

# Racial Politics of Juvenile Justice Policy Support: Juvenile Court Worker Orientations Toward Disproportionate Minority Confinement

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## Abstract

Since 1992 there has been a federal mandate to reduce “disproportionate minority contact” (DMC), that is, juvenile and criminal justice system contact of non-White youth at rates exceeding their representation in the population. There is little research on how juvenile court authorities interpret this problem and their responsibility to address it, yet existing studies suggest that racial attitudes of court workers, and the lack of diversity among these officials, may contribute to DMC. Using a survey of juvenile court workers, the authors consider how court authorities view the importance of addressing disproportionate minority confinement and the individual-level and contextual predictors of these orientations. The authors find significant variation in the extent to which local court workers view DMC as a problem and that racial politics condition these orientations. Their findings support prior work suggesting that courtroom workgroups be seen as collectives that filter and interpret external rules and regulations, such as the DMC Mandate and indicate the significance of race to the focal concerns of court workers. Within limitations of the study, findings suggest racial politics of probation officers and court contexts may impede or promote local responses to the DMC Mandate and that minority representation within the courtroom workforce is an important source of DMC Mandate support.

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In 1974, the federal Juvenile Justice and Delinquency Prevention Act (JJDP) established several mandates for states to meet as a condition of eligibility for federal block grant funding. States were required to de-institutionalize status offenders and other less serious delinquents, separate juveniles from adults in long-term confinement, and remove juveniles from adult jails and lockup facilities (Howell, 1997, p. 33). In 1988, the issue of disproportionate minority confinement was added to the list of issues states were required to address as a condition of formula grant funding. In 1992, growing evidence of minority overrepresentation and lobbying of groups including the National Council of Juvenile and Family Court Judges led Congress to make the DMC Mandate a core requirement for states seeking JJDP funding, tying 25% of funding to their compliance. A 2002 amendment to the DMC Mandate widened its focus to include disproportionate system “contact” (i.e., a broader definition of decision points), rather than merely “confinement” (Leiber, 2002).<sup>1</sup> The mandate requires that states address DMC through five phases: problem identification, assessment, intervention, evaluation, and monitoring (Pope, Lovell, & Hsia, 2002).

Although the federal government has made addressing DMC a core requirement for block grant eligibility and states appear inclined to comply, how local court organizations and authorities relate to the issue of DMC is not well established. There is a sizable criminological literature dedicated to understanding why minority youth are disproportionately involved with the juvenile justice system. These studies generally consider how disproportionate minority youth involvement in juvenile justice relates to differential involvement in crime, differential treatment in justice administration, or both (for reviews see Leiber, 2002; Piquero, 2008; Pope et al., 2002). There is little research, however, on local juvenile court authorities’ attitudes regarding disproportionate minority contact (DMC), including whether they view this as a problem to be addressed, and their support of various interventions (Leiber, 2002; Harig, Amared, & Montfort, 1995; Hoyt, Schiraldi, Smith, & Ziedenberg, 2002). Understanding the local response is important, given the roles of local court communities in justice administration. Stressing the linked local, state, and national challenge of addressing DMC, including the roles of court workers, the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) has stressed that “systematic execution of the local [DMC reduction] plan requires the top-down support from local agency directors and bottom-up support from all line workers and other staff throughout the agencies involved in juvenile justice.”<sup>2</sup>

Prior juvenile and criminal justice research also suggest the importance of local court research to understand how court personnel filter or interpret rules or regulations imposed from without, in relation to focal concerns, resource constraints, and other

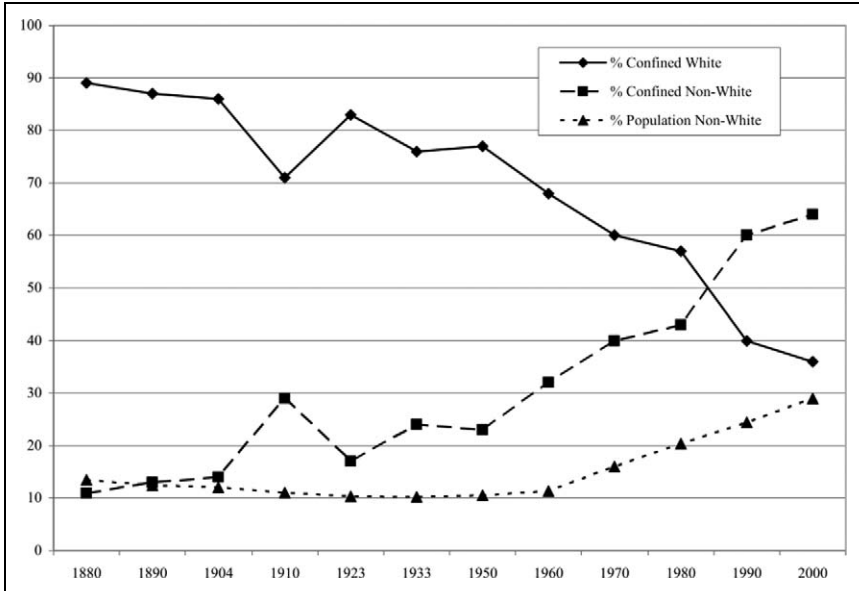
characteristics unique to court organizations (Dixon, 1995; Kupchik, 2006; Ulmer, 1997). Several DMC assessment studies and other relevant research suggests the likelihood that racial politics may condition the attitudes and behaviors of local authorities tasked with addressing DMC (Bridges & Steen, 1998; Graham & Lowery, 2004; Harig et al., 1995; Hoyt et al., 2002; Leiber, 2002; Talley, Rajack-Talley, & Tewksbury, 2005).

This study builds on existing research by considering the problem of disproportionate minority youth contact from a court community rather than case-processing perspective, and identifying bases of variable concern among local juvenile court authorities to address DMC, as mandated by the Federal government. Considering historical aspects of racial inequality in juvenile justice, research on contemporary racial politics, and prior studies of juvenile court personnel, we theorize that individual and area racial politics may condition local court worker's focal concerns regarding the importance of responding to DMC. We analyze data from a survey of probation officers from juvenile courts in four states, considering how individual status and court context characteristics relate to variation in perceived importance of responding to DMC.

### **Assessing DMC: The Need for Further Research on Racial Politics of Court Communities**

In 1992, the U.S. Congress declared addressing the issues of disproportionate minority confinement (later "contact") a core requirement of the JJDP of 1974 (Leiber, 2002). This came at a time of increasingly disproportionate minority youth confinement in juvenile and adult institutions (Figure 1). Disproportionate confinement grew over the course of the 20th century, especially after the 1960s when civil rights reforms forced the racial integration of public institutions, and as shifts in juvenile crime and justice policy yielded a more punitive model of juvenile justice (Feld, 1999; Manella, 1964; Ward & Kupchik, 2009). Proportions of minority youth among those confined or at other points of system contact have been found to exceed their proportion of the at-risk population in the vast majority of U.S. states (Leiber, 2002; Krisberg et al., 1987; Pope et al., 2002). Decision points where disproportionate contact is greatest vary by state and studies find greater overrepresentation in states with small minority populations, which may also be states with limited diversity among juvenile justice authorities (Leiber, 2002; Snyder & Sickmund, 1999).<sup>3</sup>

Having identified DMC, the Mandate requires states and their courts to assess causes, intervene in these dynamics, evaluate reforms, and continue to monitor the situation.<sup>4</sup> Prior assessment research largely uses quantitative analysis of case processing data to assess disproportionate contact at specific decision points (for reviews, see Leiber, 2002; Pope et al., 2002). Studies find minority youth overrepresentation at every relevant decision point (i.e., referral, intake, detention, confinement, and waiver). Latino/Latina, Asian American, and Native American youth are commonly overrepresented and relatively understudied, yet disproportionate contact appears greatest for Black youth (Leiber, 2002, p. 10; Villarruel et al., 2002).



