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# Influences on Juvenile-Justice Court Dispositions: Sentencing Disparities, Race, Legal Representation, Degree of Offending, and Conflict in the Juvenile Justice System

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INFLUENCES ON JUVENILE-JUSTICE COURT DISPOSITIONS: SENTENCING  
DISPARITIES, RACE, LEGAL REPRESENTATION, DEGREE OF OFFENDING, AND  
CONFLICT IN THE JUVENILE JUSTICE SYSTEM

A Thesis

Presented to

The Faculty of the Department of Sociology

Western Kentucky University

Bowling Green, Kentucky

In Partial Fulfillment

of the Requirement for the degree

Master of Sociology

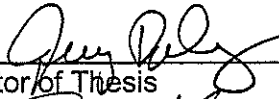
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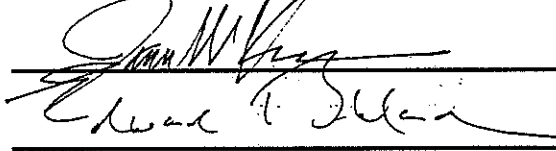
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Date Recommended Nov. 17, 2008

  
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Director of Thesis

  
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Influences on Juvenile-Court Dispositions: Sentencing  
Disparities, Race, Legal Representation, Degree of Offending,  
and Conflict in the Juvenile-Justice System

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The present study uses the 1998 data from the Juvenile Defendants in Criminal Courts (JDCC) to assess the influence of race, crime committed, legal representation, and number of total offenses on whether or not a juvenile receives a sentence that includes jail time. Previous research has found that juveniles who are represented by a private attorney are more likely to receive a sentence that includes secure confinement (Guevara, Spohn, and Herz 2004). Guevara et al. also found that white juveniles were more likely than nonwhite to receive probation instead of secure confinement when type of offense and prior criminal history were held constant. Previous research has also found that sex, age, prior misdemeanors, prior violent misdemeanors, probation violations, prior community interventions, prior residential placements, and legal representation all had significant relationships to disposition

outcomes (O'Neill 2004). Conflict theory suggests that the conflict between social groups arises from inequality in power. Conflict theory suggests that racial and social-class level have direct impacts on incarceration of adults when crime is held constant (Arvanites and Asher 1998:208). Inequality in juvenile placements can also be explained by this inequality in power. This research indicates that the most influential factor in juvenile sentencing is the total number of charges. While race, legal representation, and crime with which charged affected the odds of receiving jail time, the only variables with a significant relationship were total number of offenses and robbery.

## CHAPTER I

### INTRODUCTION

As a society are we taking care of our future? People constantly say that children are the leaders of the future, yet there are large numbers of children being placed in juvenile-justice facilities each year. Youth in the juvenile-justice system have committed some offense for which they have been adjudicated and sentenced. The August 2008 Juvenile Justice Bulletin from the Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention estimated that there were approximately 2.1 million juveniles arrested in 2005 (United States Department ... 2008).

Sentencing disparity is one of the flaws often noted in the juvenile-justice system. There are a number of youth who commit similar offenses but face very different sentences. One issue that leads to sentencing disparity in the juvenile-justice system is the amount of variability that exists among court officials and how their views of the situational circumstances of juveniles differ. This variation leads to inconsistencies that make it harder to



ensure fairness and equality for all juveniles (Bortner 1998:124). In order to prevent future inequalities, we must gain understanding of how and why they exist. Sentencing outcomes are the most visible part of the court process and, therefore, can influence the public's view of legitimacy in the legal system (Kleck 1981).

Through gaining a more accurate understanding of the processes involved in juvenile-court dispositions, we can work to reduce the number of juveniles who are given sentences that are unfairly biased. A closer look at disposition proceedings will give insight as to what types of programs would be beneficial for juveniles. For instance, juveniles who are arrested for drug possession might benefit more from a drug-treatment program than from being placed in a lock-down facility without treatment.

Finding solutions for sentencing disparities among juvenile defendants could have a substantial impact on whether they continue to commit crime or are able to become law-abiding citizens in the future. If the course of the juvenile can be changed through intervention, this change might also reduce the adult prison population of the future by making it less likely these juveniles will be there.

This research examined the inequality in sentences received by juveniles who were arrested for felony offense

and have appeared in the court system in several counties of California. This research project seeks to address two fundamental questions: 1) Are some racial/ethnic groups more likely to receive stricter or more severe sentences for specific types of crime?, and 2) Are these differences based on the crime committed or the legal representation present? These questions are important to future juvenile dispositional proceedings, and this study represents one attempt to highlight the effects of race, legal representation, and criminal involvement in sentencing outcomes.

