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The State as the “Ultimate Parent”: The Implications of Family for Racial and Ethnic Disparities in the Juvenile Justice System

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Abstract

Racial and ethnic disparities permeate juvenile justice processing. Research attempting to explain these disparities has superficially considered the role of family measures in the differential treatment of youth of color. In particular, research has given little attention to the role of family supervision, despite its relevance to the mission of the juvenile court. Using attribution theory as a framework and data from three Arizona jurisdictions, we examine the effect of race/ethnicity on probation officers' attributions of family supervision; the effect of family characteristics, such as financial strain, parental incarceration, and family risk as measured by a risk assessment instrument, in shaping attributions of family supervision; and the effect of race/ethnicity, family characteristics, and attributions of family supervision on recommendations to formally or informally process youth. We find that attributions of family supervision are informed by race/ethnicity and family characteristics and that attributions of family supervision overwhelmingly drive probation officers' processing recommendations. Suggestions for improving policy and practice are discussed.

Keywords

juvenile justice processing, racial disparity, family, attributions, juvenile justice decision making

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Historically and contemporarily, the juvenile justice system has unevenly distributed justice across racial and ethnic lines. Although racial/ethnic disparities exist system-wide, they are particularly concentrated at the front end (Engen et al., 2002; Leiber & Stairs, 1999; Leiber et al., 2007; Leiber & Johnson, 2008; Morrow et al., 2015; Peck & Jennings, 2016). Studies have found that non-White youth are more likely than their White counterparts to be detained pending adjudication (Armstrong & Rodriguez, 2005; Rodriguez, 2010) and less likely to be diverted or released at intake (Leiber & Johnson, 2008; Leiber & Mack, 2003; Leiber & Stairs, 1999; Leiber et al., 2007; Rodriguez, 2010). Disparities in these early stages of juvenile justice processing have considerable consequences, given that inequalities compound as youth move throughout the system (Bishop & Frazier, 1988; Leiber & Fox, 2005; Rodriguez, 2010) and because formal court intervention exacerbates delinquency (Petrosino et al., 2010) and diminishes conventional opportunities (Bernburg & Krohn, 2003). Because of these consequences, front-end disparities have garnered considerable attention, both from practitioners seeking solutions and researchers seeking theoretical explanations. While risk assessment instruments (RAIs) have emerged as one potential solution to biased decision making (Cabaniss et al., 2007; Farn, 2018; Hoge, 2002; Hoytt et al., 2002; National Research Council, 2013; Vincent et al., 2012), attribution theory remains a dominant framework for explaining persistent inequalities.

Attribution theory posits that in the absence of complete information, justice officials rely on internal characteristics and external circumstances of individuals in order to explain their behaviors and predict their risks for reoffending (Albonetti, 1991; Heider, 1958). To the extent that these attributions are linked to race and racial/ethnic stereotypes, they exacerbate the harsher treatment of non-White populations. Work in this area has revealed that both internal and external attributions explain racial disparities in juvenile court outcomes (Bridges & Steen, 1998; Gaardner et al., 2004; Rodriguez, 2007, 2010, 2013; Rodriguez et al., 2009). Missing from this work, however, is an examination of how attributions of *family* are formed, and in turn fuel the differential treatment of youth of color, in a juvenile justice system whose self-proclaimed role is the “ultimate parent.”

Although research has established the impact of certain family factors on juvenile court outcomes (Bishop et al., 2010; DeJong & Jackson, 1998; Fenwick, 1982; Leiber & Fox, 2005; Leiber & Johnson, 2008; Leiber & Mack, 2003; Love & Morris, 2018; Morrow et al., 2015; Rodriguez et al., 2009), their scope is limited. In particular, a substantial portion of this literature has measured *family* one-dimensionally through “family structure” (Bishop et al., 2010; DeJong & Jackson, 1998; Fenwick, 1982; Leiber & Fox, 2005; Leiber & Mack, 2003; Love & Morris, 2018). While a smaller collection of studies have highlighted the importance of socioeconomic status (Armstrong & Rodriguez, 2005; Bishop & Frazier, 1996; Clair & Winter, 2016; Paik, 2017) and parental incarceration (Fader et al., 2001; Rodriguez et al., 2009) in juvenile court outcomes, family supervision, a key dimension for justice-involved youth remains understudied. Court officials view families as having the same supervisory functions as the court (Bortner, 1982; Bridges & Steen, 1998; Matza, 1964), such that poor parental supervision indicates a need for formal court intervention (Bishop &

Frazier, 1996; Bortner, 1982; Corley et al., 1995). The lack of empirical attention to this aspect of family is a key gap in our understanding of juvenile justice processing. Additionally, because the multiple dimensions of family life do not exist in isolation, to study their impacts on court outcomes with limited measures diminishes the complexity of the family's role in juvenile court. How multiple characteristics of youths' families, in addition to race/ethnicity, shape attributions of family supervision—and how these characteristics and attributions collectively shape court outcomes—is critical to better understanding juvenile justice disparities.

