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## The Influence of Risk Assessment Instruments on Racial/Ethnic Disparities in the Sentencing of Juvenile Offenders

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THE FLORIDA STATE UNIVERSITY  
COLLEGE OF SOCIAL SCIENCES

THE INFLUENCE OF RISK ASSESSMENT INSTRUMENTS ON RACIAL/ETHNIC  
DISPARITIES IN THE SENTENCING OF JUVENILE OFFENDERS

By

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A Dissertation submitted to the  
Department of Sociology  
in partial fulfillment of the  
requirements for the degree of  
Doctor of Philosophy

Degree Awarded:  
Summer, 2011

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I dedicate this to the memory of my grandmother, Ola Moore.

## ACKNOWLEDGEMENTS

I would like to acknowledge with great gratitude several people who have made my completion of the Ph.D. possible. This dissertation was made possible by the many professors of Sociology at Florida State University from whom I have taken courses. Several professors stand out as having the most influence on the education that I have received--Dr. Irene Padavic, Dr. Anne Barrett, Dr. Koji Ueno.

Irene--you have been an incredible mentor and have had the most influence on my life more than any other. Wit, generosity, intelligence and strength are all qualities that you exude. You have not only shared your expertise with me, but you have taught me how to be a good citizen, feminist, and scholar. In one of your undergraduate courses, you encouraged us to participate in service learning and to write about what we had learned in the context of your course. I chose to volunteer in a homeless shelter and the things I saw and wrote about have changed me forever. One of my fondest memories of you was when I saw you outside of Strozier Library, rallying with students and encouraging people to contact their representatives about a piece of legislation that would harm Florida's teachers and professors. This is only one of many examples of your good citizenry. You have also taught me how to be a feminist by your example. I have learned to think and write critically about the social structure and, in the meantime, to not apologize for having dirty dishes in the sink. I admire your strength. Thank you for all the phone calls, office visits, track changes, and encouragement. You have been a wonderful mentor and I aim to lead my life by your example.

Anne--you are a great professor and a brilliant scholar. I learned so much from your writing seminar. You were so patient with our tortured writing, and you helped us understand how to write like a scholar. I am grateful to have had you on my committee. Thank you for sharing your knowledge of writing, statistics and methods, and I truly appreciate all of your advice, critiques, and encouragement throughout the process.

Koji--I credit you with my acceptance and success in graduate school. You were my statistics professor during undergraduate days, and although I had taken a business statistics course, I did not fully grasp the material until I had you as a professor. You were enthusiastic about teaching, and I could tell that you cared about your students and whether or not we learned statistics. I

learned so much from your course and it gave me confidence that I could succeed in graduate school. Thank you for encouraging me to apply, recommending me to the admissions committee, for mentoring me, and for all of your help on the dissertation.

I am also grateful to my outside committee member, Dr. Gary Kleck, for all his help and advice. Gary, thank you for all of your time and effort in making this dissertation possible. Your detailed notes and critiques of earlier drafts of the prospectus and dissertation were immensely helpful. I felt as though you treated me like one of your own students rather than just as a student in an outside department. Thank you!

Finally, I would be remiss if I did not thank my life partner, Aaron Parsons. Aaron, thank you for picking up the extra household chores as I wrote my dissertation, and thank you for all of the emotional support. Although you were also pursuing a Ph.D., you never hesitated to take the time to help me pursue mine. I am deeply grateful for all of your insights, advice and love.

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## ABSTRACT

Over the past two decades, there has been a growing trend in the juvenile justice system of administering risk assessment instruments to juveniles and using the results to classify offenders into risk categories and determine their sentence. Some scholars and policy-makers tout risk assessment instruments as capable of reducing racial and ethnic disparities-- a problem affecting the juvenile justice system since its inception. Institutional discrimination, however, would predict the opposite outcome: risk assessment instruments would inadvertently create or maintain existing racial hierarchies, since they could contain wording that would disadvantage racial minorities. Relying on a sample of 26,681 offenders in Florida's Juvenile Justice System between 2006 and 2008, this dissertation examines the role of Florida's risk assessment instrument, the Positive Achievement Change Tool, in mediating the relationship between race/ethnicity and disposition decisions. Although studies have examined race, risk assessments and recidivism, no study has examined the relationship between race, risk assessment and disposition decisions. Findings reveal that the PACT appears to statistically reduce the direct effects of race on the likelihood of receiving a commitment (the less harsh sentence) compared to a community decision (the harsher sentence), although blacks nevertheless remained 12 percent more likely than whites to receive the harsher penalty net of controls. Results revealed no Latino/a-white disposition disparities. Analyses of the criminal and social history scores (the two constituent elements of the PACT) as mediators of the relationship between race and disposition decisions revealed that the addition of the criminal history score reduced the direct effect of being black compared to white on receiving the harsher disposition, but that adding the social history score did the opposite--it was associated with blacks' higher odds of receiving the harsher disposition. Because initial analyses again revealed no Latino/a-white disposition disparities, the criminal and social history scores played no role in mediating disparities between these groups (since there were no significant differences in disposition decisions). Overall, the results are consistent with institutional discrimination, and the conclusion discusses the findings in light of theory, notes limitations, and offers suggestions for future research.

## **CHAPTER ONE**

### **INTRODUCTION AND LITERATURE REVIEW**

#### **1.1 Introduction**

The juvenile justice system is marked by racial and ethnic disparities, and understanding the causes and mitigating the problem has proven difficult for researchers and for juvenile justice system officials. Racial/ethnic disparities continue to appear in every stage of the juvenile justice process, a problem that defies both legislation aimed at reducing disproportionate minority contact and the rehabilitative intent of the system (Engen, Steen and Bridges, 2002; Pope, Lovell, and Hsia, 2002; Snyder and Sickmund, 2006: 176). Scholars have concluded that, “The preponderance of the research over three decades documents evidence of racial disparities, at least at some stages within the juvenile justice system” (Pope et al., 2002: 5). Understanding how racial/ethnic disparities occur in the juvenile justice system could help policy makers and juvenile justice professionals implement plans to reduce them.

Terminology is important in such research, as words like disparity, overrepresentation, prejudice, discrimination, and institutional discrimination are easily confused. The first two terms, disparity and overrepresentation, do not connote unfairness or injustice, as the other words in that list do—they instead merely denote difference. In this dissertation, when I refer to disparities or to overrepresentation, this is the meaning I intend. Disparity refers to the statistical probability of one group receiving a juvenile justice outcome that differs from another group, and overrepresentation refers to the overrepresentation of a group in a particular stage of the juvenile justice process compared to that group’s proportion in the population of interest (e.g., if black youth make up 40 percent of offenders at the intake stage, for example, and 16 percent of the U.S. juvenile population, then they are overrepresented at intake). In contrast, prejudice and bias refer to the unfavorable evaluations, thoughts or feelings about a racial/ethnic group. Discrimination, whether on the part of a person or an institution, refers to treating a person not on the basis of her or his merit, but rather on characteristics assumed to apply to the group to which she or he belongs.

Disparities and overrepresentation are not necessarily caused by discrimination or prejudice. They can occur in a non-discriminatory fashion when, for example, the behavior of one group compared to another brings on an unfavorable outcome. For example, if a group had a higher offense rate and committed worse offenses than another group, the former group's higher representation or greater likelihood of receiving a harsh outcome would not necessarily be attributable to discrimination. Institutional discrimination refers to differences in institutional outcomes that are discriminatory but that require no acts of discrimination by particular people or decision-making groups. Instead, institutional discrimination is made up of the everyday practices, organizational structures, or policies of an institution that result in generally favorable outcomes for one group over another. An example of institutional discrimination appearing in everyday practices in the juvenile justice system would be the practice of detaining youth after intake because the youth's parents cannot be reached via telephone. Although prejudice is not involved, the impact is discriminatory because lacking a telephone is more common among people of color than among whites. An example of institutional discrimination and organizational structure is how, in the past, because black communities lacked the rehabilitative services available in white neighborhoods, juvenile court judges were forced to commit low risk black youth to residential facilities. Finally, the "War on Drugs," "Get Tough" and "Tough Love" movements are examples of policies that result in institutional discrimination against people of color.

In recent years, juvenile justice systems around the nation have turned to "risk assessment instruments." This dissertation focuses on the role of these risk assessment tools in either reducing the effect of race and ethnicity on disposition decisions (as some research claims) or in exacerbating it (as other research claims).

The use of risk assessment instruments has been a trend over the past two decades in the juvenile justice system (Griffin and Bozynski, 2003). These are questionnaires typically administered shortly after an arrest that indicate a youth's answers to anywhere from a few questions to upwards of a few hundred, depending on the particular risk assessment instrument. Questions assess prior history in the juvenile justice system and elements of the young person's background (e.g., household composition, parents' arrest history, the youth's mental health, attitudes, drug and alcohol use and history, school status, current employment status). Early generations included only static factors (unchangeable factors like age, gender, and prior record),

but later generations added dynamic factors (mutable factors like having had poor parenting, school problems, and substance abuse; Andrews and Bonta, 2003) and protective factors (such as positive peer relationships or performing well in school; Office of the Surgeon General, 2001). The Florida version is called the Positive Achievement Change Tool [PACT]. Figure 1.1 presents Florida's instrument, called the "pre-PACT" administered to all Florida youth upon arrest.

Risk assessments in Florida and other states follow an offender throughout her or his time in the juvenile justice process for the stated purpose of allowing officials to sort offenders into individualized treatment plans designed to reduce future offending (Olson, 2007). Disposition options in Florida, in order of severity, consist of diversion, probation, confinement, and transfers to adult court. Florida's risk assessment tool creates risk classifications based on the combination of a criminal history score and a social history score (see Figure 1.2 for the risk classification matrix). Risk assessment instruments are intended to assess an offender's potential risk of recidivism based on actuarial scientific research on the causes and correlates of delinquency, to sort offenders into risk classifications (e.g., low, moderate, moderate high, or high), and to aid in the treatment decision-making process (Hoytt, Schiraldi, Smith, and Ziedenberg 2002; Mulvey and Iselin, 2008; Rogers, 2000). A meta-analysis of risk assessment instruments (Schwalbe, 2007) found that, on average, recidivism was accurately predicted by risk assessment instruments.

According to one perspective, risk assessment instruments, although not intended for the purpose, have the potential to reduce racial/ethnic disparities in the juvenile justice system because they provide a uniform way to assess offenders without wholly relying on decision-makers' assessments, which might be influenced by bias. Risk assessments, according to this argument, should be able to sort offenders into risk categories (based on their likelihood of reoffending) regardless of race/ethnicity, which could reduce disparities in sentencing. A meta-analysis of risk assessment instruments (Schwalbe, 2007) found that, on average, they accurately predicted recidivism, although the study did not explicitly examine their ability to accurately predict recidivism across racial/ethnic groups. Juvenile offenders classified as having a high risk of offending do, in fact, tend to recidivate, net of other factors, regardless of race/ethnicity, implying race-neutrality (e.g., Schwalbe, 2007; but see Schwalbe, Frazier, Day and Arnold, 2004, which found some instruments to be better at predicting the recidivism of whites than of

other racial groups). The meta-analysis suggests that risk assessment instruments have the power to accurately sort offenders into risk categories for recidivism without advantaging one racial/ethnic group over another, implying that the assessments are color blind.

Some scholars, however, have argued that risk assessment instruments have the potential to exacerbate racial and ethnic disparities because race and ethnicity predicts some of the items of the instruments (e.g., Hoytt et al, 2002; Moore, 1986; Muncie, 2006; Mulvey and Iselin, 2008). In other words, some racial and ethnic groups score higher on the items linked to risk and thus are indirectly at a greater risk of harsh punishment.

This chapter has several aims. I first provide a brief history of race and ethnicity in the juvenile justice system. Next, I discuss the historical use of risk classification and the management of risky youth. Then I review some of the key explanations for racial/ethnic disparities in the juvenile justice system. Finally, I review the literature about risk assessment instruments and their potential role in reducing or possibly perpetuating juvenile justice disparities between minority and white offenders and present my research questions and hypotheses.

## **1.2 Historical Overview of Racial/Ethnic Disparities in the Juvenile Justice System**

Racial and ethnic disparities have plagued the juvenile justice system since its inception. Indeed, scholars have argued that one of the functions of the early courts was to integrate and assimilate poor and immigrant youth (e.g., Feld 1999). Later the function of the court became punishment and social control which has disproportionately affected black youth. This section provides an overview of these disparities.

Rehabilitation is the cornerstone of the juvenile justice system. The “Child Savers” of the late 1800s and early 1900s envisioned a court that would take into account the youthfulness and individual circumstances of offenders and provide rehabilitation (Tanenhaus, 2004: 24-25). Rather than rehabilitating all troubled youth, however, the juvenile justice system may have created a still-existing color line whereby white youth receive rehabilitation and minority youth (especially black) are subjected to punishment and social control (Tanenhaus, 2004: 36). In the early 20<sup>th</sup> century in Chicago, for example, scarce probation services were withheld from troubled black youth and diverted to troubled white youth, as were admissions to private welfare



institutions (Tanenhaus, 2004: 36). Due to limited rehabilitation options for black youth, juvenile court officials were forced to hand down harsher sentences (e.g., send black offenders to homes for serious delinquents; Tanenhaus, 2004: 36). This history of differential treatment in regard to rehabilitation continues in today's juvenile justice system, with minority youth disproportionately coming into contact with or receiving harsher punishment in the juvenile justice system (Engen, Steen and Brides, 2002; Pope, Lovell, and Hsia, 2002).

*Parens patriae*, which refers to the notion that the State has legal jurisdiction over youth deemed delinquent or neglected because it has the child's best interests in mind, has been challenged as operating unequally across race and ethnicity in the juvenile justice system. In a study of three juvenile reformatories in New York, Massachusetts, and Pennsylvania during the 19<sup>th</sup> century, for example, Pisciotta (1983) found that *parens patriae* worked differently for blacks and whites. In Pennsylvania, black youth were denied the assumed benefits of *parens patriae* by their exclusion from reformatories, which were reserved for whites. They instead were housed in adult jails until a separate "colored" reformatory could be built (Pisciotta, 1983: 260). In states where blacks were admitted to reformatories (whether segregated or not), they were assumed to be inferior whites. Whites were viewed as malleable, misguided youth who, with education, training and rehabilitation, would turn their lives around and assume higher positions in the social order. Black youth, in contrast, were assumed incapable of changing or learning, biologically inferior, and assumed to eventually end up in the lowest ranks of society. These racist assumptions led to differential treatment of blacks in reformatories. Whites received a basic education and training for occupations like farmer or skilled artisan, while blacks received no education and were trained in manual labor (Pisciotta 1983: 262). In sum, scholars have challenged the notion that the State as super-parent equally benefits blacks and whites and have shown that the system has treated whites as superior to blacks.

The Civil Rights Movement led to more equal access to juvenile justice facilities, to a drive to increase the diversity of juvenile justice authorities, and to early attempts to address racial disparities, although the coincident rise of more punitive attitudes worked against these gains (Ward, 2009). Since the 1890s, a movement known as the "black child savers" had fought for the desegregation of reformatories and for more equal access to *parens patriae* for black troubled and delinquent youth (Ward, 2009). The *Brown v. Board of Education* (1954) decision and other Civil Rights gains paved the way for the desegregation of juvenile facilities (Ward and

Kupchik, 2009: 88), and an increase in black representation among juvenile justice authorities (Ward, Kupchik, Parker and Starks, 2011: 161). Although more equal access to juvenile justice was heralded as a civil rights gain, during the late 1960s, the system became more punitive towards youth in general (Feld, 1999; Ward and Kupchik, 2009). As blacks began entering positions of authority in the juvenile system, it enabled the discovery of disproportionate minority confinement and contact and increased accountability to equality and fairness (Ward and Kupchik, 2009; Ward et al., 2011: 161). The Juvenile Justice Delinquency Prevention Act of 1974 (and subsequent authorizations in 1988, 1992 and 2002) was intended in part to address the growing minority-white disparities in the juvenile justice system (Office of Juvenile Justice and Delinquency Prevention, 2009). In sum, minority youth gained greater access to the juvenile justice system in the post-civil rights era; however, the system had turned punitive by this point, which disproportionately affected minority youth.

Scholars have argued that the climate surrounding the juvenile justice system in recent years has become even less rehabilitative and more punitive, especially towards minority offenders. The “Get Tough on Crime” era that began in the 1970s not only created a more punitive juvenile justice system but also increased minority overrepresentation in the juvenile justice system and racial disparities in disposition (Feld 1999; Ghetti and Redlich, 2001; Mears and Field, 2000). Scholars argue that the “get tough” movement was the result of two demographic and structural changes (e.g., Feld, 1999). The first was the baby boom following WWII, which shifted the population towards youthfulness. During the 1950s and 1960s many of these youth were engaged in social protests that many authorities sought to repress, and as a sheer result of their larger numbers, the 1960s also saw an increase in youth crime. The second factor that contributed to the “get tough” movement was the migration of blacks from the south to the north and west, which had a role in spurring the fight for civil rights and social protest. At the same time, blacks were migrating into highly segregated, economically depressed neighborhoods with high crime rates in the north and west. Both the growth in the youthful population and blacks’ migration and social protest led to the public’s and policymakers’ fear of youth crime (and especially of black youthful crime), leading to the crackdown on juvenile crime (Feld, 1999). The get-tough movement meant that by the turn of the 21<sup>st</sup> century, most states had either created mechanisms for transferring juveniles to adult court or, in states that already instituted transfer mechanisms, lowered the minimum transfer age (Kupchik, 2006: 1). Other

factors increasing the number of youth tried as adults were the policy in many states of lowering the minimum age for involvement in the juvenile justice system and the reliance on offense-based or prior record-based criteria to try juveniles as adults (Bishop, 2000). Bishop (2000: 97) estimated that between 20 and 25 percent of juvenile offenders are tried as adults annually. The effect of the get-tough movement on minorities was disproportionate, and these changes have affected them more adversely (Feld, Hawkins, Graham and Kempf-Leonard, 2005).

### **1.3 Assessing and Managing Risk in the Juvenile Justice System in the 19<sup>th</sup> and 20<sup>th</sup> Centuries**

For centuries, scholars, policy makers, and the criminal and juvenile justice systems have attempted to measure and manage risk by identifying, classifying, and then deciding what to do with youth who are a risk. The task of assessing and managing risk has taken a variety of forms, including using the shape of the head and facial features to determine criminality (a procedure known as phrenology), sterilizing girls and women deemed as a risk of producing future criminals, intelligence testing, assessing current and prior offenses, and finally, the most recent innovation, relying on questionnaire-based risk assessment instruments. Some scholars view recent risk assessment instruments as having the capability to reduce racial/ethnic disparities while others believe they may exacerbate the problem. These instruments have undergone several developments in the past two decades, including attempts to make them more race-neutral. Below, I briefly review the history of assessing risk and the literature on the implications of the risk assessment paradigm for race/ethnic disparities.

Historically, assessments of risk have been rooted in racist ideology. In 1876, for example, Cesare Lombroso published “Criminal Man,” based on the positivist position that the scientific method was value free. Based on 66 autopsies he performed on Italian juvenile delinquent boys, he claimed that their skull structure was similar to those of blacks in the U.S., the worst Italian criminals, and people of Mongolian decent (Beirne and Messerschmidt 2006: 278). Another example is the eugenics movement of the late-19<sup>th</sup> and early 20<sup>th</sup> century which proposed that society could be greatly improved if those deemed socially and biologically superior (e.g., the upper class, the physically and mentally healthy) reproduced at greater rates and those less socially successful (e.g., the poor, the disabled, criminals, etc.) would reproduce less. In the U.S., as the eugenics movement took hold, states began passing sterilization laws

that allowed the forced sterilization of those assessed as mentally or physically deficient or habitually criminal (Winfrey, Jr. and Abadinsky, 2010). These laws disproportionately affected Mexican-American, Puerto Rican, Native American and African American women because they were more likely than other women to be assessed as a public-health danger (Stern, 2005).

Intelligence testing is another example of risk assessment based on racist ideology. In the 1910s, intelligence testing was gaining popularity in the U.S. as a purportedly scientific way to measure mental capacity. Low scores on these tests signaled that the person came from a lineage of mentally-deficient people and would produce offspring who would also be mentally deficient (Chavez-Garcia, 2007: 198). A study of a California juvenile reformatory for boys conducted in the early 20<sup>th</sup> century found that officials adopted the use of intelligence tests to determine the causes of delinquency, the youth's mental age, and his capacity for reform (Chavez-Garcia, 2007). Youth were given the test, which consisted of quizzes and puzzles, and scorers rated them as being feeble-minded, borderline feeble-minded, dull normal, normal, or superior (Chavez-Garcia, 2007: 208-209). Youth scoring very low were to be sterilized, transferred to another facility, or released as being too mentally deficient to reform. Not surprisingly, given the racism of the times, the intelligence tests' results supported a racialized hierarchy of intelligence. The tests ranked whites as being the most intelligent, followed by blacks, followed by those of Mexican descent, who were considered the most mentally deficient (Chavez-Garcia, 2007: 212). Considerations that might temper this conclusion (unequal access to education, test administration only in English, for example) were not raised, and racial and ethnic differences on the intelligence tests were touted as a direct result of inferior heredity.

#### **1.4 Race and Modern Risk-Assessment Instruments**

The modern risk assessment paradigm that arose in the 1990s is used by almost 90% of jurisdictions today (Schwalbe, 2008), and although race/ethnicity does not explicitly inform risk classification as it did in earlier centuries, some scholars and policy makers fear that these instruments nevertheless place certain racial/ethnic groups into higher risk categories (e.g., Annie E. Casey Foundation, 2006; Hoytt et al., 2002; Schwalbe, Fraser, and Day, 2007). Risk assessment instruments contain questions about the youth's family life, school status, and other attributes that have been shown both to affect recidivism and to be more closely associated with

some racial groups than others. Locale, for example, is a factor that on its face lacks a racial component but that may disproportionately affect minorities' punishment severity. This possibility arises because the communities where racial/ethnic minority youth (especially black urban youth) often live put them at a disadvantage in risk assessments. For example, living in a minority-dominated, economically-depressed residential area would mean minority youth have few employment opportunities (a protective factor in assessment tools) and would be more likely than whites to attend schools characterized by higher dropout rates and gang activity (risk factors in assessment tools; Brown, 2007). Thus, a policy of using risk assessment instruments in disposition decisions might indirectly disadvantage black and Hispanic inner-city youth.

