Explaining Assessments of Future Risk

Race and Attributions of Juvenile Offenders in Presentencing Reports

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Sociological theories of law and social control often explain the legal process, and specifically the disposition of criminal cases, in terms of the reactions of court officials to the perceived behavioral and status characteristics of defendants. These theories argue that court officials acquire and employ mental images of defendants and their behaviors, such as “dangerous,” “reformable,” or a “typical offender.” In distinguishing among defendants and their crimes, court officials make evaluations about the character, motivations, and background of defendants. Based on these evaluations, some defendants are perceived as more excusable than others, while others are viewed as more blameworthy and deserving of punishment. Officials’ perceptions, then, are a critical theoretical link in explaining the relationship between defendant characteristics and case dispositions.

Ethnographies of courts have often shown that the perceptions of court officials shape punishment outcomes (e.g., Cicourel 1968; Emerson 1969; Sudnow 1965). However, quantitative analyses of legal decision making have tended to focus on the influence of groups of characteristics (such as legal variables vs. extralegal variables) on criminal case outcomes. As a result, the role of perceptual factors in legal decision making has often been inferred from the presence of a statistically significant difference in outcomes between groups of defendants. Recent studies have shifted toward a concern with specifying the perceptual processes that might link defendant characteristics to punishment outcomes (e.g., Albonetti 1991; Albonetti and Hepburn 1996; Bridges and Steen 1998; Farrell and Holmes 1991). Nonetheless, only a few studies have included direct measures of these perceptual processes or have
attempted to estimate the relationship between defendants’ characteristics, officials’ perceptions, and punishment (Bridges and Steen 1998; Drass and Spencer 1987; Swigert and Farrell 1977). Consequently, our understanding of the perceptual processes involved in legal decision making remains limited.

Perceptual processes may be particularly important for understanding decision making in the juvenile justice system. Traditionally, juvenile courts have been characterized by an orientation toward rehabilitation and the doctrine of parens patriae. Despite current trends shifting juvenile courts away from these early precepts (Kempf-Leonard and Peterson 2001), these conceptualizations of the court’s role remain part of the ideological context for making decisions about juvenile offenders. These traditional orientations toward treatment and child welfare compel court officials to make judgments about the character of youth coming before them, rather than simply imposing punishments. The central tasks involved in this process include judgments of blameworthiness and reformability. As pointed out by Emerson (1969), the very nature of the decision of what to do about a youth is intimately tied to questions about his or her character and motivations: "the juvenile court is largely guided by its judgments and inferences regarding the nature of the delinquent actor involved. That is, the solution to the problem — what can and must we do with this case? — generally depends on the answer to: what kind of youth are we dealing with here? This involves a process of inquiry into the youth's moral character" (89–90; italics in the original). Thus, the traditional parental role of the court blurs the distinction between legal and nonlegal (or social) factors. In order to make decisions about treatment, a juvenile's social circumstances, as well as his or her case characteristics, need to be considered. The context of the juvenile court highlights the need for scholars to move away from framing court decision making in terms of legal and extralegal factors and to focus on the processes that link defendant and case characteristics to dispositional outcomes. Particularly in thinking about the juvenile court, understanding these "processes of inquiry"—that is, identifying the elements officials consider in forming character judgments and specifying the paths by which these judgments influence case outcomes—is absolutely essential.

An important task for researchers, therefore, is to explore the types of perceptions and attributions used by court officials. Our knowledge about these perceptual processes has been largely restricted to broad stereotypes based on defendant characteristics, particularly race. If we are to improve our theoretical understanding of how defendants are processed by the courts, we need to pay attention to the process, and not just the outcomes. In this chapter, we focus on presentencing reports compiled by probation officers to account for their recommendations for the treatment of black and white juvenile offenders. Our concern is largely descriptive, examining how probation officers assess and explain the risk of reoffending for black and white juvenile
offenders. Two key questions structure our analysis. First, are there distinct clusters of attributions about behavior and character that officials use in the presentencing reports? Second, does their use of these typifications vary between black and white offenders?

**Classifying Offenders: The Work of Court Officials**

The work of court officials involves more than simply obtaining information about defendants, their cases and their backgrounds. This work also involves a search for meaning about the character of defendants, the causes of their behavior, and its likely reoccurrence. Central to this search for meaning is the development of typifications or “diagnostic stereotypes” (Kelly 1996) about defendants and their offenses, into which defendants can be slotted and their punishment justified. These typifications are clusters of social characteristics, environmental and motivational factors. By drawing on typifications, officials are concerned with whether defendants and their cases reflect sufficient features to be classified within these accepted explanations for offending behavior (e.g., Emerson 1969; Farrell and Holmes 1991; Kelly 1996; Piliavin and Briar 1964; Steffensmeier and Terry 1973; Sudnow 1965; Swigert and Farrell 1977; Wiseman 1970).

Organizational demands to process large number of cases in a timely manner promote an organizational need to classify or evaluate defendants quickly. Through formal and informal socialization experiences, officials learn how to identify and classify defendants (Kelly 1996), and what characteristics and explanations are salient. This set of rules and protocols linking types of defendants to suitable outcomes has been called a “working ideology” (Kelly 1996) or a “theory of office” (Drass and Spencer 1987; Rubington and Weinberg 1973). These shared classification processes allow officials to routinize their decision making (Farrell and Holmes 1991; Rubington and Weinberg 1973), and promote the timely handling of cases (Kelly 1996; Scheff 1966; Sudnow 1965). Thus, these typifications reflect larger organizational goals and interests (Drass and Spencer 1987; Emerson 1983).

Typifications are also important in the justification and rationalization of recommendations and decisions by court officials. The organizational need to account for the decision-making process through documentation further embeds the use of typifications (Margolin 1992). As the decisions of court officials are open to review, officials must be prepared to “justify their decisions by providing accounts which render their decisions reasonable and rational” (Drass and Spencer 1987, 279). In producing these documents, officials rely on a set of commonly shared perceptions of what offenders are like. For instance, in a study of how social workers classify child abusers, Margolin (1992) found that social workers routinely perceived “suspects” as “perpetrators,” which in
turn made their testimony “discreditable.” Put differently, these typifications “provide institutionally relevant means for ‘explaining’ or ‘accounting for’ the patterns of behavior that led to the identification of ‘trouble’” (Emerson 1969, 91).

