

GENDER AND JUVENILE CASE PROCESSING: A LOOK AT TEXAS

Dustin Paul Johnson, B.S., M.A.

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APPROVED:

Daniel G. Rodeheaver, Major Professor

James L. Williams, Minor Professor

Kevin A. Yoder, Committee Member

Chad R. Trulson, Committee Member

Nicole Dash, Chair of the Department of
Sociology

Thomas L. Evenson, Dean of the College of
Public Affairs and Community Service

Michael Monticino, Dean of the Robert B.

Toulouse School of Graduate Studies

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This dissertation examines the role gender plays in predicting referral beyond juvenile court intake. Using referral data from Texas for 1999-2003, multinomial logistic regression is used to examine case processing decisions. Males were found to be more likely than females to be processed beyond intake for both status and delinquent offenses. Legal variables were found to influence processing decisions for delinquent offenses more than non-legal variables. In contrast, non-legal variables were found to influence processing decisions more than legal variables for status offenses. Finally, overall, minority females were not found to be more likely to be processed beyond intake than white females. Further research is needed to determine if the same finding is true for males.

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TABLE OF CONTENTS

| | |
|--|-----|
| ACKNOWLEDGEMENTS..... | iii |
| CHAPTER 1 | 1 |
| INTRODUCTION | 1 |
| Significance of Study | 5 |
| Plan of Study | 6 |
| CHAPTER 2 | 7 |
| REVIEW OF THE LITERATURE | 7 |
| The Juvenile Justice System | 7 |
| Predictors of Processing Decisions | 10 |
| Methodological Advances | 14 |
| Status and Delinquent Offenses | 15 |
| Three Different Hypotheses | 19 |
| Race and Processing Decisions | 21 |
| Conclusion | 26 |
| CHAPTER 3 | 28 |
| DATA AND METHODS | 28 |
| Data | 28 |
| Ethical Issues | 29 |
| The Dependent Variable | 29 |
| The Intake Stage | 30 |
| The Independent Variables | 31 |
| Data Analysis | 35 |
| Hypotheses | 36 |
| Limitations | 41 |
| CHAPTER 4 | 43 |
| ANALYSIS AND RESULTS | 43 |
| Descriptive Statistics | 43 |
| Hypothesis I | 45 |
| Hypothesis II | 52 |
| Hypothesis III | 53 |
| Conclusion | 58 |
| CHAPTER 5 | 61 |
| DISCUSSION OF THE RESULTS | 61 |
| Hypothesis I Results | 61 |
| Hypothesis II Results | 63 |
| Hypothesis III Results | 66 |
| Conclusion | 69 |
| CHAPTER 6 | 71 |
| CONCLUSIONS | 71 |

| | |
|------------------|----|
| APPENDIX..... | 76 |
| REFERENCES | 78 |

CHAPTER 1

INTRODUCTION

In the American legal system, there are separate court systems for adults and juveniles. The idea that children who commit crime should be treated differently than adults who engage in the same behavior is a relatively new concept. Prior to and during the early 1800s, wayward youth were treated the same as adult offenders (Mennel, 1972). The Illinois Juvenile Court Act of 1899 created the first juvenile court (Chesney-Lind & Sheldon, 2003). The importance of this act went beyond creating a separate juvenile justice system; the idea that children are not miniature adults and should be treated differently was developed. By 1925 almost every state had established a juvenile court system (Mennel, 1972).

Social scientists have argued that movements such as the child savers movement, which led to the development of the juvenile court, were in reality attempts to control the behavior of females (particularly sexual behavior) (Chesney-Lind & Sheldon, 2003). Research conducted on early court activities indicate that almost all females who appeared in court were charged with “immorality or waywardness” (Chesney-Lind & Sheldon, 2003, p. 132). In contrast, the immoral behavior of males was of little concern to officials and the focus of the courts centered on the “delinquent” girl (Chesney-Lind & Sheldon, 2003, p. 132).

Several studies indicate that males and females are treated differently by the criminal justice and juvenile justice systems (Pollock, 1950; Datesman & Aickin, 1984; Chesney-Lind & Pasko, 2004). Theoretical perspectives have been developed to explain the reaction of law enforcement officials to juvenile delinquency (Pollock, 1950; Nagel & Hagan, 1983, Guevara et al., 2006).

In addition to the various theories and perspectives used to explain juvenile processing decisions, several types of variables are considered to influence processing decisions. These variables can be grouped as legal, non-legal, and contextual variables (Leiber & Fox, 2005; Bishop, 2005; Leiber & Johnson, 2008). Examples of legal variables include prior record, offense severity and detention status. Examples of non-legal variables include race, gender and age. Examples of contextual variables include family structure, school status and county characteristics. The analysis presented in chapter four includes the variable family structure. Case processing literature consistently indicates that legal variables are stronger predictors of juvenile case processing decisions than non-legal variables (Tracy, 2002; Leiber & Fox, 2005). Some researchers, however, argue that non-legal variables are important predictors of processing decisions (Bishop, 2005). Recent studies of processing decisions have included variables such as jurisdiction of the juvenile court (MacDonald & Chesney-Lind, 2001), school status of the juvenile (Leiber & Fox, 2005) and perceptions of juveniles by judges and how those perceptions affect juvenile case processing decisions (Harris, 2008). Bishop (2005) argues disparities in processing that may be attributed to discrimination may be due to the organizational structure of the juvenile system and / or the social structure of the locality juvenile case processing decisions are made. In addition, the social conditions juveniles experience can affect case processing decisions (Bishop, 2005). For example, it is policy in many jurisdictions to detain a juvenile if the parents are not able to be contacted (Bishop, 2005). Secret and Johnson (1997) found that white youth from two parent homes were less likely to be detained than white youth from single parent homes. Policies that detain youth if the parents are not able to be contacted may unintentionally affect youth from single parent homes. Several recent studies indicate that it is

important to examine the effect of policies that may affect processing decisions (McClusky, Verano, Huebner, & Bynum, 2004; Bishop, 2005).

The stages of processing a juvenile may pass through if referred to the juvenile system vary from state to state. Juvenile justice systems are organized at the state and county level. This dissertation examines gender differences in juvenile case processing in Texas. The first stage of processing in Texas is intake. This is usually the first point at which juveniles are exposed to the juvenile system (Piliavin & Briar, 1964). Most juveniles, however, are handled informally by police officers (Behrman et al., 1996).

At intake probation officers determine if a juvenile will move further into the system or be diverted. In addition, the decision may be made to detain the juvenile. If probation officers decide to informally handle a juvenile's case, then they have several options. A case may be withdrawn or dismissed. Juveniles may be released to their parents with a supervisory caution. A juvenile receiving a supervisory caution receives counseling and their parents are provided with information about any needed social services. Juveniles who engage in minor offenses may be diverted to a first time offender program. Finally, a juvenile may receive deferred prosecution. Deferred prosecution is an alternative to juvenile court proceedings which usually includes the juvenile being placed on probation for a specific period of time.

If the decision is made to formally process a juvenile beyond intake, the juvenile's case will be reviewed by the prosecutor. The prosecutor will determine if a case should be brought before the juvenile court. The prosecutor has the option to divert a juvenile from the juvenile system. If a juvenile is not diverted, the prosecutor petitions the juvenile court. The "trial" stage of juvenile case processing is referred to as adjudication. Once adjudicated, a separate

dispositional hearing is held to determine sanctions. Like other juvenile officials, juvenile court judges have discretion in sentencing.

Multiple decisions are made in each stage of juvenile case processing. The data set used in this dissertation contains information on decisions made at intake, prosecutorial referral, adjudication and disposition. This dissertation examines gender differences in processing at the intake stage. Intake is unique compared to other stages because of the amount of discretion probation officers are afforded at this stage (Sheldon & Horvath, 1987). The intake stage is important for several reasons. Intake officers “screen” referrals to determine if they are suitable for processing (Leiber & Johnson, 2008). This screening procedure helps to keep the juvenile system from being held up with cases that do not need formal action. In addition, because of the diversion options available to intake officers, juveniles may be able to avoid the stigma of being labeled delinquent if their case is handled informally. Over half of the cases referred to intake are disposed of without formal court action (Bishop, 2005).

The data set used in this dissertation contains information on sixteen possible decisions made during intake to disposition. The decisions range from dismissing a case to referring a case to the next stage in processing. The data used in this dissertation has information on possible decisions made by intake officers, prosecutors, and the juvenile court judge. This dissertation will focus on the four possible decisions made at intake: the decision to dismiss a case, the decision to release a juvenile with a supervisory caution, the decision to allow a juvenile to participate in deferred prosecution and the decision to refer a juvenile to the prosecutor. This dissertation tests three hypotheses.

(1) Legal variables will be more significant factors in processing decisions at the intake stage than non legal variables; controlling for the contextual variable family status.

(2) Females will be more likely to be recommended for processing beyond intake for status offenses than males and less likely than males to be processed beyond intake for delinquent offenses.

(3) Hispanic and African American females will be more likely to be recommended for formal processing beyond intake than white females.

Significance of Study

Can we assume that males and females have similar experiences in the judicial system? If they do not, can we use the same theories and perspectives used to explain the reaction to adult females who violate the law to explain the reaction to adolescent females who break the law? Feminist criminology argues that males and females experience crime and its consequences differently. Theories and perspectives used to explain female involvement in delinquency have focused primarily on the involvement of adult females in the criminal justice system. The lack of theoretical development to explain the experiences of females in the juvenile justice system is a significant issue that exists within sociological and criminological literature. Much of the juvenile processing literature is atheoretical in nature (Guevara et al., 2006). Without theoretical development in the area of processing, results of empirical analyses are of limited value. As highlighted in chapter 2, several studies argue that disparities in processing are partly based on variables such as race and gender. As Bishop (2005) argues, the real question is why these disparities occur. Few studies look at the experiences of adolescents in the juvenile justice system of Texas. This dissertation also examines the experiences of over 100,000 Hispanics in Texas. This is a significant contribution to the case processing literature as most studies focus on the experiences of Whites and African Americans (Bishop, 2005). In summary, this dissertation adds to the juvenile case processing literature by (1) providing research which tests theoretically

grounded hypotheses, (2) providing research which examines part of the juvenile system in Texas (3) providing an analysis which examines the experiences of Hispanics in the juvenile justice system and (4) providing an analysis of processing decisions using a large data set that covers a five year period.

Plan of Study

This dissertation is comprised of six chapters. Chapter 2 is a review of the case processing literature with special attention given to literature as it pertains to juvenile case processing decisions at intake. The theoretical framework for the dissertation is discussed as well as pertinent research which discusses the framework within the context of case processing decisions. Chapter 2 also will discuss the gaps in the juvenile processing literature, as well as issues that must be considered when examining juvenile case processing decisions. Chapter 3 describes the data and methodology. This chapter also presents the hypotheses tested. Chapter 4 presents the findings. This chapter presents the multinomial regression models developed and the results of these models. Chapter 5 reviews the results presented in chapter 4 and discusses how the results shed light on juvenile case processing in Texas. Chapter 6 summarizes the findings, discusses the implications of the findings and identifies suggestions for future research. In closing, this dissertation places the findings of the analyses within the current state of juvenile processing literature.

CHAPTER 2

REVIEW OF THE LITERATURE

This chapter reviews the literature relevant to the processing of juveniles through the juvenile justice system. First, a brief introduction to the juvenile justice system is presented. Following is a section which examines the use of legal, non-legal and contextual variables as predictors of case processing decisions. The next section examines methodological advances in the study of case processing decisions. The following section examines how the type of offense a juvenile is charged with can affect case processing decisions. The next section provides a review of the theories and perspectives used to explain the treatment of males and females in the juvenile justice system. The final section examines the effect of race on processing decisions.

The Juvenile Justice System

Prior to and into the nineteenth century, delinquent children were treated the same as adults (Rothman, 2002). Criminal and deviant individuals were seen as natural parts of society during the eighteenth century (Rothman, 2002). Criminal codes of the time were religious in nature; equating crime with sin (Rothman, 2002). Punishments were harsh and the age of an offender was not a mitigating factor. There was no concept of rehabilitation (Rothman, 2002). Calvinist doctrine of the time indicated that criminal and deviant behavior was due to the natural depravity of man (Rothman, 2002). The nineteenth century ushered in a change in how society viewed deviant and criminal behavior. Nineteenth century reformers viewed crime and deviant behavior as the result of breakdowns in society. This shift in thought to external causes of crime

rather than internal causes served as the impetus for the development of institutions to rehabilitate adult and juvenile offenders.

The United States experienced rapid immigration and population growth in the nineteenth century (Mennel, 1972). Several reformers of the period were concerned about the possible damaging effects of industrialization and urbanization on poor, vagrant and delinquent youth. These reformers became known as the “child savers” (Platt, 1977). The child savers argued that poor and delinquent youth were threats to the moral fabric of society (Platt, 1977). Reformers called for the development of institutions specifically for juveniles. These institutions would “save” wayward and vagrant youth from what some believed was a decaying urban environment (Platt, 1977).

One such institution that was developed by the child savers movement was the House of Refuge in New York (Sheldon, 1998). Opened in 1825, juveniles sent to the institution were subjected to strict discipline and structured schedules. The purpose of the strict schedule was to rehabilitate juveniles as well as provide an example of proper child rearing practices (Rothman, 2002). It was believed that by providing such an example, the whole of society would benefit (Rothman, 2002). The House of Refuge in New York and later houses built in other cities were not without criticism. Several philanthropists criticized the institutions for their harsh treatment of juveniles (Mennel, 1972). Despite this criticism, the institutions played a major role in the development of the juvenile court.

In 1838, the father of Mary Ann Crouse brought suit against the Philadelphia House of Refuge (Sheldon, 1998). In the case *Ex Parte Crouse*, Crouse was admitted to the House of Refuge by her mother for being “incorrigible” (Sheldon, 1998). The father argued that Crouse’s admission was unconstitutional because she did not receive a trial by jury. The Philadelphia

Supreme Court disagreed; arguing that Crouse's admission was in the best interest of the child (Sheldon, 1998). The *Crouse* decision established the concept of *parens patriae* (Sheldon, 1998). Under this doctrine, the state plays the role of parent (Sheldon, 1998). This concept became the foundation of the juvenile court. The Illinois Juvenile Court Act of 1899 created the first juvenile court (Chesney-Lind & Sheldon, 2003). The purpose of the court was to shield juveniles from the ill effects of being processed through the criminal justice system and provide rehabilitation. Under the doctrine of *parens patriae* the rehabilitation of wayward children became the responsibility of the state. Some authors, however, argue that the concept of *parens patriae* was formulated to maintain the values of the upper class and to control the urban poor and newly arrived immigrants (Platt, 1977).