Some scholars suggest that a possible solution may lie in using caution in designing questionnaires to ensure that they do not “. . . give undue weight to social factors that increase the likelihood that minority youth will be detained more often than white youth” (Cabaniss et al., 2007). For example, an alternative to the risk factor “good family structure” (which has the potential to disadvantage black youth, who are far more likely than other racial groups to live in single-parent families, which may be what is meant by the term), is an item asking if an adult is responsible for caring for the youth or willing to accompany the youth in court (Cabaniss et al., 2007; Hoytt et al., 2002).

Such wording may not remedy the problem, however. Which racial groups are least likely to have a parent with the work-hours flexibility that allows them to appear in court? Or, in regard to items that consider afterschool employment as a protective factor, which teen racial groups are least likely to hold afterschool employment? As the example of the locale of a youth's residence indicated, if the answer to these questions is “racial minorities,” then bias has crept in. In sum, these factors may create institutional discrimination.

I conclude this section by invoking the sociological insight that an approach to social ills that presumes that racial or ethnic status is no longer determinative of life outcomes is suspect (Bonilla-Silva, 2003; Feagin, 2006). According to the American Sociological Association (2003): “Those who favor ignoring race as an explicit administrative matter, in the hope that it will cease to exist as a social concept, ignore the weight of a vast body of sociological research that shows that racial hierarchies are embedded in the routine practices of social groups and institutions.” The embedded nature of race is what causes a potential problem with risk assessment instruments. Because they decontextualize race, the associations between race and

the risk factors linked to race (e.g., neighborhood residence, family attributes, parents' criminal history, gang affiliation, school activities) are rendered invisible and can lead to higher risk scores—and hence harsher punishments—for minority youth. It is important that researchers pursue lines of investigation that will clarify the effects of risk assessment instruments on racial-ethnic disparities, as this dissertation attempts to do.

### **1.5 Explanations for Racial/Ethnic Disparities in the Juvenile Justice System**

Studies examining disproportionate minority contact in the juvenile justice system tend to offer four explanations for the existence racial/ethnic disparities: differential involvement of minorities in crime, inequality-creating mechanisms at different stages of the process, decision-making that is informed by stereotypes, and institutional discrimination. Each explanation has implications for the possible effect of risk assessment instruments on reducing racial-ethnic differences in the juvenile-justice system.

The differential involvement explanation posits that minority youth commit a disproportionate share of crimes and a disproportionate share of serious offenses compared to white youth and that this greater culpability accounts for their harsher treatment than whites. Hence, differential outcomes are not a result of bias in the system but a matter of minority offenders reaping their “just deserts” for committing more crimes. Some government statistics support the differential involvement explanation. A higher percentage of black and Latino/a youth than white youth, for example, self report having committed an offense in the past year (Snyder and Sickmund, 2006: 73), and minority youth have higher rates than whites (per 1,000 youth in the population) when looking at all offenses disposed, and especially for more severe offenses (National Center for Health Statistics, 2007).

Reviews of the research on racial differences in juvenile sentencing show that although minorities tend to come into contact with the system more often and are charged with more severe offenses, they often (but not always) receive harsher outcomes after controlling for this fact (see Bishop, 2005; Engen et al., 2002; Pope and Feyerherm, 1993; see Tracy, 2005 for a review). Researchers tend to test the differential involvement hypothesis by controlling for legal variables, namely current offense and prior record severity (Bishop and Frazier, 1992; Sampson and Lauritsen, 1997). In a study of juvenile offenders in Florida's juvenile justice system, for

example, researchers found that after controlling for offense severity and prior record, whites had a 9 percent probability of being transferred to adult court or committed to a residential facility compared to a sixteen percent probability for nonwhites (Bishop and Frazier, 1996). Other studies, however, have found that minorities received harsher outcomes than whites in some circumstances and more lenient outcomes in other circumstances, net of controls (Leiber and Jonson, 2008; Tracy, 2002). In other words, the effects of race/ethnicity on punishment severity may not be attributable as much to legal factors as to the contexts (e.g., locale, politics, and court structure) surrounding the juvenile justice system (Bishop, Leiber and Johnson, 2010). In sum, the evidence suggests that minorities may be involved in delinquency at a higher rate than whites, but differential involvement is not sufficient to explain their harsher penalties. Risk assessment instruments might have a positive effect on this outcome (and thus reduce racial disparities) by standardizing the process for evaluating criminal behavior. Alternatively, if the instruments have built-in racial disparities in contexts, they would not reduce disparities. For example, if a risk assessment instrument measures criminality by using the number of prior detentions, this could disadvantage minorities who are more likely to be detained.

The second explanation for racial/ethnic disparities in the juvenile justice system is that they are due to discrimination throughout the process. The juvenile justice system is comprised of a series of decision points, where decisions are made about the youth at each stage of the process, and the effects can accumulate as an offender moves through the process. The effect of decision to detain a youth pre-trial, for example, can continue to affect the youth's outcome later in the process. Some research has found that minority juvenile offenders were overrepresented at every stage of the process (Bishop and Frazier, 1996; Leiber, 2002), and other research has found that overrepresentation depends on the particular stage in the judicial process (Leiber and Mack, 2003). One study of three counties in Texas, for example, found that in the pre-adjudication, adjudication, and disposition stages, black but not Latino/a offenders were overrepresented vis-à-vis white offenders (Rodney and Tachia, 2004). Another study of counties in a northeastern state found that Latino/a youth were detained after arrest more often than blacks, who were detained more often than whites (Armstrong and Rodriguez, 2005). Yet another, this one of a court in a southeastern county, found that black youth received diversion less often than whites but were more likely to be released at the intake process (Leiber and Blowers, 2003). Research on transfers to adult court also provide mixed results, with some

studies finding that black youth were treated less harshly than their white counterparts, for example as in a county in Texas (Mears and Field, 2000), and others finding black and Latino/a youth more likely than whites to be transferred to adult court (indicating harsher treatment), as was found in a California study (Males and Macallair, 2000). In sum, research shows that racial/ethnic disparities can occur at multiple stages in the process and that they do not always favor whites. Risk assessment instruments have the potential to eliminate possible discrimination in the sentencing process by standardizing the process of evaluating offenders. Alternatively, if the instrument contains items that would cause minorities to consistently be processed more harshly, then the use of the risk assessment instrument would standardized their harsher treatment.

The third explanation for racial/ethnic disparities in the juvenile justice system is stereotyping. Court officials tend to rely on three “focal” (or key) concerns when making decisions about how to process a youthful offender (Steffensmeier, Ulmer, and Kramer, 1998), and stereotypes may replace missing information in these decisions. Punishment and culpability, community protection, and rehabilitation comprise decision-makers’ focal concerns. Because decision-makers often lack the offender information that would allow them to address their concerns, they may rely on stereotypes to fill in the blanks. One study (Bridges and Steen, 1998), for example, based on 233 narratives from probation officers in the western U.S., found that they held negative attributions about black youthful offenders, whom they stereotyped as lacking respect for the law and holding bad attitudes, attributes they described as stemming from character flaws. In contrast, they attributed white juvenile offending to family structure or delinquent peers, elements outside of individual character. The researchers concluded that probation officers’ stereotypes about the causes of offending influenced their recommendations, making them more likely to endorse harsher sentences for black than for white offenders. Other studies have found that court officials make negative attributions about minority youthful offenders’ sense of remorse for offending (e.g., Bishop and Frazier, 1996; Leiber, 1994), about their family structure and parenting (e.g., Kempf, Decker, and Bing, 1990), and about their school status (e.g., Bridges et al., 1993). In sum, stereotyping of minority offenders to fill in information unknown to decision makers appears to contribute to racial/ethnic disparities in the juvenile justice system. The use of risk assessment instruments could short-circuit this tendency, in theory, since the risk assessment score replaces suppositions with facts and reduces



decision-making discretion, providing no room for race-based stereotypes to enter decisions. If, however, stereotypes inform the questionnaire items, then the instruments would have little effect in undermining their role in sentencing.

The fourth explanation is institutional discrimination, which occurs when an institution's practices, policies, or structures lead to the negative treatment of members of the minority group even though no intent to discriminate is present. In other words, institutional discrimination is the unintended consequence of institutional practices, policies or structures that favor the experiences or attributes of majority group members over those of minority group members (Feagin, 1989: 14-15). One study of juvenile offenders in Florida (Bishop and Frazier, 1996) found that minority youth were disadvantaged compared to white youth because their families lacked equal access to transportation, to time off work, or to telephones, making it difficult for them to help their children during the process. In this case, social institutions and policies unrelated to the juvenile justice institution (e.g., the public transportation system, employment policies) placed minority groups in disadvantaged positions. The juvenile justice system itself has structures, practices and policies that may create or dismantle institutional discrimination, and the use of risk assessment tools is one such policy that may reduce racial-ethnic disparities in the system. An alternative possibility is that a non-racially neutral risk assessment tool could perpetuate institutional discrimination.

In sum, according to the logic of each of the four explanations, the possibility exists that risk assessment instruments might or might not have an ameliorative effect on racial and ethnic disparities.

### **1.6 Risk Assessment Instruments' Accuracy in Predicting Recidivism for Racial/Ethnic Groups**

Studies assessing the predictive validity of these assessments tend to find high predictive validity for all racial groups, although this claim is mitigated when interactions with gender are considered. Regarding the main point, a study of Florida's juvenile offender population found that the Positive Achievement Change Tool (PACT) predicted recidivism equally well for minorities and non-minorities (i.e., youth classified as at risk of reoffending tended to do so and those classified as not at risk tended to not re-offend; Baglivio, 2008). Similarly, researchers

found that the Ohio's Global Risk Assessment Device (GRAD) accurately predicted recidivism of a sample of black and white juvenile first-time misdemeanor offenders (Gavazzi et al., 2008). Studies examining race/ethnicity in conjunction with gender, however, tell a more complex story. A study of the North Carolina Assessment of Risk (NCAR) found that it better predicted recidivism for whites than for blacks (Schwalbe et al., 2004), but a later study showed that the instrument's predictive validity depended on the interaction of gender and race, such that it failed to accurately predict recidivism for white girls (Schwalbe et al., 2006). In a study of Florida's youthful offenders, Baglivio (2009) similarly found that the Positive Achievement Change Tool (PACT)'s predictive ability depended on the offender's gender. For male offenders, race predicted recidivism better than did the PACT, but for female offenders the opposite was true: the PACT was able to identify girls more likely to reoffend regardless of the girl's race/ethnicity, but was unable to do the same for boys. So, while in general the instruments predict recidivism equally well for people of color and whites (Schwalbe, 2008), gender complicates the picture, and researchers should be alert to the possibility of interaction effects.

### **1.7 Gaps in the Literature**

There are two gaps in the literature. First, more research is needed about how risk assessment instruments sort offenders beyond black-white and minority-nonminority comparisons. It would be particularly interesting to see Latino/a-white comparisons, given that Latinos/as are the second largest racial/ethnic group in the U.S. and represent 16 percent of the entire population (U.S. Census Bureau, 2010). Second, more research is needed on how court officials use risk assessment instruments in disposition decisions.

Given that Latinos/as are the fastest growing group in the U.S. (U.S. Census, 2010), and the fact that the use of risk assessment instruments in juvenile justice systems nationwide has grown over the past two decades (Schwalbe, 2008: 1367), it is important for researchers to examine how risk assessments sort Latinos/as into risk classifications and punishment decisions. Moreover, there is a dearth in the juvenile justice disparities literature on Latino/a offenders overall. Therefore, a study that examined how risk assessment instruments classify and sort Latino/a offenders in the juvenile justice system would provide important insights.

My review of the literature reveals no studies focusing on how court officials use juvenile risk assessment instruments as a sorting mechanism in racial/ethnic disposition disparities, although one disposition study had some race findings. A study of juvenile offenders and the second edition of the Massachusetts Youth Screening Inventory (MAYSI-2) in Washington state found that Asian and Latino/a offenders were rated as having the least amount of mental health problems, while white and Native American youths were rated as having the most, and blacks fell in the middle of the distribution (Stewart and Trupin 2003). The study did not directly link race and risk assessment to disposition outcomes. It did find, however, that offenders rated as having high levels of mental health problems received longer sentences than those who had lower levels, possibly implying longer sentences for whites and Native Americans. Given that the juvenile justice system has many options (depending on the jurisdiction) for punishment, it would be interesting to see a study examining how risk assessments sort offenders by race/ethnicity into different punishment options (e.g., in-home versus out-of-home). It would also be interesting to see how the components of a risk classification system (e.g., criminal history and social history scores) sort offenders into disposition decisions. In short, the literature on risk assessment instruments, race and disposition is underdeveloped and more research is clearly needed.

### **1.8 Research Questions and Hypotheses**

The goal of this dissertation is to uncover if the PACT operates as one mechanism that promotes institutional discrimination in juvenile sentencing. Through analyses of FL DJJ data, I plan to address the following research questions and hypotheses:

Research question 1: Does the PACT risk classification account for some of the racial/ethnic disparities in juvenile court sentencing decisions?

Hypothesis 1: Risk classification will mediate the relationship between race/ethnicity and disposition (see Figure 1.3 for a heuristic). If this hypothesis is supported, then race/ethnicity will either be less of a factor in determining sentencing (in the case of partial mediation) or not a factor in sentencing (in the case of complete mediation), beyond any indirect effects race may have on factors comprising the risk assessment score. If the hypothesis is not supported, then race/ethnicity is a significant predictor of disposition net of the PACT assessment. Such a

finding would mean that race/ethnicity affects disposition decisions, independent of the factors that the PACT takes into account.

Research question 2: Do black and Latino/a juvenile offenders compared to white juvenile offenders with equivalent risk classifications receive similar dispositions?

Hypothesis 2: Within each risk classification (low, moderate, moderate-high and high), blacks and Latino/as will receive dispositions and sentence lengths similar to whites'. If this hypothesis is supported, then the effect of the interaction of race/ethnicity and risk classification on disposition will be insignificant. Such a finding would indicate, for example, that black low risk offenders are equally likely as white low risk offenders to receive a community disposition. If this hypothesis is not supported, then it would indicate that race/ethnicity conditions the relationship between the PACT classification and disposition (i.e., black low risk offenders are more likely than white low risk offenders to receive the harsher disposition).

Research question 3: Does the social history score and the criminal history score mediate minority-white sentencing disparities?

Hypothesis 3: The criminal history and social history scores will reduce black-white and Latino/a-white disparities in sentencing. If this hypothesis is supported, then the direct effects of race/ethnicity will either be less of a factor in determining sentencing (in the case of partial mediation) or will not be a factor (in the case of complete mediation). If this hypothesis is not supported, it means that race/ethnicity has a direct effect on disposition decisions, regardless of the criminal and social history scores.

Research question 4: Do black and Latino/a juvenile offenders compared to white juvenile offenders with equivalent criminal and social history scores receive similar dispositions?

Hypothesis 4: Race or ethnicity will not condition the relationship between disposition and the criminal and social history scores (i.e., the criminal and social history scores will have the same effect on disposition, regardless of the race or ethnicity of the offender). If this hypothesis is supported, the analysis would show that race/ethnicity does not condition the relationship between disposition and criminal history score or between disposition and social history score (i.e., offenders with a social history score of 18 [extremely high] have a high probability of receiving the harsher disposition, regardless of whether they are black, Latino/a or white, and offenders with a criminal history score of 31 [extremely high] have a high probability of receiving the harsh disposition, regardless of race). If this hypothesis is not supported, then it

would indicate that decision makers are interpreting the criminal and social history scores differently for blacks, Latino/as and whites.

**DOMAIN 1: Record of Referrals**

*Referrals, rather than offenses, are used to assess the persistence of re-offending by the youth. Include only referrals that resulted in diversion, adjudication withheld, adjudication, deferred prosecution or referral to adult court (regardless of whether successfully completed).*

1. <b>Age at first offense:</b> <i>The age at the time of the offense for which the youth was referred to juvenile court for the first time on a non-traffic misdemeanor or felony that resulted in diversion, adjudication withheld, adjudication, deferred prosecution or referral to adult court.</i>	<input type="radio"/> Over 16 <input type="radio"/> 16 <input type="radio"/> 15 <input type="radio"/> 13 to 14 <input type="radio"/> 12 and Under
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**Felony and misdemeanor referrals:** *Items 2 and 3 are mutually exclusive and should add to the total number of referrals that resulted in diversion, adjudication withheld, adjudication, deferred prosecution or referral to adult court.*

2. <b>Misdemeanor referrals:</b> <i>Total number of referrals for which the most serious offense was a non-traffic misdemeanor that resulted in diversion, adjudication withheld, adjudication, deferred prosecution or referral to adult court (regardless of whether successfully completed).</i>	<input type="radio"/> None or one <input type="radio"/> Two <input type="radio"/> Three or four <input type="radio"/> Five or more
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3. <b>Felony referrals:</b> <i>Total number of referrals for a felony offense that resulted in diversion, adjudication withheld, adjudication, deferred prosecution or referral to adult court (regardless of whether successfully completed).</i>	<input type="radio"/> None <input type="radio"/> One <input type="radio"/> Two <input type="radio"/> Three or more
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**Against-person or weapon referrals:** *Items 4, 5, and 6 are mutually exclusive and should add to the total number of referrals that involve an against-person or weapon offense, including sex offenses that resulted in diversion, adjudication withheld, adjudication, deferred prosecution or referral to adult court (regardless of whether successfully completed).*

4. <b>Weapon referrals:</b> <i>Total referrals for which the most serious offense was a firearm/weapon charge or a weapon enhancement finding.</i>	<input type="radio"/> None <input type="radio"/> One or more
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5. <b>Against-person misdemeanor referrals:</b> <i>Total number of referrals for which the most serious offense was an against-person misdemeanor – a misdemeanor involving threats, force, or physical harm to another person or sexual misconduct (assault, coercion, harassment, intimidation, etc.).</i>	<input type="radio"/> None <input type="radio"/> One <input type="radio"/> Two or more
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6. <b>Against-person felony referrals:</b> <i>Number of referrals involving force or physical harm to another person including sexual misconduct as defined by FDLE as violent felonies.</i>	<input type="radio"/> None <input type="radio"/> One or two <input type="radio"/> Three or more
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**Sex offense referrals:** *Items 7 and 8 are mutually exclusive and should add to the total number of referrals that involve a sex offense or sexual misconduct that resulted in diversion, adjudication withheld, adjudication, deferred prosecution or referral to adult court.*

7. <b>Sexual misconduct misdemeanor referrals:</b> <i>Number of referrals for which the most serious offense was a sexual misconduct misdemeanor including obscene phone calls, indecent exposure, obscenity, pornography, or public indecency, or misdemeanors with sexual motivation.</i>	<input type="radio"/> None <input type="radio"/> One <input type="radio"/> Two or more
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8. <b>Felony sex offense referrals:</b> <i>Referrals for a felony sex offense or involving sexual motivation including carnal knowledge, child molestation, communication with minor for immoral purpose, incest, indecent exposure, indecent liberties, promoting pornography, rape, sexual misconduct, or voyeurism.</i>	<input type="radio"/> None <input type="radio"/> One <input type="radio"/> Two or more
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9. <b>Confinements in secure detention where youth was held for at least 48 hours:</b> <i>Number of times the youth was held for at least 48 hours physically confined in a detention facility.</i>	<input type="radio"/> None <input type="radio"/> One <input type="radio"/> Two <input type="radio"/> Three or more
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10. <b>Commitment orders where youth served at least one day confined under residential commitment:</b> <i>Total number of commitment orders and modification orders for which the youth served at least one day confined under residential commitment. A day served includes credit for time served.</i>	<input type="radio"/> None <input type="radio"/> One <input type="radio"/> Two or more
11. <b>Escapes:</b> <i>Total number of attempted or actual escapes that resulted in adjudication.</i>	<input type="radio"/> None <input type="radio"/> One <input type="radio"/> Two or more
12. <b>Pick Up Orders for failure-to-appear in court or absconding supervision:</b> <i>Total number of failures- to-appear in court or absconding supervision that resulted in a pick up order being issued. Exclude failure-to-appear warrants for non-criminal matters.</i>	<input type="radio"/> None <input type="radio"/> One <input type="radio"/> Two or more

