sales all remain similar across race, SES, and gang models. With the exception of urban location noted above, results for all other demographic and legal items are also very durable across the various models.
<table>
<thead>
<tr>
<th></th>
<th>Poisson 1</th>
<th>Poisson 2</th>
<th>Poisson 3</th>
<th>Negative Binomial 1</th>
<th>Negative Binomial 2</th>
<th>Negative Binomial 3</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>B (SE)</td>
<td>B (SE)</td>
<td>B (SE)</td>
<td>B (SE)</td>
<td>B (SE)</td>
<td>B (SE)</td>
</tr>
<tr>
<td><strong>RACE-ETHNICITY</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black</td>
<td>.518***</td>
<td>.516***</td>
<td>.366***</td>
<td>.382***</td>
<td>.353***</td>
<td>.346***</td>
</tr>
<tr>
<td>(0.071)</td>
<td>(0.071)</td>
<td>(0.075)</td>
<td>(0.104)</td>
<td>(0.104)</td>
<td>(0.108)</td>
<td></td>
</tr>
<tr>
<td>Hispanic</td>
<td>.293***</td>
<td>.268***</td>
<td>.117</td>
<td>.209*</td>
<td>.158</td>
<td>.175</td>
</tr>
<tr>
<td>(0.074)</td>
<td>(0.074)</td>
<td>(0.082)</td>
<td>(0.110)</td>
<td>(0.111)</td>
<td>(0.115)</td>
<td></td>
</tr>
<tr>
<td><strong>DEMOGRAPHIC</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>.693***</td>
<td>.685***</td>
<td>.651***</td>
<td>.708***</td>
<td>.676***</td>
<td>.677***</td>
</tr>
<tr>
<td>(0.068)</td>
<td>(0.068)</td>
<td>(0.068)</td>
<td>(0.091)</td>
<td>(0.090)</td>
<td>(0.091)</td>
<td></td>
</tr>
<tr>
<td>Age</td>
<td>-.003</td>
<td>-.002</td>
<td>-.014</td>
<td>-.045</td>
<td>-.042</td>
<td>-.042</td>
</tr>
<tr>
<td>(0.019)</td>
<td>(0.019)</td>
<td>(0.019)</td>
<td>(0.032)</td>
<td>(0.028)</td>
<td>(0.028)</td>
<td></td>
</tr>
<tr>
<td>Urban</td>
<td>.107*</td>
<td>.123**</td>
<td>.145**</td>
<td>.136</td>
<td>.152*</td>
<td>.151</td>
</tr>
<tr>
<td>(0.061)</td>
<td>(0.061)</td>
<td>(0.061)</td>
<td>(0.092)</td>
<td>(0.092)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>LEGAL ITEMS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minor Delinquency</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alcohol Use</td>
<td>.062***</td>
<td>.061***</td>
<td>.062***</td>
<td>.053***</td>
<td>.050***</td>
<td>.051***</td>
</tr>
<tr>
<td>(0.005)</td>
<td>(0.005)</td>
<td>(0.005)</td>
<td>(0.012)</td>
<td>(0.012)</td>
<td>(0.012)</td>
<td></td>
</tr>
<tr>
<td>Drug Use Index</td>
<td>.016</td>
<td>.012</td>
<td>.022**</td>
<td>.094***</td>
<td>.089***</td>
<td>.090***</td>
</tr>
<tr>
<td>(0.011)</td>
<td>(0.011)</td>
<td>(0.011)</td>
<td>(0.032)</td>
<td>(0.031)</td>
<td>(0.032)</td>
<td></td>
</tr>
<tr>
<td>Vandalism</td>
<td>.093***</td>
<td>.093***</td>
<td>.098***</td>
<td>.005</td>
<td>-.003</td>
<td>-.003</td>
</tr>
<tr>
<td>(0.022)</td>
<td>(0.022)</td>
<td>(0.022)</td>
<td>(0.042)</td>
<td>(0.042)</td>
<td>(0.043)</td>
<td></td>
</tr>
<tr>
<td>Serious Delinquency</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assault</td>
<td>.179***</td>
<td>.160***</td>
<td>.158***</td>
<td>.219***</td>
<td>.196***</td>
<td>.197***</td>
</tr>
<tr>
<td>(0.016)</td>
<td>(0.017)</td>
<td>(0.017)</td>
<td>(0.032)</td>
<td>(0.033)</td>
<td>(0.033)</td>
<td></td>
</tr>
<tr>
<td>Property Crime</td>
<td>.095***</td>
<td>.089***</td>
<td>.088***</td>
<td>.253***</td>
<td>.249***</td>
<td>.250***</td>
</tr>
<tr>
<td>(0.014)</td>
<td>(0.014)</td>
<td>(0.014)</td>
<td>(0.031)</td>
<td>(0.031)</td>
<td>(0.031)</td>
<td></td>
</tr>
<tr>
<td>Drug Sales</td>
<td>.110***</td>
<td>.109***</td>
<td>.114***</td>
<td>.069</td>
<td>.075</td>
<td>.075</td>
</tr>
<tr>
<td>(0.032)</td>
<td>(0.032)</td>
<td>(0.032)</td>
<td>(0.074)</td>
<td>(0.073)</td>
<td>(0.074)</td>
<td></td>
</tr>
<tr>
<td>Criminal History</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prior Arrests</td>
<td>.223***</td>
<td>.213***</td>
<td>.240***</td>
<td>1.14***</td>
<td>1.11***</td>
<td>1.11***</td>
</tr>
<tr>
<td>(0.008)</td>
<td>(0.008)</td>
<td>(0.009)</td>
<td>(0.070)</td>
<td>(0.069)</td>
<td>(0.069)</td>
<td></td>
</tr>
<tr>
<td>Gang Membership</td>
<td>--</td>
<td>.468***</td>
<td>-.415**</td>
<td>--</td>
<td>.767***</td>
<td>.803**</td>
</tr>
<tr>
<td>(0.104)</td>
<td>(0.181)</td>
<td>(0.198)</td>
<td>(0.340)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>INTERACTIONS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black x Gang</td>
<td>--</td>
<td>1.45***</td>
<td></td>
<td>--</td>
<td>--</td>
<td>.120</td>
</tr>
<tr>
<td>(2.233)</td>
<td></td>
<td>(4.884)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hispanic x Gang</td>
<td>--</td>
<td>1.16***</td>
<td></td>
<td>--</td>
<td>--</td>
<td>-.216</td>
</tr>
<tr>
<td>(2.16)</td>
<td></td>
<td>(4.68)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pseudo r-squared</td>
<td>.17</td>
<td>.17</td>
<td>.18</td>
<td>.15</td>
<td>.15</td>
<td>.15</td>
</tr>
</tbody>
</table>

