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# Juvenile court in the school-prison nexus: youth punishment, schooling and structures of inequality

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## ABSTRACT

Influenced by Dr. Michael Leiber, a body of juvenile justice research explores how legal, extralegal and institutional decision-making factors racialize the process of punishment. While this scholarship has indirectly considered the role of school-related factors for unequal court outcomes, an interdisciplinary body of work explores the relationship between schooling and criminal justice institutions directly, often under the framework of the *school-to-prison pipeline*. Building on juvenile justice research, and departing from the *pipeline* framing, we utilize the analytic framework of the *school-prison nexus* – which theorizes schools and the criminal justice system as fundamentally and symbiotically linked – to examine the role of school referral source and school enrollment status on differential court outcomes. Our findings highlight the structural and institutional processes behind the relationship between school enrollment and incarceration, and have implications for the ways in which the nexus between schools and juvenile courts entrench broader systems of inequality.

## ARTICLE HISTORY

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## Introduction

Throughout his career, Michael Leiber wrote about the pervasive racial inequalities of the juvenile justice system, including how contextual and extralegal factors intersect to produce disparities in court outcomes (Leiber 2013; Leiber and Brubaker 2010; Leiber and Fox 2005; Leiber and Johnson 2008; Leiber and Stairs 1999; Leiber, Peck, and Beaudry-Cyr 2016; Leiber et al. 2017, 2020). He also highlighted how broader sociopolitical contexts, as well as relationships between juvenile courts and other institutions of social control, impact decision-making in ways that uniquely impact racial/ethnic minority youth (Leiber and Jamieson 1995; Leiber 2000, 2003; Leiber, Woodrick, and Roudebush 1995; Leiber et al. 2002). Research building on Leiber's work has incorporated school-related factors such as 'poor performance' and dropout to examine punishment severity and the disproportionate confinement of youth of color (Bishop, Leiber, and Johnson 2010; Leiber, Bishop, and Chamlin 2011; Pasko and Chesney-Lind 2010).

A parallel body of work explores the salience of an increasingly concretized bond between schools and juvenile courts. The school-prison nexus refers to the web of policies, practices and ideologies that symbiotically link schooling and prison regimes (Rodríguez 2010) in ways that distinctly impact Black and nonwhite youth and compound other forms of structural inequality. While the school-prison link is most often examined through exclusionary discipline policies under the framework of the school-to-prison pipeline (STPP) (Skiba et al. 2014), the school-prison nexus

framework implies that the relationship between schools and prisons is much deeper and more complex, affecting youth in ways that extend beyond direct referrals to the legal system.

By highlighting Leiber's work on the importance of sociopolitical context, compounded disadvantage, and the institutional relationships of juvenile justice, we examine how schools, as a source of juvenile court referral, influence juvenile court outcomes. Further, expanding on the insights of juvenile justice research on school enrollment status, we elevate and center this factor theoretically and analytically. Under the conceptual framework of the school-prison nexus, we explore the structural and institutional processes behind the relationship between school enrollment and juvenile court, in an effort to understand how and through what means the institutional ties between schools and juvenile courts entrench broader systems of inequality. We rely on data from a juvenile court in an urban jurisdiction in the southwest to examine these relationships and present the theoretical and policy implications of our work.

## **Inequality and the juvenile justice system**

Michael Leiber spearheaded a body of literature intent on wrestling with the pervasive racial inequalities of the juvenile justice system. His attention to individual stages of decision-making generated invaluable insight into the contexts under which the harsher treatment of youth of color surfaces most starkly – for example, at intake and earlier stages (Armstrong and Rodriguez 2005; Engen, Steen, and Bridges 2002; Leiber and Stairs 1999; Leiber 2013; Leiber et al. 2002, 2003; Leiber and Johnson 2008; Leiber et al. 2007; Morrow, Dario, and Rodriguez 2015; Peck and Jennings 2016; Rodriguez 2007, 2010) – as well as the ways in which disadvantage accumulates as youth, especially youth of color, acquire prior records (Bishop and Frazier 1988; Leiber and Fox 2005; Leiber, Peck, and Beaudry-Cyr 2016; Leiber et al. 2020; Rodriguez 2010). He began to treat the intake stage of juvenile justice processing as a trichotomy (i.e., differentiating between release and informal adjustment), which revealed racial and ethnic differences not only in who is formally and informally processed, but also in who is afforded (or denied) the benefit of fully evading system ensnarement (Leiber 1994, 1995). A significant contribution stems from his emphasis on extralegal and broader organizational and sociopolitical factors and their influence on how youth are treated.

At the broader level, juvenile justice research shows how institutional relationships, as well as ideological and political context matter for the differential treatment of youth. For example, Black youth are treated more harshly in jurisdictions with greater racial inequalities in income and where juvenile court personnel endorse beliefs in racial differences and punitiveness (Leiber and Stairs 1999; Leiber and Jamieson 1995). Orientations towards punishment vary depending upon juvenile justice decision-makers' roles in the system (Bishop, Leiber, and Johnson 2010; Leiber et al. 2002) and the religious beliefs and endorsements of racial and gender stereotypes, revealing how 'sociocultural contingencies' (Leiber, Woodrick, and Roudebush 1995, p. 443) shape the differential treatment of youth (Leiber 2000; Leiber, Woodrick, and Roudebush 1995).