Accordingly, in this study, we seek to fill these gaps in the literature by exploring how race/ethnicity and multiple dimensions of family, including perceptions of family supervision, shape juvenile court outcomes. To better understand racial/ethnic disparities and front-end decision making, we rely on juvenile case file and court data from three Arizona jurisdictions to examine (1) the effect of race/ethnicity on attributions of family supervision; (2) the effect of family characteristics, such as financial strain, parental incarceration and family risk as measured by an RAI, in shaping attributions of family supervision; and (3) the effect of race/ethnicity, family characteristics, and attributions of family supervision on recommendations to formally or informally process youth experiencing contact with the juvenile justice system for the first time. The racially and ethnically diverse sample of youth (Black and Latino/a) and the incorporated measures of family enables a more comprehensive account of these effects on juvenile court processes. The broader purpose of the study is to better understand—both theoretically and empirically—the complexity of family life in juvenile justice, and how the juvenile court's decision to intervene as the ultimate parent is shaped by judgments of an “adequate” family.

Front-End Disparities in the Juvenile Justice System

Racial/ethnic inequality permeates the juvenile justice system. While research has documented the effects of race at multiple stages of juvenile justice processing, many studies confirm that racial disparities are concentrated at the front end (Engen et al., 2002; Leiber & Johnson, 2008; Leiber & Mack, 2003; Leiber & Stairs, 1999; Leiber et al., 2007; Morrow et al., 2015; Rodriguez, 2010). In particular, race/ethnicity have been found to impact preadjudication and diversion outcomes. The consequences of this are substantial, as front-end processing decisions heavily impact youths' trajectories toward or away from entrenchment into the justice system. For example, decisions to informally process youth early on enable them to evade the stigmatizing and criminogenic effects of formal processing (Ray & Childs, 2015). Not only does formal court intervention exacerbate delinquency (Petrosino et al., 2010), but it also has long-term deleterious effects on youths' educational attainment and employment opportunities (Bernburg & Krohn, 2003). Disparities in formal juvenile justice processing therefore maintain and exacerbate stratification in multiple institutions. Additionally, because prior records influence subsequent court outcomes, racial inequalities accumulate as youth move through the system (Bishop & Frazier, 1988; Leiber & Fox, 2005; Rodriguez, 2010).

In the current era of evidence-based reform, RAIs have been developed in attempts to mitigate biased decision making and divert as many youth as possible (Vincent et al., 2012; Weber et al., 2018). RAIs assess a series of risk factors that correlate statistically with criminal justice contact, as well as protective factors that are expected to mitigate recidivism (Bonta & Andrews, 2007). By allowing juvenile justice officials to “calculate” youths’ risk for reoffending, RAIs are intended to inform decisions about appropriate intervention (Hoge et al., 2008). Although proponents of RAIs laud them as potential solution to racial disparities (Cabaniss et al., 2007; Farn, 2018; Hoge, 2002; Hoytt et al., 2002; Vincent et al., 2012), results from studies attempting to validate RAIs across diverse demographic groups have been mixed (e.g., Baglivio & Jackowski, 2013; Campbell et al., 2018; Schwalbe et al., 2007). In light of such divergent findings, efforts geared toward understanding persistent racial disparities are needed. Attribution theory has served as one theoretical explanation for such disparities.

Attribution Theory

Attribution theory posits that individuals make judgments about causality and assign responsibility by attributing others’ behavior to both internal and external factors (Heider, 1958). Albonetti (1991) describes how in the absence of complete information about a defendant, judges come to rely on a patterned set of characteristics in order to reduce uncertainty about the defendant’s likelihood of future offending. Therefore, to the extent that predictions of future offending are attributed to factors linked to race or racial stereotypes, discretionary decision making will result in the harsher treatment of people of color (Albonetti, 1991).

Studies show that both internal and external attributions explain disparities in juvenile court outcomes (Bortner, 1982; Bridges & Steen, 1998; Gaardner et al., 2004; Rodriguez, 2007, 2013). Most comprehensively, Bridges and Steen (1998) explored whether probation officers endorsed differential attributions of delinquency for minority youth and whether these assessments were linked to harsher punishment recommendations. They found that probation officers were more likely to attribute criminal behavior to internal factors, such as personality characteristics and attitudes, for Black youth and external factors, such as aspects of youths’ immediate social environment, for White youth. They found that negative internal attributions were linked to higher perceived risk and therefore to the harsher punishment of Black youth.

Other researchers have found that external attributions, too, fuel disparities in court outcomes. Rodriguez (2007, 2013) found that juvenile justice decision makers rely on characteristics of youths’ neighborhoods and communities to determine appropriate interventions, such that youth living under disadvantage were more likely to be institutionalized in an effort to remove them from contexts assumed to facilitate recidivism. Rodriguez (2013) found that attributions of community disadvantage exacerbated the disproportionate confinement of Latino/a youth (2013) and that attributions of “bad neighborhoods” have implications for Black, Latino/a, and

American Indian youth (2007). Gaardner et al. (2004) also found that race, gender, and class stereotypes overlap to shape the treatment of girls in the juvenile justice system. These stereotypes led justice officials to misperceive or ignore girls' lived experiences with trauma and disadvantage and attribute their behaviors instead to the "failures" of their families.

Missing from this important body of work is a thorough engagement with the myriad aspects of youths' lives that matter in shaping court outcomes and explaining disparities. Among these aspects, *family* stands out as a critical and multidimensional factor that, given its link to the *parens patriae* mission of the juvenile court, is likely to hold particular weight. Prior literature on attributions has insufficiently interrogated how multiple characteristics of youths' families inform decision making, how these characteristics *as well as* race/ethnicity lead to attributions of family, and how these factors collectively influence the treatment of youth in juvenile court.