## CHAPTER II

### LITERATURE REVIEW

Laws surrounding juvenile offenders were changed during the time from the 1820s through the 19<sup>th</sup> century. John R. Sutton looked at the process by which laws were changed and how juveniles and their families were impacted by the changes. The changes made it possible to distinguish children from adults in the legal process, which gave them a better chance of being treated fairly. (Sutton 1983: 915) noted that:

legislative enactments of this period not only recognized the existence of the child but also imposed on juveniles unprecedented legal liabilities, defined new categories of deviance, and declared the necessity of discriminating between children and adults in society's response to deviant behavior.

#### Juvenile Placements

Due to the distinction between delinquent juveniles and neglected juveniles, juvenile offenders began to be placed in environments where they could get treatment. It is important to separate delinquent juveniles from neglected juveniles before the neglected juveniles model the behavior of the delinquent juveniles. The distinction between delinquent and neglected juveniles came about due

to authorities recognizing that juvenile offenders were not the same as adult offenders. Most states allowed the legal system to retain authority of both delinquent juveniles and neglected juveniles (Sutton 1983).

The period between 1880 and 1930 was a time of social change. During this time period the juvenile-justice system was being created (Bortner 1988:44). The period between 1900 and 1920 was known as the "Progressive Era" due to the reform movements taking place. The juvenile-justice system was a result of the reforms (Bortner 1988:45). During the 1960s and 1970s the juvenile-justice system faced numerous challenges. It was during this time that the United States Supreme Court granted some constitutional rights to juveniles. While juveniles were not granted the full constitutional rights of adults, the rights extended juveniles were extended to all juveniles (Bortner 1988:58).

In the 1980s the juvenile-justice system began to see a sharp increase in the number of juveniles being arrested and placed within this system. This increase in juvenile arrests continued to climb into the 1990s, peaking in 1994. According to Charles M. Puzanchera (2002), the number of juveniles placed in out-of-home placements grew from 119,700 in 1989 to 163,800 in 1998. The increase led

authorities to seek an alternative for these youth in order to avoid out-of-home placements. Out-of-home placements cause conflict for juveniles because of the labels attached to the placements. Juveniles who are labeled as delinquent and placed in secure confinements view themselves as they perceive others to view them and must decide to either cease criminal activity or to continue as they feel they are expected to. When the juvenile begins to view himself in negative terms, it leads to the youth acting in the way he thinks is expected (Bartusch and Matsueda 1996). While labeling theory addresses the impact society's view has on the juvenile, conflict theory addresses the personal conflict the youth faces when deciding which path to take. Personnel who work with diversion programs began to research processes by which they might be able to alleviate the negative effects juveniles faced as a result of involvement in the juvenile-justice system. Those negative effects include being labeled as a deviant, decreases in perceived self value, and feelings of being alienated from others in their social group (Hamilton, Sullivan, Veysey, and Grillo 2006). Decreasing the negative effects leads to decreased conflict for the juvenile.

#### **Factors Influencing Juvenile-disposition Proceedings**

An examination of the disposition of juveniles in a

mid-sized county in a northeastern state looked at which variables affected the decisions of placement. The research found that sex, age, prior misdemeanors, prior violent misdemeanors, probation violations, prior community interventions, prior residential placements, and legal representation all had significant relationships to disposition outcomes. Race was not found to have a significant relationship to the disposition outcome (O'Neill 2004). Ulmer and Johnson (2004) found offense type, offense severity, prior offenses, gender, race, and ethnicity to vary in their influence on sentencing, depending upon local sentencing norms. This variation in sentencing was found even when there were sentencing guidelines in place. The variation would likely be even greater where these guidelines are not in place.

While it would appear to most people that legal representation is an advantage in juvenile disposition proceedings, research has found it actually to be a disadvantage for minority juveniles. O'Neill found that legal representation increased the probability of placement in a detention facility. O'Neill (2004: 44) noted that:

Although race was not found to directly predict placement, use of a public defender did and this may help explain the overrepresentation of minorities in facilities in the jurisdiction under study.

A different study, also conducted in 2004, found race and type of legal counsel affected the likelihood of being incarcerated versus receiving probation. This study also found that juveniles who represented themselves were more likely to have their charges dismissed or to be incarcerated in secure facilities. Juveniles representing themselves may have gained an advantage by appearing to be at a "disadvantage" when they were brought before the judge (Guevara, Spohn, and Herz 2004).

Juveniles who were represented by private attorneys have been found to be less likely to have the charges against them dismissed. These juveniles were also found to be more likely to receive secure confinement as a sentence. Juveniles who were represented by a public defender or juveniles who represented themselves were more likely to have charges dismissed than those represented by private attorneys. Judges expect to see juveniles represented by public defenders, and probably see the juvenile with the private attorney as being less of a victim of his or her surroundings because he or she can afford an attorney (Guevara et al. 2004).

### Race

Another finding of the Guevara et al. study was that

white juveniles were more likely to receive probation instead of secure confinement when type of offense and prior criminal history were held constant. Nonconfinement placements may be more accessible to white youth than to nonwhite youth. Factors such as insurance coverage enables white youth to have access to mental-health care as an alternative to placement (Guevara et al. 2004).

