

# **Racial Disproportionality In County Juvenile Facilities**

**December 1998**

**George S. Bridges**

---

Department of Social and Health Services  
Juvenile Rehabilitation Administration

## Preface

RCW 13.06.050 requires the Secretary of the Department of Social and Health Services (DSHS) to report annually to the Legislature on the effectiveness of county-based programs aimed at reducing racial disproportionality in juvenile justice. The DSHS Juvenile Rehabilitation Administration contracts with the University of Washington to conduct the research, collect and analyze data, and report its findings back to the department.

In 1997, research conducted by the University identified information shortcomings and neglected causes of disproportionality as two key areas needing further review. This report expands on those findings.

Lack of accessible and consistent information on juvenile offenders makes the analysis of disproportionality a difficult task. Steps being taken by county juvenile courts and the Office of the Administrator for the Courts should help to address these information deficits.

The current report also suggests that the perception officials in the juvenile justice system have of the causes of delinquent behavior by youth may influence their sentencing recommendations and decisions. If minority youth are perceived as more responsible for their criminal acts, and are not seen as influenced by external factors, they are more likely to receive harsher sentences.

The juvenile courts in Washington State have embarked on the development and implementation of a statewide needs and risk assessment that we believe will diminish the role such perception might have on sentencing decisions. The courts have taken the initiative to develop a sophisticated, validated tool that will help match community programs with the needs and risks presented by juvenile offenders. Future reports will be able to identify the impact these programs have had in reducing repetitive criminal behavior.

*Gerard Sidorowicz, Assistant Secretary  
Juvenile Rehabilitation Administration*

## PREFACE

This study extends research completed in 1997 on the extensiveness and causes of racial disproportionality in the juvenile justice system in Washington State. The research was conducted with the support of the Juvenile Rehabilitation Administration of the Department of Social and Health Services, as part of that agency's continuing legislative mandate to review disproportionality in the administration of juvenile justice in Washington State.

This report summarizes the major findings of the research. As part of the project, we have collected and analyzed information on juvenile courts in Washington State and on youth processed by the courts. Unlike the previous analyses of disproportionality, the present study examines some of the fundamental problems causing disproportionate minority confinement. The report also examines information needs of courts to monitor and address disproportionality more effectively. Finally, the report offers specific suggestions for developing policy solutions to these problems and needs.

This research would not have been possible without the support and assistance of Mr. Gerard "Sid" Sidorowicz and Ms. Rebecca Sayan of the Juvenile Rehabilitation Administration. Through this project and previous projects, Mr. Sidorowicz and Ms. Sayan have offered consistently sound suggestions and advice on the research and on its implications for assessing juvenile justice policy in Washington State.

George S. Bridges

## TABLE OF CONTENTS

I.	<b>PROJECT BACKGROUND AND OBJECTIVES</b> .....	1
	A. Background .....	1
	B. The Study .....	1
	C. Outline of Final Report .....	3
II.	<b>INFORMATION COLLECTED ON YOUTH AND THEIR CRIMES IN WASHINGTON STATE</b> .....	4
	A. Inadequate Linkages to Other Information Systems .....	5
	B. Definitional Problems in Information Collected and Maintained in JUVIS ..	5
	C. Variation Across Counties in Information Entered in JUVIS .....	7
	D. Limited Scope of Information Collected and Maintained .....	9
III.	<b>OFFICIALS' PERCEPTIONS OF MINORITY OFFENDERS: NEGLECTED CAUSES OF DISPROPORTIONALITY</b> .....	11
	A. Race and Officials' Perceptions of Offenders .....	12
	B. Race and the Risk of Future Crime .....	13
	C. Race, Perceived Risk and Recommended Sentences .....	16
IV.	<b>SUMMARY AND RECOMMENDATIONS</b> .....	17
	<b>Recommendations for Policy</b> .....	17
	A. Modification of Statewide Information Systems on the Administration of Juvenile Justice .....	17
	B. Re-examination of Training for Probation Officers and other Juvenile Court Personnel .....	19

## I. PROJECT BACKGROUND AND OBJECTIVES

### A. Background

In 1997, researchers at the University of Washington completed a study reviewing the levels of racial and ethnic disproportionality in the administration of juvenile justice in Washington State for the period 1990-1996. Mandated by the Legislature, the study sought to "evaluate racial and ethnic disparity within county programs under Consolidated Juvenile Services (CJS)."<sup>1</sup> The UW study observed that:

"race continues to influence many aspects of the handling and disposition of juvenile cases across all years and across all types of courts. Even after differences in the youth's offense and criminal history and the community context [are] taken into account, minority youth were less likely than white youth to be diverted, more likely to be detained preadjudication, more likely to have charges filed, more likely to be adjudicated guilty, and more likely to receive sentences of confinement to detention."