Such work also illustrates how ideological orientations in other institutions of social control cannot be separated from orientations towards punishment, and exist within the same sociopolitical terrain. This convergence of institutional agencies and actors is significant in light of the fact that juvenile justice processing occurs over multiple stages that are more loosely coupled than they are harmonious (Bishop, Leiber, and Johnson 2010). At different stages of decision-making, different actors, potentially from different institutions, hold varying weight in the process, suggesting that institutional relationships, and accompanying convergent and divergent interests, shape the treatment of youth (Bishop, Leiber, and Johnson 2010).

In addition to broader context, extralegal factors, often treated as individual case-level variables, influence punishment processes. Leiber's research and additional work has exposed how a range of facially neutral extralegal factors such as family status (Bishop, Leiber, and Johnson 2010; Leiber and Fox 2005; Leiber and Mack 2003; Leiber and Stairs 1999), socioeconomic resources (Armstrong and Rodriguez 2005; Clair and Winter 2016) and neighborhood (Rodriguez 2007, 2013) influence the

differential processing and severe treatment of youth of color. This work has been integral in demonstrating how criteria used to assess crime and punish youth are not only socially constructed but are intertwined with deeply rooted racial ideologies and structural arrangements of inequality. Building on this insight, juvenile justice researchers have acknowledged the relevance of school-related factors in court outcomes, including measures such as having difficulty at school and, especially, dropping out.

At a broader level, the social welfare orientation of the juvenile justice system requires that decision-makers consider the other public and private institutions of which youth are a part, such as families, peers and schools (Bishop, Leiber, and Johnson 2010). Though sometimes framed under the rhetoric of needs, assessments of extralegal factors such as progress in school are often conducted in order to predict risk (Mears 2011), and just as often become racially codified (Bishop, Leiber, and Johnson 2010). As such, research on court outcomes generally includes some indication of youths' educational careers. Much of Leiber's own examinations of court outcomes have included measures such as having difficulty at school (i.e., academically or behaviorally, as indicated on 'official' reports) and dropout, each of which, at various stages in processing, are positively associated with punishment severity (Leiber 1994; Leiber & Jameison, 1995; Leiber and Stairs 1999; Leiber and Johnson 2008; Leiber and Mack 2003; Leiber, Peck, and Beaudry-Cyr 2016). For example, youth are more likely to be recommended for further processing at intake when their school records indicate they are experiencing 'problems' in school (Bishop, Leiber, and Johnson 2010; Leiber 1994; Leiber and Jamieson 1995), and are more likely to be formally petitioned (Leiber 1994) and detained (Leiber, Peck, and Beaudry-Cyr 2016) at later processing stages. Additionally, even controlling for legal factors, youth are more likely to receive out-of-home placements when their records indicate that they have dropped out (Bishop, Leiber, and Johnson 2010; Leiber and Johnson 2008). Pasko and Chesney-Lind (2010) interviewed decision-makers and found that perceived or 'officially' reported 'school failure'<sup>1</sup> were important in processing young girls, especially young girls of color. At decision-making stages where there are 'multiple sources of input representing a variety of professional orientations,' such as intake and judicial disposition, school factors appear to play a particularly salient role (Bishop, Leiber, and Johnson 2010, p. 225). Bishop, Leiber, and Johnson (2010) note that these are the 'loosely coupled' stages where input from school officials may directly inform the decisions made by justice system actors; importantly, intake is also the stage where racial inequalities are most pronounced.

This research reveals the salience of school status in juvenile court outcomes. Despite insights on the role of broader context and relationships between court actors and other institutions of control, school-related factors have only been considered in the juvenile justice research as extralegal case variables, and most often as a control measure. This not only presents a gap in our understanding of juvenile justice processing, but begs the question: *In light of overlapping structural inequalities, what are the implications when youths' capacity to engage in school shapes their treatment by the juvenile justice system?* A parallel body of work has begun to address this issue.

## **The school-prison nexus**

The school-prison nexus refers to the complex web of policies, practices and ideologies that symbiotically link schooling and prison regimes (Meiners 2007; Rodríguez 2010; Vaught 2017). This framing captures the institutional relationship between the education and legal systems, which are seen as operating as complementary arms of the carceral state. In this context, the carceral state refers to 'the multiple and intersecting state agencies and institutions that have punishing functions and effectively regulate poor communities: child and family services, welfare/workfare agencies, public education, immigration, health and human services, and more' (Meiners 2011, p. 549). Through the lens of the school-prison nexus, schools and carceral institutions are seen less as distinct organizations and more as 'intentional networks informing each other when an individual is in need of retribution' (Annamma, 2016, p. 1211).

