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DISPARITIES IN JUVENILE JUSTICE PROCESSING OF
AFRICAN-AMERICAN MALES
IN CHAMPAIGN COUNTY, IL. 1998-1999

BY

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THESIS

Submitted in partial fulfillment of the requirements
for the degree of Doctor of Philosophy in Education
in the Graduate College of the
University of Illinois at Urbana-Champaign, 2000

Urbana, Illinois

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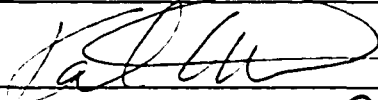
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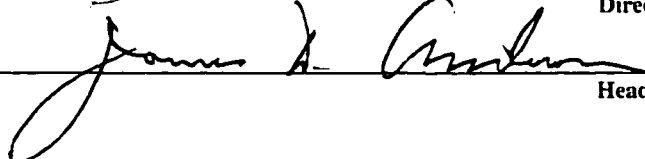
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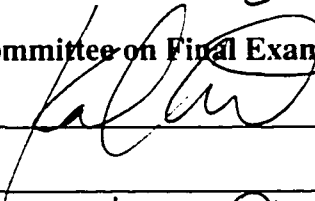


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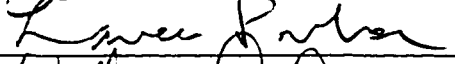
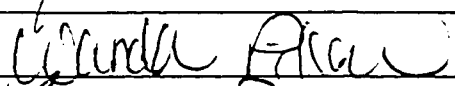


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ABSTRACT

The study investigated the frequency of arrest and sentencing outcomes of African-American male youth in comparison to their White counterparts in Champaign County, 1998 through 1999. The study included juveniles between the ages of 10 and 17. The juvenile population was divided into three ethnic categories for this study--White, African-American, and Other. The juveniles studied consisted of male youth who experienced some form of contact with the Champaign-Urbana police. These juveniles were either arrested or taken into police custody for alleged criminal activity. Juveniles adjudicated delinquent, placed on probation, and incarcerated in Champaign County were also identified for this study.

This study was based on an analysis of the contingency table and chi-square tests that involved collecting data on male youth at different points in the juvenile justice system. The data collected identified the age and race of juveniles who had police contact. A chi-square test determined that there was a statistical significance of difference for the variables of race, age, and number of police contacts. Crime patterns were explored for all youth arrested and data were examined using frequency tables to compare the crime patterns between White and African-American male youth. Also identified was the frequency of adjudication between African-American and White male youth. The limitation of data prohibited this researcher from testing the significance of variables such as crime, gender, ethnicity, and adjudication outcomes. However, a chi-square test

was used to analyze the significance of race and year. A statistically significant positive association was found between year and race.

The researcher sought to determine the significance in the incarceration/probation of African-American and White male youth. Chi-square tests were conducted with the assumption that there was no significant difference between incarcerated African-American and White male youth. Descriptive statistics were used to determine factors that are consistent in incarceration for both 1998 and 1999.

The study examined the “risk indicator” of incarcerated youth. In particular, the study sought to compare the characteristics of incarcerated African-American and White male youth.

DEDICATION

This dissertation is dedicated to my parents, Mr. and Mrs. James Collins, who believed in me even when I didn't believe in myself. I am where I am because you taught me to believe in all possibilities. Thank you for being my guiding light and greatest supporters.

ACKNOWLEDGMENTS

First and foremost I acknowledge the Lord above for without Him I would not have prevailed. My most sincere appreciation goes to my advisor, Dr. Kal Alston: Thank you for seeing me through to the finish line. I feel lucky to have had the opportunity to work with people such as Dr. William Ayers, Dr. Laurence Parker, and Dr. Wanda Pillow who served on my committee.

A special thanks to Anthony Rogers, J. D.; if it weren't for you, my life may never have taken shape!! And a special thanks to Darlene for sharing Tony. Thanks to Uncle Charles--it was also your influence and encouragement that helped me to make the decision to attend Dillard University, the one place that taught me how to survive. A special thanks to Clara Soloman who literally nursed me through my Dillard years, gave me weekend shelter, and a place to do my laundry.

I would like to thank my grandmother, Leila Evans, for supporting and loving me always. I especially thank my friends, Kristin Fischer, Attorney at Law, Dr. Janet Thomas, Dr. William Patterson, Angela Jancola, Linda Page, and all my friends from CHASI--you have helped me in ways I cannot count. Lillian Sharpley and Lisa Williams: words cannot express my gratitude to you for simply being very special friends. A special thanks to Lawanda and Marsha Carter, our friendship has been unconditional and just down right fun. I sincerely wish to thank my cousin Annette McHerron who would always listen patiently when I needed her. Dannette Sharpley, what would I have done with you?

I especially want to thank my brother, Kenny Collins: I know you love me. Thanks to my beautiful little sister, Brandi Collins—little do you know how much I truly admire your strength, intelligence, beauty, and independence. Thanks to my cousin, Nicole Wilkerson-Jones: I thank you for that unconditional love and the support you always give. God only knows how much I love the three of you!!!

Dianie Kellum, I love you!!!—how fortunate I am to have you back in my life. You may be my cousin but you are also my friend.

Chester Evans, you have taught me one of the hardest lessons of life, to love unconditionally—Thank You. Robert Walker, thank you for making me laugh when I wanted to cry.

Finally, I would like to thank my fiancé, Fred McGaughey. You have been one of my biggest supporters. Thank you for understanding me at times when I didn't understand myself, loving me when I was simply being difficult, forgiving me when I did not deserve your forgiveness, and allowing me to dream no matter how distorted my dreams may have seemed.

Mom, thank you for being my best friend. Daddy, where's the Airplane? I'm finished.

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CHAPTER 1

INTRODUCTION

Apparent inequalities in the juvenile justice processing of minorities, particularly African-American males, dates as far back as the 1960s (Black & Reiss, 1970; Blumberg, 1967; Cohen & Kluegel, 1978). In 1997, the United States juvenile courts processed approximately 1,775,100 delinquency cases. Many of these cases involved juveniles charged with legal violations which would be considered crimes if committed by adults. The fact that they are juveniles allows the court to deem the act delinquent, rather than criminal. The delinquent behavior of youth and the subsequent dilemma faced by prosecutors who must decide how to handle these young offenders have resulted in disparity in the handling of many cases. This disparity has been evident by the over-representation of incarcerated African-American youth in comparison to their White counterparts (Bishop & Frazier, 1996; Shepherd, 1994). All 50 states have laws that allow juveniles to be tried as adults. Over the last six years, as part of a move to get tougher on youthful offenders, 43 states have adopted laws making it easier to transfer children to adult courts. It is not surprising that minority youth are at the forefront of this trend.

The Office of Juvenile Justice (1997) estimated that 1 in 7 African-American males (compared with approximately 1 in 125 White males) would be incarcerated before the age of 18. Minority youth constitute about 32% of the youth population, yet African-American youth represent 68% of the incarcerated

youth (Office of Juvenile Justice, 1997). Research has consistently substantiated the claim that minorities are frequently sentenced more harshly. The overrepresentation is not limited to confinement; discrepancies are significantly evident at each stage of the processing of juvenile offenders (e.g., adjudication, disposition, arrest, confinement to secure facilities) (Office of Juvenile Justice, 1997, 1998, 1999; Pope & Feyerherm, 1990a, 1990b, 1991; Rhoden, 1994). In fact, in 1996, African-American youth were overrepresented in detention caseloads. According to the statistics compiled in 1996, African-American youth constituted 30% of all delinquency cases processed with 45% placed on probation. The imbalance does not stop with caseloads. The disproportionate representation was even greater for drug offenses: Blacks accounted for 33% of all drug cases processed while constituting 59% of drug cases detained. Particularly alarming, is the increasing trend toward prosecution of African-American youth who are arrested in lower numbers and yet are more likely to be committed to the department of corrections.

Researchers have attempted to provide several explanations for the disparity in the juvenile justice processing of minority youth (Arnold, 1971; Bailey & Peterson, 1981; Barton, 1976). Even though racism and racial discrimination are highly suspected, studies suggest that the disparity does not necessarily imply that discrimination exists in the juvenile justice system (Bishop & Frazier, 1988, 1992; Bell & Lang, 1985). However, evidence of frequent individual bias strongly suggests discrimination on the part of decision-makers in the juvenile justice

system. One thing is certain: Minority youth face a higher probability of being arrested by police, referred to court intake, and/or a state attorney's office, adjudicated as delinquent, and sentenced to incarceration by the juvenile court (Bell & Lang, 1985; Bishop & Frazier, 1988).

Discrimination exists throughout different levels of the juvenile justice system and, too often, is a major contributing factor for the overrepresentation of minorities in a quagmire of injustice. Discrimination has become an integral and permanent component in today's society leaving African-American's in a continuous and controversial struggle for justice.

While racial disparity and overrepresentation often results from individual bias and discrimination, there are other factors also associated with the problem African-American youth offenders face in this adversarial setting. Some of these factors are the sheer numbers of criminal acts committed combined with gang activity, misidentifications and the withholding of evidence. With the frequency of still other factors associated with just the processing of youth crimes, if minority youth actually did commit proportionately more crime than White youth, this would likely result in an even larger percentage of these youths being incarcerated. By eliminating discrimination and individual bias, if minorities are involved in more serious incidents, and have more extensive criminal histories, their representation in these facilities would merely reflect the severity of the crime. Other findings further support this conclusion.

Some studies suggest minority youth might be overrepresented within the juvenile justice system because of behavioral and environmental (ecological) factors, poor legal representation, and family composition i.e., increased numbers of single parent households (Byrne & Sampson, 1986). It is clear that, in any jurisdiction, either one or all of these factors may contribute significantly to disparity in representation. In Social Ecology of Crime, Byrne and Sampson (1986), suggest that given the validity of the racial differences in the delinquency rates, sociologists must consider the ecological differences in America as a key factor. Ecological differences are characterized by the advent of African-Americans residing in "natural areas" of crime, characterized by substandard or poor housing conditions; limited or nonexistent legitimate employment; antisocial behavioral problems; high criminal activity; substandard education; greater opportunity to engage in criminal behavior or participate in delinquent subcultures such as gangs. These factors are aggravated by the acceptance of poverty and limited wealth as social norms.

Studies of racial bias in the juvenile justice system have yielded contradictory and inconclusive findings. The diversity of findings can be attributed to the absence of longitudinal studies in which a particular control group could be elevated over time. Group members cannot always be tracked over time because those involved in gang activity face the risk of death as much as they do incarceration. Differing results may also result from the inability to identify one single variable that alone contributes to the overwhelming difference in the

sentencing process. For that matter, an individual who has a record would more likely face an overwhelming degree of prejudice. While the possibilities for bias in different settings exist, there have been no data collected to date to suggest that factor alone accounts for the disparity in the sentencing of minority youth. Almost without contradiction data available for most jurisdictions across the country indicate that minorities, particularly African-American males, are overrepresented within the juvenile justice system.

Some researchers have summed up the differences by simply suggesting that the differences lie primarily in the offending rates of White and minority youth. However that summation is without merit simply because African-American youth are arrested at a higher rate than White youth. That would indicate that something is going on between the initial arrest and the adjudication process that is causing the disparity in numbers. The most obvious place to begin would be a thorough examination to uncover the existence of bias in the juvenile justice sentencing phase of the system to determine why minority overrepresentation is resulting. In the research conducted by Byrne and Sampson the authors suggest that the overrepresentation is an insignificant manifestation of the varying rates of offense. Byrne and Sampson thereby argue the validity of their result; positing, the participation of African-American youth in serious criminal behavior can accurately be viewed as a function of their socioeconomic position in American society and the racism they encounter in their lives. This approach suffers severely from a blame the victim mentality.

The issue of racial bias in the processing of juveniles initially begins at the very first stage in the adversarial step whereby the police take the step of choosing to process the offense rather than call the youths' parent. Once juveniles are arrested, they may or may not be referred by police to the juvenile court, again depending on the violation or crime discretion lies strictly within the province of the arresting officer. The action of juvenile court is thus dependent on the decisions made by the arresting officer who ultimately decides whether the crime is serious enough to refer to a court for further consideration (Dannefer & Schutt, 1982). Most studies have examined processing only at one stage or the other, not at both simultaneously. It is clear, however, that bias at earlier stages of processing would affect outcomes at later stages, even if no actual bias occurs at the later stages (Dannefer & Schutt, 1982). The initial choice made by the officer can result in the youth receiving a record that for all practical purposes begins what is commonly know as the defendant's rap sheet (Dannefer & Schutt, 1982).

There are strong theoretical reasons for suspecting that bias is more likely to occur at the initial stage of contact with a youth offender and continue through the processing phase into the juvenile court system. First, a relatively large amount of discretion is prevalent in police work, and action must often be taken without adequate knowledge of the relevant facts. Reiss states that:

Unlike the lawyer or judge, who may take a long time gathering information to make a diagnosis or reviewing the decisions that lead up to a fate decision, a police officer must make a quick fate decision. This creates, in many ways a paradoxical situation for the police. To be professional about the decision often means that more information and more time is required. However, to protect the

interests of the victim and the public, and to satisfy the interests of operating efficiency, a quick decision is required. (p. 130)

Thus, the police officer must often rely on his or her own judgement in making the decision to arrest and then the decision to refer a case to the court. When essential pieces of information about an alleged delinquent act are missing, the officer must "fill in accordingly" by constructing an informed conjecture based on experience and general background knowledge. Inevitably, such a process must rely on the perceptual and evaluative constraints of the officer's own biography. Thus, often resulting in the characterizing of some juveniles as more likely than others to be in need of juvenile court involvement.

While standardization and formalization of police procedures have also been a policy issue, no comparable legal restrictions have been imposed on police processing. Recent changes in procedures have been minor and/or confined to specific jurisdictions. Indeed, as noted above, removal of a comparable amount of police discretion in decision-making is largely precluded by the nature of the police work itself.

Finally, relating to the degree of formalization of procedures, police decisions are less visible and accountable than court decisions(Laub, 1983). First, much police involvement goes unrecorded. Also, police disposition is made without the opportunity of appeal or formal adversarial representation. By definition, these are functions of the pre-judicial stage of processing. Police are legally and bureaucratically permitted, and functionally required, to exercise a wide range of discretion for which there is relatively little accountability, nor is

there an appeal process that ensures police procedural processing is done properly before juveniles are arrested (McGarrell, 1993; Nelson, 1992). Police do generate arrest reports. However, these reports are the sole observation of the officer and the person they chose to interview, again discretionary.

Statement of the Problem

Long before the establishment of the first juvenile court in 1899, the problem of how to deal with juvenile offenders has plagued society. Juvenile delinquency has been deemed a widespread social problem (Sampson, 1986). On a national level, minority youths are arrested in numbers greatly disproportionate to their numbers in the general population. African-American youth comprise approximately 15% of the age 10 to 17-year-old population at risk for delinquency (Bishop & Frazier, 1996). The overrepresentation of African-American youth increases throughout every phase of the juvenile justice processing from arrest to later stages in the juvenile system. For example, minorities constitute approximately 62% of youths held in short-term detention facilities, and more than 60% of those sentenced to long-term incarceration (Bishop & Frazier, 1996, 1997, 1998, 1999; Cohen & Kluegel, 1979b).

Research suggests that the parens patriae approach used as a model for the juvenile justice system is designed to meet the individualized needs of the youth, yet it is the most subjective form of decision-making by judges at the various stages of the juvenile justice processing (Dannefer & Schutt, 1982;

Shepherd, 1994). This kind of subjective decision-making creates a discretionary practice that has harmful effects on African-American youth, particularly males. Data demonstrate that such discretion is often influenced by a number of factors including age, gender, race, prior record, demeanor, family circumstances, or a combination of these factors (Dannefer & Schutt, 1982; Shepherd, 1999).

The incarceration of youth involves a considerable level of discretionary judgment. A jurisdiction may have statutory or rule-defined criteria in deciding whether to detain a juvenile who is adjudicated delinquent. However, subjectivity enters this process when the decision-maker is allowed to consider the depth of danger the youth poses to himself or the level of "implied" threat to the community (Fagan, Slaughter, & Hartstone, 1987; Shepherd, 1999). It is at this decision point in juvenile justice processing where the highest levels of race and gender-based disparity are found (Bynum & Paternoster, 1984; Cohen & Kluegel, 1978; Emerson, 1974; Feld, 1991, 1989). African-American youth are particularly vulnerable at this discretionary stage of the processing in the juvenile justice system (McCarthy, 1987). When practitioners of individualized justice base discretionary judgements on the social characteristics that include race, rather than the legal variables, their decisions often result in differential processing and more severe sentencing of minority youths relative to their white counterparts, raising issues of fairness and equality.

When a youth is processed and presented before the judge, judges are expected to answer the question, "What should be done with this child?"(Feld,

1988). The presumed need to look beyond the present offense and work in the “best interest of the child” relies largely on the influence of discretion judges have (Bortner, 1982; Horowitz & Wasserman, 1980).

An obvious question would become, to what extent legal do factors such as the present offense and prior record or social characteristics such as race, sex, family status, or social characteristics influence the dispositional outcome of the juvenile? In essence, dispositional decisions are made throughout the entire processing of juveniles. For example, police officers may refer a case to the state’s attorney or the intake department for processing, adjust it informally on the street or at the police station, or divert it (Black & Reiss, 1970). In turn, an intake department and/or state attorney may refer a youth to the juvenile court for formal adjudication or dispose of the case through informal supervision or diversion (Bell & Lang, 1985). Finally, even after formal adjudication, a juvenile court judge may choose from an array of alternatives, ranging from a continuance without a finding of delinquency to probation or incarceration. Moreover, the processing of juveniles is cumulative of several factors including: police, state attorneys, and probation officers. Thus, assessing judicial sentencing decisions implicates decisions made by a number of juvenile justice personnel.