**Table 7.1. Arrests on Race, Gang Membership, and Interactions**

N = 3,881  Obs. = 15,524  * p ≤ .10  ** p ≤ .05  *** p ≤ .01
Results in Table 7.1 show that gang membership significantly increases arrest risk, controlling for demographic and legal items. That it is significant in both count models offers firm support for H4, which is counter to past findings with Seattle Youth Data that self reported gang membership does not raise the risk of arrest (Brownfield et al. 2001; Sampson 1986). For black youth, gang membership does not explain the race-arrest link, but for Hispanics, these results are mixed. In Poisson, the Hispanic slope remains significant with the introduction of gang membership in column 2, but not in Negative Binomial. This somewhat echoes recent findings that gang membership is a mediator for delinquency phenomenon occurring among Hispanic youth (McNulty and Bellair 2003; Vigil 2002).

Results in column 3 offer mixed support for H5. The Race x Gang interaction is significant for both minority groups in Poisson only. Note, however, that the sign on the gang membership slope has reversed in the Poisson model, turning negative with the entry of interaction terms. The next section probes the Race x Gang interaction to more clearly depict the relationship among these variables and better understand the reason for this negative coefficient. It is unclear from the non-significant results in Negative Binomial whether gang membership truly conditions the race effect and vice-versa. Probing of the interactions for both count models will permit further evaluation of this issue as well.
Probing the Race x Gang Interaction

As with SES models, this section probes the test item interactions. The non-significant Negative Binomial interactions are first examined and compared to Poisson results to note differences in their form. I begin by examining the main effects equation (column 2 in Table 7.1) to note the effect of gang membership status for all race groups.

\[ Y_{\text{NegBinom}} = 0.353 \cdot \text{Black}^* + 0.158 \cdot \text{Hispanic} + 0.767 \cdot \text{Gang Member}^* + \]
\[ b4's \cdot \text{Demographic Items} + b5's \cdot \text{Legal Items} + (-3.44). \]  
\[ [7.1] \]

* p < .01

Dummy variable values for race and gang membership status are used to obtain the simple slope, \( Y \) in equation 7.1, yielding Figure 7.1.

![Graph showing arrests by race and gang status](image)

Figure 7.1. Arrests by Race by Gang Status

In the main effects equation, gang membership creates an equal rate of change in the expected number of arrests for each group (an increase of about 54 percent). This rate is permitted to differ among the groups in the following interaction model.
Again, dummy variable values for race and gang membership status are used to obtain the simple slope, $Y$ from equation 7.2. As in chapter 6, the non-black category lumps Hispanic and white respondents.

Figure 7.2. Arrests by Race Dichotomy, Moderated by Gang Status

Gang membership increases the predicted number of arrests by 60 percent for black youth and by 55 percent for non-black youth. Although this difference is not substantively great, a t-test determines that it is significant at $p < .01$ ($t = 2.73$).

With race as the moderator variable in Figure 7.3, black racial status increases the number of arrests by 37 percent for gang youth and by 30 percent for non-gang youth, also a significant difference at $p < .01$ ($t = 2.93$). These results suggest a symbiotic
relationship (two-way moderation) exists for the effects of race and gang membership on arrests for black youth.