**Figure 1.** Percentage White and non-White in public juvenile carceral institutions and within the U.S. population overall, 1880–2000. Sources: Cahalan (1986), Sickmund, Sladky, and Kang (2005), and Gibson, Jung, and U.S. Bureau of the Census (2002).

Although there is continued debate over how differential minority involvement in crime (Kakar, 2006) and differential selection and processing (Piquero, 2008) relate to DMC, “the preponderance of the research over three decades documents evidence of racial disparities, at least at some stages within the juvenile justice system” (Pope et al. 2002, p. 5). Most DMC research and intervention effort stresses the importance of both perspectives, viewing minority crime reduction and system fairness as equally vital to the elimination of DMC (Office of Juvenile Justice and Delinquency Prevention [OJJDP], 2009). Questions of fairness in case processing are also somewhat separate from questions about behaviors of youth, making “the issue of minority criminality an unnecessary controversy” as addressing DMC is concerned (Leiber, 2002, p. 7; also see Feyerherm, 1996; Piquero, 2008, p. 67).

Analyses of differences in youth outcomes across decision stages clearly inform efforts to ensure fairness in court processing by suggesting a focus on specific processing points and decision-making processes therein. However, more direct research is needed on the racial politics of juvenile court communities where disproportionate contact occurs, and local authorities are expected to comply with DMC reduction efforts (OJJDP, 2009). Understanding how workers in local court communities translate or “filter” the federal DMC Mandate, for example, in weighing its importance, would offer further insight into the need, challenges, and possible strategies of local DMC-related reform (see Savelsberg, 1992).

It is probable that racial politics of court communities shape orientations toward DMC. Prior research suggests racial attitudes of individual decision makers and characteristics of court contexts contribute to DMC and are therefore important to DMC intervention. For one, state DMC assessments using interviews, focus groups, and surveys have suggested that racial biases and diversity among court personnel are relevant to addressing DMC (Hoyt et al., 2002; Leiber, 1993; OJJDP, 1996; Pope et al., 2002, p. 4). Studies in Arizona, California, and Oklahoma found that some juvenile court personnel attributed DMC in part to discriminatory policies and procedures, racial stereotyping, and cultural and language barriers among legal and law enforcement officials (Leiber, 2002, p. 13).

The DMC Mandate has also been racially contentious within certain state and local contexts, which suggests that racial and ethnic groups may be divided on the issue. For example, some Arizona law enforcement and legal officials voiced opposition to the DMC Mandate on grounds that it amounts to an accusation of racism (OJJDP, 1996). A Taskforce on Fairness in Sacramento, California, sought to identify factors contributing to DMC through a cultural audit survey distributed to over one thousand judges, probation officers, deputy sheriffs, assistant district attorneys, and public defenders. Only 30% of the surveys were returned and the taskforce broke down, but researchers concluded that respondents had little understanding of the systemic aspects of DMC and that many were not “culturally competent” to serve diverse Sacramento youth (Hoyt et al., 2002). Officials in New York and Iowa have also suggested that a lack of ethnic diversity in the court workforce, and cultural insensitivity among court workers, contribute to DMC (Harig et al., 1995, cited in Leiber, 2002, p. 14; Leiber, 2003, p. 117).

Other qualitative and experimental research provides further indication that racial attitudes and discriminatory behaviors of court personnel are likely contributors to the problem of DMC, at least in some court contexts, and that diversity among court personnel may be an important factor in DMC intervention (Bridges & Steen, 1998; Chesney-Lind, 1999; Graham & Lowery, 2004). These studies suggest that unconscious or implicit racial biases of juvenile court authorities lead to stereotyping and discrimination in case processing, yielding subtle but compounding disparities resulting in disproportionate confinement and other system contact.

In a study of Iowa’s juvenile justice system, Leiber (1993) found that “race bias was often operating through the [court personnel’s] perceptions of minority youth, in particular, African American youth, that were fostered by stereotyping and strong convictions about middle class values and standards” (cited in Leiber, 2002, p. 12).

In a study of probation officer reports that judges consult in making sanction decisions, Bridges and Steen (1998) observed relationships between a youth’s race and how probation officers characterized youths’ offenses, and this pattern led to more severe sanctioning of Black youth than similarly situated White youth. Although delinquency of White youth was attributed to external pressures (explanations of external causes that limit the perceived threat and culpability of youth), Black youth

with the same case profiles tended to receive internal attributions (assessments as more serious and personally responsible offenders), and these probation assessments encouraged judges to commit Black youth to institutions. The authors note that White probation officers were more likely than their Black counterparts to routinely make negative, internal attributions about Black youth delinquency; however, there were too few Black authorities in the court to test this relationship (Bridges & Steen, 1998, p. 562, n. 11). This study underscores the significant if subtle nature of racial discrimination in sanctioning as well as the intermediate role of probation officers in racially disparate sanctioning and thus the importance of these local authorities in addressing DMC.

A more recent experimental study finds similar mechanisms of attribution mediating the relationship between race of youth and disparate sanctioning in juvenile justice but less evidence of its variation according to the race of the authority. In their study of police and probation officers' unconscious racial stereotypes, Graham and Lowery (2004) observed that authorities viewed delinquents as more culpable, adult-like, and deserving of severe punishment when subliminally cued to their African American racial status, compared to when no racial cue was included in a vignette. Although consciously held ideas about race were unrelated to assessments of hypothetical (property and drug) offenders, subliminally activated biases did affect evaluations and proposed sanctioning of juvenile crime. Status characteristics of authorities in the experiment, including gender and ethnicity, were unrelated to these influences of unconscious stereotypes on assessments of culpability, likely recidivism, and deserved punishment (Graham & Lowery, 2004, p. 499).

In summary, prior research suggests that stereotyping and discrimination disadvantage non-White youth in juvenile court organizations. These racial politics may be contingent on the balance of racial group representation among juvenile court personnel. DMC assessment research observes a significant amount of concern among court personnel that racial biases of juvenile justice authorities at least partially contribute to the problem of DMC (Harig et al., 1995; Hoyt et al., 2002; Leiber, 2002). These concerns are borne out by other research (Bridges & Steen, 1998; Graham & Lowery, 2004). Moreover, court personnel participating in prior assessment studies have specifically encouraged increasing the racial diversity of court authorities as a means of addressing DMC. Although there is little research on the promise of this intervention, there is evidence that minority representation among juvenile court personnel increases sensitivity to issues of justice system accountability, such as system fairness (Ward & Kupchik, 2009), and that greater racial group balance in representation among court authorities relates to greater racial parity in outcomes (Bridges & Steen, 1998; Ward, Farrell, & Rousseau, 2009).

This article considers how racial identities of court personnel, and characteristics of court contexts relate to DMC by examining how probation officers assess the importance of intervening to address in disproportionate minority confinement. To our knowledge, there has been only one published research paper examining juvenile court worker orientations toward the problem of DMC. Talley et al. (2005) surveyed police, judges, county attorneys (prosecutors), public defenders,

department of juvenile justice workers and specialists, and administrative officers of the courts to determine whether they believe there is inequality in juvenile case processing and, if so, what they attribute this to. The authors report two distinct and seemingly contradictory beliefs among respondents: (a) that the juvenile justice system is fair and equitable, due to formal rules and legal criteria that limit individual discretion and (b) that racial bias occurs due to the individual discretion that still exists. Although helpful for illustrating the diversity of views about disparity among officials, the study of Talley et al. leaves much room for further analysis, especially with regard to how characteristics of juvenile court workers and local communities shape concern about DMC and how we might account for this diversity of views. We consider how racial backgrounds of court personnel, characteristics of court contexts, and other factors relate to the perceived importance of DMC as an issue for courts to address.

## **Relating Individual and Court-Contextual Racial Politics to Attitudes Toward DMC**

Existing social science research provides clear reason to expect that racial politics of juvenile justice decision makers and court contexts relate to variation in concern to address disproportionate minority confinement. Our examination of this relationship is not only informed by prior DMC research, but aspects of the racial history of juvenile justice, and contemporary racial theories of “linked fate” (Dawson, 1994; Guinier & Torres, 2003), “racial apathy” (Forman & Lewis, 2006), and “racial group threat” (Blalock, 1967), which may help account for racial politics of DMC policy support.