Most research on the school-prison link has been conducted under the framework of the school-to-prison pipeline (STPP) (Wald and Losen 2003), which refers to the processes by which students are pushed out of school and towards the legal system. STPP research focuses predominantly on the role of exclusionary school discipline, such as suspension, expulsion and arrest, in triggering this process. Overwhelming evidence shows that suspensions and expulsions disproportionately penalize Black and non-white youth (Bradshaw et al. 2010; Losen and Gillespie 2012; Morris 2016; Skiba, Peterson, and Williams 1997; Skiba, Shure, and Williams 2012; Sykes et al. 2015; Wallace et al. 2008). Increasingly, school arrests and direct referrals to juvenile court are responses to incidents that amount to normal childhood behavior (Justice Policy Institute 2020; Education Week, 2017; Kupchik 2010; Krezmien et al. 2010). Like other forms of system contact, school arrests disproportionately impact and harm students of color (Whitaker et al. 2019; Department of Education, 2016; Krezmien et al. 2010; NAACP 2006).

Most research on school arrests, as one form of punishment in schools, has focused on the influence of school police on the arrests and referrals of students of color (Gottfredson et al. 2020; Homer and Fisher 2020; Na and Gottfredson 2013; Nance 2016; Theriot 2009; Owens 2017; Weisburst 2019). A limited selection of studies interrogates direct referrals to juvenile courts. These studies confirm that while a majority of all referrals are for non-serious incidents, and while most are ultimately dismissed, Black students are both referred at higher rates and are referred for subjective 'offenses' such as disorderly conduct (Curtis 2014; Wolf 2013). Taking this research further, D'Angelo, Brown, and Strozewski (2013) examined the impact of referral source, including school, social service, family, and juvenile court and law enforcement on disposition decisions. The authors found that school referrals differentially influence the treatment of white and nonwhite youth for out of home, probation with services, and informal adjustment with services outcomes.

Indeed, beyond arrests or direct referrals to the juvenile justice system, research attempting to 'test' and explain the STPP has lent considerable empirical attention to school enrollment or dropout. Both in academic and public discourse, the link between school dropout and incarceration (see e.g., Pettit and Western 2004) is often made, with scholars proposing broadly that 'America's prisons and jails have become repositories for high school dropouts' (Ewert, Sykes, and Pettit 2014, p. 1). Certain criminological research posits that school enrollment is a behavioral factor that links exclusionary discipline to criminal justice contact through school (dis)engagement and juvenile delinquency.

Some criminologists assert that the STPP fundamentally alludes to a link between discipline, school 'failure' or disengagement, and subsequent criminal justice involvement (Rocque 2010; Rocque and Paternoster 2011; Rocque and Snellings 2018). Researchers caution that punitive school discipline has implications for the STPP in that it exacerbates likelihood of dropping out of school (Christle, Jolivet, and Nelson 2007; Fabelo et al. 2011; Lee et al. 2011; Peguero and Bracy 2015), and have proposed that dropping out influences arrest and incarceration rates by exacerbating 'offending' behavior (Anderson 2014; Na, 2017; Krohn et al. 1995; Sweeten, Bushway, and Paternoster 2009). For example, Pesta (2018) examined dropout and childhood delinquency as mediators of out-of-school suspension and expulsion and offending in adulthood. Perhaps most importantly, dropout or disengagement have been posited by STPP scholars as factors that uniquely explain the racially disparate nature of the school-prison link (Rocque 2010; Rocque and Paternoster 2011; Pesta 2018). In other words, racialized school discipline fuels racialized school failure, in turn 'making a life of crime more attractive or more convenient' for minority youth (Rocque and Paternoster 2011, p. 637). Thus, the intertwined relationship between school enrollment and school 'failure' has been more commonly used to explain differential offending rather than differential treatment as the root of pervasive inequalities in both school discipline and formal legal punishment.

In sum, criminological research on the link between schools and prisons has largely been conducted under the framework of the STPP, and has focused on arrests or direct referrals to juvenile court, as well as the significance of school dropout, implying the latter's influence on 'offending' behavior. However, the school-prison nexus framing implies that the relationship between schools and courts is more complex than direct referrals, and that school enrollment is far more than

a behavior predictive of offending. Stated differently, juvenile justice research suggests that both school referral and school status matter as decision-making factors shaped by broader institutional and organizational contexts.

## The current study

In the current study, we bridge Leiber's work on context and juvenile court decision-making processes with insight from STPP research, using the school-prison nexus framework to examine the relationship between school referrals, school enrollment, and juvenile court outcomes. Our goal here is to elevate school factors beyond extralegal or control variables and explore the institutional processes behind their significance in the treatment of youth. In particular, we investigate the institutional interplay between schools and juvenile courts, with a specific interest in its entrenchment of broader structures of inequality.

## Research methodology

In order to examine the research questions, data from the Maricopa County Juvenile Court found in the Arizona Juvenile On-Line Tracking System (JOLTS) database were utilized. These data capture information on youths' court processing from the time the youth is referred to the juvenile court until court disposition.<sup>2</sup>

## Sample and data

All youth referred ( $N = 27,705$ ) in Maricopa County, Arizona during 2005–2006 were drawn from the JOLTS database to examine the juvenile court outcomes. The unit of analysis for this study was the youth. In instances where a youth was referred to the court multiple times during 2005–2006, the first referral in the year was included in the sample. Each youth was followed through three distinct court outcomes.

