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## The Influence on Gender and the Interaction of Gender and Race on Juvenile Justice Decision-Making in Three Counties in Iowa

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**THE INFLUENCE OF GENDER AND THE INTERACTION  
OF GENDER AND RACE ON JUVENILE JUSTICE  
DECISION-MAKING IN THREE COUNTIES  
IN IOWA**

**A Thesis**

**Presented to the  
Department of Criminal Justice  
and the  
Faculty of the Graduate College  
University of Nebraska**

**In Partial Fulfillment  
of the Requirements for the Degree  
Master of Arts  
University of Nebraska at Omaha**

**by**

**Molly Ann Cargin**

**June 1993**

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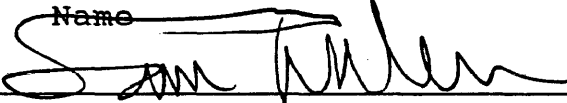
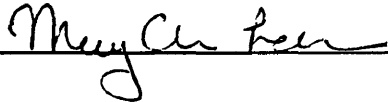


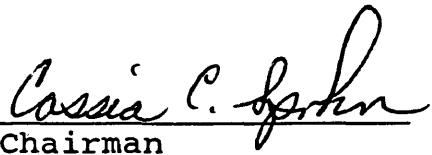
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## ABSTRACT

The purpose of the present study was to evaluate the impact of gender and the interaction of gender and race on juvenile court processing. Specifically, this thesis examined whether males and females received differential treatment within the juvenile justice system in three counties in Iowa. Moreover, the current study addresses the possibility that gender differences in case outcome may be confounded by the race of the juvenile.

The five stages of the juvenile justice system included in the study were: intake, petition, initial appearance, adjudication, and judicial disposition. While the outcomes available to decision-makers vary by stage, the most severe outcome at each stage is represented as the outcome which sends the juvenile further into the system. At judicial disposition, the most severe outcome is lock-up in a secure facility.

The three hypotheses tested suggest that males will be treated more harshly than females, that white females will be treated more leniently than all other groups, and that black males will be treated more harshly than all other groups at each of the five stages of the system.

A sample of 4,798 white and black youth referred to juvenile court services in three counties in Iowa for the

period from 1980 to 1990 were examined. Results of logistic regression offer only limited support for two of the hypotheses tested. Specifically, males were treated more harshly than females only at intake; and white females were treated more leniently than all other gender/race groups at intake.

The discussion provides possible explanations for the gender/race differences that were found. The present study reemphasizes the need to examine the impact of the gender/race interaction rather than of gender alone.

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**THE INFLUENCE OF GENDER AND THE INTERACTION OF GENDER AND  
RACE ON JUVENILE JUSTICE DECISION-MAKING IN THREE  
COUNTIES IN IOWA**

**INTRODUCTION**

The heightened interest in gender-related issues as a result of the women's movement has generated an extensive body of literature on gender's role in court processing. While some researchers have found that females receive harsh treatment within the juvenile justice system (Krohn et. al., 1983; Sarri, 1983; Conway and Bogdan, 1977; and Terry, 1967), others have found that females receive more lenient treatment than males (Barnes and Franz, 1989; Chambers et. al., 1980; Cohen and Kluegel, 1979; and Datesman and Scarpitti, 1977). Still others find no difference in the treatment of male and female offenders (Corley et.al., 1989; Dannefer and Schutt, 1982; Phillips and Dinitz, 1982; and Teilman and Landry, 1981).

Two perspectives, the traditional sex-role and chivalry models, have typically served as explanations of the differential treatment of male and female offenders within the juvenile justice system (Johnson and Scheuble, 1991). The underpinnings of the two models lie in the conventional female image held and reinforced by society (Leonard, 1982). Specifically, society encourages passivity, dependence and relationship goals for females (Chesney-Lind and Shelden, 1992). Males, on the other hand, are expected to be

competitive, independent, and to strive for high occupational aspirations.

Although it was anticipated that the women's movement would have a diminishing effect on this pattern, research has found evidence to the contrary. Studies have found, for example, that teachers (Weitzman, 1984) and parents (Block, 1984) continue to practice differential socialization of males and females, adhering to the gender roles that were upheld prior to the women's movement. Furthermore, researchers contend that the traditional gender roles permeate juvenile justice decision-making, creating a system of unequal justice for males and females (Chesney-Lind and Sheldon, 1992; and Leonard, 1982).

Both the traditional sex-role and chivalry models are advanced by research which examines juvenile justice decision-making. Some research, however, fails to find evidence of gender bias within the juvenile justice system. Furthermore, evidence has been proffered suggesting that gender differences may be confounded by the race of offender (Bortner and Reed, 1985; and Horowitz and Pottieger, 1991).

The present study attempts to assess the impact of gender on juvenile justice decision-making. Furthermore, the interaction of gender and offender race will be considered in an effort to improve upon existing literature. Prior to examining the literature, however, a brief overview of the

decision-making stages that comprise the juvenile justice system will be provided.

## OVERVIEW OF THE JUVENILE JUSTICE SYSTEM

A common theme in juvenile justice research has been to treat decision-making at the various stages as segregated events rather than as an interrelated process (Marshall and Thomas, 1983). Consequently, researchers have been inclined to focus their efforts on one or two decision points when assessing the impact of social characteristics on case outcomes (Aday, 1986).

The focus on a single stage may be the result of variation in the composition of the juvenile justice systems among individual states, and even within a given state (Rubin, 1989). Specifically, a particular stage may exist in one state, while in another state it may not exist or may be considered part of another stage (Leiber, 1992b). For example, Bishop and Frazier (1988) identify six stages in the State of Florida; however, Leiber (1992b) identifies seven decision points in Iowa's juvenile justice system. The stages included in recent studies in addition to police contact include: detention, intake, petition, initial appearance, adjudication, disposition and waiver to adult court.

In order to gain a better understanding of the workings of the system, as well as the significance of the findings of existing literature, it is necessary to understand the composition of the juvenile justice system. The following

section will discuss the stages comprising the system, the decision-makers involved and the alternatives available to juvenile justice officials.

#### **INITIAL POLICE CONTACT**

In most cases, the police are the juvenile's first contact with the system (Muraskin, 1989). Whether or not the machinery of the juvenile justice system is set into motion is dependent upon the decisions made by the police officers who come into contact with situations involving juveniles (Sutherland and Cressey, 1974).

Police responses to such situations are typically classified as unofficial or official (Cox and Conrad, 1978). Unofficial police responses include either dismissing the case with no further action or meting out an informal adjustment such as restitution (Muraskin, 1989). Unofficial dispositions occur in approximately 85% of police contacts involving juveniles (Muraskin, 1989:95).

An official police disposition consists of an arrest with the intent of bringing the youth before the juvenile court (Muraskin, 1989). The decision to arrest represents the most severe sanction available to the police (Muraskin, 1989:95). It is those youth who are arrested and referred for court action that set the machinery of the juvenile justice system into motion (Muraskin, 1989). Immediately following an arrest,

the decision to detain the juvenile in a secure facility is considered.

#### **THE DECISION TO DETAIN**

The decision to detain a youth is typically made by law enforcement officers following an arrest (Rubin, 1989 and Leiber, 1992a). Recently, however, probation officers have been included in the process, serving as a screen for police decisions (Rubin, 1989).

Following an arrest, a police officer makes a determination as to whether or not to place the youth in the custody of the detention facility (Rubin, 1989). Upon arriving at the facility, the officer provides an incident report to be reviewed by the screening officer who is knowledgeable of criteria outlined in statutes advising of situations in which detention is appropriate (Rubin, 1989). The standard typically followed requires that there be a high risk that the juvenile would pose a threat to the safety of self or others if released (Rubin, 1989). Based on this criterion, the screening officer may determine that detention is not necessary. In some cases, however, the youth must remain in detention if the parents are unavailable or request the youth not be released (Rubin, 1989). Judicial review of the decision to detain is held within twenty-four hours (Leiber, 1992a).

**INTAKE**

Decisions at the intake stage are made by juvenile probation officers specifically appointed to handle intake screening (Leiber, 1992a; and Bishop and Frazier, 1988). Intake officers conduct a preliminary assessment to determine whether the interests of the youth and the community warrant formal court processing (Rubin, 1989). In doing so, designated officials interview juveniles and their parents to obtain information that may be pertinent to the case (Leiber, 1992a).

Based on factors such as the seriousness of the offense, prior record and the social background of the youth, the intake officer has several options available in handling with the case. The case may be dismissed at which point the youth would be filtered from the system (Leiber, 1992a). A second option involves issuing an informal adjustment.

An informal adjustment may consist of a probation agreement and/or conditions such as community service or restitution (Leiber, 1992a). Also under this option the juvenile may be referred to other agencies for a variety of services such as substance abuse counseling (Rubin, 1989). In some states, the youth must admit guilt in order to receive an informal adjustment (Leiber, 1992a). Furthermore, failure to follow the conditions of the agreement will result in the filing of a petition (Leiber, 1992a).



The final option available to intake officials is that of recommending to the prosecutor that a formal petition be filed (Leiber, 1992a).

#### **PETITION**

Decision-making at the petition stage has become the responsibility of prosecutors over the past two decades (Rubin, 1989). The decision to file a formal petition "is often guided by broad statutory criteria" (Rubin, 1989:127). Where the charge involves a serious felony offense, a petition is automatically filed, thus bypassing the intake screening (Rubin, 1989). However, when the severity of the offense does not automatically require a formal petition, prosecutors may consider the recommendations of the intake officer in the decision to file (Rubin, 1989). The prosecutor may, however, file a petition in cases where the intake officer did not recommend a formal petition; or, a charge may be dismissed where filing was recommended (Rubin, 1989). Following the filing of a formal petition, the youth proceeds to the initial appearance stage of the juvenile justice system.

#### **INITIAL APPEARANCE**

At the initial appearance the juvenile is advised of the right to an attorney, the right to trial, the right obtain witnesses on his/her behalf, and the right to cross-examine

prosecutorial witnesses (Rubin, 1989). Decisions made at this stage involve the defense counsel, the prosecutor and the judge, and often transpire in a manner similar to that of the criminal courts (Rubin, 1989). Specifically, where evidence is weak, defense may request dismissal, bargain for a formal adjustment, or go to trial (Rubin, 1989).

If the charges are dismissed the youth is filtered from the system (Leiber, 1992a). A formal adjustment, also known as a consent decree, is similar to the informal adjustment at intake, except that a petition has been filed (Leiber, 1992a). Once again admission of guilt is required before the youth will be offered a consent decree (Leiber, 1992a). Failure to accept a consent decree or to adhere to the conditions of a formal adjustment automatically results in an adjudication hearing (Leiber, 1992a).

#### **ADJUDICATION**

An adjudication hearing resembles a criminal court trial with the exception that a judge, rather than a jury, makes a determination of guilt (Rubin, 1989). Possible outcomes of adjudicatory hearings for those advancing to this stage include "dismissal of the case, a withholding of adjudication, an adjudication of delinquency, or a determination to hold a waiver hearing" (Leiber, 1992a:17). Following an adjudication of delinquency, a disposition hearing is held (Rubin, 1989).

### **JUDICIAL DISPOSITION**

Prior to the disposition hearing, a probation officer prepares a social assessment and chronological report of the juvenile's history of contact with the court (Rubin, 1989). Within the report recommendations are made regarding the type of disposition that would best meet the needs of the youth and the community (Rubin, 1989). Hence, probation officers play an influential role in disposition decisions (Leiber, 1992a). The judge is not required to adhere to the recommendations made within the predisposition report (Rubin, 1989).

Possible outcomes at the disposition hearing vary for each individual (Rubin, 1989). A youth may receive a sentence of probation and/or conditions to be met within the community; alternatively, he/she may be incarcerated in a residential facility or the state training school, or waived to adult court (Leiber, 1992a).

### **WAIVER TO ADULT COURT**

In order to waive a juvenile to the criminal courts, a formal hearing must be held to determine whether the youth is fit to stand trial in the adult system (Barnes and Franz, 1989). In this hearing, the prosecutor and defense counsel utilize the social assessment prepared by the intake officer to argue their case. Determinations to hold a waiver hearing

are based on the age of the offender, the seriousness of the offense and the youth's prior record (Krisberg et al., 1986). Those more likely to be waived to adult court tend to be older youth accused of serious offense, such as robbery, and/or who have extensive prior records. Options available to the presiding juvenile court judge involve remanding the juvenile to the criminal courts for trial, retaining the youth within the juvenile justice system for an adjudication hearing, or withdrawing the waiver petition in return for a plea bargain (Barnes and Franz, 1989).