Families, Juvenile Court Outcomes, and Racial Disparities

Prior work has highlighted the influential role of family in juvenile courts, though most of this research has focused on a single dimension of family life. The relationship between family and juvenile court outcomes is most commonly measured through family structure, which is often included as a control variable in studies on juvenile justice processing (Bryson & Peck, 2020; Leiber & Mack, 2002; Leiber & Johnson, 2008; Leiber et al., 2016; Morrow et al., 2015; Peck & Beaudry-Cyr, 2016). Research that directly examines family structure suggests that coming from a single parent home is associated with harsher treatment, particularly in front-end decisions (Bishop et al., 2010; DeJong & Jackson, 1998; Fenwick, 1982; Leiber & Fox, 2005; Leiber & Mack, 2003; Love & Morris, 2018). Importantly, the relationship between family structure and court outcomes has unique implications for youth of color. While some studies find no direct interaction between race, family structure, and processing decisions (e.g., Leiber & Mack, 2003), multiple researchers have found that family structure mediates the relationship between race and likelihood of diversion (DeJong & Jackson, 1998; Leiber & Fox, 2005; Love & Morris, 2018). As such, some researchers have contended that family structure is a racially coded factor that explains the harsher treatment of youth of color (Bishop & Frazier, 1996; DeJong & Jackson, 1998; Love & Morris, 2018). Likewise, other researchers have found that coming from a single-parent home increases the odds of Black youth being formally processed by as much as 80% (Bishop et al., 2010), while family structure has no effect on or decreases the odds of formal processing for White youth (Leiber, 2003; Leiber & Fox, 2005).

Although most research in this area focuses narrowly on family structure, a handful of studies show how other measures of family, such as socioeconomic status and parental incarceration, influence court outcomes. For example, varying levels of family resources influence the interventions deemed most suitable for youth (e.g., Bishop & Frazier, 1996), and youth with low levels of family income are especially likely to be detained pending adjudication (Armstrong & Rodriguez, 2005).

Additionally, judges rely on extralegal factors such as families' socioeconomic status to make predictions about youths' likelihood of rehabilitation (Clair & Winter, 2016). Histories of incarceration in the family are also an important extralegal factor that justice officials may rely on when determining appropriate placement (Fader et al., 2001) and youths' likelihood of reformability in treatment programs (Fader et al., 2014). Relatedly, Rodriguez et al. (2009) found that parental incarceration is positively associated with youths' likelihood of out-of-home placement. If parental incarceration and socioeconomic disadvantage disproportionately impact non-White youth (Paik, 2017; The Sentencing Project, 2012), their presence will play a role in exacerbating racial disparities in the juvenile justice system.

Importantly, RAIs offer yet another measure of family. An important aspect of juvenile justice RAIs is that they encompass not only individual factors but also factors related to the youth's family (Vincent et al., 2012). Aspects of family life are measured on RAIs as both static risk factors (e.g., parental criminal history and incarceration) and dynamic risk factors (e.g., poor parenting practices; Vincent et al., 2012). Some family-centric factors included in RAIs have sparked concern about racial bias (Goddard & Myers, 2017; Moore & Pavadic, 2011), leading to explicit efforts to create more culturally sensitive actuarial measures of family life (Hoytt et al., 2002). To date, it remains unclear how measures of family in RAIs impact probation officers' recommendations for youth and how these measures work distinctly or in harmony with other family characteristics to fuel or diminish racial disparities. It is clear, however, that "family" is multidimensional and that these multiple dimensions influence whether youths' families are classified as appropriately serving youth or, on the other hand, as risk factors for delinquency. Given the juvenile court's mission to socially control youth as a substitute parent, justice officials' perceptions of *family supervision* may distinctly impact their determinations about the adequacy of a child's caregivers and therefore their recommendations about necessary levels of court intervention.

Family Supervision in the Juvenile Court

The juvenile court was founded on the principle of *parens patriae*: the obligation of the state to assume a parental role over youth whose parents are deemed inadequate. The seminal work of Matza (1964) notes that after the identification of youths' offense and prior record, the juvenile courts are primarily concerned with the capacity of parents to sponsor a child, including their ability to *supervise and informally control* youth. Seen as informal agents of social control, parents and families are expected to serve as buffers against juvenile delinquency by closely monitoring their children's behaviors and whereabouts (Matza, 1964). Conceptualized in this way, family supervision, or more specifically, the court's perceptions of it, becomes relevant to decisions made about youths' likelihood of reoffending (National Research Council, 2013). Families are viewed by court officials as "having the same control functions as the justice system" and are perceived to affect a juvenile's likelihood of recidivism to

the extent that they are capable of “controlling the youth’s behavior” (Bridges & Steen, 1998, p. 566).

Research suggests the influence of perceived family supervision on court outcomes. Youth are often treated more harshly when intake or probation officers perceive their home environments as lacking monitoring and organization (Fine et al., 2017). Corley et al. (1995) found that court personnel’s decisions to formally or informally process youth at intake are heavily shaped by perceived levels of parental control. More specifically, court staff viewed parents as mechanisms of informal social control and reported being less inclined to resort to formal court intervention in cases where the amount of “restraint” a parent has over their child was deemed adequate (p. 162). Additionally, interviews with justice officials suggest that levels of control and supervision in the home are of primary concern when deciding whether to detain youth (Bishop & Frazier, 1996). In her analysis of juvenile court hearings, Bortner (1982) found that when assessing youths’ family situations during processing decisions, officials are “primarily concerned with the parents’ ability to provide adequate supervision for the juvenile,” such that inadequate parental supervision is seen as justification for court intervention (p. 188).