## Variables

### Dependent variables

Three dependent variables were examined to reflect multiple decision points in the juvenile justice system.<sup>3</sup> The dependent variables include diversion (i.e., informally processed;  $N = 27,705$ ), petition ( $N = 9,222$ ), and judicial dismissals ( $N = 8,725$ ). *Diversion* (yes = 1; no = 0) occurs when the County Attorney decides to not file a petition against the youth but instead places the youth into a diversion program. If the youth complies with the program requirements, the County Attorney will not file charges against the youth. If the youth does not comply with the requirements, a filing of a petition alleging delinquency or incorrigibility could result. The petition process occurs when the County Attorney files a *petition* against a youth alleging delinquency or incorrigibility (yes = 1; no = 0). For youth who had a petition filed, during the adjudication process, the juvenile court judge determines whether to *dismiss* the petition(s) or not (i.e., adjudicate the juvenile as delinquent or as a status offender) (yes = 1; no = 0).<sup>4</sup>

### Independent variables

The two substantive measures of interest are *school status* and *school referral*. We measure *school status* (enrolled in school = 1; not enrolled in school = 0) at the time of court referral and *school referral* (referral was made by a school = 1; referral was made by a police agency = 0). We include extralegal and legal variables found to be important controls in prior research. Among them were demographic indicators such as *gender* (boys = 1; girls = 0), *race/ethnicity* (dummy coded variables for Latinos/as, and Blacks, with Whites as the omitted category<sup>5</sup>), and *age* at time of court referral.

Legal variables included the most serious *offense at referral* (i.e., person felony, person misdemeanor, property felony, property misdemeanor, status offense, with other offenses (drug and public peace offenses) as the reference category) and the number of *prior referrals*.

### Methods of statistical analysis

After various diagnostics were employed to assess collinearity<sup>6</sup>, the analyses consisted of a series of multivariate logistic regressions to investigate the relationship between school factors and the three juvenile court outcomes.

## Findings

### Descriptives

Among youth referred to the juvenile court during 2005–2006, 66% were boys and 34% were girls (see Table 1). Forty-eight percent of youth were White, ten percent were Black, and 41% were Latino/a. At time of referral, the average age of youth was 14.9 years of age. A review of offense at referral shows that five percent of youth were referred for person felony cases, 11% for property felony cases, nine percent for person misdemeanor cases, 20% for property misdemeanor cases, 26% for status offenses, and 30% for other offenses (public peace offense and drug offenses). The average number of prior referrals among youth was .52 (range 0 to 3). Eighty-two percent of youth were attending school at the time of referral and 16% of youth were referred to the juvenile court by a school, with

**Table 1.** Frequencies of independent and dependent variables.

|                                 | %                        |
|---------------------------------|--------------------------|
| <i>Independent Variables</i>    |                          |
| Sex                             |                          |
| Boys                            | 66.1%                    |
| Girls                           | 33.9%                    |
| Race/ethnicity                  |                          |
| White                           | 48.3%                    |
| Black                           | 10.3%                    |
| Latino/a                        | 41.4%                    |
| Age                             | Mean = 14.85 (SD) = 1.79 |
| School Status                   |                          |
| Attending                       | 82.2%                    |
| Not Attending                   | 17.8%                    |
| Type of Referral                |                          |
| School                          | 15.7%                    |
| Police                          | 84.3%                    |
| Referral                        |                          |
| Person-Felony                   | 4.6%                     |
| Person-Misdemeanor              | 9.0%                     |
| Property-Felony                 | 10.8%                    |
| Property-Misdemeanor            | 19.9%                    |
| Status                          | 25.6%                    |
| Other                           | 30.1%                    |
| Prior Referrals                 | Mean = 0.52; (SD) = .94  |
| <i>Dependent Variables</i>      |                          |
| Diversion                       |                          |
| Yes                             | 67%                      |
| No                              | 33%                      |
| Petition <sup>a</sup>           |                          |
| Yes                             | 57%                      |
| No                              | 43%                      |
| Judicial Dismissal <sup>b</sup> |                          |
| Yes                             | 37%                      |
| No                              | 63%                      |