Matza (1964) describes the “principle of offense” as a principle of equality, treating similar cases in a similar fashion based on a relatively narrowly defined frame of legal relevance such as a present offense and prior record. Evaluations of dispositional practices suggest that despite the nominal commitment to

individualized justice the principle of offense pervades practical decision making throughout the process (Feld, 1987, 1988b). Traditionally, juvenile courts pursued substantive justice in which individual characteristics of the offender, rather than circumstances of the offense, determined the disposition. Such substantive decision-making is supposed to achieve the best decision in the individual case rather than to apply abstract legal principles or guidelines to recurring factual situations (Horowitz & Wasserman, 1980)

Recent evaluation research of dispositional practice suggests that, despite the juvenile court's nominal commitment to individualized justice and the best interests of the child, the principle of offense pervades practical decision making as characteristics of the offense increasingly determine sentences (Feld, 1987). As a corollary of the procedural formality imposed by Gault, juvenile courts increasingly seek formal rationality by using general rules applicable to categories of cases rather than pursuing individualized substantive justice. The elevation of the principle of offense receives practical impetus from bureaucratic imperatives. One is the desire of juvenile and criminal justice agencies to avoid scandal and unfavorable political and media attention (Bortner, 1982; Matza, 1964). This organizational imperative encourages courts to attach more formal and restrictive responses to more serious forms of juvenile deviance. "Whether a juvenile goes to some manner of prison or is put on some manner of probation depends first, on a traditional rule of thumb assessment of the total risk of danger and thus scandal

evident in the juvenile's current offense and prior record of offenses" (Matza, 1964, p. 125).

In addition, juvenile courts necessarily develop bureaucratic strategies to cope with the requirements of contradictory formal goals and highly individualized assessments (Marshall & Thomas, 1983). Because the present offense and the prior record of delinquent acts are among the types of information routinely and necessarily collected by juvenile courts, they often provide the basis for decision making. As the juvenile court balances its internal, clinical, and administrative concerns with external public relations consideration, it restores the principle of offense, at least in part, as a form of decisional rule (Matza, 1964).

A basic issue of equal justice in juvenile courts is whether individualized, discretionary sentences based, at least in part, on social characteristics result in more severe sentencing of similarly situated minority youths (McCarthy & Smith, 1986; Fagan et al., 1987); whether, despite a nominal commitment to individualized justice, sentences are based on offenses and the racial disparity results from real differences in rates of offending by race (Huizinga & Elliott, 1987); or whether the structure of juvenile justice decision making itself acts to the detriment of minority juveniles (Pope & Feyerherm, 1991). In short, to what extent do legal offense factors, social variables, or justice system processing variables influence juvenile court judges' sentencing decisions?

Examining the effects of race or social class only at the time of sentencing may mask the more significant effect that these personal characteristics have in

the initial screening stages of juvenile justice administration. Frazier and Cochran (1986) and Bortner and Reed (1985) reported that race influences initial detention decisions, with black youths more likely to be detained than white youths, and that detained youths were more likely to receive more severe sentences. Frazier and Bishop (1985) reported that race, as well as legal factors, influenced detention and disposition decisions and that black youths were more disadvantaged than white youths as they proceeded further into the system. McCarthy and Smith (1986) reported that although screening, detention, charging and adjudication decisions are strongly influenced by the principle of offense, as cases penetrate further into the process, race and class directly affect dispositions with minority youths receiving more severe sentences. In sum, prior research indicates that the principle of offense is the most significant factor influencing juvenile court dispositions of juveniles. Further, an additional amount of the variance in sentencing appears to be related to a juvenile's race, either because race correlates with other disadvantageous social characteristics (such as family structure, socioeconomic status, or school performance, which affect individualized sentencing), or as a result of conscious or unconscious racial discrimination.

Purpose of the Study

There are several studies that describe the disparity of minority youth in the juvenile justice system (Pope & Feyerherm, 1991). Those studies have indicated

that African-American youth are disproportionately overrepresented at many stages of juvenile justice processing. Many authors suggest that African-Americans are overrepresented because they commit more crimes; that however, is not the assertion of this paper. The purpose of this study is to examine and investigate the juvenile justice processing of African-American male youth: Examining disparities in the sentencing of male youth in Champaign County, Illinois, juvenile court 1998-99. This study discerns whether there is a racial disparity in the sentencing of male juveniles in Champaign County and, if so, whether the primary stakeholders are African-American males. Recognizing the possibility of racial disparities in the processing of youth, this researcher examined whether African-American males received harsher outcomes when compared with White male youths in the sentencing phase of the juvenile justice processing as well. This study is intended to educate the community about the environmental factors that affect the sentencing of a youth in Champaign County. Additionally, this study can provide policy makers with summary information on the extent and nature of minority representation at various points in the Champaign County juvenile justice system. It is the hope of this researcher that programs designed to target risk factors associated with delinquency will be created for youth who have been or are currently involved in the adjudication process, have been or are incarcerated.

Research Questions

Question 1. Are African-American males more frequently targeted for arrest in Champaign-Urbana Illinois during 1998-1999 than White males?

Question 2. What are the crime patterns of all males arrested in Champaign-Urbana Illinois during 1998-1999?

Question 3. How many African-American males in comparison to White males are adjudicated delinquents in Champaign County during 1998-1999?

Question 4. Is there a disparity in the incarceration of White and African-American male youth from Champaign County juvenile justice system during 1998-1999?

Question 5. What "risk indicators" do African-American youth exhibit that are predictors of youth incarcerated by the Illinois Department of Corrections from Champaign County during 1999?

Limitations of the Study

The availability and access of juvenile records due to the confidentiality and laws governing juveniles as minors limit the study. For example, individual environmental factors such as family background, substance abuse, etc., cannot be researched in its entirety because juvenile records are sealed. These factors have been identified as issues that contribute to delinquency in youth and therefore limit the understanding of the impact of risk factors associated with the incarcerated youth studied. Because these factors

cannot be examined, this study did not consider the relationship between risk indicators and the outcome of adjudication. Data collections of certain crimes committed by youth are limited due to the frequency of the crimes that are not measurable.

Due to this researcher's previous position as Delinquency Coordinator, some risk indicators of the juveniles incarcerated in 1999 are examined for the purposes of this study but can not be identified as factors that contributed to their incarceration.

Definition of Terms

For the purpose of this study, the following definitions of terms are provided (The Illinois Juvenile Court Act, ILKS 705 sec. 405):

1. Delinquent means any minor who, prior to his or her 17th birthday, commits an offense that would be criminal if committed by an adult.
2. Disposition (sentencing) means a hearing to determine whether a minor should be adjudged a ward of the court, and to determine what sentence should be imposed on the minor. The term "sentencing" replaces the term "Disposition" and is synonymous with the juvenile court.
3. Juvenile Justice System (continuum) means a set of delinquency prevention programs and services designed for the purpose of preventing or reducing delinquent acts, including criminal activity.

4. Arrest is when a law enforcement officer: (a) without a warrant apprehends a minor who the officer believes to be a delinquent; (b) take into custody a minor who has been adjudged a ward of the court; or (c) takes into custody a minor whom the officer reasonably believes has violated the conditions of probation or supervision ordered by the courts.

5. Station adjustment is one option that results in the formal discontinuation of the juvenile justice process. A station adjustment may require the juvenile to adhere to a stringent plan such as, rehabilitation or a counseling program, or as simple as requiring better cooperation with parents or guardians.

6. Over-representation occurs when the proportion of juveniles processed at a particular point in the juvenile justice system is accounted for by minorities and is larger than their representation in the general juvenile population.

7. Adult refers to a person 21 years of age or older.

8. Ward of the court refers to a minor who is adjudged after a finding of the requisite jurisdictional facts, and thus is subject to the disposition powers of the court under the Illinois juvenile court act.

9. Court means the circuit court in a session or division assigned to hear proceedings under the Illinois juvenile court act, and includes the term juvenile court.

10. Probation is a conditional discharge or period of probation that shall not exceed 5 years or until the minor is 21 years of age. The juvenile court may

terminate probation or conditional discharge at any time if warranted by the conduct of the minor.

11. Department of Corrections is an option authorized by the juvenile court if it finds that (a) his or her parents, guardian or legal custodian are unfit or are unable, for some reason other than financial circumstances alone, to care for, protect, train or discipline the minor, or are unwilling to do so, and the best interests of the minor and the public will not be served by placement under a licensed agency; (b) it is necessary to ensure the protection of the public from the consequences of criminal activity of the delinquent.

12. Adjudication hearing (much like an adult criminal trial) determines whether there is probable cause of delinquency, and thus justification for continued detention or juvenile court involvement.

13. A status offense is a crime for which only juveniles can only be arrested and it is not considered an adult crime (e.g., truancy, curfew, etc.).

Overview of Illinois Juvenile Court

Illinois created the first juvenile court in the United States in 1899. This move was more than a management decision; it was a formal recognition that young offenders had needs that differ from the adult offenders and that young offenders can be rehabilitated. The court believed that juveniles are developmentally incapable of fully forming the necessary criminal intent to be held

responsible for their actions; and secondly juveniles are still impressionable enough to be diverted from further criminal behavior.

Secondly, the goal of the juvenile justice system has been to provide individualized treatment and guidance to young offenders, rather than punishment. As a result, the juvenile courts and other segments of the juvenile justice system have developed various procedures and services for handling juveniles and their varying problems, including delinquency, status offenses (such as truancy, running away, being ungovernable), addictive behaviors, and abusive or neglectful home environments.

Despite variations across counties and regions in the numbers and types of services available to juveniles, the overall structure of the juvenile justice system is uniform throughout the state. If a juvenile is at least 13 years old, and the offense would be criminal if committed by an adult, the county state's attorney, or the juvenile, with consent of counsel may ask the juvenile court judge for a transfer to criminal court. Subsequently, if the judge determines it is in the best interest of the juvenile and the public not to proceed in juvenile court, the judge can order the transfer. As of January 1, 1990, the juvenile court judge also has to consider possession of a deadly weapon during the commission of the offense as a factor in transferring the case to criminal court.

Although the majority of juvenile court cases involve delinquency petitions, the apprehension or detainment procedure follows the principles of due process,

with some areas of processing, subject to the apprehending officer's discretion. If a delinquent petition is filed in the juvenile court, several types of hearings may ensue. Juvenile hearings are, in some ways, comparable to those for adults. The adjudicatory hearing (much like a criminal trial) determines whether or not a juvenile is delinquent. Sometimes the adjudicatory stage is bypassed, and the minor (delinquent) is placed (or continued) under court supervision for up to 24 months. The county probation department monitors juveniles placed under court supervision. If the juvenile successfully completes supervision, there is no record. At this time, a juvenile can be released with no recriminations.

If the juvenile is, on the other hand, adjudicated, a disposition hearing, similar to an adult sentencing hearing, follows. Prior to a disposition hearing, social background information on the adjudicated juvenile is collected and provided to the court by the county probation department. The disposition hearing takes into consideration all information available, including written and oral reports, which will help the court select a disposition that serves the best interest of the juvenile and public safety. The juvenile court has the following options for sentencing:

1. Station adjusting
2. Probation, conditional discharge (such as reporting to caseworkers)
3. Placement outside the juvenile's home
4. Home confinement

5. Drug and alcohol treatment
 6. Commitment to the Department of Children and Family Services (for juveniles 12 or younger)
 7. Partial or complete emancipation
 8. Restitution
 9. Order of protection
 10. Detention up to 30 days in a county facility
 11. Commitment (incarcerated) to the Juvenile Division of the IDOC (for juveniles 13 and older)
- Juvenile court also handles neglected or abused minors. Dependent minors (those without parents or guardians), minors requiring intervention (runaways), truants in need of supervision, and addicted minors also fall under juvenile court's jurisdiction (Illinois Criminal Justice Department, 1997).¹

¹ Sources used for the "Overview of Illinois Juvenile Court" were obtained from Illinois Criminal Justice Information Authority (July, 1996) and the Building Blocks for Youth (April, 2000).

CHAPTER 2

LITERATURE REVIEW

A steady and increasing problem in the criminal processing of juveniles is that children of color are disproportionately represented in all phases of the juvenile court system (Shepherd, 1994; Weatherspoon, 1994). The juvenile court is based on a parens patriae philosophy that emphasizes both individualized and informal justice for children who are considered delinquent (Bernard, 1992). By design, this approach has the inherent potential to create a practice that delivers differential treatment to certain groups, thereby creating a disadvantaged minority. The purpose of the literature review is to explore existing research in the area of juvenile justice processing and to examine environmental factors that contribute to delinquent behavior. In particular, specific attention will be given to African-American male youth.

Discussed first in this chapter is research that identifies environmental influences that contribute to the delinquency of African-American children by examining the effects of violence, school failure, substance abuse, and poverty. The second section provides an overview of the juvenile justice system and the establishment of the first juvenile court in Chicago, Illinois. That section is followed by a discussion of several studies that have identified disparities in the processing of delinquents by the juvenile justice system. Finally, the last section will examine the educational approach and social skills training used as an

alternative approach to deter youth before the final disposition in the juvenile justice system. These alternative settings may play a pivotal point in reducing the effects of environmental factors that influence the delinquent behavior in African-American children.

Environmental Influences That Contribute to the Delinquency of African-American Youth

There is a great deal of concern in recent years over the problem of youth, in particular, African-American youth exhibiting antisocial behavior. In order to understand the experiences of African-American youth in the juvenile justice system, it is first necessary to examine the contributors to delinquency amongst youth, and how they vary according to race. What is most alarming is that, in many cases, these behaviors find their expression in acts of violence. The latest upswing of violence is largely attributed to youth under the age of 18 (Guerra, Huesmann, Tolan, Acker, & Eron, 1995). While multiple shootings, in particular, occur in largely White schools, individual acts of violence are often disproportionately concentrated in minority neighborhoods (Hammond & Yung, 1993). The behavior leading to these acts has been labeled as maladaptive. Various environmental factors have been linked to maladaptive behaviors among youth of all ethnicities (Greenwood, Model, Rydell, & Chiesa, 1998). Environmental stressors such as, violence, poverty, substandard education, and substance abuse have been identified as contributing to feelings of low self-worth, anger, hopelessness, and aggression (McLoyd, 1990; Oliver, 1989). These

feelings have been largely linked to delinquent or maladaptive behavior. Not surprisingly, then, these behaviors have been observed more frequently in youth that live in communities that are especially affected by poverty (Loeber & Farrington, 1998). Youth who live in communities infested with drug activity, violence, and substandard education face an increased likelihood that they too will resort to violence as a means of survival (Hammond & Yung, 1991; Walker, Colvin, & Ramsey, 1995). Unfortunately, violence is occurring more frequently on school grounds, thereby creating an environment that leaves many children without vestiges of a safe haven (Hammond & Yung, 1991).

In a recent case that has become a national symbol of conflicts over the rising use of “zero tolerance” and disciplinary policies In addressing school violence is the Decatur school expulsion of six black male high school students. These students were expelled for two years after a massive brawl during a high school football game. The zero-tolerance rule allowed for stiffer penalties even for offenses as minor as playing a boom box too loud. It was further encouraged by President Clinton’s signing the Gun-Free Schools Act in 1994, which mandated a one-year expulsion for weapons in school. The severity of Decatur’s two-year expulsion in the wake of a bleacher fight that involved no weapons clearly points out the consequences of zero-tolerance policies. These policies have fallen disproportionately on blacks, as evidenced by the 82 percent of African-American students expelled from Decatur schools over the past three years, even though African-Americans make up just 48 percent of the student body.

In a community where these types of dysfunctional and social behaviors replace the accepted norms of social limits, it is often considered a legitimate means of resolving conflict. In spite of this, it must be clarified that not all youth subjected to such extreme environmental conditions will resort to violence as a means or solution (Cooley, Turnes, & Beidel, 1985). The data in this literature review demonstrates that there are several other key factors contributing to juvenile delinquency.

Violence

Violence is a critical social problem confronting American society, especially inner city African-Americans. Violence includes a variety of intentional and unintentional acts of harm such as stabbings, shootings, rapes, assaults, child abuse, and homicide (Oliver, 1989). Many widely cited theories of family and community violence build directly on the premise that violence is an interpersonal phenomenon (Andrews, 1994; Dohrn, 1997; Shields, McCall, & Hanneke, 1988). The most recent prevailing thought and research suggests that exposure to violence during childhood and adolescence may lead to substance abuse, delinquency, and adult criminality, and contributes to other antisocial behaviors that are the results of individuals' interactions and experiences with their environments (Dupper & Krishef, 1993).

The statistics on violent crime reinforce the fear that it is increasing at an alarming rate in the youth population. Since the early 1990s, violent crime rates in

the United States have been at their highest in decades. And, even though there is a steady decrease in adult violent crimes, there has been an increase in juvenile crimes. The latest upswing of violence is largely attributed to youth under age 18 (Guerra, Huesmann, Tolan, Acker, & Eron, 1995). The increase in crime has been particularly acute amongst minority youth. Most alarming is the rapid increase in violent crime statistics. Homicide is now the leading cause of death for African-American males and females under age 25 (Cotton, Resnick, Brown, & Martin, 1993). Moreover, such crimes are often perpetrated by African-American youth against other African-American youth (Hammond & Yung, 1993), a syndrome rapidly becoming known as "Black on Black" crime.

Very few studies isolate the effects of violence on individual children, but generally early exposure to gang activity increases the likelihood of children becoming violent offenders. There is evidence that such exposure occurs with a large number of inner-city African-American children. The extent of early violence exposure in this population has only recently been extensively explored (Bell & Jenkins, 1991). For example, Fitzpatrick and Boldizar (1993) examined the relationship between chronic exposure to community violence and post-traumatic stress disorder (PTSD) symptoms in inner-city youth. Results indicated that youth who were exposed to chronic violence were more likely than "non-exposed" youth to report PTSD symptoms such as depression, intrusive thoughts, and feelings of danger and anger (Bell & Jenkins, 1991; Fitzpatrick & Boldizar, 1993). Constant exposure to violence has been strongly associated with increased feelings of

anger in adolescents (Deffenbacher, Lynch, Oetting, & Kemper, 1996).

Adolescents with high anger “traits” tend to: (a) be frequently angry, (b) express their anger in intimidating and abrasive ways, and (c) be more likely to have interpersonal difficulties forming relationships. Without intervention, high and chronic levels of anger may lead to a variety of psychological and health problems in adolescents and adults. Such anger may also result in violence and other antisocial behavior (Deffenbacher et al., 1996). In addition, exposure to violence and being a victim of violence has been related to African-American adolescents self-reported use of violence (Durant, Getts, Cadenhead, Emans, & Woods, 1995).

