

**MINORITY OVERREPRESENTATION
IN THE UTAH JUVENILE JUSTICE SYSTEM**

Report of a Research Project
submitted to the
Juvenile Committee on Disproportionate Minority Confinement
a subcommittee of the
Utah Task Force on Racial and Ethnic Fairness in the Legal System

Russell K. VanVleet, M.S.W.
Halaevalu F. Vakalahi, Ph.D.
Lynn Holley, Ph.D.
Samuel Brown, M.S.W.
Conrad Carter, M.S.W.

March 2000

TABLE OF CONTENTS

ACKNOWLEDGEMENTS	5
EXECUTIVE SUMMARY	6
RECOMMENDATIONS.....	8
FUTURE STUDIES	9
CHAPTER I	11
INTRODUCTION.....	11
Statement of the Problem.....	12
Purpose of the Study.....	12
Definitions of Concepts Explored	13
CHAPTER II	15
LITERATURE REVIEW.....	15
EXTENT OF MINORITY DISPROPORTIONALITY	15
POSSIBLE CAUSES OF DISPROPORTIONALITY	15
RACIAL BIAS IN THE JUVENILE JUSTICE SYSTEM	16
Definition of Racial Bias	16
Studies of Racial Bias in the Juvenile Justice System.....	16
YOUTH-RELATED RISK FACTORS.....	20
Definition of Risk Factors	20
Studies of Risk Factors.....	20
POLICY RESPONSES	23
PROGRAM RESPONSES	23
Eliminating Racial Bias.....	23
Meeting Juveniles' Needs.....	24
THEORETICAL FRAMEWORK.....	25
Social Identity Development Theory.....	25
Labeling Theory	27
Strain Theory	28
Risk-Focused Model.....	28
CHAPTER III	29
METHODOLOGY	29
RESEARCH QUESTIONS	29
RESEARCH DESIGN.....	30
SAMPLING PROCEDURES AND SAMPLE DESCRIPTION.....	31
INSTRUMENTS	32
DATA COLLECTION PROCEDURES	32
DATA ANALYSIS	33
CONFIDENTIALITY OF STUDY PARTICIPANTS.....	34
LIMITATIONS	35
CHAPTER IV	38
RESULTS	38
DISPROPORTIONALITY IN THE UTAH JUVENILE JUSTICE SYSTEM.....	38
Race and Ethnicity by System Decision Point.....	39
Comparative Odds of Placement by System Decision Point	41
Comparisons of Minority Disproportionality between 1993 & 1997.....	49
Comparisons of Juvenile Arrests between 1993 & 1997.....	51
Comparisons of Minority Employees in DYC between 1993 & 1997	53
Status of Recommendations from Jenson 1995 Report.....	54
JUVENILE INFORMATION SYSTEM (JIS).....	56
Quantitative Analysis of JIS Data.....	56
Qualitative Analysis of JIS Data.....	62
Juveniles from Division of Youth Corrections and Juvenile Court.....	68
Professionals from Division of Youth Corrections and Juvenile Court	73
Probation Officers	81
INDIVIDUAL INTERVIEWS	83

Law Enforcement Officers	83
Youths Exiting from Juvenile Court.....	88
SOCIAL FILES	92
Profiles of Cases with Most Significant Disparities	92
Strengths-based Approach.....	96
CHAPTER V	98
SUMMARY OF FINDINGS AND RECOMMENDATIONS.....	98
SUMMARY OF FINDINGS.....	98
Quantitative Analyses.....	98
Qualitative Analyses.....	100
RECOMMENDATIONS.....	104
System Changes.....	104
Collaborate with Ethnic Organizations.....	108
Future Research.....	109
Conclusion.....	111
APPENDICES	113
APPENDIX A: CONSENT FORM.....	114
APPENDIX B: QUESTIONNAIRE	117
APPENDIX C: PROGRAM RESPONSES.....	118
APPENDIX D: JENSON (1995) FIGURE 1 AND STUDY RECOMMENDATIONS	123
APPENDIX E: DISPROPORTIONATE MINORITY CONFINEMENT (DMC) FORMULA	125
APPENDIX F: SENTENCING GUIDELINE AGGRAVATING	126
AND MITIGATING FACTORS.....	126
APPENDIX G: EXPLANATION OF STATISTICAL TESTS USED IN QUANTITATIVE ANALYSIS OF	127
JUVENILE INFORMATION SYSTEM DATA.....	127
APPENDIX H: RISK AND PROTECTIVE FACTORS EXPLORED IN THIS STUDY	131
APPENDIX I: STRENGTHS-BASE APPROACH (NISSEN, 1999)	132
APPENDIX J: UTAH CHILD AND FAMILY SERVICES DATA REPORTING	133
REFERENCES	134

FIGURES AND TABLES

Table 1: Number of Juvenile Arrests in Ogden, Provo, Salt Lake City, FY 1997	43
Table 2: Races of Youth in Detention Hearings, FY 1997.....	44
Table 3: Races of Youth in Probation, FY 1997	45
Table 4: Races of Youth in DYC, FY 1997	47
Table 5: Percentage Point Differences in System Decision Points, FY 1993 to 1997	51
Table 6: Frequency of Juvenile Arrests by Race, FY 1993 and 1997	51
Table 7: Demographics of Minority Employees in DYC, FY 1993 and 1997	54
Table 8: Comparisons of Ranking of Actual Dispositions to Sentencing Guideline Dispositions.....	58
Table 9: Number and Percentage of Youth Receiving Each Disposition.....	59
Table 10: Consistency of Actual Disposition (Collapsed) With the Sentencing Guideline Disposition.....	59
Table 11: Demographics of Most Disparate Cases Compared for Dispositions (JIS)..... and Profiled for Risk and Protective Factors (Social Files)	63
Table 12: Comparison of Cases with most Significant Disparities	65
Table 13: Demographics of Youth Focus Group Participants.....	69
Table 14: Demographics of Professional Focus Group Participants.....	74
Table 15: Demographics of Probation Officer Focus Group on “Bootstrapping”	82
Table 16: Demographics and Responses of Juveniles Participating in Exit Interviews	88
Table 17: Risk Factors identified in Juvenile Social Files.....	93
Table 18: Protective Factors identified in Juvenile Social Files.....	94
Table 19: Relationship of Sentencing Guidelines and Two Disposition Outcomes to Whether Youth are Hispanic or Not Hispanic.....	129
Table 20: Relationship of Sentencing Guidelines and Two Disposition Outcomes to Whether Youth are Hispanic or Pacific Islander vs. Neither of These.....	129
Figure 1: Utah Juvenile Justice System: Processing Stages by Race in Ogden, Provo, and SLC, FY 1997.....	40
Figure 2: Odds of Being Arrested for a Person Offense.....	43
Figure 3: Odds of Being Arrested for a Property Offense.....	44
Figure 4: Odds of Appearing in Detention Hearings.....	45
Figure 5: Odds of Being Placed on Probation	46
Figure 6: Odds of Placement in DYC.....	47
Figure 7: Odds of Being Place in Community Placement	48
Figure 8: Odds of Being Placed in Observation & Assessment	48
Figure 9: Odds of Placement in Secure Facilities.....	49
Figure 10: Dispositions Specified by Sentencing Guidelines.....	59

ACKNOWLEDGEMENTS

We would like to acknowledge the cooperation of the State Administrative Office of the Courts, Utah State Juvenile Court, specifically Ronald Oldroyd, and the Utah State Division of Youth Corrections in developing this study. Also thanks to Mary Bitner of the Social Research Institute who prepared this report for distribution and Fred Janzen, Ph.D who provided technical consultation.

EXECUTIVE SUMMARY

The purpose of this study is to examine the extent of overrepresentation (disproportionality) of juvenile minorities in the Utah Juvenile Justice System and to determine if systemic racial bias is present.

- The Juvenile Justice Information System database (JIS), the Bureau of Criminal Identification (BCI)¹ and selected social files were utilized in this analysis. In addition 200 youth (100 Minority and 100 Caucasian) were randomly selected to examine their offending histories and to track them through the juvenile justice system. Twenty-four (24) focus groups were held state-wide composed of one-hundred one (101) youth and eighty-five (85) system personnel. Additionally, thirty-five (35) exit interviews were conducted at the Scott M. Matheson Courthouse and the Cornell Detention Center. Representatives of three (3) law enforcement agencies were interviewed for their response to the focus group discussions. Major findings include the following.
- Disproportionality begins at the point of arrest and continues throughout the system. It increases as youth progress through the system. It is the highest in Observation and Assessment (O&A) and secure care.
- People of color (of all ages), including Whites of Hispanic origin, were 14.6% of the population of Ogden, Salt Lake City and Provo in 1990 (last date of general census). Yet youth of color represented 30% of all youth arrested for person offenses and 19 percent of all

¹ Two limitations arise from use of the Bureau of Criminal Identification (BCI) database. That is, these data are known to be inconsistent across counties and to be affected by software changes such as occurred in Salt Lake City between 1993 and 1997. Nevertheless, these data are the best available. Further, in order to replicate Jensen's study using 1993 data, relative risks of arrest were calculated only for Ogden, Provo, and Salt Lake City. Findings cannot be generalized to other geographical parts of Utah.

youth arrested for property offenses in Ogden, Salt Lake City and Provo². A total of 21.8 percent of all youth arrests, in these three cities are minorities.

- Certain minority youth, after factoring in offending histories, do receive slightly more severe dispositions than do other youth. That is, considering only the number of each youths' felonies and misdemeanors, Hispanic youths received slightly more severe dispositions than did all other youths.
- Over a third (37 percent) of the youths received dispositions that were equal to that recommended by the sentencing guidelines. Of the remaining youths, 48 percent received dispositions that were less than that stated in the guidelines, and 15 percent received dispositions that were more severe than that indicated by the guidelines. (This study was unable to consider the influence of aggravating and mitigating circumstances on youths' dispositions. The Courts are currently collecting these data.)
- Focus groups were held with youth and system personnel across the state. The majority of youth and personnel interviewed do feel that youth of color are the subjects of racial bias.
- Both youth and staff believe that racial stereotyping practiced by personnel at multiple points in the system and by school system personnel leads to more severe sentencing for minority youth.
- System personnel stated that system staff exhibit biases in the areas of cultures, languages, and religions.
- Personnel assert that their discretionary use of aggravating and mitigating circumstances results in racial bias.
- Both youth and personnel perceive that minority overrepresentation is due at least in part to

² Relative risk of arrest were calculated only for Ogden, Provo, and Salt Lake City in order to replicate Jenson's

racial profiling by police.

- Youth perceive that, at various points in the system, Caucasian youth receive privileges that are not available to minority youth.
- Personnel assert that minorities do not have adequate representation in court, since they often do not have the financial means to hire competent attorneys.
- Personnel assert that bootstrapping (the alleged practice of stacking offenses on a single incident) is practiced by police, probation officers, and school system personnel.
- Personnel demonstrated apparently unintentional racial and social class bias during the focus groups.

RECOMMENDATIONS

Based on this study's findings, the study authors recommend that the following steps be taken.

- Modify and improve the JIS and BCI Databases. Lack of complete data prevents a thorough understanding of the extent of racial bias in the system. The JIS needs to improve coding of race and ethnicity by the courts and law enforcement, and to track socio-economic status (SES).
- Replace or supplement the aggravating and mitigating circumstances portion of the 1997 juvenile justice sentencing guidelines with a strengths-based approach. The current use of aggravating and mitigating circumstances is perceived to be weighted against youth of color and youth of lower socio-economic classes. (Increase cultural competence of system personnel.
- Hire additional minority staff.

1994 study. Findings cannot be generalized to other geographical parts of Utah.

- Expand the operating hours of the Court to accommodate work responsibilities of many Court clients.

FUTURE STUDIES

Study authors recommend that the following areas receive further study.

- Profiling of minority youth and targeting minority communities by law enforcement must be more thoroughly examined as a continuation of this Court initiative.
- The relationship of aggravating and mitigating circumstances to dispositional practices of court personnel must be understood. Appendix I is an example of the concept. It is not intended to be a replacement for the current aggravating & mitigating portion of the guidelines. A period of study utilizing a strengths based approach in place of or in addition to the aggravating & mitigating circumstances is recommended. (These data are currently being collected by the Court.)
- Examine the extent to which chronicity scores contribute to the overrepresentation of minority youth. Traditionally the system has strengthened sanctions as offending increases. The compounding of offenses and its impact on sentencing, especially for those who enter the system at a young age, needs to be better understood.
- Examine relationship of social class to arrest and incarceration, due to the fact that other studies have found very high correlations in this area. Socio-economic data are not currently being collected.
- Continue to examine the relationship of availability and quality of minorities representation in juvenile court.
- The alleged practice of bootstrapping and its relationship to self-fulfilling prophecies, (expectation of being arrested and incarcerated because of race, poverty, underclass), as

expressed by many participants in this study must be more thoroughly examined. (Addendum to this report, due in late 1999, will hopefully add to understanding these two phenomena.)

Whenever organizations possess authority and discretion it is inevitable that biases will be manifested. The two areas where the potential for bias is the greatest is at the point of arrest and in sentencing practices.

Discretion within the juvenile court system is fundamental to the notion of the court acting in the best interests of the child. The progression of charges and the aggravating of instant offenses with chronicity scores, however, make it very difficult for youth to exit the system. Utah is just beginning its experience with revised sentencing guidelines for juveniles. The careful review of that process, with special consideration of the use of aggravating and mitigating circumstances, and the replacement or addition of a strengths-based approach seems especially warranted given the additional information this study provides to policy-makers.

CHAPTER I

INTRODUCTION

Although overrepresentation of ethnic minorities in the juvenile justice system is not a new phenomenon, only since the late 1980s has sufficient emphasis been given to this serious problem (Feyerherm, 1993). Today, over 30 states and the District of Columbia have established initiatives focusing specifically on race and ethnic fairness in the justice system. Thus far these initiatives have found that minorities are arrested, charged and convicted in higher percentages than are Caucasian youth; they also serve longer sentences than Caucasians despite similarities in crimes, histories and backgrounds (Medley, 1998).

The trend of minority overrepresentation in the juvenile justice system persisted throughout the 1990s. From 1986 to 1995, cases of Caucasian delinquents increased 34 percent, whereas cases of African-American delinquents increased 72 percent, and cases of delinquents from other races increased 105 percent. In 1995, 1.7 million juvenile delinquency cases were processed by juvenile courts in the United States. Of these court cases, juvenile minorities were disproportionately represented (Sickmund, 1997). In 1996, about 3 million juveniles were arrested by law enforcement agencies in the United States. Of these arrests, juvenile minorities were disproportionately represented (Snyder, 1997). In reviewing prevalence studies, Hsia and Hamparian (1998) concluded that minority overrepresentation is significant at each decision point in the juvenile justice system process. In a study of incarceration prior to the age of 18 in 16 States, DeComo (1993) found that African-American juveniles had the highest prevalence rates. That is, about one out of seven African-Americans was incarcerated before the age of 18, compared to one out of 125 Caucasians. Furthermore, minority juveniles constituted only 32 percent of the youth population in 1995; however, they represented 68 percent of the juveniles in

secure detention and 68 percent in secure institutional environments (Sickmund, Snyder, & Poe-Yamagata, 1997).

Statement of the Problem

Ethnic minority youths are over represented in the juvenile justice system. Minority overrepresentation has existed for decades. Understanding why ethnic minority youths are over represented in the juvenile justice system is a critical problem that urgently needs to be addressed. Is minority overrepresentation due to racial bias, minority youths committing more crimes, or a combination of both?

Purpose of the Study

Integrating theories and action-based research, this study examined the influences of racial bias and youth risk and protective factors on minority overrepresentation in the Utah Juvenile Justice System. Data were collected from four sources: (a) Focus Groups, (b) Individual Interviews, (c) Juvenile Information System, and (d) Social Files.

Focus groups were conducted among youth and staff members from Juvenile Court and the Division of Youth Corrections. The focus groups provided data on the experiences of both youth and staff in the Utah Juvenile Justice System.

Individual interviews were conducted with Law Enforcement Officers and youths newly exiting from Juvenile Court. These individual interviews provided data regarding the experiences of officers in Law Enforcement and youths with the Juvenile Court process.

Data from the Juvenile Information System (JIS) were utilized in a longitudinal comparison using data from the minority disproportionate study conducted by Jenson, Yaffe, and Associates (1995). JIS data also were used in examining racial bias in dispositions.

Social file data were used to profile minority juveniles in terms of risk and protective factors that might influence their experiences in the justice system. The influence of self-fulfilling prophecy and bootstrapping³ also were examined.

Definitions of Concepts Explored

Several terms utilized in this report may have different meanings in different contexts. Following are definitions of selected terms as they are used for the purposes of this report.

- Juveniles refer to individuals age 17 and younger. Juveniles involved in the Utah Justice System were recruited for this study.
- Ethnic minority refers to adolescents from racial or ethnic groups of color such as those who are African-American or Black; Hispanic or Latino; Native American; or Asian or Pacific Islander.
- Minority overrepresentation or disproportionality occurs when the proportion of minorities in the justice system exceeds their percentage in the general population.
- Racial bias refers to differential treatment of youth based on their membership in different racial or ethnic groups.
- Risk factors refer to characteristics of youth and their environments that may increase the likelihood of their involvement with the juvenile justice system. Risk factors that were explored in this study include race, self-fulfilling prophecy, bootstrapping, mitigating and aggravating practices, socioeconomic status, and family history with the system. Self-fulfilling prophecy refers to the tendency of a minority juvenile to expect to become involved

³ An additional grant was provided by the Utah Office of Juvenile Justice and Delinquency Prevention to research bootstrapping. The extent and/or existence of bootstrapping will be the focus of the addendum to this report to be completed in the fall of 1999.

in the juvenile justice system as well as the adult system. Bootstrapping refers to the stacking

of offenses onto an individual youth charged in a particular incident.

- Utah Juvenile Justice System refers to those sections that were examined in this study. These sections include Juvenile Court, Division of Youth Corrections, and Law Enforcement.

CHAPTER II

LITERATURE REVIEW

This chapter provides an overview of the existing literature about racial bias and risk and protective factors. Policy and program responses pertaining to minority overrepresentation in the juvenile justice system are then presented.

EXTENT OF MINORITY DISPROPORTIONALITY

The literature clearly demonstrates that minority youth receive more severe sentences and have higher rates of incarceration and probation than do non-minority youths. In 1989, 60 percent of juveniles in custody were ethnic minorities (42 percent African-American, 15 percent Hispanic, and 2 percent American Indian, Asian, and Pacific Islander); between 1987 and 1989 the number of Caucasian juveniles held in public facilities decreased, while the number of minority juveniles increased by 14 percent (Allen-Hagen, 1991). Butts and Connors-Beatty (1993) found that between 1985 and 1989, cases of violent offenses were about 5 times greater among African-American juveniles than Caucasians or any other ethnic minority groups. In 1996, juvenile minorities were disproportionately represented in the number of juvenile arrests (Snyder, 1997). Studies also have pointed out that juveniles who are of racial minority status are over represented in the prisons (Fagan, Slaughter, & Hartstone, 1987; Farrell & Swigert, 1978; Thornberry, 1973).

POSSIBLE CAUSES OF DISPROPORTIONALITY

This section reviews the literature about two possible causes of the over-representation of minority youth in the juvenile justice system. First, the literature is examined to learn whether racial bias within the juvenile justice system may explain the over-representation of minority youth. Second, the literature is examined to identify whether certain risk factors may lead

minority youth to commit more (serious) crimes than do non-minority youth. It is recognized that racial bias and risk factors may interact at times, thus some overlap will occur during this review.

RACIAL BIAS IN THE JUVENILE JUSTICE SYSTEM

Definition of Racial Bias

According to Adams, Bell, and Griffin (1997), racial bias refers to a system of oppression that violates rights of individuals, based on their race, to self-determination and development. Such violation of individual rights occurs through overt prejudice and discrimination as well as unconscious attitudes and behaviors of both individuals and societal institutions. For the purpose of this study, racial bias will be examined specifically as one form of institutional discrimination.

Pratt (1992) suggested that one explanation for minority overrepresentation in the juvenile justice system in the United States and Britain could be found in the structure of the system. Both systems have three main components: (a) involvement of a variety of individuals and agencies with different and often conflicting objectives; (b) discretionary decision making; and (c) use of subjective discretionary factors. The disproportionate representation of minorities in the juvenile justice system in light of these three components leads to suspicion about intentional and unintentional racial discrimination. That is, systemic structures such as discretionary powers may allow racial stereotypes to influence decisions about a minority juvenile.

Studies of Racial Bias in the Juvenile Justice System

Since the 1960s, studies have indicated that the contemporary American juvenile justice system incorporates biases that ensure that juvenile minorities and juveniles of lower

socioeconomic status are the objects of discriminatory treatment (Cicourel, 1968; Platt, 1969). While some studies have not found a direct influence of race on the experiences of minorities in the juvenile justice system (e.g., see Barton, 1976, Piven, 1979), many studies have done so (e.g., see Austin, 1995; Leiber & Woodrick, 1995; McCarter, 1997). Sources of conflicting findings may be attributed to methodological and conceptual differences or deficiencies (Pratt, 1992). The majority of studies support the proposition that institutional discrimination in relation to race impacts minority overrepresentation in the juvenile justice system (Albonetti, 1997; Gastwirth & Nayak, 1997; Liff, 1999; Nobiling, Spohn, & DeLone, 1998).

Fagan, Forst, & Vivona (1987) found disproportionality in transferring minority juveniles from juvenile court to the criminal court system. Murder was established as the main determining factor for transferring juveniles from juvenile court to the criminal court system. Given murder as a determining factor for transfer, results indicated that minorities had fewer murder victims than Anglos, and yet were transferred to the criminal court system more often than Anglos. In a study conducted by Bridges and Steen (1998), it was found that racial stereotypes influenced decisions of probation officers regarding black and white juvenile delinquents. Leiber and Woodrick (1995) found that overt racial bias has been replaced with subtle or covert racial discrimination. This subtlety may be more influential in larger state institutions than local organizations (Pope & Feyerherm, 1993).

A study conducted by Frazier and Bishop (1995) on racial bias in the Florida criminal justice system indicated that race is significantly related to case-processing outcomes. Minority juveniles with offending histories similar to whites were more likely to be referred to court and secure detention facilities. Once adjudicated, minorities were more likely to be incarcerated rather than placed in community-based treatment. In addition to race, this study identified

gender and socioeconomic conditions as significant risk factors for minority overrepresentation in the justice system.

An analysis of Iowa's Juvenile Justice system indicated that the impact of race and ethnicity on decision making varied by decision point and county (Devine, Coolbaugh, & Jenkins, 1988). Unintentional bias as well as social and community factors contributed to the overrepresentation of juvenile minorities in the Iowa Justice System. Likewise, in North Carolina, minority juveniles were more likely to be arrested, referred to juvenile court, and placed in secure facilities compared to Caucasian juveniles with similar offenses (Devine, Coolbaugh, & Jenkins, 1988).

Munoz, Lopez, and Stewart (1998) found that in Nebraska, Latinos were charged with misdemeanor offenses in significantly higher proportions than were other youth. Latinos were significantly higher in number of charges, fines, and days in probation compared to whites. Findings suggested that institutional discretion in enforcement, processing, and sentencing misdemeanor offenses is a disadvantage for Latinos in the criminal justice system.