N = 27,705; <sup>a</sup> N = 9,222; <sup>b</sup> N = 8,725

**Table 2.** Logistic regression results: diversion, petition, and judicial dismissal case outcomes.

|                      | Model 1<br><i>Diversion</i> |      |                 | Model 2<br><i>Petition</i> |      |                 | Model 3<br><i>Dismissal</i> |      |                 |
|----------------------|-----------------------------|------|-----------------|----------------------------|------|-----------------|-----------------------------|------|-----------------|
|                      | b                           | s.e. | Odds Ratio      | b                          | s.e. | Odds Ratio      | b                           | s.e. | Odds Ratio      |
| Sex                  | -.017                       | .031 | .983            | .067                       | .111 | 1.069           | -.017                       | .031 | .983            |
| Race/ethnicity       |                             |      |                 |                            |      |                 |                             |      |                 |
| Latino/a             | .018                        | .031 | 1.018           | .167                       | .112 | 1.181           | -.066                       | .052 | .936            |
| Black                | .009                        | .050 | 1.009           | .152                       | .190 | 1.164           | .048                        | .081 | 1.049           |
| Age                  | -.011                       | .008 | .989            | -.028                      | .031 | .972            | -.006                       | .014 | .995            |
| School Referral      | .517                        | .069 | <b>1.677***</b> | 2.045                      | .182 | <b>7.728***</b> | -.107                       | .148 | .899            |
| School Status        | .669                        | .037 | <b>1.952***</b> | -1.511                     | .189 | <b>.221***</b>  | .170                        | .054 | <b>1.185***</b> |
| Person-Misdemeanor   | -.103                       | .051 | <b>.902*</b>    | --                         | --   | --              | .314                        | .079 | <b>1.369***</b> |
| Person-Felony        | 1.803                       | .072 | <b>.165***</b>  | --                         | --   | --              | -1.071                      | .098 | <b>.343***</b>  |
| Property-Misdemeanor | .372                        | .041 | <b>1.450***</b> | --                         | --   | --              | .426                        | .068 | <b>1.531***</b> |
| Property-Felony      | -.961                       | .047 | <b>.382***</b>  | --                         | --   | --              | -.955                       | .076 | <b>.385***</b>  |
| Status               | .780                        | .054 | <b>2.181***</b> | -3.487                     | .121 | <b>.031***</b>  | <b>1.481</b>                | .054 | <b>4.397***</b> |
| Prior referrals      | -.676                       | .016 | <b>.509***</b>  | .567                       | .061 | <b>1.780***</b> | -.264                       | .022 | <b>.768***</b>  |
| Constant             | .626                        | .131 |                 | 4.849                      | .509 |                 | -.437                       | .217 |                 |
| X <sup>2</sup> , df  | 6394.4;12                   |      |                 | 1072.6;8                   |      |                 | 10,185;12                   |      |                 |

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

Reference category includes White youth and other referrals.

84% of referrals coming from police agencies. A review of the dependent variables shows that 67% of cases were diverted or informally processed. Of those cases that were diverted, 57% had a petition filed, and 37% had the petition dismissed. Table 2 presents estimates for the analyses of the three juvenile court outcomes.

### Diversion

We begin by identifying the extent to which school factors impact the initial court outcome of diversion. As shown in Model 1 in Table 2, school referrals ( $b = .517, p = .001$ ) were more likely to be diverted in comparison to police referrals. Importantly, Model 1 also reveals that youth enrolled in school ( $b = .669, p = .001$ ) were more likely to be diverted than youth not enrolled in school. While no demographics were found to be significant correlates of diversion outcome, legally relevant measures were found to significantly influence diversion. In particular, prior referrals ( $b = -.676, p = .001$ ) decreased the likelihood of receiving diversion. Offense seriousness, such as person felony cases ( $b = -1.803, p = .001$ ), property-felony cases ( $b = -.961, p = .001$ ), and person-misdemeanor cases ( $b = -.103, p = .001$ ) were less likely than other cases (public peace offense and drug offenses) to receive diversion. Property-misdemeanor cases ( $b = .372, p = .001$ ) and status offenses ( $b = .780, p = .001$ ) were more likely than other cases to receive diversion.

### Petition filed

Model 2 in Table 2 contains the findings of the petition outcome. Here, we include only those measures that could be incorporated into this model.<sup>7</sup> Findings show that school referrals ( $b = 2.045, p = .001$ ) were more likely to be petitioned than police referrals. Youth enrolled in school ( $b = -1.511, p = .001$ ) were less likely to be petitioned than youth not enrolled in school.

Consistent with findings in the diversion model, no demographics were found to be significant correlates of petition outcomes. With regard to legal factors, prior referrals ( $b = .576, p = .001$ ) increased the likelihood of having a petition filed. Also, status offenses ( $b = -3.487, p = .001$ ) decreased the likelihood of having a petition filed.

### Judicial dismissals

Model 3 in Table 2 contains the findings of the judicial dismissal outcome. Findings indicate that school referrals were not significantly related to judicial dismissal decisions. School status, however,



was a significant predictor of these decisions. In particular, youth enrolled in school ( $b = .170, p = .01$ ) were more likely to have their cases dismissed than youth not enrolled in school. While no demographics were found to be significant correlates of diversion, petition, or judicial dismissal outcomes, legally relevant measures persist as significant predictors of juvenile court outcomes. Prior referrals ( $b = -.264, p = .001$ ) and indicators of offense seriousness, such as, person-felony cases ( $b = -1.071, p = .001$ ), property-felony cases ( $b = -.955, p = .001$ ), decreased the likelihood of case dismissal by the juvenile court judge. Person-misdemeanor ( $b = .314, p = .001$ ), property-misdemeanor ( $b = .426, p = .001$ ), and status offenses ( $b = 1.481, p = .001$ ) increased the likelihood of case dismissal by a judge.