Recently, theories of social cognition, and in particular causal attributions, have provided theoretical insights into how court officials classify and describe defendants (Albonetti 1991; Bridges and Steen 1998). Attribution theory has traditionally been concerned with the process by which individuals construct explanations for particular events (Fiske and Taylor 1991). Criminological research in this tradition suggests that court officials make inferences about the causes of criminal behavior in particular cases, and that, over time, these develop into shared causal explanations for the criminal behavior of defendants. Early studies suggested that officials attribute meanings to past and future behavior based on stereotypes associated with membership in particular social categories (Fountaine and Emily 1978). More recent work has found that officials distinguish between offenses they perceive to have been caused by internal (personality) factors and those caused by external (environmental) factors. Defendants whose behavior is perceived to have external causes are judged to be less culpable for their behavior, a judgment that results in more lenient treatment by the court (Bridges and Steen 1998).

Race and the Evaluation of Defendants

Numerous scholars have argued that racial disparity in legal decision making is a result of dominant groups’ perceiving racial minorities as a threat to their interests and the existing social order (Bridges, Crutchfield, and Simpson 1987; Hawkins 1987; Liska 1992; Spitzer 1975; Tittle and Curran 1988). Courts may punish minority defendants more severely than whites because they are perceived as more threatening, and therefore more deserving of punishment. More important, as we are interested in assessments of threat and risk of reoffending, our theories of racial discrimination in legal decision making argue that perceived threat produces racial differences in perceptions of offenders and their crimes.

When making assessments and decisions, court officials rely in part on perceptions of, and attributions about, a defendant’s dangerousness, blameworthiness, and future behavior. There are several ways that these attributions may be race based. For instance, officials may attribute different motivations to minority defendants from the ones they attribute to white defendants, leading to different attributions about the causes of the criminal behavior. Alternatively, they may perceive minority defendants as having different attitudes from those of white defendants, leading to different attributions about
blameworthiness. Finally, different excuses for defendants’ behaviors may be
more salient and acceptable for white defendants than minority defendants.
These racial differences in perceptions may lead to different diagnoses and, in
turn, different punishment outcomes (Bridges and Steen 1998; Heimer and
Staffen 1995). If minority defendants are classified as more culpable for their
behavior, they are likely to be seen as “deserving of more severe penalties”
(Peterson and Hagan 1984, 67).

Although there is some empirical support for the argument that court
officials perceive minority defendants differently from the way they perceive
white defendants (Bridges and Conley 1995; Bridges, Crutchfield, and Simp-
son 1987; Peterson and Hagan 1984; Tonry 1995), few studies clearly identify
racial differences in the way officials classify offenders. Of those studies that
examine different typifications of defendants, the results suggest a more
complicated story than the application of simple stereotypes. For instance,
Cicourel’s study (1968) found that minorities were more likely than whites to
be perceived as disrespectful of authority and, in particular, disrespectful of
court officials. More recently, Bridges and Steen (1998) found that probation
officers more frequently attributed black youths’ offending to negative atti-
dudes and personality traits, while stressing environmental explanations for
the offending of white youths.

Study Questions

In this chapter, we explore court officials’ use of attributions about the be-
behavior and characteristics of juvenile offenders, as reflected in their written
accounts of cases. We are interested in describing the perceptual processes
used by officials to explain their recommendations and decisions. First, we ex-
amine whether there is evidence that court officials rely on different explana-
tions and descriptions of defendants in their assessments of risk of reoffend-
ing. Based on past research, we anticipate that court officials will refer to
different explanations for the behavior and motivations of juvenile offenders
in their assessments. We expect that the types of arguments used to explain an
assessment that a youth is at a low risk of reoffending will be qualitatively dif-
ferent from the types of arguments used in high-risk assessments. Although
some of the explanations may be overlapping, we expect that, overall, low-risk
offenders will be described as having different problems and attitudes from
those of high-risk offenders. Second, we consider whether there are racial dif-
fferences in the attributions and explanations used by court officials. Within
each risk assessment category, we postulate that there will be a strong associ-
ation between the offender’s race and the type of explanation used. Our prior
research leads us to expect that officials will be more likely to perceive minor-
ity offenders as less reformable than white offenders, and to attribute their
delinquent behavior to attitudinal and personality characteristics rather than environmental factors.

**Study Design**

**Data and Sample**

The data for this study come from presentencing reports written by juvenile court probation officers (for more description, see Bridges and Steen 1998). Probation officers prepare the narrative reports to support their assessments of the youth's likelihood of future offending and amenability to treatment, and their sentencing recommendations. The narratives play a pivotal role in juvenile justice decision making, as judges rely on the reports to make judgments about the appropriate court response to a particular offender. The reports contain summary information about a youth's social history, an assessment of the likelihood of reoffending, and recommendations for sentencing. In each case, the reports are based upon the probation officer's interviews with the youth, with his or her family, and from written reports such as school records. While the overall length of the reports ranges from two to ten pages, the summary assessments of risk that we use for the present analyses range from two sentences to one page.

An important part of these narrative reports is the assessment made by probation officers about a youth's likelihood of reoffending. Such assessments are the culmination of the probation officer's experience with the youth and, along with the sentencing recommendation, they constitute the central element of the summary section of the reports. Assessments of the risk of reoffending—the perceived threat of future crime—act as a bridge between a probation officer's personal interaction with the youth and his or her sentencing recommendation. By translating the social and legal information about a youth into a judgment about her or his likelihood of reoffending, probation officers frame recommendations in probabilistic terms. In the final section of each narrative report, the probation officer classifies the youth as having a "low," "moderate," or "high" risk of reoffending. This study examines how probation officers generate these classifications.

Probation officers' written descriptions of youth are, in part, provided to support the recommendations and decisions they make about youth and their cases (Scott and Lyman 1968). Thus, in using these narratives, we must consider whether the characterizations and attributions documented by probation officers actually reflect their perceptions and "diagnoses" of offenders or, alternatively, are simply established legal rationales routinely offered by officials and accepted by juvenile court judges for justifying classification decisions. If the former is true, then the attributions are a critical link in the causal sequence of factors influencing assessments, recommendations and
other decisions. If the latter is correct, and the attributions follow from classification decisions rather than precede them, then the attributions may play a less important causal role in treatment decisions. Two aspects of the present study suggest that the probation officers' characterizations typically preceded rather than followed classification and treatment decisions (Bridges and Steen 1998). The first is that state laws require presumptive sentencing of juveniles and thereby focus the attention of court officials on the characteristics of the offense and offender in formulating assessments and recommendations. These laws establish a formal logic and order to the assessment process that limit the extent to which classification (or sentencing) may precede evaluation. A second aspect of the study suggesting that attribution precedes classification and treatment are observations and interviews of probation officers who completed the narrative reports on many cases analyzed in this study. While it is possible that some may have reached treatment decisions without careful assessment of offenders, observations and interviews with probation officers revealed the opposite. Typically, classification decisions were made following careful consideration of the youth, his or her crimes, and the youth's risk of future criminal activity. None of the interviews or any aspect of the observations provided a reason to believe that rationales were developed following decisions about offenders or that probation officers gave great weight to individual judges' expectations about case outcomes in formulating their descriptions of offenders and their crimes.