In the police sector, juvenile delinquents are dealt with under the discretion of the officers. A study by Piliavin and Briar (1964) concluded that a police officer's discretion was often influenced by a juvenile's prior offense record, race, grooming, and demeanor. A significant finding of this study indicated that African American juveniles were over represented in the justice system because police officers claimed that these juveniles showed more of a "delinquent demeanor" than whites. A study by Conley (1994) also found that African American youths were hassled by police officers because they belonged to a certain group. Moreover, police officers indicated that disposition of a juvenile delinquent is also based on the magnitude of the offense, previous contacts with the police, parental control, and the juvenile's

attitude during the encounter with police. Likewise, a study conducted by Dannefer and Schutt (1982) showed that racial bias was more apparent in police dispositions, particularly in urban settings, than judicial decisions. These researchers found that minorities constituted a higher proportion of the population in the system and concluded that police bias was more pronounced in urban settings.

A study by Wordes, Bynum, & Corley (1994) indicated that African American and Latino youths were more likely to be detained at each decision point in the system, even after controlling for the influence of offense seriousness and social factors. Likewise, Fagan, Slaughter, and Hartstone (1987) found racial disparities at each decision point, with minorities consistently receiving harsher dispositions. The authors concluded that race was a direct, indirect, and interactive influence at various decision points. Furthermore, Austin (1995) found that race influences treatment during the juvenile detention process.

Finally, studies of the Utah Juvenile Justice System also indicate that minorities received differential treatment. Minorities are more likely than Caucasians to be arrested and referred to juvenile court. Further, although there is little difference in the criminal histories of Caucasian and minority juveniles, the latter are more likely to be sentenced and placed in probation, Division of Family Services, or Youth Corrections than are Caucasian youth (Jenson, Yaffe, & Associates, 1995; Maldonado & Willis, 1991; Medley, 1998).

Bootstrapping. As previously stated, bootstrapping occurs when offenses are stacked onto an individual youth charged in a particular incident. The literature about bootstrapping and minority overrepresentation is non-existent; however, this study explores whether minority youth may disproportionately be affected by this practice.

YOUTH-RELATED RISK FACTORS

Definition of Risk Factors

Although there are many ways of viewing minority overrepresentation in the juvenile justice system, the problem is based on a complex interaction of influences comprising personal, family, peer, school, and community variables (Center for Substance Abuse Prevention, 1993; Hawkins, Catalano, & Miller, 1992; Johnson et al., 1990; Oetting & Beauvias, 1987). These variables generate risk factors that may promote minority involvement in the juvenile justice system. Examples of risk factors may include gender; low socioeconomic status and family history; association with deviant peers; and lack of school commitment.

According to Bilchik (1998) and McCarter (1997), in addition to a juvenile's race and juvenile justice system, the educational system, family, gender, socioeconomic status, seriousness of offense, and prior offense were identified as major contributing factors to the overrepresentation of minority youth in the justice system. However, it is important to recognize that some of these risk factors may result from racial bias, though not necessarily in the juvenile justice system itself.

Devine, Coolbaugh, and Jenkins (1998), DiNitto (1995), and Schiller (1998) discuss institutional discrimination embedded in justice systems and school systems as a risk factor for poverty, school dropout, delinquency, and other deviant behaviors.

Studies of Risk Factors

In relation to gender as a risk factor, Horowitz and Pottieger (1991) found that black males were arrested more frequently on drug charges than black females and whites. At disposition stage, black males also received more severe dispositions than whites. Thus, there are gender differences in handling youths involved in serious crime, even when controlling for

level of criminal behavior. Similarly, researchers have also concluded that young women tend to be deviant when raised in a criminal family (Bowers, 1990; Rosenbaum, 1989), thus suggesting that family criminal history influences females' participation in criminal activities.

Furthermore, recent studies have indicated a relationship between lack of access to opportunities and resources, deviant behaviors, and consequent negative involvement in the juvenile justice system (Agnew, 1985; Annie E. Casey Foundation, 1997; Briar, 1988; Schiller, 1998). Fagan, Slaughter, and Hartstone (1987) found that Anglo juveniles who have access to resources such as a private attorney usually have more positive experiences in the court system than do minority juveniles, who are more likely to use public defenders. These studies found that the negative consequences of low socioeconomic status are intensified among minority individuals. Studies by Hooper-Briar and Lawson (1996) and Lorch (1990) further confirmed the impact of social class on deviant behavior and negative experiences in the larger society.

Moreover, the literature has identified the negative impacts of family disorganization and delinquent peers on juvenile deviant behaviors (Hawkins, Lishner, Catalano, & Howard, 1986; Kandel, 1985). Liska and Reed (1985) found that family detachment negatively affects juvenile delinquency. Likewise, according to a study by Jenson and associates (1995), delinquent minority juveniles were likely to be members of a juvenile gang and have friends who used controlled substances.

The literature also identifies presenting offense and prior record as two extremely influential risk factors for juvenile delinquency. A study by Cohen and Kluegel (1978) concluded that presenting offense and prior record are the major determinants of the severity of disposition accorded in the two courts involved in their study.

Self-fulfilling Prophecy. The concept of self-fulfilling prophecy in the context of this study refers to the tendency of minority juveniles to prophesy or predict becoming involved in the justice system as a youth and as an adult because of racial bias, personal or family history in crime, or any other factor. Minority juveniles who embrace this concept act upon such predictions, believing that they belong in the justice system. Although the literature on self-fulfilling prophecy in relation to minority overrepresentation in the justice system is extremely limited, two studies are important in grounding this research.

In regard to the relationship of labeling to self-fulfilling prophecy, Becker (1963) describes the deviant youth as one to whom the label has successfully been applied. Individuals who are labeled certain names or behaviors are at risk for behaving accordingly. He indicated that social groups create deviance by making the rules that constitute deviance, and applying those rules to particular people. Labels are based on factors such as race, class, socioeconomic status, offending histories, and many similar issues present in the shifting moods of the community. Labels such as “troublemaker,” “punk,” and others contribute to future deviant behavior among adolescents in a manner that becomes a self-fulfilling prophecy. As is evident from this discussion, individual factors interact with systemic racial bias in instilling a negative self-fulfilling prophecy.

Likewise, one of the most powerful studies regarding the negative effects of labeling is the study by Chambliss (1973) about the Saints and Roughnecks. In the study, school and community officials labeled the Saints, who were Caucasian youths, as “good boys” and the Roughnecks, who were Latino youths, as “bad boys.” Consequently, these boys were treated according to these labels, in that, deviant behaviors were automatically blamed on the Roughnecks, when in reality the Saints were far more deviant.

Farrell and Swigert (1978) also concluded that discretionary decision making by those in authority institutionalizes prior offense as a self-fulfilling prophecy. In other words, juveniles with prior offense records believe that they are pre-destined to a certain level of sentencing results regardless of the presenting offense. Evidently, offending histories are often more extensive for juveniles with lower socioeconomic status and from minority populations.

POLICY RESPONSES

The Juvenile Justice and Delinquency Prevention Act of 1974 was established for the purpose of providing needed resources, leadership, and coordination for developing and implementing effective methods of preventing and reducing juvenile delinquency. A special purpose of this Act was to support efforts related to reducing minority overrepresentation in the juvenile justice system. Amendments were made in 1988 and 1992 in relation to identifying causes of disparate treatment of minorities in the juvenile justice system and options to combat such disparities. Addressing the problem of minority overrepresentation became a core requirement of this major juvenile justice policy.

PROGRAM RESPONSES

Despite evidence that crime would be reduced by eliminating poverty and racial discrimination, the general public has strongly resisted policies aimed at addressing these problems (Greenberg, 1981). Nonetheless, national initiatives on racial fairness as an approach to reducing minority overrepresentation in the juvenile justice system have been established and important implications for solving the crime problems have been generated (see Appendix C).

Eliminating Racial Bias

Recommendations generated from these initiatives include staff diversity training, language translations, community collaboration, accurate record keeping, and involvement of

minority employees in the justice system (Medley, 1998). The State of Pennsylvania found programs such as Positive Choice, Hispanic Center After-School Program, Dreams of Tomorrow, and the Great Start Program to be effective in addressing juvenile minority overrepresentation in the justice system (Hsai & Hamparian, 1998). See Appendix C for additional program responses.

Meeting Juveniles' Needs

Matese and Tuell (1998) describe the Comprehensive Strategy Program. The program is based on the establishment of a continuum of prevention, early intervention, and sanction programs that are research-driven and outcome-focused. The continuum includes prenatal prevention, community services based on risk and resource assessment, intervention, and a range of graduated sanctions such as institutional care and aftercare services. Specific goals of the Comprehensive Strategy Program include creating healthy and nurturing families, safe communities, educational success, healthy peer relations, personal and life skills development, and healthy lifestyle choices.

Based on 30 years of research, Bilchik (1998) indicated specific mechanisms of an effective intervention for juvenile delinquency. Effective interventions must be able to comprehensively assess a juvenile, provide a range of effective services, and incorporate severe sanctions. Examples of effective intervention include restitution and community service, mentoring, pre-adjudicated detention, day treatment, delinquency treatment program, residential programs, secure corrections, and aftercare community reintegration. Research has found that such a continuum of options is effective in reducing delinquency (Bazemore & Umbreit, 1994; Center for Substance Abuse Prevention, 1993; Hawkins, Catalano, & Associates, 1992). Some of these programs are discussed in further detail in Appendix C.

THEORETICAL FRAMEWORK

Theoretical frameworks guide researchers in determining which factors to examine and in suggesting new perspectives and approaches. This section describes theories and models contributing to this study's theoretical framework.

For decades, scientists have proposed a variety of theories to explain juvenile delinquency (Bandura, 1977; Erikson, 1975; Hirschi, 1969; Merton, 1968; Reckless, 1973; Sutherland, 1947). In addition, oppression frameworks are useful in understanding minority overrepresentation in the juvenile justice system and the complexities of race, gender, and class as contributing factors. The theoretical framework for this investigation incorporates four theories or models: (a) social identity development theory, (b) labeling theory, (c) strain theory, and (d) risk-focused model. It is assumed that these theories and model do not entirely explain minority overrepresentation in the juvenile justice system; however, they do assist in understanding many contributing factors of minority overrepresentation.

Social Identity Development Theory

Social identity development theory (Adams, Bell, & Griffin, 1997) builds on Jackson's (1976) black identity development theory and Hardiman's (1982) white identity development theory. As with other oppression frameworks (e.g., see Young, 1990), this theory asserts that individuals are categorized into groups based on their physical (e.g., skin color, gender) and other (e.g., economic status) characteristics. Based on individuals' memberships in these assigned social groups, they will have differential access to various resources (e.g., higher education & safe neighborhoods). In addition, certain groups are assigned a lower social status, and stereotypes (e.g., members of certain groups are likely to be gang members) are created to justify this lower status. Social identity development theory identifies members of the more

powerful groups (e.g., whites, men, upper and middle classes) as “agents” and those of less powerful groups (e.g., people of color, women, poor and working classes) as “targets” of oppression. According to Adams et al, individuals pass through the same developmental stages but having different experiences that are based on their memberships in agent and target groups.

In the first stage of development, which is Naïve, both agents and targets are unaware of the complexity of their lives. However, as they are socialized by entities such as the family (especially parents), educational system, and larger society, they move into the second stage of Acceptance in which they begin to accept messages about their group identity such as agents as “superior” and targets as “inferior.” They learn about laws, institutions, and authorities that permit or prohibit certain behaviors as well as violate freedom and equality. The third stage is Resistance, in which agents challenge and refuse to accept the ideology that identifies agents as superior to targets, whereas targets begin questioning accepted behaviors and values and expressing hostility towards oppressive premises. Some agents express anger towards the nature of their social identity, while target individuals may use passive resistance when they recognize that their group’s members are denied certain benefits. Both agent and target individuals may move to the Redefinition stage, in which agents will declare independence from the social oppression and stereotyping of targets, whereas targets begin to concentrate their energy and attention on revisiting their cultural heritage and the benefits it offers. Upon redefining their identities, both agent and target individuals move into the stage of Internalization in which they attempt to incorporate the new identity into all aspects of their lives. Agents are concerned about upholding equality, whereas targets internalize their new consciousness and group pride (Adams, Bell, & Griffin, 1997).

As applied to this study, minority youth in the Acceptance stage may not question stereotypes workers may hold of them, racial profiling by police, or the imposition of more severe dispositions. In contrast, minority youth in the Resistance stage may attribute all arrests and sentencing of minority youth to racial bias.

This theory also has implications regarding juvenile justice system staff. That is, those in the Acceptance stage may assume that all youth are treated equally, even if evidence contradicts this assumption. They may accept stereotypes that assume that minority youth are more serious offenders, are always gang-involved, are at higher risk to the community than are white youth, and so forth. Those in the Resistance stage may begin to identify racist practices and express hostility toward co-workers and the bureaucracy when they perceive that these entities are engaging in such practices. It is possible that, if they perceive that their concerns are not being addressed, these staff may experience “burnout” and leave the organization. Those in the Redefinition stage will attempt to work to address racist practices at individual, interpersonal, organizational, and societal levels.

Labeling Theory

Labeling theory (Mead, 1934; Cooley, 1962; Becker, 1963) focuses on the result of stigmatization on the person and the person being subject to the reactions of others. It emphasizes the interactional relationship among labels instilled by different sources as well as the relationship between these labels and deviant behavior. Labels are dichotomized into formal and informal labeling. As applied to this study, formal labeling includes, for example, a caseworker’s assessment, whereas informal labeling refers to judgment by friends. In particular, this theory calls attention to labeling by formal institutions that may complicate access to opportunities, especially for ethnic minority adolescents (Chambliss, 1973; Martin, 1970).

Strain Theory

Strain theory (Merton, 1968) states that a lack of access to conventional opportunities for success may lead adolescents to join deviant peer groups or subcultures as a means of adaptation. Societal structures promote certain cultural norms and goals that are often impossible but may lead to criminal behavior as a means of reaching those goals (Agnew, 1985; Cloward & Ohlin, 1960; Sykes & Matza, 1957). Studies have indicated that lack of access to opportunities, which often leads to deviant behaviors, is intensified among minority individuals (Annie E. Casey Foundation, 1997; Briar, 1988; Hooper-Briar & Lawson, 1996; Schiller, 1998).

Risk-Focused Model

Hawkins, Catalano and Associates (1992) developed the risk-focused model that identifies various sources of risk and protection for problem behaviors. Sources may include personal, family, peers, school, and community characteristics. Researchers have indicated that risk factors relevant to deviant behaviors include family conflict, low socioeconomic status, poor neighborhood, school dropout, gang membership, and social prejudice and stereotypes (Bilchik, 1998; Devine, Coolbaugh, & Jenkins, 1998).

CHAPTER III

METHODOLOGY

The purpose of this study is to examine the extent of overrepresentation of juvenile minorities in the Utah Juvenile Justice System and to determine if systemic racial bias is present. This study is limited to studying juveniles and professionals involved in the Juvenile Court, Division of Youth Corrections, and, on a very limited basis, Law Enforcement⁴. Frameworks for evaluating institutional discrimination are utilized to evaluate the presence of racial bias, and a risk-focused model is used in this study to understand why minority juveniles may be committing more crimes and, in some cases, receive slightly more severe dispositions than Caucasian youth.

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

RESEARCH QUESTIONS

This study posed the following research questions to identify institutional bias and individual behaviors that might explain the disproportionate racial representation in the juvenile justice system:

Questions related to institutional discrimination:

Research Question 1: What is the extent of racial bias in the handling of minority juveniles within the Utah juvenile justice system?

⁴ This study was funded to examine the issue of racial and ethnic fairness in the Utah State Juvenile Justice system, but did not anticipate substantial review of the law enforcement role. Limited interviews were conducted with law enforcement representatives in order to obtain responses to themes of racial bias directed toward law enforcement by interviewees of this study.

Research Question 2: If present, at which decision point(s) is racial bias most pronounced?

Research Question 3: What is the role of bootstrapping, if any, in a youth's disposition?

Research Question 4: Which risk and protective factors are present among minority youth and how might they impact the decisions of system personnel?

Questions related to individual behaviors:

Research Question 5: Do self-fulfilling prophecies or personal expectations influence juvenile involvement in the justice system?

RESEARCH DESIGN

For this explanatory study, an analysis was conducted to identify those points in the Utah juvenile justice system at which minority juveniles are over represented. A comparison was then conducted to identify changes in minority representation between 1993 and 1997. Based on the literature, variables that might explain this overrepresentation were defined and examined for their usefulness in explaining minority youths' overrepresentation in the juvenile justice system.

This study was made possible with data generated from focus groups, individual interviews, review of social files, and analysis of the Juvenile Court Referral Database. The phenomena explored in this study were the impact of racial and systemic biases on minority overrepresentation in the juvenile justice system. To this end, focus groups, individual interviews, Juvenile Information System, and social files were used to generate data pertaining to: (a) identification of disproportional representation of minority juveniles; (b) decision point in which bias is most pronounced; (c) participants' attitudes and perceptions regarding bias in the system; (d) role of self-fulfilling prophecy; (e) role of bootstrapping; and (f) role of mitigating, aggravating, and risk and protective factors in disposition.

SAMPLING PROCEDURES AND SAMPLE DESCRIPTION

The 24 focus groups (composed of a total of 101 youth and 85 professionals) comprised a convenience sample of juveniles and professionals from the Juvenile Court and the Division of Youth Corrections. Focus groups for professionals from the Juvenile Court and the Division of Youth Corrections included individuals from throughout the state. Each site was called and sent a letter and flyer explaining the research and soliciting their participation. These groups were set up at study participants' convenience. To protect privacy and confidentiality, participants were not identified by name.

Individual interviews were conducted with three law enforcement officers from two urban and one rural police department. After focus groups were concluded, these interviews were conducted due to the criticism of the police voiced during those groups. It was not possible, due to the late date in the study and the nature of police department work schedules, to establish focus groups. Two Caucasians and one minority officer were interviewed. Findings from data from law enforcement personnel thus must be viewed as exploratory only.

Thirty-four minority juveniles participated in exit interviews the same day they exited Juvenile Court in June and July of 1999. Youth who participated in individual interviews were from two Salt Lake City courts. Thirty-three of the youth were interviewed at a Salt Lake City detention center. One of the youth was interviewed at a Salt Lake City courthouse. Juveniles who signed the consent forms were included in the study (see Appendix A).

The case files of 100 minority and 100 Caucasian juveniles statewide were randomly selected from the Juvenile Court Referral Database for secondary data analysis. The sample for this secondary data analysis was further stratified so that 50 percent of the youth in each racial category had committed felonies and 50 percent had committed misdemeanors.

Finally, a purposive sample of social files of the most disparate of the 200 minority and Caucasian juveniles in the preceding analysis were examined. Disparities referred to similar offending histories between a minority and a Caucasian juvenile, yet differences in their dispositions. This purposive sample included thirteen Caucasians and twelve minorities (n=25) who had committed felonies, misdemeanors, or status offenses. The twenty-five total juveniles made up eleven pairs and one threesome of minority and Caucasian youths.

INSTRUMENTS

Researchers developed two interview guides, one for youth focus groups and individual interviews and one for professional focus groups and individual interviews (see Appendix B). Interviews focused on participants' experiences and perceptions of bias in their respective areas (i.e. Juvenile Court, Division of Youth Corrections, and Law Enforcement).

Social files were examined using a form created by the research team specifically for this study (see Appendix H). Review of the social files focused on mitigating and aggravating factors as well as risk and protective factors possibly influencing dispositions of juveniles.

DATA COLLECTION PROCEDURES

Data for this study were collected by members of the research team consisting of a senior research professor, a junior researcher, and an assistant professor from the University of Utah, and two recent graduates from the M.S.W. program at the University of Utah. Two team members are Pacific Islanders (one male and one female), one is an African American male, and two are Caucasians (one male and one female).

Data required to determine the level of disproportionality in the Utah Juvenile Justice system were provided by the Division of Youth Corrections and the Juvenile Court. Focus group and individual interview length ranged from 60-90 minutes. In order to assure that participants

understood the concepts of risk and protective factors and bootstrapping, explanations were provided during focus groups and individual interviews. Responses from focus groups and individual interviews were hand recorded by each interviewer, and data were protected and secured in a designated area accessible only to researchers.

The social files of 100 Minority and 100 Caucasian juveniles were compared for major disparities in dispositions, given similar presenting offense and offending histories and the Utah State Sentencing Guidelines. The social files of the most disparate cases were examined to provide a profile of each Minority and Caucasian juvenile as it pertains to mitigating and aggravating factors as well as risk and protective factors that might impact decisions of justice system personnel and youth involvement in crime.

DATA ANALYSIS

The level of disproportionality in the Utah juvenile justice system was examined using descriptive statistics. First, figure 1, (see appendix D) of the study by Jenson et al. (1995) was replicated with data from 1997-1998. Each decision point (arrest, detention hearings, juvenile court referrals, petition filed, nonjudicial closure, administrative action, no court action, youth convicted, other, DCFS, probation, DYC community placement, observation and assessment, secure care) was analyzed using descriptive statistics for each racial group. Second, disproportionate minority confinement status or comparative odds were calculated using the formula indicated in Appendix E. Third, minority disproportionality between 1993 and 1997 was analyzed using descriptive statistics for each racial group.

Juvenile Information System data were analyzed using descriptive statistics for each racial group for specific decision points and crimes. First, a frequency was run to get the most common felonies, misdemeanors, and status offenses committed by all juveniles in 1997.

Second, a cross-tabulation was run between the most common felonies and misdemeanors and race. Third, minorities and Caucasians were compared to find juveniles with similar presenting offense and offending histories. Upon finding juveniles with similar presenting offense and offending histories, dispositions were examined for disparities. Dispositions were compared with the sentencing guidelines for any statistically significant deviation by racial category. A qualitative analysis of focus groups and individual interview data focused on identifying common themes and patterns to describe the experiences and perceptions of participants regarding racial bias in the Utah Juvenile Justice System. Social file data were analyzed qualitatively to profile each juvenile case in which major disparities in dispositions were present. These documents were reviewed to identify mitigating and aggravating factors as well as risk and protective factors that may influence the experiences of juveniles in the system (see Appendix H).

CONFIDENTIALITY OF STUDY PARTICIPANTS

The researchers have taken great care in maintaining the confidentiality of individuals who participated in the individual interviews and the focus groups. When reporting findings from individual interviews and focus groups with *youth*, participants are identified as “Hispanic” or as “other minority.” Researchers selected this option because the number of Hispanic youth participating in the study is large enough to prevent recognition of individual speakers, while the same is not true of participants from other racial groups. The ethnicity of individual youth is never reported.

A different method of reporting was selected for *professionals* who participated in this study’s focus groups. Because there are relatively few professionals from any one minority racial group, either on staff or participating in this study, findings are reported based on whether

speakers were “minority” or “Caucasian.” This decision was made in order to protect minority staff (who are more likely to work at lower levels of the hierarchy) from fearing retaliation for their candid comments.

While we realize that important findings are forfeited by veiling the race and/or ethnicity of some study participants, the researchers believe that the necessity of maintaining confidentiality (and thus protecting study participants) outweighs the need to report this level of information. Although the reader may be prevented from understanding specific ethnic groups’ perceptions of and experiences with racial bias, these methods allow examination of the perceived presence or absence of racial bias.

LIMITATIONS

There are several limitations that must be taken into consideration when evaluating the accuracy of this report. Two limitations arise from use of the Bureau of Criminal Identification (BCI) database. That is, these data are known to be inconsistent across counties and to be affected by software changes such as occurred in Salt Lake City between 1993 and 1997. Nevertheless, these data are the best available. Further, in order to replicate Jenson’s study using 1993 data, relative risks of arrest were calculated only for Ogden, Provo, and Salt Lake City. Findings cannot be generalized to other geographical parts of Utah.