### *Are Black Professionals More Concerned to Address DMC? A Linked Fate Perspective*

Research suggests that race-defined groups share experiences, which define and link their identities and social outlooks, including policy orientations (Dawson, 1994; Guinier & Torres, 2003; Hochschild & Weaver, 2007). The theory of “linked fate” has been used to explain this relationship, whereby self-interest is associated with group interests on the basis of shared race-based status distinctions and experiences of inequality. Common identity and experience is the basis of an association between one’s life chances and racial group interests, “[where] collective memory . . . transmit[s] from generation to generation a sense that race [is] the defining interest in individuals’ lives and that the well-being of blacks individually and as a group [can] be secured only by continued political and social agitation” (Dawson 1994, p. 51).

The racial history of juvenile justice illustrates this political nature of racial identification and mechanism of linked fate. A century before Congress and other key entities (i.e., the Coalition for Justice and the National Council of Juvenile and Family Court Judges) intervened to address DMC, generations of Black Americans began to organize in opposition to racial inequality in juvenile justice (Johnson, 2004; Leiber,

2002; Mays, 1959; Ward, 2009). Beginning in the late 1890s and continuing through the 1960s, Black civic actors mobilized against Jim Crow juvenile justice systems that privileged White youth and community interests in rehabilitative ideals and denied Black youth and adult access to juvenile justice resources and authority. Through self-help initiative, pressure-group politics, and legal challenges, this Black “child-saving” movement eventually forced the desegregation of American juvenile justice (Ward, 2009). In fact, Black civil rights activists mobilized against *exclusion* of Black youth from juvenile reformatory institutions, seeking to increase Black youth and community access to the proposed benefits of rehabilitation and thus secure their equal protection. Mobilization against inequality in juvenile justice thus initially aimed to increase institutionalization of Black youth on the basis of a belief that collective circumstances were likely to be improved through greater access to juvenile justice resources. These efforts culminated in the forced integration of juvenile reformatory institutions, an important though overlooked factor in the 20th century increase in disproportionate minority confinement.<sup>5</sup>

Importantly, Black community opposition to inequality in juvenile justice not only sought equal protection of Black dependent and delinquent youth but to increase Black representation among juvenile justice authorities. These efforts reflected an expectation that integrated workers would institutionalize the equal rights agenda previously advanced through protest and self-help initiative (Ward, 2009). This expectation manifested in the reform efforts of many Black juvenile court workers, including the first Black woman judge in U.S. history, Judge Jane Bolin, whose position on the bench of the Manhattan Domestic Relations Court (1939–1979) enabled her to discover and challenge practices of racially discriminatory sanctioning. For example, when Judge Bolin discovered that probation officers subtly coded case files of Black and Latino delinquents and dependents to note their racial disqualification for placement in private facilities reserved for White youth, she pressured the chief of probation to end the court practice and helped craft legislation denying city funding to racially segregated placements (Bolin, 1990).

This historically rooted sense of race-based linked fate specific to juvenile justice suggests Black professionals may remain relatively more responsive to measures aiming to increase equality in the administration of juvenile justice, such as the DMC Mandate. Although it might seem that historical interests in increasing Black youth access to institutions would limit Black professional concern to address DMC today, more recent policy changes in American juvenile justice appear to have altered group interests. The push for Black youth access to institutions presumed rehabilitative ideals would continue to guide juvenile justice and did not generally anticipate the retributive turn in juvenile social control after 1970 (Ward & Kupchik, 2009). Although early reformers sought to increase access to rehabilitative ideals through the integration of juvenile justice, contemporary Black professionals and activists including Judge Bolin have lamented this punitive turn and the disproportionate confinement of Black youth in juvenile reformatories, jails, and prisons (Bell & Ridolfi, 2008; Bolin, 1990; Brown, 2002).<sup>6</sup> Indeed, the late Fulton County Juvenile Court Judge Romae T. Powell, the first Black American appointed to a Georgia court, was



president of the National Council of Juvenile and Family Court Judges (NCJFCJ) from 1988 to 1989 and is credited with leading that organization's effort to draw federal attention to DMC (Judicial Council of Georgia, 2003; Leiber, 2002; National Council of Juvenile & Family Court Judges, 1990, iii).

### *Predicting White Professionals' Relative Indifference: A Racial Apathy Perspective*

Prior research suggests that racial animus relates to criminal justice policy orientations including White population support of punitive crime control measures understood to disproportionately affect non-Whites (Bobo & Johnson, 2004; Feld, 1999; Hurwitz & Peffley, 1997; Unnever & Cullen, 2010). Although it is clear that "racial resentments are inextricably entwined in public punitiveness" (Unnever & Cullen, 2010, p. 99), racial politics of punitiveness are also likely to be more subtle and even unconscious in the contemporary period of "color blind racism" (Bonilla-Silva, 2006; Eberhardt, Johnson, Davies, & Purdie-Vaughns, 2006; Rachlinski, Johnson, Wistrich, & Guthrie, 2009). As such, assessments of the importance of an explicitly race-related justice policy, such as the DMC Mandate, are unlikely to invoke overt racial animus. Rather, opposition or indifference toward DMC intervention is more likely to be expressed as "racial apathy," where modern racism manifests more in "a failure to help rather than a conscious desire to hurt" (Sue, 2005, p. 108).

Researchers suggest "racial apathy" has increased since the 1960s, among Whites in particular, not only in the United States but within multiple racialized societies (Forman, 2004; Forman & Lewis, 2006; Pettigrew & Meertens, 1995).<sup>7</sup> These studies note a growing tendency among Whites to express indifference or a lack of sympathy toward racially defined out-groups (Pettigrew & Meertens, 1995), unfamiliarity with issues related to racial and ethnic inequality (Berinsky, 1999, 2002; Forman, 2004), unwillingness to address forms of racially disparate treatment (Goldberg, 2006; Forman & Lewis, 2006), and a proclivity to strategically avoid contact with other ethnoracial groups (Forman & Lewis, 2006). Evidence of racial apathy has been observed in the increased tendency to report neutral positions or "do not know" on social surveys related to issues of race (Forman, 2004) and candid expressions of a lack of interest in matters of racial and ethnic group relations in qualitative interviews (Forman & Lewis, 2006).

Considering prior DMC assessments and other research suggesting the role of racial bias in generating DMC (Bridges & Steen, 1998; Leiber, 2002) and evidence that racial animus underlies support for punitive criminal justice policies notwithstanding racially disproportionate impacts (Unnever & Cullen, 2010), we suspect that White juvenile court workers may be relatively less inclined to support the DMC Mandate. To be sure, many White juvenile court workers are likely to care deeply for youth and communities affected by DMC, to take seriously federal and state charges to address DMC Mandate, and to support the DMC Mandate for these and other reasons. Furthermore, we do not assume Black juvenile court workers today are uniformly inclined toward a particular identity or sense of professional

obligation. Although history suggests Black professionals are more likely to bring unique orientations to juvenile justice administration, especially as racial justice is concerned, it is possible that contemporary Black professionals are rather unlike earlier, activist-oriented generations, and more like White counterparts.<sup>8</sup> Black court workers may also evidence the trend toward racial apathy, for example, perhaps as an expression of what Shelby Steele (1990) termed “racial fatigue”—a general weariness toward racial matters.

However, there is considerable historical and contemporary evidence to suspect relatively greater opposition to the DMC Mandate among White court workers. The key insight of the racial apathy thesis for our purposes is that those who oppose addressing DMC may be less inclined to express direct opposition than to indicate unfamiliarity or indifference. As the DMC Mandate involves an affirmative effort to address apparent racial inequity in juvenile justice (Pope et al., 2002), theories of linked fate and racial apathy suggest that Black and White probation officers will express relatively greater urgency and ambivalence, respectively, about addressing DMC.

