



## Juvenile justice sentencing: Do gender and child welfare involvement matter?



Christina C. Tam<sup>a,\*</sup>, Laura S. Abrams<sup>a</sup>, Bridget Freisthler<sup>a</sup>, Joseph P. Ryan<sup>b</sup>

<sup>a</sup> Department of Social Welfare, University of California, Los Angeles, United States

<sup>b</sup> School of Social Work, University of Michigan, United States

### ARTICLE INFO

#### Article history:

Received 30 October 2015

Received in revised form 28 February 2016

Accepted 28 February 2016

Available online 2 March 2016

#### Keywords:

Juvenile justice  
Sentencing disparities  
Gender  
Child welfare  
Crossover youth

### ABSTRACT

For young people who come into contact with the juvenile justice system, how they are sentenced following an arrest may profoundly influence the course of their development and adjustment as adults. Much of the research to date has focused on racial and ethnic disparities in juvenile justice sentencing policies and practices, and less is known about sentencing disparities based on other youth characteristics. Using Los Angeles County administrative data, this study investigates the effects of gender and child welfare statuses on sentencing for young people who are arrested for the first time ( $N = 5061$ ). Results indicate that both young men and women are sentenced more harshly dependent upon the disposition, such that girls were more likely to be sentenced to group homes compared to boys, but boys were more likely to be sentenced to correctional facilities compared to girls. Child welfare-involved youth with a recent placement history are prone to more punitive sentences compared to their non-child welfare counterparts. Further, child welfare young women were not more likely to be sentenced to a harsher disposition compared to child welfare young men or non-child welfare young women. Implications for practice and future research are discussed.

© 2016 Elsevier Ltd. All rights reserved.

### 1. Introduction

Adolescence is a critical stage of development during which profound physical, emotional, and social transitions occur. For young people who come into contact with the juvenile justice system, their interactions with the juvenile court and, in particular, how they are sentenced following an arrest may greatly influence the course of their development and adjustment as adults (Aizer & Doyle, 2013; Bullis & Yovanoff, 2006; Chung, Little, & Steinberg, 2005).

Although rates of juvenile incarceration in the United States (U.S.) declined over 40% in the past 15 years, there are still over 1.2 million minors handled annually in juvenile court (Sickmund, Sladky, & Kang, 2014). Among these cases, 31.1% are dismissed, 36.1% result in a probation sentence, 23.8% receive an “other” type of sentence, such as restitution or community service, and 7.8% are sentenced to an out-of-home placement (Sickmund et al., 2014). When youth are shuffled further into the system (i.e., sentenced to an out-of-home placement), they are more likely to recidivate, have lower educational and vocational attainment, and to experience a host of additional negative consequences (Aizer & Doyle, 2013; Mendel, 2011). Harsher sentencing contributes to recidivism even upon a first arrest (Ryan, Abrams, & Huang, 2014).

Hence, sentencing policies and practices are critical to preventing the harm associated with out-of-home stays and lengthy incarceration.

Sentencing disparities refer to systematic differences for certain groups (e.g., race/ethnicity, gender) in judicial decisions for similar crimes. Much of the research to date has focused on racial and ethnic disparities in juvenile justice sentencing policies and practices (e.g. Bishop, Leiber, & Johnson, 2010, Moore & Padavic, 2010, Rodriguez, 2010). However, less known about other factors, including gender and child welfare status, that may also contribute to sentencing disparities among vulnerable groups of young people. Using Los Angeles County administrative data, this study builds upon this disparities research and investigates gender and child welfare status, both alone and in conjunction, as risk factors for receiving harsher sentences while controlling for crime type.

