8-1992

Juvenile Justice: An Examination of Disparities in Dispositions

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JUVENILE JUSTICE: AN EXAMINATION OF DISPARITIES IN DISPOSITIONS

by

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A Dissertation
Submitted to the
Faculty of The Graduate College
in partial fulfillment of the
requirements for the
Degree of Doctor of Philosophy
Department of Sociology

Western Michigan University
Kalamazoo, Michigan
August 1992

JUVENILE JUSTICE: AN EXAMINATION OF DISPARITIES IN DISPOSITIONS

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The present study tests the utility of status characteristics and expectation states theory in the context of the juvenile court. The theory contends that there is dispositional certainty when case related factors are consistently rated serious or nonserious; the severity of the sanction will reflect the seriousness of the case. However, the likelihood of sentencing disparities based on individual characteristics (e.g., race and SES) increases as case related factors become increasingly inconsistent, with some rated serious and others rated nonserious.

Data to test this theory were collected from the Kalamazoo County Juvenile Court, Kalamazoo, Michigan in June and July, 1990. Two hundred delinquency cases were selected randomly from all active case files in 1988 and 1989.

Utilizing logistic regression as the analytic procedure, status characteristics and expectation states theory was found to be inadequate in modeling the juvenile court decision making process. Data suggest however, that revising the theory to better reflect the discretionary nature of the juvenile court may prove fruitful.

Order Number 9234201

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Western Michigan University, 1992

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ACKNOWLEDGEMENTS

Several people were instrumental to the completion of this document. I would like to thank my dissertation committee, Paul C. Friday, Thomas VanValey and Bob Wertkin, for their unfailing support. But mostly, I thank Paul C. Friday, my dissertation chairman and mentor, for his guidance and encouragement. Also, I would like to thank Maureen Scoones, Director of Computer User Services at Utica College of Syracuse University, for being my statistical advisor and sounding board. Further, I would like to offer my sincere gratitude to Karen Rice for putting this document in final form. Finally, I thank my parents, JoAnn and Conrad, and my sons, Christopher and Joshua, for their emotional support while this document was being written.

Michael P. Brown

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CHAPTER I

INTRODUCTION

It seems logical to argue that if racial discrimination exists in the society at large, then the juvenile justice system, an institutional component of society, would also discriminate based on race. Those holding this position point to the fact that while blacks compose only 15% of those between the ages of 10 and 17, they comprise 33% of those in public detention centers (Bishop & Frazier, 1988) and 42% of the nation's youth incarcerated in juvenile correctional facilities (Allen-Hagen, 1991). Also, for every one white male youth confined in a secure facility there are 2.6 Hispanic males and 4 black males (Office of Juvenile Justice and Delinquency Prevention, 1990). Moreover, while the number of juveniles arrested declined between 1977 and 1983, the number of minority group youth held in secure facilities increased by 26% (Office of Juvenile Justice and Delinquency Prevention, 1990).

While the logic of this argument is sound and official data suggest that aOXdisproportionatenumber of minorities are under the control of the juvenile justice system, researchers have been unable to find conclusive scientific evidence of differential sentencing. In the face of controversy, several researchers have offered explanations for the apparently disparate treatment of minorities.

Some contend that the disparity reflects higher incidence and

prevalence of serious and chronic offending among minority group youth (Elliott & Ageton, 1980; Hindelang, Hirschi, & Weis, 1981; Huizinga & Elliott, 1987; Wolfgang, Figlio, & Sellin, 1972). Others assert that these differences are a function of the differences and difficulties in conceptualizing, measuring and analyzing case related factors, thus making cross-study comparisons problematic and many findings suspect (Bishop & Frazier, 1988; Zatz, 1987). Still others posit that the differences are the result of the very nature of the system itself; that at least some of the difference is accounted for by the discretionary nature of the juvenile justice system (Bortner, Sunderland, & Winn, 1985; Empey, 1978; Platt, 1977).

While there is little consensus on the extent to which race influences sentencing decisions, there is agreement that the issue is politically charged and discovering whether race fits somewhere in the equation of juvenile court decision making is critically important. Past research has approached this controversial issue atheoretically, trying to determine whether race plays a part in the sentences imposed. On the whole, this body of research is inconclusive. As one researcher put it, there is only one generalizable finding in the disparities literature: "sometimes judges discriminate and sometimes they don't" (Unnever & Hembroff, 1988, p. 53).

The research reported here breaks from the atheoretical tradition by employing a decision making model never before used in juvenile court research: status characteristics and expectation states theory. Status characteristics and expectation states theory developed out of status characteristics theory (Berger, Cohen, & Zelditch,

1972). Berger et al. (1972) advanced status characteristics theory in the attempt to gain insight into decision making in task-oriented groups. The theory posits that all groups develop a status hierarchy, with some members assuming the role of leader while others assume secondary positions. Further, the theory holds that the position one occupies within a group is influenced by diffuse status characteristics. Diffuse status characteristics refer to individual traits, such as race, gender and socioeconomic status (Berger et al., 1972).

Interestingly, although it is readily recognized by group members that diffuse status characteristics are not directly related to the completion of a particular task, they nevertheless serve as the basis upon which judgments made about individual task abilities. Hence, diffuse status characteristics are stereotypes; they are used to make inferences about individual performances. In other words, diffuse status characteristics are used to form expectations of performance, behavior or ability. For example, if a group composed of males and females were asked to perform a task requiring extensive mathematical skill, research indicates that one or more of the male group members would likely assume the leadership role; it is often assumed that males are better leaders and possess more mathematical ability than females (Deaux & Wrightsman, 1988).

Freese and Cohen (1973) extended status characteristics theory to include performance characteristics, an extension that closely resembles status characteristics and expectation states theory. In a study of the halo effect, the attribution of qualities based on

physical characteristics alone, Freese and Cohen (1973) found that inferences drawn from diffuse status characteristics can be mitigated by informing task-oriented group members of the performance characteristics of its members. In other words, these researchers found that performance characteristics supercede diffuse status characteristics when forming expectations about task abilities.

Hembroff, Martin, and Sell (1981) refined the theory proposed by Freese and Cohen (1973), renaming it status characteristics and expectation states theory and asserting that when performance characteristics are inconsistent, diffuse status characteristics are used to generate task expectations. However, when performance characteristics are consistent, that is they suggest that an individual can (or cannot) performance a task, diffuse status characteristics are ignored in lieu of the presenting evidence.

Recently, status characteristics and expectation states theory was reformulated to apply to the criminal court context (Unnever & Hembroff, 1988). Within this context, the theory posits that when case related factors (i.e., performance characteristics) are consistent, that is when they are either rated serious or non-serious, they suggest certainty in disposition; in other words, there is a clearly defined and expected outcome. And as a consequence of this rating, offenders will likely receive sanctions that reflect the seriousness of the case related factors. However, when case related factors are inconsistently rated (i.e., some are serious while others are not), individual characteristics (i.e., diffuse status characteristics) influence the sentence imposed. Some individual characteristics are

socially more desirable than others. Research indicates, for example, that a tendency exists to associate black males with criminal behavior (Wilbanks, 1987). Hence, one socially undesirable characteristic might be for a defendant to be a black male. Under this condition, then, it would be hypothesized that minority defendants would be more likely to receive harsher sanctions than whites.

The theory and study in which it was tested are discussed more fully in Chapter III, but it is important to note here that the theory received empirical support. That is, minority offenders received harsher sanctions than white offenders only when the case related factors did not clearly indicate an appropriate sanction (Unnever & Hembroff, 1988). There was no significant difference in the severity of sanction imposed on minority and white offenders when the case related factors were consistently serious and non-serious (Unnever & Hembroff, 1988).

Also, the present study departs from previous research in the question it attempts to answer. While previous research attempted to determine whether sentencing disparities exist, the present analysis asks when are sentencing disparities most likely to occur? The answer to this question is sought by examining the type of sentence imposed. Sentence types is a logical dependent variable since it reflects "the culmination of a series of processing stages" (Zatz, 1987, p. 169). The sentences examined include straight probation, probation with detention and institutionalization.

The purpose of this dissertation is to conduct a pilot study of juvenile court decision making utilizing status characteristics and

expectation states theory. In general, the study has a twofold purpose. First, it attempts to determine what variables are related to receiving the harsher of two sentences: institutionalization instead of straight probation, institutionalization instead of probation with detention, and probation with detention instead of probation. The second aim of this study is to determine, through the use of status characteristics and expectation states theory, when racial disparities in sentencing are most likely to occur.

Presenting Concerns

Evaluating the decision making process of the juvenile court raises two important issues, each of which is directly related to the use of status characteristics and expectation states theory. First, in the courtroom context, status characteristics and expectation states theory is highly legalistic. As indicated above, it is a theory which places legal variables (case related factors) above all others. Hence, the question arises as to whether a theory based on legal variables can be used to accurately model decision making in the juvenile court.

Parens patriae served as the philosophical foundation upon which the court was built; it embodied the idea that the state was a benevolent parent. The state, then, would transfer its power to the juvenile court, which would act in loco parentis, "to provide guidance and rehabilitation for the child, and to provide protection for society" (Worrell, 1985, p. 176).

A rationale for the establishment of the juvenile court was the

belief that youths could not form intent and therefore their behavior was not criminal (Cox & Conrad, 1991). Thus, historically, in lieu of punishment, the juvenile court would treat youths by taking into account individual needs; and in consideration of these needs, the court would fashion individualized sentences.

Consistent with the philosophy of the juvenile court is the absence of due process protections because it was thought that they would hinder individualized treatment. Since the court was acting in the best interest of youth, it was reasoned that "there is no need for the State and the minor to take adversarial postures, and thus no need for the court to be hampered by the due process protections constitutionally required in an adult system" (Worrell, 1985, p. 176). Hence, youths would not face the rigid, technical and harsh proceedings of the adult criminal court (Walter & Ostrander, 1982).

However, the juvenile court has undergone numerous changes in the past 25 years which, this writer argues, has made it an appropriate context to test status characteristics and expectation states theory. The first notable change took place in 1966, when it was argued in Kent v. U.S. that the system was not operating according to the parens patriae doctrine. In fact, it was the opinion of the court that

> there is evidence that there may be grounds for concern that the child receives the worst of both worlds: that he gets neither the protection accorded to adults nor the solicitous care and regenerative treatment postulated for children. (p. 1045)

The Kent decision holds special significance in the transformation of the juvenile court. It is the first of many Supreme Court

decisions that brought due process safeguards to the juvenile system of justice. Specifically, the Supreme Court ruled that for a juvenile to be waived to the adult court the youth is entitled to: (a) a hearing at the juvenile court level, (b) access to counsel, (c) access to court records, and (d) a judicial statement of the reason(s) for the court's decision.