We analyze a subsample of 277 reports drawn from juvenile court cases processed through three courts in Washington State between 1990 and 1991 (Bridges et al. 1993). Washington has been a forerunner in the move toward formalizing juvenile justice; in 1994, researchers called the Washington system "the most structured in the country, placing the greatest authority with the state legislature in determining appropriate penalties" (Lieb, Fish, and Crosby 1994, iii). Specifically, the state introduced sentencing guidelines into the juvenile justice system in 1977, removing some of the broad discretion traditionally granted juvenile court judges. The guidelines require judges to follow sentencing ranges derived from an offender's prior record and the seriousness of the presenting offense. Part of the goal of such reforms was to reduce the introduction of extralegal factors (including race) into the decision-making process, making Washington a particularly interesting site for studying the effects of race on risk assessments.

The present study compares cases involving black youth with those of white youth; youth of other races and ethnicities were excluded from the analyses due to insufficient numbers (44 cases were other or unknown racial groups). In addition, explanations and assessment information was missing in 72 reports. Thus, our sample was reduced to 161 cases. Of the cases in the
Table 8.1: Description of Sample

<table>
<thead>
<tr>
<th></th>
<th>Full Sample</th>
<th>White Offenders</th>
<th>Black Offenders</th>
</tr>
</thead>
<tbody>
<tr>
<td>Female (%)</td>
<td>13</td>
<td>13</td>
<td>13</td>
</tr>
<tr>
<td>Mean age (years)</td>
<td>15.7</td>
<td>15.7</td>
<td>15.8</td>
</tr>
<tr>
<td>Mean number of prior convictions</td>
<td>3.57</td>
<td>3.33</td>
<td>4.13</td>
</tr>
<tr>
<td>Mean offense seriousness*</td>
<td>4.65</td>
<td>4.70</td>
<td>4.50</td>
</tr>
<tr>
<td>Mean assessment of risk**</td>
<td>2.30</td>
<td>2.22</td>
<td>2.47</td>
</tr>
<tr>
<td>Number of cases</td>
<td>161</td>
<td>112</td>
<td>49</td>
</tr>
</tbody>
</table>

*Statutory seriousness level for the most serious presenting offense. Range from 1–8 in this sample (with high values indicating the least serious offenses).
**Range 1–3, where 1 = low risk, 2 = moderate risk, and 3 = high risk.

final sample, 49 reports are for black offenders and 112 are for white offenders. (Basic descriptives for the study sample are provided in table 8.1.)

Demographic information and legal histories for all juvenile offenders were obtained from case files. Our analyses are restricted to the race of the offender. Legal information collected from case files included the severity of the presenting offense (statutorily defined offense seriousness levels) and the offender's prior offense record (number of prior convictions).

Analytic Strategy

To analyze the narrative data, we grouped individual cases by risk level to identify the emergent patterns of explanations within each level. Specifically, we looked for clusters of factors that probation officers consistently used in explaining their risk assessments. For example, at the moderate risk level, the following descriptions frequently appeared together: the offender has some serious risk factors (e.g., dysfunctional family, poor school performance); the offender recognizes that he or she has problems; the offender is eager to cooperate with the court; and the offender has "potential." We categorized narratives in which these characteristics clustered as "the offender making a 'cry for help.'" These are youth who have serious problems but are willing to cooperate and are capable of reform.

To aid in this process, we used Atlas-ti, a qualitative data analysis program that allows the user to mark certain segments of text with various codes (identified by the user), and at later stages to retrieve various segments marked with the same codes. The program also enables researchers to group both documents (in this case, individual reports) and codes. We used this feature at various stages of the analysis to group cases by individual factors, by types of explanations, by risk level, and by race. Thus, after sifting through the reports and identifying each individual factor used to explain risk assessments, we were able to identify factors that regularly appeared together, and to identify different sets of factors (or kinds of explanations) that appeared at different
Table 8.2: Impact of Legal Variables on Risk Assessment by Race

<table>
<thead>
<tr>
<th>Legal Variables</th>
<th>Risk Assessment</th>
<th>Black Offenders</th>
<th>White Offenders</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
</tr>
<tr>
<td>No priors</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Low risk</td>
<td>1</td>
<td>14</td>
<td>6</td>
</tr>
<tr>
<td>Moderate risk</td>
<td>1</td>
<td>14</td>
<td>7</td>
</tr>
<tr>
<td>High risk</td>
<td>5</td>
<td>71</td>
<td>12</td>
</tr>
<tr>
<td>Low risk</td>
<td>6</td>
<td>20</td>
<td>16</td>
</tr>
<tr>
<td>Moderate risk</td>
<td>6</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>High risk</td>
<td>18</td>
<td>60</td>
<td>24</td>
</tr>
<tr>
<td>Low risk</td>
<td>3</td>
<td>25</td>
<td>4</td>
</tr>
<tr>
<td>Moderate risk</td>
<td>1</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>High risk</td>
<td>8</td>
<td>67</td>
<td>15</td>
</tr>
<tr>
<td>Low risk</td>
<td>9</td>
<td>31</td>
<td>11</td>
</tr>
<tr>
<td>Moderate risk</td>
<td>3</td>
<td>10</td>
<td>20</td>
</tr>
<tr>
<td>High risk</td>
<td>17</td>
<td>59</td>
<td>31</td>
</tr>
<tr>
<td>1–5 priors</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Offense seriousness</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>levels 1–4 (most serious)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Low risk</td>
<td>1</td>
<td>7</td>
<td>11</td>
</tr>
<tr>
<td>Moderate risk</td>
<td>3</td>
<td>21</td>
<td>11</td>
</tr>
<tr>
<td>High risk</td>
<td>10</td>
<td>71</td>
<td>13</td>
</tr>
<tr>
<td>Offense seriousness</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>levels 5–7 (least serious)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Low risk</td>
<td>0</td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>Moderate risk</td>
<td>1</td>
<td>20</td>
<td>2</td>
</tr>
<tr>
<td>High risk</td>
<td>4</td>
<td>80</td>
<td>4</td>
</tr>
</tbody>
</table>

Note: Information on prior offense history was missing for two white offenders, and information on offense seriousness was missing for one black offender and six white offenders.