The Hispanic $\times$ Gang interaction is now plotted in Figure 7.4.

\begin{figure}[h]
\centering
\includegraphics[width=0.5\textwidth]{figure7_3}
\caption{Arrests by Gang Membership, Moderated by Race}
\end{figure}

The Hispanic $\times$ Gang interaction is now plotted in Figure 7.4.

\begin{figure}[h]
\centering
\includegraphics[width=0.5\textwidth]{figure7_4}
\caption{Arrests by Ethnicity, Moderated by Gang Status}
\end{figure}
Gang membership increases the predicted number of arrests by 45 percent for Hispanic youth and by 54 percent for non-Hispanic youth. Consistent with omnibus results in Table 7.1, this is not a significant difference (t = 1.87). Among non-gang youth, note the predicted arrests for Hispanics are higher than for non-Hispanics. This pattern reverses in moving to gang youth, indicating an intersection of the simple slopes and a change of sign, hence the negative coefficient for the Hispanic x Gang interaction noted in Table 7.1. With a value below 1.0, an intersection analysis (Aiken and West 1991) confirms that the point at which gang membership and race interact to impact the number of arrests is a disordinal value.

\[-b2_{\text{Hispanic}} / b5_{\text{Hisp x Gang}} = -(.175) / -.217 = .81\]

Finally, consistent with omnibus Negative Binomial results in Table 7.1, Figure 7.5 shows that the gang effect on arrests is not significantly moderated by Ethnicity (t = .46). Note that predicted arrests for Hispanic gang youth are lower than for non-Hispanic gang youth. This is again, indicative of the attenuation effect of gang membership on the ethnicity-race relationship rather than a specification effect.
Probing the non-significant Race x Gang interaction obtained with Negative Binomial regression has more clearly depicted the nature of the relationship between these variables. That the interaction was not significant in omnibus results in Table 7.1 was misleading. Results show that the Black x Gang interaction is symbiotic when race dichotomies are used (i.e. each significantly moderates the effects of the other). Although this was not the case for Hispanics, the reason for the negative Hispanic x Gang interaction coefficient obtained in Table 7.1 was made evident in Figure 7.4.

This section examines the globally significant interaction results obtained with Poisson in Table 7.1. Beginning again by noting the main effect of current gang membership status, the pattern obtained with Negative Binomial in the previous section
also emerges with Poisson. Interestingly, the gang membership slope for Poisson (.468) is about 40 percent smaller than that of Negative Binomial (.767).

![Figure 7.6. Arrests by Race by Gang Membership Status (Poisson)](chart.png)

The simple slopes for the first Race x Gang interaction in Figure 7.7 show that gang membership drastically moderates the relationship of race to the number of arrests. Gang membership increases the predicted number of arrests by 65 percent for black youth and actually decreases the number of arrests for non-black youth by 32 percent, a significant interaction (p<.01, t = 6.84).
Switching moderator variables in Figure 7.8, the symbiotic relationship noted with Negative Binomial also emerges with Poisson. Black racial status increases the expected number of arrests for gang youth by 83 percent and for non-gang youth by about 30 percent, also a significant difference (p<.01, t = 4.79).

Among non-black youth, note the predicted arrests for gang members are lower than for non-gang members. This pattern reverses in moving to black youth, indicating
an intersection of the simple slopes and a change of sign, a partial explanation for the negative coefficient on the gang member main effect noted in Table 7.1 upon the entry of interaction terms. With a value below 1.0, an intersection test confirms the disordinal crossing point for these regression lines.

\[-b_1 \text{black} / b_4 \text{black x gang} = -(.366) / -1.45 = .25\]

The Hispanic x Gang interaction is plotted in Figures 7.9 and 7.10. As with black youth in Figure 7.7, gang membership drastically moderates the relationship of ethnicity to the number of arrests for Hispanic youth in Figure 7.9. Gang membership increases the predicted number of arrests by 50 percent for Hispanic youth and decreases the number of arrests for non-Hispanic youth by 32 percent (p<.01, t = 5.15).

![Figure 7.9](image.png)

Figure 7.9. Arrests by Ethnicity, Moderated by Gang Status (Poisson)

Finally, Figure 7.10 shows that two-way (symbiotic) moderation effects exist with the Hispanic x Gang interaction. Hispanic ethnic status increases the expected number of
arrests for gang youth by 69 percent and for non-gang youth by about 10 percent, a significant difference ($p < .01, t = -2.28$). Among non-Hispanic youth, note the predicted arrests for gang members are lower than for non-gang members. This pattern reverses in moving to Hispanic youth, indicating an intersection of the simple slopes and a change of sign, again reflective of the negative coefficient for the gang member main effect in equation 7.4. An intersection test confirms the disordinal crossing point for these regression lines.

$$-b_2^{\text{Hispanic}} / b_5^{\text{Hisp \times gang}} = 0.117 / 1.15 = 0.10$$

**Summary and Conclusion**

In support of $H_4$, gang membership clearly increases arrest risk, net of demographic and legal variables, while tests of $H_5$ (Race $\times$ Gang) gave mixed results at first. Interaction terms involving Race $\times$ Gang effects were not significant in omnibus tests with Negative Binomial regression, but were with Poisson. Probing of the simple
slopes for Negative Binomal interactions revealed symbiotic effects for Black x Gang that were masked in the general regression coefficients. However, not surprisingly, substantive differences in the rate of change produced by moderator variables were not very pronounced with Negative Binomial (Figures 7.2 through 7.5). In probing results obtained with Poisson, these differences are much greater, the interactions more dynamic, and statistically significant in each case (confirming omnibus results).

In both cases, (Poisson and Negative Binomial) the interaction of race and gang membership is strongest when gang membership status is the moderator variable. It drastically moderates the relationship of race to the number of arrests for black and Hispanic youth. In Poisson, gang membership increases the predicted number of arrests for minority youth while decreasing the number of arrests for the group that lumps non-target minority youth and whites. Race and ethnicity also significantly moderated the effect of gang membership status on the number of arrests for youth, signaling the presence of symbiotic effects.
CHAPTER 8

DISCUSSION OF FINDINGS

Introduction

This dissertation has evaluated the utility of labeling theory in explaining the arrest of juveniles. The task required that all measurable legal and extralegal factors potentially affecting a subject’s risk of arrest be accounted for. The unique contributions to arrest risk posed by the study’s test items, beyond the influence of demographic and legal items are interpreted as “labeling effects.” This approach allowed me to examine the effects of race-ethnic minority status and two other extralegal variables that were also critical to the labeling process in direct and indirect ways.