**Domain 2 : Social History**

*Current is defined as behaviors occurring within the last six months*

1. <b>Youth's Gender</b>	<input type="radio"/> Male <input type="radio"/> Female
2a. <b>Youth's current school enrollment status, regardless of attendance:</b> <i>If the youth is in home school as a result of being expelled or dropping out, check the expelled or dropped out box, otherwise check enrolled.</i>	<input type="radio"/> Graduated, GED <input type="radio"/> Enrolled full-time <input type="radio"/> Enrolled part-time <input type="radio"/> Suspended <input type="radio"/> Dropped out <input type="radio"/> Expelled
2b. <b>Youth's conduct in the most recent term:</b> <i>Fighting or threatening students; threatening teachers/staff; overly disruptive behavior; drug/alcohol use; crimes, e.g., theft, vandalism; lying, cheating, dishonesty.</i>	<input type="radio"/> Recognition for good behavior <input type="radio"/> No problems with school conduct <input type="radio"/> Problems reported by teachers <input type="radio"/> Problem calls to parents <input type="radio"/> Calls to police
2c. <b>Youth's attendance in the most recent term:</b> <i>Full-day absence means missing majority of classes. Partial-day absence means attending the majority of classes and missing the minority. Habitual truancy as defined in FS includes 15 unexcused absences in a 90-day period.</i>	<input type="radio"/> Good attendance with few absences <input type="radio"/> No unexcused absences <input type="radio"/> Some partial-day unexcused absences <input type="radio"/> Some full-day unexcused absences <input type="radio"/> Habitual truant
2d. <b>Youth's academic performance in the most recent school term:</b>	<input type="radio"/> Honor student (mostly As) <input type="radio"/> Above 3.0 (mostly As and Bs) <input type="radio"/> 2.0 to 3.0 (mostly Bs and Cs, no Fs) <input type="radio"/> 1.0 to 2.0 (mostly Cs and Ds, some Fs) <input type="radio"/> Below 1.0 (some Ds and mostly Fs)
3a. <b>History of anti-social friends/companions:</b> <i>Anti-social peers are youths hostile to or disruptive of the legal social order; youths who violate the law and the rights of others and other delinquent youth. (Check all that apply.)</i>	<input type="checkbox"/> Never had consistent friends or companions <input type="checkbox"/> Had pro-social friends <input type="checkbox"/> Had anti-social friends <input type="checkbox"/> Been a gang member/associate
3b. <b>Current friends/companions youth actually spends time with:</b> <i>(Check all that apply.)</i>	<input type="checkbox"/> No consistent friends or companions <input type="checkbox"/> Pro-social friends <input type="checkbox"/> Anti-social friends <input type="checkbox"/> Gang member/associate
4. <b>History of court-ordered or DCF voluntary out-of-home and shelter care placements exceeding 30 days:</b> <i>Exclude DJJ residential commitments.</i>	<input type="radio"/> No out-of-home placements exceeding 30 days <input type="radio"/> 1 out-of-home placement <input type="radio"/> 2 out-of-home placements <input type="radio"/> 3 or more out-of-home placements

<p>5. <b>History of running away or getting kicked out of home:</b> Include times the youth did not voluntarily return within 24 hours, and include incidents not reported by or to law enforcement</p>	<p><input type="radio"/> No history of running away/being kicked out  <input type="radio"/> 1 instance of running away/kicked out  <input type="radio"/> 2 to 3 instances of running away/kicked out  <input type="radio"/> 4 to 5 instances of running away/kicked out  <input type="radio"/> Over 5 instances of running away/kicked out</p>
<p>6a. <b>History of jail/imprisonment of persons who were ever involved in the household for at least 3 months:</b> <i>(Check all that apply.)</i></p>	<p><input type="checkbox"/> No jail/imprisonment history in family  <input type="checkbox"/> Mother/female caretaker  <input type="checkbox"/> Father/male caretaker  <input type="checkbox"/> Older sibling  <input type="checkbox"/> Younger sibling  <input type="checkbox"/> Other member</p>
<p>6b. <b>History of jail/imprisonment of persons who are currently involved with the household:</b> <i>(Check all that apply.)</i></p>	<p><input type="checkbox"/> No jail/imprisonment history in family  <input type="checkbox"/> Mother/female caretaker  <input type="checkbox"/> Father/male caretaker  <input type="checkbox"/> Older sibling  <input type="checkbox"/> Younger sibling  <input type="checkbox"/> Other member</p>
<p>6c. <b>Problem history of parents who are currently involved with the household:</b> <i>(Check all that apply.)</i></p>	<p><input type="checkbox"/> No problem history of parents in household  <input type="checkbox"/> Parental alcohol problem history  <input type="checkbox"/> Parental drug problem history  <input type="checkbox"/> Parental physical health problem history  <input type="checkbox"/> Parental mental health problem history  <input type="checkbox"/> Parental employment problem history</p>
<p>7. <b>Current parental authority and control:</b></p>	<p><input type="radio"/> Youth usually obeys and follows rules  <input type="radio"/> Sometimes obeys or obeys some rules  <input type="radio"/> Consistently disobeys, and/or is hostile</p>
<p>8a. <b>Youth's history of alcohol use:</b> <i>(Check all that apply.)</i></p>	<p><input type="checkbox"/> No past alcohol use  <input type="checkbox"/> Past alcohol use  <input type="checkbox"/> Alcohol caused family conflict  <input type="checkbox"/> Alcohol disrupted education  <input type="checkbox"/> Alcohol caused health problems  <input type="checkbox"/> Alcohol interfered with keeping pro-social friends  <input type="checkbox"/> Alcohol contributed to criminal behavior  <input type="checkbox"/> Youth needed increasing amounts of alcohol to achieve same level of intoxication or high  <input type="checkbox"/> Youth experienced withdrawal problems</p>



<p>8b. <b>Youth's history of drug use:</b> <i>(Check all that apply.)</i></p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> No past drug use</li> <li><input type="checkbox"/> Past drug use</li> <li><input type="checkbox"/> Drugs caused family conflict</li> <li><input type="checkbox"/> Drugs disrupted education</li> <li><input type="checkbox"/> Drugs caused health problems</li> <li><input type="checkbox"/> Drugs interfered with keeping pro-social friends</li> <li><input type="checkbox"/> Drugs contributed to criminal behavior</li> <li><input type="checkbox"/> Youth needed increasing amounts of drugs to achieve same level of intoxication or high</li> <li><input type="checkbox"/> Youth experienced withdrawal problems</li> </ul>
<p>8c. <b>Youth's Current alcohol use:</b> <i>(Check all that apply.)</i></p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> No current alcohol use</li> <li><input type="checkbox"/> Current alcohol use</li> <li><input type="checkbox"/> Alcohol causing family conflict</li> <li><input type="checkbox"/> Alcohol disrupting education</li> <li><input type="checkbox"/> Alcohol causing health problems</li> <li><input type="checkbox"/> Alcohol interfering with keeping pro-social friends</li> <li><input type="checkbox"/> Alcohol contributing to criminal behavior</li> <li><input type="checkbox"/> Youth needs increasing amounts of alcohol to achieve same level of intoxication or high</li> <li><input type="checkbox"/> Youth experiences withdrawal problems</li> </ul>
<p>8d. <b>Youth's current drug use:</b> <i>(Check all that apply.)</i></p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> No current drug use</li> <li><input type="checkbox"/> Current drug use</li> <li><input type="checkbox"/> Drugs causing family conflict</li> <li><input type="checkbox"/> Drugs disrupting education</li> <li><input type="checkbox"/> Drugs causing health problems</li> <li><input type="checkbox"/> Drugs interfering with keeping pro-social friends</li> <li><input type="checkbox"/> Drugs contributing to criminal behavior</li> <li><input type="checkbox"/> Youth needs increasing amounts of drugs to achieve same level of intoxication or high</li> <li><input type="checkbox"/> Youth experiences withdrawal problems</li> </ul>
<p><i>For abuse and neglect, include any history that is suspected, whether or not reported or substantiated; exclude reports of abuse or neglect proven to be false.</i></p>	
<p>9a. <b>History of violence/physical abuse:</b> Include suspected incidents of abuse if disclosed by youth, whether or not reported or substantiated, but exclude reports investigated but proven to be false. <i>(Check all that apply.)</i></p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Not a victim of violence/physical abuse</li> <li><input type="checkbox"/> Victim of violence/physical abuse at home</li> <li><input type="checkbox"/> Victim of violence/physical abuse in a foster/group home</li> <li><input type="checkbox"/> Victimized by family member</li> <li><input type="checkbox"/> Victimized by someone outside the family</li> <li><input type="checkbox"/> Attacked with a weapon</li> </ul>

<p>9b <b>History of witnessing violence:</b> <i>(Check all that apply)</i> Include perpetrators and victims of violence as having witnessed violence.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Has not witnessed violence</li> <li><input type="checkbox"/> Has witnessed violence at home</li> <li><input type="checkbox"/> Has witnessed violence in a foster/group home</li> <li><input type="checkbox"/> Has witnessed violence in the community</li> <li><input type="checkbox"/> Family member killed as result of violence</li> </ul>
<p>9c <b>History of sexual abuse/rape:</b> Include suspected incidents of abuse if disclosed by youth, whether or not reported or substantiated, but exclude reports investigated but proven to be false. <i>(Check all that apply.)</i></p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Not a victim of sexual abuse/rape</li> <li><input type="checkbox"/> Sexually abused/raped by family member</li> <li><input type="checkbox"/> Sexually abused/raped by someone outside the family</li> </ul>
<p>10. <b>History of being a victim of neglect:</b> Include suspected incidents of neglect, whether or not reported or substantiated, but exclude reports investigated but proven to be false.</p>	<ul style="list-style-type: none"> <li><input type="radio"/> Not victim of neglect</li> <li><input type="radio"/> Victim of neglect</li> </ul>
<p>11. <b>History of mental health problems:</b> Such as schizophrenia, bi-polar, mood, thought, personality, and adjustment disorders. Exclude substance abuse and special education since those issues are considered elsewhere. Confirm by a professional in the social service/healthcare field.</p>	<ul style="list-style-type: none"> <li><input type="radio"/> No history of mental health problem(s)</li> <li><input type="radio"/> Past history of mental health problem(s) diagnosis (more than six months ago)</li> <li><input type="radio"/> Diagnosed with mental health problem(s)</li> <li><input type="radio"/> Only mental health medication prescribed. If yes, list _____</li> <li><input type="radio"/> Only mental health treatment prescribed</li> <li><input type="radio"/> Mental health medication and treatment prescribed</li> </ul>

**Domain 3: Mental Health**

<p>1. <b>History of suicidal ideation: Include any previous thoughts, threats, plans and attempts even if youth indicates they were manipulative or there was no intent.</b> <i>(Check all that apply)</i></p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Has never had serious thoughts about suicide</li> <li><input type="checkbox"/> Has had serious thoughts about suicide</li> <li><input type="checkbox"/> Has made a plan to commit suicide. If yes, describe _____</li> <li><input type="checkbox"/> Has attempted to commit suicide. If yes, describe attempt(s) and date(s) _____</li> <li><input type="checkbox"/> Feels life is not worth living – no hope for future.</li> <li><input type="checkbox"/> Knows someone well who has committed suicide. If yes, who, when and how _____</li> <li><input type="checkbox"/> Engages in self-mutilating behavior _____</li> </ul>
<p>2. <b>History of anger or irritability:</b></p>	<ul style="list-style-type: none"> <li><input type="radio"/> No history of anger/irritability</li> <li><input type="radio"/> History of occasional feelings of anger/irritability</li> <li><input type="radio"/> History of consistent feelings of anger/irritability</li> <li><input type="radio"/> History of aggressive reactions to feelings of anger/irritability.</li> </ul>

3. <b>History of depression or anxiety</b>	<input type="radio"/> No history of depression/anxiety <input type="radio"/> History of occasional feelings of depression/anxiety <input type="radio"/> History of consistent feelings of depression/anxiety <input type="radio"/> History of impairment in every day tasks due to depression/anxiety
4. <b>History of Somatic Complaints:</b> Bodily or physical discomforts associated with distress, such as stomachaches or headaches	<input type="radio"/> No history of somatic complaints <input type="radio"/> History of one or two somatic complaints <input type="radio"/> History of three or four somatic complaints <input type="radio"/> History of 5 or more somatic complaints
5. <b>History of thought disturbance</b>	<input type="radio"/> No unusual thoughts or beliefs <input type="radio"/> Presence of hallucinations (auditory or visual) <input type="radio"/> Presence of beliefs that the youth is controlled by others or others control the youth.
6. <b>History of traumatic experience:</b> Lifetime exposure to events such as rape, abuse or observed violence, including dreams or flashbacks	<input type="radio"/> No presence of traumatic event <input type="radio"/> Presence of traumatic event <input type="radio"/> Flashbacks to traumatic event

**Domain 4: Attitude/Behavior Indicators**

1. <b>Attitude toward responsible law abiding behavior:</b>	<input type="radio"/> Abides by conventions/values <input type="radio"/> Believes conventions/values sometimes apply to him or her <input type="radio"/> Does not believe conventions/values apply to him or her <input type="radio"/> Resents or is hostile toward responsible behavior
2. <b>Accepts responsibility for anti-social behavior:</b>	<input type="radio"/> Accepts responsibility for anti-social behavior <input type="radio"/> Minimizes, denies, justifies, excuses, or blames others <input type="radio"/> Accepts anti-social behavior as okay <input type="radio"/> Proud of anti-social behavior
3. <b>Belief in yelling and verbal aggression to resolve a disagreement or conflict:</b>	<input type="radio"/> Believes verbal aggression is rarely appropriate <input type="radio"/> Believes verbal aggression is sometimes appropriate <input type="radio"/> Believes verbal aggression is often appropriate
4. <b>Belief in fighting and physical aggression to resolve a disagreement or conflict:</b>	<input type="radio"/> Believes physical aggression is never appropriate <input type="radio"/> Believes physical aggression is rarely appropriate <input type="radio"/> Believes physical aggression is sometimes appropriate <input type="radio"/> Believes physical aggression is often appropriate
5. <b>Reports/evidence of violence not included in criminal history:</b> <i>(Check all that apply.)</i>	<input type="checkbox"/> No reports/evidence of violence <input type="checkbox"/> Violent outbursts, displays of temper, uncontrolled anger indicating potential for harm <input type="checkbox"/> Deliberately inflicting physical pain <input type="checkbox"/> Using/threatening with a weapon <input type="checkbox"/> Fire starting <input type="checkbox"/> Violent destruction of property <input type="checkbox"/> Animal cruelty

<p><b>6. Reports of problem with sexual aggression not included in criminal history:</b> <i>(Check all that apply.)</i></p>	<ul style="list-style-type: none"> <li>☒ No reports/evidence of sexual aggression</li> <li>☒ Aggressive sex</li> <li>☒ Sex for power</li> <li>☒ Young sex partners</li> <li>☒ Child sex</li> <li>☒ Voyeurism</li> <li>☒ Exposure</li> </ul>
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Figure 1.1: PRE-PACT.

<i>Criminal History Score</i>	<b>Social History Risk Score</b>		
	<b>0 to 5</b>	<b>6 to 9</b>	<b>10 to 18</b>
0 to 5	<i>Low</i>	<i>Low</i>	<i>Moderate</i>
6 to 8	<i>Low</i>	<i>Moderate</i>	<i>Moderate-High</i>
9 to 11	<i>Moderate</i>	<i>Moderate-High</i>	<i>High</i>
12 to 31	<i>Moderate-High</i>	<i>High</i>	<i>High</i>

Figure 1.2: Risk Classification Matrix.

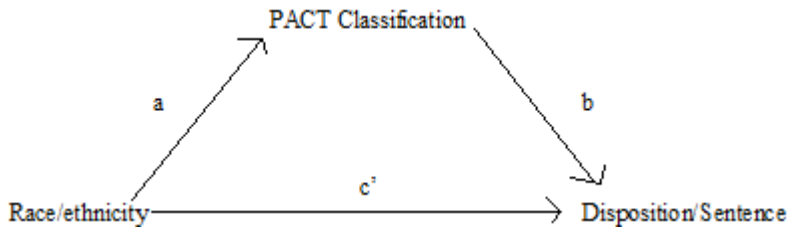


Figure 1.3: Mediation Heuristic.

## CHAPTER TWO

### DATA AND SAMPLE

#### 2.1 Description of Data

Data come from the FL DJJ's Juvenile Justice Information System's September 2006 data extract and the U.S. Census Bureau's data on socioeconomic status. I use three data files from the FL DJJ's monthly extract. The first contains information relating to offender characteristics (e.g., race/ethnicity, gender, and age), the nature of the offense, the juvenile probation officer's recommended disposition, and so on, for all offenders who have come into contact with the system. The second contains detention status and the third contains PACT data. The Census data consist of the median income for each zip code in Florida, which allow me to construct a variable to act as a proxy for the youth's socioeconomic status.

The Florida DJJ data are particularly well suited for this study because they contain the records and other information on Florida's large number of juvenile offenders, are racially diverse, and include risk assessment data for each offender. Florida has one of the largest juvenile justice systems in the U.S. and in 2006, for example, approximately 90,000 youths were referred to the FL DJJ (FL DJJ Comprehensive Accountability Report 2007). The data also allow for an analysis of Latino/a offenders, which is rare in the literature. Finally, the data contain risk assessments for each offender.

The PACT was developed by the FL DJJ and a private company, Assessments.com, to assess juvenile offenders' risk of recidivism and to develop a rehabilitation plan. It is a fourth-generation risk assessment tool that contains questions about a youth's risk and protective factors in twelve domains (prior record, school status, use of free time, employment, relationships, family situation, alcohol and drug use, behaviors and attitudes, mental health, skills and aggression level; Assessments.com, 2009). Beginning in August of 2006, juvenile probation officers have been administering the PACT to all youth upon intake. After the interview, the juvenile probation officer recalls and records the youth's responses into a computer program. The computer program produces a "PACT Overview Report" providing decision makers with information about the youth's overall risk to re-offend, their criminal history score, social history score, and a ranking based on risk and protective factors (See Figure 2.1 for an example of the

PACT Overview Report). Finally, juvenile probation officers use the assessment to help them determine “. . . a youth’s level of risk to re-offend, identify areas of highest criminogenic need, develop a meaningful intervention plan, and monitor progress in reducing risk factors”(FL DJJ PACT, 2011).

## **2.2 Sample**

I restrict the sample to juveniles who received a sentence in the FL DJJ between September 1, 2006 and February 29, 2008 (the last available date in the data set) and who were either adjudicated delinquent or had adjudication withheld. I dropped 8,478 cases that did not receive a sentence, 330,999 who were not formally adjudicated delinquent, 37,901 who were in the system for technical violations like violation of probation, and I dropped 679 offenders who were not residents of Florida. I selected offenders who are black, white, or Latino/a (n=26,681) and omitted Asians and others because the literature does not indicate that they are overrepresented in the juvenile justices system or that they face racially disparate outcomes compared to whites. Forty-one percent of the sample is white, 46 percent black, and 13 percent Latino/a. The average age is fifteen and a half. The most common current offense is property offenses (42 percent), followed by person offenses (26 percent), drug (15 percent), public order (13 percent), and weapon offenses (4 percent). Table 2.1 provides descriptive statistics for all variables.

## **2.3 Description of Variables**

### **Dependent Variable**

The dependent variable is the recommendation made by the juvenile probation officer for either a community or commitment placement (1=commitment, 0=community). Judges are free to deviate from probation officers’ recommendations; however, if they do so, they must provide an explanation. A limitation of the present study is that we have no information on how often these deviations occur. Twenty-two percent of youth received a recommendation for residential commitment compared to 78 percent who received the less harsh community sentence recommendation.

Table 2.2 shows the cross-tabulation of disposition by race and ethnicity. Overall, more whites than blacks received the less harsh disposition, more blacks than whites received the harsh disposition, and Latino/as' dispositions were similar to whites'. Among those who received a community sentence, approximately 82 percent were white, 74 percent black, and 82 percent were Latino/a. Among those who received a commitment disposition, approximately 18 percent were white, compared to 26 percent black and about 18 percent Latino/a. A chi-square test of independence revealed that the association between race/ethnicity and disposition is statistically significant ( $\chi^2=266.21$ ,  $P=0.00$ ).

### **Independent Variables**

**Race and ethnicity.** The primary independent variable is race/ethnicity--blacks, Latino/as, and whites, measured as dummy variables, with whites as the reference group. Race/ethnicity was created by recoding two existing variables in the offense file: race and ethnicity. The race variable indicated whether the respondent was white, black, Asian, Alaskan Native, American Indian, Pacific Islander or other. The ethnicity variable indicated whether the respondent was Hispanic, non-Hispanic, Jamaican, or Haitian. The race and ethnicity variables were recoded into a new variable that indicates whether the youth was white, black or Latino/a. Others were dropped. Whites made up 41 percent of the sample, blacks 46 percent, and Latino/as 13 percent. Blacks and Latino/as are expected to receive the harsher disposition (commitment) compared to whites.

### **Positive Achievement Change Tool [PACT]**

**PACT classification.** The PACT risk classification is another key independent variable. Two types of PACTS exist. The pre-PACT is administered to all offenders coming into contact with the Florida Department of Juvenile Justice and is a shorter form. The full-PACT is administered to all offenders who are rated as being a moderate-high or high risk to re-offend. This dissertation uses the pre-screen PACT. Figure 1.1 of Chapter 1 contains the exact wording of the pre-screen PACT. The PACT sorts offenders into the following risk categories: low, medium, medium-high, and high, and I coded each as a dummy variable with "low" as the reference group. Forty-seven percent of the sample were categorized as being low risk,

seventeen percent moderate, twenty percent moderate-high, and sixteen percent were classified as being high risk. “Riskier” youth are expected to receive harsher dispositions.

**Criminal and social history scores.** The PACT produces criminal history and social history scores based on answers recorded into the software by the juvenile probation officer. The criminal and social history scores appear directly below the overall risk category on the output that the probation officer sees (see Figure 2.1). The criminal history score ranges from 0 to 31. The social history score ranges from 0 to 18. The average criminal history score for this sample is nine and the average social history score is 4.77. For both measures, the higher the score, the more “risky” the offender. The criminal history and social history scores not only appear on the youth’s PACT Overview Report, but are also used by the PACT software to classify offenders into risk categories. Figure 2.2 shows the matrix used to convert the criminal and social history scores into risk classifications.

### **Interaction Terms**

**Race/ethnicity x PACT classification.** I constructed six interaction terms that are the product of the race/ethnicity dummy variables and the PACT classification dummy variables (Black x moderate, Latino/a x moderate, Black x moderate-high, Latino/a x moderate-high, Black x high and Latino/a x high). For example, the interaction term “Black x moderate” equals 1 when the youth is black and is classified as a moderate risk. If the youth belongs to another racial/ethnic group or is not classified as a moderate risk (or if both those qualifiers apply), “Black x moderate” equals 0. The reference category is White x low.

**Race/ethnicity x criminal history score.** I constructed two interaction terms that are the product of the race/ethnicity dummy variables and the criminal history score (Black x criminal history and Latino/a x criminal history). The reference category is White x criminal history.

**Race/ethnicity x social history score.** I constructed two interaction terms that are the product of the race/ethnicity dummy variables and the social history score (Black x social history and Latino/a x social history). The reference category is White x social history.