Statutory seriousness level for the most serious presenting offense. Range 1–8 in this sample.

levels of risk. These grouping features allowed us to see patterns in the data that we may otherwise have noticed.

In the present study, we do not control for the role of legal factors on the assessment of risk of reoffending. However, data presented in table 8.2 suggests that risk assessments are not strongly influenced by legal factors such as prior record and offense seriousness. Although the numbers in each category are small, we can cautiously conclude that neither a youth’s prior record of offending nor the seriousness of a youth’s presenting offense drives the race differences we find in risk assessments. Most notably, in every legal category, a larger percentage of black offenders are categorized as “high risk” than white offenders. Furthermore, a majority of black offenders (more than 50%) in every legal category are categorized as “high risk.” In contrast, a majority of white offenders are categorized as “low” or “moderate risk” in every legal category, with two exceptions: those offenders with six or more prior convictions (56% are categorized as “high risk”) and those committing the most serious offenses (50% are categorized as “high risk”). These patterns provide support for the argument that, rather than relying on a youth’s offending behavior, probation officers draw from a repertoire of identifiable explanations in justifying assessments of risk.
To explore racial differences in probation officers’ characterizations of offenders, we compared the percentage of cases in which particular justifications appear for black offenders to the percentage in which those justifications appear for white offenders. Due to the small number of cases and the exploratory nature of these analyses, we did not test for statistically significant differences between these groups. We note those comparisons where the small number of cases limits our conclusions.

Results of Analysis

While the present analysis is largely descriptive, it provides some interesting insights into the different ways probation officers think about black and white offenders. To interpret the results presented in table 8.3 (below), we

<table>
<thead>
<tr>
<th>Risk Level</th>
<th>Explanation for Assessment</th>
<th>Black Offenders</th>
<th>White Offenders</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
</tr>
<tr>
<td>Low</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total low-risk offenders</td>
<td>10</td>
<td>50</td>
<td>26</td>
</tr>
<tr>
<td>Out of character</td>
<td>5</td>
<td>50</td>
<td>14</td>
</tr>
<tr>
<td>Poor decision making</td>
<td>0</td>
<td>0</td>
<td>10</td>
</tr>
<tr>
<td>Past problems</td>
<td>6</td>
<td>60</td>
<td>5</td>
</tr>
<tr>
<td>Moderate</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total moderate-risk offenders</td>
<td>8</td>
<td></td>
<td>35</td>
</tr>
<tr>
<td>Needs treatment:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cry for help</td>
<td>2</td>
<td>25</td>
<td>9</td>
</tr>
<tr>
<td>Fixable</td>
<td>2</td>
<td>25</td>
<td>9</td>
</tr>
<tr>
<td>Needs to be removed from current environment:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drifting</td>
<td>2</td>
<td>25</td>
<td>3</td>
</tr>
<tr>
<td>Family life is chaotic</td>
<td>0</td>
<td>0</td>
<td>9</td>
</tr>
<tr>
<td>Needs to be held accountable</td>
<td>3</td>
<td>38</td>
<td>2</td>
</tr>
<tr>
<td>Total high-risk offenders</td>
<td>31</td>
<td>100</td>
<td>51</td>
</tr>
<tr>
<td>High</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Poor lifestyle choices:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Criminal lifestyle</td>
<td>10</td>
<td>32</td>
<td>8</td>
</tr>
<tr>
<td>Lack of constructive activities</td>
<td>2</td>
<td>6</td>
<td>10</td>
</tr>
<tr>
<td>Egocentric value system:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Doesn’t take offense seriously</td>
<td>6</td>
<td>19</td>
<td>4</td>
</tr>
<tr>
<td>Lack of concern for others</td>
<td>6</td>
<td>19</td>
<td>10</td>
</tr>
<tr>
<td>Uncooperative/defiant:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No desire to change</td>
<td>12</td>
<td>39</td>
<td>12</td>
</tr>
<tr>
<td>Manipulative</td>
<td>2</td>
<td>6</td>
<td>9</td>
</tr>
<tr>
<td>Out of control:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lacks internal controls</td>
<td>6</td>
<td>19</td>
<td>14</td>
</tr>
<tr>
<td>Lacks external controls</td>
<td>13</td>
<td>42</td>
<td>20</td>
</tr>
</tbody>
</table>

Note: As more than one justification could be used, the percentages within each risk group may total more than 100.
must begin with a few observations. First, the percentages of offenders in each risk category are quite different for black and white offenders. Of the 49 black offenders in the sample, 20% (10 offenders) fall in the low-risk category, 16% (8 offenders) in the moderate-risk category, and 64% (31 offenders) in the high-risk category. Of the 112 white offenders, 23% (26 offenders) are assessed as low risk, 31% (35 offenders) as moderate risk, and 46% (51 offenders) as high risk. These numbers are important for two reasons. First, twice as many white offenders fall in the moderate-risk category as black offenders. This may point to a tendency on the part of probation officers to assess black offenders as either low risk (i.e., victims) or high risk (i.e., hardened offenders), with little middle ground. In contrast, almost a third of the white offenders in the sample fall in the moderate-risk category, suggesting that probation officers make greater use of middle ground (arguing that an offender could go either way—away from or deeper into criminality) for this group. Second, the absolute number of black offenders in the low- and moderate-risk categories is too small to draw definitive conclusions about differences between black and white offenders.

The percentages in table 8.3 represent the percentage of offenders in a particular risk category for whom the given justification or attribution is used. For example, of ten black low-risk offenders, five (50%) fall into the “out of character” group. Probation officers sometimes use more than one kind of explanation for an offender (this is especially true for high-risk offenders), which means that the percentages within each risk group will sum to more than 100%.

Low-Risk Offenders

In classifying an offender as having a low risk of reoffending, probation officers are generally attempting to support a recommendation for little or no intervention by the court. We identify below three kinds of claims used by probation officers in low-risk assessments.

1. The Offense Was out of Character

The first way to explain a low-risk assessment is to attribute the offense as being out of character for the youth. As can be seen in Jake’s case, probation officers draw on a series of indicators to claim that the offending behavior was not characteristic of the youth, and therefore the court does not need to intervene to stop the behavior:

This is a bright, capable boy from a good, responsible, intact family. After the offense, Jake immediately personally apologized to the schools. Further court involvement is not necessary and would serve no purpose. Jake is a good boy who is not delinquently oriented and has already had
sanctions at home and by the school for this one time incident. He will not be in further trouble with the law.