Two limitations are related to use of decision-point data. First, minority disproportionality could not be calculated for several decision points due to the large amount of missing information about youths’ races. Second, data for each decision point refer to numbers of offenses, rather than numbers of youths. If a few youth appeared at the same decision points multiple times, findings will be affected.

Two limitations arise from use of the JIS database. First, inconsistencies are present in the race category of the JIS database. For example, our research assistant found that at least one Tongan youth was categorized as “Other race,” while other Tongan youths were categorized as “Oriental.” Because personnel must indicate only one race for each youth, it is not known how biracial or multiracial youth are categorized. It is likely that these and other problems have affected the integrity of the data. Second, the majority of cases included in the JIS database did not have any information about family income. Therefore, the relationship of family income to dispositions could not be analyzed.

Some limitations regarding the interviews and focus groups also should be considered. First, the race and ethnicity of the interviewers undoubtedly affected the study participants. The Caucasian interviewer may have received less candid responses than did the racial minority interviewers. Second, the university affiliation of the interviewers may have decreased the candor of the study participants, particularly the youths. In addition, study participants who were aware that one interviewer formerly held a leadership position with the juvenile justice system may have modified their responses; it cannot be determined whether these study participants may have been more candid or less candid as a result of this knowledge. Third, because study participation was voluntary, it is likely that those youth and professionals who have the strongest opinions about the subject of racial bias (both those who do *not* believe it is a problem, as well as those who perceive its presence) chose to participate. Those who chose to not participate may have different perceptions. Fourth, as stated previously, minority youth in custody may not feel free to describe their experiences with racial bias; conversely, they may be willing to blame racial bias for their predicament. Fifth, it is possible that minority professionals in mixed-race focus groups (i.e., those including both minorities and Caucasians) and in mixed-

status focus groups (i.e., those including both direct-service providers and administrators) may fear retribution for discussing what they perceived to be racial bias. Finally, a decision was made by the research team not to tape record these interviews. It was our expectation that the use of recorders would severely limit both participation and candor of eligible youth and staff. The recall of each interviewer was necessary to summarize the groups although the protocol was strictly adhered to which required note-taking during the sessions and immediate write-up of the sessions upon conclusion.

CHAPTER IV

RESULTS

This chapter presents the study's results as related to the research questions. As stated previously, data for each racial group for specific decision points and crimes were first analyzed to determine the extent of minority overrepresentation in the Utah Juvenile Justice System. Second, analysis of Juvenile Information System (JIS) data explored possible biases in handling minority juveniles based on sentencing guidelines. Third, focus groups solicited juveniles' and professionals' experiences with and perceptions about racial bias and risk and protective factors and explored the role of self-fulfilling prophecy and bootstrapping as they relate to juveniles' involvement in the justice system. Fourth, interviews were conducted with law enforcement officers and youths exiting from Juvenile Court. Finally, social files of juveniles were examined to determine mitigating and aggravating factors as well as risk and protective factors influencing involvement in the juvenile justice system.

DISPROPORTIONALITY IN THE UTAH JUVENILE JUSTICE SYSTEM

This section discusses the levels of disproportionality in the Utah juvenile justice system as an update of the study conducted by Jenson et al. (1995) on minority disproportional representation in the Utah juvenile justice system. Discussion is focused on the following questions:

- What are the current levels of disproportionality in the Utah juvenile justice system?
- At what stages in the Utah juvenile justice system is disproportionality most pronounced?
- What are the odds of placement in the Utah juvenile justice system for each racial group?

Race and Ethnicity by System Decision Point

In 1997, there were 302,374 youth ages 10 to 17 in Utah. Minority youths accounted for 9.5 percent of the total youth population, a slight increase from the 1993 numbers reported by Jenson et al. (1995). Hispanic youths represented 5.3 percent, Asian or Pacific Island youths represented 2.4 percent, Native American youths represented 1.2 percent, and African American youths represented .6 percent of the total population of youths in Utah (Utah State Office of Planning and Budget, 1997; Utah State Office of Education, 1997 as indicated in the DYC Annual Report for 1997).

The numbers and percentages in Figure 1 indicate the racial composition (minority vs. white) of youth involved in each stage of the Utah juvenile justice system in 1997. Data do not represent a particular cohort, but rather the general population of juveniles in the system in 1997. As indicated in Figure 1, racial disproportionality in Utah begins at the point of arrest and continues thereafter. As in Jenson's et al. report, data for this portion of the study were gathered from the three largest cities in Utah -- Ogden, Provo, and Salt Lake City. The data reveal that minority youths are arrested at significantly higher rates than would be expected based on their proportion in the population. Thirty percent (n=215) of all youth arrested for person offenses in 1997 were members of a minority group; and 19 percent (n=450) of all youth arrested for property offenses were minorities.

Detention hearings are held for youths within 48 hours of initial placement in a detention center. The purpose of detention hearings is to determine if a youth should be released or continue to be held in detention. In 1997, there were a total of 7,300 detention hearings in which about 28 percent were minority youths and 71 percent were Caucasian youths.

Minority racial disproportionality continues and becomes more severe as youth progress through the processing stages. As shown in Figure 1, there were 68,108 juvenile court referrals, of which 15 percent were identified as minorities and about 55 percent as Caucasians. Unfortunately, about 29 percent of youths referred to juvenile court had no available identifying information for race or ethnicity. Such missing data poses severe limitations on the interpretation of juvenile court data by race.

As shown in Figure 1, Caucasian youths were more likely than minority racial groups to receive non-judicial closure, administrative action, and no court actions. Of the 47,991 juvenile petitions filed in the courts, minority youths accounted for about 18 percent. Of the 23,732 youths convicted, about 11 percent were minorities. If some of the unlabelled cases for race are minorities, the percent of convicted minority youth was higher than indicated in Figure 1. Caucasian youths were more likely than all other racial groups to receive less severe conviction dispositions such as other services (i.e. community service, restitution, referral to treatment) after being convicted. Disproportionality in placement rates increases in observation and assessment and secure care programs; these numbers represent the largest racial disproportionality in dispositions.

Study authors can not explain why the race of many youth is not reported at certain decision points. Several administrators indicated that they are working on placing a greater emphasis on obtaining this information, thus eliminating this problem in future studies.

Comparative Odds of Placement by System Decision Point

Analyses were conducted to compare the proportion of juvenile minorities at each system decision point to their proportion in the general Utah juvenile population. Comparisons were conducted at the points of arrest, juvenile detention hearings, probation decision, and placement

in DYC. Comparisons were not conducted for court hearings, petitions, convictions, or DCFS placement due to high levels of missing data for race and ethnic background.

Youth arrested. Following Jenson, et al.'s (1995) procedures, arrest rates were calculated for Ogden, Provo, and Salt Lake City (see Table 1). In 1997, there were 707 juvenile arrests for crimes committed against persons. Minority youths constituted 30 percent of these arrests, while whites accounted for 70 percent. Of this 30 percent, about 45 percent were committed by Hispanic youth, 25 percent by African-Americans, 21 percent by Asians or Pacific Islanders, and 9 percent by American Indians. Of the 2,342 juvenile arrests for property offenses, minority youths constituted 19 percent. Of this 19 percent, about 49 percent were committed by Hispanic youth, 19 percent by African-Americans, 20 percent by Asian or Pacific Islanders, and 12 percent by Native Americans.

Figure 2 shows that, in 1997, Hispanic youth were about 9 times (8.93) more likely than Caucasians to be arrested for a person offense. African-American youth were 41 times (41.08), Asian or Pacific Islander youth were 10 times (10.69), and American Indian youth were 9 times (9.3) more likely than Caucasians to be arrested for a person offense.

Figure 3 shows that Hispanic youth were more than 9 times (9.68) more likely than Caucasians to be arrested for a property offense. African-American youth were 32 times (32.58), Asian or Pacific Islander youth were 10 times (10.00), and American Indian youth were 12 times (12.00) more likely than Caucasians to be arrested for a property offense.

Table 1
Number of Juvenile Arrests in Ogden, Provo, Salt Lake City, FY 1997

Person Offenses	White	Black	American Indian	Asian or Pacific Islander	Hispanic	Total
Murder & Non-Negligent Manslaughter	6	2				8
Forcible Rape	13	1				14
Assault	53	5	5	2	8	73
Other Assaults	407	44	14	44	86	595
Offenses Against Family and Children	13	2	1		1	17
Total	492	53	20	46	96	707
Property Offenses						
Robbery	13	1		6	5	25
Burglary	107	6	3	1	8	125
Larceny-Theft	1,225	61	35	58	127	1,506
Motor Veh. Theft	116	6	7	13	24	166
Arson	6			1		7
Forgery / Counter	28			2	1	31
Fraud	7					7
Stolen Property: Buy, Receive, Possess	44	1	1	1	8	55
Vandalism	346	13	8	8	45	420
Total	1,892	88	54	90	218	2,342

Figure 2
Odds of Being Arrested for a Person Offense, As Compared to Caucasian Youth, 1997

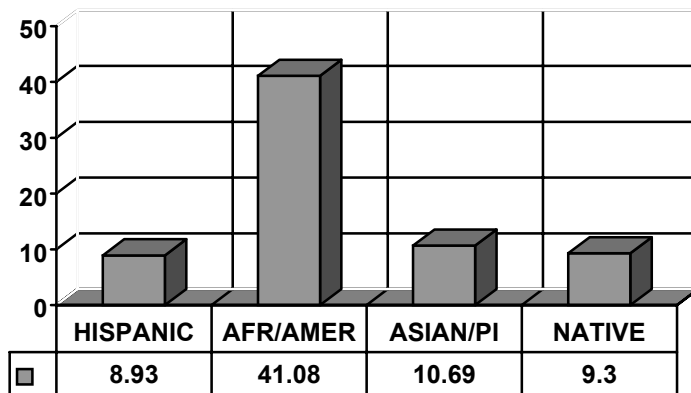
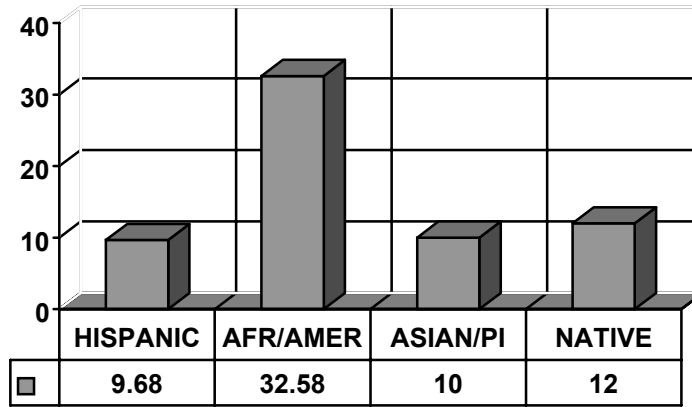


Figure 3
Odds of Being Arrested for a Property Offense,
As Compared to Caucasian Youth, 1997



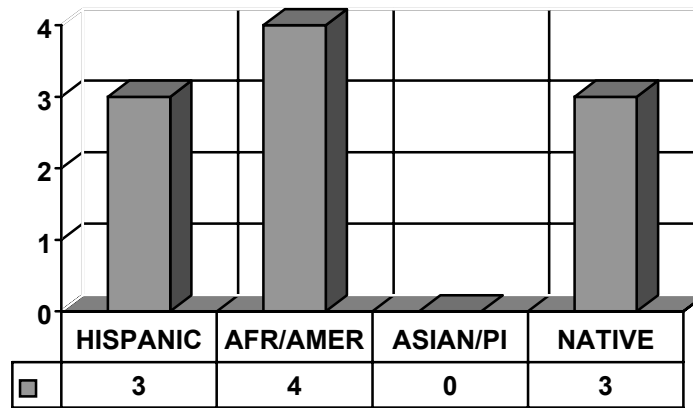
Youth in detention hearings. As shown in Table 2, 71 percent of youths appearing in detention hearings were Caucasian, whereas 17 percent were Hispanic, 2.6 percent were African Americans, 3.3 percent were Native Americans, and 2 percent were Asian or Pacific Islanders.

Table 2
Races of Youth in Detention Hearings, FY 1997

Race	Percentage
Caucasian	71
Hispanic	17
Native American	3.3
Asian/Pacific Islander	2
African American	2.6

Calculations indicate that African Americans were 4 times more likely to appear in detention hearings, and Hispanics and Native Americans were 3 times more likely than Caucasians to appear in detention hearings, given their respective proportions in the population (see Figure 4). On the other hand, detention hearings for Asian or Pacific Islanders were proportionally represented, given their percentage in the population.

Figure 4
Odds of Appearing in Detention Hearings,
As Compared to Caucasian Youth, FY 1997



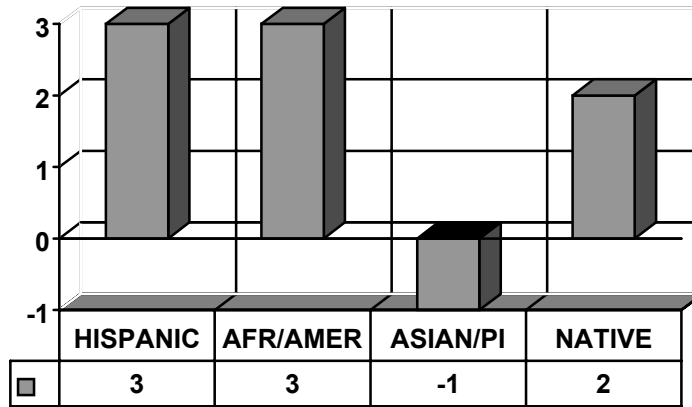
Youth in probation. Of all the juveniles placed on probation, about 69 percent were Caucasian, 13 percent were Hispanic, 1.5 percent were African American, 2 percent were Native American, and 1.4 percent were Asian or Pacific Islanders (see Table 3).

Table 3
Races of Youth in Probation, FY 1997

Race	Percentage
Caucasian	69
Hispanic	13
Native American	2
Asian/Pacific Islander	1.4
African American	1.5

Calculations reveal that Hispanics and African Americans were 3 times more likely than Caucasians to be placed on probation, and Native Americans were 2 times more than expected to be placed on probation, given their respective proportions in the population. However, Asian or Pacific Islanders were less likely to be placed on probation, given their proportion in the population (Figure 5).

Figure 5
Odds of Being Placed on Probation,
As Compared to Caucasian Youth, FY 1997



Youth in DCFS. Because of the considerable amount of missing data in DCFS, it was difficult to update this part of the report by Jenson et al. Approximately 9 percent of youths placed in DCFS in 1997 were categorized as minorities, whereas about 6 percent were categorized as Caucasian; the race of about 65 percent is unknown. Of youth who were designated as minorities, over 5 percent were Hispanic, 1 percent were African American, 1 percent were Native American, and less than 1 percent were Asian or Pacific Islander. Comparative odds would not be meaningful due to the large amount of missing data.⁵

Youth in DYC. Approximately 30 percent of youths placed in the custody of DYC in 1997 were minorities compared to 70 percent Caucasians. Of the minorities, about 20 percent were Hispanic, 2 percent were African American, about 3 percent were Native American, and 2 percent were Asian or Pacific Islander (see Table 4).

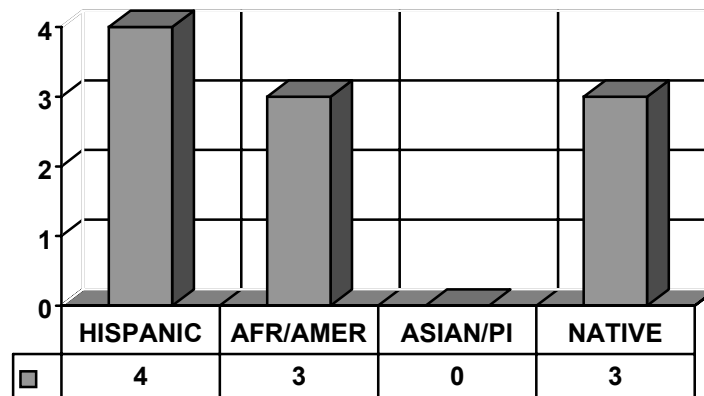
⁵ See Appendix J

Table 4
Races of Youth in DYC, FY 1997

Race	Percentage
Caucasian	70
Hispanic	20
Native American	3
Asian/Pacific Islander	2
African American	2

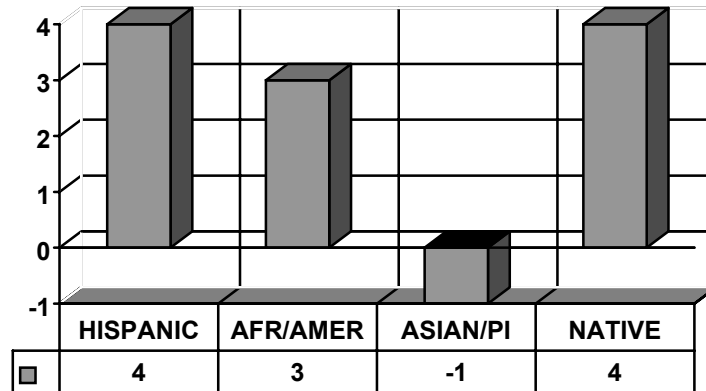
As shown in Figure 6, Hispanics were 4 times more likely than Caucasians to be placed in DYC given their proportion in the population. Similarly, African Americans and Native Americans were 3 times more likely than expected to be placed in DYC. Asian or Pacific Islanders were proportionally represented based on their percentage in the population.

Figure 6
Odds of Placement in DYC,
As Compared to Caucasians, FY 1997



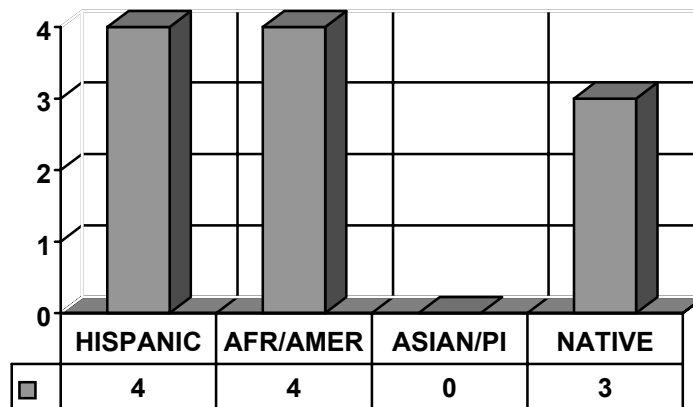
In terms of community placement, 28 percent were minorities. Minority youths were over represented in this category compared to their proportions in the population. Compared to Caucasians, Hispanics and Native Americans were 4 times and African Americans were 3 times more likely than expected to be placed in community placements. However, Asian or Pacific Islanders were less likely to be placed in community placements, given their proportion in the population (see Figure 7).

Figure 7
Odds of Being Place in Community Placement,
As Compared to Caucasians, FY 1997



In terms of observation and assessment, Hispanics and African Americans were 4 times and Native Americans 3 times more likely than expected to be placed in observation and assessment given their proportions in the population. Asian or Pacific Islanders were proportionally represented given their percentage in the population (see Figure 8). According to the 1997 Annual DYC Report, Caucasians accounted for 74 percent of the youth admitted to observation and assessment, although they represent about 90 percent of the general Utah youth population.

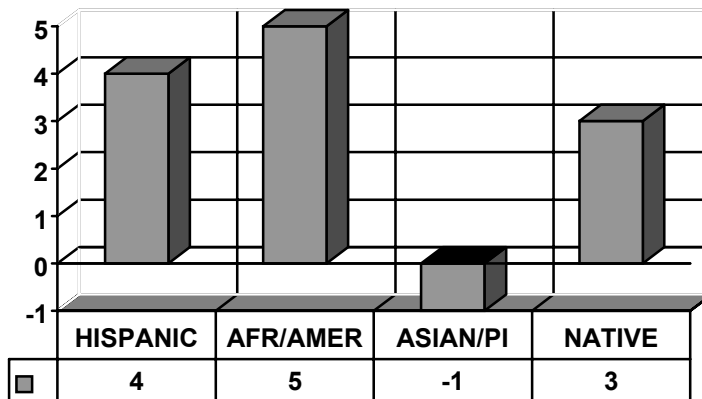
Figure 8
Odds of Being Placed in Observation & Assessment,
As Compared to Caucasians, FY 1997



As in the past, minorities were over represented in placement in secure facilities. As shown in Figure 9, African Americans were 5 times more likely than Caucasians to be placed in secure facilities, given their proportion in the population. Hispanics were 4 times more likely to be placed in a secure facility, whereas Native Americans were 3 times more likely than expected to be placed in secure facilities, given their respective proportions in the population. Asian or Pacific Islanders were less likely to be placed in secure facilities, given their proportion in the population.

Other. Because of the considerable amount of missing data in Other (community service, restitution, and/or rehabilitation programs) it was difficult to replicate this part of the Jenson report. Calculations of comparative odds therefore would not be meaningful.

Figure 9
Odds of Placement in Secure Facilities,
As Compared to Caucasians, FY 1997



Comparisons of Minority Disproportionality between 1993 & 1997

One of the limitations of the Jenson et al. study was the lack of longitudinal data. This update provides the opportunity to reconstruct a figure illustrating processing stages by race and examine the increases and decreases in the numbers and percentage of youths in the Utah juvenile justice system between 1993 and 1997. Changes occurred at each decision point,

however, only the decision points showing a 10 percent or more increase or decrease will be discussed.

Before discussing the differences in dispositions based on race at decision points between 1993 and 1997, it is important to note the general Utah population of youth in both 1993 and 1997. In 1993, minority youths accounted for 9 percent of all youths in Utah. Hispanic youths comprised 5 percent; Asian Americans and Native Americans 2 percent each, and African Americans less than 1 percent. Similarly, in 1997, minority youths accounted for about 9.5 percent of the total population of youths in Utah. Hispanic youths accounted for 5.3 percent, Asian and Pacific Islanders for 2.4 percent, Native Americans for 1.2 percent, and African Americans for .6 percent (Utah State Office of Planning and Budget, 1997; Utah State Office of Education, 1997 as indicated in the DYC Annual Report for 1997).

As shown in Table 5, in relation to arrests for offenses against persons, the percent of arrested youth who were of a minority race decreased 19 percentage points, corresponding with a 19 percentage point increase in Caucasian arrests⁶. In terms of property offenses, there is a decrease of 17 percentage points in minority arrests, and thus an increase of 17 percentage points in Caucasian arrests. Likewise, there is a decrease of 11 percentage points in minorities receiving administrative action, a 9 percentage point decrease for Caucasians, with the percent of "unknown" race of youth increasing 20.5 percentage points. The large number of youth of unknown race makes it impossible to interpret these decreased percentage points of minority and Caucasian youth receiving administrative action. There also is a 28 percentage point increase in missing race data for DCFS; 24 percentage point increase in Youth Convicted; 22 percentage point increase in Other; 21 percentage point increase in administrative action; and a 14

⁶ As noted in the Limitations section (see Chapter 3), this change could be due to changes in software in Salt Lake

percentage point increase in non-judicial closure. Due to the large number of youth of unknown race in the 1997 sample, we cannot precisely determine the changes in the percentage of youth of different races in these categories.