Although limited in scope, the Kent decision served as the foundation from which subsequent decisions were based. Perhaps the most notable of these decisions was made just one year after Kent, in In re Gault (1967). This Supreme Court decision provided delinquent youths with several constitutional safeguards by imposing due process protections found in the 14th Amendment. These protections included: (a) the right to adequate notice of charges, (b) the right to counsel, (c) the right to confront and cross-examine witnesses, (d) the right against self-incrimination, (e) the right to a transcript of the proceedings and (f) the right to appellate court review.

Just three years after the In re Gault decision, the Supreme Court, through In re Winship (1970), applied yet another constitutional protection to delinquent youth who came into formal contact with the juvenile court--the right to be proven guilty beyond a reasonable doubt. The Court reasoned that it was far worse to convict an innocent person than to let the guilty go free. Prior to the Winship decision, youth were found to be delinquent on the criterion of a preponderance of evidence. Hence, this ruling mandated that before the juvenile court could impose its rehabilitative powers on a minor, s/he must be found guilty beyond a reasonable doubt of

committing a delinquent offense.

It was not until 1975 that further due process safeguards were afforded youths. In that year, Breed v. Jones mandated that, in addition to due process safeguards established by Kent v. U.S., the decision to transfer a juvenile to the adult court must be made prior to adjudication in the juvenile court. If the decision to waive a juvenile is made subsequent to adjudication it constitutes double jeopardy.

Although discretion remains an integral part of juvenile justice processing, judges find their decisions more restricted today than at any time in the history of the juvenile court. The imposition of due process safeguards on the juvenile court has laid a structure within which decisions must be made. And this structure in intended to bring about fair and equal treatment, regardless of individual characteristics.

Although the introduction of due process safeguards changed the way children were processed in the juvenile court, the purpose of the court is still said to be treatment oriented. To a great extent, this purpose is what differentiates the adult from the juvenile system. However, a recent court decision in California suggests that the juvenile court's purpose may be changing. Scott L. v. State (1988) ruled that the practice of incarcerating delinquent youths for the purpose of deterrence was within the purview of the juvenile court; the court could impose sentences for the sole purpose of punishment.

The processual changes of the court, and even possibly changes

in the very nature of the juvenile system, have brought about suggestions that there is no longer a need for separate systems. Hustedler (1990) comments that

> when one cannot tell the differences between a juvenile court and an adult court, except for the absence of a jury, and when juveniles are routinely committed to institutions housing both adults and juveniles, it becomes harder and harder to justify the maintenance of two different tracks of justice. (p. 242)

This brief examination of the evolution of the juvenile court suggests that in its current state, legal variables play an important part in the juvenile court process. Hence, the analysis thus far suggests that status characteristics and expectation states theory is appropriate for modeling juvenile court decision making. However, there is a second issue that must be addressed: if the philosophy of the court is to fashion sentences to meet individual needs, then are there cases which might be considered dispositionally certain? This is a critically important question because as the reader may recall, status characteristics and expectation states theory assumes that for some cases there is a clearly defined and expected outcome. The writer argues that despite the court's historical goal of individualized sentencing, there is a high degree of uniformity in the sanctions imposed. This argument is based on two primary considerations.

First, in addition to individualized treatment, the court also seeks to protect society. And while juvenile court judges are not mandated to respond to offenders in a like fashion, there appears to be a common response to certain types of offenses. For example, a recent Office of Juvenile Justice and Delinquency Prevention publication indicates that when it comes to violent offenses (i.e.,

homicide, robbery, aggravated assault and violent sex offenses), the juvenile court is more consistent in the sanctions imposed than are adult courts (Speirs, 1989). According to Speirs (1989),

> juvenile courts intervened in the lives of a greater proportion of violent offenders than did criminal courts. In all, 59% of 16 and 17 year olds charged with violent acts were transferred to criminal court or placed in residential facilities or on formal probation, while only 46% of adults charged with a violent crime were incarcerated or placed on probation. (p. 4)

Second, as due process safeguards became an integral part of juvenile court processing, the proceedings became increasingly bureaucratized (Sutton, 1985). Within this context, decision making has become rational, "a function of the nature and seriousness of offenses committed and the factual delinquent history of juvenile defendants" (Champion, 1992, p. 307).

This does not suggest that discretion no longer exists in the juvenile justice system. On the contrary, discretion remains an essential and necessary part of juvenile justice processing, but judges find their decisions more restricted today than at any time in the history of the juvenile court. The imposition of due process safeguards on the juvenile court has laid a structure within which decisions are to be made. Therefore, based upon the available evidence, it appears that status characteristics and expectation states theory provides an appropriate model through which juvenile court decision making can be analyzed.

Expected Findings

What are the anticipated results of this study? In itself, the

answer to this question is complex and it is made even more complicated by the fact that is it a pilot study. Previous research may provide insight to the question, but as will be seen in Chapter II research is inconsistent about the role individual characteristics play in the sentencing process. Therefore, the answer to this question may be found in the structure of the juvenile court. Based upon the information presented earlier in this chapter, with the introduction of due process protections, juvenile court decision making began placing emphasis on legal variables in the determination of appropriate sanctions. At the same time, there was a movement away from the treatment ideal toward a just deserts approach. Hence, one may speculate that: (a) legal variables will be the best predictors of the disposition imposed, and (b) there will be no statistically significant difference in the severity of sanctions imposed on white and minority group youth.

CHAPTER II

LITERATURE REVIEW

Prior to researching the factors related to sentencing outcomes, criminologists assumed that the justice system discriminated based on race and socioeconomic status. For example, without empirical evidence, Lemert (1951) commented that minority group members "and persons of limited economic means are often the scapegoats of the frustrated police" (p. 311). Clinard (1963) took the assumption even further when he stated: "It is a generally established fact that Negroes, as well as Spanish speaking peoples, on the whole, are arrested, tried, convicted, and returned to prison more often than others who commit comparable offenses" (pp. 550-551).

A review of the official data suggests that the assumptions made forty years ago were correct. For example, a recent study reported that minority youth are arrested at six times the rate of white youth (Tillman, 1986). Additionally, Blumenstein and Graddy (1981) found that 51% of young black males living in large cities are arrested for an index offense at least once, whereas only 14% of white males are ever arrested. Moreover, data suggest that minority youth are more likely to be sentenced to public correctional facilities. In fact, the latest statistics indicate that from 1987 to 1989 the number of minority youth held in public facilities increased by 13%, making the overall population 60% minority (Allen-Hagen, 1991). For that same

period, the number of nonminority youth decreased by 5% (Allen-Hagen, 1991).

While the sheer proportions are astonishing, drawing the conclusion that they reflect racial bias without further analysis is nothing short of the assumptions made forty years ago without the benefit of empirical evidence. To be sure, the reason(s) why minority youth are arrested and institutionalized more often than white youth has proven to be a complex issue.

Two positions have been offered to explain the apparent disparity in sentences. On the one hand, consistent with Clinard's (1963) position that minorities come into contact with all components of the juvenile justice system more often than whites who commit like offenses, is the argument that the differences are a function of how the juvenile justice system responds to minority youth; it is a social phenomenon. Gardell (1989) summarizes this position by stating that

> the issue of differential processing within juvenile justice is more than simple prejudice by participants in the system. Indeed, the juvenile justice system is nothing more than a shadow of the larger society which defines and supports it. (p. i)

On the other hand, others contend that minorities are more involved in violent and repetitive delinquent behavior and thus one would expect to see more minorities arrested and institutionalized (Blumstein, 1982; Elliott, Huizinga, & Morse, 1986; Hindelang, 1978; Huizinga & Elliott, 1987; Wolfgang et al., 1972).

An extensive review of the literature revealed a repletion of studies examining the influence of race on sentencing decisions.

Further, those studies examining race tend also to look at how SES is related to race and sentencing decisions. Nevertheless, on the whole, relatively little has been done to examine sentencing decisions in the juvenile court. The research conducted within the juvenile court falls into two categories: (1) those which examine the type of sentence imposed and (2) those which examine the length of sentence imposed. In light of purpose of the present study, this review of the literature is restricted to only those studies dealing with the type of sentences imposed on adjudicated delinquents.

Prior Research

A review of the juvenile sentencing literature yields mixed findings. During the 1960s, research consistently supported the position held by Wolfgang et al. (1972), Hindelang (1978) and others: minorities tend to have more extensive criminal histories and commit more serious offenses than whites; thus minorities tend to be arrested more frequently and receive harsher sentences than whites. For example, Terry (1967) examined the sentences received by delinquents residing in a small community between 1958 and 1962 and found race and socioeconomic status to be related to the severity of the sentence. However, the relationship disappeared when offense history and seriousness of the current offense were held constant. Likewise, Hohenstein (1969) reported that originally race was found to be related to the disposition received, but after controlling for legal variables the relationship was eliminated.

Taking their analysis further than previous studies, McEachern

and Bauzer (1964) examined the relationship between race and patterns of police referrals to the juvenile court and juvenile court sentences. The results indicated that juveniles with extensive delinquent histories, serious current offenses and those currently on probation were more likely than other juveniles to be referred by the police to the court and receive harsh sanctions. In this study, race was not found to be independently related to either juvenile court referral or the severity of the sentence imposed. Similarly, after examining police referral patterns to the juvenile court for three economically distinct areas in Madison, Wisconsin, Shannon (1963) concluded that while there were more referrals from economically depressed areas, the difference was explained by the severity of the act and not the economic classification of the area or the race of the juvenile.

Although the research conducted in the 1960s consistently found individual characteristics (i.e., race and SES) to be unrelated to juvenile court processing, research conducted from the 1970s through today is inconclusive. Some studies are consistent with previously conducted research, concluding that individual characteristics do not influence judicial decision making. For example, Arnold (1971) found that legal variables (i.e., offense seriousness and prior offense history) were the best predictors of the severity of the sanction imposed. Black and hispanic youth did not receive harsher sentences than white youth. Furthermore, juveniles residing in high crime neighborhoods (low SES areas) were as likely to receive harsh sanc -tions as those from low crime neighborhoods. Likewise, Bailey and

Peterson (1981) found legal variables to be significantly related to the type of sentence imposed; race and SES were unrelated to sentence severity.

Similarly, research carried out by Cohen and Kruegel (1978), Kowalski and Rickicki (1982) and Dannefer and Schutt (1982) found no relationship between the race of the juvenile and placement in an institution. These multivariate studies found legal variables to be the strongest predictors of whether a juvenile was institutionalized.

However, contrary to the studies finding no relationship between individual characteristics and juvenile court decision making, a number of researchers have reported that race and SES are related to the sentence imposed. Thornberry (1973), for example, found that while offense severity and prior criminal history were most predictive of sentence severity, the juvenile's race and SES also influenced decision making. Moreover, the relationship between the juvenile's individual characteristics (i.e., race and SES) and the sentence imposed remained strong after controlling for offense severity and prior offense history.