#### 1.1. Sentencing disparities among juvenile justice youth

Empirical research on disparities in juvenile justice sentencing has focused largely on race and ethnicity. Investigating racial and ethnic disparities is crucial given the disproportionate representation of minorities within the juvenile justice system. While Black youth comprised 16% of the total juvenile population in the U.S. in 2002, they comprised 29% of those referred to juvenile court (Kempf-Leonard, 2007). Further, Black and Hispanic youth were nearly five times and two times, respectively, as likely to be incarcerated as White youth (Bishop, 2005). Racial disparities in sentencing continue to pervade the juvenile

\* Corresponding author.

E-mail addresses: [christinatam@ucla.edu](mailto:christinatam@ucla.edu) (C.C. Tam), [abrams@luskin.ucla.edu](mailto:abrams@luskin.ucla.edu) (L.S. Abrams), [freisthler@luskin.ucla.edu](mailto:freisthler@luskin.ucla.edu) (B. Freisthler), [joryan@umich.edu](mailto:joryan@umich.edu) (J.P. Ryan).

justice system despite federal and local initiatives to address these inequalities (e.g. Cochran & Mears, 2014; Fader, Kurlychek, & Morgan, 2014). Still, additional forms of sentencing disparities may be just as important to understand and address.

### 1.2. Young women in the juvenile justice system

Disparities are likely to exist based on other characteristics of youth aside from race and ethnicity, such as gender. Young women are often expected to conform to traditional gender roles related to passivity (Ayd & Corsaro, 2003), dependence (Whiting & Edwards, 1973), and nurturance (Hill & Lynch, 1983). Authorities may view young women who display aggressive behaviors as troublemakers or criminals (Chesney-Lind & Irwin, 2013) for the same behaviors that they perceive to be more normative for young men (Ayd & Corsaro, 2003; Hill & Lynch, 1983). Reflecting society's changing perspectives on gender norms that occurred throughout the latter twentieth century, new laws were developed in the 1970s to re-label status offenses as delinquency in order to retain control over girls' behaviors (Feld, 2009). Therefore, practitioners, law enforcement personnel, and judicial officials may unconsciously arrest and sentence young women for less serious offenses than young men as a means to protect them from the greater dangers in the community and to keep them off the streets (Chesney-Lind, 1989).

Prior research findings on gender as a main effect in juvenile justice sentencing are mixed. Research in the 1990s uncovered a bias against young men (Bishop & Frazier, 1991; Horowitz & Pottieger, 1991) in sentencing outcomes. Bishop and Frazier (1991) found that males were more likely than females to become incarcerated for similar crimes. Yet Tracy, Kempf-Leonard, and Abramoske-James (2009), analyzing national arrest data, found that while young men and women were referred to court processing at similar rates with respect to their offenses, young women were handled more punitively (Tracy et al., 2009). More recently and although limited to a sample in several select jurisdictions in the U.S., Leiber and Peck's (2012) study indicated the presence of a gender effect at intake (where girls were less likely to be referred to formal processing) and at adjudication, where boys were more likely to move on to this stage, but not with regards to sentencing disposition.

In addition to solely examining the main effects of race or gender, discrepant results exist on the intersection of race and gender. Both Guevara, Herz, and Spohn (2006) and Leiber, Brubaker, and Fox (2009) hypothesized that White females would be treated more leniently and that minority males more harshly, for whom sentencing would be also based on racial and gender stereotypes (e.g. Graham & Lowery, 2004; Leiber, Peck, & Beaudry-Cyr, 2014). However, results were much more complicated in that the outcomes largely depended on the stage of sentencing (e.g., pre-adjudication, disposition). For example, two studies presented opposite findings such that race had a significantly greater effect for females compared to males with regards to the sentencing outcome (Guevara et al., 2006), and White females did not receive differential treatment (Guevara et al., 2006; Leiber et al., 2009). Still, some have found that the effects of race and ethnicity are largely similar across gender groups (Cochran & Mears, 2015). These studies are limited in the sense that they only focus on relatively smaller jurisdictions and may not necessarily be generalizable to larger U.S. counties, but yet they speak to the potential interaction effects between gender and other individual characteristics.