### *Considering Court-Contextual Racial Politics: A Power Threat Approach*

Since racial politics are not merely individual-level phenomenon but contextual in nature, our analysis of local DMC orientations also considers court contextual differences related to group threat (Liska, 1992). The theory of racial group “power threat” posits that minorities are disadvantaged through race-based constructions of criminal tendency and responsibility, and the mobilization of resources to punish and control them, under certain demographic, economic, and political conditions. As minorities grow in size and accumulate resources, they threaten majority control, creating “a fear of political power [shifting to] the minority,” and encouraging the majority to work to maintain dominance (Blalock, 1967, p. 147). While empirical support for the power threat thesis in crime control research is mixed, several studies find that size of minority population has a positive or curvilinear effect (initially positive) on the mobilization of police resources and severity of court sanctions, especially where majority groups face socioeconomic marginalization or decline (Crawford, Chiricos, & Kleck, 1998; Kane, 2003; Sampson & Laub, 1993).

From a power threat perspective, differences in court workers’ DMC orientations may relate to several juvenile court context characteristics. First, the theory predicts that large non-White populations are met with social control in an attempt to maintain dominance by Whites; here, we conceptualize control as relative opposition or indifference to addressing DMC. The power threat perspective would predict greater White indifference toward issues of DMC in contexts where minority groups constitute a sizable component of the populations, and thus, a social, economic, or political threat to White group interests (Blalock, 1967; Jackson, 1992).

The power threat thesis also suggests economic inequality may relate to DMC policy orientations. In so far as economic inequality indicates status group competition and status threat, we expect White workers in areas with greater

economic inequality (less status threat) to assign more importance to DMC intervention than White workers in areas of greater economic equality (more status threat), who we expect to demonstrate relatively greater opposition or apathy toward addressing DMC.

### *Beyond Racial Politics: Other Bases of Variation in Attitudes Toward DMC*

It is plausible that court workers perceive the importance of addressing DMC in ways that are more pragmatic and at least somewhat distinct from racial politics. Two issues in particular might shape DMC orientations in this way: crime rates and the extent to which minority youths are disproportionately confined. Prior research suggests that crime rates may influence citizens' perceptions of criminal justice system actions, at least to the extent that crime rates shape fear of victimization. Schwartz, Guo, and Kerbs (1993) suggest that because they are more likely to live in urban areas and fear criminal victimization, Black respondents are more likely than White respondents to support punitive juvenile justice practices. Bobo and Johnson (2004) find that older Black respondents support punitive drug laws, despite their disproportionate impact on Black youth, perhaps due to their resentment of neighborhood drug offenders and fears of victimization. Although fear of victimization may not reflect actual risk or levels of crime, these studies suggest that respondents' perceptions of their surroundings (in this case, crime) shape criminal justice policy preferences in a way that challenges other influences (i.e., in the case of older Blacks—by “decoupling” linked fates with criminally involved Black youth). Respondents in the current study that reside in counties with high crime might be less inclined than others to view DMC as a problem, since they may view it as a necessary evil in the fight against crime.

Another possibility is that concern to address DMC varies with actual rates of DMC; that is, court workers may be more likely to see DMC as a problem in areas where minority youth are disproportionately confined at greater rates. Although this possibility entails the risk of a non-recursive loop, whereby only those who are concerned with DMC investigate how serious a problem it actually is, we nonetheless consider the possibility that variation in concern to address DMC relates to state-level measures of the extent of disproportionate confinement.<sup>9</sup>

### **Data and Method**

This study considers data from a self-administered survey of court workers.<sup>10</sup> Probation officers, judges and referees, and prosecutors and defense attorneys in four Midwestern states (three courts within each) were surveyed regarding their general orientations toward case processing (i.e., rehabilitation vs. punishment) and specific views on promoting accountability in juvenile justice. Although these respondents process and manage a range of juvenile cases—involving dependence, neglect,

custody, and delinquency—the survey focused specifically on orientations toward delinquency case processing.

Respondents participated in the survey voluntarily and were given assurances about the confidentiality of their responses. Potential respondents were obtained through the assistance of court administrators. First, these liaisons were asked to arrange mass meetings where surveys could be administered separately for each group (judges, probation, defense, and prosecution). In most cases, the survey was administered after a regularly scheduled meeting. Realizing that some decision makers would be unable to attend these meetings, court administrators were also asked to provide complete lists of court personnel. Respondents who could not attend meetings were subsequently surveyed by mail.

The original sampling objective was to survey the full population; however, this was not feasible for several reasons. Most notably, court administrators could not equally facilitate or encourage the participation of each group of decision makers. Although these liaisons proved extremely helpful in surveying probation officers, they were less effective in coordinating surveys of judges, defense counsel, and prosecutors. Judges were not subjected to strong urging, given their authority, and because attorneys were often based in offices external to the court, this was true of them to a lesser extent as well. Because the low response rate from judges, prosecutors, and defense counsel introduces a potential for sample selection bias, we restrict our sample to responses of probation officers only. Although this restriction means that we lose the perspectives of other stakeholders, it allows us to have more confidence in the representativeness of our sample to the population of probation officers in the selected counties. Moreover, prior research demonstrates the importance of probation officer's attitudes and practices to racial disparity in juvenile sanctioning, especially through their intermediate evaluation of cases and sanctioning recommendations (Bridges & Steen, 1998). Our final sample includes a sample of  $n = 389$  probation officers based on a 75% survey response rate.<sup>11</sup> Table 1 presents descriptive statistics for the sample.

### *Independent Variables*

The independent variables for this analysis include status characteristics and attitudes of individual probation officers and situational characteristics unique to each court. We use several measures of decision maker status characteristics, all of which were obtained through self-reports. Specifically, the analysis controls for each respondent's gender, age, parental status, and race/ethnicity. In terms of gender, 51% of respondents were male and 49% female. For parental status, respondents with children (56%) were compared to those without.

We use self-reported measures of respondent race/ethnicity to determine whether racial politics shape concern about the problem of DMC. Respondents reported their race/ethnicity categorically—of those who identified with a racial or ethnic group, 66% of respondents identified as non-Hispanic White, 23% as Black, 4% as Hispanic, less than 1% each as Native American and Asian American, and 6% as members of

**Table 1.** Summary and Descriptive Statistics for Variables in Models ( $N = 389$ )

	Frequency	Percentage	M	SD	Cronbach's $\alpha$
Independent variables					
Individual status characteristics:					
Age			36.8	9.3	
Female	209	53.7			
Race:					
Black	96	24.7			
White	247	63.5			
Other	46	11.8			
Have kids	213	54.8			
Attitudes about juvenile justice:					
Control of minorities					
Moral character index			4.1	0.6	0.77
Legal index			4.3	0.6	0.58
Treatment index			4.2	0.5	0.78
Punishment index			3.4	0.7	0.73
Victim index			3.9	0.6	0.66
Contextual issues					
Income equality (unstandardized)			0.6	0.1	
Percent non-White (unstandardized)			27.2	8.5	
Delinquency petition rate			6.3	4.0	
DMC Rate			2.3	0.3	
Dependent variable:					
Disagreement that DMC is a problem	84	21.6			
Neither disagree nor agree	118	30.3			
Agreement that DMC is a problem	187	48.1			

Note. DMC = disproportionate minority confinement.

“other” racial and ethnic groups. Since small cell sizes prohibit an analysis of multiple racial and ethnic group differences, and given the established importance of juvenile justice reform to Black politics, for analytic purposes, race was collapsed into three categories: Black, White, and all others. We include in our models dummy variables for White and other race/ethnicity, which indicate how these respondents differ from our reference category, Black respondents.