Beginning in the 1960s with several court decisions, the focus of the juvenile justice system changed. Several Supreme Court decisions provided more procedural rights for juveniles. *In re Gault* (1967), one of the most important cases decided during this period, mandated the development of a more formalized juvenile justice system. The ruling provided juveniles that were faced with the possibility of incarceration the right to counsel, right to notice of charges, right to cross examination and protection from self incrimination (*In re Gault*, 1967). Further reforms in the 1980s and 1990s led scholars to argue that there has been a "criminalization" of the juvenile court (Feld, 1993; Singer, 1996). In a "criminalized" court the sanctions prescribed by the court lean more towards the protection of society instead of rehabilitating offenders (Feld, 1999). Examples of these tougher policies include lowering of the age at which juveniles can be waived to adult court and the proliferation of determinate sentencing used in the juvenile court (Feld, 1999). Some scholars argue that the increased attention on procedural rights should eliminate or reduce the consideration of extra-legal factors in decision making (Dawson, 1988).

The juvenile and the criminal justice system vary in organization and function. The most fundamental difference between the two systems is that the juvenile justice system is reserved for individuals below the age of 18. Juveniles referred to the juvenile system are referred for status or delinquent offenses. A status offense is “behavior that is unlawful for children, even though the same behavior is legal for adults” (Steinhart, 1996, p. 86). Delinquent offenses are crimes regardless of if a minor or adult commits them. Juvenile justice systems vary in terms of formal procedures and centralization of authority (Stapleton, Aday, & Itto, 1982). These differences in structure and orientation make it plausible that differences in the processing of juveniles exist. Few studies of case processing have taken into account organizational or structural characteristics of courts and their effects on juvenile case processing decisions (Bishop, 2005). Juvenile justice systems also differ in their juvenile processing procedures. The processing of juveniles includes several steps: intake, prosecutorial referral, adjudication and judicial disposition (Bishop & Frazier, 1996). Intake is the point at which probation officers or other law enforcement personnel decide if a referral should be formally processed or not (Ray & Alarid, 2004). Juveniles who do not have their cases dismissed are faced with the possibility of detention until their adjudication hearing. Prosecutors review cases and decide if the juvenile will proceed to adjudication. Adjudication is similar to a trial in the criminal justice system. Disposition is the actual conviction and punishment phase.

Predictors of Processing Decisions

Variables examined for their effect on case processing decisions are grouped into three categories: legal, non-legal and contextual variables (Thomas & Sieverdes, 1975; Bishop, 2005). The case processing literature consistently indicates that legal variables are stronger predictors of case processing decisions than non-legal variables (Tracy, 2002; Leiber & Fox, 2005). This is

particularly true at intake (Bishop, 2005). First time offenders and those accused of minor offenses often are handled informally (Bishop, 2005). Contextual variables such as family status and location of the juvenile court have, however, been found to mitigate the effect of legal variables (Bishop, 2005). Legal variables examined have included number of prior referrals, offense type, severity of prior record and detention status. Many studies of processing decisions prior to the 1980s failed to include legal variables such as prior record or offense type (Belknap, 2001). Several studies that have controlled for legal variables have indicated that the effect of gender as a variable diminishes in power when you control for legal variables (Bell & Lang, 1985; Sheldon & Horvath, 1987; Bishop & Frazier, 1992). Variables such as gender and race may still have effects on processing decisions even though there is no evidence of main effects. It is possible that gender has an interactive effect with race. Not examining this possibility can lead to incorrect conclusions in regard to the effect of gender on case processing decisions.

The variable prior record is often the most powerful and significant predictor of case processing decisions. For example, Bishop and Frazier (1992) found that severity of prior record and current offense were the most significant predictors of intake disposition. Sheldon and Horvath (1987) also found that number of prior referrals, number of charges, detention status and number of prior petitions were the best predictors of intake disposition. Prior record is usually operationalized as the number of prior referrals a juvenile has to the juvenile justice system. Some research uses prior record as a dichotomous variable; coding the variable with categories of having a prior record/not having a record. This type of coding does not take into account the effect of multiple convictions for prior offenses nor does it take into consideration the severity of those offenses. In this dissertation prior record is measured as an interval-ratio variable in order to take into account the number and severity of prior referrals.

Other legal variables examined for their effect on case processing decisions include disposition status and severity of current offense. While these two variables may not be found to be as significant predictors of case processing decisions as prior record, research indicates that they are strong predictors of case processing decisions (Bishop & Frazier, 1992). Thornberry & Christenson (1984) found that dispositions for prior offenses affected the disposition of later offenses. Their study found that juveniles with prior records tended to get the same type of disposition over time (Thornberry & Christenson, 1984). Henretta, Frazier and Bishop (1986) found in a replication of the work done by Thornberry & Christenson that prior dispositions increased the severity of later dispositions. Research also indicates that the severity of the offense a juvenile is charged with can influence case processing decisions (Thomas & Sieverdes, 1975). Thomas & Sieverdes in their analysis of intake dispositions found that seriousness of current offense is most important when the juvenile is male, has a prior record, is Black, has a low SES and comes from an unstable family background (Thomas & Sieverdes, 1975).

Variables such as race, sex and other demographic variables are called non-legal variables (Thomas & Sieverdes, 1975). Despite the findings that legal variables may diminish the power of gender as an explanatory variable, research has indicated that gender is still a significant contributor to case processing decisions as indicated by logistic regression models (MacDonald, 2003). Earlier research conducted by Sheldon and Horvath (1987) also indicates that non-legal variables are important variables considered in case processing decisions. Sheldon and Horvath found that non-legal variables are associated with intake decisions and males and juveniles from single families were more likely to be referred to the District Attorney for formal processing. Some research indicates that non-legal variables such as race do not play a significant role in case processing decisions (Tracy, 2002). In contrast, some earlier research

indicates legal variables such as prior record and seriousness of current offense are not as powerful as the processing literature has indicated (Thomas & Sieverdes, 1975). The varying findings of the effects of legal variables points to a gap in the literature; most studies of juvenile case processing rely solely on quantitative analysis. Studies which combine qualitative and quantitative analyses may provide a more complete picture of the role of legal and non-legal variables in processing decisions (Bishop & Frazier, 1996).

Contextual variables have also been examined for their effect on processing decisions. Juvenile systems vary in their practices and structure (Bishop, 2005). Juveniles are not processed uniformly throughout all jurisdictions. Disparities in treatment may be linked to the structural circumstances in which processing decisions occur (Bishop, 2005). Some researchers argue that the locality of the court influences intake decisions (Feld, 1991). Feld (1991) found that urban courts have a more formal structure than rural courts. Urban courts processed more cases beyond intake while rural courts screened out more cases at intake (Feld, 1991). Urban courts tended to be more legalistic in nature; focusing on the offense juveniles were charged with and their prior record (Feld, 1991). DeJong and Jackson (1998) also found that the geographic location of the juvenile court can affect processing decisions. DeJong and Jackson (1998) found that that courts in highly urbanized areas processed more black juveniles beyond intake than whites, compared to courts in less urbanized areas.

Family structure has also been found to affect processing decisions (Leiber & Mack, 2003). Studies indicate that juveniles from two parent families may be treated more leniently by the juvenile system than juveniles from single parent families (Robbins & Szapocznik, 2000). This may occur because juvenile probation officers assume that two parent families can provide more supervision than single parent families (Belknap, 2001). Juvenile officials may also be

unwilling to break up two parent families (DeJong and Jackson, 1998). Family structure may have direct and indirect effects on processing decisions (Leiber and Mack, 2003). For example, DeJong & Jackson (1998) found that White youth were disadvantaged at sentencing if they came from a single parent family. Family structure, however, did not have a negative effect on Black youth (DeJong and Jackson, 1998). DeJong and Jackson (1998) argue that the finding of no negative effect for Black youth in their study is due partially to controlling for minority composition in the county studied.

Methodological Advances

Since the mid 1990s, several methodological advances have been made in the juvenile case processing literature. Early studies of case processing primarily focused on intake and disposition (Thomas & Cage, 1977; Sheldon & Horvath, 1987). Some researchers, however, argue that discrimination can be masked if multiple stages are not examined (Leiber & Fox, 2005). Bishop and Frazier (1996) argue that decisions made at different stages are made by actors who have different “philosophies, organizational subcultures and discretionary authority” (Bishop & Frazier, 1996 p 393). These differences may “render either intentional discrimination or institutional discrimination more or less likely to occur” (Bishop & Frazier, 1996, p. 393).

In response to this issue, some researchers have examined multiple decisions points in the juvenile process (MacDonald & Chesney-Lind, 2001; Ray & Alarid, 2004). Many studies of juvenile case processing decisions employ binary logistic regression to examine factors which influence case processing decisions. More recent studies have employed more sophisticated techniques (Mears & Field, 2000; MacDonald, 2003; Leiber & Johnson, 2008). Mears & Field (2000) argue binary logistic regression may not be the best method to model juvenile case processing decisions because at each processing stage there can be multiple decisions made.

Creating a binary outcome can blur the outcomes of each of these decisions (Bishop, 2005). In response to this, more recent studies trichotomize decision points to represent the various outcomes at each stage being examined (Guevara et al., 2004; Maume, Toth & Spears, 2006). In order to conduct these types of analyses, researchers have used variations of logistic regression including conditional logistic regression, ordinal probit regression and multinomial logistic regression analysis (MacDonald & Chesney-Lind, 2001; MacDonald, 2003; Leiber & Johnson, 2008). Other methods employed include hierarchical linear modeling (Bishop, 2005) and proportional hazard models (Rasmussen, 2004). In addition to more sophisticated statistical analyses, qualitative studies of the factors which affect juvenile processing decisions have been conducted. This is an important advancement as until recently qualitative studies of juvenile case processing decisions were few. Bishop (2005) argues this type of research is time and resource intensive. Such studies provide new avenues to consider that may affect juvenile processing decisions. For example, some qualitative research examines how probation officers' view of adolescent females can influence the decision to refer them beyond intake (Gaarder et al, 2004; Mallicoat, 2007). Other qualitative research has examined how perceptions of youth held by judges affect processing decisions (Harris, 2008).

Status and Delinquent Offenses

The type of offense a juvenile is charged with is important as it may mask the effect of non-legal variables. Early studies of case processing decisions often failed to adequately take into account how the type of offense a juvenile is charged with may affect case processing outcomes. In response to this gap in the literature, some researchers have analyzed the processing of juveniles for status and delinquent offenses separately (Bishop & Frazier 1992). Analyzing processing decisions in Florida for status and delinquent offenses separately, Bishop and Frazier

(1992) found that males were more likely to be processed beyond intake for delinquent offenses. Females were found to be more likely to be processed beyond intake for status offenses (Bishop & Frazier, 1992). In contrast, some researchers have not found that disparities in processing exist between males and females when controlling for the type of offenses they are charged with (Teilmann, & Landry, 1981; Horowitz & Pottieger, 1991). Why does it matter if a juvenile commits a status or delinquent offense? Why would the juvenile process differ based on the offense a juvenile is charged with?

Status offenders make up approximately fourteen percent of the juvenile court caseload (Sickmund, 2000). Males and females are both more involved in minor property offenses and substance abuse offenses than they are more serious crimes such as robbery or murder (Steffensmeier & Allan, 1996). Males commit more crime than females do in every offense category except for prostitution (Steffensmeier & Allan, 1996). Self-report data indicate that males and females commit similar levels of status offenses. Discrepancies between self report data and official statistics have led some researchers to argue that a sexual double standard exists in the juvenile justice system (Chesney-Lind, 1977; Pope & Feyerherm, 1982). The theme that females are more likely than males to be processed for status offenses permeates the juvenile case processing literature. Historically, status offenses have been linked to the sexuality and morality of females (Macdonald & Chesney-Lind, 2001). Herz (1998) argues that this link may be due to “parental referrals of their daughters to the juvenile system” for status offenses (Herz, 1998, p 176). Females have been subject to more parental controls than males and held to a different set of role expectations (Herz, 1998). Status offenses have traditionally been considered violations of family norms (Chesney-Lind, 1973). Committing status offenses has historically been seen as a violation of gender roles for females. Parents thus partly define these offenses for

the juvenile system and indicate that they are “not capable of socializing and training” their daughters (Herz, p 176, 1998)

Theoretical Perspectives

Several studies indicate that males and females are treated differently by the criminal justice and juvenile justice systems (Pollock, 1950; Datesman & Aicken, 1984; Chesney-Lind & Pasko, 2004). The inclusion of gender as a variable that may affect case processing decisions however is relatively new. Before 1970, studies of case processing almost universally failed to look at gender as a predictor of case processing decisions (Nagel & Hagen, 1983). Rasche (1975) argued that the majority of criminological research at that time focused primarily on males. Nagel and Hagen (1983) argue that there is strong theoretical justification to look at gender as a factor in processing decisions.

Traditional legal theory argues that individuals who commit crime will be subject to punishment for their behavior according to the rule of law. Applying this theory to the juvenile system, it is expected that legal variables would be the sole determinates of processing decisions. Traditional legal theory used as a sole explanation of the behavior of personnel in the juvenile or criminal justice system is faulty, however, in that it does not take into consideration social factors that may affect decision making. For example, conflict and labeling theorists argue that the relative power of an individual is an important factor in case processing decisions (Turk, 1969; Quinney, 1970).