Re-examining his data several years later using a more sophisticated statistical procedure led Thornberry (1979) to slightly modify his conclusions. Consistent with the original study conducted in 1973, the more sophisticated study indicated that offense severity and prior record were the variables most strongly related to the sentence imposed. Additionally, there was a relationship between race and sentence severity. Moreover, this relationship remained strong even after controlling for offense seriousness, prior record

and SES. However, contrary to the 1973 study, Thornberry (1979) found that SES did not significantly influence the severity of the sentence imposed. Thus, although SES was not found to be related to sentence severity, race, severity of the offense and prior offense history all contributed to the severity of the sentence imposed.

Kelly (1976) and Labeff (1981), like Thornberry (1979), found that legal factors were significantly related to the sentence imposed. However, contrary to Thornberry's findings, these researchers did not find race to be related to sentence severity but rather the juvenile's SES.

Research conducted by Thomas and Cage (1977) and Datesman and Scarpitti (1977) lend support to the studies conducted by Thornberry (1979), Kelly (1976) and Labeff (1981). Consistent with previous research, Thomas and Cage (1977) and Datesman and Scarpitti (1977) found legal variables (i.e., offense seriousness and prior record) to be related to sentence severity. However, while Thornberry (1979) found race to be important in sentencing decisions and Kelly (1976) and Labeff (1981) found SES to have a significant relationship to the severity of the sentence imposed, Thomas and Cage (1977) and Datesman and Scarpitti (1977) found both race and SES to be strongly related to sentencing decisions.

McCarthy and Smith (1986) expanded upon previous research by following a sample of youth through all stages of the juvenile court. The findings suggest that race and SES influenced the manner in which juveniles were processed. For example, data indicate that as minorities and lower SES juveniles became more entrenched in the

system--that is, as they passed from one stage to another and finally reached the dispositional stage, the harsher the sanctions imposed. On the other hand, white and upper SES juveniles tended not to receive more severe sanctions as they progressed through the system. But the increasingly severe sanctions against minorities and low SES juveniles were not the result of only individual characteristics. The study demonstrated that in addition to race and SES, legal factors (e.g., the severity of the current offense and prior record) and decisions made at earlier stages in the court process (e.g., placement in detention) directly influenced the severity of the sanction.

Similar findings were reported by Fagan, Slaughter and Hartstone (1987) and Bishop and Frazier (1988). These researchers found that at each stage of the juvenile court, from intake to disposition, minority youth were treated more severely than their majority counterparts. At the early stages of the court process, where legal factors were found to be most influential in the decision to send the juvenile to the next stage, small incremental racial differences were detected. However, by the time minorities reached the dispositional stage, the small incremental differences "translate into sizable incremental differences that place black youths at a substantial disadvantage relative to whites" (Bishop & Frazier, 1988, p. 258). The evidence of racial bias is most clear "at the deepest end of the system, no factor other than race could be identified to explain the harsher responses to minority youth" (Fagan et al., 1987, p. 250).

To this point in the review of the literature, studies have fallen into two categories: those reporting that individual

characteristics have no influence on sentencing decisions and those reporting that sentencing decisions were influenced by the race and SES of the juvenile. However, a study conducted by Ferdinand and Luchterhand (1970) lends credibility to both positions. That is, these researchers contend that while racial disparities in sentencing exist, they surface only under certain conditions. This analysis detected

> some variability in the dispositions given black and white delinquents, but black delinquents did not consistently receive appreciably harsher dispositions from the court than white offenders, [but], as the seriousness of the offense increase[d], the discrepancy between the dispositions given white and black youths seems to decrease. (p. 521)

Explanations for the Disparate Nature of the Juvenile Court Decision Making Literature

This review of the literature revealed that although there is general agreement that legal factors are most influential in sentencing decisions, many studies found that race and SES affect the severity of the sentence imposed. Moreover, among the studies finding race and SES to be influential in sentencing decisions, there is variation in the way in which these individual characteristics influence the sentence imposed. For instance, some studies report that while discrepancies can be detected in the way minorities and non-minorities are processed, it is at the dispositional stage where sentencing disparities are most obvious (McCarthy & Smith, 1986). On the other hand, other research indicates that minorities are sentenced more harshly than whites for minor offenses, but as the severity of the offense increases the discrepancy in the sentences

imposed decreases (Ferdinand & Luchterhand, 1970). What accounts for the contradictory findings? A review of the methods used in the research discussed above may provide insight to the question.

The Conceptualization of Dispositions

Studies vary in the conceptualization of the dependent variable. In some studies, sentence severity is scaled dichotomously. For example, Arnold (1971) measured the severity of the disposition as commitment or not committed to the Youth Authority; Bishop and Frazier (1988) operationalized their dependent variable as probation and facility confinement. On the other hand, a number of studies employed an ordinal scale as a measure of sentence severity. For instance, Ferdinand and Luchterhand (1970) scaled their dependent variable as warning, probation, referral to the criminal court and confinement. Similarly, Cohen and Kruegal (1978) scaled their dependent variable as informal adjustment, probation and confinement or waiver to the criminal court. Likewise, Dannefer and Schutt (1982) measured sentence severity as dismissal, probation and incarceration.

Variations in the measurement of sentence severity brings cause for concern. According to Gibson (1978), such variations "make comparison difficult and (perhaps more importantly) include different quantities of measurement error" (p. 458).

The Conceptualization of Offense Severity

Measures of crime severity vary across studies. Most of the

studies collapsed offenses into broad categories. Bishop and Frazier (1988), for example, had six categories: felony person, felony property, felony public order offenses, misdemeanor person, misdemeanor property, and misdemeanor public order offenses. On the other hand, Fagan et al. (1987) collapsed offenses into three categories: violent, serious and other offenses. Still other studies used the Sellin-Wolfgang scale to determine offense severity (see, for example, Thornberry, 1979).

As variations in the measure of sentence severity make cross-study comparisons difficult, the same can be said of the many ways in which crime severity is measured. Further, by collapsing diverse offenses into broad categories, the distinction in the degree of crime seriousness is not accurately portrayed.

Sample Size

Sample sizes ranged from 56,000 subjects in the Bishop and Frazier (1988) study to 195 subjects in the study conducted by Fagan et al. (1987). Although samples containing several thousand subjects should provide researchers with sufficient statistical power, smaller samples will bring about insufficient cell sizes after controls have been introduced resulting in questionable statistical findings.

Statistical Procedures

Studies vary in the sophistication of statistical procedures utilized. For example, Shannon (1963), Thornberry (1973) and Hohenstein (1969) relied on simple percentage differences to determine

whether race and SES influenced decision making. Others utilized more sophisticated methods to detect racial and class bias, such as the chi-square statistic (Fagan et al., 1987), log linear analysis (Cohen & Kruegel, 1978; Dannefer & Schutt, 1982; Thornberry, 1979), factor analysis (Ferdinand & Luchterhand, 1970), and multivariate regression (Bishop & Frazier, 1988).

Research utilizing weak statistical methods are unable to determine the extent to which sanctions are influenced by individual characteristics (Gibson, 1978). Further, research to date has assumed that the dependent variable (i.e., sentence severity) is a linear function of the independent variable(s). If this assumption is untrue, the statistical estimates may be biased and therefore misleading (Aldrich & Nelson, 1984).

CHAPTER III

THEORY

A review of the sentencing literature reveals that the majority of studies assume judicial decision making to be linear and additive. This assumption "implies that judges determine the disposition of a case by assigning uniform weights to characteristics of the defendant" (e.g., race, ethnicity and socio-economic status) and case related factors (e.g., the seriousness of the offense, number of convictions, and number of prior convictions), with the disposition equal to the sum product of defendant and case characteristics (Unnever & Hembroff, 1988, p. 54). Hence, individual characteristics of the offender are assumed to have as much influence as case related factors on the type of sentence imposed. As indicated in the literature review (Chapter II), most studies do not support a linear, additive model. Under the linear, additive model, racial disparities would likely be detected only if sentences are uniformly more harsh for one racial group than another (Unnever & Hembroff, 1988).

The present study utilizes status characteristics and expectation states theory, a social psychological theory of decision making, to determine when sentencing disparities in the juvenile court are most likely to occur. It assumes a nonlinear and nonadditive decision making process. That is, this decision making model assumes that only under certain conditions are defendant characteristics

considered when deciding upon an appropriate sanction. Moreover, this decision making model posits that sentences do not reflect an aggregate measure of case and defendant characteristics.

Status characteristics and expectation states theory has been used only once in examining judicial decision making. Hence, due to its obscurity in the criminal justice literature, the purpose of this chapter is twofold. First, status characteristics and expectation states theory is described; and second, the theory is discussed in relation to judicial decision making.

Status Characteristics and Expectation States Theory

The most recent version of status characteristics and expectation states theory originated from the work of Berger et al. (1972). These theorists contend that individuals evaluate, and subsequently reacted to, others based on status differences. Race, gender and social status constitute some of the more salient characteristics for which status differences exist. With statuses come assumptions of "specific abilities relevant [to a given] situation" (p. 242). These assumptions serve as the bases for inequalities in social interaction.

Building on this basic premise, that individuals react to others based on stereotypes, Hembroff et al. (1981) formulated the theory of status characteristics and expectation states. This theory posits that in task oriented interaction, individuals evaluate others by first considering performance characteristics; status characteristics are considered only if performance characteristics are found

to be uninformative. And based upon this evaluation process, individuals form expectations about the future behaviors of others. In other words, the expectations formed about others are conceptions of individual capacities.

Performance characteristics are understood as constituting performance sets. A performance set consists of interrelated behaviors. Each component of a performance set has differentially rated states, with different expectations of future behaviors or sanctions associated with each rating. For example, a component of a performance set may be highly rated. As such, expectations of desirable future behaviors or sanctions are developed. On the other hand, a low rating of a component of a performance set brings about expectations of undesirable future behaviors and sanctions. In general, performance characteristics take precedence over status characteristics; and "what is significant about the performance set is that an individual's rank is directly connected to behaviors, abilities, or dispositions of specific individuals" (Unnever & Hembroff, 1988, p. 58).

However, a performance set may be comprised of differentially rated behaviors, thus resulting in performance inconsistency. In such cases, the performance set has no strength and consequently individuals turn to diffuse status characteristics to generate expectations about others (Hembroff et al., 1981). Diffuse status characteristics, such as race, ethnicity, gender or social class, are used to make general assumptions about others. They "represent membership categories where the qualities attributed to members generally are assumed to be true of each particular member even though

specific abilities or predispositions in a particular member have not been demonstrated" (Unnever & Hembroff, 1988, p. 58). Each of these characteristics is considered to have a socially more desirable or preferred state. Socially preferred characteristics are associated with preferred sanctions, while less desirable characteristics are associated with less desirable sanctions.