The findings of the UW study and earlier studies by the research team underscore the need for improvements in the monitoring of disproportionality (Bridges et al., 1993; Bridges et al., 1995, 1997) and more thorough examinations of its causes. The present study has three major tasks corresponding to these needs:

- *Assess Needed Improvements for Information Collected on Youth and their Crimes in Washington State,*
- *Conduct Analyses of the Neglected Causes of Disproportionality, and*
- *Prepare and Complete a Final Report Summarizing the Study Findings.*

### B. The Study

In order to complete the project's major tasks, the UW study was designed to collect and assess information on the quality of data routinely compiled on youth and their crimes in Washington State. The study was also designed to analyze new and different types of information on the causes of disproportionality in the administration of juvenile justice.

---

<sup>1</sup> The statutory language mandating the study was as follows:

"(3) The Secretary, in conjunction with the human rights commission, shall evaluate the effectiveness of programs funded under this chapter in reducing disproportionality. The secretary shall investigate whether implementation of such programs has reduced disproportionality in counties with initially high levels of disproportionality. The analysis shall indicate which programs are cost-effective in reducing disproportionality in such areas as alternatives to detention, intake and risk assessment standards pursuant to RCW 13.40.032, alternatives to incarceration, and in the prosecution and adjudication of juveniles. The secretary shall report his or her findings to the legislature by December 1, 1994, and December 1 of each year thereafter."

This new information would include qualitative accounts of recommendations made by probation officers to courts in disposition hearings on youths adjudicated (convicted) of crimes. Finally, the study was designed to ensure that a final report summarizing the results of the analyses would be completed in the summer of 1998. Our study has three components, corresponding to these three concerns. Each of the components is described below

1. *Assess Needed Improvements for Information Collected on Youth and their Crimes in Washington State*

Our 1997 report argued for improvements in information collected on youths whose criminal cases are processed through the juvenile courts in Washington State. The report argued that "[d]espite consistent calls over the past decade for improved information on the processing of criminal cases in Washington State, there remains a critical need for an integrated statewide information system." Specifically, the report argued that many of the problems identified in 1993 remain to this date. The first part of the present study identifies problems in the collection of information in current information systems that complicate analyses of data on youth and their crimes. It also identifies the types of information not routinely collected by state and county agencies that would be useful in more effectively determining the causes of racial disparities in the administration of juvenile justice. Finally, the study discusses the state of efforts undertaken by the Office of the Administrator of the Courts to remedy the problems.

2. *Conduct Analyses of the Neglected Causes of Disproportionality*

The second component of the study analyzes data on the causes of disproportionality focusing on the perceptions of youth by juvenile justice officials. This part of the research examines the content of predisposition reports of 277 youth and officials' written comments and recommendations about the youth. The analyses examine three issues:

- Whether court officials perceive and judge minority offenders differently than similarly situated white offenders,
- Whether officials perceive minorities as representing a greater threat than white youth in committing future crimes, and
- Whether officials' perceptions of minority and white play a pivotal role in case dispositions.

3. *Preparation and Submission of a Final Project Report*

The final component of the study is embodied in this report. The report reviews the results of the analyses performed under the first two project tasks.

### **C. Outline of Final Report**

The body of this report is divided into three parts. Part II describes and summarizes the results of our analysis of information problems and needs in Washington State regarding youth and their crimes. Part III offers the results of our analyses of neglected causes of disproportionality, particularly officials' differential perceptions of minority and white offenders. Part IV summarizes the main findings of the study and makes recommendations for improving the monitoring of disproportionality across the state and in addressing the problems of attribution biases among court officials.

## II. INFORMATION COLLECTED ON YOUTH AND THEIR CRIMES IN WASHINGTON STATE

Despite consistent calls over the past decade for improved information on the processing of criminal cases in Washington State, there remains a critical need for an integrated statewide information system on youth processed through the juvenile courts. In our 1993 study, we noted:

"A statewide automated information system ... may be achieved either through significant enhancements and improvements in the existing information system maintained by the Office of the Administrator of the Courts (OAC), the Juvenile Information System (JUVIS) or through the development of a new system with new data collection and analysis procedures. Presently, counties vary significantly in the amount of information entered into JUVIS. ... A related concern is that much of the information on the social backgrounds of youth in existing automated systems ... is unreliable and frequently missing. In many counties, particularly those with extremely restricted budgets, this matter reduces to an issue of staffing -- no staff are made available to enter social history data. Further, counties may vary in the definitions of critical events in the juvenile justice process, thereby making interpretation of data on those events extremely difficult. For example, some counties differ how they define a "referral" to juvenile court, submitting information to JUVIS only on those cases which meet their idiosyncratic definition."

Many of the problems that persisted in 1993 remain to this date. The remainder of this section of our report describes the most significant of these problems.

The current information system serving the 33 juvenile courts in Washington State, JUVIS, was instituted nearly 20 years ago. It has serious shortcomings for research that monitors and tracks the flow of offenders and their cases through the courts. Our experience and analyses of the JUVIS system has identified at least four major shortcomings. The first is inadequate linkages to other information systems used by the courts and other criminal justice agencies across the state. The second entails definitional problems regarding information collected and maintained in JUVIS that complicate case tracking. Third, there exists significant variation across counties in the types of information on cases entered in JUVIS. Finally, the information on offenders and their cases retained in JUVIS is quite limited in content and scope.