According to conflict theorists, those with power in society make law in order to maintain their position in society. People who threaten the position of those in power are labeled as criminal. Another theory developed to explain how the police react to criminal behavior is the symbolic assailant theory. Symbolic assailants are individuals that are categorized as trouble

makers because of particular physical features or attitudes (Skolnick, 1966). Because of this, these individuals are at a higher risk of involvement with the police despite any violation of the law (Skolnick, 1966). This may partially explain the overrepresentation of minorities in the juvenile system. If minority youth are seen as symbolic assailants and / or a threat to those in power, then they may be disproportionately processed into the juvenile system. Finally, Black (1976) argues that the amount or quantity of law applied to an individual is relative to their social rank; those with less power in society will be more likely to have sanctions imposed on them. It can be assumed that females have historically been less powerful in society than males because of their weaker ties to the economic means of production as well as their under representation in economic and political leadership (Nagel & Hagen, 1983). If females have historically had less power and social status than males (both as adults and juveniles), females should be more likely to be recommended for referral beyond intake. In addition, some literature indicates that parents are more likely to refer their daughters to the police for deviant behavior than their sons (Herz, 1998). If parents disproportionately refer their daughters to the police, then females will disproportionately be represented for the offenses they are referred for.

Several perspectives have been developed to explain the delinquent behavior of females and their processing in the criminal and juvenile justice system. More specifically, theories and perspectives used to explain the experiences of adult females in the criminal justice system have been used to explain the experiences of juvenile females. This practice raises an interesting question. Do adolescent females experience the juvenile justice system the same way that adult females experience the criminal justice system? While the answer to this question is important, it is not the ultimate goal of this dissertation to confront this issue. It is an important issue in the literature nonetheless. If adolescent females experience the juvenile justice system differently

than adult females experience the adult criminal justice system, then we must modify our theoretical perspectives to account for these differences.

Sociological explanations developed to explain the reaction of juvenile justice personnel to female delinquency include the chivalry/paternalism hypothesis (Pollock, 1950), the evil woman hypothesis (Nagel & Hagan, 1983) and the equal treatment hypothesis (Curran, 1983). These perspectives are not fully developed theories but are nonetheless grounded in macro sociological theories such as conflict theory and feminist theory. These perspectives are discussed below

Three Different Hypotheses

The thesis that females are given chivalrous treatment by the criminal justice system was first mentioned by Thomas (1907) in his book *Sex and Society* (Nagel & Hagan, 1983). According to Thomas, females are held to a high standard for their behavior. When they commit crime, however, they are not held responsible to the degree males are (Thomas, 1907). Pollock (1950) echoes this sentiment by arguing that legal authorities (police, attorneys, judges,) do not like to accuse females of wrong doing nor do they like to prosecute them.

Datesman and Scarpitti (1980) argue that female crime is perceived as less serious than crime committed by males. Nagel and Weutzman (1971) argue that female offenders are far less likely to be reported to the police and be processed into the juvenile system. The chivalry hypothesis argues that females have an “advantage” over males in the justice system because they are not held as accountable as males because of their gender and the image they hold in society (Farnworth & Teske, 1995).

Early studies of case processing, particularly at the intake stage, provided support for the chivalry hypothesis (Defleur, 1975; Nagel & Hagan, 1983; Datesman & Aicken, 1984; Gruhl,

Welch & Spohn, 1984; Wilbanks, 1986). Bishop and Frazier (1992) found that chivalrous treatment exists for males and females in the juvenile justice system, but the treatment is dependent on the type of offense committed. At intake, females are less likely to be processed formally for delinquent offenses but they are more likely to be processed for status offenses (Bishop & Frazier, 1992). Males are less likely to be processed beyond intake for status offenses while being more likely to be processed beyond intake for delinquent offenses (Bishop & Frazier, 1992). In contrast, McDonald and Chesney- Lind (2001) failed to find gender differences in treatment at intake if both males and females are charged with a serious offense. Nagel & Hagan (1983) argue that the chivalry thesis is not wholly accepted. Some researchers argue that assuming that the chivalry hypothesis equally applies to all women is over simplistic. Farnworth and Teske (1995) for example discuss three alternatives to the chivalry hypothesis: the selective chivalry hypothesis, the typicality hypothesis, and the differential discretion hypothesis. Like the chivalry hypothesis, the selective chivalry hypothesis states that women receive preferential treatment by the courts. Some researchers, however, have questioned whether chivalrous treatment is received equally by poor and minority women (Anderson, 1976). Farnworth and Teske (1995) argue that since the judges of our court system are predominantly white middle and upper class males, then chivalrous treatment is extended predominantly to white middle and upper class females.

The typicality hypothesis argues that females receive chivalrous treatment when they are charged with “female” type crimes (Farnworth and Teske, 1995). Crimes such as murder, which is considered a “masculine” crime, would elicit harsher treatment. Datesman and Aicken (1984) in their study of juvenile court referrals failed to find evidence which supports the typicality hypothesis. Datesman and Aiken (1984) found that females charged with status offenses were

more likely to be processed beyond intake than males charged with status offenses. This finding provides support for the evil woman hypothesis, discussed in the next paragraph.

The differential discretion hypothesis states that chivalrous treatment is extended to females early in the informal stages of juvenile case processing (Farnworth and Teske, 1995). Chivalrous treatment however declines as the juvenile moves into more formal stages because of legal constraints. The evil woman hypothesis argues that females are treated more harshly by the criminal justice system than males are because females who commit crime are punished not only for their crimes, but also for defying gender roles. In contrast, the equal treatment hypothesis posits that males and females are treated the same by the criminal justice system (Visher, 1983). Support for the evil woman hypothesis is strongest at the decision making stage by police (Belknap, 2001). Ghali and Chesney-Lind (1986) found that females were discriminated against at this stage. Wilbanks (1986) also found females were treated harshly at this stage. Support for the evil woman hypothesis is found particularly when we compare the differential treatment of males and females for status offenses (Herz, 1998).

Race and Processing Decisions

Several studies that look at juvenile case processing have found that African Americans are more likely to be processed beyond intake regardless of the offense they are charged with (Bishop & Frazier, 1996; DeJong & Jackson, 1998; Bishop, 2005; Leiber & Johnson, 2008). Bishop (2005) provides a thorough analysis of the role of race in processing decisions. The most frequent finding in the literature is that given similar records and being charged with similar offenses, at intake minorities are more likely to be released but also more likely to be referred for formal processing than non-minorities (Bishop, 2005). Put another way, minority youth are less likely than white youth to participate in diversion programs but they are more likely to have their

case dismissed or processed beyond intake (Bishop, 2005). In addition, race effects are found to be more prevalent in studies that examine the early stages of processing rather than later stages (Engen, Steen, & Bridges, 2002). Bishop (2005) provides several explanations for why youth of color may receive the most severe and lenient sanctions. Minorities may have their cases dismissed because of the screening role intake officers have. Intake officers may screen out a minority youth because they feel the youth was subject to police bias or the case is too weak for a conviction (Bishop, 2005). Minorities may not be eligible for diversion programs (Bishop, 2005). If juvenile personnel must be able to contact parents in order for a child to be eligible for a diversion program, minorities may be at a disadvantage (Bishop, 2005). Research indicates that minorities are less likely to come from two-parent households (Kempf, Decker, & Bling, 1990; Bishop & Frazier, 1996). Even when two parents are present, minority families are often seen as less able to control their children than whites (Frazier & Bishop, 1995). Without family contact, intake officers may detain minority youth till their adjudication hearing.

There are several explanations used to explain the differential treatment of minorities by the juvenile justice system. The two major explanations of differential treatment are the differential offending and differential treatment hypothesis (Bishop, 2005). The differential offending hypothesis attributes the treatment of minorities by the justice system to their disproportionate involvement in crime (Engen, Steen, & Bridges, 2002; Bishop, 2005). The hypothesis posits that minorities engage in a larger proportion of criminal activity than whites and more serious types of crimes. Studies using official statistics indicate that crime rates are higher among certain racial/ethnic groups for certain offenses (FBI, 2006). Some studies that use self report data find little or no difference in crime rates between racial/ethnic groups (Williams & Gold, 1972; Huizinga & Elliott, 1987). Proponents of the differential offending hypothesis

argue that controlling for legal variables such as prior record will take away race effects or diminish them (Tracy, 2002). Bishop (2005) in her extensive review of the effect of race on processing decisions indicates that there is little question that race affects processing decisions. The more important question is under what conditions do racial disparities occur and why (Bishop, 2005).

The differential treatment hypothesis attributes racial disparities to discrimination (Bishop, 2005). Specifically, minorities are “subjected to more formal and more severe forms of social control than comparable white youth at all stages of juvenile justice processing” (Engen, Steen, & Bridges, 2002, p. 196). Conflict theorists argue that minorities may be subject to more formal social control because they pose a threat to the dominant white, middle and upper classes (Tittle & Curran, 1988). In addition, labeling theorists argue that minorities are more likely than whites to be perceived as dangerous; making them subject to more social control (Gove, 1980).

Race can influence processing decisions in a number of ways (Bishop, 2005). Race can have direct, indirect or contextual effects on decisions at multiple stages (Bishop, 2005). Several researchers have concluded erroneously that race does not affect processing decisions because they failed to find direct effects (Pope and Feyerham, 1982). A direct effect of race is said to be present when significant effects persist after controlling for other variables (Bishop, 2005). Direct effects do not necessarily indicate discrimination (Bishop, 2005). Race can also have indirect effects on processing decisions (Bishop, 2005). An indirect effect operates through other variables (Bishop, 2005). African Americans are more likely than whites to come from single parent homes (Leiber and Fox, 2005). In their study of processing decisions, Leiber and Fox (2005) found that coming from a single parent home decreased the chances that Black juveniles were released; the chances of release for similarly situated White juveniles increased. Race

effects can also vary within and across the social conditions in which processing decisions are made (Bishop, 2005). DeJong and Jackson (1998) found that Blacks were more likely to receive harsher treatment in urban courts than rural ones.

As mentioned above some researchers argue that the structure of the decision making process and the social context in which decisions are made can affect the outcome of processing decisions (Bishop, 2005; Leiber & Johnson, 2008). For example, most researchers view the juvenile system as comprising multiple decision points (Guevara, Spohn, & Herz, 2006; Leiber & Johnson, 2008). Bias can occur at any decision point. In addition, bias may have a cumulative effect across decision points (Ray & Alarid, 2004). Racial bias that occurs in the early stages of processing thus may affect later stages. Several researchers have found that the decision to detain a juvenile at intake can affect later processing decisions. This can contribute to racial disparities in outcomes (Secret & Johnson, 1997). Acknowledging this, researchers of processing decisions at multiple stages should try to account for bias at each decision point.

Another structural argument is that “status characteristics will vary across stages of the juvenile justice process” (Engen, Steen, & Bridges, 2002, p. 197). In other words, the structure of each processing decision point may influence the effect of different status characteristics (such as race) at each decision point. There is disagreement among researchers in how these characteristics affect processing decisions. Some researchers argue that the possibility of discrimination increases as juveniles are processed further into the system (Tittle & Curran, 1988). Other researchers argue that the possibility of bias decreases as juveniles move further into the system (Engen, Steen, & Bridges, 2002). More recent literature indicates that studies which examine early stages in case processing are more likely to find race effects than studies that examine later stages (Engen, Steen, & Bridges, 2002). Regardless of which of these

arguments are true, structural explanations have implications for examining racial disparities in processing (Engen, Steen, & Bridges, 2002). Researchers examining multiple decision points have found that disparate treatment at early decision points will affect subsequent points (Guevara, Herz, & Spohn, 2006). Discrimination at early stages thus will show up as discrimination in later stages if early stages are not controlled for (Guevara, Herz, & Spohn, 2006). Multiple decisions are made at each stage in case processing. Decisions are made by individuals who have different life experiences and philosophies that may affect processing decisions (Bishop & Frazier, 1992). Finally, processing decisions can be affected by policy changes and implementations (Harris, 2008). Literature indicates that policy implementations may contribute to racial disparities in processing even though that may not be discriminatory in intent (Spohn & Holleran, 2000).

The value of findings that indicate race effects to is dependent on how race is measured. Bishop (2005) argues many studies of juvenile case processing treat race as a dichotomous variable with categories that include white /nonwhite and white /African American. The category “nonwhite” is problematic in that it conceals the representation of different minority groups within a population or sample being examined (Bishop, 2005). The reason for this dichotomy may be because there are too few juveniles of different races in the data examined by researchers. Coding a race variable as white / nonwhite can mask the overrepresentation of minority groups (Bishop, 2005). In addition, this type of coding blurs the distinctions between race and ethnicity. The data set used in this dissertation is unique in that data is available on the processing decisions for a large number of Hispanics. This is a particular advantage of this dataset because Hispanics are often coded as “White” in other data sets, masking the

representation of Hispanics in the juvenile justice system and failing to distinguish race from ethnicity (Bishop, 2005).

Conclusion

There are two general patterns identified in the literature. First, females are more likely than males to be processed into the juvenile justice system for status offenses. Males on the other hand are more likely to be further processed into the system for delinquent offenses. A number of variables have been examined as predictors of case processing decisions. These variables can be grouped as legal, non-legal and contextual variables. The majority of case processing literature indicates legal variables are the most important factors in processing decisions. Legal variables are not able to account for all processing disparities however (Bishop, 2005). Newer research highlights the importance of contextual variables as factor in processing decisions (Bishop, 2005).

Several theoretical perspectives and hypotheses have been used to try to explain disparities in the processing of males and females. The most common hypotheses used to explain disparities include the chivalry, evil woman and equal treatment hypotheses. The chivalry hypothesis posits that females are treated more leniently than males in the justice system because they are held to different standards of behavior than males. In contrast, the evil woman hypothesis posits that females are treated harsher in the justice system because they are being punished for crimes and violating their gender roles. Finally, the equal treatment hypothesis posits that males and females are treated equally by the justice system.

Recent studies have included analyses of case processing decisions using statistical techniques such as multinomial regression, hierarchical linear modeling and probit analysis (Bishop, 2005). Keeping with the most recent literature, juvenile processing decisions are

modeled in this dissertation using multinomial regression. This dissertation adds to the case processing literature in several ways. Leiber and Fox (2005) argue that much of the case processing literature is atheoretical in nature. This dissertation adds to the literature research that tests theoretically grounded hypotheses. This dissertation also adds to the case processing literature a more complete examination of the effects of race on processing decisions. With information on the experiences of more than 100,000 Hispanic juveniles, this dissertation addresses a significant gap in the literature. Case processing studies which include Hispanic juveniles are few (Bishop, 2005). Finally, this dissertation adds to the literature an analysis of juvenile case processing in Texas at the intake stage. Chapter 3 describes the data and methodology used in this dissertation.

