

EXPERIENCES OF YOUTH IN CONFINEMENT: PATHWAYS OF RACIAL-
ETHNIC DISPARITIES IN JUVENILE CORRECTIONS

A Dissertation Submitted
to the Graduate School
University of Arkansas at Little Rock

in partial fulfillment of requirements
for the degree of

DOCTOR OF PHILOSOPHY

in Criminal Justice

in the School of Criminal Justice & Criminology
of the College of Business, Health, and Human Services

May 2023

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EXPERIENCES OF YOUTH IN CONFINEMENT: PATHWAYS OF RACIAL-ETHNIC DISPARITIES IN JUVENILE CORRECTIONS by Kimbla D. Newsom,
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ABSTRACT

Of the vast body of research focusing on the racial and ethnic disparities (RED) phenomenon in the juvenile justice system, much of the attention has been at critical points of system contact such as arrest and disposition, while overlooking what happens within critical stages such as confinement facilities. This dissertation investigates the ways in which youth experiences in juvenile confinement facilities differ across racial and ethnic groups. Findings reveal that race and ethnicity is a significant predictor of a youth experiencing more control-oriented interventions, longer lengths of stay in confinement, and fewer connections to reentry services. The dissertation concludes with a discussion of the limitations of the data, contributions, and implications of the study for both practitioners and researchers alike.

DEDICATION

I dedicate this dissertation to Tarsha L. Ragland. I'm so thankful to God that He chose her to be my sister. For the support she has provided, and sacrifices made for me throughout this journey, I will forever be grateful.

ACKNOWLEDGMENTS

First and foremost, I would like to give praise to my Lord and Savior Jesus Christ for directing my path throughout this entire process. I would like to thank my committee members, Dr. Robert (Bob) Lytle, Dr. Mary Parker, Dr. David Montague, and Dr. Tara (Doc) Martin, for all the support and guidance provided to me on this manuscript. Each committee member has left a positive imprint on my life because of my encounters with them as a doctoral student. I would also like to thank Performance-based Standards (PbS) Learning Institute for awarding me a grant to conduct this research. This research was conducted by accessing the Performance-based Standards Researchers Dataset. The views expressed in this dissertation are those of this author and do not reflect the views of PbS Learning Institute. Finally, I would like to thank my parents Diane Harris and Larry Newsom.

PROTOCOL/IRB STATEMENT



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Best of luck with your study.

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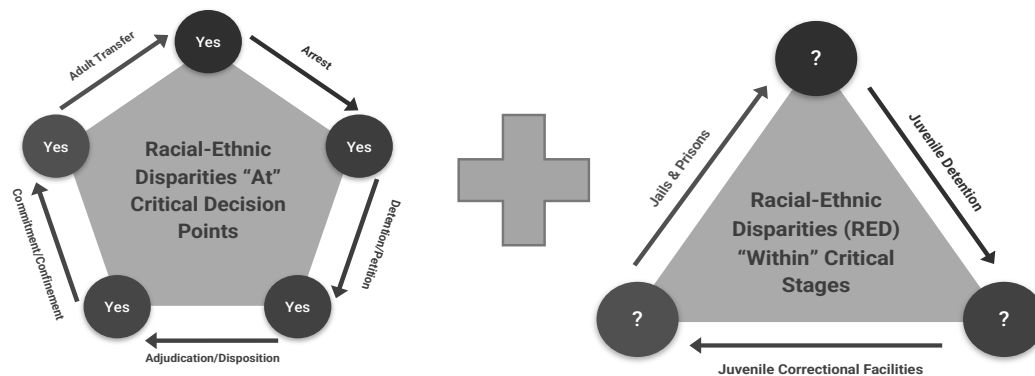
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Chapter 1: Introduction

Racial and ethnic disparities (RED) have been an enduring issue in the U.S. justice system and thus the subject of a vast body of scholarship for many years (Glenn, 2019; Leiber, 1993; Leiber et al., 2011; Leiber & Stairs, 1999; Majumdar, 2017; Onifade et al., 2019; Zane, 2020; Zane et al., 2020). Despite a 30-year-old federal mandate to identify, reduce, and eliminate disparities in the United States Juvenile Justice System (JJDPA, 1974), there has yet to be sustained progress or solutions to eradicate this problem. Formal involvement in the juvenile justice system can lead to youth experiencing detrimental outcomes, especially as they move to more restrictive parts of the system (Campbell et al., 2017). As an example, justice system processing generally has an adverse effect on juveniles through the “knifing off” of traditional opportunities and can serve as a means for cumulative disadvantage (Beckman & Rodriguez, 2021; Rodriguez, 2010; Zane et al., 2021). At each juvenile justice decision point, there is a growing impact of RED on youth encountering the system. Further, research has highlighted the potential influence of early decision points on later stages of processing and disposition outcomes (Cochran & Mears, 2015; Davis & Sorensen, 2013). Justice system processing begins with police contact and arrest, which then leads to juvenile court decisions such as diversion, detention, commitment, and adult system transfer. Formal involvement with the juvenile justice system results in an array of consequences for youth that includes increased risk of dropping out of school, recidivism, strained family relationships, and adult incarceration (Cochran & Mears, 2015; Conley, 1994; Rodriguez, 2007).

Considering the long-term consequences of juvenile justice system contact, then, it is important to better understand if, and to what degree, race makes a difference in the lives of youth that encounter the criminal justice system in America. Racial and ethnic disparities not only disproportionately introduce youth to legal systems, they also adversely impact their life outcomes. As illustrated in Figure 1, a greater comprehension of the RED phenomenon and its solution requires an examination not just of processing decisions (i.e., output) but also the pathways and experiences (i.e., outcomes) of youth in critical decision stages. To that end, my primary research question and hypotheses turn to these gaps in the literature.

Figure 1: Comprehending the Full Extent of the RED Phenomenon



Note: The figure shows that a full understanding of the extent of racial and ethnic disparities phenomenon within the justice system requires examining not only processing decisions *at* critical decision points but also decisions made *within* critical stages of the system.

My Research Question and Hypotheses

Research has typically found that youth of color are more likely to receive severe sanctions compared to White youth, and this can occur even after controlling for a range of legal and extralegal factors (Cochran & Mears, 2015; Davis & Sorensen, 2013; Lehman et al., 2020; Peck, 2018; Sherman & Jacobs, 2011; Tonry, 1995). Despite confinement being one of the most severe sanctions that a juvenile can receive by court officials, very few studies have examined youth experiences by race and ethnicity within secure facility settings (Oglesby-Neal & Peterson, 2021; Walker & Bishop, 2016). Considering the RED observed in dispositions to confinement, then, the lack of study regarding juvenile experiences within confinement across racial and ethnic groups merit immediate investigation. The extent of RED in youth experiences within and across juvenile confinement institutions in the U.S. is largely unknown, thus impeding any efforts to eradicate this nationally identified problem within the American juvenile justice system. Disparate treatment of non-White youth has historical roots in the system of justice (Beckman & Rodriguez, 2021; Bell, 2017; Chavez-Garcia, 2012; Platt, 1969). I suspect that differential confinement experiences exist today by race and ethnicity that mirror practices (e.g., assimilation, control, segregation) dating back to the inception of the juvenile justice system. Negative experiences in secure facility settings influence future outcomes of those released upon return to the community (Mueller et al., 2019). Therefore, if stakeholders gain a better understanding whether key contributors to adverse outcomes are disproportionately applied to youth of color, it can potentially help explain why the RED problem continues to persist today. To that end, the primary research question and hypotheses for the current study are as followed:

RQ: In what ways do the experiences of youth in juvenile confinement facilities differ across racial and ethnic groups?

H1: Minority youth will experience more control-oriented interventions than White youth.

H2: Minority youth will experience longer lengths of stay than White youth.

H3: Minority youth will experience fewer connections to reentry services than White youth.

The Significance of My Study

Racial disparities have long been a feature of the juvenile justice system (Claus et al., 2017; D'Alessio & Stolzenberg, 2003; Donnelly, 2018; Dragomir & Tadros, 2020; Fix et al., 2017; Gann, 2018; Harris, Steffensmeier, Ulmer, & Painter-Davis, 2009; Smith et al., 2002; Ulmer et al., 2011; Zane, 2020). Research on this problem has centered on explanations for the overrepresentation of youth of color in the system (Baglivio et al., 2017; Beckman & Rodriguez, 2021; Mendoza et al., 2020). Despite over three decades of attention on the reason for these disproportionalities, little progress has been made towards eliminating these disparities (Cochran et al., 2015; Davis & Sorensen, 2013). The current study seeks to better understand how race makes a difference in youth experiences within the American Juvenile Justice System. For scholars critically examining features of the juvenile justice system process, ascertaining differential experiences of youth in custody is of theoretical relevance to the study of RED (Mueller et al., 2019). A study of the ways in which interactions while confined vary by race and ethnicity may lead to a better understanding of the nature and nurture of RED in existing

practices (e.g., types of interventions used). Additionally, awareness by stakeholders of the mechanisms by which youth of color might experience more detrimental outcomes than White youth can help to guide rehabilitative services and policies around the care and custody of juveniles, thus leading to better outcomes for all youth.

Existing Literature and Theories About RED in the Justice System

The Juvenile Justice and Delinquency Prevention Act (JJDP Act) was established in 1974 to improve outcomes for youth and public safety among the different juvenile justice systems independently operated by states, territories, the District of Columbia, and local governments in America (JJDP Act, 1974). In 1988, Congress amended the JJDP Act to require states to generate statistics about racial disparities for juveniles in detention facilities, which was formally called disproportionate minority confinement (DMC; Maggard, 2015; Peck et al., 2014). Disproportionate minority contact is now referred to as racial and ethnic disparities or RED (Juvenile Justice Reform Act, 2018)

In this literature, disparity has been defined as an overrepresentation of individuals at a particular stage of the juvenile justice system compared with their representation in the general population (Brinkley-Rubinstein et al., 2014; Campbell et al., 2017; DeLone & DeLone, 2017). A growing body of research has been developed in recent decades identifying RED in the handling of adolescents referred to the juvenile court (Cochran & Mears, 2015; Lowery & Burrow, 2019; Oglesby-Neal & Peterson, 2021; Piquero, 2008).

Explanations for RED in the Justice System

Professional literature on disparate treatment of youth of color in comparison to White youth date back to the inception of the American Juvenile Justice System (Bell & Mariscal, 2011; Frey, 1981; Ward, 2012) with confinement often being used for assimilation (Wilmot & DeLone, 2010), segregation (Frey, 1981), and control (Chavez-Garcia, 2007; Ward, 2012). For instance, Indian children were placed in boarding schools and stripped of their culture for assimilation into beliefs and practices of the dominant culture (Bell, 2017; Trafzer, 2009). Additionally, Black, and Latino children were viewed by the dominant culture as unworkable, feeble-minded, unredeemable, and thus, needing intervention at local and state levels (Beckman & Rodriguez, 2021; Chavez-Garcia, 2007).

The presence of racial and ethnic disparities within the criminal justice system in America is ubiquitous throughout the literature. Specifically, disparities in the juvenile justice system have been growing since the 1960s (Davis & Sorensen, 2013). For instance, in the late 1970s and early 1980s, the U.S. experienced a rise in the number of youth placed in public juvenile correctional facilities, of which, minority youth shouldered 93% of the increase in confinements to these institutions across the country (Krisburg et al., 1987). Despite significant drops in the crime rates and secure confinement for the past two decades, racial disparities persist in the U.S. juvenile system at nearly every stage and in every state (Shannon & Hauer, 2018). Differences in offending behavior and differences in treatment of offenders by justice system actors have been identified in research as primary explanations for why RED exists and persists in the criminal justice system today.

Differential Offending vs. Differential Treatment

Some researchers have argued that racial and ethnic disparities in the criminal justice system are the product of differential patterns of offending among the various racial and ethnic groups (DeLone & DeLone, 2017). In other words, disproportionality is explained in the context of serious and violent crime being higher for racial minorities than for White offenders. Additionally, scholars from the differential offending perspective have argued that after controlling for some legal variables, findings point to little or no race-ethnicity effect on court processing decisions in the juvenile system (Brinkley-Rubinstein et al., 2014; Tracy, 2005).

Alternatively, other researchers have explained RED as a product of biased perceptions, beliefs, and actions of justice system officials (i.e., differential treatment; Hawkins, 2003). Racial stereotyping, a lack of cultural competence, language barriers by juvenile justice workers, and misuse of discretionary power are all examples in the literature on inconsistent practices with respect to the treatment of racial minorities (Peck, 2018). Furthermore, some scholars have found that school actions and zero tolerance policies contribute to an adolescent's disproportionate contact with the justice system (i.e., the school-to-prison pipeline; Marchbanks et al., 2018; Mendoza et al., 2020; Nicholson-Crotty et al., 2009). Despite debate by juvenile justice scholars surrounding its sources (reviewed in more detail in the next section), a consensus has formed throughout the professional literature about the prevalence of RED and its consequences imposed upon racial and ethnic minority youth (Crutchfield et al., 2010; Drakeford & Staples, 2006; Kennedy, 1998; King & Wright, 2016; Pusch, 2018; The Pew Charitable Trusts, 2010; Ratten et al., 2012; Truman et al., 2015; Ward et al., 2011).

Theoretical Explanations for RED in Decisions to Incarcerate

Prior research has drawn on attribution theory to explain the sources of RED in juvenile court outcomes (Beckman & Rodriguez, 2021; Bridges & Steen, 1998; Lowery & Burrow, 2019). Attribution theorists explain RED by pointing to the ways enduring criminal stereotypes continue to affect court outcomes for people of color (Goldman & Rodriguez, 2020; Graham & Lowery, 2004). Within attribution theory, juvenile justice officials are said to focus on abilities and traits of youth when identifying interventions, sanctions, and rehabilitation instead of factors such as peer influences and family dynamics (Healy & O'Brien, 2015; Russell-Brown, 2009). The literature has shown that youth of color are more likely to be linked to negative internal attributions in comparison to White youth (Franklin, 2013; Warren et al., 2012). Negative internal attributions signify personal dispositions (e.g., premeditated decisions and choices) that can be perceived by decision-makers as incurable (Beckman & Rodriguez, 2021). Negative external attributions on the other hand, reflect environmental (e.g., family and peer influences) and momentary influences on behavior that are thought to be responsive to treatment with intervention (Fader et al., 2014). This is significant because negative stereotypes can play an important role in how juvenile court officials form perceptions of youth.

Focal Concerns Theory is another perspective primarily used in the literature explaining sentencing decisions amongst adults (Demuth, 2002, 2003; Lynch, 2019; Spohn & Holleran, 2000; Steffensmeier & Demuth, 2000; Steffensmeier et al., 1998). Theorists posit that the sentencing decisions of judges are primarily influenced by three major objectives: (1) a need to impose a “just” sentence consistent with the defendant’s

culpability, (2) a desire to protect the public from violent offenders, and (3) a desire to avoid negative social consequences associated with case processing and limited court resources (Bishop et al., 2010). Therefore, to facilitate processing decisions, court actors may rely on cognitive heuristics, or shortcuts, that can amount to stereotypes being attributed to individuals or cases. Cochran and Mears (2015) argue that, to the extent that minority youth are perceived to be more criminal and threatening, the court may steer youth of color to more punitive, control-oriented punishments. This means social groups that are perceived as threatening are more likely to experience different and more severe sanctions.

Attribution theorists as well as focal concerns theorists have argued that formal decisions (e.g., arrest, court dispositions and sentencing) made by justice system officials can inform our understanding of the differential experiences and outcomes of individuals that encounter the legal system. On the one hand, certain groups are deemed to be more of a “threat” to society, and thus, receive harsher disposition and sentencing outcomes (Beckman & Rodriguez, 2021; Fader et al., 2014; Lowery & Burrow, 2019; Rodriguez, 2013). These outcomes, then, are the result of decision makers primarily connecting internal attributes to deviant stereotypes for members of these groups. On the other hand, less restrictive disposition and sentencing decisions are granted to groups in which behaviors are attributed to external factors and, as such, these groups are viewed as less threatening. A body of empirical studies have examined formal decisions of adult and juvenile justice court officials (Cochran & Mears, 2015; Demuth, 2003; Goldman & Rodriguez, 2020; Nowacki, 2017; Russell-Brown, 2009; Steffensmeier & Demuth, 2000); however, the literature on the informal decisions made in juvenile confinement

facilities (e.g., interventions, sanctions, treatment) is still in its nascent stage. As stakeholders are able to better understand the experiences of those confined in correctional settings, then, they may be able to apply the concepts surrounding attribution or focal concerns theories to the informal decisions of correctional or supervision staff in confinement facilities. However, such an application remains based on an assumption in lieu of empirical literature that critically examines experiences within these environments.

The State of Juvenile Confinement at the Time of this Dissertation

In October 2018, there was nearly 38,000 juvenile offenders confined in over 1,500 residential facilities in the United States (OJJDP, 2020). Secure residential facilities for youthful offenders are typically detention centers, assessment centers, and correctional treatment programs (Puzzanchera et al., 2018; Sickmund et al., 2017). Juveniles are usually held in detention centers pending court hearings if they are deemed a threat to themselves or others due to the nature of their accused offense and lack of alternative options in a lesser restrictive environment. Youth do not ordinarily receive treatment or rehabilitative services while in detention because the intended length of stay is short in duration (e.g., 30 days or less; Golzari et al., 2006; Matz et al., 2013; Tennity & Grasseti, 2022). An assessment center is a facility whereby detainees receive diagnostic testing on their risks to public safety and treatment needs (Cocozza et al., 2005; Dembo et al., 1995). Results from diagnostic testing serve to inform decisions about appropriate placement of juveniles for rehabilitative services, whether that be in the community or a residential facility (Howat et al., 2021). Juveniles are placed in

correctional treatment programs following court dispositions to address their individualized rehabilitative needs such as substance abuse, mental health, and education (Ho & Rocheleau, 2021; Levenson & Willis, 2019). Even though juvenile confinement has been on the decline worldwide, the United States continues to commit the largest portion of young people to residential facilities (Walker & Bishop, 2016). The types of residential facilities in the U.S. that are specific to juveniles comprise of detention centers, shelters, reception/diagnostic centers, group homes, ranch/wilderness camps, training schools, and residential treatment centers (OJJDP, 2020).