Recent research (eg., Bishop and Frazier, 1988; 1992; and Leiber, 1992a) has suggested that the most severe sanction available to juvenile court judges next to the death penalty is a waiver to criminal court. As a result, researchers often included juveniles who have been waived to adult court with the category receiving the most severe outcome at judicial disposition.

In summary, the juvenile justice process embodies a series of decisions which involve several officials. A juvenile may be filtered out of the system at any stage; however, the further a youth advances into the system, the less likely it is that he/she will receive such lenient treatment (Leiber, 1992a and Rubin, 1989).

Research has found that males and females often receive differential treatment for distinctive reasons (Chesney-Lind and Sheldon, 1992). The following section provides a review of the literature examining gender bias in the juvenile justice system.

## LITERATURE REVIEW

Both the traditional sex-role and chivalry explanations of gender bias are supported by research examining juvenile justice decision-making. A third body of research, however, fails to find evidence of differential treatment. This section focuses on research that explores gender bias within the juvenile justice system. Literature that supports the traditional sex-role perspective is addressed first, followed by a discussion of the research that supports the chivalry perspective. Finally, literature which fails to find evidence of gender bias is discussed. Within each perspective the literature review is broken down by the stages of the juvenile justice system. A stage is only included, however, if there is research supporting a gender difference at that stage.

### TRADITIONAL SEX-ROLE PERSPECTIVE

The traditional sex-role perspective contends that law-violating behavior on the part of females, particularly behavior involving status offenses, conflicts with the traditional female role of passivity, dependence and compliance (Johnson and Scheuble, 1991; and Feinman, 1979). Law violations committed by males, on the other hand, are absolved as reinforcing the traditional male role as aggressive, competitive, and independent (Johnson and Scheuble, 1991; and Feinman, 1979). Consequently, the

reaction of juvenile justice officials is to treat females more punitively than males in an attempt to enforce traditional gender roles and protect their sexuality (Edwards, 1989; Feinman, 1979; Leonard, 1982; and Simon, 1975).

A substantial body of empirical research lends support to the contention that sex-role traditionalism is operating within the juvenile justice system. Researchers have found support for this perspective at a number of stages within the juvenile justice system from police decision to arrest through adjudication and court disposition (Chesney-Lind, 1977; Conway and Bogdan, 1977; Figueira-McDonough, 1987; Krohn et. al., 1983; Bortner and Reed, 1985; Horowitz and Pottieger, 1991).

**Police.** Although studies examining police decision-making with regard to juveniles are few in number, there is evidence which indicates that police often treat female offenders, particularly status offenders, more harshly than males (Chesney-Lind, 1977; 1988; Krohn et al., 1983; and Moulds, 1980). For example, Chesney-Lind (1977) found that female status offenders were arrested more often than either male status offenders or females charged with delinquent offenses.

While opponents of the traditional sex-role model attribute high arrest rates of female status offenders to specialization in these types of offenses, self-report studies have revealed that females are not significantly more involved

in status offenses than males (Chesney-Lind, 1988; Figueira-McDonough, 1987). On the contrary, the rate of involvement in status offenses is similar among males and females (Figueira-McDonough, 1987). Thus, it appears that the police arrest behavior as it relates to juvenile status offenders is aligned with the traditional sex-role model.

Evidence supporting the contention of sex-role traditionalism in police decisions to arrest was also reported in a study examining "seriously crime-involved youth" (Horowitz and Pottieger, 1991:77). Horowitz and Pottieger (1991) identified "seriously crime-involved youth" as those who had committed at least 10 Part I Index crimes, or 100 less serious offenses within a twelve month period (p. 77). They found that females were arrested more often than males for less serious crimes, such as shoplifting and prostitution, suggesting that police do not reserve harsh treatment solely for female status offenders (Horowitz and Pottieger, 1991). Rather, they may provide harsh treatment to females involved in petty criminal offenses as well (Horowitz and Potteiger, 1991).

Another study found indications of harsh treatment toward females in police decisions involving status offenders. Krohn et al. (1983) found that police were significantly more likely to refer female status offenders for further legal action than they were to refer male status offenders.



Support for the traditional sex-role perspective is also found in research examining decision-making that occurs subsequent to the police decision to arrest. Studies have found that females are more likely to be detained than males (Chesney-Lind, 1988), to be recommended for formal court processing (Pope and Feyerherm, 1983), to be adjudicated delinquent (Horowitz and Pottieger, 1991), and be institutionalized at judicial disposition (Conway and Bogdan, 1977).

**Detention.** Researchers have found that females are more likely than males to be detained following an arrest (Kratcoski, 1974; Chesney-Lind, 1977; 1988; Pope and Feyerherm, 1983; and Figueira-McDonough, 1987). Moreover, it has been suggested that females are often detained for status offenses or petty property offenses, whereas males are detained for more serious offenses (Chesney-Lind, 1977 and Federle and Chesney-Lind, 1991). For example, Kratcoski (1974) found that of a total sample of juveniles in a midwestern state, 22 percent of males compared to 52 percent of females were charged with status offenses, while 69 percent of males compared to 44 percent of females were charged with delinquent offenses. Yet 31 percent of females were detained compared to 24 percent of males (p.20). Such evidence supports the notion that females are more often detained

regardless of the fact that they are typically arrested for less serious offenses or status offenses.

Chesney-Lind (1977) confirmed Kratcoski's results, finding that 75 percent of females in secure facilities were detained for status offenses compared to 25 percent of males (p.124). On a similar note, Pope and Feyerherm (1983) found that of all juveniles charged with status offenses, females were more likely to be detained than males (p.10).

In a more recent study examining the incarceration of juveniles in adult jails, Chesney-Lind (1988) found that 35 percent of juvenile females in adult jails were detained for status offenses compared with 13 percent of males. This occurred in spite of the implementation of statutes prohibiting the detention of status offenders (p.156).

While bias in the decision to detain is serious in itself, it is also serious due to the negative impact that being detained has on decision-making at subsequent stages within the system (Bortner and Reed, 1985). Specifically, those who are detained are more likely to be petitioned, adjudicated delinquent, and incarcerated at disposition than those who are not detained (Bortner and Reed, 1985:421).

**Intake.** While it has been demonstrated that females are often treated more harshly in arrest and detention decisions, the same has also been found at intake. Cases are typically referred or petitioned based on the severity of the offense.

Specifically, the more serious the offense, the more likely it is that the juvenile will be petitioned for formal court processing (Chesney-Lind, 1977:126). Pope and Feyerherm (1983), however, found that although males are more likely to be charged with violent and property offenses, female status offenders are more likely to be recommended for formal court processing than males charged with violent or property offenses or males charged with status offenses.

**Petition.** Datesman and Scarpitti (1977) found that, although female felons and misdemeanants received leniency at initial screening when compared with males, female status offenders were the recipients of harsh treatment in comparison with their male counterparts. Specifically, of those charged with status offenses, 41 percent of males compared to 17 percent of females had their cases dismissed. Similarly, Bishop and Frazier (1992) and Pope and Feyerherm (1983) found that female status offenders were more likely to be petitioned for formal court proceedings than were male status offenders.

**Adjudication.** The majority of juveniles who proceed to adjudication are adjudicated delinquent (Rubin, 1989; and Leiber, 1992a; 1992b). Thus, biases on the basis of extralegal factors are not likely to occur (Leiber, 1992a). Chesney-Lind (1977) contends, however, that in cases involving status offenders, judges retain the ability to enforce traditional gender roles. Consequently, female status

offenders are more likely to be adjudicated delinquent than male status offenders (p.127).

In spite of the application of the rules of due process to juveniles by way of In Re Gault, Horowitz and Pottieger (1991) suggest that judges continue to enforce conventional gender roles in cases involving criminal offenses. Specifically, females were found to have an overall higher rate of adjudication than males (Horowitz and Potteiger, 1991). The disparity was attributed to the higher adjudication rate for prostitution (78%) compared to all other crimes (64%) and the fact that approximately 97% of prostitution arrests involved females (Horowitz and Potteiger, 1991:91).

**Disposition.** At the final stage within the system, Chesney-Lind (1977) found that females accounted for 20 percent of youths placed in state training schools (p.128). Seventy percent of girls committed to the training school, however, were confined for status offenses (Chesney-Lind, 1977). Chesney-Lind (1977) suggests that judges incarcerate female juveniles as a means of protecting their sexuality.

In a study of 9,223 delinquent cases, Bortner and Reed (1985) found, after controlling for offense severity, that females were treated more harshly at disposition than males. Specifically, they state that "females receive more severe dispositions than would be expected based on their proportion

of severe offenses" (Bortner and Reed, 1985:421). This would suggest that harsh treatment is not reserved for status offenders alone, but that females who commit less serious offenses may also be disadvantaged within the system.

Horowitz and Potteiger (1991) also found that females adjudicated for less serious offenses, such as prostitution, were more likely to be incarcerated. Furthermore, the likelihood that a female would be incarcerated for any offense increased if the female was a repeat offender (Horowitz and Potteiger, 1991).

In summary, evidence supporting the traditional sex-role perspective has been advanced by researchers at numerous stages within the system. Upon examining the literature one common theme emerges. Most of the studies that find harsh treatment toward females either include or focus entirely on populations of status offenders (eg. Bishop and Frazier, 1992; Chesney-Lind, 1977; 1988; Conway and Bogdan, 1977; Figueira-McDonough, 1987; Krohn et. al., 1983; and Pope and Feyerherm, 1983).

Another trend finds that females receive harsh treatment for criminal offenses less serious in nature, such as prostitution or shoplifting (Horowitz and Potteiger, 1991). Furthermore, female repeat offenders have also been found to

be disadvantaged throughout the system when compared with male repeat offenders (Horowitz and Potteiger, 1991).

Where offense severity increases, however, researchers find that females are treated more leniently than males. Studies finding lenient treatment toward females champion the chivalry explanation of gender differences in juvenile justice decision-making. The following section will discuss literature focusing on the chivalrous treatment of females.

#### **CHIVALRY PERSPECTIVE**

The chivalry perspective predicts gender effects opposite those found under the traditional sex-role perspective (Johnson and Scheuble, 1991). This perspective suggests that decision-makers, being predominantly male, protect females from the system by affording more lenient treatment to female offenders who are brought into the system (Chesney-Lind and Sheldon, 1992; Edwards, 1989; and Parisi, 1982). It has been suggested by researchers that male decision-makers offer lenient treatment to females because they have been taught by society to protect the innately compliant nature of females. Alternatively, Simon (1975) suggests that male officials offer preferential treatment to females because they compare the female offender to significant females in their lives (eg., mothers and wives) and, thus, cannot visualize the offender as a criminal.

As with the traditional sex-role perspective, a substantial body of literature also lends support to the chivalry perspective (Barnes and Franz, 1989; Chambers et al., 1980; Cohen and Kleugel, 1979; Chesney-Lind, 1977; and Datesman and Scarpitti, 1977) Research has found that females receive lenient treatment from the police, probation officers, prosecutors and judges at several stages from initial police contact to final disposition.

**Police.** Although it was found that females are dealt with more harshly than males by the police when they commit status offenses, several studies have found the converse to be true where criminal offenses are concerned (Chesney-Lind, 1977; Chambers et al., 1980; Krohn et al., 1983; and Moulds, 1980). Krohn et al. (1983), for example, found that female status offenders were at a disadvantage when compared with male status offenders. However, when criminal offenses were examined, males were treated more harshly than females for both misdemeanor and felony offenses. Chesney-Lind (1977) also indicated that where status offenses are concerned the police act according to the traditional sex-role perspective; however, when the offense is criminal in nature, police actions follow the chivalry perspective.

Horowitz and Potteiger (1991) found a striking gender difference in favor of females for felony offenses. Although 63 females were responsible for some 1,800 serious felonies,

none of the offenses resulted in an arrest. Males, on the other hand, had a 40% probability of arrest for felony offenses (p.82).

**Detention.** Research addressing the detention decision has produced findings similar to those found at the decision to arrest. Once again, females are more likely than males to be detained for status offenses. When criminal offenses are considered, males appear to be at a disadvantage (Chesney-Lind, 1977; 1988; Bortner and Reed, 1985; and Bishop and Frazier, 1992). Chesney-Lind (1988) found that females were more likely to be detained for status and misdemeanor offenses; however, males charged with felony offenses were more likely detained than similarly situated females.

In a recent analysis of criminal and status offenders, Bishop and Frazier (1992) found that males charged with criminal offenses were significantly more likely to be detained than female criminal offenders. Similarly, Bortner and Reed (1985) found that among those charged with serious offenses, males were more likely to be detained.