### **Control Variables**



**Age.** Research has identified age as affecting juvenile sentencing, and I measure it as a continuous variable ranging from 8 to 18 years. Court officials often take age into consideration when deciding how to mete out punishment, and it has been found to afford younger juvenile offenders more leniency than older offenders because youthfulness is assumed to be associated with diminished culpability (e.g., Leiber and Johnson, 2008). The Florida juvenile justice system has no lower bound for juvenile court jurisdiction and an upper bound of 18 (although in some circumstances, young adults 21 and older can be handled in the juvenile court; Snyder and Sickmund, 2006). Therefore, my sample includes youths who are ages 8 (the youngest age) through 18 (the upper bound of jurisdiction). The average age in the sample is slightly under 15 ½.

**Gender.** The PACT classification system automatically assigns an extra risk point for boys. Therefore, including the overall PACT classification in the regression models necessarily includes a measure of gender.

**Social class.** To control for the possibility that black, white, and Latino/a youth receive different dispositions partly because of their social class, I use a measure of income as a proxy for class. Although the PACT contains a variable that asks about family income, it has a great deal of missing data. Hence, I use the median income of the Census 2000 zip code group. The median income for each Census zip code group for youth in the sample ranged from a low of \$31,268 to a high of \$48,014. I recoded the values into an ordinal measure that ranges from 1 to 8 and the measure has an average of 4.75.

**Current offense and severity.** Current offense is a variable used to control for the possibility that blacks, whites, and Latinos/as have different offending patterns, which would affect disposition decisions. Current offense is measured as a set of dummy variables indicating the offense as follows: person (0=no, 1=yes), property (0=no, 1=yes), drug (0=no, 1=yes), weapon (0=no, 1=yes), and public (0=no, 1=yes). 26 percent of youth in the sample were charged with person offenses, 42 percent with property, 15 percent drugs, four percent weapon, and 13 percent were charged with public order offenses (e.g., gambling, hunting or fishing violations, liquor law violations). Whether the offense was a felony (0=no, 1=yes) was controlled for. Thirty-nine percent of youth in the sample were charged with felony offenses.

**Prior record.** Prior record is used to calculate the overall PACT risk classification and thus is included in the regression analysis by virtue of being part of the PACT classification.

**Detention status.** Youth who have been detained prior to disposition tend to receive harsher dispositions than those who were not, and minority youth are more likely than white youth to be detained. Therefore, I control for detention status (0=no, 1=yes). Sixty-three percent of offenders in the sample were detained.

**Geography.** Justice also varies by geography, such that youth in urban areas tend to receive harsher punishment than their peers who live in other areas (Feld 1991). Therefore, I controlled for whether the youth resides in a Metropolitan Statistical Area (MSA) in Florida (0=no, 1=yes). Forty-eight percent of offenders live in MSAs. To control for the possibility that justice varies by jurisdiction, I recoded a variable in the data that indicated the numeric jurisdiction of the court, using a circuit region map, into three dummy variables that indicate whether the jurisdiction is in north, central or southern Florida (FL DJJ 2011). Approximately equal numbers of offenders are from each jurisdiction.

In Chapters 3 and 4 I use the variables described above to test several hypotheses. Chapter 3 focuses on the role of the PACT classification in mediating the relationship between race/ethnicity and disposition decisions and Chapter 3 tests for interaction effects. Chapter 4 examines the role of the social and criminal history scores in mediating the relationship between race/ethnicity and disposition and it tests for interaction effects.

## 2.4 Tables and figures

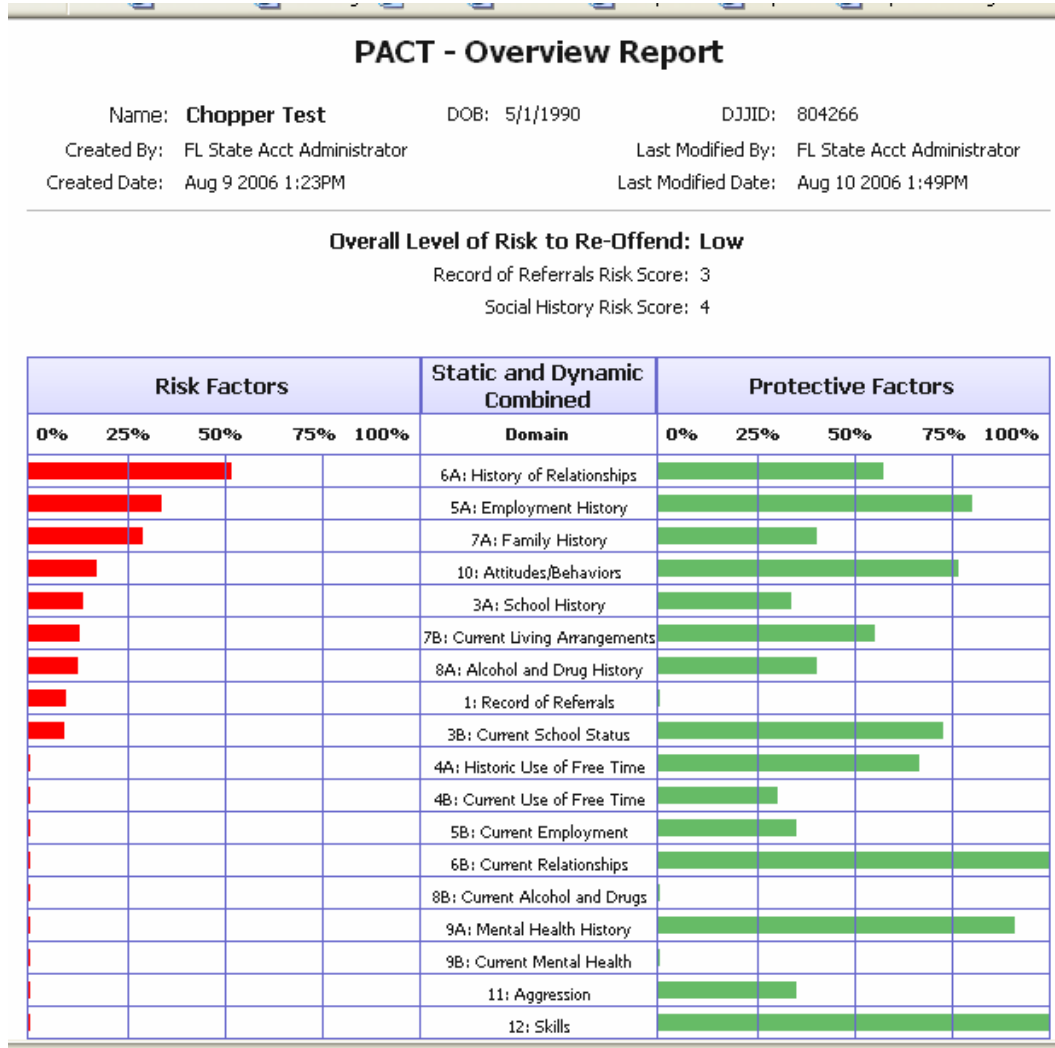


Figure 2.1: Example PACT overview report. Source: Assessments.com  
[http://www.assessments.com/catalog/PACT\\_Pre\\_Screen.htm](http://www.assessments.com/catalog/PACT_Pre_Screen.htm)

Table 2.1: Descriptive data for all variables.

Variable	Coded Value	Mean/Prop	S.D.	Range
<b>Race</b>				
White	1=White, 0=other	0.41	0.49	0-1
Black	1=Black, 0=other	0.46	0.50	0-1
Latino/a	1=Latino/a, 0=other	0.13	0.33	0-1
<b>Age</b>	Continuous	15.47	1.42	8-18
<b>Median Income</b>	Continuous	4.75	1.87	1- 8
<b>Metropolitan Statistical Area Jurisdiction</b>				
	1=Yes, 0=no	0.48	0.50	0-1
<b>Jurisdiction</b>				
North	1=North, 0=other	0.34	0.47	0-1
Central	1=Central, 0=other	0.34	0.47	0-1
South	1=South, 0=other	0.33	0.47	0-1
<b>Felony</b>	1=Yes, 0=no	0.39	0.49	0-1
<b>Detained</b>	1=Yes, 0=no	0.63	0.48	0-1
<b>Current Offense</b>				
Person	1=Person, 0=other	0.26	0.44	0-1
Weapon	1=Weapon, 0=other	0.04	0.20	0-1
Property	1=Property, 0=other	0.42	0.49	0-1
Drug	1=Drug, 0=other	0.15	0.36	0-1
Public	1=Public, 0=other	0.13	0.34	0-1
<b>Risk Category</b>				
Low	1=Low, 0=other	0.47	0.50	0-1
Moderate	1=Moderate, 0=other	0.17	0.38	0-1
Moderate-High	1=Moderate-high, 0=other	0.20	0.40	0-1
High	1=High, 0=other	0.16	0.37	0-1
<b>Criminal and Social History</b>				
Criminal History	Continuous	9.00	5.35	0-30
Social History	Continuous	4.77	2.86	0-18
<b>Disposition</b>	1=Commitment, 0=Community	0.22	0.41	0-1

Table 2.2: Disposition by race/ethnicity.

Disposition	White	Black	Latino/a	Total
Community	81.79	73.65	82.38	78.13
Commitment	18.21	26.35	17.62	21.87
Total	100%	100%	100%	100%
(N)	11,009	12,239	3,433	26,681
Pearson chi2(2)=266.21		Pr=0.000		

<i>Criminal History Score</i>	<b>Social History Risk Score</b>		
	<b>0 to 5</b>	<b>6 to 9</b>	<b>10 to 18</b>
0 to 5	<i>Low</i>	<i>Low</i>	<i>Moderate</i>
6 to 8	<i>Low</i>	<i>Moderate</i>	<i>Moderate-High</i>
9 to 11	<i>Moderate</i>	<i>Moderate-High</i>	<i>High</i>
12 to 31	<i>Moderate-High</i>	<i>High</i>	<i>High</i>

Figure 2.2: Risk assessment matrix.

## CHAPTER THREE

### THE PACT'S RISK CLASSIFICATION AND RACIAL/ETHNIC SENTENCING DISPARITIES

The literature on race, risk assessments, and juvenile justice has focused largely on predicting recidivism, and most findings show that risk assessment instruments accurately predict recidivism across racial and ethnic groups. Unlike studies predicting recidivism, the goal of this dissertation is to examine race/ethnicity and risk assessment instruments in an unstudied, yet important juvenile justice outcome: sentencing. This chapter, in particular, focuses on whether the PACT's overall risk classification (low, moderate, moderate-high, and high) mediates black-white and Latino/a-white disposition disparities in a sample of Florida's juvenile offender population.

#### 3.1 Research questions and hypotheses

This chapter uses descriptive statistics, ANOVA, multinomial logistic regression, and logistic regression to examine the relationship between the PACT's risk classification system and racial/ethnic disposition disparities. In so doing, it addresses the following research questions and hypotheses.

Research question 1: Does the PACT risk classification account for some of the racial/ethnic disparities in juvenile court sentencing decisions?

Hypothesis 1: Risk classification will mediate the relationship between race/ethnicity and disposition. If this hypothesis is supported, then race/ethnicity will either be less of a factor in determining sentencing (in the case of partial mediation) or not a factor in sentencing (in the case of complete mediation), beyond any indirect effects race may have on factors comprising the risk assessment score. If the hypothesis is not supported, then race/ethnicity is a significant predictor of disposition net of the PACT assessment. Such a finding would mean that race/ethnicity affects disposition decisions, independent of the factors that the PACT takes into account.

Research question 2: Do black and Latino/a juvenile offenders compared to white juvenile offenders with equivalent risk classifications receive similar dispositions?

Hypothesis 2: Within each risk classification (low, moderate, moderate-high and high), blacks and Latino/as will receive dispositions similar to whites'. If this hypothesis is supported, then the effect of the interaction of race/ethnicity and risk classification on disposition will be insignificant. Such a finding would indicate, for example, that black low risk offenders are equally likely as white low risk offenders to receive a commitment disposition. If this hypothesis is not supported, then it would indicate that race/ethnicity conditions the relationship between the PACT classification and disposition (i.e., black low risk offenders are more likely than white low risk offenders to receive the harsher disposition).

### **3.2 Variables and predictions**

A large literature has examined racial/ethnic disparities in the juvenile justice system and suggests that minorities are overrepresented in the system compared to whites (Kempf-Leonard and Hawkins, 2005) and that they face disparate, but not always worse, juvenile justice outcomes such as arrest, detention, adjudication, sentencing, transfers to adult court, etc. (Pope and Feyerherm, 1993). In keeping with the results from these studies, I expect blacks and Latino/as compared to whites to be more likely to receive the harsher disposition (commitment to a residential facility).

There are several demographic variables other than race/ethnicity that influence juvenile sentencing. These variables include age, gender and social class, which I use as control variables. Age affects disposition decisions such that older youth tend to receive harsher punishment than younger youth. Juvenile court officials perceive older youth as being more mature, culpable, and blameworthy and therefore, warranting harsher punishment for their offenses (Champion, 2001). Age, therefore should have a positive effect on disposition, meaning that as age increases, so does the probability of receiving the harsher disposition. Gender also affects sentencing outcomes such that girls tend to receive harsher sentences than boys for less serious offenses (e.g., status offenses like running away from home; Chesney-Lind, 2006; MacDonald & Chesney-Lind, 2001). The PACT automatically assigns an extra risk point for boys. Therefore, including the overall PACT classification in the regression models necessarily

includes a measure of gender. The data should show a negative relationship between the measure of social class and disposition because the research tends to find that members of the lower class tend to receive harsher punishment than members of the middle and upper class (Sampson & Laub, 1993).

Several legal variables known to affect juvenile sentencing will be controlled for in the analyses. Current offense and prior record are legal variables that affect sentencing decisions (the more severe the current offense and prior record, the harsher the punishment). Because offending patterns may differ by race and ethnicity, it is important to control for current offense and prior record to avoid the problem of over- or underestimating the effects of race/ethnicity on disposition decisions. Like gender, prior record is captured by the PACT score.

Detention and jurisdiction are other legal variables found to affect disposition decisions. Offenders who have been detained are more likely than non-detained offenders to receive harsher sentences, and minority offenders are more likely than white youth to be detained (Rodriguez, 2007; Secret & Johnson, 1997). Detention, therefore, is one mechanism by which race/ethnicity has an indirect effect on sentencing. Feld's (1991) theory of "justice by geography" points to the necessity of including measures of jurisdiction and geographic area in analyzing juvenile sentencing. Youth sentenced in urban areas compared to rural areas receive harsher sentences (Feld 1991), and so I include a measure of whether the youth resides in a Metropolitan Statistical Area [MSA]. Because geographic regions are characterized by different procedures and organizational practices that can affect sentencing outcomes (Feld 1991), I also control for whether the youth lives in north, central, or south Florida.

### **Descriptive statistics**

This section presents descriptive statistics for the sample. Tables 3.1 through 3.7 are cross-tabulations of key independent variables with several important independent variables and with the dependent variable. Tables 3.8 through 3.10 present ANOVA results for the same set of variables.

Table 3.1 shows the cross-tabulation of disposition by race and ethnicity. Overall, more whites than blacks received the less harsh disposition, more blacks than whites received the harsh disposition, and Latinos/as' dispositions were similar to whites'. Among those who received a commitment disposition, approximately 18 percent were white, compared to 26



percent black and about 18 percent Latino/a. A chi-square test of independence revealed that the association between race/ethnicity and disposition is statistically significant ( $\chi^2=266.21$ ,  $P=0.00$ ).

Table 3.2 and Table 3.3 examine disposition, race and risk category. Table 3.2 shows the cross-tabulation of disposition by risk category. Not surprisingly, among those who received a residential commitment (the harsher of the two categories), about three percent were low risk, about 15 percent moderate, 43 percent moderate-high, and 58 percent were high risk. This relationship is statistically significant ( $\chi^2=7300$ ,  $P=0.00$ ). Table 3.3 merely shows that the association between race and risk category is significant.

Tables 3.4 through 3.7 show the cross-tabulations of disposition by race by risk category. Although statistically significant ( $\chi^2=12.82$ ,  $P=0.002$ ), the low risk group shows little differences across racial groups. The association is insignificant for the moderate risk category. A larger and statistically significant difference across race groups can be seen for the moderate-high and high categories (Tables 3.6 and 3.7). Specifically, blacks were more likely than whites and Latinos/as to receive commitment dispositions.

Tables 3.8 through 3.10 show the results of ANOVAs for the dependent and key independent variables. Table 3.8 shows how the mean sentence varies by race/ethnicity. The mean for whites and Latinos/as is .18 and is .26 for blacks. These differences were statistically significant, although primarily because of black-white and Latino/a-black mean differences (as opposed to Latino/a-white mean differences). Table 3.9 shows how the mean risk category varies by race/ethnicity. The mean for whites is 1.89, which is virtually identical to the 1.90 for Latinos/as; it was 2.21 for blacks. These differences were statistically significant, although primarily because of black-white mean differences and Latino/a-black mean differences. Table 3.10 uses ANOVA to confirm the cross-tabulation in Table 3.2 that shows that the higher the risk category, the higher the proportion of youth receiving the harsher disposition.

### **3.3 Methods**

Several models test Hypotheses 1 and 2. I test Hypothesis 1 by determining whether the PACT risk classification mediates the relationship between race/ethnicity and disposition. I first regress the PACT classification on race/ethnicity to show that race/ethnicity predicts the PACT classification (a condition necessary to demonstrate mediation). I next use logistic regression to

examine the relationship between race/ethnicity, PACT classification, and disposition. These models enter the PACT classification in stages. Model 1 includes race/ethnicity and controls (age, current offense severity, jurisdiction, whether the youth resides in a metropolitan statistical area, whether the youth had pre-trial detention and an indicator of socioeconomic status). Model 2 adds the PACT classification, which Hypothesis 1 predicts should significantly reduce the race/ethnicity coefficients if the PACT classification does in fact mediate the relationship between race/ethnicity and sentencing outcome. To test Hypothesis 2, about whether the PACT classification moderates the relationship between race and the outcome variable, Model 3 adds the interaction term created by multiplying race/ethnicity and the PACT classification. If the interaction term is significant, its coefficient would indicate that either black compared to white or Latino/a compared to white (or both) received different punishments for the same PACT classification, which would disconfirm Hypothesis 2.

### **3.4 Results**

This section describes the results from the data analyses used to test Hypotheses 1 and 2. Although I have no formal predictions about black-Latino/a differences, the similarities between them revealed in the cross-tabulations and ANOVAs leads me to also consider this relationship.

#### **PACT risk classification and racial/ethnic disposition disparities**

Tables 3.11 and 3.12 examine the role of the PACT classification as a variable that mediates black-white and Latino/a-white disposition disparities. Table 3.11 uses multinomial logistic regression to regress the PACT classification on race/ethnicity to show the first part of the mediation process—that race predicts PACT. Table 3.12 uses logistic regression to regress disposition on race/ethnicity and control variables and then to regress disposition on race/ethnicity, PACT classification and control variables. Table 3.12 also examines interaction effects between race/ethnicity, PACT classification and disposition decisions. Below I discuss each of these tables in turn.

Table 3.11 shows the results of the PACT classification regressed on race/ethnicity. Blacks are 1.24 times more likely than whites to be in the moderate versus low category, 1.84 times more likely to be in the moderate-high versus low category, and more than 1½ times more

likely to be in the high risk compared to the low risk category. Latinos/as were similar to whites. In sum, being black compared to white predicts PACT classification, but being Latino/a compared to white does not.

Table 3.12 examines three logistic regression models. Models 1 and 2 test Hypothesis 1 about whether the PACT classification mediates racial/ethnic disparities in sentencing, and Model 3 tests for interaction effects, in accordance with Hypothesis 2.

Model 1 regresses disposition (community is the reference outcome) on race/ethnicity and control variables to provide a baseline model of racial/ethnic disparities in sentencing. Although all offenders in the sample were administered the PACT, this baseline model shows what black-white and Latino/a disparities would be without the PACT variable. Disposition disparities exist between blacks and whites but not between Latinos/as and whites in this model. Blacks are 1.36 times more likely than whites to receive a commitment, holding constant age, median household income, and legal variables. Being older, having a public-related or person-related current offense, having a felony current offense, or being detained result in a greater likelihood of receiving the harsher disposition. Having a weapon-related current offense and being sentenced in central or south Florida resulted in a lower likelihood of receiving the harsher disposition.

Detention status is an interesting variable. It had the largest effect by far in this model, with those who had been detained being almost 23 times more likely than those who had not to receive the harsher disposition. Because detention status is known to mediate the relationship between race/ethnicity and disposition decisions, I conducted a supplementary analysis to examine the mediation process. Table 3.13 shows that race/ethnicity predicts detention status, with blacks 1.64 times more likely than whites to be detained and Latinos/as 1.22 times more likely than whites to be detained, net of controls. The effects of race/ethnicity on disposition are also larger when detention status is omitted from the model, indicating that racial disparities operate at least partly via detention status.

Model 2 adds the risk classification variables (low is the comparison group). Doing so improved the overall model fit from .20 to .34, a substantial increment. The odds ratios for the classification variables are the largest in the model, meaning that risk classification is one of the most important predictors of sentencing in the model. Moderate-risk offenders were 3.15 times more likely than low risk offenders to receive a commitment, moderate-high risk offenders were

12.10 times more likely, and high-risk offenders were over 21 times more likely than low risk offenders to receive a commitment. Turning to race/ethnicity, in support of Hypothesis 1, I found that adding the risk classification reduced black-white sentencing disparities by an impressive 67 percent, net of controls. Blacks nevertheless remain 12 percent more likely than whites to receive a commitment decision, *ceteris paribus*. Thus, the PACT classification as a variable is associated with a substantial reduction in blacks' odds of receiving the harsher disposition but fails to eliminate racial disparities in sentencing. In sum, race is less a factor in determining sentencing once the risk classification is taken into account, over and above any indirect effects race may have on factors comprising the risk assessment score.