Violence never occurs in a vacuum. Many key factors contribute to and ultimately result in an individual's response to stress which sometimes leads to violence. A combination of environmental factors, such as poverty, substandard education, school failure, and family stress, is believed to interact with interpersonal factors that may lead to adolescents' risk for becoming victims or perpetrators of violence (Oliver, 1989; Hammond & Yung, 1991). For example, economically deprived youth who lack appropriate interpersonal social skills and who experience negative environmental factors may use violence to resolve personal problems because of the lack of positive, social skill alternatives (Ward, 1995). This violent behavior is often times encouraged within the community as an acceptable way to retain honor or respect. It is a sad fact that many of the youth involved in gangs today receive their personal validation by pleasing the

leaders. These leaders have the power to require their members to perform acts of violence as a means of initiation. Even when they do only the most heinous and cold acts gain them the notoriety and acceptance they seek. In this way violence becomes a cyclical event. The more violence one perpetrates, or in some instances, endure the more respect one gets from all members of the group. What is respected within the group creates a cycle of fear for other members of the community who often ignore the violence. By doing so, many believe they remain safe. Even older community members do not want to face the retaliation of gang members. An anti-loitering law targeted at street gangs in Chicago. Under the ordinance, it is illegal for suspected gang members and their followers to be found loitering on neighbor corners. A violation of this ordinance can lead to confinement in jail up to six months. The law has been challenged as unconstitutionally vague and a violation of the First Amendment rights. These laws create a greater discretionary judgement among police, and have adversely affected African-American youth. As a result, people refrain from reporting acts they see or hear and often refuse to cooperate with the police. While this law was meant to be a protection for all people it created more problems for local youth. The law pits one group against another--adults against young people, African-American against Whites---ultimately dividing a neighborhood and yet removing the strongest crime force within neighborhoods.

Several years ago in a neighborhood in Chicago known as Cabrini Green there was a scheme known as "crash and crab." In this violent act, when a

woman driver was stopped at the stop sign which was directly in front of the fire station, two kids would rob her. One kid would crash the window shield of the car with a baseball bat and the other would grab her purse from the front passenger seat. All this would occur directly in the view of the firemen who most days sat out in front of the station. When asked to give a description of the youth, the firemen simply replied that they had to work in that neighborhood everyday. Often the women targeted were just passing through.

Cabrini Green was a neighborhood that contained all the stressors identified in research as inducing violence in youth. Cabrini Green was a national model for violence and maladaptive behaviors. In general, the use of violence in communities with an exceptional number of the stressors (e.g., poverty, unemployment, substandard education, drugs, etc.) is high. The escalation of violence in African-American communities and schools has placed violence prevention and public education at the forefront of public concern (Guerra et al., 1995; Walker, Colvin, & Ramsey, 1985). So, the relationship between violence in the environment and its effect on African-American youth is clearly related to delinquency and the lack of parental support for school programs in African-American homes (Cernkovich & Giordano, 1992).

Racial Profiling

Racial profiling may best be understood as the politically acceptable and very American practice of defining a social problem in racial terms. Racial profiling is based on the premise that most drug offenses are committed by minorities. The premise is factually untrue, nonetheless it has become a self-fulfilling prophecy. Because police look for drugs primarily among African-Americans and Latinos, they find a disproportionate number of them with contraband (Bishop & Frazier, 1988). Therefore minorities are arrested, prosecuted, convicted, and incarcerated, thus reinforcing the perception that drug trafficking is primarily a minority activity. This perception creates the profile that results in more stops of minority drivers. At the same time, White drivers receive far less police attention, many of the drug dealers and possessors among them go unapprehended and the perception that Whites commit fewer drug offenses than minorities is perpetuated. And so the cycle continues.

This vicious cycle carries with it profound personal and societal costs. It is both symptomatic and symbolic of larger problems at the intersection of race and the criminal justice system. In short, it results in the persecution of innocent people based on their skin color (National Institute of Justice, 1996). Moreover, it becomes a justification for police bias in dealing with minority youth.

The war on drugs was declared officially in 1982, when President Ronald Reagan established the Task force on Crime in South Florida (U.S. Department of Justice, 1996). The primary mission of the Task Force was to intensify air and sea

operations against drug smuggling in the South Florida area, it didn't take long before the Florida Highway Patrol entered the fray. In 1985, the Florida Department of Highway Safety and Motor Vehicles issued guidelines for the police on the common characteristics of drug couriers. The guidelines cautioned troopers to be suspicious of rental cars, scrupulous obedience to traffic laws, drivers wearing a lot of gold, or who do not fit the vehicle, and ethnic groups associated with the drug trade. Traffic stops were initiated by the state troopers using this overtly race-based profile (Harris, 1999). In 1986, a racially biased drug courier profile was introduced to the highway patrol by the DEA. That year the agency launched "operation pipeline", a little known highway drug interdiction program which has, trained approximately 27,000 police officers in 48 participating states to use pretext stops in order to find drugs in vehicles. The techniques taught and widely encouraged by the DEA as part of operation pipeline have been instrumental in spreading the use of pretext stops, which are at the heart of the racial profiling debate (Harris, 1999). In fact, some of the training materials used and produced and produced in conjunction with pipeline and other associated programs have implicitly, if not explicitly encouraged the targeting of minorities.

The consequences of these laws enforcement practices and sentencing policies are painfully evident today in the demographics of the prison population. The combined impact of increased drug arrests along with harsher sentencing policies has led to a vast expansion of drug offenders in the juvenile and adult facilities. As these policies have been implemented, they have increasingly

affected African-American youth. It has become a legal pipeline to for discriminatory practices by police.

School Failure and African-American Youth

Numerous studies have confirmed that other factors, truancy and school failure are related to juvenile delinquency as well (Cernkovich & Giordano, 1992; Hudley, 1996). However, very few of these studies have examined the relationship between school delinquency and the lack of parental support for school programs in African-American homes (Cernkovich & Giordano). According to Grossman (1998), the author of Ending Discrimination in Special Education, many difficulties experienced by African-American youth often have little to do with the youths themselves and more to do with the educational system. For example, he indicates that there is an enormous disparity between the school experiences and educational outcomes of youth who are poor and of minority status and those in comparatively affluent homes. Many of these youth are suspended, disciplined, expelled, and likely to be tracked in special education classes or made to repeat a grade. A minority student is three times more likely than a White youth to end up in a special education class. He identifies five reasons why students often end up in special education classes: prejudicial attitudes, unwillingness to expend the energy, lack of preparedness, characteristics of students, and cultural background. Creating a classroom atmosphere that adapts to the realities of its students and their cultural background would create an environment that promotes

a learning platform for all students. Teachers have the ability to offer exciting and attractive learning even to the most reluctant and recalcitrant learner.

In 1996, Joseph designed a study that explored the association between inadequate educational support and delinquency in African-American youths. In that study, 57% of the juveniles were delinquent. Of these, 64% were males and 36% were females. Many of the male youth were involved, primarily, in crimes of assaults, robbery, and possession of illegal weapons. The females surveyed were involved in assault, use of alcohol under age, and possession of illegal weapons. The results revealed that many of the school experiences were more strongly related to the delinquency of the males than the females. According to Joseph, the male students had very poor attitudes toward school, and many of them had poor relationships with their teachers because many teachers lacked sensitivity to these student's unique problems.

There was also a clear indication that many of these students were in lower tracked educational classes due to lack of readiness. Of the students in the study, none had parents that either visited the schools on a regular basis, or assisted with homework. In general, almost all the students were unsupervised in play as well as in completing their school assignments. This overall neglect contributed heavily to the student's negative outlook toward about school and their ability to successfully matriculate. The lack of supervision in play led many of the students, particularly the males, to form unlikely alliances with gangs at a relatively young

age. But the students were not alone in their negative feelings about their teachers; some of the teachers had negative feelings about the students.

A study by Hudley (1996) confirmed teachers negative bias and attitudes which ultimately affect their expectations of minority students. A social-cognitive framework was developed to study the academic achievement of low income, minority students. In addition, the researcher conducted teacher interviews that identified the teachers' beliefs and practices in two classrooms, especially those beliefs and practices that correlated with perceived competence and intrinsic motivation in the students. Differences in levels of intrinsic motivation and competence among adolescents in the two classrooms were strongly correlated to differences in the teachers' instructional and disciplinary strategies and in the underlying beliefs. The study showed that the effects of the differences were lower academic expectations for minority students, resulting in minority students who were less motivated and performed poorly academically.

There is a body of literature that addresses what some researchers have identified as discriminatory practices within our public schools that specifically affect young African-American males and have a negative impact on their academic performance (Felice, 1981; Grossman, 1998; Harry & Anderson, 1994; Jordan, 1992; Murphy, 1986; Noguera, 1995). In a study completed by Ross and Jackson (1991), they determined that teachers in the U.S. have negative expectations in general of African-American students, and their expectations are even lower of African-American male students. Interestingly, teacher expectations

correspond with the perceptions that Black male students have of themselves which may explain why they behave or misbehave. A study by Marcus, Gross, and Seefeldt (1991) found that many students perceive their teachers' treatment and alienation of them to be instrumental in their inability to successfully achieve academically. In response to the factors presented, a great number of African-American male students develop negative attitudes about their educational experiences, all of which negatively affects motivation, and their academic achievement and opinion of school (Halikias, 1998; Joseph, 1996; Taylor & Foster, 1986).

Social researchers contend that schools have an enormous role in the failure of students who come from economically disadvantaged backgrounds and are of minority status (Hirschi, 1969; Joseph, 1996; Shannon, 1982; West & Farrington, 1977). The long-term outcome of this failure is that too many of these students are stigmatized as being academically disadvantaged and inferior to other students. Furthermore, many of these students are suspended or expelled from school. The consistency of these patterns in many school districts makes it impossible to deny a linkage exists between students of color and disproportionate punishment (Noguera, 1995). Those at risk often fail to become integrated into a normally accepted pattern of behavior, which often leads to school failure and dropout status (Fine, 1986; Harry & Anderson, 1994; Meyen, Vergason, & Whelan, 1993; Murphy, 1986). Tying these environmental stressors together, research confirms that the highest dropout rates occur among students who suffer

from poverty, low self-esteem, poor academic skills, learning disabilities, and who are of minority status (Meyen et al., 1993; Smith & Luckasson, 1992).

There are specific steps educators can take to address factors created by African-American youth that will make a difference in how they perceive their academic experience and reduce the delinquency that often interferes in their educational process. For example, educators can listen to their students, create alternatives to incarceration, create smaller and safer schools, and resist the criminalization of their minority students (Ayers, 1999; Dohrn, 1997; Yasutake, Bryan, & Dohrn, 1996). Creating an environment that is aimed at placing students, parents, and communities, rather than race and class politics, at the center of school life places education at the forefront for students' (Ayers, 1999). Only the classroom teacher can throw out a life preserver to keep children afloat in an arena that typically assigns labels and promotes hostility among youth who experience antisocial behavior.

Substance Abuse and African-American Youth

There is no more serious environmental problem confronting society today than that of substance abuse and its association with youth, crime, and delinquency (Beman, 1995; Dawkins, 1986; Dawkins & Harper, 1983). Drug use among African-American youth is increasing (Thompson & Simmons-Cooper, 1988), and a strong correlation has been shown to exist between African-

American males the use of drugs and its ensuing association criminal acts of violence (Brunswick, 1980, 1985; Dawkins, 1996; Gary, 1986).

In light of the increased usage of illicit substances by African-American youth, ironically, several studies have consistently shown that African-Americans have lower rates for the overall use of both drugs and alcohol in comparison to their White counterparts (Harford, 1986; Dawkins, 1996; Gibbs, 1988; Gibbs & Hines, 1989). Nevertheless, drug use among black youth is increasing as a variable associated with criminal acts of violence (Brunswick, 1980, 1985; Dawkins, 1996; Gary, 1986). Also significant is the fact that African-American youth are more likely to suffer adverse consequences of substance abuse in comparison to their White counterparts. For example, African-Americans account for about 12% of those who regularly used illicit drugs in 1988, yet they were about 38% of drug arrestees (Dawkins, 1996).

Many studies have shown that adolescent drug use is a factor that is often linked to delinquent behavior in youth (Dawkins, 1996; Joseph, 1995; Rao, Ryan, & Dahl, 1999; Stephenson, Henry, & Robinson, 1996; Wolfgang, Figlio, & Sellin, 1972). Many of these youths are exposed to environments that are not nurturing and fail to prepare them for productive adulthood. In a study conducted by the National Research Council, it was determined that high-risk environments not only failed to prevent the delinquent behavior in youth, but may even encourage such behavior as drug use, unprotected sex, dropping out of school, and violence.

The patterns of substance abuse among youth were examined in a study conducted by Albrecht, Amey, and Miller (1996). This study compared the incidence of drug use among both rural and urban Blacks with their rural and urban White counterparts. The results of the study revealed substantially lower reported use of all forms of drugs by Blacks as compared to Whites, regardless of whether they lived in urban or rural settings. Residence differences were largely insignificant with one exception: Urban Whites were more likely to report both alcohol and marijuana use than were urban and rural African-American youths. The analysis also found major correlation of drug use between factors like gender, family structure, religious attendance, grade point average, and the availability of unearned income. These correlates were significant factors in the delinquent behavior of the youth examined.

The constant exposure to a drug-infested environment also increased the likelihood of early involvement in the juvenile criminal system. Youth as young as six and seven become involved with drug activity. Older gang leaders believe that the kids will be released and not held responsible for their actions. While this is true, however, the youth begins to be known by the police and begins building a rap sheet. As a result, the first time a court looks at a kid for a more violent crime, the likelihood that he will be tried as an adult increases significantly. The age at which a child is transferred to adult court continues to drop. A child can be seen as an incorrigible offender at the age of thirteen or fourteen and tried as an adult. Tolerance is decreasing as surely as youth criminality is increasing.

Lowry, Cohen, and Modzeleski (1999) conducted a study on school violence and its relation to substance use on and off school property. The study examined the use of substances on and off school property and included an assessment for the use of tobacco, alcohol, and marijuana. Five violent factors associated with substance abuse resulted more frequently with increased usage of a substance-- carrying a weapon, physical fighting, possessing stolen property, deliberately damaging property, feeling threatened or potential injury with a weapon, and being absent from school because of feeling unsafe. Examination of these factors determined that the school violence indicator increased with the number of substances used and the location of use. Results further indicated that school violence was related to the availability of illegal drugs at school, even among students who did not use drugs.

In 1995, Beman studied a different set of risk factors associated with adolescent substance abuse. The factors identified were academic achievement, student employment, family environment, peer influences, previous usage of substances, and delinquent behavior. This study indicates there is a strong correlation that exists between adolescence substance abuse and the aforementioned factors.

Brook, Whiteman, and Balka (1990) sought to assess the impact of risk factors during the onset of adolescence and drug use for African-American and Puerto Rican youth. In this longitudinal and cross-sectional study, data were collected from 11 schools serving the East Harlem area of New York. The

findings in this study revealed that the long-term exposure of risk factors contributed greatly to the drug use and delinquency of African-American and Puerto Rican youth. The study further examined the effectiveness of intervention programs in reducing the frequency of delinquent behavior. This study found that effective intervention programs needed to focus on both drug use and delinquency. According to the researchers, intervention programs should concentrate on the risk factors associated with the delinquent behavior.

Poverty

The emphasis in the following studies is on the economic conditions of youth. Poverty is the daunting issue confronting young people's future. According to Hefner (1998), the experience of bad school, poor health, violence, early pregnancy, and social disenfranchisement are often the end result of children living in poverty.

In an empirical study conducted by Garis (1998), children who came from low-income and single-parent families were more likely to engage in sexual activity, drug, and alcohol use during their adolescence. The family background characteristics of an eighth-grade cohort were established, and the propensity of the student for these behaviors after four years was measured. The findings of this study revealed that increasing family income generally increases these behaviors and never decreases them. Moreover, there was little evidence to support the commonly held belief that a single-parent family structure increases

these behaviors in cases where both parents remain involved in the upbringing of their children. According to the study, lower-income families have higher levels of divorce than higher-income groups, and that time spent by children with their fathers is highly correlated with their parents' marital status. This study does not suggest that all children who come from single-parent households and low-income families are causing youth to engage in sexual activity, and substance abuse.

O'Regan and Quigley (1996) tested the importance of the spatial isolation of minority and poverty households for youth employment in large metropolitan areas. A model was created to test the employment probabilities to individual characteristics, race, and metropolitan location. The researchers then investigated the determinants of the systematic differences in employment probabilities by race and metropolitan area. A substantial fraction of differences in youth employment were found to be attributed to the isolation of minorities and poor households. The study further determined that minority youth residing in more segregated cities or cities in which minorities have less contact with non-poor households have lower employment probabilities than otherwise comparable youth. The increased time on their hands and the desire to have games clothes and money increases the propensity for crime. Even though many of the crimes begin quite innocently. Crime acts such as taking another child's toy or ball, pushing and even name calling can rapidly escalate or turn into gang activity. In fact some children seek the protection of the gang just to survive. These seemingly early acts described by some as "just kid stuff, or boys being boys" is

taking on a new meaning as we increasingly become a zero tolerant society. Crime increases in direct proportion to the lowered economic status of many African-American males. This is not to imply that low income causes crime, but rather unemployment and free time together can have a devastating effect upon a family's economic viability. Low economic status is only one of the many factors that influence the delinquent behavior in African-American male youth (Tatum,1996).

Establishment of Juvenile Court

This section of the literature review is a summary of the origins of the Juvenile Justice System in America, how it came to be, and how it currently functions. The following information, relating to the treatment of juveniles prior to the induction of the Juvenile Justice System, is taken from two texts: Juvenile Justice (Heaps, 1974); and Juvenile Justice and Injustice (Hyde, 1983). Information about the way the Juvenile Justice System has functioned since its creation is taken from the above texts as well.

Great Britain was the American model for the treatment of juveniles prior to the late 1800s. During the feudal period in England, the chancery, or "state" court was considered the protector of the child (Heaps, 1974). Until the age of 21, children who were not taken care of by their parents, be they delinquent or not, were under the guardianship of the local court system. Under the system, juvenile delinquents often found great leniency in the hands of judges, who were

sympathetic to their youth. Other times, though, sentences were harsh, by many peoples' standards, because communities feared that children would expect light sentences and continue to commit crimes (Hyde, 1983). Hyde writes, "The idea that sparing young people merely because of their tender years might be of dangerous consequence to the public appears again and again. . . . Judges, in some cases, agreed that young children were proper subjects for capital punishment if there was strong and clear evidence that they were guilty" (pp. 11-12).

