

**The Institute for Public Policy and Business Research
The University of Kansas**

**Assessing The Differences
In The Treatment Of
Minority Confinement in Kansas**

Phase II Report
Prepared for

**Kansas Department of Social and Rehabilitation Services
Youth and Adult Services
and the
Advisory Committee on Juvenile Offender Programs**

Prepared by

Principal Investigators: William Arnold and Robert Glass

Data Analyst: Alexander Barket

IPPBR
607 Blake Hall
University of Kansas
Lawrence, Kansas 66045-2960

Charles Krider
Professor of Business
Director, IPPBR

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The members are:

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EXECUTIVE SUMMARY

This summary consists of four parts: I) A brief explanation of the project; II) a summary of the findings; III) our recommendations (denoted by capital letters) based on the research findings; and IV) suggestions for modes of monitoring the progress in reducing the disproportionate minority confinement in Kansas.

I. Minority race youths and other youths admit in self reports to similar overall rates of legal offenses, but there is little doubt that minority youths are more likely to be confined. Similarly, females are more likely than males to be processed in the juvenile justice system and to be confined for status offenses even though male juveniles' self-reported offending rate is 2.3 times that for female juveniles. In response to such discrepancies, the 1989 re-authorization of the Juvenile Justice and Delinquency Prevention Act required that each state analyze the disproportionate confinement of minority, especially racial minority, youths. Disproportionate here means merely statistical over-representation compared with census records of youths race/ethnicity/sex for each area. This study was undertaken to comply with that act.

II. Our results show that youths of one or more racial/ethnic minorities were indeed disproportionately confined in Kansas as a whole, all four Metropolitan Statistical Areas, at least 24 of the 31 judicial districts, and at least 23 of the 105 counties. We discovered that disproportionateness by race begins with the pattern of calls to the police: more calls come from parts of town where minority race populations are relatively large. However, most of the disproportionateness of minority race males and of all females for status offenses is introduced into the juvenile justice system at the police contact step, followed in importance by the decision to detain, the decision to commit to SRS, and the decision to extend initial detention. Further, females are less likely than males to have their cases dismissed.

In the logistic regression analysis to determine the effects of race and sex in the mix of legal and non-legal variables which produce disproportionate minority confinement, we found that race is significantly involved, net of other variables, for African-Americans in the initial detention and diversion decisions but not in the dismissal or detention disposition decisions. For Asian-Americans, race was important only in the initial detention decision. For Hispanics, ethnicity is important only in getting a confinement disposition. Race was not crucial at any step for Native Americans. Sex was significant in initial detention and diversion decisions but not in dismissal or confinement decisions. Overall, family and school variables are the most powerful associations with decisions leading to secure detention.

Our data for existing diversion programs indicated that some additional programming would be necessary to reduce disproportionate minority confinement in all but four of Kansas' judicial districts.

III. As just noted, we found disproportionate minority confinement in Kansas. Federal regulations specify that this disproportionateness be addressed at the diversion point in the juvenile justice system. Research in other states has indicated, and members of our advisory task force agree, that for programs to be successful, people in the community must have a sense of "ownership" in the programs. Further, as noted above, the disproportionateness of minority race youths and of females regarding status offenses appears in the early steps of the system. We also recognize that new programs seem successful, at least in part, because of the "Hawthorne" effect, i.e. success as a result of enthusiasm and getting attention. Although we would hope that some prevention programming might be undertaken, as well, our pertinent recommendations are:

A. Involve youths and parents as well as professionals in initial and continuing planning, constantly developing new and/or re-designed programs or approaches to maintain the enthusiasm of the staff and control the development of "know it all" attitudes on the part of youths.

B. Develop additional diversion programs in all but four of the judicial districts in Kansas. Implementation should follow these guidelines:

1. Placement in the diversion program should be determined by race-neutral criteria. We suggest that all first time juvenile court referrals whose charging offense(s) did not result in actual bodily harm be placed automatically in a diversion program.

2. The staff for this diversion program should be attached to some single entity in each judicial district or to the corresponding units' staffs in adjacent districts in low population areas of the state.

3. While the programs to be developed must depend upon the interests and perceived needs of youths and their families and must constantly change, programs must fit within the parameters of community needs for service, youths' needs, and youths' offenses. Ideally, the programs contribute to a "...balanced and restorative..." sense of justice (Bazemore and Umbreit 1994).

You will recall our noting above that the strongest associations in our logistics analysis between being kept and detained in the juvenile justice system were with family and school

variables. Therefore, and in accord with the regulations implementing the legislation mandating this study, we recommend:

C. Develop modes of outreach to existing prevention organizations serving minorities. We must reemphasize that new programs must arise out of interaction with those persons affected and that the programs should be changed frequently. Further, the diversion staff will have to assess the utility of working with existing organizations in predominantly racial minority neighborhoods. Among the organizations which are always the most important delinquency prevention forces are the families and schools. Strengthening youths' bonds to families and schools should take priority. In our report, we briefly describe some exemplary programs. Specifically, we recommend:

1. In cooperation with other family service organizations, develop early family intervention programs of assistance and guidance for all families with only one parent present.

2. In cooperation with existing private and publicly supported pre-school programs and child care providers, develop universal pre-school/Head Start, and follow up with special help (tutoring by peers on the mastery learning model) as soon as a young person falls behind or is below passing more than six weeks in school.

Even when the family and school variables were taken out of our logistic regressions, race and sex remained important variables in decisions, especially the early decisions in the juvenile justice system. Therefore, and in accord with the wishes of our advisory task force, we recommend:

D. Develop cultural sensitivity training to be given to police officers, prosecutors or others responsible for diversion decisions, detention center staffs, court services officers, and juvenile court judges.

Although our research has not formally included the problems of re-integrating into the community youths who have been in various confinement facilities, our reading of court files suggests that this is often a difficult process. Therefore, we recommend:

E. Assure that the newly-created youth authority develops reintegration programs comparable to "permanency planning" and "family re-integration" with services provided to families of those who are released from any out-of-home placement.

We recommend that this aftercare program be focused on those most likely to recidivate. Altschuler and Armstrong (1994a, 1994b) have developed the needed program.

We note a number of times in our report the inadequacies of existing data on juvenile and adult offenders in Kansas. Minimal corrections of these inadequacies are addressed by the following recommendations.

F. Develop data systems which are uniform in format and uniform in the mode by which youths are identified so that information about disproportionate representation of youths may be monitored readily.

G. Augment the numbers and training of data entry personnel so that all the information called for on juvenile justice report forms is entered and entered correctly (checked and re-checked).

The regulations implementing the 1989 JJDP Act require that we specify how our results will be disseminated. Because our recommendations focus around the expansion of diversion programs in twenty-seven of the thirty-one judicial districts in the state, we aim our dissemination at the passage of state legislation:

H. Disseminate both the executive summary of this report and the longer report to key personnel in the agencies which would be responsible for carrying out the above recommendations, to the professional organizations of juvenile justice workers, and to those lobbying groups most likely to advocate the above positions (Kansas Action for Children, the Kansas Children's Service League, the League of Women Voters, the Urban League, the ACLU, and the NAACP). Disseminate the executive summary to all the members of the state legislature either prior to Nov. 1 or after the first two weeks of a legislative session, and request appointments with potential (likely willing) legislative sponsors with legislative research personnel in attendance. Offer a skeleton of potential legislation.

IV. Monitoring progress in reducing minority over-representation must begin with a number of changes in the state records system in addition to those discussed under recommendation F above.

A. Modify the juvenile contact form completed by the police so that it would contain (or have reasonable proxies for) all the items of information utilized in our logistic regression analysis.

B. The adult court reports to the Office of the Judiciary about action on cases should include race/ethnicity and age of defendants, and the annual report of the judiciary should include a race/ethnicity, sex, and age breakdown of cases to provide information on the automatic waivers as well as the waiver hearings.

C. The juvenile court staffs or others responsible for supervision of persons placed on diversion should be required to submit on each case put into a diversion program a report comparable to those now used for confinement of juveniles (the "Jail Report") or the OJA 50 form now submitted on all new probation cases.

D. Adopt a state law that jurisdictions submitting recognizably incomplete sets of reports (such as the strange drops in police contact reports in some jurisdictions) will lose some form of state aid, such as highway or school subsidies.

E. Eliminate the separate Youth Center data system, integrating it into the future SRS KISSES system of records.

F. Create and fully staff a new section of the KBI's Statistical Analysis Center with the responsibility of gathering together court, SRS (the future KISSES system), and KBI records into offender-based files. This agency would be responsible for producing, on a rotating basis, analyses comparable to those produced in our Appendixes (with the addition of a line based on diversion reports rather than diversion hearings and a line for automatic waivers to adult court) and informing the staffs created under recommendation III.B above of the results of their analyses and the implications of these analyses for needed programming.

I. BACKGROUND¹

A. Self-Reports of Offending by Majority and Minority Youths

In order to put disproportionate confinement in context, we first turn to studies of offending, in particular the studies which give by far the most complete picture of offending, self-reports. Early feminists commonly claimed that the repression of women was similar to the repression of minority races (Chafe 1977/1995). However, disproportionate confinement has very different meanings for the gender and racial minorities—under-representation for females and over-representation for minority races. Therefore, the two kinds of minorities will be treated separately in the review of the pertinent literature. Further, we will focus the gender analysis on determining whether disproportionate confinement by race is different for the genders.

After a careful review of the self-report literature comparing offending by youths of different races, Arnold and Brungardt concluded in 1983 that, "...blacks commit a disproportionate share of assaults; whites commit a disproportionate share of other offenses; and the total offending by racial groups is quite similar" (1983: 153). More recent research generally supports this conclusion (Huizinga and Elliott 1987; Cernkovich, Giordano, and Pugh 1985; Dunn *et al.* 1993: 6-8). Tittle and Meier argue, on the bases of two thorough analyses and reanalyses of others' studies, that socio-economic class (which is strongly associated with race), does not predict seriousness (type, such as assault) or frequency of offending (1990: esp. 280-290). However, if a difference in assaults does occur, it is produced almost entirely by young, street corner, African-American males (Simpson 1991: 115). Only a small part of disproportionate minority confinement results from differences in offending by persons of different races.

Offending by juvenile males is about 2.3 times as frequent as offending by juvenile females (Arnold and Brungardt 1983: 81-84) according to self-reports. Further, there is little question that the sex ratios get larger (males more completely dominate crime) as we move from less to more serious and more violent crimes. The pattern has not changed (Chesney-Lind and Shelden 1991: 127-130). Put another way, "...sex interacts with offense type..." (Dunn *et al.* 1993:6). Further, the few self-report studies in which data are analyzed simultaneously by gender and race reveal that offending by African-American juvenile females is quite different from offending by Euro-American juvenile females (see Simpson 1989: 618 and 1991: 116-118 for a number of

¹Sizeable sections of this introductory portion of the report are drawn from our Phase I report.

references). It would appear that African-American juvenile females' rates of offending are similar to those of Euro-American juvenile males (Simpson 1991: 118-119). The question dealt with below is whether or not the juvenile justice system accurately reflects these patterns.