While this work suggests that perceptions of family supervision shape recommendations for all youth, they may matter, in particular, for youth of color. Notions of family supervision in juvenile justice have historically been linked to racial and ethnic stereotypes. Early system reformers believed in the court’s obligation to enforce middle-class values on immigrant children, whose caregivers were viewed as incapable of supervising and socializing them (Feld, 1991). Voicing similar sentiments, in his influential report, *The Negro Family: The Case for National Action*, Patrick Moynihan (1965) argued that the breakdown of the Black family was responsible for an epidemic of single mothers who were unable to control their children. Juvenile justice personnel continue to endorse the idea that intervening in the lives of Black and Latino/a urban youth is necessary in order to “save” them from the criminogenic influence of their families, who are perceived as incapable of exerting adequate control (Cox, 2015).

Together, this literature indicates the importance of family supervision to juvenile justice decision makers and suggests that attributions of family supervision may uniquely impact youth of color. Yet we know little about the extent to which these attributions are influenced by race/ethnicity, the characteristics of youths’ families, or both. Additionally, prior work has failed to explore how multiple measures of family as well as attributions of family supervision *collectively* inform recommendations made about youth, and what these factors mean for ongoing racial inequalities. More research is needed to better understand the drivers of front-end disparities—for all youth, but especially for youth entering the justice system for the first time.

Current Study

In order to expand juvenile justice research and, in particular, research on the disparities of the justice system, we examine whether race/ethnicity, multiple measures

of family—including financial strain, parental incarceration, and actuarial family risk as measured on an RAI—and perceptions of family supervision impact probation officers' recommendations to formally or informally process youth entering the system for the first time. Given current work in this area, we have several objectives. First, we test whether youth of color—in particular Black and Latino/a youth—will be more likely than White youth to be perceived as lacking family supervision. Second, we examine whether youth with parental incarceration, family financial strain, and actuarial family risk will be more likely than youth without these dimensions of family to be perceived as lacking family supervision. To avoid verbosity, we refer to these dimensions of family as measures or dimensions of family disadvantage. Finally, we explore whether youth perceived to lack family supervision and those with multiple measures of family disadvantage will be less likely to be recommended for informal processing.

These research objectives will advance work in this area in important ways. First, our study expands existing research on family and juvenile outcomes by exploring an underexamined factor in juvenile justice decision making: family supervision. While both the stated mission of the juvenile court and prior literature indicate the importance of family supervision, no study to date has examined how attributions of family supervision impact formal and informal recommendations and whether these attributions help to explain racial disparities. Additionally, we explore how *multiple* measures of family impact both perceptions of family supervision and recommendation decisions, enabling us to more comprehensively understand the complexity of family life and its role in the juvenile court. In particular, by including multiple measures of family disadvantage, our study explores the ways in which compounded social inequalities may be perceived by justice officials as justification for harsher treatment of youth. Finally, because we restrict our focus to youth with no prior record, our analysis will offer insight into a critical decision-making point that sets the trajectory for cumulative disparities in the justice system.

Method

Data

We rely on data from the Disproportionate Minority Contact (DMC) Report in Arizona's juvenile justice system (Rodriguez et al., 2014). The intent of the DMC assessment was to identify the drivers of racial and ethnic disparities throughout the juvenile court process. To pursue this inquiry, a random sample of juvenile probation case files was drawn from three counties, resulting in 330 case files from one urban and two rural counties. Files included juvenile and family histories, contact logs, the youth's most current information (MCI) report, psychological evaluations, social services and counseling documents, police reports, predisposition and disposition reports, and court reports and documents. Cases were selected if time of first referral occurred between the years 2005 and 2010. An extensive coding scheme was created based on theoretically relevant domains regarding racial and ethnic overrepresentation.

Table 1. Coding Scheme and Descriptive Statistics.

Variable		%	N
Dependent variables			
Lack family supervision	0 = no	84.0	257
	1 = yes	16.0	49
Informal sanction	0 = formal processing	26.8	82
	1 = diversion	73.2	224
Independent variables			
Race/ethnicity	Dummy variables for race/ethnicity; Whites are reference category		
White		41.8	128
Latino/a		46.7	143
Black		11.4	35
Family risk	0 = no	81.4	249
	1 = yes	18.6	57
Paternal prior history of incarceration	0 = no	85.0	260
	1 = yes	15.0	46
Financial strain	0 = no	84.0	257
	1 = yes	16.0	49
Single parent	0 = no	65.0	199
	1 = yes	35.0	107
Age	In years (Mean; SD)	13.04; 2.04	
Sex	0 = girls	28.8	88
	1 = boys	71.2	218
Referral person/property	0 = no	82.7	253
	1 = yes	17.3	53
Urban county	0 = no	38.2	117
	1 = yes	61.8	189

Note. N = 306.

For the current study, we identified the first referral for each youth in the cases and used that initial referral as the focus of the study. Accordingly, all youth in this examination had no prior official contact with the juvenile court. All independent variables were coded based on documents (e.g., probation officer intake assessments and MCI reports) related to the referral and dated prior to the county attorney's final intake decision. Cases with missing family measures and those involving racial groups not under examination were eliminated, leaving a sample of 306 cases.