Model 3 tests Hypothesis 2 by adding interaction terms between race/ethnicity and risk classification. The results were supportive: the interaction terms are statistically insignificant, meaning that race/ethnicity does not condition the relationship between risk classification and disposition decisions (e.g., low-risk blacks and low-risk whites are equally likely to receive a commitment versus a community disposition). In sum, the relationship between the risk classification and disposition decision is not dependent on race/ethnicity.

Because of the similarities revealed by these analyses between whites and Latinos/as, I ran regressions using Latinos/as as the reference category. Table 3.14 regresses the PACT on race/ethnicity and controls and shows that blacks are more likely than Latinos/as to receive moderate, moderate-high and high risk classifications compared to low risk classifications. Table 3.15 regresses disposition on race/ethnicity and control variables. Model 1 shows that blacks are 1.35 times more likely than Latinos/as to receive a commitment decision, net of controls. Model 2 shows that the addition of the PACT classification completely mediates black-Latino/a disposition disparities. Model 3 revealed insignificant interaction terms. In sum, analyses revealed blacks receive harsher dispositions than Latinos/as but that the PACT variable completely mediates the relationship between race/ethnicity and disposition.

### **3.5 Discussion**

This chapter examined the role of the PACT classification in reducing the direct effect of race and ethnicity on juvenile sentencing by testing Hypotheses 1 and 2, which were confirmed for blacks but not for Latinos/as. Thus, results show that the addition of the PACT classification to

the statistical models reduces some of the direct effect of being black (Hypothesis 1), although since Latinos/as did not differ from whites, the PACT had no effect on their sentences. Moreover, being black or Latino/a did not condition the relationship between the PACT classification and disposition decisions (Hypothesis 2).

The results revealed racial, but not ethnic, disposition disparities. In other words, somewhat surprisingly, given previous research, Latinos/as' odds of receiving commitments were not statistically different from whites'. Only one other study has reported a similar to a no-difference finding. Using a different Florida data set, Moore and Padavic (2010) showed no disposition disparities between Latinas and white girls.

Two explanations for the lack of Latino/a-white disparities are possible, and Table 3.16 examines these explanations. The first (which analyses disconfirmed) is that the relatively high socioeconomic status [SES] of Cubans in Florida (Boswell, 2002), combined with the tendency of SES to reduce the effects of race/ethnicity on disposition decisions (Engen, Steen and Bridges, 2002) may account for this finding. Cubans make up a majority of the Hispanic population in Florida (Ross et al., 2004) so my finding might have been due to the presence of a large and relatively well-off Cuban population. To examine this possibility, I restricted the sample to Latinos/as and whites and ran the baseline model (described above). I then re-ran it without the median income variable and found no significant change in the ethnicity variable. Table 3.16 shows these results and indicates that the lack of Latino/a-white disparities does not stem from different income levels between the two groups.

The second explanation could be due to "justice by geography," a theory developed by Feld, 1991, which centers on the notion that just as one state can vary dramatically from another in treatment of juveniles, jurisdictions within a state also vary, a variation that derives from a number of factors, including the use of different procedures. The dataset allows two measures of jurisdiction: MSA (urban vs. rural) and region. Regarding the former, it may be that because Florida Hispanics are clustered in urban areas (see Table 3.17), and because urban areas tend to rely on more formal procedures (Feld 1991), an indirect effect of ethnicity could be operative. To test this, I removed the MSA variable from the model, which failed to produce Latino/a-white disparities, indicating that MSA is not the explanation.

Regarding region, this variable divides Florida into North, Central, and South, and I excluded the variable from the model. This exclusion did produce Latino/a-white disposition

disparities (although it was at the  $p < .05$  level). With the region variable excluded, Latinos/as are 12 percent less likely than whites to receive a residential commitment (see Model 3 in Table 3.16), which means that the location of the jurisdiction completely mediates Latino/a-white disposition disparities. Further analyses revealed that Latinos/as are 3.38 times more likely than whites to live in south Florida, compared to north or central Florida (blacks are 1.60 times more likely than whites). The analyses also revealed that offenders in north Florida are 1.69 times more likely to receive a commitment decision than are offenders in south Florida and that offenders in central Florida are 1.11 times more to receive such a decision compared to south Florida. In other words, Latinos/as are more likely to live in south Florida where the odds of receiving a commitment are lower than in north or central Florida. Thus, jurisdiction is one mechanism through which ethnicity operates to mediate the relationship between ethnicity and sentence.

To summarize baseline findings about disparities before considering the hypotheses, analyses showed statistically significant black-white disposition disparities, with blacks receiving the harsher decision, and they showed no disposition disparities between Latinos/as and whites.

I next examined the question of whether the PACT classification mediates the relationship between race and disposition decision. Analyses revealed that adding the PACT classification variables to the model reduces black-white disparities significantly, indicating that it substantially reduced the baseline disparities. Indeed, adding the PACT classification to the model reduced black-white disparities in the sample by 67 percent (see Model 2 of Table 3.12). Adding it also improved the overall model fit, which means that the PACT is an important factor in explaining juvenile sentencing. In sum, the PACT classification reduced some of the direct effect of race on disposition decisions for black compared to white juvenile offenders, and it appears to be an important explanation in general for sentencing decisions in the sample.

The next question considered whether black and Latino/a juvenile offenders compared to white juvenile offenders with equivalent risk classifications receive similar dispositions. The interaction of race/ethnicity and PACT classification was insignificant. This finding indicates that the effect of the PACT classification on disposition decisions did not depend on the race/ethnicity of the offender. In other words, black low-risk offenders were equally likely as white low-risk offenders to receive a community disposition, black moderate-risk offenders were equally likely as white moderate-risk offenders to receive a community disposition, and so on.

Finally, I analyzed black-Latino disparities because ANOVAs indicated that important differences existed between the groups. Analyses revealed that blacks were more likely than Latinos/as to receive harsher disposition decisions but that there were no Latino/a-white disposition disparities. When the model included the PACT variable, the disparity was reduced to statistical insignificance, meaning that the variable completely mediates black-Latino/a sentencing disparities. Similar to the finding in the black-white models, the interaction between race/ethnicity and the PACT variable was insignificant, meaning that black low-risk offenders were equally likely as Latino/a low-risk offenders to receive a community disposition, black moderate-risk offenders were equally likely as Latino/a moderate-risk offenders to receive a community disposition, and so on.

In Chapter 4, I analyze the effects of the criminal and social history scores that make up the PACT on the relationship between race/ethnicity and disposition decisions.

### 3.6 Figures and tables

Table 3.1: Disposition by race/ethnicity.

Disposition	White	Black	Latino/a	Total
Community	81.79	73.65	82.38	78.13
Commitment	18.21	26.35	17.62	21.87
Total	100%	100%	100%	100%
(N)	11,009	12,239	3,433	26,681

Pearson chi2(2)=266.21 Pr=0.000

Table 3.2: Disposition by risk category.

Disposition	Low	Moderate	Moderate- High	High	Total
Community	96.63	85.26	56.53	42.03	78.13
Commitment	3.37	14.74	43.47	57.97	21.87
Total	100%	100%	100%	100%	100%
(N)	12,643	4,553	5,245	4,240	26,681

Pearson chi2(2)=7300 Pr=0.000

Table 3.3: Risk category by race.

Risk Category	White	Black	Latino/a	Total
Low	53.62	40.06	53.51	47.39
Moderate	17.02	17.24	16.57	17.06
Moderate-High	15.51	24.27	13.40	19.66
High	13.84	18.33	13.40	15.89
(N)	11,009	12,239	3,433	26,681

Pearson chi2(2)=594.62 Pr=0.000



Table 3.4: Disposition by race for low risk.

Disposition	White	Black	Latino/a	Total
Community	96.76	96.04	97.77	96.63
Commitment	3.24	3.96	2.23	3.37
Total	100%	100%	100%	100%
(N)	5,903	4,903	1,837	12,643

Pearson  $\chi^2(2) = 12.82$   $pr = 0.002$

Table 3.5: Disposition by race for moderate risk.

Disposition	White	Black	Latino/a	Total
Community	85.65	84.83	85.59	85.26
Commitment	14.35	15.17	14.41	14.74
Total	100%	100%	100%	100%
(N)	1,874	2,110	569	4,553

Pearson  $\chi^2(2) = .58$   $pr = 0.750$

Table 3.6: Disposition by race for moderate-high risk.

Disposition	White	Black	Latino/a	Total
Community	59.60	54.28	59.08	56.53
Commitment	40.40	45.72	40.92	43.47
Total	100%	100%	100%	100%
(N)	1,708	2,970	567	5,245

Pearson  $\chi^2(2) = 14.20$   $pr = 0.001$

Table 3.7: Disposition by race for high risk.

Disposition	White	Black	Latino/a	Total
Community	43.90	40.03	45.65	42.03
Commitment	56.10	59.97	54.35	57.97
Total	100%	100%	100%	100%
(N)	1,524	2,256	460	4,240

Pearson  $\chi^2(2) = 8.38$   $pr = 0.015$

Table 3.8: ANOVA race/ethnicity by disposition.

Race/Ethnicity	Mean (Standard Deviation)	Frequency
White	.18 (.39)	11,009
Black	.26 (.44)	12,239
Latino/a	.18 (.38)	3,433
Total	.22 (.41)	26,681

F=134.43, p>F=0.00

Table 3.9: ANOVA race/ethnicity by PACT classification.

Race/Ethnicity	Mean (Standard Deviation)	Frequency
White	1.89 (1.11)	11,009
Black	2.21 (1.16)	12,239
Latino/a	1.90 (1.11)	3,433
Total	2.21 (1.16)	26,681

F=255.75 p>F=0.00

Table 3.10: ANOVA PACT classification by disposition.

Risk Classification	Mean (Standard Deviation)	Frequency
Low	0.03 (0.18)	12,643
Moderate	0.14 (0.35)	4,553
Moderate High	0.43 (0.50)	5,245
High	0.58 (0.49)	4,240
Total	0.22 (0.41)	26,681

F=10,000 p>F=0.00

Table 3.11: Multinomial logistic regression of risk classification regressed on race and control variables.

	Moderate Versus Low	Mod-High Versus Low	High Versus Low
<b>Demographic Variables</b>			
<i>Race/Ethnicity</i>			
Black	1.24***	1.84***	1.56***
Latino/a	0.91	0.95	0.85
<i>Age</i>	0.96**	1.02	0.97
<i>Household Income</i>	0.98	0.94***	0.94***
<b>Legal Variables</b>			
<i>Current Offense</i>			
Person	1.14**	1.22***	1.20***
Weapon	0.85	0.58***	0.50***
Public	1.28***	1.49***	1.72***
Drug	1.12	1.21**	1.12
<i>Felony</i>	1.16***	1.44***	1.56***
<i>Detained</i>	4.09***	12.66***	32.00***
<i>MSA</i>	0.91	0.89**	0.80***
<i>Jurisdiction</i>			
Central	1.36***	1.38***	1.64***
South	0.98	1.05	1.00
Pseudo R <sup>2</sup>	0.13	0.13	0.13
-2 log likelihood	-29570.41	-29570.41	-29570.41
N	26,681	26,681	26,681

Note: Coefficients are multinomial odds ratios. Base outcome is low risk.

\*\*p<.01   \*\*\*p<.001

Table 3.12: Odds ratios for logistic regression of disposition on race/ethnicity and PACT.

	Model 1	Model 2	Model 3
	Commitment	Commitment	Commitment
<b>Demographic Variables</b>			
<i>Race/Ethnicity</i>			
Black	1.36***	1.12**	1.12
Latino/a	1.01	1.06	0.75
<i>Age</i>	1.09***	1.13***	1.13***
<i>Household Income</i>	0.99	1.01	1.01
<b>Legal Variables</b>			
<i>Current Offense</i>			
Person	1.15***	1.12	1.12
Weapon	0.60***	0.78	0.78
Public	1.67***	1.47***	1.47***
Drug	1.13	1.09	1.09
<i>Felony</i>	2.22***	2.14***	2.14***
<i>Detained</i>	22.93***	7.90***	7.90***
<i>MSA</i>	1.01	1.09	1.09
<i>Jurisdiction</i>			
Central	0.61***	0.45***	0.45***
South	0.55***	0.46***	0.46***
<b>PACT</b>			
<i>Risk Category</i>			
Moderate		3.15***	3.08***
Mod-High		12.10***	11.28***
High		21.34***	20.50***
<b>Interaction Terms</b>			
<i>Black*Moderate</i>			0.94
<i>Latino/a*Moderate</i>			1.58
<i>Black*Mod-High</i>			1.04
<i>Latino/a*Mod-High</i>			1.50
<i>Black*High</i>			1.00
<i>Latino/a*High</i>			1.40
Pseudo R <sup>2</sup>	0.20	0.34	0.34
-2 log likelihood	11214.055	9233.05	9229.76
N	26,681	26,681	26,681

Note: Coefficients are odds ratios. Base outcome is community.

\*\*p<.01   \*\*\*p<.001

Table 3.13: Logistic regression of detention status on race and control variables.

<b>Detained</b>	
<b>Demographic Variables</b>	
<i>Race/Ethnicity</i>	
Black	1.64***
Latino/a	1.22***
<i>Age</i>	1.00
<i>Household Income</i>	1.06***
<b>Legal Variables</b>	
<i>Current Offense</i>	
Person	1.78***
Weapon	1.49***
Public	1.35***
Drug	0.99
<i>Felony</i>	1.90***
<i>Metro Statistical Area</i>	1.11***
<i>FL Jurisdiction</i>	
Central	1.09**
South	0.76***
Pseudo R <sup>2</sup>	0.04
-2 log likelihood	-16853.44
N	26,681

*Note:* Coefficients are odds ratios. Reference group is “not detained.”

\*\*p<.01   \*\*\*p<.001

Table 3.14: Multinomial logistic regression of risk classification regressed on race/ethnicity and control variables.

	Moderate Versus Low	Mod-High Versus Low	High Versus Low
<b>Demographic Variables</b>			
<i>Race/Ethnicity</i>			
Black	1.36***	1.94***	1.81***
White	1.10	1.05	1.16
<i>Age</i>	0.96**	1.02	0.97
<i>Household Income</i>	0.98	0.94***	0.94***
<b>Legal Variables</b>			
<i>Current Offense</i>			
Person	1.14**	1.22***	1.20***
Weapon	0.85	0.58***	0.50***
Public	1.28***	1.49***	1.72***
Drug	1.12	1.21**	1.12
<i>Felony</i>	1.16***	1.44***	1.56***
<i>Detained</i>	4.09***	12.66***	32.00***
<i>Metro Statistical Area</i>	0.91	0.89**	0.80***
<i>Jurisdiction</i>			
Central	1.36***	1.38***	1.64***
South	0.98	1.05	1.00
Pseudo R <sup>2</sup>	0.13	0.13	0.13
-2 log likelihood	-29570.41	-29570.41	-29570.41
N	26,681	26,681	26,681

Note: Coefficients are odds ratios. Reference group is “low risk.”

\*\*p<.01   \*\*\*p<.001

Table 3.15: Odds ratios for logistic regression of disposition on race/ethnicity and PACT.

	Model 1	Model 2	Model 3
	Commitment	Commitment	Commitment
<b>Demographic Variables</b>			
<i>Race/Ethnicity</i>			
Black	1.35***	1.06	1.48
White	0.99	0.95	1.33
<i>Age</i>	1.09***	1.13***	1.13***
<i>Household Income</i>	0.99	1.01	1.01
<b>Legal Variables</b>			
<i>Current Offense</i>			
Person	1.15***	1.12	1.12
Weapon	0.60***	0.78	0.78
Public	1.67***	1.47***	1.47***
Drug	1.13	1.09	1.09
<i>Felony</i>	2.22***	2.14***	2.14***
<i>Detained</i>	22.93***	7.90***	7.90***
<i>MSA</i>	1.01	1.09	1.09
<i>Jurisdiction</i>			
Central	0.61***	0.45***	0.45***
South	0.55***	0.46***	0.46***
<b>PACT</b>			
<i>Risk Category</i>			
Moderate		3.15***	4.85***
Mod-High		12.10***	16.90***
High		21.34***	28.73***
<b>Interaction Terms</b>			
<i>Black*Moderate</i>			0.60
<i>White*Moderate</i>			0.63
<i>Black*Mod-High</i>			0.69
<i>White*Mod-High</i>			0.67
<i>Black*High</i>			0.72
<i>White*High</i>			0.71
Pseudo R <sup>2</sup>	0.20	0.34	0.34
-2 log likelihood	11214.055	9233.05	9229.76
N	26,681	26,681	26,681

Note: Coefficients are odds ratios. Base outcome is community.

\*\*p<.01   \*\*\*p<.001

Table 3.16: Odds ratios for logistic regression of disposition on race/ethnicity for Latino/a-white comparisons.

	Model 1	Model 2	Model 3
	Commitment	Commitment	Commitment
<b>Demographic Variables</b>			
<i>Race/Ethnicity</i>			
Latino/a	1.01	1.01	0.88
<i>Age</i>	1.08***	1.09***	1.08***
<i>Household Income</i>			
	--	0.94***	0.91***
<b>Legal Variables</b>			
<i>Current Offense</i>			
Person	1.14	1.13	1.14
Weapon	0.60***	0.60***	0.61***
Public	1.67***	1.65***	1.64***
Drug	0.94	0.93	0.92
<i>Felony</i>	1.90***	1.88***	1.87***
<i>Detained</i>	17.48***	17.70***	17.60***
<i>MSA</i>	1.02	--	1.00
<i>Jurisdiction</i>			
Central	0.68***	0.72***	--
South	0.55***	0.61***	--
Pseudo R <sup>2</sup>	0.18	0.18	0.18
-2 log likelihood	5579.33	5570.50	5598.98
N	14,442	14,442	14,442

Note: Coefficients are odds ratios. Base outcome is community.

-- indicates that the variable was not included in the model.

\*\*p<.01 \*\*\*p<.001

Table 3.17: Metropolitan statistical area by race/ethnicity.

Metro Statistical Area	White	Black	Latino/a	Total
Urban	37.85	56.68	50.28	48.09
Rural	37.85	43.32	49.72	51.91
Total	100%	100%	100%	100%
(N)	11,009	12,239	3,433	26,681



## CHAPTER FOUR

### THE PACT'S CRIMINAL HISTORY AND SOCIAL HISTORY SCORES AND RACIAL/ETHNIC SENTENCING DISPARITIES

This chapter examines the relationship between the Positive Achievement Change Tool's [PACT] criminal history and social history scores and racial/ethnic sentencing disparities. Descriptive statistics, ANOVAs, and ordinary least squares regression shed light on the following research questions and hypotheses.

#### 4.1 Research questions and hypotheses

Research question 3: Do the social history score and the criminal history score mediate minority-white sentencing disparities?

Hypothesis 3: The criminal history and social history scores will reduce black-white and Latino/a-white disparities in sentencing. If this hypothesis is supported, then the direct effects of race/ethnicity will either be less of a factor in determining sentencing (in the case of partial mediation) or will not be a factor (in the case of complete mediation) when these scores are in the equation. If this hypothesis is not supported, it means that race/ethnicity has a direct effect on disposition decisions, regardless of the criminal and social history scores.

Research question 4: Do black and Latino/a juvenile offenders compared to white juvenile offenders with equivalent criminal and social history scores receive similar dispositions?

Hypothesis 4: Race or ethnicity will not condition the relationship between disposition and the criminal and social history scores (i.e., the criminal and social history scores will have the same effect on disposition regardless of the race or ethnicity of the offender). If this hypothesis is supported, the analysis would show, for example, that offenders with a social history score of 18 [extremely high] have a high probability of receiving the harsher disposition, regardless of whether they are black, Latino/a or white, and offenders with a criminal history score of 31 [extremely high] have a high probability of receiving the harsh disposition, regardless of race. If this hypothesis is not supported, then it would indicate that decision-makers are interpreting the criminal and social history scores differently for blacks, Latino/as and whites.

## 4.2 Variables and predictions

The criminal history and social history scores comprise the overall PACT score. The criminal history score ranges from zero to 31 and the social history score ranges from zero to 18, and for both the higher the score, the more risky the offender. The intersection of the scores determines the PACT classification. A criminal history score between zero and five and a social history score between zero and five, for example, results in offenders being labeled “low risk.” A criminal history score between six and eight and a social history score between six and nine results in a “moderate risk” label. A criminal history score between 12 and 31 and a social history score between 10 and 18 results in a high risk label (see risk matrix in Chapter 1).

The criminal history score taps into an offender’s prior offending behavior. The risk assessment software pre-populates the items used to calculate the criminal history score by retrieving an offender’s prior record from the Juvenile Justice Information System [JJIS]. Figure 4.1 shows the information obtained (called the “Record of Referrals” or “Domain 1”) from the JJIS to create the criminal history score. It contains information about the youth’s age at the first offense; number of prior felony and misdemeanor referrals; number of prior weapon, person and sex offenses; number of prior secure detentions and confinements; number of escapes from residential facilities; and number of times the offender was picked up for having failed to appear in court or for absconding supervision. How these items are weighted and turned into the criminal history score is the proprietary information of Assessments.com. In sum, the criminal history score is made up of items that capture an offender’s prior record.