The court, acting on the child's best interest, was highly subjective, often contradictory and unpredictable with respect to its treatment of child offenders for crimes ranging from stealing a loaf of bread to murder. Whether harsh or not, though, children were tried and sentenced in the same courts as adults. And, in the cases when children were jailed for their crimes, they were in adult prisons, under the same treatment as adult offenders. Hyde (1983) sites London records from the middle of the eighteenth century, in efforts to identify its approach to juveniles:

In criminal cases, an infant at the age of 14 may be capitally punished for any capital offense, but under the age of 7 he cannot. The period between 7 and 14 is subject to much uncertainty. For the infant shall generally speaking be judged prima facie innocent; yet if he could discern between good and evil at the time of the offense committed, he may be convicted and receive judgment and execution of death though he hath not attained to years of puberty or discretion. (p. 9)

But almost immediately afterwards, there was a growing concern that the effect of jail was destructive to juveniles. Heaps (1974) writes: The philosophy of

special treatment for children began in the nineteenth century, but developed slowly. Not only were the jails already overcrowded, hence the deporting of criminals to Australia, but conditions in jails were harmful to youth. Many believed that the children fell prey to abuse by adult criminals, suffered living conditions that damaged their growth/development physically, and learned improper morality as a result of being in adult prisons. So, as early as the late eighteenth century, England began looking for alternatives to adult jail for juvenile offenders. One example, the Philanthropic Society, organized in 1788 in London, began a program in which small groups of juveniles would be housed and supervised by one matronly figure. There, development would be maintained sufficiently, and the juveniles would be expected to learn a trade or perform some other socially redeeming function. Many of the children in these homes were not juvenile criminals. Some were merely runaways, and others were children of criminals and prostitutes. Although homes like these were thought to be very effective at saving children from harsh environments, not many were helped by these programs.

According to Hyde (1974), there were 500 children confined in Newgate Prison in London, between 1813 and 1817, for offenses ranging from stealing to murder. The conditions in this prison are understood to have been deplorable. As a result of this, and the fact that alternatives did not help the vast majority of juvenile defenders, reformers in England began to focus on improving prison systems to make conditions better for all, especially juveniles.

In the mid-1800s, the desire to improve the justice system in America moved more seriously away from reforming institutions and more towards reforming criminals. The belief was that by catching would-be criminals at a young age and keeping them out of these harsh institutions, society would be able to improve both the institutions and the people. The first institution for juvenile delinquents in the U.S. was the New York House of Refuge. James W. Gerard, a lawyer-turned prison reformist, and Isaac Collins, a Quaker with the same interest, are credited with forming this juvenile institution. Both were investigating and reporting on the conditions of prisons. They formed the idea that juveniles were being hurt more than they were being helped, once they became a part of the criminal system.

The New York House of Refuge, which would be imitated in the coming years by many cities, is described as:

(prescribing) continuous activity . . . except for some time on Sunday . . . punishment for lack of industriousness or for disobeying other rules, included being sent to bed without supper. In more serious cases, a boy or girl might be made to drink an herb tea that caused profuse sweating. Solitary confinement and . . . binding fetters are reported for severe cases. (Hyde, 1983, pp. 19-20)

The institution also practiced using “foster” homes for its inmates. According to Hyde, the first American institution for young offenders based on the “family system” was established in 1855 in Massachusetts. Though previous reforms had focused on the need for discipline, industriousness, and moral instruction, they had not focused on the influence of the family environment. So, many programs were created that reflected the “foster” care system. In addition, institutions like the Hull House in Chicago were created to provide stable, family-like places of

refuge for troubled juveniles. The other primary institution, the reformatory, was created at the same time. Reformatories are described by Hyde (1983): based on one of two systems, the "cottage system" or one in which all inmates were placed in a single building where an official had charge of a large number of children. The average time on internment for inmates was two years and, as Hyde writes, the success rate for these reformatories has been placed at 80-90%. Hyde writes that, although reformatories, state-run reform schools, and other alternative institutions did much to reform the treatment of juvenile delinquents, what they have in common most of all is their focus on punishment rather than reform (Hyde, 1983) And, Heaps (1974) concurs: Ideally, their (state-run reform schools and refuge homes) purpose was to create a family atmosphere for delinquent children, but in reality, harsh discipline was often all that those confined ever received.

There were other problems with the treatment of juveniles at that time. Though many were placed in the types of institutions discussed above, in 1855, these institutions were very new, and most children were not benefiting from them. Instead, they were going to criminal courts and being sentenced like adults, as they always had been. Several problems arose. For many, crimes like truancy, vandalism, or shoplifting were not severe, so judges would often dismiss the cases, just to be rid of the child. This meant that, except for being arrested, there was no real punishment meted out to the child, so no deterrent was in place for these minor infractions. Also, delinquent children who were committing these

minor crimes were often neglected, and in need of guidance and care. Having their cases dismissed so carelessly was often as harmful as being punished for crimes. In the event that sentences were handed out, other problems arose. Because the criminals were juveniles, punishments that copied adult sentences were thought to be too harsh for juveniles.

Another problem was that juveniles tended to clutter up the judicial system for long periods of time. When brought to court on charges, juveniles rarely had bail money, which meant that they remained in custody to await trials. Then, once they had been sentenced, they would either be charged fines that they could not pay or be placed in city prisons. Eventually, many cases would be brought before the grand jury on indictment charges. And, though some cases involved serious crimes, this process was necessary for far more petty crimes as well (Hyde, 1983).

Because of the problems with processing juvenile delinquents through the justice system, reformers, primarily women (Heaps, 1974), pushed very hard for systems that were specially designed to treat rather than exacerbate the problem of juvenile delinquency. In Chicago, for instance, the Chicago Women's Club succeeded in having a bill brought before the Illinois legislature that required a separate judicial system for juveniles. Such that, on July 1, 1899, the Juvenile Court Act was established by statute in Illinois. This landmark legislation, formulated to "regulate the treatment and control of dependent, neglected, and delinquent children" (Heaps, p. 36), had as its basis the British example of parens

patriae, which means the court functions as the guardian, in the best interest of the child.

In this law, the juvenile offender is not treated as a criminal, or legally charged. Instead, he is the ward of the state, tried in civil court, and placed in the sole care of the presiding judge that he comes before. The law explicitly assumes that, in this system, the court acts in the best interest of the child, having full freedom to provide punishment and protection simultaneously. The understanding was that the presiding court system would have immense freedom, because (a) the strict, traditional justice system could not handle the problem adequately; and (b) the conditions of juvenile delinquency were so varied and individualistic that they needed a broad system with the authority to address them. Hyde (1983) states that the emphasis in this law was clearly on treatment of the delinquent, rather than on punishment. Heaps (1974) quotes Judge Ben Lindsey of Denver, one of the most enthusiastic proponents of the juvenile system:

The care and custody and discipline of the child shall approximate as nearly as may be that which should be given by its parents, and . . . as far as practicable and delinquent child shall be treated, not as a criminal, but as misdirected and misguided, and needing aid, encouragement, help and assistance. (p. 37)

The Illinois legislation was hailed as highly progressive and intelligent. So much so that within a decade 35 states had enacted similar laws and, by 1927, all but 2 states had the same legislation (Heaps, 1974). Heaps sites FBI Crime records for the following statistics on juvenile courts and juvenile crime:

During the 1930's, there were over 600 independent juvenile courts and over 2000 juvenile sessions of regular courts in the U.S.

In 1972, the courts in the age group covered approximately 40 million children, and the Federal Bureau of Investigation figured for juvenile arrests indicate the immense number of individual cases (1,123,000) processed by the courts in 1971.

Available statistics are based on the 68 percent of the courts reporting to the federal government, hence the actual number may be considerably larger. (p. 38)

Heaps provides additional information about the function of juvenile courts:

The juvenile courts were defined by the President's Commission on Law Enforcement and Administration of Justice as "judicial tribunals that deal in special ways with young people's cases. They exist in all jurisdictions- city, state, and federal. The cases they deal with include law violations, truancy, ungovernability, neglect, and dependence. (p. 38)

The jurisdiction of the juvenile court is based on an age specifically identified in the state's laws. For most states, that age is 18. For a few, 17; and others, 16. In California, any youth under 21 is subject to the jurisdiction of juvenile courts; and in Illinois, there is an age differential for boys and girls (Heaps, 1974). Hyde (1983) writes: "In most states, the juvenile courts have jurisdiction over offenders between the ages of seven and eighteen" (p. 39). There are several characterizations for the "delinquent" child; in many cases, several descriptions are within one state. Among the descriptions:

commission of a felony; commission of a misdemeanor; truancy, running away, immoral conduct, incorrigibility, ungovernable, and disobedient conduct; and an omnibus clause that gives the court wide freedom of choice in declaring a youth to be delinquent for almost any conduct unspecified in the law. (Heaps, 1974, p. 39)

And, as Hyde (1983) notes, delinquency is a term particular to the youth, as many of their "crimes" are not considered so for adults. Activities like running away or

not attending school are permitted for adults, so juvenile courts have freedom in terms of determining the “status” of their offenders as delinquent or not.

The process of the Juvenile Court Act closely resembles that for criminal adult courts. It uses the following process: Apprehension and Detention, Investigation and Adjudication, Disposition (in the courtroom), Probation or Confinement, Aftercare.

Apprehension is the juvenile equivalent of an adult arrest. This is when the suspect is advised of his rights and taken into custody. The next aspect of the first phase is Detention. Either the juvenile is remanded into the custody of his parent, or he is held in the police custody until there is court action. For the most part, juveniles are held in custody in social services institutions, designed to detain juveniles. Some are secured facilities, in which the juvenile's freedom is restricted, and others are not (Heaps, 1974).

In the next phase, Investigation and Adjudication, as prescribed by 1960's changes in the laws, the juvenile court follows strict guidelines to adhere to the tenets of due process (Heaps, 1983). In this phase, there is a screening process in which the courts will look at the details of the case and determine whether it can be referred to another court, referred to a “non-court” agency, or dismissed with no action taken. This is an important aspect of juvenile court that is meant to provide for the child's well being. Essentially, what must be determined is whether or not the changes and evidence constitute delinquent behavior, thereby determining if

all parties are best served by court action or not. If the authorities decide that it is necessary to proceed with a trial, then a hearing is scheduled.

In this phase, Disposition hearing, the juvenile offender must go before a judge to present his case. It must be determined if he is guilty of the charge. And, if so, then what treatment the courts recommends. The juvenile court room was originally planned to be very informal, so as not to resemble the courtrooms for adult offenders. Neither was the experience to be as impersonal and formal as regular court proceedings. This is one reason that jury trials were not including in juvenile court (Heaps, 1974).

Another aspect of the court experience particular to youth is the fact that they are not required to plead guilt or innocence. The juvenile court's assumption is that all juveniles are innocent until proven guilty (Heaps, 1974). The court experience, though not always closed to the public, is usually intimate because only family and friends, those identified as having an interest in the child, can be present. For more serious crimes, juveniles can be redirected to the adult criminal system. Their cases then follow the traditional criminal justice path.

Once the court experience is complete, the juvenile is sentenced. Because juvenile delinquents are never truly found guilty of anything more than delinquency, sentences are never suspended for appeals and such. Instead, they are directly into serving probation or confinement time. The two main punishments are probation and confinement. Probation, which is a way of disposing a case without having to keep the child in the court's custody, is thought

to be a very individualistic and kind approach to juvenile offenders. It actually avoids punishment, while still maintaining control and direction for the youth. This done with probation officers, who, long before probation and for the duration of probation, follow the juvenile's path and provide strict guidance to keep the juvenile on the legal path (Heaps, 1974). Confinement is the judge's solution for PINS, or persons in need supervision. The thought is that these people need long-term care that cannot be provided by a parent or parental figure. So, they are incarcerated in correctional institutions. Reform school, reformatories, and training schools are some of the stat-owned correctional facilities for juvenile offenders. Many private institutions have been created to provide the same sort of care for delinquent juveniles. The philosophy of reform and rehabilitation is the primary tenet of these types of institutions, and, as before, is marked criticized for its harsh discipline and sometimes poor living conditions (Heaps, 1974).

There has been much criticism of the juvenile justice system since its birth in the late 1800's. The federal government has commissioned several task forces, most notably, Task Force on Corrections of the President's Commission, to examine the juvenile justice system. And, its findings have not been favorable. Heaps (1974) writes, "The President's Commission strongly expressed its opinion that the juvenile court as currently operated should be completely overhauled and its purpose reexamined" (p. 38).

One of the main problems is the right afforded the juveniles who are processed in that system. It is believed that the informal structure, the autonomy

of the singular judge, and the non-criminal status of the offender do not protect the juvenile from abuse by the system. As Heaps (1974) states, "juvenile courts are not criminal courts, and the constitutional rights granted to persons accused of a crime are not applicable to children brought before them" (p. 56). Another problem cited is, "While the constitutional rights of adult criminals have been tested by the Supreme Court for many years, only the highest state courts acted on those of juveniles" (p. 56). These problems in the law led to one of the most notable additions to the law in 1967, as a result of In re Gault. The case resulted in the addition of: (a) right of notice of the charge on delinquency, (b) right to counsel, (c) right to confrontation and cross-examination of witnesses, and (d) privilege against self-incrimination.

Though the right to a trial jury was denied at that time and still remains ungranted, many concessions that pertain to due process were granted in 1971 and 1974 amendments. And though many changes that provide for due process, like the Miranda rights, have been added, there are still many aspects of the juvenile court system that are different than the treatment of adult criminals. Issues of due process and juvenile's rights are a crucial and growing concern within the justice system. As Heaps (1974) writes, "The conviction that young people are entitled to the same consideration as adults has become universally accepted in theory, though all too often not in practice. He also states, though, that the "the recognition of rights to be observed has been the most powerful influence on the future of the juvenile justice" (p. 74).

Another criticism of the court system is the question of punishment versus prevention. With youth violence increasing as it has, and so much criticism of the system, the tendency has been to shift towards practices that rely on punishment rather than prevention of juvenile delinquency. According to Hyde (1983), "A first step is an awareness of injustices and the need for change in a system geared primarily to react to youthful offenders, rather than prevent youthful offense" (p. 5). And, though this question is in intense debate, Heaps (1974) finds that "the doctrine of punishment is still adhered to . . . frightened and greatly disturbed . . . citizens (and many judges and lawyers) are attacking the 'permissiveness' of the existing juvenile court system" (p. 13). He acknowledges the widespread failure of the system to deter crime, though.

The other vitally important criticism is that the scales of juvenile justice are influenced by discrimination. Every aspect of caseload, due process, and treatment is affected by social conditions. Because problems of juvenile crime are so individualistic, critiques say that treatment prevention and rehabilitation don't respond to the call of particular communities. More localized programs were created to deal with juvenile delinquency in more culturally specific ways.

Another major issue is that the system cannot accommodate the volume of cases it processes. In his introductory overview, Heaps sites statistics that make the radical increase in juvenile crime in the latter part of this century clear. About the alarmingly high incidents of juvenile delinquency, he makes the following statement: Under ideal conditions, for instance, caseworkers, judges, and

probation officers should have sufficient time to acquaint themselves with each juveniles's background and attempt to determine the causes of each offense. The sheer volume of cases makes such in-depth analysis impossible. Hyde (1983) writes:

Part of the problem in the present system of juvenile courts is the overcrowding. When family court in New York, for example sends one hundred cases into the system each month for placement in and institution, one hundred children must be released in order to free beds for the new cases even though the staff believes some of the releases are not wise. (p. 2)

Hyde also states that "Many problems that could be redefined as welfare, educational, or family problems find their way to juvenile court because children are considered predelinquent" (p. 2). Many juveniles must be remanded in court custody just to await an opportunity to be seen, due to the caseload. Heaps (1974) also points out that, in the instances when a juvenile's case is given sufficient consideration, unfairly harsh or uselessly lenient sentences can result from the largely unregulated juvenile court system. Hyde (1983) points out, "Our juvenile justice system is accused of being both too lenient and too harsh" (p. 10). He writes: "Even such a basic term as juvenile delinquency has no uniform definition" (p. 10).

Disparities in the Confinement of Male Youth

The intention of the Illinois Juvenile Court Act of 1899 was to create a statewide special court for at-risk and delinquent youths (Feld, 1989, 1991). This type of court would segregate children from adults and individualized treatment

programs would be adopted to prevent future delinquency in youth (Bishop & Frazier, 1992; Mann, 1994). The court's approach was to be paternalistic rather than adversarial in nature. This broad, legal framework associated with the individualized treatment approach afforded judges the discretion to apply the law very differently to juvenile offenders (Feld, 1995; Mann, 1994).

This wide frame of application associated with individualized justice raises concerns about the impact of discretionary decisions on minorities who are frequently overrepresented in the juvenile justice system (Dannefer & Schutt, 1982; Fagan et al., 1987; McCarthy & Smith, 1986).

Practitioners of the individualized justice approach base discretionary judgments on social characteristics that indirectly mirror race, rather than on legal variables, and their decisions frequently result in differential processing and more severe sentencing of minority youth relative to Whites and raises concerns of the fairness and equality of its approach (Cohn, 1998; Dannefer & Schutt, 1982; Feld, 1995).

Juvenile justice practitioners have greater discretion than do their adult counterparts because of the presumed goals of the juvenile court act, that is; what is in the best interest of the child? (Bortner, 1982; Shepherd, 1999). Practitioners enjoy greater discretion because it is assumed they will look beyond the present offense and employ decisions that are in the best interest of the child.

Practitioners of the juvenile justice system make discretionary decisions throughout the processing of juveniles. For example, police officers have the

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discretion depending on the crime to refer youth to the state's attorney office and/or to their intake department depending on the policy of their jurisdiction (Arnold, 1971; Dannefer & Schutt, 1982). This referral process, in turn, may refer a youth to juvenile court for formal adjudication or dispose of the case through informal supervision or diversion (Bell & Lang, 1985; Feld, 1999). Finally, even after a formal adjudication, a juvenile court judge may choose from a number of alternatives, ranging from a continuance without a finding of delinquency to probation or commitment to the Department of Corrections (Cohen & Kluegel, 1978; Feld, 1999, 1988; Shepherd, 1999). The disposition process is cumulative of several participants with a wide range of discretion.

Racial Disparity

Research on the racial disparities in juvenile court reach different conclusions despite the overrepresentation of minorities in every area of juvenile justice system (Phillips & Dinitz, 1982). For example, Cohen and Kluegel (1978) found no evidence of racial bias in their study of two juvenile courts. They concluded that once a youth is referred to juvenile court, prior record and offense, not race and class, are the major factor of determinants of severity of the disposition order.

