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Abstract

There is a large body of research examining the impact of race on juvenile court outcomes. Fewer studies have specifically examined the decision by prosecutors to formally petition a case to the juvenile court. A much smaller body of literature statistically controls for structural level variables (e.g., population density and racial composition), while examining the impact of race. Using the symbolic threat hypothesis, the current study examines the effect of race on the decision to petition a case to the juvenile court among youths in West Virginia's juvenile court, while controlling for both individual and structural factors. The results show that race at the individual level did not have a significant impact on odds of petition; although, percentage in poverty significantly interacted with race to increase the odds of Black youths being petitioned in areas of increased poverty. Implications of the results are further discussed.

Keywords

juveniles, race, prosecution, sentencing

Minorities are disproportionately represented at several decision points in the juvenile justice system. For instance, from 1990 to 2005, the minority youth arrest rate, nationally, (based on the Relative Rate Index) was between 40% and 100% higher (depending on the year) than the arrest rate of White youths (Puzzanchera & Adams, 2008).¹ When examining Blacks, specifically, the difference was more pronounced (rate was 70–140% higher than Whites). At the detention decision, both the minority

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(generally) and the Black (specifically) rates were between 40% and 70% higher than that of Whites. At the decision of formally petitioning cases to the juvenile court, there was still a difference. The minority youth rate was between 10% and 30% higher than Whites (20–30% higher for Blacks).

Similar patterns of minority overrepresentation in the 1970s and 1980s, resulted in the U.S. Congress requiring states to address this issue in 1988, if they are to receive federal funding for certain juvenile justice programs. This requirement was a part of the Juvenile Justice Delinquency and Prevention Act.² Although Congress originally was focused on confinement, it was later broadened to encompass *contact* with the juvenile justice system, given that research has pointed to the cumulative effect of race as offenders progress through the juvenile justice system (see, e.g., Bishop & Frazier, 1996; DeJong & Jackson, 1998; Pope & Feyerherm, 1990a, 1990b).

The decision to formally petition a case in the juvenile court is one where a great deal of discretion is exercised. Many of the “rights” and processes to be followed are mostly during the adjudication and disposition stages (Leiber & Stairs, 1999), not in deciding whether to petition a case. Therefore, research is needed to understand the role of race during these preliminary stages of the process. For instance, in 2005, for every 100 cases referred to juvenile court, 53 were formally petitioned by the prosecutor for Whites (62 for minorities). It is possible, therefore, that a racial disparity exists in deciding which cases are formally petitioned by the prosecutor.

The early stages, coupled with the later decision-making points, are all part of an overall process in the juvenile justice system. The decisions made by those early in the process (e.g., probation officers, intake workers, and prosecutors) and later in the process (e.g., judges) are crucial, especially due to discretion being legally allowed in the juvenile court at a much higher degree than in the adult criminal justice system. It may be that race is one of those factors that is directly (or indirectly) considered when deciding which cases to formally petition a case in the juvenile justice system. The disparities discussed earlier certainly warrants further examination of this issue.

Many studies have examined the effect of race on the processing of juveniles in the juvenile court, with the majority of these studies focusing exclusively on the effects of individual-level variables (e.g., age, gender, offense severity, and prior record). Fewer studies have included structural level variables (e.g., population density and racial composition) in their examination of juvenile court decisions. The focus of these studies, however, has been on decision points of the judge (e.g., Armstrong & Rodriguez, 2005; Rodriguez, 2007; Secret & Johnson, 1997). The effect of race, while controlling for community-level variables using a multilevel model, on the decision to petition a case in the juvenile court has been largely overlooked. The current study addresses this gap by examining the effects of race on the decision to petition a case, while controlling for county-level and individual-level variables.

Theoretical Perspective

Tittle and Curran (1988) offered the symbolic threat hypothesis as an explanation for race and ethnic disparities in the juvenile court system. This perspective focuses on the

social–psychological reactions of the juvenile court decision makers to the individual characteristics of the juvenile delinquents being processed. The symbolic threat hypothesis specifically suggests that minority youths are treated more harshly in juvenile court because they appear more threatening to court officials and are considered more likely to recidivate than White offenders. This perspective has been used in several studies to explain racial disparities in juvenile sentences (e.g., Leiber & Jamieson, 1995; Leiber & Johnson, 2008; Leiber, Johnson, Fox, & Lacks, 2007; Leiber & Mack, 2003; Leiber & Stairs, 1999).

In addition to explaining racial effects on juvenile sentencing decisions, the symbolic threat hypothesis can work to explain the effects of structural factors on juvenile court case processing. Tittle and Curran (1988) suggested that characteristics of the “elites” must be considered when examining their social–psychological processing. The varying characteristics of the geographical composition are likely to signify the necessity of different levels of social controls to handle youths’ delinquency. In other words, areas that are more organized and have a more stable structure will likely be less threatened by juvenile delinquency than areas that are less controlled. It is reasonable to assume, therefore, that the structural factors of the community in which the juvenile court exists will affect the decision-making processes of the court actors in regard to race.