Research on RED has focused on identifying if and at which points of contact disparities have existed and continue to persist. Specifically, much of the scholarship around RED has focused on the shallow end of criminal justice system processing (e.g., initial police contact, arrest, diversion, formal court intake and processing; Bell & Lang, 1985; Claus et al., 2017; Donnelly, 2018; Harris, Steffensmeier, Ulmer, & Painter-Davis, 2009; Spinney et al., 2018). This approach has produced valuable findings about RED in justice systems but is approaching a myopia that may prove to limit our holistic understanding of the RED problem. Furthermore, the greatest dangers of RED may be more evident for youth who are funneled to the most restrictive parts and deep end of the juvenile system (Cochran & Mears, 2015; Myner et al., 1998; Pope et al., 2002; Rocque & Paternoster, 2011).

Investigations that critically examine RED within the most restrictive parts of the juvenile justice system (e.g., confinement, commitment to the state's justice agency) are scant or underdeveloped. Although it seems reasonable to suspect disparities in the shallow end of the justice system will persist through the later stages, there are limitations

to this assumption. Primarily, despite some similarities in treatment by justice agents, differences in the decision-making process suggest variability in the ways in which justice-involved persons experience disparities. At each stage of the decision-making process, officials have significant discretion. In other words, a pathway does exist for juveniles to avoid harsh punishment via court options such as case dismissal, diversion, informal processing, alternatives to detention, and non-secure placement (Center for Children Law and Policy, 2015). A lack of consistency in these decisions made by police, prosecutors, intake workers, probation staff, and judges could explain disparate experiences of juveniles at these decision points. This is noteworthy because disparities within the more restrictive parts of the justice system likely have different consequences for persons of color than disparities in the least restrictive stages (Goff et al., 2014; Ratten et al., 2012; Welch, 2007).

Ward (2001) discusses the color lines of social control and how minority youth experience limited access to rehabilitation and greater exposure to retributive and severe sanctions than White youth. In a historical review of minority youth in juvenile justice administration from 1825-2000, Ward (2001) found that ideals of retribution were more prevalent than that of rehabilitation. In juvenile settings today, such ideals and practices could exacerbate the well-documented adverse effects of confinement (Erickson & Schaefer, 2020; Golzari et al., 2006; Holman & Ziedenberg, 2006; Justice Policy Institute, 2014; Mendel, 2011). Therefore, although disparities in the early stages of justice system processing can be reasonably expected at later stages, there remains a need to investigate possible disparities within the points of the system that are most restrictive. As a field, we neglect the study of juvenile experiences within confinement facilities,

especially across racial and ethnic groups, at the risk of inaccurately concluding the extent and impact of RED at later stages of the justice system.

As an example of the value of studying disparate experiences within residential settings, a recent study by Oglesby-Neal and Peterson (2021) examined differences in juvenile confinement in length of stay (LOS), institutional offenses, and alternatives to confinement by race. The authors observed mixed results in that the average length of stay for Black youth was almost 2 times greater than that of White youth. After controlling for relevant legal and extra-legal factors these authors found statistically significant disparities for institutional offenses for Black youth compared to White youth. However, LOS and alternatives to confinement outcomes were not statistical significance after controls were added to those analyses. The results of this study focused on a single U.S. state, limiting its generalizability to other state jurisdictions. Nonetheless, due to the mixed findings it is important to confirm and expand research that investigates racial and ethnic disparities in juvenile justice settings, particularly at decision points that involve the confinement of youth.

Examining the more restrictive parts of the system is critical due to the immediate and long-term individual and collateral consequences of time spent in correctional care for youth (Campbell et al., 2017; Davis & Sorensen, 2013; Donnelly, 2018; Rocque & Paternoster, 2011). Some consequences of confinement include weakened family associations, diminished graduation, and employment rates, declines in physical and mental health, and hampered social outcomes (Brent & Tollett, 1999; Mueller et al., 2019; Rodriguez-Dragomir & Tadros, 2020). Higher recidivism rates and poor transition or reintegration into communities are also consequences of juvenile confinement (Harris,

Lockwood, & Mengers, 2009; Palermo & Dumache, 2021). Recidivism increases the likelihood that a juvenile will engage in more serious delinquent behavior upon release, resulting in neighborhoods experiencing more person and property crimes and delinquency (Justice Policy Institute, 2014).

To summarize, the most severe sanction one can receive in the juvenile system is secure confinement (e.g., locked doors, razor wire fencing); however, research on youth experiences within this critical stage of the system is still limited in scope (Oglesby-Neal & Peterson, 2021). In this dissertation, I will examine disparities in several of the experiences of youth in confinement facilities by investigating differences in reported juvenile length of stay (LOS), control-oriented interventions, and connections to reentry services. Differential experiences for youth in placement can affect opportunities for rehabilitation and the ability to transition into the community in a timely manner (Baglivio et al., 2017; Bishop et al., 2010; Zane et al., 2021). Therefore, it is important for researchers and policymakers to improve our understanding of placement experiences in studying RED.

To help me understand the experiences of youth in confinement, however, I will frame my findings in both the literature surrounding justice system processing and correctional environments. The previous section has summarized theory surrounding the justice system processing scholarship, so I will now review the key literature related to correctional environments. Although much of this information has been generated from research on adult inmates, it remains the most relevant literature available in light of the sparse research on juvenile experiences with confinement.

Correctional Theories and Their Implications of Juvenile Confinement

Several theories have been utilized to explain adult and juvenile delinquents' adjustment and experiences within confinement facilities. Importation and Deprivation Theory are usually suggested to explain adult and juvenile inmate misbehavior and violence in correctional environments (Berg & DeLisi, 2006; Dhami et al., 2007; Gover et al., 2008). These models focus on characteristics of the incarcerated individual's social dynamics (Ricciardelli & Sit, 2016). Administrative Control Theory, on the other hand, places more emphasis on the characteristics and actions of facility officials and correctional staff to explain experiences of incarcerated individuals (Hochstetler & DeLisi, 2005).

Importation theorists posit that confined or incarcerated individuals bring deviant characteristics into the facility and thus explains the misbehavior and violent acts committed by these inmates (Berg & DeLisi, 2006; Cao et al., 1997; Fitz et al., 2018; Gover et al., 2000; Hochstetler & DeLisi, 2005; Taska et al., 2010; Tewksbury et al., 2014). For example, a gang subculture outside the facility will often persist after entering a correctional or confinement facility. In the context of the current study, variables used in importation models could explain some youth receiving control-oriented interventions versus that of rehabilitative ones.

Whereas Importation Theory focuses on characteristics and behaviors brought within the facility by inmates, Deprivation Theory points to conditions already inside confinement settings that can serve to encourage and even force confined individuals to misbehave or act violently toward others (Sykes, 1958). The use of solitary confinement and seclusion within correctional environments that are viewed as highly punitive can

serve to shape and develop inmate misconduct. Misbehavior by inmates can manifest as *pains of imprisonment* that result from the harsh or punitive culture within correction environments (Sykes, 1958). When inmates are placed in solitary confinement or seclusion, they experience an even further loss of liberty and the loss of physical possessions. Such pains of imprisonment can have psychological effects to include exacerbating any prior trauma experienced (Hodge & Yoder, 2017). In line with the deprivation literature, I examine possible differences in the use of segregation and isolation practices in juvenile correctional environments. These practices that can produce a coercive correctional environment that represent many of the social controls identified by deprivation theorists.

A smaller but influential literature has grown to shift explanations of prison environment and inmate misconduct to the characteristics and conduct of correctional or supervision staff (Tyler, 2003). These theories have been referred to collectively as Administrative Control Models (Tyler, 2003). Novisky and colleagues (2021) examined the role and conduct of prison staff and found that correctional staff can shape the experiences of confined individuals. Correctional staff have a considerable amount of discretionary power and misconduct on their part can play a direct role in the experiences and behavior of incarcerated individuals. In the current study, I include measures related to correctional staff characteristics and misconduct consistent with Administrative Control Theory, which could potentially explain experiences of youth in confinement settings. It is of theoretical relevance to understand the environment and culture present in juvenile facilities, which may or may not differ from existing perspectives of adult correctional environments like importation models (e.g., Cao et al., 1997), deprivation

models (e.g., Hochstetler & DeLisi, 2005), or administrative control models (e.g., Ricciardelli & Sit, 2016).

The Need for the Current Study

Research shows that involvement with the juvenile justice system can have an adverse impact on many life outcomes, especially after a juvenile has been placed in secure confinement. Such outcomes include but are not limited to returns to the juvenile system (Myner et al. 1998), reduced enrollment in school (Ensminger & Juon, 1988), obstacles to future employment (Holman & Ziedenberg, 2006), increased prevalence of mental illness (Holman & Ziedenberg, 2006), and greater likelihood of adult criminal justice involvement (Piquero, 2008). A vast amount of research demonstrates that youth of color are more likely to have contact with the juvenile justice system, and thus experience more detrimental outcomes because of these encounters (Bouffard & Bergseth, 2008; D'Alessio & Stolzenberg, 2013; Gann, 2018; Holman & Ziedenberg, 2006; Lehmann et al., 2020; Maggard, 2015; Myner et al., 1998; Oglesby-Neal & Peterson, 2021).

In this study, I am interested in understanding the ways in which the experiences of youth in juvenile confinement facilities differ across racial and ethnic groups. I hypothesize that (1) Minority youth will experience more control-oriented interventions than White youth, (2) Minority youth will experience longer lengths of stay than White youth, and (3) Minority youth will experience fewer connections to reentry services than White youth. The current study will add to scholars' understanding of RED in the juvenile justice system, both over time and with some generalizability at the national level. Specifically, examining youth experiences in confinement can inform our current

understanding of the nature and nurture of the RED problem not typically examined in juvenile justice literature. Expanding the knowledge base of researchers and practitioners can potentially lead to more advocacy efforts designed to help guide policymaker and practitioner decisions on culturally responsive best practices for one of society's most vulnerable populations.

Policy Interventions

While racial-ethnic disparities remain in most juvenile justice systems in America, some states have made strides in reducing minority youth processing in their local jurisdictions since the enactment of the RED mandate by the U.S. Congress (Donnelly, 2017). Funding from the JJDPa is available toward this end; however, juvenile jurisdictions must proactively identify and address RED. Research that identifies the ways in which a course of action in confinement can result in disparities may lead to a better understanding of RED pathways. Additionally, this study of confinement experience may inform avenues to change existing policies and facility practices that ensures harmless and equitable treatment of all youth. As an example, if minority youth do experience longer stays in confinement as I hypothesize, findings could serve to snapshot the magnitude of the RED problem across multiple domains and jurisdictions. Thus, solutions to eradicate this phenomenon may require legislatively mandated programs and interventions that are proven successful at mitigating the adverse effect of juvenile confinement. According to a 2014 Justice Policy Institute (JPI) report, the average cost for a youth being placed in a secure confinement facility is \$214,620 per year (JPI, 2014). It does not seem fiscally responsible, then, for states to continue using

taxpayer dollars to fund programs and services that exacerbate the problem of RED in the juvenile justice system.

Implications for Juvenile Justice Operations

Minority youth, especially Black males, are not only more likely to receive punitive sanctions, they also are less likely than White youth to receive rehabilitative interventions (Cochran & Mears, 2015). Even after controlling for legal and other extralegal factors, race continues to exert a significant influence on sanctions imposed (Fader et al., 2014). Decision-makers are significantly more likely to commit minority youth to facilities using physical regimen as their primary modality and reserve smaller, therapeutic facilities for their White counterparts (Hawkins, 2003; Peck, 2018). Secure confinement often has negative future cumulative consequences well beyond the period of confinement (Lowery & Burrow, 2019). These consequences include limited access to housing and certain government benefits such as financial aid for college and obtaining a driver's license. The negative impacts of childhood maltreatment on both psychological adjustment and behavioral adaptation are greater among the incarcerated as opposed to the general population (Zhao, 2020). Prior work also shows that youth who receive family visits perform better academically, are involved in few institutional behavior incidents, evidence reduced symptoms of depression, and have lower recidivism rates post-release (Baglivio et al., 2017). Given the potential impact of incarceration on youth, it is important to understand the mechanisms by which youth of color can experience detrimental outcomes within the most restrictive parts of the system.

Framing of the Study in Existing Literature

Racial and ethnic disparities have long been a feature of the juvenile justice system (JJDP, 1974) and focal point for scholars (Beckman & Rodriguez, 2021; Bell & Mariscal, 2011; Bilchik, 1999; Bottiani et al., 2017; Cabaniss et al., 2007; CCLP, 2015; Claus et al., 2017; Cochran & Mears, 2015; Donnelly, 2018; Fix et al., 2017; Harris et al., 2009; Leiber & Fox, 2019; Majumdar, 2017; Mendoza et al., 2020; Peck, 2018; Rodriguez, 2010; Spinney et al., 2018; Tracy, 2005; Wilmot & DeLone, 2010; Zane et al., 2020). Nevertheless, much of this attention has been on disparities with processing up to but not including the juvenile's experiences in confinement. Thus, the scholarship around RED may concentrate too narrowly upon the decisions that lead to confinement of youth and, consequently, may overlook what happens during the confinement period.

An examination of if and how RED can be exacerbated within critical decision stages, such as incarceration, can have theoretical and policy implications. For example, inequities in LOS that persist even after controlling for relevant variables can serve to shift a typical focus away from youth characteristics and toward decision-makers (e.g., clinicians, custody staff, case managers) and environmental factors that may be responsible for the inequities. Furthermore, differences in control-oriented interventions for youth of color can help to direct more research that examines the key concepts of attribution theory in the facility context. If RED persists in reported experiences within confinement, future research might examine the ways in which staff document incident reports and issue sanctions (e.g., isolation or segregation) through the lens of attribution theory or focal concerns. Indeed, most of the research that applies attribution theory to RED in the juvenile justice system focuses on decision-makers at the shallow end of the

system (e.g., police, judges, parole officers; Beckman & Rodriguez, 2021; Goldman & Rodriguez, 2020; Warren et al., 2012). A body of research on RED, then, may have overlooked the detrimental effects of confinement on both the juvenile and adult population of offenders (Bouffard & Bergseth, 2008; D'Alessio & Stolzenberg, 2003; Gann, 2018; Holman & Ziedenberg, 2006; Lehmann et al., 2020; Maggard, 2015; Myner et al., 1998; Oglesby-Neal & Peterson, 2021; Peck, 2018; Wolff et al., 2015; Zane et al., 2021).

It is critical to adopt philosophies, programs, and services effective at mitigating the adverse impact of being placed in confinement settings. For example, the philosophy of *beginning with the end in mind* (Covey, 1989; Seiter & Amos, 2015) may be more prevalent in juvenile justice settings than philosophies of retribution (Markel and Flanders, 2010) that frequent adult criminal justice settings. Scholarship points to reentry being a critical component to desistance from crime and delinquency (Kazemian, 2021), and as such, transition should be a process and not an outcome in residential facilities (Cochran & Mears, 2015). A lack of connections to reentry services in confinement could point to disparities being the result of environmental factors (lack of services in transition communities) versus that of differential treatment by staff, or differential offending by youth. It is important for scholars to know if, and the extent of, RED in links to community transition resources. Such research can open the door for investigations of the interaction effect of environmental factors and recidivism on RED in the juvenile justice system.

In the next chapter, I will provide an overview of the history of the juvenile and the criminal justice system from the context of race and ethnicity. I will also review

various theoretical explanations and empirical findings related to racial and ethnic disparities in the juvenile justice system in America. I conclude Chapter 2 by directing our attention to gaps in the RED literature relevant to juvenile confinement facilities and the effect that such a gap may have on future RED legislation, program services, and most of all, youth of color. In Chapter 3, I will describe the methodological and analytical approaches that I will use to answer my primary research question and test my hypotheses.

Chapter 2: Literature Review

Amongst the most vulnerable populations in the United States are young people that encounter the justice system (Clark & Mathur, 2021). In light of the vast body of literature regarding racial and ethnic disparities (RED) that pervade the juvenile justice system in America (Bell & Lang, 1985; Claus et al., 2017; Davis & Sorensen, 2013; DeLone & DeLone, 2017; Glenn, 2019; Hawkins, 2003; Leiber, 1993; Leiber et al., 2011; Leiber & Stairs, 1999; Lowery & Burrow, 2019; Majumdar, 2017; Onifade et al., 2019; Peck, 2018; Spinney et al., 2018; Zane et al., 2020), this vulnerability appears unevenly distributed amongst young persons from racial and ethnic minority groups. Despite these realities, there appear to be very few studies that systematically examine a continuum of confinement experiences among the various racial and ethnic groups (Mueller et al., 2019; Oglesby-Neal & Peterson, 2021; Walker & Bishop, 2016).

Philosopher George Santayana wrote “those who cannot remember the past are condemned to repeat it” (Santayana, 1922, p. 284). In the spirit of this belief, I begin this chapter by reviewing the historical context of youth in America’s justice systems. I argue that the historical viewpoints and actions of those in power regarding racial minorities within the systems of justice can contribute to our understanding of the systemic problem of RED. These historical viewpoints and actions can also provide a potential explanation for why this issue persists today. After examining the historical context of RED in juvenile justice, I provide a more detailed review of RED at the critical points of contact in the juvenile justice system followed by an emphasis on the environment in confinement facilities. Next, I describe and compare various theories that attempt to explain RED as well as lay out empirical studies that examine RED in the U.S. criminal

justice system. Finally, this chapter ends with a discussion pertaining to a possible breach in our understanding of RED, which establishes the need for this study to contribute to filling that gap.

A Historical View of Juvenile Services by Race and Ethnicity

Differential treatment of non-White youth has historical roots in the systems of justice in America (Beckman & Rodriguez, 2021; Bell, 2017; Bell & Mariscal, 2011; Chavez-Garcia, 2012; Frey, 1981; Platt, 1969; Ward, 2012). Biased beliefs and, at times, rhetoric from the dominant groups in society have traditionally been used as a means of social control over people of color (Beckman & Rodriguez, 2021; French, 1982; Ward, 2012; Wilmot & DeLone, 2010). The creation and perpetuation of stereotypes that demean marginalized group cultures have contributed to youth of color being disproportionately confined to institutions for assimilation (Healey, 1995; Tonry, 1995; Wilmot & DeLone, 2010) and control (Chavez-Garcia, 2007; Kennedy, 1988; Ward, 2012). In this section, I discuss the legacy of views and actions of those in power regarding racial minorities and their subsequent integration into the juvenile justice system in the U.S. Characterizations that serve to debase specific cultural groups not only have been supported in statute (Bell, 2017; Stineback, 1978) but have also resulted in practices that disproportionately affect racial minorities (Gaynor, 2018; Goff et al., 2014). Research has shown that such practices have led to racial minorities receiving harsher justice system outcomes, including the loss of their liberty (Crutchfield et al., 2010; Pusch, 2018; Ratten et al., 2012). To fully understand and address the problem of racial and ethnic disparities in the juvenile justice system, we must first exegete its historical roots.