The social history score is one element of a larger set of items that tap into the offender’s social life. Juvenile-probation officers interview the youth upon intake, and they later recall and record responses into the PACT software. Although the probation officer enters information from the social history, mental health, and attitudes and behaviors domains, the software uses only the social history domain to calculate the offender’s social history score. Figure 4.2 shows the exact wording of the social history items. These items represent several areas of a youth’s life, including gender, school status, friends and home life. I give an example of each below. Gender is assessed by the probation officer and recorded as male or female. An example of a school status item asks about the “Youth’s conduct during the most recent term: Fighting or

threatening students; threatening teachers/staff; overly disruptive behavior; drug/alcohol use; crimes, e.g., theft, vandalism; lying, cheating, dishonesty” and responses include: “recognition for good behavior, no problems with school conduct, problems reported by teachers, problem calls to parents, or calls to police.” An example of a “friends” item asks about “Current friends/companions youth actually spends time with” and responses include: “No consistent friends or companions, pro-social friends, anti-social friends, or gang member/associate.” An example that taps into the youth’s home life asks about the “history of jail/imprisonment of persons who are currently involved with the household” and responses include: “No jail/imprisonment history in family, mother/female caretaker, father/male caretaker, older sibling, younger sibling, or other member.” Like the criminal history item weighting, the social history score weighting for each item is unknown. In sum, the social history score is comprised of several questions that attempt to reflect the riskiness in the youth’s social life.

Both scores represent key variables that I analyze in this chapter to determine their effects on race/ethnicity and disposition decisions. Higher criminal and social history scores are expected to result in a higher likelihood of receiving the harsher punishment (commitment to a residential facility) because higher scores indicate more risk. If the criminal history scores and social history scores are race neutral, then race/ethnicity should not be a significant predictor of the scores. If the criminal history and social history scores are accounting for racial/ethnic disposition disparities, then they should reduce (or completely eliminate) disparities. Finally, I expect that black and Latino/a juvenile offenders compared to white juvenile offenders with equivalent criminal and social history scores will receive similar dispositions.

In addition to the criminal history and social history scores, I use the control variables described in Chapters 2 and 3 in the analyses. These variables include age, median income, current offense, whether the offense was a felony, detention status, whether the youth lives in a Metropolitan Statistical Area [MSA], and jurisdiction. The predictions for these variables are the same as presented in Chapter 3.

### **Descriptive statistics**

This section presents descriptive statistics for the sample. Tables 4.1 through 4.6 are cross-tabulations of key independent variables with several important independent variables and with the dependent variable, disposition decision. Tables 4.7 and 4.8 present ANOVA results for the same set of variables.

Table 4.1 shows the cross-tabulation of criminal history score by race and ethnicity. Overall, whites and Latino/as received lower scores than blacks, and blacks received higher scores than whites or Latino/as. Among those who received a criminal history score between zero and five (a low score), approximately 35-36 percent were white or Latino/a, compared to 22 percent who were black. Among those who received a score between six and eight (a moderate score), the percentage of whites and Latinos/as was roughly the same (27 percent), which is slightly higher than the 25 percent for black youth. Among those who received a score between nine and 11 (a moderate-high score), the percentage of whites, blacks, and Latinos/as was roughly the same. Among those who received a score between 12 and 31 (a high score), approximately 21-22 percent were white or Latino/a, compared to 36 percent black. A chi-square test of independence revealed that the association between race/ethnicity and criminal history score is statistically significant ( $\chi^2=1200.00$ ,  $P=0.00$ ).

Table 4.2 shows the cross-tabulation of criminal history score by disposition. Not surprisingly, among those who received a residential commitment (the harsher of the two categories), about two percent had criminal history scores between zero and five, about eight percent between six and eight, 22 percent between nine and 11, and 58 percent had scores of 12 or higher. This relationship is statistically significant ( $\chi^2=7400$ ,  $P=0.00$ ).

Table 4.3 shows how the average criminal history score varies across race/ethnicity and by disposition. Not surprisingly, youth receiving a commitment disposition tended to average higher criminal history scores than their non-committed counterparts. Blacks who received either disposition averaged slightly higher criminal history scores than their white and Latino/a counterparts. Among those who received a commitment, the average criminal history score for whites and Latinos/as was approximately 14, compared to 15.46 for blacks. Among those who received a community disposition, the average score for whites and Latinos/as was approximately seven, compared to eight for blacks.

Turning now to the social history score, Table 4.4 shows the cross-tabulation of social history score by race and ethnicity. Overall, blacks averaged slightly lower scores than whites and Latinos/as, indicating that on the factors assessed, black youth's scores indicated lower risk than the other two groups. Among those who received a social history score between zero and five, approximately 64 percent were white, compared to 67 percent black and 66 percent Latino/a. Among those who received a score between six and nine, the percentage of whites,

blacks and Latinos/as was roughly the same (27.49, 27.05 and 27.06 respectively). Among those who received a score between 10 and 18, approximately eight percent were white and six percent black or Latino/a. A chi-square test of independence revealed that the association between race/ethnicity and social history score is statistically significant ( $\chi^2=142.47$ ,  $P=0.00$ ).

Table 4.5 shows the cross-tabulation of social history score by disposition. Not surprisingly, among those who received a residential commitment, about 15 percent had social history scores between zero and five, about 32 percent between six and nine, and 48 percent had scores of 10 or higher. This relationship is statistically significant ( $\chi^2=1700$ ,  $P=0.00$ ).

Table 4.6 shows how the average social history score varies across race/ethnicity and by disposition. Not surprisingly, youth receiving a commitment disposition tend to average higher social history scores than youth receiving a community disposition. Surprisingly, blacks who received either disposition had slightly *lower* social history scores, on average, than their white and Latino/a counterparts. More specifically, among those who received a commitment, the average score for whites was approximately 6.40, compared to 5.94 for blacks and 6.19 for Latinos/as, and among those who received a community disposition, the average score for whites was 4.47, compared to 4.26 for blacks, and 4.37 for Latinos/as.

Tables 4.7 and 4.8 report ANOVAs examining race/ethnicity by the criminal and social history scores. Table 4.7 shows that the average criminal history score is lowest for whites (7.94) and highest for blacks (10.25), with Latinos/as in the middle (8.13). The ANOVA revealed that these mean differences were statistically significant and primarily due to black-white and Latino/a-black differences. Table 4.8 shows that the average social history score is 4.88 for whites, compared to about 4.70 for blacks and Latinos. The ANOVA revealed that these mean differences were statistically significant, and primarily due to black-white differences.

### **4.3 Methods**

Several models test Hypotheses 3 and 4. I test Hypothesis 3 by determining whether the criminal history score and the social history score mediate the relationship between race/ethnicity and disposition. I first regress the criminal history and then the social history score on race/ethnicity to show that race/ethnicity predicts the scores (a condition necessary to demonstrate mediation). I next use ordinary least squares regression to examine the relationship

between race/ethnicity, criminal history score, social history score, and disposition by entering scores in stages. Model 1 (which also appeared in Chapter 3) includes race/ethnicity and controls (age, current offense severity, jurisdiction, whether the youth resides in a metropolitan statistical area, whether the youth had pre-trial detention and an indicator of socioeconomic status). Model 2 adds the criminal history score, which Hypothesis 3 predicts should significantly reduce the race/ethnicity coefficients if it does, in fact, mediate the relationship between race/ethnicity and sentencing outcome. Model 3 adds the social history score, which again, Hypothesis 3 predicts should reduce the effect of the race/ethnicity coefficients. Model 4 adds both scores to determine whether, taken together, they mediate the relationship between race/ethnicity and sentence. To test Hypothesis 4, about whether the criminal history or social history scores moderate the relationship between race and the outcome variable, Models 5 and 6 add the interaction terms created by multiplying race/ethnicity and each score. If the interaction term is significant, its coefficient would indicate that either black compared to white or Latino/a compared to white (or both) received different punishments for the same score, which would disconfirm Hypothesis 4.

#### **4.4 Results**

This section describes results from analyses used to test Hypotheses 3 and 4.

##### **Criminal history score, social history score and racial/ethnic disposition disparities**

Tables 4.9 through 4.11 examine the role of the criminal history score and social history score as mediators of black-white and Latino/a-white disposition disparities. Table 4.9 uses ordinary least squares regression to regress the criminal history score on race/ethnicity to show the first part of the mediation process—that race predicts criminal history score. Table 4.10 does the same to predict the social history score. Table 4.11 uses logistic regression to regress disposition on race/ethnicity and control variables and then to regress disposition on race/ethnicity, criminal and social history scores and control variables. Table 4.11 also presents models that include interaction effects between race/ethnicity and each score. Table 4.12 uses logistic regression to regress disposition on race/ethnicity and the criminal history score with Latinos/as as the comparison group. Below I discuss each table in turn.

Table 4.9 shows the results of the criminal history score regressed on race/ethnicity, and Table 4.10 shows the social history score regressed on race/ethnicity. Net of controls, being black compared to white is associated with higher criminal history scores but lower social history score. Being Latino/a compared to white did not significantly predict either score. In sum, being black compared to white predicts the criminal and social history scores, although in opposite directions, but being Latino/a compared to white has no effect.

Model 1 of Table 4.11 shows the results of disposition regressed on race/ethnicity and controls. This baseline model (also shown in Chapter 3), shows that blacks are more likely than whites to receive the harsher outcome (commitment to a residential facility) and that Latinos/as do not differ from whites in likelihood of receiving a commitment.

The next six models examine Hypotheses 3 and 4. Models 2 through 4 examine Hypotheses 3, which concerns the role of the criminal and social history scores as mediators of the relationship between race/ethnicity and disposition. In support of Hypothesis 3, Model 2 shows that adding the criminal history score reduces black-white disposition disparities: Blacks are 16 percent less likely than whites to receive a commitment once the criminal history score is added. As for the social history score, contrary to Hypothesis 3's prediction, adding the score is associated with a higher risk of blacks receiving the harsher disposition. Thus, although the criminal history score is associated with a reduction in the direct effect of being black on disposition decisions and the social history score appears to be associated with an increase in the effect, Model 4 shows that taken together, the scores completely mediate the relationship between race/ethnicity and disposition.

Models 5 through 7 of Table 4.11 test for interaction effects between race, the criminal and social history scores, and disposition. Results show that race (but not ethnicity) conditions the relationship between the criminal history score and disposition decisions. Figure 4.3 indicates how the predicted probabilities of receiving a commitment vary by race and criminal history score. Blacks and whites with criminal history scores below 10 have similar probabilities of receiving a commitment decision, but for criminal history scores above 10, whites' predicted probabilities are greater than blacks', which is contrary to Hypothesis 4. Consistent with Hypothesis 4, the interaction term for race and social history score was insignificant. Model 7 repeats these analyses and combines the criminal history score, social history score, and the

interaction terms created by multiplying race/ethnicity and the scores, and indicates that results do not vary from results found in Models 5 and 6.

Although I do not have predictions comparing blacks and Latinos/as, because ANOVAs between these groups revealed differences for the criminal history score, I ran regressions using Latinos/as as the reference category. Table 4.12 regresses the criminal history score on race/ethnicity and controls and shows that being black compared to Latino/a is associated with higher criminal history scores, net of controls. Chapter 3 revealed that blacks are 1.35 times more likely than Latinos/as to receive a commitment decision, net of controls. Model 1 of Table 4.12 of the present chapter shows that the addition of the criminal history score mediates black-Latino/a disposition disparities such that blacks are 14 percent less likely than Latinos/as to receive a commitment once the criminal history score is introduced. Model 2 revealed a significant interaction term, and Figure 4.4 demonstrates how the predicted probabilities of receiving a commitment vary by race/ethnicity and criminal history score. Blacks and Latinos/as with criminal history scores below 12 have similar probabilities of receiving a commitment decision, but for criminal history scores above 12, Latinos/as' predicted probabilities are greater than blacks'. In sum, analyses revealed blacks receive harsher dispositions than Latinos/as but that the criminal history score mediates the relationship between race/ethnicity and disposition. Also, analyses revealed that race and ethnicity conditions the relationship between the criminal history score and disposition.

#### **4.5 Discussion**

This chapter examined the role of the criminal history and social history scores in reducing racial/ethnic disparities in juvenile sentencing by testing Hypotheses 3 and 4. The results show that the addition of the criminal history score to the statistical models greatly reduces the direct effect of being black (contrary to Hypothesis 3), although since Latinos/as did not differ from whites, the criminal history score had no effect on their sentences. Also contrary to Hypothesis 3, the addition of the social history score was associated with blacks' higher odds of receiving the harsher punishment. Regarding Hypothesis 4, being black compared to white conditioned the relationship between the criminal history score (but not the social history score) and disposition decisions, contrary to the prediction. Because the ANOVAs revealed important



black-Latino/a disparities with regard to the criminal history score, analyses were conducted with Latinos/as as the reference group. These results revealed that the addition of the criminal history score to the model was associated with blacks' compared to Latinos/as' higher odds of receiving a commitment. The results also revealed that being black compared to Latino/a conditioned the relationship between the criminal history score and sentence.

The finding that the criminal history score greatly reduces black-white disposition disparities is not surprising because the criminal history score is made up of items measuring prior records, which tend to be worse for minorities (Snyder and Sickmund, 2006). Indeed, other results (see Table 4.9) indicate that being black (but not Latino/a) compared to white predicts the criminal history score. Therefore, when the criminal history score is added to the model predicting disposition, it explains much of the race effect.

To illustrate how a specific item—prior detentions-- that is contained in the criminal history score mediates the relationship between race/ethnicity and disposition decisions, I conducted subsequent analyses. Table 4.13 regresses the number of prior detentions on race/ethnicity (and controls) and shows that being black compared to white is associated with a higher number of prior detentions. Being Latino/a compared to white is associated with a lower number of prior detentions. Table 4.14 regresses disposition decision on race/ethnicity, number of prior detentions, and controls. The addition of the number of prior detentions reduces the direct effect of being black compared to white on sentence by 53 percent, compared to the baseline model. This example illustrates how one element of the criminal history score mediates the relationship between race and disposition. I also tested the possibility that the interaction of race/ethnicity and detention moderates the relationship between race/ethnicity and sentence, but the coefficient for the interaction term was statistically insignificant, indicating a lack of a moderator effect.

I now turn to analyses of the social history score. As expected, higher social history scores resulted in a greater likelihood of receiving a commitment decision for everyone. Regressions of the social history score on race found that being black compared to white is associated with lower social history scores and that Latinos/as and whites did not differ from one another. Both results are surprising because research tends to show that blacks and Latinos/as have more of the risk factors that make up the social history score.

The regression model revealed that contrary to Hypothesis 3, the addition of the social history score to the statistical model was associated with blacks' higher odds of receiving the harsher punishment. In other words, adding the variable was associated with an increase in the direct effects of being black compared to white on disposition decisions. Below I describe the analyses of some of the items that constitute the social history score to try to unpack this unexpected finding. The three items (school enrollment status, gang status, and parents' jail/prison time) are ones that prior research indicates are most likely to differ across race. For this reason, it is possible that they are driving the larger result.

National data on enrollment status show that whites were underrepresented among the suspended or expelled (41 percent of suspensions and 42 percent of expulsions), and black and Latino/a youth were overrepresented (with blacks representing 37 percent of suspensions and 35 percent of expulsions and Latinos/as representing 18 percent of suspensions and 20 percent of expulsions; U.S. Department of Education 2004). In the current analyses, in contrast, blacks are less likely than whites to have been suspended, expelled or to have dropped out, and Latinos/as were more likely than whites to have done so. Although school enrollment status predicted disposition in my analyses, it did little to reduce black-white sentencing disparities. Hence, school enrollment is not driving the social history finding.

I next examined gang status. Some states' risk assessment tools have removed "gang affiliation" from the instrument because minority youth were at greater risk of receiving the gang label simply by virtue of living in high gang-activity communities (e.g., Multnomah County Oregon RAI; Hoytt et al. 2002: 57). In the present data, analyses revealed that blacks were more likely than whites to have had gang involvement (odds ratio 1.35) and to be labeled as associating with gang members (odds ratio 1.53). The same held for Latinos/as (odds ratio of 3.84 for gang involvement and an odds ratio of 3.98 for associating with gang members). Although gang members and those who had gang member associates were more likely to receive the harsher sentence, taking these variables into account in the statistical model did not change black-white disparities in sentencing. Hence, higher levels of gang affiliation fail to explain the racial disparities.

Having a parent in jail or prison also varies by race/ethnicity. In 2007, black youth in the United States were approximately seven times more likely than white youth to have a parent in jail or prison, and Latino/a youth were two-and-one-half times more likely than white youth to

have an incarcerated or jailed parent (Bureau of Justice Statistics 2008: 2). In the current analyses, blacks were 14 percent more likely and Latino/as were 16 percent more likely than whites to have ever had a member of the household in jail or prison. Although having had a member of the household in jail or prison predicted receiving the harsher disposition (odds ratio 1.51), it did not reduce black-white disparities. In sum, although national statistics, studies and the current analyses show that minorities tend to fare worse than whites on several indicators used to construct the social history score, the black-white disposition disparities in my models were not mediated when these indicators were included in the statistical model.

Gender is another variable included in the social history score, and scholars have found that it conditions the relationship between race and juvenile sentencing decisions (e.g., Chesney-Lind, 2006, Guevara, Herz and Spohn, 2006, Leiber and Mack, 2003). To explore this possibility, I constructed interaction terms and ran a regression model predicting disposition. Table 4.15 shows that the interaction term is statistically significant, and Table 4.16 displays the predicted probabilities for each race and gender grouping. For girls, the predicted probability of receiving a commitment decision is very similar for blacks and whites (approximately .08). For boys, however, the predicted probability of blacks receiving a commitment (.16) is higher than that of whites (.12). In sum, although the probability of girls receiving a commitment decision did not depend on race, the probability of receiving a commitment for black boys was higher than the probability for white boys.

Turning now to Hypothesis 4, which predicted that the relationship between race/ethnicity and disposition decision would not depend on the criminal or social history scores, analyses confirmed the hypothesis for the social history score but not for the criminal history score. In other words, the odds of receiving a commitment decision were no different for blacks than for whites across the range of social history scores, but the same could not be said across the criminal history scores. Results showed that for criminal history scores between zero and nine, whites and blacks are equally likely to receive a commitment, holding other variable to their mean. At higher levels of criminal history score, however, whites are more likely than blacks to receive a commitment. In sum, analyses lent support for Hypothesis 4, but only for the social history score.

## 4.6 Figures and tables

DOMAIN 1: Record of Referrals	
<i>Referrals, rather than offenses, are used to assess the persistence of re-offending by the youth. Include only referrals that resulted in diversion, adjudication withheld, adjudication, deferred prosecution or referral to adult court (regardless of whether successfully completed).</i>	
2. <b>Age at first offense:</b> <i>The age at the time of the offense for which the youth was referred to juvenile court for the first time on a non-traffic misdemeanor or felony that resulted in diversion, adjudication withheld, adjudication, deferred prosecution or referral to adult court.</i>	<input type="radio"/> Over 16 <input type="radio"/> 16 <input type="radio"/> 15 <input type="radio"/> 13 to 14 <input type="radio"/> 12 and Under
<b>Felony and misdemeanor referrals:</b> <i>Items 2 and 3 are mutually exclusive and should add to the total number of referrals that resulted in diversion, adjudication withheld, adjudication, deferred prosecution or referral to adult court.</i>	
5. <b>Misdemeanor referrals:</b> <i>Total number of referrals for which the most serious offense was a non-traffic misdemeanor that resulted in diversion, adjudication withheld, adjudication, deferred prosecution or referral to adult court (regardless of whether successfully completed).</i>	<input type="radio"/> None or one <input type="radio"/> Two <input type="radio"/> Three or four <input type="radio"/> Five or more
6. <b>Felony referrals:</b> <i>Total number of referrals for a felony offense that resulted in diversion, adjudication withheld, adjudication, deferred prosecution or referral to adult court (regardless of whether successfully completed).</i>	<input type="radio"/> None <input type="radio"/> One <input type="radio"/> Two <input type="radio"/> Three or more
<b>Against-person or weapon referrals:</b> <i>Items 4, 5, and 6 are mutually exclusive and should add to the total number of referrals that involve an against-person or weapon offense, including sex offenses that resulted in diversion, adjudication withheld, adjudication, deferred prosecution or referral to adult court (regardless of whether successfully completed).</i>	
7. <b>Weapon referrals:</b> <i>Total referrals for which the most serious offense was a firearm/weapon charge or a weapon enhancement finding.</i>	<input type="radio"/> None <input type="radio"/> One or more
12. <b>Against-person misdemeanor referrals:</b> <i>Total number of referrals for which the most serious offense was an against-person misdemeanor – a misdemeanor involving threats, force, or physical harm to another person or sexual misconduct (assault, coercion, harassment, intimidation, etc.).</i>	<input type="radio"/> None <input type="radio"/> One <input type="radio"/> Two or more
13. <b>Against-person felony referrals:</b> <i>Number of referrals involving force or physical harm to another person including sexual misconduct as defined by FDLE as violent felonies.</i>	<input type="radio"/> None <input type="radio"/> One or two <input type="radio"/> Three or more
<b>Sex offense referrals:</b> <i>Items 7 and 8 are mutually exclusive and should add to the total number of referrals that involve a sex offense or sexual misconduct that resulted in diversion, adjudication withheld, adjudication, deferred prosecution or referral to adult court.</i>	
14. <b>Sexual misconduct misdemeanor referrals:</b> <i>Number of referrals for which the most serious offense was a sexual misconduct misdemeanor including obscene phone calls, indecent exposure, obscenity, pornography, or public indecency, or misdemeanors with sexual motivation.</i>	<input type="radio"/> None <input type="radio"/> One <input type="radio"/> Two or more
15. <b>Felony sex offense referrals:</b> <i>Referrals for a felony sex offense or involving sexual motivation including carnal knowledge, child molestation, communication with minor for immoral purpose, incest, indecent exposure, indecent liberties, promoting pornography, rape, sexual misconduct, or voyeurism.</i>	<input type="radio"/> None <input type="radio"/> One <input type="radio"/> Two or more

16. <b>Confinements in secure detention where youth was held for at least 48 hours:</b> <i>Number of times the youth was held for at least 48 hours physically confined in a detention facility.</i>	<input type="radio"/> None <input type="radio"/> One <input type="radio"/> Two <input type="radio"/> Three or more
17. <b>Commitment orders where youth served at least one day confined under residential commitment:</b> <i>Total number of commitment orders and modification orders for which the youth served at least one day confined under residential commitment. A day served includes credit for time served.</i>	<input type="radio"/> None <input type="radio"/> One <input type="radio"/> Two or more
18. <b>Escapes:</b> <i>Total number of attempted or actual escapes that resulted in adjudication.</i>	<input type="radio"/> None <input type="radio"/> One <input type="radio"/> Two or more
12. <b>Pick Up Orders for failure-to-appear in court or absconding supervision:</b> <i>Total number of failures-to-appear in court or absconding supervision that resulted in a pick up order being issued. Exclude failure-to-appear warrants for non-criminal matters.</i>	<input type="radio"/> None <input type="radio"/> One <input type="radio"/> Two or more

Figure 4.1: Record of referrals.

