

Juvenile Delinquency: An Examination of the Disproportionality of Minority vs.  
Non-Minority Juvenile Offenders Involved with the Juvenile Justice System

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This dissertation titled  
Juvenile Delinquency: An Examination of the Disproportionality of Minority vs.  
Non-Minority Juvenile Offenders Involved with the Juvenile Justice System

by

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## **ABSTRACT**

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Juvenile Delinquency: An Examination of the Disproportionality of Minority vs. Non-Minority Juvenile Offenders Involved with the Juvenile Justice System (118 pp.)

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The purpose of this study was to assess the extent of disproportionality of minority vs. non-minority youth involved with the juvenile justice system. The study examined the impact of racial/ethnic identity on juvenile offenders by comparing the data between minority and non-minority juvenile offenders to determine if there were differences in the types of criminal offenses committed, and the disposition received from the Franklin County Juvenile Court in Ohio.

The data used for this study was obtained from the Franklin County Court of Common Pleas, Division of Domestic Relations and Juvenile Branch. The data consisted of 304 unidentifiable records for youth that had contact with the Franklin County Juvenile Court in Ohio. The data analyzed was for the years 2006 through 2008.

A Chi-square test of independence was used to compare groups and to determine if interactions were statistically significant. The Chi-square results of the study concluded that minority youths were somewhat more likely than non-minority youths to commit public order offenses and property offenses, based on the expected count and the observed count. Minority youths committed 13.3 more public order offenses than expected, and 5.4 more property offenses than expected. Of the total public order offenses, minority youth accounted for 67.2% as compared to 32.8% of non-minority

youth. Of the total property offenses, minority youth accounted for 65.5% as compared to 34.5% of non-minority youth. The data also indicated that minority youth were less likely than non-minority youth to commit person offenses, based on the expected count and the observed count. However, although minority youth committed 16 fewer person offenses than expected, the ratio of person offenses when compared to non-minority youth was 55.9% to 44.1% respectively. In fact, for each type of offense committed, the ratio of minority juvenile offenders to non-minority juvenile offenders was higher.

Additionally, minority youths were more likely than non-minority youths to receive incarceration and county supervision, based on the expected count and the observed count. Minority youths were incarcerated 4.8 times more than expected, and received county supervision 11.3 times more than expected. Of the total number of youth who were incarcerated, minority youth accounted for 80% as compared to 20% of non-minority youth. Of the total number of youth under county supervision, minority youth accounted for 73% as compared to 27% of non-minority youth. Also, minority youth were less likely than non-minority youth to receive sanctions/restitution, based on the expected count and the observed count. Non-minority youth were given sanctions and allowed to make financial restitution 10.6 times more than expected, while minority youth were afforded the same disposition 10.6 times less than expected. These sanctions and restitution included completing community service, paying fees/fines, and participating in the Juvenile Restitution Program.

Minority juvenile offenders (youth under the age of 18) face great challenges with regard to fairness in the current justice system. Thus, the expected results of this study would be to strengthen the awareness of the need for fair and equitable delivery of justice for juveniles. This study also provides recommendations for treatment and service delivery to juveniles to include referrals and counseling as opposed to incarceration and other harsh penalties. This information can be used by counselors, educators, judges, prosecutors, political leaders, service providers, community groups and parents, to enable them to see these biases and work to eliminate the disparity in inequitable penalties that are handed down to youth.

Approved: \_\_\_\_\_

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A luta continua! (The struggle continues!)



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## **CHAPTER 1: INTRODUCTION**

### **Statement of the Problem**

Whether we are referring to day to day court activity in the judicial system or analyzing the make-up of our prison population, discrimination and the lack of understanding of difference is enmeshed in our criminal justice system (Wonders, 2000). For decades, ethnic minority youths have been overrepresented in the juvenile justice system. This overrepresentation causes one to ask several questions. “Is minority overrepresentation due to racial bias, minority youths committing more crimes, or a combination of both (VanVleet, Vakalahi, Holley, Brown & Carter, 2000)? “Does their disproportional presence reflect a subculture of violence or social structural inequality”? “Does it reflect differential involvement in criminal behavior or discriminatory decision making by justice system personnel (Feld, 1999)?

It is interesting to note that, until recently, most Americans did not seem to notice or express concern about the problem of youth violence. As long as the problem of youth violence was concentrated within poor communities of color, racism and classism mitigated against mainstream America’s noticing or attending to this violence in any meaningful way (Hardy & Laszloffy, 2005). This has changed in our current culture as the effects of violence are prevalent across all racial, cultural and socioeconomic barriers, and more Americans want to see young people held accountable for their actions (Hardy & Laszloffy, 2005).

Various opinion surveys have found public support generally for getting tougher on juvenile crime and punishing youths as harshly as their adult counterparts (Moor,

1994; Sprott, 1998). Polls have also indicated public dissatisfaction with the juvenile courts, which were seen as responding too leniently to young offenders (Hart, 1998; Sprott, 1998).

While it was important that the intense public concern about the threat of youth crime be addressed, the justice system has fostered a structure that has been disproportionate to a large sector of society in general. The effect of this explosion on some communities is now well known, due to the work of the Washington-based Sentencing Project, the Center on Juvenile and Criminal Justice in San Francisco, and others. By the mid 1990s, roughly one in three Black men was under the “supervision” of the criminal justice system. That means they were in jail or prison, on probation or parole, or under pretrial release (Currie, 1998). In 1998, there were twice as many Black men in state and federal prison as there were men of all races 20 years before (Currie, 1998). These numbers demonstrate that minority overrepresentation is present in the adult justice system.

The Bureau of Justice Statistics indicates that while only 12.8% of the nation is categorized as African American, 45.7% of state and federal inmates are Black males. This can be compared to Whites, who comprise 82% of the population but account for 33% of prisoners. The incarceration rate is seven times higher for Black men than White men (Tarver et al., 2002).

Minority overrepresentation is also reflected in the juvenile justice system. National studies have shown that minority youth are overrepresented in secure juvenile and criminal justice facilities across the nation. Although overrepresentation of

minorities in the juvenile justice system is not a new phenomenon, only since the late 1980's has sufficient emphasis been given to this serious problem (VanVleet et al., 2000). While minority juveniles represent just one third of the juvenile population, their portion of the confined population has risen from a little over one-half [53%] in 1987 to more than two-thirds [68.7%] in 1995 (Bilchik, 1997).

Hamparian, Leiber, and Associates (1997) described the extent of disproportionate minority confinement of juveniles in state facilities. The report focused on six decision points (arrest, secure detention, confinement in secure juvenile correctional facilities, in adult jails, in adult lockups, and transfer to criminal court), using state data from the late 1980s and early 1990s (McCord et al., 2001). Hsia and Hamparian (1998) concluded that minority overrepresentation is significant at each decision point in the juvenile justice system process (VanVleet et al., 2000). Short & Sharp (2005) found various statistical supports for the argument that minority youth are coming into contact with the juvenile justice system much more frequently than White youth. Between 1983 and 1997, approximately four of five new juveniles detained were minorities. In 1997 alone, in every U.S. state besides Vermont, the population of detained minority youth exceeded their proportion in the general population. That same year, minority youth represented 63% of all youth detained in juvenile facilities. The proportion is almost double the representation of minority youth in the national population (Hoyt, Schiraldi, Smith, & Ziedenberg, 2001).

The trend of minority overrepresentation in the juvenile justice system persisted throughout the 1990s. From 1986 to 1995, cases of Caucasian delinquents increased

34%, whereas cases of African-American delinquents increased 72%, and cases of delinquents from other minorities increased 105%. In 1995, 1.7 million juvenile delinquency cases were processed by juvenile courts in the United States. Of these court cases, juvenile minorities were disproportionately represented (Sickmund, 1997). In 1996, about 3 million juveniles were arrested by law enforcement agencies in the United States (Snyder, 1997).

DeComo (1993) conducted a study of incarceration rates prior to the age of 18 in 16 states. He found that African-American juveniles had the highest prevalence rates. That is, about one out of every seven African-Americans was incarcerated before the age of 18, compared to one out of 125 Caucasians. Furthermore, minority youths constituted only 32% of the youth population in 1995; however, they represented 68% of the juveniles in secure detention and 68% in secure institutional environments (Sickmund, Snyder, & Poe-Yamagata, 1997).

In an attempt to help states comply with the mandate of the Juvenile Justice and Prevention Act, the Office of Juvenile Justice and Delinquency Prevention created the Disproportionate Minority Confinement initiative in 1991. This initiative was designed to test various approaches for addressing the problem. Pilot projects funded by the initiative suggested that attention should focus on all aspects of the juvenile justice system rather than only on confinement (McCord et al., 2001).

By 2000, over 30 states and the District of Columbia had established initiatives focusing specifically on race and ethnic fairness in the justice system. Thus far these initiatives have found that minorities are arrested, charged, and convicted in higher



percentages than are Caucasian youth; they also serve longer sentences than Caucasians despite similarities in crimes, histories, and backgrounds (Medley, 1998).

Snyder & Sickmund (2006) report that at the beginning of the 21<sup>st</sup> century, one in four U.S. residents was under age 18. With that understood, in 2002, 77.9% of the juvenile population was classified as White, 16.4% Black, 1.4% American Indian, and 4.4% Asian (Snyder & Sickmund, 2006). In 2002, while Blacks constituted 16% of the juvenile population, they made up 29% of the delinquency caseload. Additionally, White youth accounted for the largest number of delinquency cases involving detention, although they were the least likely to be detained (Snyder & Sickmund, 2006).

### **Purpose of the Study**

The purpose of this study was to assess the extent of disproportionality of minority vs. non-minority youth involved with the juvenile justice system. The study examined the impact of racial/ethnic identity on juvenile offenders by comparing the data between minority and non-minority juvenile offenders to determine if there were significant differences in the types of criminal offenses committed, and the disposition received from the Franklin County Juvenile Court in Ohio. The data used for this study was obtained from the Franklin County Court of Common Pleas, Division of Domestic Relations and Juvenile Branch. The data consisted of 304 unidentifiable records for youth that had contact with the Franklin County Juvenile Court in Ohio. The data analyzed was for the years 2006 through 2008.

### **Need for the Study**

Hundreds of adults will be dealing with the more than 100,000 juveniles who are in prison on any given day in the United States. Some are lawyers and judges who must handle a juvenile offender's legal case. Others, such as social workers, therapists, teachers, guards, and counselors, deal with the offenders while they are serving time at a particular correctional facility (Stewart, 1997).

A report by the Building Blocks for Youth Initiative found that more than 100,000 youth are housed in local detention and state correctional systems. The report noted that although minority youth represented just 34% of the population in the United States in 1997, they made up 62% of youth in detention, 67% of youth committed to public facilities, and 55% of youth committed to private facilities (Poe-Yamagata & Jones, 2000).

Snyder (2003) also found that the disparity in violent crime between African American juveniles and White juveniles declined substantially between 1980 and 2001. This reduction in disparity of arrests "was primarily the result of the decline in Black-to-White arrest disparities for robbery" (Snyder, 2003, p. 9). Despite this decline over the past 20 years, prevalent racial disparity still exists in arrest rates (Snyder, 2003).

The Office of Juvenile Justice and Delinquency Prevention (1999) reported that Ohio has a disproportionate number of minority youth confined in public facilities and detention placements. At that time, Ohio had an estimated minority youth population of 18%. In 1997, minority youth comprised 49% of commitments to public facilities and 51% of detention placements. Statewide, 205 White youth were in residential placement

on October 29, 1997 for every 100,000 youths in the population compared to 1,105 African American youth, 404 Hispanic youth, 315 American Indian youth, and 83 Asian youth (OJJDP, 1999).

The Ohio Department of Youth Services (ODYS) is the juvenile corrections system for the state of Ohio. ODYS is statutorily mandated to confine felony offenders, ages 10 to 21, who have been adjudicated and committed by one of Ohio's 88 county juvenile courts. ODYS operates eight correctional and rehabilitation facilities and provides parole services from six regional sites throughout Ohio. The ODYS Fiscal Year 2006 Admission Statistics report provided statistics for all admissions during the reporting year. In 2006, 40.7% of all admissions were White youth. Additionally, 53.2% were Black youth, 3.4% were Bi-Racial youth, and 2.3% were Hispanic youth. The report also stated that .1% of the youth admitted to the Department of Youth Services were Asian youth, and .4% were listed as other (ODYS, 2006).

Tom Stickrath (2007), Director of the Department of Youth Services, reported that there is a great concern for overrepresentation of minority youth in the juvenile justice system. Statistics illustrate that nationally, African American youth comprise 16% of the U.S. population, 38% of the youth in residential placement, and 58% of the youth admitted to state adult prison. In Ohio, minority (including African American, Hispanic, Asian) youth comprise 20% of the state's population, 61% of the DYS commitments, and 25% of youth in the RECLAIM funded community programs or community correctional facilities (Stickrath, 2007).

Research of this kind is necessary because there is a great need for those in positions of authority to understand the extent of racial disparity in the juvenile justice system. Information obtained from this research can be used by counselors, educators, judges, prosecutors, political leaders, service providers, community groups and parents, to enable them to see the biases that are present and work to eliminate the disparity in inequitable penalties that are handed down to youth.

### **Participants in the Analysis**

The sample population of subjects used in this study was obtained from the Franklin County Court of Common Pleas, Division of Domestic Relations and Juvenile Branch, in Columbus, Ohio. The sample population in this study was youth who had received services from the Franklin County Juvenile Court in Ohio. The dataset consisted of 304 unidentifiable youth who reside in Franklin County. These youth were randomly chosen by a representative of the court and the data was provided to this researcher. These youth were compared to determine if there were differences in the types of criminal offenses committed, and the disposition received from the Franklin County Juvenile Court in Ohio. The data analyzed was for the years 2006 through 2008. The demographic information included age, race, gender, type of offense committed, and case disposition, although all these categories were not included in the analysis.

### **Research Questions**

*Research Question 1.* Is there a significant relationship between the types of criminal offenses committed by minority juvenile offenders vs. non-minority juvenile offenders?

*Research Question 2.* Is there a significant relationship between the disposition received from the Juvenile Court by minority juvenile offenders vs. non-minority juvenile offenders?

### **Variables**

The independent variable for all of the research questions in this study is the racial/ethnic status of the individual subject (minority versus non-minority). The specific categories of minorities included in the research will include: African American, Asian American, American Indian, Bi-Racial, and Hispanic or Latino American. The non-minority category will include European Americans. The dependent variables are the types of criminal offenses committed (public order offenses, person offenses, and property offenses), and type of disposition received from the Juvenile Court (sanctions/restitution, incarceration, terminated/closed, county supervision, and other).

The Chi-square test of independence was used to compare groups and to determine if interactions were statistically significant. More specifically, the Chi-square test of independence was used to compare the mean differences between racial/ethnic status (minority vs. non-minority) of juvenile offenders as it relates to the following outcomes: the type of criminal offenses committed, and the disposition received from the Juvenile Court.

### **Hypotheses**

H0: There is no relationship between the racial/ethnic status (minority vs. non-minority) and the types of criminal offenses committed by juvenile offenders.