This perspective has been further theorized by Sampson and Laub (1993). They argued that courts are functions of the communities in which they reside. More specifically, symbolic threat and what populations are considered to be a threat is largely relative to the construction of the community in which the juvenile court exists. Therefore, characteristics of those communities will affect the decisions that are made within the courts. Communities that contain larger populations that are viewed as threatening (minorities, female-headed households, and individuals in poverty) will exert more formal control through harsher punishments. They further theorize that racial inequality and poverty contribute greatly to the symbolic threat hypothesis as poor Black youths appear especially threatening to the middle class.

Similar explanations have been used to explain the effects that structural factors have on the sentencing of adult offenders. These arguments include the economic threat hypothesis, the racial threat hypothesis, and the crime control hypothesis (see Britt, 2000). All these explanations focus on threatening populations, suggesting that judicial decisions are a product of the perceived threat these factors construct. For example, in neighborhoods with high levels of economic disadvantage and a large number of minority residents, court officials view defendants who are poor and a minority as especially threatening. Closely tied to these explanations, the focal concerns perspective also has been used (e.g., Johnson, 2006; Johnson, Ulmer, & Kramer, 2008). Because judges are concerned with the blameworthiness, dangerousness, and practical constraints associated with the punishment of defendants (Steffensmeier, Ulmer, & Kramer, 1998), the environments in which sentencing decisions are made can influence the interpretation of these three focal concerns.

Literature Review

Race Effect on Juvenile Court Decisions

In looking at the impact of race on juvenile court decision making, a great deal of evidence suggests race does affect juvenile court decisions. In fact, reviews of the literature (Pope & Feyerherm, 1990a, 1990b) concluded that racial bias does exist in the juvenile justice system. More recent research has similarly found that Blacks are more likely than Whites to be referred to juvenile court when compared to those diverted from the system (e.g., Bishop & Frazier, 1996; Leiber & Johnson, 2008; Leiber & Mack, 2003). Other research has found that Blacks are more likely to be detained (Bishop & Frazier, 1996; Bridges et al., 1993; Harms, 2002; Leiber & Fox, 2005; Wordes, Byum, & Corley, 1994), be formally petitioned to the juvenile court by prosecution (Bishop & Frazier, 1996; Leiber & Fox, 2005), be adjudicated delinquent (e.g., Federle & Chesney-Lind, 1992; Leiber & Fox, 2005; Secret & Johnson, 1997), and be placed out of home at disposition (Bishop & Frazier, 1996; Federle & Chesney-Lind, 1992; Guevara, Spohn, & Herz, 2004; Secret & Johnson, 1997; Snyder, 2005).

Not all research examining race and juvenile court processing has found minority disadvantage. In fact, several studies have produced contradicting results at different decision points (e.g., Dixon, 1995; Leiber & Mack, 2003; Secret & Johnson, 1997). Wu (1997) and Wu and Fuentes (1998) found that White juveniles were more likely to be adjudicated than minority youths but minority youths were more likely to be detained. Fagan, Slaughter, and Hartstone (1987) found that race did not affect pretrial detention but did significantly affect final disposition. Leiber and Mack (2003) found that Black youths were more likely than Whites to be referred to the court for additional processing. Black youths, however, were more likely than White youths to be released than to participate in diversion.

Several explanations have been provided to explain the different findings produced by the research. First, at the early process stages of juvenile court (e.g., intake and detention), a full background knowledge of youths may not be readily available, meaning that stereotypes and biases may exert a stronger influence at these points. Youths can be referred to juvenile court through multiple sources, such as parents, school, victims, and law enforcement. Because the juvenile justice system must often make decisions in short periods of time (due to state statutes), the system's workers do not have all of the information of youths at their disposal, thereby increasing the likelihood of bias influencing outcomes (Rodriguez, 2007). This argument is challenged, however, by some research that found minority disadvantage at later stages and not during earlier stages of the court processes (e.g., Fagan, Slaughter, & Hartston, 1987; Wu, 1997; Wu & Fuentes, 1998).

Additional research has suggested that racial disparity might operate through interactions with other variables to affect court outcomes. Bishop and Frazier (1996) found that race significantly interacted with detention to affect referral decisions with White juveniles who were detained being more likely to be referred to court. Schutt and Dannefer (1998) also found that race interacts with family variables to disadvantage White youths. Their analysis revealed that White youths who came from

single-parent families were more likely to be detained than minorities from single-parent families. Coming from a single-parent family also was found to have a stronger aggravating effect for White youths than Black youths in the examination by Leiber and Mack (2003).

Other research has found the opposite; race interacts with other variables to disadvantage minorities. Wu and Fuentes (1998) found that in addition to race having a direct effect on detention, adjudication, and disposition status, a significant interaction between race and welfare status existed, with Black juveniles whose families received welfare benefits receiving more severe dispositions than White youths whose families received welfare benefits. DeJong and Jackson (1998) found that being a drug offender resulted in a greater likelihood of being placed outside the home for Black youths but did not affect the placement decision for White youths. Bridges et al. (1993) further found an interaction between race and age with older minority youths having a greater likelihood of being detained than White youths.