Measures

Table 1 contains the coding scheme and descriptives of the measures under examination. The two dependent variables include *Lack of family supervision* and *Informal processing*. Lack of family supervision is a dichotomous variable (1 = yes; 0 = no), coded as 1 in cases where officers made explicit mention of youths' need for additional supervision given lack of oversight provided by their caregiver. "Supervision"

and “oversight” were used interchangeably throughout intake and MCI reports. The caregiver indicates who the child was currently living with, including family members or nonfamily members. Cases were coded as 0 when there was no mention of caregiver’s inability to provide adequate supervision or oversight. *Informal processing* is a dichotomous variable (1 = *yes*; 0 = *no*), coded 1 if the youth was recommended for informal processing and 0 if the youth was recommended for formal processing through juvenile court.¹ Among the 306 youth referred to juvenile court, 16% were perceived as lacking family supervision at home, while 84% were perceived as having family supervision or oversight at home. Among the youth in this study, 73.2% were diverted and 26.8% were formally processed.

There are four independent variables of substantive interest, including youth race and ethnicity and three family measures. Race and ethnicity are dichotomous variables with Whites serving as the reference category. Specifically, three dummy variables were included to represent *White*, *Black*, and *Latino/a youth*. The majority of youth (46.7%) are Latino/a, 41.8% are White, and 11.4% are Black.

To examine actuarial *family risk*, we rely on the family risk component from the Arizona Risk/Needs Screening tool (a state-specific RAI) utilized by officials during intake. The screening tool is completed electronically, and scores are entered into Arizona’s Juvenile Online Tracking System. In Arizona, family risk is measured as a yes/no response to the following: “Does the relationship with [the youth’s] family involve frequent intense conflict or is alienated/assaultive (Known or suspected)?” The family risk measure is a dichotomous variable (1 = *yes*; 0 = *no*). Among youth in the sample, 18.6% were classified as cases with family risk.

Parental prior history of incarceration was coded as 1 in cases where explicit mention was made of a juvenile’s parent’s (or caregiver’s) current or prior incarceration. Cases were coded as 0 if no mention was made of a caregiver’s current or prior incarceration. Among cases, 15% of youth have at least one parent with a history of incarceration.

Financial strain was coded as 1 in cases where families’ socioeconomic stress, lack of resources, or living conditions that are the result of economic disadvantage were explicitly mentioned. Lack of resources may refer explicitly to financial resources or to resources such as transportation. Cases were coded as 0 if no mention of financial strain was made in reports. Data show that 16% of youth come from families experiencing financial strain.

While not a primary variable of interest, given its importance in the literature we include a measure of youth’s family living arrangement by constructing a dummy variable describing the family structure. Based on the perceived vulnerable nature of youth from single parent households, we rely on a *single-parent* dummy coded measure to control for family structure. Single parent was coded as 1 in cases where youth resided with a single parent (mother or father) and coded 0 in all other living arrangements, including coparenting arrangements, extended family member, foster care, and “unknown” (i.e., no family structure was indicated in youth’s record). Thirty-five percent of youth were living in single-parent households.

Several additional measures were added to ensure that any effects of the variables of interest were not potentially spurious. These measures include *age* and *sex* of youth. The mean age for youth in the sample is 13 years. A dichotomous variable for sex was added (1 = *male*; 0 = *female*), as well as a continuous variable representing age in years of the youth at time of referral. Boys represent 71.2% of the sample and girls represent 28.8% of the cases. Following prior literature on disparity and juvenile court outcomes, legally relevant variables were also included as controls (Leiber & Johnson, 2008; Leiber & Stairs, 1999; Rodriguez, 2010, 2013). *Referral* seriousness represents the most serious offense at time of referral. We measure referral using a person/property variable where youth referred for a person or property offense are coded as 1 and all other offenses (status and public order violations) are coded as 0. The sample includes 17.3% person/property referrals and 82.7% other referrals as the most serious referral. Lastly, whether the case was from an urban or rural county was added to control for possible contextual differences in youth court processing (0 = *rural*, 1 = *urban*). Sixty-two percent of the cases were processed in an urban jurisdiction.

Analytic Strategy

Data analyses proceeded in the following stages. First, authors reviewed all case files of youth, coding for indicators of family life—including parental incarceration, financial strain, perceptions of family supervision, and family structure—and formal or informal processing recommendation. Second, after various diagnostics were employed to assess collinearity, the analyses consisted of a series of multivariate logistic regressions to investigate whether race and ethnicity, family risk, parental incarceration, and financial strain are associated with perceptions of lack of family supervision and the recommendation to informally or formally process youth.²

Findings

Table 2 presents the findings on the analyses that examine the effect of race and ethnicity, family risk, and family measures on perceptions of lack of family supervision. In Model 1 in Table 2, we examine the degree to which race and ethnicity and family risk are associated with perceptions of lack of family supervision, controlling as well for single parenthood. Model 1 suggests that youth of color, in particular Latino/a ($b = 0.744, p \leq .05$) youth were more likely to be associated with court officials' perceptions that they lack family supervision relative to their White counterparts. Family risk as captured from Arizona's RAI displayed a strong effect on perceptions of youth lacking family supervision. In particular, youth with cases characterized by family risk ($b = 1.355, p \leq .01$) were more likely to be perceived as lacking family supervision. The measure of single parent was not a significant predictor of family supervision. In addition, youth with person/property referrals ($b = 0.641, p \leq .10$) were more likely than youth with nonperson/property referrals to be perceived as lacking family supervision. Cases in urban counties ($b = 0.703, p \leq .10$) were marginally significant in perception of family supervision.