We also include two variables that measure county-level population factors that may be relevant to whether probation officers feel socially threatened: the proportion of each county's population that is non-White, according to 1990 Census data, and the 1999 ratio of per capita income among Blacks to per capita income among Whites, also using Census data. Lower values of this racial economic equality variable thus indicate greater inequality and higher values (approaching 1.0 or parity) indicate greater equality. These two variables allow us to consider whether the size of the non-White population or level of economic equality is related to concern about DMC. We include an interaction term of White respondent and the population proportion

non-White to indicate whether White probation officers in particular respond differently depending on the county population of non-Whites. We also include the interaction of White respondent and the income equality ratio, which would indicate whether Whites respond differently depending on the extent of race-related economic equality.<sup>12</sup> To reduce the problem of multicollinearity, and to accommodate the limited variance of these measures, we use the standardized version of each of these two variables (income equality and proportion non-White) as both our main effects and in computing the interaction terms.

To examine the effect of situational or pragmatic issues facing the court, we include variables for the actual rate of minority youth overrepresentation in confinement and the juvenile court caseload. We measure overrepresentation at the state level, since in each state, counties share correctional institutions and thus county-specific figures are difficult to come by (and probably are not known by the court staff). We calculate the minority overrepresentation rate as the percentage of racial/ethnic minority youth among the state's incarcerated youth divided by the percentage of the state's juvenile population (younger than 18) that are racial/ethnic minorities. Importantly, this calculation varies from the way that DMC is calculated by the OJJDP, and thus our measure is not equivalent to the official measure of DMC. This official DMC measurement uses a relative rate index at each stage of case processing. To consider DMC at sentencing using the OJJDP method, for example, one would divide the incarceration rate for White youth by the incarceration rate for minority youth, with each incarceration rate representing the proportion of racial group-specific cases adjudicated delinquent that result in incarceration (see OJJDP, 2009). We use our alternate measure because it mirrors our dependent variable, which focuses on overrepresentation rather than relative rates of confinement. Thus, when we predict the likelihood that respondents agree that minority *overrepresentation* is a problem, we control for the extent to which minority youth are in fact overrepresented—the extent to which they are incarcerated at a frequency disproportionate to their representation in the population.

As a proxy for county-level crime rates, we include each county's 1998 juvenile court delinquency petition rate per 1,000 youth; these data come from the National Center for Juvenile Justice.<sup>13</sup> We include petition rates rather than arrest rates because the counties included in our study did not all report valid arrest rates for 1998, yet we do have valid data on petition rates. Any harm in our use of petitions as a proxy for juvenile crime rates is mitigated by the fact that our respondents are all justice professionals, thus the court's caseload is likely their primary indicator of how much crime is occurring in the county. Moreover, since petition rates only include arrests that pass an initial screening, they may be more valid indicators of actual crime rates than arrest statistics, which are commonly used to indicate crime rates.

Since probation officers' predispositions and perspectives on the juvenile court's function or purpose might shape their thoughts on the problem of DMC, we also include several variables that control for their views about juvenile justice administration. We include indexes that measure the extent to which respondents place importance on (a) juvenile defendants' moral character (moral character index), (b) upholding formal legal rules in juvenile court (legal index), (c) seeking justice for

victims of juvenile crime (victim index), (d) rehabilitative treatment for juvenile delinquents (treatment index), and (e) punishment in response to juvenile crime (punishment index). These indexes, most of which were used in prior analyses with these data (Ward & Kupchik, 2010), are described further in the Appendix. We also include responses to a question in the survey that addresses respondents' views on race and criminality; this item (control of minorities) is the level of agreement (along a 5-point scale) to the statement: "Minority youth often require more restraint." Although these attitudinal variables are not specifically related to our theoretical interests, by controlling for them, we can better isolate how variables of theoretical interest (above) relate to concern about DMC.<sup>14</sup>

### *Dependent Variable*

Our dependent variable measures perceptions of the seriousness of DMC as a problem for juvenile justice authorities to address. These attitudes were measured in the context of a larger survey focused on juvenile court worker orientations toward accountability-based juvenile justice and its implications for decision making. A primary objective of the research was to assess orientations toward individual (youth) and institutional (system) accountability in juvenile justice. Perceptions of the importance of DMC intervention were among the measures devised to assess "system accountability" orientations (Ward & Kupchik, 2009).

The issue of DMC intervention was introduced in a series of questions about the kinds of institutional responses juvenile delinquency and justice require, focusing on actions court officers should take to address these issues. Our dependent variable is based on responses to a question measuring agreement with the following statement: "Minority overrepresentation is a serious problem facing decision makers in juvenile justice." Respondents answered this question along a 5-point scale, with the middle-category indicating "neither disagree nor agree." Since we are theoretically interested in levels of opposition to addressing DMC, apathy (i.e., indifference or unfamiliarity), and concern to address DMC, we recoded responses into three categories: strongly disagree/disagree; neither disagree nor agree; and strongly agree/agree. As the federal mandate to address disproportionate minority confinement remained in effect at the time of this survey, and minority youth were significantly overrepresented in each of the states surveyed, it is reasonable to expect wide agreement that DMC is a serious problem requiring juvenile justice intervention.

### *Analytic Strategy*

We begin our analyses by exploring the bivariate relationship between our key independent variable, race/ethnicity, and our dependent variable. We then continue by examining how race/ethnicity and situational factors shape concern over DMC by analyzing the survey data using multinomial logistic regression models. Multinomial logistic models are used when one's dependent variable includes distinct, non-ordered values; multinomial models estimate how each independent variable is

related to the odds that a respondent is in one category of the dependent variable rather than a contrast category. We treat our dependent variable as non-ordered to consider neutral responses as a separate category, rather than assuming that a neutral response represents a certain (ordered) level of agreement. Given the reality of persistent minority youth overrepresentation and the federal mandate to focus on the problem of DMC, we take agreement that overrepresentation is a problem to be the default response. This means our models estimate how each independent variable shapes the odds that a respondent (a) offered a neutral response rather than agreement that it is a problem and (b) disagreed that overrepresentation is a problem rather than agreed. These analyses, which we performed in STATA SE9, also include a robust cluster by county; this adjusts standard errors to account for similarities among cases within the same county, and the lack of similarity across counties.<sup>15</sup>

## Findings

Despite the fact that the federal government defines DMC as a problem that states must address, we find only partial agreement among respondents that “minority overrepresentation is a serious problem facing juvenile justice decision makers” and considerable apathy among some categories of probation officers. As shown in Table 2, less than one half of respondents agree or strongly agree with this statement.

### *Bivariate Results*

When we consider variation among court workers and their agreement that DMC is a problem, we begin to see some support for our hypotheses. Bivariate analyses show significant relationships between concern over DMC and race/ethnicity. As shown in Table 2, Black probation officers are far more likely than others to view minority overrepresentation as a major problem facing juvenile justice decision makers (chi-square = 26.88,  $p < .001$ ). Compared to only 41% of White and 39% of other non-Black respondents, 70% of Black probation officers agree that minority overrepresentation is a serious problem. Interestingly, “other” non-White respondents are most likely to minimize the significance of minority overrepresentation, however, the extremely small size of this group of professionals in our sample prevents us from drawing a strong conclusion from this observation.<sup>16</sup>

### *Multivariate Results*

In Table 3, we report results of our multinomial logistic regression. With three categories of our dependent variable, the procedure produces two models: one comparing the odds of disagreeing that overrepresentation is a problem relative to agreeing and the other comparing the odds of being neutral relative to agreeing. The results correspond to several expectations regarding the significance of racial politics to local DMC policy orientations. Coefficients for Whites and other respondents are



**Table 2.** Responses (Recoded) to Whether or Not DMC is a Problem for Court to Address, by Race

% of Respondents Who:	Total	White	Black	Other
Strongly disagree/disagree	21.6	24.3	9.4	32.6
Neither disagree nor agree	30.3	34.4	20.8	28.3
Strongly agree/agree	48.1	41.3	69.8	39.1

Note. DMC = disproportionate minority confinement. Chi-square = 26.88.  
 $p < .001$ .

statistically significant in both multivariate models. This suggests White probation officers and those of “other” races/ethnicities are more likely than Blacks to disagree that overrepresentation is a problem for the court to address and more likely than Blacks to be neutral or ambivalent about the problem.