Finally, mixed findings may be explained as the result of particular contexts being overlooked in the analyses. Different studies may examine the same racial groups, but the racial compositions of the regions are different, along with poverty levels, population density, and so on. These factors have been largely, though not completely, overlooked in the literature on juvenile court decision making. The key is to examine the race findings, in light of the contextual effects to better understand these relationships.

Race and Contextual Effects on Juvenile Court Decisions

Several previous studies have examined the effect of contextual factors on juvenile court decisions (e.g., Armstrong & Rodriguez, 2005; Secret & Johnson, 1997; Rodriguez, 2007; Sampson & Laub, 1993). Feld (1991) identified differences between urban and rural areas, with urban areas treating juveniles harsher than rural areas. He contributed this difference to urban areas being more organized and formal than rural areas that are more informal and less bureaucratic. Sampson and Laub (1993) examined additional structural variables (e.g., poverty, residential mobility, etc.). Their results indicated that structural factors influenced juvenile court decisions (i.e., petition and out-of-home placement) and played a stronger and more negative role for Black youths than White youths.

DeJong and Jackson (1998) found that as population density increased, the greater the likelihood of formal referral to the juvenile justice system. In fact, after introducing the population density variable, the initial race findings changed. Initially, Blacks were more likely than Whites to be referred to the juvenile court. After controlling for population density, there was no significant difference between odds of referral for Black and White youths. There was, however, a significant difference between Hispanics and Whites in the referral decision after controlling for population density. The above studies are limited, however, in their treatment of structural variables as individual-level variables, as opposed to a second level factor in hierarchical analyses.

Leiber and Stairs (1999) also found that race may play a significant role on decision making, based on certain contextual factors. Their macro-level factors

included percentage of people living in poverty, unemployment rate, high school graduation rate, percentage of minorities in poverty, ratio of Blacks to White families in poverty, youth density, crime rates for each of the three included jurisdictions, and the percentage of babies born out of wedlock. In this research, the authors did not conduct a multilevel analysis; they used the macro-level factors as a way to separate three counties, to examine the role of race in counties of different structural demographics. The general finding was that African American youth were more likely than Whites to have negative outcomes (i.e., recommended for further court processing vs. being released or having an informal adjustment) in jurisdictions with more racial inequality and greater poverty.

In her multilevel analyses, Rodriguez (2007) examined contextual factors (i.e., unemployment rate, delinquency rate, and poverty level) in Phoenix, Arizona. Instead of county-level variables, Rodriguez (2007) examined contextual variables (unemployment rate, poverty level, and delinquency rates) at the community level (determined by zip code) in a single county. Regarding the detention decision, she found that Blacks were less likely to be detained than Whites. She also found the unemployment rate, delinquency rate, and poverty level, mediated the effect of race but did not have direct effects on detention.

Armstrong and Rodriguez (2005) examined the effect of individual and contextual variables on odds of preadjudication detention in a Northeast state. Their multilevel analysis included measures for percentage of individuals living in urban areas, percentage of the population who are non-White, difference between White and Black per capita mean income, and county crime rates. Of the contextual variables, only racial composition had a significant effect on preadjudication detention with areas with higher percentage of non-White residents more likely to detain youths. In addition, they found that even after controlling for structural variables, Blacks and Hispanics were more likely than Whites to be detained.

Current Study and Hypotheses

The current study examines the decision to prosecute juvenile cases in the state of West Virginia. Both individual and structural factors are assessed in the models to determine whether race has a significant effect on the petition decision, whether petition decisions vary by county, and whether specific characteristics of the county significantly affect odds of petition in the juvenile court. Finally, cross-level interactions are examined to determine whether race differentially affects odds of petition, dependent on the organization of the county as indicated by the structural variables.

Given findings from prior research that has found a direct effect of race on juvenile processing (e.g., Bishop & Frazier, 1996; Leiber & Fox, 2005), the following hypothesis is examined:

Hypothesis 1: Black juveniles will be more likely to have their cases prosecuted than White juveniles.

The second and third hypotheses are based on the symbolic threat hypothesis. Due to there being little empirical research using multilevel modeling of pretrial decisions of juveniles, we derive these hypotheses from the propositions of the theory. The symbolic threat hypothesis posits that in areas viewed as “threatening,” harsher punishments are more likely to take place. Furthermore, the theory suggests that minorities are more likely to receive harsh outcomes in these “threatening” areas. As a way to address this “threat” to the middle class, a higher degree of formal social control is likely to occur. Based on this theory, the final two hypotheses are the following:

Hypothesis 2: The structural factors percentage Black, percentage of female-headed households, and percentage in poverty, that indicate a larger “threatening” population, will result in increased odds of petition.

Hypothesis 3: Black juveniles will have higher odds of being prosecuted in areas with larger “threatening” populations than White juveniles.