Table 5
Percentage Point Differences in System Decision Points, FY 1993 to 1997

Decision Point	N	Caucasian	Minority	Unknown
Arrests-Persons	-169	+18.78%	-18.79%	
Property	-1573	+16.78%	-16.79%	
Detention Hearings	+2873	+1.9%	-2.2%	+.3%
Juvenile Court Referrals	+900	-0.6%	-0.6%	+1.2%
Petition Filed	+7577	+1.8%	-0.5%	-1.3%
Nonjudicial Closure	-4035	-11.2%	-3.1%	+14.3%
Administrative Action	-1278	-9.1%	-11.4%	+20.5%
No Court Action	-461	no change	-1%	+1%
Youth Convicted	-5966	-18.1%	-6.2%	+24.2%
Other	-1165	-17.4%	-4.5%	+22%
DCFS	+633	-23.9%	-3.8%	+27.7%
Probation	+1592	+3.7%	-4.8%	+1%
Community Placement	+421	+6.7%	-6.7%	
Observation and Assessment	+266	+3.3%	-3.8%	+.4%
Secure Care	+89	+9.8%	-9.8%	

Note: "-" = decrease; "+" = increase.

Comparisons of Juvenile Arrests between 1993 & 1997

Trends of juvenile arrests have become a matter of great concern for both the juvenile justice system and the general public. This section includes an analysis of the trend of juvenile arrests in 1993 and 1997 comparatively. Because juvenile arrest data were the only data available for 1993 and 1997, it will be the only decision point analyzed in this manner.

Table 6
Frequency of Juvenile Arrests by Race, FY 1993 and 1997⁷

City that took place between 1993 and 1997.

⁷ Juvenile arrest data were generated from the cities of Ogden, Salt Lake, and Provo.

	1993	1997	1997	1993	1997	1993	1997	1993	1997	1993	1997
	White/ Hispanic ⁸	White	Hispanic	Black		American Indian		Asian or Pacific Islander		Total	
Person Offenses											
Murder & Non-Negligent Manslaughter	2	6			2			2		4	8
Forcible Rape	19	13	1	2		1				22	14
Assault	146	53	8	24	5	6	5	3	2	179	73
Other Assaults	574	407	86	65	44	13	14	39	44	691	595
Offenses Against	4	13	1		2		1			4	17
Total	745	492	96	91	53	20	20	44	46	900	707
Property Offenses											
Robbery	41	13	5	13	1			12	6	66	25
Burglary	341	107	8	12	6	6	3	10	1	369	125
Larceny-Theft	2,068	1,225	127	114	61	81	35	69	58	2,332	1,506
Motor Vehicle Theft	259	116	24	34	6	6	7	14	13	313	166
Arson	15	6	0	0	0	0	0	0	1	15	7
Forgery and Counterfeiting	49	28	1	2	0	0	0	1	2	52	31
Fraud	31	7	0	4	0	1	0	1	0	37	7
Stolen Property: Buy, Receive, Possess	70	44	8	1	1	4	1	6	1	81	55
Vandalism	481	346	45	35	13	23	8	35	8	574	420
Total	3,355	1,892	218	215	88	121	54	148	90	3,840	2,342

As indicated in Table 6, in comparing fiscal years 1993 and 1997, there is a substantial decrease in the total number of juveniles arrested for person offenses from 1993 to 1997.

Likewise, there is a major decrease in the total number of juveniles arrested for property offenses from 1993 to 1997.

In relation to race, there is a major decrease from 1993 to 1997 in the total number of Caucasian/Hispanics and African-American juveniles arrested for person offenses. The total numbers of American Indian juveniles arrested for person offenses remained the same in 1993 and 1997. On the other hand, the total number of Asian Pacific Islander juveniles arrested for person offenses increased from 1993 to 1997. Because Hispanics were not separated from

Caucasians in 1993, comparisons between the two years are not possible. Refer to Table 6 for 1997 data regarding Hispanic juveniles.

Likewise, in terms of property offenses, there are similar trends. In regards to the various races, there are noticeable major decreases in the total number of Caucasian/Hispanic, African-American, American Indian, Asian and Pacific Islander juveniles arrested for property offenses from 1993 to 1997 (see Table 6).

Comparisons of Minority Employees in NYC between 1993 & 1997

Employment overviews for both the Division of Youth Corrections and the Juvenile Court are important in putting this study in perspective. According to the 1997 NYC Annual Report, minorities represent nearly 10 percent of staff within the administrative job type; 26 percent in service delivery jobs; and 14 percent in support services. Approximately 22 percent of all staff are minority, compared with approximately 31 percent minority youth (see Table 7). Comparatively, in 1993, the NYC Annual Report indicated that minorities represented less than 1 percent of staff within the high grade job type; about 6 percent in medium grade jobs; and 12 percent in low grade jobs. According to the report, although the Division hired minority individuals, their proportion was well below the proportion of minority youth in the client population (see Table 7).

⁸ For fiscal year 1993, Hispanic youths were included in the White category.

**Table 7
Demographics of Minority Employees in DYC, FY 1993 and 1997**

Job Type	Percentage
FY 1997	
Administrative	10
Service Delivery	26
Support Services	14
FY 1993	
High Grade	1
Medium Grade	6
Low Grade	12

Figures for September 1999 indicate that 21.7 percent of officials and managers are of color, as are 20.2 percent of professionals, 19.7 percent of paraprofessionals, and 12.2 percent of administrative support personnel. Overall, 3.4 percent of employees are Black, 4.6 percent are Asian or Pacific Islander, 1.3 percent are American Indian or Alaskan Native, and 8.8 percent are Hispanic.

Status of Recommendations from Jenson 1995 Report

As concluding remarks on the status of minority overrepresentation in the Utah juvenile justice system, Jenson et al. (1995) presented recommendations for improvement of the minority disproportionality situation in the Utah Juvenile Justice System (see Appendix D). In mid-1995, the report was accepted by the State.

In a communication with the Juvenile Court administrators, the following information was obtained. First, the Juvenile Court administrators have recently reviewed the recommendations made in the report regarding over representation of minorities in the juvenile justice system. However, they found no evidence that the recommendations in the report have been implemented. Second, as it relates to the lack of information about race of youth that are handled non-judicially, they plan to work with the clerks of the court and chief probation officers

to place an emphasis on obtaining this information at the time the youth appears in court to resolve charges.

The Division of Youth Corrections also provided information regarding the status of the recommendations made in the report by Jenson et al. (1995). First, the DYC currently offers diversity education. The education is generic and not specific to race and ethnicity. At academies for new employees and supervisory education the diversity agenda is offered. In 1998 there were twelve education sessions for a total of 49 hours with approximately 660 employees receiving this education (numbers may be duplicative since some employees may have attended more than one training). Second, the DYC has made significant strides in hiring minorities. Current data indicate that the DYC employs more minorities in both line and supervisory positions than does either the DHS or the Juvenile Court. They will continue to emphasize hiring minority employees. Third, the DYC has increased not only the institutional programming for youth of color but also community-based placements. However, they recognize the lack of specialized programs that treat minority youths as a great limitation for the DYC. They will continue striving for improvements. Fourth, the DYC did not implement any changes in its reporting practices in order to ensure accurate information about race and ethnicity. Only partial ethnic and racial information is gathered at various points of the DYC experience. However, the DYC and Juvenile Court are in the process of re-engineering the Juvenile Information System (JIS) which may result in more accurate reporting practices. Fifth, research and evaluation staff members are annually reviewing the P.A.R.M.S. (parameter files explaining courts' management information system) manual for more clarity, inclusions and deletions that make the JIS data more useable and valuable. Finally, five years ago when the original Jenson Report was issued, the level of difficulty, high costs, and little interest in

pursuing “risk assessments” were reasons that information on risk factors for delinquency was not included in the JIS. Since then a legislative audit report has recommended the inclusion of “risk assessments” for individual youth in the JIS. This reporting field can be incorporated with the re-engineering project currently underway within the Juvenile Court.

JUVENILE INFORMATION SYSTEM (JIS)

A random sample of minority and Caucasian juveniles was analyzed both qualitatively and quantitatively to further explore the possible occurrence of racial bias in handling minority juveniles in the Juvenile Court system. Youths’ presenting offenses, offending histories, and dispositions were examined in the context of the sentencing guidelines. The following discussion presents the findings of these analyses.

Quantitative Analysis of JIS Data

Disparities Between Minority and Caucasian Cases. Based on the random sample of 200 youth (100 minority and 100 Caucasian) from the JIS database, several statistical analyses were run to identify whether differences in youths’ dispositions were related to their racial group memberships. After describing data limitations and offering descriptive information about this sample, the results of these analyses are described.

Limitations of Available Data

It is critical to note that the researchers are not certain if the data are accurate. For instance, we do not know if any of the youth who are listed as “white” also are Hispanic. As described in Jenson et al.’s (1995) report, in 1993 many Utah counties were counting all Hispanic youth as white, without specifying their ethnicity. If this practice is still prevalent, then the findings will, of course, be misleading.

Further, there appear to be discrepancies in how youth of different ethnic groups are counted.⁹ For example, our research assistant noticed that at least one youth who was labeled “any other race” had a Tongan surname; two other youths with Tongan surnames were labeled “Oriental.” Thus, it is not possible to provide a reliable breakdown by ethnic or racial groups. The researchers have therefore exercised caution in interpreting the results of all analyses.

Description of sample

Sentencing guidelines. The sentencing guidelines describe five possible dispositions: Sanctions, Probation, State Supervision, Community Placement, and Secure Care. According to the data, 35.5 percent of the youth in this sample could have received Sanctions, 35.5 percent could have received Probation, 10.5 percent could have been sentenced to State Supervision, 9 percent could have been placed in Community Placement, and 9.5 percent could have been placed in Secure Care (see Figure 10).

Actual dispositions. The JIS database lists all dispositions that youths received as a result of their current offenses. The research team identified the most severe disposition from each youth’s list of dispositions and indicated that one disposition as the “actual disposition.” Although the sentencing guidelines list only five possible dispositions, ten dispositions were identified by the research team. These actual dispositions, ranging from least severe to most severe¹⁰, are listed in Table 8.

⁹ See Recommendations for suggestions for changes in recording racial and ethnic group categories.

¹⁰ We have used our judgment in ranking these dispositions, with the knowledge that some of these dispositions have multiple uses. For instance, Short-term Detention may be used in conjunction with other dispositions, and Observation and Assessment has multiple uses. In addition, Custody to DCFS is not truly a *youth* disposition, but rather speaks to judgments about the parents’ behaviors or capacities.

Figure 10
Dispositions Specified by Sentencing Guidelines

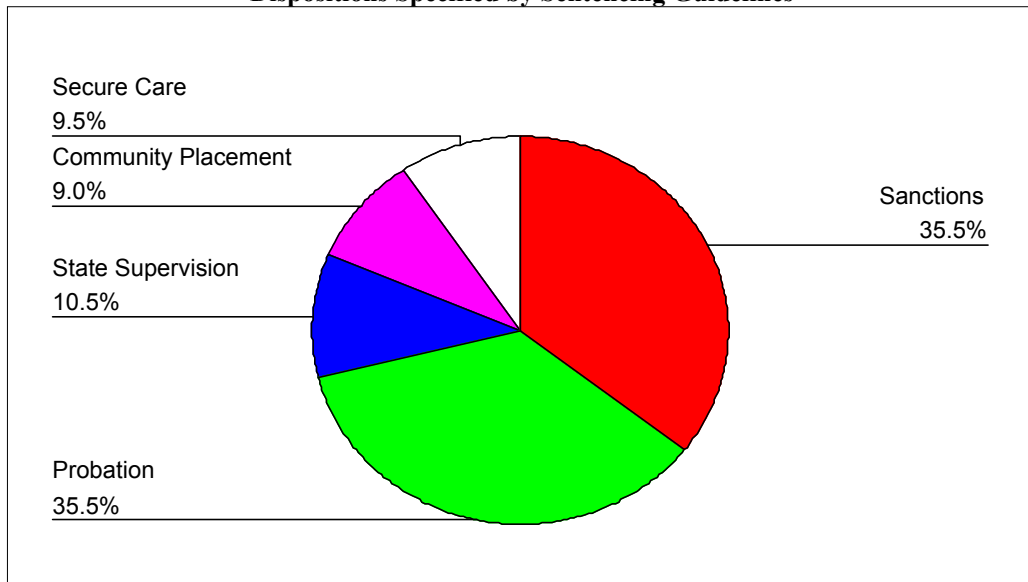


Table 8
Comparisons of Ranking of Actual Dispositions to Sentencing Guideline Dispositions

Actual Disposition	Actual Disposition Ranking	Considered to be Comparable to Sentencing Guideline Disposition of:	Comparable to Sentencing Guideline Ranking of:
Non-judicial Closure	1	Not Applicable	0
Sanctions	2	Sanctions	1
Short-term Detention	3	Probation	2
Custody to DCFS	4	Probation	2
Probation	5	Probation	2
State Supervision	6	State Supervision	3
Observation and Assessment	7	Community Placement	4
Community Placement	8	Community Placement	4
Secure Care	9	Secure Care	5
Committed to Jail	10	Secure Care	5

Table 9
Number and Percentage of Youth Receiving Each Disposition

Actual Disposition	Frequency	Percent	Cumulative Percent
Non-Judicial Closure	24	12.0	12.0
Sanctions	86	43.0	55.0
Short-term Detention	14	7.0	62.0
Custody to DCFS	2	1.0	63.0
Probation	35	17.5	80.5
State Supervision	8	4.0	84.5
Observation and Assessment	12	6.0	90.5
Community Placement	8	4.0	94.5
Secure Care	6	3.0	97.5
Committed to Jail	2	1.0	98.5
Total	197	98.5	
Other	3	1.5	1.5
Total	200	100.0	100.0

In order to allow comparison between actual dispositions and those specified in the sentencing guidelines, the research team matched each of the ten actual dispositions to one of the five sentencing guideline dispositions. Table 8 provides the resulting comparisons. (Although the team carefully assessed the assignment of each disposition, it is assumed that others may compare these dispositions differently).

Table 9 provides a breakdown of the number and percent of youth receiving each disposition. As seen in Table 9, over half the youth (55.8 percent) received the least severe dispositions—non-judicial closure or sanctions.

Over a third of the youths (37 percent) received dispositions that were equal to that recommended by the sentencing guidelines. Of the remaining youths, 15 percent received dispositions that were more severe than that stated in the guidelines, and 48 percent received dispositions that were less severe than that indicated by the guidelines. It is important to note that these researchers did not have information regarding whether youths in the sample already were under the jurisdiction of the courts at the time of the presenting offense. Assuming that

such is the case, some youths who we found to have received less severe dispositions than indicated by the sentencing guidelines might actually already be assigned a disposition that matches that recommended by the guidelines.

Table 10 provides a breakdown of the “fit” between the dispositions indicated in the sentencing guidelines and youths’ actual dispositions (collapsed). For example, row 1 illustrates that, of those youth who would have received sanctions had the sentencing guidelines been followed exactly (that is, without deviations due to aggravating, mitigating, or other factors), 20 received non-judicial closure, 35 received sanctions, 13 received probation, none received state supervision, and one each received community placement and secure care dispositions.

Table 10
Consistency of Actual Disposition (Collapsed)
With the Sentencing Guideline Disposition

Disposition Recommended in the Sentencing Guidelines	Actual Disposition (Collapsed)					
	Non-Judicial Closure	Sanctions	Probation	State Supervision	Community Placement	Secure Care
Sanctions	20	35	13	0	1	1
Probation	3	28	27	2	7	4
State Supervision	0	11	7	1	2	0
Community Placement	1	4	2	2	8	0
Secure Care	0	8	2	3	2	3
Total	24	86	51	8	20	8

Comparison of dispositions by race

Because findings from individual interviews and focus groups suggested that youth of color may be treated differently depending upon their ethnic group membership, youths were grouped in three different ways in order to compare their dispositions by racial categories.

Youth were grouped by:

1. white *vs.* minority
2. Hispanic *vs.* Not Hispanic
3. Hispanic or Pacific Islander *vs.* neither of these.

Statistical analyses indicated several differences by racial groups. First, there was a slight tendency for Hispanic and Hispanic/Pacific Islander youths to have sentences that exceed the guidelines, but this finding was not statistically significant (see Analysis 1, Appendix G, for an explanation of this analysis).

Second, statistical analysis indicated that Hispanic youth were significantly more likely than non-Hispanic youth to receive one of the more severe sentences (see Analysis 2, Appendix G). This difference may be attributed to differences in offending history, racial bias in sentencing, or a combination of both these factors.

Third, Hispanic youth are significantly more likely than non-Hispanic youth to be placed in the custody of the Department of Youth Corrections or in Observation and Assessment (see Analysis 3, Appendix G). Adding Pacific Islander youth to this group does not significantly change this finding. That is, both Hispanic and Pacific Islander youths are more likely than other youths to receive such dispositions (see Analysis 3, Appendix G).

Finally, analysis indicated that (1) the type of presenting offense (measured as whether it is a felony or a misdemeanor), (2) the number of previous felonies, and (3) the number of previous misdemeanors help to predict youths' actual dispositions. After taking these three variables into consideration, youths who are Hispanic receive dispositions that are slightly more severe than other youths' (see Analysis 4, Appendix G).

These findings have two important implications. First, it is critical to note that, despite the establishment of sentencing guidelines, some other variables—in addition to youths' presenting offenses and offense histories—influence the actual dispositions. These researchers hypothesize that use of aggravating and mitigating factors may explain some of the variation in actual disposition, although this hypothesis cannot be tested with existing data. Further, as

described above, youths' current status in the system likely explains some of the variation in actual dispositions. Second, whether or not youth are Hispanic, while statistically significant at the .05 level, made very little substantive difference in youths' actual dispositions.

Qualitative Analysis of JIS Data

Cases with Most Significant Disparities

Given similar presenting offenses and offending histories, disparities in dispositions were identified between minority and Caucasian juveniles based on the sentencing guidelines.

Although disparities were commonly seen in these 200 cases of minorities and Caucasians due to the fact that guidelines are discretionary, only the most extremely disparate cases are discussed.

A total of twenty-five juveniles are included in this analysis (see Table 11).

Car Theft 2nd Degree Felony (THCR 25). Disparities were found among four pairs of juvenile minorities and Caucasians in regard to their dispositions in this category (see Table 11). First, a minority and Caucasian juvenile each had the same presenting offense and offending histories. The minority juvenile's disposition history included being adjudicated with probation, commitment to detention, a suspended stayed order to Observation and Assessment, and a stayed order to Youth Corrections Community Placement. On the other hand, the white juvenile had a disposition history consisting of suspended jail sentence, work hours, other administrative actions, and was ordered restitution.

Table 11
Demographics of Most Disparate Cases Compared for Dispositions (JIS)
and Profiled for Risk and Protective Factors (Social Files)

Demographics	N
Race:	
Hispanic	6
Native American	1
Asian/Pacific Islander	2
African American	3
Caucasian	13
Gender:	
Female	8
Male	17
Offense:	
Car Theft 2 nd Degree Felony	7
Burglary Dwelling 2 nd Degree Felony	6
Forgery	2
Alcohol Possession/Consumption	4
Assault Sub. Risk of Bodily Injury	4
Contempt, Non-Pecuniary Court Order	2
Age:	
12 – 13	2
14 – 15	2
16 – 17	14
18 – 20	7
Total number of juveniles	25
Total number of pairs	12

The second comparison is among three juveniles consisting of one minority youth and two Caucasian youth with the same presenting offenses and offending histories. The minority youth was placed at a work camp and ordered restitution. In contrast, one Caucasian youth was ordered restitution with a notice to “see file for disclosure¹¹”, while the other Caucasian youth had dispositions that included only work hours and stayed order to detention.

The third pair of juveniles included a minority youth with 2 felonies and 9 misdemeanors, compared to a Caucasian youth with 2 felonies and 11 misdemeanors. The dispositions of the minority youth were probation, state supervision, restitution, stayed detention, stayed community placement with Youth Corrections, and other stayed orders. In contrast, the Caucasian youth’s

¹¹ An administrative action used to close cases where actual disposition is not known without checking original records (Division of Youth Corrections, PARMS 2000).

dispositions were other administrative action, work camp, restitution, and continuation of previous order. Even though the Caucasian youth was taken out of the home for a few months, the minority youth was placed on probation and given more stayed orders.

According to the sentencing guidelines, the first pair of youth and the threesome could have received probation as dispositions. The third pair could have received state supervision as a disposition.

Burglary Dwelling 2nd Degree Felony (BURG25). In the first minority-Caucasian pair with the same presenting offenses and offending history in this category, the minority youth was ordered probation, stayed detention, community hours, and other administrative action (see Table 12). The Caucasian youth was ordered community hours and completion of a law-related class.

In the second pair, a minority youth's dispositions included probation being stayed, restrictions, restitution, stayed detention, suspended fines, and custody given to mother. The Caucasian youth was ordered only to pay fines to the courts.

In the third pair, a minority youth was ordered probation, restitution, community hours, stayed detention, counseling, and to write an essay. The Caucasian youth was ordered to the Division of Child and Family Services.

Examining the sentencing guidelines indicate that the first and third pairs of youth could have received probation as dispositions. In terms of the second pair, the minority youth could have received sanctions while the Caucasian youth could have received probation as a disposition.

Table 12
Comparison of Cases with most Significant Disparities

Presenting Offense	Actual Disposition ¹²	Sentencing Guideline
Car Theft 2 nd Degree Felony Minority #1 Caucasian #1 Minority #2 Caucasian #2 Caucasian #2 Minority #3 Caucasian #3	Probation *Suspended Jail Sentence *Work Camp Restitution Work Hours Probation Other Administrative Action	Probation Probation Probation Probation Probation State Supervision State Supervision
Burglary Dwelling 2 nd Degree Felony Minority #1 Caucasian #1 Minority #2 Caucasian #2 Minority #3 Caucasian #3	Probation Community Hours *Probation Pay Fines Probation *DCFS	Probation Probation Sanctions Probation Probation Probation
Forgery Minority #1 Caucasian #1	Stayed Detention Plea Under Abeyance	Probation Sanctions
Alcohol Possession /Consumption Minority #1 Caucasian #1 Minority #2 Caucasian #2	Pay Fine Non-judicial Order Suspended Driver's License Stayed Detention	Sanctions Sanctions Probation Probation
Assault Sub. Risk of Bodily Injury Minority #1 Caucasian #1 Minority #2 Caucasian #2	Probation Non-judicial Fine Community Service Hours Fine	Sanctions Sanctions Sanctions Sanctions
Contempt, Non Pecuniary Court Order Minority #1 Caucasian #1	Probation Continue Previous Order	Sanctions Sanctions

Forgery (FORG16). Based on the same presenting offense and similar offending histories, a minority youth's dispositions were stayed detention, restitution, restrictions, work hours, and other administrative actions (see Table 12). On the other hand, the Caucasian youth's dispositions were plea under abeyance, community hours, and other administrative actions.

According to the sentencing guidelines, the minority youth's disposition could have been probation while the Caucasian youth's disposition could have been sanctions.

Alcohol Possession/Consumption ALCOHH). For the first pair, based on the same presenting offense and offending histories, a minority youth was ordered a fine and appearance in court (see Table 12). The Caucasian youth, however, was dealt with non-judicially, did not have to appear before judge, and was fined.

In the second pair, a minority youth received a disposition including a suspended driver's license, fines, stayed detention, and other administrative action. The Caucasian youth was ordered a stayed detention order, held in detention, and fined.

The sentencing guidelines indicate that the disposition for the first pair of youth could have been sanctions. The disposition for the second pair of youth could have been probation.

Assault Sub. Risk of Bodily Injury (ASALTB). In the first pair with the same presenting offense and offending histories, the minority youth was charged with probation, fines, stayed detention, school attendance, and other administrative actions, with a notice to "see file for disclosure" (see Table 12). The Caucasian youth was given a non-judicial fine.