CHAPTER 3

DATA AND METHODS

This chapter describes the data, methodology and analysis procedures that are used in this dissertation. The first several sections describe the data as well and the methodology used in this dissertation. The next section discusses the hypotheses to be tested. The final section discusses the limitations of the study.

Data

Data for this study include all referrals to the Texas Juvenile Probation Commission (TJPC) from 1999-2003. The data were provided by TJPC. Included in the data set are demographics of all juveniles included in the data set, referral information, type of offenses each juvenile has been charged with and official reaction by court personnel to each referral. In the data set, all offenses are categorized with a unique offense code. For this dissertation, the codes were converted into “status” or “delinquent” offenses. Approximately 76.2% of juveniles in the data set are charged with delinquent offenses; the remaining 23.8% of juveniles are charged with status offenses.

Delinquent offenses are further divided into felony offenses and misdemeanors. Felony offense categories include: homicide, attempted homicide, sexual assault, robbery, aggravated assault, burglary, theft, motor vehicle theft, drug offenses, weapon violations and other felonies. Misdemeanor offense categories include weapon violations, assault, misdemeanor theft, misdemeanor drug offenses and other misdemeanors. Offenses are divided into misdemeanor and felony offenses according to how an offense is classified by the State of Texas. The data set includes referral data on 300,119 juveniles.

Ethical Issues

This study has been approved by the University of North Texas Institutional Review Board. The subjects in this study fall between the ages of 10 and 17. Because the data consists of case files and is archival in nature, no special permission is needed from parental authorities. All identifying information has been removed from the data to ensure anonymity of the subjects included in the case files. Due to the nature of the data used, there is no foreseeable reason subjects included in the data will experience any harm.

The Dependent Variable

The dependent variable in each of the multinomial regression analyses is the outcome of each processing decision made at the intake stage versus the decision to refer a case to the prosecutor. Four actions can be taken at intake: (1) a case may be dismissed or withdrawn, (2) a juvenile may receive a supervisory caution, (3) a juvenile may receive deferred adjudication or (4) a juvenile will have his or her case petitioned and sent to the prosecutor. Approximately 10.6% of juveniles had their cases dismissed or withdrawn. Approximately 21.5% of juveniles received a supervisory caution. A small percentage of juveniles received deferred prosecution (13%). Approximately 43.2% of juveniles were referred to the prosecutor. The intake disposition status of 11.3% of juveniles is unknown. The decisions are coded 1-4 with the decision to refer a case to the prosecutor as the reference category. This coding scheme is an improvement over studies of processing decisions that dichotomize intake decisions (Bishop, 2005). Recent literature indicates that dichotomizing decision points rather than looking at the multiple decisions made at a processing stage can obscure factors that can affect discrete processing decisions (Bishop, 2005; Guevara et al., 2006).

The Intake Stage

The intake stage of case processing is the first point of contact a juvenile has with the juvenile system (Bishop, 2005). At this stage, probation officers determine which cases will be formally processed into the juvenile system and which cases will be diverted. Intake is an important tool used by the juvenile court to divert cases that do not warrant formal court intervention (Leiber & Johnson, 2008). This dissertation focuses on the intake stage for several reasons. First, intake officers serve as the gatekeepers of the juvenile justice system (Leiber & Johnson, 2008). Nearly half of all referrals are diverted at intake (Bishop, 2005). Intake officers have a high level of discretion in determining if a juvenile will be formally referred beyond intake. Intake officers often are not constrained by legal issues that affect decision making at adjudication or disposition (Maume, Toth, & Spears 2006). For this reason and because of the discretion intake officers have, the opportunity for discrimination may be greatest at the intake stage (Maume, Toth, & Spears, 2006). Leiber and Stairs (1999) provide evidence that supports this idea. They found that the greatest disparities in processing took place at intake. Some researchers argue that the decision to process juveniles beyond intake affects the final disposition of their cases (Cohen & Kluegel, 1979; Bishop & Frazier, 1996). Disparate treatment at intake may put juveniles at risk of disparate treatment at other stages (Maume, Toth, & Spears 2006). If researchers do not account for disparate treatment at intake, then disparate treatment may be incorrectly inferred in subsequent stages. It is because of the issues discussed above that the focus of this dissertation is on decisions made at intake.

The Independent Variables

The independent variables examined for their effect on case processing decisions are gender, age, race, family status, severity of prior record, severity of current offense and referral source. The variables gender, age and race are non-legal or demographic variables. Gender is a dichotomous variable with females coded with a “1” and males coded with a “0”. Approximately 67.5% of juveniles in the data set are males and 32.5% of juveniles in the data set are females. Age is an interval-ratio variable. For this study, a juvenile is defined as any adolescent between the ages of ten and seventeen; congruent with the definition of a juvenile in the state of Texas. The mean age for juveniles in the data set is 14.8. The median age of juveniles in the data set is 15. The modal age of juveniles in the data set is 16. Because of the large size of the data set, removing juveniles that do not fall within the ages of ten and seventeen will not affect the analysis. Race/ethnicity is measured by two dichotomous variables. The variable “White” is coded “1” for White and “0” for all others. The variable “Black” is coded “1” for Black and “0” for all others. The reference category for both variables is Hispanic. The largest ethnic group represented in the data is Hispanic (39.7%) with Whites being the second largest group represented (39.6%). Approximately 20.6% of juveniles in the data set are African American. The other race/ethnic categories in the data set are “Asian American,” “American Indian,” “other” and “unknown.” Juveniles that fall into these categories account for 1.3% of all juveniles in the data set. These juveniles were removed from the analysis. The analysis will not be affected because of the large size of the data set.

Measures of race in juvenile processing literature are often dichotomous in nature; coding the variable white/non-white or white/African American (Bishop, 2005). One reason for this may be because the data examined do not include enough members of different minority groups for

analysis. Coding the race variable “white/nonwhite” however can be problematic because it can mask the distribution of minority groups (Bishop, 2005). Some research has been able to provide a more thorough examination of race however. MacDonald (2003) in his study of juvenile case processing in Hawaii examined the experiences of white, East Asian, Filipino and Samoan juveniles. In the data used for this dissertation, Hispanics are the largest ethnic group. This is important because the ethnic category “Hispanic” is often coded as “white” (Bishop, 2005). Coding Hispanics as whites or using a “nonwhite” category can conceal the overrepresentation of different minority groups in the juvenile justice system and blur the distinction between race and ethnicity (Bishop, 2005). This dissertation will thus will add to the literature not only a study that looks at the experiences of Hispanic juveniles in Texas, but research that examines the intersection of race and gender and the effect of this intersection on juvenile case processing.

The variable family status is a contextual variable. In this dissertation, family status is treated as a control variable. Family status is coded as a series of dichotomous variables. Because of the distribution of the data, two dichotomous variables are used. The first dichotomous variable is “other family.” The variable is coded “1” to indicate the juvenile lives in a family situation that does not include two parents or headed by a single mother and “0” to indicate living with two parents. Approximately 25.8 % of juveniles fall into the “other family” category. The second dichotomous variable “mother only” is coded “1” to indicate the juvenile lives with their mother and “0” to indicate a two parent household. The majority of juveniles (45.4%) in the data set live with their mothers only. All other family situations (25.8%) are categorized as “other family situations” due to their small numbers in the data set and because many family situations are not clear. The category “both parents” serves as the reference category. The two categories “other family” and “mother only” were chosen as the main categories of family status

based on a review of the juvenile case processing literature. Research indicates that juveniles from homes with both parents are often treated more leniently than juveniles who live with only one parent (Belknap, 2001; Leiber & Mack, 2003). Literature also indicates that juveniles from single mother homes receive harsher dispositions than juveniles that live with both parents (Pope & Feyerherm, 1982). Black (1976) provides a theoretical explanation for these findings. According to Black (1976), the amount of formal social control an individual experiences varies inversely with the amount of informal social control an individual is exposed to.

The legal variables include severity of prior record, severity of current offense and referral source. In order to create the interval-ratio variables severity of prior record and severity of current offense, all of the offenses juveniles are charged with are coded into six categories used by Bishop and Frazier (1996). The categories include: (1) misdemeanor offenses against public order or welfare, (2) misdemeanor offenses against property, (3) misdemeanor offenses against persons, (4) felony offenses against public order, (5) felony offenses against property and (6) felony offenses against persons. Status offenses are coded as '1'. The higher the score, the more severe the offense was that the juvenile was charged with. The coding scheme used was chosen because such coding provides a more detailed measurement of the variable as opposed to dichotomizing it to indicate the offense is a misdemeanor or felony.

After all offenses for each referral are recoded, the last referral for each juvenile is extracted. The last referral of each juvenile is used to create the severity of current offense variable. Over half (65%) of juveniles in the data set do not have more than one referral to the juvenile justice system during the time period examined. The majority of juveniles in the data set, (92.1%) have four or fewer referrals during the time period examined.

To calculate the interval-ratio variable prior record, all severity scores for each referral are summed and divided by the number of previous referrals the juvenile had before their most recent referral. This allows the prior record variable to take into account the number of referrals in the referral history of each juvenile as well as the severity of those referrals. This way of constructing the prior record variable is an improvement over how previous studies have constructed this variable. Some researchers have measured prior record by summing the number of previous referrals to the juvenile justice system (Herz, 1998; MacDonald, 2003). Using this type of coding, the researcher is not able to account for the severity of prior referrals. It can be argued that a juvenile with four referrals for robbery has a more severe record than a juvenile with four referrals for loitering. Researchers have also constructed dichotomous prior record variables with categories of no prior referrals and one or more referrals (Dannefer & Schutt, 1982). This dichotomous coding does not allow the researcher to provide a clear picture of the effect of prior record because information is lost because of the dichotomous coding. Referral source is a dichotomous variable with (1) indicating the juvenile was referred to the juvenile justice system by police and '0' for all other sources. Literature indicates that the majority of referrals to the juvenile justice system are made by police officers (McClusky et al., 2004). The variable referral source is dichotomized because of limitations in the data. Creating several dummy variables to represent different sources of referrals would not yield enough information in order to compare the results between different groups of juveniles referred by those other than the police. Table one in chapter 4 provides the percentage of juveniles referred to the juvenile justice system by each referral source.

Data Analysis

Multinomial regression is the statistical method used to determine how the independent variables influence processing decisions at intake. Multinomial regression is preferred to other forms of regression due to the lack of linearity assumptions. In addition, multinomial regression allows the user to compare several categories of the dependent variable to a reference category. Four different regression models are developed. The first two models test hypothesis one and two. The last two models are female only models and test Hypothesis III. Separate models are estimated for status and delinquent offenses. One of the strengths of the data set used in this analysis is the size of the data set and the time period covered by the data. The data set contains information on 348,166 juveniles and covers a time span of five years. The effect of missing cases on the analyses is limited due to the size of the data set. Two variables are affected by recoding. Approximately 4,646 juveniles (1.3%) do not meet the race criteria to be included in the analysis. Juveniles that fall within the race categories of “other,” “unknown,” “American Indian” and “Asian American” do not meet the inclusion criteria. Approximately 1,136 juveniles do not meet the age criteria to be included in this study. Juveniles who are not between the ages of 10 and 17 do not meet the inclusion criteria. After recoding the variables age and race, 342,396 valid cases are left. Listwise deletion is used to delete cases that have missing values on any variables. Approximately 42,277 cases have missing information on at least one variable. After recoding the variables age, race and deleting cases with missing values, the sample consists of 300,119 cases. This represents a reduction of 12% of the cases.

An analysis was conducted in order to examine the included and excluded cases in order to detect any potential biases in the data. Chi square tests were used to examine dichotomous variables. In this dissertation, *t*-tests were used to examine interval-ratio variables. All *t*-tests

were significant. This finding however must be considered within the context of the size of the data set. Due to the size of the data set, small differences can still be found to be statistically different. The *t*-tests indicate that juveniles excluded from the analysis have a slightly lower mean score on the variable “severity of current offense” than the mean score for the cases included in the analysis (1.81 vs. 2.11). The mean score for the variable “severity of prior record” is slightly higher for cases included in the analysis (2.037 vs. 1.784). All chi square tests were significant. The size of the data set, however, makes small differences between the included and excluded cases statistically significant. The largest difference between included and excluded cases is found when examining family situations. A larger percentage of juveniles included in the analysis live with both parents compared to juveniles excluded from the analysis (28.9% vs. 16.9%). This means that the analyses conducted provide more information about the experiences of juveniles in this data set that live with their family versus other family situations.

Hypotheses

The following hypotheses will be tested in this study:

I. Legal variables will be more significant factors in processing decisions at the intake stage than non legal variables.

The theoretical foundations for this hypothesis lie in Weber’s analysis of the legal sphere. In his analysis, Weber indicates that “law making and law finding may be rational or irrational” (Weber, 1978). Weber was particularly concerned that with the rise of Capitalism, all spheres of society including the legal sphere would be characterized by an overreliance on rational calculation in pursuit of efficiency. Law in Western societies is characterized primarily by “formal rationality” (Weber, 1978). In legal systems based on formal rationality, Weber argues a guiding principle is that “every legal decision be the “application” of an abstract legal

proposition to a concrete “fact situation” (Weber, 1978, p. 657). Additionally, “whatever cannot be “construed” rationally in legal terms is also legally irrelevant” (Weber, 1978, p. 657). Based on these propositions, variables such as gender should not play as strong of a role in processing decisions as legal variables.

II. Females will be more likely to be recommended for processing beyond intake for status offenses than males and less likely than males to be processed beyond intake for delinquent offenses.