The subsequent analysis examines these hypotheses in an effort to develop a better understanding of the effect of race and the context in which race affects the decision to petition juveniles to the juvenile court.

Method

Data for this study consist of all misdemeanor and felony youth in the juvenile court system in West Virginia during the year 2005 and were obtained from the National Juvenile Court Data Archive (NJCDA). The NJCDA was established by the Office of Juvenile Justice and Delinquency Prevention to house state juvenile court data. Status offenders and juveniles being processed for a noncriminal probation violation were not included. Therefore, the original data set of felony and misdemeanor offenses contained 3,344 cases. Due to the homogenous population in West Virginia, only Black and White juveniles were included. Those categorized as “Other” races and ethnicities ($N = 88$ or 2.6%) were deleted from the sample as meaningful comparisons could not be made regarding this group.³ Because of missing data, 183 additional cases (5.5%) were removed from the data set. The remaining sample size was 3,073, which is 92% of the original cases in the data set.

In justifying the use of West Virginia as a research site, we considered several factors. First, although the state has a small percentage of Black youth (approximately 6%), they make up 14% of those in its juvenile justice system, indicating a disproportionate overrepresentation of Black youth. Second, the data for this state include measures of extralegal factors that are typically taken into consideration in juvenile court outcomes (i.e., number of parents in household and school status), allowing us to control for their effects when examining the role of race. Third, prior research has examined the impact of race on juvenile justice decision making, using the state of Iowa, which has a juvenile population of 4% (Leiber & Stairs, 1999), which is lower than West Virginia. All of these reasons provide a foundation upon which to examine racial disparity and the “threat” of minorities in a relatively homogenous state.

Variables

The dependent variable in the study is a dichotomous measure of the decision to petition a juvenile case, with 0 representing those cases that were not petitioned to the court and 1 representing those cases that were petitioned to the court. Of the 3,073 misdemeanor and felony juvenile cases in West Virginia, 921 (30%) were petitioned and 2,152 (70%) of the cases were not petitioned.

Individual-level and county-level variables were included in the analysis. All coding and descriptive statistics for these variables are presented in Table 1. The individual-level variables included extralegal and legal factors. To assess the impact of race on the petition decision, a dichotomous variable was created with 1 representing Black juveniles and 0 representing White juveniles. A dichotomous variable was also included for the gender of the defendant (*female* = 0 and *male* = 1). Age was added as a continuous variable.

Two additional extralegal variables also were included for education and family structure. The variable for education distinguished between juveniles who were in mainstream education (coded 1) and those who were not on a mainstream educational path (coded 0). Those who were determined not to be on a mainstream education path included juveniles who had dropped out and those who were enrolled in an alternative school. The family status variable distinguished between those who resided with two parents (coded 1) and those with alternative living arrangements such as with a single-parent home, with another relative, or other (coded 0).

Several legal variables also were included. Dummy variables were created for personal offenses, property offenses, drug offenses, and other offenses; the variable for personal offenses was left out of the analysis as the reference variable. A dichotomous variable was also included to distinguish between misdemeanors (coded 0) and felonies (coded 1). A dichotomous variable was also created to indicate whether the case was brought to the attention of the prosecutor by a law enforcement agency (coded 1) or through another source (e.g., parents, victim, or school). There were two prior record measures. First, we controlled for whether the juvenile had a prior arrest (coded 1) or no prior arrest (coded 0). Second, we controlled for whether the juvenile had a prior adjudication (conviction) (coded 1) or no prior adjudication (coded 0). Finally, a variable was included that distinguished between juveniles who were released following arrest (coded 0) and those who were detained (coded 1) following arrest.

In addition to the individual-level variables, several county-level variables were included. Data for these variables were collected from the U.S. Census Bureau. Given the results of Feld's (1991) analysis, which revealed significant differences in the processing of juveniles in urban and rural courts, a control variable was created for the population density to assess the degree of "urbanism" for each county. Female-only headed households were entered to account for the percentage of households in the county with only a single mother present. Variables were also included for the percentage of Black residents in the county and the percentage in poverty. These variables (percentage Black, percentage of female-headed households, and percentage

Table 1. Descriptive Statistics for Individual-level ($N = 3073$) and Community-Level Variables ($N = 52$)

Individual-Level Variables		
Nominal Variables and Coding	<i>N</i>	%
Race		
White (0)	2,641	86
Black (1)	432	14
Gender		
Female (0)	911	30
Male (1)	2,162	70
School performance		
Not mainstream school (0)	1,208	39
Mainstream school (1)	1,865	61
Family		
Two parents not present (0)	1,937	63
Two parents (1)	1,136	37
Severity of charge		
Misdemeanor (0)	2,174	71
Felony (1)	899	29
Type of Offense		
Property (dummy)	1,417	46
Personal (reference)	982	32
Drug (dummy)	335	11
Other (dummy)	339	11
Prior record		
No prior adjudication (0)	2,693	88
Prior adjudication (1)	380	12
No prior arrest (0)	2,503	81
Prior arrest (1)	570	19
Release status		
Not released (0)	350	11
Released (1)	2,723	89
Type of Referral		
None law enforcement (0)	572	19
Law enforcement (1)	2,501	81
Petition		
Not petitioned (0)	2,152	70
Petitioned (1)	921	30
Continuous variables	<i>M</i>	<i>SD</i>
Age	15.0	1.82
County-level variables		
% Poverty	18.26	4.74
% Black	2.08	2.51
Population Density ^a	96.18	100.00
% Female-Headed Households	0.026	0.025