B. Minorities and the Legal System in General

1. Racial minorities

For the last hundred years in the United States, minority races have been disproportionately held in jail (Cahalan 1986: 91), and during this time a similar disproportion has developed in our training schools for youths (Cahalan 1986: 130). Further, arrest rates for non-Euro-Americans are several times higher than for Euro-Americans (Sykes and Cullen 1992:109-112). The heated debate over whether or not this disproportionality is caused by discrimination continues, but the weight of the evidence suggests that at least some racism is involved in producing the race ratios in confinement (MacLean and Milovanovic 1990; Tonry 1994; Reiman 1995). At the same time, however, the disproportionately high rates of person offenses by minorities, especially street corner, young, African-American males, are revealed in victimization and self-report delinquency studies as well as in arrest reports (Sykes and Cullen 1992: 110, fns. 33, 34, and 35). On the average, whatever category of people makes up the upper portion of the lower social class at a given time will be arrested and confined disproportionately (Sutherland, Cressey, and Luckenbill 1992: 218-221).

2. The gender minority

It is not clear whether the criminal justice system is working to repress the female minority (meaning a subordinate category, not a numerical minority). It appears that women are repressed more by the mental health and welfare systems than by the criminal justice system. Nevertheless, a sizeable number of studies have been done on the interaction between criminal justice and the gender of offenders. Some of these studies conclude that, apart from young women's being dealt with more harshly for offenses involving or threatening their sexual purity (Chesney-Lind and Shelden 1991: 129-130), women are treated about the same as men are for the same offenses (Steffensmeier, Kramer, and Streifel 1993: 411). Other studies find gender interacting with a number of other variables, but having an effect on decisions (Simpson and Elis 1995: 69-73).

C. Minorities and Contemporary Juvenile Justice

1. Racial minorities

We have noted above the great similarity in the offenses actually committed by youths of

different races in the United States. Nevertheless, the disproportionate confinement of minority race juveniles has been easy to document. Censuses of public (Krisberg, DeComo, and Herrera 1992: 30) and private (Krisberg, DeComo, and Herrera 1992: 42) detention, correctional, and shelter facilities for juveniles reveal the disparity, although the disparity is clearly greater in public than in private facilities. It appears that all the phase I reports produced under the Disproportionate Minority Youth Confined in Secure Facilities (DMC) projects reveal disparity. Since Pope and Feyerherm have thoroughly reviewed the relevant literature, their succinct conclusions are presented here rather than a new review of this literature. Note that their,

...report focuses on the official processing of minority youth and does not deal with the conditions that can lead minority youth into contact with the juvenile justice system. Disproportionate representation may be accounted for by some combination of selection bias on the part of the juvenile justice system and the nature and volume of offenses committed by minority youth. ... However, differential involvement in crime is a different issue from what happens to youthful offenders once they enter the juvenile justice system. ... Efforts to identify research literature on the processing of minority youth in the juvenile justice system centered on publications since 1969, and four data base searches of criminal justice abstracts, sociological abstracts, the social science citation index, and the legal resource index yielded more than 1,000 citations. ... Professional society records identified more than 90 scholars who had written on race and crime, and letters to each of them inquired about unpublished or ongoing research in this area. This process identified about 250 potentially relevant articles. In many of them, however, minority status was not a major focus of the analysis or specific juvenile justice decision points were not included. The research staff selected 46 articles as most relevant. ... These were the most salient findings:

Most of the literature suggests both direct and indirect race effect or a mixed pattern--racial effects are present at some stages and not at others. Roughly a third of the studies found no evidence of disparity. The remaining studies found evidence that minorities were treated disproportionately even after statistical controls were introduced. These, however, divided about evenly between those that found an overall pattern of disparity and those we call "mixed." The mixed label can apply when a study examines several decision points (such as intake decisions, detention, and judicial sentence) and finds disparities at only some of those points. It can also apply when a pattern of disparity is only apparent for certain types of offenders or offenses (such as fist offenses or personal offenses). The studies that found evidence of selection bias are generally no less sophisticated in methodology than those that found no such evidence. Their data are of no less quality. There appears to be no relationship between the rigor of the studies and the findings of disparity.... Advanced techniques allow an examination of direct as well as indirect race effects that show how minority status may be linked to other case characteristics. For example, most of the studies that use a multivariate

design also examine the effects of interaction between minority status and other case characteristics. The use of random samples as opposed to total populations or the use of larger aggregations of jurisdictions (such as statewide) did not appear to explain the differences in findings.

When bias does exist, it can occur at any stage of juvenile processing. We found studies in which disproportional treatment occurred at each of the major decision points. Of course, fewer large-scale studies examined the decision process of the police than that of any other major decisionmakers, and those studies tended to examine police decisions made *after* the decision to do *something*. A typical study examined the decision of police to transport a juvenile to a detention facility as opposed to issuing an order to appear at a later date. In some instances small racial differences accumulate and become more pronounced as minority youth proceed further into the juvenile justice system. In particular, our own analysis of statewide data from both California and Florida illustrated this accumulation of disadvantages. Differences between minority and majority offenders increased as youth move across various decision points. Many studies that found no evidence of disparity or only mixed results reached that finding by using control variables in a multivariate analysis. One frequently used variable reflects the theme of family composition or stability. Controlling for such variables appears typically to reduce the difference in treatment received by majority and minority youth. However, in a logical sense what these studies identified was the mechanism by which majority and minority youth are distinguished. Thus, "family situation" may in fact mean "race." Even such "legally relevant" variables as prior arrests may not be racially neutral. If, for example, police were initially more likely to pick up and process African-American youth than white, it enhances race differences within the system. The system needs to address whether these types of variables ought to be used in juvenile justice system decision-making and whether they ought to produce the degree of difference between majority and minority youth that they appear to produce. Finding a statistical method of reducing the difference between majority and minority youth is not enough. Instead we must address the propriety of using these variables at all.

Examining these studies ... suggests substantial support for stating that both direct and indirect race effects operate within certain juvenile justice systems. (Pope and Feyerherm 1993: 1-3).

Indirect effects of race include the effects of variables which are strongly correlated with race. These include the types of acts we make illegal (hitting in the face is usually illegal, arguing usually is not), the self-fulfilling prophecy of having the police patrol most heavily in high crime areas, and using difficulties in school and brokenness of homes as indicators of youths' need for the care of the state. For our present purposes, we accept Pope and Feyerherm's conclusions about the literature on racial minority status and the juvenile justice system.

2. The gender minority

Because Chesney-Lind and Shelden (1992) carefully review numerous studies of each step of the juvenile justice process for females, we will rely heavily on their analysis. Girls seem to be arrested disproportionately for status offenses, especially if they are young and/or respond to the officers in belligerent ways. Acting in "stereotypic ways" reduces the likelihood of arrest (1992: 129-130). Teenage females actually get away with a larger proportion of their serious self-reported behavior than do their male counterparts. Chesney-Lind and Shelden's review of the evidence about the police decision to refer cases to court indicates that the young women are substantially more likely than are young men to be referred for offenses which seem to pose a "moral danger." In addition, females are over-represented (compared with arrests) in detention centers.

Although the difference seems to be decreasing (but obviously not in Kansas as reported below), about 30% of the females referred to the juvenile court are referred for status offenses, while only about 10% of the boys are referred for these offenses (1992: 135). Males are more likely to be repeat offenders. Chesney-Lind and Shelden recognize that the findings they review are inconsistent, but they conclude that females get harsher sentences for status offenses than the males do. An excellent study of the sentencing of males and females in the juvenile courts of Nebraska, however, revealed no such difference and that, overall, when pertinent control variables are taken into account, the sentencing of the genders was quite similar (Johnson and Scheuble 1991). Inclusion of "detailed offense," not lumping together all the offenses in a larger category, such as status offenses, was an important control. Nationally, females made up 13.5% of the youths in public locked facilities in 1989, slightly less than their proportion of arrests, but they made up 30% of those in private facilities (Chesney-Lind and Shelden 1992: 141).

While it would be helpful to have a similar review of the treatment of female offenders with a race breakdown at each step of the juvenile justice system, no such review is available. Dunn *et al.* do provide a few comparisons for their Ohio sample. Twenty-five percent of the white females are detained before adjudication, while 23.2% of the non-white females are (1993: 52). At court disposition, 11% of the non-white females were given some form of confinement, while 11.2% of the white females received such a sentence (1993: 64), but a larger proportion of the non-whites were confined in state training schools (1993: 72) as compared with local or private facilities. For the country as a whole in 1988, about half of all juvenile females in correctional settings were Euro-American; a third (31.7%) were African-Americans; "...6.2% were Hispanic; and 7.7 percent were Native American" (American Correctional Association figures presented in Chesney-Lind and Shelden 1992: 147). Thus, it would appear that only at the last steps of the

criminal justice system are Euro- and African-American juvenile females treated differently.

D. The Requirement for the Study

When the Juvenile Justice and Delinquency Prevention Act of 1974 brought together under the Law Enforcement Assistance Administration programs which had been in LEAA with programs which had been in Health, Education, and Welfare, it also mandated the creation of state Juvenile Justice Advisory Groups to administer the formula funding to be distributed to the states. These Advisory Groups formed The National Coalition of State Juvenile Justice Advisory Groups and, in 1985 or 1986, became concerned about the over-representation of minorities in the juvenile justice system. In 1987 Pope and Feyerherm received a grant to review the literature on this over-representation and on potential means of addressing it (Dunn, *et al.* 1993: 1). The National Coalition of Advisory Groups in 1989 "...submitted to the President and Congress ... *A Delicate Balance* focused on the differential processing of minorities within the juvenile Justice System" (Community Research Associates 1990: 3). The 1988 reauthorization of the Juvenile Justice and Delinquency Prevention Act included an amendment to Section 223(a)(23), reading:

In accordance with regulations which the Administrator shall prescribe, [the State Plan] shall ... address efforts to reduce the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups if such proportion exceeds the proportion such groups represent in the general population.

On 8 August 1989, implementing regulations [28 CFR 31.303(j)] were issued which specified that each state was to:

1. document its level of disproportionate confinement of minority youths,
2. make recommendations (if needed) for improving the data system providing this documentation,
3. locate the points in the juvenile justice system at which the disparity occurs,
4. improve diversion programs for minority youths,
5. support, "...prevention program in communities with a high percentage of minority residents with emphasis upon support for community-based organizations that serve minority youth...[,]"
6. provide "...reintegration programs..." to "...reduce recidivism of minority youths...[,]" and
7. "...disseminate information regarding minorities in the juvenile justice system" (Community Research Associates 1990: 1-2).

Community Research Associates were commissioned to develop a set of guidelines for this research project. We have followed these guidelines whenever practicable. States were expected to complete a Phase I report (i.e. meeting stipulations 1 and 2 above) in the 1991-1993 period.

E. Phase I Report in Kansas and the Role of this Present Report

1. The phase I report

The phase I reports for this project were to meet the requirements of the first two of the regulations above. Because there was an extended time during which Kansas did not have anyone in the juvenile justice specialist position dealing with the formula grants under JJDPA, no phase I report was submitted for Kansas until the 1994-96 juvenile justice plan (Advisory Committee on Juvenile Offender Programs, 1993(?): Appendices C and D) was submitted. Kansas' phase I report was initially done somewhat hastily and was based on the Juvenile Justice Information System data for only the first six months of 1989, *Crime in Kansas* arrest data for CYs 1989-1992, aggregate Social and Rehabilitation Services data on juvenile offenders in the custody of the secretary of that department at the end of each of FYs 1988-1992, and juvenile offenders in state training schools (Youth Centers) at the end of FY 1988 through 1992 only for the state as a whole. The expected matrices were nearly completed for the state as a whole and for three of the four MSAs in the state. These data strongly suggested that minority youths were disproportionately confined in Kansas (Advisory Committee on Juvenile Offender Programs 1993: 75-83) and that the juvenile justice system contributed to that over-representation. Nevertheless, a more extended Phase I report was prepared with the requisite levels of disaggregation of the data. This report (Arnold, Glass, and Barket 1995) met the first two of the stipulations of the federal regulations cited above and provided data far more detailed than expected in Phase I reports, including four years of data for each county, each judicial district, and all four MSAs in the state (compare Community Research Associates 1990: 12-13).