The results also suggest that racial politics are contextual as well as individual, though the direction of the effect varies based on what comparison one is making. Consistent with our expectations, we find that when income equality is higher (which we use as a proxy of group threat), probation officers are more likely to disagree that minority overrepresentation is a problem. However, contrary to our expectation, higher rates of income equality also predict a *lower* likelihood of neutrality rather than agreement that overrepresentation is a problem. The interaction terms for White by income equality are likewise inconsistent; White probation officers in counties with higher income equality are less likely than others to disagree and more likely to be neutral toward DMC intervention. The only statistically significant coefficient for the proportion non-White is the interaction between White and proportion non-White—this variable indicates that in counties with larger non-White populations, White probation officers are more likely than others to be neutral (rather than agreeing) that minority overrepresentation is a problem. Although we interpret these results cautiously, given their limited variation (they are county measures, not individual measures), they suggest that White and non-White probation officers respond differently to contextual racial politics.

Results for our situational variables, delinquency petition rate and levels of minority youth overrepresentation, are mixed. We find no significant relationship between delinquency petition rate and orientation toward DMC. However, the state measure of minority youth overrepresentation is a significant and negative predictor of disagreement that DMC is a problem to address. That is, in states with higher levels of disproportionate minority confinement, probation officers are less likely to disagree that there is a need to intervene in overrepresentation.

In sum, the results support several but not all of our expectations. Most importantly, we find that Black respondents are indeed more inclined toward DMC intervention than either White respondents or those identifying as members of other racial/ethnic groups. Moreover, we also find that economic equality and the size of the Black population are related to Whites’ perceptions of the importance of this policy issue. Thus, racial politics shape orientations toward DMC at both the individual and the contextual levels.

**Table 3.** MULTINOMIAL Logistic Regression (Exp(B)) of Disagreement/Neutrality That DMC is Problem for Court to Address (Each Model Relative to Agreement)

	Disagreement/Strong Disagreement Exp(B)	Neither Disagree nor Agree Exp(B)
Individual status characteristics		
Age	0.97 (.02)	0.97 (0.02)
Female	0.65 (.20)	1.18 (0.23)
Race/ethnicity (contrast = Black)		
White	5.34 (1.77)***	3.54 (0.99)***
Other	5.61 (2.27)***	2.30 (0.90)*
Parent	1.10 (0.24)	1.04 (0.23)
Attitudes about Juvenile Justice		
Control of minorities	0.99 (0.16)	1.18 (0.21)
Moral character index	1.21 (0.34)	1.00 (0.20)
Legal index	0.93 (0.20)	0.67 (0.18)
Treatment index	0.74 (0.32)	0.86 (0.15)
Punishment index	1.86 (0.53)*	1.35 (0.25)
Victim index	0.65 (0.12)*	1.00 (0.23)
County demographics		
Proportion non-White	1.47 (0.33)	0.70 (0.19)
White × Proportion Non-White	0.74 (0.21)	1.44 (0.23)*
Income equality	1.67 (0.28)**	0.50 (0.08)***
White × Income Equality	0.66 (0.09)**	1.75 (0.19)***
Situational factors		
Delinquency petition rate	1.09 (0.06)	0.93 (0.05)
Minority overrepresentation	0.08 (0.03)***	1.38 (0.59)
Log pseudolikelihood	-365.86	

Note. Robust standard errors in parentheses.

\*  $p < .05$ . \*\*  $p < .01$ . \*\*\*  $p < .001$ .

## Discussion

Given prior research on racial politics of juvenile justice attitudes and decision making, suggesting subtle but severe biases against Black and other minority youth, it is clear that the orientations of juvenile justice authorities should be a focus of DMC research. The relatively limited technical and academic research on DMC policy orientations suggests that attitudes among court officials and diversity among authorities may be significant to addressing DMC (Leiber, 2002). We set out to assess how racial politics relate to self-reported perceptions of the importance of DMC intervention using a survey of several hundred juvenile probation officers.

Notwithstanding the federal mandate to identify, assess, and intervene in DMC, there are reasons to expect variation in local court orientations. Research on court organizations, the historical racial politics in juvenile justice, and race theory (i.e., linked fate, racial apathy, and racial group power threat), for example, all suggest that local court contexts and authorities within them will respond to the DMC policy in

distinct and conflicting ways. We find strong evidence to support this expectation, especially regarding the influence of racial politics on DMC policy orientations. Black officers are substantially more likely than both White and other racial and ethnic group counterparts to agree that minority overrepresentation is a serious problem for the court to address; these results are robust and consistent. Although our analyses do not reveal underlying bases of these group differences (i.e., the role of racial and other identity), and do not speak to differences in formal DMC policy compliance, Black and non-Black officers we study differ sharply in their self-reported assessments of the importance of DMC intervention.

Our results offer less but still interesting support for expectations that contextual racial politics relate to views toward disproportionate confinement. First, the interaction between White respondent and county proportion non-White suggests that White officers are more likely than others to be neutral toward DMC intervention in counties with large non-White populations. It is possible that racial group threat dynamics encourage this apathetic orientation rather than either opposition or support. The significance of minority population size is interesting in two respects. It suggests the presence of racial threat, in terms of social contact and competition, and also perhaps the significance of “power balance” in the population, which may contribute to some accommodation of White officers in the form of neutrality rather than opposition toward DMC.<sup>17</sup>

We also find that income equality relates to DMC orientation and that White probation officers respond differently to income equality than others. However, results here are somewhat inconsistent with theoretical expectations. In counties with greater income equality between Blacks and Whites, or greater economic competition between the groups, we find that probation officers are likely to disagree that DMC is an important problem to address. Although White officers are *not* more likely to disagree with addressing DMC in contexts of greater equality, as the power threat thesis generally suggests, greater White officer neutrality toward DMC in contexts of income equality is consistent with the power threat thesis (i.e., minority power and accommodation) and contemporary racial theory (i.e., racial apathy; Forman & Lewis, 2006; Turk, 1969). That is, in contexts of greater economic power equality between Whites and Blacks, White officer neutrality may be a form of accommodation, rather than overt opposition or animus toward this race-related reform.

Our findings also indicate that probation officer goal orientations relate to DMC policy support. Officers who prioritize the punitive function of juvenile justice are significantly more likely than others to disagree that DMC is a problem. Interestingly, those embracing a “victims’ rights” agenda are more likely to agree that DMC is an important problem to address, perhaps signaling common concerns for victims of crime and differential treatment in criminal justice.

It does not appear that decision makers are generally unaware of the issue of DMC or that they commonly disregard its importance. Rather, we find that the statistical extent of DMC is also an important predictor of attitudes toward DMC. Not surprisingly, probation officers in states with higher levels of minority overrepresentation

are less likely to disagree that overrepresentation is problem. This suggests that probation officers are generally aware of the extent of DMC, nationally and locally, but divided on their sense of responsibility to do something about it.

Existing research and theory provide some basis for understanding our results. For one, Black probation officer concern to address DMC may be motivated by a relative sense of “linked fate,” tying the well-being of Black respondents to those youth subject to disproportionate contact and confinement. There is also evidence of racial apathy toward DMC among White juvenile court workers. White probation officers in our sample express ambivalence or uncertainty about addressing DMC, both in the overall response patterns and in the case of White officers in contexts of greater minority concentration and economic equality. Although none of the states in our sample have especially small minority populations, which has been shown to relate to greater rates of DMC, it appears that large proportions of White and other non-Black officers distinctively view DMC as a problem for minority youth and communities to address, rather than the court, notwithstanding the congressional mandate.