**Intake.** At the initial screening, research has suggested that probation officers are more likely to refer males for formal court processing for criminal offenses than they are to refer females (Chesney-Lind, 1977; Bishop and Frazier, 1992). Chesney-Lind (1977) suggests that females receive lenient treatment at intake when their charges involve law violations.



Chambers et al. (1980) reported similar findings at intake suggesting that females were more likely to be counseled and released, whereas males were more likely to be placed on probation.

In a study of five decision points within the system, Bishop and Frazier (1992) also found that males were more likely to be referred for petitioning than females. Specifically, they note that

a male who is a white 15-year-old who is referred for a misdemeanor against a person, such as a simple battery, and who has one prior referral for a public order misdemeanor that was closed without action had a 54% probability of being recommended for formal processing, while the probability for similarly situated females is 45% (p.1179-1180).

**Petition.** Limited support for the chivalry perspective was found at the petition stage. Bishop and Frazier (1992) found that males were more likely than females to be petitioned to court. In the average referral, they indicate that a male has a 38% chance of having a petition filed compared to females, who have a 32% chance (p. 1181).

**Disposition.** Although females are disadvantaged at disposition when their cases involve status offenses, the opposite appears to be true for delinquent offenses. Researchers have found that females are more likely to receive

a disposition of treatment within the community, while males are more likely to be placed in residential facilities, state training schools, or to be waived to criminal court (Foy et. al., 1991; Johnson and Scheuble, 1991; Bishop and Frazier, 1992; and Barnes and Franz, 1989). In a recent study, Bishop and Frazier (1992) found that, in addition to receiving harsh treatment at three previous stages of the system when compared to females, males were also more likely to receive the most severe outcome at disposition, incarceration in a secure facility.

Johnson and Scheuble (1991) confirm this finding in their study examining juvenile court dispositions. In general, males were more likely to receive the most severe disposition, lock-up in a correctional facility, while females were more likely to receive treatment within the community. Furthermore, this pattern of harsh treatment persisted after differentiating between criminal and status offenders. This finding is notable in that, not only does it serve as support for the chivalry perspective, it contradicts the literature supporting the traditional sex-role model regarding status offenders.

Evidence of chivalry was also found in waiver decisions. For example, in an examination of juvenile waiver decisions, Barnes and Franz (1989) found that waiver petitions were dropped in exchange for a plea bargain for females more often

than for males. Furthermore, it was found that those who plea bargained received leniency at sentencing to the advantage of females.

In summary, a substantial amount of literature supports both the traditional sex-role and chivalry perspectives. In general, females receive harsh treatment compared to males when their charges involve status offenses; however, they receive more lenient treatment for delinquent offenses. There have, however, been exceptions to this generalization. Bishop and Frazier (1992), for example, found that males were treated more harshly than females even after differentiating between status and criminal offenses. On the other hand, Horowitz and Potteiger (1991) found that females were treated more harshly than males in situations involving criminal offenses.

Before concluding that the juvenile justice system is permeated with gender bias, attention must be given to research that fails to find evidence of differential treatment of males and females.

#### **NO GENDER BIAS**

Although support has been proffered for both traditional sex-role and chivalry perspectives, there also exists evidence that there is no gender bias within the juvenile justice system (Corley et. al., 1989; Foy et. al., 1991; Dannefer and

Schutt, 1982; Phillips and Dinitz, 1982; Teilmann and Landry, 1981; and Stevens and Koch, 1980).

Teilmann and Landry (1981) contest the findings of research supporting the traditional sex-role model in their study of police, probation and court dispositions. Specifically, they contend that the overrepresentation of female status offenders in the system is not a result of bias on the part of decision-makers. Rather, it is the point of entry into the system, arrest, that results in the disparity. Teilmann and Landry (1981) found that parents were more likely to notify police of status offenses committed by their daughters. As a result females were more often arrested and brought into the system for status offenses than were males. They conclude that where status offenses are concerned it is bias on the part of the parents, not decision-makers, that results in gender differences within the system.

The chivalry perspective, likewise, has been challenged. Researchers focusing on delinquent youth have also failed to find evidence of gender bias within the system. In a study of family, school and juvenile court sanctions, Corley et al. (1989) found no evidence of gender bias within the juvenile justice system. Phillips and Dinitz (1982) also found no evidence of differential treatment in their study of court dispositions.

While research focusing on multiple stages within the system has found support for the traditional sex-role and chivalry perspectives at some stages, some fail to find evidence of gender bias at other stages. Bishop and Frazier (1992), for example, found that females status offenders were more likely to be petitioned than similarly situated males; however, they failed to find evidence of gender bias at intake or disposition. In the same study, Bishop and Frazier (1992) found that male delinquent offenders were treated more harshly than females at four stages; but, they failed to find evidence of gender bias at the adjudication stage.

In summary, a large body of research exists supporting not only the traditional sex-role and chivalry perspectives, but also the contention that gender bias does not exist within the juvenile justice system. Parisi (1982) suggests that methodological inconsistencies may explain the inconclusiveness of much of the research that focuses on juvenile justice decision-making. More sophisticated studies show either no gender bias or differential treatment which varies by offense or processing stage (Bishop and Frazier, 1992; Johnson and Scheuble, 1991; and Horowitz and Pottieger, 1991). The following section will discuss the methodological shortcomings that plague the existing body of research.

### **METHODOLOGICAL WEAKNESSES OF EXISTING LITERATURE**

Recent research has found differential treatment in some situations but not in others (Bishop and Frazier, 1992; and Foy et. al., 1991). For example, Foy and associates (1991) found no gender bias in the decision to detain or the decision to recommend the filing of a petition. Females were more likely to be petitioned for less severe offenses than their male counterparts. At the judicial disposition stage, however, males with extensive prior records were likely to receive more severe dispositions than similarly situated females. Thus, while biases may occur at some stages but not at others, the target group of such biases may also vary by processing stage and situation.

In summary, it is difficult to draw any concrete conclusions regarding the influence of gender on juvenile justice decision-making. Conflicting findings may be due, in part, to factors such as the time period and jurisdiction in which the study was conducted (Johnson and Scheuble, 1991). Faulty research design is another factor complicating the issue of gender and decision-making. Methodological flaws adding to the conflicting nature of the findings are discussed in the following sections and include: inclusion of status offenders in samples, use of single-stage analysis, inaccurate measurement of dependent variables, lack of adequate controls, focus on status offenders, and the absence of multivariate

analysis and examination of interaction terms (Leiber, 1992; Pope and Feyerherm, 1990; and Bishop and Frazier, 1988).

#### **INCLUSION OF/FOCUS ON STATUS OFFENDERS**

Horowitz and Pottieger (1991) and Bishop and Frazier (1992) suggest that the conflicting findings of research addressing gender and juvenile justice decision-making over the past three decades may be due, in part, to changes that have taken place in the juvenile justice system during this time period. Specifically, they cite change in the manner in which status offenders are handled by the juvenile courts.

Over the last two decades the juvenile justice system has transformed into a legal system paralleling that of the criminal courts (Rubin, 1989). Rubin (1989) suggests that this is a result of In Re Gault, which afforded many of the rules of due process guaranteed in the criminal courts to the juvenile justice system.

Several years later, the Juvenile Justice and Delinquency Prevention Act of 1974 (referred to as the JJDP Act) was passed. The JJDP Act mandated to juvenile justice officials that status offenders no longer be held in secure facilities, thus making it difficult for decision-makers to practice differential treatment (Bishop and Frazier, 1992). Status offenders are referred to as "in need of assistance" and are often processed in a manner different from that of delinquent

offenders. As a result of these changes in the procedures of the juvenile justice system, the credibility of the claims of gender bias within the juvenile justice system is debatable since so many studies focus on, or include, status offenders in their samples (Bishop and Frazier, 1992 and Horowitz and Pottieger, 1991). Horowitz and Pottieger (1991) suggest that researchers focus on delinquent offenders to gain a more accurate perception of the role of gender in juvenile justice decision-making.

#### **SINGLE-STAGE ANALYSIS**

A second shortcoming of existing research is the focus on a single stage of decision-making (Bishop and Frazier, 1988). Researchers typically view juvenile justice decision-making as separate events rather than as an interrelated process (Marshall and Thomas, 1983). Consequently, there is a tendency to target one or two decision-making stages within the juvenile justice system (Bortner and Reed, 1985). The most common decision-making stages examined are disposition and/or the severity of disposition and detention (Bortner and Reed, 1985 and Bishop and Frazier, 1988). Failure to examine multiple stages may distort findings of selection bias with the juvenile justice system (Leiber, 1992b). For example, in a study of the influence of race on police, intake, and court dispositions, Dannefer and Schutt (1982) found that black



youth were treated more harshly by the police than white youth. At the disposition stage, however, black youth became the recipients of lenient treatment. Focusing solely on late stage processing would not allow for the detection of race effects at earlier stages within the system.

Another important problem associated with single-stage analysis, particularly when examining late stage processing, is that biases may be hidden due to correlations between gender and earlier processing outcomes that are important later in the system (Leiber, 1992b; Bishop and Frazier, 1988). An example of this phenomenon can be found in the race literature. In an examination of the influence of race on detention, screening, and court disposition outcomes, Bortner and Reed (1985) found no race effect at the disposition stage. However, race had a significant effect on detention decisions which had a direct effect on decision-making at the disposition stage. Therefore, although detainees receive similar dispositions regardless of race, black youth were more likely to be detained and, thus, received more severe dispositions. Zatz (1987) refers to this phenomena as "indirect" discrimination. Once again, such biases would go undetected in single-stage analysis.

### **IMPRECISE MEASUREMENT OF DEPENDENT VARIABLES**

Another shortcoming associated with much of the existing literature on juvenile court processing involves the operationalization of dependent variables (Bishop and Frazier, 1988). Measurements of processing outcomes vary among existing research, making comparisons of the findings difficult. Furthermore, researchers often fail to operationalize processing outcomes in a manner that reflects the juvenile justice system. For example, an early study by Terry (1967) categorizes waiver to adult court as an outcome of the intake stage. Recent research, however, argues that a transfer to adult court is the most severe sanction available to juvenile justice officials (Bishop and Frazier, 1992:1171). Thus, waiver to adult court is often included as an outcome at disposition (eg., Bishop and Frazier, 1992, 1988; and Leiber, 1992a; 1992b).

### **INADEQUATE CONTROLS**

A third problem, especially common in early research, is the lack of adequate controls for legal and extralegal factors which may explain disparities in case processing (Bishop and Frazier, 1988:244). At the very least, controls for offense severity and prior record are necessary (Bishop and Frazier, 1988:244). However, some early researchers did not assess the impact of these variables on processing outcomes (eg.,

Chesney-Lind, 1977). Furthermore, studies often fail to control for factors such as the number of current charges (eg., Bishop and Frazier, 1988) and whether the youth was under some type of court authority at the time of the current offense (Leiber, 1992a). Research has also demonstrated the importance of controlling for extralegal or social characteristics such as age of the offender (eg., Bortner and Reed, 1985), the structure of the family (eg., Johnson and Scheuble, 1991), and school status (eg., Fagan et al., 1987). Such factors may play an influential role in decision-making as our juvenile justice system continues to practice "individualized" justice (Waegel, 1989).

#### **ABSENCE OF MULTIVARIATE ANALYSIS**

Prior to the 1980's, most research relied on bivariate analyses as a means of measuring the effect of variables on case outcome (Bishop and Frazier, 1988). Such methods, however, are incapable of measuring the effect of gender while holding other relevant variables constant, thus making it difficult to draw conclusions about the effect of independent variables on dependent variables.

While most of the recent research on juvenile court processing employs multivariate techniques, usually only additive models are examined (Leiber, 1992a). Gender effects may be masked in additive models since the effect of gender

may be conditioned by other independent variables included in the model (Farnworth and Horan, 1980; Spohn et al., 1985; and Miethe and Moore, 1986). To illustrate, although gender, when examined alone, may not have an impact on case outcome, an examination of the interaction of gender and race may reveal gender effects that were not present in the additive model.

Research has shown that the race of the juvenile plays a significant role in juvenile court processing (Pope and Feyerherm, 1990). In a review of forty-six studies, Pope and Feyerherm (1990) found evidence of racial bias in many state and local juvenile justice systems throughout the country. They indicate that race may have a direct or indirect effect on decision-making. Furthermore, several researchers have found evidence that the effect of gender may be conditioned by race (Horowitz and Pottieger, 1991; Bortner and Reed, 1985; Spohn et al., 1985). The following section focuses on literature which finds a significant interaction between gender and race.