The Period of the 17th Through 19th Century America

The Stubborn Child Law of 1646 was the earliest known legislation in the United States that targeted youth misbehavior (Sutton, 1988). Under this law, it was considered a capital offense for minors to disobey their parent or guardian. During this time, delinquent youth were treated in the same manner as adult criminal offenders to include being confined in penal institutions for the more serious crimes (Siegel & Welsch, 2017). Adolescents who committed misdemeanor offenses were viewed as children in need of assistance, and thus, were placed in community asylums. The latter part of the 17th century period brought about a clash between the cultures of colonizers and Native American tribes (French, 1982; Wilmot & DeLone, 2010). The settlers perceived Indians as a group who lacked wisdom and principles, acted like wild beasts, and had “satanic” ways (Stineback, 1978). Tension brought in part due to myths and differences in the philosophy of life led to the “Great Swamp Fight” of 1675, which resulted in many indigenous children being stripped of their culture after being forced out to settlers (Bell, 2017). This era was also a time when African people in America were enslaved, and their children were disciplined by their slave owners for most infractions without intervention from the legal system (Bell & Mariscal, 2011).

The early 19th century was marked by rapid growth in the American birth rate as well as a vast increase in the immigration population (Shelden, 2005). A growing number of defiant, ungovernable children began to appear as immigrant groups and the rural poor were drawn to urban places that pledged jobs and manufacturing. Ferdinand (1991) suggested the new social status of the *juvenile* emerged with mandatory education and industrial development. Industrialization and urbanization created the belief among those

in power that youth and immigrants in urban areas were vulnerable to the influences of their deteriorating environment (Siegal & Welsch, 2017). Because of such beliefs by those in authority, youth that migrated to the inner city and immigrant children were deemed to be a group that might be “saved” through intervention at both the community and state level (Platt, 1969).

Establishment of Juvenile Institutions and Onboarding of Youth of Color

In the 1800s, the Society for the Prevention of Pauperism was formed by a group of “child-savers” concerned with the ethical guidance of children who were viewed as threat to the rule of society (Bell & Mariscal, 2011). These activists were able to influence legislators to enact laws granting courts the authority to commit runaway and delinquent offenders to specialized institutions (Siegal & Welsch, 2017). The Civilization Fund Act of 1819 was used to establish boarding schools for Indian children. The assumption at the time was that, to save tribal youth from extinction connected with expansion in the west, Native American children needed to adopt the morals and values of the dominant group in society (Stineback, 1978). Once placed in an Indian boarding school, many indigenous children were not only isolated from their tribes but also stripped of the traditional clothing, hair styles, foods, and language that represented their culture. Similar legislation passed during this period that impacted the liberty of indigenous children included the Peace Policy of 1869¹ and the Major Crimes Act of

¹ The peace policy established reservations administered by Christian missionaries who taught Indians how to read, write, farm, wear Euro-American clothing, and embrace Christianity (Trafzer, 2009).

1885.² Many Indian boarding schools were shut down in the 1930s by the federal government after reports of the psychological and physical abuse to children (Adams, 1995; Mullen, 2021; Waxman, 2022). However, it was not until the passing of the Indian Welfare Act of 1978 that Native Americans obtained the legal right to refuse their children's home removal and placement at Indian boarding schools off the reservation. In 1825, the New York House of Refuge became the first juvenile institution to open in the United States (Bell, 2017). The purpose of the facility was to protect would-be criminal youth by taking them off the streets and reforming them in a home-like setting. At this time, children were still perceived as inherently good and, thus, were not worthy of blame for their delinquent behavior (Fader et al., 2014). Bernard and Kurlychek (2010) note how the reform school was guided by "sentimental pastoralism" and moral education, which equates to a path of redeeming oneself through simple, honest expressions and behaviors to solve problems. Similar institutions were opened between 1826 and 1847 in other states with a juvenile's length of stay (LOS) decided based on needs, age, and skills (Shelden, 2005). These facilities were large and like factories and hospitals (Schneider, 1993). Houses of refuge were often located in urban regions, enforced strict rules and discipline, and housed juveniles in communal sleeping and restroom areas (Schneider, 1993). The average number of residents in a house of refuge was approximately 200 but some, such as the New York House of Refuge, housed over 1,000 youth. Youth of color were initially excluded from placement at these adolescent institutions; rather, Black children were confined to adult penal institutions (Frey, 1981).

² The Major Crimes Act of 1885 provided federal jurisdiction over certain crimes committed by Indians in Native territory. The Major Crimes Act, 18 U.S.C. § 1153. (1885).

Ten years after the opening of the New York House of Refuge, other refuge homes began adding special sections for youth of color, though services were scant in comparison to those provided to their White counterparts placed in these facilities (Bell & Mariscal, 2011). Black child-saving advocacy began to emerge with the goal to institutionalize racial justice through standards of rehabilitation (Ward, 2012). In Mississippi, there was legislation to develop a reform school for Black children. The bill was rejected because the state was not interested in reforming the Black child; therefore, resources would not be wasted on rehabilitation services (Center for Children's Law and Policy, 2015). Ward (2012) noted that "a racialized idea of childhood historically defined black delinquents as a strangely unworkable species of human clay, as being incapable of moral or social salvation, as thus disqualified from mainstream ideas of child-welfare and juvenile rehabilitation" (p. 9).

In 1848, state institutions were established for the care of delinquent and unruly youth (Pickett, 1969). Youth of color were largely confined in state-supported facilities while privately funded refuge and settlement homes were exclusive to White children (Siegel & Welsch, 2017). In state institutions, youth spent their days working in the facility, receiving rudimentary education, and learning a vocational trade (where possible). Minority youth received harsher discipline in these settings, had poor physical care, and not until 1850 did a northern state finally open a house of refuge specific for minority youth (Frey, 1981).

The Carlisle School of Pennsylvania was another boarding school established in 1879. The school's captain Richard Pratt was infamous for his motto "kill the Indian, save the man." Captain Pratt deemed it necessary to assimilate Indian children into White

culture by removing them from their reservation and eliminating their native language (Wilmot & DeLone, 2010). The Center for Children's Law and Policy (CCLP) note that the Major Crimes Act of 1885 ended self-governance practices by tribes and replaced rehabilitation and reconciliation methods to addressing juvenile delinquency with long periods of confinement (CCLP, 2015). A developing belief in the mid-1800's was that one could predict criminal behavior by race and body type (Chavez-Garcia, 2012). Youth with limited English proficiency were placed in institutions, given tests exclusively in English by officials, and based on exam results these adolescents were labeled as "feeble-minded" and unredeemable (Beckman & Rodriguez, 2021; Chavez-Garcia, 2012). Such beliefs among the dominant group were used to justify confinement of subordinate groups at disproportionate rates (Bell, 2017). The intelligence tests used to determine causes of delinquency led to disproportionate number of Mexicans, Mexican American, and Black Americans being labeled as juvenile delinquents (Chavez-Garcia, 2007).

In sum, dating back to the 17th century, early community and state interventions included placement in specialized institutions that attempted to rehabilitate White delinquent youth. In these early days of juvenile rehabilitation, however, minority youth experienced ongoing commitment to adult prisons, prolonged periods of detention, and higher rates of corporal punishment (Ward, 2012). Minority youths' lack of placement in early houses of refuge was rooted in laws and practices driven by segregation, oppression, and viewpoints that youth of color were not impressionable or amenable to rehabilitative interventions.

Almost simultaneously with the disparate inclusion of racial minorities in juvenile facilities (Goff, 2014), America was pivoting away from rehabilitation as the primary

motive for addressing delinquency in favor of more retributive measures. Retributive measures run counter to the Juvenile Court Act of 1899 that stressed “the child’s need and not the deed”³ (Spring, 1998). The 1990s label of “super-predator” has helped to dehumanize subordinate groups of juveniles from marginalized communities. Rattan and colleagues (2012) note how dehumanization can serve to reduce restrictions against harsh or adult treatment of juveniles. This is important in understanding the nature and nurture of racial and ethnic disparities in the justice system in America. For example, Gaynor (2018) argues that negative social constructions or characterizations of certain groups can serve to shape the actions of public officials and institutions in a way that become a source of systematic inequalities. Along the same lines, Nielson (1996) discusses how marginalized groups have become the target of disparaging stereotypes that lead to an environment of exploitation, prejudice, and even marginalization. These oppressive conditions can play a substantial role at all stages of the juvenile justice system to include correctional environments. There is a need to better understand the race effect in confinement facilities to adequately inform strategies and interventions for RED reduction. In the next section, I will examine further the problem of RED at key juvenile justice decision points and then narrow my focus on the most restrictive and least studied part of the system: juvenile confinement facilities.

³ The Illinois Juvenile Court Act of 1899 specified a focus on rehabilitation and treatment from the vantage point of a caring parent rather than guilt, innocence, or punishment of children for wrongdoing.

Racial and Ethnic Disparities Throughout the Juvenile Justice System

The overrepresentation of youth of color in juvenile justice systems in America is a problem recognized through the national attention of legislation over nearly half a century starting in 1974 (JJDP, 1974, 1988) and continuing through 2018 (Juvenile Justice Reform Act, 2018). Disparity is defined here as the probability of a certain group receiving a specific outcome that differs from that of other groups relative to the group's size in the population (Bilchik, 1999). For example, in 2019, 15% of the U.S. juvenile population was comprised of Black youth, yet this group made up 35% of delinquency cases handled that year (OJJDP, 2022). Conversely, White youth constituted 53% of the U.S. juvenile population, but this group represented only 43% of delinquency cases handled at that time (OJJDP, 2022).

In 1988, the reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974 was the initial legislation at the national level regarding racial and ethnic disparities in juvenile justice (i.e., DMC).⁴ A key focus in this legislation was around disproportionalities in the confinement of youth within secure settings, such as detention centers and correctional institutions (JJDP, 1988). Considerable scholarship has documented the cumulative effect of disparities resulting from decisions made during earlier stages of case processing (Campbell et al., 2017; Claus et al., 2017; Harris, Steffensmeier, Ulmer, & Painter-Davis, 2009; Spinney et al., 2018). This could explain why, after 1988, juvenile legislation regarding minority overrepresentation focused not

⁴ As a result of the 2018 Reauthorization of the Juvenile Justice Delinquency Prevention Act, disproportionate minority contact (DMC) was changed to racial and ethnic disparities (RED).

only on confinement but rather all stages of justice system contact. In this section, I will concentrate on RED at early stages of juvenile court case processing, and then narrow the focus to juvenile confinement settings.

Juvenile Court and Critical Decision Points

At its inception in 1899, the juvenile court was built on the concept that adolescents are not the same as adults (Pusch, 2018; Wolff et al., 2015). As such, delinquency was viewed as a result of the adolescent meeting their own basic needs or their misbehavior represented a sign of insufficient parenting (Platt, 1977). Consequently, the court stepped in as guardians or *parens patriae*, holding that unfit parents need to be replaced by the state (Sherman & Jacobs, 2011). Racial disparities were observed among juvenile populations even during these foundational years of the juvenile court system. For instance, Bell (2017) notes that Black youth were not only overrepresented in court caseloads since the court's inception, but they were also greatly underserved in the community due to very few service providers available to youth of color. According to national statistics, juvenile courts in the United States handled over 722,000 delinquency cases in 2019 (OJJDP, 2022). Bishop and colleagues (2010) discuss how decisions made for youth encountering the justice system (i.e., intake) involve a wide range of jurisdictions (e.g., police, school officials, district attorney, intake officer) with divergent goals such as social control, social welfare or *parens patriae*.

The critical stages and points of the juvenile justice system have been identified as referral, arrest, detention, petition, adjudication, disposition, and waiver to the adult system (CCLP, 2015; DeLone & DeLone, 2017; Donnelly, 2017). Referrals to the

juvenile court are often initiated by, but are not limited to, school officials, law enforcement, parents, and social service agencies. School referrals to the juvenile (and adult) court system are central to the emergence of the well-documented school-to-prison pipeline (Marchbanks et al., 2018; Mendoza et al., 2020; Nicholson-Crotty et al., 2009). The school-to-prison pipeline is used to describe the criminalization of adolescents via educational institutions (Mallet, 2013; 2016). This pipeline has grown from shifting emphasis in schools on safety over instruction, often for the purpose of social control (American Civil Liberties Union, Mallet, 2013; Marsh, 2014). Research has shown that racial minorities, in particular Black youth, have experienced more frequent and harsher discipline than White youth in school for decades (Bottiani & Bradshaw, 2017).

Public perceptions about fairness in school discipline by students has also been examined in the literature. For instance, Bottiani and colleague (2017) report that Black students perceive school environments to be less equitable and caring than White students overall. Punitive sanctions, such as out-of-school suspension and expulsion, increases students' risk of arrest and increases their odds of formal court processing and out-of-home placement (Hirschfield, 2018). Restorative justice practices and Positive Behavioral Interventions and Supports (PBIS) have been shown to dramatically curtail suspensions in schools (Anyon et al., 2016). Analysis of PBIS in confinement settings have shown positive results to include decreased youth behavior incidents and improved facility culture (Sprague et al., 2020). Researchers have also noted increased academic performance, decreased disciplinary referrals utilizing physical and mechanical restraints, and increased school attendance and academic performance after implementing PBIS in correctional settings (Lopez et al., 2015).

The most recent national data shows that delinquency cases involving White youth are less likely to be handled formally than those involving Black youth, Hispanic youth, American Indian youth, and Asian youth (Hockenberry & Puzzanchera, 2021). Informal case processing would involve, for example, diverting a juvenile to a community-based program in lieu of formal court supervision. Hispanic youth had the highest delinquency adjudications once petitioned in 2019, and out-of-home placement for youth adjudicated delinquent was highest for Black and Hispanic youth (Hockenberry & Puzzanchera, 2021). Even further, this data indicated that the informal handling of delinquency cases in 2019 involving Black youth had dismissal rates of 49%, in comparison to 43%, 42%, 36%, and 35% of American Indian, Hispanic, Asian, and White youth, respectively. These differences underscore how juvenile court officials' discretionary decisions not to render rehabilitative services and interventions are occurring disproportionately for racial minorities than for White youth. This is significant because scholars contend that the use of rehabilitative interventions is a pathway through which disparities can emerge (Cochran & Mears, 2015; Fader et al., 2014). The willingness of juvenile court officials to intervene in ways that emphasize rehabilitation (e.g., counseling, mentorship) leads to better outcomes for juveniles as opposed to providing no service or utilizing control-oriented interventions (e.g., detained by the court). If a particular group has greater access to such services than other groups, that group would enjoy a significant advantage compared to other groups in their life outcomes.

While much of the focus on RED in court processing decisions highlights differences within the male population, some studies also indicate RED exist amongst the

female juvenile population as well (Bishop & Frazier, 1996; Bortner & Reed, 1985; Chesney-Lind & Pasko, 2013). For instance, Bortner and Reed (1985) examined race and gender differences and note that Black females were treated most severely compared to Black males and White youth. Similarly, research has shown that girls of color receive higher commitments to public facilities with inadequate treatment options (Chesney-Lind & Pasko, 2013; Pasko, 2019). Other studies have revealed that Black female juveniles are treated like White female juveniles (Bishop & Frazier, 1996) or that White females receive a more punitive disposition to secure confinement than Black females (Pusch, 2018). Leiber and colleagues (2014) examined juvenile court outcomes and found Black youth and females received more disparate detention and intake outcomes than White youth and males. As the literature has shown thus far, RED is a multi-faceted issue that has manifested itself at most, if not all, stages of juvenile court processing, to include state-level commitment and confinement to juvenile residential facilities.

Differential Offending or Differential Treatment?

A considerable body of literature in adult and juvenile court processing cases have focused on explaining disparities using differential patterns of offending between racial-ethnic minorities and White youth (Brinkley-Rubinstein et al., 2014; DeLone & DeLone, 2017; Hagan, 1974; Tracy, 2005). In these studies, disparities arise even after researchers controlled for various legal and extralegal factors. In one study of U.S. prison populations, for example, the overrepresentation of racial minorities in incarceration rates was correlated with greater arrest rates, and thus, an assumption of criminal activity (Blumstein, 1982). In another study on juvenile arrest across 14 states, no difference in

referrals was observed for severe charges but Black and Hispanic youth were overrepresented in referrals when facing less serious charges (Claus et al., 2017). Similarly, D'Alessio and Stolzenberg (2003) utilized data from the National Incident-Based Reporting System (NIBRS) to assess the effect of race on the probability of arrest and concluded that the odds of arrest for White offenders was higher than that of Black offenders for robbery, aggravated assault, and simple assault. Whereas disproportionalities were observed in arrest, the authors concluded it was most likely attributed to differential involvement in reported crime.

Tonry (1995) similarly examined the effect of an offender's race on incarceration rates and found higher confinements for Blacks, presumably linked to more violent offenses. Notably, this same author stated the form of drug consumed by Blacks was the target of arrests, thus resulting in higher incarceration rates for this group. This finding could contribute to our understanding of why the rhetoric around the crack epidemic in the 1990s was more punitive than today's sympathetic tone around the opioid epidemic. The media's portrayal of the crack epidemic was largely representative of Black communities, while news coverage of the opioid crisis largely portrays a White face.

Some scholars point to differential treatment of youth of color in court processing decisions as a possible explanation for disproportionate confinement rates of minorities (Cochran & Mears, 2015; Davis & Sorensen, 2013; Hawkins, 2003; Peck, 2018). In the differential offending perspective, disparities disappear when controlling for legal and extralegal variables. Notwithstanding, a sizable body of research that accounts for these same factors (e.g., committing offense) still produce findings that racial minorities

experience more severe sanctions in court processing decisions (Cochran & Mears, 2015; Lehman et al., 2020; Sherman & Jacobs, 2011).

Researchers who endorse the differential treatment perspective contend that decision makers' abuse of discretionary power, cultural competence deficits, and language or communication barriers can at least partially explain disparate practices and treatment of racial minorities (Peck, 2018; Spohn & Brennan, 2011). Such actions by justice actors can contribute to disproportionately punitive sanctions experienced by racial and ethnic minorities within every discretionary decision point within the juvenile justice system. For example, Lehman and colleagues (2020) examined juvenile dispositions and found juvenile court judges' upward departures from sentencing guidelines were racially patterned. Black youth received dispositions greater than the guideline recommendations, at 3 times the rate of White youth.