Virtually all of the offenders described in this way come from “stable families” which provide sufficient support and structure to prevent future offending. These youth are often described as doing well in school, holding realistic goals for the future, and having prosocial peers. A positive attitude is also a consistent factor in these cases, with probation officers describing the youth as “genuinely remorseful,” “knowing what she did was wrong,” or “willing to accept the consequences for his actions.” The combination of external controls within the family and internal controls in the offender leads probation officers to conclude that a brief involvement with the court has had the necessary impact in terms of deterring future offending behavior (the offender has “learned his or her lesson”), and that continued involvement is unnecessary (and may in fact be harmful).

If probation officers tend to view minority defendants as less reformable, then we would expect that fewer black offenders would be characterized as committing an offense that was out of character than white offenders. This, however, does not appear to be the case. At least in this low-risk category, there does not seem to be a greater tendency to characterize white youth as having a noncriminal character and black youth as having a criminal character. The offense was described as being out of character in similar proportions of cases for black and white offenders (50% of low-risk black youth, 54% of low-risk white youth).

2. The Offense Was a Result of Poor Decision Making

Probation officers characterize a second group of low-risk offenders as poor decision makers. In these cases, the offender is described as having low self-control, often due to low self-esteem. These offenders are drawn into crime by peers, and are portrayed as unsophisticated offenders:

Jim is not a criminally oriented youth, but is easily led and often impulsive in his actions. He finds it difficult to say no to friends, even when he knows the actions are wrong. It is my opinion that Jim has a low opinion of himself and tries to raise his status in the eyes of his peers by being cool.

As with the previous low-risk group, attitude often contributes to an assessment that a youth engaged in poor decision making:

Ricky is not criminally oriented nor is he arrogant, obstinate or disagreeable like many other juveniles. He has made a serious mistake and realizes it.

Unlike youth for whom the offense was out of character, probation officers did not always mention attitude for this group of low-risk offenders. While none of the low-risk offenders were described as having a bad attitude, several of the reports in this category contained no mention of the youth’s attitude.
Thus, this lack of emphasis on the youth’s potential and his or her positive attitude is the key distinction between poor decision makers and offenders for whom the delinquent act was seen as out of character.

While more than a third (38%) of white low-risk offenders are characterized as poor decision makers, no black low-risk offenders appear in this category. The absence of black offenders as poor decision makers may reflect a perception on the part of probation officers that arguments of impulsivity are not sufficient in explaining a low-risk assessment for black offenders. Rather, probation officers may be countering assumptions of a criminal character by describing in some detail the positive elements of a black youth’s character. In particular, probation officers may feel pressure to emphasize a positive attitude in the case of a black youth (this would be consistent with our expectation that attributions about black youth are likely to include a negative attitude).

3. The Offense Was a Result of Past Problems

The third explanation for low-risk assessments is that the causes of an offender’s behavior are problems that are either no longer relevant or, more often, that the offender is currently dealing with successfully. Many of these youth have had serious problems in the past (e.g., family neglect, physical or emotional abuse, or anger management problems), problems that are viewed as risk factors for future offending. To explain a low-risk assessment, probation officers often portray this group of offenders as having experienced tremendous tragedies in their lives, and as being actively engaged in overcoming these experiences:

Hannah is currently performing at a relatively high standard. She has been in treatment for a few weeks, but is making substantial progress. Given what she has suffered and been exposed to, she is a very courageous young lady to be so honest and giving in her treatment . . . We believe she is sincere. She has a very strong support system in place to see her through it for the next several years. Hannah opted for treatment. She is involved in her own salvation.

These are youth who have made serious progress toward dealing with their problems, either by moving into another environment or through counseling. Their willingness to cooperate with the court and work on their problems places them in the low-risk group.

In contrast to poor decision makers, a group populated entirely by white offenders, black offenders are much more likely than white offenders to fall into the past problems category of low-risk offenders (60% of black offenders compared to 19% of white offenders). When these particular results are read together, they seem to reflect a perception that negative external influences on white low-risk offenders are more likely to be peers (contributing to poor decision making), while for black low-risk offenders they are more likely to be serious traumas. Similarly for the “out of character” group, one might argue
that probation officers emphasize the inner strength of black low-risk offenders (in this case, their desire to change and efforts to work through their problems) to discourage assumptions of criminal character.

**Moderate-Risk Offenders**

By placing youth in the moderate-risk category, probation officers see an offender who could go either way — with appropriate intervention by the court, the youth could stop offending; without such intervention, the youth will be likely to continue offending. Generally, the probation officers’ explanations point to recommendations that a particular type of intervention is needed to prevent these youth from continuing with their delinquent behavior. These explanations are therefore qualitatively different from those for offenders at either a low or high risk of reoffending. Three types of characterizations of offenders and their behavior (described below) are relied on in moderate-risk assessments.

1. **The Youth Needs, and Is Amenable to, Treatment**

Some of the youth that fall into the category of moderate risk are youth who need help and who have demonstrated either the desire or the ability to be helped. The first group in this category includes offenders who have serious problems but also have potential and recognize the need for help. These youth might be described as making a “cry for help.” Matt is typical of such cases:

Matt is a very intelligent, yet very confused young man. When one combines his early childhood problems with his ongoing battle for identity it is fairly easy to see why Matt is in trouble with the juvenile court. . . . While this may seem like an unusual time to become somewhat optimistic about Matt’s chances, based on our last conversation, he may have finally had the right combination of circumstances to focus him in the right direction. . . . He talked about his need to change and grow internally and acknowledged that he had to stop looking externally for anything that promised a quick fix.

Probation officers invariably describe these youth with both a positive attribute (e.g., nice, honest, respectful, pleasant) and a somewhat negative attribute (e.g., confused, hurt, angry, depressed). The latter is seen as a result of their life problems, while the former is seen as evidence of their future potential. These youth have all had contact with the court previously, have generally done well under the court’s supervision, but have slipped when returned to their chaotic home environments. In these cases, probation officers often appear to characterize these offenders as benefiting from further court involvement: these are offenders who may have serious risk factors, but where the probation officer sees potential and the youth is eager to cooperate with
the court in getting the necessary help. Similar percentages of black (25%) and white (26%) offenders fall into this group.