Table 2. Logistic Regression Results: Effect of Race/ethnicity and Family Measures on Perceptions of Lack of Family Supervision.

Variable	Model 1			Model 2		
	<i>b</i>	SE	Odds Ratio	<i>b</i>	SE	Odds Ratio
Race/ethnicity						
Latino/a	0.744	0.386	2.104**	0.543	0.411	1.721
Black	0.652	0.550	1.919	0.271	0.593	1.311
Family risk	1.355	0.366	3.876***	1.318	0.393	3.735***
Parental incarceration	—			1.463	0.416	4.319***
Financial strain	—			1.132	0.407	3.103***
Single parent	0.180	0.348	1.197	-0.193	0.386	0.825
Age	-0.084	0.088	0.919	-0.069	0.097	0.933
Sex	0.647	0.420	1.910	0.579	0.457	1.784
Person/property	0.641	0.383	1.898*	0.576	0.416	1.778
Urban county	0.703	0.396	2.021*	0.630	0.424	1.878
Constant	-2.546	1.249		-2.947	1.369	
-2 Log likelihood		240.366			213.358	
χ^2 ; <i>df</i>		28.85; 8			55.85; 10	

Note. *N* = 306. Reference category includes White youth and nonperson/property referrals (status and public order referrals).

* $p < .10$. ** $p < .05$. *** $p < .01$.

Findings in Model 1 illustrate the importance of family risk, as captured via an RAI, in court officials' perceptions of youths' family. In order to examine whether additional family indicators, in particular, parental incarceration and financial strain, are associated with perceptions of family supervision, a model with these two measures was conducted. Model 2 in Table 2 shows that parental incarceration ($b = 1.463$, $p \leq .01$) is a significant predictor of perceptions of family supervision. Financial strain ($b = 1.132$, $p \leq .01$) is also a significant predictor of the outcome. The Latino/a effect is no longer significant once parental incarceration and financial strain are included in the model. Family risk ($b = 1.318$, $p \leq .01$) in youths' cases continues to be a significant predictor of perceptions of lacking family supervision. These findings indicate the important role that family measures, including family risk, parental incarceration, and financial strain, play in assessments of families.

Analyses predicting the second dependent variable, *Informal processing*, are presented in Table 3. Table 3 displays the results from a series of logistic regression models assessing the effects of race, ethnicity, family measures, and perceptions of family supervision on receiving an informal processing recommendation. Model 1 in Table 3 displays the results examining whether race and ethnicity and family risk affect the decision to recommend youth for informal processing, controlling for family structure and other legally relevant variables. The results in Table 3 Model 1 show evidence of racial and ethnic disparities in the informal processing dependent variable. Specifically, Black youth ($b = -0.818$, $p \leq .10$) was marginally significant in the

Table 3. Logistic Regression Results: Effect of Race/Ethnicity, Family Measures, and Lack of Family Supervision on Diversion.

Variable	Model 1			Model 2			Model 3		
	b	SE	Odds Ratio	b	SE	Odds Ratio	b	SE	Odds Ratio
Race/ethnicity									
Latino/a	-0.212	0.326	0.809	-0.033	0.342	0.968	0.046	0.355	1.047
Black	-0.818	0.473	0.441*	-0.629	0.504	0.533	-0.647	0.514	0.524
Family risk	-0.862	0.346	0.422**	-0.773	0.364	0.462**	-0.551	0.385	0.577
Parental incarceration	—			-1.33	0.405	0.264***	-1.014	0.426	0.363***
Financial strain	—			-1.013	0.402	0.363**	-0.792	0.415	0.453*
Family supervision	—			—			-1.349	0.409	0.259***
Single parent	-0.102	0.304	0.903	0.164	0.324	1.178	0.149	0.330	1.161
Age	-0.118	0.073	0.888*	-0.159	0.076	0.853**	-0.179	0.079	0.836***
Sex	-0.262	0.343	0.769	-0.193	0.360	0.824	-0.135	0.368	0.874
Person/property	-2.250	0.358	0.106***	-2.41	0.391	0.089***	-2.42	0.399	0.089***
Urban county	0.511	0.317	1.667*	.693	0.339	1.999**	0.838	0.352	2.311**
Constant	3.354	1.025		3.963	1.117		4.204	1.153	
-2 Log likelihood		298.819			276.141			265.195	
χ^2 ; df		56.90; 8			79.57; 10			90.5; 11	

Note. N = 306. Reference category includes White youth and nonperson/property referrals (status and public order referral).

*p < .10. **p < .05. ***p < .01.

informal processing outcome. Youth with family risk in their records ($b = -0.862$, $p \leq .01$) were less likely to be recommended for informal processing than youth with no family risk in their record. As in the findings of family supervision, the measure of single parent was not a significant predictor of informal processing. Age (i.e., younger youth; $b = -0.118$, $p \leq .10$) was also marginally significant in informal processing outcome. Not surprisingly, the indicator of offense seriousness, person/property referrals ($b = -2.25$, $p \leq .01$) impacted the likelihood of being recommended for informal processing. Cases from urban counties ($b = 0.511$, $p \leq .10$) were marginally significant in informal processing outcome.