## Discussion

Influenced by the work of Mike Leiber, a significant body of juvenile justice research reveals the pervasive inequities of the justice system, shedding light on the institutional, legal and extralegal factors that racialize punishment processes (Bishop, Leiber, and Johnson 2010; Leiber 2003, 2013; Leiber et al. 2020; Peck and Jennings 2016; Rodriguez 2010). While this research relates the significance of school-related factors for court outcomes (e.g., Leiber, Peck, and Beaudry-Cyr 2016; Leiber and Johnson 2008; Pasko and Chesney-Lind 2010), a parallel body of work examines the relationship between education and incarceration, often under the framework of the STPP. STPP scholarship has suggested, overwhelmingly, that school failure, especially *dropout*, mediates the relationship between (racially disparate) school discipline and criminal justice contact (Mowen, Brent, and Boman 2020; Pesta 2018; Rocque 2010; Rocque and Paternoster 2011). The current study bridges these bodies of work via the school-prison nexus framework and offers additional insight to both STPP and juvenile justice research.

Most broadly, our findings suggest that school factors matter for the punishment of youth, and especially for entrenching structures of inequality. While school referrals were more likely than police referrals to be diverted at initial decision-making stages, in all three court outcomes examined – diversion, petition, and judicial dismissal – enrollment status led to more severe punishment of youth. In particular, young people not enrolled in school were less likely to be diverted, more likely to have a petition filed against them by the County Attorney, and less likely to have their cases dismissed by a juvenile court judge. Stated differently, not being enrolled in school not only strips youth of the opportunity of evading initial contact by the courts, but, once in the system, fuels their penetration deeper into the system and heightens their likelihood of being marked institutionally with a formal record.

Situated within the theoretical assumptions of the school-prison nexus, these findings indicate the need for STPP literature to move beyond school enrollment (or dropout) as a behavioral factor explaining the relationship between education and youth punishment. Our study complicates the notion of dropout as a behavioral factor contributing to a ‘turn’ in the life course, by demonstrating how enrollment status operates as an extralegal decision-making factor subjecting youth to more severe forms of criminal punishment. In particular, our findings highlight a critical point in the juvenile court process – the Attorney’s decision to petition youth – where both schools as a referral source and school enrollment status uniquely shift the legal punishment process towards youths’ acquisition of a formal record. Thus, through the lens of the school-prison nexus, and drawing from insight on juvenile court decision-making, we offer a new interpretation of the relationship between dropout and incarceration (e.g., Ewert, Sykes, and Pettit 2014; Pettit and Western 2004), by demonstrating the institutional interplay between schools and courts. Moreover, we suggest that school status plays an instrumental role in court outcomes by signalling to court decision-makers when and to what extent a young person is in need of retribution (Annamma, 2016).

The salient role of school enrollment at each court outcome also suggests that the relationship between schooling and incarceration vastly exceeds a linear process of pushout fueled solely by police presence and exclusionary discipline. While the criminalization of school security matters

significantly, the weight of enrollment as a decision-making factor in this study suggests an affinity between schooling and incarceration, whereby young people's status or level of engagement in schools, regardless of their behavior, influences their punishment in juvenile court. Drawing from the school-prison nexus, as well as Leiber's scholarship on the partnerships between juvenile courts and other institutions of social control (Leiber 2000, 2003; Leiber, Woodrick, and Roudebush 1995), youth not enrolled in school may represent to court actors a specific type of individual, having broken the terms and conditions of the social order that require youth be under the surveillance and control of at least one state institution. It may be the case, that youth free from the constraints, oversight and disciplinary function of school may signal a unique and exceptional threat in need of legal system involvement and punishment.

To this point, in light of the overlapping structures of inequality that both reflect and are reproduced by the mass incarceration of people of color in the U.S., and which shape the uneven distribution of educational resources and opportunities, our findings on enrollment status have specific implications for racial and social hierarchies. We suggest that juvenile courts may be *criminalizing* factors or circumstances youth are experiencing that make them unable or unwilling to go to school. The absence of 'direct race effects' in this study, therefore, hardly implies the racial neutrality of these processes and the patterns they reproduce. Instead, the link between enrollment and juvenile court outcomes has to be situated within the broader terrain of inequality that surrounds youth and their families. Intergenerational systems of racialized dispossession, abandonment, and structural violence overlap to create social conditions that make full engagement in school unrealistic, undesirable, and/or exceptionally punitive for youth of color, and those marginalized by gender expression, sexuality, citizenship and (dis)ability. While school factors may negatively impact all youth, young people of color, especially those with limited financial resources, are the most likely to be pushed out, or to consciously escape from schools (Sojoyner 2016). In the end, our study suggests a systemic, racialized process for students.

In light of our findings regarding the non-significant effect of *race*, we offer additional insight. As previously mentioned, juvenile justice research has devoted significant empirical attention to the ways race/ethnicity – of individual youth and as documented by official state data – influences court outcomes. For example, studies have found that nonwhite youth are less likely to receive lenient outcomes such as dismissal or diversion (Leiber and Stairs 1999; Leiber, Bishop, and Chamlin 2011), while others have found that white youth are treated more leniently at certain processing stages (Gann 2019; see also Engen, Steen, and Bridges 2002; Bishop, Leiber, and Johnson 2010). In this study, we have argued that the 'non-significant effect' of race does not negate the presence of racism, nor does it contradict the findings of prior work. On the contrary, that prior scholarship has found 'mixed or null' results regarding the effects of race illuminates two concerns with how *racial inequality* and *race* are typically defined, analyzed, and interpreted in juvenile justice research.