In summary, status characteristics and expectation states theory contends that task oriented interaction is driven by performance characteristics. These characteristics are used to form expectations about future behaviors. For those exhibiting highly rated performance characteristics, it is assumed that the behavior will continue into the future. Likewise, it is assumed that those exhibiting undesirable performance characteristics will behave in a like manner in the future. However, when the elements comprising a performance set are inconsistent individuals turn to diffuse status characteristics to form expectations. Individuals possessing socially desirable diffuse status characteristics will likely receive more desirable sanctions than those with socially undesirable characteristics.

Judicial Decision Making and Status Characteristics and Expectation States Theory

Utilizing the theory of status characteristics and expectation states within the courtroom context requires the operationalization of performance and diffuse status characteristics. The underlying logic of the theory suggests that case related factors, such as the severity of the current offense, number of convictions related to the

current case and prior criminal history, comprise the performance set. Positive ratings on each of the elements comprising the performance set would be associated with expectations of desirable future behaviors and thus result in a desirable sanction. For example, if a performance set consists of a nonserious offense, one conviction and no prior criminal history, the theory would suggest that the case is dispositionally certain; the sanction would be desirable (i.e., relatively unrestrictive). Likewise, if there were negative ratings on each of the elements comprising a performance set (e.g., a serious offense, two or more convictions and a history of criminal behavior), the theory would suggest that the case is dispositionally certain; that is, the sanction would be undesirable (or restrictive).

However, not all cases are dispositionally certain. In some cases, the performance set is comprised of inconsistently rated factors. For example, a performance set (or case) may consist of a nonserious current offense, one conviction and evidence of a prior criminal history. In such a case the disposition might be considered uncertain. Consequently, the logic of the theory suggests that when the performance set is inconsistent, expectations of future behaviors are developed by taking into consideration diffuse status characteristics. Thus, if the individual offender possesses socially undesirable characteristics, the sanction is likely to also be undesirable (i.e., harsh). In the courtroom context, being black and male may be considered undesirable characteristics. Research indicates that the public associates black males with criminality (Wilbanks, 1987), and as previously mentioned a number of studies

have found race and SES to be important factors in the sentencing decision.

In summary, within the courtroom context, status characteristics and expectation states theory attempts to designate when sentencing disparities are most likely to occur. The theory posits that it is unlikely that diffuse status characteristics (e.g., race and SES) will play a part in dispositionally certain cases. However, when case related factors are inconsistent, judges will turn to diffuse status characteristics; and it is under this condition that sentencing disparities are most likely to occur.

The Application of Status Characteristics and Expectation States Theory in the Criminal Court

Using data originally collected to study the enforcement of drug laws, Unnever and Hembroff (1988) tested the adequacy of status characteristics and expectation states theory. The first question they attempted to answer was: given case related and individual characteristics, are minority defendants more likely than whites to receive a prison sentence?

Upon examining the data, these researchers found that blacks and hispanics were nearly three times more likely to receive a prison sentence than whites. Additionally, number of prior convictions, number of convictions in the present case and sale of narcotics (compared to their illegal possession) were significantly related to receiving a prison sentence.

The next step in the analysis was to test the theory. By

varying the consistency of the case related factors found to be associated with receiving a prison sentence and controlling for the race of the defendant, Unnever and Hembroff found strong empirical support for the central tenets of the theory of status characteristics and expectation states. However, support for the theory was found to be strongest when white and black defendants were compared than when a comparison was made between white and hispanic defendants. For example, when all of the case related factors were consistently rated non-serious, data indicate that only 8% more black defendants were sentenced to prison than white defendants. However, 14% more white defendants were sentenced to prison than hispanic defendants when all of the case related factors were consistently non-serious. On the other hand, when all of the case related factors were consistently rated serious there was little difference in the likelihood of receiving a prison sentence for each of the races examined: 8% more blacks received a prison sentence than whites and 14% more white defendants received a prison sentence than hispanics. However, when case related factors were inconsistent (i.e., no evidence of a prior record, a high rating; the sale of narcotics, a low rating; and two convictions, a low rating) a great deal of disparity emerged in the likelihood of being sentenced to prison. Whereas only 18% of the white defendants received a prison sentence, 100% of the black defendants and 40% of the hispanic defendants were sentenced to prison.

The results of this study suggest that judges do not uniformly discriminate based on race. Instead, significant racial disparities in sentencing emerged only when case related factors (the performance

set) did not clearly indicate an appropriate sanction.

Hypotheses

In consideration of the purpose of the present study, findings of previous research and the central tenets of status characteristics and expectation states theory, the following null hypotheses are offered:

1. The degree of inconsistency in case related factors (i.e., the performance set) is not related to individual characteristics (i.e., diffuse status characteristics) influencing the decision to institutionalize instead of sentence to straight probation.

2. The degree of inconsistency in case related factors (i.e., the performance set) is not related to individual characteristics (i.e., diffuse status characteristics) influencing the decision to institutionalize instead of sentence to probation with detention.

3. The degree of inconsistency in case related factors (i.e., the performance set) is not related to individual characteristics (i.e., diffuse status characteristics) influencing the decision to sentence on probation with detention instead of sentence to straight probation.

CHAPTER IV

RESEARCH METHOD

This chapter has several purposes. First, it briefly describes the context in which the data were collected. Second, the data collection process is described. Third, the variables employed are operationalized. Finally, the statistical procedures utilized in the present analysis are discussed.

Study Context

Interested in learning whether sentencing disparities existed within the Kalamazoo County Juvenile Court, its administration requested the present analysis. The court is located in southwestern Michigan. Its jurisdiction spans 562 square miles and has a population exceeding 212,000 (Bureau of the Census, 1990). About 10% of the population is age 65 and older; about 30% is 17 and younger (Bureau of the Census, 1990).

The Data Collection Process

During the months of June and July, 1990, a sample was selected randomly from all active delinquency cases in 1988 and 1989. One hundred cases were selected from each year to ensure a representative sample from each year and increase the statistical power of the study. The samples were combined, for a total sample $\underline{n} = 200$.

Approval to conduct the present analysis was obtained from the Human Subjects Institutional Review Board on March 21, 1990 (see Appendix A). In research involving human subjects, especially those involving youth, confidentiality is a primary concern. Several procedures were employed to ensure confidentiality. For example:

1. Data collection instruments were kept separate from the sample list.

2. The names of those selected for the study were not collected.

3. The data collection instruments were destroyed upon entering the data onto a computer disk.

Data were collected from individual case files. Below, the variables employed in the present study are operationalized. Each variable is coded to coincide with the logic of the theory of status characteristics and expectation states. In other words, each independent variable is coded to reflect a desirable state (0) and undesirable state (1). For example, it may be assumed that a case would be looked upon more favorably at the time of disposition if there were no priors (0) compared to a case involving prior convictions (1). Further, as will be indicated later in this chapter, this coding scheme coincides with that of analytic procedure (i.e., logistic regression) employed in the present study.

Variables

Dependent Variable

Disposition

This variable is conceptualized by degree of restrictiveness. The most restrictive sentence imposed in the present study is institutionalization. The types of institutions include behavioral, mental health and substance abuse. For the present analysis, institutional type is not examined. The second most restrictive sentence is probation with detention. Those who received this sentence were placed on probation, but were also ordered to serve time in detention at the time of disposition. The average term served was 35 days, with a range of 1 to 177 days. Finally, the least restrictive of the sentences examined is straight probation. None of those placed on straight probation were ordered to serve time in detention.

By selecting out cases by type of sentence and through a series of recodes, a number of comparisons are made. To coincide with the logic of status characteristics and expectation states theory, the more restrictive the sentence the more undesirable it is. Therefore, when comparisons are made the more restrictive of the two sanctions is coded 1.

The first comparison is between the most and least restrictive of sanctions: institutionalization v. straight probation. For this comparison, institutionalization is coded 1 and straight probation is coded 0. With this coding scheme those sentenced to straight

probation serve as the reference category. Hence, this coding scheme allows statements to be made regarding the odds for which one would be sentenced to an institution instead of straight probation.

The second comparison is between the most and second most restrictive of sanctions: institutionalization v. probation with detention. For this comparison, institutionalization is coded 1 and probation with detention is coded 0. With this coding scheme those sentenced to probation with detention serve as the reference category. This coding scheme allows statements to be made regarding the odds for which one would be sentenced to an institution instead of probation with detention.

Finally, the third comparison is between the second most restrictive and least restrictive sanctions: probation with detention v. straight probation. For this comparison, probation with detention is coded 1 and straight probation is coded 0. With this coding scheme, those sentenced to straight probation serve as the reference category. Hence, this coding scheme allows statements to be made regarding the odds for which one would be sentenced to probation with detention instead of straight probation.

Nearly 70% of the sample was sentenced to straight probation (see Table 1). The others were sentenced to probation with detention (18.5%) and an institution (13%).

Table 1

Dispositions

Sanctions	N	Percent	Cum. Percent
Straight Probation	137	68.5	68.5
Probation with Detention	37	18.5	87.0
Institutionalization	26	13.0	100.0
Total	200	100.0	

Independent Variables

Race

Data on race were originally collected as white, black, hispanic and other. Too few cases were coded as hispanic or other (n = 5) to constitute a separate category and were therefore collapsed with the black category. For the present study, then, race is coded as white (0) and nonwhite (1).

Although the research is contradictory about the role race plays in sentencing decisions, for this analysis nonwhite is considered an undesirable state in the courtroom. Consequently, the logic of the theory dictates that nonwhite is coded 1.

The sample is represented by nearly an equal number of white and nonwhite youth (see Table 2). Nonwhites comprise 55% of the sample.

Gender

Gender is coded 1 for male and 0 for female. The code of 1 for

Table 2

Race

Race	N	Percent	Cum. Percent
White	90	45.0	45.0
Nonwhite	110	55.0	100.0
Total	200	100.0	

male reflects the tendency for males to be sentenced more harshly than females in delinquency cases (see, for example, Conway & Bogdan, 1977). Gender is used as a control variable.

As can be seen in Table 3, nearly 80% of sample is male. Females comprised only 20.5% of the sample.

Table 3

Gender

Gender	N	Percent	Cum. Percent
Male	159	79.5	79.5
Female	41	20.5	100.0
Total	200	100.0	

Socioeconomic Status

A direct measure of each juvenile's economic status was not available in the case files, hence an indirect measure was employed. To find an appropriate measure, residential addresses were matched to

census tracts in the 1990 Census. The Bureau of the Census uses several economic indicators for census tracts, such as the number of households with an annual income falling within specified ranges ($5,000 or less, $5,001 to $7,499, and so on), median income and number of households receiving public assistance. However, in light of the need to find a binary variable to fit the logic of the theory employed in the present study, none of these economic indicators are appropriate.