In Model 2 of Table 3, we include additional family measures to predict the odds of being recommended for informal processing and find that these family measures play a significant role in the informal processing outcome. In particular, youth with parental incarceration in their family history were less likely to be recommended for informal processing ($b = -1.33$, $p \leq .01$). Also, financial strain as experienced by youths' families was an important factor in the likelihood of receiving an informal processing recommendation. Youth with financial strain in their record ($b = -1.013$, $p \leq .05$) are less likely to be recommended for informal processing. The racial disparities, in the case of Black youth, were eliminated once these additional family measures are included. However, the effect of family risk remained significant ($b = -0.773$, $p \leq .05$) in the model as measures were included. The effects of person/property referrals and urban jurisdiction remained significant predictors of informal processing.

Model 3 in Table 3 presents the fully saturated model that includes perception of family supervision as a predictor, along with the additional family measures. Model 3 reveals that the inclusion of perception of family supervision has a strong and negative impact on receiving an informal processing recommendation ($b = -1.349$, $p \leq .01$). Model 3 also illustrates that once perception of family supervision is included in the model, the effect of family risk on informal processing recommendation is no longer significant. Importantly, the impact of parental incarceration remained significant in the recommendation to informally process youth ($b = -1.014$, $p \leq .01$), as did the financial strain measure ($b = -0.792$, $p \leq .10$). The measure of single parent remained an insignificant predictor of the outcome. As in proceeding models, person/property referrals and urban jurisdiction are significant predictors of informal processing. Overall, our results demonstrate that family measures significantly influence perceptions of youths' families and the odds of youth being recommended for informal processing. In addition, marginal racial disparities appear in the informal processing recommendation yet disappear once family disadvantage measures are included in the analyses.

Discussion

Like the criminal justice system, the juvenile court carries with it a long history of racial injustice. This history emerges and reemerges at all stages of juvenile justice processing, but is particularly evident at the front end, where disparities in

preadjudication (Armstrong & Rodriguez, 2005; Rodriguez, 2010) and diversion (Leiber & Johnson, 2008; Leiber & Mack, 2003; Leiber & Stairs, 1999; Leiber et al., 2007) generate inequalities that accumulate throughout the system (Bishop & Frazier, 1988; Leiber & Fox, 2005; Rodriguez, 2010). While attribution theory has become a dominant theoretical framework for explaining these disparities (Albonetti, 1991; Bridges & Steen, 1998; Bortner, 1982; Gaarder et al., 2004; Rodriguez, 2007, 2013), studies in this area have insufficiently explored how attributions of family influence decision making and fuel racial disparities in a juvenile court intended to serve as the parent of the nation. Likewise, research that has examined the importance of family has often studied it through a single dimension (Bishop et al., 2010; DeJong & Jackson, 1998; Fenwick, 1982; Leiber & Fox, 2005; Leiber & Mack, 2003; Love & Morris, 2018) and has given little attention to an important factor: family supervision. Our study responds to these gaps in the literature.

Our findings offer compelling support for the importance of *family supervision* in juvenile justice decision making. We found that probation officers' perceptions of youths' lack of family oversight overwhelmingly drives their recommendations to formally or informally process youth entering the system for the first time. In our study, youth whose caregivers were perceived as being unable to provide adequate supervision were far less likely to be recommended for bypassing formal system involvement. True to the stated mission of the juvenile court, it seems that probation officers are highly concerned with assessing caregivers' capacities to informally control youth (Matza, 1964)—presumably, so that the courts do not have to. Probation officers may not only attribute youths' prior behavior to a perceived lack of parental control but may also assume based on these perceptions that relinquishing supervisory control to the family by informally processing youth is likely to lead to recidivism. How perceptions of family supervision are formed, then, appears critical in understanding juvenile justice outcomes.

Importantly, we find that race plays a role. Controlling for only legal factors and actuarial family risk, Latino/a youth were more likely to be perceived as lacking family oversight. Given the juvenile court's history of removing non-White youth from their families in attempts to provide "adequate" supervision (Cox, 2015; Feld, 1991), attributions of family supervision may be intertwined with culturally biased assumptions of non-White caregivers as inept agents of social control. We also find, however, that these race effects diminish with the inclusion of family measures—such as actuarial family risk, parental incarceration, and financial strain—all of which significantly predict officers' perceptions of family supervision. These findings suggest that in the absence of any prior contact with youth or their families, officers rely on indicators of family disadvantage in order to make predictions about caregivers' abilities to supervise their children. Importantly, dimensions of family such as parental incarceration and financial strain are, due to overlapping social injustices, disproportionately likely to impact youth and families of color (Darity et al., 2018; Paik, 2017; The Sentencing Project, 2012). If marginalized families are automatically perceived as inadequate in the eyes of justice officials, youth who are arguably in the

greatest need of diversion may be given little opportunity to evade the consequences of formal court intervention.

To what extent, then, do attributions of family supervision and other family measures, in addition to race, explain informal processing recommendations? We find that Black youth are more likely to receive recommendations for formal processing on their first referral to the system, when controlling for only actuarial family risk and demographic and legal variables. We also find that the main effects of race disappear as parental incarceration, financial strain, and family supervision are added to the analysis. These findings suggest that multiple indicators of family disadvantage, including perceived inadequate supervision, simultaneously affect the severity with which officials feel first-time referred youth should be treated, such that youth living in greater disadvantage are less likely to be afforded system avoidance. Again, to the extent that each of these factors are more likely to be experienced by youth of color, our study points to the importance of *family* in understanding juvenile justice disparities. Indeed, grassroots organizers have argued that the juvenile court's "save-the-child" approach "create[s] and deepen[s] economic instability" by relying on family resources and culturally biased norms of family life to assign blame and justify formal intervention (Justice for Families, 2012, p. 10).