^a Due to their skewed nature, the natural log of these variables was used in the subsequent analysis.

in poverty) were included because Sampson and Laub (1993) identified them as indicators of threatening populations present in a county. Additional county-level variables were collected (household income, percentage of population who own homes, violent crime rate, property crime rate, population, and percentage with a high school diploma). These variables were not included, however, due to the high multicollinearity (.75 and above) of these measures with the included structural variables (a full correlation matrix is not shown but is available on request).

Results

Due to the nesting structure of our data, hierarchical linear modeling (HLM) was used. The use of a two-level hierarchical structure allowed us to assess the impact of race on the decision to petition juvenile cases, while controlling for other individual-level factors as well as for the county-level structural factors. Due to the binary nature of the dependent variables, normality could not be assumed (Raudenbush, Bryk, Cheong, Congdon, & Toit, 2004); therefore, a hierarchical generalized linear model was estimated.

All the individual-level variables were grand mean centered. This technique was used to reduce the estimation bias in the individual-level effect. It is possible, however, that this technique can alter the parameter estimates and variance components associated with the intercept (Luke, 2004). Additional analysis conducted, however, demonstrated that grand mean centering the variables did not significantly affect the results or conclusions.

Table 2 shows the results of the unconditional model for the decision to formally petition a juvenile case. This model was analyzed to determine whether the petitioning of juvenile cases significantly varied across the counties and determined whether the use of a multilevel model was justified (Luke, 2004). The significant variance indicates that the likelihood of a juvenile case being prosecuted varies significantly across the counties examined. This indicates support for using multilevel analyses, given that counties are different in the probability of petitioning juvenile cases.

In the intercept-only model, presented in Table 3, the fixed effects shown examine the impact of each level-1 variable on the decision to petition a case while controlling for county. Although several prior studies have found that Black juveniles are treated more harshly by the juvenile justice system than White juveniles, the coefficient for Black youths was not significant in the current findings. In other words, there was no difference in likelihood of proceeding with petition between White and Black youths. This finding is inconsistent with our first hypothesis, which suggested that Black youths would have greater odds of being petitioned than White youths. In fact, none of the demographic characteristics (age and gender) significantly affected the decision to petition a case. The only extralegal variable to influence the decision to petition a case was for education, with juveniles who were on a mainstream educational track less likely to be petitioned than juveniles not on a mainstream educational path.

Examination of the legal factors shows that several had a significant effect on the decision to petition a juvenile case. Juveniles who were charged with a felony were almost three times as likely to have their cases petitioned as juveniles who were

Table 2. Unconditional Model for Decision to Petition

Fixed Effects	<i>b</i>	SE	<i>T</i> Ratio	<i>df</i>	<i>p</i> Value
Intercept	-0.52	0.19	-2.708	51	.010
Random effects	Variance	<i>SD</i>	χ^2	<i>df</i>	<i>p</i> Value
Level 2	1.58	1.26	580.38	51	.000

Table 3. Random Coefficient Hierarchical General Linear Model

Fixed Effects	<i>b</i>	SE	Odds
Intercept	-0.45	.22	0.64*
Black	-0.08	.32	0.92
Age	0.03	.03	1.03
Male	0.10	.11	1.11
Mainstream school	-0.44	.18	0.64*
Two parents	0.04	.16	1.04
Felony	1.08	.22	2.93***
Property offense	-0.36	.21	0.70
Drug offense	-1.13	.29	0.32***
Other offense	0.13	.24	1.14
Prior adjudication	0.74	.24	2.09**
Prior arrest	0.97	.19	2.64***
Released	-1.70	.22	0.18***
Law Enforcement Referral	0.10	.28	1.11

Note. The chi-square statistics reported above are based on only 13 of the 52 counties that had sufficient data for computation. Only the random effects are affected. Fixed effects and variance components are based on all the data.

* < .05. ** < .01. *** < .001.

charged with a misdemeanor. Being charged with a drug offense compared to a personal offense resulted in decreased odds of having the case petitioned. Juveniles with prior adjudications and prior arrests were more likely to have their cases petitioned. Similar to prior research (e.g., Frazier & Bishop, 1985; Guevara et al., 2004; Wordes et al., 1994), being detained after arrest resulted in an increased likelihood of petition.