<b>Domain 2 : Social History</b>	
<i>Current is defined as behaviors occurring within the last six months</i>	
2. <b>Youth's Gender</b>	<input type="radio"/> Male <input type="radio"/> Female
3a. <b>Youth's current school enrollment status, regardless of attendance:</b> <i>If the youth is in home school as a result of being expelled or dropping out, check the expelled or dropped out box, otherwise check enrolled.</i>	<input type="radio"/> Graduated, GED <input type="radio"/> Enrolled full-time <input type="radio"/> Enrolled part-time <input type="radio"/> Suspended <input type="radio"/> Dropped out <input type="radio"/> Expelled
3b. <b>Youth's conduct in the most recent term:</b> <i>Fighting or threatening students; threatening teachers/staff; overly disruptive behavior; drug/alcohol use; crimes, e.g., theft, vandalism; lying, cheating, dishonesty.</i>	<input type="radio"/> Recognition for good behavior <input type="radio"/> No problems with school conduct <input type="radio"/> Problems reported by teachers <input type="radio"/> Problem calls to parents <input type="radio"/> Calls to police
3c. <b>Youth's attendance in the most recent term:</b> <i>Full-day absence means missing majority of classes. Partial-day absence means attending the majority of classes and missing the minority. Habitual truancy as defined in FS includes 15 unexcused absences in a 90-day period.</i>	<input type="radio"/> Good attendance with few absences <input type="radio"/> No unexcused absences <input type="radio"/> Some partial-day unexcused absences <input type="radio"/> Some full-day unexcused absences <input type="radio"/> Habitual truant
3d. <b>Youth's academic performance in the most recent school term:</b>	<input type="radio"/> Honor student (mostly As) <input type="radio"/> Above 3.0 (mostly As and Bs) <input type="radio"/> 2.0 to 3.0 (mostly Bs and Cs, no Fs) <input type="radio"/> 1.0 to 2.0 (mostly Cs and Ds, some Fs) <input type="radio"/> Below 1.0 (some Ds and mostly Fs)
4a. <b>History of anti-social friends/companions:</b> <i>Anti-social peers are youths hostile to or disruptive of the legal social order; youths who violate the law and the rights of others and other delinquent youth. (Check all that apply.)</i>	<input type="checkbox"/> Never had consistent friends or companions <input type="checkbox"/> Had pro-social friends <input type="checkbox"/> Had anti-social friends <input type="checkbox"/> Been a gang member/associate
3b. <b>Current friends/companions youth actually spends time with:</b> <i>(Check all that apply.)</i>	<input type="checkbox"/> No consistent friends or companions <input type="checkbox"/> Pro-social friends <input type="checkbox"/> Anti-social friends <input type="checkbox"/> Gang member/associate

<p>6. <b>History of court-ordered or DCF voluntary out-of-home and shelter care placements exceeding 30 days:</b> Exclude DJJ residential commitments.</p>	<p><input type="radio"/> No out-of-home placements exceeding 30 days  <input type="radio"/> 1 out-of-home placement  <input type="radio"/> 2 out-of-home placements  <input type="radio"/> 3 or more out-of-home placements</p>
<p>7. <b>History of running away or getting kicked out of home:</b> Include times the youth did not voluntarily return within 24 hours, and include incidents not reported by or to law enforcement</p>	<p><input type="radio"/> No history of running away/being kicked out  <input type="radio"/> 1 instance of running away/kicked out  <input type="radio"/> 2 to 3 instances of running away/kicked out  <input type="radio"/> 4 to 5 instances of running away/kicked out  <input type="radio"/> Over 5 instances of running away/kicked out</p>
<p>6a. <b>History of jail/imprisonment of persons who were ever involved in the household for at least 3 months:</b> <i>(Check all that apply.)</i></p>	<p><input type="checkbox"/> No jail/imprisonment history in family  <input type="checkbox"/> Mother/female caretaker  <input type="checkbox"/> Father/male caretaker  <input type="checkbox"/> Older sibling  <input type="checkbox"/> Younger sibling  <input type="checkbox"/> Other member</p>
<p>6b. <b>History of jail/imprisonment of persons who are currently involved with the household:</b> <i>(Check all that apply.)</i></p>	<p><input type="checkbox"/> No jail/imprisonment history in family  <input type="checkbox"/> Mother/female caretaker  <input type="checkbox"/> Father/male caretaker  <input type="checkbox"/> Older sibling  <input type="checkbox"/> Younger sibling  <input type="checkbox"/> Other member</p>
<p>6c. <b>Problem history of parents who are currently involved with the household:</b> <i>(Check all that apply.)</i></p>	<p><input type="checkbox"/> No problem history of parents in household  <input type="checkbox"/> Parental alcohol problem history  <input type="checkbox"/> Parental drug problem history  <input type="checkbox"/> Parental physical health problem history  <input type="checkbox"/> Parental mental health problem history  <input type="checkbox"/> Parental employment problem history</p>
<p>7. <b>Current parental authority and control:</b></p>	<p><input type="radio"/> Youth usually obeys and follows rules  <input type="radio"/> Sometimes obeys or obeys some rules  <input type="radio"/> Consistently disobeys, and/or is hostile</p>
<p>8a. <b>Youth's history of alcohol use:</b> <i>(Check all that apply.)</i></p>	<p><input type="checkbox"/> No past alcohol use  <input type="checkbox"/> Past alcohol use  <input type="checkbox"/> Alcohol caused family conflict  <input type="checkbox"/> Alcohol disrupted education  <input type="checkbox"/> Alcohol caused health problems  <input type="checkbox"/> Alcohol interfered with keeping pro-social friends  <input type="checkbox"/> Alcohol contributed to criminal behavior  <input type="checkbox"/> Youth needed increasing amounts of alcohol to achieve same level of intoxication or high  <input type="checkbox"/> Youth experienced withdrawal problems</p>

<p>8b. <b>Youth's history of drug use:</b> <i>(Check all that apply.)</i></p>	<ul style="list-style-type: none"> <li>☒ No past drug use</li> <li>☒ Past drug use</li> <li>☒ Drugs caused family conflict</li> <li>☒ Drugs disrupted education</li> <li>☒ Drugs caused health problems</li> <li>☒ Drugs interfered with keeping pro-social friends</li> <li>☒ Drugs contributed to criminal behavior</li> <li>☒ Youth needed increasing amounts of drugs to achieve same level of intoxication or high</li> <li>☒ Youth experienced withdrawal problems</li> </ul>
<p>8c. <b>Youth's Current alcohol use:</b> <i>(Check all that apply.)</i></p>	<ul style="list-style-type: none"> <li>☒ No current alcohol use</li> <li>☒ Current alcohol use</li> <li>☒ Alcohol causing family conflict</li> <li>☒ Alcohol disrupting education</li> <li>☒ Alcohol causing health problems</li> <li>☒ Alcohol interfering with keeping pro-social friends</li> <li>☒ Alcohol contributing to criminal behavior</li> <li>☒ Youth needs increasing amounts of alcohol to achieve same level of intoxication or high</li> <li>☒ Youth experiences withdrawal problems</li> </ul>
<p>8d. <b>Youth's current drug use:</b> <i>(Check all that apply.)</i></p>	<ul style="list-style-type: none"> <li>☒ No current drug use</li> <li>☒ Current drug use</li> <li>☒ Drugs causing family conflict</li> <li>☒ Drugs disrupting education</li> <li>☒ Drugs causing health problems</li> <li>☒ Drugs interfering with keeping pro-social friends</li> <li>☒ Drugs contributing to criminal behavior</li> <li>☒ Youth needs increasing amounts of drugs to achieve same level of intoxication or high</li> <li>☒ Youth experiences withdrawal problems</li> </ul>
<p><i>For abuse and neglect, include any history that is suspected, whether or not reported or substantiated; exclude reports of abuse or neglect proven to be false.</i></p>	
<p>9a. <b>History of violence/physical abuse:</b> Include suspected incidents of abuse if disclosed by youth, whether or not reported or substantiated, but exclude reports investigated but proven to be false. <i>(Check all that apply.)</i></p>	<ul style="list-style-type: none"> <li>☒ Not a victim of violence/physical abuse</li> <li>☒ Victim of violence/physical abuse at home</li> <li>☒ Victim of violence/physical abuse in a foster/group home</li> <li>☒ Victimized by family member</li> <li>☒ Victimized by someone outside the family</li> <li>☒ Attacked with a weapon</li> </ul>

<p>9b <b>History of witnessing violence:</b> (<i>Check all that apply</i>) Include perpetrators and victims of violence as having witnessed violence.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Has not witnessed violence</li> <li><input type="checkbox"/> Has witnessed violence at home</li> <li><input type="checkbox"/> Has witnessed violence in a foster/group home</li> <li><input type="checkbox"/> Has witnessed violence in the community</li> <li><input type="checkbox"/> Family member killed as result of violence</li> </ul>
<p>9c <b>History of sexual abuse/rape:</b> Include suspected incidents of abuse if disclosed by youth, whether or not reported or substantiated, but exclude reports investigated but proven to be false. (<i>Check all that apply.</i>)</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Not a victim of sexual abuse/rape</li> <li><input type="checkbox"/> Sexually abused/raped by family member</li> <li><input type="checkbox"/> Sexually abused/raped by someone outside the family</li> </ul>
<p>10. <b>History of being a victim of neglect:</b> Include suspected incidents of neglect, whether or not reported or substantiated, but exclude reports investigated but proven to be false.</p>	<ul style="list-style-type: none"> <li><input type="radio"/> Not victim of neglect</li> <li><input type="radio"/> Victim of neglect</li> </ul>
<p>11. <b>History of mental health problems:</b> Such as schizophrenia, bi-polar, mood, thought, personality, and adjustment disorders. Exclude substance abuse and special education since those issues are considered elsewhere. Confirm by a professional in the social service/healthcare field.</p>	<ul style="list-style-type: none"> <li><input type="radio"/> No history of mental health problem(s)</li> <li><input type="radio"/> Past history of mental health problem(s) diagnosis (more than six months ago)</li> <li><input type="radio"/> Diagnosed with mental health problem(s)</li> <li><input type="radio"/> Only mental health medication prescribed. If yes, list _____</li> <li><input type="radio"/> Only mental health treatment prescribed</li> <li><input type="radio"/> Mental health medication and treatment prescribed</li> </ul>

Figure 4.2: Social history.

Table 4.1: Cross-tabulation of criminal history score and race/ethnicity.

Criminal History Score	White	Black	Latino/a	Total
0-5	36.25	21.73	34.75	29.40
6-8	27.16	24.68	27.26	26.03
9-11	15.99	17.31	15.64	16.55
12-31	20.60	36.28	22.34	28.02
(N)	11,009	12,239	3,433	26,681

$\chi^2=1200.00, P=0.00$



Table 4.2: Cross-tabulation of criminal history score and disposition.

Disposition	0-5	6-8	9-11	12-31	Total
Community	97.96	91.64	78.01	44.84	78.13
Commitment	2.04	8.36	21.99	55.16	21.87
(N)	7,844	6,946	4,416	7,475	26,681

$\chi^2=7400, P=0.00$

Table 4.3: Mean criminal history score by race/ethnicity and disposition.

Disposition	White	Black	Latino/a	Avg Crim History Score
Community	6.73	8.38	6.89	7.47
Commitment	13.37	15.46	13.91	14.59
Avg crm history score	7.94	10.25	8.13	9.02

Table 4.4: Cross-tabulation of social history score and race/ethnicity.

Social History Score	White	Black	Latino/a	Total
0-5	64.26	67.08	66.76	65.87
6-9	27.49	27.05	27.06	27.23
10-18	8.26	5.87	6.18	13.79
(N)	11,009	12,239	3,433	26,681

$\chi^2=142.47, P=0.00$

Table 4.5: Cross-tabulation of social history score and disposition.

Disposition	0-5	6-9	10-18	Total
Community	85.19	67.64	52.09	78.13
Commitment	14.81	32.36	47.91	21.87
(N)	17,576	7,266	1,839	26,681

$\chi^2=1700, P=0.00$

Table 4.6: Mean social history score by race/ethnicity and disposition.

Disposition	White	Black	Latino/a	Avg Soc History Score
Community	4.47	4.26	4.37	4.37
Commitment	6.70	5.94	6.19	6.23
Avg Soc History Score	4.88	4.70	4.69	4.77

Table 4.7: ANOVA Criminal history score and race/ethnicity.

Race/Ethnicity	Mean (Standard Deviation)	Frequency
White	7.94 (4.83)	11,009
Black	10.25 (5.67)	12,239
Latino/a	8.13 (4.83)	3,433
Total	9.02 (5.35)	26,681

F=620.34, p>F=0.00

Table 4.8: ANOVA social history score and race/ethnicity.

Race/Ethnicity	Mean (Standard Deviation)	Frequency
White	4.88 (3.02)	11,009
Black	4.70 (2.72)	12,239
Latino/a	4.69 (2.79)	3,433
Total	4.77 (2.86)	26,681

F=12.61, p>F=0.00

Table 4.9: OLS regression of criminal history score on race/ethnicity and controls.

Criminal History	
<b>Demographic Variables</b>	
<i>Race/Ethnicity</i>	
Black	1.63*** (0.06)
Latino/a	-.08 (.09)
<i>Age</i>	-.08*** (0.02)
<i>Household Income</i>	-.16*** (0.02)
<b>Legal Variables</b>	
<i>Current Offense</i>	
Person	.90*** (.07)
Weapon	-.76*** (.14)
Public	1.11*** (.09)
Drug	.27** (.08)
<i>Felony</i>	1.32*** (.06)
<i>Detained</i>	4.94*** (.06)
<i>MSA</i>	-.20*** (.06)
<i>Jurisdiction</i>	
Central	.79*** (.07)
South	.20** (.08)
Constant	6.05 (.32)
R <sup>2</sup>	.28
N	26,681

\*\*p<.01 \*\*\*p<.001

Table 4.10: OLS regression of social history score on race/ethnicity and controls.

Social History	
<b>Demographic Variables</b>	
<i>Race/Ethnicity</i>	
Black	-.34*** (0.04)
Latino/a	-.18 (.05)
<i>Age</i>	-.06*** (0.01)
<i>Household Income</i>	-.00 (0.00)
<b>Legal Variables</b>	
<i>Current Offense</i>	
Person	-.09 (.04)
Weapon	-.52*** (.09)
Public	.14 (.05)
Drug	.29*** (.05)
<i>Felony</i>	-.10** (.04)
<i>Detained</i>	1.86*** (.04)
<i>MSA</i>	-.24*** (.03)
<i>Jurisdiction</i>	
Central	.22*** (.04)
South	-.19*** (.19)
Constant	4.82 (.19)
R <sup>2</sup>	.10
N	26,681

\*\*p<.01    \*\*\*p<.001

Table 4.11: Logistic regression of disposition on race/ethnicity, criminal history score, social history score, and controls

	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6	Model 7
	Commit	Commit	Commit	Commit	Commit	Commit	Commit
<b>Demographic Variables</b>							
<i>Race/Ethnicity</i>							
Black	1.36***	0.86***	1.50***	0.93	1.19	1.45***	1.30
Latino	1.01	1.02	1.07	1.05	0.73	1.05	0.82
<i>Age</i>	1.09***	1.09***	1.11***	1.11***	1.09***	1.11***	1.11***
<i>Household Income</i>	0.99	1.04**	0.98	1.03**	1.04**	0.98	1.03**
<b>Legal Variables</b>							
<i>Current Offense</i>							
Person	1.15***	0.98	1.18***	1.00	0.97	1.18***	1.00
Weapon	0.60***	0.74**	0.67***	0.78	0.73	0.67***	0.77
Public	1.67***	1.36***	1.66***	1.37***	1.35***	1.66***	1.36***
Drug	1.13	1.12	1.10	1.11	1.11	1.11	1.10
<i>Felony</i>	2.22***	1.90***	2.35***	1.98***	1.90***	2.35***	1.99***
<i>Detained</i>	22.93***	8.62***	17.57***	7.62***	8.55***	17.57***	7.56***
<i>MSA</i>	1.01	1.08	1.06	1.11	1.08	1.06	1.11
<i>Jurisdiction</i>							
Central	0.61***	0.42***	0.58***	0.41***	0.42***	0.58***	0.41***
South	0.55***	0.43***	0.56***	0.43***	0.43***	0.56***	0.44***
<b>PACT</b>							
<i>Crim History Score</i>		1.28***		1.26***	1.29***		1.28***
<i>Social History Score</i>			1.18***	1.11***		1.18***	1.11***
<b>Interaction Terms</b>							
<i>Black*Crim History</i>					0.97**		0.98**
<i>Latino*Crim History</i>					1.03		1.03
<i>Black*Soc History</i>						1.01	0.99
<i>Latino*Soc History</i>						1.00	0.98
Pseudo R <sup>2</sup>	0.20	0.36	0.23	0.37	0.36	0.23	0.37
-2 log likelihood	11214.06	8981.38	10789.52	8858.08	8971.12	10789.43	8848.52
N	26,681	26,681	26,681	26,681	26,681	26,681	26,681

Coefficients are odds ratios. Reference group is “community.”

\*\*p<.01   \*\*\*p<.001

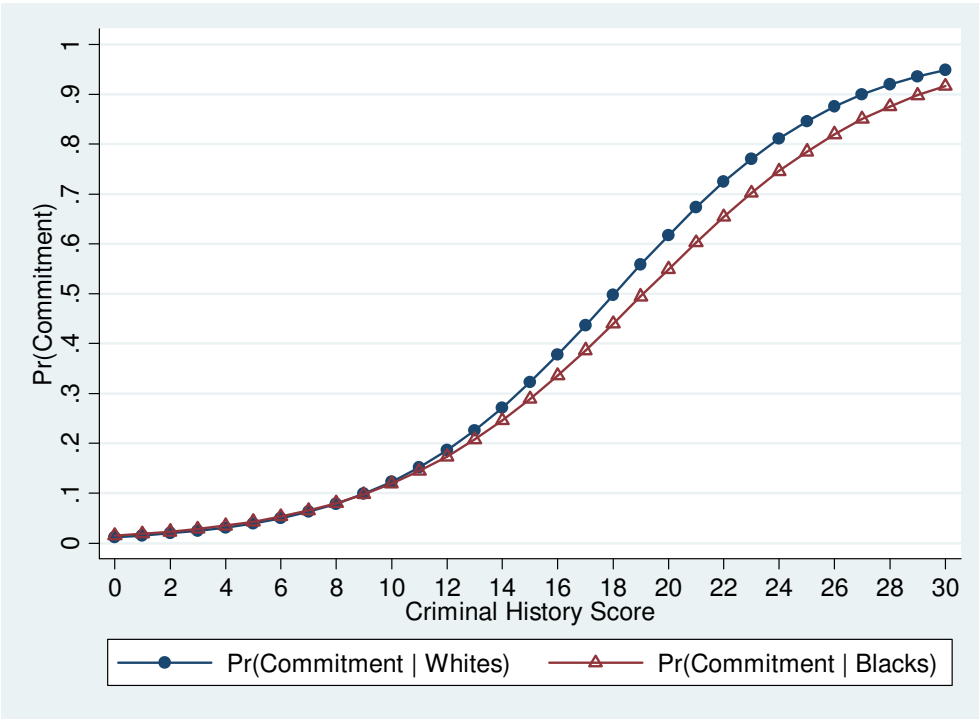


Figure 4.3: Race/ethnicity, disposition and criminal history score.

Table 4.12: Logistic regression of disposition on race/ethnicity, criminal history and control with Latinos/as as the reference group.