In the second pair, a minority youth charged with six misdemeanors was given dispositions including community service hours, counseling, and youth admonished, with a notice to "see file for disclosure". The disposition for the Caucasian youth with six misdemeanors was a fine.

The sentencing guidelines state that both pairs of youth could have received sanctions as a disposition.

¹² Indicates disposition is more severe than sentencing guidelines.

Contempt, Non-Pecuniary Court Order (CNTPTH). Given the same presenting offense and offending histories, the dispositions for a minority youth with this charge were probation, other administrative actions, and protective supervision for the family. The Caucasian youth received a continuation of previous order and other order stayed.

According to the sentencing guidelines, the disposition for these two youth could have been sanctions.

Deviation From Sentencing Guidelines.

The likely explanation for any disparity in dispositions is the use of aggravating and mitigating circumstances or other data presented in Court that is considered by the Judge. The purpose of the presentation is to allow for a critical examination of the current data realizing that a continued comparison over an extended period of time would be necessary before interpretations of bias could be attempted.

FOCUS GROUPS

Focus groups were designed to explore the experiences of both juveniles (see Table 13) and professionals (see Tables 14 and 15) in the Utah Juvenile Justice System, specifically Juvenile Court and Division of Youth Corrections. The researchers acknowledge that bias may be present in the responses of the study participants. Youth are in the custody of the Court or Youth Corrections, unlikely to be pleased with their predicament, and may be more than willing to express views blaming others for their situation. On the other hand, some youths may be hesitant to speak openly about racial bias within Juvenile Court or DYC due to fear of reprisal by those who currently hold power over them.

As with youth, bias may be present in the professionals responses. That is, staff may fear reprisal if they report racial bias within their own organizations; this reluctance to disclose bias

may be particularly strong among lower-level employees. Further, staff who have been with an organization for a long period of time may view established policies and practices as “legitimate,” whether or not they are influenced by racial bias.

Nevertheless, we suggest that the reader will view their responses within the context given. It is what they expressed and it is only through that expression that an understanding of their attitude can be instructive. Their expression does not mean their experience can be generalized to the larger population, but it is how they perceive their treatment within that system. Findings are presented in the form of common themes and patterns that emerged from analysis of participants’ responses.¹³

Juveniles from Division of Youth Corrections and Juvenile Court

Racial bias in the Utah Juvenile Justice System (questions 1, 2, & 3)

A majority of juveniles believe there is racial bias in the system. They are aware of racial bias that takes the form of negative treatment of minority youth, and privileges for Caucasian youth. They noted that such racially biased treatment was practiced by police, gang units, staff of youth correction facilities, counselors, judges, probation officers, staff of Division of Youth Corrections, district attorneys, parole officers, school personnel, and others within their environment such as merchants and the predominantly Caucasian population in Utah. The police and school systems are areas that were most frequently indicated by participants as areas where experiences of racial bias and unfair treatment are most pronounced.

¹³ The researchers have taken care to maintain the confidentiality of individuals who participated in the individual interviews and the focus groups. When reporting findings from individual interviews and focus groups with *youth*, participants are identified as “Hispanic” or as “other minority.” Researchers selected this option because the number of Hispanic youth participating in the study is great enough to prevent recognition of individual speakers, while the same is not true of participants from other racial groups. The ethnicity of youth is never reported.

While we realize that important findings are forfeited by veiling the race and/or ethnicity of some youth, the researchers believe that the necessity of maintaining confidentiality (and thus protecting study participants) outweighs the need to report this level of information. Although the reader is prevented from understanding specific ethnic groups’ perceptions of and experiences with racial bias, this method still allows for the examination

Youth provided many examples of racial bias. In terms of the police, a Hispanic youth said, “The cops pulled us over, called us *Spics*, and threw us against the car.” Another youth indicated that he got into a fight and the police pulled their guns on him and they kept calling him “*boy*”, like a “*slave*.” One Hispanic youth said, “The police think that we’re all drug dealers. They’re always driving by our neighborhoods.”

Table 13
Demographics of Youth Focus Group Participants

Demographic	N
Race:	
Hispanic	73
Native American	9
African American	8
Asian/Pacific Islander	11
Gender:	
Female	8
Male	93
System Status:	
DYC	47
Juvenile Court	54
Total number juveniles	101
Total number juvenile groups	12

In correctional/secure facilities, participants indicated that they are not allowed to speak their native languages because staff thinks they are planning something criminal. One youth said that facility staff read minority youths’ mail. Participants stated that facility staff sees them as gang members because they are minorities.

In the schools, participants felt that school officials and teachers care about the education of the white students, but not the minority students. Participants stated that when white students make racial slurs and minorities retaliate, the consequences are always given to minorities. One

of the perceived presence or absence of racial bias.

minority female said that when she got into a fight with a white female, only the minority youth was suspended.

Factors such as skin color, attire, perceptions that minorities are violent, and other predetermined stereotypes about minorities were indicated by juveniles as influential in their experiences of racial bias and unfair treatment. Youth also perceived a bias based on social class. That is, they noted that youth, especially Caucasian youth, who were from higher socioeconomic groups received privileges and protection, while youth who were from lower socioeconomic groups received negative treatment.

Overall, juveniles felt that the attitudes and behaviors of professionals in the system subject them to racial bias. An exception were two youths, both involved with DYC, who did not feel discriminated against, but blamed themselves for their predicaments. Of the 101 youth who participated in the focus groups, about 11 youths, all involved with DYC, expressed confidence in the Juvenile Court and Youth Corrections Systems. Ten youths expressed no opinion on the subject.

Differential treatment (question 4)

Juveniles responded that white youths are more: (a) trusted, (b) respected, (c) privileged, and (d) more likely to have chances and opportunities than minority youths, especially with the police and school officials.

Juveniles felt that the police rough up minorities more than whites. One Hispanic youth told about smoking marijuana with a white youth; he was charged but the white youth was not. Several youths expressed only the “feeling” or “attitude” of being treated differently, but were not able to provide specific examples of differential treatment.

In the schools, participants told about being ignored by school teachers and always being told to sit in the back of the classroom. White youths were perceived to be treated better even though they dressed just as “radical” as minority youths. Participants stated that they were subject to racial bias due to their skin color within this predominantly Caucasian state (Utah).

Appropriateness of study focus (question 5)

In summary, a majority of the juveniles felt that there is a need for changes in the system, particularly in regards to charging practices and dispositions. In contrast, 18 youths expressed fairness in treatment by the system, and 10 youths expressed no opinion on the subject.

Influence of risk and protective factors (question 6)

In addition to offering information about the influence of racial bias on decision-makers’ judgments, youth also offered factors that might influence juveniles to commit crimes. These responses are noteworthy in that they suggest implications for policy and program responses to address youth involvement in the juvenile justice system.

Risk factors. Youth noted risk factors that might lead to increased youth involvement in crimes. These risk factors included boredom and neighborhood difficulties.

Protective factors. Youth identified several protective factors that might decrease youth involvement in crime. These protective factors included employment, involvement in school, fair treatment by probation officers, strong family ties, involvement in sports, and having good friends.

Addressing youth offenders. Basically, participants believed that protective factors should be a primary focus in generating solutions for handling juveniles, rather than focusing on secure facilities from which they sometimes come out with harder attitudes and a tendency to continue to commit crimes. One example given by participants was their preference to stay

within their own family (uncle or other family members) and not with a white proctor home. These minority juveniles felt that they possess a lot of protective factors that are often overlooked because of racial stereotypes.

Personal expectations (question 7)

In summary, juveniles have personal expectations of staying out of the system; however, they fear becoming involved in the system due to racial discrimination. Some juveniles felt hopeless given their family histories and prolonged criminal justice involvement.

In terms of personal expectations, participants mentioned that the only thing they wanted from probation was to get off probation in a reasonable time frame. In particular, participants indicated that they want the probation staff to stop disrespecting them and their families in their own home, by “coming in and thinking that they own them.”

In terms of rehabilitation, about 59 percent (n=59) of the participants felt that the system is lacking in this area. Participants felt that youths are not given a chance to get better and that locking them up makes them harder criminals. They stated that they did not learn anything from anger management and drug groups.

In contrast, about 15 percent (n=15) of the participants experienced a behavior improvement during their incarceration. These participants felt that they just needed to keep their “crap” together and do their time. Whereas some of them felt that it would be difficult to maintain good behavior after being released, some expressed confidence in remaining crime-free after leaving the facility and were complimentary of the system helping them better their lives.

Participant recommendations (question 8)

In order to address racial bias, participants recommended looking at the entire juvenile justice system. The police and the Utah School System were identified as areas in which racial bias is most pronounced and thus in need of attention.

Several participants asked about the possibility of having more minority staff in the juvenile justice system working with their own culture, language, and gender. Other participants asked about developing programs to keep them busy after school because there is nothing to do in their neighborhoods.

In contrast, one youth exhibited a lot of anger and resentment toward white individuals in the justice system and stated that studying bias is a waste of time since only force will change things.

Participant questions (question 9)

When asked if they had any questions, youth asked if probation officers would find out about this information. They also expressed their appreciation for the visit and letting them talk about their experiences.

Professionals from Division of Youth Corrections and Juvenile Court

Racial bias in the Utah Juvenile Justice System (questions 1 & 2)

The majority of professionals felt there is racial bias in the system as well as the larger society in terms of treatment of both juveniles and professionals (see Table 14 for demographic information about these professionals).¹⁴ Several participants felt that there also is a religious

¹⁴ The researchers have taken care to maintain the confidentiality of professionals who participated in the focus groups. Because there are relatively few professionals from any one racial group, either on staff or participating in this study, findings are reported based on whether speakers were “minority” or “Caucasian.” This decision was made in order to protect minority staff (who are more likely to work at lower levels of the hierarchy) from fearing retaliation for their candid comments.

While we realize that important findings are forfeited by veiling the race and/or ethnicity of some study participants, the researchers believe that the necessity of maintaining confidentiality (and thus protecting study participants) outweighs the need to report this level of information. Although the reader is prevented from understanding specific ethnic groups’ perceptions of and experiences with racial bias, these methods allow examination of the perceived presence or absence of racial bias.

bias. Areas indicated by professionals where racial bias exists include the juvenile justice system (e.g., police, Juvenile Court, Division of Youth Corrections, DCFS, gang taskforce, detention), school system, and the media. Of these areas, police and the school system were most frequently mentioned.

A majority of the professionals spoke directly about the negative experiences of minority juveniles due to the lack of access to resources, racial stereotypes, and miscommunication between families and the system. Professionals noted that staff biases based on culture, language, and religion could account for the mishandling of minority juveniles. Nonetheless, despite descriptions of such biased treatment, some participants felt that bias is not necessarily based on “race,” but rather on “culture.” Professionals also felt that media create negative attitudes toward minority individuals because of the tendency to exaggerate the crimes committed by minorities.

Table 14
Demographics of Professional Focus Group Participants

	N
Race:	
Hispanic	16
Native American	7
African American	8
Asian/Pacific Islander	13
Caucasian	36
Gender:	
Female	31
Male	49
System Status:	
DYC	43
Juvenile Court	37
Total number professionals	80
Total number professional groups	10

Further illustrating systemic biases, a group of staff commented in the following summary:

Kids get locked up because they are jerks in court, not for what they did. Kids don't represent themselves well. Kids don't know how to talk in court or anywhere in the system. Plus, not having a lawyer may lead to getting harsher punishments. With all of these, money is the issue. Public defenders don't represent minority kids well and most Caucasian kids get their own attorneys. Minority kids don't understand how the system works. Minority parents don't understand the system. Most of them are working for minimum wage, and they can't miss work to be in court. However, when they miss court, it is perceived as a non-supportive family. Many of these parents would be fired if they missed a day of work. The court does not give poor families any options to attend evenings or weekends if they are unable to attend at the designated time. Immigrant parents with language barriers also get the same bad treatment because of predetermined stereotypes.

With the knowledge that these deficiencies exist, professionals felt that harsher penalties were imposed on minority juveniles. Professionals indicated that minority kids are harassed and searched because they are minorities and sentencing is more rigid with minorities. Professionals noted that community based programs are more accessible to Caucasian kids, and minority kids get the lock up or secure-based programs or facilities more often than Caucasian youth.

In addition, some minority and Caucasian professionals shared personal experiences with being discriminated against. An example of a personal experience with bias in the juvenile justice system was a minority staff who shared:

When I applied for this job, some people asked whether I am able to write. I feel that I was asked such a question because of my minority appearance and stereotypes people have towards [my ethnic group]. My qualifications as a staff were distorted because of my minority appearance. There's a glass ceiling effect in which racial diversity in upper-level administration is very slow to come about, thus very few minorities are in upper-level administration positions.

Biases in hiring and promoting minority employees were specifically noted as a major contributing factor to the mishandling of minority juveniles. Minority participants expressed concerns with the very few minorities in decision-making positions and the heavy reliance on the

M.S.W. degree for hiring and promotion practices, in light of the fact that minority staff members are less likely to hold such a degree. In terms of racial bias in the larger society, a minority staff said:

I attribute a lot of racial discrimination that I have encountered to the lack of diversity and multicultural education. I was well liked by white people as long as I did not date their daughters.

On the contrary, three Caucasians from NYC strongly expressed that there is no racial bias in the system. However, they noted unfair treatment of Caucasians, such as when juveniles' families request a particular worker from their own race. They expressed that some families automatically see a white court intake worker as a stereotypical racist. Also, four Caucasians from Juvenile Court, and two non-Native American minorities, and four Caucasians from NYC (n=10) mentioned that Indian police and tribal court systems tend to be very lenient with Indian youths compared to Caucasian youths receiving harsher punishments. They were also concerned about Indian parents being "entitled" and protected by the state and federal governments. No Native American participants were present in these particular focus groups, so their views about this subject are not represented in this report.

Reasons for racial bias (question 3)

When asked why racial bias may be present in the system, participants focused on the characteristics and behaviors of minority juveniles, rather than reasons that professionals may engage in racially biased practices. They identified juvenile's dress, attitudes, being different, lack of education (classroom, culture, and communication), repetitive delinquency, crime severity, and family socioeconomic status. Some minority professionals felt distraught and found no logic in disproportional overrepresentation of minority juveniles in the justice system.

Professionals' responses that focused on youth and family characteristics included the following:

- * Minority juveniles dress differently. A clean-cut white kid will not get hassled.
- * Minority juveniles tend to “cop an attitude”—a prejudicial attitude—toward white staff members. Some minority kids are quick to “pull the race card.”
- * A minority kid who wanders around a white neighborhood for no reason can be a suspect because he or she is different.
- * Kids and families lack education about the system, culture, and communication.
- * Youths have limited skills for processing and problem-solving in a cognitive manner, due to lack of classroom education.
- * Families have difficulties in understanding their traditional family lifestyle vs. the majority European-American culture.
- * Minority juveniles' family socioeconomic status (low income) often lead to a lack of access to resources.

Responses focusing on justice system staff included that lack of education pertaining to minority cultures results in stereotypes, generalizing, cultural ignorance, and cultural insensitivity on the part of the worker. Interventions offered may not be effective if they are not culturally appropriate.

Finally, participants noted that, when youth and their families interact with staff, communication barriers result in lack of understanding, lack of services, and misinformation. Participants stated that this is a major problem between the majority white system and Native American tribes, due to both poor cross-cultural communication and no tolerance from either side.

Appropriateness of study focus (question 4)

Some professionals felt that this study is potentially useful whereas others felt that it is useless. Professionals noted that recognizing the problem with two-way communication is a step in the right direction to correct the problem. They felt effective communication is essential to the existence of a large entity such as the Juvenile Justice System.

Specifically, some participants felt that this study is potentially useful for Juvenile Court prosecutors and intake workers as well as Youth Corrections workers who are racially biased and lacking in knowledge of minority cultures. One minority professional expressed that this study is useful for her because sometimes she is more lenient with minority youths.

Influence of risk and protective factors (question 5)

The concepts of risk and protective factors were unknown to the interviewees. After explaining these concepts, participants agreed that risk and protective factors play vital roles in dispositions of minority juveniles and in explaining juvenile delinquency.

Racial and social class bias. As with the youth focus group participants, professionals asserted that racial bias does impact minority youth. They stated that Pacific Islander and Hispanic youth are particularly subject to racial bias. They also stated that youth experience social class discrimination, and that law enforcement officers in particular may be targeting low-income youth.

Professionals provided several examples of youth or family characteristics that may result in biased treatment within the juvenile justice system. For example, they stated that youth are treated differently based on their families' socioeconomic status, parents' levels of education, and lawyers' level of competence. Since minority youth are more likely than whites to be from lower socioeconomic groups, they suffer disproportionately from these biased practices.

Professionals also stated that youth are treated more negatively if they live with single parents. This differential treatment also leads to racial (in addition to social class) bias, since some minority groups have more single-parent families. According to these professionals, youth also are treated negatively if their parents do not appear in court. Again, this practice leads to racial and social class bias because minority and lower-income parents are more likely to hold wage-earning (rather than salaried) jobs, thus being less able to leave work to attend court proceedings.

Professionals also asserted that bias occurs due to language barriers. That is, when staff are not able to speak the language of youth and their families, youth do not receive fair treatment.

Finally, professionals stated that youth are treated more negatively if staff have knowledge that they are gang members, if they dress in what staff perceives to be “gang-like or rugged dress” or if they are perceived to “disrespect” law enforcement officers.

Conversely, professionals stated that youth are treated more positively within the system when (1) they are from a higher socioeconomic group with access to resources including privately hired lawyers, and (2) their parents are more highly educated. Professionals stated that knowledge of diverse groups would decrease racial bias. They did not offer strategies for decreasing social class bias.

Risk and protective factors. In addition to the decision-making factors related to racial or social class bias, professionals identified several other factors that influence decision-making about youth. These additional factors included a “bad family name,” family criminal history, lack of supervision, family substance abuse, parents’ “bad attitudes and values,” and youths’ poor school performance. Conversely, professionals asserted that youth are protected from

involvement in crime if they have a crime-free family history, receive consistent parental supervision, and perform well in school.

Participant recommendations (question 6)

Participants suggested further examination of the problems related to racial bias within the juvenile justice system and some actions that should be taken immediately. They believe that through an examination of compliance to sentencing guidelines, aggravating and mitigating practices, and individual judges' practices we would be targeting the right areas. Specifically, after terms such as aggravating and mitigating factors were defined, participants suggested that the following areas be examined:

- * Police discretion, arresting practices, and final charges.
- * The deviation from the sentencing guidelines and the relationship of such practices to race and culture.
- * Aggravating and mitigating practices and the relationship of such practices to race and culture. Professionals asserted that "aggravating and mitigating circumstances" are not culturally sensitive, so that more minority youths are considered to be in aggravating circumstances, as compared to Caucasian youths.
- * The qualifications for public defenders and the percentage used by minorities.

Furthermore, they recommended the following actions be taken:

- * Promote cultural awareness through staff training.
- * Develop programs to help minority youths learn their own cultures; some youth "pull the race card," but don't speak their own languages or know their cultures.
- * Take information to the attention of people who can affect changes (e.g. administrators and policy makers).

- * Promote more prevention work, specifically for minority youths.
- * Promote following the sentencing guidelines because much of the bias would be eliminated.

In addition to these suggestions for making changes within the juvenile justice system, professionals suggested that further research is needed to examine (1) racial bias within the school system; (2) youths' families and parenting issues; and (3) the effects of chronicity (self-fulfilling prophecy) on minority youths.

Participant questions (question 7)

Some participants asked about what will be done with the results of this study and if anything will be done about the tribal courts. Some participants requested a copy of the report. Although professionals provided abundant information about racial and social class bias within the juvenile justice system, several participants cautioned researchers about the possibility of youth "blaming the system."

Probation Officers

Participants stated that bootstrapping is practiced by the police, probation officers, court workers, and district attorney's offices within the juvenile justice system, with police engaging in this practice most often. (See Table 15 for probation officer demographics.) For example, in a group of all Caucasian professionals, one probation officer described probation officers' use of this practice as follows:

When I issue a pick-up order for the judge to sign, sometimes I would add more charges to convince the judge to sign the warrant so they can pick up the juvenile as soon as possible.

In a group consisting of Caucasian and minority professionals, another probation officer stated that “contempt” is a way of “bootstrapping”. That is, probation officers will write the bench warrant in a format that will get them exactly what they want from the judges.

Table 15
Demographics of Probation Officer Focus Group on “Bootstrapping”

	N
Race:	
Minority	10
Caucasian	24
Gender:	
Female	18
Male	16
System Status:	
Juvenile Court	34
Total number professionals	34
Total number professional groups	4

Study participants stated that system personnel utilize bootstrapping due to racial bias, stereotypes, family history in the system, a desire to protect the community or rehabilitate youth, reaction of authority to youths' attitudes, and youth demeanor. In describing the impact of racial bias on the practice of bootstrapping, one probation officer said, “If a fight happens, and there is a Pacific Islander involved, the Pacific Islander would probably be judged more harshly because of the stereotype that Pacific Islanders are more violent and aggressive.”

Participants further stated that youths are sometimes prejudiced and angry toward authority figures. When the authority figures are on the defensive side, they will look at “everything,” including a youth’s history of offenses. From a mixed group of Caucasian and minority professionals, a probation officer said,

If a youth has a long history of deviant behavior, of course school officials, court workers, and police officers will bootstrap. It is definitely the offending history of the child and experience that court workers, police, and school officials have with that child that will result in the practice of bootstrapping.

One probation officer said, “If your last name is known for crimes like [several non-Anglo names were given], you would probably be more likely to be bootstrapped by law enforcement and court officers.” Another probation officer expressed, “If you look like a gang-banger, you will probably be judged more harshly, and bootstrapping will be more likely a practice that will happen to you.”

Only one participant felt that bootstrapping does not exist and that youths are undercharged and getting away with a lot of criminal behavior.

Probation officers stated that, in addition to occurring in the juvenile justice system, school systems also engage in bootstrapping. According to the participants, administrators and counselors at schools deliberately try to add “little things” to get youth on probation, suspended, or expelled from school.

INDIVIDUAL INTERVIEWS

Individual interviews were designed to explore the experiences of law enforcement officers and juveniles exiting from Juvenile Court. This section presents themes and patterns that emerged from participants’ responses.

Law Enforcement Officers

During the focus group interviews with youth and staff of the juvenile justice system, participants stated that police practices demonstrate racial bias toward minorities. To benefit from police officers’ perspectives, representatives of law enforcement were asked to respond to the same questions. This study was to be about the Courts, not law enforcement. Since many focus group participants were critical of the police it was decided to at least ask for a response from them. Given the short time frame and the logistical problems inherent in having law enforcement meet in focus groups without extensive notification, individual interviews were

conducted with three officers. These officers represented one rural and two urban departments. Two officers are Caucasian and one is of a minority racial group; all three are male.

Racial bias in the Utah Juvenile Justice System (questions 1, 2, & 5)

Collectively, participants indicated that racial bias is not widespread nor is it pervasive. They felt that bias is not department-wide or conspiratorial in nature. However, participants felt that, “Authority and discretion can always be abused. There is bias because humans are involved and some bias will emerge even if it is only the attitudes or beliefs of a few individuals.”

When [bias] occurs, it often leads to confrontations. As the police are the first contact with the system, such a contact is almost always in unpleasant circumstances. Of course, there are some officers who are clearly biased, but it is a very small portion of the total law enforcement community.

Participants indicated that if there is a bias, it would often manifest itself in the arrest process in which the officer is seeing the youth at his/her worst. That same youth may look very different a few hours later at a detention or court hearing when the confrontation is over; the youth has been cleaned up and the emotion of the incident is replaced by the reality of the youth's predicament.