Living in a home with one parent versus both parents is another factor that influences juvenile dispositions. There are large numbers of female-headed households in the United States. Female-headed minority households have the highest poverty rates among families in central cities and nonmetropolitan areas (Snyder, McLaughlin, and Findeis 2006).

#### Officials' Perceptions

Juvenile officials' preconceived ideas about minority groups can also influence the final decision for sentencing juvenile offenders. Probation officers keep written accounts of their interactions with juveniles and the decisions that they have made regarding juveniles. The probation officers are required to report their findings to the court, from the time they work with a juvenile, when it is requested. Minority juveniles are often portrayed as having negative attitudes and personalities and as being



disrespectful of court officials (Bridges and Steen 1998). The judge's decision is affected by the reports they receive. White juvenile offenders are often said to be victims of their circumstances, and minority offenders are "bad kids" who just do not care about others. The attributions applied to youth are often more influential to the court officials' decisions than the crime that has been committed (Bridges and Steen 1998).

Officials' beliefs have been found to be linked closely to perceptions, assessments, and decisions based on attribution processes. Bridges and Steen's findings point to a social psychological aspect of sentencing for juvenile offenders. Society views minority offenders to be more dangerous than white offenders. This view is affirmed by officials such as probation officers, court officials, and juvenile-justice workers (Bridges and Steen 1998).

Criminal acts committed by juveniles have begun to be more serious and to occur more frequently than in the past (Brookins and Hirsch 2002). It would appear that society has grown less tolerant of juvenile offenders due to the seriousness of their crimes. According to Hopson and Obidah (2002), "get tough" policies have led to an increased number of juveniles of color being sentenced as adults. Findings such as these can be traced back to

perception in society that minority juveniles are more dangerous and need to be in secure confinements in order to protect society (Hopson and Obidah 2002). The size of the population of blacks and Hispanics plays a role in the disparity of sentencing due to the fact that racial prejudice increases as the population size increases (Ulmer and Johnson 2004).

Although many studies have previously been conducted to determine whether there is inequality in juvenile sentencing and what causes the inequality, it is clear that further research is needed to examine more thoroughly why sentencing disparities in juvenile proceedings continue and to discover ways to prevent the continuation of this issue.

## CHAPTER III

### THEORY

Conflict theory can best explain the sentencing disparities in the juvenile-justice system. Conflict theory explains both internal and external conflicts juveniles must overcome.

#### Power Inequality in the Juvenile-Justice System

Various versions of social conflict theory suggest that the conflict between social groups arises from inequality in power. Ralf Dahrendorf's (1958) social conflict theory involved groups where power was not equal among all members. According to Dahrendorf "Every position in an imperatively coordinated group can be recognized as belonging to one who dominates or one who is dominated". Dahrendorf recognized that the authority that went along with leadership positions led to conflict due to superordination and subordination. Subordinates are controlled by the authorities, and the subordinates who do not follow directions from those who hold authoritative positions are sanctioned. The sanctions are possible because the power held by those in leadership roles is

viewed as being legitimate power (Ritzer and Goodman 2004:255).

Minorities are viewed as a threat to the elite because of their subordinate status, which might lead to rebellion. Minorities are viewed as more threatening when there are large numbers either in one place or in one organization (Cureton 2000).

Randall Collins' social conflict theory viewed people as social beings who were prone to conflict. According to Collins a person repeatedly gave or took orders based on her or his status in the group (Collins 2000). Collins believed coercion could be used by one person against another person. Collins also suggested that the more a person gives orders, the more he or she feels it is right; while the more a person takes orders, the more subordinate he or she becomes (Ritzer and Goodman 2004:262). Conflict theory explains how the group in power exercises control over the minority group by keeping power out of their reach. Inequality in juvenile placements can be explained by this inequality in power. Minority juveniles have little access to any form of power with which they might fight for equality and representation in the criminal justice system. Lack of power often means sentences that are harsher and unequal to those of white offenders.

Herbert Spencer argued that inequality increased power and the increased power leads to resentment and internal threats (Turner, Beeghly, and Powers 1998:389-90). The juvenile-justice system is made up of powerful people who use this power to ensure delinquents will conform to their definitions of what is moral and acceptable. When these ideas are not accepted by the minorities, conflict arises. Rebellion may lead to sentences that are even more unequal when those in power use the defiance of minorities as proof that they refuse to conform to what society says is right.

#### **Stereotyping and Conflict**

Conflict theory suggests that racial and social-class levels have direct impacts on incarceration of adults when crime is held constant (Arvanites and Asher 1998:208). While their research is related to adult corrections, the same is likely to hold true for juveniles as they face much of the same bias as the adults. Steffensmeier and Demuth (2000) found that harsher treatment of blacks and Hispanics is consistent with stereotyping of these minority groups. They suggest that Hispanics lack the resources to challenge harsh treatment. Hispanic males are stereotyped as violent drug dealers, and this stereotype can influence court officials' decisions (Steffensmeier and Demuth 2000).