A second group in the category of offenders who can be helped are simply characterized as fixable. These offenders have done well in treatment in the past, and have made some progress toward solving their problems. They are therefore assumed to be amenable to the services provided by the court. This group differs from the "cry for help" group because this is generally the only thing mentioned in the report; little is said about a youth's potential or his or her serious problems. Again, there are no substantive differences between black and white offenders: 25% of black offenders and 26% of white offenders fall into this category.

2. The Youth Needs to Be Removed from Current Environment

Another type of explanation found in the narratives is that offenders need to be removed from their current environment because they lack internal and/or external controls on their behavior. In these cases, probation officers do not seem to be arguing for the need for a particular type of intervention (i.e., treatment or punishment), but rather for any intervention at all that would take the youth away from his or her present situation.

The first group of offenders in this group might be categorized as drifters. Probation officers perceive these youth as lacking direction in life and, in part because of this, easily influenced by delinquent peers. These are youth who could go either way; they need to be reined in before they become serious criminals:

Leroy appears to be drifting. He has dropped out of school and remains unemployed. He talks about finishing school and claims he has goals to become employed. He does not appear to be focused... He is not the kind of youngster that needs commitment to DJR but he is slowly moving in that direction.

Many of these youth have minimal external controls on their behavior (i.e., their families do not provide sufficient structure), and many also have weak internal controls due to low self-esteem and a lack of clear direction. These youth are unfocused, but not yet hardened criminals. Black offenders are somewhat more likely to fall into this category than white offenders (23% vs. 14%). However, given the extremely small numbers in this category (two blacks and five whites), any conclusions may be premature.

The second group of offenders who need to be removed from their current environment includes youth whose family life is chaotic. There is generally some kind of pattern of behavior in these families that the probation officers describe as harmful. In some cases, this pattern is related to family interaction characterized by conflict, while in others the pattern is based on parental behavior that involves drug use and/or criminal activity. Probation officers
argue that the families of these offenders cannot provide sufficient structure and control to keep the youth out of trouble:

Sean is a young man who is a vulnerable target to negative influences due to his dependant personality needs. His parents do not seem to be able to provide adequate control for Sean at this point in time. Leaving Sean at home may enhance the future recurrence of the crime. Sean needs to be removed from the community and be placed in a structured environment.

Probation officers often frame these offenders as victims (in Sean’s case, as a "vulnerable target"). They argue that these youth need structure and that the only way for them to get it is for the court to remove them from their current environment. While 26% of white moderate-risk offenders fall into this category, no black offenders do (this finding is discussed below).

3. The Youth Needs to Be Held Accountable

The last type of explanation supporting an assessment of moderate risk is that an offender needs to be held accountable. These are youth who do not recognize the consequences of their behavior, either due to immaturity (as in Allan’s case below) or, more often, due to a negative attitude:

This writer is inclined to believe that Allan has not been involved in selling drugs for a long period of time, primarily because he appears to be unsophisticated, immature, and naive. Nonetheless, he needs to be held accountable, and punished. He is a youngster in need of immediate impacting to lessen his risk of reoffending.

In these cases, the probation officers proffer the hope that, by punishing these offenders, they will come to appreciate that there are serious consequences to their behavior, and that this awareness will deter future delinquent activity.

The most interesting race differences in the moderate-risk category are between youth whose family life is chaotic and those who need to be held accountable. While 26% of white offenders are described as having a chaotic family life, no black offenders are described in this way. In contrast, probation officers characterize 38% of black offenders as needing to be held accountable, compared to only 6% of white offenders. This difference is consistent with the distinction of internal and external, where whites are more likely to be described as having external problems (e.g., family life), and blacks are more likely to be described as having internal problems (e.g., making bad decisions and needing to be punished). Again, however, because of the total number of moderate-risk black youth (eight), any interpretation must be made with caution.

High-Risk Offenders

High-risk offenders are generally youth with a combination of the kinds of risk factors described thus far. While negative attitudes and difficult circumstances are seen as surmountable for lower-risk offenders, they tend to be seen as
personality traits or permanent conditions for high-risk offenders. We identify below four categories of risk factors used in high-risk assessments.

1. The Youth Makes Poor Lifestyle Choices
The first kind of explanation used by probation officers in high-risk assessments relates to offenders’ poor lifestyle choices. Probation officers seem to characterize youth who make these choices in two ways: as youth who are engaged in a pattern of destructive behavior, and as youth who choose not to engage in constructive behavior. The first category contains youth who are often described as having a criminal lifestyle. Indicators of entrenchment in a criminal lifestyle include descriptions of behavior that is “patterned” or “escalating,” and involvement in a drug or crime culture or a gang.

Luis is entrenched in the gang and drug cultures. He has been a Crip for some time. He has been supporting himself by selling drugs. He stressed how selling drugs was an easy and quick way to make large sums of money. In talking with Luis, what was evident was the relaxed and open way he discussed his life style.

It is interesting to note that affiliation with gangs arises exclusively in reports of high-risk offenders. Probation officers clearly have little hope that youth who are gang members or have close ties to gangs will be able to remove themselves from their peers and thereby have a chance at interrupting their criminal careers.

The second category consists of youth who lack constructive activities and have few structured goals. In comparison to the moderate-risk drifters, this lack of direction is seen as a more permanent condition among high-risk offenders:

Peter lacks a great deal of motivation and self discipline toward any life goals. He has an escalating pattern about following directions. He is virtually marking time.

While similar percentages of black (38%) and white (36%) offenders are described as making poor lifestyle choices, their choices are characterized differently. Probation officers are much more likely to describe black offenders as having a criminal lifestyle (32%, compared to 16% of white offenders), while they are more likely to describe white offenders as having a lack of constructive activities (20%, compared to 6% of black offenders). This difference may reflect in part a greater tendency to mention gang membership for black offenders. However, it may also reflect a characterization of blacks as actively making destructive choices, compared to whites, who are characterized as not making constructive choices.

2. The Youth Displays an Ego-centric Value System
A second group of high-risk offenders includes those who have what probation officers describe as an egocentric value system. The first category of offenders in this group are youth who do not take the offense seriously,
Offenders who are unwilling to accept responsibility for their offending and/or fail to consider the consequences of their behavior are often categorized as high risk. Probation officers generally attribute these attitudes to an egocentric personality:

Willis here because of drug dependence and a personality pattern that is highlighted by rigid thinking, inability to assume responsibility for his behavior, and a self-centered manner of operating.

Annie's behavior seems to be very impetuous with no consideration for potential consequences. She appears to have a tremendously skewed value system.