There was no agreement among participants as to where bias is most pronounced. However, participants felt that because of the role of law enforcement in the process of juvenile justice, there was a general expectation (among the general public and juvenile justice staff) that existing biases would be more pronounced within law enforcement. Participants commented that they have witnessed racial bias in meetings and in interactions among officers. In fact, participants stated that minority officers report being pulled over when off duty; a complaint that participants said is not voiced by Caucasian officers.

Furthermore, one participant said,

Youths congregate by race/ethnicity in certain areas, and police patrol those areas. Often

times, such police activity is labeled as racist. Police officers respond to calls and the majority of calls come from minority neighborhoods. Of course, more police in any given area will result in more arrests. In fact, there is a perception among some law enforcement officers that accusations of racism often are used to deflect attention from offenders' crimes.

Participants were not familiar with the concept of risk and protective factors until explained by the interviewer. Participants generally agreed that minorities were at risk of racial bias when they are arrested. They indicated that there is a general expectation among officers that minority parents would not be available, unwilling to attend court, and are less responsive than Caucasian parents. Because of this preconceived expectation, one interviewee shared that minority youths are held more frequently than Caucasian youths. However, if minority parents are present, the officers will defer to the parents.

Reasons for racial bias (question 3)

Participants provided several reasons for bias in the police department, in particular. First, police focus patrols in lower socioeconomic status areas, usually minority neighborhoods. They indicated that there are a greater number of calls for service in these areas, thus putting the police in those areas more frequently than affluent neighborhoods. This, of course, creates more arrests, pullovers, tickets, and other police activities. Second, there is some indication that officers may pull over minorities more frequently because minorities contest the tickets less frequently. Thus, officers do not have to appear in court as often as they would if they ticketed whites. Finally, lack of cultural awareness on the part of officers and language barriers are major causes of racial bias.

Direction of the study (question 4 & 6)

All participants agreed that the direction of this study is useful. Participants referred to the practice of bootstrapping and offered suggestions for changes that may be effective in addressing police racial bias.

Bootstrapping. In terms of bootstrapping, one interviewee had not heard of the term prior to this study. Others acknowledged the practice of bootstrapping by some police officers.

Respondents said,

Bootstrapping is a way to even the scales. And the only way to get at bootstrapping is to make officers more accountable. Police officers charge more serious or numerous offenses in order to get the “proper” disposition.

Recommendation. The law enforcement officers all expressed great interest in continuing to confront the racial bias issue. Participants were concerned that this study, looking at the courts, would not spend sufficient time allowing for law enforcement response. (The interviewer explained the intent of the addendum to this study that will be completed in the fall of 1999).

Participants suggested a review of the role of education/cultural awareness training. One police department has initiated this training with a highly regarded minority faculty member from the University of Utah. Participants also suggested looking at hiring practices, and the possibility of measuring bias within the context of the application and hiring process.

Participants believed that agencies could track files, find patterns, identify the personnel associated with these practices, and educate or discipline them. Participants suggested coding citations and pullovers by race/ethnicity. Participants recognized that documentation would not stop bias, but believed it would curtail any abuses that are presently occurring. A limitation of any study, as noted by participants, would be the number of “unknowns” in the race/ethnicity

category¹⁵. Based on their assumption that minorities commit more crimes, police feel that racial profiling is necessary. They recognize, however, that the public will be concerned with what appears to be a discriminatory practice.

¹⁵ Because it is the *perceived* racial/ethnic status of citizens that leads officers to conclude that they do or do not fit a certain racial profile, this issue may not be a limitation after all.

Participant questions (question 7)

Participants extended an invitation and an eagerness to follow through on some of the identified issues with the Task Force.

Youths Exiting from Juvenile Court

Racial bias in the Utah Juvenile Justice System (questions 1, 2, 3, & 5)

Consistent with findings from the focus groups, all of the juveniles identified areas in which they had observed or experienced racial discrimination. (See Table 16 for demographics of youth participating in exit interviews.) They indicated that racially biased treatment is practiced by the police, school system personnel, probation and correction officers, judges, and merchants. The police and school system were mentioned most frequently as the areas in which racial bias is most pronounced. Fourteen juveniles indicated that they have personally experienced racial bias, compared to seventeen who did not feel they had been mistreated by the system, and three juveniles who had no comment (see Table 16). Juveniles who felt that they have been discriminated against believed that Caucasian youth have privileges that are not extended to minority youth.

**Table 16
Demographics and Responses of Juveniles Participating in Exit Interviews**

	N	Racial Bias	White Privilege	Court Worker Bias	System not Rehabilitative	Fair Treatment	Focus on Protective Factors	System is Rehabilitative
Race:								
Hispanic	22	8	9	7	5	12	19	17
Native American	4	2	1	1	1	1	2	3
African American	3	1	3	1	2	2	2	1
Asian/Pacific Islander	5	3	2	3	2	2	3	3
Total	34	14	15	12	10	17	26	24
Gender:								
Female	5	1	2	1	3	4	4	2
Male	29	13	13	11	7	13	22	22
Total	34	14	15	12	10	17	26	24

In terms of the police, one Hispanic youth shared being arrested for being late to school,

even though his mother wrote a note. He believes that the police thought he was telling lies and just skipping school. Another youth stated that the police always pull him and his friends over thinking that all Mexicans are gang members. He said that the police used unnecessary force when they arrested him. He said that they threw him down and were yelling at him, even though he was not talking back at all.

In regards to school, a couple of Hispanic and Asian/Pacific Islander youths described instances in which they told their teachers about their problems with reading and other school issues; in response, their teachers made racist comments and perceived them as just being lazy. Several Hispanic youths said that teachers treated them like they were stupid because they spoke very little English. These youth stated that school administrators and teachers harass them, thinking that when Mexicans are together, they are planning a crime. Another youth expressed, “A hall monitor said that I assaulted him at school, but I didn’t do it. I got suspended from school and was booked into detention for contempt for 20 days.”

Youth noted that such factors as racial background, physical appearance, racial stereotypes such as that minorities are violent and are gang members, youths’ attire, and talking back to officials are influential in their experiences of racial bias and unfair treatment.

Of those who felt mistreated there was some agreement that the attitudes and behaviors of professionals in the system subject them to racial bias. Twelve youths expressed that intake workers, prosecutors, and probation officers are biased and discriminate against minorities (see Table 16). These youths expressed mistrust for court workers. On the other hand, 14 youths felt that intake workers, prosecutors, and probation officers are fair. One youth said, “I don’t think intake workers and prosecutors are unfair, I just think they don’t take the time to understand the whole picture”. Eight youths did not provide any response.

White privilege (question 4)

Fifteen youths believed that there is differential treatment and that Caucasian youth are treated better (see Table 16). One Hispanic youth said, “White youth are never thought of as gang members. People think that if you shave your head and you’re Mexican, you are a gang-banger.” Another Hispanic youth stated, “I think white youth are treated better. The school I go to, their basketball and football players commit so many crimes, but the school does not do anything or they will overlook it. Most of the athletes are white in my school.” One Asian/Pacific Islander youth commented that in the facility he is in, the staff picks only white youth to do special things like preparing food to get community hours and other minor chores. Youths who believed there is differential treatment indicated that officials perceive and stereotype them as criminals.

Conversely, fourteen youths did not believe that Caucasians received preferential treatment. Of these fourteen youths, two stated that not *all* Caucasians receive preferential treatment, and five had no comments.

Influence of risk and protective factors (question 6)

Twenty-six youths expressed that focusing on protective factors and a youth’s strengths would be a lot better than getting locked up because lock up doesn’t work; it just makes them mad and depressed (see Table 16). They felt that being placed at home with their own family is the best option. Several Asian/Pacific Islander and Hispanic youth stated, “They should look at the whole picture and keep us with our family. Looking at our strengths is something the system does not do.” Another youth expressed that he feels it would have been better to put him on house arrest with an ankle monitor. One Asian/Pacific Islander youth stated that all his uncles and aunts would take him in a heartbeat. Another youth also said that individual counseling

would help him, instead of lock up. However, these youth also felt that lock up would be good for the more violent crimes like murder and robberies.

Personal expectations (question 7)

When asked about their personal expectations, most youth focused instead on whether serving detention time had been useful or constructive for them. This focus is understandable in light of the time of the interviews—conducted as they exited juvenile court.

Twenty-four youths stated that they had benefited from being involved in the system. One youth said, “I think the court system is helping me become a better person. I don’t want to be in detention any more.” Another youth expressed that he is now more aware of his behaviors and actions. Another youth stated, “The system has taught me a lesson to stop hanging around the wrong and delinquent people.” One youth said that since he’s been locked up, he has been able to evaluate himself about what he needs to do to not return to detention. Another youth said, “I have learned to not ever commit any more crimes.”

On the other had, ten youths indicated that the juvenile justice system is not helping them get better at all and/or is making them worse (see Table 16). One youth said, “When I get locked up I just get more angry and then I want to do something stupid.” Another youth stated, “They sometimes just want to lock me up because it’s easier and faster and they never know what I want or even listen to me.” In fact, one youth felt that if he gets better, it would be because of himself.

Participant recommendations (question 8)

Eleven youth suggested examining the police, six suggested correctional facilities, five youth indicated probation and Juvenile Court, and four indicated the school system. One youth also recommended asking questions of parents and family members rather than probation

officers or schools.

SOCIAL FILES

Based on the information obtained from the Juvenile Court Referral Database for Fiscal Year 1997, the social files of the 25 juveniles with the most disparate dispositions were reviewed. This review was conducted in order to (1) to provide a profile of risk and protective factors that may be influencing juveniles' experiences in the Utah Juvenile Justice System, and as a basis for developing a possible approach to handling minority overrepresentation; and (2) identify the capacity to develop a strengths-based approach to addressing the needs of minorities involved in the justice system. Following are the findings of this review of documents.

Profiles of Cases with Most Significant Disparities

Risk and Protective Factors

Before presenting the results of this analysis, it is important to note that risk and protective factors are not examined to justify racial bias, but to provide an idea of the missing link that may help improve the system in relation to minority overrepresentation. A difference should also be noted between "mitigating and aggravating factors" and "risk and protective factors". That is, in addition to the specified factors which are written on the sentencing guideline as mitigating and aggravating factors, the researchers wish to offer the following as risk and protective factors for minority overrepresentation in the juvenile justice system. It is also important to note that risk and protective factors may be a basis for developing a strengths-based approach.

Based on a model by Hawkins, Catalano, and Associates (1992), risk and protective factors are categorized into five areas: personal, family, peers, school, and community-related risk and protective factors (see Tables 17 and 18). Whereas risk factors may promote the

initiation of juvenile delinquency, protective factors may mediate or moderate the effects of exposure to risk (Hawkins, Catalano, & Associates, 1992).

Table 17
Risk Factors identified in Juvenile Social Files

<i>Personal related risk factors:</i>	Minority	Caucasian
Disability (e.g. ADHD)	2	2
Depression	1	0
Anger Problems	2	3
Substance Use and Abuse	6	5
Unwed Teen Mother	1	0
Racial Inferiority	1	0
Racial Identity Crisis	1	0
<i>Family related risk factors:</i>		
Income level		
0-20	4	6
20-40	4	2
Public Assistance/Welfare	2	1
Physical and Sexual Abuse/Neglect	5	3
Substance Use and Abuse	1	8
Parental Criminal History	2	5
Parental Mental Health Problems	1	2
Extended Family Criminal History	1	0
Family Structure		
Step Families	2	2
Foster home/adoption placements	1	0
Divorce	2	3
Single Parent	5	7
Adoptive Parents of different race	1	0
Lack of Supervision	3	0
Language Barriers	5	0
<i>Peer related risk factors:</i>		
Gang Affiliation	5	1
Drug Using and Criminal Peers	3	3
<i>School related risk factors:</i>		
School Drop Out	0	4
Poor Performance & Attendance	9	3
<i>Community related risk factors:</i>		
High Crime, Gang, Drug neighborhood	8	6
Forced Assimilation/Racial Isolation	1	0

Table 18
Protective Factors identified in Juvenile Social Files

<i>Personal related protective factors:</i>	Minority	Caucasian
Juvenile Resiliency Level	0	1
Juvenile High Intelligence Level	1	4
<i>Family related protective factors:</i>		
High socioeconomic status	1	2
Parental desire to support juvenile	2	0
Close knit family	1	1
Extended family/kinship	1	2
No crime or substance abuse history	1	2
Parental strong work ethics	1	2
<i>School related protective factors:</i>		
College/University educated parents	2	4
Structured school environment	1	4
Juvenile high school performance	0	1
Juvenile extra-curriculum activities	0	1
<i>Community related protective factors:</i>		
Affluent neighborhood	2	2
Strong religious background/support	5	1

Risk factors. According to the social files, a number of personal related factors may have promoted or contributed negatively to juveniles' behaviors, and thus require serious consideration in addressing behaviors of juveniles in the system. These factors included a juvenile's diagnosed disability, depression and anger problems, substance use and abuse, being an unwed teen mother, having feelings of racial inferiority, and the experience of racial identity crisis.

Family related factors that require consideration included low socioeconomic status, being on welfare/public assistance, and having inadequate social and job skills. Furthermore, family history of physical and sexual abuse and neglect, family history of substance use and abuse, parental criminal history and mental health problems, and extended family criminal history were identified as contributing factors to the problem. Likewise, family structure such as stepfamily, experiences with foster home and adoption placements, divorced parents, single

parents, differences in races of adoptive parents and juveniles, and lack of supervision were indicated as contributing factors. Finally, language barriers in families were identified as a negative contributing factor to juveniles' behaviors.

Peer related factors that may have contributed negatively to a juvenile's behavior are gang affiliation and having drug using and criminal friends. School related risk factors to be considered are school drop out, poor school attendance, poor school performance, and having a below average intelligence level. Community related risk factors to be considered included neighborhoods with high levels of crimes, gangs, and drugs, community norms that encouraged forced assimilation of ethnic minorities into Euro-American culture, and racial isolation.

Protective factors. This review also yielded strengths, assets, and capacities as possible resources to be utilized in addressing minority overrepresentation in the Utah Juvenile Justice System. Although these factors did not mediate or moderate the effects of exposure to risk, they require consideration and integration in our quest to reevaluate existing perspectives and approaches in order to develop new ones.

Personal related strengths or protective factors requiring consideration in addressing minority overrepresentation included a juvenile's high resiliency and intelligence levels. Family related protective factors included high socioeconomic status, parental desire to help the juvenile by assuming financial and emotional responsibility, having a close knit family, having extended family/kinship support, absence of criminal and substance abuse history, and parental strong work ethics.

School related strengths requiring consideration included having college and university educated parents, being in a structured school environment, juvenile excelling in school, and involvement in extra-curricular activities. Community related strengths included living in an

affluent neighborhood and having a strong religious background and support. No peer related strengths could be identified from the social files.

Strengths-based Approach

Based on the review of documents and the risk and protective factors previously identified, a strengths-based approach is offered as an alternative way of perceiving and addressing juvenile minority overrepresentation in the justice system (see Appendix I).

Historically, the general goals of the Juvenile Justice System included holding the offender accountable for illegal behavior, protecting public safety, and developing juveniles' competencies. In a Restorative Justice System, the general goals of the Juvenile Justice System are integrated to create a strengths-based approach to community, victim, and offender involvement. In this system, competencies are developed on the strengths of youth and families; accountability is approached developmentally; and the offender, the victim, and the community are the directors of the process (Nissen, 1999).

On a conceptual level, lenses we use to perceive juvenile delinquents can impact decisions regarding dispositions. If the lens does not allow justice system personnel to view cultural strengths, then there is a need to identify and utilize the positive cultural dynamics in treating minorities in the system. Unlike the pathology approach that suggests hopelessness of youth, a strengths approach suggests finding the strengths, assets, and resources of the offender, victim, and community to develop capacities, accountability, and protection.

On a treatment level, the strengths approach offers guiding principles including: a focus on the inherent capacity of human beings to learn, grow, and change; mutual respect; consumers as directors of the process; and implementation of treatment activities in the community.

Effective treatment requires the relationship among offender, victim, and community to help

each member understand his/her role in society. Effective treatment needs to be based on both strengths (protective factors) and deficits (risk factors) of all systems (person, family, peers, school, community), taking into consideration developmental appropriateness (Nissen, 1999).

A strengths-based approach is not "positive thinking" in disguise, not an attempt to reframe misery, nor is it intended to let people off the hook. It does not allow people to evade responsibility or ignore reality. It does not restrain the system from confronting people about inappropriate ideas and behaviors (Saleebey, 1996; Nissen, 1999).

CHAPTER V

SUMMARY OF FINDINGS AND RECOMMENDATIONS

The preceding chapters demonstrates that minority youth continue to be over represented in the Utah juvenile justice system. After a brief review of the extent of minority youth overrepresentation, this section summarizes the findings from the analysis of Juvenile Information System (JIS) data, focus groups, and individual interviews to further understand the points at which racial bias may be contributing to (or causing) minority overrepresentation. Recommendations for system changes and future studies are offered.

SUMMARY OF FINDINGS

Quantitative Analyses

As described in Chapter 4, racial minority youth comprised only 9.5 percent of the 1997 Utah youth population, but represented 30 percent of all youth arrested for person offenses and 19 percent of all youth arrested for property offenses in Ogden, Provo, and Salt Lake County. A total of 21.8 percent of all youth arrests are minorities. While the BCI data that were used for this analysis are reputed to be inaccurate, the extent of disproportionality confirms that minority youths are indeed over represented in arrests. Further, because BCI does not require that white Hispanic youth be reported separately from other white youth, the extent of disproportionality is likely even greater than reported in this analysis. This disproportionality may be due to:

- racial profiling by police,
- more prominent police presence in minority neighborhoods,
- increased participation in crime by minority youth, or
- a combination of these factors.

Findings from focus groups and individual interviews indicate that the first two factors might

partially explain minority youth overrepresentation.

Analysis of the proportions of youth from different racial groups at each decision point in the system revealed that the largest racial disparity is in youth sentenced to Observation and Assessment and Secure Care. Further, depending on their racial group memberships (e.g., African American, Asian or Pacific Islander, Hispanic, Native American), and given their proportion in the general Utah youth population:

- Minority youth were 9 to 41 times more likely than Caucasian youth to be arrested;
- African American, Hispanic, and Native American youths were two to three times more likely than Caucasian youths to be placed on probation;
- African American, Hispanic, and Native American youths were three to four times more likely than Caucasian youths to appear in detention hearings, to be placed in the custody of the Department of Youth Corrections, to be placed in Community Placements, and to be sentenced to Observation and Assessment; and
- African American, Hispanic, and Native American youths were three to five times more likely than Caucasian youths to be sentenced to Secure Facilities.

There was a substantial increase between 1993 and 1997 in missing data about youths' races. These increases occurred at the decision points of nonjudicial closure, administrative action, youth convicted, Other, and youth in the custody of the Department of Child and Family Services.¹⁶

¹⁶ See Appendix J

Analysis of a random sample of 100 minority and 100 Caucasian youth involved in the juvenile justice system revealed the following:

- Taking into account only the number of each youths' felonies and misdemeanors, Hispanic youths received slightly more severe dispositions than did non-Hispanic youths;
- Over a third of the youths (37 percent) received dispositions that were equal to that recommended by the sentencing guidelines. Of the remaining youths, 15 percent received dispositions that were more severe than that stated in the guidelines, and 48 percent received dispositions that were less severe than that indicated by the guidelines; and

Qualitative Analyses

Findings from focus groups and individual interviews indicate that participants from all groups (e.g., professional focus groups, youth participating in individual interviews and focus groups, and law enforcement representatives participating in individual interviews) are aware that minorities are over represented in the juvenile justice system. The majority of study participants agree that youth are subject to racial bias by system personnel. Following are findings about ways in which this racial bias is manifested.

1. Both youth and professionals believe that racial stereotyping practiced by personnel at multiple points in the system (e.g., police, judges, intake workers, probation officers) and by school system personnel leads to more severe sentencing for minority youth. Across focus groups and individual interviews, study participants reported that minority youth are stereotyped by personnel in these systems as being gang members and as being more violent than

Caucasians. Within schools, minority youths told of being ignored by teachers and of being punished when they retaliate against white youths who use racial slurs; these white youths are not punished, they said.

2. Professionals stated that system personnel exhibit biases in the areas of cultures, languages, and religions. Minority youth confirmed this finding, stating that, for example, they are not allowed to speak their non-English native languages in correctional facilities.

3. Professionals assert that their discretionary use of aggravating and mitigating circumstances results in racial bias.¹⁷ These professionals stated that the criteria for aggravating and mitigating circumstances are not “culturally sensitive.”

4. Both youth and professionals perceive that minority overrepresentation is due at least in part to racial profiling by police. Law enforcement officers indicated that they more closely patrol minority neighborhoods because they receive more crime reports from these locations. Of course, even if minorities do not commit more crimes, closer scrutiny of such groups’ activities would result in more arrests of minorities. Because police patrol minority neighborhoods more often than Caucasian neighborhoods, more minority youth will establish records at very early ages, regardless of the number of crimes committed by minority or Caucasian youths. The progression of charges and the aggravating of instant offenses with

¹⁷ It is possible that a large portion of racial bias in sentencing is due to the discretionary use of aggravating and mitigating circumstances. Since discretion is valued and necessary to the dispositional process, the only response to this source of bias is to monitor use of the guidelines to identify whether these circumstances are applied differently to youths of different races. Unfortunately, data about application of aggravating and mitigating circumstances were not available for this study. See Recommendations for attention to this issue. were not available for this study. See Recommendations for attention to this issue.

chronicity scores make it very difficult for youth to exit the system. The practice of the juvenile court of cumulative sentencing, in which chronicity plays a major role in aggravating sentencing, thus makes the self-fulfilling prophecy more of a reality for minority youth. Further evidence of police bias was seen in minority youths' assertions that police officers call youths racist names such as "Spic," "rough" them up, assume that they are drug dealers, and concentrate their patrols in minority neighborhoods.

5. Youth perceive that, at various points in the system, Caucasian youths receive privileges that are not available to minority youth. These youths considered differential treatment to be based on social class, as well as race or ethnicity. That is, many youth agreed that Caucasian youth from higher socioeconomic groups receive the most privileges.

6. System personnel assert that, because minority youth often are from lower-income families, they may have inadequate representation in court. According to staff, such legal representation results in more severe dispositions for minority youth.

7. Professionals assert that bootstrapping is commonly practiced by police, probation officers, and school system personnel. Analysis of data gathered from probation officers and law enforcement officers indicate that minority youth, particularly those demonstrating animosity toward police, those with family or personal criminal histories, those who dress "like gang-bangers," and those of Pacific Islander heritage are most likely to be the targets of this practice.

8. Professionals demonstrated unconscious racial and social class bias during the focus groups. For example, when asked to explain why racial bias exists within the system, some professionals:

- Talked about youth dress and behaviors, rather than staff reactions to these differences, as causes of racial bias;
- Focused on minority youth as having “different cultures,” rather than on staff’s lack of cross-cultural skills;
- Referred to low-income and minority families’ lack of knowledge of the system, rather than to the system’s failure to educate families about policies and procedures; and
- Explained that youth would be judged more harshly if they come from families known for their involvement in crime; when giving examples of such families, only Hispanic and Pacific Islander surnames were offered.

An exploratory review of case files revealed that some staff might be making race-based assumptions about youth. For example, at least one file stated that a minority youth was “possibly in a gang” without providing any evidence. This type of statement was not included in the files of Caucasian youths.