First, racial inequality – *as a stand in for racism* – has been operationalized and investigated as a 'disparity' that emerges *between individual cases* and, specifically, one that reaches a level of statistical significance. This logic of disparity assumes a fundamentally even playing ground, whereby if a statistically significant race effect does not emerge, then the system is considered to be operating fairly or equitably. In other words, conceptualizing inequality in this way enables 'null race effects' to be (mis)interpreted as *evidence that racism does not exist* – at least in that particular court, or that particular town, at that particular 'stage,' or by particular officers. This logic obscures the *structural and systemic nature* of the ways institutions of confinement function to reproduce, and are situated within, broad landscapes of inequality *that are racialized* (Bonilla-Silva 1997; Zuberi 2001; see also Gilmore 2007; Rodriguez, 2005). We have proposed in this paper that the systems of racialized dispossession, abandonment, and structural violence that undergird the interplay between courts and schools are *immeasurable* by direct race effects. In the same way, we suggest that the racially inequitable social conditions and intergenerational harms produced by the school-prison nexus may include, but also *vastly exceed* patterns of 'implicit bias' or disparity in processing decisions.

The second issue with placing undue emphasis on direct race effects stems from the operationalization of *race* as an independent variable in social science research. Critical race scholars have highlighted how *race* has been ‘conceptualized narrowly as phenotype’ and ‘measured rather crudely via [state or] subject self-identification,’ in effect dangerously obscuring the ways race is *constitutively* and *dynamically* produced by law (Gómez 2012, p. 229), processes of punishment (Muhammad 2010) and as part of racial *regimes* and imperialist projects (Robinson 2007; Zuberi 2001; Omi and Winant 2015). In other words, race is not only socially constructed, but it is constructed as part of broad systems of power and *alongside* systems of punishment, such that ‘if the only way race enters the analysis is as an independent variable, much of the complexity and power of race is lost’ (Gómez 2012, p. 231).

In this study, we intend to move beyond measuring ‘race as an independent variable.’ We do so in part by investigating school factors as structural variables that fuel the school-prison nexus and, in turn and in tandem, broaden configurations of inequality and uneven distributions of resources, life chances and relative proximity to confinement or freedom. Our utilization of the *school-prison nexus* framing specifically, as opposed to the *school-to-prison pipeline*, is a deliberate maneuver to advance a structural understanding of carceral regimes. More specifically, our intent was to illustrate how two systems, i.e., schools and juvenile courts, can alter the pathways of youth. The relationship between school enrollment, school referral and case outcomes, *within the context of a symbiotic link between educational and carceral institutions*, exposes the locomotion of a systemic process that fuels racial inequality at a structural level. Finally, as mentioned and as Lieber’s work highlights so extensively, the criteria we use to define crime and punish youth are not only socially constructed but are intertwined with deeply rooted racial ideologies and structural arrangements of inequality.

Our findings of prior record leading to more severe punishment at each court outcome examined, while not surprising (Leiber, Peck, and Beaudry-Cyr 2016; Leiber et al. 2020; Rodriguez 2010), further demonstrates the web-like nature of factors and punishment processes in the school-prison nexus that converge to entrap youth. In our study, both school referrals and school enrollment exacerbated punishment severity at the decision to file a petition, that is, the decision to mark youth with a formal record, while having a formal record fueled the harsher treatment of youth at each prior and subsequent stage. One could argue that these findings further illustrate the institutional synergy of schools and prisons working to simultaneously entrench and obscure the racialized nature of both legal and extralegal criteria for determining who becomes a ‘criminal’ and who is set free.

Finally, our findings contribute to prior juvenile justice research by highlighting the varying degree to which school matters across different decision-making points. In our study, County Attorneys at the diversion decision consider school referrals as more deserving of diversion than police referrals, while at the petition stage school referrals are treated more severely. Only among formally processed youth, in other words, do school referrals exacerbate punishment, and by the time youths’ cases reach a judge, only school enrollment matters. We offer two possible explanations for these effects. First, given the loosely coupled nature of the juvenile court system (Bishop, Leiber, and Johnson 2010) and actors with potentially contradictory concerns, we may see actors giving varying weight to school factors that lead to different effects across juvenile court outcomes (Leiber et al. 2002). Given that youth not enrolled in school were less likely to receive diversion, but school referrals were perceived as more deserving of diversion than police referrals, it is possible that at initial system contact, or earlier processing stages, enrollment in school serves as enough of a (perceived) buffer to mitigate the potential threat to school ‘safety.’ Under this circumstance, it would be important that school enrollment at the petition stage sets forth the punishment of youth.

It is also possible that diversion is offered initially to youth referred from schools, in an effort to keep them in school, but when youth cannot comply, or as they experience system contact, the implications of school infractions adopt greater severity. Diversion outcomes are inevitably implicated in the nexus between juvenile courts and broader structures of inequality, in that youth with the least capacity to comply with diversion requirements will also be those experiencing the most disadvantage. Relatedly, attending school is often part of young people’s diversion requirements.