As with the two offenders described above, the values of high-risk youth in this category often center on immediate satisfaction and fulfillment of personal desires, values which prevent offenders from taking responsibility for their actions. Black offenders are somewhat more likely than white offenders to be described in this way (19% of blacks compared to 8% of whites).

Another manifestation of an egocentric value system is a lack of concern for others and, particularly, for victims. This lack of empathy is generally tied to the youth's personality, rather than to specific circumstances (as with lowerrisk offenders). Probation officers describe many high-risk offenders as "unable" to understand that their behavior is harmful to others:

Robert seems to show no remorse for his victims. It is possible that this juvenile does not have the ability to comprehend the cause and effect of his delinquent behavior.

Lloyd looks and acts like an immature adolescent, however, his actions are that of a streetwise, sophisticated youth who is interfacing with other youth who don't see anything wrong with victimizing a person. His behavior is deteriorating. He doesn't appear to be remorseful for his participation in the offenses.

Both of these cases illustrate what might be described as an emotional void. Neither of these offenders has a value system that includes concern for others or an understanding of the difference between right and wrong. Equal percentages of black and white offenders (19% and 20%, respectively) fall into this category.

3. The Youth Is Uncooperative or Defiant

A third set of factors characterizing high-risk offenders relates to the youth's attitude and behavior toward the court. One category of offenders in this group are youth who have established, through their behavior and/or their attitude, no desire to change. The majority of these youth have had prior involvement with the court and have failed to comply with court orders:

William has done little while on supervision to improve his situation. William has been given the opportunity to avail himself of resources in the community, but has not taken advantage of these opportunities.
In describing these cases, probation officers argue that, because the court "has done everything it can" for these youth, there is nothing left but punishment. Attitude is clearly important here, and many youth are portrayed as uncooperative or, in some cases, actively defiant:

Joseph has shown himself to be unwilling to submit to authority. There is an inability or unwillingness to cooperate with treatment.

The assumption about offenders like Joseph is that they are working against the court rather than with it, and should be treated accordingly.

Related to cooperation with the court, some youth are described as always trying to get around the rules and manipulate the system. These are youth who try to manipulate situations to their advantage, often distancing themselves from responsibility for their behavior:

Leonard has used his good looks and somewhat charming personality to manipulate his way through school, home and his dealings in the community. Leonard can easily be described as a smooth talker and he doesn't worry about much of anything.

Manipulative offenders are assumed to be unworkable, as they are perceived as dishonest and calculating. To be successful at manipulation, a youth must have some positive traits to draw on, such as a charming personality (as with Leonard) or intelligence. In some ways, these youth might be seen as worse than other high-risk offenders because they have the potential to be productive, yet they use this potential to cheat both their victims and the court system.

While similar percentages of black and white offenders are described as uncooperative, they fall into different categories within this larger characterization. Black offenders are more likely than white offenders to be described as having no desire to change (39% compared to 24%). White offenders, in contrast, are more likely to be described as manipulative (18% compared to 6% of black offenders). This difference might represent a perception that white offenders have greater potential (potential is a necessary element in manipulation), while black offenders are more likely to be defiant and uncooperative with court processes.

4. The Youth Is Out of Control

The final characterization of high-risk offenders includes youth whom probation officers see as out of control. This includes both offenders with low internal controls and those with few external controls. Offenders who lack internal controls appear at every risk level. In the case of high-risk offenders, however, lacking internal controls tends to be seen as a personality trait rather than a momentary lapse in judgment:

Billy has been opportunistic and pragmatic about getting what he wants. He is not adequately restrained by a need to use rules or impose value judgments voluntarily on his own behavior.
External controls are also important in preventing offending behavior. In describing an offender who lacks external controls, probation officers invariably discuss the youth's family situation. The families of high-risk offenders are often described in great detail, with the parents described as "enablers," "in denial," providing "inconsistent discipline" or "not enough structure." The family is seen as a major obstacle to the youth's potential for rehabilitation.

Family members tend to make excuses for Chad's behavior and to enable him to avoid taking responsibility and facing consequences. As a result, Chad is impulsive, immature, and seeks immediate gratification without regard to the requirements of the situation.

Black and white offenders are described as out of control in fairly similar proportions. Forty-two percent of black offenders and 39% of white offenders are described as lacking external controls, while whites are slightly more likely to be described as lacking internal controls (27% compared to 19% of black offenders).

**Discussion and Conclusions**

In our exploratory analyses of how probation officers explain and assess the future risk of offending, we found that probation officers use qualitatively different kinds of attributions and explanations. Probation officers relied on explanations about the immediate causes of the present offense, and why these causes would not lead to future offending, in their assessments of low-risk youth. For instance, the current offense was described as resulting from poor decision making, being out of character, or due to past problems. In contrast, probation officers were more likely to make attributions about their general character and problems in assessing moderate- or high-risk offenders. Explanations emphasizing a youth's attitude and the court's ability to intervene in particular ways were typical for moderate-risk youth; while in high-risk cases, explanations focused on a youth's character, values, or persistent life problems.

Interestingly, this study adds complexity to the dichotomy of internal versus external attributions about the causes of offending behavior that previous research has suggested. In earlier work, Bridges and Steen (1998) argued that probation officers were more likely to use negative internal attributions to explain the delinquent behavior of black offenders and negative external attributions to explain white offenders' delinquency.

Our current analysis presents three striking results. First, in the assessments of low-risk youth, there is no evidence that the internal/external dichotomy of attributions explains racial differences in officers' perceptions of offenders. Probation officers were not more likely to draw on internal attributions (the offense was "out of character") for black youth, or external attributions (the
offense was due to “past problems”) for white youth. Indeed, equal proportions of black and white offenders are described as committing “out of character” offenses, and a somewhat larger proportion of black offenses were attributed to “serious past problems.” These results raise the possibility that probation officers may feel the need to counter assumptions of weak moral character for black youth in order to explain a low-risk assessment for these youth. This possibility is strengthened by the fact that probation officers never relied on attributions of “poor decision making” in low-risk assessments of black offenders. This is the only explanation for a low-risk assessment that does not include a description of the youth's positive attitude, and its use characterizes more than one-third of the low-risk assessments for white youth. Probation officers simply did not categorize black youth as low-risk offenders without emphasizing their desire to change, willingness to cooperate with the court, and/or feelings of remorse.