Before proceeding to discussions of each of these shortcomings, it is important to stress that the Office of the Administrator for the Courts which manages and administers the JUVIS system recognizes many of these limitations. The OAC is currently in the process of re-structuring data collection on juvenile offenders and their cases, integrating data on juvenile cases processed in limited jurisdiction courts in the state with other statewide information on criminal justice systems. The re-structuring project is a major effort to reform court information systems. Our present report is not intended to be critical of these ongoing reforms. Quite the contrary, our comments on the problems with JUVIS and other information systems are intended to affirm the critical importance of the OAC reforms to future research on juvenile offenders in Washington State.

**A. Inadequate Linkages to Other Information Systems**

There is no shortage of information or information systems on juvenile or criminal justice in Washington State. Each major state agency with legal jurisdiction over offenders maintains extensive information on offenders and their cases. However, the information systems differ dramatically in structure and purpose, and most importantly, in the types of information they maintain. One result of the differences in structure and purpose is that researchers and staff have extreme difficulty merging information from one system to another or in combining information from different systems to address a particular research question. Typically, projects requiring information from different systems must manually extract and re-structure information from each system, create a new structure for merging the extracted information, merge the information according to this new structure and, finally, perform project analyses on the merged information. The process of extracting, re-structuring and merging information is extremely labor intensive and inefficient.

The JUVIS system contributes to this inefficiency because it is poorly linked to other information systems maintained by OAC, the Washington State Sentencing Guidelines Commission, and the Juvenile Rehabilitation Administration in the Department of Social and Health Services. The inadequate linkages are complicated by different definitions of a "case" across systems (see description of definitional problems under "*Definitional Problems in Information Collected and Maintained in JUVIS*"). Since each system may define a "case" or a referral to juvenile court somewhat differently, no mechanism exists whereby information from different systems can be easily merged or matched. As a result, researchers or court staff must often make educated guesses based upon attributes of cases (e.g., defendant's name, the date of the offense or referral, the type of offense) about the comparability of information between systems. This often proves difficult because it may be impossible to identify with certainty whether defendants or cases in one system exist in another system.

**B. Definitional Problems in Information Collected and Maintained in JUVIS**

A seeming simple yet pivotal issue in research on juvenile offenders and their cases in Washington State is how a "case" and an "offender" are operationally defined in JUVIS and other information systems. This issue has significant implications for statewide analyses of court processing and workload. Operational definitions of "cases" and "offenders" influence estimates of the overall volume of work processed by the courts and the results of analyses of how special populations of persons are handled by the courts. The issue of operational definitions also raises serious challenges for research on statewide policies or practices because courts vary in how they define what constitutes a "case" (see section on "*Variation Across Counties in Information Entered in JUVIS*"). This problem is exemplified in how referrals to juvenile court are handled in JUVIS statewide.

In the JUVIS system, referrals are defined by the referral sequence numbers created by each court when a case is received from police and entered into the information system.

Offenses entered into JUVIS on a single referral are given sequence numbers within blocks of 10 (e.g., 10 to 19), with up to three offenses appearing on each sequence number. However, there is no single, unique identifier applied to all offenses that constitute a single "case." Because data entry practices vary between courts, unique referral sequence numbers and referral blocks may actually reflect a single "case" as it is handled by the court (e.g., referrals from different agencies, or on different dates, but which essentially stem from the same criminal conduct, and which are processed together, may appear in different referral blocks). Similarly, changes that often occur in the handling of a single case (e.g., charge amendments; diversion rejections or refusals; diversion terminations) may result in new referrals and referral numbers being generated that do not actually indicate new offenses.

In order that analyses accurately reflect the number of truly unique cases, and the outcomes of each case, it is necessary to re-group these referrals in JUVIS. Therefore, for each offender, offenses that have referral sequence numbers within the same referral block of "10", offenses that have the same referral date, and offenses that occurred on the same date (even if referral dates differ), may be combined and treated as a single referral, or case. While the resulting number of cases will inevitably differ from the totals appearing in JUVIS, and may not reflect legally distinct cases in some counties, this approach produces the most useful and reliable unit for making comparisons between counties. Finally, the "year" for each referral is defined by the referral date, not by the date of the offense, filing, adjudication or disposition.

Counties, presumably for sake of efficiency, will often file multiple informations (legal instruments for the filing of criminal charges) for a youth on the same day. This can occur for a number of reasons: prosecutors may receive more than one referral on a youth simultaneously; they may receive additional referrals prior to taking action on earlier referrals, and which may or may not be related to the same criminal conduct (e.g., the youth may be brought in on a new offense while there was a warrant out pertaining to an earlier offense).