The possible existence of racial profiling has been an issue of great concern to justice scholars and practitioners for the past several decades. Although the issue has received much recent research attention, little is known about its specific manifestations, or whether it even exists at all. The labeling perspective predicts that the disproportionate targeting of certain minority groups by police is systematic enough to be statistically significant after controlling for delinquency levels and criminal history. This type of investigation is compatible with an ongoing federal research initiative known as Disproportionate Minority Contact (DMC), pertaining to youth specifically.
While race has been the primary element of profiling considerations, this general area of inquiry has expanded (or rather reverted by conflict theory) to consider that profiling also operates on the basis of social class. Informed by research that points to a substantial overlap between racial minority status and low socioeconomic status (SES), I included SES as a test item along with race and ethnicity.

For a compelling and intuitive set of reasons, notions of the profiling of youth for arrest along the dimension of gang membership belong in a study of this type. While this area has not received nearly as much attention in the labeling literature as race or class, it is clearly correlated with race and provided valuable insights on labeling dynamics involved in the arrests of youth.

Discussion of Findings

The Race-Ethnic Labeling Hypothesis

Results from Chapter 5 convincingly establish that the race-arrest link is present in a representative sample of American teenagers. This is consistent with findings in several published works on youth in various localities (Bell and Lang 1985; Brownfield et al. 2001; Dannefur and Schutt 1982; Sampson 1986). While one recent study using Rochester data finds minority effects on arrest by combining blacks and Hispanics (Hirschfield et al. 2006), the current study shows the importance of running tests for these groups separately. Results of critical tests allowed blanketed evaluations of “minority” effects in several models, but overall, labeling effects are a bit stronger for blacks than for
Hispanics. The black slope was significant more often than the Hispanic slope and it was more durable in the presence of other test items and controls.

This difference between black and Hispanic youth was accentuated when race was interacted with SES in Chapter 6. In SES Model 2 for example, results supported the prediction in H3 (Minority × SES) for blacks only. This is consistent with recent race-ethnic crime literature that suggests high levels of community disadvantage do not translate into involvement in crime and the justice system as often for Latinos (Martinez 2002; Morenoff 2005; Nielsen et al. 2005; Sampson et al. 2005; Sampson and Bean 2006; Velez 2006). Discussed later in this chapter, results from in-depth probing of interaction effects also support this premise.

Hispanic Youth

This study represents what is perhaps the first national-level examination of the arrest risk posed by the juvenile’s Hispanic ethnicity status. The few studies addressing this question do so for youth in individual cities and are rather dated. Thus no real benchmark exists to compare against the current findings, but that results are generally consistent with other research on Hispanic involvement with crime and the justice system is reassuring. A common theme in studies of crime rates and on system treatment of Hispanics is that they experience mid-range levels of crime and punishment, relative to blacks and whites (Bureau of Justice Statistics 2002 a; 2002 b; California Administrative Office of the Courts 2001; Hebert 1997; Mustard 2001; Rennison 2002; Royo-Maxwell 2006).
and Davis 1999). Although the margin of differential labeling between race groups is not
great in the current study, findings suggest that Hispanic youth are labeled to a lesser
degree than black youth. For example, in each of three Negative Binomial SES models,
the Hispanic main effect was explained by SES, where the black main effect was not.
Slightly stronger Race x Gang effects were also evident for black youth in Chapter 7.

Data limitations have resulted in my treatment of the Hispanic category
essentially as a major race group to be compared with blacks and whites. The NLSY97
does not specify Latino sub-groups, yet, the racial and cultural diversity within the
Hispanic category is well noted, even in crime studies (Martinez 2002; Rumbaut et al.
2006; Morenoff 2005; Nielsen et al. 2005). The most useful distinction is nationality,
which encompasses many of the differences within the larger Hispanic group. Studies on
Latinos of Cuban, Mexican, or Puerto Rican origin or descent, for example, find
important differences between them on crime and justice outcomes (Martinez 2002;
2003; Rumbaut et al. 2006; Morenoff 2005; Nielsen et al. 2005). Variation in the arrest
risk associated with Latino subgroups is likely masked in the current study.

SES

Results for the labeling effect of SES on arrests of youth (H2) were among the
more definitive findings, with significant slopes in the predicted direction for each of
three SES-based models in Chapter 6. Whether the SES measure was interviewer-rating
of the neighborhood and home, parent-reported annual household income or the logged
transformation of the latter, results echoed many recent findings on juvenile arrest with survey data (Hirschfield et al. 2006; Ludwig et al. 2001; Sampson 1986; Sealock and Simpson 1998; Simcha-Fagan and Schwartz 1986) and on mixed-age (juvenile and adult) arrest (Reisig et al. 2004; Shannon 1991; Smith 1986).