The conclusions of this phase I report were:

- a. Euro-Americans are consistently under-represented in confinement in each year for which data are presented, and, furthermore, the degree of under-representation is increased by the operation of the juveniles justice system from arrest to confinement. The index figure is decreased from about .8 to about .65 in the state as a whole, each of the SMA's, and most of the judicial districts and counties where there is a sizeable minority population. In many of the counties, of course, the minority population is too small to change this index number, but, in addition, in most

of those counties, minority youths have not been arrested at all.

- b. African Americans are consistently over-represented in confinement by a factor of approaching five each year, and, furthermore, the degree of over-representation is increased by the operation of the juvenile justice system from arrest, at which point the over-representation is only by a factor of about 2.5. This over-representation appears to be disappearing in the Kansas City MSA and in Wyandotte County in which most of the African-Americans in the Kansas City MSA live. The concentration seems to have disappeared in some other counties, such as Cowley and Riley Counties. The contribution of the juvenile justice system to this concentration seems to be relatively small in the Wichita SMA and, of course, Sedgwick County.
- c. Although the Native American youths and Asian youths are under-represented in arrest statistics and confinement statistics, the degree to which they are under-represented is decreased by the operation of the juvenile justice system. This pattern is indicated by the rise in the index figures from arrest to confinement, suggesting the juvenile justice system increases the proportion of these two categories to be punished.
- d. Hispanics across the state actually experience a juvenile justice system which increases their under-representation (lowers their proportionate presence) in the juvenile justice system as a whole, as they move from arrest to confinement. The pattern holds across MSA's and lower population areas where there is a relatively large Hispanic population, such as Seward, Finney, and Ford Counties. The exception appears to be confinement in the Youth Centers where it appears that Hispanics are slightly over-represented and that this over-representation is increasing.
- e. The degree of over-representation of minority youths in state Youth Center facilities is less than it is in other, local confinement facilities. It is not immediately clear why this would be so. It may be that the judges and SRS personnel who make the decisions about putting persons in the Youth Centers display less racism than do persons at earlier stages of the juvenile justice system. The very final step of the SRS decision process to put youths in training schools is done "race-blind," i.e., on the basis of a form which does not include the race of candidates for the youth centers. It may also be, of course, that local confinement is used in a race-biased manner for "order maintenance." Perhaps the criteria for placement in the Youth Centers are more precise in the minds of the judges and SRS personnel who make these decisions.
- f. Native American youth appear to be over-represented in the area near Kansas' only reservation (see Brown County data), but not in other areas of the state, such as Jackson and

Douglas Counties, in which Native Americans are relatively numerous.

We also wish to repeat here our suggestions for changes in the juvenile justice data system. We note that recommendation #21 made by the Coordinating Council's research team (Tombs 1995: 27) is quite similar to ours regarding data systems.

The most obvious need regarding juvenile records in Kansas is unification. A new records system is being developed at SRS. It should incorporate the past record systems, the CTS used in this report and the Family Agenda Monitoring Elements in use at the present time. This system should be made conversant with the KBI's Juvenile Justice Information System and with the case files maintained by the Office of the Judiciary, especially the file which includes waiver hearings and the file on probation cases. Actually, as researchers, we would prefer a single, massive record system. However, the volume of data available would be greater than each agency needs. In addition, there are some ethical considerations which should be taken into account when creating records systems. In general, the bigger the systems are, the more threats there are to privacy and to reputations.

A second, less obvious need is for additional skilled personnel working on the KJJIS at the KBI. Large portions of the data received are not entered on the data tape, and the data would benefit from double checks on their accuracy.

Third, it would be ideal, for research purposes, to organize the data by person (offender based) rather than by data source or type of action (Community Research Associates 1990: 21-24). A second choice for organization, and one which some KBI personnel favor, is an incident based system, a choice which allows all the information about an incident to be dealt with at the same time, but this is distinctly second best for research purposes. Each time disproportionate minority confinement is monitored, a research project will be required through several data sources, so what we have specified as ideal for research would also be ideal for monitoring the system.

Fourth, there is a clear need to include added information on some of the forms agencies send in to central data collecting points. These legally "irrelevant" pieces of data are not "supposed" to be taken into account in juvenile justice decisions, at least not in Kansas since Jan. 1, 1983 when a legalistic juvenile code went into effect. Because of their omission on the reporting forms, however, it is impossible to tell whether they are affecting decisions. The situation is analogous to our having left "race" or "ethnicity" questions off of employment applications, thus making it impossible to tell whether or not affirmative action goals were being attained in the late 1970s and

early 1980s. The items of information crucially needed are estimates of family income (or some other proxy for social class), the juvenile's school performance (a simple grade point average for the last year would suffice), and the degree of brokenness of the family of the juvenile (preferably both something about the relationship of the parents to each other and their relationship to the juvenile).

The Phase I report does a thorough job of locating the disproportionate minority confinement in Kansas geographically. This locating leads logically to the Phase II report.

2. The phase II report

This phase II report is focused on those racial categories and geographical areas in which the Phase I report revealed the presence of disproportionate racial minority confinement. The Phase II report extends the phase I report by:

a. locating the points in the juvenile justice process at which the disproportionate racial minority confinement discovered in phase I is produced, including refinements in the description of disproportionality by:

- 1) separate analyses for males and females, and
- 2) data on confinement in private facilities;

b. determining the contribution of race and gender in the complex of factors leading to disproportionate minority confinement, i.e. "explaining" the over-representation (see Community Research Associates 1990: 17-18) with indirect legal, indirect non-legal, cumulative, and residual race and gender variables in logit analyses;

c. locating existing community programs designed as alternatives to secure confinement of juveniles;

d. making recommendations for community-based programs which might relieve disproportionate confinement of minority youths.

F. The Meaning of "Disproportionate"

Disproportionate minority confinement, for the purposes of this study, means that the proportion of those confined who are African-American, Asian/Pacific Islander, Native American,

Hispanic or female is higher than the proportion of the "at risk" category, those 10-17 years of age counted as belonging to the respective minority category in the 1990 census of the state or a portion of the state. Reports from other states have accepted this definition (see, for example, Bortner, Burgess, Schneider, and Hall 1993: 10). Thus, the disproportionality with which we are concerned is irrelevant to issues of justice, i.e., whether or not people are being punished in accord with some particular standard of rightness.

In the section below in which we undertake to determine the contribution of race/ethnicity/gender to the overconfinement of minority youths, however, we will be trying to determine the effect of these demographic variables net of other considerations. The term Community Research Associates used for this analysis is "assessment of the reasons" for overconfinement of minorities (1990: 3). Our concern in the other parts of this report is only the degree to which disproportionate confinement of minority youths, as defined, exists.

Since the Phase II report was to locate within the juvenile justice system and "explain" disproportionate minority confinement where it was shown in the Phase I report to exist, it was obviously necessary to establish some rule about when the data did and did not reveal "really disproportionate" confinement by race. Obviously, chance variations, especially when relatively small numbers are involved, can produce very high index numbers. On the other hand, we would not want to declare that confinement is disproportionate only when minority confinement produces absolutely consistent and high index numbers, for example, an index over 4.0 in each of the five kinds of facilities for every one of the four years for which data are presented. Our compromise was that we are calling confinement of a racial minority disproportionate in a geographical area if in *two* or more of the four years 1989-1992 any *one* or more of its indices of confinement is 1.5 or higher in any one of the five types of secure facilities for which data were available. Further, because this index varies meaninglessly when the number of individuals in a particular category is small, the 1.5 must be based on "...at least 1% of the youth population at risk..." (Community Research Associates 1990: 9) and on six or more persons of that minority "arrested" that year. This procedure was the basis for inclusion of geographical areas in the Phase II report. The areas listed in Table 1 met the criteria specified:

These, then, are the areas to be dealt with in Phase II. While it is *not* a legally mandated purpose of this phase II report to report on over-representation of females in the juvenile justice system, doing so is one of the "extensions" of the Phase I report we promised. Now that we have separated the males and females in all the supporting tables, it is obvious that males are consistently over-represented while females are consistently under-represented in the juvenile justice system. Since the self-reported delinquency studies reported above indicated that the

Table 1
Areas of "Really Disproportionate" Confinement of Race/Ethnic Minorities

| | Judicial Districts | Counties |
|----------------------------|---|---|
| African-Americans* | 1, 3, 4, 7, 8, 9, 10, 11, 13, 14, 16, 18, 19, 20, 21, 23, 25, 26, 27, 28, 29, and 30 (22 of 31) | Atchison, Brown, Cowley, Crawford, Douglas, Finney, Ford, Geary, Johnson, Labette, Leavenworth, Montgomery, Reno, Riley, Saline, Sedgwick, Seward, Shawnee, Sumner, and Wyandotte (20 of 105) |
| Native-Americans | 2, 13, 14, 21, 28, 30, and 31 (7 of 31) | Brown and Saline (2 of 105) |
| Asian-Americans | 7, 10, 13, 18, 25, 27, and 28 (7 of 31) | Finney and Saline (2 of 105) |
| Hispanic-Americans† | 4, 10, 11, 13, 15, 16, 20, 25, and 26 (9 of 31) | Butler, Finney, Ford, Grant, Johnson, Kearny, Kiowa, Labette, Sedgwick, and Seward (10 of 105). |

*African-Americans are over represented in the state as a whole and in each of the Metropolitan Statistical Areas (MSA).