The theoretical grounding for this hypothesis comes from several sources. Staples (1984) argues that juvenile personnel may treat females harsher for minor forms of delinquency in order to discourage further delinquency. Females accused of delinquent behavior may be considered beyond help or rehabilitation. Processing females for status offenses thus may be a form of “protection” from an evolving delinquent career (Staples, 1984). Hypothesis two is also based on empirical findings in the literature and Harris’s (1977) theory of deviant type scripts. Research indicates consistently that females are more likely to be processed into the juvenile system for status offenses (Chesney-Lind & Sheldon, 2003). Females are also more likely than males to be arrested for status offenses (Chesney-Lind & Pasko, 2004). Bishop (2005) argues that disparities in processing are partly contingent on offense type. In other words, the offense type juveniles are charged with may intentionally or unintentionally adversely affect certain populations. Bishop (2005) shows that the “war on drugs” resulted in the disproportionate arrest of minorities due to the over focus on areas of high crime where a large percentage of minorities reside. In this dissertation I argue that a similar situation exists with females and status offenses. Females have historically been more likely to be arrested and charged with status offenses than males (Chesney-Lind & Pasko, 2004). In addition, parents have traditionally been more willing to

report their daughters to the police for unruly behavior than their sons (Hiller & Hancock, 1981; Sarri, 1983; Chesney-Lind & Sheldon, 1992; Bishop, 2005). The overrepresentation of females processed for status offenses thus may be a function of their historic overrepresentation in arrests for status offenses. As with the overrepresentation of minorities in the juvenile system, the reason for the disproportionate arrests of females for status offenses may be a function of differential offending patterns or differential treatment (Bishop, 2005). Regardless of which explanation is true, the effect of either explanation is that females are more likely to be arrested and processed into the juvenile system for status offenses.

Harris (1977) argues that any theory of deviance “is a theory involving the stratification of behavior and identities” (p. 11). In addition, the dominant social group in society maintains their dominance by assigning certain roles and characteristics to members of different groups in society (Harris, 1977). Examples of these roles include the assignment of “blacks to the ghetto, women to the home and poor to the factory” (Harris, 1977, p. 11). These “scripts” meet “the function of preserving white, male, middle-class dominance” (Harris, 1977, p. 11). Harris argues that socially dominant groups define “deviant” type scripts for different groups in society in order to maintain their position in society. In addition, these deviant type scripts must not threaten the “institutional hegemony of the socially dominant” (Harris, 1977, p. 13). In other words, the removal of individuals from their legitimate role in society must not threaten the position of socially dominant groups. For example, removing black men from the family ultimately does not threaten the social dominance of whites (Harris, 1977). In contrast, removing women from the home through prison threatens the dominant status of men in society (Harris 1977). Harris argues that “the prime structural mainstay of male institutional hegemony has been the continued assignment of females to the home and the role of homemaker” (p. 13). In this

dissertation I argue that this statement holds true for adult and juvenile females. Specifically, I argue that the socialization of females as homemakers begins early in life. This socialization is important to maintain the position of males in society. Harris (1977), however, does not distinguish between juvenile and adult females.

This dissertation extends the theory of deviant type scripts to juvenile females. Specifically, I argue that intake officers process females for status offenses more readily than delinquent offenses because of the role females have been assigned in society. Several researchers argue that the justice system is a patriarchal institution (Belknap, 2001; Carr et.al., 2008). The final disposition for delinquent offenses can include incarceration in a juvenile facility or having a case transferred to adult court. Incarceration as a juvenile may increase the probability of incarceration as an adult (Sampson & Laub, 2005). Incarcerating females threatens the social dominance of males (Harris 1977). In this dissertation I argue that females will be more likely to be processed for status offenses because the dispositions received for status offenses do not threaten the *future* role of females as homemakers to the degree that dispositions for delinquent offenses do. Incarceration as a juvenile may increase the probability of incarceration as an adult (Sampson & Laub, 2005). Incarcerating females threatens the social dominance of males (Harris 1977). Females will be more likely to be processed for status offenses because the dispositions received for status offenses do not threaten the *future* role of females as homemakers to the degree that delinquent offenses do.

III. Hispanic and African American females will be more likely to be recommended for formal processing beyond intake than white females.

This hypothesis highlights the interaction between race and gender and how this interaction can influence case processing decisions. This hypothesis focuses specifically on females in order to highlight the experiences of females in the juvenile system. Some researchers argue that the experiences of females in the juvenile system have been lost; with research focusing primarily on the experiences of males (Belknap, 2001). While the experiences of males is also important, this hypothesis focuses on females in order to highlight their experiences in the juvenile system. The theoretical basis for this hypothesis is the group threat hypothesis and a corollary to the chivalry hypothesis. The group threat hypothesis is grounded in conflict theory. Conflict theory posits that “society is influenced by a never ending battle between social groups with distinctive but opposed interests” (Maume, Toth & Spears 2006). Some researchers argue that the juvenile justice system was developed to control minority youth because they are a threat to Whites and middle class values (Chambliss & Siedman, 1982; Leiber & Johnson, 2008). Conflict theorists argue that members of lower social status groups will receive harsher treatment by the justice system in order for elite groups in society to maintain their power (Maume, Toth, & Spears 2006). Blacks are more likely than whites to be in lower status groups (Maume, Toth, & Spears 2006). Judges and other high ranking justice personnel are more likely to be part of the (white) elite group (Maume, Toth, & Spears 2006). The group threat hypothesis posits that the punishment of minority groups varies with the amount of threat posed to non-minorities (Tittle & Curran, 1988). The concept of “threat” has traditionally been based on the demographic representation of minorities groups in a particular area (Tittle & Curran, 1988). Put another way, minority threat varies inversely with the number of minorities in a particular area. Tittle & Curran (1988) argue, however, that population measures are crude measures of minority threat. In addition, minority composition is not necessarily indicative of the threat or power of

minorities (Tittle & Curran 1988). Finally, Tittle and Curran argue that various measures can be constructed to measure minority threat. In this dissertation, I argue that the race and ethnic makeup of juveniles in Texas, particularly the large number of Hispanics, is perceived as a threat, to Whites. Because of the increasing minority representation in Texas, minorities will be more likely to be processed beyond intake because they are perceived as threats.

Farnworth and Teske (1995) argue that the proposition that all females will receive chivalrous treatment by the juvenile system is over simplistic. Proposing what they call the selective chivalry hypothesis, Farnworth and Teske argue that since the judges of our court system are predominantly white, middle and upper class males, then chivalrous treatment is extended predominantly to white, middle and upper class females (Farnworth & Teske, 1995). Based on the 'selective' chivalry hypothesis and conflict theory, it is expected that Hispanic and African American female juveniles will be more likely to be formally processed beyond intake than white female juveniles.

Limitations

As with any study, this study of juvenile case processing decisions has limitations. This study examines the experiences of juveniles in the juvenile justice system in Texas from 1999 to 2003. The results are not generalizable to other states. In addition, the findings are only representative of the experiences of juveniles in the juvenile justice system in Texas for the time period examined. This dissertation does not have qualitative information on processing decisions. Without qualitative data, the results of the analyses are purely empirical in nature. Another limitation to this study is the focus on females rather than males. The focus on females is justified, however, in order to highlight the experiences of females in the juvenile system.

Another limitation of this study is that it only looks at one stage in juvenile case processing.

Finally, this study is limited by the use of agency data provided.

CHAPTER 4

ANALYSIS AND RESULTS

This chapter presents the analysis and results of the multinomial regression analyses. The first section provides an overview of the descriptive statistics for the population of juveniles referred to the juvenile justice system in Texas from 1999- 2003 used in this analysis. The next section reviews the results of the multinomial regression analyses conducted to test Hypothesis I. The following section examines if the results of the multinomial regressions presented in Table 2 and 3 support Hypothesis II. The next section examines Hypothesis III and the results of the female-only regressions. The final section summarizes the findings.

Descriptive Statistics

Table 1 provides the descriptive statistics for the population of juveniles referred to the juvenile justice system in Texas from 1999-2003 used in this analysis. The majority of juveniles in the sample are males (67.5%), The average age of juveniles in the data is 14.8 with the highest percentage of juveniles being 16. The majority of juveniles referred to the juvenile justice system were referred by the police. A small percentage was referred by the probation department. Approximately 71% of juveniles had no more than one referral to the juvenile justice system. A small percentage (8%) had more than four referrals to the juvenile justice system for the same time period. The average severity of prior record score indicates that most juveniles referred to the Texas juvenile justice system were referred for relatively minor offenses.

Table 1

Descriptive Statistics of Independent Variables (N=300,119)

| | N | % | Mean | SD |
|-----------------------------|---------|------|----------------------|------|
| Age | | | 14.8 | 1.50 |
| 10-12 years | 15,576 | 8.8 | | |
| 13 years | 29,146 | 9.7 | | |
| 14 years | 47,312 | 15.8 | | |
| 15 years | 71,308 | 23.8 | | |
| 16 years | 108,672 | 36.2 | | |
| 17 years | 17,330 | 5.8 | | |
| Severity of Prior Record | | | 1.21 Scale = 0-12 | 1.23 |
| 0-1 referrals | 213,519 | 71.1 | | |
| 2 referrals | 35,694 | 11.9 | | |
| 3 referrals | 15,763 | 5.3 | | |
| 4 referrals | 11,270 | 3.8 | | |
| > 4 referrals | 23,873 | 8.0 | | |
| Severity of Current Offense | | | 2.11 Scale=1-6 | 1.6 |
| Referral Source | | | | |
| Police | 23,0469 | 76.8 | | |
| School | 19,680 | 6.6 | | |
| Probation Dept | 15,237 | 5.1 | | |
| Other | 34,733 | 11.6 | | |
| Sex/Gender | | | | |
| Male | 202,592 | 67.5 | | |
| Female | 97,527 | 32.5 | | |
| Race/Ethnicity | | | | |
| White | 118,941 | 39.6 | | |
| Black | 61,889 | 20.6 | | |
| Hispanic | 119,289 | 39.7 | | |
| Family Status | | | | |
| Both Parents | 86,631 | 28.9 | | |
| Mother | 136,202 | 45.4 | | |
| Other | 77,286 | 25.8 | | |

Hypothesis I

The first hypothesis of this dissertation posited that case characteristics would have a more significant effect on processing decisions than individual characteristics. Tables 2 and 3 present the multinomial regression models that predict a juvenile being processed to each decision point during intake relative to being referred to the prosecutor. As mentioned in chapter 3, separate analyses were conducted for juveniles charged with status and delinquent offenses. As Table 2 indicates, the full model for delinquent offenses is significantly better than the intercept only model ($\chi^2 = 43420.397; <.001$). The significant model chi square indicates that at least one of the predictors is significantly related to the dependent variable (Garson, 2008). Two pseudo R^2 s are presented in Table 2. Both R^2 s are presented as is recommended by some researchers (Osborne, 2006) In OLS regression, R^2 is accepted as an indicator of the “goodness of fit” of a particular model. The model R^2 in OLS is an indicator of the proportion of variance in the dependent variable explained by the independent variables (Cohen, Cohen, West, & Aiken, 2002). Non linear models do not have an agreed upon measure or index of goodness of fit (Cohen, Cohen, West, & Aiken, 2002). The “pseudo R^2 s” produced by non linear models do not have the same interpretation as the R^2 s produced in OLS regression. Pseudo R^2 s do not have a maximum value of one (Menard, 2000). OLS R^2 s have a maximum value of one; indicating that 100% of the variation in the dependent variable is explained by its linear relationship with the independent variables in a model. For this reason, researchers do not recommend interpreting pseudo R^2 s as OLS regression R^2 s (Menard, 2000). The two pseudo R^2 s presented in Table 1 are Cox & Snell and Naglekerke R^2 s. The Cox & Snell R^2 has a maximum value of .75 (Menard, 2000). The Naglekerke R^2 is rescaled in order to bring the maximum value closer to one.

Table 2

Multinomial Regression Coefficients and Odds Ratios Predicting Intake Decisions Versus Referral to The Prosecutor- Delinquent Offenses (N=228,456).

| | Dismissed or Withdrawn Model I | | Supervisory Caution Model II | | Deferred Prosecution Model III | | Log Likelihood Chi Square ¹ |
|------------------------------------|-----------------------------------|-------|---------------------------------|-------|-----------------------------------|-------|---|
| | b | Odds | b | Odds | b | Odds | |
| Legal | | | | | | | |
| Severity Of Current Offense | -.465 *** | .628 | -.443 *** | .642 | -.468 *** | .626 | 23146.157 *** |
| Severity of Prior Record | -.071 *** | .931 | -.152 *** | .859 | -.382 *** | .682 | 8797.188 *** |
| Referral Source (1=Police) | .624 *** | 1.867 | .054 ** | 1.055 | .172 *** | 1.187 | 797.337 *** |
| Non-Legal | | | | | | | |
| Black (ref=Hispanic) | -.007 | .993 | .005 | 1.005 | -.359 *** | .723 | 471.907 *** |
| White | -.299 *** | .742 | .237 *** | 1.267 | -.015 | 1.001 | 664.894 *** |
| Age | -.004 | .996 | -.033 *** | .967 | -.113 *** | .894 | 811.038 *** |
| Other Family (ref=Both Parents) | .310*** | 1.363 | .026 | 1.026 | -.142 *** | .867 | 288.138 *** |
| Mother Only | .627 *** | 1.871 | -.177 *** | .838 | -.227 *** | .797 | 1610.245 *** |
| Sex/Gender (1=Female) | .387 *** | 1.473 | .534 *** | 1.706 | .458 *** | 1.581 | 2257.893 *** |
| Intercept | -1.747 *** | | .124 | | 1.602 *** | | 1407.134 *** |
| χ^2 | 43420.397 *** | | | | | | |
| Cox & Snell R^2 | .173 | | | | | | |
| Nagelkerke R^2 | .195 | | | | | | |

1. The chi-square statistic is the difference in the -2 log likelihoods between the full model and the model and the reduced model.

* $p < .05$ ** $p < .01$ *** $p < .001$

The legal and non-legal variables are measured on different scales. Due to the different scales, the logit coefficients are not comparable in terms of the relative strength of each variable. The last columns of Tables 2 through 5 present the chi square statistics for each variable. The chi square statistic is the difference in the -2 log likelihoods in the final and reduced models when a variable is removed from the final model (Garson, 2008). The chi square statistic can be used to examine the importance of each variable in the model (Garson, 2008). The higher the chi square statistic, the greater loss of model fit if the variable is removed (Garson, 2008). In Table 2, all log likelihood chi squares are significant, indicating that each variable contributes significantly to the model. Overall, Table 2 provides support for Hypothesis I. Except for referral source, all legal variables have higher chi square statistics than the non legal variables. The removal of the variable severity of current offense leads to the highest drop in the chi square value for the full model. Removal of the severity of current offense variable results in a drop in the chi square value for the full model of 23,146.157 points. Removal of the severity of prior record variable results in the drop in the chi square value for the full model of 8,797.188 points. The removal of the variable gender results in the third largest drop in the chi square value for the final model (2,257.893 points). Removal of the legal variable referral source results in a drop in the chi square for the final model of 797.337 points.