### 1.3. Child welfare youth in the juvenile justice system

Further compounding the possibility of gender and racial disparities in juvenile justice sentencing is the issue of child welfare involvement. Research has found that first time arrested child welfare youth are more likely to be placed in a group home or correctional setting compared to probation only youth (Ryan, Herz, Hernandez, & Marshall, 2007). Oftentimes these youth are documented in either one system only (i.e., juvenile justice or child welfare) or that these systems are

rarely integrated, thus rendering this population relatively hidden in practice and in research (Herz & Ryan, 2008a).

Children come into contact with the child welfare system due to various types of alleged abuse or neglect. The experiences of these young people are typically characterized by high levels of home and school instability (Reich, 2005; Stone, D'andrade, & Austin, 2006), frequent placement moves (Rubin, O'Reilly, Luan, & Localio, 2007; Ryan & Testa, 2005) and, for some, residence in restrictive settings such as group homes and residential treatment facilities (Hawkins-Rodgers, 2007). Compared to young men, a disproportionate number of young women who are referred to the juvenile justice system also have histories of involvement with the child welfare system (Herz & Fontaine, 2013; Herz & Ryan, 2008b).

Child welfare involvement is a risk factor for delinquency such that anywhere from 9% to 29% of maltreated youth become arrested as juveniles (Smith & Thornberry, 1995; Widom & Maxfield, 2001), and a child's removal from his or her home may place that child at risk for later delinquency (Ryan, Marshall, Herz, & Hernandez, 2008). Compared to young people without child welfare system contact, child welfare youth are at elevated risk for emotional and externalizing behavioral problems, which can lead to contact with law enforcement (Kortenkamp & Ehrle, 2002). For instance, adolescents who are placed in out-of-home care may be more likely to run away (Crosland & Dunlap, 2015) or become involved in altercations with staff and other youth (Hyde & Kammerer, 2009), which may subsequently result in an arrest.

Overall, child welfare youth are at greater risk for deeper juvenile justice involvement compared to non-child welfare youth. For example, child welfare youth have an increased risk of group home placement compared to non-child welfare youth with similar crimes (Jonson-Reid & Barth, 2000). Moreover, child welfare youth without prior juvenile justice involvement are more likely to be detained compared to non-system involved youth as they await their trials (Conger & Ross, 2001).

There is also the possibility that court actors may be biased about child welfare youth who interface with the justice system: Given their precarious family histories, child welfare youth may be more likely to be given an out-of-home placement in lieu of probation where familial dysfunction has a decreased likelihood of interrupting the youths' rehabilitation (Fader, Harris, Jones, & Poulin, 2001). Because these youth were already more likely to be situated in an out-of-home placement, they have a greater probability of running away and wards are more likely to call the authorities on these youth should an altercation occurs, subjecting them to warrants for their arrest (Sherman & Balck, 2015). Further, Krinsky (2010) suggested that court actors such as prosecutors and judges might give up on the notion of rehabilitation in favor of public safety—especially given the risky circumstances (e.g., gang involvement to fulfill their family void) in which child welfare youth find themselves.

It is important to explore the presence of child welfare bias in sentencing to ensure that these youth have the same chances relative to their non-child welfare counterparts in a time during which the former group's life chances are already limited. For instance, if child welfare youth are more likely to be sentenced to a correctional setting relative to at-home probation, it is likely that this interrupted course of their development will further derail potential plans that they may have for their future (e.g., decreased chances of continued education, decreased employment prospects due to their juvenile record). Combined with disparities in arrest rates by gender, girls with child welfare histories may be more likely to be given a harsher sentence compared to other youth.

### 1.4. Current study

In this study, we investigate the relationship between gender, child welfare status, and juvenile justice sentencing. Specifically, we pose

Download English Version:

<https://daneshyari.com/en/article/345834>

Download Persian Version:

<https://daneshyari.com/article/345834>

[Daneshyari.com](https://daneshyari.com)