More punitive consequences, such as upward departures from sentencing guidelines, can exacerbate the negative and cumulative effects suffered by racial minorities. Juveniles detained pending a court hearing are more likely to be adjudicated delinquent than those released pending their next court hearing (Bishop & Frazier, 1996; Pope & Feyerherm, 1995; Wu et al., 1997). As such, youth adjudicated as delinquent have a greater likelihood of confinement or placement in a residential facility.

Scholarship that examines differential treatment of juveniles can be difficult in that it likely involves qualitative or mixed methods research approaches. Most studies on RED in the juvenile justice system rely upon publicly available, official data to analyze the problem. This could be due in part to the challenges associated with researchers securing qualitative information (e.g., perceptions) that is often in records sealed upon

one's exit from the juvenile justice system. Descriptive facility information is typically available to internal evaluation entities within organizations; however, approval of the external research community to access the same information for studies is less likely to occur.

Post-19th Century Juvenile Confinement Settings

Ferdinand (1991) argues the juvenile justice system has been unsuccessful in maintaining its *parens patriae* focus within its confinement facilities due to programs and services being ineffective in reducing delinquency. The author claimed that “*parens patriae* was a noble idea, but if the juvenile court could not act effectively as a parent, the least it could do was act effectively as a court by finding guilt justly, and by administering punishments fairly” (Ferdinand, 1991, p. 214). A national study on the conditions of confinement (i.e., basic needs, order and security, programming, and juvenile rights) conducted in the early 1990s found substantial and widespread problems in these facilities (OJJDP, 1994). Confinement can arguably be considered the most oppressive point within the juvenile justice system, whereby it deprives youth of their liberty by means of out-of-home placement in secure facilities.

In secure juvenile facility settings, correctional staff, or hardware secure devices (e.g., locked doors controlled by command centers) are in place to restrict the movement of juveniles in and out of the facility (American Correctional Association, 2009; Annie E. Casey Foundation, 2020). Juvenile detention centers are locked facilities that frequently house pre-adjudicated youth who pose a high risk to either not appear for a court disposition or those at risk to break the law again (Golzari et al., 2006; Tennity &

Grassetti, 2022). Some juveniles are placed in detention due to violating their conditions of probation or parole, while others may be awaiting their court-ordered placement in a juvenile correctional treatment facility or community-based program. Juvenile detention centers, then, are equivalent to jails for adult offenders (Schiraldi & Ziedenberg, 2003; Shelden, 2005).

Assessment and diagnostic centers (usually attached to a juvenile prison) evaluate offenders prior to starting their commitment (Howat et al., 2021). This evaluation is carried out by a clinical professional and helps determine what treatment or rehabilitation will be necessary. Various tests are performed at these centers by credentialed and qualified persons to assess the youth's level of intelligence, attitudes, degree of maturity, emotional problems, academic problems, family dynamics and the like (Clark, 2014).

A court commitment to a juvenile corrections facility represents both the end of the line for youthful offenders in the juvenile system as well as the last step before entry into the adult system. As the reader will observe below, a considerable body of literature exists on the juvenile confinement setting; however, much of it does not delineate the experiences of offenders by race and ethnicity. As such, I begin with generalizations about the adolescent confinement setting and its impact, as well as mitigating factors to lessen the effect of confinement. I will then narrow my focus to research findings of differential outcomes or experiences among the various racial and ethnic groups confined in juvenile facilities.

Safety, Security, Programs, and Services in Confinement

The safety of youth and staff are paramount in juvenile residential facilities. As such, program staff are unlikely to initiate treatment and rehabilitation if correctional staff are unsuccessful in maintaining operational order (Henriksen & Prieur, 2019; National Center on Education, Disability and Juvenile Justice, 2010). The rapport among staff and juveniles in secure settings is a critical medium by which treatment can be fortified (Marsh & Evans, 2009). Research has shown that a small percentage of the highest risk offenders commit most of the reported crime (DeLisi & Piquero, 2011; Walters, 2012); thus, effective rehabilitation of this populations is key to desistance from offending upon return to communities (Vaughn et al., 2013). Over the years, several reauthorizations to the JJDP, such as deinstitutionalization of status offenders and work by national advocacy groups such as the Annie E. Case Foundation's Juvenile Detention Alternative Initiative (JDAI), has led to a considerable reduction in confinement numbers (Annie E. Casey Foundation, 2019). For example, a 2017 JDAI annual report showed a 43% reduction in juvenile detention center placements for all participating sites as well as a 57% reduction to commitments in state custody facilities (Annie E. Case Foundation, 2019).

Initiatives such as deinstitutionalization and JDAI have shifted the focus of juvenile justice officials to the most serious and violent offenders being the target population for placement in juvenile confinement settings. Cleary and Brubaker (2019) note the dual challenges of juvenile facility officials in maintaining an environment that is safe in secure while also meeting the complex needs of the youth population. Scholars have argued that many juvenile confinement facilities have unfortunately moved toward a

more adult-like punitive model of operation due to challenges associated with accessing and implementing treatment programs, and staff resistance to research-based practices (Cleary & Brubaker, 2019; Fox et al., 2018; Jeffords, 2007; Sankofa et al., 2018).

The punitive model of care in residential settings suggest that implementing tougher sanctions will correct behaviors and serve as a deterrent from future misbehavior (Bouchard & Wong, 2018; Pappas & Dent, 2021). Punitive interventions in a juvenile confinement setting include the use of restraint techniques and segregation to control residents and manage facility operations. According to the American Correctional Association (ACA), restraints are defined as “devices used to restrict physical activity” such as handcuffs, leg irons, straitjackets, and belly chain (ACA, 2009, p. 277). The ACA defines segregation as “confinement of an inmate to an individual cell separated from the general population” that includes administrative segregation, disciplinary detention, and protective custody (p. 277). In light of a vast body of literature documenting the detrimental consequences that can be had to both youth and facility staff (Brown et al., 2012; Forrest et al., 2018; Hidalgo et al., 2016; LeBel et al., 2010; Matte-Landry & Collin-Vezina, 2020, 2021; Roy et al., 2021; Smith & Bowman, 2009), restraints and segregation are behavior management interventions intended to be used by correctional staff only as a last resort. Due to the consequences of these interventions, including psychological and physical harm, the use of restraints and seclusion in confinement settings are regulated by laws and administrative policies (Matte-Landry & Collin-Vezina, 2020; Roy et al., 2021).

Studies indicate a widespread use of restraints and seclusion within most juvenile confinement facilities (Brown et al, 2012; Kutz, 2009; Lebel et al., 2010; Pavkov et al.,

2010). Definitions derived from nationally recognized organizations for both seclusion and restraint were consistent across these studies. For example, Brown and colleagues (2012) used seclusion and restraint definitions from the Substance Abuse and Mental Health Services Administration (SAMHSA) 2009 Survey of Residential Treatment Facilities (SRTF). Seclusion was defined as “involuntary confinement of a youth alone in a room or area from which the juvenile is physically prevented from leaving” (Brown et al., 2012, p. 88). Restraints were “any manual method or physical or mechanical device, material, or equipment that immobilizes or reduces the ability of a youth to move his or her arms, legs, body, or head freely, attached, or adjacent to the juvenile’s body” (Brown et al., 2012, p. 88). In essence, restraints restrict freedom of movement or normal access to one’s body. Restraint can also be “a drug or medication when it is used as a restriction to manage the youth’s behavior or restrict the juvenile’s freedom of movement and is not a standard treatment or dosage for the youth’s condition” (e.g., antipsychotics, mood stabilizers; Brown et al., 2012, p. 88). Research on the use of restrictive measures like seclusion and restraints in residential facilities not only focus on the physical and psychological harms imposed, but also the hefty costs (LeBel et al., 2010) and how they run counter to trauma-informed care best practices (Forrest et al., 2018; SAMHSA, 2014). In their analysis of the SAMHSA survey data, Brown, and colleagues (2012) found that over 75% of residential treatment facilities reported the use of seclusion or restraints on confined individuals.

According to the Justice Policy Institute, out-of-home placements for juveniles should have a treatment-rich environment, the shortest length of stay in line with court dispositions, aftercare and reentry planning that begins the first day of confinement, and a

placement location where parents or guardians can visit their child as much as possible (JPI, 2014). Such practices are consistent with those of Lowenkamp and colleagues (2010) who identified commonalities of successful youth correctional programs. These researchers laud a focus on individual youths' needs, mental health treatment over punishment, and services delivered by trained professionals as opposed to security-trained correctional staff. Evidence-based practices (EBPs) like risk assessment and specialized treatment (e.g., substance abuse) have also become common methods used in the juvenile justice system (Onifade et al., 2019).

Baglivio and colleagues (2015) point to the risk-need-responsivity (RNR) model as the leading paradigm of the juvenile justice system in recent decades. In confinement settings, this involves the use of a validated risk assessment that targets risk factors most predictive of offending (e.g., Positive Achievement Change Tool) and evidence-based individualized interventions. Abrams (2006) notes the top risk factors for juveniles as arrest as a preteen, arrests for property offenses, a history of out-of-home placements, and a prior record. The RNR model promotes the matching of services to the dynamic risk factors predictive of offending (Baglivio et al., 2018). Cognitive behavioral therapy (CBT) has been one program offered in residential facilities housing juvenile delinquents (Cohen et al., 2006; Cohen et al., 2012; Cohen et al., 2016; Mannarino & Cohen, 2014). CBT approaches seek to develop prosocial patterns of reasoning by maintaining a focus on managing anger, assuming personal responsibility for behavior, taking an empathetic perspective, solving problems, setting goals, and acquiring coping and life skills (Altschuler, 2011). Youth who experience changes in certain domains, especially a

reduction in risk between intake and release, evidence lower recidivism (Baglivio et al., 2017).

Although the RNR model has become increasingly central to juvenile justice programming, critics argue this approach to treatment is overly focused on deficits with little attention to individual strengths (Goshe, 2019). The pertinent criteria missing also include the social harms that help harvest delinquency, result in confinement, and await the juvenile when they return to their neighborhood (Goshe, 2019). In other words, the RNR model discounts the social context of delinquency (e.g., extreme social disadvantage) in favor of individual shortfalls linked to misbehavior. Opponents of the RNR model also point out its limitations in not treating the *whole person* (Goddard & Myers, 2017; Goshe, 2015; Haines & Case, 2008; Ward & Maruna, 2007).

Along these lines, a meta-analysis of qualitative studies on EBPs revealed that policy makers and practitioners should be cautious in their assertions that EBPs are the solution to reforming juvenile justice (Sankofa et al., 2018). A research-based strategy (e.g., anger management program) shown to be effective in one setting may not necessarily be as effective in other settings. For instance, some research points to the possibility that confined youth may be faking it until they make it (Abrams et al., 2005; Fader, 2013). A youth “faking it” in a facility means they participate in a facility program just to make staff happy; only pretending to make real changes to their attitudes, beliefs, and behaviors. This could be one explanation for continued disproportionate juvenile recidivism rates that have persisted even in the EBP era. Some juveniles are released after “successfully” completing a program yet are rearrested or reincarcerated with the same-

type crimes as their original committing offense. This conflicts with a goal of EBPs to reduce risk factors associated with delinquency and increase protective factors.

Additionally, some scholars have raised concerns with EBPs that attempt to shape juveniles into an “ideal citizen.” The ideal of white middle-class citizenship runs counter to the identities of some racial and ethnic groups who have different class positions in society (Cox, 2015; Dawson, 1994; Hochschild & Weaver, 2007; Inderbitzin, 2007; Sankofa et al., 2018). Sankofa and colleagues (2018) point out:

This “ideal” runs directly counter to the young people’s identities, and in fact is in conflict with those identities. Rather than recognizing and embracing the power of young people’s racial and social identities and social positions, the program push young people to reject those positions by demanding that they embrace a sanitized version of selfhood, devoid of the complexity of identity shaped by age, race, class, and gender. This means that residents are expected to take on and demonstrate identities that are unlikely to conform to those that the youth bring with them to the facility based on race and class positions (p. 1773).

In short, teaching middle-class norms in residential facilities to youth returning to impoverished neighborhoods that lack middle-class resources can serve to exacerbate stressors already experienced by residents in marginalized communities.

Several studies point to the association between earning a high school diploma or GED with lower reincarceration rates and higher rates of employment in the community (Ambrose & Lester 1988; Miller et al., 2019). Research on academic characteristics amongst incarcerated youth indicates that, while a range of abilities exist amongst this population, most perform below their grade level (Bullis et al., 2002). Further, those with

more significant academic deficits are more likely to return to the juvenile correctional system (Bullis et al., 2002). Some studies indicate that around half of incarcerated youth will return to the juvenile correctional system after release (Myner et al., 1998). While in the community, few formerly incarcerated youth will enroll in public school (Ensminger & Juon, 1988). It is especially important, then, to provide interventions focused on work and school placements immediately upon a youth's release from the juvenile correctional system and return to the community. Community providers, local agencies, and families must consistently be engaged with one another and share in the responsibility of having successful youth transitions back into the community (Mathur & Clark, 2014).

The 'lock them up and throw away the key' mentality in criminal justice may be a good slogan for those advocating for law and order, but it lacks support in the data. Research shows that long sentences are likely to increase recidivism, not reduce it (Harris, Lockwood, & Mengers, 2009). In some instances, scholars have found that reducing the length of stay of those incarcerated has minimal effects on rearrest rates (Rhodes et al., 2018). Lengthy sentences can affect the psychological development of youth and can lead to lower levels of employment and educational attainment as they transition into young adulthood (Palermo & Dumache, 2021; Trulson et al., 2011; Winokur et al., 2008). Therefore, stakeholders must look for opportunities to reduce or minimize sentence lengths.

A key factor in reducing time in confinement facilities include program components of reentry or transition planning. Federal laws such as Title VI or the Civil Rights Act of 1964 outline transition planning for youth involved with the justice system (Ochoa et al., 2020). Individuals transitioning back to their communities after

incarceration need specific supports to successfully reintegrate into society, such as enrollment in school or in job programs (Spencer & Jones-Walker, 2004). Stakeholders must understand that family dynamics and reunification are crucial aspects of successful reentry, therefore, *beginning with the end in mind* is essential during the confinement period.

Family involvement during the incarceration period has been identified as an important aspect of youth justice (Dempsey et al., 2020). Youth who receive family visits while incarcerated perform better academically and are involved in fewer institutional behavioral incidents (Villalobos Agudelo, 2013). Additionally, these youth exhibit reduced symptoms of depression (Monahan et al., 2011) and have lower recidivism rates post-release (Shanahan & diZerga, 2016). Scholars exploring the visitation experiences of committed juvenile offenders have found that among youth who were visited, they had positive visitation experiences and that families went to great lengths to come see their child (Young et al., 2019). Results from this same study, also revealed that majority of non-visited youth did not hold views that their commitment experiences were worsened, family relationships weakened, or future outcomes in jeopardy because they were not visited. These findings suggest considerable variance in youth experiences as it relates to visitation with parents or guardians during the confinement period.

RED within Confinement Settings

An examination of national data on youth placed in residential programs for juveniles in 2019 reveals that 41% of the 36,479 youths confined in residential facilities were Black juveniles, followed by 33% White, and 20% Hispanic youth (Sickmund et al.,

2022). American Indian, Asian, or Pacific Islander juveniles made up less than 3% of the residential population and 6% of the juvenile population fell in the “Other” category. Considering this diverse population, it is important to understanding if their experiences in confinement are similar or if they differ. Unfortunately, very few studies have examined youth experiences in confinement settings by race and ethnicity.

In one of the few studies to assess RED in confinement, Oglesby-Neal and Peterson (2021) examined length of stay, serious institutional misconduct, and alternatives to confinement in one state jurisdiction. They found that Black youth had significantly longer lengths of stay and more serious institutional misconduct than White youth. Researchers have noted that controlling for legal and extralegal factors eliminated the disparity for LOS, but it remained significant for serious institutional misconduct (Oglesby-Neal & Peterson, 2021). To better understand the complexities of the RED problem in the American Juvenile Justice System, then, scholars must confirm and expand the limited research that examines disparities in juvenile justice settings, particularly at critical stages that involve the confinement of youth.

Mueller and colleagues (2019) contributed to this body of literature on experiences of youth in custody by examining how a youth’s race impacted in-facility outcomes. These experiences included the number of disciplinary infractions, time spent in seclusion, length of stay, and access to educational services. Mueller and colleagues (2019) found that, in comparison to White youth, racial minorities had more disciplinary reports and spent considerably longer stays in seclusion which impacted instructional time in educational programs. Additionally, Mueller and colleagues (2019) explored the potential mediating effect of disciplinary infractions on the relationship between race and

length of stay as well as race and seclusion time. These authors found a statistically significant, indirect relationship in both models. They concluded that racial minorities lengthier sentences and more time in seclusion appears to be the result of the number of disciplinary infractions youth received while confined in secure facilities in one state jurisdiction. In this study, disciplinary reports in essence became a pathway that preserves disparities in rehabilitative and control-oriented interventions.

The type of facility (e.g., secure vs. nonsecure, public vs. private, boot camp vs. traditional) that a youth is placed in can influence outcomes during the confinement period. For instance, Mackenzie and colleagues (2001) examined the impact of 26 boot camps on juvenile residents and found that for African American, there was essentially no connection between the environmental characteristics and a positive change in their social attitudes within the facility. The aspects of the facility environment considered in this study included a therapeutic milieu, programs offered, danger from staff or other residents, and emphasis on individual youth needs. In contrast to African American youth, White youth exhibited greater change in the desired direction as the environment was viewed as more positive. These findings point to a need of researchers to not just examine legal and extra-legal measures in RED studies but also the impact of environmental factors contributing to differential outcomes of White and non-White youth within juvenile facilities.

Examining the most restrictive parts of the system is critical due to the immediate and long-term individual and collateral consequences of time spent in correctional care widely recognized in both adult corrections and juvenile justice literature (Campbell et al., 2017; Davis & Sorensen, 2013; Donnelly, 2018; Rocque & Paternoster, 2011).

Collateral consequences of confinement to individuals, families, and communities are numerous. Researchers point to weakened family bonds, reduced graduation and employment rates, poorer physical and mental health, neighborhoods experiencing frequent movement of residents cycling in and out of prison (i.e., imprisoned communities), increasing numbers of individuals with limited employment prospects, and limited access to public resources in housing and higher education (Mueller et al., 2019; Mauer, 2011; Rodriguez-Dragomir & Tadros, 2020). Mauer (2011) notes how acute the overlap is between issues of social class and race in the American Criminal Justice System. Specifically, the author points to how the lack of and access to resources contributes substantially to disproportionate minority rates of incarceration.