†Hispanic-Americans are over represented in the Wichita MSA

racess/ethnicities likely have similar overall rates of offending but that the *genders* do not, it would not be appropriate to use the same operational definition of disproportionality in the juvenile justice system for the genders and for the racial/ethnic categories. Therefore, we are going to accept the differing arrest figures for males and females as a reasonable (although likely showing exaggerated differences) measure of the delinquency of the genders. This obviously calls for justification. In our data presented below, of the arrests for status offenses, about 52% are of males, while about 80% of the arrests for delinquency are arrests of males. This is to be expected from the pattern of offending described above under the analysis of self-reported data indicating juvenile males commit 2.3 times as many offenses as do juvenile females. The number of all arrests of males in the data presented below for the state as a whole is 2.7 times the number for females. The statewide index for all males at arrest is 1.41 and for all females is .56. Thus, adopting the "50% over" rule used for racial minorities' being "really disproportionately" confined, males of a *given race/ethnicity* are "really" disproportionately confined only if the index is 2.1 or higher, and the females of a minority race/ethnicity are "really" disproportionately confined if the index is .84 or higher; the boys and girls together make up one percent or more

of the population; and at least six individuals of a given gender were arrested in a given year. Further, we will consider "real" disproportionality present when such an index number appears at least once in at least two of the years 1989-1992 for confinement choices in lines 201-203, 804-807, or 901-903 in the pertinent tables in appendixes A through D. Thus, out of the above-listed areas in which racial minorities were disproportionately confined, the gendered analysis revealed the following disproportionate levels of confinement by gender:

II. LOCATING DISPROPORTIONATE CONFINEMENT OF MINORITY YOUTHS

A. Methods and data sources

I. Sources

We draw on data from the following sources:

- a. Calls about offenses/events to the police in Lawrence and Wichita, cities of 65,000 and 260,000 population, respectively. The information on Lawrence calls was extracted from dispatchers' records by research assistants for this project. They recorded all the calls which seemed to the dispatchers to involve an offense during a systematic sample of weeks in CY 1994. The information on calls in Wichita was provided by the Wichita Police Department, already analyzed by patrol beats. All reports of "events" in Wichita were included for the whole of CY 1994, the vast majority of these, of course, being reported by citizens.
- b. The Kansas Juvenile Justice Information System data maintained by the Kansas Bureau of Investigation's Statistical Analysis Center. These data include records of most of the juvenile justice transactions about youths, beginning with a police officer's "contact" with a juvenile suspect through final disposition by the juvenile court. Data for 1985 through 1992 are available, but only data for 1989 through 1992 are presented below.
- c. The Department of Social and Rehabilitation Service's Child Tracking System, providing "point in time" data for the end of fiscal years 1989 through 1992. The Child Tracking System files are used in this report to report disproportionate confinement in the state's training schools and in private more-or-less-secure facilities. Virtually all the youngsters in these private facilities are financially supported by SRS, and obtaining this support normally entails being in SRS custody, the criterion for being in the Child Tracking System.

Table 2
"Really Disproportionate" Confinement of Race/Ethnic/Gender Minorities

| | Judicial Districts | Counties |
|----------------------------|--|--|
| Euro-Americans | | |
| <i>Males</i> | 26 (1 of 31) | Finney, Leavenworth, Shawnee (3 of 105) |
| <i>Females</i> | 15 (1 of 31) | Cowley (1 of 105) |
| African-Americans* | | |
| <i>Males</i> | 1, 3, 7, 8, 9, 10, 11, 14, 16, 18, 19, 20, 21, 26, 27, 28, 29 (17 of 31) | Atchison, Cowley, Crawford, Douglas, Finney, Ford, Geary, Johnson, Labette, Leavenworth, Montgomery, Reno, Riley, Saline, Sedgwick, Seward, Shawnee, Sumner, Wyandotte (19 of 105) |
| <i>Females</i> | 3, 10, 18, 19, 25, 26, 27 (7 of 31) | Cowley, Finney, Grant, Johnson, Leavenworth, Reno, Saline, Sedgwick, Shawnee, Sumner (10 of 105) |
| Native-Americans | | |
| <i>Males</i> | 22 (1 of 31) | Brown, Saline (2 of 105) |
| <i>Females</i> | 3 (1 of 31) | Sedgwick (1 of 105) |
| Asian-Americans† | | |
| <i>Males</i> | 8, 10, 18, 25 (4 of 31) | Finney, Geary (2 of 105) |
| <i>Females</i> | None | None |
| Hispanic-Americans‡ | | |
| <i>Males</i> | 10, 13, 16, 25, 26, 27 (6 of 31) | Butler, Finney, Ford, Franklin, Grant, Johnson, Reno, Sedgwick, Seward, Thomas (10 of 105) |
| <i>Females</i> | 25, 26 (2 of 31) | Finney, Seward (2 of 105) |

*African-Americans males are over represented in the state as a whole and in each of the Metropolitan Statistical Areas (MSA). African-American females are over represented in the state as a whole and in the Kansas City MSA, Topeka MSA, and the Wichita MSA.

†Asian-American males and females are over represented in the Wichita MSA.

‡Hispanic-American males are over represented in the state as a whole and in the Kansas City MSA

- d. The data collected by the Kansas Criminal Justice Coordinating Council as a result of a legislative mandate to analyze the process of commitment to state training schools. As a result of the nature of their mandate, Council personnel collected data only on cases which were adjudicated and disposed of and only in FY 1994. These data were drawn from 30% random samples of the juvenile offender files in six counties, two counties (Wyandotte and Sedgwick) containing large cities, two counties (Saline and Finney) containing only medium sized and small cities, and two (Thomas and Wilson) containing only small cities.
- e. Johnson County juvenile court offender files to supplement the Coordinating Council's data with the addition of a suburban county (an imperative inclusion, Pope and Feyerherm 1993: 11).
- f. applications made through the Office of the Judiciary for funding for diversion and other special programs in various judicial districts.
- g. lists of programs utilized for services and programs by community corrections personnel and known to the central community corrections office in the department of corrections.
- h. our survey of social services directors in each SRS area office (response rate eleven of twelve) and chief court services officers in each district court (response rate 25 of 31) about the non-detention programs presently in operation. A copy of the form sent to these officials is presented just before the references at the end of this volume.
- I. listings of the grantees funded by JJDP formula funding through the Advisory Committee on Juvenile Offender Programs of SRS.

2. Limitations of the data to be presented.

All data available except those drawn from court files are "summary" data (Community Research Associates 1990: 21-23) and could not be turned into offender-based data within the parameters of our resources.

- a. Number of police contacts/arrests. The form which the police complete on their actions regarding juveniles are called police "contact" forms and should, therefore, cover incidents in which no formal action is taken, being, therefore more numerous than arrests. The senior author found in an earlier research project that the number of police reports on the KJJIS forms was considerably below the number of juvenile arrests reported in the traditional *Crime in Kansas* for most years (1992: Table 2). Thus, we are aware that we are working with incomplete data on

the second most fundamental of our measures, contact with the suspects. It appears that the police in some fairly sizeable communities refuse to complete and/or submit these forms. In other communities the number of contacts seems to bear no relation to the number of juvenile reported detained. In particular, it appears some police departments virtually quit submitting these forms in the time period we cover.

b. Number detained. None of the records of detention in Kansas includes a record of home or nonsecure detention before adjudication. Home detention is used almost solely as a post-adjudication punishment, and no nonsecure detention would result in any report to the KJJIS. On the other hand, we have available three different measures of secure pre-adjudication detention, police dispositions to "confinement" according to police contact reports; numbers of youths for whom "Jail Reports" are completed for facilities called "Detention Facilities," or "Adult Jails," or "Adult Lockups;" and the number and dispositions of detention hearings by the courts. We reject using the count of court hearings because our experience reading juvenile court files indicates that most juveniles who are detained are released to somebody without a hearing. We do report, however, the numbers of those for whom these detention hearings result in "extensions" of detention throughout the time before the adjudicatory hearing or, even, the disposition hearing.

The biggest problem with the count produced by the "jail" reports is that many youths who have one of these "jail" reports filled out on them will have at least one additional such report completed on the same trip through the system. For example, a youth from a small town might be booked into the local lockup (limited to holding people up to six hours and normally providing no food service) until somebody can take him/her to a regional detention center, and the same youth might be booked into each of these twice because of the hearings in the case being, of course, in the youth's home county. Also, counties differ on whether or not people in "attendant" care have jail reports made out on them. Such care programs are designed to avoid keeping kids in jails, but the service may be provided in the jail building.

It should also be noted that a number of counties in the state have no detention and/or local correctional facilities. Youths from these counties are counted as "jail reports" under the county where the detention and/or local correctional facility is rather than under their home counties. Those in state and private correctional facilities after being committed by the judge and/or to the Secretary of SRS are classified by their home counties.

There is also some confusion in Kansas about the distinctions among lockups, jails, detention centers and local "correctional facilities." Our counting a youth as being in one of these was

based entirely on the title given an agency or facility in the most recent listing of agencies (ORI codes) used to code the locations of actions into the KBI's Juvenile Justice Information System. All places which confine youths temporarily in the state of Kansas are supposed to submit a "Jail Admission Report" on each individual confined. Thus, if a place reporting an admission is called a lockup, we conclude the youth was detained in a lockup. However, a number of counties have "lockup" (temporary holding) cells inside their jails, and we can be confident that there is variation in how being held in these cells is recorded. If the place is called a detention facility (or some title which indicates it is a temporary holding place for juveniles only), we consider the youth detained in a detention facility. If the place is called a "jail," we assume this means the juvenile was detained in an adult jail. Further, some counties dignify their jails by calling them "correctional centers," so some records may bear such a title when the youths were really confined in jails. It is because of the uncertainty of what constitutes a local "correctional facility" that those so placed are ignored in some of our analyses.

The problem with using police officers' recording of their case dispositions as having been "confinement" as a measure of confinement is that, as noted above, we have no way of knowing how reliably these forms are completed. Thus we are faced with a choice of an overcount of jail reports or an undercount of police reports. Therefore, we chose to present both sets of figures in all the tables in the appendixes.

c. Only police data are presented below for "status" offenders, those who commit acts which are offenses only if committed by juveniles. Since 1983 such offenders in Kansas are normally referred by the police and other agencies directly to Social and Rehabilitation Services. These referred individuals are provided services as needed, but they are not entered into any records system unless an SRS social worker deems it necessary to "open" a case to get the needed services. Therefore, only those on whom cases are opened are in the Child Tracking System or its successor. Further, the only status offender records which appear in the records of juvenile courts at the present time are for those few individuals who SRS workers and prosecutors feel should have their legal status changed.

d. No sound figures are available for the number of youths diverted, i.e. persons charged with offenses but whose prosecution is delayed or suspended to determine whether or not "conditions" of diversion are met. If the conditions are met, the persons are discharged. We know from previous experience with the KJJIS data file and from the minuscule numbers in lines 809 and 810 in tables in the appendixes that most of the diversions occur without court hearings and are not reported to the KBI.