### THE INTERACTION OF GENDER AND RACE

Researchers have been assessing the impact of social characteristics, such as gender and race, on decision-making for decades (Horowitz and Pottieger, 1991). It has only been within the past ten to fifteen years, however, that researchers began to examine the interaction of gender and race. Spohn et al. (1985) emphasize the importance of examining this interaction in stating that failure to examine gender and race

is a serious shortcoming, since research has revealed that black defendants tend to be incarcerated more often than white defendants and that at least some of the (gender) disparity is due to racial discrimination. Failure to examine black and white defendants separately could mask distinctions in the treatment of male and female defendants (p.179).

Since the early 1980's, a significant amount of research focusing on the adult court system has examined the gender/race interaction (Gruhl et al., 1984; Kruttschnitt, 1984; Spohn et al., 1985; and Weitsheit and Mahan, 1988). Gruhl et al. (1984) found a significant gender/race interaction at the sentencing stage of the criminal justice system. Although they failed to find significant gender differences between white males and females, Gruhl et al. (1984) found that black females receive more lenient sentences

than black males. Moreover, when compared with white males, black females received similar sentences.

Spohn et al. (1985) confirm this finding after controlling for a number of relevant variables. They found that black males had a higher rate of incarceration than black females, and that black females were incarcerated at about the same rate as white males. They suggest that to conclude that gender alone influences sentencing decisions is misleading since gender differences only occurred among black defendants. Furthermore, Spohn et al. (1985) suggest that it is not that black females are receiving preferential treatment, but that black males the targets of discriminatory decision-making.

Unlike research focusing on the adult system, research examining the impact of the interaction of gender and race on juvenile justice decision-making is much less common (Horowitz and Pottieger, 1991). Bortner and Reed (1985) report significant gender/race interactions in a study examining detention, initial screening and final disposition decisions. They found that black females were more likely than white females to be detained. Contrary to findings in the adult system, however, white males were more likely than black males to be detained. At initial screening, Bortner and Reed (1985) found that black females were treated more harshly than all other gender/race groups. Thus, unlike studies focusing on the adult system, it appears that black females are the target

of discriminatory actions on the part of juvenile justice officials.

Horowitz and Pottieger (1991) also examine the interaction of gender and race in a recent study of arrest, adjudication, and disposition decisions. At the arrest stage, they found no gender differences between white males and females; however, among black youth, males were more likely to be arrested than were females. At the disposition stage, Horowitz and Pottieger (1991) found that white females were more likely than all other gender/race groups to receive no punishment beyond adjudication for first-time drug offenses. As additional drug offenses were accrued, however, white females were more likely than other groups to be incarcerated.

In summary, it appears that the impact of gender/race interactions are fairly consistent in the adult literature. Overall, black males receive more harsh treatment than all other groups, and black females are treated similarly to white males.

The examination of the interaction of gender and race in juvenile justice system, however, is less common. Furthermore, the findings are not as consistent as those produced by studies of the adult system. While Bortner and Reed (1985) found that black females and white males were disadvantaged compared to white females and black males,

Horowitz and Pottieger (1991) found gender/race differences similar to those reported in the adult literature.

The inconsistent findings in the juvenile literature may be partially due to sampling differences. Specifically, Bortner and Reed (1985) include status offenders in their sample, whereas Horowitz and Pottieger (1991) only include juvenile who have committed offenses that are criminal by law. This may explain why the latter study confirms the findings of the adult literature, while the former does not. Further research employing samples of delinquent offenders is necessary before conclusions regarding the gender/race interaction can be drawn.



### THE PRESENT STUDY

\*The present study evaluates the influence of gender and the interaction of gender and race on juvenile justice decision-making. \*In an attempt to remedy some of the methodological weaknesses of the existing literature, the impact of gender and the gender/race interaction on juvenile justice processing will be examined at five stages of juvenile justice decision-making. Although Bishop and Frazier (1992) conduct similar research on decision-making in Florida, they fail to address decision making that occurs at initial appearance. Additionally, Bishop and Frazier (1992) include detention as one of the five stages examined. In the present study, detention will serve as a control since detention decisions may occur at any point within the system, rather than just at one point early in the system.

\*Unlike much of the existing research, the present study utilizes a sample of delinquent offenders only, excluding those charged with status offenses. The present research also attempts to enhance the existing body of research by employing multivariate techniques to control for the effects of eleven independent variables that have been found to have an impact on juvenile justice decision-making.

\*The current study is significant since it is one of the few studies which focuses on the effect of the interaction of gender and race on juvenile justice decision-making. More

*Risk factors  
Predictal  
Retention*

importantly, it is the only study to examine this interaction at five stages throughout the system. While some researchers report significant interactions when examining either gender or race influences on decision-making, (Leiber, 1992a; 1992b; Horowitz and Potteiger, 1991; and Bortner and Reed, 1985), the interaction of gender and race has not previously been focused upon at five stages within the system.

**HYPOTHESES**

Based on the findings of existing literature, three hypothesis concerning gender differences and the interaction of gender and race have been formulated. The first hypothesis examines the impact of gender on decision-making by testing the chivalry explanation of gender differences within the juvenile justice system. The remaining hypotheses pertain to the interaction of gender and race.

The hypotheses to be tested are:

**Hypothesis 1:** Males will be treated more harshly than females at each of the five stages within the juvenile justice system, thus providing added support to the chivalry model.

**Hypothesis 2:** White females will be treated more leniently than all other gender/race categories at each of the five stages within the juvenile justice system.

**Hypothesis 3:** Black males will be treated more harshly than all other race/gender categories at each of the five stages within the juvenile justice system.

**DATA**

Data for the present study were originally collected by Michael J. Leiber (1992a, 1992b) as part of a larger study which assesses the impact of race on juvenile justice decision-making in Iowa. Four counties were included for the original project; however, due to inconsistencies in the coding of data, the fourth county will not be included in the present study.

As the focus of the original study was the impact of race on decision-making, the determining factor for inclusion in the study was the size of the minority population residing in a particular county. The counties will be referred to as County 1, County 2, and County 3.

All cases included in this study were selected from juvenile court referrals spanning the period from 1980 to 1989. A referral consists of a situation in which the youth was charged with a delinquent offense. Additionally, a youth accused of numerous crimes during a given incident was only counted as one referral. Although some counties consider numerous charges as separate referrals, Leiber (1992a; 1992b) did not. Thus, the youth is the unit of analysis rather than the charge. Numerous offenses were accounted for by the variable 'Number of Current Charges'. Therefore, the number of referrals identified by the researcher may be inconsistent with the number reported by each of the three counties.

Each county differs in terms of its racial composition and in the number and type of referrals. As a result, different sampling techniques were used to create racial comparison groups. Thus, the sampling technique employed by each county will be discussed separately.

**County 1.** The total population of this county is 123,798 with 31,402 persons being age 17 or under (Bureau of the Census, 1990). Minority youth constitute 13 percent of the 17 and under age group, with blacks comprising 11 percent of that figure (Bureau of the Census, 1990). The black youth population in the largest city in the county is nineteen percent.

In county 1, the juvenile court services only manage cases involving delinquent offenses. The average number of referrals per year during the ten-year span of the study was approximately 700, while the average number of juvenile probation officers has ranged from 15 to 18 in the 1980s. The mean caseload has varied from 30 to 42 throughout the decade (Leiber, 1992a).

A total of 9,011 referrals were identified for the ten-year period. With the focus of the study being race differences, it was necessary to have adequate numbers of both white and minorities represented in the sample. Therefore, disproportionate stratified sampling was employed to create racial comparison groups. A random sample of 1,207 referrals

of delinquent cases involving white youths was selected for analysis from a total of 8,111 referrals. The entire population of referrals involving black youths (n=900) was targeted to provide a sufficient comparison group. Of this number, 813 referrals were included in the study. The remaining cases were either missing or had been destroyed. The total sample for County 1 numbered 2,020.

**County 2.** The total population of county 2 is 327,140 with persons in the 17 and younger age group comprising 81,971 of that population (Bureau of the Census, 1990). Minority youth constitute 10.25 percent of the 17 and under age group with blacks making up 6.08 percent and Asians 2.75 percent of that population (Bureau of the Census, 1990). Hispanic and Native American youth make up 2.8 and .32 percent respectively (Bureau of the Census, 1990).

The juvenile court services in this county manage delinquent referrals, cases involving children in need of assistance, and incidents in which mental health is an issue. Additionally, juvenile court services in county 2 deal with parental termination rights and situations where families and their children need assistance. The number of referrals in 1988 was 3,742 with delinquencies comprising 72 percent of that number. The average number of juvenile probation officers was approximately 30 throughout the 1980s.

Information was collected on whites, blacks, Hispanics, Asians, and Native American youths. Due to the manner in which records are kept in this particular county, 5,000 to 7,000 files could not be located. It is believed these records have been either destroyed and/or misplaced. Thus, the number of referrals in County 2 is actually higher than the identified 9,353 referrals involving delinquent offenses.

A random sample of referrals of delinquent cases identified as white (n=1,010) were selected from 7,515 for the analyses. Disproportionate random sampling was used for blacks (n=787 out of 1,632). All cases involving Hispanic youth (n=119), Asian youth (n=66), and Native American youth (n=21) were also recorded. The total sample collected for County 2 is 2,003. Since only white and black youth are included in the present study, the sample is N=1,797

**County 3.** The total population of county 3 is 98,276 with persons in the 17 and under age group comprising 27,579 of that number (Bureau of the Census, 1990). Minority youth constitute 9.36 percent of the 17 or younger age group with blacks comprising 2.84 percent and Native Americans 2.97 percent of that figure (Bureau of the Census, 1990). Hispanic and Asian youth made up 3.97 and 1.78 percent respectively (Bureau of the Census, 1990).

The juvenile court services in county 3 handle both delinquent cases and cases involving children in need of

supervision. The average number of delinquent referrals has ranged from approximately 800 in the early 1980s to 1,800 in the late 1980s. The average number of juvenile probation officers was 8. The average caseload has ranged from 30 to 40 throughout the decade.

A total of 10,331 referrals were identified during the ten-year period. The total number of delinquent referrals of white youth identified was 8,282. A random sample of referrals of delinquent cases identified as white (n=507) were selected for the analyses. Native American youth referred to juvenile court services were also selected from a random pool of referrals. Oversampling was employed (n=985 out of 1,440) due to the relatively small number of studies of juvenile case processing involving Native American youths (Pope and Feyerherm, 1990). All blacks (n=474), Hispanics (n=83), and Asians (n=51) referred to juvenile court services during the ten-year period were included. Since the focus of the present study is on white and black youth, only those cases identified as white or black are included. The sample for county 3 is N=981.

The total sample included in the present study is N=4798. Among this sample, 2724 are white youth, and black youth account for 2074 of the total number. A total of 3,615 males and 1,183 females were included.



## VARIABLES

Six decision-making points were identified in Iowa's juvenile justice system. Five of the stages will serve as dependent variables. The decision to detain a youth will serve as a control variable. In addition, eleven independent variables are included in the analysis. The variables, their codes, frequencies and percentages are presented in Table I.

**Dependent Variables.** The five stages that will serve as dependent variables are: intake, petition, initial appearance, adjudication and judicial disposition. At the intake stage of decision-making a youth may be released, offered an informal adjustment, or recommended for further processing. Intake decisions are coded 0 if the youth was released or offered an informal adjustment, and 1 if the youth was recommended for further processing.

At the petition stage alternatives include the decision to dismiss the charge, to withdraw the petition, or to file a petition. In the present study, decisions not to file a petition or to withdraw the petition are coded 0, while the decision to file a petition is coded 1.

The initial appearance stage is included because youth in Iowa may be offered the option of agreeing to a consent decree or formal adjustment rather than proceeding on to the adjudication stage. The consent decree is similar to the informal adjustment at the intake stage, although a petition

has been filed at this point. If the youth fails to abide by the stipulated conditions, he/she will proceed to the adjudication stage. The offering of a consent decree is coded 0, while further court processing is coded 1.

Youth who were not offered or who did not agree to a formal adjustment proceed on to adjudication. Adjudicatory outcomes include dismissal of the case, the withholding of adjudication, adjudication of delinquency, or determinations to hold a waiver hearing upon the expectation of a transfer to adult court. Cases in which the case was dismissed or adjudication was withheld were coded 0, while cases resulting in an adjudication of delinquency are coded 1. Juveniles awaiting waiver hearings were grouped within the cohort at the judicial disposition stage and were, therefore, excluded from the analysis at the adjudication stage.