Although these informations may be legally distinct, and may stem from distinct referrals, they are often filed, adjudicated, and disposed simultaneously. Unfortunately, researchers often cannot determine when multiple referrals, and the related charges, have been consolidated versus simply being processed simultaneously. Furthermore, different courts and prosecutors have different policies for these situations, so that even if researchers could identify legally distinct cases, it's likely that a set of offenses in one county will be treated as a single case, while in another county the same set of offenses may be defined as multiple cases.

Even if researchers could identify legally distinct cases, it is not clear that they should use those distinct cases as the unit of their analyses. It is not clear how prosecutors and courts view these cases, and it seems unlikely when multiple cases are handled simultaneously that decisions on any one of those cases are independent of decisions made regarding the other cases. How do prosecutors and judges conceptualize a 'case'? Do they view every charge in isolation from the other charges appearing on the same or subsequent referral?



These practices undermine many types of comparisons between courts, including comparisons of charges filed by prosecutors across courts or in differences between police reports of offenses and those reflected in charges filed. In studies of racial disproportionality, these types of comparisons are critical to understanding how juvenile justice officials exercise discretion in their actions that may place minority youth at a greater disadvantage than whites. However, the discrepancies in JUVIS recording practices across courts preclude any analyses of these types of comparisons using JUVIS data.

As noted earlier in this report (see section *Definitional Problems in Information Collected and Maintained in JUVIS*), the operational definition of a referral also differs dramatically across many courts, and even by individual prosecutor within courts. Most of the counties we contacted as part of this study indicated that referrals are initially defined by the police citation. If additional offenses are identified and referred subsequently, even if related to the initial referral, they often defined and processed as separate referrals. Some prosecutors will consolidate referrals when charges are filed, even though this is not reflected in the identification numbers on referrals maintained by JUVIS. However, other prosecutors, at their discretion, separate some citations and referrals, handling them as separate cases, even though the referrals were received by the court on the same day, involve the same defendant, and were delivered to the court by the same law enforcement agency or source.

A final concern about court variation involves the proliferation of local information systems across the state. Given limitations in the types and accessibility of information held in systems like JUVIS (see section below on *Limited Scope of Information Collected and Maintained*), many courts have developed their own local information systems for collecting and managing data on aspects of juvenile justice. The proliferation of these systems has resulted in two types of problems. First, in some instances the systems may not be compatible with statewide systems, even though the systems share common elements of information on youth and their crimes. Second, the development of local information systems has moved some counties away from entering extensive information in the statewide system.

In previous years, these two problems were most notable in King County. Until recently, the Department of Youth Services (DYS) in King County contributed very limited data to JUVIS and relied heavily on their own local information system for the management of information on juvenile cases processed through the King County Superior Court. Although DYS now simultaneously collects and submits information to both JUVIS and its local information system, the two systems are not easily merged and do not contain comparable sets of information on youth and their crimes for King County cases. As a result, any analyses of complex issues in juvenile justice for the state as a whole must manually merge information in the local DYS system with information maintained in JUVIS for the other courts in Washington State.

#### D. Limited Scope of Information Collected and Maintained

A final limitation and concern is the limited scope of information collected in JUVIS and other state-related agencies. At least three categories of information are not routinely collected across courts that have broad relevance to analyses of the disposition and treatment of juvenile offenders:

- Personal characteristics of youth and their families,
- The disposition of referrals across all stages of the court process, and
- Officials' assessments of youth and their crimes.

The remainder of this section of our report discusses these categories of information in greater depth.

##### 1. *Personal Characteristics of Youth and their Families*

Many of the laws and rules governing the administration of juvenile justice in Washington State require that officials make judgments about youth and their crimes based upon information about the likelihood of recidivism or threat to community safety (for example RCW 13.40.040 specifying criteria governing detention decisions). Typically, officials base these judgments on many factors including their assessments of a youth's family circumstances and the youth's performance in school (Bridges et al., 1993). However, information on these important characteristics of youth are not routinely collected and recorded in statewide information systems such as JUVIS despite the fact that they routinely influence how cases are processed by the courts. Without such information, analyses of courts using JUVIS or other statewide data are incapable of describing fully how officials reach important dispositional decisions on youth and their crimes or how factors like race of the accused influences the outcomes of legal proceedings.

##### 2. *The Disposition of Referrals across all Stages of the Court Process*

Information is also needed about the disposition of cases as they proceed through the stages that comprise the administration of justice. As noted earlier in this report, one of the major limitations of current statewide information on juvenile justice is that many courts routinely overwrite initial descriptions of offenses and charges as descriptions change over the course of legal proceedings. This practice eliminates the possibility of analyzing, for example, how officials in Washington State exercise discretion in the disposition of juvenile offenders. In particular, the practice precludes any analysis of how prosecutors exercise discretion in the filing of charges or in the negotiation of guilty pleas. Information is needed that reveals the full disposition of cases at referral, detention, diversion, charging, adjudication and sentencing. The information must reflect not only the disposition of cases at each stage but also permit analysts to track changes in the case as they occur through legal proceedings.