H1: There is a relationship between the racial/ethnic status (minority vs. non-minority) and the types of criminal offenses committed by juvenile offenders.

H0: There is no relationship between the racial/ethnic status (minority vs. non-minority) and the disposition received from the Juvenile Court for juvenile offenders.

H2: There is a relationship between the racial/ethnic status (minority vs. non-minority) and the disposition received from the Juvenile Court for juvenile offenders.

### **Limitations of the Study**

A clear limitation in the current study is the small sample size in comparison to the number of juvenile offenders involved with the justice system. While the rarity of the sample as an ethnically diverse study of male and female juvenile delinquents clearly bolsters its importance to criminological research (Cernkovich and Giordano, 2001), the small number of cases restricts the kinds of analyses that can be pursued (Seffrin, 2006). For example, the small sample precludes the partitioning of the sample by gender and race. Methodological research indicates that measurement error for delinquency varies by gender and race (Hindelang, Hirschi, & Weis, 1981; Piquero, Machintosh, & Hickman, 2002).

Another limitation is the researchers' inability to manipulate the independent variable. The independent variable for this research was racial/ethnic status, which is stable and does not lend itself to manipulation. Also, due to using secondary data, the categorization of race was unable to be determined. It is not clear that all races were represented correctly, taking into account the classification for a listing of "other". It is

also not known by the researcher specifically how race/ethnicity was identified to the court; therefore, coding errors are possible due to unknown reporting methods.

Also, many of the subjects in the sample population had multiple offenses. Due to this fact, each offense was looked at individually when completing the analysis.

Additionally, because there were multiple offenses, there were multiple dispositions. In order to take into account the presumption that youth with previous offenses may be judged more harshly than a first time offender, only the most recent disposition was evaluated. This could limit the ability to generalize the results for youth involved in the juvenile justice system.

Additionally, there was missing information in the data received from the court. Due to the missing information, it is unclear of the severity of some of the offenses, including having the knowledge of whether the crime committed is a misdemeanor or a felony. Also, there is no way to determine specifically what some offenses include. For example, the data lists drug offenses, but there is no way to determine if this means drug trafficking, drug use, drug paraphernalia, or possession of drugs. This can affect the information when evaluating the outcomes/dispositions. There was missing information across all categories including race, age, gender, offense type, and disposition, which indicates a limitation due to recording errors and record keeping. Also, the data utilized in this study is from Franklin County, and therefore the findings cannot be generalized globally to juvenile offenders across the United States.

### **Definition of Terms**

The following terms are offered for clarification:

Child/Juvenile: a person who is under eighteen years of age (Anderson's Ohio Criminal Law Handbook, 2007).

Criminal offenses: criminal offenses include murder, rape, armed robbery, aggravated assault, burglary, larceny, auto theft, and arson (Barr, 1998).

Delinquent child: any child, except a juvenile traffic offender, who violates any law of this state or of the United States, that would be an offense if committed by an adult (Anderson's Ohio Criminal Law Handbook, 2007).

Disproportionality: situations in which minority group members are either under- or overrepresented relative to their proportion in the general population (McCord et al., 2001).

Disposition: The punishment (or sentencing) available to juvenile court judges (Bartollas & Miller, 2008; Champion, 2007).

Felony: a crime punishable by imprisonment for one year or longer (or by death). In most jurisdictions, burglary, arson, robbery, rape, larceny, murder, and manslaughter are felonies (Ahranjani et al., 2005).

Misdemeanor: a crime punishable by imprisonment for only up to one year or by a criminal fine. Simple assault and battery are typically considered misdemeanors (Ahranjani et al., 2005).

Person offenses: offenses committed against a person. They include the following: aggravated robbery, assault, domestic violence, menacing, and sex offenses.



Property offenses: offenses committed against a person's property. They include the following: arson, breaking and entering, criminal trespassing, malicious injury to property, receiving stolen goods, theft, and unauthorized use of property.

Public order offenses: offenses that disturb or invade society's peace and tranquillity. They include the following: alcohol offenses, disorderly conduct, disruptive behavior, drug offenses, fighting, incorrigible youth, traffic violations, and weapons offenses. (Schmallegger, 2009).

Status offenses: status offenses are based on a set of laws that apply only to juveniles. They include truancy (skipping school), running away from home, refusing to obey one's parents, violating curfew, drinking alcohol, and engaging in consensual sex (Barr, 1998).

Violence: a willful action (or inaction) that results in the intentional infliction of harm or injury (Hardy & Laszloffy, 2005).

## **CHAPTER 2: REVIEW OF THE LITERATURE**

### **Introduction**

The purpose of this study was to assess the existence of disproportionality of minority vs. non-minority youth involved with the juvenile justice system. The study examined the impact of racial/ethnic identity on juvenile offenders by comparing the results between minority and non-minority juvenile offenders to determine if there were differences in the types of criminal offenses committed, and the disposition received from the Franklin County Juvenile Court.

Since the early 1970's, the prison and jail population in the United States has increased at an unprecedented rate. The more than 500% rise in the number of people incarcerated in the nation's prisons and jails has resulted in a total of 2.2 million people behind bars (Mauer & King, 2007). Liptak (2008) reported that, nationwide, the prison population grew by 25,000 people last year. Another 723,000 people are in local jails. The number of American adults is about 230 million, meaning that one in every 99.1 adults is behind bars. Incarceration rates are even higher for some groups (Liptak, 2008).

This growth has been accompanied by an increasingly disproportionate racial composition, with particularly high rates of incarceration for African Americans, who now constitute 900,000 of the total 2.2 million incarcerated population (Mauer & King, 2007). Overall, data from the Bureau of Justice Statistics documents that one in six Black men had been incarcerated as of 2001 (Bonczar, 2003).

While the disproportionate rate of incarceration for African Americans has been well documented for some time, a significant development in the past decade has been

the growing proportion of the Hispanic population entering prisons and jails. In 2005, Hispanics comprised 20% of the state and federal prison population, a rise of 43% since 1990 (Mauer & King, 2007). As a result of these trends, one of every six Hispanic males and one of every 45 Hispanic females born today can expect to go to prison in his or her lifetime. These rates are more than double those for non-Hispanic Whites (Mauer & King, 2007).

Based on Justice Department figures (2006), one in 36 Hispanic adults are behind bars. Additionally, one in 15 Black adults are too, as is one in nine Black men between the ages of 20 and 34. The report, from the Pew Center on the States, also found that only one in 355 White women between the ages of 35 and 39 are behind bars but that one in 100 Black women are (Liptak, 2008).

A number of studies on court proceedings also indicate that racial disparities are present. Data suggests that Whites receive a higher proportion of plea bargains and better deals than do Blacks (Tarver, Walker & Wallace, 2002). Whites are more successful in getting charged reduced or dropped, in avoiding enhancements or extra charges, and in getting diversion, probation, or fines instead of incarceration (Tarver, Walker & Wallace, 2002).

The American prison and jail system is defined by this entrenched racial disparity in the population of incarcerated people. The national incarceration rate for Whites is 412 per 100,000 residents, compared to 2,290 for African Americans, and 742 for Hispanics. These figures mean that 2.3% of all African Americans are incarcerated, compared to 0.4% of Whites and 0.7% of Hispanics (Harrison & Beck, 2006).

An important theme in criminological theory and research during recent years has been the dual emphasis on continuity and change in criminal offending over the life span. It is well recognized that most adult offenders also offended as juveniles (Paternoster, Brame, & Farrington, 2001). Over the past 50 years, it has become a well established finding in criminology that “the past is prologue” (Juon, Doherty & Ensminger, 2006, p. 194). The empirical finding that childhood problem behavior is predictive of adult problem behavior has been documented in several longitudinal samples, regardless of time, place, sample characteristics, or specific measures of outcome (Juon et al., 2006). Of 22 studies reviewed by Krohn et al., (2001), 21 reported a significant relationship between early onset and later crime and delinquency (Kempf-Leonard, Tracy & Howell, 2001).

Developmentally, childhood disruptive behaviors may indicate an underlying behavioral disposition that continues to manifest itself as disruptive behavior throughout childhood and as delinquent and criminal behavior into adolescence and adulthood (Juon et al., 2006). Kempf-Leonard et al. (2001) proposed that with respect to life-course-persistent offenders, serious, violent, and chronic juvenile offender subgroups can be distinguished among adult criminal offenders and they make a disproportionate contribution to adult crime (Kempf-Leonard et al., 2001). This belief that juvenile delinquency contributes to adult criminality leads one to wonder if the same disproportionality exists for minority vs. non-minority youth in the juvenile justice system.

In 2001, the racial composition of the juvenile general population was 78% White, 17% African American, 4% Asian, and 1% American Indian (Snyder, 2003). As recently as 2006, the racial composition of the juvenile general population was 59% White, 15% African American, 4% Asian, 1% American Indian, and 20% Hispanic (OJJDP, 2006).

Minority overrepresentation is clearly reflected in the juvenile justice system. Hardy & Laszoffy (2005) found that juveniles under age 18 were involved in 27% of all serious violent victimizations, including 14% of sexual assaults, 30% of robberies, and 27% of aggravated assaults. According to the Office of Juvenile Justice Delinquency and Prevention, in 1997, 28% of teens carried weapons, and weapons-related offenses among youth between the ages of 10 and 17 had doubled (Hardy & Laszloffy, 2005).

Although these numbers reflect all youth during the time period stated, minority juvenile offenders continue to have disproportionate numbers in the justice system. National studies have shown that minority youth are overrepresented in secure juvenile and criminal justice facilities across the Nation. While minority juveniles represent just one third of the juvenile population, their portion of confined population has risen from a little over one-half [53%] in 1987 to more than two-thirds [68.7%] in 1995 (Bilchik, 1997).

Studies based on official statistics have reported that African Americans are overrepresented in arrest, conviction, and incarceration relative to their population base. In contrast, most studies using self-report measures have found that African Americans

are more likely to be adjudicated delinquent, but are not significantly worse than Whites in their prevalence or frequency of offending (Schmallegger & Bartollas, 2008).

### **Historical Overview of the Juvenile Justice System**

The U.S. constitutional system was created to address the problem of not only street criminals but also people in government who abuse their power. They felt it just as important to prevent government officials from violating the basic boundaries of civilization and destroying respect for the people as to deter individual citizens from committing crimes (Ahranjani, Ferguson & Raskin, 2005).

Throughout the history of juvenile justice, debate ensued over the best means to sanction, punish, control, and improve the lives of young people who have violated the law. The juvenile justice system was created because of the hopeful belief that all children could be rehabilitated into law abiding, productive citizens (Ahranjani et al., 2005).

The first juvenile court in the United States was established more than one hundred years ago in Chicago. Prior to this, children as young as seven were processed the same as adults. They could stand trial in criminal court and be sentenced to prison or death (MacKenzie, 2006). However, at the beginning of the nineteenth century, a movement of progressive child centered activists began thinking about the need for special, child centered courts that could save young children who primarily came from impoverished, immigrant backgrounds (Ahranjani et al., 2005).

Social structural and cultural changes fostered both the initial creation and contemporary transformation of the juvenile court. Ideological changes in cultural

conceptions of children and in strategies of social control during the nineteenth century led progressive reformers to create the juvenile court in 1899. A century later, social structural changes have modified the cultural conceptions of young people and the strategies of social control that juvenile courts employ. Increasingly, punitive juvenile justice policies impose harsh sanctions disproportionately on minority youths and foster the growing procedural and substantive convergence between juvenile and criminal courts (Feld, 1999).

The new courts focused on the welfare of the child. The delinquent child was viewed as in need of benevolent intervention from court (MacKenzie, 2006). The idea was that courts could be the guardians of the children and focus on what was in the best interest of the child instead of concerning themselves with the issues of criminal guilt of punishment. Because of these beliefs, the juvenile court system was created (Ahranjani et al., 2005). Juvenile courts sought to rehabilitate delinquents so they would become productive members of society (MacKenzie, 2006).

The late 1960s and 1970s saw many important changes in the way the juvenile justice system operated. During this time, courts began to focus on the rights of juveniles in the court system. One of the most drastic of these changes was that courts would no longer rely on the discretion of one judge without allowing the juvenile the same due process of law that was offered to adults (Ahranjani et al., 2005; Stewart, 1997). Specifically, the Supreme Court found that juveniles have a right to a lawyer, a right to a court hearing, a right to notice of the charges against them, a right to cross examine witnesses, and a right to be proved guilty based on an adult standard of proof (Ahranjani

et al., 2005). The court established that certain rules had to be followed to protect the liberty and due process rights of young people (Ahranjani et al., 2005). They determined that sentences should be decided on the basis of fair and just sentencing policies, and they proposed that the sentence should fit the crime (MacKenzie, 2006).

This model of fairness and justice saw sentencing practices reflect just desserts and not some utilitarian motive. Advocates argued that prisons should not be used to achieve any public end. Punishment should be proportionate to the crime but not designed to achieve some utilitarian motive such as rehabilitation or crime control. The only relevant factors to consider in sentencing are the crime of the conviction and the offender's past history of criminal activity. Under this model, individualized treatment and discretion would be eliminated; thus, all offenders would be treated similarly by the criminal justice system (MacKenzie, 2006).

Crime rates escalated during the period from 1965 to 1975 (and continued through the early 1990s), which led to the increased emphasis on the need to control crime. Subsequently, sentencing practices moved to a crime control model, emphasizing the use of incapacitation to reduce crime (MacKenzie, 2006).

As time has progressed, the shift has been to be tougher on juvenile offenders, and as a result, young people can be tried in adult court (Ahranjani et al., 2005). Since the 1980s and 1990s, the crime control model has become increasingly popular. Changes in the goals of corrections have been associated with an enormous increase in the number of people in the United States who are under some form of correctional supervision (MacKenzie, 2006).



Early laws regarding juvenile offenders have stressed that when a juvenile offender reaches a certain age, their records can be kept confidential, or even expunged. However, legislators have weakened some of the confidentiality rules that have historically protected young people later in life from their mistakes. At the same time, legislatures have increased the length and harshness of sentences available to juvenile judges to impose (Ahranjani et al., 2005).

Juveniles, for the purposes of the juvenile justice system, are generally defined by their age. However, in certain circumstances with certain serious crimes or serial offenders, cases can be transferred to adult court. This transfer process is called “waiver” because the juvenile court is waiving its jurisdiction and control over the juvenile (Ahranjani et al., 2005). According to the American Bar Association’s Juvenile Justice Center, an increasing number of juvenile offenders, 75% of them belonging to minority groups, are sentenced to adult prisons for the rest of their lives for committing murder (Ahranjani et al., 2005).

Unless the crime is severe (such as murder), courts and legislatures have decided that young people under a certain age, historically seven or below, can never have legal intent required to commit a crime and therefore cannot be tried in the criminal justice system. The reasoning is that, at such a young age, kids cannot necessarily tell the difference between right and wrong, they are incapable of formulating criminal intent, and therefore they are not responsible under the law (Champion, 2007; Ahranjani et al., 2005). Society has determined that some children are just too young to be tried for their criminal actions (Ahranjani et al., 2005).