However, in a broader study, Arnold (1971) conducted a study that determined a greater likelihood that a judge will send more minorities than non-minority youth to the department of corrections. Overall, the study suggested that

two-thirds of the differential handling in the court examined is not explained by appropriate considerations. In a study conducted by Dannefer and Schutt (1982), racial bias was more apparent in the police depositions than in the judicial decisions. In the more urban of the two settings studied, where minorities constitute a relatively high proportion of the population; police bias was especially evident. There is an across-the-board agreement in the literature that specifically addresses the overrepresentation of minority youth at all stages of the juvenile justice system as compared to their number in the general population (Pope, 1979; Pope & McNeely, 1981; Tomkins, Slain, Hallinan, & Wills, 1996; Weatherspoon, 1994).

While there is no doubt that minorities are arrested, detained, and incarcerated in greater numbers than White youth, it is not always clear whether ethnicity alone is the basis for the disproportions noted. Sex has been associated with both more leniency for some cases and harsher treatment for others (Leiber, 1992). Economic status may also affect how black youth are processed throughout the juvenile system. A juveniles' family structure, such as residing in a female-headed household or sibling involvement in delinquency is often known to the court and may influence decision making (Pope & Feyerherm, 1991). Traits such as race, family composition, and economic status may interact and influence court processing in different and subtle fashions. For example, some researchers have argued that child abuse and neglect referrals disproportionately are often the result of social service workers reacting to poverty (Olsen, 1982; Reid, 1984).

Racial disparity may also differ according to a court location (i.e., in rural, suburban, or urban areas). Pope and Feyerherm (1991) reported that Latino and Native American youths, in particular, are more likely to reside in non-urban areas. Many researcher have also reported higher prevalence and incidence of delinquency in urban areas (Blau & Blau, 1982). The Pennsylvania Commission on Sentencing (1981) reported “the long held belief that sentences are less severe in urban areas” is valid (p.25). Aday (1986) described rural courts as having tended to be processed in relatively decentralized courts, which are also characterized by less intake discretion (Lockhart et al., 1991). Hagan’s (1979) study of criminal courts found that urban courts had greater volume of cases and more employees reduced the opportunities for urban judges to intervene personally in cases. As a result, several others must impart discretion that would, otherwise, be left to a judge.

According to Feld (1991), Minnesota’s urban counties tend to be heterogeneous and diverse, and juvenile justice intervention there is more formal, bureaucratized, and due process oriented. This formality is associated with more severe pretrial detention and sentencing practices. By contrast, juvenile courts in the more homogeneous and stable rural counties use less formal procedures and more lenient sentences. Feld (1991) hypothesized that if racial heterogeneity decreases the effectiveness of informal social controls, then urban counties may need more formal mechanisms of control. In Missouri, racial disparity also existed

within each court type, and urban courts were more formal than rural court (Kempf et al., 1990).

Suburban juvenile courts have not been studied as separate entities from urban and rural courts. Concerning criminal court, however, Austin reported (in McNeely & Pope, 1981) that suburban and especially rural courts sentenced nonwhite adults to prison at a higher rate than urban courts. Austin's interpretation was that urban courts adopt a more legalistic model than their rural or suburban counterparts. In a study of racial disparity in sentencing in Pennsylvania, Kempf (1982) found the greatest disparity by race was associated with the incarceration decision in suburban courts. Urban and rural courts issued longer sentences than did suburban courts, but no race difference by urbanization was observed for sentence lengths.

The collective finding of the studies reviewed are inconclusive but raise many issues. Currently, claims of racial bias cannot be dismissed on the basis of the empirical evidence available. Even if the results allowed for greater confidence in interpretation, an analysis of this issue in a particular state or county and time period not examined before could add significantly to the knowledge base of literature currently available (Pope & Feyerherm, 1995).

Crime and African-American Youth

Some researchers view disproportionality as a direct result of minority juveniles' disproportionate involvement in crime and those disposition decisions

are based on the principle of the offense. Thus their overrepresentation in the juvenile justice system is a result of their crimes rather than discrimination by judges and other justice officials. For example, Wolfgang (1972) observed that youth categorized as delinquents are disproportionately poor and of minority status and that in every socioeconomic category, African-American youths engage in delinquent activity to a greater extent than their White counterparts. Similarly, Mann (1993) concluded that racial differences in the juvenile justice system exist largely because African-Americans have a greater likelihood of having lower social-economic status than Whites and are more likely to have poor quality legal representation which it increases the chances of unfavorable outcomes.

In another study conducted by Dilulio (1994), 10,226 defendant cases in the nation's 75 largest counties were examined. Dilulio found no evidence that the justice system treats Blacks more harshly than Whites. His reasoning for the racial differences in punishment is primarily caused by the racial differences in rates of delinquent behavior. Therefore black youth are more likely to be involved in or arrested for serious and violent crimes. While these studies suggest that black youth are greater perpetrators of crime they fail to address the real issue surrounding disparity; that is, minority youth from disadvantaged backgrounds are targeted for arrest, thereby, creating an illusion that minority youth commit more crime. When in fact, minority youth are more likely to do more time, but are less likely than white youth to be formally charged (Jones & Yamagata, 2000). Their

study is not a fair analysis because they fail to give a clear reason for the overrepresentation and why it exists.²

Some scholars would argue that inequality in punishment and confinement is largely attributed to legal officials and their targeting of minorities for confinement and control (Blumstein, 1982; Wilbanks, 1987). This practice is most likely to occur in those areas or communities where the threat of crime and violence is high (Bridges, Crutchfield, & Simpson, 1987). Thereby creating a high level of concern among law officials. Under these circumstances, rates of confinement for minority youth may be significantly higher than those for White youth regardless of actual differences in their respective levels of involvement in delinquent acts.

Profile of Youth in Champaign County

An overview of Champaign County will be helpful in understanding the extent of processing juvenile offenders through the juvenile justice system, particularly African-American male youth. The primary data sources use for this study includes, Champaign County Report Card 1997 & 1999, Champaign County Delinquency Prevention Board Assessment, 1998 Educational Equity Audit, and Illinois Juvenile Justice Commission.³

² Nationally, White youth comprised 71% of youth arrested; African-American youth were 26% of the population arrested, yet African-American youth comprised over 60% of the youth incarcerated in 1999.

³ Due to the inconsistency in collecting juvenile-crime statistics for Champaign Co., the profile includes 1989-1997 years; some data were collected on a 10-year assessment.

The total population for Champaign County is 173,025. Of that total population 84.7% are White, 9.6% are African-American, and 5.7% are Asian and Other. The geographic location of this population consists of 80% inside urbanized areas, 18.3% outside urbanized areas, and the farm population totaling 1.7%.

There is a positive correlation between poverty and juvenile delinquency. Children who live in extremely poor families have a greater likelihood of becoming delinquents and committing violent crimes later on in life. In a study on poverty and youth, 23% of the boys in the study who were poor between the age of 8 were later convicted of violent crimes compared to the 8.8% of boys who were not poor at that age (Champaign County Delinquency Assessment, 1999). Poverty is clearly a predictor of possible delinquency in youth. In 1989, there was a total of 42,487 children living in Champaign County under the age of 18--60.4% were white compared to 39.6% who were African-American. A total of 36,658 children was used to determine the levels of poverty. In 1989, 5,023 (13.7%) children lived in poverty; an increase from the 1979 statistics where 3,976 (10.8%) children living in poverty. While 14.3% of the population of children living in Champaign are African-American, 39.6% of those children are African-Americans who live below poverty lines.

Inconsistencies are found when examining the correlation between single-parent home and delinquency. For example, in a study of 240 women committed to the California Youth Authority, only 7% were living in a two-parent household.

Whereas other studies have found no link between being raised by a single parent and delinquency (Champaign County Delinquency Assessment, 1999). Even though there are some inconsistencies in the studies, there is an indisputable link between single parenthood and poverty, and poverty is, in turn, positively correlated with delinquency. In 1989, there were 3,979 single-parent households with children under the age of 18 in Champaign County; almost a fifth of the families with children of this age in the county. One-third of the students surveyed by the Champaign County Delinquency Board reported that they did not live with both parents, usually lived with their mother.⁴

In 1997, less than one third of the juveniles placed on probation lived with both parents. About 43% of the juveniles lived in single-parent homes; the other 26% were wards of the State. There is a strong correlation between poverty and single-parent households in Champaign County. Approximately 60% of the families with children under the age of 18 lived below poverty lines in 1989 and these homes were headed by single parents.

There is a huge overlap between delinquency and teenage parents, and single-parent households. In 1996, there were 223 teen births in Champaign County, 11% of all births. About half of these births were to White teenage mothers. Also, in the same year, 10% of the women giving birth to their first child (85-842) were unmarried teenagers with less than 12 years of schooling. This is yet another

⁴Children surveyed attended Champaign or Urbana school districts. In addition, children were surveyed from Cunningham Children's Home and the local alternative schools.

alarming statistic for youth and the risk of delinquency associated with environmental factors.

Separation from children and their parents is another factor associated with delinquency. In March of 1998, 523 children in foster care or receiving assistance from the Department of Children and Family Services were younger than 18 in Champaign County. Moreover, 11.4 out of every 1,000 children in Champaign County had been removed from their homes by the Department of Children and Family Services. In 1998, the removal rate of children in Champaign County was the fifth highest behind Cook County, Peoria, Macon, and Vermillion Counties. Although foster care is intended to be a temporary placement while children are waiting to “return home” or “adoption,” one in four children removed in Illinois remain in foster care for more than three years. Out-of-home placement can result in children feeling a sense of hopelessness and alienation.

The association between single parents, out-of-home placements, abused and neglected children, and delinquency is high. These findings are consistent with data on the profile of delinquents in Champaign County. Twenty-five percent of the juveniles adjudicated delinquent in 1997 were wards of the State under the auspices of the Department of Children and Family Services.⁵

A child's early and repeated maladaptive behavior in school is often a precursor to delinquent activity. There is a strong probability that antisocial behavior will culminate and delinquency heighten when the youth's negative

⁵ In 1997-98, Champaign County had a higher child-victim rate than two-thirds of the other counties in Illinois (Champaign County Delinquency Assessment).

behavior is combined with poverty, substandard education, or abuse, and neglect. During the 1997-98 school year, 2,363 students were suspended from public schools in Champaign County. Half of the students suspended (1,181) were suspended only once during the school year, and half (1,182) were suspended multiple times. Over half (54.5%) of the students who were suspended, 65% of the students suspended multiple times were African-American. About 28% (668) of the suspended students were in grades K through 5; 30% of the students suspended multiple times were in those grades. These statistics are important because they provide a depiction of persistent antisocial behavior at an early age and is often a portent of delinquency in later years. Additionally, it is important to note that 36 children were expelled from public schools in Champaign County during the 1997-98 school year, a 56% increase from the year before. Over half of these students (55.5%) were African-American, and two of the children expelled were in grades K through 5th grade (Equity Audit, 1998; Champaign County Delinquency Board Assessment, 1999).

There is growing concern in Champaign about juvenile delinquency, in particular, the overrepresentation of minority youth in the juvenile justice system. An example of this concern is the most recent Black Male Symposium hosted by the local community college, Parkland Community College. This symposium was designed to be a discussion about the state of African-American males in Champaign County. As previously noted, juvenile delinquency often leads to adult criminality. In 1997, 167 juveniles were adjudicated delinquent in Champaign

County and placed on probation. Most of the juveniles adjudicated delinquent were males (87%) and African-American (63%), The average age of the adjudicated delinquent was 14.5. What is even more disturbing is that 48 juveniles from Champaign County were committed to the Department of Corrections. Ninety percent of the juveniles sent to the Department of Corrections were male. Seventy-nine percent were African-American, and another 4% were multi-racial. The average age of the juveniles committed to the Department of Corrections was 14.8.

One of the most significant conclusions to the above statistics has been the overrepresentation of minorities in every stage associated with risk factors that lead to juvenile delinquency. This is clearly a public indictment of African-American males in the Champaign County juvenile justice system. Who can argue that when local politicians are elected on a platform of "tough on crime," the recipients of that policy are African-American youth.

Adjudication and Dispositions

In a study conducted by Fagan, Slaughter, and Hartstone (1987), race was observed to be an important determinant when adjudicating delinquents. In addition, their study determined that legal variables also influenced juvenile court dispositions. An analysis by Bishop and Frazier (1988) concluded that African-American youths who committed minor offenses were dealt with more harshly than Whites with similar offenses. They found that African-American youth were

significantly more likely than their White counterparts to be either incarcerated or transferred to criminal court.

Nevertheless, not all researchers have detected racial bias in juvenile court dispositions. For example, in a study conducted by Kowalski and Rickicki (1982), they examined a number of variables including past offenses and committed offense of adjudicated male delinquents in Alabama. Their study determined that race was not significantly related to the disposition outcome of the delinquent studied.

What was overtly overlooked in that study is the 56% of juveniles adjudicated delinquent involved White youth, yet they were generally more likely to result in formal probation than were cases involving African-American youth. This was true among all categories (Jones & Yamagata, 2000). In another study by Tittle and Curran (1988), they found that the effect of race with regards to the severity of disposition varied by the type of offense. Although they reported no real significance in the relationship between race and severity of status offences and disposition outcomes, there was a significant relationship between race and severity of decisions in disposition sentencing for drug and sex offenses and for misdemeanors. The researchers concluded that racial disparity in disposition hearings was greater when there were relatively large proportions of non-Whites and young people living in the county. However, contradictory, results were obtained by Frazier, Bishop, and Henretta (1992) who reported that even after controlling for the effects of various legal variables, the lower the percentage of

African-Americans in the general population, the harsher the disposition outcomes were for African-American youth.

Although evaluations of juvenile court disposition practices are sometimes contradictory, two general findings are usually consistent. First, the present offense and prior record account for the disposition outcome (Barton, 1976; Phillips & Dinitz, 1982). A second finding is that individualized discretion is often synonymous with racial disparity in the disposition phase (Pope & Feyerherm, 1990a). Many of these studies have consistently reported that minority youths or lower-class youths receive more severe dispositions than do White youth, when comparing the legal variables. In other words, White youth who commit the same crime as their African-American counterparts are less likely to receive the same outcome regardless of the crime. In a study by Frazier and Cochran (1986) and Bornter and Reed (1995), they reported that race influenced the detention decisions, with African-American youths more likely to be detained than White youths, and that detained youths were more likely to receive harsher disposition outcomes.

Frazier and Bishop (1985) reported that race, as well as legal factors, influenced detention and disposition decisions and that African-American youth were more disadvantaged than White youths as they proceeded further into the system. McCarthy and Smith (1986) reported that although screening, detention, charging, and adjudication decisions are strongly influenced by the principle of offense, as cases penetrate further into the process, race and class directly affect

dispositions with minority youth receiving severe sentences. An additional amount of variance in sentencing appears to be related to a juvenile's race, either because race correlates with other disadvantages social characteristics (such as family, socioeconomic status, etc.), or as a result of conscious or unconscious racial discrimination.

Incarceration of African-American Youth

In a study conducted by Krisberg et al. (1987), they found that minority youth were incarcerated in secure facilities at a rate three to four times higher than their White counterparts who represent the majority of those confined in White, private facilities. The study indicated that the rates of overrepresentation were more pronounced for African-American males. The data also indicated differential treatment across time periods. From 1977 to 1979, when the rates of youth incarcerations were declining, minority rates did not decrease in numbers as it did with White Americans. From 1979 to 1982, when rates of youth incarceration were increasing, minority represented 93% of the entire increase. Over time, the disproportionate rate of incarceration has become more pronounced when examined on a national level (Krisberg et al., 1987).

The most recent national statistics available on minorities in the juvenile justice system reveal significant disparity in the confinement of juvenile offenders (Office of Juvenile Justice, 1999). In 1997, minorities made up about one-third of the juvenile population nationwide, but accounted for nearly two-thirds of the

juveniles detained and committed by population in secured juvenile facilities. For African-American juveniles, the disparities were most apparent. African-American juveniles ages 10 to 17 made up about 15% of the juvenile population. They accounted for 26% of juveniles arrested and 45% of delinquency cases involving detention. About one-third of these adjudicated cases involved African-American youth, yet 40% of juveniles in secure public residential placements were African-American (U.S. Office of Juvenile Justice , 1999). Unfortunately, the cumulative disadvantage of minority youth will continue to contribute to the overpopulation of the Department of Corrections. This situation is compounded as the juvenile justice system moves to a more punitive approach. Meanwhile, there are virtually no parameters to hold practitioners of the court accountable for the blatant disparity of African-American youth overrepresentation.

Social Skills as an Alternative to Punitive Approaches

Educational programs incorporated with social skills that are designed to be culturally sensitive have proven to be successful in working with youth who are considered at risk and most likely to become involved in the juvenile justice system. Lochman (1994) designed a cognitive-behavioral social skills training program to increase problem-solving skills in 9-to-12-year-old boys who were deemed to be aggressive. Participants were randomly assigned to one of four treatment groups (i.e., anger-coping, goal-setting, anger-coping plus goal-setting, or control group). Results revealed that the boys who participated in the treatment

groups, employing an anger-coping component, reported significant reduction in disruptive and aggressive behaviors at home and in the classroom.

Taylor (1992) used social skills to improve problem-solving ability, confidence and empathy, and motivation among African-American youth. The intervention was delivered weekly over the course of the academic year. Results showed that participants' grades (i.e., reading and math), conduct, and problem-solving abilities improved from pre to posttest evaluation.

Hammond and Yung (1991) developed a culturally sensitive social skills program, Positive Adolescents Choice Training (PACT) that focused primarily on violence reduction and social skills development with African-American youth. Participants received training in six areas: giving feedback, resisting peer pressure, problem solving, and negotiating. Results indicated that PACT students were (a) less likely to commit violent behaviors, (b) experienced fewer referrals to juvenile court, and (c) demonstrated improved conflict resolution and anger management skills than youth who did not complete the program.

The one draw back of social skills training is that there is little evidence that social skills training programs are designed to be culturally sensitive to the maladaptive behaviors in African-American youth. However, many programs have attempted to demonstrate a cultural sensitivity by using African-American staff members to facilitate the programs. These programs have failed to incorporate culturally specific perspective throughout their curricula. Because African-American youth tend to learn best in an environment that reflects their cultural

perspectives (Lomotey, 1993), it seems important that cultural values and beliefs are considered in designing and implementing an educational program that incorporates social skills to address their needs.

Although a standard social skills curriculum might be successful in addressing the antisocial behavior of African-American youth, it appears from the success of the aforementioned programs that curricula that involves an approach that is culturally sensitive reduces the maladaptive behaviors in youth that often lead to violence. These are the behaviors that have proven to be the leading cause of incarceration of African-American youth. Further research should employ social skills before incarceration and evaluate its effectiveness.