### 3. *Officials' Assessments of Youth and their Crimes*

As cases proceed through the legal process, officials routinely make subjective assessments of youth and their offenses. These assessments play an important role in the administration of juvenile justice (see section III. OFFICIALS' PERCEPTIONS OF OFFENDERS: NEGLECTED CAUSES OF DISPROPORTIONALITY) and directly influence the outcomes of legal proceedings. Despite their importance to these proceedings, however, no information system in Washington State includes any data on the subjective assessments of youth by court officials. Although the assessments are entered into court proceedings as reports (for example, predisposition reports), none of the information included in the reports (e.g., probation officers' assessments of the risk of future crime, probation officers' recommended sentences, prosecutors' recommended sentences) recorded in JUVIS or other automated information systems.

Without this information, it is impossible to explain fully how court officials reach final disposition decisions or to identify the ultimate causes of different case dispositions for youths with similar offense histories who are charged with like categories of crimes. In studies of disproportionality, this information is critical to understanding why minority youth receive more severe penalties for crimes than white youth with similar backgrounds who are charged with similar types of crime. However, because information on officials' assessments of youth and the crimes is not routinely collected in JUVIS or other statewide information systems, studies must collect this information manually from case files, at substantial cost, each time it is needed.

### III. OFFICIALS' PERCEPTIONS OF OFFENDERS: NEGLECTED CAUSES OF DISPROPORTIONALITY

Our 1995 and 1997 reports stressed the importance of addressing the neglected causes of racial disproportionality. In our 1997 study, we asserted:

"Courts must develop, in conjunction with the state judges and prosecutors, measures that reduce the influence of court rules and policies that inadvertently increase the punishments for youth of color accused of crimes. These rules may either involve statutory provisions of the Revised Code of Washington (RCW) or informal policies and rules established by individual courts and prosecutors governing aspects of case processing such as the pre-adjudication release of youth accused of crimes and the filing of criminal charges. For example, the provisions of RCW 13.40.040 specifying criteria for use in detention decisions offer judges no assistance or structure for determining whether a youth is 'likely to fail to appear for further proceedings' or 'is a likely threat to community safety.' Judges must make these determinations without the benefit of knowledge of the characteristics of youth most predictive of failure to appear or the commission of crimes following release."

A critical but overlooked concern in previous studies, in Washington State and other states, is how court officials' perceptions of juvenile offenders contribute to race differences in legal dispositions. To the extent that officials perceive minority juvenile offenders and their crimes differently than whites, they may handle their cases differently. Stereotypes of racial and ethnic minorities are important to understanding officials' perceptions and reactions to minority offenders. Ultimately, court officials must make judgments about character — a youth's attitudes, motivations and background. When stereotypes promote images of minority offenders as particularly predatory or disposed to chronic criminal offending, these offenders may be seen as more dangerous or less amenable to effective treatment. If stereotyped images of offenders influence recommendations for punishment or treatment, they may foster racial disparities in those recommendations that shape the final disposition of criminal cases.

This part of our report examines the role of officials' perceptions in the classification of minority and white youth, and in explaining racial disparities in case outcomes. The primary sources of information used in this part of the study are 233 pre-disposition reports written by probation officers in three Washington counties (King, Pierce and Spokane). These reports represent a sub-sample of reports drawn from a sample of juvenile court cases processed through the courts between 1990 and 1991 (Bridges et al., 1993).<sup>1</sup> The reports offer summary

<sup>1</sup> The original study sample for the three counties included 1,300 cases (400, 400, and 500 cases respectively). The sub-sample used in the present study was drawn as an interval sample — every fourth case was drawn from the larger sample for two counties and every fifth case from the third county. The final sub-sample of reports was 277 cases (23 cases were not available for review because they were in use by probation staff at the time of the sampling). The present study compares African-American and white juveniles only and therefore is limited to 233 of the 277 cases. The sub-sample over-represents defendants with case files that included written documentation about youth and their families. These cases tend to have higher proportions of minorities and juveniles with extensive criminal histories than occur in the population of all youth processed through the courts. In order to adjust for the possible effects of sampling biases associated with these differences, the analyses reported in the present study were also performed with sampling weights. The weighted analyses yielded findings quite similar to those

information about a youth's social history, and include the probation officer's assessment of the likelihood of criminal recidivism and recommendations for sentencing. In each case, the reports are based upon the probation officers' interviews with youth, with his or her family, and from written reports such as school records. The narratives ranged in length from two to twelve single-spaced typed pages of descriptive and evaluative text.<sup>4</sup> Narratives were coded for content relating to probation officer's judgements about youth and their crimes. We analyzed the coded data in a multivariate statistical analysis examining the influence of officers' subjective judgements about offenders and sentence recommendations.