Generally, American society has assumed that people younger than eighteen have several traits in common that make them somewhat less responsible than adults. These differences make it necessary to have a separate juvenile justice system (Ahranjani et al., 2005). The emerging research is even stronger that juveniles are not as developed as adults. They have a shorter term perspective, do not assess risk properly and are mentally less developed (Asquith, 2007).

Some of the beliefs that contribute to that thinking include: juveniles are more likely to act impulsively in committing an offense; juveniles are more likely to act under the pressure of peer influence; juveniles are less likely to understand the legal consequences of their actions; juveniles are less like to weigh the risks and long term consequences of their actions; juveniles are less familiar with the legal system; and juveniles may have an inadequate understanding of the case against them (Ahranjani et al., 2005). A U.S. Supreme Court decision, *Roper v. Simmons*, ruled that persons under 18 years of age could no longer be sentenced to death (Asquith, 2007).

### **The Juvenile Court Process**

American cultural and legal conceptions of young people contain two competing images of youth that also facilitated the transformation of the juvenile court. On one hand, the legal culture views young people as innocent, vulnerable, fragile, and dependent children whom their parents and the state should protect and nurture. On the other hand, the legal culture perceives young people as vigorous, autonomous and responsible adultlike people from whose criminal behavior the public needs protection (Feld, 1999).

### ***Types of Offenses***

The juvenile justice system has jurisdiction in two kinds of offenses: status offenses and criminal offenses. Status offenses are based on a set of laws that apply only to juveniles. They include truancy (skipping school), running away from home, refusing to obey one's parents, violating curfew, drinking alcohol, and engaging in consensual sex. Juveniles who commit status offenses can be taken into custody and processed through the juvenile justice system (Barr, 1998).

Status offenses exist to correct undesirable behavior. The ability to enforce status offenses gives the juvenile court nearly unlimited power to intervene in the lives of young people who are at risk of committing criminal acts. When authorities arrest juveniles for status offenses they do so with the belief that such action will help deter future involvement in crime (Barr, 1998).

The juvenile court also has jurisdiction over criminal offenses committed by juveniles. Criminal offenses include murder, rape, armed robbery, aggravated assault, burglary, larceny, auto theft, and arson (Barr, 1998). There are many correctional options available for judges to impose, which include probation, incarceration, electronic monitoring, house arrest, or home confinement, or community based correctional alternatives such as halfway houses or intensive supervised probation or parole (Champion, 2007).

### ***Juvenile Court Processing***

The juvenile justice process usually involves the formal agencies and procedures developed to handle those children and youths suspected or accused of violating their

state's juvenile code. There are nine stages in delinquency case processing through the juvenile justice system: (1) initial contact by law enforcement agencies; (2) law enforcement handling, diversion, arrest and/or referral to the juvenile court; (3) court intake via the juvenile probation intake unit or the prosecutor's office; (4) preadjudication juvenile detention; (5) prosecutors file a delinquency petition in juvenile court or waive to adult criminal court; (6) investigation or predisposition report prepared by a probation officer; (7) juvenile court judge's adjudicatory decision and sanctions; (8) participation and completion of mandated juvenile offender treatment program; and (9) juvenile aftercare plan (Roberts, 2004).

Because of discretion exercised by police and judicial officers, there is some variation from one city or county to the next in the processing of juvenile cases. Therefore, while there is a sequential series of critical decision points in case processing, there is also some variation in how, when, and which types of decisions are made (Roberts, 2004). As shown in Figure 1, Ohio has outlined their flow chart for the juvenile justice system (ODYS, 2008).

Juveniles arrested for a crime cannot be certain what will happen to them once they are taken to the police station. After being processed, the juvenile may be placed in a juvenile center. This type of facility serves at a short term lockup for offenders awaiting a court hearing (Stewart, 1997).

Juvenile court has a petition, which is a written request for the court to look into the matter (Barr, 1998). Petitions are official documents filed in juvenile courts on the juvenile's behalf, specifying reasons for the youth's court appearance. These documents

assert that juveniles fall within the categories of dependent or neglected, status offender, or delinquent, and the reasons for such assertions are usually provided (Champion, 2007). The petition does not actually accuse the juvenile of committing a crime. Instead, it identifies the juvenile as possibly in need of the court's help (Barr, 1998).

In the juvenile court, there is an intake hearing, at which the case is simply opened and the court's jurisdiction over the juvenile is established (Barr, 1998). Intake is a major screening stage in the juvenile justice process, where further action against juveniles may be contemplated or required. Intake officers hear complaints against the juvenile and informally resolve the least serious cases (Champion, 2007). Although the petition alleges certain facts about the crime committed, the juvenile is not formally accused of the crime. Juvenile defendants do not plead guilty or not guilty. Instead, they admit to or deny the alleged facts of the case (Barr, 1998).

After the intake hearing, juveniles are given an adjudication hearing, which is the equivalent of a trial in the adult court (Bartollas & Miller, 2008, Barr, 1998). In an adjudication hearing, the case is heard by a judge rather than a jury (Barr, 1998). It is the point at which the judge reviews the charges as described in the petition, hears testimony from the parties involved, and decides whether the youth committed the offense (Bartollas & Miller, 2008). In the same way that a trial determines the guilt or innocence of an adult offender, the adjudication hearing determines whether the juvenile committed the offense or not (Barr, 1998).

### *Juvenile Court Disposition Process*

In juvenile court, the offender is not sentenced. Instead, the case has a disposition in which the juvenile's punishment is determined (Barr, 1998). Some juveniles who are found guilty at their hearings receive their disposition immediately; others wait at the juvenile center until placement is determined. The alternatives for placement differ widely. Some offenders, especially those with a history of violence or poor outcomes in previous placements, may be sent to a correctional facility or juvenile prison. For less violent offenders, a less secure group home or ranch experience can be sought (Stewart, 1997).

The judge studies the young offender's background and selects a punishment aimed at rehabilitating the juvenile. Under this system, judges have a great deal of discretion to choose a course they think is best. Judges can send juveniles home with a stern lecture, they can place juveniles on probation, or they can place them in programs that offer chemical dependency treatment, counseling, discipline training, academic instruction, and other help (Barr, 1998).

Some states have sought to strike a balance between harsher, longer punishments that would keep violent juveniles off the streets and traditional efforts to rehabilitate them. Colorado, for example, has developed a program that gives longer sentences to violent juvenile offenders, housing them in specially created institutions that include rehabilitation programs. Minnesota took a different approach to sharpen consequences for juvenile offenders. As of 1995, serious juvenile offenders can be given two sentences at once, one in juvenile court and another in adult court. If the young offender fails to

meet all requirements imposed by the juvenile courts or commits a new offense before the age of twenty-one, the adult sentence goes into effect (Barr, 1998).

### **The Racial Dynamics of the Juvenile Justice System**

Shortly after the establishment of the first juvenile court in 1899, W.E.B. Du Bois wrote in his seminal work, *The Souls of Black Folk*, that “the problem of the 20<sup>th</sup> century is the problem of the color line” (Bell, 2005, p. 80). During the past 25 years, there has been a dramatic shift in the complexion of youths confined for being in trouble with the law. During that time, the juvenile justice system has shifted from a detained population of 56% White to 68% minority (Bell, 2005). In a number of jurisdictions, the controlling, biased, and punitive orientation of some juvenile justice officials has led to a revolving door system in which we find an overrepresentation of children and youth from African American, low-income, neglectful, and/or abusive homes (Roberts, 2004).

Not surprisingly, given that arrest rates are disproportionate to their numbers in the general population, Blacks contributed significantly to the overall astonishing growth in incarceration. In fact, according to the Bureau of Justice Statistics (BJS), in 1994 Blacks were incarcerated at a rate of 1,432 per 100,000 Black U.S. residents. By contrast, there were only 203 White inmates per 100,000 White residents. Blacks’ rate of incarceration in 1994 was seven times that of Whites, a differential that continued the pattern of previous years (Jones-Brown, 2000).

The degree of minority overrepresentation in secure detention far exceeds the rates of minority offending. Each year, between 300,000 and 600,000 youths are incarcerated in pretrial juvenile detentions facilities, according to a 1997 census by the

National Council on Crime and Delinquency. Overall, by 1997, minority youths represented the majority of youths in detention in 30 out of the 50 states, which comprise 83% of the U.S. population (Bell, 2005).

About one in four Americans is a juvenile (or under the age of eighteen). According to the demographic statistics in 1999, 79% of juveniles in the U.S. were White, 16% were Latino, 15% were African-American, 4% were Asian, and 1% was Native American Indians (Ahranjani et al., 2005). Building Blocks for Youth argues that the fact remains that young people of color are represented in juvenile justice systems in numbers that cannot be accounted for by law violations alone. Moreover, it is explicitly apparent that “the great weight of punitive juvenile justice policy falls disproportionately on youths of color” (Bell, 2005, p. 80).

Several million juveniles commit delinquent acts each year. The reality is that although almost 2.4 million juvenile arrests were reported by the FBI and the Office of Juvenile Justice and Delinquency Prevention (OJJDP) in 2000, the approximate number of juvenile delinquent acts could be between 13 and 15 million annually because many crimes committed by juveniles go unreported or undetected, and no arrest is made (Roberts, 2004).

In 2000 a disproportionate number of juvenile arrests involved minorities. After converting the total reported arrest numbers into arrest rates per 100,000 juveniles in each racial group, the violent crime arrest rate for African American juveniles was almost 4 times the arrest rate for American Indian juveniles and White juveniles, and 7 times the rate for Asian American juveniles (Roberts, 2004). With regard to property crime arrest



statistics, the arrest rates for African American juveniles was more than two thirds higher than the rate for American Indian juveniles and almost double the arrest rate for White juveniles (Roberts, 2004).

The Uniform Crime Reports (UCR's) reveal that in 2004 juveniles (individuals under the age of 18) were arrested for 1.6 million crimes. This demographic age group constituted about 26 percent of the population and accounted for 17.3 percent of all persons arrested nationally in 2004 (Bartollas & Miller, 2008). These youths accounted for 14.6 percent of all index crimes; more specifically, youths were responsible for 15.5 percent of the violent crimes and 27.5 percent of the index property crimes (Bartollas & Miller, 2008).

In some states, juveniles who are members of minority races are more likely to be incarcerated than White juvenile offenders. For example, in Georgia, New Jersey, and Virginia, research that controlled for adjudication offense and previous delinquency record indicated that African American juveniles charged with serious crimes were more likely to be adjudicated delinquent and receive longer terms of incarceration than White juveniles (Roberts, 2004).

### ***Tougher Laws***

Youth of color are much more likely than White youth to have their cases waived to criminal court, even when charged with similar offenses. Between 1988 and 1997, the percentage of cases waived to adult criminal court involving African American juveniles increased by 35%, whereas the percentage of cases waived involving White youth increased by 14% (Juszkiewicz, 2000).

Between 1992 and 1997, 45 states modified state laws and juvenile procedures in order to make their juvenile justice systems more punitive. Texas modified its sentencing structure to provide a continuum that bridges the juvenile and adult systems. Sentences that begin in the juvenile system may be completed in the adult system. Louisiana passed a law that requires juveniles who reach age 17 while incarcerated in a juvenile facility to be automatically transferred to an adult institution. California voters overwhelmingly endorsed Proposition 21, which allows a 14 year old juvenile to be tried as an adult without judicial authorization (Roberts, 2004).

The age when a juvenile can be considered an adult has been lowered in some states (Ahranjani et al., 2005). Many states have passed laws in recent years lowering the minimum age at which juveniles can be charged in criminal court. Offenders who are 18 are automatically classified as adults, but increasingly, states are passing laws that allow juveniles as young as 13 to be tried as adults when they commit homicide or other violent offenses. According to a National Governors' Association report, twenty-seven states passed such laws between 1992 and 1994 (Barr, 1998).

In 1997, the U. S. Congress was considering laws that would aid states' efforts to toughen procedures for handling violent juvenile offenders. One proposal allowed prosecutors to decide whether juveniles arrested for violent crimes should be charged and tried as juveniles or adults. Prior to this, this decision rested with juvenile court judges alone. Supporters of the proposal believed the change would lead to more juveniles being tried as adults (Barr, 1998).

The result of this overwhelming statutory action is particularly pernicious for youth of color, because compared with youth in the juvenile justice system, research findings indicate that youth in adult prison are eight times more likely to commit suicide, five times more likely to be sexually assaulted, two times more likely to be assaulted by the prison staff, and 50% more likely to be attacked with a weapon than youth in juvenile facilities (Villaruel & Walker, 2001).

A state that has one of the nation's highest youth incarceration rates is Florida. Florida took the lead in prosecuting minors as adults by giving prosecutors, instead of judges, the crucial power to make the decision to charge juveniles as adults. After a youth crime wave in the early 1990s, Florida passed the Juvenile Justice Reform Act of 1994, which gave state prosecutors the power to try children defendants as adult criminals if they already have committed other crimes (Ahranjani et al., 2005).

Most of the children in Florida's criminal justice system are African-American and Hispanic (Ahranjani et al., 2005). Although racial and ethnic minorities make up one-fourth of the state's population between the ages of ten and seventeen, they are three-fourths of the people in that age group incarcerated in the state's prisons. This means that a teen or preteen in Florida who is African-American or Hispanic is three times more likely to be behind bars than a White youngster in the same age group (Ahranjani et al., 2005).

### **Disproportionate Laws**

If one were to divide the juvenile justice system into subparts, there would be several points at which decisions are made regarding young people of color and their

families. For example, decisions about where to patrol and who to arrest, charge and prosecute can widen the net for minority youths (Bell, 2005).

Many people believe that the power of the criminal justice system is selectively focused on urban minority populations and that minority children are treated more harshly for similar offenses. White college kids are rarely arrested for dealing marijuana, but, when they are, their parents arrange for diversion programs. Meanwhile, poor African-American kids face a constant police presence in their communities and will likely be sent to detention facilities for the same offenses (Ahranjani et al., 2005).

### ***The Omnibus Anti Drug Abuse Act of 1986***

Due to the intersection of racially skewed policing and sentencing policies, the federal crack cocaine mandatory sentencing laws have produced highly disproportionate rates of incarceration for low-level offenses (Mauer & King, 2007). Crack cocaine became prevalent in the 1980s and received extensive media attention, due in part to its exponential growth in the drug market. Crack cocaine is a form of the drug that is typically found in low income, African American neighborhoods (Drug Policy Alliance, 2008). The popularity of crack cocaine was associated with its cheap price, which for the first time made cocaine available to a wider economic class (The Sentencing Project, 2001).

Crack was portrayed as a violence inducing, highly addictive plague of inner cities, and this media spotlight led to the quick passage of two federal sentencing laws concerning crack cocaine in 1986 and 1988 (The Sentencing Project, 2001). One law that demonstrates support for this belief is the Omnibus Anti Drug Abuse Act of 1986. The

Act, included mandatory minimum sentences of five years' imprisonment for nonviolent offenders convicted of selling or possessing with the intent to sell 500 grams of powder cocaine or 5 grams of crack cocaine (Jones-Brown, 2000).