### Race of the Victim

The race of the victim is another factor that plays a role in conflict theory as it relates to criminal punishment. Hawkins (1987) noted that the race of the victim played a role in punishment of minorities whether the crime was a crime against the person or a property crime. Hawkins argued that even though property crimes often victimized institutions, the institutions were thought of as "white" institutions. Street crimes are often thought of as "nonwhite" crimes, while white-collar crimes are thought of as "white" crimes (Hawkins 1987). Crime is often associated with minority groups and this association between minorities and crime leads to higher levels of crime control (Liska, Chamblin, and Reed 1985). The crime rate does not have to increase for the association to be present. Individuals' beliefs are often the basis for policy put in place by controlling institutions (Bridges and Steen 1998). The crimes that are believed to be linked to minorities more than to whites receive harsher sentences supporting the conflict theory assumption that minorities have less power (Everett and Wojtkiewicz 2002).

## CHAPTER IV

### RESEARCH METHODS

The previous chapters have introduced the concept of sentencing disparities in juvenile-justice court dispositions. Factors such as race, legal representation, past criminal history, and the crime for which the juvenile is charged can influence the sentence a juvenile receives.

This research will examine sentences that were passed down by judges in juvenile proceedings. The research employs data from the Juvenile Defendants in Criminal Courts (JDCC) (United States Department...1998). The data were obtained from the Interuniversity Consortium for Political and Social Research (ICPSR), study number 3750. The JDCC sample was drawn from the State Court Processing Statistics from the year 1998. The database is a representative sample of felony cases filed in 40 counties drawn from the 75 largest counties of the United States. The cases were tracked for a year to report the processing of felony defendants.

The original sample started with 40 counties. However, some counties chose to withdraw from the project and the principal investigators did not replace the removed

counties. All of the cases filed in each of the counties were included in the research. Each case was tracked through the entire process, which included adjudication and sentencing. The number of cases in each county varied based on population, state laws, prosecutorial practices, and the general level of criminal activity.

#### **JDCC State Court Processing Statistics 1998 Series**

The JDCC data collection involved a two-stage process. In the first stage 40 counties were selected from the 75 largest counties based on population. The counties chosen by the data collectors were first chosen to be a representative sample of the 75 largest counties, but, due to some counties dropping out without being replaced, the data cannot be generalized to a larger population. Second, data were collected on each case in the selected counties in which juveniles had felony charges. The data file downloaded from ICPSR contains 7,315 court cases with variables measuring the demographic characteristics of arrested juveniles, past and current criminal charges, sentences received, and type of legal representation obtained for the juvenile. The purpose of the original research was to study juveniles who were involved with the courts due to felony offenses.



Appendix A outlines the variables that were included in this study that this research will use, and Appendix B lists the counties included in the JDCC statistics that are being used. This research will utilize the data from the eight counties in California as differences in state laws make it difficult to make comparisons using different states. California was chosen due to its having the largest number of counties represented in the data. The total number of juveniles in the sample using only California counties was 639. The purpose of this study was to examine how race, criminal history, legal representation, and the total number of charges influence juvenile court disposition outcomes.

#### **Research Measures**

The following section describes the dependent and independent variables used for this research. This chapter concludes with a description of the analysis used for this study.

#### **Dependent Variables: Sentences Received by Juveniles in These Court Cases**

There are several possible sentences juveniles might be given at the disposition hearing. This research will focus on whether the juveniles in the data set received a sentence involving jail time or received a sentence that

did not involve jail time. The variable used for sentencing was coded 0 for no jail time received and 1 for jail time received.

**Independent Variables: Race, Crime in Which Juvenile is Charged, Legal Representation, and Total Number of Charges**

Several independent variables were used for this study to assess how various covariates influence the odds of a juvenile receiving jail time compared to not receiving jail time. First, for the variable race, dummy variables were created so this nominal variable can be analyzed categorically. There is one dummy variable for each of the four major racial/ethnic groups in the dataset: whites, blacks, Hispanics, and other racial/ethnic groups. As will be discussed below, the variable "white" is excluded from the analysis as the reference category.

The variable chosen to measure legal representation is a variable that identifies whether or not the juvenile had a private attorney. This variable is coded 1 if the juvenile was represented by a private attorney and 0 for all others. The research is looking only at private attorneys as this type of representation is expected to increase the odds that the sentence the juvenile receives will include jail time.

The variables representing the crime in which the juvenile is charged are as follows: homicide, rape, robbery, aggravated assault, burglary, and motor vehicle theft. Charges of theft and arson were not included in this research because there were so few cases involving these crimes. For the last independent variable, the total number of charges will be used to represent the degree of offending.