Outcomes at the disposition stage include probation and/or some other type of treatment within the community, placement in a secure facility (e.g., training school or residential facility) or transfer to adult court, which is the most severe sanction available to the juvenile courts next to the death penalty (Bishop and Frazier, 1988). Referrals that involve a sentence of probation and/or some other form of treatment within the community are coded 0. Cases where the sentence involved incarceration or transfer to adult court are coded 1.

**Independent Variables.** The independent variables include social characteristics, information pertaining to prior record and prior involvement with the system, and information concerning the current offense. Social characteristics include: gender (0=females, 1=males), race (0=white, 1=black), gender/race interaction, age, school status and family status. Four dummy variables were created to represent the gender/race interaction: white female (0=other, 1=white female), black female (0=other, 1=black female), white male (0=other, 1=white male) and black male (0=other, 1=black male). Age is measured as an interval variable.

Youths included in the study were found to fall into one of three categories of school status. They were either attending with no problems, attending but having academic and/or behavioral problems (eg., fighting, chronic tardiness or disrupting class) or not attending school. Three dummy variables were created to account for the school status of the youth and are coded as follows: attending without problems 0=other, 1=attending; attending but having problems 0=other, 1=attending with problems; and not attending 0=other, 1=not attending.

Family status was included to assess the impact of family structure on case outcomes. Youths who come from a home in which two adults, parents or relatives, are present are coded

0. Those who live on their own or come from a home in which only one parent or adult relative are present are coded 1.

Information pertaining to prior involvement with the system includes prior record as well as disposition for the most recent prior offense. Prior record is a dichotomous variable (0=no prior record, 1=one or more prior offenses) which includes only those prior offenses that, at a minimum, were referred to the juvenile justice system for an intake interview.

Three dummy variables were created to represent past disposition. Those with no prior record serve as a reference category (prior records=0, no prior record=1). Youths who received an informal adjustment for the last offense are captured in the variable INFORMAL (0=no informal adjustment, 1=informal adjustment for previous referral). Youths who were adjudicated or waived to criminal court for a previous offense are represented in the variable FORMAL, (0=no formal treatment, 1=formal treatment for previous referral).

Several variables containing information pertaining to the current offense are included in the present study. Such variables include: court authority (0=no court authority, 1=court authority), number of current charges, offense type/severity and detention. The variable court authority assesses whether or not the juvenile was under some type of court supervision at the time of the current offense.

Since the unit of measure is the youth rather than the charge, the variable 'number of current charges' (CURCHRG) is included to account for those who have more than one charge pending at the time of the current referral (0=one charge, 1=more than one charge).

Four categories of offense type and severity were identified for the present study: property misdemeanors, property felonies, person misdemeanors and person felonies. Due to the small number of females charged with felonies against person(s), person offenses, misdemeanors and felonies, were collapsed into one category. Three dummy variables were created to represent the remaining categories of offenses type/severity. Property misdemeanors, being the least severe, serve as the reference category and are measured in the variable PROPMIS (0=other and 1=charged with property misdemeanors). Those accused of property felonies are included in the variable PROPFEL (0=other and 1=charged with property felonies). Finally, the variable PERSON represents those charged with a misdemeanor or felony offense against person(s) (0=other and 1=charged with offenses against person).

The final independent variable is included to assess the impact of being detained on decision-making. Since a juvenile may be detained at any point in the system, it is necessary to include three separate detention variables in the present

study. In the original data, detention decisions were recorded at intake, initial appearance and adjudication. The first detention variable includes those youths who were detained at the time of intake (0=not detained, 1=detained). This variable will serve as a control at the stages of intake, petition and initial appearance. The second detention variable includes those who were detained at intake and/or following the initial appearance (0=not detained, 1=detained) and will serve as a control at the adjudication stage. The final detention variable includes those who were detained at any point within the system and will serve as a control at the judicial disposition stage(0=not detained, 1= detained).

## **ANALYSIS**

The analyses for the present research follow the methods suggested by Bishop and Frazier (1988). The analyses begin with bivariate comparisons utilizing means with gender and the gender/race interaction variables at each stage within the system. The purpose is to demonstrate the degree to which males and females and each gender/race group may be disproportionately represented among those receiving the most severe outcome at each stage. Bivariate comparisons also allow for the assessment of significant relationships between any two dependent and/or independent variables. Finally,

multivariate analyses are employed to control for additive effects.

## RESULTS

### MOVEMENT THROUGH THE SYSTEM

The movement of the cohort through the system from intake to final disposition is presented in Figure 1. The proportion of males and females, as well as the proportion in each race/gender category, in the original cohort and among all youths receiving the most severe outcome at each stage is provided.

Of the initial cohort (N=4798), 76% either have all charges dismissed or are diverted from the system at intake, while 24% are recommended for further court processing. In terms of gender, 16.5% of females and 27.1% of males were recommended for formal court processing. Within each race/gender group 13.6% of white females, 19.3% of black females, 24.8% of white males, and 30.5% of black males received the most severe outcome at intake. Of the entire cohort being recommended for processing, 15.5% were females and 85.5% were males. Breaking this down further by race, 6.3% were white females, 9.2% were black females, 45.6% were white males, and 38.9% were black males.

The proportion of males in the cohort recommended for court processing increased by 7.5 percentage points from the original cohort, while the female representation decreased by 7.5 percentage points. Furthermore, significant differences occur when race is taken into consideration. Specifically,



black males made up 31.5% of the original cohort; however, they compose 38.9% of the cohort recommended for further processing. The proportion of white males stayed the same, and the proportions of white females and black females decreased.

Youth who were recommended for further processing at intake are usually petitioned (92%) rather than filtered out of the system. As a result, the composition of the cohort did not change at petition. At the initial appearance, however, males were once again significantly more likely than females to receive the most severe outcome. Additionally, black males were significantly more likely to advance to the adjudication stage than were the other gender/race groups. Specifically, 71.4% of black males and 67.7% of white males advanced to adjudication, compared to 58.6% of white females and 57.8% of black females. Overall, males made up 86.5% and females 13.5% of the cohort. Black males comprised 40.3% of the cohort at initial appearance, an increase of 8.8 percentage points from the original cohort. White males, on the other hand, made up nearly the same proportion of the cohort at initial appearance as at intake. The proportions of white females and black females decreased 5.6 and 3.9 percentage points, respectively, from that of the original cohort.

The majority of youths (89%) proceeding to the adjudication stage are adjudicated delinquent. As a result,

the composition of the cohort did not change from initial appearance to adjudication. Of those adjudicated, 49% received the most severe disposition, waiver to criminal court or incarceration. Once again, males were more likely to receive the most severe outcome, although the difference was not statistically significant. Fifty-one percent of males as opposed to 38% of females were waived or incarcerated. Broken down by race, 53% of black males and 49% of white males received the most severe disposition, compared to 41% of white females and 36% of black females. Once again, however, these differences were not statistically significant. The proportion of males in the cohort at disposition is 89.9%, an increase of 12.9 percentage points from the original cohort. Among the four race/gender groups, black males account for 42.1% of the cohort. This is an increase of 2.1 percentage points from adjudication and 10.6 percentage points from the original cohort. The proportion of white males increased by 1.5 percentage points, while the proportion of white and black females decreased 1.3 and 2.2 percentage points, respectively.

In summary, significant gender and race/gender differences do occur at two stages within the system, intake and initial appearance. Overall, males make up a larger percentage of the cohort than females throughout the system. Furthermore, the proportions of white males and black males increased as the cohort progressed, while the proportions of

white females and black females decreased. The greatest increase occurred among black males, who composed 31.5% of the original cohort and 42.1% of those who received the most severe outcome at disposition. Thus, black males increased in representation in the cohort from intake to judicial disposition by 33.6%. The proportion of white males in the cohort increased by 2.3 percentage points, while the proportions of white females and black females decreased 6.9 and 6.1 percentage points, respectively. The majority of the change in the composition of the cohort occurred at intake; however, significant changes also occurred at the initial appearance.

#### **ZERO-ORDER CORRELATIONS**

Zero-order correlations were used to examine bivariate relationships between any two variables included in the model. These comparisons may reveal differences in case outcome among distinctive groups. Bivariate analyses comparing gender and the race/gender interaction variables with five decision-making stages reveal that gender and the interaction of gender and race are significantly related to case processing outcomes. Zero-order correlations examining these relationships are presented in Table II.

**Comparisons among independent variables.** An examination of the coefficients reveals several significant differences

between males and females, as well as differences among the four race/gender groups. In terms of social characteristics, females are significantly more likely to come from a home in which one adult is present. Being female was significantly associated with attending school, as well as with not attending school. Males, on the other hand, were significantly more likely to be attending school with behavioral problems.

Among the four race/gender groups, both black males and black females tended to be younger than white youth. Similarly, black males and black females had a significantly greater likelihood of coming from homes headed by one adult; whereas, white youth were more likely to come from homes in which two adults were present. Where school status is concerned, white females and black females were significantly more likely than males to be attending school without problems; whereas, black males were significantly more likely than all other groups to be attending school with problems.

An examination of relationships between gender and process-related variables reveals that males were likely to have more frequent involvement with the juvenile justice system. Specifically, males were significantly more likely to have prior records and, not surprisingly, prior informal and formal contact with the juvenile justice system. Furthermore, males were more likely to be under some form of court

supervision and to have more than one charge filed at the time of the current offense. Where offense severity is concerned, females were more likely to be charged with property misdemeanors. Males had a significantly greater likelihood of being charged with property felonies or offenses against person(s).

Comparisons among the four race/gender groups and process-related and legal variables reveal several significant differences. Black males were significantly more likely than other groups to have a prior record and prior informal or formal contact with the juvenile justice system. Black males were also more likely to be under some form of court supervision at the time of the current offense and to be detained at intake. Being a white male was associated with having more than one charge filed; while white females and black females were likely to have only one charge pending.

In terms of offense severity, white females and black females were significantly more likely than white and black males to be charged with property misdemeanors. Both white and black males were likely to be charged with property felonies; while, only black males were likely to be charged with committing an offense against person(s).

**Comparisons with dependent variables.** While significant relationships exist between a number of independent variables, there are also a number of independent variables related to

processing outcomes. Several legal and social variables are related to outcomes at intake. Legal variables related to intake decisions include: prior record, past disposition, court authority, number of current charges, and offense seriousness. Specifically, persons who have a prior record, who have had past involvement with the courts (informal and formal), who are under some type of court supervision at the time of the current referral, who have more than one charge, and who have committed an offense against a person are more likely to be recommended for formal court processing. Also, those who were detained were more likely to be referred to court than those who were not detained.

Social variables related to intake outcomes include: gender, race, the race/gender interaction, age and school status. Those more likely to be recommended for further processing are black males, older youth, youth who are attending school but having problems, and youth who are not attending school. Females, both black and white, are more likely to have the charges dismissed or receive an informal adjustment, as are youth who are attending school with no problems.

Outcomes at the petition stage are related primarily to legal variables. Specifically, juveniles with prior records, past informal adjustments, more than one charge at the time of the current offense, and a charge involving a crime against a

person are more likely to be petitioned. In addition, white males and older youth are more likely to be petitioned than are the other race/gender groups and younger youth.

At the initial appearance stage it is once again legal factors that are most strongly related to the decision to refer a youth on to adjudication. Juveniles who have prior records, who have past informal adjustments or adjudications, and who were under court supervision at the time of the current offense are likely to advance to the adjudication stage of decision-making rather than be offered a consent decree. Additionally, youth who were detained are more likely to proceed to adjudication. Males were more likely to proceed to adjudication than females. Among the various race/gender groups, the only significant relationship involves black females. At this stage, black females are more likely to be offered or agree to a consent decree than other groups.

As one would expect, decision-making at the adjudication stage is associated only with legal variables. Specifically, youths with a prior record, youths who were under court supervision at the time of the offense, youths who committed an offense against person(s), and youths who were detained were more likely to be adjudicated.

Disposition outcomes are related to a number of legal and social variables. Youths who have no prior record are likely to receive a disposition of treatment within the community.

Youths who have had prior adjudications and incarcerations or who were under the supervision of the court at the time of the current offense were more likely to be waived or incarcerated.

Among the race/gender groups the only significant relationship involves black females. Specifically, black females are more likely to be treated within the community. Similarly, youth who attend school without problems are likely to receive the most lenient outcome at this stage. Older youth and youth who do not attend school, however, were more likely to receive the most severe outcome.