Crack cocaine and powder cocaine are different forms of the same drug, and have similar effects on the brain and nervous system. Federal law, however, sets a 100:1 sentencing disparity between the two forms (Webb, 1996). These laws were based on the idea that crack is 50 times more addictive than powder cocaine. Congress doubled that number and came up with the 100:1 quantity ratio currently in effect (Webb, 1996).

The 100:1 law establishes a quantity ratio between the amount of crack and powder cocaine needed to trigger certain mandatory minimum sentences for trafficking, as well as creating a mandatory minimum penalty for simple possession of crack cocaine (The Sentencing Project, 2001). This means that distribution of just five grams of crack cocaine (about a thimble full) yields a five year mandatory minimum sentence, while it takes five hundred grams of powder cocaine to trigger the same five year sentence. Crack cocaine is the only drug for which there is a federal mandatory minimum sentence for mere possession (Drug Policy Alliance, 2008).

The crack/powder disparity fuels racial disparities. In 2006, 82% of those sentenced under federal crack cocaine laws were Black, and only 8.8% were White - even though more than two thirds of people who use crack cocaine are White (Drug Policy Alliance, 2008). The 100:1 quantity ratio in cocaine sentencing causes low-level crack offenders to receive arbitrarily severe sentences compared to high level powder cocaine offenders (The Sentencing Project, 2001).

The quantity distinction also resulted in massive sentencing disparity by race, with African Americans receiving longer sentences than the mostly White and Hispanic powder cocaine offenders. The result of the combined difference in sentencing, laws and racial disparity is that Black men and women are serving longer prison sentences than White men and women (The Sentencing Project, 2001). The U.S. Sentencing Commission has found that “sentences appear to be harsher and more severe for racial minorities than others as a result of this law. The current penalty structure results in a perception of unfairness and inconsistency.” (Drug Policy Alliance Network, 2008, p. 1).

### ***Three Strikes Laws***

The problems faced in minority communities have been amplified by the war-on-drugs, and the three strikes law has compounded those issues by further increasing the minority representation in prisons (Thompson, 2002). Like the War on Drugs laws, three-strike statutes were designed both to target a certain kind of criminal with lengthy prison sentences and to remove the discretion of judges, whose sentencing decision across similar cases varied dramatically (Jones-Brown, 2000).

The murder of Kimber Reynolds by a career criminal prompted her father, Mike Reynolds, to begin drafting legislation that later became Proposition 184, which the National Rifle Association dubbed the “three-strikes, you are out” law. The California three-strike law was passed after a 12 year old girl was kidnapped during a slumber party and was subsequently murdered by a repeat felon with prior convictions for burglary and kidnapping. That case became an icon for what is wrong with the criminal justice system in California and across America (Thompson, 2002). The argument was that the passage

of the bill would reduce crime by 22% to 34% and produce \$23 billion in social savings. The bill passed with more than 70% approval (Schultz, 2000).

Penal Code 1170.12 (Proposition 184), passed by voters in March 1994, required that defendants who have been convicted of prior violent or serious felonies be subject to the mandatory sentencing standards of twice the normal length for second felonies and 25 years to life in third felony convictions (Thompson, 2002). These laws have given rise to significant disparities across race, and the effects of this law has been most strongly felt by minority groups, who are significantly overrepresented as second and third strike offenders in California's prisons (Thompson, 2002; Jones-Brown, 2000).

Georgia enacted a tough "two-strikes" sentencing scheme that imposes life imprisonment for a second drug offense. As of 1995, the state had invoked it against only 1% of White defendants facing a second drug conviction, but against more than 16% of eligible Black defendants. The result is that 98.4% of those serving life sentences in Georgia under this provision are Black (Jones-Brown, 2000).

Minority communities have probably been the most affected by the three-strike laws because minorities are more likely to be serving a sentence under the law than a White person. According to the Justice Policy Institute in Washington, D.C., in California, African Americans were imprisoned for a third offense at over 13 times the rate of Whites during the first three years after the law took effect. African Americans, who constituted only 7% of California's population and accounted for 20% of felony arrests, made up 43% of the state's more than 26,000 third strike offenders (Jones-Brown, 2000). As of December 31, 2001, the breakdown by race of second and third strike

offenders in California was: 26.2% White; 31.4% Hispanic; 38.2% Black; and 4.1% other. Given these statistics, 73.6% of inmates serving for second or third strike offenses are from minority groups (Thompson, 2002).

### ***Racial Profiling***

Another practice that must be examined is race based profiling. This practice assumes that people of color are more likely involved in crime and use of the technique potentially exposes any African American or Hispanic to unwarranted police scrutiny (Jones-Brown, 2000). Race based policing, sometimes referred to as racial profiling, is best described as a practice whereby a police officer routinely makes law enforcement decisions solely on the basis of a citizen's race or ethnicity (Ramirez, McDevitt, & Ferrell, 2000; Withrow, 2002).

Research has shown that minority citizens are, pursuant to a stop, searched more often than non-minority citizens (Cordner et al., 2000; Knowles et al., 1999; Langan et al., 2001; New York Attorney General's Office, 1999; Norris et al., 1992). Withrow (2004) also found that stops involving Black drivers are more likely to result in physical confrontation than stops involving White drivers. Many observers argue that if African Americans are singled out for extra law enforcement scrutiny, they are also subject to higher levels of force in encounters with police (Jones-Brown, 2000).

MacDonald (2001) defines two types of profiling: hard profiling occurs when a police officer uses race as the only factor in assessing criminal suspiciousness, and soft profiling occurs when a police officer uses race as one factor among others in determining criminal suspiciousness. These definitions suggest that the police officer has



some predetermined perception (i.e. prejudice) that all or most members of some racial or ethnic groups are more likely to engage in criminal behavior (Withrow, 2004).

Recently, many departments (e.g., Florida State Highway Patrol, Houston Police Department, New Jersey State Patrol, Portland Police Department, Sacramento Police Department, San Diego Police Department, Texas Department of Public Safety, Washington State Patrol, Wichita Police Department) and special interest groups (e.g., American Civil Liberties Union) have conducted studies to determine whether minority drivers are stopped, searched, or arrested at higher rates than they are represented in the overall community or among licensed drivers. These studies consistently identify disparate patterns of stopping, searching, and arresting with respect to the race or ethnicity of the driver (Withrow, 2004). Almost all race-based policing studies compare overall stop, search, or arrest rates proportionally by race and ethnicity with general demographic information for a particular jurisdiction from either the U.S. Census or the state level driving authority data (Withrow, 2004).

Although relatively new, the number of studies on how the race or ethnicity of a citizen might affect a police officer's decision to stop, search, and/or arrest is expanding rapidly. The results of many of these studies, regardless of their data collection strategy, are relatively consistent. Minority drivers are stopped at proportionally higher rates than they are represented in the community (Cordner, Williams, & Zuniga, 2000; Knowles, Persico, & Todd, 1999; Langan, Greenfield, Smith, Durose, & Levine, 2001; New York Attorney General's Office, 1999; Norris, Fielding, Kemp, & Fielding, 1992), among licensed drivers, and among actual users of the roadway (Withrow, 2004).

### **Equal Justice?**

Bell (2005) reported that according to the Coalition for Juvenile Justice web site, youths of color “receive harsher sanctions than their White counterparts at every stage” (p. 80) of the juvenile justice system, “from the point of surveillance (including racial profiling), to sentencing and incarceration” (Bell, 2005, p. 80). The coalition also reports that Black youths are six times more likely to be incarcerated for person offenses and nine times more likely to be sentenced to a juvenile facility for violent offenses as compared with White youths charged with the same types of offenses (Bell, 2005).

Wordes et al., (1994) examined three detention phases (police detention, court intake detention, and preliminary hearing detention) and found that after controlling for legal and social variables, Black and Latino juvenile delinquents were more likely to be placed in detention. Additionally, other researchers have studied several of the nation’s largest counties and found that minority youth, particularly African-Americans, were almost twice as likely to be held in secure pretrial confinement as White youth. Furthermore, minority youth not only are locked up at a disproportionately high rate for the same crimes as their White peers, but they are confined for longer periods of time (Ahranjani et al., 2005). Moreover, studies show that Black and Latino juvenile delinquents were more likely to be detained at disposition (Armstrong & Rodriguez, 2005).

Harms (2002) reports that between 1987 and 1999, delinquency cases in detention facilities grew 25%, with the largest increases in girls’ and White juvenile delinquent

referrals. Even with these increases, however, Black delinquents remain at the greatest risk for being detained compared to other racial/ethnic groups (Harms, 2002).

Wu and Fuentes (1998) examined the effects of race and welfare status on detention, adjudication, and disposition status and found a direct relationship between race and these court outcomes and a significant interaction between non-Whites and welfare status on disposition outcomes. Specifically, minority juvenile delinquents whose families received welfare assistance received more severe dispositions (Armstrong & Rodriguez, 2005). Additionally, researchers suggest that minority offenders who reside in areas with a relatively large minority population are treated more severely than White offenders. Bridges and Crutchfield (1988) argue that Black offenders residing in urban areas with higher violent crime rates are at higher risk of formal control and consequently receive more severe punishments than White offenders (Armstrong & Rodriguez, 2005).

Often times young people are sent to detention facilities close to where they live, and because more minority youth live in low-income areas, minority youth are more likely to be sent to public instead of private correctional facilities that have better resources and provide more access to therapy and education (Ahrajanjani et al., 2005). Private facilities are believed by some authorities to be one solution to overcrowded publicly operated facilities. Privatization is the establishment and operation of correctional services and institutions by non-governmental interest, including private corporations and businesspersons (Armstrong, 2001).

Private facilities have traditionally specialized in one particular method of treatment or one type of offender. For example, a private facility might only hold status offenders or juveniles who require more intensive psychiatric treatment (Moore, 1997). Compared with public facilities, private facilities hold a smaller share of delinquents and a larger share of status offenders (Bartollas & Miller, 2008). Favorably for privatization, private interests can often cut the red tape associated with secure confinement operations. The private sector can work cooperatively with the public sector in providing the best of both worlds for offenders (Champion, 2007).

### **History of Disproportionate Minority Confinement**

The Juvenile Justice and Delinquency Prevention Act of 1974 required states to determine whether the proportion of minorities in confinement exceeded their proportion in the population. If such overrepresentation were found, states must demonstrate serious efforts to reduce it. However, overrepresentation of certain groups remains a pervasive and stubbornly persistent problem (Ahranjani et al., 2005).

Disproportionate minority confinement (DMC) became important in 1988 when Congress reauthorized the 1974 Juvenile Justice and Delinquency Prevention Act. The Act required states to make efforts to reduce the proportion of youths of color detained or confined in secure detention facilities, correctional facilities, jails and lockups if such proportion exceeded the proportion such groups represent in the general population (Bell, 2005). For purposes of this requirement, the Office of Juvenile Justice and Delinquency Prevention has defined minority populations as African Americans, American Indians, Asians, Pacific Islanders, and Hispanics (Juvenile Justice Coalition, 2008a). As a result

of this mandate, states began to measure their levels of disproportionality and found that, with the exception of Vermont (which did not have enough minorities to be statistically significant at the time of the report), all states were confining youths of color in numbers larger than could be accounted for by crimes alone (Bell, 2005).

Historically, DMC is measured by comparing the percentage of minority youths (ages 10-17) in the juvenile justice system with the percentage of minorities in the general youth population in a particular jurisdiction (Bell, 2005). In order to reduce DMC, participating jurisdictions are required to analyze local juvenile crime data by race, gender, offense, time and location by using police data on juvenile arrests and/or probation data on youths in detention (Bell, 2005). This data is important because it informs participating jurisdictions of certain groups of youths committing specific types of offenses at precise times, so that appropriate interventions and services can be tailored for such youths. It also allows the jurisdictions to learn when the crimes are committed by ethnicity so that programs can be established that meet the needs of that community (Bell, 2005).

### ***Bowling Green State University Study***

A study was conducted by researchers at Bowling Green State University in 1993 of disproportionate confinement of minorities in Ohio. This research was supported by the Ohio Governor's Office of Criminal Justice Services. The research team completed a detailed case record study of 2,000 cases initiated in juvenile courts during 1989, to examine the proportions of minorities confined in the juvenile system and the factors associated with over-confinement. Thirteen urban counties and four rural counties were

included. These 17 counties accounted for 80% of the juvenile cases initiated in juvenile courts in 1989. The focus of the study was on three types of hearings in juvenile court: the detention hearing, the adjudication hearing, and the disposition hearing (Juvenile Justice Coalition, 2008b; Knowles, 1998).

The findings from the Bowling Green State University study found that minority juveniles are referred to court in nearly twice the proportion as their prevalence in the population suggests they should be (Juvenile Justice Coalition, 2008b; Knowles, 1998). They also found that minority youth were referred to juvenile court in nearly twice the proportion as their prevalence in the population suggests they should be (Knowles, 1998). Additionally, minority juveniles are significantly more likely to be detained than White youth, their cases are dismissed more frequently, and they were confined in DYS institutions more frequently (Juvenile Justice Coalition, 2008b; Knowles, 1998). This difference persists even when the effects of other legal and social characteristics on detention risk are accounted for (Juvenile Justice Coalition, 2008b).

Although race differences are not the most important differences in relation to detention, race differences are statistically significant. This means that although the chances of detention are affected more by things like offense seriousness, current supervision, referral by police, urban jurisdiction, and a history of drug abuse, race differences between minorities and Whites still exist after all these characteristics are taken into account. There is a 5% greater risk of detention for minority than non-minority youth when all of the other independent variables are controlled (Juvenile Justice Coalition, 2008b).

The Juvenile Justice Coalition (2008b) also reported that researchers at Bowling Green State University found that at none of the decision points are minority juvenile offenses more serious on average than White juveniles, nor is their prior record of referrals to court lengthier. In fact, the average number of prior referrals for minority males sent to the Ohio Department of Youth Services is about three; for non-minority males, the number of referrals is about five (Juvenile Justice Coalition, 2008b; Knowles).

### **The Cost of Incarceration**

Juvenile delinquency is often treated through a myriad of child-oriented programs and services that attempt to decrease the likelihood of recidivism. This treatment paradigm has been a consistent fixture of the juvenile justice system for more than 100 years, since the birth of the juvenile court in Cook County, Illinois, in 1899. Although the intent of the juvenile court has shifted over the years from policies focused on the best interests of the child to those in the best interests of the public, its goals have remained the same: to intervene in the trajectories of youths after they have already engaged in delinquent acts (Feld, 1999; Tonry, 1998). This strategy has been associated with high costs and relatively low effectiveness (Feld, 1999; Tonry, 1998).

Punitive responses to juvenile crime (e.g., the incarceration of juvenile offenders in correctional facilities) are far more expensive than less harsh alternatives (e.g., providing juvenile offenders rehabilitation services in community settings). Furthermore, there is little evidence that these more punitive policies are more effective in deterring future criminal activity, and some evidence that overly punitive responses, such as the

incarceration of juvenile offenders in adult facilities, actually may increase juvenile offending (Fagan, 1997; Bishop, Frazier, Lanza-Kaduce, and Winner, 1996).