Table 2 provides the logit coefficients and odds ratios for a juvenile having a case withdrawn or dropped, receiving a supervisory caution or receiving deferred prosecution vs. being referred to the prosecutor (delinquent offenses). Rather than interpret the odds ratio for every variable at each decision point, I will discuss the overall effect of some of the variables across the decision points.

The direction of the gender logit is consistent across all decision points. In general, Models I-III indicates that the odds of a juvenile having his/her case dismissed or withdrawn, receive a supervisory caution or receive deferred prosecution vs. being referred to the prosecutor are higher for females than males. According to Model II, The variable gender has the strongest effect at the supervisory caution decision point. The predicted odds for females receiving a supervisory caution vs. being referred to the prosecutor are 1.706 times the predicted odds for males. Across all decision points, gender is significant at less than .001. Taken overall, Table 2 indicates males are more likely to be referred to the prosecutor than females for delinquent offenses. The direction of the logits of the legal variables severity of prior record and severity of current offense is consistent across all models. As severity of prior record increases, the predicted odds that a juvenile will have their case dismissed or withdrawn, receive a supervisory caution or deferred prosecution vs. being referred to the prosecutor decreases. Put another way, as the severity of prior record increases, the odds that a juvenile will be referred to the prosecutor increases. Model III indicates that the variable severity of prior record is most influential (as indicated by the highest absolute value of the logits) in the decision to allow deferred prosecution vs. being referred to the prosecutor. With every one unit increase in severity of prior record, the predicted odds of receiving deferred prosecution versus being referred to the prosecutor decrease by a factor of .682, all else being equal. The logits for the variable severity of current offense also are in the same direction as the logits for the variable severity of prior record. Like severity of prior record, the variable severity of current offense is most influential at the decision to allow deferred prosecution vs. being referred to the prosecutor.

Table 3 provides the logit coefficients and odds ratios predicting a juvenile will have their case withdrawn or dropped, receive a supervisory caution or receive deferred prosecution vs. being referred to the prosecutor (status offenses). The model chi square statistic ($\chi^2 = 11397.488$; $p < .001$) indicates the full model is significantly better than the intercept only model. The Cox & Snell R^2 is .147. The Nagelkerke R^2 is .163. In all of the models discussed the Nagelkerke R^2 is higher than the Cox and Snell R^2 . This is commonly the case because the Nagelkerke R^2 is scaled to reach a maximum value closer to one (Menard, 2000). Examining the chi square statistics in the last column for each variable indicates that hypothesis one is not supported in this model. The chi square statistic for the final model drops by 1,499.295 points when the variable severity of prior record is removed. Removal of the variable mother only results in a drop in the chi square statistic by 4,572.428 points. The removal of the variable referral source results in a drop in the chi square statistic of only 216.787.

Consistent with Table 2, the logit and odds ratio for prior record in each model indicates that an increase in the severity of prior record increases the odds of a juvenile being referred to the prosecutor. Specifically, juveniles are less likely to have their cases dismissed, receive a supervisory caution or receive deferred prosecution vs. being referred to the prosecutor. Also consistent with Table 2, Model III indicates that severity of prior record is most significant at the decision to grant deferred prosecution vs. refer a case to the prosecutor. Every one unit increase in severity of prior record decreases the predicted odds of a juvenile receiving deferred prosecution vs. being referred to the prosecutor by a factor of .693, all else being equal. Model III also indicates that juveniles referred by the police have greater odds than juveniles referred by other sources of being referred to the prosecutor.

Being referred by the police has its greatest influence (based on the magnitude of the logit) at the decision to grant deferred prosecution vs. referral to the prosecutor. The odds for juveniles referred by the police will receive deferred prosecution vs. being referred to the prosecutor are .620 times the odds for juveniles referred by other sources, all else being equal. Model II indicates that the odds that juveniles who are referred by the police will receive a supervisory caution vs. being referred to the prosecutor are .854 times the odds for juveniles referred by other sources, all else being equal. Model I indicates that the odds for juveniles who are referred by the police will have their case dismissed or withdrawn vs. being referred to the prosecutor are .802 times the odds for juveniles referred by other sources, all else being equal. Overall, Hypothesis I is not supported. The separate analyses by offense type indicate that the effect of the legal variables varies however. For delinquent offenses, all legal variables except referral source are stronger predictors of processing decisions than the non legal variables. For status offenses, legal variables are not the strongest predictors of processing decisions. The effects of the legal variables severity of current offense and severity of prior record are similar at each decision point. Overall, for delinquent offenses, increasing severity of prior record and current offense increases the probability that a juvenile will be referred to the prosecutor. Juveniles charged with status offenses, with a prior record are less likely to have their case withdrawn, receive a supervisory caution or receive deferred prosecution vs. being referred to the prosecutor.

Table 3

Multinomial Regression Coefficients and Odds Ratios Predicting Intake Decisions Versus Referral to The Prosecutor- Status Offenses (N=71,663).

| | Dismissed or Withdrawn Model I | | Supervisory Caution Model II | | Deferred Prosecution Model III | | Log Likelihood Chi Square ¹ |
|---------------------------------|-----------------------------------|-------|---------------------------------|-------|-----------------------------------|-------|---|
| | b | Odds | b | Odds | b | Odds | |
| Legal | | | | | | | |
| Severity of Prior Record | -.182 *** | .834 | -.264 *** | .768 | -3.66 *** | .693 | 1499.295 *** |
| Referral Source (1=Police) | -.221 *** | .802 | -.157 *** | .854 | -.478 *** | .620 | 216.787 *** |
| Non-Legal | | | | | | | |
| Black (ref=Hispanic) | .394 *** | 1.482 | .312 *** | 1.366 | .092 | 1.097 | 152.937 *** |
| White | .129 *** | 1.137 | .244 *** | 1.276 | -.105 *** | .901 | 195.631 *** |
| Age | -.013 | .987 | -.134 *** | .874 | -.141 *** | .868 | 524.244 *** |
| Other Family (ref=Both Parents) | -.054 | .948 | -.084 ** | .919 | -.446 *** | .640 | 130.510 *** |
| Mother Only | 1.308 *** | 3.697 | -.310 *** | .733 | -.609 *** | .544 | 4572.428 *** |
| Sex/Gender (1=Female) | -.102 *** | .903 | .467 *** | 1.596 | .264 *** | 1.391 | 1003.638 *** |
| Intercept | .298* | | 3.426 *** | | 2.171 *** | | 1455.717 *** |
| χ^2 | 11397.488 *** | | | | | | |
| Cox & Snell R^2 | .147 | | | | | | |
| Nagelkerke R^2 | .163 | | | | | | |

1. The chi-square statistic is the difference in the -2 log likelihoods between the full model and the reduced model

* $p < .05$ ** $p < .01$ *** $p < .001$

Hypothesis II

Hypothesis II posits that females will be more likely to be processed beyond intake for status offenses and less likely than males to be processed beyond intake for delinquent offenses. In chapter 2 I argue that females are more likely to be processed beyond intake for status offenses partly because females are more likely than males to be charged with status offenses. Cross tabulation was conducted between offense type charged with and gender. The results show that approximately 18.5% of males were charged with status offenses. Approximately 35.1% of females were charged with status offenses. Approximately 52.2% of juveniles charged with status offenses were male. Approximately 47.8% of juveniles charged with status offenses were female. Tables 2 and 3 demonstrate the effect of gender on processing decisions within a multivariate context. Table 2 indicates that the predicted odds of females being processed beyond intake for delinquent offenses are lower than the predicted odds for males. Model I indicates that the predicted odds of females having their case withdrawn or dismissed vs. being referred to the prosecutor are 1.473 times the odds for males. Model II indicates that the predicted odds of females receiving a supervisory caution vs. being referred to the prosecutor are 1.706 times the predicted odds for males. Model III indicates that the predicted odds of females receiving deferred prosecution vs. being referred to the prosecutor are 1.581 times the odds for males.

Several other variables also influence processing decisions (for delinquent offenses). Interpreting the absolute value of the logits, the effect of coming from a mother only family is greatest when deciding to dismiss or withdraw a case vs. referring the case to the prosecutor (Model I). Juveniles from a home headed by a single mother have greater odds of having their case dismissed or withdrawn than juveniles from two parent families. Juveniles from two parent families have lower odds of their case being dismissed than juveniles that fall into the category

of other family situations. Age also effects processing decisions. At each decision point, the effect of age is consistent; every one year increase in age increases the predicted odds that a juvenile will be referred to the prosecutor.

Table 3 demonstrates the effect of gender on processing decisions for status offenses. Model I indicates that the predicted odds of females having their case dismissed or withdrawn vs. being referred to the prosecutor are lower than that of males. Model II indicates that the predicted odds of females receiving a supervisory caution vs. being referred to the prosecutor are 1.596 the predicted odds for males. The predicted odds of females receiving deferred prosecution vs. being referred to the prosecutor are 1.391 times the predicted odds for males.

As was the case with delinquent offenses, the effect of coming from a single mother household is greatest at the decision to dismiss or withdraw a case vs. refer it to the prosecutor. The predicted odds of a case being dismissed or withdrawn are higher for juveniles from mother only families than the predicted odds for juveniles from two parent families. Juveniles from two parent families have greater odds of receiving deferred prosecution than juveniles from other family situations.

Based on the multivariate analyses presented in Table 2 and 3, hypothesis two is partially confirmed; females are less likely to be processed beyond intake for delinquent offenses. In addition, females overall are less likely to be processed beyond intake for status offenses. Table four and five present the analyses conducted to test hypothesis three.

Hypothesis III

Hypothesis III posits that minority females are more likely to be processed beyond intake than non-minority females. Table 4 displays the logit coefficients and odds ratios for a juvenile having their case dismissed or withdrawn, receiving a supervisory caution or receiving deferred

prosecution vs. being referred to the prosecutor (delinquent offenses). The model chi square indicates that the final model is significantly better than the intercept only model ($\chi^2 = 10362.944; <.001$). The significant model chi square indicates that at least one of the predictors is significantly related to the dependent variable (Garson, 2008). The Cox and Snell pseudo R^2 equals .151. The Nagelkerke pseudo R^2 equals .165. The effect of minority status is not consistent across decision making points. Black juveniles overall are more likely to be processed beyond intake than Whites. The only decision point this is not true is at the decision to dismiss or withdraw a case vs. referral to the prosecutor. The odds for Blacks having their case dismissed or withdrawn vs. being referred to the prosecutor are 1.460 times the predicted odds for whites. In contrast, Blacks are less likely than Whites to receive a supervisory caution or receive deferred prosecution. Table 4 indicates that overall, Hispanics are less likely to be referred beyond intake than Whites. Model I indicates that the predicted odds that Hispanics will have their cases withdrawn vs. referred to the prosecutor are 1.387 times the odds for Whites. In contrast, Model II indicates that the odds that Hispanics will receive a supervisory caution vs. referral to the prosecutor are .800 times the odds for Whites. Finally, the predicted odds that a Hispanic will receive deferred prosecution vs. being referred to the prosecutor are 1.186 times the odds for whites. Blacks overall are more likely to be referred to the prosecutor than Whites. In contrast, Hispanics are less likely to be referred to the prosecutor than Whites.

The findings above pose an interesting question. Why are Hispanic juveniles less likely than Whites to be referred to the prosecutor? It is possible that the strong emphasis on the family in the Hispanic community is considered a deterrent to future delinquency and a source of rehabilitation. In contrast, processing

White juveniles beyond intake may be a way of stopping the development of a delinquent career. Further research is needed to examine this question. An analysis of the findings in Table 5 will indicate if this is also true for juveniles charged with status offenses.

The model chi square in Table 5 indicates that the full model is significantly better than the intercept only model ($\chi^2 = 3859.171$; $<.001$). The significant model chi square indicates that at least one of the predictors is significantly related to the dependent variable (Garson, 2008). The Cox and Snell R^2 is .107 The Nagelkerke R^2 equals .120. The effect of being Black is fairly consistent across decision points. In contrast to table four, Blacks are less likely to be referred to the prosecutor than Whites. The predicted odds that Blacks will have their case dismissed or withdrawn vs. being referred to the prosecutor are 1.341 times the odds for Whites. The predicted odds that Blacks will receive a supervisory caution vs. being referred to the prosecutor are 1.430 times the odds for Whites. Finally, the predicted odds of Blacks receiving deferred prosecution vs. being referred to the prosecutor are 1.348 times the odds for Whites. The effect of being Hispanic is less consistent than the effect of being Black. It is possible that Blacks receive more lenient treatment than Whites when charged with status offenses because of the discretion afforded to probation officers to process status offenses. With more latitude to process status offenses, probation officers may be correcting for issues such as bad arrests or eliminating cases with little evidence.

Being Hispanic is not a significant factor in the decision to dismiss or withdraw a case vs. referral to the prosecutor. The odds that Hispanics will receive a supervisory caution vs. referral to the prosecutor are .953 times the odds for Whites.