9. Some professionals exhibited a lack of understanding of the nature of racism or its impact on minority youths’ lives. For example:

- One professional spoke of youth who “pull the race card” when they do not “even know” much about their own cultures. Such a comment demonstrates a failure to understand that people of color experience racism based on Caucasians’ reactions to

their appearances, regardless of their levels of acculturation to the majority Caucasian society.

- A professional complained that minority youths are “racist” when they prefer workers from their own ethnic groups. Comments such as this indicate a lack of understanding that expectations of discrimination at the hands of Caucasians are logical, based on personal and group experiences.
- Professionals blamed minority youths for harsh treatment they receive when they “cop an attitude.” Individual and group experiences with racism, including in the juvenile justice system, make clear the reasons for such behaviors, and suggest that professionals need further education about groups’ experiences with racial discrimination.
- Professionals stated that minority youth receive harsher treatment because they and their families do not know how to work with and/or within the system, rather than because the system personnel do not assist minority families in navigating the system.

RECOMMENDATIONS

System Changes

Study findings suggest multiple strategies are required to address racial (and social class) bias in the juvenile justice system. Changes related to database modifications and to personnel and programs are recommended.

Modify JIS Database

Lack of complete data prevents a thorough understanding of the extent of racial bias in the system. To address this issue, administrators need to ensure that data on youths’ races are

collected at all decision points. In addition, modifications in JIS database fields are recommended, as follows:

1. ***Modify categories within the “Race” field.*** The Race field would better lend itself to future analysis, including comparison with U.S. Census Data, by revising the categories as follows¹⁸:
 - American Indian/Native American, Eskimo, and Aleut Persons;
 - Asian and Asian American Persons¹⁹;
 - Pacific Islander Persons;
 - Black or African American Persons;
 - White Persons; and
 - Other Race Persons.

Allowing multiple races to be checked for individual youths would allow for future analysis of the experiences of biracial and multiracial youths.

2. ***Add an “Ethnicity” field.*** This field would allow for analysis of the experiences of youth of specific ethnic heritage(s). For example, are certain Pacific Islander youths more likely to receive more severe dispositions than are Asian youths? Do Mexican (American) youths receive more severe dispositions than Cuban American youths?
3. ***Implement training so that staff accurately identify the race, ethnicity, and family income of youths.***
4. ***Add a field that allows staff to identify the aggravating and mitigating***

¹⁸ Because “race” is a social construction, there are many perspectives about the “best” ways group people. (See anthropologist Jonathan Marks’ discussions of this issue.) We are recommending those categories that (1) appear to have the most potential for identifying and analyzing the racial bias that has been described by study participants (2) are commonly used at this point in U.S. history, and (3) include terms that are more commonly accepted by people of color.

¹⁹ The current term being used for this category, “Oriental,” is considered by many to be offensive due to its

circumstances considered for each youth. This information will allow for evaluation of whether these criteria are applied differently to minority and Caucasian youths.

Increase Cultural Competence

Several strategies are recommended to address gaps in staff knowledge and awareness.

First, all staff require education in several areas, including the following:

1. **Culture.** *Personnel need education and training to increase their competence in working with multiple cultures.* (See the following for information about the importance of such education: Chau, 1990; Davis & Proctor, 1989; Devore & Schlesinger, 1999; Green, 1999; Ivey, Ivey, & Sionek-Morgan, 1993; Pedersen, Dragunn, Lonner, & Trimble, 1996; Ridley, 1995.) Such education needs to include information about the impact of one's own culture on an individual's perspectives, beliefs, and behaviors, including the impact of staffs' cultures on their interactions with, and attitudes toward, others' cultures.
2. **Stereotypes.** *Education about the (often unconscious) impact of stereotypes about minorities on staff decisions is needed, along with accurate information to refute stereotypes.*
3. **Societal racism.** *Caucasian staff, in particular, need to become conscious of the reasons that some youth of color may exhibit an "attitude" that staff find offensive.*
4. **Youth/Staff ethnic matching.** *Professionals' comments during focus groups indicate a strong need for education about why some youths and their families may prefer workers whose ethnicity is the same as theirs.* Staff also would benefit from

connection to European imperialism.

learning about literature describing the use of such ethnic matching (e.g., see Helms, 1995; Iglehart & Becerra, 1995; Jones, 1990; Sue & Zane, 1987).²⁰

Increase Minority Staff

Minority youth stated that they wanted the justice system to increase the number of minority staff who were members of their own cultural, language, and gender groups. At the front-line worker level, such an increase will allow for youth/staff ethnic matching. Increased numbers of minorities at administrative and management levels can lead to the development of policies and procedures that are more culturally competent. Of course, simply adding staff of color without modifying policies, procedures, and interventions cannot be effective (Fong & Gibbs, 1995).

The Department of Youth Corrections (DYC) should continue its current trend toward hiring increasing numbers of minorities, striving to achieve the goal of 31 percent minority staff at all three levels (e.g., administrative, service delivery, and support). Further, rather than seeking to focus on hiring “minority” staff, DYC should focus on hiring staff of the same *ethnicity* as the youth who are served. Likewise, law enforcement agencies also should strive to hire and promote individuals who are members of the ethnic communities served within their jurisdictions.

In achieving this aim, system administrators might implement the following strategies²¹:

1. Concentrate staff recruitment efforts in certain minority communities.

²⁰ There is debate in the field as to the effectiveness of ethnic matching of counselors, as compared to culturally-competent practice across ethnic groups. For example, see the debates between Ross-Sheriff & Jones and Ibrahim (1998) and between Prover and Schlesinger (1998). It is generally accepted, however, that some level of cultural competence or cultural sensitivity is required, whichever method is utilized.

²¹ It is recognized that some Caucasian staff may accuse the system of “reverse discrimination” if such strategies are enacted. Administrators, with the assistance of staff attorneys, therefore will need to ensure that such policies are recognized as being based directly on meeting the needs of youth, rather than on philosophical acceptance of affirmative action practices.

2. Actively recruit recent graduates of color from local universities.
3. Increase retention rates of minority staff by setting up mentoring or other programs to provide support and prepare minority staff for promotion within the system.
4. Ensure that minority staff, as well as others who demonstrate cultural competence, are adequately compensated for this skill.
5. Ensure that staff who are bilingual are compensated for this skill.
6. Critically examine hiring and promotional practices for the unconscious impact of racial bias.
7. Educate all staff about the nature of covert as well as overt racism, and develop an environment conducive to addressing such bias when it arises.
8. Offer stipends that will allow minority staff to further their education. Such staff would commit to a specified time of continued employment within the justice system upon finishing their degree.

Develop After-School Programs

Based on findings from youth study participants, development of after-school programs for youth might prevent their involvement with crime.

Collaborate with Ethnic Organizations

System personnel might consider developing connections with ethnic organizations in communities of color. Such organizations can serve as valuable resources in assessing the needs of, and identifying resources for, minority youth. Contracts might be developed with organized groups to provide the after-school and other prevention programs recommended in this report.

Create Family-Advocacy Programs

All components of the system need to create family-advocacy programs. Such programs would aim to help minority and low-income parents, in particular, to learn about their rights and responsibilities within the system.

Expand Operating Hours

The operating hours of each system point with which parents/families are expected to interact need to be expanded. This strategy might take the form of extending office/court hours to include one evening each week and Saturday mornings, as recommend by professionals.

Develop Youth Employment Opportunities

Youths stated that expanded employment opportunities would reduce their likelihood of participating in crime. The juvenile justice system might consider collaboration with the Department of Workforce Services, the private sector, and nonprofit organizations in order to expand employment opportunities for youth.

Implement a Strengths-Based Approach

System personnel should review the possibility of developing a strengths-based approach (described in Chapter 4) in working with all youth.

Future Research

As with most research, the findings of this study suggest the need for further studies in multiple areas, as described below.

Examine the Use of Aggravating and Mitigating Circumstances

Professionals asserted that aggravating and mitigating practices are not culturally sensitive and lead to more severe sentences for minority youth. Further examination is required

to learn ways in which racial and social class bias may enter into the use of aggravating and mitigating circumstances.

Examine the Practice and Impact of Racial Profiling

Further examination is required to better understand the impact of racial profiling by police on minority youth. Future studies need to include attention to police calls, minority vs. Caucasian arrests, types of arrests, and officers' attitudes toward this practice. As with other components of the system, police must be held accountable through a more thorough documentation of their activity.

Examine the Effects of Chronicity Scores

The extent to which chronicity scores contribute to the overrepresentation of minority youth needs to be explored. A longitudinal study is needed to determine to what extent chronicity might contribute to overrepresentation of minority youth in the Juvenile Justice system. Traditionally the system has strengthened sanctions as offending increases. The compounding of offenses and its impact on sentencing, especially for those who enter the system at a young age, needs to be better understood.

Examine Social Files

Social files need to be further examined for evidence of racial bias. Are staff making certain assumptions (e.g., gang memberships, likelihood of re-offending) based on racial stereotypes? Such information would be useful in identifying areas in which staff education would focus.

Replicate Study with Complete Data

This study needs to be replicated when data on all youths' races and ethnicities are available. Such data are absolutely critical in order to examine the extent of racial bias.

Examine Effects of Public Defenders vs. Private Attorneys

Professionals stated that minority youths are more likely than Caucasians to be represented by public defenders. (There is at least a perception that this representation offers less to the client than hiring private attorneys.) Further research is needed to understand the impact that such representation may have on minority and low-income youths.

Examine Racial Bias in School Systems

Although this study focused on the juvenile justice system, both youth and professionals who participated in this study emphasized that minority youth are discriminated against within school systems. This information needs to be reported to the school systems so that they can take action to address this problem. Assuming that racial bias is present in schools, addressing this problem could increase minority youths' school involvement, thus nurturing one significant protective factor.

Examine Relationships Between Tribal and Other Governments

Exploration of the relationships between tribal governments and components of the juvenile justice system might be useful. If, as was reported by study participants, mutual animosity indeed exists, research is needed to reveal strategies for addressing this discord. Findings from this study regarding professionals' lack of understanding of the impact of racism on minority groups suggest that negative feelings on the part of juvenile justice system personnel may lead to conflicts between state and tribal governments. Whatever the source of hostilities, information is needed to ensure that Native American youth receive the services they need.

Conclusion

Overrepresentation of minorities clearly exists in the Utah Juvenile Justice System and throughout the United States. Alarming, this disproportionality is increasing. The

overrepresentation is of concern to that system. The Administrative Office of the Courts is attempting to respond to this reality. Not often do organizations expose themselves to internal inspection and the threat of criticism. The courts' willingness to do so is commendable.

This study hopefully adds to those previously conducted on this issue. It has attempted to provide additional documentation for the Administrative Office of the Courts and the Utah Task Force on Racial and Ethnic Fairness in the Legal System to continue its efforts at understanding the complexities of this issue.

The Utah Juvenile Justice System is rich in its progressive approach to problems and it is that tradition that lends confidence to the expectation that these reports will be considered and implementation of some necessary changes undertaken.

APPENDICES

APPENDIX A: CONSENT FORM

Youth Recruitment Statement

Dear _____

The Division of Youth Corrections is requesting your participation in a study conducted by the University of Utah Social Research Institute on behalf of the Utah Task Force on Racial and Ethnic Fairness in the Legal System. The purpose of the study is to find out about the experiences, concerns, and problems encountered by ethnic minority youths in the system.

If you agree to be a part of this project, you will be asked to participate in one focus group that will last 60 to 90 minutes. You will be in a group with about ten other youths and a facilitator. You will be asked questions to which you have the opportunity to share your ideas and feelings. The focus group questions will be about your experiences and perceptions as an ethnic minority youth in the Utah Juvenile Justice System.

The information you provide in the focus group will be confidential. Your name will not appear on any document and your probation officer, caseworker, and parent(s) or guardian will not learn about your answers. None of the information you give in the focus group will affect your current, or any future, services you receive from the Juvenile Justice System. No Juvenile Court, probation, correction, or law enforcement officials will have access, or attempt to have access to any information about you from your participation in this study. You may skip a question you don't want to answer or withdraw from the study at any time. In the event of disorderly conduct, you will be asked to withdraw from the study. We are also obligated by law to report suspected or actual child or disabled adult abuse and other illegal acts that you disclose in the focus group.

We think that this is a very important study. The information gained from this study will help us learn about some of the problems influencing the lives of minority youths in the Juvenile Justice System. It may also help other young men and women in the system. We are especially concerned about how we can better help minority youths in the system. Please feel free to contact Russell K. VanVleet at 581-3439 with any questions or comments regarding this study.

Sincerely,

Gary Dalton, Director
Division of Youth Corrections

Youth Assent Form

I have read and understand what is being asked of me as a participant in this study. I agree to participate in this study. I have received a copy of this informed consent information.

Signature of Youth

Date

Youth's Name

Dear Parent or Guardian:

The Division of Youth Corrections is requesting the participation of your son or daughter, _____, in a study conducted by the University of Utah Social Research Institute on behalf of the Utah Task Force on Racial and Ethnic Fairness in the Legal System. I am writing to inform you about the project and to obtain permission for your son or daughter to participate in the study.

The purpose of the study is to find out about the experiences, concerns, and problems encountered by ethnic minority youths in the system. This would help in determining the best ways to assist them. The project asks that your son or daughter participate in one focus group that will last 60 to 90 minutes. The focus group will involve your son or daughter and about ten other youths and a facilitator. Focus group members will be asked questions to which they have the opportunity to share their ideas and feelings. The focus group questions will be about ethnic minority youths' experiences and perceptions of the Utah Juvenile Justice System.

All information from this study will be kept completely confidential. Your son or daughter's name will not appear on any document. Participation in the project will not affect the services your son or daughter presently receives or may receive in the future from the Juvenile Justice System. No Juvenile Court, probation, correction, or law enforcement officials will have access, or attempt to have access to any information about your son or daughter from his/her participation in this study. Your son or daughter may choose to not answer a particular question or may withdraw from the study at any time. In the event of disorderly conduct, he/she will be asked to withdraw from the study. We are also obligated by law to report suspected or actual child or disabled adult abuse and other illegal acts that he/she discloses in the focus group.

We hope the results of our study will help us learn more about the experiences, concerns, and problems of ethnic minority overrepresentation in the Juvenile Justice System. The results may also help us in improving policies and designing better programs for youths in the system. I ask you to sign and return the permission slip at the bottom of this page to indicate your approval for your son or daughter to participate in the study. Thank you for reading this material and please feel free to contact Russell K. VanVleet at 581-3439 with any questions or comments regarding the study.

Sincerely,

Gary Dalton, Director
Division of Youth Corrections

Parent Consent Form

I have read and understand what is being asked of my son or daughter as a participant in this study. I agree to have my son or daughter participate in this study. I have received a copy of this informed consent information.

I give permission for my son or daughter, _____, to participate in this study.

Signature of Parent or Legal Guardian

Date

Staff Recruitment Statement
Dear Staff:

I am requesting your participation in a study conducted by the University of Utah Social Research Institute on behalf of the Utah Task Force on Racial and Ethnic Fairness in the Legal System. I am writing to inform you about the project and to obtain permission for your participation in the study.

The purpose of the study is to find out about the experiences, concerns, and problems encountered by ethnic minority youths in the system. This would help in determining the best ways to assist them. The project asks that you participate in one focus group that will last 60 to 90 minutes. The focus group will involve you and about ten other staff and a facilitator. Focus group members will be asked questions to which they have the opportunity to share their ideas and feelings. The focus group questions will be about your experiences and perceptions of the Utah Juvenile Justice System.

All information from this study will be kept completely confidential. Your name will not appear on any document. Participation in the project will not affect your involvement as a staff in the Juvenile Justice System. No Juvenile Court, probation, correction, or law enforcement officials will have access, or attempt to have access to any information about your participation in this study. You may choose to not answer a particular question or may withdraw from the study at any time. In the event of disorderly conduct, you will be asked to withdraw from the study. We are also obligated by law to report suspected or actual child or disabled adult abuse and other illegal acts that you disclose in the focus group.

We hope the results of our study will help us learn more about the experiences, concerns, and problems of ethnic minority overrepresentation in the Juvenile Justice System. The results may also help us in improving policies and designing better programs for youths in the system. I ask you to sign and return the permission slip at the bottom of this page to indicate your approval for your participation in the study. Thank you for reading this material and please feel free to contact me at the Social Research Institute (581-3439) with any questions or comments regarding the study.

Sincerely,

Russell K. VanVleet
Adjunct Assistant Professor
University of Utah

Staff Consent Form

I have read and understand what is being asked of me as a participant in this study. I agree to participate in this study. I have received a copy of this informed consent information.

Signature of Staff

Date

APPENDIX B: QUESTIONNAIRE

YOUTH Questions

1. How many of you think you are subjects of discrimination or racial bias? Explain.
2. Can anyone give us an example of how you were treated unfairly or improperly because of your race or ethnicity?
3. If you perceive or think there is bias in the system tell us where, how it is happening?
4. Do you think that Caucasian youth are treated differently than you? How? Give examples.
5. This study is looking at dispositions given to minority youth and Caucasian youth to see if there are differences. Do you agree with that? We are also examining or looking at charging practices by intake workers and prosecutors, what is your view of that?
6. We are also looking at risk and protective factors and the influence that might play in the decision-making process. Do you know what that means? Do you think it will be a useful approach?
7. What are your personal expectations of the juvenile justice system? Do you expect to be rehabilitated? Do you expect to go on to the adult system? Why?
8. If you were to advise us about how we should evaluate bias in this system, what advice would you give? Where should we be looking?
9. Do you have questions for us?

STAFF Questions

1. Do you feel there is racial bias in the juvenile justice system? Have you personally experienced it and are you willing to share that with us?
2. If you see bias, where in the system is it most pronounced? Where would you advise us to proceed with our study?
3. What is your view of the reasons for the bias that you see or have experienced?
4. We are looking at disposition and its relationship to race, also charging practices of prosecutors and intake workers? Do you see that as appropriate and useful?
5. We are also looking at risk and protective factors and the role they may play in charging and disposing of youth in the system. Do you see think there is a relationship and do you think this is a useful area to probe?
6. We are asking for your advice, which direction should we head to accomplish the most in our study.
7. Do you have questions for us?

APPENDIX C: PROGRAM RESPONSES

Child Development-Community Policing

Marans and Berkman (1997) examined a program created by the New Haven Police Department and Yale University Child Study Center. These two entities developed a unique collaborative program to address the psychological impact of chronic exposure to community violence on children and families. The Child Development-Community Policing program brings police officers and mental health professionals together to provide each other with training and consultation. As a result, this program provides direct interdisciplinary intervention to children who are victims, witnesses, or perpetrators of violent crimes. This program serves as a national model for police-mental health partnerships.

Life Enhancement Alternative Program (L.E.A.P.)

L.E.A.P. is a national initiative established as an early intervention program for delinquent youth. The goal is to divert youth from further involvement in the juvenile justice system, following their first, second, or third offense. If it is a first offense without citation, successful completion of L.E.A.P. can result in a case being closed with no further action by Juvenile Court. Basic program services include case management/ tracking, citizenship education, parent and youth groups, community service, counseling, and teen parenting classes.

Memphis-Metro Youth Diversion Project

Whitaker, Severy, Morton and Associates (1984) conducted a system-level analysis of the pilot four-year Memphis-Metro Youth Diversion Project. The project was established in collaboration between the system and community to divert eligible juvenile cases to the community. The project promoted positive interactions among juveniles, agencies, and groups whose support is necessary for success. Examples of involved entities were the court, police,

intake and probation staff, social service agencies, communities, and juveniles. The project utilized existing community resources to provide comprehensive and quality services for juveniles. Examples of program goals included improving the quality of decision making in the system by involving the juvenile in the process and encouraging youth employment. The impact of the project on the juvenile justice system in regard to both system-wide adjudication rates and the use of auxiliary probation officers were examined. The analysis indicated a decrease in adjudication rates and increased ability of the justice system to provide resources for juvenile offenders. Because of scarce resources, the project was discontinued and thus, adjudication rates and other indicants increased to previous levels. Nonetheless, this project recognized the fact that it is no longer sufficient to deliver individual services to individual juveniles, but rather a comprehensive service plan is imperative.

School Safety Patrol Officer Program

In this article, Austin (1994) examined the efforts of Columbia Police Department, South Carolina to reduce juvenile crime and violence in the schools. In collaboration with the D.A.R.E. program, the department implemented the School Safety Patrol Officer Program to monitor school attendance and report infractions in the schools. The officer in this program is involved in the Student Crime Prevention Mobilization program, which combines driver's education and courses in conflict resolution, life-skills, and social responsibility. The purpose of this program is to reduce juvenile crime and violence in the schools.

Men of Distinction

Grant and Bufford (1994) examined the program Men of Distinction, sponsored by Bethlehem Centers of Nashville to combat crime and drug abuse among African-American male

youths. The program focuses on building self-esteem and offering positive educational and recreational training for African-American male youths, age 9 through 17. The program's objective is to prevent homicides among at risk African-American youths by helping them cope with violent environments, overcome barriers, and lead a positively healthy life. Program components include mentoring, peer counseling, professional counseling, recreational and educational activities, manhood development, and responsibility training.

Juvenile Restitution Program

Sudipto (1995) conducted a study examining the impact of the Juvenile Restitution Program in Lake County, Indiana, on recidivism rates. The goal of the program was to promote an increase sense of accountability, leading to reduced offender recidivism. Findings indicated that, of those in the restitution program, about 25 percent of first time offenders re-offended, while 50 percent of repeat offenders re-offended after completing the program. Thus, it seems that the restitution program may be beneficial for first time offenders, whereas a more intense intervention strategy may be required to reduce recidivism rates among chronic offenders.

Family Ties

In a study by Robin and Binder (1993), they found that a growing number of states across the country are using Intensive Family Preservation Services (IFPS) programs to bridge the gaps among the different agencies serving children. An example is the Family Ties program that was established in 1989 by the New York City Department of Juvenile Justice, to provide an alternative to placement in the system as a result of improper supervision and guidance from the home. Participants are typically 14 and 15 years old youths from communities with high rates of poverty, unemployment, crime, and drug abuse. The process begins when a family court judge refers the family to Family Ties, allowing the child to "go home" for a period of four to eight

weeks during which the family works intensively with a Family Ties family preservationist. The program teaches youths to resist peer pressure and manage their anger. The program also addresses developing positive parent-child relationships and the importance of the role of parental authority. Youths must attend school, adhere to curfew laws, and perform services such as baby-sitting and other household chores. At the end of the eight weeks, if the judge finds that the youth could be supervised at home, the youth is placed on probation, assigned a trained probation officer, and the family is referred to an appropriate community agency for ongoing services. In cases where a judge finds that a youth cannot be supervised in the home, the family preservationist makes a recommendation for a more suitable placement.

Of the 250 families served by Family Ties since 1989, about 70 percent of the youths served have avoided placement. The most critical factor for success is having a parent or guardian who is willing to work with the family preservation staff. The program has also proven to be cost-effective as it saved New York City an estimated 41.8 million in 1991. Thus, this program has proven to be a promising alternative to incarceration that suggests policy and program implications.

Community Responses to Drug Abuse (CRDA)

Based on the concept of community mobilization, the Community Responses to Drug Abuse (CRDA) initiative were established by the National Institute of Justice (NIJ) and National Crime Prevention Council. This initiative proved that modest neighborhoods with limited resources are able to make significant strides in reducing drug activity, protecting young people, and improving the physical environment with strong collaboration among community members.