Confinement may create disturbances for juveniles in the home, school, and community, and such disruptions are even more impactful for youth of color (Drakeford & Staples, 2006; King & Wright, 2016; The Pew Charitable Trusts, 2010; Truman et al., 2015; Ward et al., 2011). We need to know how race infiltrates the decision-making process of juvenile justice officials, and if strategies are in place to mitigate the adverse impact of confinement. In the next section, I will describe and critically examine theories that attempt to explain RED in the American justice system. I will also review empirical literature that examines RED in the criminal justice system in the U.S.

Theoretical and Empirical Foundation of the Problem

The current study seeks to better understand how race makes a difference in youth experiences within critical stages of the juvenile justice system. Previous research and literature on racial and ethnic disparities (RED) in both the criminal and juvenile justice

systems have pointed to several explanations for the RED phenomenon. In this section, I will critically examine theories, research, and professional literature related to RED in the justice system. I will summarize and connect key elements most relevant to the current study and then conclude this section by connecting implications from previous research to my investigation, which narrows the scope of the RED phenomenon within juvenile confinement facilities.

Attribution Theory

Many scholars have drawn on attribution theory when attempting to explain the problem of racial and ethnic disparities in juvenile court outcomes (Albonetti, 1991; Beckman & Rodriguez, 2021; Bridges & Steen, 1998; Lowery & Burrow, 2019). Attribution theory originated from Heider's (1958) influential work where he argued that individuals frequently create causal explanations for observed behavior patterns. Albonetti (1991) went on to expand attribution theory as an explanation of racial disparity by noting that court judges are restricted in their capacity to make totally informed decisions, and that these constraints introduce ambiguity into their decision-making process. Disparities are said to be attributed to direct racial discrimination and to more subtle forms of bias, where historically based racial stereotypes of criminality can affect decision-making in the justice system (Kennedy, 1998). Some attribution theorists explain RED by pointing to the ways persistent criminal stereotypes continue to influence court results for people of color (Franklin, 2013; Goldman & Rodriguez, 2020; Healy & O'Brien, 2015; Wilmot & Delone, 2010, Ulmer & Bradley, 2018).

Within the attribution theory framework, juvenile justice officials would be expected to focus on the abilities and traits of offenders when identifying interventions, sanctions, and rehabilitation instead of external factors such as peer influences, environmental and family dynamics (Beckman & Rodriguez, 2021). For instance, the literature has shown that youth of color are more likely to be linked to negative internal attributions in comparison to White youth (Russell-Brown, 2009; Tittle & Curran, 1988; Warren et al., 2012). Justice officials relying on internal attributions are said to surmise that behavior is the result of things inside the person and suggest personal dispositions, such as moral culpability, unrepentant views, and premeditated choices (Beckman & Rodriguez, 2021). External attributes on the other hand, signal environmental (e.g., family, school, and peer influences) and fleeting influences on behavior that are thought to be responsive to intervention with treatment.

Negative stereotypes can play an important role in how juvenile court officials form perceptions of youth (Albonetti, 1991; Bridges & Steen, 1998; Healy & O'Brien, 2015; Spohn & Hollerman, 2000; Tonry, 2011; Welch, 2007). Thus, when making causal inferences about behavior, court officials typically assign fault for an offense to either internal dispositions or external circumstances. Internal dispositions indicate greater liability due to the perception that offenders are less amenable to treatment and more likely to reoffend (Fader et al., 2014; Rodriguez, 2010; Steffensmeier & Demuth, 2001). By contrast, decision-makers ascribing to external attributions view behaviors as a product of environmental and short-lived social circumstances, placing blame not on the juvenile but elsewhere (Beckman & Rodriguez, 2021; Feld, 1999; Leiber & Mack, 2003; Rodriguez, 2013).

The 2013 “affluenza” case out of Texas is an example of case that could point to external attributes being attributed to a youth that results in treatment versus severe punishment (i.e., secure confinement). In this case, a White juvenile with a prior record of driving under the influence struck and killed several pedestrians as well as severely injured others (Klass & Valiente, 2015). The defense team argued the youth’s *affluent* parents did not teach him boundaries and thus culpability should not rest solely on the juvenile. The court agreed and the juvenile in this case received a probation sentence. In this example, external attributes played a critical role in the court’s disposition decision. Blame for the crime was in part placed outside of the juvenile and cast onto his affluent parents. This resulted in the juvenile receiving a less severe disposition to a community-level treatment program instead of a commitment to the state for placement in a juvenile corrections facility or transfer to the adult system.

Researchers have also observed the adverse effect of external attributes being ascribed to marginalized groups by justice officials (Lowery & Burrow, 2019; Rodriguez, 2010, 2013; Steffensmeier et al., 1998). For instance, Lowery and Burrow (2019) discuss that when lawbreakers who have association in disadvantaged racial or ethnic groups commit crimes, group stereotypes are then attributed to these groups by criminal justice officials, and thus, may signify that such behavior is normal for these groups. Judges with discretion may operate with the norms and belief that minority offenders are subjected to more concentrated community disadvantage and thus, may attribute the causes of delinquency to the juvenile’s environment and their intentions. These norms and values of judicial actors may include assessing how volatile, consistent, and stable the behaviors are of individual youth and families (Lowery & Burrow, 2019). Negative external

attributes such as a high crime area can be perceived by court judges as being less safe than a secure confinement facility and can thus result in disproportionate rates of commitment to confinement for non-White juveniles. In this example, decision-makers may feel the benefit of out-of-home placement outweighs the cost (i.e., adverse effects) associated with placement in secure confinement settings.

In sum, studies that examine the attribution theory perspective point to the complexities associated with choices of court actors to render lenient or punitive decisions through attributing internal and external attributes to juvenile offenders (Beckman & Rodriguez, 2021; Bridges & Steen, 1998; Lowery & Burrow, 2019; Rodriguez, 2013; Steffensmeier et al., 1998). On the one hand, some studies have pointed to negative external attributes often being attributed to White youth, and thus, they are perceived as less blameworthy with sanctions being more therapeutic than punitive (Rodriguez, 2013; Lowery & Burrow, 2019). On the other hand, negative internal and external attributions are applied to youth of color, which can result in more punitive outcomes for these juveniles (Beckman & Rodriguez, 2021; Bridges & Steen, 1998). In the context of confinement settings, the decision of correctional staff to respond to youth behaviors with punitive sanctions (e.g., segregation) versus a therapeutic intervention (e.g., de-escalation techniques) can be influenced by them ascribing internal or external attributes to the youth's behavior. Such practices could explain differential experiences of racial and ethnic groups in confinement facilities.

Focal Concerns Theory

Another hypothesis used by scholars to explain sentencing decisions is that of Focal Concerns Theory (Demuth, 2003; Spohn & Holleran, 2000; Steffensmeier & Demuth, 2000; Steffensmeier et al., 1998). This perspective is one of the dominant frameworks used to explain disparate outcomes in the adult sentencing literature (Bishop et al., 2010; Erickson & Eckberg, 2016; Hartley et al., 2007; Lynch, 2019; Steffensmeier, 1980; Steffensmeier et al., 1993, 1998). Focal concerns theorists argue that court judges rarely have adequate time or information at sentencing to accurately assess offenders, therefore they may develop a “perceptual shorthand” (Lynch, 2019; Steffensmeier & Demuth, 2000) or depend on cognitive heuristics (Cochran & Mears, 2015; Kahneman, 2011). In other words, judges will not only consider legal factors at sentencing but also stereotypical connections between defendant background characteristic (e.g., race) and their blameworthiness. Judges will accordingly balance three focal concerns in their sentencing decisions to include culpability of the defendant, public safety, and real-world considerations such as public backlash and jail overcrowding (Bishop et al., 2010; Hartley, 2014).

The complex interplay of a defendant’s culpability, public safety, and real-world considerations coupled with inadequate case information can serve to influence the decisions made by judges (Steffensmeier et al., 1998). Culpability of the defendant relates to the blameworthiness of the offender and the level of injury caused (Holmes et al., 2020). Culpability is gauged primarily by the seriousness of the crime; however, it may also relate to whether the offender was the organizer or follower in the crime committed. Public safety deals with protecting the community from a would-be

perpetrator or incapacitated offenders (Steffensmeier & Demuth, 2000). Judges may forecast future offending based on an offender's criminal history and account for education, employment, and family status. Real-world considerations pertain to individual and organizational constraints linked to working relationships that judges have with other court actors, case processing factors such as guilty pleas, and correctional overcrowding (Crow & Bales, 2006). Mental shortcuts linked to race are developed by judges through the interplay of the focal concerns listed above with insufficient case information on offenders (Hartley, 2014; Steffensmeier et al., 1998). Mental shortcuts or a perceptual shorthand by court judges may typecast racial minorities as more liable for their crimes and thus lead to more punitive decisions.

The literature has also shown that focal concerns play a key role in decisions of not just court judges but also other judicial actors such as police (Ericson & Eckberg, 2016), prosecutors (Ericson & Eckberg, 2016; King & Wright, 2016; Lynch, 2019), and probation officers (Bridges & Steen, 1998; Hoffman & DeGostin, 1975). For example, Ericson and Eckberg (2016) utilized this perspective to explain diversion decisions by police and charging decisions of prosecutors from a large metropolitan county in the Midwest. These authors found that youth of color that were eligible for diversion were less likely to be diverted by police, and thus, were formally processed into the juvenile justice system earlier than their White counterparts. Ericson and Eckberg (2016) concluded that organizational constraints (i.e., lack of police officer knowledge on all diversionary options) and "loose coupling" appeared to be a reason for the disparities. Loose coupling refers to the impact of the structure of an organization such as number of

employees, control exercised by those in authority, and level of agreement with respect to agency priorities and mandates (Bishop et al., 2010; Weick, 1976)

Focal concerns are not only considered in sentencing decisions made by judicial actors but also in their determinations regarding treatment and rehabilitation (Albonetti, 1997; Albonetti & Hepburn, 1996; Bishop & Frazier, 1996; Bridges & Steen, 1998; Cochran & Mears, 2015; Demuth & Steffensmeier, 2004; Hagan & Palloni, 1999; Leiber & Jamieson, 1995). For instance, Bridges & Steen (1998) argued that judicial actors may believe that the misconduct of racial minorities are due to their deep-seated inclination toward crime and deviance. As such, decision makers may feel that rehabilitative services would not adequately address these circumstances. By contrast, White youth misbehavior is said to be more influenced by external circumstances, and thus, these youth are more amenable to treatment interventions (Cochran & Mears, 2015).

In sum, an examination of racial and ethnic disparities in both criminal justice and juvenile justice systems from the focal concerns perspective indicates that non-White youth may receive harsher punishment due to decision maker perceptions that racial minorities are more threatening and blameworthy. Additionally, culpability of racial minorities is more likely to be linked to their deep-rooted propensity toward deviance, as opposed to external factors influencing behavior of White youth. The outcome of such beliefs of court actors is often less rehabilitation and treatment of youth of color.

Racial Threat Hypothesis

The Racial Threat Hypothesis is another framework used in studying racial and ethnic disparities in the American justice system. Blaylock's (1967) Racial Threat Theory

indicates that Whites historically have been the dominant group in America, and threats to their interests change the dynamics of social control. In the Racial Threat Theory framework that has been applied in areas of politics, economics, and criminal justice (i.e., Minority Group Threat Theory; Leiber et al., 2021), the law is unevenly enforced and becomes a means by which those in authority regulate out-group persons perceived to be a threat. In the context of the criminal and juvenile justice systems, proponents of the Racial Threat Hypothesis posit that large or increased minority group populations exacerbate RED as those in authority institute social controls that disproportionately affect marginalized groups perceived to be a threat to those in power (Armstrong & Rodriguez, 2005; Leiber et al., 2021; Lowery et al., 2018; Lowery & Smith, 2020; Zane, 2017). Armstrong and Rodriguez (2005) drew on the Racial Threat Hypothesis by suggesting that the defendant's race and the racial composition of areas play a role in pre-adjudication detention decisions by court officials. They found that detention decisions were affected by individual race-ethnicity as well as county racial composition. For instance, in comparison to White youth, youth of color consistently had a higher probability of receiving pre-adjudication detention. Findings from this study were consistent with other research that suggested minority offenders who reside in areas with a large minority population are treated more harshly than White offenders (Blaylock, 1957; Bridges & Crutchfield, 1988; Bridges & Myers, 1994; Myers, 1987).

Importation and Deprivation Models

The influence of correctional environments on inmates' adjustment has been well-documented in the research literature (Butler, 2019; Butler et al., 2020; Mackenzie et al.,

2001; Rogers et al., 2022). This adjustment to institutional life has largely been defined primarily in adult literature by two opposing paradigms that explain violence and misconduct in prison: Importation and Deprivation Models (Gover et al., 2000; Hochstetler & DeLisi, 2005; Tasca et al., 2010). The importation approach is centered around the idea that subcultures in prison mirror those on the outside. In other words, institutional behavior infractions of prisoners are reflective of their community lifestyles, experiences, and behavior traits (Berg & DeLisi, 2006). If the incarcerated person was an active gang member in the community, they are likely to continue such associations in prison.

A competing approach of the importation perspective for explaining adult prisoners' behavior is the deprivation model. The deprivation model focuses mostly on the correctional environment itself to describe inmate adjustment (e.g., type of facility; Fitz et al., 2018; Hodge & Yoder, 2017; Kennedy, 1998; Tewksbury et al., 2014). Sykes (1958) identified five deprivations or "pains of imprisonment" that lead to stress, anti-social attitudes, and prison misconduct. These deprivations include loss of liberty, physical possessions, heterosexual interactions, autonomy, and security (Aranda-Hughes et al., 2020; Sykes, 1958). In the context of a juvenile confinement facility, examples of these deprivations might include residents feeling the discomforts of confinement because of strict rules and regulations being imposed by custodial staff. While at home, the youth's parent or guardian may permit flexibility in daily activities and the bending or breaking of some rules may result in little to no consequence to youth in the community. Residents confined in juvenile facilities are subjected to a regular daily schedule that is monitored closely by adults with rules and consequences being enforced by facility staff

(Mathys, 2017; Soenen et al., 2013). This abrupt change resulting from the confinement period can be a source of stress for some youth. Additionally, in secure juvenile facilities most residents are required wear a standard uniform (Craik, 2005; Ulasewicz, 2007), thus stripping them of their individual style and identify. This can become a source of stress to youth who are placed in an unfamiliar environment with other juvenile delinquents that may differ in their norms and beliefs.

Prior research that examines the adjustment of youth in juvenile confinement settings by considering factors from Importation or Deprivation Models have revealed mixed results (Feld, 1981; Gover et al., 2000, Hodge & Yoder, 2017). For instance, Gover and colleagues (2000) used measures from both models to explain levels of youth self-reported anxiety such as feeling calm, upset, nervous, anxious, worried, or relaxed in the facility. These authors noted that neither model alone could effectively predict a youth's adjustment to the juvenile confinement setting. However, they did indicate that an integration of measures from both Importation (e.g., family history of violence) and Deprivation models (e.g., type of facility) had the most proficient models. Gover and colleagues (2000) found that factors to include race, history of exposure to family violence, and type of facility (i.e., bootcamp vs. traditional facility) were all contributors in explaining the youths' adjustment to confinement.

Critics of both Importation and Deprivation Models argue that these perspectives focus solely on the behaviors and characteristics of those incarcerated while neglecting to consider the actions of facility administrators and custodial staff (Ricciardelli & Sit, 2016). Tyler (2003) notes how most of the correctional research has focused on violence and misconduct committed by incarcerated individuals, however, the behavior and

actions of correctional officers are crucial elements of obtaining a more complete understanding of experiences of confined individuals.

Administrative Control Model

Some researchers have applied Administrative Control Theory to explain the influence of organizational guidelines on social order in confinement facilities (DiIulio, 1987, 1991; Hochstetler & DeLisi, 2005; Huebner, 2003; Novisky et al., 2021; Reisig, 1998, 2002; Ricciardelli & Sit, 2016; Useem & Kimball, 1989). Scholars drawing on this perspective point to prison officials, supervision staff, and governance in general as contributors to inmate experiences and behavior. As such, facilities with indecisive leaders, staff that are reactive in their interactions with offenders, the use of informal rules and procedures, and limited institutional programs experience more prison violence and have more disciplinary infractions (Hochstetler & DeLisi, 2005).

Staff in corrections facilities play a major role in the experiences of those incarcerated and have a great deal of discretionary command over these individuals. Using data from qualitative interviews of those released from prison, Novisky and colleagues (2021) suggested that correctional staff not only violate policies and procedures they are required to follow and enforce, but also abuse their authority. This staff misconduct was said to reflect inconsistencies in rule enforcement. In another study that examined correctional officer characteristics and prisoners' perceptions of just treatment in confinement, perceptions of more procedurally just environments were more evident in institutions with more female officers (Beijersbergen et al., 2013). Interviews revealed that inmates believed female officers had more positive attitudes toward

rehabilitation and were more fair, respectful, and civilized in their treatment of prisoners. Other studies have examined the relationship between the gender of decision-makers and court processing outcomes and found differences in detention (Leiber et al., 2014) and sentencing outcomes (Doerner & Demuth, 2014; Steffensmeier & Demuth, 2006; Steffensmeier & Hebert, 1999). For instance, Leiber and colleagues (2014) found that female probation officers were less likely than male probation officers to detain youth or recommend formal processing of juveniles.

Researchers have also examined prison cultures with respect to inmate perceptions of staff legitimacy and found frequent instances of inmates witnessing staff misconduct, which impacted the extent to which inmates felt obligated to obey the rules (Beijersbergen et al., 2013; Tewksbury & Mustaine, 2008). Incarcerated persons have a right to humane treatment, and this has been the subject of federal legislation and lawsuits. The Civil Rights of Institutionalized Persons Act (CRIPA) is one such statute that establishes the rights of youth confined in detention and correctional facilities. This law protects juveniles from both dangerous administrative practices and conditions during their stay in confinement. A recent review of the OJJDP website reveals ongoing CRIPA juvenile facility investigations in eight states concentrated primarily in the southern United States (CRIPA, 2022). It is imperative to develop a deeper understanding of the incarceration experience and its implications for one of society's most vulnerable populations. The administrative control model is an avenue to identify the role that staff play in shaping experiences and outcomes of those confined in correctional settings.

In the final section, I will draw on inferences from existing literature that is pertinent to my primary research question and hypotheses. I will discuss the theoretical

framework through which my projected research is viewed, and the significance of the research topic, questions, and hypotheses that were chosen for this study.