Table 4

Female Only Multinomial Regression Coefficients and Odds Ratios Intake Decisions Versus Referral to The Prosecutor Delinquent Offenses
(N= 63, 262).

| | Dismissed or Withdrawn Model I | | Supervisory Caution Model II | | Deferred Prosecution Model III | | Log Likelihood Chi Square ¹ |
|---------------------------------|-----------------------------------|-------|---------------------------------|-------|-----------------------------------|-------|---|
| | b | Odds | b | Odds | b | Odds | |
| Legal | | | | | | | |
| Severity of Current Offense | -.600 *** | .549 | -.450 *** | .638 | -.464 *** | .629 | 5642.959 *** |
| Severity of Prior Record | -.115 *** | .892 | -.190 *** | .827 | -.352 *** | .703 | 2272.035 *** |
| Referral Source (1=Police) | .923 *** | 1.361 | .308 *** | 1.361 | .061 * | 1.063 | 521.476 |
| Non-Legal | | | | | | | |
| Black (ref=white) | .379 *** | 1.460 | -.193 *** | .825 | -.235 *** | .790 | 249.443 *** |
| Hispanic | .327 *** | 1.387 | -.224 *** | .800 | .171 *** | 1.186 | 301.866 *** |
| Age | -.009 | .991 | -.035 *** | .965 | -.066 *** | .936 | 81.187 *** |
| Other Family (ref=Both Parents) | .372 *** | 1.450 | -.060* | .942 | -.182 *** | .834 | 128.439 *** |
| Mother Only | .755 *** | 2.128 | -.218 *** | .804 | -.156*** | .855 | 615.602*** |
| Intercept | -1.679 *** | | .707 *** | | 1.296 *** | | 354.860 *** |
| χ^2 | 10362.944 *** | | | | | | |
| Cox & Snell R^2 | .151 | | | | | | |
| Nagelkerke R^2 | .165 | | | | | | |

1. The chi-square statistic is the difference in the -2 log likelihoods between the full and reduced model.

* $p < .05$ ** $p < .01$ *** $p < .001$

In contrast, the predicted odds that Hispanics will receive deferred prosecution vs. referral to the prosecutor are 1.293 times the odds of Whites. The mechanism that is driving this finding may be similar to that of Blacks discussed above. Prosecutors may simply be correcting for mistakes made at earlier decision points.

Based on the findings in Tables 4 and 5, Hypothesis 3 is not totally supported. The effect of race varies by offense type. The odds of being referred to the prosecutor are greater for Blacks than Whites when juveniles are charged with delinquent offenses. When charged with status offenses, the odds of being referred to the prosecutor are greater for whites than Blacks. In contrast to Black juveniles, Hispanics have lower odds of being referred to the prosecutor than whites if they are charged with delinquent offenses. The different findings may be due to a variety of social and contextual factors associated with the juvenile and the offense charged. Bishop (2005) argues that minorities may be processed into the juvenile system in order to have access to social resources Whites may already have access to. On the other hand, Blacks may also be affected by family structures that include only a single parent. As, Bishop (2005) argues, some probation departments formally process a juvenile into the system if the parents of the juvenile are not able to be contacted. This situation may disproportionately affect minorities. If White juveniles, however, are more likely to come from a family structure with two parents, then this would explain why they are less likely to be processed into the system.

Why were Whites found to be more likely to be processed beyond intake for status offenses? Due to the less serious nature of status offenses, probation officers may have more discretion in determining who to process into the system. Bishop (2005) argues that discretion is inherent the determination of you to process into the system. Mears and Field (200) argue counties that engage in the use of “get tough” policies may have limited discretion when

processing juveniles for delinquent offenses. In contrast, juvenile probation officers may have more latitude and discretion in determining who they process for status offenses. As mentioned above, Blacks may be less likely to be processed for status offenses because probation officers correct for earlier possible discrimination. In addition, processing Whites for status offenses may be a mechanism to prevent an evolving delinquent career. On the other hand, processing Whites for status offenses may be indicative of juvenile probation officers showing preferential treatment for Whites; the punishment for status offenses tend to be less severe than those for delinquent offenses.

Conclusion

This chapter examines factors which influence juvenile case processing in Texas. Hypothesis 1 posits that legal variables are more significant factors in processing decisions than non legal variables. Hypothesis 1 is not totally supported. The effect of legal variables on processing decisions is contingent on offense type. Legal variables are more influential for juveniles charged with delinquent offenses. In contrast, non legal variables are more influential when juveniles are charged with status offenses. The effect of the legal variable severity of prior record is consistent for status and delinquent offenses. With every one unit increase in prior record, the odds of being referred to the prosecutor increases. The effect of the variable severity of current offense is similar. With every one unit increase in prior record, the odds of being referred to the prosecutor increases. Hypothesis 2 posits that females would be more likely to be processed beyond intake for status offenses. In addition, females are less likely to be processed beyond intake for delinquent offenses. Hypothesis 2 is partially supported. Females are less likely than males to be processed beyond intake for delinquent offenses. Females however are also less likely to be processed beyond intake for status offenses also. Hypothesis 3 overall is not

Table 5

Female Only Multinomial Regression Coefficients and Odds Ratios Intake Decisions Versus Referral to The Prosecutor- Status Offenses (N= 34,265)

| | Dismissed or Withdrawn Model I | | Supervisory Caution Model II | | Deferred Prosecution Model III | | Log Likelihood Chi Square ¹ |
|---------------------------------|-----------------------------------|-------|---------------------------------|-------|-----------------------------------|-------|---|
| | b | Odds | b | Odds | b | Odds | |
| Legal | | | | | | | |
| Severity of Prior Record | -.257 *** | .773 | -.323 *** | .742 | -.354 *** | .702 | 671.075 *** |
| Referral Source (1=Police) | .018 | 1.018 | .095 * | 1.183 | -.143 ** | .867 | 37.876 *** |
| Non-Legal | | | | | | | |
| Black (ref=white) | .293 *** | 1.341 | 2.53 *** | 1.430 | .299 *** | 1.348 | 28.434 *** |
| Hispanic | -.004 | .996 | -.123 ** | .953 | .257 *** | 1.293 | 86.630 *** |
| Age | .025 | 1.025 | -.079 *** | .949 | -.115 *** | .891 | 135.641 *** |
| Other Family (ref=Both Parents) | .048 | 1.049 | -.250 *** | .779 | -.668 *** | .513 | 140.804 *** |
| Mother Only | 1.374 *** | 3.951 | -.271*** | .763 | -.618*** | .539 | 1910.237 *** |
| Intercept | -.423 | | 2.993 *** | | 1.500 ** | | 639.781*** |
| χ^2 | 3859.171 *** | | | | | | |
| Cox & Snell R^2 | .107 | | | | | | |
| Nagelkerke R^2 | .120 | | | | | | |

1. The chi-square statistic is the difference in the -2 log likelihoods between the final and reduced model.

* $p < .05$ ** $p < .01$ *** $p < .001$

The effect of minority status is contingent on offense type. Black juveniles are more likely to be referred to the prosecutor than Whites when they are charged with delinquent offenses. In contrast, White juveniles are more likely to be referred to the prosecutor than Blacks when charged with status offenses. Hispanics are less likely to be referred to the prosecutor than Whites when charged with delinquent offenses. The results of the analyses are discussed in the next chapter.

CHAPTER 5

DISCUSSION OF THE RESULTS

This chapter examines the results of the multinomial regression analyses presented in chapter 4. The first section discusses the results as they relate to Hypothesis I. The following section discusses the results as they relate to Hypothesis II. The final section discusses the results as they relate to Hypothesis III.

Hypothesis I Results

Hypothesis I posits that legal variables are more significant predictors of referral beyond intake than non legal variables. Hypothesis 1 is not totally confirmed. Legal variables are not the strongest predictors of referral beyond intake for status offenses. The legal variables severity of prior record and severity of current offense are the strongest predictors in the model for delinquent offenses. The logits for severity of prior record and current offense indicate that these predictors are the most influential predictors of a juvenile receiving deferred prosecution vs. referral to the prosecutor. An increase in severity of prior record and severity of current offense decreases the possibility a juvenile will receive deferred prosecution. In contrast, being referred by the police decreases the possibility that a juvenile will be referred to the prosecutor at each decision point vs. referral to the prosecutor.

For status offenses, the variable “mother only” is the most significant predictor of processing decisions. The variable severity of prior record is the second most significant variable. Consistent with delinquent offenses, severity of prior record is most influential when deciding to grant deferred prosecution vs. referral to the prosecutor. As severity of prior record increases, a juvenile is less likely to receive deferred prosecution vs. referral to the prosecutor.

Juveniles who are referred by the police are less likely to receive deferred prosecution vs. referral to the prosecutor compared to juveniles referred by other sources. Nevertheless, the overall importance of legal variables in the models is not consistent for status and delinquent offenses. The results highlight the importance of examining separate models by offense type.

Weber (1977) argues that in societies characterized by formal rationality, legally relevant characteristics are the only important criteria when making legal decisions. The results for hypothesis one do not totally support this assertion. Legal variables were not the most significant predictors of intake decisions for status offenses. There are several possible reasons why hypothesis one did not hold true for status offenses. One reason may be that probation officers have more discretion when deciding to process a status offense.

Since the mid nineties, several “get tough” policies have been implemented throughout the juvenile justice system in Texas (Mears & Field, 2000). One example of these policies is the extension of the use of determinate sentencing for certain types of crimes (Mears & Field, 2000). More importantly, intake officers are not able to dismiss cases in which a juvenile allegedly possessed or use a gun during the commission of a delinquent offense (Texas Juvenile Handbook, 2007). In jurisdictions which implement these “get tough” initiatives, legal variables are often given primary consideration (Mears & Field, 2000). In situations where legal variables are primary factors in the decision to refer a case to the prosecutor, there may be little consideration of other non-legal factors. Status offenses are generally less serious forms of crime than delinquent offenses. Not subject to the processing restrictions some delinquent offenses are, it is possible that probation officers take into consideration factors such as race and gender more readily. For status offenses, the most significant factor in the model is if a juvenile comes from a family headed by a mother only vs. two parent households. Being part of a mother only family

increases the chances of a juvenile being referred to the prosecutor (delinquent and status offenses). This finding is consistent with literature that indicates juveniles from single family homes are treated harsher by the juvenile system (Belknap, 2001; Robbins & Szapoznick, 2000). The finding that intake decisions for delinquent offenses are most influenced by legal variables is consistent with processing literature (Bishop & Frazier, 1992; Bishop & Frazier, 1996; Bishop, 2005; Lieber, & Johnson, 2008).

The findings for delinquent and status offenses should be taken together and considered within the context of changes that have occurred in the juvenile system throughout the decades. The juvenile justice system was developed in order to shield juveniles from the ill effects of being exposed to the criminal justice system. The focus of the system was primarily on rehabilitation rather than on punishment (Scarpitti, & Stephenson, 1971). Throughout the decades and particularly during the eighties, more attention has been focused on punishment rather than rehabilitation (Alexander, 2004). The goals of rehabilitation and punishment have taken center stage over time in juvenile discussions. The finding that legal variables are more important for delinquent offenses than status offenses may be indicative of the juvenile system's attempt at reaching both goals of punishment and rehabilitation. In the case of status offenses, non-legal variables may be considered more important because status offenders may be considered more suitable for rehabilitation. Delinquent offenders may not be considered as suitable for rehabilitation, so legal variables play a more significant role in processing decisions.

Hypothesis II Results

Hypothesis II posits that females will be more likely to be processed beyond intake for status offenses and less likely to be processed beyond intake for delinquent offenses. Hypothesis II is partially confirmed. Males are more likely to be processed beyond intake for delinquent and

status offenses. Males also are more likely to be processed beyond intake for status offenses. It should be noted that these findings are based on an overall interpretation of the results of each decision making point at intake. The decision to dismiss or withdraw a case vs. referral to the prosecutor is consistent with Hypothesis II. Females charged with status offenses are less likely to have their case dismissed or withdrawn than males, all else being equal. Females charged with delinquent offenses are more likely to have their cases dismissed or withdrawn than males. Moving beyond this decision, Hypothesis II is only partially confirmed.

Chapter 2 highlights several theoretical perspectives used to explain the treatment of males and females by the juvenile justice system. The most frequently used explanation is the chivalry hypothesis (Belknap, 2001). The chivalry hypothesis argues that females are treated more leniently by the justice system than males are (Belknap, 2001). The analysis for Hypothesis II does not totally confirm this argument. Examining the decision to dismiss or withdraw a case vs. referral to the prosecutor indicates chivalrous treatment for females who commit delinquent offenses.

Several studies confirm the finding (Chesney-Lind, 1973; Datesmen & Scarpitti, 1980; Bishop & Frazier, 1992). At each decision point in the delinquent offense analysis, the odds that females will be referred to the prosecutor are lower than the odds for males. Examining the first decision at intake for status offenses, the odds that females will have their case dismissed or withdrawn vs. referral to the prosecutor are lower than the odds for males. Moving beyond the decision to dismiss or withdraw a case vs. referral to the prosecutor, females are less likely than males to be referred to the prosecutor. Taken together, the findings suggest that females fail to receive chivalrous treatment when considering dismissing or withdrawing a case or referring a case to the prosecutor. In contrast, females receive chivalrous treatment in regards to receiving a

supervisory caution or deferred prosecution rather than referral to the prosecutor. This finding is not consistent with much of the literature that suggests females receive harsher treatment than males when they commit a status offense (Hoyt & Scherer, 1998; Chesney-Lind & Irwin, 2007).

For delinquent offenses, the results indicate that females receive chivalrous treatment at each decision point. Specifically, females are less likely to be referred to the prosecutor than males at each decision point. The findings suggest that females receive chivalrous treatment at intake when they are charged with delinquent offenses. If we consider the overall effect of gender for both status and delinquent offenses, compared with males, females clearly receive chivalrous treatment regardless of offense they are charged with. This conclusion is based on the findings that females consistently are less likely than males to be referred to the prosecutor. For status offenses however, this chivalrous treatment is contingent on a case not being dismissed or withdrawn. As mentioned above, the findings in regard to a case being dismissed or withdrawn vs. referral to the prosecutor are consistent with hypothesis two. Beyond this decision, in the case of status offenders, hypothesis two is not confirmed. This finding raises an interesting question. What is it about the decisions to grant a supervisory caution or deferred prosecution rather than referral to the prosecutor that promotes chivalrous treatment for females? According to the selective chivalry hypothesis, females receive chivalrous treatment when they commit less serious (i.e. female) type of offenses (Farnworth & Teske, 1995). This perspective, however, does not explain females' lack of chivalrous treatment in regard to the decision to dismiss or withdraw a case. Staples (1984) argues that females may be treated harsher by juvenile personnel when they commit minor offenses in an attempt to prevent future delinquency. This explains the lack of chivalrous treatment for females when intake officers decide to dismiss or withdraw a

case instead of referring it to the prosecutor. Ultimately further research is needed to explain this dichotomy.