Questions remain about the relationship between the DMC-related policy orientations and practices of court workers. Our study shows that the uniform federal DMC Mandate, an unambiguous “law on the books,” is differentiated or “filtered” in local court communities by diverse legal actors variously oriented toward DMC policy support. This filtration may also shape various practices related indirectly and directly to DMC intervention. For example, in so far as those opposed or apathetic toward DMC intervention are also more likely to harbor explicit or implicit racial resentments (Unnever & Cullen, 2010), to discriminate in case processing (Bridges & Steen, 1998), or to resist the application of DMC reduction strategies (i.e., local programs), their attitudes may undermine the local impact and national success of the DMC Mandate. As our data do not assess probation officer behaviors understanding the relationship between DMC-related attitudes, actions, and outcomes must await future research.

Meanwhile, this study finds considerable local ambivalence toward addressing DMC, and that support for the DMC Mandate is divided along racial lines. Our findings are not surprising but are rather disconcerting. Given the racial history of American juvenile justice, and research on the contemporary racial politics of juvenile justice attitudes and decision making, it seemed likely to find race-linked orientations toward addressing DMC. The relatively limited existing technical and academic research on DMC policy orientations also suggests that attitudes among court officials and the lack of diversity among authorities are relevant to the problem of DMC. We find clear empirical evidence that White and other non-Black officers are especially ambivalent about addressing DMC, in comparison to Black professional counterparts, and in court contexts of apparently greater racial group threat.

## **Conclusion**

This article considers how racial politics relate to local juvenile court orientations toward DMC by examining how racially and otherwise diverse juvenile court

probation officers situated in multiple court contexts perceive the problem of disproportionate minority confinement. Since the amendment of the JJDP in 1992, nearly every U.S. state has been under a federal government mandate to address the issue of “disproportionate minority confinement” (DMC), that is, incarceration of non-White youths at rates exceeding their representation in the population. Almost two decades later, this disparity continues and states remain obligated to assess the level of overrepresentation, evaluate its sources, and intervene toward its elimination. The persistence of DMC may relate in part to a failure among government and academic researchers to assess professional orientations toward the mandate, including perceptions of the severity of the problem. Based on analyses of DMC orientations among juvenile court professions, we find that individual racial politics and orientations and situational factors all help account for the considerable variation in probation officers’ assessments of the severity of the problem of DMC.

Implications of this research should be considered in light of the limitations of the study. Because this research relies on cross-sectional data to examine probation officers’ attitudes toward DMC, understanding the process in which these attitudes develop is limited. Specifically, we are unable to explore how professional socialization and entrenchment within specific court communities shapes court workers’ support for DMC over time. Court workers are not equally disposed to be concerned about specific juvenile justice policy issues or inclined to seek out information. Understanding the mechanisms of this socialization would inform strategies to increase local agreement about the importance of addressing DMC. A longitudinal study that explores these shifts over time might offer useful insight into how and under what conditions court workers become aware of DMC and inclined to address it.

In addition, future research should consider additional court workers and court communities to assess the determinants of DMC policy support. Probation officers play important intermediate roles in sanctioning decisions, through case evaluation and sanctioning recommendations, for example, which may increase or decrease the likelihood of racially discriminatory sanctioning. However, other juvenile justice authorities including intake officers, prosecutors, and judges are also critical to ensuring equality in sanctioning decisions and their perceptions of the importance of addressing DMC may play a role in conditioning the nature and significance of probation officer orientations, as well as the general impact of the DMC Mandate. Furthermore, the small number and regional concentration of counties in this study limits our assessment of how contextual racial politics (i.e., the population that is non-White, heterogeneity, and economic inequality) relate to concern to address DMC. It is our hope that future research can reexamine these relationships using data that not only include a larger selection of court authorities but also a greater number of counties, which would allow the use of multilevel modeling to estimate contextual effects on DMC policy orientations.

Future research should also consider court workers’ general attitudes (i.e., toward immigration and social welfare), perceptions of fairness in the court system, and identities in more detail. Given that concern to address DMC might be a product of generalized perceptions of unfairness or racist treatment, future research

should account for these background orientations. Furthermore, while we identify a relationship between self-identified racial group membership and DMC policy orientations, it would be helpful to know more about the relevance of racial identity (i.e., perceptions of racial salience and linked fate) to clarify the link between race and the perceived importance of DMC. Finally, whereas our analyses consider the perceived importance of addressing DMC, it would help to know more about how decision makers understand the situation of DMC and what actions they take (or do not take) to address DMC. This would include analyses of compliance with local, state, and federal DMC directives, and how authorities might alternatively seek to address racial inequality in juvenile justice, if not through DMC policy compliance.<sup>18</sup>

We believe our analyses represent an important and unique step in this direction. Notwithstanding its limitations, and given the paucity of court community research on DMC policy orientations, this study usefully underscores the importance of local racial politics to DMC policy support. Our study reveals that race effects are not only relevant to the differential treatment of youth (i.e., in arrest, detention, and imprisonment decisions) but to the attitudes of local authorities charged with administering juvenile justice. Our findings are consistent with a larger body of research finding conscious and latent racial biases in the attitudes and decisions of juvenile justice professionals, and lend stronger empirical support to the importance of equitable racial group representation among juvenile court decision makers, to ensure equality in juvenile justice outcomes. As the issue of DMC is specifically concerned, our findings suggest a wide divide among juvenile court workers, in regards to perceptions of the problem. Our findings support research on racial attitudes suggesting that a concept of “linked fate” binds Black political orientations, in opposing issues of inequality, and that a tendency toward “racial apathy” or indifference toward racial and ethnic issues is distinctly evident among Whites. Whereas prejudice has been long understood as an overt expression of animus toward an out-group, this tendency toward racial apathy indicates a new and more subtle dynamic of disinterest, or lack of care, which nevertheless may contribute to the perpetuation of inequality.

Although our analysis is focused on perceptions of the importance of DMC intervention, not perceptions of the DMC Mandate per se, there is an important connection between the two. Prior research on courtroom workgroups—particularly on how court workers filter laws and regulations to conform to their beliefs, workgroup norms, and surroundings—suggests that court workers’ attitudes may be crucial in explaining why rates of DMC have fallen relatively little despite the federal mandate. For example, in his analysis of how criminal court workers process adolescents who have been transferred to the adult court, Kupchik (2006) finds that when criminal court judges, prosecutors, and defense attorneys are forced to handle cases of adolescents, they abide by cultural norms of reduced culpability for youth even though the law mandates they do otherwise. They “filter” the law by treating these defendants as children in some ways, rather than abiding solely by what the law intends. Studies of adult populations in state and federal courts report similar local influences on policy (e.g., Ulmer, 1997; Ulmer & Kramer, 1998; Savelsberg, 1992).

The federal government provides incentives for states to comply with the DMC Mandate, yet federal and state officials are ultimately dependent on local systems to express compliance and affect changes in DMC, if state and national change is to occur (OJJDP, 2009, p. 3). To the extent local progress in addressing DMC depends on the perceived importance of this problem, our findings reveal inconsistent policy support among juvenile probation officers, and that individual and contextual racial politics are important filters of their concern.