In 2001, juveniles accounted for 17% of all arrests and 15% of all violent crime arrests, representing approximately 2.3 million young people under the age of 18 years (Snyder, 2003). Cohen (1998) estimated the costs (e.g., law enforcement, juvenile justice, incarceration, treatment, other societal costs) of one high risk juvenile offender engaging in four years of crime as a juvenile, then 10 years of subsequent adult criminality, ranged from \$1.7 million to \$2.3 million (in 1997 dollars).

A 2003 study by the Washington State Institute for Public Policy reports the cost of a great variety of treatment programs for juvenile offender programs (Aos, Lieb, Mayfield, Miller, & Pennucci, 2004). The three most expensive rehabilitation programs are multisystemic therapy, mentoring in the Juvenile Justice System, and Intensive Parole (Nagin, Piquero, Scott, & Steinberg, 2006). A bulletin from Pennsylvania's Department of Public Welfare (2004) reports per diem rates for confinement in various types of secure facilities for juvenile. The average for 2004 was \$206 per day, which translates into an annual cost of \$111,000 per person (Nagin et al., 2006).

### **Ohio Juvenile Offender Information**

The Office of Juvenile Justice and Delinquency Prevention (1999) reported that Ohio has a disproportionate number of minority youth confined in public facilities and detention placements. In 1997, Ohio had an estimated minority youth population of 18%. During that time, minority youth comprised 49% of commitments to public facilities and 51% of detention placements. Statewide, 205 White youth were in residential placement



on October 29, 1997 for every 100,000 youths in the population compared to 1,105 African American youth, 404 Hispanic youth, 315 American Indian youth, and 83 Asian youth (OJJDP, 1999).

Director Thomas Stickrath (2007) of the Ohio Department of Youth Services addressed disproportionate minority contact in his August 2007 Monthly Brief. He addressed the concern that minority youth were overrepresented in the juvenile justice system in Ohio. The brief states that nationally, African American youth were 16% of the U.S. population, 38% of the youth in residential placement, and 58% of the youth admitted to the state adult prisons. In Ohio, minority youth (which includes African American, Hispanic, and Asian) were 20% of the state's population and 61% of the ODYS commitments in 2006 (Stickrath, 2007).

The Ohio Department of Youth Services (ODYS) is the juvenile corrections system for the state of Ohio. ODYS is statutorily mandated to confine felony offenders, ages 10 to 21, who have been adjudicated and committed by one of Ohio's 88 county juvenile courts. ODYS operates eight correctional and rehabilitation facilities and provides parole services from six regional sites throughout Ohio. The ODYS Fiscal Year 2007 Admission Statistics report provided statistics for all admissions during the reporting year. In 2007, 38.5% of all admissions were White youth. Additionally, 54.9% were Black youth, 3.7% were Bi-racial youth, and 2.4% were Hispanic youth. The report also stated that .5% of the youth admitted to the Department of Youth Services were listed as other (ODYS, 2007).

Director Stickrath (2007) reported that Ohio's plan to reduce the disproportionate minority contact that they experienced was to follow a process created by the Office of Juvenile Justice and Delinquency Prevention. Director Stickrath proposed that the 14 Ohio counties with the highest minority youth populations be asked to participate in a guided initiative that will help them identify and assess the issue of disproportionate minority contact, develop a response, and monitor and evaluate their results. He stated that data will be collected on arrest, diversion, detention, probation, confinement, court referral, charges filed, adjudications, and transfer to adult court. Based on the data collected, the Ohio State University Center for Learning Excellence will work with county representatives, the Ohio Disproportionate Minority Confinement (DMC) committee, juvenile court judges and other stakeholders to develop strategies to address local DMC areas of overrepresentation (Stickrath, 2007).

### **Effective Treatment**

An understanding of the unique experiences of and addressing the counseling needs of minority adolescents have become imperative as more professionals are encountering increasing numbers of minorities in the juvenile justice system (Bradley, 2001). Although no treatment program works 100% of the time for 100% of the participants, there are treatment programs that have been found to reduce the rate of future offending (McCord et al., 2001). Treatment approaches to juvenile corrections are varied, yet they share a concern for the underlying causes of delinquency, such as mental health problems, psychological traumas, child abuse and neglect, family dysfunction, and/or substance abuse (Abrams, Kim, & Anderson-Nathe, 2005). The challenge of

correctional treatment is to discover what works for which offenders in which contexts (Schmallegger & Bartollas, 2008).

Treatment-oriented correctional programs also try to prepare their clientele for reintegration into the community through contact with families, schools, and other systems surrounding the youth. Contemporary treatment modalities include behavioral approaches, psychological counseling, cognitive-behavioral therapy, specialized therapeutic programs, and a blend of these various programs (Abrams et al., 2005).

The most promising programs and strategies for use in juvenile after-care programs include those that address the needs and risk factors for reoffending of high risk juveniles (McCord et al., 2001). Programs that provide structured behavioral and skill building orientations, interpersonal skill training, behavioral contracting, and cognitive behavioral individualized counseling are best at reducing recidivism rates for noninstitutionalized youth (Roberts, 2008; McCord et al., 2001). Lipsey (1995) concluded that in order to be most effective, programs must target these behavioral, training and skill issues, with high quality and intensity (Roberts, 2008).

In a study of general delinquency, Lipsey (1995) concluded that some delinquency treatment does work; in a meta-analysis of 400 studies, juvenile delinquents receiving treatment reduced recidivism at a rate 10% higher than untreated youth. Furthermore, Lipsey (1995) found juveniles receiving treatment improved more relative to untreated youth in psychological outcomes (28% relative improvement), interpersonal adjustment (12% relative improvement), and school participation (12% relative improvement) (Roberts, 2008).

More narrowly focused studies have recently examined the effectiveness of specific treatments, resulting in varying degrees of positive outcomes for juvenile offenders. In their meta-analysis examining the effects of cognitive-behavior therapy (CBT) programs for offenders, Landenberger and Lipsey (2005) found CBT to be equally effective with both adult offenders and juveniles (Roberts, 2008). CBT was especially useful in reducing recidivism in high risk offenders and was effective across secure and community settings. Two particular facets of CBT, the anger control and interpersonal problem solving components, were associated with much larger effect sizes than were victim impact and behavior modification components (Landenberger & Lipsey, 2005). Other meta-analyses have found similar support for CBT interventions with juvenile offenders (Wilson, Bouffard, & MacKenzie, 2005), with some studies citing particular support for CBT rather than purely behavior modification treatment (Pearson, Lipton, Cleland, & Yee, 2002).

Wilson, Lipsey, and Soydan (2003) addressed the gap in effectiveness research with ethnic minority juvenile offenders in their meta-analysis comparing mainstream offender treatment programs' effectiveness for minority and non-minority youth. Examining mainstream interventions such as institutional and noninstitutional counseling, casework, and service brokerage-type services, the authors found these interventions to be equally effective for minority and non-minority youth. Results also indicated that these mainstream programs produce modest effect sizes as compared to specialized educational, psychological, and behavioral programs. Key elements associated with effectiveness with both minority and non-minority youth included a focus

on engaging youth, treatment integrity, and service delivery by counselors rather than juvenile justice personnel (Wilson & Lipsey, 2000; Wilson et al., 2003).

In dealing with criminal justice issues, community, home, and school must have a strong presence in a child's life. If any of these components is weak, the remaining components have to step in to account for the difference. Approaches such as conflict resolution instruction, peer counseling, and peer mediation can help strengthen each of these components (Crews & Counts, 1997).

### **Some Effective Programs**

In response to the treatment oriented policies of juvenile crime control, primary prevention programs have been offered as an alternative approach to reducing negative developmental outcomes. Primary preventions have been defined as interventions that promote well-being and prevent future problems. Primary programs contrast with secondary and tertiary programs that are timed during or after a problem has manifested (Durlak, 1997).

***Teen Court.*** A teen court has an adult judge and a jury made up of teenagers, often former offenders who have already appeared before the court (Barr, 1998). The courts are not designed to determine guilt or innocence; instead, they function as a disposition alternative (Crews & Montgomery, 2001). Teen jurors hear the details of the case and recommend a constructive sentence (Crews & Montgomery, 2001; Barr, 1998). Teen courts generally hear cases referred from the juvenile court system. Referrals to teen court can also come from the district attorney's office, from schools, or from police.

The defendant is usually a first time offender who has already confessed to the offense and has agreed to abide by the teen court's decision (Barr, 1998).

Typical cases handled by teen courts include truancy, shoplifting, drinking, smoking, and offensive behavior (Barr, 1998). Punishments given by teen juries often involve some kind of restorative justice, that is, teens are required to correct what they did wrong. These courts remain a low cost and often beneficial alternative for dealing with juveniles who have committed minor offenses (Barr, 1998).

In Stark County, Ohio, juvenile defendants, who voluntarily come to teen court as opposed to official court hearings, must admit their involvement in the offense. Teen volunteers act as bailiff, defense and prosecuting attorneys, and jurors. They attempt to hold defendants responsible for their actions while encouraging them to emphasize their positive strengths. Defendants who complete their dispositions within the court specified time frame will not have an official juvenile record (National Center for Juvenile Justice, 2009).

***Juvenile Restitution Program (JRP).*** In January 1991, the Juvenile Restitution Program (JRP) was established. It provides an alternative disposition for youth committing personal and property crimes where restitution was deemed appropriate. There are currently over 300 community service sites in Franklin County and surrounding areas, and these local businesses work with the courts to provide an opportunity for youth to "pay back" restitution. The goal of the Juvenile Restitution Program is to offer the juvenile an option to give back to the community while avoiding being sent to a detention

facility. Typically, Restitution and Community Service can have 350 youth actively participating in either program (FCC, 2008).

During 1998 over 730 youth were referred to Restitution and Community Service. Over \$44,000 dollars were paid to victims during 1998 through the Restitution Program. An additional \$53,000 was paid to victims from juveniles working in the Community Service component of the Restitution Program. Restitution expanded their services in 1999 through a collaborative effort between the City of Columbus and the Juvenile Court with a work-site program funded in part by a Juvenile Accountability Incentive Block Grant successfully obtained by the Juvenile Court (FCC, 2008).

***Mentoring.*** Hamilton (1990) described mentoring as a one-on-one relationship between a pair of unrelated individuals, one adult and one juvenile, which takes place on a regular basis over an extended time. Mentoring has been shown to be effective with many youths. Mentored youths were found to be less likely to skip school, engage in drug or alcohol use, or resort to violence. Furthermore, their school grades improved, along with the relations with friends and family (Crews & Montgomery, 2001).

### **Summary**

An overwhelming amount of literature is available to conclude that disparities exist between minority and non-minority juvenile offenders at all points within the juvenile justice system. Short & Sharp (2005) found various statistical supports for the argument that minority youth are coming into contact with the juvenile justice system much more frequently than White youth. This research will examine the amount of disproportionality found between minority and non-minority juvenile offenders involved

with the Franklin County Juvenile Justice System. This will include assessment based on differences in the types of criminal offenses committed, and the disposition received from the Franklin County Juvenile Court in Ohio.



### **CHAPTER 3: METHODOLOGY**

The purpose of this study was to assess the extent of disproportionality of minority vs. non-minority youth involved with the juvenile justice system. The study examined the impact of racial/ethnic identity on juvenile offenders by comparing the results between minority and non-minority juvenile offenders to determine if there were differences in the types of criminal offenses committed, and the disposition received from the Franklin County Juvenile Court.

The statistical package that was used to perform the data analysis in this study was the Statistical Package for Social Sciences (SPSS). The SPSS statistical package is designed to perform a wide range of statistical procedures and it is well known for its flexible and omnibus application programs that allow researchers to meet all of their computing needs in one integrated system (Cronk, 2008; Bryman & Cramer, 2001). SPSS is the oldest and most popular of the many packages of computer programs currently available for statistical analysis (Colman & Pulford, 2006).

This study further utilized a method of research termed as *ex-post facto*, the Latin phrase which literally means “after the fact”. *Ex-post facto* research is also commonly referred to as causal-comparative research. *Ex-post facto* or causal-comparative research typically signifies that the research in question is conducted after the variations in the independent variable have already naturally occurred (Ary, Jacobs, & Razavieh, 1996; Fraenkel & Wallen, 2000). In *ex-post facto* research, the researcher attempts to find causes or differences that already exist between or among groups of individuals that have already occurred by comparing previously established data to determine what created the

differences. Thus, it is sometimes considered to be a form of associational research (Ary et al., 1996; Fraenkel & Wallen, 2000). While ex-post facto research is not a substitute for experimental research, it provides an alternative method of research that is valuable to educational researchers who may be unable to ethically test a hypothesis by assigning subjects to various conditions so that the independent variable can be manipulated (Ary et al., 1996).

This chapter outlines the methodology for this study. The methodology includes the research questions, research design, subjects in the analysis, data analysis, instrument and methodological limitations.

### **Research Questions**

The following research questions will be answered in this study:

*Research Question 1.* Is there a significant relationship between the types of criminal offenses committed by minority juvenile offenders vs. non-minority juvenile offenders?

*Research Question 2.* Is there a significant relationship between the disposition received from the Juvenile Court by minority juvenile offenders vs. non-minority juvenile offenders?

### **Research Design**

For this study, an analysis was conducted to determine whether there were any significant relationships between the types of criminal offenses committed, and the types of disposition received between minority and non-minority juvenile offenders. The study was conducted using unidentifiable secondary data generated by the Franklin

County Juvenile Court in Columbus, Ohio. Secondary data is data that is collected by someone else that you are “borrowing” for evaluative purposes. The main drawback of using secondary data is that you have no control over how the data was collected. That means that any omissions, errors, or misinformation is out of the researchers’ control (Donnelly, 2007).

### **Subjects in the Analysis**

The subjects in this study were youth who had received services from the Franklin County Juvenile Court in Ohio. The dataset consisted of 304 unidentifiable youth. Each youth was evaluated based on race, to determine if there were differences in the types of criminal offenses committed, and the disposition received from the Franklin County Juvenile Court. The data analyzed was for juveniles who interacted with the juvenile court between the years 2006 through 2008. The demographic information that was provided included age, race, gender, type of offense committed, and case disposition, although all these categories were not used in the analysis.

Many of the subjects in this sample population had multiple offenses on their record. Of the 304 youth in the sample population, 118 had only one offense on their record, the remaining 186 had multiple offenses. In order to evaluate whether there were differences in the type of criminal offenses committed, the offenses were evaluated individually, and were evaluated using the subject’s race/ethnicity and the offense. This made the total number of offenses that were evaluated 798.

Due to the fact that the many of the subjects in the sample population had multiple offenses, they also had multiple dispositions. In order to evaluate whether there

were differences in the disposition received, only the most current disposition was used in the evaluation. This takes into account the presumption that juvenile offenders with multiple offenses may be judged more harshly than first time offenders, thereby possibly altering the severity of the disposition given by the juvenile court judge.