Hypothesis III Results

Hypothesis III posits that minority females will be more likely to be referred beyond intakes than White females. Examining status and delinquent offenses together, Hypothesis III is not confirmed. Separate analysis by offense type however provides partial support for Hypothesis III. Hispanics charged with delinquent offenses are less likely than Whites to receive a supervisory caution vs. referral to the prosecutor. In contrast, Hispanics are more likely than Whites to receive deferred prosecution vs. referral to the prosecutor. Hispanics and Blacks charged with a delinquent offense are less likely than Whites to have their cases dismissed or withdrawn vs. referral to the prosecutor. Moving beyond this decision, however, the effect of race is inconsistent for Hispanics. Blacks, however, are consistently less likely than Whites to receive a supervisory caution or deferred prosecution vs. referral to the prosecutor. It appears for delinquent offenses that minorities are more likely to have their case dismissed or withdrawn than referred to the prosecutor. The effect of race changes when we consider the other decision points. Hispanics are less likely than Whites to receive a supervisory caution vs. referral to the prosecutor. Hispanics are more likely than Whites to receive deferred prosecution vs. referral to the prosecutor. The effect of race for status offenses is different than the effect for delinquent offenses. Black juveniles are more likely than Whites to have their case dismissed or withdrawn, receive a supervisory caution or receive deferred prosecution vs. referral to the prosecutor. Hispanics, however, are less likely than Whites to have their cases dismissed or withdrawn or receive a supervisory caution vs. referral to the prosecutor. Hispanics are more likely than Whites to receive deferred prosecution vs. referral to the prosecutor.

Overall the results indicate that Blacks are more likely than Whites to be referred beyond intake for delinquent offenses. In contrast, Hispanics are more likely than Whites to be referred beyond intake for status offenses. Hispanics, however, are more likely than Whites to receive deferred prosecution vs. referral to the prosecutor. Examining the decision to dismiss or withdraw a case for both delinquent and status offenses reveals an interesting pattern. For delinquent offenses, minorities are more likely than Whites to have their cases dismissed or withdrawn vs. referral to the prosecutor. For status offenses, however, only Blacks are more likely than Whites to have their cases dismissed or withdrawn.

Very few studies that examine racial effects on processing decisions include Hispanics and African Americans (Bishop, 2005). The finding that Black juveniles are less likely than White juveniles to receive deferred prosecution is consistent with the general findings in the literature that indicate that Blacks are treated harsher than Whites at all stages of processing (Pope & Feyerherm, 1982; DeJong & Jackson, 1998; Leiber & Johnson, 2008). The few studies that do include Hispanics and Blacks indicate that Hispanics while subject to discrimination are treated more leniently than Blacks (Bishop, 2005). This study indicates that lenient treatment is offense specific. Blacks receive more lenient treatment compared to Whites when they are charged with status offenses; Hispanics receive more lenient treatment than Whites when charged with delinquent offenses. This finding is consistent with Tracy's (2002) study of juvenile processing in Texas. Tracy found that Hispanics in one county being studied were less likely to be referred to the District Attorney. Leiber and Johnson (2008) argues that the effect of race is not consistent across stages of juvenile processing. Several studies indicate that processing disparities are greatest at intake (Leiber & Stairs, 1999; Leiber & Jamison, 1995; Snyder, 2005). Literature also indicates that Blacks are more likely than Whites to be referred

beyond intake (Dannefer & Schutt, 1982; Alexander, 2004; Ray & Alarid, 2004). The results for status and delinquent offenses partially confirm this. Blacks are more likely than Whites to have their case dismissed or withdraw vs. referral to the prosecutor; regardless of the offense type they are charged with. In contrast, Blacks are less likely than Whites to receive deferred prosecution vs. referral to the prosecutor.

While the findings in this dissertation are complex, the results provide partial support for some of the theories discussed in previous chapters. Hypothesis one is partially confirmed; Legal variables are overall more important predictors of processing decisions for delinquent offenses. This finding provides support for traditional legal theory. Traditional legal theory indicates that legal variables are the most important factors considered when rendering legal decisions. Legal variables, however, failed to be the most important predictors for status offenses. It is possible that given the less serious nature of status offenses and the discretion juvenile probation officers have; legal variables are simply given less consideration than non legal variables.

The results for hypothesis two and three provide partial evidence confirming the chivalry, evil woman, and group threat hypothesis. The evidence for all these theories, however, is offense specific. The findings for Hypothesis II provide partial support for the chivalry and evil woman hypothesis. The findings discussed above indicate that females receive chivalrous treatment when processed for status offenses. Females do not receive chivalrous treatment if they are charged with delinquent offenses; providing support for the evil woman hypothesis. Finally, the results for Hypothesis III provide partial support for the group threat hypothesis. Blacks charged with delinquent offenses are more likely to be referred beyond intake than Whites. Hispanics however are more likely to be processed beyond intake than whites for status offenses. These offense specific findings indicate a need to develop theoretical models that are offense specific.

Given the general atheoretical nature of the processing literature, theoretical development that is offense specific should be a focus of future research.

Conclusion

The findings in this dissertation demonstrate the importance of examining processing decisions by offense type. Hypothesis one indicates that legal variables are more significant predictors of referral beyond intake than non-legal variables. Overall hypothesis one is partially confirmed. Separate analyses of processing decisions by offense type provide partial support. Legal variables are the strongest predictors of referral beyond intake for delinquent offenses. Legal variables are not the strongest predictors of processing decisions for status offenses however. These findings are partially confirmed by the majority of processing literature which suggests that legal variables are the most important predictors at intake (MacDonald, 2003; Leiber & Fox, 2005; Bishop, 2005). The findings, however, only partially confirm Weber's argument that legal variables are the the only relevant variables considered in a society characterized by formal rationality.

Hypothesis II posits that females are more likely than males to be processed beyond intake for status offenses. In addition hypothesis two predicts that females are less likely than males to be processed beyond intake for delinquent offenses. The findings for the decision to dismiss or withdraw a case vs. referral to the prosecutor is consistent with Hypothesis II, Beyond this decision, however, there is only partial support for hypothesis two. Females are less likely than males to be processed beyond intake for status offenses. Males, however, are more likely than females to be processed beyond intake for delinquent offenses. Taken together, these findings indicate that females are subject to chivalrous treatment more than males at intake. The

effect does not seem to vary by offense. More importantly, this chivalrous treatment is afforded to females regardless of the type of offense they are charged with.

Hypothesis III posits that minority females will be more likely to be processed beyond intake than White females. Overall the hypothesis was partially confirmed. The effect of race varies by offense charge. Blacks are more likely to be processed beyond intake when charged with delinquent offenses. Hispanics are more likely than Whites to be processed beyond intake for status offenses. This effect also varies based on which decision point examined. Blacks are more likely than Whites to have their case dismissed or withdrawn vs. referral to the prosecutor regardless of offense type they are charged with. Hispanics are more likely than Whites to have their cases dismissed or withdrawn vs. referral to the prosecutor only when they are charged with status offenses.

Based on the analyses presented in chapter 4, several conclusions can be drawn in regard to the effect of legal and non-legal variables on processing decisions. The most important finding presented is that the effect of legal and non-legal variables varies based on the offense a juvenile is charged with. This is important theoretically because this means that theories developed to explain processing decisions should take into account the type of offense a juvenile is charged with. The effect of gender varies to some degree by offense also. Overall, females receive more chivalrous treatment than males regardless of the offense they are charged with. The findings while partially confirmed by existing literature prompt further research.

CHAPTER 6

CONCLUSIONS

This dissertation examined the intake stage of juvenile case processing in Texas. The overall research question posed in this dissertation was “what is the effect of gender on case processing decisions in Texas? Chapter one presented several research questions in regard to this relationship. The first research question posed was “what is the effect of legal and non-legal variables?” This question is important to the overall analysis due to the important effect legal variables have on case processing decisions. Several studies indicate that legal variables are important factors in processing decisions, if not the most important (Horowitz & Wasserman, 1980; Kelly, Macy, & Mears, 2005; Lieber & Fox, 2005). Many studies indicate that the effect of gender is attenuated when legal variables are controlled for (Bell & Lang, 1985; Sheldon & Horvath, 1987; Bishop & Frazier, 1996) Still, some studies indicate that legal variables are the most important factors in processing decisions (Tracy, 2002).

Hypothesis I states legal variables are more significant predictors of referral beyond intake than non-legal variables. This hypothesis was not totally confirmed. The multinomial regression analyses indicated that the effect of legal variables varied based on the type of offense juveniles were charged with. Legal variables except for referral source were found to be the most significant predictors of referral beyond intake when referrals for delinquent offenses were examined.. Legal variables, however, failed to be the most significant predictors of referral decisions when referrals for status offenses were examined. These findings highlight the importance of examining processing decisions by offense type. Hypothesis II posited that females would be more likely than males to be processed beyond intake for status offenses. In addition, females would be less likely than males to be processed beyond intake than males for

delinquent offenses. Chesney-Lind (1977) argues that a sexual double standard exists in the juvenile justice system. This sexual double standard is evident in the differences in treatment of males and females when charged with status offenses. Self report data indicate that males and females commit status offenses at relatively equal levels (Sickmund, 2000). Females, however, are more likely to be processed for status offenses than males (Steffensmeier & Allan, 1996). Literature also indicates that males are more likely than females to be processed for delinquent offenses (MacDonald & Chesney-Lind, 2001).

Several theories and perspectives have been used to explain differences in the treatment of males and females in the justice system. Most of these theories, however, are based on the experiences of adult females. The chivalry hypothesis is often used to explain lenient treatment of females in the justice system (Belknap, 2001). Staples (1984) argues that females may receive harsher treatment for minor offenses (like status offenses) in an attempt to deter further delinquency. Bishop, (2005) argues that disparities in processing rates may be a function of the offense juveniles are charged with. If juveniles are charged disproportionately with a certain type of offense, this may explain why larger numbers of juveniles are disproportionately processed into the juvenile system for particular offenses. These hypotheses along with the theory of deviant type scripts were used as the theoretical basis for Hypothesis II.

Cross tab analysis indicated that while a smaller number of females were charged with status offenses, a larger proportion of females were charged with status offenses. Regression analysis provided partial confirmation for hypothesis II. Females were found to be less likely to be processed beyond intake for delinquent offenses. Females were also less likely to be processed beyond intake for status offenses. In contrast, the individual decision to dismiss or withdraw a case vs. referral to the prosecutor confirmed Hypothesis II. As with the legal

variables, the effect of gender was found to be contingent on the offense a juvenile was charged with.

Hypothesis III posited that minority females would be more likely to be processed beyond intake than White females. The theoretical basis for this hypothesis was conflict theory and a corollary to the chivalry hypothesis. Conflict theory posits that “society is influenced by a never ending battle between social groups with distinctive but opposed interests” (Maume ,Toth, & Spears 2006). Some researchers argue that the juvenile justice system was developed to control minority youth because they are a threat to Whites and middle class values (Chambliss & Siedman, 1982; Leiber & Johnson, 2008).

Farnworth and Teske (1995) argue that the proposition that all females will receive chivalrous treatment by the juvenile system is over simplistic. Farnwoth and Teske argue that since the judges of our court system are predominantly white middle and upper class males, then chivalrous treatment is extended predominantly to white, middle and upper class females (Farnworth & Teske, 1995). Based on the ‘selective’ chivalry hypothesis and conflict theory, it was hypothesized that Hispanic and African American female juveniles will be more likely to be formally processed beyond intake than White female juveniles. Overall, Hypothesis III was not confirmed. Separate analyses by offense type; however, provides partial support for hypothesis three. Minorities charged with delinquent offenses are less likely to receive a supervisory caution vs. referral to the prosecutor compared to Whites. Blacks in general are more likely than Whites to be referred beyond intake for delinquent offenses. Hispanics are more likely than Whites to be processed beyond intake for status offenses. In contrast Hispanics are more likely than Whites to receive deferred prosecution vs. referral to the prosecutor. This finding is consistent with what Tracy (2002) found in his analysis of processing decisions in Texas.

The findings in this dissertation and in the literature reviewed provide avenues for future research. As discussed in chapter 2, much of the processing literature is not theoretical in nature (Leiber & Fox, 2005). Much of the processing literature focuses primarily on notions of chivalry to explain lenient treatment for females (Chesney-Lind & Pasko, 2004). Future research must test theoretically based hypotheses if we are to move beyond the current lack of theory development. As Bishop (2005) argues and literature has shown, there is little question that juveniles are treated differently based on race and gender. The more important question is why disparate treatment comes about (Bishop, 2005). Without theoretical advancements, it will be difficult to answer this question. The results of this dissertation indicate the importance of examining processing decisions by offense type. Recognizing these differences, new theoretical perspectives must be developed to explain why there are such differences. In addition, theoretical perspectives need to be developed based on the unique experiences of juveniles. Currently, the theoretical perspectives used are based primarily on the experiences of females in the adult criminal justice system. Future research must also take into consideration the effect of contextual variables on processing decisions. This can be challenging as many data sets examined may not have contextual variables such as family structure, urban rural variations and minority composition. These variables are important because processing decisions are influenced by the context in which they are made (Bishop, 2005). Future research which does not include contextual variables may be limited in terms what it adds to the processing literature (Bishop, 2005).

Finally there are several stages that have not been examined extensively. Few studies have examined what factors influence police officers' decisions to refer a juvenile to the juvenile system (McClusky, Varano, Huebner, & Bynum, 2004). Gathering qualitative information about

police discretion can be time and resource intensive (Bishop, 2005). The information gathered, however, can provide a provide insights that are not readily available from quantitative studies. This type of research is particularly important given the shift to many “get tough” policies implemented throughout the country (McClusky, Varano, Huebner, & Bynum, 2004). Of particular interest is how police officers react to the limits being placed on their use of discretion? As McClusky (2004) and colleagues argue, few studies examine how limiting discretion effects the population of juveniles referred to the juvenile justice system.

APPENDIX

GENDER BREAKDOWN BY TYPE OF OFFENSE (N=300,119)

| Offense Type | Female | Male |
|---------------------|-----------------|------------------|
| Delinquent | 63,262 64.9% | 165,194 72.3% |
| Status | 34,265 35.1% | 37,398 23.9% |
| Total | 97,527 100 % | 205,592 100% |

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