Inferences and Theoretical Framework Guiding the Current Study

The pathway of disparate treatment in the juvenile justice system for youth of color has historically been rooted in biased beliefs about minorities in this country. Practices of exclusion (Bell, 2017), segregation (Frey, 1981), assimilation (Wilmot & DeLone, 2010), and control (Chavez-Garcia, 2007; Ward, 2012) have been utilized to integrate youth of color into the juvenile justice system in America. Research has shown that most, if not all, of these traditions can have detrimental consequences for juveniles (Campbell et al., 2017, Cochran & Mears, 2015; Davis & Sorensen, 2013; Matte-Landry & Collin-Vezina, 2021; Rocque & Paternoster, 2011). Therefore, it is imperative that juvenile justice scholars examine to what degree adverse impacts by race persist today within critical stages of the justice system that are linked to negative outcomes.

I argue that the biased beliefs and perceptions of those in authority towards racial and ethnic minority groups evident in research (i.e., differential treatment perspectives) and theory (i.e., Attribution Theory, Focal Concerns Theory, Racial Threat Hypothesis) have led to justice system decisions and processing that has brought about adverse outcomes for youth served by the juvenile justice system. Customary practices like segregation, long periods of confinement, and inadequate rehabilitative resources have historically and disparately targeted youth of color more than White youth. I contend that these traditional methods, coupled with the fact that many youths of color come from and return to marginalized communities, has kept the RED problem in a perpetual state of

“motion without movement” (CCLP, p. 25). To adequately address the RED phenomenon that has been a part of the American juvenile justice system since its inception, we must obtain a better understanding of the complexities of the RED problem at points of the system least studied but that can render the most detrimental outcomes: secure confinement settings.

To this end, I seek to answer my research question (RQ): In what ways do the experiences of youth in juvenile confinement facilities differ across racial and ethnic groups? I hypothesize that, (H1) Minority youth will experience more control-oriented interventions than White youth, (H2) Minority youth will experience longer lengths of stay than White youth, and (H3) Minority youth will experience fewer connections to reentry services than White youth.

If I find that youth of color in confinement settings in fact are subjected to more control-oriented interventions and longer lengths of stay than White youth, this could indicate that stereotypes held by custodial and treatment staff in confinement settings may mirror those of court actors such as probation officers and judges. As indicated in my literature review, proponents of both the attribution theory and focal concerns perspective argue that court actors view minority youth as more culpable and blameworthy. Consequently, youth of color receive harsher punishment and less rehabilitation than White youth. If stereotypes and negative attributes held by custodial staff are being ascribed to racial minorities in confinement, it could impact their opportunities to participate in and complete treatment-focused programs and engage with family and community partners, all of which could lead to shorter periods of confinement.

Most studies on RED in the juvenile justice system limit their focus by simply controlling for demographics, behaviors, and other factors specific to the juvenile population studied. This is problematic in that a vast body of literature exists that point to administrative (Ricciardelli & Sit, 2016; Sankofa et al., 2018) and staff characteristics (Beijersbergen et al., 2013; Marsh & Evans, 2009; Novisky et al., 2021) that also influence experiences of confined individuals. This could be due in part to limited datasets being available to researchers; nevertheless, controls included in typical models point to differential offending factors (e.g., committing offense) and disregard factors in line with differential treatment (e.g., abuse, neglect, or exploitation) explanations for RED.

The current study will examine the RED phenomenon by including relevant factors from not just the differential offending standpoint but also include variables in the models from the differential treatment perspective such as demographic and behavior aspects of custodial staff. Such a study can contribute to scholarship on the nature and nurture of RED by investigating in-facility outcomes for the different racial and ethnic groups confined. This is important because the scope of research on the extent and causes of RED in juvenile justice literature typically ends with dispositions decisions (Mueller et al., 2019). There are few studies in the U.S. that systematically examine a range of youth experiences, by race and ethnicity within confinement settings.

Stakeholders understanding whether encounters in secure juvenile confinement facilities differ across racial and ethnic groups is important for several reasons. First, the RED problem in processing decisions is well-documented but its extent within later stages of the system is less so (e.g., confinement settings), especially across all the U.S.

more widely. We cannot make any real and sustained progress toward reducing and eliminating disparities in the justice system if we fail to capture the full extent of the issue. Additionally, with vulnerable populations such as juveniles, we have a responsibility to not inflict more harm than good as we care for them. To accurately evaluate this responsibility, stakeholders need to know if, and to what extent, juvenile justice interventions and treatments help to mitigate or exacerbate adverse outcomes for youth.

Finally, significant findings from this RED confinement study with its three-fold emphasis on interventions used, length of time in confinement, and connections to reentry services could be a catalyst for more studies in the future that empirically examine different facets of the RED contours within juvenile confinement settings. Critically examining features of the milieu that includes information not just about juveniles but also that of decision makers and service interventions, could also be viewed as a more holistic evaluation approach to studying RED in confinement settings. In the next chapter, I will provide a detailed description of the data, method, and analytic approach that will be used to carry out the current study.

Chapter 3: Method

Racial and ethnic disparities (RED) is a complex problem that permeates throughout all critical juvenile justice system decision points (Claus et al., 2017; D'Alessio & Stolzenberg, 2003; Donnelly, 2018; Fix et al., 2017; Gann, 2018; Glenn, 2019; Harris et al., 2009). The current study examined racial-ethnic (R/E) differences in juvenile confinement experiences across facilities in America. In this chapter, I provided details on the data that was used to investigate my research question: In what ways do the experiences of youth in juvenile confinement facilities differ across racial and ethnic groups? I hypothesized that: (1) Minority youth will experience more control-oriented interventions than White youth, (2) Minority youth will experience longer lengths of stay than White youth, and (3) Minority youth will experience fewer connections to reentry services than White youth. The research method and analytic approaches use are also discussed.

Data Source

Performance-based Standards (PbS) Learning Institute (PbSLi)

What is the PbS? PbSLi, the organization that oversees the PbS initiative, was created in 2004 by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) because of findings from a federally mandated study on conditions within juvenile confinement facilities (OJJDP, 1994). The study findings revealed widespread problems in areas of living space, healthcare, control of suicidal behavior, and security within

facilities.⁵ Recommendations from the conditions of confinement research emphasized the necessity for outcome-based performance standards specific to juvenile facilities. The report denoted “performance standards can quickly identify problems and can provide a benchmark against which improvements can be measured” (OJJDP, 1994, p. 14). The Council of Juvenile Justice Administrators,⁶ which is representative of state juvenile justice system executive directors and several local jurisdictions, developed the PbSLi’s national standards and performance outcome measures known as *PbS*.

The structure of PbS comprises juvenile facility goals, standards, outcome measures, expected practices, and processes (CJCA, 2010). A total of 30 standards encompasses 9 domains of facility operations and services (i.e., safety, security, order, behavioral health, health, justice, programming, family, and reintegration) with over 100 performance outcome measures linked to the guidelines (CJCA, 2010). For instance, the PbS safety goal is to engage in management practices that promotes the safety and well-being of staff and youths (CJCA, 2010). One of the safety standards associated with this goal is to minimize environmental risks and reduce harm in the use of restraints and isolation (CJCA, 2010). The goals and standards for each domain is followed by specific outcome measures, expected practices, and processes for participating facilities to consider (CJCA, 2010). Over 300 state training schools, privately-run secure programs, and county detention facilities located in rural, urban, and suburban areas across the

⁵ The study included all 984 public and private juvenile detention centers, reception centers, training schools, ranches, camps, and farms within the United States in 1991. There were 65,000 juveniles held in these facilities at this time.

⁶ Council of Juvenile Justice Administrators was originally incorporated as the Council of Juvenile Correctional Administrators.

United States are, or have been, PbS-participating sites since its launch in 2004 (PbSLi, 2022).

PbS program participants benefit from the ability to measure and track key indicators of performance and they can compare their results with similar (e.g., size, sex, facility type) participants across the country (CJCA, 2010). Sites also are aided by uniform definitions, measurable goals, and the development of strategies to achieve them, access to resources and assistance to make improvements, as well as accountability and transparency through high-quality standardized national data (PbSLi, 2022). The PbS program endorses the integration of evidence-based policies and practices into daily operations to create safe facilities and programs that improve the lives of not just youth but also families and communities (PbSLi, 2022). PbSLi has adopted extensive protocols related to privacy and protection of participants and human subjects and these policies and procedures are approved by an Institutional Review Board (IRB). All scholars are required to sign a researcher data use agreement prior to receiving or accessing any data. In addition to signing the PbSLi data use agreement, the researcher for the current study also obtained approval from her academic institution's IRB (Protocol # 22-078-R1).

Data for the Current Study. This study uses individual-level and facility-level data collected from all PbS-participating assessment, detention, and correction facilities between 2012 and 2022. Facilities participating in the PbS program are classified in one of four regions in the United States to include the Midwest, Northeast, South, and West.⁷

⁷ There are 30 states with one or more facilities participating in the PbS program and they include: Alabama, Arizona, California, Colorado, Connecticut, Delaware, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Washington, West Virginia, and Wisconsin. The map of participating PbS sites is located at <https://pbstandards.org/why-pbs/our-community/>.

Twice a year, PbS participants collect information by surveying youth, staff, and families as well as reporting administrative data, unusual incidents, and services offered by the facility (PbSLi, 2022). The information gathered creates a snapshot of all aspects of the facility milieu (e.g., conditions, programs, operation, etc.) that occurs during a unique 6-month data collection period (PbSLi, 2022). In other words, data from individuals in participating facilities is not a duplicate of previous or subsequent data collection periods. Jurisdictions complete a one-year candidacy period prior to their data being considered reportable to the PbS program and included in official datasets (CJCA, 2012).

During the candidacy phase of the program, facility staff are trained by PbSLi coaches to ensure compliance with guidelines and comprehensive reporting outlined in a PbS participant manual (CJCA, 2012). Additionally, all reported information undergoes a PbSLi data integrity process that includes internal accuracy checks and verification on site at participating facilities (PbSLi, 2022). The data integrity process extends beyond the candidacy program in that a PbS consultant is assigned to each participating facility to assist, guide, and support their data collection, data analysis, and improvement planning efforts (CJCA, 2012).

The description of the PbS data sources used for the current study is illustrated in Table 1. The administrative form that is captured at the facility level is completed in April and October for all participating facilities. The incident reports are completed at the individual level for all incidents that occur during the month. Youth records which are also captured at the individual level is a random selection of 30 youth released from the facility during the current data collection period. I generated and downloaded

administrative form data and incident reports from the secure *PbSLi Database for Researchers*. Youth record data was provided by PbSLi officials.

Data examined in the current study was analyzed using Stata/BE 17.0. Casewise deletion resulted in a loss of 4,488 incident report cases and 4,535 youth record cases. These cases accounted for less than 10% of the original samples and only had missingness on demographic measures. None of the investigation groups were disproportionately affected because of data cleaning. The final sample used to test my first hypothesis in this study was 212,389 to test my first hypothesis, and 66,364 cases to test the second and third hypothesis.

Table 1: PbS Data Sources and Descriptions

Name of Data	Description of Data
Administrative Form	This form provides both general and specific information about each facility. Questions range from numbers of youths and staff to types of assessments as well as the number of facility programs using volunteers. Data should be collected starting at the beginning of the data collection. The Administrative Form is completed in April and October.
Incident Reports	Each facility completes an incident report for any event or crisis that may compromise the security of the facility or safety of staff or participants. Type of data collected on incident reports include type of incident, number of youths and staff involved, and restraints, injuries, and isolation details.
Youth Records	Each site is required to obtain and enter information for 30 randomly selected youths or more who have been released from the facility during the current data collection period. If less than 30 are released during the data collection month, you will need to go back month by month until 30 have been collected, or until you reach the start of the data collection period (May 1 or Nov. 1). Information is reported on screenings, assessments, treatment plans, and language-appropriate documents for non-English speaking youths as well as preparation for reintegration into the community. (Reintegration sections of the form are for correction facilities only.)

Note. Information included in the table is retrieved from <https://pbstandards.org/how-it-works/data-collection/>.

Dependent Variables

A vast body of literature on juvenile confinement settings point to the critical role of behavioral interventions (Bouchard & Wong, 2018; Brown et al., 2012; Forrest et al., 2018; Hidalgo et al., 2016; LeBel et al., 2010; Marsh & Evans, 2009; Matte-Landry & Collins-Vezina, 2020, 2021; Mueller et al., 2019; Pappas & Dent, 2021; Roy et al., 2021) and rehabilitative services (Altschuler, 2011; Ambrose & Lester, 1988; Cohen et al., 2006; Cohen et al., 2012; Cohen et al., 2016; Harris et al., 2009; Miller et al., 2019; Onifade et al., 2019; Sankofa et al., 2018) to explain in-facility as well as post-release outcomes for the youth population served. In the current study, I examined three outcome areas as potential pathways by which racial and ethnic (R/E) disparities in juvenile confinement facilities might exist: control-oriented intervention (2 measures), length of stay, and connection to reentry services (3 measures).

Control-Oriented Interventions

Control-oriented interventions in the current study was defined as incidents of confinement (i.e., isolation, room confinement, segregation) and restraints (i.e., physical, mechanical, chemical, and chair use) occurring within the facility during the data collection month. This outcome variable was operationalized with three categories of no intervention, confined or restrained, as well as confined and restrained. Scholars in the field of juvenile justice and medicine have identified the use of both seclusion and restraint practices as techniques or interventions to control the movement of individuals due to behavioral issues (Al-Maraira & Hayajnek, 2019; Brown et al., 2012; Forrest et al., 2018; Goulet et al., 2017; LeBel et al., 2010; Negroni, 2017; Roy et al., 2021).

Isolation was defined by PbSLi as “any instance wherein a youth is confined alone for more than 15 minutes in a room other than his or her sleeping area” (CJCA, 2012, p. 10). It can be in a locked or unlocked room; however, isolation does not occur in an open-bay large dormitory and no other residents or staff are present. Room confinement was defined by PbSLi as “any instance in which a youth is restricted for cause or punishment, in the room he or she sleeps in” (CJCA, 2012, p. 16). The room can be locked or unlocked, yet it is not considered room confinement if the sleeping area is in a large dormitory.

Segregation was defined as “a designated dormitory for youth with disciplinary, physical, medical, protective and custody issues” (CJCA, 2012, p. 17). Segregation differs from isolation and room confinement in that youth in segregated housing have been removed from their assigned housing area in the general population and placed in a self-contained separation unit. Youth in segregated housing receive all educational, recreational, medical, and treatment services within the program separation unit. Examples of segregation dormitories are special management units, special program dorms, isolation and lock down units.

PbSLi defined a physical restraint as a technique “used by staff to subdue a youth to prevent the youth from injuring him or herself, or others” (CJCA, 2012, p. 14). A mechanical restraint involves devices “used to prevent a youth from injuring him or herself, or others” (CJCA, 2012, p. 11). Examples of mechanical restraints include handcuffs, ankle chains, padded or soft restraints, four-point untethered leathers. Use of mechanical restraints during routine movement or transport is not included in PbS data collections because the devices are not used to control behavior. Distinguishing such data

as non-behavior-related is a common practice in secure (i.e., hardware secure, staff secure) juvenile facilities. In these facilities, the residents are not permitted to leave the campus at will and, thus, they are securely transported to and from all off-campus activities that may include appointments, services, and events that are not related to youth misbehavior. Chemical restraints involve the “use of pepper spray, mace, etc. to prevent an uncontrollable youth from injuring him or herself, or others” (CJCA, 2012, p. 3). A restraint chair is “any full-body restraint where a youth is contained within a chair with straps, harness, or mechanical device” (CJCA, 2012, p. 16).

In juvenile confinement facilities, both segregation and restraint practices are regulated by policy and are meant to be used as a last resort by custodial staff in facilities (Brown et al., 2012). The intention to limit the use of seclusion and restraints relates to the negative effects they can have on individuals (Palermo & Dumache, 2021), especially those with traumatic histories (Crosby, 2016; DeLisi et al., 2010; Forrest et al., 2018; SAMHSA, 2014), as well as the physical injuries to staff and youth caused by the intervention (Matte-Landry & Collins-Vezina, 2020; Roy et al., 2021).

Length of Stay (LOS)

Length of stay was calculated as the total number of days a youth was confined at a PbS-participating assessment, detention, or correction facility. For the current study, an assessment center was defined as “a facility that serves both pre- and post-adjudicated youth” (PbSLi, 2022, p. 2). At the assessment facility, diagnostic and other evaluation tests are conducted on the youth to establish the most appropriate placement, services, or treatment program to meet the individual needs of the juvenile. A detention center was

defined in the current study as a place where juveniles “are held in a restricted location on a short-term basis, for their protection or the public, pending legal action that is subject to the agency of the juvenile court” (PbSLi, 2022, p. 2). A correction facility was defined in the current study as a “post-disposition training school, treatment, and/or residential facility for youth committed to the custody of a governmental agency for a determinate period of time” (PbSLi, 2022, p. 2).

Research points to a positive correlation between length of stay and recidivism (Harris et al., 2009; Myner et al., 1998; Rhodes et al., 2018). Studies have shown that long periods of confinement contribute to weakened family bonds (Young et al., 2019) and can affect the psychological development of youth (e.g., stress and anxiety; Palermo & Dumache, 2021; Trulson et al., 2011). Additionally, research has shown that juveniles confined in secure facilities for long periods of time have a higher likelihood of being rearrested or reincarcerated than those juveniles with shorter lengths of stay (Harris et al., 2009; Mueller et al., 2019; Rodriguez-Dragomir & Tadros, 2020).

Connections to Reentry Services

Connections to reentry services was the final dependent variable examined in the current study. This variable was calculated as the total number of family visits, referrals to post-release education, and referrals to post-release vocational/employment programs in the community.⁸ I chose these three connections to reentry measures due to scholarship

⁸ Cases for the reentry services measures are counted only if: (1) contact between the youth and family is allowed or approved by the facility, (2) individual youth records indicate the youth will be attending school in the community, and (3) if individual youth records indicate a need for post-release vocational/employment services.

that suggests their impact on in-facility and post-release outcomes for juveniles. Research shows that youth who receive family visits while incarcerated perform better academically and are involved in fewer institutional behaviors (Villalobos Agudelo, 2013). Further, these youth exhibit few symptoms of depression in placement (Monahan et al., 2011) and have lower recidivism rates after release than youth who are not visited (Shanahan & diZerga, 2016). Studies have also shown that youth supports and their access to resources such as school and job programs help with successful reintegration back into society (Bell, 2017; Mauer, 2011; Spencer & Jones-Walker, 2004). A key factor in reducing time in confinement facilities include program components of transition planning (Ochoa et al., 2020).