### **Data Analysis**

Chi-square test of independence was used to compare groups and to determine if interactions were statistically significant. More specifically, Chi-square test of independence was used to compare the mean differences between racial/ethnic status (minority vs. non-minority) of juvenile offenders as it related to the following outcomes: the type of criminal offenses committed (public order offense, person offense, and property offense), and the disposition received (sanctions/restitution, incarceration, termination/closed, county supervision, and other) from the Juvenile Court by minority juvenile offenders vs. non-minority juvenile offenders.

The basic idea of any Chi-square test is that you compare how well an observed breakdown of people over various categories fits some expected breakdown (such as an equal breakdown). Chi-square tests are used when the scores are on a nominal variable, or a variable with values that are categories (Aron, Aron, & Coups, 2005). The chi-square test basically compares the observed (*O*) and expected (*E*) frequencies to determine whether there is a statistically significant difference (Donnelly, 2007, Aron et al., 2005). Observed frequencies are the actual frequencies obtained by observation. Expected frequencies are theoretical frequencies, which are used for comparisons (Ary et al., 1996).

Overall, what the hypothesis testing involves is first figuring a number for the amount of mismatch between the observed frequency and the expected frequency and then seeing whether that number is for a greater mismatch than you would expect by chance (Aron et al., 2005). Chi-square test of independence is one of the most useful statistical techniques, both where other tests are not applicable, and where other tests may be unnecessarily complicated (Sternstein, 2005).

There are very few assumptions needed for a Chi-square test of independence. Chi-square test of independence makes no assumptions about the shape of the distribution. The expected frequencies for each category should be at least 1, and no more than 20% of the categories should have expected frequencies of less than .5 At least two variables are required for a Chi-square test of independence to be completed (Cronk, 2008).

One must use caution so as to not violate assumptions and choose a different procedure when the independent variable is interval or ratio (Hopkins, Hopkins, & Glass, 1996). In this particular study the assumptions would not be violated as all of the assumptions are met. Chi-square is used to find the significance of differences among the proportions of subjects that fall into different categories (Ary et al., 1996). Chi-square can also be used to test a null hypothesis, by indicating that there is no significant difference between the proportions of the subjects falling into any number of different categories (Ary et al., 1996)

The output consists of two parts. The first part gives you the counts, showing you the expected outcome and the observed outcome. The second part of the output gives the

results of the Chi-square test. The most commonly used value is the Pearson Chi-Square. A significant Chi-square test result indicates that the two variables are not independent. A value that is not significant indicates that the variables do not vary significantly from independence (Cronk, 2008).

This study will use an  $\alpha$  level of  $<.05$ . This means this researcher will reject the null hypothesis if there is less than a 5% chance that the same result would have occurred if the null hypothesis were true. Establishing an  $\alpha$  level of  $<.05$  means that there is less than a 5% chance that a Type I decision error will occur (Aron et al., 2005).

A decision error is a situation in which the right procedures lead to the wrong decisions. Decision errors are possible in hypothesis testing because you are making decisions about populations based on information in samples (Aron et al., 2005). You make a Type I decision error if you reject the null hypothesis when in fact the null hypothesis is true. In other words, you make a Type I error when you conclude that the study supports the research hypothesis when in reality the research hypothesis is false (Aron et al., 2005).

Additionally, an analysis was performed using Cramer's Phi as a follow up test to compare the mean of the groups to assist in assessing the strength of the relationship. Statistical power is often used in statistical tests of significance. Power is used to determine the probability of correctly rejecting the null hypothesis when it is false, that is correctly finding a hypothesized relationship when it exists (Hair, Anderson, Tatum & Black, 1998, p. 3).

Statistical significance determines whether the results can be attributed to chance, while practical significance assesses whether the results are useful or substantial enough to warrant action (Hair et al., 1998, p. 3). Cramer's Phi was performed as follow up test in chi-square to test the importance of differences found in the chi-square test of independence. Phi values should be between 0 and 1. If the value is closer to 0, then there is a weak relationship between the variables. If the value is closer to 1, then the association is very strong (Hair et al., 1998, p. 3).

Data used to determine the level of disproportionality in the juvenile justice system was provided by the Franklin County Juvenile Court. The Franklin County Court of Common Pleas, Division of Domestic Relations and Juvenile Branch has a mission to provide judicial, program and juvenile detention services to children, parents, families and the community, so they can receive fair and equitable treatment under the law (FCC, 2005). More specifically, the Probation Department provides guidance, structure and services to unruly and delinquent children and their families. The goal is to provide community based programs with built-in incentives and sanctions to guide the child and family in a positive direction (FCC, 2005).

The Juvenile Probation Department assesses delinquent juveniles appearing before the Court, creates treatment plans, and monitors youth under Court supervision. The objective is to provide access to community based services with built in incentives to guide the child and family in a positive direction. It is their philosophy that constructive altering of behavior in delinquent youth will reduce recidivism and contribute to the safety of the community. They believe as juvenile offenders accept responsibility for

their actions and work to obtain positive goals, they gain the opportunity to become productive members of their community (FCC, 2009).

The Franklin County Probation Department is composed of 6 units. The Pre-Sentence Investigation unit provided the Court with 791 complete social history reports with recommendations for Court action. They also produced 31 bindover investigations in the year 2000. Family records amassed by the Probation and Protective Services Departments are conscientiously maintained by the Central Record room staff. The Court ordered 2005 juveniles to probation supervision last year. Risk to self and community, individual needs, and geographical location determine which of the four probation units served the youth. The Intensive Probation Supervision, General Probation (2 units), and Special Services Unit utilize supervision and community agency programming as their main tools in working with offenders and families. In the year 2000, Probation Officers made over 100,000 probation related contacts and almost 2,000 agency referrals were made on behalf of clients. Their viewpoint is that the Court, working closely with the community, can bring about positive change in youthful offenders (FCC, 2009).

### **Variables**

The independent variable for all of the research questions in this study is the racial/ethnic status of the individual subject (minority versus non-minority). The specific categories of minorities included in the research will include: African American, Asian American, American Indian, and Hispanic or Latino American. The non-minority category will include European Americans.



The dependent variables are the types of criminal offenses committed, and the disposition received from the Franklin County Juvenile Court. The types of offenses committed were classified into three categories. Those categories are public order offenses, person offenses, and property offenses.

Public order offenses are those that disturb or invade society's peace and tranquillity. They include the following: alcohol offenses, disorderly conduct, disruptive behavior, drug offenses, fighting, incorrigible youth, traffic violations, and weapons offenses. Laws criminalizing public order offenses rest on the assumption that public order is inherently valuable and should be maintained—and that disorder is not to be tolerated and should be reduced, when it occurs, through application of the criminal law (Schmallegger, 2009).

Person offenses accounted for 24% of all delinquency cases in 2002 in the United States (Stahl, 2006). Person offenses are those offenses committed against a person. They include the following: aggravated robbery, assault, domestic violence, menacing, and sex offenses.

Property offenses are those offenses committed against property. They include the following: arson, breaking and entering, criminal trespassing, malicious injury to property, receiving stolen goods, theft, and unauthorized use of property.

### **Limitations of the Study**

A clear limitation in the current study is the small sample size in comparison to the number of juvenile offenders involved with the justice system. While the rarity of the sample as an ethnically diverse study of male and female juvenile delinquents clearly

bolsters its importance to criminological research (Cernkovich and Giordano, 2001), the small number of cases restricts the kinds of analyses that can be pursued (Seffrin, 2006). For example, the small sample precludes the partitioning of the sample by gender and race. Methodological research indicates that measurement error for delinquency varies by gender and race (Hindelang, Hirschi, & Weis, 1981; Piquero, Machintosh, & Hickman, 2002).

Another limitation is the researchers' inability to manipulate the independent variable. The independent variable for this research was racial/ethnic status, which is stable and does not lend itself to manipulation. Also, due to using secondary data, the categorization of race was unable to be determined. It is not clear that all races were represented correctly, taking into account the classification for a listing of "other". It is also not known by the researcher specifically how race/ethnicity was identified to the court; therefore, coding errors are possible due to unknown reporting methods.

Also, many of the subjects in the sample population had multiple offenses. Due to this fact, each offense was looked at individually when completing the analysis. Additionally, because there were multiple offenses, there were multiple dispositions. In order to take into account the presumption that youth with previous offenses may be judged more harshly than a first time offender, only the most recent disposition was evaluated. This could limit the ability to generalize the results for youth involved in the juvenile justice system.

Additionally, there was missing information in the data received from the court. Due to the missing information, it is unclear of the severity of some of the offenses,

including having the knowledge of whether the crime committed is a misdemeanor or a felony. Also, there is no way to determine specifically what some offenses include. For example, the data lists drug offenses, but there is no way to determine if this means drug trafficking, drug use, drug paraphernalia, or possession of drugs. This can affect the information when evaluating the outcomes/dispositions. There was missing information across all categories including race, age, gender, offense type, and disposition, which indicates a limitation due to recording errors and record keeping. Also, the data utilized in this study is from Franklin County, and therefore the findings cannot be generalized globally to juvenile offenders across the United States.

## CHAPTER 4: RESULTS

Included in this chapter are the results of the statistical analysis for each of the variables examined. The information contained in this chapter will include data derived from unidentifiable records obtained from the Franklin County Court of Common Pleas, Division of Domestic Relations and Juvenile Branch. The sample population in this study was youth who had received services from the Franklin County Juvenile Court in Ohio. The dataset consisted of 304 unidentifiable youth. The data analyzed was for the years 2006 through 2008. The demographic information included age, race, gender, type of offense committed, and case disposition, although all these categories were not included in the analysis.

The purpose of this study was to assess the extent of disproportionality of minority vs. non-minority youth involved with the juvenile justice system. The study examined the impact of racial/ethnic identity on juvenile offenders by comparing the data between minority and non-minority juvenile offenders to determine if there were differences in the types of criminal offenses committed (public order offenses, person offenses, and property offenses), and the disposition received from the Franklin County Juvenile Court (sanctions/restitution, incarceration, termination/closed, and county supervision).

The following research questions were examined in this study:

*Research Question 1.* Is there a significant relationship between the types of criminal offenses committed by minority juvenile offenders vs. non-minority juvenile offenders?

*Research Question 2.* Is there a significant relationship between the disposition received from the Franklin County Juvenile Court by minority juvenile offenders vs. non-minority juvenile offenders?

### **Presentation of the Results**

This chapter is divided into two sections. The first section will give demographic information related to the subjects in the sample population. The second section will provide descriptive statistics and data analysis comparison of the sample population utilizing Chi-square test of independence for research hypotheses 1 and 2. A summary of the significant findings and the interpretation of the data analysis included in this section are recorded in Chapter 5.

### **Sample Population Characteristics**

The dataset included 304 youth who came in contact with the Franklin County Court of Common Pleas, Division of Domestic Relations and Juvenile Branch between the years of 2006 and 2008. Descriptive statistics are provided for the total sample of 304 youth, which consisted of 184 minority subjects and 118 non-minority subjects, 2 subjects race was unidentified.

### **Race**

There were 184 minority subjects, who accounted for 60.5% of the total sample. There were 118 non-minority subjects, who accounted for 38.8% of the total sample. There were 2 participants of unknown race, who accounted for .7% of the total sample. Table 4.1 represents the race of the subjects in the analysis. The sample population breakdown by race is as follows: 172 African Americans, who accounted for 56.6% of

the sample population, 118 Caucasians, who accounted for 38.8% of the sample population, 3 Bi-racial Americans, who accounted for 1% of the sample population, 5 Hispanic or Latino Americans, who accounted for 1.6% of the sample population, 4 “others”, who accounted for 1.3% of the sample population, and 2 unknown, who accounted for .7% of the sample population.

Race		
	n	%
African American/Black	172	56.6
Bi-Racial	3	1
Caucasian/White	118	38.8
Hispanic/Latino(a)	5	1.6
Other	4	1.3

Table 4.1 Race of Sample Population

### Gender

Table 4.2 represents the gender of the subjects in the analysis. There were 64 minority females and 41 non-minority females for a total of 105 females who accounted for 34.5% of the sample population. There were 120 minority males and 77 non-minority males for a total of 197 males who accounted for 64.8% of the sample population. Two subjects gender was unknown who accounted for .7% of the sample population.

	Non-minority		Minority	
	n	%	n	%
Gender				
Female	41	13	64	21
Male	77	25	120	39

Table 4.2 Gender

### **Results for the Research Hypothesis**

#### **Chi-square test of independence**

A Chi-square test of independence was used to examine the differences between racial/ethnic status (minority vs. non-minority) of juvenile offenders as it relates to the following outcomes: the type of criminal offenses committed (public order offenses, person offenses, and property offenses), and the disposition received from the Franklin County Juvenile Court (sanctions/restitution, incarceration, termination/closed, and county supervision) by minority juvenile offenders vs. non-minority juvenile offenders. The independent, categorical variable that was examined was the racial/ethnic status of the client. The dependent, categorical variables that were examined were the type of offenses committed and the disposition received from the juvenile court. A Chi-square test of independence was deemed to be appropriate for this study as it is utilized for independent variables that are nominal and have at least two categories. One must use caution so as to not violate assumptions and choose a different procedure when the independent variable is interval or ratio (Hopkins et al., 1996). In this particular study the assumptions would not be violated as the independent variable is non-metric. Chi-square is used to find the significance of differences among the proportions of subjects that fall into different categories (Ary et al. 1996). Chi-square can also be used to test a null hypothesis, by indicating that there is no significant difference between the proportions of the subjects falling into any number of different categories (Ary et al., 1996).

Table 4.3 presents descriptive statistics for the Chi-square test of independence that was used to address Hypothesis 1. Chi-square has two principal applications: 1) the

Chi-square goodness-of-fit test, and 2) the Chi-square test of association. In both Chi-square tests two sets of frequencies are compared: observed frequencies and expected frequencies. Observed frequencies are the actual frequencies obtained by observation. Expected frequencies are theoretical frequencies, which are used for comparisons (Ary et al., 1996). For the goodness-of-fit test, the expected frequencies are hypothesized on the basis of some a priori theory. Additionally, chi-square goodness-of-fit can assess whether the observed distribution of choices differs significantly from the hypothesized distribution or whether sampling error remains a tenable explanation for any obtained differences (Hopkins et al., 1996).

	Non-minority		Minority	
	Observed	Expected	Observed	Expected
Public Order Offenses	106	119.3	217	203.7
Person Offenses	98	82	124	140
Property Offenses	77	82.4	146	140.6

Table 4.3 Type of Offenses Committed

Many of the subjects in this sample population had multiple offenses on their records. Of the 304 youth in the sample population, 118 had only one offense on their record, the remaining 186 had multiple offenses. In order to evaluate whether there were differences in the type of criminal offenses committed, the offenses were looked at individually, and were evaluated using the subject's race/ethnicity and the offense. This made the total number of offenses that were evaluated 798.

As shown in Table 4.3, minority youths were somewhat more likely than non-minority youths to commit public order offenses and property offenses, based on the



expected count and the observed count. Minority youths committed 13.3 more public order offenses than expected, and 5.4 more property offenses than expected. Of the total public order offenses, minority youth accounted for 67.2% as compared to 32.8% of non-minority youth. Of the total property offenses, minority youth accounted for 65.5% as compared to 34.5% of non-minority youth. The data also indicated that minority youth were less likely than non-minority youth to commit person offenses, based on the expected count and the observed count. However, although minority youth committed 16 fewer person offenses than expected, the ratio of person offenses when compared to non-minority youth was 55.9% to 44.1% respectively. In fact, for each type of offense committed, the ratio of minority juvenile offenders to non-minority juvenile offenders was higher.