### Hypotheses

This research will test the following hypotheses:

H<sub>1</sub>: Black juvenile offenders will have greater odds of receiving jail time as compared to white juveniles.

H<sub>2</sub>: Hispanic juvenile offenders will have greater odds of receiving jail time as compared white juveniles.

H<sub>3</sub>: Juveniles who are represented by private attorneys will be more likely to receive sentences that include jail time.

H<sub>4</sub>: Race will be a better predictor of sentences that will include jail time than juvenile's criminal histories.

### **Analysis Plan**

This research utilized logistic regression as the

dependent variable consists of two options for the sentence received, jail time or no jail time. Each regression model shows the increased odds of each independent variable influencing the odds of receiving a sentence that includes jail time while statistically controlling the other independent variables in the regression model.

## CHAPTER V

### RESULTS

Table 1 summarizes the descriptive statistics for the variables used in this research. This table presents the percentages for independent variables and standard deviations for the variables included in the analysis. The percentage is the average value. The standard deviation shows the deviation from the mean.

As Table 1 illustrates, there were 580 juveniles whose charges were known. Of the 580 juveniles whose charges were known, 14 percent were charged with homicide, 2 percent were charged with rape, 32 percent were charged with robbery, 29 percent were charged with aggravated assault, 4 percent were charged with burglary, 2 percent were charged with motor vehicle theft, and 16 percent were charged with other offenses. There were 554 juveniles whose sentences were known, and of those, 80 percent received a sentence with jail time. It would be expected with high percentages of violent crimes that the percentage who received jail time would also be high.

There were 639 juveniles whose race was known. Of those whose race was known, 30 percent were black, 51 percent were Hispanic, 10 percent were white, and 9 percent

Table 1: Descriptive Statistics for Key Variables

	%	SD
Charged With Homicide		
Yes	14%	0.350
No	86%	
Charged With Rape		
Yes	02%	0.137
No	98%	
Charged With Robbery		
Yes	32%	0.466
No	68%	
Charged With Aggravated Assault		
Yes	29%	0.455
No	71%	
Charged With Burglary		
Yes	04%	0.195
No	96%	
Charged With Motor Vehicle Theft		
Yes	02%	0.137
No	98%	
Charged With Other Offenses		
Yes	16%	0.364
No	84%	
Sentence Received		
Jail Time	80%	0.398
No Jail Time	20%	
Race: Black		
Yes	30%	0.459
No	70%	
Hispanic		
Yes	51%	0.500
No	49%	
Of Other Race Not Listed		
Yes	09%	0.281
No	91%	
White		
Yes	10%	0.298
No	90%	
Legal Representation		
Private Attorney		
Yes	26%	0.438
No	74%	
Degree of Funding: Average		4.527
Number of Charges	3.96	

N=580

those whose race was known, 30 percent were black, 51 percent were Hispanic, 10 percent were white, and 9 percent were of a race other than white, Hispanic, or black. The high number of Hispanics represented in the data may be due to the high number of Mexican immigrants in California.

There were 554 juveniles whose legal representation was known. Twenty-six percent of those whose legal representation was known were represented by a private attorney. The low percentage of juveniles represented by a private attorney may be due to the high number of minorities represented in the data. There were higher percentages of black and Hispanic juveniles represented in the data than there were white juveniles. Both black and Hispanic groups are usually thought to be in the lower socio-economic class which might explain the absence of a private attorney for them.

The total number of charges was known for 636 juveniles. There was a mean of 3.96 charges and a standard deviation of 4.527. Table 2 will give more detail as to the breakdown of the number of charges for the juveniles.

Table 2 provides cross-tabs showing the bivariate relationship between independent variables and the dependent variable in the study: whether a juvenile received a jail sentence compared to a nonjail sentence.

Table 2 Cross-tabulations Showing the Relationship between the Independent Variables and the Jail Sentence of the Juvenile

	No Jail Time % (N)	Jail Time % (N)	X2
White	24.5 (12)	75.5 (37)	0.763
Black	19.0 (34)	81.0 (145)	0.095
Hispanic	19.9 (56)	80.1 (226)	0.005**
Other	16.7 (7)	83.3 (35)	0.272
Homicide	25.0 (18)	75.0 (54)	1.485
Rape	20. (2)	80.0 (8)	0.001***
Robbery	12.0 (22)	88.0 (161)	10.128
Aggravated Assault	23.3 (37)	76.7 (122)	1.824
Burglary	8.7 (2)	91.3 (21)	1.830
Motor Vehicle Theft	40.0 (4)	60.0 (6)	2.662
Private Attorney	16.8 (23)	83.2 (114)	0.597
Total Number of Charges			23.119
1	21.8 (27)	78.2 (97)	
2	28.3 (32)	71.7 (81)	
3	20.2 (21)	79.8 (83)	
4	16.2 (11)	83.8 (57)	
5	19.4 (7)	80.6 (29)	
6	15.6 (5)	84.4 (27)	
7	0 (0)	100.0 (19)	
8	0 (0)	100.0 (12)	
9	0 (0)	100.0 (9)	
10	0 (0)	100.0 (5)	
11	0 (0)	100.0 (2)	
12	0 (0)	100.0 (2)	
13	40.0 (2)	60.0 (3)	
14	25.0 (1)	75.0 (3)	
16	0 (0)	100.0 (1)	
17	0 (0)	100.0 (1)	
19	0 (0)	100.0 (2)	
20	0 (0)	100.0 (1)	
22	0 (0)	100.0 (1)	
33	0 (0)	100.0 (2)	
39	0 (0)	100.0 (1)	
51	0 (0)	100.0 (1)	