For all the jurisdictions, however, we present the very important data about cases dismissed by the prosecutor and the judges (line 501 in the appendixes), strangely enough, data not called for by the Community Research Associates' model (1990:16).

e. The figure for filing by the prosecutor is derived from the number of prosecutor forms on which the recorders in prosecutors' offices indicated that a petition was to be filed on the case. Because of the uncertainty of whether or not a case was really going to be prosecuted even though this item was checked, this count should be thought of as the number of cases the prosecutor intended to prosecute.

f. It is impossible to do a comprehensive racial or gendered analysis of transfers from juvenile to adult court in Kansas. Transfers occur in Kansas in two ways. 1) At the time our data were collected, those who had two previous felony-type convictions in juvenile court and were over sixteen years old were defined in the statute [KSA 38-1602(b)(3)] as adults, so when the police and/or prosecutors identified persons as falling in this category, they filed no reports into the Kansas Juvenile Justice Information System and simply treated the individuals as adults. Apparently this has become the universal practice in the state, for entries on the prosecutors' form for juvenile offenders indicating this "automatic" transfer disappeared from the Kansas Juvenile Justice Information System in 1987. Informal contacts with several prosecutors have verified that no juvenile record is maintained on these cases. None of the forms sent by adult courts to the judicial center in Topeka for entry into the state court data system calls for the recording of race or age of the defendant. 2) Individuals fourteen years of age or over may be waived to adult court through a waiver hearing. We can do a racial and gendered analysis of the number of waivers resulting from *hearings* in the reports of the juvenile *courts* to the KJJIS. The district courts also report the number of waiver hearings to the judicial center without, as noted above, recording the race of the persons waived. Thus, the only way a comprehensive racial and gendered analysis can be done on all transfers to adult courts in Kansas is to go through individual adult criminal court files, a task we can not ask beleaguered court personnel to do and a task far beyond our resources

g. The dispositions available to our juvenile courts are those listed on lines 801-811 in the appendixes. These do not differ too markedly from those proposed by the Community Research Associates (1990: 16). Unhappily, the disposition item on the Kansas form is a "check all that apply" item. Since our concern here, of course, is largely with those in confinement, this may not be a serious problem. All three of the dispositions which may result in confinement (a youth residential facility, commitment to the secretary of SRS, or a training school for either a previous or current adjudication) were "counted" when we did the analyses presented above of those for whom confinement was "really" disproportionate. This produces a slight over-estimate of

confinement, as explained below.

h. The data for commitments to youth centers (Kansas' "state secure facilities," lines 806 and 807 in the appendixes) include, of course, only those directly committed by the courts. A decreasing proportion of those committed to the secretary of SRS also end up in the training schools, the proportion in 1989 being about 28% and the proportion in 1992 being about 20%. Since, however, no record exists of the number of youths committed to the youth centers by SRS personnel in any given time period, we present, in addition, "census" data for both these youth centers and the private facilities for youths in the state. The *meaning* of these data (lines 901 and 903 in the appendixes) is different from the data on the other lines in the tables. The Child Tracking System and its successor provide data on Youth Center populations on a particular date, a "point in time." It is virtually impossible, in fact, to acquire total admissions data for Kansas training schools for 1989-1992. Thus the Youth Center and private facility data presented below are *not* cumulative data for a year as are data in other rows. Since, however, youths average about six months' stays in Youth Centers, a rough estimate of the numbers of youths who go through the Youth Centers in a year could be obtained by doubling the numbers presented. We present similar data for private facilities, for youths can get into these facilities many ways beside judges' commitments to "youth residential facilities." As noted below, however, there is very little secure confinement in these private facilities.

i. At any given time, some youths may be "confined" in a group home, the "Screening Unit" for mental health evaluation, or in a secure ward in a state hospital. It appears from Child Tracking System data that the number in these facilities which could be said to be securely confined rarely would exceed fifty or sixty, including an average of one youth at a time confined in an isolation unit in each group home. Only level VI group homes provide secure confinement to all their residents, but the number of juvenile offenders committed to SRS and in these homes at a given time seems to vary from one or two up to about eight. Portions of only three facilities other than the state training schools are level VI facilities. Thus, as mentioned above, counting all youths committed to youth residential facilities (mostly private group homes) as committed to "confinement" over-estimates total confinement somewhat.

j. It was originally intended that in Johnson County we would follow the same methods used in the six-county study conducted by the Coordinating Council. Unfortunately, our time and resources allowed the collection of data on only about 20% of the Johnson County files for FY 1994 and precluded our following individual cases into the Youth Centers as the Coordinating Council research team had done. In addition, our Johnson County sample is drawn from all juvenile offender cases which were given case numbers, for it was important for our purposes to

look at cases dismissed before adjudication as well as those adjudicated and disposed of.

3. Explanations of terms and data in the tables

a. Race/Ethnicity/Gender is taken from the record, although we have changed some of the terms to those currently considered most appropriate. When an individual's minority race/ethnic/gender is identified on the pertinent forms, an individual is classified with that minority. When an individual's race/ethnicity/gender is not identified, that person was assumed to be a White, non-Hispanic, male. Those coded in the records as "other" were omitted from our analysis. The number was well under one percent of the records and likely represents coding errors. In most areas, the numbers for Whites, African-Americans, Native Americans, and Asians males and females nearly add up to the total number of records for a given year reflecting actions at a point in the juvenile justice system, with the following exception. We intended that, in all cases, Hispanics would be counted as a subdivision of Whites. For example, the table in the upper half of pp. A.2-A.3 describes actions reported toward White males 10-17 years old in the state as a whole for the years 1989-1992. However, there were cases (fairly numerous in some counties) for which no race was recorded, but ethnicity was recorded as Hispanic. The present tables reflect these cases treated as Hispanic but without racial identification. Hence, some of the tables for Hispanics have more cases "in group" than in total observations.

b. The column heading "Total Observations" means the total number of records of specified actions, such as being referred to the prosecutor or being adjudicated a juvenile offender, in the geographical area cited, including any repeated appearances of individuals. The "Total Observations" in the rows titled "Population at Risk," are the total number of youths in the cited jurisdiction who were 10 through 17 years of age according to the 1990 Modified Age, Race, Sex and Hispanic Origin (MARS) census data file. For example, in the upper left hand corner of p. A.2 in row 201, the figure means 4435 reports of "jailing" were received about a total population of 276924.

c. "Total in Group" means the number of records of youths 10 through 17 said on the records to be in a particular race/ethnic group who experienced the action indicated by the row title. Again, in the upper left hand corner of p. A.2 in row 201, the figure means that of those "jailed," 2219 were White males.

d. "Percent Group" is the "Total in Group" divided by "Total Observations" in each row of each table. At the same point just referred to, 2219 divided by 4435 is 50.03%.

e. "Index" is the "Percent Group" for a particular system action divided by the "Percent Group" for a "Population at Risk" in the same column on the same table. Once again, at the point just cited on p. A.2, 50.03% divided by 46.30% equals 1.08. Index numbers under 1.00 mean a group is under-represented in a system action compared with the proportion the group makes up in the general population, while index numbers over 1.00 indicate over-representation.

f. "Arrested" refers to a count of all police juvenile contact forms completed to indicate the youth contacted could be considered a Child in Need of Care--Not Abused or Neglected (Arrested Status) or a Juvenile Offender (Arrested Delinquent), forwarded to the Statistical Analysis Center, and keyed by SAC personnel onto the data tape. Other offenses reported on these forms (some traffic offenses, and a variety of other, usually minor offenses not dealt with in juvenile courts) are excluded from this analysis.

B. Locating the Points in the Juvenile Justice Process at Which Disproportionate Minority Confinement Is Produced; Summary by Judicial Districts

Appendixes A through D contain slightly modified versions of a "Disproportionate Processing of Minority Youth Index Matrix" (Community Research Associates 1990: 16) for each geographical area in which one or more racial/ethnic group was found, in Phase I of this project, to be "really" disproportionately confined according to the operational definition given above and used to prepare Table 1 above. The years chosen for analysis are those surrounding the 1990 census year, 1989 through 1992.

Each of the most likely points in the juvenile justice process at which disproportionate minority confinement is produced is dealt with below. "Locating" the production of disproportionality in the juvenile justice system requires deciding whether or not the decisions made at any given point in the process "really" change disproportionality. Given the frequency of small numbers in our tables and the fact that the changes in proportions at one stage may contribute to disproportionality without, themselves, being statistically significant, an arbitrary standard for "producing" disproportionality seems desirable. We will call a rise in the index from one stage to the next for a race/ethnicity/gender table meaningful if it is .25 index points or more. Similarly, an index for "dismissals" .25 or more index points lower than the index for arrests in a table will also be said to "produce" disproportionate confinement. Analysis for each of these steps follows.

1. Citizens' calling the police about offenses/events

Because we have analyzed calls to the police for only two locations and because calls to the police rarely result in the racial identification of the reporter or the perpetrator of an offense, our analysis must be both justified and explained before we present our conclusions. Obviously, we want to know how much the real distribution of criminality contributes to disproportionate minority confinement. The self-report studies described above do the best job of this, of course, but the analysis of calls to the police deals with the official records which are closer to the actual commission of crime than any other official information, including information about police contacts (the arrest figures in the tables in the appendixes).

Contacts are extensively filtered. Police officers, especially when they are busy, must prioritize their duties. Obviously, a call from a mother who has just found her son shot and lying on her front porch will have high priority, and a report of two youths' going across somebody's back yard will have low priority. Domestic disputes in which there has been bodily damage and robberies in progress will be relatively high priority, while non-injury traffic accidents which are not blocking traffic will have relatively low priority. Furthermore, dispatchers define situations by noting, for example, the degree of threat to expect in the situations. Finally, of course, officers have discretion about whether or not to apprehend and/or fill out contact reports on particular instances (for a classic analysis of these decisions, see Goldman 1963 and the brief summary in Samaha 1994: 189). Even getting this information about calls to the police does not, of course, tell us about actual criminal activity, for citizens only report about 35% of the acts they perceive as offenses, and only about 47% of the calls to the police are deemed to be about offenses, at least offenses warranting the dispatch of a unit (Samaha 1994: 189-190). Further, of course, those who report crimes may or may not indicate whether an offense is, in their view, committed by a juvenile. Thus, all we are undertaking is a very rough approximation of the distribution of reported offending prior to the filtering by police departments. See Warner 1992 and Warner and Pierce 1993 for justifications of using calls to the police for other purposes.

We are assuming that most crime is intra-racial and committed fairly near offenders' homes, so if the percent of police calls for service is higher in areas where relatively large proportions of minority race persons live, that disproportionality may well begin the process leading to disproportionate racial minority confinement. To find out whether or not calls about offenses/events have this effect, we arranged the U.S. census "block groups" in Lawrence and the police "beats" in Wichita in order from those with the highest percent racial minority population to those with the lowest percent racial minority populations. These block groups/beats were then divided into quintiles for each city so that each quintile included as nearly as possible a fifth of the

city population.

Police data for Lawrence were coded by the department by "reporting districts," areas somewhat smaller than patrol districts and, in many cases, similar in size to block groups. Calls from a reporting district were attributed to the block group in which the majority of physical city blocks in the reporting area fell. Since the Wichita patrol districts were generally considerably larger than block groups, block groups were grouped into patrol beats according to where the majority of the blocks fit. The minority population of the beat areas was estimated by combining the racial minority population of the included block groups. For each city, the calls could thus be assigned to one of the quintiles of population ranked by percent racial minority, and, for each quintile, an index computed with a meaning similar to the index numbers appearing in the appendixes to this report. The results of this analysis appear as Tables 3 and 4 for Lawrence and Wichita, respectively.

Table 3
Calls about Offenses and Racial Minority Distribution in Lawrence

| % of Calls | % Racial Minority | Index of the Quintile |
|------------|-------------------|-----------------------|
| 26 | 28 | 1.3 |
| 31 | 12 | 1.55 |
| 15 | 8 | .75 |
| 25 | 7 | 1.25 |
| 3 | 2 | .15 |

Table 4
Citizen Calls about Events and Racial Minority Distribution in Wichita

| % of Calls | % Racial Minority | Index of the Quintile |
|------------|-------------------|-----------------------|
| 25.20 | 60.44 | 1.26 |
| 17.76 | 19.56 | .89 |
| 23.35 | 9.75 | 1.17 |
| 22.36 | 5.92 | 1.12 |
| 11.47 | 3.61 | .57 |

As we had anticipated, the calls for service come disproportionately from areas with relatively high minority populations, although the correlation is not very high. Note, however, that the index figures at the high minority end (1.3 for Lawrence and 1.26 for Wichita) are considerably below the index figures for delinquency arrests for the African-American males in the counties containing these cities (4.49 for Lawrence/Douglas County and 3.53 for Wichita/Sedgwick County), so both the distribution of calls about offenses/events *and* the steps leading up *to* the police decision to arrest do contribute to the disproportionate arrests of racial minorities and, in turn, to the disproportionate confinement of minority youths.