Public order offenses are described as those that disturb or invade society's peace and tranquillity. They include the following: alcohol offenses, disorderly conduct, disruptive behavior, drug offenses, fighting, incorrigible youth, traffic violations, and weapons offenses. Property offenses are those offenses committed against property. They include the following: arson, breaking and entering, criminal trespassing, malicious injury to property, receiving stolen goods, theft, and unauthorized use of property.

Also as shown in Table 4.3, minority youth were less likely than non-minority youth to commit person offenses, based on the expected count and the observed count. Person offenses are those offenses committed against a person. They include the following: aggravated robbery, assault, domestic violence, menacing, and sex offenses.

Chi-square tests were used to test whether there was a significant relationship between racial/ethnic status (minority/non-minority) and each type of offense committed.

Table 4.4 represents the Chi-square test of independence for the type of offenses committed.

When using a Chi-square test of independence, if the p-value (Asymp. Sig.) is less than 0.05, then there is evidence in the data to conclude that the relationship between racial/ethnic status (minority/non-minority) and each type of offense committed is statistically significant. For this particular study statistical significance was found in the category of types of offenses committed. Therefore, utilizing Chi-square test of independence to test the research hypothesis determined that there is a significant relationship between the ethnic/racial status and the type of offenses committed by youths who come in contact with the Franklin County Juvenile Courts. Cramer's Phi was performed as follow up test in chi-square to test the importance of differences found in the chi square analysis. Phi values should be between 0 and 1. If the value is closer to 0, then there is a weak relationship between race and whether the client received services. If the value is closer to 1, then the association is strong. For this analysis, the Cramer's Phi had a value of .106 which is closer to 0. Therefore, a weak relationship is shown.

	Value	df	Asymp. Sig (2 sided)	N of Valid Cases
Pearson Chi-Square	8.942	3	.030	796
Cramer's Phi	.106			

Table 4.4 Chi-Square & Cramer's Phi for Offenses Committed

Table 4.5 presents descriptive statistics for the Chi-square test of independence that was used to address Hypothesis 2. Chi-square tests were used to test whether there

was a significant relationship between racial/ethnic status (minority/non-minority) and the disposition received from the court.

	Non-minority		Minority	
	Observed	Expected	Observed	Expected
Sanctions/Restitutions	29	18.4	18	28.6
Incarceration	5	9.8	20	15.2
Termination/Closed	35	35.9	57	56.1
County Supervision	25	36.3	68	56.7

Table 4.5 Type of Dispositions Received

As shown in Table 4.5, minority youths were more likely than non-minority youths to receive incarceration and county supervision, based on the expected count and the observed count. Minority youths were incarcerated 4.8 times more than expected, and received county supervision 11.3 times more than expected. Of the total number of youth who were incarcerated, minority youth accounted for 80% as compared to 20% of non-minority youth. Of the total number of youth under county supervision, minority youth accounted for 73% as compared to 27% of non-minority youth. Also as shown in Table 4.5, minority youth were less likely than non-minority youth to receive sanctions/restitution, based on the expected count and the observed count. Non-minority youth were given sanctions and allowed to make financial restitution 10.6 times more than expected, while minority youth were afforded the same disposition 10.6 times less than expected. These sanctions and restitution included completing community service, paying fees/fines, and participating in the Juvenile Restitution Program.

Table 4.6 represents the Chi-square test of independence for the types of disposition received from the juvenile court. If the p-value (Asymp. Sig.) is less than

0.05, then there is evidence in the data to conclude that the relationship between racial/ethnic status (minority/non-minority) and each type of disposition received from the juvenile court is statistically significant. For this particular study statistical significance was found in the category of types of disposition received. Therefore, utilizing Chi-square test of independence to test the research hypothesis determined that there is a relationship between the ethnic/racial status and the types of disposition received by youths who come in contact with the Franklin County Juvenile Courts. Cramer's phi was performed as follow up test in chi-square to test the importance of differences found in the chi square analysis. Phi values should be between 0 and 1. If the value is closer to 0, then there is a weak relationship between race and whether the client received services. If the value is closer to 1, then the association is strong. For this analysis, the Cramer's Phi had a value of .293 which is closer to 0. Therefore, a weak relationship is shown.

	Value	df	Asymp. Sig (2 sided)	N of Valid Cases
Pearson Chi-Square	25.922	5	.000	302
Cramer's Phi	.293			

Table 4.6 Chi-Square & Cramer's Phi for Disposition Received

## CHAPTER 5: DISCUSSION

This chapter will discuss the results of this research that will include a review of the significant findings. Limitations of the study will be discussed as well as implications for future research.

This study examined the differences in disproportionality of juvenile offenders in relation to their racial/ethnic status. In order to complete this operation, the following research questions were considered in this study:

*Research Question 1.* Is there a significant relationship between the types of criminal offenses committed by minority juvenile offenders vs. non-minority juvenile offenders?

*Research Question 2.* Is there a significant relationship between the dispositions received from the Juvenile Court by minority juvenile offenders vs. non-minority juvenile offenders?

### **Purpose of the Study**

The purpose of this study was to assess the extent of disproportionality of minority vs. non-minority youth involved with the juvenile justice system. The study examined the impact of racial/ethnic identity on juvenile offenders by comparing the data between minority and non-minority juvenile offenders to determine if there were differences in the types of criminal offenses committed (public order offenses, person offenses, and property offenses), and the disposition received from the Franklin County Juvenile Court (sanctions/restitution, incarceration, termination/closed, and county supervision).

The information contained in this chapter will include data derived from unidentifiable records obtained from the Franklin County Court of Common Pleas, Division of Domestic Relations and Juvenile Branch. The sample population in this study was youth who had received services from the Franklin County Juvenile Court in Ohio. The dataset consisted of 304 unidentifiable youth. The data analyzed was for the years 2006 through 2008. The demographic information included age, race, gender, type of offense committed, and case disposition, although all these categories were not included in the analysis.

Chi-square test of independence was used to compare groups and to determine if interactions were statistically significant. More specifically, Chi-square test of independence was used to compare the mean differences between racial/ethnic status (minority vs. non-minority) of juvenile offenders as it relates to the following outcomes: the type of criminal offenses committed, and the disposition received from the Juvenile Court by minority juvenile offenders vs. non-minority juvenile offenders.

### **Significant Findings**

These statistics support several significant findings in the study. Of particular interest is the disproportionality in the rates of disposition received, specifically the disparity in the rates of incarceration and county supervision between minority and non-minority juvenile offenders. This study found that the total number of youths that were given the most harsh, more severe dispositions, those of incarceration and county supervision, were minority offenders.

As previously shown, minority youths were more likely than non-minority youths to receive incarceration and county supervision, based on the expected count and the observed count. Minority youths were incarcerated 4.8 times more than expected, and received county supervision 11.3 times more than expected. Of the total number of youth who were incarcerated, minority youth accounted for 80% as compared to 20% of non-minority youth.

While the data supports the current research with regard to the number of minority youth in confinement, the small total number of youth in this study that received a disposition of incarceration is important to discuss. When this researcher reviewed the type of offenses for minority juvenile offenders vs. non-minority juvenile offenders, it was discovered that for the minority offenders, 7 juveniles committed public order offenses, 3 juveniles committed person offenses, and 10 juvenile committed property offenses. The type of offenses for non-minority juvenile offenders committed was 1 public order offense and 4 person offenses. No non-minority juvenile offenders were given incarceration for property offenses.

During the Fiscal Year 2007, the Ohio Department of Youth Services (ODYS) reported that the total number of admissions was 1,895. They also reported that of those admissions, the number of non-minority juvenile offenders was 730 (38.5%). The number of minority juvenile offenders comprised the remaining total of 1,165. The number of African American juvenile offenders was 1,040 (54.9%), the number of Bi-Racial juvenile offenders was 70 (3.7%), the number of Hispanic juvenile offenders was 45 (2.4%), and the number of other juvenile offenders was 10 (.5%) (ODYS, 2007).

Incarceration for these youth meant being sentenced to the Ohio Department of Youth Services. The Ohio Department of Youth Services (ODYS) is the juvenile corrections system for the state of Ohio. ODYS is statutorily mandated to confine felony offenders, ages 10 to 21, who have been adjudicated and committed by one of Ohio's 88 county juvenile courts. ODYS operates eight correctional and rehabilitation facilities and provides parole services from six regional sites throughout Ohio (ODYS, 2006).

County supervision for this study includes those youth who have been assigned to receive an electronic monitoring device, youth that have been placed on house arrest, and youth who were given probation or whose probation was extended. Of the total number of youth under county supervision, minority youth accounted for 73% as compared to 27% of non-minority youth.

Another significant finding is that minority youth were less likely than non-minority youth to receive sanctions/restitution and termination, based on the expected count and the observed count. Non-minority youth were given sanctions and allowed to make financial restitution 10.6 times more than expected, while minority youth were afforded the same disposition 10.6 times less than expected. These sanctions and restitution included completing community service, paying fees/fines, and participating in the Juvenile Restitution Program.

The Juvenile Restitution Program (JRP) was established in January 1991 as an alternate disposition for youth committing personal and property crimes where restitution was deemed appropriate. There are currently over 300 community service sites in Franklin County and surrounding areas, and these local businesses work with the courts



to provide an opportunity for youth to "pay back" restitution. The goal of the Juvenile Restitution Program is to offer the juvenile an option to give back to the community while avoiding being sent to a detention facility (FCC, 2008). In accordance with the defined mission and purpose of the Juvenile Restitution Program, the program was designed for youth that committed personal and property crimes. This research demonstrates that minority youth are given this disposition at lower rates than non-minority youth.

A major point of interest is the high number of juvenile cases that were terminated/closed. Of the 304 juvenile cases that were examined, 92 of those cases were terminated. The types of crimes committed for all youth included public order offenses, person offenses, and property offenses. The number of minority juvenile offenders that received termination was 57 (62%), and the number of non-minority juvenile offenders that received termination was 35 (38%).

A factor that may contribute to the large number of juvenile cases that have been terminated/closed is the current federal, state, and city budgetary crisis. The juvenile courts and juvenile facilities are relatively low on the list of budget priorities. The juvenile system is in competition for limited budget dollars with education, highways, hospitals, and other public needs (McMillian, 1999). Another possibility is significant overcrowding and backlog in the juvenile courts. As a result of significant increases in referrals, institutions became overcrowded and case officers simply could not supervise adequately and appropriately growing caseloads (Cohn, 1999).

It is important to note another significant finding at this time. This analysis reflects that minority youths were more likely than non-minority youths to commit public order offenses and property offenses, based on the expected count and the observed count. Minority youths committed 13.3 more public order offenses than expected, and 5.4 more property offenses than expected. Of the total public order offenses, minority youth accounted for 67.2% as compared to 32.8% of non-minority youth. Of the total property offenses, minority youth accounted for 65.5% as compared to 34.5% of non-minority youth. Minority youth committed public order offenses and property offenses a combined 18.7 times more than expected, however, they were given a disposition of sanctions 11.1 times less often than their non-minority counterparts.

Although minority youth committed 16 fewer person offenses than expected, the ratio of person offenses when compared to non-minority youth was 55.9% to 44.1%. In fact, for each type of offense committed, the ratio of minority juvenile offenders to non-minority juvenile offenders was higher. This research reflects that the total ratio of minority juvenile offenders who committed all offenses (public order offenses, person offenses, property offenses, and other offenses) was 63.1%, compared to 36.9% of non-minority juvenile offenders.

### **Summary of Research Questions**

*Research Question 1.* Is there a significant relationship between the types of criminal offenses committed by minority juvenile offenders vs. non-minority juvenile offenders? Chi-square test of independence was performed to examine any differences that might exist between minority and non-minority client in regards to the type of

offenses committed. A Chi-square test for goodness of fit was conducted with regard to the types of offenses committed by the youth in the study. These differences were found to be statistically significant ( $\chi^2=8.942$ ,  $df=3$ ,  $p=.030$ ).

This data indicated that minority youths were more likely than non-minority youths to commit public order offenses and property offenses, based on the expected count and the observed count. Minority youths committed 13.3 more public order offenses than expected, and 5.4 more property offenses than expected. Of the total public order offenses, minority youth accounted for 67.2% as compared to 32.8% of non-minority youth. Of the total property offenses, minority youth accounted for 65.5% as compared to 34.5% of non-minority youth. The data also indicated that minority youth were less likely than non-minority youth to commit person offenses, based on the expected count and the observed count. However, although minority youth committed 16 fewer person offenses than expected, the ratio of person offenses when compared to non-minority youth was 55.9% to 44.1% respectively. In fact, for each type of offense committed, the ratio of minority juvenile offenders to non-minority juvenile offenders was higher.

*Research Question 2.* Is there a significant relationship between the disposition received from the Juvenile Court by minority juvenile offenders vs. non-minority juvenile offenders? Chi-square test of independence was performed to examine any differences that might exist between minority and non-minority juvenile offenders in regards to the type of dispositions received from the Franklin County Juvenile Court. A Chi-square test for goodness of fit was conducted with regard to the dispositions the youth received from

the Franklin County Juvenile Court. These differences were found to be statistically significant ( $\chi^2=13.460$ ,  $df=5$ ,  $p=.019$ ).

The data indicated that minority youths were more likely than non-minority youths to receive incarceration and county supervision, based on the expected count and the observed count. Minority youths were incarcerated 4.8 times more than expected, and received county supervision 11.3 times more than expected. Of the total number of youth who were incarcerated, minority youth accounted for 80% as compared to 20% of non-minority youth. Of the total number of youth under county supervision, minority youth accounted for 73% as compared to 27% of non-minority youth. The data also indicated that minority youth were less likely than non-minority youth to receive sanctions/restitution and termination, based on the expected count and the observed count.

### **Limitations of the Study**

A clear limitation in the current study is the small sample size in comparison to the number of juvenile offenders involved with the justice system. While the rarity of the sample as an ethnically diverse study of male and female juvenile delinquents clearly bolsters its importance to criminological research (Cernkovich and Giordano, 2001), the small number of cases restricts the kinds of analyses that can be pursued (Seffrin, 2006). For example, the small sample precludes the partitioning of the sample by gender and race. Methodological research indicates that measurement error for delinquency varies by gender and race (Hindelang, Hirschi, & Weis, 1981; Piquero, Machintosh, & Hickman, 2002).

Another limitation is the researchers' inability to manipulate the independent variable. The independent variable for this research was racial/ethnic status, which is stable and does not lend itself to manipulation. Also, due to using secondary data, the categorization of race was unable to be determined. It is not clear that all races were represented correctly, taking into account the classification for a listing of "other". It is also not known by the researcher specifically how race/ethnicity was identified to the court; therefore, coding errors are possible due to unknown reporting methods.