The Office of Juvenile Justice and Delinquency Prevention (1998) discusses the primary role of community in preventing juvenile delinquency. Supplemented by federal and state

leadership and support, communities can successfully assist juveniles in becoming law abiding and productive citizens. A goal of healthy and productive citizens can only be achieved with the contribution of all community members including businesses, media, teachers, families, young people, policymakers, clergy, and law enforcement. Communities are in prime situations to reduce risk factors that influence delinquency while strengthening protective factors.

Communities are encouraged to involve young people in community crime and violence prevention initiatives like safe school programs. It was concluded that positive youth skill building, mentoring, conflict resolution, and community service, are effective ways to prevent or reduce juvenile delinquency and serious juvenile violence.

APPENDIX D: JENSON (1995) FIGURE 1 AND STUDY RECOMMENDATIONS

Methodology

- System needs to establish a standard method of reporting race.
- Participate in NIBRS.
- Train juvenile court personnel to collect racial characteristics of offenders.
- System should develop monitoring mechanisms to ensure information about race is measured over time.
- Data in system should be clearly defined.
- Information measuring risk factors for delinquency should be included in JIS.

Policy

- Multicultural sensitivity curriculum.
- Employ more qualified minorities.
- Increase community-based treatment programs serving minorities.
- Increase neighborhood, school, and other prevention programs serving minorities.
- Assess risk factors.

Research

- Conduct a longitudinal study.
- Conduct a study on gender and racial differences in the system.

APPENDIX E: DISPROPORTIONATE MINORITY CONFINEMENT (DMC) FORMULA

$$\text{DMC} = \frac{\text{Percent of minority youths in system}}{\text{Percent of minority youths in population}}$$

A score of more than one indicates DMC status, a score of 1 indicates proportional representation and a score less than one indicates under representation.

APPENDIX F: SENTENCING GUIDELINE AGGRAVATING
AND MITIGATING FACTORS

(See attachment)

APPENDIX G: EXPLANATION OF STATISTICAL TESTS USED IN QUANTITATIVE
ANALYSIS OF JUVENILE INFORMATION SYSTEM DATA

Analysis 1

Chi square is a way of comparing the expected and actual frequencies in a cross-tabulation of two variables. For this portion of the analysis, it answered the question: “If youths’ race (measured as Hispanic or Not Hispanic) does *not* effect the deviation of their actual dispositions as compared to the sentencing guidelines, would the deviations from the guidelines be distributed as they are?”

In this analysis, chi square tests indicated that deviations from the sentencing guidelines were *not* statistically significant at the .05 probability level²² for any of the racial group comparisons. However, it is important to note that for two of the comparisons—

- Hispanic *vs.* Not Hispanic, and
- Hispanic or Pacific Islander *vs.* neither of these—

dispositions were somewhat more likely to be more severe than the sentencing guidelines specified. However, these differences did not reach statistical significance, indicating that these differences may be due to chance.

Analysis 2

Chi square tests (see description above) indicated that differences in actual dispositions *were* statistically significant for one racial group comparison—that of Hispanic *vs.* Not Hispanic youths (chi square = 11.051, df = 5, probability = .05). This finding indicates that Hispanic youth were significantly more likely than non-Hispanic youth to receive more severe sentences.

²² The .05 probability level is conventionally used in many social sciences disciplines for accepting findings as “statistically significant.” In plain English, this means that, if the probability level is less than .05, then there is less than a 5 percent chance of finding this difference between/among groups *by chance* if there is really no difference between these groups in the population. Different fields use different probability levels for accepting or rejecting

As noted in the text, this finding could be interpreted as meaning that Hispanic youth have committed more felonies and misdemeanors than have non-Hispanic youth, that racial bias influences their dispositions, or a combination of both these factors is present.

Analysis 3

Independent samples t-test was used for these analyses. This procedure tests whether the differences between 2 groups' means (or average values) are significantly different from each others'. This analysis asked, "Is the fact that the mean score of Hispanic and Pacific Islander youths (combined) on these two variables (Sentencing Guidelines, Placed in Youth Corrections or Observation and Assessment) is higher than that of other youths due to chance?"

There are two substantively significant findings from these *t*-tests (see Tables 19 and 20). First, the mean disposition for Hispanic youth indicated by the sentencing guidelines is more severe than that for other youths ($p = .019$). This finding may be due to an increased number of arrests of Hispanic youths due to racial profiling, to a higher level of Hispanic youth involvement in crime, to more previous convictions resulting from racial bias, or to a combination of these factors.

Second, youth who are Hispanic or who are Hispanic or Pacific Islander (combined) are more likely to be placed either in DYC or in Observation and Assessment (see Tables 19 and 20). This finding may indicate that system personnel assume these youth would benefit from such placement or that they are more reluctant to make hasty judgments about these minority youths. The result is that they remain in limbo longer than other youths.

their hypotheses; it's actually an arbitrary value.

Table 19
Relationship of Sentencing Guidelines and Two Disposition Outcomes
to Whether Youth are Hispanic or Not Hispanic

	Mean Score ²³	t-Score	df	p
Sentencing Guidelines				
Hispanic	2.57	2.395	96.543	.019*
Not Hispanic	2.02			
Placed in Youth Corrections				
Hispanic	0.14	1.714	79.833	.090
Not Hispanic	0.05			
Placed in Youth Corrections or Observation & Assessment				
Hispanic	0.25	2.657	80.242	.010*
Not Hispanic	0.09			

*Indicates significant at the .05 level of significance.

Table 20
Relationship of Sentencing Guidelines and Two Disposition Outcomes
to Whether Youth are Hispanic or Pacific Islander vs. Neither of These

	Mean Score ²⁴	t-Score	df	p
Sentencing Guidelines				
Hispanic or Pacific Islander	2.43	1.602	120.575	.112
Not Hispanic or Pacific Islander	2.11			
Placed in Youth Corrections				
Hispanic or Pacific Islander	0.13	1.837	95.620	.069
Not Hispanic or Pacific Islander	0.05			
Placed in Youth Corrections or Observation & Assessment				
Hispanic or Pacific Islander	0.24	2.537	99.231	.013*
Not Hispanic or Pacific Islander	0.09			

*Indicates significant at the .05 level of significance.

Analysis 4

Multivariate regression was used for this analysis. This procedure essentially tests whether knowing the value of certain variables helps to predict the values of another. In this case, the first question was, “Does knowing youths’ presenting offense (measured as whether is was a felony or misdemeanor), the number of previous misdemeanors, and the number of

²³ A higher mean score indicates a more severe disposition.

²⁴ A higher mean score indicates a more severe disposition.

previous felonies help to predict what youths' actual dispositions (collapsed)²⁵ will be?" This step revealed that, taken together, these three variables accounted for 27.1 percent of the differences in youths' actual dispositions ($F = 21.957$; $p = .000$).

Continuing this procedure, the second question was "Once we've taken into account the differences in actual dispositions (collapsed) that are due to differences in youths' offending histories, do Hispanic youths still get more severe sentences than other youths?" This test also yielded a significant value ($p = .02$). This finding indicates that, after taking into account the differences in dispositions due to differences in the type of presenting offense and the numbers of previous felonies and misdemeanors, Hispanic youths still average more severe dispositions than do non-Hispanic youths. Whether a youth is Hispanic or not, however, accounts for only 2.3 percent of the variations in dispositions—a very small amount.

²⁵ In order to allow comparison between actual dispositions and those specified in the sentencing guidelines, the research team matched each of the ten actual dispositions to one of the five sentencing guideline dispositions. These resulting five dispositions were considered to be "collapsed" for purposes of this analysis.

APPENDIX H: RISK AND PROTECTIVE FACTORS EXPLORED IN THIS STUDY

Personal

- Race
- Gender
- Interpersonal problems

Family

- Socioeconomic status
- Criminal and substance use and abuse history
- History of abuse and neglect
- Family structure
- Language
- Religion

Peers

- Gang involvement
- Delinquent friends

School

- Drop out
- Intelligence, performance, and attendance level

Community

- Neighborhood structure
- Community norms

APPENDIX I: STRENGTHS-BASE APPROACH (NISSEN, 1999)

(See attachment)

APPENDIX J: UTAH CHILD AND FAMILY SERVICES DATA REPORTING

Utah Child and Family Services Data Reporting Leads Nations.

Utah was the only state able to provide 100% of data requested by the Child Welfare League of America, for inclusion into their National Data Analysis System. With the implementation of the state's new child welfare information system dubbed SAFE, the state has greater capability to provide data for management, research and national comparative reporting. The SAFE system replaces a 25-year-old system with a tool designed to assist social workers in managing abuse, foster care and in-home cases. Caseworkers have direct access to current and prior data regarding cases they are managing. Using their desktop computers and cell phones, case information is updated on a daily basis. Caseworkers dictate activity logs over cell phones and the data is transcribed and placed in their case for review the next day.

With the implementation of the Division of Child and Family Services' automated child welfare system (SAFE), the division has improved its ability to maintain data on race and ethnicity. The SAFE system requires caseworkers to indicate the appropriate designation for all children in custody as well as cases investigated for child abuse and neglect. Race/ethnicity is also required for in-home cases and other type cases entered into the system. Once in the system, individual and summary statistics are available for a variety of bases including geographical (county, school district, zip code) age, ethnicity (Caucasian, Hispanic, African-American, Pacific-Islander, Asian, Native American), etc. Much of this data was available in the system SAFE replaced but not as readily available nor as adequately reviewed for accuracy.

REFERENCES

- Adams, M., Bell, L.A., & Griffin, P. (1997). Teaching for diversity and social justice: A source book. New York, NY: Routledge
- Agnew, R. (1985). A revised strain theory of delinquency. Social Forces, *64*(1), 151-167.
- Albonetti, C. A. (1997). Sentencing under the Federal Sentencing guidelines: Effects of defendant characteristics, guilty pleas, and departures on sentence outcomes for drug offenses, 1991-1992. Law and Society Review, *31*(4), 789-822.
- Allen-Hagen, B. (1991). Public juvenile facilities: Children in custody. Office of Juvenile Justice and Delinquency Prevention Update on Statistics, January, 1-10.
- Annie E. Casey Foundation (1997). Kids count data book: State profiles of child well-being. Baltimore, MD: Author.
- Austin, J. (1995). The overrepresentation of minority youths in the California juvenile justice system: Perceptions and realities. In K. K. Leonard, C. E. Pope, and W. H. Feyerherm (Eds.), Minorities in juvenile justice (pp. 153-178). Thousand Oaks, CA: Sage Publications, Inc.
- Bandura, A. (1977). Social learning theory. Englewood Cliffs, NJ: Prentice-Hall.
- Barton, W. H. (1976). Discretionary decision-making in juvenile justice. Crime and Delinquency, October, 470-480.
- Bazemore, G. & Umbreit, M. S. (1994). Balanced and restorative justice. Washington D.C.: Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice.
- Becker, H. S. (1963). Outsiders: Studies in the sociology of deviance. New York, NY: The Free Press.
- Bilchik, S. (1998). A juvenile justice system for the 21st century. Office of Juvenile Justice and Delinquency Prevention Bulletin, May, 1-8.
- Bowers, L. B. (1990). Traumas precipitating female delinquency: Implications for assessment, practice and policy. Child and Adolescent Social Work, *7*, 389-402.
- Briar, K. (1988). Social work with the unemployed. Silver Springs, MD: The National Association of Social Workers.
- Bridges, G. S. & Steen, S. S. (1998). Racial disparities in official assessments of juvenile offenders: Attributional stereotypes as mediating mechanisms. American Sociological Review, *63*, 554-570.

Butts, J. A. & Connors-Beatty, D. J. (1993). The juvenile court's response to violent offenders: 1985-1989. Office of Juvenile Justice and Delinquency Prevention Update on Statistics, April, 1-8.

Center for Substance Abuse Prevention. (1993). Signs of effectiveness: In preventing alcohol and other drug problems (Contract No. ADM-SA-88-005). Washington, DC: U.S. Department of Health and Human Services.

Chambliss, W. J. (1973). The Saints and Roughnecks. Society, 11, 24-31.

Chau, K. (1990). A model for teaching cross-cultural practice in social work. Journal of Social Work Education, 26(2), 124-133.

Cicourel, A. V. (1968). The social organization of juvenile justice. New York: John Wiley and Sons, Inc.

Cloward, R. A., & Ohlin, L. E. (1960). Delinquency and opportunity. Glencoe, IL: The Free Press.

Cohen, L. E. & Kluegel, J. R. (1978). Determinants of juvenile court dispositions: Ascriptive and achieved factors in two metropolitan courts. American Sociological Review, 43, 162-176.

Conley, D. J. (1994). Adding color to a Black and White picture: Using qualitative data to explain racial disproportionality in the juvenile justice system. Journal of Research in Crime and Delinquency, 31(2), 135-148.

Cooley, C. H. (1962). Human nature and the social order. New York, NY: Scribner's Publishing Company.

Dannefer, D. & Schutt, R. K. (1982). Race and juvenile justice processing in court and police agencies. American Journal of Sociology, 87(5), 1113-1132.

Davis, L. E. & Proctor, E. K. (1989). Race, gender, and class: Guidelines for practice with individuals, families, and groups. Englewood Cliffs, NJ: Prentice Hall.

DeComo, R. E. (1993). Juveniles taken into custody research program: Estimating the prevalence of juvenile custody by race and gender. NCCD Focus. San Francisco, CA: National Council on Crime and Delinquency.

Devine, P., Coolbaugh, K., & Jenkins, S. (1998). Disproportionate minority confinement: Lessons learned from five states. Office of Juvenile Justice and Delinquency Prevention Bulletin, December, 1-12.

DeVore, W. & Schlesinger, E. G. (1999). Ethnic sensitive social work practice (5th ed.).

Boston: Allyn & Bacon.

DiNitto, D. M. (1995). Social welfare: Politics and public policy (4th edition). Needham Heights, MA: Allyn and Bacon.

Erikson, E. (1975). Life history and the historical moment. New York: W. W. Norton.

Fagan, J., Slaughter, E., & Hartstone, E. (1987). Blind justice? The impact of race on the juvenile justice process. Crime and Delinquency, 33(2), 224-258.

Fagan, J., Forst, M., & Vivona, T. S. (1987). Racial determinants of the judicial transfer decision: Prosecuting violent youth in criminal court. Crime and Delinquency, 33(2), 259-286.

Farrell, R. A. & Swigert, V. L. (1978). Prior offense record as a self-fulfilling prophecy. Law & Society, Spring, 437-453.

Feyerherm, W. (1993). The status of the states: A review of state materials regarding overrepresentation of minority youth in the juvenile justice system. Portland, OR: Portland State University.

Fong, L. G. W. & Gibbs, J. T. (1995). Facilitating services to multicultural communities in a dominant culture setting: An organizational perspective. Administration in Social Work, 19(2), 1-24.

Frazier, C. E. & Bishop, D. M. (1995). Reflections on race: Effects in juvenile justice. In K.K. Leonard, C.E. Pope, & W.H. Feyerherm (Eds.), Minorities in juvenile justice (pp. 16-46). Thousand Oaks, CA: Sage Publications.

Gastwirth, J. L. & Nayak, T. K. (1997). Statistical aspects of cases concerning racial discrimination in drug sentencing: Stephens v. State and U.S. v. Armstrong. Journal of Criminal Law and Criminology, 87(2), 583-603.

Green, J. W. (1999). Cultural awareness in the human services: A multi-ethnic approach (3rd ed.). Boston: Allyn & Bacon.

Greenberg, D. F. (1981). Delinquency and the age structure of society. Contemporary Crimes: Crime, Law, and Social Policy, 1, 189-223.

Hawkins, J. D., Catalano, R. F. & Associates (1992). Communities that care: Action for drug abuse prevention. San Francisco: Jossey-Bass.

Hawkins, J. D., Catalano, R. F., & Miller, J. Y. (1992). Risk and protective factors for alcohol and other drug problems in adolescence and early adulthood: Implications for substance abuse prevention. Psychological Bulletin, 112(1), 64-105.

Helms, J. E. (1995). An update on Helms' White and people of color racial identity models. In J. G. Ponterotto, J.M. Casas, L. A. Suzuki, & C. M. Alexander (Eds.), Handbook of

multicultural counseling (pp. 181-198). Thousand Oaks, CA: Sage.

Hirschi, T. (1969). Causes of delinquency. Berkeley: University of California Press.

Hooper-Briar, K. & Lawson, H. A. (1996). Expanding partnerships for vulnerable children, youth, and families. Alexandria, VA: Council on Social Work Education, Inc.

Horowitz, R. & Pottieger, A. E. (1991). Gender bias in juvenile justice handling of seriously crime-involved youths. Journal of Research in Crime and Delinquency, 28(1), 75-100.

Hsia, H. M. & Hamparian, D. (1998). Disproportionate minority confinement: 1997 update. Office of Juvenile Justice and Delinquency Prevention Bulletin, September, 1-12.

Ivey, A. E. & Ivey, M. B., Sionek-Morgan, L. (1993). Counseling and psychotherapy: A multicultural perspective. Boston : Allyn & Bacon.

Jenson, J. M., Yaffe, J., & Associates (1995). Racial Disproportionality in the Utah Juvenile Justice System [Final Report]. Salt Lake City, UT: University of Utah Graduate School of Social Work Social Research Institute.

Johnson, C. A., Pentz, M. A., Weber, M. D., Dwyer, J. H., Baer, N., MacKinnon, D. P., Hansen, W. B., & Flay, B. R. (1990). Relative effectiveness of comprehensive community programming for drug abuse prevention with high-risk and low-risk adolescents. Journal of Consulting and Clinical Psychology, 58(4), 447-456.

Juvenile Justice and Delinquency Prevention Act of 1974 and Related Provisions of Law, Washington, D.C.

Leiber, M. J. & Woodrick, A. C. (1995). Theoretical and empirical developments in the study of race and juvenile court processing. Social Pathology, 1(2), 149-164.

Liff, S. (1999). Diversity and equal opportunities: Room for a constructive compromise? Journal of Human Resource Management, 9(1), 65-75.

Liska, A. E., & Reed, M. D. (1985). Ties to conventional institutions and delinquency: Estimating reciprocal effects. American Sociological Review, 50, 547-560.

Maldonado, D. & Willis, D. (1991). Minority youth and juvenile justice in Utah. Salt Lake City, UT: State of Utah Board of Juvenile Justice and Delinquency Prevention.

Marans, S. & Berkman, M. (1997). Child development-community policing: Partnership in a climate of violence. Office of Juvenile Justice and Delinquency Prevention, March, 1-19.

Martin, J. J. (1970). Toward a political definition of delinquency. U.S. Department of Health, Education, and Welfare, Washington D.C.: U.S. Government Printing Office.

Matlese, M. A. & Tuell, J. A. (1998). Update on the comprehensive strategy for serious, violent, and chronic juvenile offenders. Office of Juvenile Justice and Delinquency Prevention Fact Sheet, September, 1-2.

McCarter, S. A. (1997). Understanding minority overrepresentation in Virginia's juvenile justice system. Unpublished doctoral dissertation, Virginia Commonwealth University.

Mead, G. H. (1934). Mind, self, and society. Chicago, IL: The University of Chicago Press.

Medley, T. E. (1998). Utah task force on racial and ethnic fairness in the legal system. Utah Bar Journal, Views from the Bench, 38-43.

Merton, R. K. (1968). Social theory and social structure. New York: The Free Press.

Munoz, E. A., Lopez, D. A., & Stewart, E. (1998). Misdemeanor sentencing decisions: The cumulative disadvantage effect of "gringo justice." Hispanic Journal of Behavioral Sciences, 20(3), 298-319.

Nissen, L. (1999). Strengths-based approach in juvenile justice. Presentation at conference held by the Office of Juvenile Justice and Delinquency Prevention.

Nobiling, T., Spohn, C., & DeLone, M. (1998). A tale of two counties: Unemployment and sentence severity. Justice Quarterly, 15(3), 459-485.

Oetting, E. R., & Beauvias, F. (1987). Common elements in youth drug involvement, peer clusters, and other psychosocial factors. Journal of Drug Issues, 17(23), 133-151.

Pedersen, P. B., Dragunn, J. G., Lonner, W. J., & Trimble, J. (Eds.). Counseling across cultures (4th ed.), Thousand Oaks, CA: Sage.

Piliavin, I. & Briar, S. (1964). Police encounters with juveniles. American Journal of Sociology, 70, 206-214.

Piven, H. (1979). The status offender controversy: Charges and study evidence. Child Welfare, LVIII(8), 485-499.

Platt, A. M. (1969). The child savers. Chicago: University of Chicago Press.

Pope, C. & Feyerherm, W. (1993). Minorities in the juvenile justice system. Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

Pratt, M. A. E. (1992). Racial bias in the juvenile justice system in the United States and Great Britain. Unpublished Association Paper, Nashville, TN: Vanderbilt.

Prover, J. & Schlesinger, E. G. (1997). Are there circumstances in which the helping professional *must* be of the same ethnicity and gender as the client? In D. deAnda (Ed.), Controversial issues in multiculturalism (pp. 200-211). Boston: Allyn & Bacon.

Ridley, C. R. (1995). Overcoming unintentional racism in counseling and psychotherapy: A practitioner's guide to intentional interventions. Thousand Oaks, CA: Sage.

Reckless, W. C. (1973). The crime problem (5th ed.). New York: Appleton.

Robin, S. & Binder, H. (1993). Building bridges for families. Center for Study of Social Policy, New York City Department of Juvenile Justice.

Rosenbaum, J. L. (1989). Family dysfunction and female delinquency. Crime and Delinquency, 35, 31-44.

Ross-Sherriff, F., Jones, N. S. C., & Ibrahim, F. (1997). Is the therapeutic process more effective if the client and the helping professional are of the same ethnic/cultural group? In D. deAnda (Ed.), Controversial issues in multiculturalism (pp. 181-199). Boston: Allyn & Bacon.

Schiller, B. R. (1998). The economics of poverty and discrimination. Upper Saddle River, NJ: Prentice-Hall, Inc.

Sickmund, M. (1997). Offenders in juvenile court, 1995. Office of Juvenile Justice and Delinquency Prevention Bulletin, December, 1-12.

Sickmund, M. Snyder, H. N., & Poe-Yamagata, E. (1997). Juvenile offenders and victims: 1997 update on violence. Washington D.C.: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

Snyder, H. N. (1997). Juvenile arrests 1996. Office of Juvenile Justice and Delinquency Prevention Bulletin, November, 1-12.

Sudipto, R. (1995). Juvenile restitution and recidivism in a mid-western county. Federal Probation, 59 (March), 55-62.

Sue, S. & Zane, N. (1997). The role of culture and cultural techniques in psychotherapy. American Psychologist, 42, 37-45.

Sutherland, E. H. (1947). Principles of criminology (4th ed.). Philadelphia: J. B. Lippincott.

Sykes, G. M., & Matza, D. (1957). Techniques of neutralization: A theory of delinquency. American Sociological Review, 22(6), 664-670.

Thornberry, T. P. (1973). Race, socioeconomic status and sentencing in the juvenile justice system. Journal of Criminal Law and Criminology, 64(1), 90-98.

Utah State Division of Youth Corrections Annual Report (1997). Salt Lake City, UT: Division of Youth Corrections.

Utah State Office of Planning and Budget (1997). Salt Lake City, UT: Office of Planning and Budget.

Whitaker, J. M., Severy, L. J., Morton, D. S., & Associates (1984). A comprehensive community-based youth diversion program. Child Welfare, 63(2), 175-181.

Wordes, M., Bynum, T. S., & Corley, C. J. (1994). Locking up youth: The impact of race on detention decisions. Journal of Research in Crime and Delinquency, 31(2), 149-165.

Young, I. M. (1990). Justice and the politics of difference. Princeton, NJ: Princeton University Press.