As an interaction term, the SES variables did not perform quite as well, especially when combined with the Hispanic item, but the SES x Race interaction was the source of many interesting substantive findings related to black youth. In fact, SES x Black was in the predicted direction each time and significant half the time. These and other results from in-depth probing of the interaction are further discussed in a subsequent section.

**Gang Membership**

One of the more difficult hypotheses to commit to (thus resulting in a highly qualified statement) was whether youths’ gang membership status alone would increase their risk of arrest. Labeling theory responds with a forceful “yes” to this question, perhaps even more-so than for race or SES-based labeling. This is because the menace of gang membership represents some of the least socially desirable by-products of poor, minority contexts, and because the very definition of gang member connotes criminality.

In the current framework, labeling theory’s antithesis is the legal perspective. It holds that it is not one’s status as a racial minority, a poor person, or a gang member that increases arrest *deservedness*, but one’s behavior. If the defining feature of “gang
member” is frequency or seriousness of delinquent behavior, then it is logical to target them for arrest. In short, the prevailing belief about police response to the existence of gangs is that membership in a criminal enterprise makes them the public enemy and it is “open season” on these youth (Katz and Webb 2006). But not all gang-involved youth engage in high levels of delinquency. In fact some report engaging in none at all. Table 1 in Appendix C shows that of 250 youth who maintained gang member status throughout all 4 years of the study, 13 percent (n = 33) reported no delinquency over the same period.

Of course, on average, gang youth engage in more delinquency than non-gang youth. Table 2 in Appendix C shows the delinquency level is much higher among gang youth. However, a comparison of the range and variation of self-reported delinquency is also important in determining whether gang youth deserve to be targeted for arrest with such vigor. A low spread of delinquency scores would indicate many gang youth have similar offending levels and that they exhibit much regularity in these levels of offending. But note that the 4-year range of delinquent frequency (substance use included) is much higher for non-gang youth and that the variation in scores much lower than for gang youth.

Whatever the actual differences in delinquency between gang and non-gang youth, by controlling for delinquency, multiple regression simulates equal delinquency for these groups for hypothesis testing. As described in this chapter’s introduction, as a
test variable, this allows an examination of the unique contribution of gang membership status to arrest risk. Indeed, results show that belonging to a gang increases the chances of getting arrested, net of the youth’s offending characteristics and criminal history, a robust finding.

**Race x SES**

Portions of this study devoted to modeling the conditional effects of Race and SES represent the most ambitious and arduous of the objectives. While each exhibits unique effects on many crime related outcomes in the literature, their high level of interrelatedness has been so evident that it has become more and more difficult to justify theorizing them as independent causal forces. Yet, demonstrating the nature of their interrelatedness with any precision or clarity is rare in the crime research. The difficulty of distinguishing race from class effects is certainly evident in neighborhoods and policing research (Meehan and Ponder 2002; Reisig et al. 2004; Sealock and Simpson 1998; Smith 1986). Interestingly, the Race x Class interaction was not a significant predictor of individual-level juvenile arrest in the only known published test of its effect (Brownfield et al. 2001).

Of the five stated hypotheses, there was perhaps least support for this one (H3). Yet, these interaction terms yielded interesting findings. That Black x SES terms were in the expected direction and predicted arrests more often than Hispanic x SES terms may be indicative of higher levels of disadvantage in black neighborhoods seen in the descriptive
data in Chapter 5. It may also be indicative of what some refer to as the “Latino Paradox” (Morenoff 2005; Sampson and Bean 2006; Velez 2006). It holds that despite having neighborhoods that are comparably poor to those of blacks, the concentration of Latino immigrants results in lower crime rates.

Probing the significant Race x SES interaction in Chapter 6 reveals some of the finer contours of the labeling process. Economically privileged minority youth experience a higher arrest frequency than their non-minority counterparts. This is consistent with notions that minority youth are “out of place” in higher SES contexts, increasing arrests of those subjects (Meehan and Ponder 2002; Russell 1998; Werthman and Piliavin 1967).

These findings also support the Latino paradox interpretation, showing that race moderates the income effect differently for Hispanic and black youth. At low income levels, Hispanics experience a slightly protective effect against arrest risk, which is opposite the effect for black youth.

**The Gang Member of Color Hypothesis**

Results from this study suggest that a good amount of labeling of youth by police in the U.S. exists in the form of the targeting of gang members of color. This finding is consistent with prior research on the combined effects of minority and gang status on arrest risk (Curry and Spergel 1992; Rosenthal 2000; Thornberry et al. 2003). However, this inference should be made with caution. Minority x Gang was not significant with
omnibus testing in Negative Binomial regression. Although probing of the simple slopes revealed symbiotic effects for Black x Gang that were masked in standard regression results, it still does not obtain the optimal results of Poisson. If the Negative Binomial count model were deemed the more appropriate one for analyzing these data, tied to its ability to relax traditional count model assumptions, an alternative specification might be needed to better model the interaction.

Expanding the range of delinquent acts on either end of the offense severity spectrum may be one such beneficial approach. Minority and gang youth often live in inner city contexts where the “street code” milieu is prevalent and where issues related to defensive posturing and self protection are germane (Anderson 1999; Matsueda et al. 2006). The lack of a weapons carrying item as an arrestable offense may thus be suppressing Minority x Gang labeling effects in Negative Binomial. On the other end of the offense severity spectrum, because the gang is often depicted as an extension of, or surrogate for, the family unit (Miller 1958; Miller 2001; Moore 1992; Padilla 1992; Vigil 2002), runaway is a potentially salient form of delinquency for gang youth. Its absence in an arrest study may also be suppressing Race x Gang effects.