The analysis explored three issues about race, officials' perceptions of youth, and how criminal cases are handled.<sup>5</sup> The first is whether court officials perceive and judge minority offenders differently than similarly situated white offenders. To the extent that court officials perceive minority offenders differently than whites, they may be more likely to perceive their crimes as caused by forces internal to the individual while perceiving crimes committed by whites as caused by external forces. A second issue is whether officials perceive minorities as representing a greater risk than white youth in committing future crimes. To the extent that officials view minority youth as more culpable and more prone to committing crimes than white youth, they may perceive minority offenders as more dangerousness and constituting a great risk of future crime than white offenders. Third, if perceptions play a critical role in legal classification and decision-making, then differential perceptions may contribute directly to race differences in recommended punishments, above and beyond the influence of legally relevant case characteristics.

#### A. Race and Officials' Perceptions of Offenders

The analysis of the report narratives revealed important differences in probation officers' attributions about the causes of crime by whites and blacks. Across the entire sample of cases, probation officers described black and white youth differently, referring more to negative personality traits as causing black youth's crimes and more to negative

---

reported here. Racial differences in attributional stereotypes were strongly associated with differential outcomes in youth's recommended sentences.

<sup>4</sup> The current study draws from the narratives to explore the relationship between race, officials' characterizations of youth, their crimes, and the causes of crime, officials' assessments of the threat of future crime by youth, and their sentence recommendations. The narratives play a pivotal role in juvenile justice decision-making, and are therefore prepared according to specific procedures taught in a training curriculum that probation officers are required to attend. The training manual used by officers in preparing narrative assessments specifies that evaluations of youth and the management of their cases should focus on factors in the offender's background causing his or her criminal behavior:

"It is important that the goals of the case management process are tied to the offense factors identified as being the primary contributors to the offense behavior ... The case worker is ... responsible for providing the community with protection from the offender ... This obligation requires the caseworker to make an effort to determine the RISK (emphasis in original) potential presented by the offender.

"In working with offender population [sic] the in-depth assessment will generally be focussed [sic] in areas that impact offense behavior... It is the goal of the assessment to identify the offender's strengths and weaknesses ... to identify patterns of offense behavior and their early warning signals, and to ... accurately identify the areas that need adjustment if the offender is to change his or her behavior."

Thus, probation officers prepare the narratives in making recommendations about the juvenile's likelihood of future offending and amenability to treatment.

<sup>5</sup> The results reported in this section of the report are taken primarily from a forthcoming research paper, Bridges and Steen (1998).

environmental influences as causing white youth's crimes.<sup>6</sup> These differential perceptions and attributions about youths' crimes are illustrated in the following excerpts drawn from the narratives of similar cases, both seventeen-year-old boys with no prior criminal history who were charged with first degree robbery. Both crimes involved the use of firearms.

In the first case, the offender (Ed) held up a gas station with two friends. In the second case, the offender (Lou) robbed two motels with two friends.<sup>7</sup> No injuries were sustained in either case. Ed is black, and Lou is white. These excerpts illustrate a tendency on the part of probation officers to attribute different causes to similar behaviors, apparently using race as an important marker. In Ed's case, the probation officer attributed Ed's criminal behavior to unremorseful attitudes and an amoral character:

*"This robbery was very dangerous as Ed confronted the victim with a loaded shotgun. He pointed it at the victim and demanded that he place the money in a paper bag. This appears to be a premeditated and willful act by Ed. ... There is an adult quality to this referral. In talking with Ed, what was evident was the relaxed and open way he discussed his lifestyle. There didn't seem to be any desire to change. There was no expression of remorse from the young man. There was no moral content to his comment."*

In contrast, Lou is portrayed as a victim of external circumstances. The probation officer attributed his crimes to a problematic family situation, influences of delinquent friends, and his substance abuse.

*"Lou is the victim of a broken home. He is trying to be his own man, but ... is seemingly easily misled and follows other delinquents against his better judgment. Lou is a tall, emaciated little boy who is terrified by his present predicament. It appears that he is in need of drug/alcohol evaluation and treatment."*

## B. Race and the Risk of Future Crime

The analysis also examined probation officers' judgements of the risk of re-offending for minority and white youth. Not surprisingly, youth with prior histories of delinquent offending, those who committed more serious (violent) offenses, and those judged by the court as dangerous enough to be detained prior to adjudication were described as having a higher risk of future offending. In contrast, none of the demographic characteristics of youth, including race, were associated with perceived risk after adjusting for these factors.<sup>8</sup> The single most influential factor in our analysis of race differences in perceived risk is probation officers' subjective judgements about the causes of crime. Youths whose crimes were attributed to negative personality traits were much *more likely* to be viewed

<sup>6</sup> See Bridges and Sreen (1998).

<sup>7</sup> Pseudonyms have been used in both cases.

<sup>8</sup> It is surprising, given previous research (Staffensmeier and Terry, 1993; Daly, 1994), that gender does not have a significant effect on any of the dependent variables. The lack of significant findings is likely due to the small number of females in the sample (21 of the 233 cases). While not statistically significant, the effects of gender were such that females received lower risk assessments and shorter recommended sentences.

by probation officers as "responsible" for their offenses and as *more prone* to committing future crimes. In contrast, youths whose crimes were attributed to negative environmental factors were *less likely* to be viewed as "responsible" for their offenses and *less prone* to committing future offenses.