The data from the cross-tabs support the hypothesis that black juveniles will be more likely to receive jail time than will white juveniles; however, the relationship is not significant at the  $p < 0.05$  level, given the value of the chi-square. We also see that 81.0 percent of black juveniles received a jail sentence compared to 75.5 percent of white juveniles. The hypothesis that Hispanic juveniles will be more likely to receive jail time is also supported but is not significant. The data in Table 2 show that 80.0 percent of Hispanic juveniles received a jail sentence compared to 75.5 percent of white juveniles. Among other racial groups, 83.3 percent received a jail sentence.

The data in Table 2 also support the hypothesis that juveniles who are represented by a private attorney are more likely to receive a sentence that includes jail time, with 83.2 percent of the juveniles who were represented by a private attorney receiving a jail sentence. The relationship between these variables was not found to be significant in these data.

The charge and the total number of charges are both shown to influence the sentence a juvenile receives. As the data in Table 2 show, the following charges resulted in jail sentences for a majority of the sample: homicide (75.0%), rape (80%), robbery (88%), aggravated assault

(76.7%), burglary (91.3%), and motor vehicle theft (60%). Similar patterns emerge for the number of offenses committed. The data in Table 2 show the following percentages that received jail time as related to the number of charges the juvenile faced: one charge (78.2%), two charges (71.7%), three charges (79.8%), four charges (83.8%), five charges (80.6%), six charges (84.4%), seven, eight, nine, ten, eleven, and twelve charges (100%), thirteen charges (60%), fourteen Charges (75%), sixteen, seventeen, nineteen, twenty, twenty-two, thirty-three, thirty-nine, and fifty-one charges (100%). The numbers that are not represented were left out because there were no juveniles charged with these numbers of crimes.

Table 3 provides models showing the relationship between the odds of receiving jail time and the independent variables utilizing logistic regression. Model 1 of Table 3 represents the results of a logistic regression model showing the relationship between race and the odds of a juvenile receiving jail time compared to the odds of not receiving jail time. Values for independent variables that are greater than 1.00 for the multiplicative effect on the odds ( $\text{Exp}(B)$ ) show increased odds of receiving jail time, whereas values less than 1.00 show reduced odds of receiving jail time. Because race is a nominal variable,

it must be used as a dummy variable in the logistic regression model; and for the purposes of this study, the category of white is used as the reference category and excluded from the model. As the results show, blacks have 22 percent greater odds of receiving a jail sentence compared to whites. Hispanics have 26 percent increased odds of receiving a sentence involving jail time compared to whites. Individuals of other racial groups have 52 percent greater odds of receiving jail time compared to whites. While these patterns support the hypothesis that minority groups will have greater odds of receiving jail time, the results are not statistically significant at the 0.05 level.

Model 2 of Table 3 represents the relationship between race and the odds of receiving jail time while holding constant, or controlling for, the influence of a private attorney (coded with a 1) versus not having a private attorney (coded with a 0). Blacks are shown to have increased odds of receiving jail time by 28 percent as compared to whites when the variable private attorney is added to the model. Adding private attorney to the model increased the odds of receiving jail time 32 percent for Hispanics as compared to whites. The odds of receiving a sentence that included jail time were increased by 55

percent for all other races who were represented by a private attorney.

**Table 3: Logistic Regression Models Showing the Relationship between Independent Variables and the Odds of Receiving Jail Time among Juveniles Living in Eight Counties of California from the Year 1998 (Models 1 and 2)**

	Model 1		Model 2	
<i>Race/Ethnicity</i>	B/(SE)	EXP(B)	B/(SE)	EXP(B)
Black	0.199 (0.41)	1.221	0.245 (.41)	1.278
Hispanic	0.231 (.39)	1.259	0.274 (.40)	1.315
Other	0.421 (.57)	1.524	0.435 (.57)	1.545
<i>Representation</i>				
Private Attorney	----	----	0.187 (.27)	1.206
<i>Crime Charged</i>				
Homicide	----	----	----	----
Rape	----	----	----	----
Robbery	----	----	----	----
Aggravated Assault	----	----	----	----
Burglary	----	----	----	----
Motor Vehicle Theft	----	----	----	----
<i>Degree of Offending</i>				
Number of Offenses	----	----	----	----
Constant	1.253*** (.36)	3.500	1.168** (.38)	3.215
-2 Log Likelihood	503.591 <sup>a</sup>		503.590 <sup>a</sup>	