Another option for modeling the Race x Gang effect is to follow the cohort into higher age groups. One reason for choosing the sample I did was tied to the belief that some delinquency measures used as legal controls here would not be appropriate for older teens and young adults in their 20’s. The concern was that the qualitative nature of
offenses for older youth, and older gang youth especially, would no longer be well-
captured by traditional delinquency measures (namely vandalism and minor theft).
Older youths’ contact with police is more likely to involve or coincide with traffic stops,
for example. Forms of offending in the young adult gang arena are also sure to involve
more drug crimes, and in turn, more violence (Valdez 2006).

To address such concerns, future research might use more recent waves of data,
and may focus on arrests for particular types of crimes such as drug selling and assault.
If drug gangs or gang-involved drug dealers thrive in minority and poor communities,
one might expect for more vigorous monitoring of minority gang members by police
working in those places. A better modeling of the Race x Gang effect on arrest risk could
result from such an analysis. Recall, however, that the analysis in Chapter 7 failed to
note any signs of mediating effects between gang membership and these “traditional”
gang crimes.

Overall, the current design obtained cogent results for the effect of Gang x Race
on arrests. Probing of the interaction revealed a more robust effect than the omnibus
significance results suggest in Table 7.1. The simple slopes for these interactions were
significant net of legal items 3 out of 4 times across two count models, with various
symbiotic effects, a somewhat convincing case for inferring that Minority x Gang is a
good measure for modeling arrest risk.
Rather dynamic interactions were modeled with Poisson, especially when gang membership status is the moderator variable. Results show that gang membership increases the predicted number of arrests for minority youth while decreasing the number of arrests for the comparison group. The form of the Race x Gang interaction was also illustrated with race as moderator, evidencing a change in sign for several key relationships.

These results help to specify the role of Race and Gang Membership in the labeling process operating in the arrests of youth. That the youth gang population is overwhelmingly a racial-ethnic minority one (Dukes et al. 1997; Freng and Huizinga 2007; Henry et al. 2001; Klein 1995; McNulty and Bellair 2003; Rosenthal 2000; Vigil 2002) makes these results all the more poignant. Not only are most of these relationships significant, but they surely affect many minority youth in America’s inner cities. Although in the current study, gang membership is antecedent, these arrest-based findings also complement, in part, the notion of “multiple marginality” experienced by gang youths in the social structure (Freng and Esbensen 2007; Vigil 2002). Because gangs are more likely to come from disadvantaged contexts (Curry and Spergel 1988, Esbensen and Huizinga 1993; Sampson 1986; Thornberry et al. 2003), future work should examine the nexus between social class and gang membership or three way interactions involving these and race to more fully address the notion of multiple arrest risk.
Legal Items

The antithesis to the particular labeling framework used in this research is largely based on the notion that legal variables will be strong and consistent predictors of arrests. On the extreme end, the rational-legal premise posits that the best, and perhaps even the sole predictors of arrest are purely legal factors. In this view, the patrol officers’ primary modality is more reactive than proactive (Black and Reiss 1970; Lundman et al. 1978; Wilbanks 1987). Thus, only such legal factors as the youth’s frequency of offending, the severity of their crime(s), and their official criminal history should have a bearing on arrest. By this account, if minority groups, the poor, or gang youth have higher arrest rates, it simply means they commit more serious crimes and have higher offending rates than other groups (Hindelang et al. 1979; Thornberry et al. 2003; Wilbanks 1987). The familiar legal community’s adage “you do the crime, you do the time” might apply to this framework.

That the chances of arrest increase with offense seriousness and frequency is well-cemented (Black and Reiss 1970; Brownfield et al. 2001; Dannefur and Schutt 1982; Hirschfield et al. 2006; Lundman et al. 1978; Monahan 1970; Pilliavin and Briar 1964; Sampson 1986; Simcha-Fagan and Scwhartz 1986; Thornberry et al. 2003; Williams and Gold 1972). My results are generally consistent with the premise, but with several exceptions. Assault and the property crimes index have consistent positive effects on
arrests in both count models, while vandalism and drug sales have much less consistent effects (significant with Poisson only).

As the more serious crimes, results for assault and property crime are as expected. In fact a lack of significance of these items as arrest predictors might even be an indication that something in the data or modeling is amiss. Results for vandalism and drug selling are not so surprising however. Because these acts are usually carried out in as secretive a mode as possible to avoid detection, and because they often are relatively “victimless”, a high frequency of these self reported acts does not necessarily translate as well to arrest risk as does the taking and handling of stolen property or the assault of an individual. Assault takes an especially high priority in police work, due to the immediate urgency presented by and for victims, who often press for investigation and police action in the form of arrest of a suspect. Finally, substance use results were consistent with past findings that alcohol and drug use is a good arrest predictor for juveniles (Hirschfield et al. 2006; Raskin-White et al. 2002; Sampson 1986).