Second, explanations mirroring the internal/external distinction between black and white youth were much more likely to be seen in assessments of moderate-risk youth. Evaluations of the future offending behavior of black youth were most likely to be attributed to internal characteristics, such as drifting, lacking meaningful life goals, or needing to be held accountable. Indeed, the only explanation for moderate-risk assessments that is based entirely on an offender’s attitude (“needs to be held accountable”) was invoked solely for black offenders. In contrast, explanations for risk assessments at this level for white youth were more likely to be based on external characteristics such as a chaotic family life. In assessments of moderate-risk youth, one of the most common external attributions (“behavior exacerbated by the youth’s family”) was used exclusively to describe white offending.

Finally, the characterizations that probation officers used in high-risk assessments are not easily categorized into theoretical framework of internal and external attributions. Perhaps the most interesting racial difference at this level—the use of attributions of “poor lifestyle choices”—implies a different way of thinking about the attribution process that does not rely directly on the internal/external distinction. Specifically, while equal proportions of black and white high-risk offenders had their offending behavior attributed to “poor lifestyle choices,” probation officers were more likely to describe black offenders as actively making destructive choices (such as remaining in a gang) while describing white offenders as failing to make constructive choices (such as developing meaningful goals). This suggests that black youth are more likely to be perceived as making active choices to maintain a criminal lifestyle, while white youth are more likely to be perceived as not making active choices to move away from such a lifestyle (a more passive view of decision making).

Overall, these results indicate that, although there were some clear racial differences in the types of typifications and attributions that probation officers
used to explain risk assessments, these differences could not always be explained by the internal/external dichotomy. Probation officers often drew on both internal and external factors to justify a particular risk assessment. These findings suggest that the internal/external conceptualization of the attribution process is only the first step in constructing theories to explain legal decision making.

There are two important limitations on our findings. First, the small number of black offenders in some categories (particularly the moderate-risk offenders) means that our conclusions remain somewhat tentative. Second, given the exploratory nature of this research, we were unable to control for factors other than race (such as offense type and prior record) that may have important effects on the assessment of risk. However, as our preliminary analyses suggest that legal factors might not be the strongest predictors of risk assessments, research should examine the particular circumstances of individual cases (i.e., looking at offense descriptions rather than relying on offense seriousness levels). This could provide fascinating insights into the ways that probation officers work with both offender and offense characteristics to form judgments and recommendations. In particular, studies examining “exceptional” or unexpected cases—cases where the seriousness of the offense and/or the offender’s prior record would not easily predict the risk assessment (e.g., an offender committing a serious offense who is categorized as low risk)—could be particularly useful.

This research demonstrates that we cannot continue to overlook the role of officials’ perceptions and attributions in the classification and treatment of offenders. Court officials appear to have different explanations and views about the causes and motivations of behavior that vary by the race of the defendant. We argue that the crucial link in understanding differential treatment and punishment outcomes is the translation of offender status characteristics to attributions about character and motivations. This chapter has identified some of the elements of this “perceptual logic of explanation” (Bridges and Steen 1998, 568), and how these elements are shaped by the race of the offender.

Future research on race and legal decision making needs to consider the subjective aspects of decision making. We need to better understand how court officials perceive, define, and classify offenders—in short, our theories need to focus on process, and not just outcomes. This requires the integration of perceptual processes—the social psychology of decision making—into theories of law and social control (Albonetti 1991; Albonetti and Hepburn 1996; Bridges and Steen 1998).

Our findings also point to the importance of considering the risk assessment process in developing interventions to reduce racial disproportionalities within juvenile justice. Future policies on the disproportionate confinement of minority youth must focus on court procedures for evaluating the risk of reoffending. One approach, which is being or has been implemented in some
jurisdictions, entails uniform risk assessments—a standard set of criteria for evaluating youth and the likelihood of recidivism. This approach mitigates the effects of differential attributions about youth made by judges or probation officers, relying on standard criteria to structure risk assessments. In this approach, courts can reduce differential assessments of minority and white youth with similar offense histories and backgrounds and thereby reduce racial disparities in court dispositions. Of course, standardized risk assessment may prove difficult to implement in some courts. Contradicting the rehabilitative ideal and ideology that pervade many juvenile justice programs, standardized assessments reduce the exercise of discretion by court officials in evaluating the individual circumstances of youth adjudicated for crimes. A further concern is the extent to which any standardized criteria are differentially associated with particular racial and ethnic groups (e.g., criteria related to family structure and dynamics may not recognize cultural differences in family organization or parenting practices).

A related and perhaps less controversial approach to minimizing differential attributions and assessments is training curricula for judges and court personnel that identify critical criteria that are race neutral for assessing risk. While not relying on uniform procedures for officials to follow in evaluating each individual case, this approach reduces differential attributions and assessments by establishing court norms and/or policies for screening that focus on patterns of prior criminal behavior (e.g., chronic assaults or other violent offenses, drug abuse, or serious delinquency) rather than personal or social background characteristics of defendants. Rigorous training in these norms and policies, coupled with endorsement by senior justice officials, will institutionalize their use in juvenile justice decision making.

At the heart these approaches to future policy is the idea that court reforms for reducing disproportionate minority confinement must alter the process of decision making in juvenile justice. While no single set of policies will necessarily alter (or should alter) how individual court officials perceive juvenile offenders and the crimes they commit, courts must implement policies that mitigate the effects of differential perceptions of youth on their assessment and treatment by court personnel. And as future research more clearly specifies the mechanisms by which perceptions shape court decisions, reforms in policy must address the social psychological processes that foster invidious and unfair treatment of minority youth by juvenile justice programs.

Notes

1. We recognize, however, that officials in some regions within the state and those in other states may subscribe to other, less formal approaches in classifying and assessing delinquent youth.
2. The original study sample for the three counties or courts was 1,300 cases (400, 400, and 500 cases in the three counties). The subsample used in the present study was drawn as an interval sample: every fourth case from the larger sample for two counties and every fifth case from the third. The full subsample of reports was 277 cases (23 cases were not available for review because they were in use by probation staff at the time of sampling). The subsample overrepresents youth with case files that include written documentation about the youth and their families. These cases tend to have higher proportions of minorities and offenders with more extensive criminal histories than occur in the population of all youth processed through the courts.

3. Note that the term “factor” is used here not as part of a quantitative analytic strategy (i.e., factor analysis), but rather to indicate one element decision makers consider in developing risk assessments. We were interested in the factors that emerged from our narratives: thus, we did not code for predetermined factors, but rather looked for factors that regularly appeared in our narratives.

4. Pseudonyms have been used to preserve confidentiality.

References