	Model 1	Model 2
	Commitment	Commitment
<b>Demographic Variables</b>		
<i>Race/Ethnicity</i>		
Black	0.84**	1.63**
White	0.98	1.37
<i>Age</i>	1.09***	1.09***
<i>Household Income</i>	1.04**	1.04**
<b>Legal Variables</b>		
<i>Current Offense</i>		
Person	0.98	0.97
Weapon	0.74**	0.73**
Public	1.36***	1.35***
Drug	1.12	1.11
<i>Felony</i>	1.90***	1.91***
<i>Detained</i>	8.62***	8.55***
<i>MSA</i>	1.08	1.08
<i>Jurisdiction</i>		
Central	0.42***	0.42***
South	0.43***	0.43***
<b>PACT</b>		
<i>Criminal History Score</i>	1.28***	1.33***
<b>Interaction Terms</b>		
<i>Black*Criminal History</i>		0.95***
<i>White*Criminal History</i>		0.97
Pseudo R <sup>2</sup>	0.36	0.36
-2 log likelihood	10065.69	10086.22
N	26,681	26,681

Note: Coefficients are odds ratios. Reference group is “community.”  
 \*\*p<.01    \*\*\*p<.001

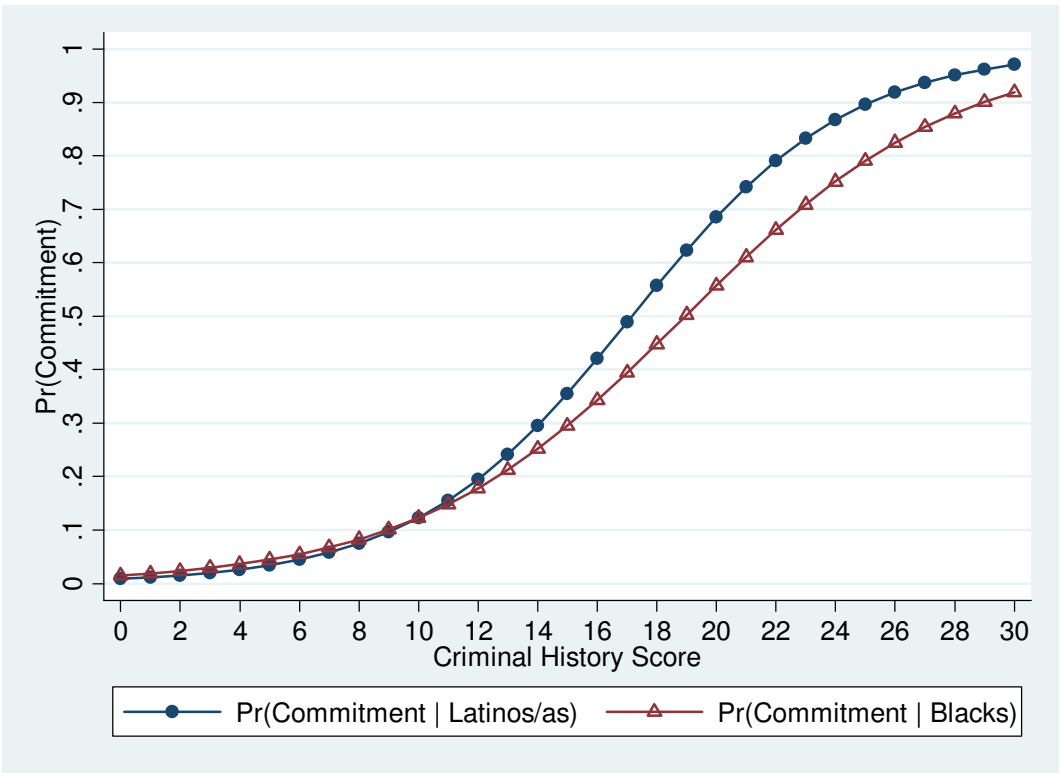


Figure 4.4: Race/ethnicity, disposition and criminal history score.



Table 4.13: OLS regression of number of prior detentions on race/ethnicity and controls.

	Number of Prior Detentions
<b>Demographic Variables</b>	
<i>Race/Ethnicity</i>	
Black	-.33*** (0.02)
Latino/a	-.09*** (0.02)
<i>Household Income</i>	-.01 (0.00)
<b>Legal Variables</b>	
<i>MSA</i>	-.00 (.03)
<i>Jurisdiction</i>	
Central	.16*** (.02)
South	-.12*** (.02)
Constant	1.74 (.02)
R <sup>2</sup>	.03
N	26,681

---

\*p<.05    \*\*p<.01    \*\*\*p<.001

Table 4.14: Logistic regression of disposition on race/ethnicity, number of prior detentions and controls

Model 1	
Commitment	
<b>Demographic Variables</b>	
<i>Race/Ethnicity</i>	
Black	1.17***
Latino/a	0.98
<i>Age</i>	1.06***
<i>Household Income</i>	0.99
<b>Legal Variables</b>	
<i>Current Offense</i>	
Person	1.22***
Weapon	0.73**
Public	1.52***
Drug	1.09
<i>Felony</i>	2.27***
<i>Detained</i>	8.57***
<i>MSA</i>	1.03
<i>Jurisdiction</i>	
Central	0.48***
South	0.53***
<b>Criminal History Variable</b>	
<i>Number of Prior Detentions</i>	2.15***
Pseudo R <sup>2</sup>	0.28
-2 log likelihood	10056.96
N	26,681

\*\*p<.01   \*\*\*p<.001

Table 4.15: Logistic regression of disposition on race/ethnicity, gender, the interaction of race/ethnicity and gender, and controls.

	Model 1	Model 2
	Commitment	Commitment
<b>Demographic Variables</b>		
<i>Race/Ethnicity</i>		
Black	1.35**	0.95
Latino/a	0.97	1.02
<i>Age</i>	1.09***	1.09***
<i>Household Income</i>	0.99	0.99
<b>Legal Variables</b>		
<i>Current Offense</i>		
Person	1.20***	1.20***
Weapon	0.59***	0.59***
Public	1.68***	1.68***
Drug	1.09	1.09
<i>Felony</i>	2.14***	2.14***
<i>Detained</i>	22.28***	22.19***
<i>MSA</i>	1.01	1.01
<i>Jurisdiction</i>		
Central	0.61***	0.61***
South	0.55***	0.54***
<b>PACT</b>		
<i>Gender</i>	1.74***	1.41***
<b>Interaction Terms</b>		
<i>Black*Gender</i>		1.52***
<i>Latino/a*Gender</i>		0.96
Pseudo R <sup>2</sup>	0.21	0.21
-2 log likelihood	11139.99	11129.51
N	26,681	26,681

\*\*p<.01   \*\*\*p<.001

Table 4.16: Predicted probability of receiving a commitment by race and gender.

<b>Race and Gender</b>	<b>Predicted Probability (Commitment)</b>	<b>95% Confidence Interval</b>
Black Girls	0.0833	0.0733, 0.0932
White Girls	0.0874	0.0766, 0.0982
Black Boys	0.1630	0.1537, 0.1724
White Boys	0.1190	0.1111, 0.1269

## **CHAPTER FIVE**

### **SUMMARY OF FINDINGS, IMPLICATIONS, LIMITATIONS AND DIRECTIONS FOR FUTURE RESEARCH**

Racial and ethnic disparities in the juvenile justice system are problematic, and policy makers and researchers have worked to expose these disparities, find their sources, and reduce them. The goal of this dissertation has been to examine the role of Florida's risk assessment tool, the Positive Achievement Change Tool [PACT], as a possible mechanism for reducing the direct effect of race and ethnicity on disposition decisions. Findings largely lend support to institutional discrimination. I also discuss the findings in light of the New Penology theory below. In this final chapter, I discuss the dissertation's contribution to the literature on racial and ethnic disparities in juvenile justice sentences, its limitations, and directions for future research.

#### **5.1 Summary of findings**

This section describes the major findings from Chapters 3 and 4. Chapter 3 examined the role of the PACT as a mediating and moderating variable between race/ethnicity and disposition decision. Chapter 4 examined the role of the criminal and social history scores as mediating and moderating variables between race/ethnicity and disposition decision and also unpacked some of the items that constituted the social and criminal history scores. Below I summarize results from each chapter in turn.

Chapter 3 examined two research questions and tested two hypotheses. The first research question asked if the PACT risk classification accounts for some of the racial/ethnic disparities in disposition decisions, and the first hypothesis predicted that the risk classification would either completely or partially mediate the relationship. Three findings support Hypothesis 1. Net of controls, results showed that blacks were more likely than whites to have a worse PACT classification, were more likely to receive a commitment decision, and that including the PACT variable in the model predicting disposition decision reduced the direct effect of being black on receiving a commitment decision. By contrast, results comparing Latinos/as to whites did not support Hypothesis 1 because Latinos/as were no more likely than whites to have a worse PACT

classification and because their odds of receiving a commitment were no different than whites'. In sum, Hypothesis 1 was supported, but only for black-white comparisons.

Chapter 3's next research question asked if black and Latino/a juvenile offenders compared to their white counterparts with equivalent risk classifications receive similar dispositions, which Hypothesis 2 predicted they would. In support of Hypothesis 2, the relationship between PACT classification and disposition decision did not depend on race or ethnicity.

Chapter 4 examined two additional research questions and hypotheses. The first research question asked whether the criminal history scores or the social history scores reduced the relationship between race/ethnicity and disposition decision, and Hypothesis 3 predicted that they would. In support of Hypothesis 3, the addition of the criminal history score to the statistical model was associated with a reduction in blacks' odds of receiving a commitment. By contrast, the addition of the social history score (on which blacks unexpectedly scored lower than whites) was associated with blacks' higher odds of receiving a commitment, contrary to Hypothesis 3. In sum, Hypothesis 3 was supported for the criminal history but not the social history scores.

Chapter 4's next research question asked if black and Latino/a juvenile offenders compared to their white counterparts with equivalent criminal and social history scores receive similar dispositions, which Hypothesis 4 predicted they would. Regarding the criminal history score, contrary to Hypothesis 4, its relationship to disposition decision depended on race, but only when the criminal history score was above nine (on a scale of 0 to 30), at which point whites were more likely than blacks to receive a commitment. Regarding the social history score, race failed to condition the relationship between it and disposition, supporting Hypothesis 4. In sum, Hypothesis 4 was supported for the social history score but not for the criminal history score.

## **5.2 Implications and contributions to the literature**

This section discusses the implications of these findings and the dissertation's contributions to the literature.

Some scholars have argued that the use of risk assessment instruments, if done right, can actually lessen the impact of race on justice outcomes. According to this argument, risk assessments can reduce discrimination because they standardize how offenders are classified and provide a mechanism of accountability for decision making and thus decision makers' ability to consciously or unconsciously discriminate is reduced (e.g., Hoytt et al, 2002; Moore, 1986; Muncie, 2006; Mulvey and Iselin, 2008). This argument is based on the assumption that risk assessment instruments and the items that comprise them are race neutral.

In 1992, Feeley and Simon wrote an article that has become much cited that documented a shift in criminal justice during the late 1970s from the "old penology" to what they referred to as the "new penology." The former referred to the criminal justice system's focus on the individual offender, which allowed the system and practitioners to draw on criminological theory to identify the needs of offenders, consider their criminal intent, and devise sanctions that focus on individual-based theories of punishment that included rehabilitation, reintegration, retraining, and occupational training, using recidivism as a measure of the sanction's success or failure (Feeley and Simon, 1992). In contrast, the new penology uses incapacitation and actuarial criminology, whereby offenders are aggregated into risk classes, after which "selective incapacitation" is used to lock up the highest-risk offending group (while relinquishing social control over low-risk offending groups).

Why did the criminal justice system shift from the old penology to the new penology? According to Feeley and Simon (1992), the criminal justice system experienced this shift primarily because the old system was expensive and time consuming while the new system was inexpensive and quick. The new penology is not about rehabilitation, but rather about how smoothly the system functions in the most cost efficient way. The new penology allows the quick identification of high risk offenders through risk assessment tools, which often also contain sentencing recommendations that speed up the sanctioning process. Because the range of sentencing options has been reduced (California, for example, used to have drug prisons, mental health prisons, and occupational-training facilities but now has prisons classified by inmates' risk level; Feeley and Simon, 1992: 461), the cost of "warehousing" offenders is reduced. The new rubric for assessing success under the new penology is not based on reducing recidivism but instead is measured by rubrics such as the time it takes to process cases or the number of cases processed in a given amount of time. Other reasons underlying the shift include a real rise in

crime, an increase in the public's fear of crime and their corresponding increase in support of harsh criminal sanctions plus a desire to have more accountability in sentencing decisions (Feeley and Simon, 1992). The theory's focus on the justice system's interest in speedy and economical outcomes led Feeley and Simon in later work to call the new penology "actuarial justice" to highlight the importance of classification and management of those deemed as being social threats (1994 and 1995).

The new penology or actuarial justice seeks to identify those deemed most dangerous or most threatening to the social order and uses actuarial science to generate risk assessment tools that identify an aggregate group of high-risk offenders (Feeley and Simon, 1992; 1994 and 1995). Feeley and Simon identify this group as made up of the highly marginalized--people who are racially and ethnically marginalized, highly segregated, unemployed, or living in unstable neighborhoods (i.e., the "Urban Underclass," Wilson 1987). Deviance and crime are assumed to be normal in this population, and therefore these problems are to be managed, not solved or even alleviated. The new penology manages the urban underclass (especially young, minority inner-city men) by identifying them as a criminal and social risk and managing the threat they present to the social order by warehousing them in jails, prisons, and boot camps (Feeley and Simon, 1992:456).

The new penology or actuarial justice theory, while developed in the criminal justice context, has been applied to recent shifts in the juvenile justice system. Scholars have argued that the juvenile justice system has moved away from considerations of the best interests of the child to considerations of public safety and cost efficiency (Kempf-Leonard and Peterson, 2000:73). At the same time, juvenile justice systems across the U.S. are adopting risk assessment instruments as a way to identify, detain, sentence, and efficiently manage groups that actuarial science has determined to be high risk (poor, minority males, in particular; Kempf-Leonard and Peterson, 2000:73). Kempf-Leonard and Peterson (2000) link the actuarial justice theory to several recent changes in juvenile justice. The first is the growth in the detention population. Detention, they argue, is increasingly used to manage risky populations--effectively incapacitating them even before guilt has been adjudicated-- rather than for rehabilitation or punishment. The second change is the growth in the number of privately-run juvenile confinement facilities and community-based services, which has enhanced the system's efficiency and increased its ability to involve more youth in the juvenile justice system (Kempf-



Leonard and Peterson, 2000). Such private facilities are expensive, however, and minority and poor youth tend to end up in state run facilities, which are stigmatized and result in poorer outcomes for their inmates. Overall, however, the cost to the state is lessened. Neither form of sanctioning provides rehabilitation; they are intended to manage the risky population. Community based services also do not provide rehabilitation and instead provide a mechanism that allows the monitoring and quick arrest of lower risk youth if they step out of line. The third area of change is in the handling of cases. In the past, case screening was largely informal, based on interviews with youth and their parents to determine the child's needs (Kempf-Leonard and Peterson, 2000:79). The goals of actuarial justice, however, have shifted the case processing away from this *parens patriae* ideal. Quick, cost-efficient risk assessment instruments determine risk, and determinant sentencing, waivers, transfers, and certifications have created offense-, age-, and prior record-based criteria for sentencing (Kempf-Leonard and Peterson, 2000:79). In sum, scholars have argued that the new penology or actuarial justice has eroded *parens patriae* ideals of the juvenile justice system.

The findings of this dissertation are consistent with both institutional discrimination and the New Penology arguments because they reveal that the PACT indirectly identifies black offenders as being more risky than white offenders (although the dissertation cannot ascertain whether cost controls and warehousing goals were the reason as the New Penology would argue). Florida's Juvenile Justice System has moved towards the New Penology by adopting the PACT-- a risk assessment instrument used to classify individual offenders into risk classes and then sort them into dispositions.

In particular, when the overall PACT classification variables were added to the model, they reduced the relationship between being black and the odds of receiving a commitment (the harsher of the two outcomes). This finding would appear to be contrary to the New Penology hypothesis, which would predict that adding the PACT score to the equation would be associated with blacks' higher odds of receiving a commitment. Yet the black-white sentencing disparity is being accounted for by race differences in the PACT, meaning that the odds are lower because blacks had been identified by the PACT as being more risky than whites. Had the PACT classification not been associated with a reduction of the direct effects of race on disposition, it would mean that the PACT is not being used to sort black and white offenders into disposition decisions. The finding that blacks and whites in the same risk category did not differ in the odds

of receiving a commitment is consistent with the New Penology hypothesis. Because the PACT has already re-classified blacks into a new class of risky offenders, there is no need to interpret the risk classifications differently for blacks and whites. Because the New Penology aims to aggregate the threatening population into a risky group and then control that population by warehousing them, this finding is not surprising. The juvenile probation officers interpret the risk scores the same regardless of the offender's race because the risky aggregate has already been identified by the risk assessment instrument (i.e. blacks have already been identified by the risk classification instrument as being risky and in need of commitment).

Findings regarding the relationship between race, the criminal history score, and disposition also support the New Penology hypothesis. Being black compared to white was associated with higher criminal risk scores, and adding the criminal history score to the model was associated with blacks' lower odds of receiving the harsher disposition. I interpret this finding to mean that blacks' higher criminal rating is responsible for the reduction. These findings support the New Penology because the criminal history score, as one score that makes up the overall risk classification, identifies blacks as being more criminally risky, and because the criminal history score is associated with the harsher disposition. In other words, the criminal history score (but not the social history score) is being used by the risk assessment instrument to ensure that risky offenders (black juveniles) are identified and warehoused (committed to a residential facility).

Findings regarding the social history score do not support the New Penology hypothesis. If blacks had riskier social history scores than whites, and if their odds of receiving a commitment were less once the variable was controlled, then the New Penology hypothesis would have been supported. The opposite, however, was the case. Despite having lower social history scores, adding the variable to the model was associated with blacks' higher odds of receiving a commitment. Two interpretations are possible. The first is that the criminal history score, but not the social history score, is used to statistically identify the risky aggregate, since it is more useful for purposes of warehousing. The second interpretation is that although black youth's indicate they are less socially risky than white youth, juvenile probation officers' stereotypes are nevertheless primed upon hearing accounts of the black youth's social lives, leading them to recommend harsher sentences. Sub-analyses revealed that black juvenile offenders were more likely than white ones to be labeled as having been a member of or

affiliated with a gang and to have had a parent in jail or prison. Although these factors did not affect black-white disposition disparities quantitatively, it is possible that they did so qualitatively via stereotyping, resulting in probation officers recommending harsher sentences for blacks. Although the data do not allow adjudication of these possibilities, the finding that adding the social history score to the model predicting disposition is associated with an increase in the direct effect of being black on receiving a commitment is troubling because black offenders, overall, are rated as being less socially risky, and thus it appears that bias is operating.

Analyses of gender, a risk factor included in the social history score, revealed that black, male offenders had the highest probability of receiving a commitment decision. Previous research has shown a similar race and gender pattern (e.g., Chesney-Lind, 2006, Herz and Spohn, 2006, Leiber and Mack, 2003). These findings coupled with the New Penology hypothesis sheds light on exactly which group the system seeks to warehouse--black males. In *Punishment and Inequality in America*, Bruce Western (2006) argued that the criminal justice system is engaging in mass incarceration, noting that the targets of mass incarceration are less educated, young, black men in urban neighborhoods. Perhaps the target of the New Penology operating in the juvenile justice system is the young, black male.

Finally, the findings regarding Latinos/as speaks to the literature on racial and ethnic disparities and on Feld's (1991) "Justice by Geography." Researchers often make minority-white or black-white comparisons in the study of juvenile justice disparities, but this dissertation includes Latinos/as and shows that in Florida they receive similar dispositions as whites and more lenient ones than blacks. Geography explains why Latinos/as do not receive harsher punishments than the other two groups: Results revealed that Latinos/as are more likely than whites and blacks to live in South Florida where the likelihood of receiving a commitment is lower than in North or Central Florida.

### **5.3 Limitations and directions for future research**

This section describes several limitations of the dissertation and suggests future areas of research.

The first limitation is that it analyzes cross-sectional data, which means it cannot assess whether or not the PACT reduces racial and ethnic disparities. One necessary condition to

establish causality is time order, which would require a sample of offenders who did not receive the PACT (i.e., during the pre-PACT era) to be compared to a sample of offenders who did receive the PACT (i.e., during post-PACT era). The data analyzed in this dissertation use data from a sample of offenders who were all administered the PACT. Future research should attempt to create a pre-PACT sample and post-PACT sample to study the effects of the PACT as a mechanism for reducing racial and ethnic disparities.

A second limitation is that the specific scoring of the items comprising the criminal and social history scores are the proprietary information of Assessments.com and unavailable to researchers. Thus, it is unknown whether some items are weighted more heavily than others in the total PACT score.

The third limitation involves possible omitted variables. Although every effort was made to control for factors that affect juvenile sentencing outcomes and for factors indirectly related to race and ethnicity, I lacked data on other factors that are likely to affect the outcome. Some examples of omitted variables include: having a parent available when the juvenile probation officer telephones, having legal representation, and whether the offense was school related. Future studies should attempt to control for these and other variables that might affect the findings.

The fourth limitation stems from having only quantitative data to analyze. It would be a very valuable aid to analysis to have been able to observe probation officers while they administer the PACT and when they later record the interview into the PACT software. Are there questions the probation officers ask only of certain youth? Are they able to accurately recall the information from the interview? Does the demeanor or race/ethnicity of the probation officer or offender affect aspects of how the interview is conducted? These are important questions that the quantitative data did not allow me to assess. Future research should combine the strengths of quantitative data with the strengths of qualitative data to better understand disposition disparities.

## APPENDIX

### USE OF HUMAN SUBJECTS IN RESEARCH--APPROVAL MEMORANDUM

Office of the Vice President For Research

Human Subjects Committee

Tallahassee, Florida 32306-2742

(850) 644-8673, FAX (850) 644-4392

#### RE-APPROVAL MEMORANDUM

Date: 3/7/2011

To: Lori Moore 

Address:

Dept.: SOCIOLOGY

From: Thomas L. Jacobson, Chair

Re: Re-approval of Use of Human subjects in Research

How Race/Ethnicity, Gender and Age Shape Juvenile Disposition Decisions

Your request to continue the research project listed above involving human subjects has been approved by the Human Subjects Committee. If your project has not been completed by 2/29/2012, you are must request renewed approval by the Committee.

If you submitted a proposed consent form with your renewal request, the approved stamped consent form is attached to this re-approval notice. Only the stamped version of the consent form

may be used in recruiting of research subjects. You are reminded that any change in protocol for this project must be reviewed and approved by the Committee prior to implementation of the proposed change in the protocol. A protocol change/amendment form is required to be submitted for approval by the Committee. In addition, federal regulations require that the Principal Investigator promptly report in writing, any unanticipated problems or adverse events involving risks to research subjects or others.

By copy of this memorandum, the Chair of your department and/or your major professor are reminded of their responsibility for being informed concerning research projects involving human subjects in their department. They are advised to review the protocols as often as necessary to insure that the project is being conducted in compliance with our institution and with DHHS regulations.

Cc: []

HSC No. 2011.5914

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## **BIOGRAPHICAL SKETCH**

### **Lori Dawn Moore**

Lori Dawn Moore received her Ph.D from Florida State University in the summer of 2011. Her research focuses on inequality in the juvenile justice system. She has co-authored a paper that uses intersectionality theory to examine racial and ethnic disparities among girls in Florida's juvenile justice system, which was published in *Feminist Criminology*. Her teaching includes Introductory Sociology, Social Statistics, and Crime and Society. Lori received her bachelor's and master's degrees from Florida State University.