\*P<.05; \*\*p<.01; \*\*\*p<.001

Model 3 of Table 3 shows the relationship between race and private attorney while holding constant the crime for which the juvenile is being charged. The odds of receiving a sentence with jail time decreases to 2 percent for black juveniles compared to white juveniles when legal representation and crime are included in the model. The odds of receiving a sentence including jail time decreases to 25 percent for Hispanics compared to whites when legal representation and crime are included in the model. For all other races compared to whites the odds decrease to 30 percent when legal representation and crime with which the juvenile is charged are included in the model. The odds of receiving a sentence with jail time decreases for blacks and Hispanics when the crime committed is controlled, suggesting that the crime itself and not race is more predictive of receiving a jail sentence. The odds of receiving a sentence that includes jail time decreases to 19 percent with legal representation when the crime with which the juvenile is charged is included in the model.

The crime charges were added to the Model 3 to assess primarily how the effects of race on sentences would be altered or changed when these charges were controlled.

However, it is interesting that significant patterns emerge when one examines the effects of these changes on the sentencing one received net of race and the presence of

**Table 3: Logistic Regression Models Showing the Relationship between Independent Variables and the Odds of Receiving Jail Time among Juveniles Living in Eight Counties of California from the Year 1998 (Models 3 and 4).**

	Model 3		Model 4	
<i>Race/Ethnicity</i>	B/(SE)	EXP(B)	B/(SE)	EXP(B)
Black	0.021 (.43)	1.022	-0.015 (.43)	0.985
Hispanic	0.224 (.41)	1.251	0.143 (.41)	1.154
Other	0.258 (.59)	1.295	0.178 (.60)	1.195
<i>Representation</i>				
Private Attorney	0.175 0.274	1.191	0.202 (.28)	1.224
<i>Crime Charged</i>				
Homicide	-0.006 (.39)	0.994	0.035 (.39)	1.036
Rape	0.195 (.83)	1.216	-0.206 (.86)	0.814
Robbery	0.899** (.35)	2.457	0.873** (.35)	2.393
Aggravated Assault	0.034 (.32)	1.035	0.021 (.32)	1.021
Burglary	1.121 (.79)	3.068	0.966 (.79)	2.628
Motor Vehicle Theft	-0.727 (.70)	0.483	-0.669 (.71)	0.512
<i>Degree of Offending</i>				
Number of Offenses	----	----	0.139** (.05)	1.149
Constant	0.998* .452	2.712	0.61 (.48)	1.840
-2 Log Likelihood	-488.353 <sup>a</sup>		-488.830 <sup>a</sup>	

\*p<.05; \*\*p<.01; \*\*\*p<.001

a private attorney. Juveniles who are charged with homicide have reduced odds (1%) of receiving a sentence with jail time while a rape charge increases the odds of receiving jail time by 22 percent. Juveniles charged with robbery have 146 percent increased odds of receiving jail time, which is a statistically significant relationship. The model shows the juveniles' odds of receiving jail time increased by 4 percent when charged with aggravated assault and by 207 percent when charged with burglary. Motor vehicle theft charges increased the odds of receiving jail time by 52 percent. Robbery was found to be significant at 0.01, while no other charges were found to be significant.

Model 4 of Table 3 shows the multivariate relationship between race, private attorney, and the crime for which the juvenile is being charged, and the degree of offending. When total number of offenses is controlled in the final model, the influence of being black on higher odds of receiving jail time virtually disappears compared to Models 1, 2, and 3. In scanning Models 1-4, it seems clear that blacks are no more likely to receive jail time compared to whites when the presence of a private attorney, the crime type, and prior criminal involvement are controlled and held constant. This relationship represents the large decrease in the odds of getting jail time for blacks

compared to whites. The odds of receiving a sentence with jail time decreases to 1 percent for black juveniles compared to white juveniles when legal representation, crime with which charged, and total number of offenses are added to the model. The odds of receiving a sentence including jail time decreases to 15 percent for Hispanics compared to whites when legal representation, crime, and total number of offenses are included in the model. For all other races compared to whites the odds decrease to 20 percent when legal representation, crime with which the juvenile is charged, and total number of offenses are included in the model. The odds of receiving a sentence that includes jail time increases to 22 percent with legal representation when the crime with which the juvenile is charged and total number of offenses are included in the model.