Therefore a binary variable was created through the following process:

1. Data were collected on the number of persons living in the census tracts of the jurisdiction of the juvenile court; there are a total of 48 tracts. The juveniles represented in the sample were located in 38 tracts.

2. Data were collected on the number of persons in each tract with an income falling below the poverty line.

3. For each tract, the number of persons with an income below the poverty line was divided into the total number of persons living in each tract to obtain a percentage of persons (within each tract) with an income falling below the poverty line. See Table 4 for the distribution of cases and tracts falling below the poverty line.

As can be seen in Table 4, the majority of the cases falling below the poverty line are clustered at the extremes. Approximately one-third of the tracts had less than 5% of its residents below the poverty line; 15.4% of the court's clients were from these tracts. In contrast, only two tracts (5.3%) has more than 30% below the

Table 4

Percentage Distribution of Census Tracts and Cases Falling Below the Poverty Line*

Percent Below Poverty Line	Number of Tracts	%	Cum. %	Number of Cases	%	Cum. %
1- 5	13	34.2	34.2	30	15.4	15.4
6-10	14	36.8	71.0	62	31.8	47.2
11-15	3	7.9	78.9	7	3.6	50.8
16-20	1	2.6	81.5	16	8.2	59.0
21-25	2	5.3	86.8	25	12.8	71.8
25-30	3	7.9	94.7	21	10.8	82.6
31+	2	5.3	100.0	34	17.4	100.0
Total	38	100.0		195	100.0	

* Five of the juveniles represented in the analysis did not reside in the jurisdiction of the court. These cases are omitted from the analysis. Hence, $n = 195$.

poverty line, but 17.4% of the court's clients came from these tracts.

To create a binary variable the distribution of cases was evaluated. The significant decrease in the percentage of juveniles residing in tracts with 6 to 10% of the population below the poverty line (32%) to the percentage residing in tracts with 11 to 15% of the population below the poverty line (4%) lead this writer to believe that this is an appropriate split in cases. That is, cases are coded 0 if the tract has 10% or less of its population with an income below the poverty line. These tracts are considered low poverty areas (LOWPOV). On the other hand, cases are coded 1 if 11% or more of the

tract's population has an income below the poverty line. These tracts are considered high poverty areas (HIGHPOV).

To conform with the logic of the theory, residing in a high poverty area (HIGHPOV) is coded 1 to reflect an undesirable state in the courtroom. Some research suggests that low SES (socio-economic status) defendants receive harsher sentences than high SES defendants (see Kelly, 1976; Labeff, 1981).

The percentage of youth living in low poverty areas (LOWPOV) of the court's jurisdiction (46%) is nearly equal to the percentage residing in high poverty areas (HIGHPOV) (54%) (see Table 5).

Table 5

Socioeconomic Status

Tract Classification	N	Percent	Cum. Percent
LOWPOV	92	46.0	46.0
HIGHPOV	108	54.0	100.0
Total	200	100.0	

Seriousness of Current Offense

Seriousness of the current offense reflects the most serious conviction for each case. This variable is coded as an indicator-variable to allow for the appropriate comparisons to be made. Originally, data for this variable were assigned to 20 categories. However, a review of the data suggests that the offenses should be collapsed into seven categories: violent personal, personal, violent

property, property, fraud, drug, and other. Through a series of recodes, each delinquent offense was compared with all of the others. In other words, data were coded as violent personal offenses (1) and not violent personal offenses (0), personal offenses (1) and not personal offenses, violent property offenses (1) and not violent property offenses (0), and so on. When the offenses are coded 0, they serve as the reference category. This coding scheme allows statements to be made regarding the odds for which violent personal offenders were sentenced to an institution compared to all the other offenders, for example.

As can be seen in Table 6, property offenses (i.e., violent property, property and fraud) comprise the largest offense category of the sample (43.5%). The second largest category is personal offenses (i.e., violent personal and personal), comprising 25% of the sample. Other offenses constitute the third largest category (23.5%). The smallest offenses category is drug related (7.5%).

Number of Convictions

Data were originally collected to reflect the actual number of convictions for the most recent case. To allow for the necessary comparisons, this variables was coded as an indicator-variable. Due to the nature of this variable (i.e., all cases have at least one conviction), two variables were created: CONV2 for those with two convictions and CONV3 for those with three or more convictions. Hence, the comparisons involve those with two convictions (CONV2 = 1) versus not two convictions (coded 0) and those with three or

Table 6

Seriousness of Current Offense

Offense Category	N	Percent	Cum. Percent
Violent Personal	32	16.0	16.0
Personal	19	9.5	25.5
Violent Property	28	14.0	39.5
Property	44	22.0	61.5
Fraud	15	7.5	69.0
Drug	15	7.5	76.5
Other	47	23.5	100.0
Total	200	100.0	

more convictions (CONV3 = 1) versus not those with three or more convictions (coded 0).

While nearly 65% of the cases had one conviction, only 9% had three or more convictions (see Table 7). The remaining cases (26.5%) had two convictions.

Prior Convictions

Data were originally collected to reflect the actual number of prior convictions. However, to allow for the necessary comparisons this variable was coded as an indicator-variable. Two variables were created: PRICON1 for those with one prior conviction and PRICON2 for those with two or more prior convictions. The comparisons are between those with one prior conviction (PRICON1 = 1) versus

Table 7

Number of Convictions

Number of Convictions	N	Percent	Cum. Percent
One Conviction (1)	129	64.5	64.5
Conv 2	53	26.5	91.0
Conv3	18	9.0	100.0
Total	200	100.0	

Note: (1) This category is not included in the analysis since there is no logical reference category. It is indicated for informational purposes only.

no prior conviction (coded 0) and those with two or more prior convictions (PRICON2 = 1) versus not two or more prior convictions (coded 0).

The majority of the cases (57%) had no prior convictions (see Table 8). However, 16% had one prior conviction and 27% had two or more priors.

Statistical Procedures

Logistic regression has been chosen as the analytic procedure because it correctly models the theory employed in the present analysis. That is, the theory of status characteristics and expectations states assumes that the relationship among judicial decision making, and case and defendant attributes are nonlinear and nonadditive (Hanushek & Jackson, 1977). Likewise, logistic regression assumes a nonlinear and nonadditive functional form.

Table 8

Prior Convictions

Number of Priors	N	Percent	Cum. Percent
No Priors (1)	114	57.0	57.0
PRICON1	32	16.0	73.0
PRICON2	54	27.0	100.0
Total	200	100.0	

Note: (1) This category is not included in the analysis since there is no logical reference category. It is indicated for informational purposes only.

Logistic regression estimates the probability that an event will occur (Aldrich & Nelson, 1984). In other words, it is a choice-based statistical model that allows for the derivation of the probability that one event (or in the present study, disposition) will occur over another, such as institutionalization over probation with detention and straight probation. Consequently the probability of an event occurring (coded 1) is always made in reference to another event (coded 0).

Correlation coefficients are calculated to test for multicollinearity. Variables found to be correlated at about .30 are retained in the model. Correlation coefficients at about .30 indicate a lack of multicollinearity (Kmenta, 1971).

To test whether the theoretical model fits the data, the goodness-of-fit chi-square statistic is used to compare the observed and predicted probabilities of receiving a given sanction:

institutionalization v. straight probation, institutionalization v. a probation sentence with detention and probation with detention v. straight probation. A significant chi-square statistic suggests that the model fits the data. For this and the other analyses of the present study, alpha is set at .10.

To make the main effect logistic regression coefficients interpretable, they are transformed into odds ratios. Additionally, the main effect logistic equations are used in generating the predicted probabilities of imposing a given disposition.

The predicted probabilities are not provided by SPSS-X. Although time consuming, they can easily be computed by hand through the use of a scientific calculator.

CHAPTER V

RESULTS

This chapter reports the findings of the present analysis. First, the distribution of the data for the variables employed in the study are described. Then, by comparing sentence types, the hypotheses presented in Chapter III are tested.

Descriptives

Data are presented to conform to the theory of status characteristics and expectation states. Race, gender and socioeconomic status are described in relation to the disposition imposed. These variables are considered diffuse status characteristics. Additionally, performance set variables, seriousness of the current offense, number of convictions and number of prior convictions, are described in relation to the disposition imposed.

Diffuse Status Characteristics

Race

Table 9 indicates the number and percentage of nonwhite and white youth sentenced to straight probation, probation with detention and an institution. Overall, it appears that the primary difference in the sanctions imposed is that more nonwhite youth (10%) were sentenced to an institution than white youth (3%). Similarly, nonwhite

youth were slightly more likely than white youth to be sentenced to probation with detention: 11.5% versus 7%, respectively. On the other hand, white youth (35%) were somewhat more likely than nonwhite youth (33.5%) to be sentenced to straight probation.

The differences in the sanctions imposed become more pronounced when they are examined for each racial group (see Table 10). For example, nonwhite youth were nearly three times as likely to receive an institutional sentence than white youth; 18.2% of the nonwhite youth and 6.7% of the white youth were sentenced to an institution. Also, while 20.9% of the nonwhite youth were sentenced to probation with detention, 15.6% of the white youth received this sanction. Conversely, whereas 77.8% of the white youth were sentenced to probation, 60.9% of the nonwhite youth received a probation sentence.

Gender

With males composing nearly 80% of the sample, it is not surprising to find that they are more likely than females to be sentenced to straight probation, probation with detention and an institution (see Table 11). Of the 68.5% sentenced to straight probation, 52.5% were male. Also, 17% of the 18.5% sentenced to probation with detention were male. Finally, of the 13% of the sample sentenced to an institution, 10% were male.

However, by examining the sentences received for each gender group, some interesting findings are revealed (see Table 12). For example, females were more likely than males to be sentenced to

Table 9

Total Sample: Disposition by Race

Disposition	Race				Row Total	
	White		Nonwhite			
	N	%	N	%	N	%
Straight Probation	70	35.0	67	33.5	137	68.5
Probation with Det.	14	7.0	23	11.5	37	18.5
Institutionalization	6	3.0	20	10.0	26	13.0
Column Total	90	45.0	110	55.0	200	100.0

Chi Sq.	Value	DF	Significance
Pearson	7.872	2	p = .02

Table 10

Disposition by Race

Disposition	Race (1)			
	White		Nonwhite	
	N	%	N	%
Straight Probation	70	77.8	67	60.9
Probation with Det.	14	15.6	23	20.9
Institutionalization	6	6.7	20	18.2
Column Total	90	100.1	110	100.0

(1) Percentages may not total to 100 due to rounding.