The random effects are presented in Table 4. The random coefficients examined whether the independent variables significantly vary across counties. The findings indicate that several of the individual-level variables varied across counties. With the exception of age and family type all of the extralegal characteristics varied significantly across the counties included. Examination of the legal characteristics indicates that all the legal factors except priors without adjudication varied across the counties examined. Because of the clear county differences on all of these factors, the findings from the random effects support examining structural factors that may be operating at the county level, which may then help explain the decision to prosecute cases in juvenile court.

Table 4. Random Coefficient Hierarchical General Linear Model

Random Effects	Variance	df	χ^2
Intercept-Level 2	1.94	12	218.42***
Black	2.10	12	47.77***
Age	.01	12	20.28
Male	.22	12	21.83*
Mainstream school	.74	12	36.20***
Two parents	.57	12	14.72
Felony	.97	12	41.08***
Property offense	.85	12	25.90*
Drug offense	1.63	12	34.96**
Other offense	1.20	12	25.25*
Prior adjudication	1.17	12	21.24*
Prior arrest	.95	12	19.67
Released	.86	12	27.11**
Law enforcement referral	1.95	12	48.38***

* < .05. ** < .01. *** < .001.

Table 5 presents the model with the addition of the county-level structural variables. This model explains whether some of the variability across counties can be explained by the structural variables. The fixed effects for the individual variables are similar to those shown in the intercept-only model (not shown but are available request). Again, there is no significant difference in the likelihood of petition between Black and White youths. For the county-level variables, the results indicate that having a higher percentage of individuals in poverty and a higher percentage of female-headed households resulted in decreased odds of petition. These findings contradict Hypothesis 2, which predicted that these structural factors would actually increase odds of petition.

Cross-level examinations also were examined to determine if the racial impact on likelihood of petition varied by the different structural characteristics. The results are presented in Table 6. The findings indicate a positive and modestly significant interaction between percent in poverty and race, suggesting that Black youths sentenced in areas with higher rates of poverty have an increased odds of petition. This finding supports Hypothesis 3, which predicted the structural variables would affect Black youths more negatively. However, none of the other structural factors (percentage Black, population density, and percentage of female-headed households) had a significant interaction with race, which is inconsistent with the third hypothesis.

Discussion

The current study examined the impact of race on the decision to petition juvenile misdemeanor and felony cases, while controlling for both individual and structural factors. Overall, the results on the individual factors indicated that legal variables (e.g., offense type, offense severity, type of offense, priors, and law enforcement

Table 5. Full Level 1 and Level 2 Hierarchical General Linear Model for Petition

Level 2 Variables	<i>b</i>	SE	Odds
% Poverty	-0.11	0.03	0.90***
% Black	0.07	0.05	1.07
Population Density	-0.23	0.15	0.79
Female-Headed Households	-13.83	1.65	0.00***

Note. The model contained all level 1 variables presented in Table 4. Because the estimates were virtually the same, only the Level 2 variables are presented.

*** < .001.

Table 6. Cross-Level Interactions

Level 2 Variables	<i>b</i>	SE	Odds
Black	0.47	0.49	1.60
Black × % Poverty	0.13	0.06	1.14*
Black × % Black	-0.04	0.11	0.96
Black × Female-Headed Household	-3.28	4.54	0.04
Black × Population Density	0.11	0.36	1.12

* < .05.

referral) had the strongest influence on the likelihood of petition. Race did not appear to be a significant factor in the decision to petition a case in the current sample, which is inconsistent with our first hypothesis but consistent with some prior research (e.g., Leiber & Fox, 2005).

It is possible, however, that racial disparity still occurs in other juvenile court decisions. Tittle and Curran (1988) argue that individual decisions may be more likely to occur when the juvenile is deeper into the system. Throughout the processing of the juvenile, information is constantly being gathered. Therefore, it is likely that more of this individualized information will be taken into account when making decisions and the purely legal factors (e.g., offense severity or offense type) will have less of an impact. Because the current study examines one of the first discretionary points in the juvenile justice system, it is possible that the legal factors are having a greater influence and the extralegal factors are having less of an impact than they do during later decisions.

Examination of the structural factors also provides some interesting results. Having a higher percentage of female-headed households and a higher level of residents in poverty led to reduced odds of petition. These results contradicted our hypothesis that predicted an increase in petition and warrants further discussion. It is possible that juvenile delinquency is accepted in these communities as typical child misbehavior, leading to decreased odds of petition. Another possible explanation could be differences in police practices across areas. Research has suggested that police have a greater presence and make more arrests in disadvantaged neighborhoods (see Walker,

Spohn, & DeLone, 2007). This might lead to more juveniles being arrested based on weaker evidence in these areas. Prosecutors might then be unable to follow through with the cases or might dismiss more cases to counterbalance the overpolicing of juveniles in these areas.

When examining the cross interactions, the coefficient for percentage in poverty and race was modestly significant and positive. Therefore, Black youths' odds of petition increased slightly as the percentage of individuals in poverty increased. This finding supports Hypothesis 3, which suggest that structural factors that symbolize a larger threatening class will increase petition. It is also consistent with the symbolic threat hypothesis; Sampson and Laub (1993) argued that poor minorities are the most threatening to the middle-class majority. Consistent with this argument, the current study found that areas with higher rates of poverty also have a greater chance of formally petitioning juveniles, a finding that has an especially negative effect on Black youth. Given that percentage of minorities in the population did not significantly affect the odds of petition may further indicate that poor Black delinquents are viewed as threatening to all communities (Black and White) creating an increased use of formal court treatment, regardless of racial variations.