In summary, it appears that outcomes are most strongly related to legal variables. In particular, prior record, prior disposition, the presence of court supervision at the time of the current offense, and detention appear to be the most consistently and strongly related factors. Among social variables, a consistent trend exists with black females. Specifically, black females were significantly more likely to receive lenient treatment at intake, initial appearance, and disposition. Older youth were consistently more likely to receive harsh treatment at all stages except initial appearance.

The bivariate analysis suggests that some differences exist between males and females, and the four race/gender groups and case outcome. These associations in and of themselves, however, are not evidence of bias based on gender



or the interaction of gender and race. Factors such as prior record and past involvement with the system may explain patterns in case outcome. As a result, the next phase of the analysis involves examining the effect of each independent variable while simultaneously controlling for the other variables in the model. By doing so, it is possible to determine to degree to which each variable influences outcomes at each stage.

#### **MULTIVARIATE ANALYSIS**

Multivariate techniques were employed to estimate the effect of one independent variable on outcomes at five stages while simultaneously controlling for the effects of all other variables included in the model. Because all of the dependent variables are dichotomous and all of the independent variables are categorical or interval, logistic regression was utilized.

Dummy variables were created to represent school status, county, past disposition and offense seriousness. To examine the impact of school status, attending school serves as a reference category for comparisons with attending but having problems and with not attending. County 1 serves as a reference category for the county analysis. To assess the impact of past disposition, two dummy variables were created to represent those who had received an informal adjustment or those who had been adjudicated, waived or incarcerated for a

previous offense. The reference category includes youth who have had no prior involvement with the juvenile justice system. Finally, three categories of offense severity were defined. Three dummy variables representing youth who had committed property misdemeanors, property felonies, and person offenses were created. The property misdemeanor category was omitted to serve as the reference category.

**The effect of gender.** The first hypothesis being tested suggests that males will be treated more harshly than females by juvenile justice officials at five stages of decision-making. Results are presented in Table III.

Overall, it appears that decision makers are influenced primarily by legal factors at most stages. The first hypothesis receives only limited support. Specifically, males are treated more harshly than females only at the stage of intake.

The first column in Table III provides results for outcomes at intake. Several legal variables influenced the decision to recommend the youth for further processing. Factors such as prior record, past disposition, court authority, number of charges, and offense severity all had a significant impact on intake decisions. Not surprisingly, those who had prior records, who had been adjudicated, waived or incarcerated for the previous offense, who were under court

supervision at the time of the current offense, who had more than one charge pending, or were charged with an offense more serious than a property misdemeanor were more likely to be referred for formal processing. In addition, youths who were detained were more likely to proceed to court.

The most influential variables in the model involve offense severity and past disposition. Specifically, youths who had been charged with property felonies were more likely than those charged with property misdemeanors to be recommended for further court processing. Likewise, youths who had been adjudicated, waived or incarcerated for their last offense were more likely than those who had no prior court disposition to be recommended for further court processing.

A number of extralegal variables also had a significant impact on the decision to refer the juvenile to court. Males were significantly more likely to be referred to court than females. Black youth were treated more harshly at intake, as were older youth. Youths who were having problems in school, as well as youths who were not attending school were more likely to be recommended for processing than youths who were attending school without problems. In county comparisons, youths in County 2 and County 3 are more likely to have their charges dismissed or to receive an informal adjustment than youths processed in County 1. It appears that findings

produced by multivariate analysis for the intake stage concur with the findings of the bivariate analysis.

Decision-making at the petition stage is influenced by fewer variables than the initial stage in the process. This would be expected since most youths recommended for processing at intake (92%) are petitioned. Youths who had received an informal adjustment for a previous offense were more likely to be petitioned than those who had no previous contact with the system. Similarly, those who had more than one charge pending were more likely to be petitioned than those who had only one charge.

The only social characteristic having an impact at the petition stage was school status. Specifically, youths who were having problems in school were more likely to be petitioned than those who were attending without problems. The county in which the youth is referred to court also had an impact at this stage. Youths in County 2 were more likely to be petitioned than youths in County 1; however, youth in County 3 were less likely to be petitioned than youths in County 1.

Legal variables were the primary predictors of outcomes at initial appearance. Youths were more likely to proceed to adjudication as opposed to being offered a consent decree if they had a prior record, had been adjudicated or incarcerated for a prior offense, or had been detained. The county in

which a youth is processed is once again a significant factor. In particular, youths processed in County 2 were significantly more likely to be offered and agree to a consent decree than youths in County 1.

As Horowitz and Potteiger (1991) suggest, extralegal factors should have little or no impact on decision-making at the adjudication stage. This is supported by the present findings. The only extralegal factor to have an impact at this stage involved the county in which the youth was processed. Specifically, youths referred in County 3 were significantly more likely to be adjudicated than youths in County 1. Offense severity was the only other variable to have a significant influence on adjudicatory outcomes. Not surprisingly, those charged with property felonies were more likely to be adjudicated than those charged with property misdemeanors.

Decision-making at the final stage, disposition, is influenced by few variables. Legal variables found to have an impact on outcomes at this stage are prior record, past disposition, and detention. In particular, those who had prior records or had been adjudicated for a prior offense were more likely to receive the most harsh outcome at disposition. Youths who were detained were also more likely to be waived or incarcerated than those who were not detained.

Only one social characteristic, age of the offender, was found to have a significant impact on outcomes at the disposition stage. Older youths were more likely to receive the most severe outcome than younger youths. This supports the findings produced by the bivariate analysis.

**The effect of the gender/race interaction.** Two hypotheses were developed regarding the interaction of gender and race. Hypothesis 2 predicts that white females will be treated more leniently than all other gender/race groups. Hypothesis 3 predicts that black males will be treated more harshly than the other three gender/race groups.

To test Hypothesis 2, three dummy variables were created to represent black females, white males and black males. White females were omitted to serve as a reference category. In testing Hypothesis 3, black males were the omitted category. The results of logistic regression testing hypothesis 2 and hypothesis 3 are presented in Table IV.

In terms of Hypothesis 2, black females, white males and black males were all significantly more likely than white females to be recommended for formal court processing at intake. Thus, hypothesis 2 is confirmed with respect to this decision. The hypothesis was not supported, however, at subsequent stages within the system. Specifically, white females were not significantly less likely to be petitioned,

adjudicated, or to be incarcerated than the other gender/race groups.

The results fail to support Hypothesis 3 at any of the stages within the system. While black males were significantly more likely than white females and white males to be referred for formal court processing; they were not more likely than black females to be referred to court. Additionally, no support was found for Hypothesis 3 at the stages following intake.

With respect to the first two hypotheses, it appears that differences based on gender and the interaction of gender and race occur only at intake. Specifically, males are more likely than females to be referred for formal court processing. White females are less likely than the other gender/race groups to be referred and black males are more likely than white females and white males (but not black females) to be recommended for formal processing. Decision-making that occurs at subsequent stages does not appear to be significantly influenced by the gender or race of the juvenile.

## DISCUSSION

The objective of the present study was to test three hypotheses focusing on gender and the interaction of gender and race. The first hypothesis predicted that males would be treated more harshly at all five stages of the juvenile justice system. If this hypothesis were supported, it could be concluded that juvenile justice officials were engaging in chivalrous decision-making behavior within the counties studied.

The remaining hypotheses focused on the gender/race interaction. Hypothesis 2 predicted that white females would be treated more leniently than the other three gender/race groups. Hypothesis 3 predicted that black males would be treated more harshly than all other gender/race categories.

## FINDINGS

**The effect of gender.** Although case outcomes are more strongly influenced by such legal factors as prior record, past disposition and offense severity, the results also suggest that youth are treated differently based on a number of social characteristics. Unlike the legal factors, however, extralegal variables only appear to have a significant impact at the stage of intake.

That extralegal factors influence decision-making only at intake indicates that the concept of parens patriae, the



philosophy on which the juvenile court system was established, continues to serve as a foundation at this stage. As Matza (1964) indicates, the concept of parens patriae allows for the consideration of a variety of factors to enter into decision-making. Applied to the present study, this suggests that intake personnel have the latitude to consider the youth's social history when determining the outcome of a case. With such discretion, there is a possibility that personal beliefs may affect decision-making. This may account for the differences based on race, age, school status and gender that were found in the present study.

While the majority of youths (75%) are filtered from the system at this stage, intake personnel may have felt that youths who were white, who were younger and who were attending school without problems were more amenable to treatment, such as counseling or community service, or were more deserving of a second chance. This same explanation may account for the lenient treatment of female juveniles at intake. Decision-makers at this stage may have felt that females would be more receptive to informal sanctions than male offenders.

Alternatively, gender differences may be the direct result of gender bias on the part of intake officials. Decision-makers at this stage may have been unable to relate the offense committed to the female offender due to personal beliefs that females are pure and submissive by nature and are

incapable of such acts. Consequently, decision-makers at this stage may have felt responsible for protecting the female juvenile from the system. Such chivalrous attitudes, particularly at intake, may affect decision-making since officials are knowledgeable of the fact that the further the youth infiltrates the system, the more likely it is that he/she will be incarcerated. With this in mind, they may feel obligated to spare the female offender the harsh consequences of her own delinquent behavior by dismissing the charge or by meting out an informal adjustment.

Another explanation of the gender difference at intake may be that intake personnel are protecting the family rather than the female juvenile. This rationale, referred to as the "practicality factor", has been utilized in explaining the lenient treatment of adult females within the criminal court setting (Gruhl et al., 1984; Daly, 1989). Since the adult female offender may be the sole provider and caretaker in the family, criminal justice officials view incarceration as too disruptive to the family structure and, consequently, offer more lenient treatment to avoid incarceration.

With respect to juveniles, females may be responsible for the care of younger siblings in the parents' absence, which is particularly important in single-parent homes, or may have children of their own. The intake officer may feel that processing the female offender, which may ultimately end in

the removal of the youth from the home, may result in more harm than good. To protect the normal functioning of the family, the intake official chooses to avoid formal court processing.

Another interesting finding of the present research pertains to the significant differences in outcomes by county. Johnson and Scheuble (1991) found that the location of processing may be responsible for differences in case outcomes. In the present study, intake personnel in County 2 and County 3 were significantly less likely to recommend formal processing than intake personnel in County 1. At the petition stage, prosecutors were significantly more likely to file a petition in County 2 and less likely to file in County 3 than were prosecutors in County 1. Decision-makers were significantly more likely to offer a consent decree in County 2 than in County 1. Finally, judges were more likely to adjudicate youths in County 3 than were judges in County 1.

These findings support Johnson and Scheuble's (1991) contention that differences occur by location of processing. Perhaps this was due to differences in philosophies of the juvenile court systems examined. It may be that decision-makers in County 2 and County 3 were more treatment oriented than officials in County 1.

Even more interesting is the fact that differences occurred within the counties at different stages. This

suggests that, not only do philosophies vary among counties, but also among decision-makers within a given county. Johnson and Scheuble (1991) were unable to detect this because they focused on only one stage, judicial disposition.

In the present research differences were found at four out of five stages of decision-making. Perhaps prosecutors in County 2 were compelled to compensate for the leniency at intake by applying more stringent standards to their decision to file a petition. Likewise, the harsh treatment of judges at adjudication in County 3 may have served as a correction for leniency that occurred earlier in the system in that county. Prosecutors in County 2 and judges in County 3 may be operating under a punitive philosophy which encourages holding the juvenile accountable for his/her actions; whereas, intake officials in the two counties may follow a treatment orientation.

**The effect of the interaction of gender and race.** Of the two hypotheses examining the interaction of gender and race, only one received limited support. White females were treated more leniently than all other groups at the stage of intake; however, the hypothesis did not receive support at subsequent stages. The final hypothesis, which suggested that black males would be treated more harshly than all other groups was not supported in the present study. Black males were more likely than white males and white females to be referred for

formal processing, but there were no significant differences between black males and black females.

The fact that white females were treated more leniently than all other groups suggests that gender differences are confounded by race. While significant gender differences were evident between white males and white females, there was no significant difference in the treatment of black males and black females. This finding contradicts the findings of the adult literature, which found gender differences between black males and black females, but not between white males and white females. It appears that at intake chivalrous treatment is only offered to white females. It appears that black females are discriminated against at intake. This finding is similar to that of Bortner and Reed (1985) who found that black females were treated more harshly than all other gender/race groups. It may be, however, that white youths were more likely to admit guilt and accept the informal adjustment than black females.

Another possible explanation for the harsh treatment of black youths at intake may be their demeanor. In a direct observation study of police decision-making, Black (1980) found that black suspects were arrested more often than white suspects. This was explained, in part, by the demeanor of black suspects. Specifically, police officers were more likely to arrest suspects who were disrespectful toward them.