Table 11

Total Sample: Disposition by Gender

Disposition	Gender				Row Total	
	Male		Female			
	N	%	N	%	N	%
Straight Probation	105	52.5	32	16.0	137	68.5
Probation with Det.	34	17.0	3	1.5	37	18.5
Institutionalization	20	10.0	6	3.0	26	13.0
Column Total	159	79.5	41	20.5	200	100.0

Chi Sq.	Value	DF	Significance
Pearson	4.279	2	p = .10

Table 12

Disposition by Gender

Disposition	Gender (1)			
	Male		Female	
	N	%	N	%
Straight Probation	105	66.0	32	78.0
Probation with Det.	34	21.4	3	7.3
Institutionalization	20	12.6	6	14.6
Column Total	159	100.0	41	99.9

(1) Percentages may not equal 100 due to rounding.

straight probation and an institution. While 78% of the females were sentenced to straight probation, only 66% of the males received this sentence. And while 14.6% of the females were sentenced to an institution, 12.6% of the males were institutionalized. On the other hand, males were nearly three times more likely than females to be sentenced to probation with detention; 21.4% of the males and 7.3% of the females were sentenced to probation with detention.

Socioeconomic Status

As can be seen in Table 13, nearly equal percentages of youth from high and low poverty areas were sentenced to straight probation: 33.3% and 35.4%, respectively. Likewise, there is little difference in the percentages of youth sentenced to an institution from high and low poverty areas: 7.2% and 5.6%, respectively. However, approximately twice as many youth from high poverty areas (11.8%) than from low poverty areas (6.7%) were sentenced to probation with detention.

An examination of the sentences received for each SES category indicates that youth residing in low poverty areas (74.2%) are more likely than those from high poverty areas (63.7%) to be placed on straight probation (see Table 14). Conversely, those residing in high poverty areas (22.5%) are more likely than those from low poverty areas (14%) to be sentenced to probation with detention. Youth residing in high poverty areas are only slightly more likely to be sentenced to an institution than those from low poverty areas: 13.7% and 11.8%, respectively.

Table 13

Total Sample: Disposition by Socioeconomic Status

Disposition	SES HIGHPOV N	%	LOWPOV N	%	Row Total N	%
Straight Probation	65	33.3	69	35.4	134	68.7
Probation with Det.	23	11.8	13	6.7	36	18.5
Institutionalization	14	7.2	11	5.6	25	12.8
Column Total	102	52.3	93	47.7	195	100.0

Note: Five of the cases are missing due to the juvenile residing out of the court's jurisdiction. Based upon the available evidence, 3 were sentenced to probation, 1 received probation with detention and 1 was sentenced to an institution.

Chi Sq.	Value	DF	Significance
Pearson	2.848	2	p = .10

Table 14

Disposition by Socioeconomic Status

Disposition	SES (1) HIGHPOV N	%	LOWPOV N	%
Straight Probation	65	63.7	69	74.2
Probation with Det.	23	22.5	13	14.0
Institutionalization	14	13.7	11	11.8
Column Total	102	99.9	93	100.0

(1) Percentages may not total to 100 due to rounding.

The Performance Set

Seriousness of Current Offense

As can be seen in Table 15, of the 68.5% of the sample sentenced to straight probation, other offenses (18.5%) and property offenses (16.5%) account for more than half of the total. Likewise, other offenses (4%) and property offenses (4%) comprise about half of the 18.5% of the sample sentenced to probation with detention. On the other hand, violent personal (3%), violent property (2.5%) and drug offenses (2.5%) account for more than half of the 13% receiving an institutional sentence.

By examining the offense categories in Table 16 it is clear that a large percentage of all offenses received straight probation. For example, 93.3% of fraud cases, 78.7% of other offenses, 75% of property offenses and 60% of drug offenses were placed on straight probation. On the other hand, most of the juveniles sentenced to probation with detention were convicted of the following offenses: violent personal (21.9%), personal (31.6%), violent property (25%), property (18.2%) and other (17%). Those convicted of drug offenses (33.3%), violent personal offenses (18.7%), personal offenses (21%) and violent property offenses (17.9%) were significantly more likely to be sentenced to an institution than those convicted of property offenses (6.8%), fraud (6.7%) and other offenses (4.3%).

Number of Convictions

On the whole, most (46.5%) of those sentenced to straight probation

Table 15

Total Sample: Disposition by Seriousness of Current Offense

Disposition	Offense Categories: Viol. Person. N	%	Person. N	%	Viol. Prop. N	%	Prop. N	%	Fraud N	%	Drug N	%	Other N	%	Row Total N	%
Straight Probation	19	9.5	9	4.5	16	8.0	33	16.5	14	7.0	9	4.5	37	18.5	137	68.5
Probation with Det.	7	3.5	6	3.0	7	3.5	8	4.0	0	0.0	1	0.5	8	4.0	37	18.5
Institutionalization	6	3.0	4	2.0	5	2.5	3	1.5	1	0.5	5	2.5	2	1.0	26	13.0
Column Total	32	16.0	19	9.5	28	14.0	44	22.0	15	7.5	15	7.5	47	23.5	200	100.0

Chi Sq.	Value	DF	Significance
Pearson	22.775	12	$p < .05$

Table 16

Disposition by Seriousness of Current Offense

Disposition	Offense Categories													
	Viol. Person.		Person.		Viol. Prop.		Prop.		Fraud		Drug		Other	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
Straight Probation	19	59.4	9	47.4	16	57.1	33	75.0	14	93.3	9	60.0	37	78.7
Probation with Det.	7	21.9	6	31.6	7	25.0	8	18.2	0	0.0	1	6.7	8	17.0
Institutionalization	6	18.7	4	21.0	5	17.9	3	6.8	1	6.7	5	33.3	2	4.3
Column Total	32	100.0	19	100.0	28	100.0	44	100.0	15	100.0	15	100.0	47	100.0

had one conviction; 17.5% had two convictions and 4.5% had three or more convictions (see Table 17). Similarly, the majority (11.5%) of those sentenced to probation with detention had one conviction. A substantially smaller percentage of juveniles were sentenced to probation with detention with two convictions (6%) and three or more convictions (1%). Moreover, about twice as many juveniles were sentenced to an institution with one conviction (6.5%) than with two (3%) or three or more convictions (3.5%).

The picture changes dramatically when each category of convictions is examined separately (see Table 18). For instance, while 72.1% of those sentenced to straight probation had one conviction, 66% had two convictions and 50% had three or more convictions. On the other hand, whereas 10.1% of those with one conviction received an institutional sentence, 11.3% had two convictions and a substantial 38.9% had three or more convictions. Also, although most (22.6%) of those sentenced to probation with detention had two convictions, a similar percentage (17.8%) had one conviction. Approximately 11% of those with three or more convictions were sentenced to probation with detention.

Number of Prior Convictions

Of the 57% of the sample with no prior convictions, 42% were placed on straight probation, 11% were sentenced to probation with detention and 4% were institutionalized (see Table 19). Also, 12% of those with one prior conviction received straight probation, 3.5% were placed on probation with detention and less than 1% were

Table 17

Total Sample: Disposition by Number of Convictions

Disposition	Convictions						Row Total	
	One Conv.		CONV2		CONV3			
	N	%	N	%	N	%	N	%
Straight Probation	93	46.5	35	17.5	9	4.5	137	68.5
Probation with Det.	23	11.5	12	6.0	2	1.0	37	18.5
Institutionalization	13	6.5	6	3.0	7	3.5	26	13.0
Column Total	129	64.5	53	26.5	18	9.0	200	100.0

Note: The one conviction category is not included in the analysis since there is no logical reference category. It is indicated for informational purposes only.

Chi Sq.	Value	DF	Significance
Pearson	12.486	4	p = .02

Table 18

Disposition by Number of Convictions

Disposition	Convictions (1)					
	One Conv.		CONV2		CONV3	
	N	%	N	%	N	%
Straight Probation	93	72.1	35	66.0	9	50.0
Probation with Det.	23	17.8	12	22.6	2	11.1
Institutionalization	13	10.1	6	11.3	7	38.9
Column Total	129	100.0	53	99.9	18	100.0

(1) Percentages may not total to 100 due to rounding.

Table 19

Total Sample: Disposition by Prior Convictions

Disposition	Priors							
	No Priors		PRICON1		PRICON2		Row Total	
	N	%	N	%	N	%	N	%
Straight Probation	84	42.0	24	12.0	29	14.5	137	68.5
Probation with Det.	22	11.0	7	3.5	8	4.0	37	18.5
Institutionalization	8	4.0	1	0.5	17	8.5	26	13.0
Column Total	114	57.0	32	16.0	54	27.0	200	100.0

Note: The no priors category is not included in the analysis since there is no logical reference category. It is indicated for informational purposes only.

Chi Sq.	Value	DF	Significance
Pearson	22.730	4	$p = .001$

sentenced to an institution. Finally, 14.5% of those with two or more priors were placed on probation, 4% received a probation with detention sentence and 8.5% were institutionalized.

As can be seen in Table 20, there appears to be no significant difference in the likelihood of those with no priors (73.7%) and those with one prior conviction (75%) to be sentenced to straight probation. Substantially fewer juveniles with two or more priors (53.7%) were placed on straight probation. Likewise, juveniles with no priors (19.3%) and one prior conviction (21.9%) are nearly equally likely to be sentenced to probation with detention. Only 14.8% of those with two or more priors received a probation with detention

sentence. On the other hand, juveniles with two or more prior convictions (31.5%) were more than four times as likely as those with no priors (7%) and 10 times as likely as those with one prior (3.1%) to be sentenced to an institution.

Table 20

Disposition by Prior Convictions

Disposition	Priors					
	No Priors		PRICON1		PRICON2	
	N	%	N	%	N	%
Straight Probation	84	73.7	24	75.0	29	53.7
Probation with Det.	22	19.3	7	21.9	8	14.8
Institutionalization	8	7.0	1	3.1	17	31.5
Column Total	114	100.0	32	100.0	54	100.0

Analysis

In building the statistical model for this analysis, a test for multicollinearity was performed for each comparison of dispositions. Correlation coefficients serve as the statistical measure of multicollinearity. Table 21 contains the coefficients when institutionalization is compared to straight probation. Table 22 indicates the coefficients when institutionalization is compared to probation with detention. Table 23 presents the coefficients when probation with detention is compared with straight probation. For each comparison the coefficients are uniformly small, indicating minimal

multicollinearity. That is, the independent variables do not appear to be highly correlated. Hence all of the variables are retained for the analysis.

Table 21 contains the coefficients when institutionalization is compared to straight probation. Table 22 indicates the coefficients when institutionalization is compared to probation with detention. Table 23 presents the coefficients when probation with detention is compared with straight probation. For each comparison the coefficients are uniformly small, indicating minimal multicollinearity. Hence all of the variables are retained for the analysis.