Selected text from the narratives illustrates these processes. Typically, probation officers portray the youth's attitudes – toward the current offense and toward court officials – as a critical indicator of whether the youth has a "proper" attitude toward crime. Youth who acknowledge personal responsibility and who express remorse were portrayed as knowing right from wrong and more likely to avoid further criminal behavior.

*"Chris seems to be fully aware of the mistakes he has made in the past and he has been making deliberate efforts to do better. He seems sincere in his desire to stay out of further trouble with the law. He seems to have gained some insight and maturity in his outlook and appears willing to be more responsible in his behavior. He is making plans for the future and is attempting to put his criminal past behind him. He is not likely to re-offend at this time." (Assessment: low risk)*

A disrespectful attitude, on the other hand, may indicate a lack of understanding of or agreement with the legal order. Youth with poor attitudes were seen as lacking the internal restraints against committing future crimes and are therefore categorized as having higher risks to re-offend:

*"Jason takes little responsibility for his actions and seems to be unaffected by consequences to date. This officer would not be surprised to see Jason re-offend in the future based on his lack of respect for the property of others, his disregard for the law, and his desire to experience the thrill of the moment. Jason demonstrates little, if any, remorse for his actions and seems to only be sorry that he got caught." (Assessment: high risk)*

Court officials also viewed the family as a controlling structure with the ability to perform the same control functions as the justice system. If a probation officer viewed a youth's family as able to control the youth's behavior, he or she was likely to assess the youth as a lower risk to re-offend than a youth whose parents are viewed as lacking control over the youth. The following case illustrates this point.

*"Sean is a likable and typical sixteen year old. The theft was out of character for him. He comes from a stable family which supplies a lot of love and support. They also provide discipline and guidance. The relationships within the family appear positive and constructive. Sean is sure he will never be back before the court." (Assessment: low risk)*

While probation officers clearly viewed family as the most important element of control in a youth's life, drug and alcohol use were also seen as serious inhibitors to internal controls. Youth with serious addictions were often deemed unable to control his/her

criminal behavior in the future because of the physical effects of alcohol and/or drugs. For example,

*"Margaret is definitely unmanageable in the community. It is clear that until Margaret's addiction is adequately addressed, her behavior patterns will not change and are, in fact, likely to only escalate. It is clear that Margaret is not able to function in a responsible manner without a great deal of enforced structure. It is felt that such structure can best be provided for her within the juvenile justice system." (Assessment: high risk)*

Similarly, youth who have family members or friends who are engaged in criminal behavior, who use drugs or alcohol, or who lack motivation for employment and other conventional activities, were seen as having a higher risk to re-offend.

*"It appears that Joseph's family has been very dysfunctional for some time. Joseph did not have a positive role model. His family members had some serious problems with drugs and alcohol, which led to problems with the law. The family has enabled Joseph to continue in the pattern he is in now. If Joseph doesn't get help now, he will be a very high risk to re-offend." (Assessment: high risk)*

The counterpart to such "dysfunctional" families or criminally oriented peer groups is an environment that serves as a positive influence on the youth's behavior.

*"Reggie has made a positive attempt to change his behavior. He no longer associates with his old friends, has made new friends through his church, and attends group counseling on Sundays...Reggie seemed very adamant that he was not going to reoffend because his work and family mean too much to him." (Assessment: low risk)*

Probation officers interpreted school performance as both an investment in the future (and, therefore, an incentive to avoid criminal behavior) and as a willingness to engage in one's own treatment. Lack of engagement in school was interpreted as a sign of selfishness and as a lack of maturity, both of which were viewed as risk factors, making a youth more likely to engage in criminal behavior.

*"It appears to me that Allen has no strong aspirations academically or vocationally and no desire to please anyone other than himself. His egocentric attitude and apparent indifference to others often throw him into conflicts with authority figures at school and in the community." (Assessment: high risk)*

### C. Race, Perceived Risk and Recommended Sentences

Finally, the analysis examined probation officers' sentence recommendations in light of their assessments of offenders and the perceived risk of future crimes. Probation officers were much more likely to recommend longer sentences – that is, sentences that exceeded the standard range specified under the state's sentencing guidelines – for youth whose crimes they attributed to negative personality traits and for those they perceived as having a particularly high risk of future crime. These differences in recommended sentences persisted in the analysis even after we adjusted for differences among youth in the nature of the offense, the offenders' offense history and other important offender characteristics.