Prior research also has suggested that court officials may refer youths to juvenile court to provide access to needed services (Bishop & Frazier, 1996; Bridges, Conley, Engen, & Price-Spratlen, 1995). This could explain why higher poverty interacted with race to increase odds of petition. During their qualitative interviews, Bishop and Frazier (1996) found that court officials may be more likely to process youths in the juvenile justice system as a means to provide them with the care and services wealthy families can afford independently. This may be especially pronounced for Black youth whose families are viewed as incapable of handling youths. As Bishop and Frazier (1996) point out, however, regardless of intention, the result remains that the juvenile is being entered into the system.

In conclusion, our research provides substantive policy implications. Specifically, it seems that West Virginia's juvenile justice system *may* have some bias operating at the structural level. It is possible that prosecutors are either correcting for an overpolicing of these youth by not formally petitioning these cases or they are viewing offending as the "norm" for these youth and not petitioning these cases to the juvenile court. The former scenario should focus on addressing issues at the police stage, while the latter should focus on addressing a possible biased attitude of prosecutors on what is considered "normal" for these youth.

Although the results indicate that structural factors work to decrease the petitioning of youths, when examining race and structural interactions, the results indicate that Black youths are more likely to be petitioned in high-poverty areas. It is possible, therefore, that Black youths petitioned in high-poverty areas are viewed as a greater threat to the community. Given this threat, they are more likely to be petitioned in the juvenile court. Although it is possible that these juveniles are petitioned more often in an effort to provide them with services they would otherwise not be assessable to them, the results remains that the effect is an overrepresentation of this population in the juvenile justice system.

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Notes

1. Four “races” are used as part of the Relative Rate Index (RRI), which is developed by the National Center for Juvenile Justice (with funding from the Office of Juvenile Justice Delinquency and Prevention): (a) White, (b) Black/African American, (c) American Indians and Alaskan Native, and (d) Asian/Native Hawaiian/Other Pacific Islander. The RRI is also based on youth between the ages of 10 and 17.
2. Although the Juvenile Justice Delinquency and Prevention Act was originally passed in 1974, there has been several reauthorizations of the Act, which included a “minority overrepresentation plan,” as a part of the 1988 reauthorization.
3. The analysis was also conducted with the inclusion of the “other” races. Three separate dummy variables were created for White, Black, and Other. The results of this analysis were similar to the current analysis. The “Other” category was not significant in any of the models. Because meaningful comparisons when an array of ethnicities are bundled into one “Other” variable are not possible and because a small number of juveniles fell into this category, the results of only the Black and White juveniles is presented.
4. The chi-square statistics reported above are based on only 13 of 52 counties that had sufficient data for computation. Only the random effects are affected. Fixed effects and variance components are based on all the data.

References

- Armstrong, G. S., & Rodriquez, N. (2005). Effects of individual and contextual characteristics on preadjudication detention of juvenile delinquents. *Justice Quarterly*, 22, 521–539.
- Bishop, D. M., & Frazier, C. E. (1996). Race effects in juvenile justice decision-making: Findings of a statewide analysis. *The Journal of Criminal Law & Criminology*, 86, 392–414.
- Bridges, G. S., Conley, D., Beretta, G. R., Engen, R. L., et al. (1993). *Racial disproportionality in the juvenile justice system: Final report*. Olympia, WA: Washington Department of Social and Health Services.
- Bridges, G., Conley, D., Engen, R., & Price-Spratlen, T. (1995). Racial disparities in the confinement of juveniles: Effects of crime and community social structure on punishment. In K. Kempf-Leonard, C. Pope, & W. Feyerherm (Eds.), *Minorities in juvenile justice* (pp. 128–152). Thousand Oaks, CA: Sage.
- Britt, C. (2000). Social context and racial disparities in punishment decisions. *Justice Quarterly*, 17, 707–732.
- DeJong, C., & Jackson, K. C. (1998). Putting race into context: Race, juvenile justice processing, and urbanization. *Justice Quarterly*, 15, 487–504.
- Dixon, J. (1995). The organizational context of criminal sentencing. *American Journal of Sociology*, 100, 1157–1198.