While our results cannot explicitly speak to whether formally processed youth were unable to complete school-related or other diversion requirements, the possibility of this scenario indicates another way that institutions collectively create rigid requirements around where youth are allowed to be and what they are allowed to do that exacerbate social stratification. This further suggests how even if race has no 'direct effect' on diversion, for example, broader arrangements and reproductions of inequality can still be triggered and at play. These findings highlight the need to elaborate theoretically on the processes through which schools and courts form networks of overlapping institutional interests that collectively dictate who is most deserving of punishment.

Despite this study's contributions, it is not without limitations. While we control for a host of legal and extralegal factors shown to impact the differential treatment of youth, there may be other factors, such as neighborhoods, familial, and socioeconomic status that directly and indirectly impact punishment severity. Exploring this possibility would contribute critically to our understanding of the nexus between juvenile court outcomes and structural inequality. Also, we were unable to control for contextual, macrolevel determinants of court outcomes. Given that resources and punishment vary significantly across school and geographic contexts, contextual factors would build meaningfully on our exploration. Finally, while distinguishing between school referral and police referral source helps shed light on the institutional factors that influence decision-making, we were unable to distinguish referrals that came from SROs or law enforcement employed on school grounds. Given the ubiquity of SRO presence in schools and their positive association with arrests for low-level offenses, exploring the effect of SRO referrals as an institutional decision-making factor is an important avenue for future research.

Collectively, our findings, viewed through the scope of the school-prison nexus and in conversation with juvenile justice research, offer an empirical illustration of the institutional processes by which schools and juvenile courts operate synergistically within a broader terrain of structural inequality. While this synergy may pivot around racialized ideologies of (perceived) school and community safety (Meiners 2007; Rodríguez 2010), the significance of enrollment as a decision-making criteria strongly suggests a parallel process, whereby young people's departure from or perceived failure in one institution serves as justification for their confinement in and by another.

There are several policy and practice implications from our work. Research on juvenile justice decision-making, and on school factors in particular, predominantly examines these factors as legal or extralegal case-level variables that influence differential punishment, while scholarship also highlights how racially codified factors such as school performance are used by practitioners to assess youths' 'riskiness' and levels of needed 'protection' by the justice system (Mears 2011; Pasko and Chesney-Lind 2010). Our findings suggest conceptualizing and measuring racial inequality beyond individual bias and 'direct' race effects. Understanding the relationship between school enrollment or disengagement and system contact as structural in nature, may lead to more community led responses and interventions instead of the legal system responses. For educators and school administrators, our findings highlight the need for training on the ways to respond and address students' needs and related vulnerabilities, and traumas. Establishing transformative justice models of care and support in schools, which center on healing the roots of harm at interpersonal and systemic levels, would be fundamental in beginning to develop structural responses to overlapping systems of confinement.

Indeed, this study is ultimately a narrative about broader inequality. For juvenile court actors and educators, it should raise awareness of the institutional bond that exists between schools and prisons, in which they are implicated structurally. Collectively, practitioners should consider what it means to penalize young people for not attending school, and what this punishment does to criminalize and thereby entrench the very social conditions that may have led them away from schools in the first place. In light of the publicity and momentum surrounding social justice movements and current efforts towards structural change, it is critical for institutional actors who engage with young people to foreground these considerations in the decisions they make about youth. Decisions must be made in a way that not only attempts to evade reproducing generations of

systemic racial inequality, but in ways that actively seek to redistribute hierarchical configurations of wealth, power and life chances. In the end, changes in schools and communities, whereby greater leniency is given to youth and families working to unweave the webs of carceral punishment and compulsory schooling, should be the ultimate goal.

## Notes

1. It is important to note the subjective nature of official school records. Categorizations of school 'failure' and academic or behavioral 'problems' are impacted by systemic racism and deeply entrenched racial and ethnic stereotypes. Rather than providing an objective account of youths' academic status, official school records may catalyze unequal treatment based on the accumulation of racialized classifications of youth and their behaviors.
2. Cases excluded from the analysis include those where there was a delay in the prosecution given juvenile's birthday (i.e., approaching 18 years old), cases transferred from one jurisdiction to another, citations, and obstruction of justice cases.
3. The selection of the outcome measures was driven by the ability to link school measures with the juvenile court data.
4. Only youth who were formally processed (i.e., non-diversion cases) were examined in the petition and adjudication outcomes.
5. While other races/ethnicities were represented in court data, their sample sizes were too small to include in the analyses.
6. A correlation matrix was used to examine bivariate collinearity and variance inflation factors (VIF) was used to detect multicollinearity. We found no signs of collinearity or multicollinearity in our diagnostics.
7. All cases involving person felony cases, property felony cases, person misdemeanor cases, and property misdemeanor cases were petitioned by the County Attorney. As a result, we control for status offense and other offenses in the petition model.

## Disclosure statement

No potential conflict of interest was reported by the author(s).

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