## Appendix

### *Independent Variable Index Items*

The *Moral Character* index measures the importance each respondent places on issues of moral character while making decisions about cases. The index is the average response about the importance respondents place on five characteristics, each of which is answered along a 5-point Likert-type scale ranging from 1 = *not at all important* to 5 = *very important*. The characteristics are:

- Youth's attitude and demeanor
- Youth's drug involvement
- Youth's attendance and/or behavior in school
- Youth's gang association
- Stability of youth's family

The *Victims' Rights* index measures the importance each respondent places on issues of victims' rights or the level of agreement with statements corresponding to an emphasis on justice for victims. The index is the average response about importance of or agreement with five statements, each of which is measured along a 5-point Likert-type scale ranging from 1 = *not at all important* to 5 = *very important* or from 1 = *strongly disagree* to 5 = *strongly agree*. The statements are:

- Repaying the victim or community (how important it should be in making decisions)
- Ensuring the involvement of victims (how important it should be in making decisions)
- More emphasis should be placed on the extent of harm or loss to victims (agreement that this should occur in juvenile court)
- Understanding that offenses harm other people (importance for preventing future crime)
- Being required to pay back victims (importance for preventing future crime)

The *Legal* index measures the importance each respondent places on the severity of adolescents' offenses. The index is the average response about the importance of the following factors for each respondent in recommending a disposition for an adjudicated

delinquent, each measured along a 5-point Likert-type scale ranging from 1 = *not at all important* to 5 = *very important*:

- The youth's present offense
- The youth's prior offense record
- The youth's placement history

The *Treatment* index is the average response to a series of six questions focusing on disposition decision making and general views on "what works" in delinquency case processing. Each question is answered along a 5-point Likert-type scale ranging from 1 = *not at all important* to 5 = *very important*. The treatment questions are as follows:

- How important should *treating the offender* be in dispositional decision-making?
- How important should *improving a juvenile's competence* be in dispositional decision-making?
- How important should *improving a juvenile's pro-social attitudes* be in dispositional decision-making?
- Receiving counseling, therapy, or mental health services* is an important factor in turning juveniles away from further involvement in delinquency and crime.
- Improving school performance* is an important factor in turning juveniles away from further involvement in delinquency and crime.
- Having positive work or employment experiences* is an important factor in turning juveniles away from further involvement in delinquency and crime.

The *Punishment* index is the average response to a series of five questions considering the priority respondents place on punishment in juvenile justice administration. Here again, our punitiveness index is developed from questions focusing on disposition decision making and general views on "what works" in delinquency case processing. These questions also are answered along a 5-point Likert-type scale, measuring either agreement with or perceived importance of the following factors:

- How important should *punishing the offender* be in dispositional decision-making? (Not Important–Extremely Important)
- In my court, *more emphasis should be placed on punishment* in dispositional decision-making. (Disagree–Agree)
- In my court, *more delinquent youth should be transferred* to the adult system. (Disagree–Agree)
- Fearing more severe punishment* is an important factor in turning juveniles away from further involvement in delinquency and crime. (Not Important–Extremely Important)

*Losing freedom through restrictive supervision* is an important factor in turning juveniles away from further involvement in delinquency and crime. (Not Important–Extremely Important)



## Notes

1. The DMC Mandate originates in 1988 Amendments to the Juvenile Justice and Delinquency Prevention Act of 1974 (JJDP) (Public Law 93-415, 42 U.S.C. 5601 et seq.). The JJDP Act of 2002 defined the DMC requirement as follows: “addressing juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups who come into contact with the juvenile justice system.” For a review of the DMC Mandate and related initiatives, see OJJDP (2009).
2. OJJDP (2009) has characterized DMC reduction as a local challenge which, if successfully addressed, will result in national change, explaining: “DMC reduction at the local level at multiple sites collectively reflects DMC reduction at the state level. Likewise, DMC reduction in multiple states leads to DMC reduction at the national level” (p. 3).
3. Although there are no national data on racial and ethnic group representation among juvenile justice authorities, concern about issues of workforce diversity, language ability, and cultural competency has been raised in several state DMC assessments (see Leiber, 2002, p. 12).
4. Section 223(a)(3) of the JJDP) requires the governor in each state that receives formula grants funds must establish an advisory group consisting of a wide range of individuals representing local government, law enforcement, the justice court, a public agency representative concerned with delinquency prevention and treatment, and so forth. Advisory groups consult with the states on juvenile justice issues, including the five DMC requirements, and approve the use of monies for initiatives and programs dealing with juvenile delinquency and DMC (Leiber, 2002, p. 17).
5. The Supreme Court decision in *Brown v. Board of Education* (1954) and subsequent 1960s enforcement rulings specific to juvenile justice, forced the racial integration of juvenile courts and reformatories, especially in the U.S. South (see Manella, 1964).
6. Although many Black Americans support punitive responses to serious juvenile crime (see Bobo & Johnson, 2004; Brown, 2002, pp. 253–260; Brown et al., 2003, chap. 4; Davis, 1990, p. 292), research on juvenile justice policy orientations suggests Black professionals are no more or less punitive than White counterparts and more attuned to issues of fairness (Ward & Kupchik, 2009).
7. Forman (2004) defines “racial apathy” as “[a] lack of feeling or indifference toward societal racial and ethnic inequality and lack of engagement with race-related social issues.”
8. Owing to factors such as professional acculturation, Black class fragmentation, concerns about victimization, and perhaps a less skeptical orientation toward the state in the “post-civil rights” period, Black professionals today may be less inclined than their predecessors to uniquely identify with court-involved Black youth (see, e.g., Bobo & Johnson, 2004). There is also mixed research evidence regarding the relationship between racial and ethnic diversity in the justice workforce and racial parity in justice outcomes (Ward, 2006).
9. A potential problem common to these explanations is that they presume respondents have accurate information about crime rates and levels of DMC. Prior research considering fear of crime finds that many factors influence citizens’ fear, including sex, race, age, class (see Haynie, 1998; Wilcox, Quisenberry, & Jones, 2003), and the sources they rely on for news

(Weitzer & Kubrin, 2004), but that actual crime rates and fear of crime are empirically related (Wilcox et al., 2003). Since our survey respondents are all employees of their county and state juvenile justice systems, we speculate that they will have more realistic perceptions of crime rates and rates of DMC than citizens at large and that these variables are reasonably valid measures, in that court workers will be somewhat aware of their county and state youth crime and DMC rates.

10. The survey was administered from June 1999 to June 2000.
11. Several cases were removed due to missing data. A total of  $n = 494$  probation officers responded to the survey, though 105 of the failed to respond to all of the above questions. Most of these nonresponses (74) were to the question of race/ethnicity. Since this variable is a central piece of our analyses, we excluded these cases rather than imputing data in a way that might substantially alter our results. We also excluded the remaining 31 cases that were missing information on other variables, each of which were missing only a few cases, leaving us with a sample of  $n = 389$ . Overall, the cases dropped due to some missing data appear very similar to the cases we retained when we compared them on other (valid) variables. Specifically, the dropped cases and retained cases differ significantly only regarding race, county-level demographics, and the average score on our treatment index (see below).
12. In early models, we also included coefficients to tests for a curvilinear effect of non-White proportion, as suggested by prior research (Blalock, 1967; Jackson, 1992; Kane, 2003) but removed these measures because they did not improve any of our models.
13. Data were downloaded on November 24, 2008, at <http://www.ojdp.ncjrs.org/ojstatbb/ezaco/>.
14. Multicollinearity diagnostics suggest that the county-level variables (juvenile court petition rate, income equality, and proportion of non-White population) and the rate of minority disproportional incarceration (measured at the state level) are somewhat collinear as one would expect, though the variance inflation factor (VIF) is below 5.5 for all variables. Multicollinearity is not an issue for the remaining independent variables, and the mean VIF is 2.53.
15. Power in multilevel models is sensitive to the number of clusters in the data (Snijders, 2005). Thus, with only 12 counties and 4 states, our data are not well suited for such an analysis.
16. In analyses using the entire sample (available on request), occupational role was significantly related to concern about the problem of minority overrepresentation. By a very wide margin, defense attorneys are most inclined to strongly agree or agree that minority overrepresentation is a problem, followed by probation officers and judges. Few prosecutors express any agreement with this statement. We find similar results when conducting multivariate analyses using the entire sample as well.
17. The “power threat” thesis suggests the predictive impact of minority population on control outcomes will level and decrease as nondominant groups gain presence in the population, and thus capacity to mobilize control resources on their own behalf and to negotiate accommodations of dominant group members (Holmes, Smith, Freng, & Munoz, 2008; Turk, 1969). In this sense, White racial apathy toward DMC intervention (rather than opposition) may be an *accommodation* of minority interests in contexts with larger minority populations.
18. Some officers may be concerned about high rates of overrepresentation but regard DMC as a benign factor or sign of the delivery of court services to populations in need (see Bishop, 2000).

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