Overall, these findings reveal three important processes in the classification of youth that may produce racial disparities in disposition. First, probation officers consistently portrayed black youth differently than whites in written court reports, more frequently attributing blacks' delinquency to negative attitudinal and personality traits. In contrast, depictions of white youth more frequently stressed the influence of the individual's surrounding social environment including factors such as bad peer influences or dysfunctional families. Second, attributions about youth played an important role in shaping assessments of the threat of future crime and sentence recommendations. Court officials relied more heavily on negative internal attributions (e.g., personality traits) than the severity of the youth's crime or his or her prior criminal history in determining the likelihood of recidivism. Finally, perceptions and attributions about youth and their crimes were a mechanism by which race influenced judgments of dangerousness and sentencing recommendations. Insofar as probation officers judged black youth to be more dangerous than whites, they did so because they attributed black crime to negative personality or attitudinal traits of black offenders. Insofar as officials recommended more severe sentences for black youth than whites, they did so because they routinely recommended severe sentences for youth whose crimes they attribute to negative personality traits and who they perceive as more dangerous than others.

## V. SUMMARY AND RECOMMENDATIONS

The findings of this study underscore the importance of collecting more extensive and more reliable information on youth processed through the juvenile courts in Washington State. Current statewide information on juvenile justice suffers serious shortcomings resulting from inadequate linkages across state information systems, definitional problems in the types of information collected and maintained, significant variation across courts in the information that is routinely collected, and limited content and scope of information that is retained. Reforms of statewide information systems that address and remedy these shortcomings are much needed.

An equally important finding of this study is the role that probation officers' subjective assessments of minority youth may play in sentencing recommendations. Probation officers perceive minority youth as having greater risks of re-offending than whites in part because they perceive the causes of their crimes to be different. Whereas probation officers consistently described the offenses of white youth as caused by external environmental influences, they were more likely to describe the offenses of minority youth as being caused by negative personality traits. These differential assessments of youth influence sentence recommendations above and beyond the factors prescribed by the laws of the state (e.g., severity of offense, extensiveness of prior criminal history and age). This finding raises the concern that probation officers' personal beliefs and stereotypes of minority youth may play a greater role in the administration of juvenile justice than previously thought.

### Recommendations for Policy

Corresponding to the study's main findings are two main areas for policy initiatives. These are as follows:

- Modification of Statewide Information Systems on the Administration of Juvenile Justice, and
- Re-examination of Training for Probation Officers and other Juvenile Court Personnel.

#### A. Modification of Statewide Information Systems on the Administration of Juvenile Justice

The serious shortcomings in information and information systems on the administration of juvenile justice are widely recognized by researchers and court administrators in Washington State. Despite consistent calls over the past decade for improved information on the processing of criminal cases in Washington State, there remains a critical need for an improved statewide infrastructure of information on youth processed through the juvenile courts. In our 1993 study, we noted:

"A statewide automated information system ... may be achieved either through significant enhancements and improvements in the existing information system



A significant challenge in achieving these objectives and successfully implementing a dramatically enhanced statewide information system is obtaining full cooperation and participation from each court. Particularly important to this endeavor is the Department of Youth Services in King County. Unless King County cases are fully integrated into the statewide base of information, the enhanced system will have limited value for analyses of statewide trends in the juvenile justice. Every effort must therefore be made to ensure that all courts, and particularly King County, participate fully in the design and implementation of the enhanced system.

#### **B. Re-examination of Training for Probation Officers and other Juvenile Court Personnel**

Our 1995 and 1997 reports stressed the importance of addressing the neglected causes of racial disproportionality. In those reports we recommended that courts develop, in conjunction with the state judges and prosecutors, measures that reduce the influence of court rules and policies that inadvertently increase the punishments for youth of color accused of crimes. However, development of the measures proceeded slowly. Judges and other court officials had extremely limited information on the precise causes of disproportionality and therefore experienced difficulty in identifying programs that could address the causes.

The findings of the present study suggest that one source of disproportionality may be the perceptions and attitudes of court personnel. That probation officers' personal beliefs and perceptions of minority youth contribute to differentials in recommendations for treatment is problematic and implies that current training of probation staff may be inadequate. To address this problem, curricula for training court personnel should be re-examined and, if necessary, re-structured. Prejudicial beliefs about minorities must not influence assessments of youth, the perceived likelihood of risk of re-offense and final sentence recommendations.

A critical factor in juvenile services training is the development of skills in the assessment of youth (see Juvenile Services Academy: Field, Criminal Justice Training Commission, 1996-1997, pp. 28-30). However, our results suggest that probation officers assess the crimes and life situations of minority youth and white youth quite differently, *even when the youths' offenses and backgrounds are similar*. Training for probation officers and court personnel must ensure that assessments of youth and their risk of re-offense are conducted in a manner that treats minority youth and white youth equally. This is not meant to imply that final assessments of risk should or will be equal. Rather, court personnel should be trained, if they are not already, such that the criteria for assessing risk of re-offense or amenability to treatment are applied equally to minority youth and white youth. Finally, training must involve more than a short training session at the start of one's career. Many of the probation staff who completed the assessments used in our study had lengthy careers of probation work with juveniles. To the extent that courts provide little or no continuing education in assessment for court personnel, the courts and the state agencies supporting their work should provide additional active training to remedy the types of problems we have observed.