The effectiveness of punitive approaches in correcting maladaptive behavior is reflected in the way public policy has shifted in America over the past two decades (Eckland, 1999). The changing viewpoint on this issue has been seen in legislatures on both the national and state levels, and it reflects the widespread opinion of the educators.

Singer (1996) views punitive approaches as more effective than non-punitive ones, in terms of modifying behavior. In his book Recriminalizing Delinquency, Singer argues in favor of “the creation and implementation of legal rules that place juveniles in the adult criminal system” (p. 138). Singer’s conclusions are based on a study he made of the 1978 New York Juvenile Offender Law, which lowered the age for which a young person can be held responsible for criminal acts. Like others who favor the punitive approaches,

Singer acknowledges that deterrence is an important element in making such approaches effective. Deterrence is most effective when the youthful offender is able to realize quite clearly “that punishment will follow continued criminal behavior.” In order for this perception to occur, of course, the courts must be consistent in punishing young offenders, and the penalties must be especially substantial when they apply to crimes of violence.

Studies on the “de-institutionalization” of maladaptive youth show that such approaches are far less effective than those that are based on the punitive philosophy. For example, Gottfreson and Barton (1993) conducted a study to determine the effects caused by the closing of a juvenile correctional facility. Specifically, the researchers compared the rates of recidivism (relapsing back to criminal or delinquent behaviors) among these de-institutionalized youth and a control group of institutionalized youth. Their findings showed that the youth who were not institutionalized recidivism was significantly higher than that of the institutionalized youth both during and after the period of institutionalization. This study provides evidence that non-punitive approaches are less effective than punitive ones, in terms of correcting behaviors and reducing crime.

In the introduction to their study on preventive methods, Greenwood et al. (1998) note that incarceration has reduced crime by a “substantial” amount over the past couple of decades--by approximately 20%. However, these authors also take a negative tone on the impact on punitive approaches and argue that studies on such approaches have shown mixed results, and that such programs are

generally more costly than preventive approaches. Regarding this line of argument, it is interesting to note that the alternative suggested by Greenwood et al. is graduation incentives. Because this approach is based on the use of a reward system, it is implied that those who fail to meet the system's standards will be "punished" by not receiving their case or scholarship incentives.

Kelleher (1998) notes the importance of "balancing" punishment with other factors that emphasize efforts to rehabilitate the offender. Kelleher, further argues that society needs to punish violent youthful offenders, he also believes that "we must always be vigilant and we do not worsen the situation by creating more opportunities for future violence by failing to focus on the long-term results of our own judicial actions."

Jenkins(1995) states that the effects of punishment will be destroyed if it is accompanied by a sense of rejection. Rather, the young person must be given a sense of acceptance despite the punishment given. Sundt (1999) notes that there are alternatives to incarceration. Although there is no evidence that supports the position that punitive approaches are the preferred sanction when dealing with youth that exhibit maladaptive behavior, there are programs that deal with the antisocial behavior that suggest that less restrictive alternative are successful also when dealing with youth who show signs of maladaptive behavior.

In an evaluation of the effectiveness of juvenile correctional facilities and their treatment programs, little evidence is provided that the institutionalization of juveniles effectively treat youth or reduce their recidivism rates (Sickmund, 1997;

Sundt, 1999). In a quantitative study by Lipsky (1980), he challenges the concept that rehabilitation programs do not work. An analysis of almost 200 studies evaluated the effects of delinquency intervention programs on recidivism. Using the quantitative technique of meta-analysis, Lipsky found that “practical programs” reduced recidivism by 25%. The programs that were most salient to their effectiveness included academic skill development, counseling, and 18 weeks of intensive probation supervision. Programs can be successful with an educational focus that looks beyond the domain of school and involve all components that aim at addressing delinquent behavior.

Using a purely punitive approach to handle students' delinquent behavior contains no socially redeeming value as far as reorienting the children successfully back into the school environment. In fact, by involving local police and the judicial system, youths face being branded and cast as losers before any attempts are made to solve their problems and create more successful people. This is a system where individuals are sacrificed to maintain order when the approach is punitive.

A strong social skill program that includes a Africentric content and values within the curriculum may provide African-American youth with a greater understanding of African traditions (i.e., values and ethics). In addition, such Africentric programs may serve to (a) increase positive self-images and attitudes among African-American youth, (b) reduce maladaptive social behaviors, and (c) promote pro-social interactions. Moreover, social skill programs that are culturally

sensitive may be more effective with African-American youth than standard social skill programs in reducing maladaptive social skills that may lead to violence.

Chapter Summary

Several researchers identified the environmental influences and social characteristics that contribute to the delinquency of African-American youth. The relationship between environmental and social characteristics were documented. African-American males who experienced environmental effects such as, school violence, school failure, substance abuse, and poverty were most likely to be at risk of committing delinquent acts. There is a strong relationship associated with environmental effects and social development. Overall, researchers agreed that certain environmental and social characteristics increased the likelihood of delinquent acts by African-American children.

Although evaluations of juvenile court dispositions practices are sometimes contradictory, two general findings are usually consistent. First, the present offense and prior record account for the disposition outcome. A second finding is that individualized discretion is often synonymous with racial disparity in the disposition phase. Many of these studies have consistently reported that minority youth with certain environmental characteristics receive more severe disposition outcomes than do White youth, when comparing the legal variables. In other words, White youth who commit the same crime as their African - American

counterparts are less likely to receive the same outcome regardless of the crime.

The most recent national statistics available on minorities in the juvenile justice system reveal significantly disparity in the confinement of juvenile offenders (Office of Juvenile Justice, 1999). African-American juveniles ages 10 to 17 mad up about 15% of the juvenile population. They accounted for 26% of juveniles arrested and 45% of delinquency cases involving detention. Unfortunately, the cumulative disadvantage of minority youth will continue to contribute to the overpopulation of the Department of Corrections. This situation is compounded as the juvenile justice system moves to a more punitive approach.

Education programs incorporated with social skills have proven to be successful in working with youth who are considered at risk and most likely to become involed in the juvenile justice system. A strong social skill program that is culturally sensitive will provide African-American youth with a greater understanding of traditional values and ethics within the African-American community. Moreover, social skill programs that are culturally sensitive may be more effective in reducing maladaptive behaviors in African-American youth than a punitive approach that is not designed to address the environmental and social characteristics that negatively impact African-American youth.

CHAPTER 3

METHODS AND PROCEDURES

Purpose

The purpose of this study was to investigate the 1998 through 1999 frequency of arrest and sentencing outcomes of African-American male youth in comparison to their White counterparts in Champaign County. Furthermore, adjudication outcomes were examined to determine whether there is a disparity in the sentencing of African-American and White youth. This chapter describes the methods used to answer the five research questions stated in Chapter 1 and are presented in six sections: (a) population, (b) data collection, (c) research design, (d) data limitation, and (e) data analysis.

Population

For this study, juveniles were defined as youths between the ages of 10 and 17. The juvenile population was divided into three ethnic categories for this study: White, African-American, and Other. The juveniles studied consisted of male youths who experienced some form of contact with the Champaign-Urbana police.⁶ These juveniles were either arrested or taken into police custody for alleged criminal activity. Juveniles adjudicated delinquent, placed on probation, and incarcerated in Champaign County were identified for this study.

⁶ Police contacts include stops and frisks that can be a result of juveniles “hanging out” or in the wrong neighborhood.

Champaign County's total population is 173,025 with African-Americans comprising 9.6% of its population. Juveniles encompass 28.8% of the total population. Although distribution by race within the juvenile population is not available, it is important to keep in mind that the total percentage of African-Americans in Champaign County is only 9.6%. With respect to their representation in the juvenile court system, it should be noted that African-American juveniles are only a fraction of the total 9.6%; yet the research results of this study reveal that disparity exists at several key points within the juvenile justice system.

Data Collection

Data sets used for this study were obtained from a combination of four sources: (a) data from the crime analysis unit of the Champaign and Urbana police department, (b) existing data from local juvenile justice agencies, (c) data from Illinois state juvenile justice agencies, and (d) data from the Champaign County prevention board. In addition, data sets, including 1997, were obtained. Data collected for this study were analyzed to determine the representation of African-American male youth in comparison to their White counterparts at several distinct points of the juvenile justice processing, including the representation among juveniles arrested or taken into police custody, juvenile petition filings and adjudications, juvenile placement on probation, and commitments to the Illinois Department of Corrections Juvenile Division.

The data collected were stored in a master computer file maintained by the researcher. Depending upon the availability of data, these analyses covered periods from 1998 to 1999 for juveniles arrested. Analyses from 1998 through 1999 were conducted to identify trends in arrest, adjudication, petitions filed, and probation. In addition, an analyses of juveniles incarcerated from 1997 to 1999 were also conducted for this study. To preserve the confidentiality of juvenile records, data were recorded cumulatively across all areas of juvenile processing. To insure the accuracy of the data collection, juveniles were identified exclusively by numbers, and separated by race, gender, and age. This researcher adhered to the policy and procedures of the juvenile justice agencies for the protection of human subjects.

Research Design

This study was based on an analysis of the contingency table and chi-square tests that involved collecting data on male youth at different points in the juvenile justice system, thus allowing this researcher to test dependent and independent variables at various stages in the judicial processing of juveniles (Hagan, 1997). The contingency table and chi-square are the most suitable methodology because they determine the extent to which changes in one variable are related or associated with variations in another variable.

The focus on multiple stages and crime patterns in the processing of juvenile delinquents has several advantages. First, it identifies the race of

juveniles arrested and what crimes for which they are most likely to be arrested. Second, it sheds light on whether African-American males are treated differently in the juvenile justice system, and to what extent if any. Third, it identifies how many minority youth are being processed at each point, and if there is a significant difference in the arrest and incarceration of African-American male youth in comparison to their White counterparts (Light, Singer, & Willet, 1990).

The relationship between race, arrest, and sentencing outcomes for juvenile offenders are focused upon. Based on research suggesting that specific crime patterns are associated with particular risk factors and delinquent behavior in African-American youth, this study describes risk factors that may influence delinquent behavior in youth sentenced to the Department of Corrections.

Data Limitation

The study involved an analysis of data that were available from Champaign County Crime Analysis Unit in Champaign, Champaign County Board Assessment, Juvenile Justice Department, and Champaign County Probation Annual Report. By using an existing database, this researcher was able to utilize data that can be used to address the research questions identified in Chapter 1. The most significant limitation in using existing data sets was the lack of consistency across the agencies with respect to how the data were recorded and collected, degree of automation, and formats of recording information. For example, the Champaign County probation department did not record all data by

race, thereby limiting the researcher's ability to analyze the degree of African-American representation and crimes for delinquents on probation or incarcerated.

Secondly, the youth studied are not necessarily the same sample of youth studied throughout the various stages of the analysis. For instance, the youths arrested in 1998 and 1999 are not necessarily the same youths on probation or incarcerated for the same years. The end result is that parameter estimates of the effect of race and other independent variables on the stages of the juvenile justice system are conditioned on the selected sample for that study. This means that results based on the sample may not be representative of what would happen to any youth drawn at large with the same measured characteristics.

Variables

The variables investigated include multiple independent variables, three control variables, and one major dependant variable. All variables were either variables that already existed in the data sets or variables that were created from the data existing in the database. The control variables included age, gender, and ethnicity. The dependent variables in this study were disparities in incarceration, arrest, and police contact. Independent variables included the number of arrests, crimes committed, and sentencing outcomes. As a secondary study, risk indicators associated with African-American male youth incarcerated also served as the independent variable. The risk factors identified provided insight to the

characteristics and prior record of the youth incarcerated. The variables were operationalized as follows:

Control Variables

1. Age. Number of years from birth. The date of birth is reported to police at time of contact. If police contact leads to arrest this information is verified by birth records.

2. Ethnicity. Self-reported at time of police contact. If police contact leads to arrest, this information is verified by birth records.

3. Gender. Self-reported at time of police contact. If police contact leads to arrest, this information is verified by birth records.

Dependent Variables

1. Incarceration. Juvenile who is mandated to the Department of Corrections- Juvenile Division by juvenile court judge.

2. Arrest. Youth who are under the age of 17 who have committed an offense that would be criminal if committed by an adult.

3. Police contact. Interaction between police officer and juvenile.

Independent Variables

1. Number of arrests. Juveniles who have been arrested once or multiple times.

2. Number of crimes. Number of delinquent acts committed by juveniles.
3. Sentencing outcomes. Juveniles who are incarcerated as a result of a violation of probation.
4. Risk indicators. Additional information on socioeconomic status of juvenile, prior arrests and/or commitments to the Department of Corrections, and juveniles who live in single or two-parent households.

Data Analysis

The five research questions presented in Chapter 1 guided this study. Based on the findings of previous research, the researcher was able to develop questions that sought to assess the representation of African-American male youth at different decision points in the processing of juveniles who are considered delinquent in Champaign County. In addition this researcher also sought to explore the “risk indicators” of those incarcerated.

The Statistical Package for the Social Sciences, Version 10.0 (SPSS, 1999) was used to analyze all data. Tests of statistical significance were conducted at an alpha level of .05.

Case Processing Summary

Research Question 1 sought to identify the age and race of juveniles who had police contact. The Champaign and Urbana police data sets were used to analyze the following variables pertinent to question one: age, race, police

contacts, and city. The frequency of contact and arrest between African-American males and their White counterparts were used to conduct a chi-square test analysis. A chi-square test was conducted to determine the statistical significance of differences for the variables of race, age, and number of police contacts. Cases were sorted by city and weighted by police contacts.

Research Question 2 investigated crime patterns of all males arrested in Champaign-Urbana. In Chapter 4, frequency tables and figures are presented to compare crime patterns between African-American and White youth offenses. This method of analysis was appropriate for this research question for two main reasons. First, offenses are categorized by race, age, gender, and crime, thus allowing easy reading. Second, differences are statistically controlled, "held constant," in order to uncover a more exact relationship between age and police contact in 1998-1999.

Under the conditional independence assumption, Cochran statistic is asymptotically distributed as a 1 df chi-squared distribution. Note that the continuity correction is removed when the sum of the differences between the observed and the expected is 0.

Research Question 3 addressed the frequency of adjudication between African-American and White male youth. The limitation of data prevented a test of significance associated with variables such as: crime, ethnicity, gender, and adjudication outcomes. However, a chi-square was used to analyze the significance of race and year. In addition, delinquency petitions filed from 1997-

1999 were examined. Because data are limited, the value of the weight variable was zero. Such cases were invisible to statistical procedures and graphs which need positive weighted cases to have significant statistical relevance.

Research Question 4 sought to determine the significance in the incarceration/ probation of African-American and White male youth. Actual values and expected values were tested using the chi-square test. This test was conducted with the assumption that there was no significant difference between incarcerated African-American and White male youth. Descriptive statistics were used to determine factors that are consistent in incarceration for both 1998 and 1999.

Research Question 5 examined the risk indicator of incarcerated youth. In particular, this researcher sought to compare the characteristics of incarcerated African-American and White male youth. In Chapter 4, frequency tables provide information obtained from the data sets acquired from Champaign County Juvenile Probation Division. These data analyses are used to discuss factors that are identified with delinquency in Champaign-Urbana.

CHAPTER 4

FINDINGS AND DISCUSSION

The purpose of the research was to investigate the frequency of arrest and sentencing outcomes of African-American male youth in comparison to their White counterparts in Champaign County. The study examined minority representation at distinct points in the juvenile justice system for Champaign County, including representation among juveniles who experienced some form of police contact, juveniles taken into police custody, juvenile delinquency petitions filed, juveniles adjudicated delinquent, and sentencing outcomes.

This chapter presents the results and a description of the statistical analyses performed on the data collected. The range of analyses executed include frequency tables constructed from these data sets: (a) White and African-American rates of confinement; (b) White and African-American arrests and police contacts; and (c) White and African-American rates of probation, adjudication, and delinquency petition filed. The data were organized into two equal categories with both the frequency and reported percentage.

The chi-square test determined the independence of the relationship between the variables. It asked whether the two variables are independent, exhibit no relationship or an association due to chance, or are dependent where the relationship is real and would seldom occur due to chance alone. The test did not measure association. Basically, it compared observed cell frequencies with

expected cell frequencies by measuring the significance of a relationship if one existed. A chi-square test was completed on all questions with the exception of determining the frequency of adjudication and risk indicators of youth incarcerated.

Research Question 1 asked if African-American males are more frequently targeted for arrest in Champaign-Urbana. Initial contact by race and age are presented in Table 1. In 1998, the Champaign and Urbana police departments recorded a total number of 1,892 police-based contacts. Sixty percent of the contacts involved African-American children and youth. The sample for this study consisted of African-American and White youth police contact in 1998. The sample, as shown in Table 1, was divided into two groups based on age and race in Champaign-Urbana. Table 2 shows the relationship between the two variables of race and age. Table 3 examines the frequency of contact by race and age.

Table 1

Police Contact With Juveniles by Race and Age

City	Age	African-American	White	Totals
Champaign	10	45	6	51
	11	47	16	63
	12	94	30	124
	13	98	54	152
	14	168	81	249

(table continues)

Table 1 (continued)

City	Age	African-American	White	Totals
	15	185	100	285
	16	243	169	412
Total		880	456	1336
Urbana	10	36	3	39
	11	21	4	25
	12	30	26	56
	13	43	54	97
	14	54	51	105
	15	59	48	107
	16	65	62	127
Total		308	248	556

A chi-square test compared the relationship between the two variables (race and age) for Champaign and Urbana for 1998. The results of this test are shown in Table 2 and indicate there is a relationship between police contact, race, and age. For Champaign: chi-square = 28.16, $df = 6$, $p < .05$. This suggests there is significant association between age and race. For Urbana: chi-square = 36.25, $df = 6$, $p < .05$. This suggests there is significant association between age and race.

Table 3 and Figure 1 present the frequency of police contact by age and race. In 1998 African-American male youth at the age of 10 were 9 times more likely to have police contact than their White counterparts. African-American

juveniles at every age were overrepresented relative to their White counterparts in the juvenile population.