Juveniles who are charged with homicide have increased odds of receiving a sentence with jail time of 4 percent while a rape charge increases the odds of receiving jail time by 19 percent when the total number of offenses is added to the model. Juveniles charged with robbery have 140 percent increased odds of receiving jail time when total number of offenses is added to the model, and this relationship continues to be statistically significant.



The model shows the juveniles' odds of receiving jail time increased by 2 percent when charged with aggravated assault and by 163 percent when charged with burglary when total number of offenses is included. Motor vehicle theft charges increased the odds of receiving jail time by 48 percent when the total number of offenses is included. The total number of offenses increased the odds of receiving jail time .15 percent. The robbery and degree of offending were both found to be significant at 0.01.

## CHAPTER VI

### DISCUSSION

The present research has attempted to evaluate the influence of race, criminal charges, number of offenses, and legal representation on the odds of receiving jail time among a sample of juveniles residing in eight counties of California. Using 1998 data from the JDCC study this research analyzed the influences of these variables on sentencing outcomes.

Data from this research support the hypothesis that black juveniles have greater odds of receiving a sentence that includes jail time as well as the hypothesis that Hispanics have greater odds of receiving jail time compared to whites. However, the relationships in the multivariate logistic regression models were not statistically significant at the  $p < 0.05$  level. These findings are consistent with previous research that found that nonwhite youth who were charged with delinquent acts were at a disadvantage during the various stages of the juvenile-justice processing system (Bishop and Frazier 1996). Previous research has found the relationship between

race and sentencing outcomes to be significant while this research did not. One reason for the lack of statistically significant relationships in the current research might be the small sample size and the fact that the sample consists of juveniles in only eight California counties. It is evident that being a minority juvenile has a different impact on the sentence received as compared to being a white juvenile (Leiber and Mack 2003). It is also evident that juveniles who commit the same offense do not always receive the same sentence. Minority juveniles are treated more harshly than white juveniles (Hopson and Obidah 2002).

The data also support the hypothesis that juveniles who are represented by a private attorney will be more likely to receive jail time. When crime is included with legal representation, the odds of receiving a sentence including jail time decreased for black juveniles as well as for Hispanic juveniles. When race, private legal representation, crime with which charged, and previous criminal activity were included in the models, the relationship between race and sentence including jail time decreased to 1 percent for black juveniles and to 15 percent for Hispanic juveniles. The relationship was not significant in this research; however, previous research has found a significant relationship. The findings suggest

that the presence of a private attorney actually increases the odds of receiving jail time. Guevara, Spohn, and Herz (2004) found this to be due to the fact that juveniles who had private legal representation appeared less to be victims of their surroundings than did those who represented themselves or who were represented by a public defender.

The hypothesis that race will be a better predictor of sentences that will include jail time than juvenile's criminal histories is not supported by these data. Juvenile officials base juvenile sentences primarily on the crime they have committed and their criminal history (Feld 2003). Juveniles with criminal histories are found to be more likely to commit future crime and are, therefore, considered dangerous (Cohen and Kluegel 1979). Research has found that the previous dispositional outcome for a juvenile's prior offenses also influences the disposition for the current charge (Thornberry and Christenson 1984). Robbery was the only crime found to have a significant relationship with increased odds of receiving jail time. Homicide, aggravated assault, and rape would be expected to also have a significant relationship with increased odds of receiving jail time given their severity. Robbery was the

crime with the highest number of cases in the data set, which may have skewed the results found in this research.

A limitation of this research is that it utilizes data from only eight California Counties. Future research might benefit from a broader data set; however, the difficulty with that is each state and county puts in place sentencing criteria and these criteria vary greatly from one state or county to the next. Future research might also include social status and birth order as each one has the potential for high levels of influence on juveniles.

Another limitation of this research is that the data showed a much higher number of juveniles who received jail time than the number who did not. Future research might examine data with a more even sentencing outcome to ensure that a higher number in either direction (higher number who receive jail time or higher number who do not receive jail time) does not influence the outcome of the research.

The findings of the research support the need for continual study of the juvenile disposition process. The relationship between race and sentence outcome was not significant in this study as it has been in previous studies, which lends hope that the disparity in juvenile sentences might become a problem of the past not the future. This research also points to the need to ensure

juveniles are not penalized for being represented by private attorneys.

APPENDIX A

JDCC STATISTICS USED

COUNTY (Only California counties were used)

TOTCHGS TOTAL NUMBER OF CHARGES

CHGTYPE MOST SERIOUS INITIAL CHARGE CODE PSRC

RACE RACE

ATTORNEY ATTORNEY TYPE AT ADJUDICATION

JAIL JAIL SENTENCE

APPENDIX B

COUNTIES USED IN RESEARCH

6001 Alameda, CA

6037 Los Angeles, CA

6059 Orange, CA

6067 Sacramento, CA

6071 San Bernardino, CA

6075 San Francisco, CA

6085 Santa Clara, CA

6111 Ventura, CA



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