Independent Variable

Individual-Level Variables (Level 1)

The primary independent variable in the current study was *race-ethnicity* (R/E). Race and ethnicity have been categorized differently across studies of juvenile justice. Some combine race and ethnicity into a single, mutually exclusive measure that includes Hispanics of any race and non-Hispanic youth of any other race (Oglesby-Neal & Peterson, 2021). Other scholars have coded race and ethnicity as a factor variable with four categories: Black, Hispanic (non-White), Other (Asian, American Indian, or Other), and White as the reference category (Zane et al., 2020). Studies on RED and its reduction have pointed to cultural competence as one aspect of reducing disparities (CCLP, 2015). Accordingly, scholarship on RED may benefit from the documentation and analysis of

the nuances in R/E as it might help promote acknowledgement and education on cultural differences within society.

PbSLi has defined ethnicity using 9 categories in all its datasets (PbSLi, 2022). The PbSLi ethnicity categories include American Indian or Alaskan Native; Asian; Black, non-Hispanic; Black, Hispanic; Native Hawaiian or Other Pacific Islander; Other; Other, Hispanic; White, Hispanic; and White, non-Hispanic. Like the study conducted by Oglesby-Neal and Peterson (2021), I combined R/E into a single, mutually exclusive measure that includes Hispanic, Black, White (reference category), and Other. The category for Hispanic youth includes Black-Hispanic, White-Hispanic, and Other-Hispanic. The Other non-White category in my analysis included American Indian or Alaska Native; Asian, and Native Hawaiian or Other Pacific Islander; and other Ethnicities. These categories were combined due to their small numbers relative to other categories in the large datasets.

Several legal and extra-legal factors that comport with most RED studies (Davis & Sorensen, 2013; Lehmann et al., 2020) were included as control variables. The legal factor included in this study was the committing offense of the youth. The committing offense was a dummy-coded categorical measure that included violations of laws against persons (reference category), property, drugs, public order, technical violation, and status offenses. The extra-legal factors included *age* at the time of release (whole years), and *sex* (0 = male, 1 = female). The final extra-legal factor included at the individual level is placement type (i.e., assessment, corrections – reference category, and detention).

Facility-Level Variables (Level 2)

Environmental and correctional staff measures that have been shown in juvenile justice research to impact experiences of those confined (Novisky et al., 2021; Ricciardelli & Sit, 2016) were included as controls at the facility level. These variables included the proportion of female staff, total number of facility programs, and the total number of alleged staff-on-youth abuse cases. Most publicly available juvenile justice data at the national level such as the Census of Juveniles in Residential Facilities does not include much information on administrative controls, thus limiting opportunities for scholars to assess RED measures from the differential treatment and administrative control perspectives (Adams, 2021). The average length of stay (days) for confined youth was also included as a control in this study. Table 2 illustrates the data sources and measures used to test my hypotheses.

Table 2: Study Hypotheses, Data Sources, and Variables

Hypothesis	PbSLi Data Source	Level 1 Variables	Level 2 Variables
H1: Minority youth will experience more control-oriented interventions than White youth	Administrative Form & Incident Reports	Race-Ethnicity, Age, Sex, Placement Type	Proportion of Female Staff, Alleged Staff-on-Youth Abuse, Average Length of Stay, Facility Programs
H2: Minority youth will experience longer lengths of stay (LOS) than White youth	Administrative Form & Youth Records	Race-Ethnicity, Age, Sex, Committing Offense, Placement Type	Proportion of Female Staff, Alleged Staff-on-Youth Abuse, Facility Programs
H3: Minority youth will experience fewer connections to reentry services than White youth	Administrative Form & Youth Records	Race-Ethnicity, Age, Sex, Committing Offense, Placement Type	Proportion of Female Staff, Alleged Staff-on-Youth Abuse, Average Length of Stay, Facility Programs

Note. Incident Reports (all unusual incidents during the data collection month) are not linked to the Youth Records (random selection of 30 youth released during the 6-month data collection period)

Analytic Approach

In the current study, I investigated in what ways the experiences of youth placed in confinement facilities differed across race and ethnicity (R/E). Control-oriented interventions was an ordered category of no intervention, confinement or restraint, confinement and restraint. Length of stay in days was a continuous variable. Connections to reentry services was measured as a count of family visits, referrals to post-release education, and referrals to post-release vocational/employment services. Previous RED investigations and professional literature on the experiences of youth in confinement facilities have specified the importance of investigators first obtaining baseline information on any actual differences in youth confinement experiences by R/E (Mueller et al., 2019; Oglesby-Neal & Peterson, 2021). Such information on initial R/E differences in confinement experiences is pertinent to the work of juvenile justice practitioners tasked with reducing and eliminating the RED problem within the justice system. As such, I began my analysis with a one-way analysis of variance (ANOVA) to examine the differences in control-oriented interventions, length of stay, and connections to reentry services by R/E. A one-way ANOVA was appropriate here because I had a categorical independent variable of four groups, a normally distributed interval dependent variable, and I wanted to ascertain whether those groups differed significantly on the outcome variables of interest (Acock, 2018).

To isolate the unique contribution of R/E after controlling for other relevant factors, the bivariate analysis was followed up with a generalized ordinal logistic regression to test my first hypothesis, and a mixed-effect multilevel regression method to test my second and third hypothesis. The generalized ordinal logistic regression method

with clustered standard errors was an appropriate technique to test my first hypothesis because my outcome variable had three ordered categories. The use of a multilevel modeling method to test my second and third hypothesis allowed for an explanation of youth-level events using predictors at both the youth and facility levels. Such an approach can account for cases being independent from each other by estimating separate regression equations at the facility level, and then an overall model that takes both facility-level and individual-level variation into account (Raudenbush & Byrk, 2002). A multilevel model was not used to test my first hypothesis due to convergence issues and the complexity of the model. For the first hypothesis, then, clustered standard errors based on facility were included to account for possible clustering of errors around correctional facility.

An ordinal logistic regression (OLR) was run prior to the generalized ordinal logistic regression (GOLR). A core assumption of the OLR is parallel lines and if this assumption does not hold, then the GOLR must be used (Long & Freese, 2014). Diagnostics run for OLR indicated the parallel lines assumption was violated; therefore, a GOLR was used in the analyses. Diagnostics for the mixed-effect multilevel regression included an unconditional model to assess distribution of variance across multiple levels of the data as well as normality of residuals. Additionally, to explore problems with multicollinearity, I examined VIFs with all predictors falling below a cut-off of 4.

Table 3 displays the summary statistics for variables used to test my first hypothesis that indicates minority youth will experience more control-oriented interventions than White youth. Table 4 displays the summary statistics for variables used to test the second and third hypothesis. The second hypothesis indicated that minority

youth will experience longer lengths of stay than White youth. Hypothesis three indicated that minority youth will experience fewer connections to reentry services than White youth.

*Table 3: *H1 Summary Statistics: (N = 212,389), 2012-2022*

Variables	Freq	%	Mean	SD	Range
Independent variables					
Individual-level variables					
Race-Ethnicity					
<i>Black</i>	93,231	44%			
<i>Hispanic</i>	41,818	20%			
<i>White</i> ¹	62,644	29%			
<i>Other</i>	14,696	7%			
Age			16.38	1.45	13 - 20
Sex					
<i>Male</i> ¹	186,698	88%			
<i>Female</i>	25,691	12%			
Facility Type					
<i>Assessment</i>	6,149	3%			
<i>Correction</i> ¹	142,676	67%			
<i>Detention</i>	63,564	30%			
Facility-level variables					
Proportion Female Staff			45.16	12.79	0 - 100
Alleged Staff-on-Youth Abuse			2.12	5.93	0 - 112
Average Length of Stay			176.41	184.92	0 - 3447
Facility Programs			17.05	22.84	0 - 279
Dependent variable					
Control-Oriented Interventions					
<i>No Intervention</i>	35,803	17%			
<i>Confined OR Restrained</i>	135,351	64%			
<i>Confined & Restrained</i>	41,235	19%			

Note. *H1=Hypothesis 1. Reference category.¹ Merging of Level I & Level II datasets resulted in 268 deleted observations.

Table 4: *H2/H3 Summary Statistics: (N = 66,363), 2012-2022

Variables	Freq	%	Mean	SD	Range
Independent variables					
Individual-level variables					
Race-Ethnicity					
<i>Black</i>	22,205	33%			
<i>Hispanic</i>	12,978	20%			
<i>White</i> ¹	24,095	36%			
<i>Other</i>	7,086	11%			
Age			16.56	1.47	13 - 20
Sex					
<i>Male</i> ¹	55,672	84%			
<i>Female</i>	10,692	16%			
Committing Offense					
<i>Person</i> ¹	24,810	37%			
<i>Property</i>	15,569	23%			
<i>Drugs</i>	3,923	6%			
<i>Public Order</i>	7,445	11%			
<i>Technical Violation</i>	9,315	14%			
<i>Status</i>	5,273	8%			
Facility Type					
<i>Assessment</i>	7,016	11%			
<i>Correction</i> ¹	36,782	55%			
<i>Detention</i>	22,566	34%			
Facility-level variables					
Proportion Female Staff			42.54	14.51	0 - 100
Alleged Staff-on-Youth Abuse			2.11	5.93	0 - 112
Average Length of Stay			176.41	184.92	0 - 3447
Facility Programs			17.05	22.84	0 - 279
Dependent variable					
Length of Stay			129.53	139.51	0 - 627
Connections to Reentry Services			6.98	16.23	0 - 357

Note. H2/H3Hypothesis 2 & 3. Reference category.¹ Merging of Level I and Level II datasets resulted 429 deleted observations.

Chapter 4: Results

The purpose of this dissertation was to explore the experiences of youth in the most restrictive parts of the juvenile justice system: confinement settings. As my primary research question, I sought to understand in what ways do the experiences of youth in juvenile confinement facilities differ across racial and ethnic groups. I tested three hypotheses that included (1) Minority youth will experience more control-oriented interventions than White youth, (2) Minority youth will experience longer lengths of stay than White youth, and (3) Minority youth will experience fewer connections to reentry services than White youth. In this chapter the results of the one-way ANOVA, generalized ordinal logistic regression, and mixed effects multilevel models were presented in the context of my research question and hypotheses.

Bivariate Analysis of Race Differences in Confinement Experiences

Establishing baseline information on differences in outcomes by race and ethnicity is pertinent to RED reduction efforts (JJRA, 2018); therefore, a bivariate analysis was the first analytic technique utilized in this study. The one-way ANOVA informs me of any statistically significant mean differences between the racial and ethnic groups within my study. Bivariate statistical significance can be useful; however, it does not consider how the outcomes of interest might be influenced by other relevant factors. Due to this limitation with the one-way ANOVA, multivariate analyses were also run to obtain better estimates of the racial-ethnic (R/E) effect on the outcome variables of interest.

Control-Oriented Interventions

A one-way ANOVA revealed statistically significant differences in youth experiences with control-oriented interventions by R/E, $F(3, 212385) = 236.38, p < 0.001$. The results of a *post hoc* test⁹ indicated statistically significant differences between the four groups, $p < 0.001$. Specifically, Black youth ($M = 1.11, SD = 0.62$), on average, experienced .08 more control-oriented interventions than White youth on average. Hispanic youth ($M = 1.03, SD = 0.57$), on average, experienced .05 more control-oriented interventions than White youth on average. Other Minority youth ($M = 1.00, SD = 0.60$), on average, experienced .02 more control-oriented interventions than White youth on average. A pairwise comparison revealed that Hispanic youth, on average, experienced .03 fewer control-oriented interventions than Black youth. Also, Other Minority youth experienced .06 fewer control-oriented interventions than Black youth. Further, Other Minority youth experienced .03 fewer control-oriented interventions than Hispanic youth. Finally, 3% of the variance in experiencing control-oriented interventions was explained by differences in racial and ethnic groups. This represents a small effect size for explaining control-oriented interventions.

Length of Stay

A one-way ANOVA revealed statistically significant differences in youth length of stay experiences across R/E groups, $F(3, 66360) = 30.70, p < 0.001$. The results of *post hoc* tests indicated that some, but not all, minority groups experienced longer lengths

⁹ All *post hoc* tests for bivariate ANOVAs used a Bonferroni correction for inflation in Type I error.

of stay than White youth. On average, Black youth ($M = 134.83$, $SD = 137.07$) spent 7 more days in juvenile confinement facilities than White youth, $p < 0.001$. On the other hand, Other Minority youth ($M = 117.06$, $SD = 137.55$), on average, spent 11 fewer days in confinement facilities than White youth, $p < 0.001$. Further *post hoc* tests revealed no statistically significant difference in length of stay between Hispanic youth and White youth. Pairwise comparisons revealed that Hispanic youth, on average, spent 6 fewer days in confinement facilities than Black youth, $p < 0.05$. Other Minority youth, on average, spent 18 fewer days in confinement facilities than Black youth $p < 0.001$. Also, Other Minority youth, on average, spent 13 fewer days in confinement facilities than Hispanic youth, $p < 0.001$. Finally, less than 1% of the variance in length of stay was explained by differences in racial and ethnic groups. This represents a very small effect size for explaining differences in length of stay.

Connections to Reentry Services

A one-way ANOVA revealed statistically significant differences in youth connections to reentry services based on R/E groups, $F(3, 66380) = 217.81$, $p < 0.001$. The results of *post hoc* tests generally concluded that some, but not all, minority groups experienced fewer connections to reentry services than White youth. Black youth ($M = 4.95$, $SD = 11.98$), on average, had 3 fewer connections to reentry services than White youth. Other Minority youth ($M = 5.99$, $SD = 15.70$), on average, had 2 fewer connections to reentry services than White youth. The *post hoc* tests revealed no statistically significant differences in connections to reentry services between Hispanic youth and White youth. Pairwise comparisons tests showed that Black youth, on average,

had 3 fewer connections to reentry services than Hispanic youth as well as 1 fewer connection to reentry services than Other Minority youth, $p < 0.001$. Other Minority youth, on average, experienced 2 fewer connections to reentry services than Hispanic youth, $p < 0.001$. Approximately 1% of the variance in connections to reentry services was explained by differences in racial and ethnic groups. This represents a small effect size in connections to reentry services.

Generalized Ordinal Logistic Regression of Control-Oriented Interventions

A generalized ordinal logistic regression (GOLR) was run due to the outcome variable having three ordered categories (i.e., no intervention, confined or restrained, confined and restrained). The overall generalized ordinal logistic regression model significantly predicted the use of control-oriented interventions, $\chi^2(22) = 163.99, p < 0.001$. The primary predictors in this model had mixed findings across categories of the outcome variable (see Table 5). Results indicated there was no statistically significant difference across racial and ethnic groups for youth who did not receive any control-oriented interventions during the confinement period. For those youth who did experience control-oriented interventions, there was a statistically significant difference observed. The odds of a Black youth being confined or restrained in placement was 1.58 times greater than the odds of a White youth being confined or restrained in placement ($b = 0.46, SE = 0.10, p < 0.05$). Additionally, the odds of a Hispanic youth being confined or restrained was 1.32 times greater than the odds of a White youth being confined or restrained ($b = 0.27, SE = 0.13, p < 0.05$). There was no statistically significant difference

in the odds of Other Minority youth experiencing more control-oriented interventions than White youth.

The model revealed that age, the number of facility programs, alleged abuse of youth by staff, and average length of stay were not significant predictors of a youth experiencing control-oriented interventions while confined. Sex was a significant predictor of a youth experiencing control-oriented interventions, with the odds of female youth being confined or restrained being .72 less than the odds for male youth being confined or restrained ($b = -0.32$, $SE = 0.13$, $p < 0.05$).

Placement type was a significant predictor of a youth experiencing control-oriented interventions ($b = 1.01$, $SE = 0.34$, $p < 0.05$). Specifically, youth placed in detention facilities had 2.75 times greater odds of not experiencing any control-oriented interventions than youth placed in correction facilities. The odds of a youth being confined or restrained in a detention facility was 0.53 times less than the odds of a youth in a corrections facility being confined or restrained. Placement in an assessment facility was also a significant predictor of a youth experiencing control-oriented interventions ($b = -0.63$, $SE = 0.30$, $p < 0.05$). The odds of a youth receiving no control-oriented interventions in an assessment facility was 0.53 times less than the odds of a youth in a correction facility receiving no control-oriented intervention. Finally, the proportion of female staff in a facility was a significant predictor of a youth experiencing control-oriented interventions ($b = -0.02$, $SE = 0.01$, $p < 0.05$). In other words, the odds of a youth being confined or restrained was .98 times less when the proportion of female staff was higher than the proportion of male staff in the facility.

Table 5: Generalized Ordinal Logistic Regression of Control-Oriented Interventions

Generalized Ordinal Logistic Regression of Control-Oriented Interventions

Variable	No Intervention			Youth Confined or Restrained		
	<i>b</i>	SE	OR	<i>b</i>	SE	OR
Race						
<i>Black</i>	0.17	0.09	1.19	0.46*	0.10	1.58
<i>Hispanic</i>	1.11	0.11	1.11	0.27*	0.13	1.32
<i>Other</i>	-0.01	0.11	0.99	0.14	0.10	1.14
Sex						
<i>Female</i>	0.11	0.16	1.11	-0.32*	0.13	0.72
Age	-0.03	0.03	0.97	-0.01	0.03	0.99
Placement Type						
<i>Detention</i>	1.01*	0.34	2.75	-0.63*	0.27	0.53
<i>Assessment</i>	-0.63*	0.30	0.53	-0.28	0.26	0.76
Facility Programs	0.00	0.00	1.00	-0.00	0.00	1.00
Alleged Abuse	-0.01	0.01	0.99	0.00	0.01	1.00
ALOS	0.00	0.00	1.00	-0.00	0.00	1.01
Female Staff	0.00	0.01	1.00	-0.02*	0.01	0.98

Note. *= $p < .05$. SE=clustered standard errors based on facility. ALOS = average length of stay.

Mixed-effects Multilevel Regression of Length of Stay and Connections to Reentry Services

Length of Stay

Table 6 revealed the overall multilevel linear regression model, of youth being nested within confinement facilities, significantly predicted length of stay, $x^2(12) = 1593.38, p < 0.001$. In this model 23% of the variance in length of stay was attributed to differences between facilities. The primary predictors in the model had mixed findings. Black youth experienced longer lengths of stay than White youth, $b = 2.60, SE = 0.95, p$

< 0.05 . On average, Black youth spent 3 more days in confinement than White youth. Though marginally significant, Hispanic youth also received longer lengths of stay than White youth, $b = 2.04$, $SE = 1.07$, $p = .057$. There were no statistically significant difference in length of stay for Other Minority youth and White youth.