2. The remaining steps of juvenile justice

The rest of the attempts to locate the points at which disproportionate minority confinement is produced are based on the revelations of disproportionality in the Phase I report. For each of the ninety-six geographical locations in which we determined in the Phase I (summarized above in Table 1) that racial/ethnic minority disproportionate confinement was present for one or more race/ethnic categories, we present in the appendixes a set of ten tables, one for males and females of each of the five race/ethnicity categories previously compared. *In a very important sense, generalizations across these tables have relatively little meaning, for each one could suggest a need for a system change or a new program in a given area. We encourage policy activists in each area to study the tables for their particular geographical area.* Nevertheless, we present a summary of the judicial district tables. We chose to summarize only the judicial district tables because our recommendations include new staffing and programming in each judicial district. This analysis identifies the locations in the juvenile justice system at which changes and/or programs might be called for in the various judicial districts to reduce disproportionate confinement of one or more of each of the race/ethnicity/gender categories. An entry in tables 5 through 13 under "contact suspect" means that in that judicial district number the index for males for delinquency arrests or for the females for status arrests was or exceeded, respectively, 2.1 and .84. An entry in any of the other lines in these tables means that in that judicial district number processing to that step *increased* minority disproportionality by .25 index points. Specifically, the comparisons are for:

- arrests to detained according to police reports,
- arrests to extensions of detention at detention hearings,
- arrests to police referrals to the prosecutor,
- police referrals to the prosecutor to prosecutors' decision to prosecute,
- arrests to dismissals (down by .25 or more)
- decision to prosecute to adjudication

- decision to prosecute to waivers at waiver hearings,
- adjudicated to custody to youth residential facility,
- adjudicated to custody to Secretary of SRS,
- adjudicated to custody to state Youth Center-Prev.,
- adjudicated to custody to state Youth Center-Curr.,
- custody to youth residential facility to private group home,
- custody to state Youth Center (either previous or current) to Youth Center

Table 5
Locating the Production of Disproportionate Confinement of African American Males

| Steps in the Juvenile Justice System | Judicial Districts | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | 30 total |
|--------------------------------------|--------------------|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--|--|--|----------|
| | 1 | 2 | 3 | 4 | 7 | 8 | 9 | 10 | 11 | 13 | 14 | 15 | 16 | 18 | 19 | 20 | 21 | 22 | 23 | 25 | 26 | 27 | 28 | 29 | 30 | | | | | | |
| Arrested | 2 | 0 | 4 | 1 | 3 | 4 | 0 | 4 | 4 | 4 | 1 | 4 | 0 | 4 | 4 | 4 | 1 | 4 | 0 | 0 | 4 | 4 | 3 | 4 | 0 | 2 | 61 | | | | |
| Delinquent | 3 | 0 | 3 | 0 | 2 | 3 | 1 | 4 | 4 | 4 | 0 | 0 | 1 | 3 | 2 | 1 | 3 | 0 | 0 | 0 | 0 | 4 | 3 | 0 | 0 | 37 | | | | | |
| Police Confine | 2 | 0 | 2 | 0 | 1 | 3 | 1 | 4 | 2 | 0 | 0 | 0 | 1 | 2 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 2 | 1 | 1 | 0 | 24 | | | | |
| Confinement Extended | 2 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 4 | 1 | 3 | 0 | 0 | 15 | | | | |
| Refer to Prosecutor | 4 | 0 | 0 | 0 | 4 | 2 | 2 | 2 | 1 | 1 | 2 | 0 | 1 | 2 | 1 | 2 | 2 | 0 | 0 | 0 | 0 | 3 | 4 | 2 | 1 | 0 | 36 | | | | |
| Prosecutor Files | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Dismiss by Judge/Pros. | 0 | 0 | 1 | 0 | 1 | 0 | 3 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 1 | 0 | 0 | 11 | | | | |
| Adjudications | 1 | 0 | 3 | 0 | 2 | 0 | 0 | 4 | 1 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 3 | 0 | 0 | 17 | | | | |
| Waivers | 3 | 0 | 1 | 0 | 1 | 4 | 0 | 4 | 1 | 0 | 1 | 0 | 0 | 4 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 0 | 0 | 25 | | | | |
| Youth Residence Facility | 0 | 0 | 0 | 0 | 0 | 3 | 0 | 2 | 4 | 0 | 1 | 0 | 2 | 1 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 1 | 1 | 3 | 0 | 22 | | | | |
| Custody to SRS | 1 | 0 | 3 | 0 | 2 | 2 | 1 | 4 | 2 | 0 | 3 | 0 | 0 | 3 | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 3 | 4 | 4 | 0 | 0 | 35 | | | | |
| Custody to YC-Prev. | 2 | 0 | 3 | 0 | 1 | 1 | 0 | 3 | 1 | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 16 | | | | |
| Custody to YC Curr. | 1 | 0 | 3 | 0 | 1 | 1 | 0 | 4 | 4 | 0 | 2 | 0 | 0 | 2 | 2 | 0 | 3 | 0 | 0 | 0 | 0 | 1 | 2 | 2 | 4 | 0 | 32 | | | | |
| Youth Center Census | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 2 | 0 | 2 | 0 | 0 | 9 | | | | |
| Private Home Census | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 3 | 0 | 0 | 0 | 9 | | | | |

Table 6
 Locating the Production of Disproportionate Confinement of African American Females

| Steps in the Juvenile Justice System | Judicial Districts | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | 30 total |
|--------------------------------------|--------------------|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--|--|--|--|----------|
| | 1 | 2 | 3 | 4 | 7 | 8 | 9 | 10 | 11 | 13 | 14 | 15 | 16 | 18 | 19 | 20 | 21 | 22 | 23 | 25 | 26 | 27 | 28 | 29 | | | | | | | |
| Arrested Status | 0 | 0 | 4 | 0 | 2 | 4 | 0 | 4 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 2 | 0 | 0 | 2 | 4 | 3 | 0 | 4 | 0 | 31 | | | | | |
| Police Confine | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 5 | | | | | | |
| Confinement Extended | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 4 | | | | | | |
| Refer to Prosecutor | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 2 | | | | | | |
| Prosecutor Files | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 4 | | | | | | |
| Dismiss by Judge/Pros. | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 2 | 2 | 2 | 0 | 0 | 10 | | | | | | |
| Adjudications | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 2 | 0 | 0 | 3 | | | | | | |
| Waivers | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 3 | | | | | | |
| Youth Residence Facility | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | | | | | | |
| Custody to SRS | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 5 | | | | | | |
| Custody to YC-Prev. | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | | | | | | |
| Custody to YC Curr. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | | | | |
| Youth Center Census | 0 | 0 | 3 | 0 | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 1 | 0 | 0 | 0 | 0 | 2 | 0 | 2 | 0 | 0 | 14 | | | | | | |
| Private Home Census | 0 | 0 | 3 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 2 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 11 | | | | | | |

Table 7
 Locating the Production of Disproportionate Confinement of Native-American Males

| Steps in the Juvenile Justice System | Judicial Districts | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--------------------------------------|--------------------|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------|---|---|--|--|
| | 1 | 2 | 3 | 4 | 7 | 8 | 9 | 10 | 11 | 13 | 14 | 15 | 16 | 18 | 19 | 20 | 21 | 22 | 23 | 25 | 26 | 27 | 28 | 29 | 30 | total | | | | |
| Arrested | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | | |
| Delinquent | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | | |
| Police Confine | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | | | |
| Confinement Extended | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | | | |
| Refer to Prosecutor | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | | | |
| Prosecutor Files | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | |
| Dismiss by Judge/Pros. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | |
| Adjudications | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | | | |
| Waivers | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | | | |
| Youth Residence Facility | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | |
| Custody to SRS | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | | | |
| Custody to YC-Prev. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | |
| Custody to YC Curr. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | |
| Youth Center Census | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | | | |
| Private Home Census | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | | | |

Table 8
 Locating the Production of Disproportionate Confinement of Native-American Females

| Steps in the Juvenile Justice System | Judicial Districts | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | 30 total | | | | | | | | |
|--------------------------------------|--------------------|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|---|---|---|---|---|----------|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 7 | 8 | 9 | 10 | 11 | 13 | 14 | 15 | 16 | 18 | 19 | 20 | 21 | 22 | 23 | 25 | 26 | 27 | 28 | 29 | 30 | | | | | | | | | | | | | | |
| Arrested Status | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | | |
| Police Confine | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | |
| Confinement Extended | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | |
| Refer to Prosecutor | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| Prosecutor Files | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | |
| Dismiss by Judge/Pros. | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Adjudications | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Waivers | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Youth Residence Facility | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Custody to SRS | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 |
| Custody to YC-Prev. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Custody to YC Curr. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Youth Center Census | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Private Home Census | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

Table 10
 Locating the Production of Disproportionate Confinement of Hispanic Males

| Steps in the Juvenile Justice System | Judicial Districts | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--------------------------------------|--------------------|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----------|----|--|--|--|--|
| | 1 | 2 | 3 | 4 | 7 | 8 | 9 | 10 | 11 | 13 | 14 | 15 | 16 | 18 | 19 | 20 | 21 | 22 | 23 | 25 | 26 | 27 | 28 | 29 | 30 total | | | | | |
| Arrested | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 3 | 1 | 3 | 0 | 0 | 4 | 0 | 0 | 0 | 0 | 1 | 0 | 3 | 3 | 3 | 0 | 0 | 0 | 22 | | | | |
| Delinquent | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 0 | 2 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 2 | 1 | 0 | 0 | 12 | | | | | |
| Police Confine | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | | | |
| Confinement Extended | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 0 | 1 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 2 | 1 | 0 | 0 | 12 | | | | | |
| Refer to Prosecutor | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 7 | | | | | |
| Prosecutor Files | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 5 | | | | | |
| Dismiss by Judge/Pros. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 4 | 0 | 0 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 3 | 0 | 0 | 15 | | | | | |
| Adjudications | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | | | | | |
| Waivers | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 5 | | | | | |
| Youth Residence Facility | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 6 | | | | | |
| Custody to SRS | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 2 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 1 | 1 | 0 | 0 | 10 | | | | | |
| Custody to YC-Prev. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 5 | | | | | |
| Custody to YC Curr. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 7 | | | | | |
| Youth Center Census | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 2 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 4 | 1 | 0 | 0 | 10 | | | | | |
| Private Home Census | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 6 | | | | | |

Table 11
 Locating the Production of Disproportionate Confinement of Hispanic Females

| Steps in the Juvenile Justice System | Judicial Districts | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--------------------------------------|--------------------|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------|----|--|--|--|
| | 1 | 2 | 3 | 4 | 7 | 8 | 9 | 10 | 11 | 13 | 14 | 15 | 16 | 18 | 19 | 20 | 21 | 22 | 23 | 25 | 26 | 27 | 28 | 29 | 30 | total | | | | |
| Arrested Status | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 3 | 1 | 0 | 0 | 0 | 0 | 10 | | | |
| Police Confine | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 | | | | |
| Confinement Extended | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | | |
| Refer to Prosecutor | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | | |
| Prosecutor Files | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | | |
| Dismiss by Judge/Pros. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 3 | 0 | 0 | 0 | 0 | 0 | 6 | | | |
| Adjudications | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | | |
| Waivers | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | | |
| Youth Residence Facility | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 | | | | |
| Custody to SRS | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 2 | | | | |
| Custody to YC-Prev. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | | |
| Custody to YC Curr. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | | |
| Youth Center Census | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 1 | 0 | 0 | 0 | 0 | 4 | | | | |
| Private Home Census | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | | |

Table 12
 Locating the Production of Disproportionate Confinement of Euro-American Females

| Steps in the Juvenile Justice System | Judicial Districts | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | 30 total |
|--------------------------------------|--------------------|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|---|----|--|--|--|--|----------|
| | 1 | 2 | 3 | 4 | 7 | 8 | 9 | 10 | 11 | 13 | 14 | 15 | 16 | 18 | 19 | 20 | 21 | 22 | 23 | 25 | 26 | 27 | 28 | 29 | | | | | | | |
| Arrested Status | 4 | 4 | 4 | 4 | 3 | 1 | 2 | 2 | 4 | 4 | 3 | 3 | 3 | 4 | 3 | 4 | 1 | 3 | 1 | 2 | 4 | 3 | 0 | 4 | 2 | 72 | | | | | |
| Police Confine | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | | | |
| Confinement Extended | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | | | | | |
| Refer to Prosecutor | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | | | |
| Prosecutor Files | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | | | | | |
| Dismiss by Judge/Pros. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | | | | | |
| Adjudications | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | | | |
| Waivers | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | | | |
| Youth Residence Facility | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | | | |
| Custody to SRS | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | | | |
| Custody to YC-Prev. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | | | |
| Custody to YC Curr. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | | | |
| Youth Center Census | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | | | | | |
| Private Home Census | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | | | | | |

We totaled the totals in Tables 5 through 12 to get a clearer overall impression of the location of the production of disproportionate confinement of minorities divided by gender. Several features of Table 13 are notable. First, the disproportionality generally appears first at the hands of the police. While our analysis of calls to the police would lead us to expect this result, the degree of over-representation at this point, implied here and clearly shown in the appendixes, is greater than reasonably anticipated. Second, the contribution of the remaining steps to disproportionate minority confinement is surprisingly uniform, with two exceptions. The contribution of the choice to arrest is proportionately more important for the females than for the males, and the failure to get cases dismissed is clearly more important for the females than for the males. Overall, these results strongly suggest that the juvenile justice system does increase or contribute to the disproportionality of racial and gender minority confinement. It appears that the police decisions to contact and confine are the most powerful contributors, closely followed by the prosecutors' decisions to file and/or dismiss and the judges' decision to commit individuals to SRS.

Table 13
Locating the Production of Disproportionate
Confinement of All Minority Youths

| | Males | Females | Total |
|---|-------|---------|-------|
| Contact Suspect (arrested delin/status) | 89 | 113 | 202 |
| Police Confine | 58 | 6 | 64 |
| Confinement Extended | 44 | 6 | 50 |
| Refer to Prosecutor | 24 | 2 | 26 |
| Prosecutor Files | 43 | 5 | 48 |
| Dismiss by Judge/Pros. | 29 | 19 | 48 |
| Waivers | 35 | 3 | 38 |
| Adjudications | 29 | 3 | 32 |
| Court disposition | | | |
| Y. Residence F. | 30 | 2 | 32 |
| Custody to SRS | 46 | 9 | 55 |
| Custody to YC-Prev. | 21 | 1 | 22 |
| Custody to YC Curr. | 40 | 0 | 40 |
| Youth Center Census | 22 | 22 | 44 |
| Private Home Census | 11 | 12 | 33 |

These findings suggest the desirability of programming for prevention so that youths will not enter the juvenile justice system at all. Once individuals are caught, however, they should be diverted as early as possible in the system.

C. Locating Race and Gender in the Complex of Factors Leading to Disproportionate Confinement

The analysis leading to an "explanation" for minority confinement calls for determining at each of the steps of the juvenile justice system as listed in Tables 5 through 13 the contribution of each of the following variables to the decision made at that step (note the similarity of the list suggested by Community Research Associates 1990: 25-26):

1. Legal variables

- a. Seriousness of the most serious charge according to the state sentencing guidelines grid (more refined measure than the "classes" of felonies and misdemeanors)
- b. Number of current charges
- c. Past record rated according to the sentencing guidelines grid
- d. Use of a weapon as an aggravating circumstance

2. Non-legal variables

- a. Indication that the child's biological family has been disrupted
- b. Indication of academic problems
- c. Race
- d. Sex
- e. Gang identification
- f. Illegal drug involvement
- g. Age
- h. Social class
- i. Judge
- j. Detention at arrest (variable in later decisions)

Unhappily, most of our data sources do not contain much information about the personal variables which historically were appropriate bases for juvenile justice decisions and, we anticipated, are still important informally. It will be obvious that some of these variables could not be included in the analysis performed. The data from the six-county study (Tombs 1995) plus our Johnson County data provided more information about these variables than the other data sets available, so the analyses were performed only on this one data set. Doing so limited the desired

analyses to the decision to detain following arrest, the diversion decision, the decision about dismissing the case, and the decision to order a confinement disposition after adjudication. Further, since the coordinating council's study was done only on adjudicated cases, the diversion and dismissal data analyzed are all from our Johnson County study. After considerable debate among ourselves, we decided to follow the lead of Kempf (1992: 21-24) and subjected our data to logistic analysis because of its special capacity to handle dependent variables consisting only of two discreet choices, such as to detain or not detain. The most easily interpreted results are presented below. The smaller the values, the more important is the variable in producing the result. A value of .05 indicates that the chances are nineteen out of twenty that the variable is important in producing the pattern of results, a highly respectable level of "statistical significance."

The blank spaces in the table indicate too few cases for analysis. A number of impressive figures appear in Table 14, some to be expected from data in earlier tables and some not. A surprising finding is that neither the seriousness of the offense nor the past record have any impact on the initial detention decision. The very strong associations of this decision with family and school disruption supports the impression received from reading files, namely that detention is most common when a teacher or parent does not want an offender present. It is clear here, as in Tables 5 and 6, that most of disproportionality of confinement of African Americans is produced early in the juvenile justice process, while, for Hispanics and Native Americans, it is introduced later in the system. On the other hand, it seems surprising that use of a weapon has a major impact on initial detention but not on later decisions. As expected past record, number of charges, and past record are important, but, of the three, only past record has much impact on whether the court disposition is confinement. Clearly sex has the expected impact, the surprise about it being that sex does not seem to be important in the decision to order a confinement disposition.

Although logistic analysis is not "supposed" to be affected by associations among the variables (such as the above-noted association between family disruption and being African-American), we undertook the same logistic regressions without the family variable and two academic variables. Indeed, the results are quite similar. The four figures for African-Americans in the second analysis, for example, are .0016, .0010, .2861, and .8445, altogether comparable to those in Table 14.

Table 14
Results of Logistic Analysis

| Variable | Initial Detention | Diversion Decision | Dismissals | Confinement Disposition |
|-------------------------|----------------------|-----------------------|------------|----------------------------|
| Seriousness | .898 | .006* | .038* | .692 |
| African-American | .015* | .007* | .149 | .944 |
| Asian-American | .012* | . | . | .095 |
| Native American | .451 | . | . | .131 |
| Hispanic | .510 | .356 | .020*‡ | .0001* |
| Family Disruption | .0001* | .0003* | .107* | .162 |
| Poor Academic Ind. | .065 | .008* | .520 | .063 |
| Disruptive Class Behav. | .0001* | .007* | .757 | .195 |
| Gang Involvement | .020* | .143 | .947 | .301 |
| Drug Involvement | .858 | .002* | .092 | .863 |
| Age | .016* | .001* | .890 | .052 |
| Sex | .035* | .013* | .902 | .633 |
| Police Detention | . | . | .275 | .0001* |
| Past Record | .999 | .0001* | .018*‡ | .0008* |
| No. of Charges | .053 | .0002* | .029* | .742 |
| Weapon Used | .0001* | .901 | .693 | .112 |

*Significant at the 5% level.

‡Direction of sign contrary to predicted direction

D. Locating Existing Programs for Community Treatment

As noted above, we drew on several data sources to identify existing programs serving youths charged with delinquent behavior. We phrased our question relative to those "charged" with the intent of learning about programs diverting youths out of the juvenile justice system as well as those serving the adjudicated. Our results constitute one of the more comprehensive "directories" of services for youths in the state, and we anticipate reproducing the results and distributing them to our respondents and others who may be interested. The results that are most pertinent for developing recommendations for the reduction of minority confinement are our estimates from the responses whether or not a diversion program was operating in each judicial district and whether or not, by the operational definition of disproportionate used to analyze Phase I data, confinement of minority race youths was disproportionate in each district. The results appear in Table 15.

Table 15
Locating Existing Diversion Programs
Relative to Disproportionate Confinement
by Judicial District

| Questions | Diversion Program Present? | | |
|--|----------------------------|------------|--|
| | Answers | Yes | No |
| Minority Confinement Disproportionate? | Yes | 7,11,27* | 1,2,3,4,8,9,10,13,16,18,19,20,21,22, 23,25,26,28,29,30 |
| | No | 6,12,17,24 | 5,31 |

We recommend revisions in the diversion programs in districts with diversion programs and disproportionate minority confinement and the establishment of programs in districts without diversion programs and disproportionate minority confinement.

III. RECOMMENDATIONS

Section II.D. above provided the identification of those areas in Kansas in which there is disproportionate minority confinement and either 1)no programs, as far as we can tell, which can reasonably be expected to reduce this disproportionality or b)programs which could reduce this disproportionality but are not doing so effectively and need revision.

Thus, recommendations 1-4 below call for new programming in the following judicial districts: 1, 2, 3, 4, 8, 9, 10, 13, 16, 18, 19, 20, 21, 22, 23, 25, 26, 28, 29, and 30. Recommendations 1-4 call for program extension and/or revisions in the following judicial districts: 7, 11, and 27. Recommendations 5-8 apply to the state as a whole.

First, let us express a caveat. Our recommendations are specifically designed to reduce or eliminate disproportionate confinement of minority youngsters. Certainly this is not the only value or goal to be attained by the juvenile justice system. Judges, attorneys, legislators, and other concerned citizens would, in practice, balance these values. If we were, however, to modify our recommendations to take values other than elimination of disproportionate minority confinement into account, it is quite likely that the recommendations would not achieve this elimination.

1. Involve youths and parents as well as professionals in initial and continuing planning, constantly developing new and/or re-designed programs or approaches to maintain the enthusiasm of the staff and control the development of "know it all" attitudes on the part of youths.

According to both the Arizona (Bortner *et al.* 1993: 24-25. 32-33) and Florida (Office of Juvenile Justice Programs. 1993: 2) reports for the DMC project, investigators were told frequently by citizens that programs developed by outsiders without the full participation of the parents and youths living in the neighborhoods served were likely to be treated as somebody else's ideas and likely to fail. Thus, we propose regular and spontaneous meetings in neighborhoods of high minority concentration to elicit ideas for such programs. The same citizens complained that the juvenile justice workers never came into the neighborhoods in which their clients lived. Both these problems would be solved by the gatherings we propose. In other words, "Create mechanisms to [increase substantially] field staff contact with youth and their families in the community and to create partnerships between neighborhood residents and system administrators in developing policies and programs responsive to community needs" (Bortner *et al.* 1993: 28).