Table 21

Correlation Matrix for Institutionalization Versus Straight Probation

	Race	Gender	SES	Prior Conv.	Conv.'s
Race					
Gender	.1001				
SES	.0407	.0914			
Prior Conv.	-.1723	-.0231	.0921		
Conv.'s	-.0476	-.0758	-.0751	-.2458	
OFF.SER.	-.0241	-.0326	-.0545	-.0688	.0263

Institutionalization Versus Straight Probation

Table 24 compares institutionalization with straight probation. A chi-square statistic indicates that the model for this analysis fits

Table 22

Correlation Matrix for Institutionalization Versus Probation with Detention

	Race	Gender	SES	Prior Conv.	Conv.'s
Race					
Gender	.0648				
SES	.0474	.0307			
Prior Conv.	-.1936	-.1028	-.1347		
Conv.'s	-.1788	-.0797	-.0075	-.0025	
Off.SER.	.1204	-.0456	-.0467	.0089	-.2414

Table 23

Correlation Matrix for Probation with Detention Versus Straight Probation

	Race	Gender	SES	Prior Conv.	Conv.'s
Race					
Gender	.0443				
SES	.0262	-.0149			
Prior Conv.	-.2024	-.0341	-.0109		
Conv.'s	-.0045	-.0037	-.0038	-.2785	
Off.SER.	.0632	.0394	.0632	.0203	.0077

the data ($\underline{X2}$ = 21.499, $\underline{p}$ = .001). The main effect logistic regression analysis reveals that three variables are related to

Table 24

Full Equation: Institutionalization Compared With Straight Probation (n = 163)

Variables	Equation
Nonwhite	1.248 + (3.482)++
Male	.000 (1.016)
HIGHPOV	.300 (1.351)
Viol. Personal	.622 (1.863)
Personal	.950 (2.586)
Viol. Property	.588 (1.801)
Property	- .889 (.411)
Fraud	-1.045 (.351)
Drug	1.220* (3.386)
Other	-1.489 (.225)
CONV2	- .123 (.874)
CONV3	1.656** (5.240)
PRIOR1	-1.665 (.189)
PRIOR2	1.951*** (7.038)

+ logistic regression coefficients; ++ odds ratios.
* $p \leq .05$; ** $p \leq .01$; *** $p \leq .001$
Chi-square = 21.499, df = 6, p = .0015

institutionalization: drug offense, CONV3 and PRICON2. Specifically, those convicted of a drug offenses are nearly three and one-half times more likely to be placed in an institution than the other offense types. Also, those convicted of three or more charges are more than five times as likely to be institutionalized than those with one or two convictions. Finally, those with two or more prior convictions are seven times more likely to be sentenced to an institution than those with one or no priors.

It is interesting to note that prior to controlling for the influence of the other variables in the model, race was found to be significantly related to receiving an institutional sentence ($p = .05$): nonwhites were nearly 3.5 times more likely than whites to be institutionalized. However, after controlling for offense seriousness the probability level exceeded the preestablished alpha (.10): $p = .11$. The other controls did not increase the probability beyond the .05 level.

Nevertheless, since neither race nor the SES variable (diffuse status characteristics) were found to be related to receiving an institutional sentence, null hypothesis #1 is retained. The main effect logistic regression coefficients suggest that minorities and those residing in high poverty areas are no more likely than whites and those residing in low poverty areas to be sentenced to an institution instead of straight probation. Consequently, the null hypotheses must be retain out of hand. That is, since the diffuse status characterisitcs were not found to be related to the disposition, the degree of inconsistency in the performance set (i.e., case

related factors) is not related to diffuse status characteristics influencing the decision to institutionalize instead of sentencing to straight probation.

Although the diffuse status characteristics were not found to be related to the imposition of an institutional sentence, the analysis will proceed in the attempt to gain insight to the utility of status characteristics and expectation states theory in the juvenile court. Since race approached statistical significance, this status characteristic is used as the control variable.

Taking the variables found to be significantly related to institutionalization, another chi-square test was calculated to determine whether the new model (consisting only of drug offenses, CONV3 and PRICON2) fit the data. The analysis revealed that the model fit the data at $p = .0001$ (see Table 25).

Table 25

New Equation: Institutionalization Compared with Straight Probation

Variables	Equation
CONV3	.650
PRICON2	1.710
Drug	.564

Chi-square = 21.191, $df = 3$, $p = .0001$

The coefficients in the new model (Table 25) are used to calculate the probability of receiving an institutional sentence given

variations in the case related factors. Table 26 presents the results of this analysis.

As can be seen, Table 26 is divided by the race of the youth: nonwhite and white. Also dividing the table is a column titled "Theoretical Rank." The numbers indicate, according to status characteristics and expectation states theory, the probability of a youth receiving an institutional sentence. Number 8 indicates that, given the case characteristics, there is little probability of institutionalization. On the other hand, 1 indicates the greatest likelihood of receiving an institutional sentence. Also, cases 1 and 8 are consistently rated as serious and nonserious, respectively, and therefore one would likely not find sentencing disparities. However, as the characteristics of the remaining become inconsistently rated, one would expect to find disparity in sentencing when the racial groups are compared.

On both sides of the "Theoretical Rank" column are "Probability Rank" columns for the race of the youth. For nonwhite youth, the theory correctly models the three case types least likely to receive an institutional sentence. The probability of institutionalization increases from .02 in theoretical rank 8 to .11 in rank 7 to .12 in rank 6. Thereafter, the theory inaccurately models the data. For white youth, the model does not correctly model any of the cases. In fact, when the theory predicts the least likelihood of institutionalization (theoretical rank 8), the probability rank indicates the most likely chance of an institutional sentence.

To fully test the theory of status characteristics and

Table 26

Institutionalization Versus Straight Probation

	NONWHITE				WHITE		
Case Type	Proportion	Prob.	Prob. Rank	Theoretical Rank	Prob. Rank	Prob.	Proportion
LT3CONV,LT2PRI,NDRUG	4/65	.024	8	8	1	.050	4/69
LT3CONV,LT2PRI,DRUG	1/5	.107	7	7	4.5	.001	0/2
CONV3,LT2PRI,NDRUG	0/2	.117	6	6	4.5	.001	0/3
LT3CONV,PRICON2,NDRUG	7/22	.864	2	5	3.3	.000	2/16
CONV3,LT2PRI,DRUG	0/0	.248	5	4	3.3	.000	0/0
LT3CONV,PRICON2,DRUG	1/3	.866	1	3	4.5	.001	0/0
CONV3,PRICON2,NDRUG	4/8	.744	4	2	4.5	.001	0/0
CONV3,PRICON2,DRUG	3/5	.827	3	1	3.3	.000	0/0

LEGEND:
CONV3: Three or more convictions in the current case.
PRICON2: Two or more prior convictions.
Drug: The most serious offense is drug related.
LT3CONV: Less than three convictions in the current case.
LT2PRI: Less than two prior convictions.
NDRUG: The most serious offense is not drug related.

expectation states a comparison must be made between the likelihood of receiving an institutional sentence for each case type by race. As indicated above, the theory suggests that the greatest disparity in sentencing would exist in the middle cases, where the case related factors are most inconsistent. However, this analysis cannot be fully conducted due to the small number of institutionalized youth. Nevertheless, by examining the cases in which there are nonwhite and white subjects, theoretical ranks 8 and 5, the theory appears to have explanatory power.

For example, in theoretical rank 8, where the theory predicts that there would likely be little or no racial influence in sentencing, 6.1% of the nonwhite cases (4 out of 65) were sentenced to an institution. Likewise, only 5.8% of the white cases (4 out of 69) were sentenced to an institution. This represents a difference of only .3%. On the other hand there is a dramatic difference observed in theoretical rank 5, a ranking the theory argues one would likely find racial disparities. Whereas nearly one-third (31.8% or 7 out of 22) of the nonwhite cases were institutionalized, only about one-tenth (12.5% or 2 out of 16) of the white cases received an institutional sentence.

Although the small number of cases restricted the extent to which the theory could be tested, the analysis thus far indicates that the theory has limited utility in the juvenile court. The inadequacy of the theory may, in part, be explained by looking closely at the PRICON2 variable (i.e., two or more prior convictions). When PRICON2 is entered into the equation (i.e., the case types) the

probability of institutionalization dramatically increases for nonwhite youth. For example, in theoretical ranks 6, 7 and 8, cases characterized by less than two prior convictions (LT2PRI), the probability of institutionalization is small. However, theoretical rank 5 includes cases with two or more prior convictions (PRICON2) and the probability of institutionalization increased by .747 from the previous case type, from .117 in case type 6 to .864 in case type 5. Then, in theoretical rank 4, where the case type has less than two priors, the probability of institutionalization dropped by .616, to .248. Finally, in theoretical ranks 1 through 3, in which two or more priors is a characteristic of the case types, the probability of receiving an institutional sentence increases to a level similar to theoretical rank 5: .866 for rank 3, .744 for rank 2 and .827 for rank 1. This pattern is not observed for white youths.

It appears that while the main effect of race is not significantly related to institutionalization, this status characteristic is indirectly related to receiving an institutional sentence. By analyzing the influence of prior convictions on the probability of institutionalization for each sentence type, it may very well be that race interacts with PRICON2, resulting in an increased likelihood of institutionalization for nonwhite youth.

Institutionalization Versus Probation With Detention

Table 27 compares institutionalization to probation with detention. The chi-square statistic indicates that the model fits the data ($\underline{X2}$ = 14.014; p _ .05). However, contrary to the previous comparison

(institutionalization versus probation), none of the variables were related to being institutionalized instead of receiving a sentence of probation with detention. Consequently, null hypothesis #2 is retained. That is, minorities and those residing in high poverty areas are no more likely than whites and those living in low poverty areas to be sentenced to an institution instead of probation with detention. Moreover, the likelihood of being sentenced to an institution is not related to the case related factors examined here. Overall, then, from the variables examined in this analysis, delinquents are as likely to have been institutionalized as they are to have been sentenced to probation with detention.

Probation With Detention Versus Straight Probation

Table 28 compares probation with detention to straight probation. The chi-square statistic indicates that the model fits the data ($\underline{X2} = 14.014$; $p < .05$). However, similar to the previous comparison (institutionalization versus probation with detention), none of the variables were related to receiving a sentenced of probation with detention instead of a straight probation sentence. Consequently, null hypothesis #3 is retained. Overall, regardless of individual and case characteristics, these delinquents were as likely to have been sentenced to probation with detention as they were to have been sentenced to straight probation.