We also find that while actuarial family risk does influence recommendations for informal processing, perceptions of inadequate family supervision and other indicators of family disadvantage effectively override the importance of Arizona's RAI. Despite the proposed potential for RAIs to mitigate front-end disparities and formal system involvement (e.g., Cabaniss et al., 2007; Farn, 2018; Vincent et al., 2012), our findings suggest their relative effect in light of perceived family supervision, parental incarceration, and financial strain. Once more, if these factors are more likely to impact youth of color, our results call into question the capacity of RAIs to reduce disproportionate minority contact. Finally, to reiterate, our findings suggest that prior efforts to capture the impact of family on court outcomes and the differential treatment of youth of color have likely been unable to do so through single dimensions.

Implications for Policy and Practice

Arguably, the overwhelming majority of first-time referred youth should be informally processed. Our study suggests instead that youths' formal entry into the system is heavily shaped by measures of family disadvantage and attributions of family supervision. Rather than compounding this disadvantage through formal court processing, justice officials should rely on measures of family as part of a holistic evaluation to determine the services that youth need. Because the justice system will always lack adequate resources to treat youth at an individual level, this suggests the need for collaboration with community organizations so that youth whose families lack resources can be appropriately referred, rather than formally punished. In the words of community activists: "Children involved in the justice system don't need to be saved from their families. Youth and families need to be supported so they can succeed" (Justice for Families, 2012, p. 10). RAIs, many of which are intended to

measure risk *and* needs (Hoge, 2002), could potentially facilitate this goal, by meaningfully allocating the justice system's limited resources based on need. We caution, however, that RAIs should not replace families' agency in helping to determine what is best for their child.

Our study also suggests potential avenues to improve collaboration and communication between justice officials and caregivers. Given the importance of family supervision, juvenile justice departments should develop and be able to clearly communicate explicit expectations for parents in terms of their responsibilities as supervisors. Practitioners should also be trained about how social disadvantage differentially shapes capacities for engagement for marginalized families, and how assessments of family may bias the decision-making process. We suggest that if practitioners truly feel that youth with no prior record need to be formally processed, they should be able to explain and engage families in this decision. In the absence of transparency, cultural sensitivity, and active collaboration, parents will continue to "fail" in the eyes of justice officials, and at the end of the day the youth will bear the cost.

Limitations

Despite attempts to utilize an array of family measures to predict recommendations for youth with no prior record, there are limitations of this study. While we set out to explore racial disparities in actuarial family risk, financial strain, and parental incarceration, there may be other measures of family that matter in shaping perceptions of family supervision. Future research should explore this possibility. Additionally, our small sample size and use of one-tailed significance thresholds should be kept in mind when interpreting study results. At the same time, however, we encourage readers and researchers to consider the consequences of dismissing evidence of racial bias simply because it fails to reach an arbitrary threshold. Finally, our focus on youth with no prior record, despite its advantages, is a limitation to the extent that this sample may not be representative of all youth referred to the juvenile courts.

Conclusion

Understanding and ameliorating front-end disparities is a salient concern for juvenile justice researchers and practitioners. In our study, we bolster this understanding by showing how multiple dimensions of family—many of which capture conditions of disadvantage experienced disproportionately by youth of color—inform probation officers' perceptions of family supervision, and how these perceptions and family characteristics overlap with race to shape informal processing recommendations for youth with no prior record. As such, we shed light on the complex ways in which family life structures the opportunities that youth are given to evade the consequences of formal court intervention. We conclude with a reminder that the racial and ethnic disparities deeply embedded in the juvenile justice system not only result from but also substantively contribute to the social inequalities that lay beyond it. Addressing

these disparities, then, necessarily requires thinking beyond the system. For the juvenile court to truly serve the best interests of all children may mean stepping down as the “ultimate parent” and looking to the families and communities of systems-impacted youth for meaningful answers and solutions.


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Notes

1. Informal processing refers to probation officers' recommendations for diversion. Formal processing refers to probation officers' recommendations to formally bring youth forth on adjudication charges. Importantly, cases may have been dismissed *after* this probation officers' recommendation. We focus explicitly on probation officer recommendations rather than official disposition outcomes because our interest is in the ways in which family life is documented by probation officers at youths' first referral, and how probation officers use this information to decide whether youth should be afforded the benefit of system avoidance. Given our access to rich data, we capitalize on probation officer recommendations as a hidden element of juvenile justice processing that *precedes* actual court outcomes, which may be mechanisms that drive disparities.
2. Throughout the study, $p < .10$ is considered an acceptable threshold of statistical significance for multiple reasons. First, our research questions are directional and one-tailed, and our sample size is small. Second, a recent report by the American Statistical Association cautions researchers against a strict adherence to $p < .05$ as an objective cutoff for practical importance or meaningful effects (Wasserstein & Lazar, 2016). Finally, foundational research on attributions (e.g., Bridges & Steen, 1998) has acknowledged marginally significant race effects as analytically important.

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