**Criminal History**

The use of criminal history is rare in studies of juvenile arrest risk with survey data (Huizinga et al 2007). Yet, it is a powerful control item, picking up the effects of deviant predisposition in the form of latent traits, state dependence derived from environmental influences, and official labeling effects embodied in police familiarity with previously arrested youth.
A number of social variables involving family and peer influences, difficulties in school, and mental health status appear in the recent survey literature on juvenile arrest (Farrington et al. 2007; Hirchfield et al. 2006; Huizinga et al. 2007; Sampson 1986), but were excluded from my research. After much preliminary testing with the various social correlates listed above, my contention has been that criminal history accounts for much of the influence of these items. This has resulted in a more parsimonious model and a rather rigorous test of labeling that goes beyond the criminal propensity and official labeling effect.

Results from the number of prior arrests measure are consistent with much literature showing that prior arrest is a strong, significant, and durable arrest predictor (Battin et al. 1998; Curry 2000; Dannefur and Schutt 1982; Piliavin and Briar 1964; Terry 1963). Where patrol officers may occasionally be able to rely on their familiarity with the suspect’s record based on reputation or past interactions (Monahan 1970; Werthman and Piliavin 1967), by the current findings, advances in information technology in police patrol have either maintained or increased the importance of the suspect’s criminal history in modern arrest risk.

Regarding the tension between labeling and legal perspectives, while somewhat antithetical, it is not a zero-sum game between them. In order to avoid confounding the effects of extralegal labeling on arrest risk, one must control for legal items. Indeed, the most basic notion of arrest risk is one that relies on an estimate of one’s arrest eligibility,
or the number of times one is willing to risk the odds of getting caught for illegal behavior. Clearly, the more harm done to the victim, the more society’s control agents will seek justice in the form of incapacitation and punishment of the offender, especially for predatory crimes. It is when the legal basis for making arrests is weak and extralegal factors become as salient or more pronounced that police action sways from the justice ideal.

**Demographic Controls**

The reliable significance of “male” was contrary to my anticipation of no gender effect, based on the shrinking arrest gap between the sexes shown in official arrest statistics (Chesney-Lind 1999; Steffensmeier et al. 2005). There is also much evidence that is either counter to the chivalry effect (Ferdinand and Luchterhand 1970; Terry 1967; Tielman and Landry 1981), or that show no gender effects in arrest risk (Dannefur and Schutt 1982; Farrington et al. 2007; McEachern and Bauzer 1967).

Age also exhibited surprising effects, given descriptive clues in Figures 4.1 and 4.2 and the weight of evidence in prior research on its expected role in arrest risk. The lack of an age effect is consistent with recent evidence from survey data on juvenile arrest (Hirschfield et al. 2006), but is inconsistent with much prior research (Butts and Snyder 2006; Elliott et al. 1987; McEachern and Bauzer 1967; Shannon 1991; Simcha-Fagan and Schwartz 1986; Werthman and Piliavin 1967; Williams and Gold 1972).
Future work should continue to examine the age effect with longitudinal designs, a rare enterprise.

**Limitations and Conclusions**

Arrest incidents are defined by a host of legal and extra-legal variables that are often complexly related. To date, no single dataset or study measures them all, however. Often, a methodological choice must be made between observations of police-juvenile contacts in the field, official data, and/or survey data. Whereas the merits of survey data in evaluating labeling theory and showing it is a useful framework for understanding juvenile arrest are demonstrated here, data limitations disallow a full picture of arrest dynamics. Field observations capture important idiosyncratic elements that are either not measurable with the self report method or are often not documented or sufficiently detailed in official reports.

Witness statements, complainant demands for arrest, the presence of evidence (Black and Reiss 1970), suspect demeanor (Lundman 1996; Novak et al. 2002; Reisig et al. 2004; Piliavin and Briar 1964; Werthman and Piliavin 1967; Worden et al. 1996), encounter location (Smith 1986), and the presence of onlookers (Reisig et al. 2004) are all critical elements that help determine the course of action taken by police. Variation in police department policies on how to handle incidents involving juveniles adds another degree of complexity in predicting arrest (Bell and Lang 1985; Black and Reiss 1970; Cicourel 1976; Monahan 1970; Terry 1967).
The merits of longitudinal survey data to investigate arrests of youth are now recognized by contemporary researchers of the juvenile justice system, even though such surveys were not specifically designed to do so (Huizinga et al. 2007). Utilizing detailed self reports about substance use and involvement in delinquent behavior directly addresses the claim that higher minority contact with police is due to their higher rates of delinquency. As seen in this and other recent longitudinal studies on the topic (Hirschfield et al. 2006; Huizinga et al. 2007), the race effect on arrest is sustained after controlling for self reported delinquency. In the current study, the race effect is sustained even past the powerful effect of prior arrests. Studies using official and field contact data are seldom able to account for prior delinquent behavior and individual juvenile characteristics to investigate arrest risk.

This study aimed to make a contribution to the research on arrests of juveniles in the U.S. by offering a more explicit depiction of how some of the more salient arrest correlates operate. While consensus on the role of legal variables is fairly well established, there is much more uncertainty and debate about the role of extralegal items, namely race. This set of circumstances has offered me the opportunity to more precisely describe how race is related to arrest in an empirical way, while positing a theoretical framework that helps to interpret these findings.

Much DMC research focuses on latter stages in the processing of youth through the justice system and uses the secondary labeling framework to theorize about the life
trajectory and identity forming consequences of involvement with the system. Because
the arrest decision is the ever-critical filter for the system, however, research that focuses
on the labeling process as a selection mechanism is especially important to conduct. If
the primary deviation (i.e. delinquency), and propensity for the primary deviation (prior
arrests) have been controlled or factored out and extralegal effects remain, the results
must be considered robust for their ability to withstand such rigorous partialling.