Black offenders were more often disrespectful toward the police and were, thus, more often arrested.

This may be significant to the present study in that black males may show more disrespect toward intake personnel since they, too, are authority figures. It may also be that black males are less willing to admit guilt in order to receive an informal adjustment, and intake officials view this as a lack of cooperation or disrespect. As a result, black youth are more often referred for formal processing.

The fact that no significant differences based on gender or race occurred at the subsequent stages may suggest that, where formal processing is concerned, the juvenile justice system has become more "legalistic" in its approach to dealing with delinquent juveniles (Rubin, 1989). Specifically, as a result of the application of procedural safeguards to the juvenile justice system, primarily legal factors are taken into consideration at the various stages occurring after intake. Social characteristics influenced outcomes at only two stages following intake. At petition, those who were having behavioral problems at school were more likely to be petitioned than those who were not. At judicial disposition, younger youth were less likely to be incarcerated or waived than older youth. Perhaps officials at this stage felt that younger juveniles were more amenable to treatment; whereas,

with older youth, the resources available to decision-makers had already been exhausted.

#### **LIMITATIONS OF THE PRESENT STUDY**

Before drawing conclusions regarding the influence of gender and the interaction of gender and race, the limitations of the present study must be addressed. One limitation involves the measurement of the dependent variables. Recent research has revealed the importance of distinguishing between those who are dismissed at intake and those who receive an informal adjustment (Leiber, 1992a; 1992b). Leiber (1992b) found that different factors may be associated with having charges dismissed as opposed to receiving an informal adjustment. The present study fails to make this distinction.

A second limitation to the present study entails the operationalization of the prior record and offense seriousness variables. In the present research prior record is coded dichotomously to represent those who have no prior record versus those who have one or more priors. Recent research focusing on gender differences has revealed that females typically receive lenient treatment when they are first-time offenders (Bishop and Frazier, 1992 and Horowitz and Pottieger, 1991). However, as females accrue additional offenses on their records, they have been found to receive

more harsh treatment. Gender effects of this type would not be detected in the present study.

Recent research has also demonstrated the importance of examining individual offense type (Johnson and Scheuble, 1991 and Horowitz and Pottieger, 1991). The present research collapses offense type and seriousness into three dummy variables representing property misdemeanors, property felonies and offenses against persons. Horowitz and Pottieger (1991) found that gender and gender/race differences were more pronounced when specific offenses were examined. Again, such distinctions would go unnoticed in the current study.

A fourth weakness of the present research is the failure to examine interactions terms. As many recent studies have reported, the failure to examine interaction terms would result in the inability to detect indirect effects of variables on case outcomes (Leiber, 1992a; Bishop and Frazier, 1988; Spohn et al., 1985; and Miethe and Moore, 1986). Although the current study included dummy variables to represent the gender/race interaction, the interaction of these variables with other significant variables was not addressed. Therefore, it is possible that gender and race may have had an influence on outcomes indirectly through an association with a variable that was directly related to case outcome. Such effects would go unnoticed in the present study since only additive models were examined.



A fifth shortcoming involves the failure to capture police decision-making. The majority of police contacts with juveniles never result in an arrest, and therefore, never enter the juvenile justice system. Failure to examine this decision may be misleading since gender/race that appear at intake may actually be the result of biases that occurred at the police decision to arrest.

Another limitation involves the extent to which the present study may be generalized to other jurisdictions and states. In addition to the fact that states may differ in terms of the composition and philosophy of their juvenile justice systems, there is evidence that jurisdictions within a given state may differ. Recent research by Johnson and Scheuble (1991) emphasizes the importance of location in decision-making. Specifically, they found that females were treated more harshly in rural areas and more leniently in urban jurisdictions. They suggest that in rural areas sex-role traditionalism continues to influence decisions, whereas in urban courts, the chivalry perspective is more likely to explain decision-making. The present study concurred with the findings of Johnson and Scheuble (1991) in that differences were found among the counties included. Thus, the findings cannot be generalized beyond the counties included in the study.

Future research efforts should continue to focus on multiple stages employing multivariate analysis and an examination of interaction terms. The inclusion of police decision-making in future studies would provide a more accurate picture of the effects of factors such as gender and race in juvenile justice processing.

Because differences in processing outcomes occurred among and within the counties examined, it could be concluded that philosophies vary not only by county, but also by decision-makers within counties. Therefore, future research should include interviews with juvenile justice officials to gain an understanding of the philosophies guiding decision-makers and how these philosophies impact outcomes throughout the system.

#### **CONCLUSION**

The present study indicates that, with the exception of the intake stage, juveniles are not treated differently on the basis of gender or race by juvenile justice officials in three counties in Iowa. This would confirm Parisi's (1982) suggestion that more recent, sophisticated studies are more likely to find little or no gender bias.

At intake, the only stage to produce gender and race differences, decision-making conformed to the chivalry perspective, at least for white females. Additionally, it appears that the interactive effect of gender and race is not

the same for juvenile as for adults. While gender differences occur between black males and females in the adult literature, gender differences in the juvenile justice system appear to exist between white males and females. It appears that black youths are particularly disadvantaged in the juvenile justice system in the counties examined.

TABLE I. DEPENDENT AND INDEPENDENT VARIABLES: CODES, FREQUENCIES AND PERCENTAGES

Variable	Code	N	Percent
<b>DEPENDENT VARIABLES</b>			
Intake	0=dismiss/informal	3,615	75.3
	1=recommend processing	1,183	24.7
Petition	0=no	93	7.9
	1=yes	1,090	92.1
Initial Appearance	0=consent decree	290	32.4
	1=proceed/adjudication	605	67.6
Adjudication	0=no	64	10.6
	1=yes	542	89.4
Disposition	0=community treatment	375	50.6
	1=waived/incarcerated	366	49.4
<b>SOCIAL CHARACTERISTICS</b>			
Gender	0=female	1,107	23.1
	1=male	3,691	76.9
Race	0=white	2,724	56.8
	1=black	2,074	43.2
Race/Gender 4 dummy variables			
WF	0=other	4,255	88.7
	1=white female	543	11.3
BF	0=other	4,234	88.2
	1=black female	564	11.8
WM	0=other	2,617	54.5
	1=white male	2,181	45.5
BM	0=other	3,288	68.5
	1=black male	1,510	31.5
Age	age in years	mean = 15	
Family Status	0=two adults present	2,043	45.1
	1=one adult present	2,485	54.9
School Status 3 dummy variables			
Attending	0=other	1,221	25.4
	1=attending/no problems	3,577	74.6
Attending/ problems	0=other	4,059	84.6
	1=attending w/problems	739	15.4
Not Attending	0=other	4,354	90.7
	1=not attending	444	9.3

TABLE I. CONTINUED

<b>Site</b>				
<b>3 dummy variables</b>				
County 1	0=other		2,778	57.9
(C1)	1=county 1		2,020	42.1
County 2	0=other		3,001	62.5
(C2)	1=county 2		1,797	37.5
County 3	0=other		3,817	79.6
(C3)	1=county 3		981	20.4
<b>LEGAL VARIABLES</b>				
Prior Record	0=no priors		2,619	54.6
	1=one or more priors		2,167	45.3
<b>Prior Disposition</b>				
<b>3 dummy variables</b>				
No Priors*	0=prior record		2,167	45.3
	1=no prior record		2,619	54.6
Informal for prior**	0=other		3,443	71.8
	1=informal		1,355	28.2
Formal for prior***	0=other		4,429	92.3
	1=formal		369	7.7
Court Authority****	0=no		4,190	87.3
	1=yes		608	12.7
Number of Charges Current Referral	0=one		4,183	87.2
	1=more than one		615	12.8
<b>Offense Severity</b>				
<b>3 dummy variables</b>				
Property misdemeanor	0=no		1,629	34.0
	1=yes		3,169	66.0
Property felony	0=no		4,172	87.0
	1=yes		626	13.0
Person offense	0=no		3,795	79.1
	1=yes		1,003	20.9
<b>PROCESS-RELATED VARIABLES</b>				
<b>Detention*****</b>				
Intake	0=no		4,624	96.4
	1=yes		174	3.6
Intake/initial app.	0=no		548	90.4
	1=yes		58	9.6
Intake/In App. Adjud.	0=no		670	90.4
	1=yes		71	9.6

\*The dummy variable 'No Prior' will serve as the reference category for the prior disposition variable in the multivariate analysis.

\*\*Informal disposition for a previous offense refers to those who have had an informal adjustment for the last prior offense.

**TABLE I. CONTINUED**

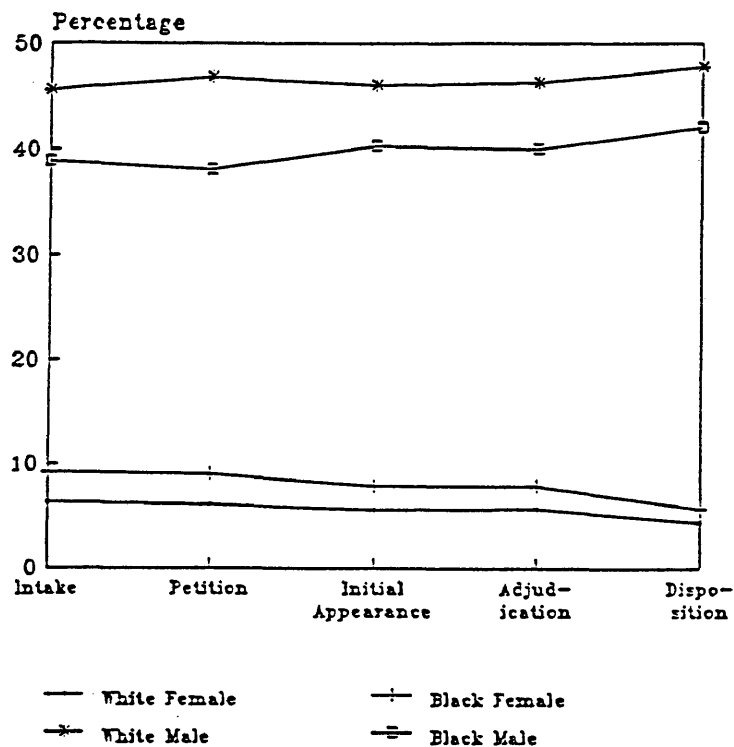
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\*\*\*Formal Disposition for a previous offense refers to those who have had an adjudication of delinquency, waiver hearing, or were placed in a secure facility for the last prior offense.

\*\*\*\*Court authority refers to youths who were under the supervision of the court for a previous referral at the time the current offense was committed.

\*\*\*\*\*Each detention variable will apply only at certain stages in the multivariate analyses. Intake will apply only at intake, petition, and initial appearance. Initial appearance detention, which includes youth who were detained at intake and/or initial appearance will serve as a control at adjudication. Adjudication detention, which includes youths who were detained at any point prior to disposition, will serve as a control variable at the disposition stage.

FIGURE 1  
Proportion of Cohort Receiving  
Most Severe Outcome



Composition of the Cohort at Each Stage of the System

Original Cohort	Intake	Petition	Initial Appearance	Adjudication	Disposition	
Female	23.0%	15.5	15.0	13.5	13.7	10.1
Male	77.0	84.5	85.0	86.5	86.3	89.9
WF	11.3	6.3	6.1	5.6	5.7	4.4
BF	11.8	9.2	9.0	7.9	7.9	5.7
WM	45.5	45.6	46.8	46.1	46.3	47.8
BM	31.5	38.9	38.1	40.3	40.0	42.1

Proportion Within Each Group Receiving the Most Severe Outcome

	Intake**	Petition	Initial Appearance*	Adjudication	Disposition
Female	16.5%	89.6	58.2	90.2	38.1
Male	27.1	92.6	69.4	89.3	51.0
WF	13.6	89.2	58.6	91.2	41.0
BF	19.3	89.9	57.8	89.6	36.2
WM	24.8	94.4	67.7	89.6	49.0
BM	30.5	90.4	71.4	88.9	53.7

\* Difference significant at .05 level.

\*\* Difference significant at .01 level.