Also, many of the subjects in the sample population had multiple offenses. Due to this fact, each offense was looked at individually when completing the analysis. Additionally, because there were multiple offenses, there were multiple dispositions. In order to take into account the presumption that youth with previous offenses may be judged more harshly than a first time offender, only the most recent disposition was evaluated. This could limit the ability to generalize the results for youth involved in the juvenile justice system.

Additionally, there was missing information in the data received from the court. Due to the missing information, it is unclear of the severity of some of the offenses, including having the knowledge of whether the crime committed is a misdemeanor or a felony. Also, there is no way to determine specifically what some offenses include. For example, the data lists drug offenses, but there is no way to determine if this means drug trafficking, drug use, drug paraphernalia, or possession of drugs. This can affect the information when evaluating the outcomes/dispositions. There was missing information across all categories including race, age, gender, offense type, and disposition, which

indicates a limitation due to recording errors and record keeping. Also, the data utilized in this study is from Franklin County, and therefore the findings cannot be generalized globally to juvenile offenders across the United States.

### **Implications for Practice**

At no point in the juvenile system are minority juvenile offenses more serious on average than White juveniles, nor is their prior record of referral to court lengthier. In fact, the average number of prior court referrals for minority males sent to ODYS is about three, for White males, about five. Relevant Ohio data suggests that differences in delinquent behavior are insufficient to account for disparities between minority and White youth in detention and confinement (Juvenile Justice Coalition, 2008b).

When conducting research of this type, it is inherent that one would find evidence of institutional bias in the juvenile system. Examples of institutional bias in the juvenile justice system include: lack of adequate diversion programs for youth of color, lack of culturally appropriate juvenile services, lack of cultural understanding among juvenile justice system staff, barriers to parental input and participation because of limited understanding of the system, and poor integration of the juvenile justice system and other child and family serving systems in the community (Short & Sharp, 2000).

Clear evidence of racial and ethnic bias exists and is reported in more than a few studies (Champion, 2007). Institutional bias can affect minority youth at various decision points in the juvenile justice system. These include decisions regarding arrest; formal petitions versus informal petition; removal from the youth's current living arrangements,

which may include placement in secure detention; and dispositional recommendations from court or other youth service professionals (Short & Sharp, 2000).

Also, by collecting information on factors that contribute to disproportionate minority confinement (DMC), agencies can build consensus about risk factors that they must address to reduce DMC. Some agencies organized community forums designed to explore recommended methods to reduce such risk factors through community-agency partnerships. Involvement of local parents and youth in developing community based asset mapping for violence prevention and early intervention initiatives have also proven useful in building community consensus (Hoyt et al., 2001). Also, providing parent advocates for parents and youth is a critical component of providing fair and balanced service when working with juveniles (Spiwak, 2007).

Cultural diversity and communication training is also a popular way to heighten awareness necessary among agency staff to reduce DMC. It is important to train all relevant staff, including the police, members of the judiciary, public offenders, juvenile detention center staff, state attorney's office staff, juvenile probation officers, and court service workers (Hoyt et al., 2001).

Another effective DMC reduction tactic is to increase the number of minority staff in agencies. A study by VanVleet et al., (2000) found that minority youth stated they wanted the justice system to increase the number of minority staff who were members of their own cultural, language, and gender groups. One benefit of this approach is to ensure agencies have an appropriate number of bilingual staff to serve youth clients and to assist in easing the youth's transition back to families and

communities (Hoyt et al., 2001). Likewise, law enforcement agencies should also strive to hire and promote individuals who are members of the ethnic communities served within their jurisdictions (VanVleet et al., 2000).

At the front-line worker level, such an increase will allow for youth/staff ethnic matching. Increased number of minorities at administrative and management levels can lead to the development of policies that are more culturally competent (VanVleet et al., 2000). Of course, simply adding staff of color without modifying practices, policies, and interventions cannot be effective (Fong & Gibbs, 1995).

Agencies can make significant strides toward addressing barriers to diversion among minority youth by implementing culturally appropriate interventions for the youth. For example, Annie E. Casey Foundations Juvenile Detention Alternatives Initiative (JDAI) sites found that a probation officer partnering with a community based agency to conduct home supervision and electronic monitoring programs resulted in the creation of effective detention alternative programs for juveniles of color (Hoyt et al., 2001). The Children Who Break the Rules working group (2007) recommended that judicial interaction with and understanding of the community was absolutely essential. The group found that judges who involve themselves with local clergy, service providers, and other community leaders are likely to develop a detailed understanding and appreciation for community dynamics. Also, better education for those working with the youth about the community resources available for case disposition is integral to the judiciary's understanding of the community (Spiwak, 2007). This, in turn, should lead to more appropriate dispositions for youths, including alternatives to detention.



Another barrier that must be addressed is that alternatives to detention and postdispositional services are often located in areas that are geographically inaccessible to youth of color. In view of this factor, agencies form partnerships with community based providers in neighborhoods where large numbers of youth of color in the juvenile justice system reside (Hoyt et al., 2001). Agencies might consider developing connections with ethnic organizations in communities of color. Such organizations can serve as valuable resources in assessing the needs of, and identifying sources for, minority youth. Contracts might be developed with organized groups to provide after-school and other prevention programs that will help youth excel (VanVleet et al., 2000). This allows more available access to youth to local social services and programs (Hoyt et al., 2001).

### **Implications for Future Research**

Most adult offenders begin their criminal activities as juvenile offenders, and the best predictor of who will go to adult prison is whether the person had been incarcerated as a juvenile (Juvenile Justice Coalition, 2008b). The empirical finding that childhood past behavior is predictive of adult problem behavior has been documented in several longitudinal samples, regardless of time, place, sample characteristics, or specific measures of outcome (Juon et al., 2006). Further research is needed to examine pathways to delinquent behavior and interactions with the juvenile justice system as well as the adult system and other state agencies (e.g., welfare, social services) (Barrett, Katsiyannis, & Zhang, 2006). This is particularly important because there are long term consequences to a reprimand and while a juvenile may not receive a criminal conviction, the interaction

with the system can have nearly all the negative and ongoing effects of a conviction (Gillespie, 2005).

Powerful stereotypes link race and criminality and people tend to attribute greater culpability to African American offenders (Bridges & Steen, 1998; Sunnafrank & Fontes, 1983), and in general, minority youths are disproportionately represented among the population of young criminals (Redding & Arrigo, 2005; Bishop & Frazier, 1998; Snyder, 1997). The conduct of both qualitative research (including field and observational studies) and quantitative research on the juvenile justice system is critical. Ideally, researchers should study the internal decision making processes in the juvenile justice system and the efficacy of community based alternatives to detention.

Researchers should examine multiple decision making points. Although significant methodological challenges exist, research should also focus on police encounters with juveniles at the initial arrest stage and on the decision making processes of judges in various districts (Hoyt et al., 2001; Devine, Coolbaugh, & Jenkins, 1998).

Advocacy is a major component to reducing DMC. Advocacy efforts serve as an important component of reform. The new media frequently and disproportionately depicts minority youth as criminals (Dorfman & Schiraldi, 2001). Various opinion surveys have found public support generally for getting tougher on juvenile crime and punishing youths as harshly as their adult counterparts, however scrutiny of the sources of information about public opinion reveals that the view that the public supports adult punishment of juveniles is based largely on either responses to highly publicized crimes

such as school shootings or on mass opinion polls that typically ask a few simplistic questions (Cullen, Fisher, & Applegate, 2000, Roberts & Stalans, 1997).

News portrayals of juvenile justice issues significantly influence public opinion and policymakers' decisions regarding public safety. Efforts to accurately inform the public of important issues facing the juvenile justice will help to mold their expectations of policies and lawmakers to respond in appropriate, proven effective ways. The result will be a combination of improved policy and statutes that will help ensure each youth in the juvenile justice system is treated fairly and judged individually (Short & Sharp, 2001).

### **Conclusion**

Overrepresentation of minorities clearly exists in the juvenile justice system throughout the United States, and alarmingly this disproportionality is increasing. The overrepresentation is of concern to that system (VanVleet et al., 2000). It is critical we understand that disproportional minority contact will not be sufficiently remedied by the juvenile justice system alone. The compounding risk factors that influence a youth's path to delinquency are too intertwined in multiple systems to be ignored. It is critical for child welfare and juvenile justice systems to work in an integrated, coordinated manner on behalf of the children, youth, and families commonly served. It is equally important for both systems to jointly engage in primary prevention services to simultaneously address maltreatment and delinquency (Short & Sharp, 2001).

As counselor educators, we are presented with a significant challenge: to communicate an awareness of diversity and its effect of crime and judicial processing to our students in an effective and meaningful way (Barak, 1991). While academic

programs have progressed, it is still rare for counseling scholars to spend significant time examining differences. This is surprising given the critical role that difference plays in our society today. It is often taken for granted that differences between people are natural, and, therefore, uncontroversial (Wonders, 2000).

Ignoring the fact that race and differences really do exist does little to help explain that the majority of those incarcerated within the United States are people of color (Wonders, 2000). It is the job of counselor educators to teach students about protecting the rich diversity of groups that live within the United States and to guarantee that equality and justice is afforded to all (Wonders, 2000). Incorporating cultural diversity within counselor education academics allows people to see in plural ways, so that they are not seeing through the lenses of any single culture, but understanding the relationship of cultures to each other (Barak, 1991).

As leaders in the field, counselor educators should advocate for cultural competence in the counseling field and in the juvenile justice system, and use the resources that are at their disposal to ensure fair and equal treatment for juvenile offenders. There is a need for cultural competency training for all participants in the juvenile justice system, including law enforcement, mental health officials, parents, community leaders, school administrators and judges.

It is also imperative that the availability and quality of diversion programs is increased. Multiple intervention strategies should be developed to ensure a holistic and comprehensive plan is in place to address the disproportionality in the juvenile justice system. Many professionals agree that agencies and correctional facilities must expand their efforts to provide intensive programs in mentoring, substance abuse counseling, academic remediation, vocational training, and social and life skill training (Baltodano,

Platts & Roberts, 2005). These efforts should increase positive outcomes for youth and in turn reduce recidivism.

However, given the unique characteristics of this population, it is possible that these programs may not be enough. For this reason, it is imperative that social service agencies, juvenile courts, secure care facilities, public schools, families, and others charged with assisting youth in maintaining healthy connections with the community include the youth in developing their individualized plans and include them at all stages of the process. By doing so, youth are more likely to be successful in their interaction with home, school, employment, and the community (Baltodano et al., 2005).

While there is much more to be done, there has been considerable advancement within the criminal justice system toward improving relationships between the criminal justice system and minority groups. The direction of research on factors affecting the juvenile court process is clearly moving in the direction of improved articulation of legal, extralegal, and contextual factors, more appropriate modeling strategies, consideration of multiple jurisdictions, and a systemic approach as opposed to single point evaluation. All of these considerations are vast improvements on earlier research, and hold promise for understanding the broader impact of a variety of factors (Armstrong & Rodriguez, 2005). It is clear that disproportionate minority contact will not be reduced unless jurisdictions continue to be intentional, strategic, and committed to implementing the strategies mentioned above (Bell, 2005).

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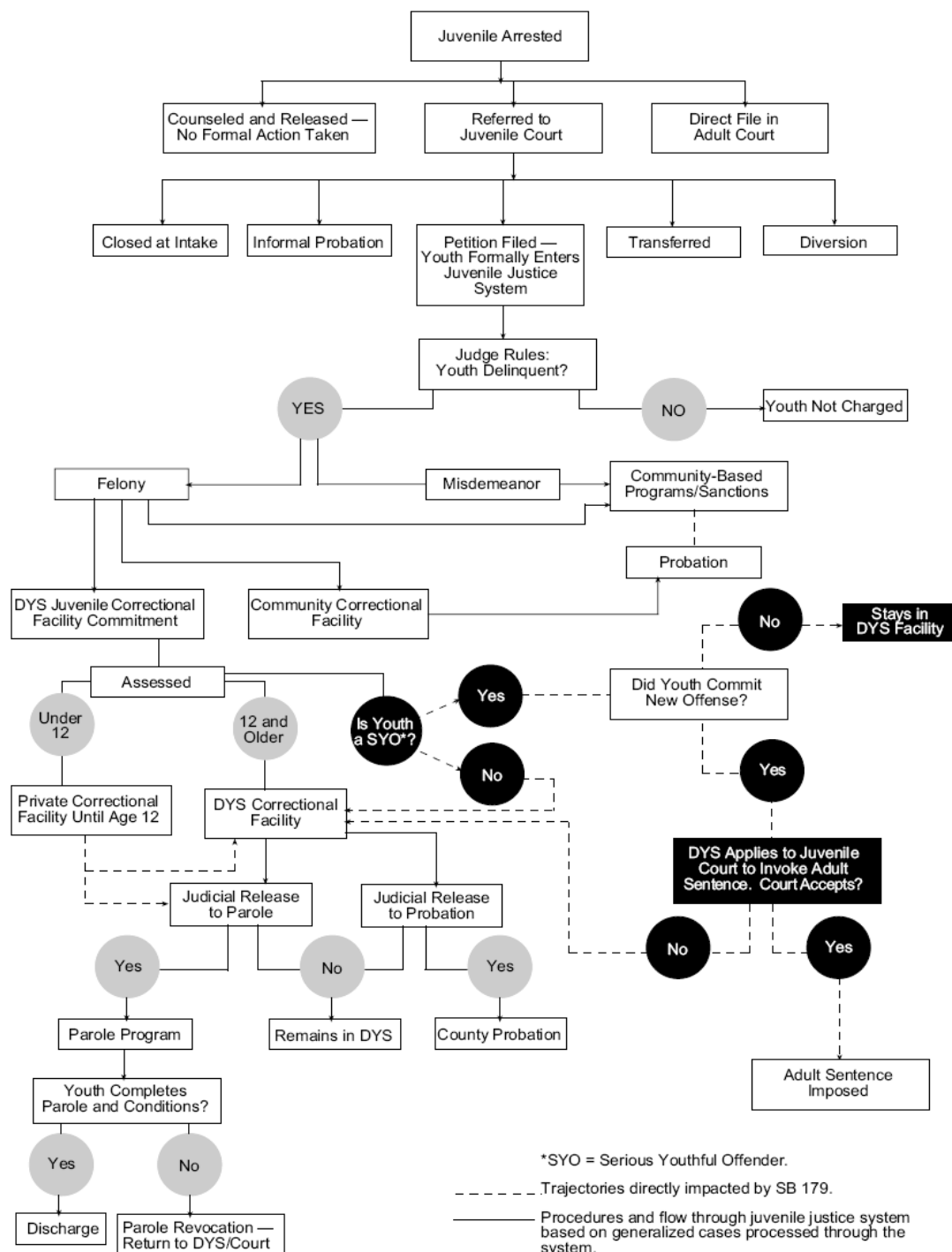
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**APPENDIX A: OHIO DEPARTMENT OF YOUTH SERVICES JUVENILE  
JUSTICE FLOW CHART**

FIGURE 1

## Juvenile Justice Flow Chart



Source: Ohio Department of Youth Services