Table 2

Chi-Square Test Results of Police Contact With Juveniles

City	Value	df	Total
Champaign			
Pearson chi-square	28.160	6	.000
Likelihood ratio	30.532	6	.000
<u>N</u> of valid cases	1336		
Urbana			
Pearson chi-square	36.251	6	.000
Likelihood ratio	41.925	6	.000
<u>N</u> of valid cases	556		

Table 3

Police Contact With Juveniles by Frequency

Race	Age	Frequency	Percent	Valid percent	Cumulative percent
White	10	9	1.3	1.3	1.3
	11	20	2.8	2.8	4.1
	12	56	8.0	8.0	12.1
	13	108	15.3	15.3	27.4
	14	132	18.8	18.8	46.2

(table continues)

Table 3 (continued)

Race	Age	Frequency	Percent	Valid percent	Cumulative percent
White	15	148	21.0	21.0	67.2
	16	231	32.8	32.8	100.0
Total		704	100.0	100.0	N/A
Black	10	81	6.8	6.8	6.8
	11	68	5.7	5.7	12.5
	12	124	10.4	10.4	23.0
	13	141	11.9	11.9	34.8
	14	222	18.7	18.7	53.5
	15	244	20.5	20.5	74.1
	16	308	25.9	25.9	100.0
Total		1188	100.0	100.0	N/A

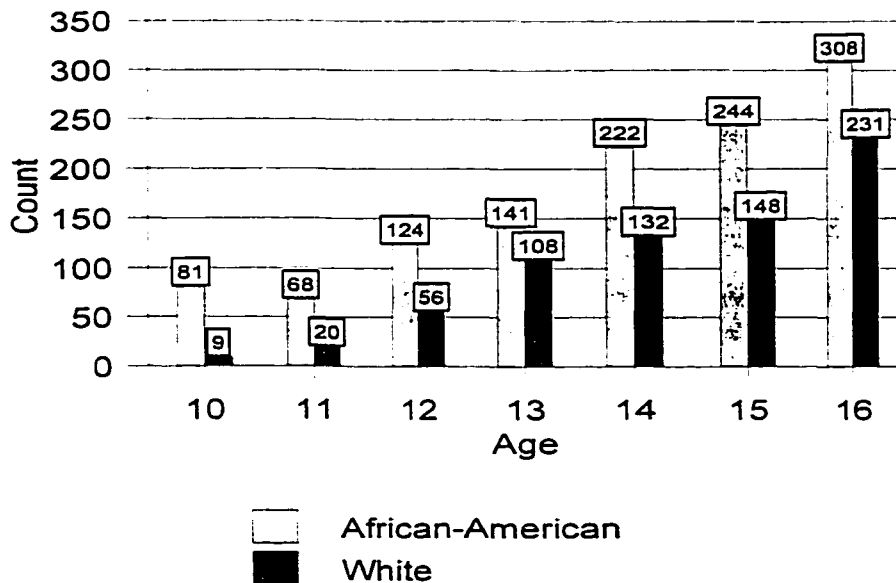


Figure 1. Frequency of police contact with juveniles by race and age in 1998.

Table 4

Juvenile Arrests by Age and Race in Champaign and Urbana in 1998

Race	Age				Total
	10-12	13-14	15	16	
Black	55	164	154	131	504
White	30	74	105	55	264
Total	85	238	259	186	768

In 1998, there was a total of 796 juveniles arrested by the Champaign and Urbana police departments, an increase of 6.3% from the 749 arrests the previous year. Fifty-eight percent of the arrests were African-Americans. Of the total 768 African-American and White juveniles arrested in 1998, 561 arrests were African-American and White male youth, with 74% being African-American males. The results of the chi-square test are shown in Table 5.

Table 5

Results of Chi-Square Test for Police Juvenile Arrests in 1998

Test	Value	df	Asymptotically sig. (2-sided)
Pearson chi-square	6.863	3	.076
Likelihood ratio	6.863	3	.077
<u>N</u> of valid cases	768	N/A	N/A

Chi-square = 6.863, df = 3, p = .076 > .05, which means there is no significant association between age and race (White versus Black) for 98 arrests.

However, as noted in Table 6, African-Americans are arrested more frequently than their White counterparts.

Table 6

Juvenile Arrests by Age and Race in Champaign and Urbana in 1999

Race	Age				Total
	10-12	13-14	15	16	
Black	38	142	90	157	427
White	5	38	47	282	372
Total	43	180	137	439	799

In 1999, there was a total of 831 juvenile arrests in Champaign and Urbana, an increase of 4.3% from the 796 arrests the previous year. Of the 831 arrests, 602 of these juveniles were African-American and White youth; 67% were African-American males. One African-American male youth under the age of 10 was arrested for a violent crime. Table 7 presents the results for chi-square = 131.339, $df = 3$, $p > .05$, which suggests there is a significant association between age and race for males in 1999. Table 8 summarizes the total juvenile arrests by year for type of crime.

When comparing 1997 to 1998 arrests, the number of juvenile arrests increased in four of six crime categories---violent crimes, property crimes, alcohol offenses, and status offenses. The number of arrests for drug offenses in 1997 and 1998 decreased; however, there was an increase in drug offenses in 1999.

Table 7

Chi-Square Test Results for Police Juvenile Arrests in 1999

Test	Value	df	Asymptotically sig. (2-sided)
Pearson chi-square	131.339	3	.000
Likelihood ratio	138.706	3	.000
<u>N</u> of valid cases	799	N/A	N/A

Table 8

Total Juvenile Arrests by Year

Type of crime	1997	1998	1999
Violent	142	179	171
Property	208	226	223
Drug	77	51	49
Alcohol	38	40	47
Status offenses	81	100	112
Other	203	200	229
Total	749	796	831

As can be seen in Table 9, there was a total of 768 African-American and White youth arrests. Of those arrested, 379 were African-American males and 182 were White males. The percentage of males was 73%, with African-American males totaling 67.5%. Table 10 reflects crime patterns for all youth arrested in Champaign-Urbana in 1999.

Table 9

Crime Patterns for All Youth Arrested in Champaign-Urbana in 1998

Category	Race	Sex		Age				Total	
		M	F	10-12	13-14	15	16		
Violent crimes	Asian	X		0	0	0	1	0	1
	Black		X	6	20	12	9	4	47
	Black	X		14	30	12	20		76
	Hispanic	X		3	0	1	0		4
	White		X	2	6	3	2		13
	White	X		10	18	7	3		38
Total				35	74	35	35		179
Property	Asian	X		0	1	1	4		6
	Black		X	5	11	9	10		35
	Black	X		18	49	20	18		105
	Hispanic	X		1	0	1	0		2
	Am. Indian	X		0	1	1	0		2
	White		X	5	7	9	10		31
	White	X		7	16	17	5		45
Total				36	85	58	47		226
Drug offenses	Asian	X		0	0	1	0		1
	Black		X	1	0	3	2		6
	Black	X		0	5	12	6		23
	White		X	0	0	3	1		4
	White	X		0	0	10	7		17
Total				1	5	29	16		51
Alcohol offenses	Asian	X		0	0	1	0		1
	Black		X	0	0	1	0		1
	Black	X		0	0	4	2		6
	Hispanic	X		0	2	0	0		2

(table continues)

Table 9 (continued)

Category	Race	Sex		Age				Total
		M	F	10-12	13-14	15	16	
Other offenses	White		X	0	0	7	3	10
	White	X		1	2	14	3	20
	Asian		X	0	0	1	0	1
	Asian	X		0	0	2	0	2
	Black		X	4	1	5	4	14
	Black	X		6	32	44	34	116
	Hispanic		X	0	0	1	0	1
	Hispanic	X		0	0	2	0	2
	White		X	1	8	2	3	14
	White	X		4	15	19	11	49
Status offenses	Black		X	1	7	6	8	22
	Black	X		0	9	26	18	53
	Hispanic	X		0	0	2	0	2
	White		X	0	0	7	3	10
	White	X		0	2	7	4	13
	Total				1	18	48	33
Grand total				89	242	274	191	796

Table 10

Crime Patterns for All Youth Arrested in Champaign-Urbana in 1999

Category	Race	Sex		Age					Total
		M	F	<10	10-12	13-14	15	16	
Violent	Black	X		1	15	33	15	20	84
	Black		X	0	4	21	4	11	40
	White	X		0	6	3	5	5	13
	White		X	0	0	3	5	5	13

(table continues)

Table 10 (continued)

Category	Race	Sex		Age					Total
		M	F	<10	10-12	13-14	15	16	
Total				1	25	70	32	43	171
Property	Black	X		0	28	45	19	25	117
	Black		X	0	2	12	7	13	34
	White	X		0	1	12	15	12	40
	White		X	0	0	7	9	15	31
	Hispanic		X	0	0	0	0	1	1
Total					31	76	40	66	223
Drugs	Black	X		0	0	6	11	8	25
	Black		X	0	0	0	0	3	3
	White	X		0	0	0	12	7	19
	White		X	0	0	0	0	2	2
Total				0	0	6	23	20	49
Alcohol	Black	X		0	0	0	3	2	5
	Black		X	0	0	0	0	1	1
	White	X		0	2	4	18	7	31
	White		X	0	0	2	5	3	10
Total				2	6	26	13	47	
Other	Black	X		0	4	32	46	39	121
	Black		X	0	2	6	8	10	26
	White	X		0	1	17	17	14	49
	White		X	0	0	10	9	7	26
	Asian	X		0	0	0	2	4	6
	Hispanic	X		0	0	0	0	1	1
Total				0	7	65	82	75	229
Status offenses	Black	X		0	6	7	22	20	55
	Black		X	0	3	7	3	7	20
	White	X		0	1	6	8	8	23
	White		X	0	0	3	4	7	14

(table continues)

Table 10 (continued)

Category	Race	Sex		Age					Total
		M	F	<10	10-12	13-14	15	16	
Total				0	10	23	37	42	112
Grand total				1	75	246	250	259	831

As shown in Table 10, 153 African-American and White juveniles were adjudicated delinquent in Champaign County and placed on probation in 1998. Most of the juveniles adjudicated delinquent that year were males with African-Americans totaling 60%. In 1999, 145 African-American and White juveniles were adjudicated delinquent by juvenile court, a 5% decrease from the previous year.

Tables 11 and 12 record the total arrests for White male youth and African-American male youth, respectively.

Table 11

Total Crime Pattern Arrests for White Male Youth in 1999

Crime	White male youth					Total
	<10	10-12	13-14	15	16	
Violent	0	6	13	8	7	34
Property	0	1	12	15	12	40
Drugs	0	0	0	12	7	19
Alcohol	0	2	4	18	7	31
Other	0	1	17	17	14	49
Status	0	1	6	8	8	23
Total	0	11	52	78	55	196

Table 12

Total Crime Pattern Arrests for African-American Male Youth in 1999

Crime	African-American male youth					Total
	<10	10-12	13-14	15	16	
Violent	1	15	33	15	20	84
Property	0	28	45	19	25	117
Drugs	0	0	6	11	8	25
Alcohol	0	0	0	38	2	5
Other	0	4	32	46	39	121
Status	0	6	7	22	20	55
Total	1	53	123	116	114	407

Table 13 shows the results of a chi-square test for adjudication. Chi-square = .049, $df = 1$, $p = .825 > .05$, which indicates there is significant association between the race and year. The frequency of adjudication for 1998 and 1999 are shown in Figure 2. A chi-square test for adjudication is shown in Table 14.

Table 13

Adjudication Totals of African-American and White Juvenile Youth

Year	Black	White	Total
1998	92	61	153
1999	89	56	145
Total	181	117	298

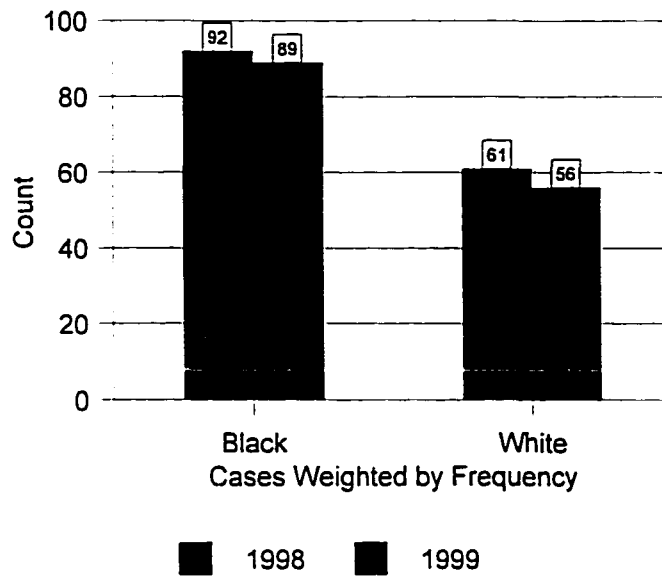


Figure 2. Frequency distribution of adjudication for both 1998 and 1999 data for juvenile youth.

Table 14

Chi-Square Test for Adjudication

	Value	df	Asymptotically sig. (2-sided)	Exact sig. (2-sided)	Exact sig. (1-sided)
Pearson chi-square	.049	1	.825	--	--
Continuity	.010	1	.919	--	--
Correction likelihood ratio	.049	1	.825	--	--
Fisher's exact test				.906	.460
<u>N</u> of valid cases	298				

As shown in Table 15 and Figure 3, 143 delinquency patterns were filed on African-American and White youth in 1998, 18% fewer than the year before. In

1999, juvenile petitions increased by 18% for African-American youth and decreased by 25% for White youth.

Table 15

Delinquency Petitions Filed by Gender, Race, and Age

Category	1997	1998	1999
Male	122	109	105
Female	48	40	49
Race			
Black	97	73	89
White	69	70	56
Hispanic	1	0	2
Asian	3	6	7
Age			
17	4	2	11
16	37	39	46
15	38	31	32
14	35	31	37
13	35	22	17
12	11	12	7
11	8	6	2
10	0	4	1
9	1	2	1
8	1	0	0

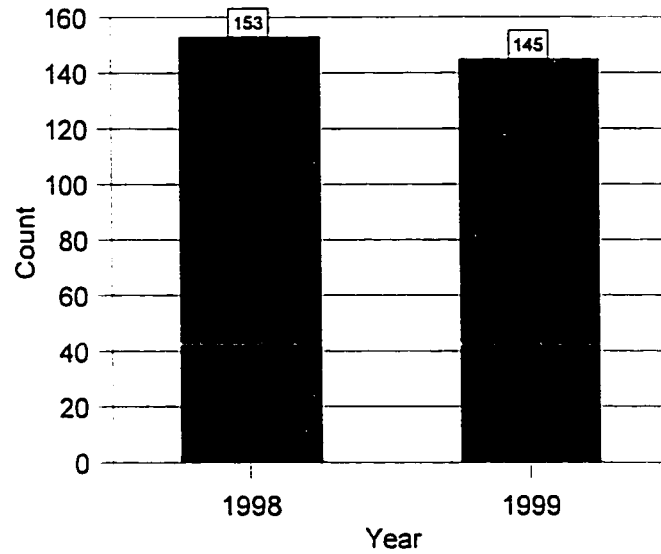


Figure 3. Delinquency petitions filed for African-American and White youth for years 1998 and 1999.

Table 16 presents the number of African-American, White, and Other male youths on probation for the years 1998 and 1999. Figure 4 graphically compares the number of male youths on probation for the years 1998 and 1999.

Table 16

Total Number of Juveniles on Probation

Race	1998	1999	Total
African-American	92	89	181
White	61	56	117
Other	6	9	15

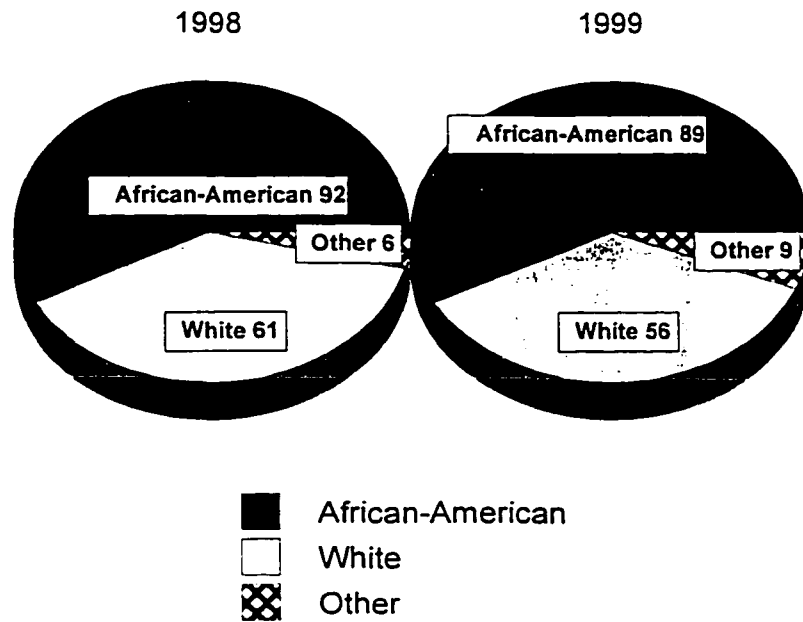


Figure 4. Total number of juveniles on probation for years 1998 and 1999.

As seen in Table 17, in 1998 a total of 49 juveniles from Champaign County were committed to the Illinois Department of Corrections for Juveniles. Seventy-seven of the juveniles incarcerated were males and 78% were African-American. In 1999, a total of 61 juveniles were incarcerated. Of those 61 juveniles incarcerated, 91% were males and 66% were African-American males. Figure 5 graphically illustrates these findings.

Table 17

Incarceration of African-American, White, and Hispanic Youth for 1998-1999

Year	Black male	White male	Black female	White female	Hispanic male	Hispanic female	Total
1998	30	6	8	6	1	1	49
1999	40	15	5	0	1	0	61
Total	70	22	13	3	2	1	110

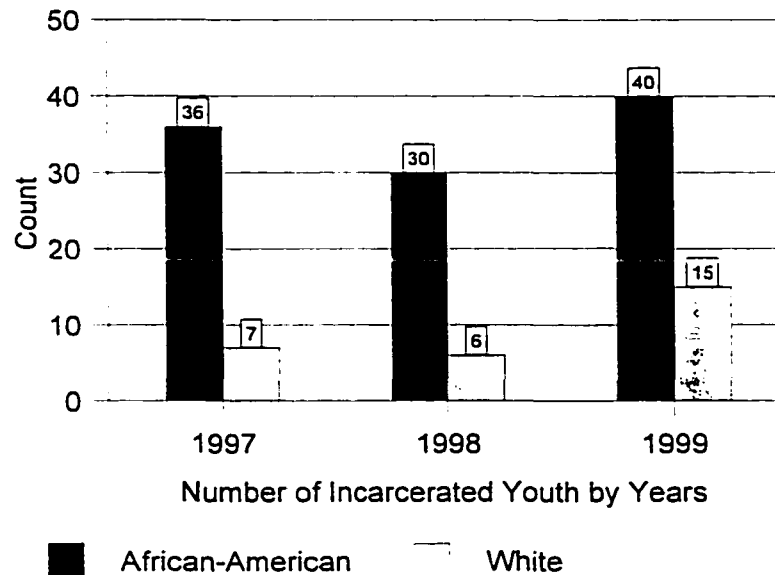


Figure 5. Comparing numbers of African-American and White youth incarcerated for years 1997, 1998, and 1999.