TABLE II. CORRELATION MATRIX

	INTAKE	PETITION	IN APP	ADJ	DISP	GENDER	RACE
INTAKE	1.0000						
PETITION	.	1.0000					
IN APP		.0483	1.0000				
ADJ		.	-.0140	1.0000			
DISP		.	.0289	.0752	1.0000		
GENDER	.1032**	.0401	.0872**	-.0104	.0873*	1.0000	
RACE	.0563**	-.0646*	.0225	-.0125	.0249	-.0854**	1.0000
WF	-.0914**	-.0283	-.0505	.0138	-.0394	-.6523**	-.3117**
BF	-.0451**	-.0264	-.0667*	.0014	-.0769*	-.6664**	.4138**
WM	.0022	.0785**	.0024	.0061	-.0072	.5000**	-.7966**
BM	.0913**	-.0505	.0630	-.0135	.0678	.3711**	.7766**
AGE	.1747**	.0762**	-.0050	.0660	.2979**	.0122	-.1470**
FAMSTAT	.0133	-.0160	.0158	.0003	.0142	-.0523**	.2612**
ATTEND	-.2187**	-.0518	-.0512	-.0267	-.0924*	-.0428**	-.0195
ATTPROB	.1323**	.0376	.0299	.0478	.0164	.0802**	.0473**
NOATTND	.1627**	.0271	.0383	-.0255	.0992**	-.0368*	-.0202
COUNTY 1	.2419**	.0427	.3199**	-.1155**	.0110	.0211	-.0513**
COUNTY 2	-.1449**	.0827**	-.3907**	.0631	-.0253	-.0249	.0089
COUNTY 3	-.1221**	-.1750**	.0763*	.0894*	.0128	.0041	.0521**
PRIOR	.2037**	.0049	.2445**	.1000*	.2239**	.1117**	.1217**
INFORMAL	.1685**	.1122**	.0834*	.0526	-.0460	.0930**	.0648**
FORMAL	.3031**	.0021	.2204**	.0633	.2824**	.1079**	.0371*
CRT AUTH	.3098**	.0445	.2175**	.0919*	.1457**	.0956**	.0281
CHARGES	.1944**	.0916**	.0635	.0058	.0469	.0590**	-.0036
PROPMIS	-.2812**	-.0458	-.0250	-.0622	-.0449	-.1356**	-.0398**
PROPFEL	.2889**	.0580*	.0390	.1071**	.0567	.1356**	-.0414**
PERSON	.0639**	-.0129	-.0161	-.0535	-.0145	.0347*	.0927**
IDETENT	.2253**	.0524	.0927**	.0843*	.0789*	.0242	.0468**
INITDET	.	.	-.1250**	.0753	.2596**	-.0025	-.0219
ADJDET	.	.	.0166	.0694	.0911*	-.0096	.0179

\* Significance level less than or equal to .05

\*\* Significance level less than or equal to .01

"." Coefficient cannot be computed



TABLE II. CONTINUED

	WF	BF	WM	WB	AGE	FAMSTAT	ATTEND
INTAKE							
PETITION							
IN APP							
ADJ							
DISP							
GENDER							
RACE							
WF	1.0000						
BF	-.1304**	1.0000					
WM	-.3261**	-.3332**	1.0000				
BM	-.2421**	-.2473**	-.6187**	1.0000			
AGE	.0366*	-.0520**	.1230**	-.1208**	1.0000		
FAMSTAT	-.0735**	.1413**	-.2134**	.1814**	-.0713**	1.0000	
ATTEND	-.0320*	.0246	-.0009	-.0378**	-.1320**	.0019	1.0000
ATTPROB	-.0631**	-.0428**	-.0069	.0801**	-.0036	-.0246	-.7303**
NOATTND	.0267	.0219	.0031	-.0368*	.1940**	.0322*	-.5466**
COUNTY 1	-.0235	-.0045	.0659**	-.0516**	.1233**	-.0464**	-.0707**
COUNTY 2	.0009	.0318*	-.0094**	-.0126	.0540**	.1254**	.1357**
COUNTY 3	.0277	-.0326*	-.0695**	.0782**	-.2157**	-.0921**	-.0764**
PRIORS	-.1350**	-.0133	-.0352*	.1390**	.1285**	.0455**	-.1621**
INFORMAL	-.1072**	-.0162	.0038	.0803**	.1601**	.0715**	-.1012**
FORMAL	-.0784**	-.0641**	.0130	.0840**	.1341**	.0291	-.1528**
CRT AUTH	-.0768**	-.0495**	.0209	.0643**	.1191**	.0114	-.1486**
CHARGES	-.0464**	-.0315*	.0331*	.0181	.1197**	.0044	-.0909**
PROPMIS	.0950**	.0840**	-.0208	-.1008**	-.0528**	-.0145	.1035**
PROPFEL	-.0627**	-.1157**	.0810**	.0361*	.0592**	-.0005	-.1094**
PERSON	-.0571**	.0108	-.0559**	.0914**	.0070	.0190	-.0205
IDETENT	-.0130	-.0189	-.0383**	.0630**	.0565**	.0283	-.0658**
INITDET	.0669	-.0539	-.0090	.0074	.0146	-.0157	-.1146**
ADJDET	.0054	.0076	-.0202	.0141	-.0897*	.0017	-.1382**

TABLE II. CONTINUED

	ATTPROB	NOATTND	COUNTY 1	COUNTY 2	COUNTY 3	PRIORS	INFORMAL
INTAKE							
PETITION							
IN APP							
ADJ							
DISP							
GENDER							
RACE							
WF							
BF							
WM							
BM							
AGE							
FAMSTAT							
ATTEND							
ATTPROB	1.0000						
NOATTND	-.1363**	1.0000					
COUNTY 1	.0864**	.0103	1.0000				
COUNTY 2	-.1846**	.0219	-.6599**	1.0000			
COUNTY 3	.1158**	-.0388**	-.4323**	-.3923**	1.0000		
PRIORS	.1230**	.0894**	.0253	-.0776**	.0622**	1.0000	
INFORMAL	.0786**	.0553**	.0961**	.0560**	-.1849**	.0534**	1.0000
FORMAL	.1282**	.0752**	.1864**	-.1474**	-.0513**	.2316**	.1039**
CRT AUTH	.1447**	.0470**	.2018**	-.1135**	-.1108**	.3057**	.4124**
CHARGES	.0488**	.0733**	.1201**	-.0417**	-.0970**	.0689**	.0808**
PROPMIS	-.0660**	-.0703**	-.0305*	-.0399**	.0852**	-.0770**	-.0713**
PROPFEL	.0702**	.0819**	.0626**	-.0219	-.0504**	.0580**	.0640**
PERSON	.0125	.0061	-.0249	.0730**	-.0571**	.0390**	.0257
IDETENT	.0099	.0881**	-.0232	.0480**	-.0292*	.0893**	.0517**
INITDET	.0474	.1012*	-.2212*	.1543**	.1306**	.0318	-.0797*
ADJDET	.0935*	.0667	-.3215**	.2252**	.1923**	.0301	-.0544

TABLE II. CONTINUED

	FORMAL	CRT AUTH	CHARGES	PROPMIS	PROPFEL	PERSON	IDETENT
INTAKE							
PETITION							
IN APP							
ADJ							
DISP							
GENDER							
RACE							
WF							
BF							
WM							
BM							
AGE							
FAMSTAT							
ATTEND							
ATTPROB							
NOATTND							
COUNTY 1							
COUNTY 2							
COUNTY 3							
PRIORS							
INFORMAL							
FORMAL	1.0000						
CRT AUTH	.5155**	1.0000					
CHARGES	.0742**	.0901**	1.0000				
PROPMIS	-.1086**	-.1013**	-.1280**	1.0000			
PROPFEL	.1097**	.1154**	.1013**	-.6384**	1.0000		
PERSON	.0265	.0116	.0598**	-.6230**	-.2044**	1.0000	
IDETENT	.1197**	.1171**	.0857**	-.1293**	.1145**	.0481**	1.0000
INITDET	.0187	-.0123	.0137	-.0779	.0646*	.0171	.5227**
ADJDET	-.0032	-.0200	-.0749*	-.0367	.0443	-.0092	.2860**

TABLE II. CONTINUED

	INITDET	ADJDET
INTAKE		
PETITION		
IN APP		
ADJ		
DISP		
GENDER		
RACE		
WF		
BF		
WM		
BM		
AGE		
FAMSTAT		
ATTEND		
ATTPROB		
NOATTND		
COUNTY 1		
COUNTY 2		
COUNTY 3		
PRIORS		
INFORMAL		
FORMAL		
CRT AUTH		
CHARGES		
PROPMIS		
PROPFEL		
PERSON		
IDETENT		
INITDET	1.0000	
ADJDET	.4184**	1.0000

TABLE III. THE EFFECT OF GENDER ON THE PROCESSING OF JUVENILES:  
RESULTS OF LOGISTIC REGRESSION ANALYSIS.

	Intake	Petition	In. App.	Adjud.	Disp.
Gender	.2603* (.1076)	.2926 (.3151)	.3468 (.2250)	-.3743 (.4240)	.2991 (.2571)
Race	.3937** (.0878)	-.3223 (.2529)	.0917 (.1765)	.0815 (.2964)	.2009 (.1761)
Age	.1432** (.0235)	.0965 (.0684)	-.0570 (.0541)	.1347 (.0909)	.4551** (.0726)
Family Status	-.0296 (.0861)	-.2090 (.2537)	.0074 (.1756)	-.0488 (.2930)	-.1140 (.1771)
Attend/ Problem	.4789** (.1072)	.6265* (.3127)	-.0903 (.2087)	.0669 (.3666)	.0617 (.2038)
Not Attend	.8729** (.1299)	.1416 (.3450)	.4183 (.2453)	-.5530 (.3810)	.2184 (.2328)
County 2	-.9566** (.0968)	.8602* (.4025)	-1.8184** (.1892)	.8088 (.4436)	-.0025 (.2588)
County 3	-1.1466** (.1302)	-1.1395** (.3099)	-.0334 (.3281)	1.7514* (.7655)	.3126 (.2959)
Prior Record	.3238** (.0715)	-.1576 (.2021)	.8470** (.2715)	.4389 (.4377)	.8484** (.2729)
Informal Past Disp.	-.0231 (.1080)	.8474* (.3295)	-.2500 (.2708)	.0870 (.4127)	-.3005 (.2202)
Formal Past Disp.	.9251** (.1570)	-.1290 (.3906)	.7327* (.3392)	.1954 (.4653)	.9698** (.2397)
Court Authority	.7751** (.1337)	-.1116 (.3877)	.4518 (.2563)	.5244 (.4055)	.0303 (.2150)
Number Charges	.6814** (.1089)	.7936* (.3710)	.1953 (.2028)	.0922 (.3226)	.2954 (.1914)
Property Felony	1.5794** (.1017)	.4038 (.2868)	.1591 (.1947)	.8692* (.3518)	.3448 (.1899)
Person Offense	.7187** (.1075)	-.0447 (.3063)	.2713 (.2308)	.0080 (.3567)	.2164 (.2400)
Detention	2.1861** (.2261)	.6565 (.4924)	.9432** (.2897)	.7782 (.7624)	.8191** (.3082)

Standard error is provided in parentheses.

\* p < .05

\*\* p < .01

TABLE IV. THE EFFECT OF GENDER/RACE ON THE PROCESSING OF JUVENILES:  
RESULTS OF LOGISTIC REGRESSION ANALYSIS

	Intake	Petition	In. App.	Adj.	Disp
A. Comparison of white females to other groups <sup>a</sup> .					
Black Female	.5298** (.1933) <sup>b</sup>	.5260 (.5468)	.2210 (.3993)	.1338 (.8017)	.3428 (.4747)
White Male	.3516* (.1590)	.9024* (.4471)	.4343 (.3300)	-.3348 (.6616)	-.0681 (.3899)
Black Male	.7133** (.1663)	.3841 (.4428)	.4976 (.3425)	-.2642 (.6712)	.2149 (.3956)
B. Comparison of black males to other groups <sup>c</sup> .					
White Female	-.7133** (.1663)	-.3841 (.4428)	-.4976 (.3425)	.2644 (.6712)	-.2149 (.3956)
Black Female	-.1835 (.1442)	.1419 (.4215)	-.2765 (.2979)	.3982 (.5458)	-.5577 (.3348)
White Male	-.3616** (.0967)	.5138 (.2791)	-.0633 (.1931)	-.0740 (.3132)	-.2830 (.1885)

\*  $p < .05$

\*\*  $p < .01$

<sup>a</sup> To test Hypothesis 2 logistic regression was run with white females as the omitted category. A positive coefficient indicates that juveniles in that group were more likely than white females to be, for example, referred for formal processing. A negative coefficient indicates that juveniles in that group were less likely than white females to be referred.

<sup>b</sup> Standard error is provided in parentheses.

<sup>c</sup> To test Hypothesis 3 logistic regression was run with black males as the omitted category.

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