Table 27

Full Equation: Institutionalization Compared With Probation With Detention (n = 62)

Variables	Equation
Nonwhite	.707+ (2.029)++
Male	.100 (3.454)
HIGHPOV	- .329 (.719)
Viol. Personal	.251 (1.286)
Personal	- .062 (.939)
Viol. Property	.020 (1.020)
Property	- .749 (.473)
Fraud	6.592 (9.040)
Drug	2.148 (8.570)
Other	-1.197 (.302)
CONV2	- .470 (.625)
CONV3	1.864 (6.447)
PRIOR1	-1.762 (.172)
PRIOR2	1.924 (6.847)

+ logistic regression coefficients; ++ odds ratios.
* $p = .05$; ** $p = .01$; *** $p = .001$
Chi-square = 14.014, df = 6, $p = .0295$.

Table 28

Full Equation: Probation With Detention Compared With Straight Probation (n = 173)

Variables	Equation
Nonwhite	.540 +
	(1.716)++
Male	-.0827
	(.294)
HIGHPOV	.630
	(1.878)
Viol. Personal	.371
	(1.450)
Personal	1.012
	(2.753)
Viol. Property	.568
	(1.764)
Property	- .140
	(.869)
Fraud	-7.001
	(.001)
Drug	- .924
	(.397)
Other	- .293
	(.746)
CONV2	.336
	(1.400)
CONV3	- .207
	(.813)
PRIOR1	.094
	(1.099)
PRIOR2	.027
	(1.027)

+ logistic regression coefficients; ++ odds ratios.
* $p = .05$; ** $p = .01$; *** $p = .001$
Chi-square = 13.361, df = 6, $p = .0377$

CHAPTER VI

DISCUSSION AND CONCLUSIONS

Despite four decades of research to determine whether sentencing disparities exist in the juvenile court, the evidence remains inconclusive. Some studies report to have found race and some measure of socioeconomic status to be related to the severity of sentence imposed (Bishop & Frazier, 1988; Datesman & Scarpitti, 1977; Fagan et al., 1987; McCarthy & Smith, 1986; Thomas & Cage, 1977; Thornberry, 1973; 1978). However, about an equal number of studies report that individual characteristics play no part in sentencing decisions; case related factors are the best predictors of sentence severity (Arnold, 1971; Cohen & Kruegel, 1978; Dannefer & Schutt, 1982; Kelly, 1976; Kowalski & Rickicki, 1982; McEachern & Bauzer, 1964; Terry, 1964). The inconsistency in research findings has been attributed to a number of factors: jurisdictional differences (Bishop & Frazier, 1988), differences in the way research variables are conceptualized (Zatz, 1987), and the discretionary nature of the juvenile justice system (Platt, 1977).

This document reported the findings of a pilot study of sentencing disparities in the juvenile court. It utilized status characteristics and expectation states theory, a social psychological theory of decision making, to determine when sentencing disparities are most likely to occur.

Status characteristics and expectation states theory posits that some cases are dispositionally certain. That is, when the performance set (i.e., case related factors) is consistently rated serious or non-serious, the harshness of the sanction will reflect the seriousness of the case. Under this condition, the factors comprising the performance set are assumed to be an indication of future behavior. Thus, judges weigh these factors heavily when making sentencing decisions. However, as the case related factors become inconsistent, with some rated serious and others rated non-serious, the disposition becomes uncertain. Hence, when the performance set does not clearly indicate a disposition, status characteristics and expectation states theory posits that judges turn to diffuse status characteristics (i.e., individual characteristics) to inform their sentencing decisions. Therefore, diffuse status characteristics are assumed to play a part in the sentencing process only after the factors comprising the performance set prove to be uninformative.

According to status characteristics and expectation states theory, some diffuse status characteristics are socially more desirable than others. Moreover, they foster expectations of future behavior. Hence, status characteristics and expectation states theory contends that when the performance set does not clearly indicate an appropriate sanction and diffuse status characteristics bring about expectations of continued unlawful behavior, the sanction imposed will likely be harsher than when diffuse status characteristics suggest future lawful behavior.

Sentence type serves as the dependent variable. Three

sentences, with varying degrees of restrictiveness, are examined: institutionalization, probation with detention and straight probation. Three comparisons are made to determine the likelihood of receiving the more severe sanction over a less severe sanction. The first comparison was an institutional sentence and straight probation. The second comparison was an institutional sentence and probation with detention. And finally, probation with detention was compared to straight probation.

The independent variables are classified into two groups: performance set characteristics and diffuse status characteristics. The performance set is comprised of offense seriousness, number of convictions in the current case and number of prior convictions. The variables reflecting diffuse status characteristics are race, gender and degree of poverty in the area in which the juvenile resided at the time of disposition.

Comparing the most with the least restrictive sanction (i.e., institutionalization versus straight probation), logistic regression analysis indicated that three variables were related to receiving an institutional sentence: drug offenses, three or more convictions (CONV3) and two or more prior convictions (PRICON2). Those convicted of a drug offense were about 3.5 times more likely than other offenders to be institutionalized. Those with three or more convictions were 5 times more likely than those with one or two convictions to receive a institutional sentence. And most dramatic of all, those with two or more prior convictions were 7 times more likely than those with one or no prior juvenile court contacts to be sentenced

to an institution.

The research conducted by McEachern and Bauzer (1964), Terry (1964), Arnold (1971), Kelly (1976), Cohen and Kruegel (1978), Kowalski and Rickicki (1982) and Dannefer and Schutt (1982) lend support to these findings. That is, case related factors are most predictive of the severity of the sanction imposed.

Of particular relevance to testing expectation states theory is that none of the variables reflecting diffuse status characteristics were found to be significantly related to the disposition. Yet, when controlling for race clear differences emerged, with nonwhites far more likely than whites to be institutionalized. In fact, in 7 of the 8 case types examined in Table 26, nonwhites were considerably more likely to be institutionalized than whites. Thus, while race was not found to be statistically related to the severity of the sentence imposed, the analysis tends to support research reporting that individual characteristics do in fact influence sentencing decisions (Bishop & Frazier, 1988; Datesman & Scarpitti, 1977; Fagan et al., 1987; McCarthy & Smith, 1986; Thomas & Cage, 1977; Thornberry, 1973, 1978).

Status characteristics and expectation states theory could not be thoroughly tested due to the small number of juveniles receiving institutional sentences. However, for the cases in which there were nonwhite and white subjects, the theory appears to have explanatory power. That is, when the theory predicted that there would likely be no sentence disparity when all of the case related factors were consistently rated non-serious (theoretical rank 8) data supported

this contention, with about 6% of the nonwhite and white youth receiving an institutional sentence. Likewise, when the theory predicted sentence disparity when the case related factors were inconsistently rated (theoretical rank 5), nearly one-third of the nonwhite youth were institutionalized compared to about 10% of the white youth receiving an institutional sentence.

Additionally, for nonwhite youth the theory accurately modeled the three case types least likely to receive an institutional sentence. The five remaining cases were not correctly modeled. It appears that the inaccuracy of the theory is due, in large part, to the influence of the PRICON2 variable. That is, cases characterized by two or more prior convictions were far more likely to end in institutionalization than cases with less than two priors (LT2PRI). This was found to be true regardless of the other characteristics of the case (i.e., drug or non-drug offenses and three or more convictions or less than three convictions).

The finding that harsh sentences are meted out when there is an indication of an extensive delinquent history may not be surprising. Two or prior convictions may indicate to sentencing judges that previous sanctions were ineffective at reducing recidivism. Additionally, consistent with expectation states theory, two or more prior convictions may be seen as an indication of continued delinquent behavior. Research conducted by Grisso, Tompkins and Casey (1988) and Greenwood (1986) lend support to this notion.

Although status characteristics and expectation states theory appears to have predictive power in explaining when nonwhite

juveniles will likely be institutionalized, it had no explanatory power when applied to the institutionalization of white youth. None of the cases for white youth were accurately modeled. Moreover, two or more prior convictions did not dramatically nor uniformly increase the probability of imposing an institutional sentence. However, the inability of the theory to accurately predict when white youth are institutionalized is likely effected by the small number of institutionalized white youth. The sample contains only six institutionalized white youth.

For the other sentence comparisons, institutionalization versus probation with detention and probation with detention versus straight probation, none of the variables were found to be significant. Hence, expectation states theory could not be tested.

Theoretical Implications

Future research may improve the power of status characteristics and expectation states theory by expanding upon the definition of diffuse status characteristics and performance set characteristics. For example, for juveniles, diffuse status characteristics may include direct measures of family socioeconomic status (e.g., annual household income or father's occupation), parental status, progress in school, evidence of parental criminal conduct or sibling contact with the juvenile court. The performance set may be expanded to include age at first juvenile court contact, number of probation violations and whether the juvenile previously served a diversionary sentence.

Methodological Implications

The present analysis suggests that status characteristics and expectation states theory has several methodological limitations. First, although it assumes a nonadditive and nonlinear decision making process, expectation states theory assigns equal weight to the factors comprising the performance set and to each diffuse status characteristic. This analysis clearly indicates the case related factors do not carry equal weight, with the PRICON2 variable having more influence on the sentencing decision (for nonwhites) than the other case related factors. Thus, the predictive power of the theory may be improved by weighting diffuse status characteristics and performance set characteristics.

Second, despite the limitations imposed by a small sample, this pilot study has provided evidence that status characteristics and expectation states theory has explanatory power in predicting when nonwhite juveniles will be institutionalized. However, due to the small number of institutionalized white juveniles, the theory's explanatory power for white juveniles could not be adequately tested. Future research should replicate this analysis with a substantially larger sample. Only after such an analysis will the extent of the theory's predictive power be understood.

Limitations

Overall, the present study was limited by a small sample. This limitation prohibited a comprehensive analysis of expectation states

theory. Also, the sample was comprised only of adjudicated delinquents. Hence, no information is available regarding status offenders. Finally, the analysis focused on sentence disparities. It could be argued that differential treatment would most likely be found at earlier decision making stages (e.g., at intake) where there is far less structure within which decisions must be made.

Appendix A

Human Subjects Institutional Review Board Approval Letter

Human Subjects Institutional Review Board

Kalamazoo, Michigan 49008-3899

WESTERN MICHIGAN UNIVERSITY

Date: March 21, 1990

To: . Michael Brown

From: Mary Anne Bunda, Chair Mary Anne Bunda

This letter will serve as confirmation that your research protocol, "An Evaluation of Racial Disparities in Sentencing in the Juvenile Court", has been approved as expedited by the HSIRB. The conditions and duration of this approval are specified in the Policies of Western Michigan University. You may now begin to implement the research as described in the approval application.

You must seek reapproval for any change in this design. You must also seek reapproval if the project extends beyond the termination date.

The Board wishes you success in the pursuit of your research goals.

xc: P. Friday, Sociology

HSIRB Project Number 90-02-01

Approval Termination March 21, 1991

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