- Fagan, J., Slaughter, A., & Hartstone, E. (1987). Blind justice? The impact of race on juvenile justice process. *Crime & Delinquency*, 33, 224–258.
- Federle, K. H., & Chesney-Lind, M. (1992). Special issues in juvenile justice: Gender, race, and ethnicity. In I. Schwartz (Ed.), *Juvenile justice and public policy: Toward a national agenda* (pp. 165–195). New York, NY: Lexington.
- Feld, B. C. (1991). Justice by geography: Urban, suburban, and rural variations in juvenile justice administration. *The Journal of Criminal Law & Criminology*, 76, 1132–1152.
- Frazier, C. E., & Bishop, D. M. (1985). The pretrial detention of juveniles and its impact on case dispositions. *Journal of Criminal Law & Criminology*, 82, 156–210.
- Guevara, L., Spohn, C., & Herz, D. (2004). Race, legal representation, and juvenile justice: Issues and concerns. *Crime & Delinquency*, 50, 344–371.
- Harms, P. (2002). *Detention in delinquency cases, 1989-1998*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- Harms, P. (2002). *Detention in delinquency cases* (pp. 1989-1998). Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- Johnson, B. D. (2006). The multilevel context of criminal sentencing: Integrating judge and county level influences in the study of courtroom decision making. *Criminology*, 44, 259–298.
- Johnson, B. D., Ulmer, J. T., & Kramer, J. H. (2008). The social contest of guidelines circumvention: The case of federal district courts. *Criminology*, 46, 737–783.
- Leiber, M. J., & Fox, K. C. (2005). Race and the impact of detention on juvenile justice decision making. *Crime & Delinquency*, 51, 470–497.
- Leiber, M., & Jamieson, K. (1995). Race and decision-making within juvenile justice: The importance of context. *Journal of Quantitative Criminology*, 11, 363–388.
- Leiber, M. J., Johnson, J., Fox, K., & Lacks, R. (2007). Differentiating among racial/ethnic groups and its implications for understanding juvenile justice decision making. *Journal of Criminal Justice*, 35, 471–484.
- Leiber, M. J., & Johnson, J. D. (2008). Being young and black: What are their effects on juvenile justice decision making? *Crime & Delinquency*, 54, 560–581.
- Leiber, M. J., & Mack, K. Y. (2003). The individual and joint effects of race, gender, and family status on juvenile justice decision-making. *Journal of Research in Crime and Delinquency*, 40, 34–70.
- Leiber, M. J., & Stairs, J. M. (1999). Race, contexts and the use of intake diversion. *Journal of Research in Crime and Delinquency*, 36, 56–86.
- Luke, D. A. (2004). *Multilevel modeling*. Thousand Oaks, CA: Sage.
- Pope, C. E., & Feyerherm, W. H. (1990a). Minority status and juvenile processing: An assessment of the research literature (Part I). *Criminal Justice Abstracts*, 22, 327–335.
- Pope, C. E., & Feyerherm, W. H. (1990b). Minority status and juvenile processing: An assessment of the research literature (Part II). *Criminal Justice Abstracts*, 22, 527–542.
- Puzzanchera, C., & Adams, B. (2008). *National disproportionate minority contact databook*. Developed by the National Center for Juvenile Justice for the Office of Juvenile Justice and Delinquency Prevention. Online. Available: <http://ojjdp.ncjrs.gov/ojstatbb/dmcdcb>
- Raudenbush, S., Bryk, A., Cheong, Y. F., Congdon, R., & Toit, M. (2004). *HLM6: Hierarchical linear and nonlinear modeling*. Lincolnwood, IL: SSI Scientific Software International.

- Rodriguez, N. (2007). Juvenile court context and detention decisions: Reconsidering the role of race, ethnicity, and community characteristics in juvenile court processes. *Justice Quarterly*, 24, 629–656.
- Sampson, R. J., & Laub, J. H. (1993). Structural variations in juvenile court processing: Inequality, the underclass, and social control. *Law & Society Review*, 27, 285–311.
- Schutt, R. K., & Dannefer, D. (1988). Detention decisions in juvenile cases: JINS, JDs, and gender. *Law and Society Review*, 22, 509–520.
- Secret, P. E., & Johnson, J. B. (1997). The effect of race on juvenile justice decision making in Nebraska: Detention, adjudication, and disposition, 1988-1993. *Justice Quarterly*, 14, 445–478.
- Snyder, H. (2005). *Juvenile arrests 2003*. Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and & Delinquency Prevention.
- Steffensmeier, D., Ulmer, J., & Kramer, J. (1998). The interaction of race, gender, and age in criminal sentencing: The punishment cost of being young, black, and male. *Criminology*, 36, 763–797.
- Tittle, C. R., & Curran, D. A. (1988). Contingencies for dispositional disparities in juvenile justice. *Social Forces*, 67, 23–58.
- Walker, S., Spohn, C., & DeLone, M. (2007). *Race, ethnicity, and crime in America* (4th ed.). Belmont, CA: Wadsworth.
- Wordes, M., Bynum, T. S., & Corley, C. J. (1994). Locking up youth: The impact of race on the detention decision. *Journal of Research in Crime and Delinquency*, 31, 149–165.
- Wu, B. (1997). The effect of race and juvenile justice processing. *Juvenile & Family Court Judges*, 48, 43–51.
- Wu, B., & Fuentes, A. (1998). The entangled effects of race and urban poverty. *Juvenile and Family Court Journal*, 49, 41–53.

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