Fortunately, because the antithesis of a labeling perspective is essentially the
viewpoint that the level and type of delinquency is what should explain arrest levels, the
modeling solution to rule out that possibility is quite simple. The relatively
straightforward task of controlling for delinquency makes this, in the end, a study of
police (and perhaps citizen) bias. The increased chances of certain youth to be arrested
(or to have the police called on them) for characteristics not inherently legal in nature
constitutes differential treatment and may be tantamount to profiling. The conflict-based
strands of labeling theory used here posit that this, in turn, tempers police-minority group
relations, if not helps to perpetuate the relatively low social position of race and ethnic
minorities. The current research adds to this paradigm, suggesting the selection process
involved in arrest unduly targets the poor communities minority youth disproportionately
inhabit, and the vilified subcultures that are disproportionately comprised of minorities.
When these social forces interact, multiple risk effects for arrest result.
**APPENDIX A**

<table>
<thead>
<tr>
<th>Item and (Original Scale)</th>
<th>Recode</th>
<th>Index Score</th>
<th>Mean / Skewness*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Destroy Property (0 - 99)</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>1</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>2</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>3</td>
<td>3</td>
<td>0.46 / 18.6</td>
</tr>
<tr>
<td>4</td>
<td>4</td>
<td>4</td>
<td>0.20 / 5.0</td>
</tr>
<tr>
<td>5</td>
<td>5</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>6-10</td>
<td>6</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>11-99</td>
<td>7</td>
<td>7</td>
<td></td>
</tr>
</tbody>
</table>

| Steal < $50 (0 - 99)     | 0      | 0           |                  |
| 1-2                      | 1      | 1           |                  |
| 3-9                      | 2      | 2           | 0.68 / 14.2      |
| 11 - 99                  | 3      | 3           | 0.15 / 3.8       |

| Steal > $50 (0 – 99)     | 0      | 0           |                  |
| 1                        | 1      | 1           |                  |
| 2                        | 2      | 2           |                  |
| 3-4                      | 3      | 3           | 0.26 / 22.7      |
| 5-9                      | 4      | 4           | 0.08 / 7.6       |
| 10 - 99                  | 5      | 5           |                  |

| Handling Stolen Property (0 – 99) | 0 | 0 |                  |
| 1 | 1 |                  |
| 2 | 2 |                  |
| 3 | 3 | 0.22 / 22.8      |
| 4 | 4 | 0.07 / 7.5       |
| 10 - 99 | 5 |                  |

| Attack/Assault (0 – 99) | 0 | 0 |                  |
| 1 | 1 |                  |
| 2 | 2 |                  |
| 3 | 3 | 0.44 / 18.9      |
| 4 | 4 | 0.24 / 5.0       |
| 5 | 5 |                  |
| 6-10 | 6 |                  |
| 11 - 99 | 7 |                  |

| Sell Drugs (0 – 99) | 0 | 0 |                  |
| 1-3 | 1 |                  |
| 4-9 | 2 | 1.40 / 8.6       |
| 10-20 | 3 |                  |
| 21-98 | 4 |                  |
| 99 | 5 |                  |

* Means and Skewness statistics averaged over 4 waves

**TABLE A.1: GENERAL DELINQUENCY INDEX, 12-MONTH INCIDENCE**
## APPENDIX B

<table>
<thead>
<tr>
<th>Model</th>
<th>Comparison Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.1 Baseline Race Effect</td>
<td>Hispanic not significant</td>
</tr>
<tr>
<td>6.1 Interviewer-Rated SES</td>
<td>Black not significant</td>
</tr>
<tr>
<td>6.2 Income as SES</td>
<td>No Difference</td>
</tr>
<tr>
<td>6.3 Logged Income as SES</td>
<td>Various Differences</td>
</tr>
<tr>
<td>7.1 Gang Model</td>
<td>No difference</td>
</tr>
</tbody>
</table>

### TABLE B.1: DELINQUENT AND FULL SAMPLE COMPARISONS
APPENDIX C: DELINQUENCY BY GANG MEMBER STATUS

<table>
<thead>
<tr>
<th>Delinquency</th>
<th>Current Gang Member</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>No</td>
<td>8,936 (65.1%)</td>
<td>33  (13.2%)</td>
</tr>
<tr>
<td>Yes</td>
<td>4,781 (34.9%)</td>
<td>217 (86.8%)</td>
</tr>
</tbody>
</table>

(N) observations (4 years) = 13,967

TABLE C.1: 4-YEAR DELINQUENCY STATUS BY 4-YEAR GANG MEMBER STATUS

<table>
<thead>
<tr>
<th></th>
<th>(N)</th>
<th>Mean</th>
<th>Standard Dev.</th>
<th>Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non Gang</td>
<td>13,717</td>
<td>9.89</td>
<td>85.09</td>
<td>0 - 3001</td>
</tr>
<tr>
<td>Gang Member</td>
<td>250</td>
<td>48.43*</td>
<td>122.62</td>
<td>0 - 997</td>
</tr>
</tbody>
</table>

Two-sample t-test with equal variances t = 7.03 * p < .001

TABLE C.2: 4-YEAR DELINQUENCY SCORE BY 4-YEAR GANG MEMBER STATUS
BIBLIOGRAPHY