The reasons we propose constant changes in the programs utilized are: staff enthusiasm can

be maintained by the constant sense of adventure, and the youths served can never be sure that they already know all about what that program is doing. For years (Rothman 1980 and Murton 1976: Ch. 7) we have known that there is a "cycle of reform" in criminal justice, but we have rarely taken advantage of the cyclical psychology in program development. We propose approaching programming with the idea that it can always be done more effectively than it is being done now and that people in the neighborhoods are likely to have ideas about what will be effective.

2. Develop additional diversion programs in areas of high concentration of minority youths.

Lovell, Overton, Mahon, Chambers, Olson, Berman, Moore, and Flanery (1993?:1) cite an otherwise unidentified University of Michigan publication as stating that, "...from 75% to 90% of Nebraska juveniles in secure detention could be appropriately served in non-institutional community-based programs." While this figure seems extreme judging from past information about the youths in Kansas' training schools (Tombs, 1995), reading juvenile records does leave us feeling that many youths are put into secure detention because officials do not know what else to do with them. We are also aware (Cohen 1985; Scull 1981) that decarceration in general resulted in increasing the total proportions of pertinent populations under state control and may well be implicated in current expansions of incarceration. Further, we are aware of studies which show that incarceration does reduce offending (Gottfredson and Barton 1993). Nevertheless, we do believe that, if appropriate controls are exercised, an added non-detention resource can reduce the use of detention without increasing the harm to the public. It is important for public acceptance, however, that the program(s) to be followed in this alternative be seen as effective in producing positive behavioral changes.

a. Placement in the diversion program should be determined by race-neutral criteria. We suggest that all first time juvenile court referrals whose charging offense(s) did not result in actual bodily harm be placed automatically in a diversion program. While using this criterion might not achieve some juvenile justice goals, only such a program would effectively eliminate disproportionate minority confinement. If our conclusion above about patterns of actual offending by race are correct, however, application of these criteria will result in a slight under-representation of African-American males in the diversion program. We are guessing, however, that victims and the public would not tolerate including in the diversion program those who had caused bodily harm. The decision to place youths on diversion should be in the hands prosecutors and court personnel and not require judges' decisions.

We do not wish, however, to eliminate the individuality of the programs youths would experience while under the control of the state. In fact, we recommend that a uniform risk/needs assessment be initiated at a single point of entry into the system and that this assessment accompany the youth throughout the system. For those not diverted, the assessment would continue at Kansas' newly re-established juvenile court intake process and be completed as an essential part of the predisposition report. Also, if our recommendations for the development of a comprehensive youth record system are implemented, information in this system will be helpful in developing the needs/risk assessment.

b. The development of such a diversion program aimed at the reduction of disproportionate minority confinement necessitates creation of a staff to develop and maintain the program. We recommend that the staff be attached to some single entity in each judicial district or to the corresponding units' staffs in adjacent districts in low population areas of the state. The staffing is to be patterned, in part, after the one developed in the pilot study in Florida (Office of Juvenile Justice Programs 1993: 3-6), namely:

- 1) a director responsible for developing community input and new, constantly changing programs, primarily in diversion, but also to be utilized (separately) by those in regular probation and intensive probation levels of control.
- 2) one or more training specialists who will be responsible for training of juvenile and adult justice decision making personnel in sensitivity to gender and racial issues and in training juveniles in sensitivity to law enforcement personnel.

We do *not* recommend, as was developed in the Florida model, the development of a "Core Support Group" for the staff, for we want the "board of directors" for the staff to be people in the neighborhoods served. The functions of the Community Service Specialists, an additional type of staff provided in Florida, can be carried out by the training specialists performing the duties suggested just above.

c. While the programs to be developed must depend upon the interests and perceived needs of youths and their families and must constantly change, there are three kinds of parameters for the possibilities.

- 1) Community needs for the service of young persons vary from those in which groups might be involved (painting, cleaning, repairing public or non-profit facilities or helping with special populations) to those in which individuals would be all the "help" an organization could use. Ideally, the community services performed might contribute to a, "...balanced and restorative..." sense of justice (Bazemore and Umbreit 1994).

- 2) Youths' needs differ. Drug (including alcohol) treatment and education, anger control, creative conflict resolution (DeJong 1992; Goldstein and Glick 1994), handling problematic

family relationships, dealing with criminal justice officials (Lundman, 1994), academic study skills, and many other matters may be dealt with as workshops designed to meet youths' needs.

3) Youths' offenses differ. Accordingly, workshops can be organized around the types of offenses youths are charged with. Given, however, that versatility rather than specialization of offending is the rule, the general theme of self-control relative to law violation is probably the best emphasis in these workshops.

e. Workers in a diversion program, as in any correctional program, need to have sanctions available to apply to rule violators. Since the purpose of the program being discussed here is the avoidance of placement in secure detention, a number of non-detention sanctions should be readily available. These include increasing the duration of the diversion surveillance and/or some required activity, levying fines, restricting privileges, requiring day program attendance, increased levels of supervision, house arrest, electronic monitoring, and non-secure detention in a level four group home or attendant care setting. These should be used systematically, perhaps tied to some sort of point system, and application of the sanctions should not require judicial action. Ultimately, of course, the youths who fail in the diversion program and other community corrections programs will have to face secure detention.

3. Develop modes of outreach to existing prevention organizations serving minorities.

We must emphasize again that the programs to be developed must arise out of interaction with those persons affected and that the programs should be changed frequently. Further, the diversion staff will have to assess the utility of working with the organizations already in predominantly racial minority neighborhoods. Among the organizations which are always the most important delinquency prevention forces are the families and schools. Strengthening youths' bonds to families and schools should take priority. The following describes two such programs which showed real promise. We describe them solely to illustrate the kinds of efforts which might be undertaken.

Families

In the early 1980s an experimental school-based parent training program opened in Seattle, Washington, as part of a delinquency prevention project. First graders in six schools were assigned to an experimental classroom or a control classroom. The parents of those in the experimental group were given training, and the parents of the children in the control group were not.

The major premise of the experiment was that a child's bond to a family is crucial. To develop this bond, parents learned to provide opportunities that would help the child

participate and succeed in a social unit such as the school (by demonstrating good study habits, for example) and to reinforce conformity or punish violations of the group's norms. Preliminary results suggest that such a training program decreases children's aggressiveness and increases parental skills.

School

A program called PATHE (Positive Action Through Holistic Education) operated in four middle schools and three high schools of Charleston County, South Carolina, between 1980 and 1983. Its object was to reduce delinquency by strengthening students' commitment to school and attachment to conforming members--in other words, bonding young people to the conventional system.

PATHE brought together students, school staff, and community members to plan and implement a program designed to foster a better school climate (encourage more open discussion), improve academic skills, and prepare students for careers. The results of the program were higher grades, better attendance, fewer dropouts, and increased commitment to education. (Adler, Mueller, and Laufer 1995: 171-173)

Specifically, we recommend:

- a. In cooperation with other family service organizations, develop early family intervention programs of assistance and guidance for all families with only one parent present.
 - b. In cooperation with existing private and publicly supported pre-school programs and child care providers, develop universal pre-school/Head Start, and follow up with special help (tutoring by peers on the mastery learning model) as soon as a young person falls behind or is below passing more than six weeks in school.
4. Develop cultural sensitivity training to be given to police officers, prosecutors, or others responsible for diversion decisions, detention center staffs, court services officers and juvenile court judges.
 5. Assure that the newly-created youth authority develops reintegration programs comparable to "permanency planning" and "family re-integration" with services provided to families of those who are released from any out of home placement.

We recommend that this aftercare program be focused on those most likely to recidivate. Altschuler and Armstrong (1994a, 1994b) have developed the needed assessment instruments, theory to support their treatment model, a treatment model in which intense surveillance and provision of services are mixed, a meaningful set of sanctions, and a training manual for persons

who are operating the program.

6. Develop data systems which are uniform in format and uniform in the mode by which youths are identified so that information about disproportionate representation of youths may be monitored readily.
7. Augment the numbers and training of data entry personnel so that all the information called for on juvenile justice report forms is entered and entered correctly.
8. Disseminate both the executive summary of this report and the longer report to key personnel in the agencies which would be responsible for carrying out the above recommendations, to the professional organizations of juvenile justice workers, and to those lobbying groups most likely to advocate the above positions (Kansas Action for Children, the Kansas Children's Service League, the League of Women Voters, the Urban League, the ACLU, and the NAACP). Disseminate the executive summary to all the members of the state legislature either prior to Nov. 1 or after the first two weeks of a legislative session, and request appointments with potential (likely willing) legislative sponsors with legislative research personnel in attendance. Offer a skeleton of potential legislation.

Questionnaire Sent to Court Services and Social Services Chiefs

Your assistance is urgently needed for the completion of a research project on disproportionate confinement of minority youths in Kansas. Each state is required by the 1989 Re-authorization of the Juvenile Justice and Delinquency Prevention Act and the regulations implementing the act to:

- a) determine whether or not minority youths are disproportionately confined in the state and, if they are, to
- b) develop a plan to reduce this disproportionality.

The proportion of African-American youths confined in Kansas is about four times their proportion in the population at risk. **Therefore**, we must develop a plan to reduce this level of confinement of African-American youths or **lose federal funding for juvenile court intake, day attendance centers, and a number of other programs in Kansas funded with JJDP money.**

Developing such a plan requires knowing about existing services and programs you are using in your area for young people who are a) charged with some delinquent act and b) not in secure confinement. The plan we are obligated by law to develop should recommend new programs or expansions of programs, not duplications of things we are already doing.

Please read the following guidelines before answering the questionnaire:

1. Programs and services often fall within larger programs, such as diversion or probation. Please list each one separately.
2. Approximate numbers (your best guesses) are fine; we do not expect you to do any data analysis for us. Obviously the numbers we need are the numbers of youths charged with delinquency and being served, not the numbers of all persons served by a program or organization.
3. We need the number usually served at one time.
4. We need to know about programs and services for youths charged, but not necessarily adjudicated, with delinquent acts.
5. If the service an organization performs for charged young people is not obvious from its title, please indicate what that service usually is, **such as individual counseling, family counseling, drug education, education about the impact of crime, surveillance/monitoring, or whatever you see as the key service provided.**
6. Feel free to provide this information in the form most convenient for you.
7. If you have questions, please call William Arnold at (913) 864-4111.

Please provide the requested information on the attached questionnaire and return it in the enclosed envelope before June 15, 1995. Thank you for your cooperation.

NON-CONFINEMENT PROGRAMS FOR THOSE CHARGED WITH DELINQUENCY

**THESE ANSWERS ARE FOR SRS AREA NUMBER _____
or THESE ANSWERS ARE FOR DISTRICT COURT NUMBER _____**

Name of Program _____

Service provided

Number served: Caucasian youths _____ Racial minority youths _____

Number served: Females _____ Males _____

Name of Program _____

Service provided

Number served: Caucasian youths _____ Racial minority youths _____

Number served: Females _____ Males _____

Name of Program _____

Service provided

Number served: Caucasian youths _____ Racial minority youths _____

Number served: Females _____ Males _____

Name of Program _____

Service provided

Number served: Caucasian youths _____ Racial minority youths _____

Number served: Females _____ Males _____

Name of Program _____

Service provided

Number served: Caucasian youths _____ Racial minority youths _____

Number served: Females _____ Males _____

Please continue on the back of this sheet if needed.

Thank you so much for your help. Please return your responses in the enclosed, self-addressed envelope.

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