Table 18 presents the chi-square test results for incarceration of African-American and White youths for the years 1998 and 1999. For 1998, chi-square = 10.593, $df = 1$, $p = .001 < .05$, which suggests there is significant association between race and incarceration. For 1999, chi-square = 4.814, $df = 1$, $p = .028 < .05$, which suggests there is significant association between race and incarceration.

Table 19 identifies and compares the characteristics of African-American and White male youth incarcerated for the year 1999. Several of these characteristics may have accounted for the greater number of incarcerated African-American male youths in 1999.

Table 18

Chi-Square Tests for 1998-1999 Incarceration of Juveniles

Year and test	Value	df	Asymptotically sig. (2-sided)	Exact sig. (2-sided)	Exact sig. (1-sided)
1998					
Pearson chi-square	10.593	1	.001	--	--
Continuity	9.220	1	.002	--	--
Correction likelihood ratio	11.313	1	.001	--	--
Fisher's exact test				.001	.001
<u>N</u> of valid cases	96				
1999					
Pearson chi-square	4.814	1	.028		
Continuity	4.073	1	.044		
Correction likelihood ratio	4.927	1	.026		
Fischer's exact test				.035	.021
<u>N</u> of valid cases	145				

Table 19

Characteristics of Male Youth Incarcerated in 1999

African-American characteristics	White characteristics
35 from single-parent households	4 from single-parent households
3 DCFS wards	3 DCFS wards

(table continues)

Table 19 (continued)

African-American characteristics	White characteristics
2 from two-parent households	8 from two-parent households
25 with 1 prior record	6 with prior records
12 with 2 prior records	6 with no prior records
3 with 3 prior records	3 with 2 prior records
2 from divorced homes	3 single-parent households are divorced
36 came from never-married homes	1 with widowed parent
2 with widowed parent	

Chapter 5 presents a discussion relative to these findings. A review and discussion of the research questions, as they relate to the research data, will show disparity of incarceration between African-American and White male youths.

CHAPTER 5

DISCUSSION, CONCLUSIONS, IMPLICATIONS, AND RECOMMENDATIONS

There is a significant, albeit inconclusive, body of published literature and research about the differential processing in criminal justice, but there is little information about the treatment of African-American youth in the juvenile justice system. Most research has focused primarily on racial disparity of adults at criminal sentencing, pretrial detention, and capital punishment, with a brief section on juvenile delinquency. The extent of problems experienced by minority youth is unknown (Leonard, Pope, & Freyerherm, 1995). The lack of information is unfortunate because there are many areas within the juvenile justice system that offer significant and potentially harmful results for African-American youth. For example, there are a variety of decision makers and stages within the juvenile justice system, some of which are informal by design and occur outside of the public's view.

There is also a great variation across states defining sentencing outcomes. The traditional parens patriae approach exercised by juvenile court judges allows for an even greater discretionary treatment of juveniles in the system. There are indications that African-American male youth are treated more harshly and the subjectiveness of the individualized approach is consistent with the parens patriae doctrine. The ability of juvenile justice systems to deliver fair and unbiased justice deserves greater scrutiny as youth are more often perceived accountable for their

actions and treated punitively. If minority youth are more often the recipients of harsher treatment and restricted liberties, then reforms of juvenile justice are needed.

Previous research suggested that there is an association between race and incarceration (Barton, 1976; Bell & Lang, 1985). Disproportionate representation and differential treatment of minority children are evident throughout the entire juvenile justice processing of African-American youth. What is less clear is the extent to which such disproportionality exists on a state-by-state or locality-by-locality basis in the juvenile justice process. What factors most likely exist that contribute to this disproportionality? Furthermore, strategies for addressing the disparity is even more problematic and deserves further inquiry.

The purpose of this study was to investigate the 1998 through 1999 frequency of arrest and sentencing outcomes of African-American male youth in comparison to their White counterparts in Champaign County Illinois. The study examined the adjudication outcomes to determine whether there is a disparity in the declaring of African-American and White youth as delinquents. The study included an examination of the "risk indicators" associated with youth incarcerated in Champaign County. Five research questions provided direction for the study.

Research Questions

Question 1: Are African-American males more frequently targeted for arrest in Champaign-Urbana during 1998-1999 than White males?

Question 2: What are the crime patterns of all males arrested in Champaign-Urbana during 1998-1999?

Question 3: How many African-American males in comparison to White males are adjudicated delinquents in Champaign County during 1998-1999?

Question 4: Is there a disparity in the incarceration of White and African-American male youth from Champaign County juvenile justice system during 1998-1999?

Question 5: What "risk indicators" do African-American youth exhibit that are predictors of youth incarcerated by the Illinois Department of Corrections from Champaign County during 1999?

Summary of Findings

The specific findings of this study were reported in Chapter 4. The following narrative presents a summary of those findings.

Relationship Between African-American Youth and Police Contact

Research Question 1 asked: During 1998-1999, were African-American males who live in Champaign-Urbana more frequently targeted for arrest than their White counterparts? In this study, African-American males were more frequently arrested than White youth their age. The researcher first sought to examine the number of contacts and age of African-American and White youth

encounters with police. Second, the frequency of contacts were investigated by age and race.

All 1998 police-based contacts for youth in Champaign-Urbana were examined. A total of 1,892 encounters were studied. Each documented contact was coded by race, age, encounter, and city. The purpose of this strategy was to examine the frequency of contact by age and race. African-Americans between the ages of 10-16 are nearly twice as likely to have contact with police in Champaign. In Champaign, African-American youth accounted for 66% of all police contact, as opposed to their White counterparts who comprised 34%. In Urbana, the disparity of police encounter is significantly less than Champaign.

The findings from the Pearson chi-square test indicates a positive relationship between police contact and African-American youth in Champaign-Urbana in 1998. At the age of 10, African-Americans are 9 times more likely to have their first encounter with police than their White counterparts. Overall, these findings clearly demonstrate that race plays a significant and independent role in the policing of juveniles in Champaign-Urbana.

The results of the chi-square test show there is no significant association between age and race (White versus Black) for arrests in 1998. Nevertheless, African-American male youth in Champaign were 74% of the population arrested in comparison to their White counterparts.

In 1999, the results of a chi-square test identified a positive association between the variables, age and race, for African-American males. These findings

reflect the significance of African-American male youth and arrest in Champaign and Urbana. The extent of disproportionality was not analyzed. However, the most recent available data on the population of African-Americans in Champaign County is 9.6%, with the overall population totaling 173,025.

Crime Patterns for All Youth Arrested in Champaign County 1998-1999

Research Question 2 examined crime patterns for all youth. However, for the purposes of this study crime patterns for African-American and White male youth remained the researcher's focus.

The various offense types (i.e., property, violent, drug and alcohol offense, other offenses and status offenses) were categorized by race, age, and gender. The most common offenses for 1998 were property, violent, and other crimes. The category of other crimes were mostly identified as traffic violations.

Since 1997 there has been a steady incline in juvenile crime for both White and African-American male youth. The 1999 statistics show a slight decline in violent and property crime in comparison to 1998, while totals for African-American males has consistently increased. In addition, drug and alcohol offenses for African-American and White male youth increased from 1998. In sum, African-American male youth were charged with more serious offenses than White male youth. Crime patterns for White male youth suggest they are more likely to be arrested for status and other offenses than African-American males.

Adjudication Totals for African-American and White Male Youth

Research Question 3 sought to compare the frequency of adjudication for African-American males in comparison to White males. The findings of chi-square tests indicate a significant association between race and year. In 1998 and 1999 African-American males were 65% more likely to be adjudicated delinquent in Champaign County than were their White counterparts. In 1998, 796 juveniles were arrested; 19% of those arrested are adjudicated delinquent, with African-American males comprising the majority of those adjudicated. There were 831 juveniles arrested in 1999 and, similar to 1998, African-American males were the majority of those adjudicated delinquent. Due to the limited availability of data, this researcher was unable to determine whether the individuals arrested in 1998 and 1999 were adjudicated delinquent. Nevertheless, the representation of juveniles taken into police custody would account for their representation at the adjudication and delinquency petition process.

Between 1997 and 1999, the number of delinquency petitions filed in Champaign County decreased 11%. However, there was an increase of five more delinquency petitions between 1998 and 1999. In 1999, 100% of the juveniles named in delinquency petitions were adjudicated delinquent. The majority of cases not resulting in adjudication were continued under supervision or dismissed.

Incarceration of African-American and White Male Youth

The Illinois Department of Corrections' Juvenile Division provides long-term

custody for youths 13 to 17 years old who have been found delinquent by the juvenile court and committed to the Department of Corrections. Youth incarcerated may remain in the Department of Corrections until they are 21. The number of male youth incarcerated between 1998 and 1999 increased by 55%. The incarceration of White male youth more than doubled from 1998 to 1999. The percentage of African-American males incarcerated was 66% for 1999. Full commitments to the Department of Corrections increased 24%, 61 minors compared to 49 in 1998.

A chi-square test conducted for incarceration of African-American and White male youths for the years 1998 and 1999 indicated there is significant association between race and incarceration. In 1998, Champaign County's rate of commitments to the Department of Corrections was 37% higher than the 73 commitments of juveniles from other urban counties outside of Cook and Coles counties.

Racial differences in sentencing are most conspicuous for African-American juveniles charged with aggravated battery, probation violation, and obstructing justice. For those charged with aggravated battery offenses, 12% institutionalized were African-American males. Although African-American males were less likely to violate probation for obstructing justice, they were the highest percentage to be incarcerated for obstruction of justice. Three of 12 male juveniles incarcerated for probation violations were White males. There were no consistent patterns in the sentencing of African-American and White male youth in other categories of

offenses.

In 1999, the juvenile probation department consisted of 154 new cases: 62 felonies, 70 misdemeanors, and 20 for contempt of court. This is a 21% decrease from the previous year. The 43 minors on probation represented a 49% recidivism rate for juvenile offenders in 1999. While the repeat is actually a 50% drop from 1998 and 68% in 1997, most of these repeat offenders continue to be African-American male youth.

Characteristics of Male Youth Incarcerated in 1999

Research has provided evidence that certain risk factors may be a strong predictor of subsequent juvenile delinquent behavior (Bell & Lang, 1985; Bishop & Frazier, 1988; Byrne & Sampson, 1996). An examination of African-American and White youth incarcerated in 1999 allowed this researcher to review prior offenses and family characteristics. The majority of youth incarcerated were more likely to be African-American, have more prior offenses, and were from single-parent households with mothers who have never been married. Whereas, White youth incarcerated were less likely to come from homes with single-parent households, have mothers who have never been married, and had fewer prior records.

Conclusions

The assertion that African-American males are adversely affected or disproportionately impacted by the American justice system is to understate the

devastating effect that the justice system is having on the status of African-American males. This study is not startling when the most recent statistics available reveal significant racial and ethnic disparity in the confinement of juvenile offenders across the United States. The most recent statistics state that African-Americans between the ages of 10 and 17 make up about 15% of the population; yet they account for 26% of juveniles arrested, and over 60% of those incarcerated are in secure facilities (OJJDP, 1999).

African-American male juveniles are overrepresented in every phase of the juvenile court system in Champaign County. The causes and the development of strategies for addressing this disparity is much more problematic than it is to document its existence. One major legacy of the traditional parens patriae model for the juvenile justice system is the highly individualized, frequently subjective nature of decision making at the various stages of the juvenile justice process. This traditional juvenile court's emphasis on rehabilitating offenders rather than punishing for offenses fostered the very discretion, procedural informality, and organizational diversity of the broad legal framework associated with disparity and overrepresentation of African-Americans. The wide frame of relevance associated with individualized justice raises concerns about its impact of discretionary decision making (Dannefer & Schutt, 1982; Fagen et al., 1987; Krisberg et al., 1987).

Beginning at the point of initial contact with law enforcement, up through the transfer or disposition decisions, the system is heavily imbued with discretion.

Data collected on Champaign County show that this discretion greatly affects the placement and outcomes of African-American youth. The results of the study underscored the fact that disparity exists throughout significant phases of the juvenile justice, and African-American youth are often more likely to be at greater risk of receiving the most severe outcomes compared to White youth. Moreover, this study demonstrated that there is a need for a level of scrutiny at every phase of the juvenile justice processing. Based on the findings presented in this study concerns regarding fairness within the juvenile justice system are not unwarranted. Recommendations and follow-through must be taken to address and alleviate racial disparities in Champaign County.

The lack of adequate education, by itself and as a symptom of a more ominous dilemma, is viewed as major cause of the problems of African-American males. African-American males are not only negatively impacted by the justice system the educational system continues to fail them. A significant body of literature addresses what some scholars have identified as discriminatory practices within our nation's schools that specifically target African-American youth and affects their academic performance. This corresponds with the outcomes of African-American youth in Champaign County.

The school disciplinary policies point out the disproportionate and negative effects these policies have on African-American male students and on those students' opportunities to learn. In 1999 four kindergarten students were expelled from the unit four school district in Champaign County. The four students were

African-American males. Perhaps the negative response of factors presented earlier in this research create the negative attitudes of our educators. African-American male students have negative attitudes about their educational experiences because these students and academic institutions are a cultural mismatch.

The quantitative data in this study indicate differential treatment of African-American males by Champaign and Urbana police. African-American males are nine times more likely to have police contact at the age of 10 than their White counterparts. Race is a significant factor when analyzing police contact in Champaign and Urbana. Racially biased entry into the juvenile justice system begins with police contact. African-American youth are more likely to be referred to court and incarcerated by officials in the Champaign County. The absence of accountability within the police department serves as the explanation for this disparity within the juvenile judicial system.

With respect to the status of African-American males in today's society it is without doubt that they are characterized as an endangered species on just about every social indicator possible. Notably absent is any extensive literature on juvenile officials and school administrators and their biases. While much of the literature and media exposure emphasizes the negative indicators of African-American male youth behavior, questions remain concerning accountability on behalf of our educators and justice officials. These questions, however, receive less attention.

Recommendations

Policy recommendations designed to affect the juvenile justice system follow two separate tracks. The first track deals with measures to identify the nature of the problem, and the second track is to take steps to alleviate disparity and overrepresentation.

The findings in this study and previous studies conducted clearly demonstrate that differential processing can occur at any stage of the juvenile justice system (Frazier & Bishop, 1990; Pope & Feyerherm, 1992). The findings in this study indicate racial and ethnic differences are more pronounced at the earlier processing stages (i.e., police contact and police arrest). Therefore, Champaign County will need to implement a system to identify those stages where disproportionality occurs and the extent to which it exists.

Furthermore, such monitoring will need to be undertaken at regular intervals to determine the nature of any changes in the system. One model that could be used to accomplish this is a branch network analysis developed by Pope and Feyerherm (1992) and applied to juvenile justice systems in California and Florida. This network analysis identified points within the system where differences between minority and majority youths were greatest. This model can be used to assess the extent to which Champaign County may vary from the statewide average. For both California and Florida, it was demonstrated that some counties departed markedly with regard to severity of disposition when compared to each state as a whole. In other words, there were some counties in which minority

youths received much more severe sentencing outcomes compared to the majority of youths who did not in other counties.

An intensive examination of police conduct, arrest, adjudication, and sentencing outcomes are those stages that most need examination in Champaign County. The stages that identified the largest gaps between African-American and White male youth need to be targeted for further evaluation. For example, this study found that African-Americans males at the age of 10 are 9 times more likely to have police contact than their White counterparts. In addition, this study found that 74% of the White and African-American male population arrested were African-American males. As in most jurisdictions, police interaction is one area that is allocated the most discretion. A careful examination of the nature of police decision making should be evaluated. One strategy for accomplishing this would be to systematically review all existing criteria and guidelines. This would need to be followed by an evaluation to determine whether the criteria were justified under existing juvenile statutes or whether there might be subtle racial differences operating. For example, if "idleness" (whether a youth is employed, attends after-school program, or does nothing at all) is important in reaching an arrest decision, then one needs to examine the racial differences by this characteristic. If African-American youth are more likely to be arrested, this may in part account for the larger percentages of difference in African-American arrests.

Implementation of training workshops focusing on race and juvenile processing would help to sensitize and train juvenile officials in the area of race-

related issues. Such training programs have proven to be successful in other criminal justice areas. For example, sentencing institutes have proven somewhat successful in articulating sentencing philosophy and reducing disparity. In a study by Pope and Feyerherm (1990), judges from various jurisdictions attend workshops at a central site over a period of a few days. Differences in sentencing philosophies were discussed and evaluated. These training exercises prescribed mock trials, and actual cases are discussed among judges and recommended sentences are given. This model also includes an overview and summary of the history of race relations in the country, race relations as they pertain to juvenile and adult justice system, and a review and discussion of the existing research literature as it pertains to minorities in the juvenile justice system. These techniques have proven to be successful when attempting to sensitize juvenile court personnel on minority issues. Second, it helps in developing new techniques to reduce disparity and to ensure equality in processing.

It is recommended that guidelines be developed to aid decision makers in reaching outcome decisions. The overall goal of such guideline-based approaches is that discretion will be reduced, thus decreasing disparity outcome. This technique (prior convictions, evaluation of progress, age at current offense, prior commitments, family involvement, and support) is often used to construct parole guidelines for adult offenders. While the criteria for parole is quite complex, they have proven to be the best predictors of parole outcomes (Weatherspoon, 1994).

An established “checks and balances” system with regard to juvenile processing decisions would be extremely beneficial in reducing disparity. For example, it is not uncommon for the judges and probation officers to be the sole decision maker in sentencing outcomes. A review panel that consists of probation officers, state’s attorney, community advocates, etc., would have the sole responsibility of examining the entire juvenile processing stage. For example, the review panel would examine everything, from the arrest to the adjudication, the guidelines, and the statutory criteria. Using established models would assist in the review process. It would also provide a system with shared responsibility and accountability.

The overall findings in this study are consistent with other research on racial disparities and juvenile court practices. The findings in this study will hopefully stimulate discussion within the research community, help shape policy reform in Champaign County, increase awareness, and promote justice for all African-American youth in Champaign County.

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