The remaining predictors in the model were all significant. Females spent 9 fewer days in confinement than did male youth, $b = -9.05$, $SE = 1.18$, $p < 0.05$. Youth placed in a detention center spent 125 fewer days in confinement than youth placed in corrections facilities, $b = -125.60$, $SE = 7.25$, $p < 0.05$. Youth placed in an assessment center spent 130 fewer days in placement than those youth in correction facilities, $b = -130.41$, $SE = 9.53$, $p < 0.05$. Older youth had longer lengths of stay than younger youth, $b = 5.66$, $SE = 0.28$, $p < 0.05$. Youth committed for property offenses spent 17 fewer days in confinement than youth committed for person offenses, $b = -17.17$, $SE = 0.93$, $p < 0.05$. Additionally, in comparison to youth with person offenses, youth committed for technical violations spent 26 fewer days in confinement, $b = -25.61$, $SE = 1.26$, $p < 0.05$. Youth committed for public order offenses spent 17 fewer days in confinement than youth with person offenses, $b = -16.76$, $SE = 1.22$, $p < 0.05$. Youth committed for status offenses spent 25 fewer days in confinement facilities than youth with person offenses, $b = -25.47$, $SE = 1.56$, $p < 0.05$. Further, youth committed for drug offenses spent 26 fewer days in confinement than youth committed for person offenses, $b = -26.02$, $SE = 1.56$, $p < 0.05$.

Table 6: Mixed-effects Multilevel Regression of Length of Stay

Effect	Estimate	SE	95% CI		p
			LL	UL	
Fixed effects					
Race (White)					
<i>Black</i>	2.58	.95	.71	4.44	.01
<i>Hispanic</i>	2.03	1.07	-.06	4.14	.06
<i>Other</i>	.54	1.35	-2.10	3.18	.69
Sex					
<i>Female</i>	-9.05	1.18	-11.37	-6.73	.00
Placement Type (Corrections)					
<i>Detention</i>	-125.60	7.25	-139.80	-111.39	.00
<i>Assessment</i>	-130.41	9.53	-149.09	-111.73	.00
Age	5.66	.28	5.11	6.21	.00
Committing Offense (Person)					
<i>Property</i>	-17.17	.93	-18.99	-15.35	.00
<i>Technical Violation</i>	-25.61	1.26	-28.07	-23.14	.00
<i>Public Order</i>	-16.76	1.22	-19.14	-14.38	.00
<i>Status</i>	-25.47	1.56	-28.53	-22.41	.00
<i>Drugs</i>	-26.02	1.56	-29.08	-22.96	.00
Random effects					
Alleged Abuse	4.40	1.17	2.61	9.41	
ALOS	.11	.01	.09	.14	
Facility Programs	1.24	.28	.79	1.94	
Female Staff	.31	.09	.18	.53	

Note. $N = 66,364$. Number of groups = 256. CI = confidence interval; LL = lower limit; UL = upper limit. ALOS = Average length of stay.

Connections to Reentry Services

Table 7 revealed the overall multilevel linear regression model significantly predicted connections to reentry services, $\chi^2(12) = 597.22, p < 0.001$. In this model 19% of the variance in connections to reentry services can be attributed to differences between facilities. The primary predictors in the model were all significant. On average, Black

youth had 3 fewer connections to reentry services than White youth, $b = -2.59$, $SE = .15$, $p < 0.05$. Hispanic youth on average had 1 fewer connection to reentry services than White youth, $b = -0.60$, $SE = 0.17$, $p < 0.05$. Additionally, Other Minority youth, on average, had 2 fewer connections to reentry services than White youth, $b = -1.66$, $SE = 0.22$, $p < 0.05$.

Many of the remaining predictors in the model were also significant. Female youth on average had 1 fewer connection to reentry services than male youth, $b = -0.76$, $SE = 0.19$, $p < 0.05$. Youth confined in detention facilities had 7 fewer connections to reentry services than youth in correction facilities, $b = -7.45$, $SE = 1.13$, $p < 0.05$. Further, youth in assessment facilities on average had 9 fewer connections to reentry services than youth confined in correction facilities, $b = -8.60$, $SE = 1.48$, $p < 0.05$. Older youth placed in confinement facilities had slightly more connections to reentry services than younger youth, $b = 0.17$, $SE = 0.04$, $p < 0.05$. Youth committed for property offenses, on average, had 1 less connection to reentry services than youth with person offenses, $b = -1.37$, $SE = 0.15$, $p < 0.05$. Youth committed for technical violations, on average, received 2 fewer connections to reentry services than youth committed for person offenses, $b = -2.27$, $SE = 0.20$, $p < 0.05$. Youth committed for status offenses, on average, received 2 fewer connections to reentry services than those committed for person offenses, $b = -2.28$, $SE = 0.25$, $p < 0.05$. Youth committed for drug offenses received 1 less connection to reentry services than youth committed for person offenses, $b = -1.01$, $SE = 0.25$, $p < 0.05$. The results for the remaining committing offense category of public order were not significant.

Table 7: Mixed-effects Multilevel Regression of Connections to Reentry Services

Effect	Estimate	SE	95% CI		p
			LL	UL	
Fixed effects					
Race (White)					
<i>Black</i>	-2.59	.15	-2.89	-2.30	.00
<i>Hispanic</i>	-.60	.17	-.94	-.23	.00
<i>Other</i>	-1.66	.22	-2.09	-1.24	.00
Sex					
<i>Female</i>	-.76	.19	-1.13	-.38	.00
Placement Type (Corrections)					
<i>Detention</i>	-7.45	1.13	-9.67	-5.23	.00
<i>Assessment</i>	-8.60	1.48	-11.51	-5.69	.00
Age	.17	.04	.09	.26	.00
Committing Offense (Person)					
<i>Property</i>	-1.37	.15	-1.66	-1.08	.00
<i>Technical Violation</i>	-2.27	.20	-2.67	-1.88	.00
<i>Public Order</i>	-.35	.19	-.73	.03	.00
<i>Status</i>	-2.28	.25	-2.77	-1.79	.07
<i>Drugs</i>	-1.01	.25	-1.50	-.52	.00
Random effects					
Alleged Abuse	.01	.01	.01	.04	
ALOS	.00	.00	.00	.00	
Facility Programs	.06	.01	.03	.09	
Female Staff	.02	.00	.01	.03	

Note. $N = 66,364$. Number of groups = 256. CI = confidence interval; LL = lower limit; UL = upper limit. ALOS = Average length of stay.

Summary of Results

Summary statistics for the outcome means and standard deviations by race and ethnicity for the one-way ANOVA are displayed in Table 8. The one-way ANOVA revealed statistically significant differences for all outcome areas of interest. On average, minority youth experienced more control-oriented interventions than White youth in juvenile confinement facilities. Black youth, on average, experienced longer lengths of

stay than White youth. However, Other Minority youth experienced shorter periods of confinement than White youth. Black and Other Minority youth experienced fewer connections to reentry services than White youth.

Table 8: Outcome Means and Standard Deviations by Race-Ethnicity

	White <i>M (SD)</i>	Black <i>M (SD)</i>	Hispanic <i>M (SD)</i>	Other <i>M (SD)</i>
Control-Oriented Interventions	.98 (.59)	1.06 (.62)*	1.03 (.57)*	1.00 (.60)*
Length of Stay (days)	128 (141)	135 (137)*	130 (141)	117 (138)*
Connections to Reentry Services	8.41 (18.39)	4.95 (11.98)*	8.32 (18.06)	5.99 (15.70)*

Note. *statistically significant difference observed in comparison to White youth from the bivariate analysis

Results from the generalized ordinal logistic regression model revealed a statistically significant difference in youth experiencing control-oriented interventions across some racial and ethnic groups. The odds of Black and Hispanic youth receiving a control-oriented intervention while placed in a juvenile confinement facility was higher than the odds of a White youth receiving a control-oriented intervention while placed in the same settings.

Results from the mixed effects multilevel regression model revealed a statistically significant difference in youth's length of stay across some racial and ethnic groups. Black youth, on average, spent the longest periods in confinement. The mixed effects multilevel regression model also revealed a statistically significant difference in youth connections to reentry services across racial and ethnic groups. Minority youth, on average, experienced fewer connections to reentry services than White youth.

Chapter 5: Discussion

Summary of Findings

Racial and ethnic disparities (RED) in the American Juvenile Justice System have been an easily identified yet hard to solve problem for practitioners and researchers alike. Much of the scholarship on this phenomenon has illuminated results at key decision points of the system such as arrest, disposition, and adult transfer (Majumdar, 2017; Mueller et al., 2019; Onifade et al., 2019). However, substantially less attention has been dedicated toward RED outcomes within critical later stages of the system, such as juvenile confinement facilities. In this study, I attempted to address this gap in our knowledge of the extent of the RED problem by focusing on this understudied aspect of the system. The purpose of this dissertation was to gain a better understanding of whether race-ethnicity (R/E) is a significant predictor of youth experiences in confinement settings. The hypotheses suggested in this manuscript were supported and discussed below in Table 9.

Table 9: Summary of Support for Hypotheses

Research Question: In what ways do the experiences of youth in juvenile confinement facilities differ across racial and ethnic groups?	
Hypothesis	Support
<i>H</i> ₁ : Minority youth will experience more control-oriented interventions than White youth.	*Supported
<i>H</i> ₂ : Minority youth will experience longer lengths of stay than White youth.	*Supported
<i>H</i> ₃ : Minority youth will experience fewer connections to reentry services than White youth.	*Supported

Note. *Supported for at least one racial and ethnic minority group

H1: Youth Experiences with Control-Oriented Interventions

Several findings that emerged from my analyses examining control-oriented interventions, defined as confinement and restraints, were significant considering existing literature. Research has shown a widespread use of control-oriented interventions within confinement settings in America (Brown et al., 2012) despite these practices having a negative effect on individuals experiencing such interventions (Palermo & Dumache, 2021). Results of my bivariate analysis revealed that Minority youth, on average, experienced more control-oriented interventions than White youth. Among all groups, Black youth were confined or restrained more often than others. Additionally, Hispanic youth and Other Minority youth, on average, experienced more control-oriented interventions than White youth. Further, Hispanic youth were confined or restrained more often than Other Minority youth. Findings from the bivariate analysis comports with other investigations of RED in the juvenile justice system that seek baseline information on differences in outcomes by race and ethnicity (Oglesby-Neal & Peterson, 2021; OJJDP, 2022; Mueller et al., 2019). Black youth comprised of the largest proportion of the sample population for this analysis followed by White youth, Hispanic youth, and Other Minority youth. These population statistics are consistent with national data of youth placed in juvenile confinement facilities (Sickmund et al., 2022).

For the population of youth in confinement settings that did not experience any control-oriented interventions at all, the multivariate analysis revealed no statistically significant difference by race and ethnicity. In other words, no racial or ethnic group was more or less likely to experience no intervention at all. A few relevant extralegal factors were however related to the population of youth who were neither confined nor

restrained. Youth in detention facilities were more likely to avoid receiving any control-oriented interventions than those in correction facilities. Conversely, youth placed in assessment facilities were less likely to avoid receiving a control-oriented intervention than those in correction facilities. Such findings could point to youth in corrections facilities being more settled in their environment, and thus, being less anxious than youth in an assessment facility who have not started their court-imposed program yet. The anxiety for these youth could lead to more behavior issues, and thus, they experience more control-oriented interventions than youth in correction facilities.

The multivariate analysis revealed that, when a control-oriented intervention was imposed in facilities, Black youth and Hispanic youth were more likely to experience an incident of confinement or restraint than a White youth. However, Other Minority youth were not more likely than White youth to be confined or restrained. There were several other relevant factors that were related to a youth being confined or restrained. Female youth were less likely than male youth to be confined or restrained. These findings are consistent with prior research that reveal female youth receive less punitive sanctions than male youth (Leiber et al., 2014). Youth placed in detention facilities were less likely than youth in correction facilities to be confined or restrained. Finally, I also found a statistically significant difference in facilities that had a higher proportion of female staff. In such facilities youth were less likely to be confined or restrained in comparison to facilities with a higher proportion of male staff. These findings are consistent with the Administrative Control Model that indicates characteristics of facility staff, such as gender can have an impact on the experiences of confined individuals (Leiber et al., 2014). Literature on demographics of criminal justice decision makers has indicated that

female officers are perceived to be less punitive than male officers (Beijersbergen et al., 2013).

The findings that Black youth experience more control-oriented interventions than any other group, even after controlling for legal and extralegal factors mirrors some of the prior literature on race and punitive sanctions (Bottiani & Bradshaw, 2017; Peck, 2018). Theoretical explanations for RED in the justice system have focused on factors such as perceptions of fear by decision-makers (Goldman & Rodriguez, 2020; Healy & O'Brien, 2015) and negative stereotypes of certain groups that can result in more punitive outcomes for these individuals (Lowery & Burrow, 2019; Rodriguez, 2013). Consequently, youth perceived as more threatening can be subject to more punitive outcomes than those that appear less threatening (Beckman & Rodriguez, 2021; Ulmer & Bradley, 2018). It could be that decisions of staff in confinement facilities mirror those of court actors that impose more severe sanctions for certain racial and ethnic groups as ascribed to Focal Concerns Theory (Lynch, 2019). According to the Racial Threat Theory (RTT), large or increased populations of racial minorities in society are perceived as a threat by those in power, and thus, more controls are administered that disproportionately affect minority groups (Blaylock, 1967; Leiber et al., 2021). Black youth comprised the largest proportion of the sample in this analysis. Thus, minority youth could have been subjected to more controls at a disproportionate rate due to threat perceptions by custodial staff. Control-oriented interventions are key contributors to adverse outcomes such as injuries, re-traumatization, and diminished psychological health in youth (Brown et al., 2012; LeBel et al., 2010). Thus, disproportionate application of these interventions

on confined youth could result in more detrimental outcomes for racial and ethnic minorities.

H2: Youth Experiences with Length of Stay

In my second hypothesis, I focused on whether racial and ethnic disparities existed in length of stay for confined youth. Overall, the findings for this hypothesis were supported in that several statistically significant outcomes emerged from the data analysis. Results from the bivariate analysis revealed that Black youth, on average, experienced longer lengths of stay than White youth. Other Minority youth, on average, spent the least amount of time in confinement of all groups. There was no statistically significant difference in length of stay for Hispanic youth and White youth. Hispanic youth did, however, spend fewer days in confinement than Black youth. Other Minority youth spent fewer days in confinement than both Black youth and Hispanic youth. These findings are also consistent with literature on differences in LOS outcomes in confinement settings by race and ethnicity that find minority youth, in particular Black youth, experience longer periods of confinement than White youth (Mueller et al., 2019; Oglesby-Neal & Peterson, 2021).

Several statistically significant findings also emerged from the multivariate analysis that examined length of stay. While Black youth reported longer lengths of stay than White youth in the multivariate model, the gap in length of stay decreased between Black and White youth after including covariates in the model. The addition of the legal and extra-legal factors in the multivariate analysis eliminated the disparity in length of

stay between Other Minority youth and White youth. I also observed marginal significance in length of stay between Hispanic youth and White youth.

My significant finding of disparities in length of stay even after controlling for other relevant factors was not consistent with the limited studies that have focused on RED in confinement settings (Mueller et al., 2019; Oglesby-Neal & Peterson, 2021). This conflicting finding could point to other relevant factors of RED that were not captured in my model. For instance, disciplinary reports or institutional offenses were included as a covariate in other analyses of disparities in confinement settings (Mueller et al., 2019; Oglesby-Neal & Peterson). Notwithstanding, for researchers that use secondary data, I would caution them in their use of institutional offenses or disciplinary reports as a control factor in examining RED in confinement settings, due to some discretionary power had by facility staff in writing these reports. Some studies have shown that discretionary power can be abused by decision-makers and result in disparate treatment of juveniles (Peck, 2018). Additionally, from the attribution theory perspective the decision of whether to write an incident report or counsel a youth, could be influenced by negative internal or external attributes being attributed to them by staff (Warrant et al., 2012).

My conflicting finding of persistent length of stay disparities by race and ethnicity could also be related to the significant differences in the sample size for the current study and that of prior research that examined LOS in confinement by race and ethnicity. Previous studies investigating RED in confinement settings sampled a population of approximately 2,000 records in a single state (Mueller et al., 2019; Oglesby-Neal &

Peterson, 2021). The current study has a sample of over 60,000 in 30 states which could be more accurately reflect outcomes at the national level versus a jurisdiction level.

Several other relevant factors were related to length of stay experiences of youth in my study. My findings suggest that female youth spent fewer days in confinement facilities than male youth. Prior studies on youth sanctions and gender have mixed results. Some studies indicate that males receive harsher penalties than girls (Bishop & Frazier, 1996), yet other studies indicate girls receive more punitive sanctions (Espinosa & Sorensen, 2016). When female youth do receive more severe sanctions, the literature has pointed to these youth having more traumatic histories and violence. The findings in the current study regarding gender and length of stay could point to a sample of females that are participating in and successfully completing their designated treatment program, which both have been shown in the research to result in shorter periods of confinement (Villalobus Agudelo, 2013).

Results in the current analysis also indicated that youth in detention and assessment facilities spent significantly less days in confinement than youth placed in correction facilities. These findings are not surprising and are consistent with prior literature (Matz et al., 2013; Tennity & Grasseti, 2022). The findings also revealed that older youth spent more days in confinement facilities than their younger counterparts. Previous studies on age and length of stay primarily point to younger youth receiving more lenient outcomes due to them being viewed as less culpable (Bryson & Peck, 2022; Morrow et al., 2015). Not surprisingly, youth committed for offenses against persons were confined the longest across categories of offense type. Youth committed for drug offenses spent the least number of days in confinement out of all the other committing

offenses. Drug courts are a part of many juvenile justice jurisdictions with 296 in the United States (National Drug Court Resource Center, 2022), and this could be a reason that time spent in confinement for youth committed for drug offenses is lowest among all other committing offense categories.

As reported in previous chapters, research has shown that long periods of confinement are positively correlated with recidivism (Rhodes et al., 2018) and can negatively affect the psychological development of youth (Palermo & Dumache, 2018). Findings from the current analysis indicates that, even after controlling for other relevant factors, race and ethnicity is a significant predictor of longer periods of confinement.

H3: Youth Experiences with Connections to Reentry Services

Several statistically significant findings emerged from my analyses examining connections to reentry services, defined as family visits, referral to education services, and referral to vocational/employment services. Results from the bivariate analysis indicated that Black youth and Other Minority youth received fewer connections to reentry services than White youth. There was no statistically significant difference between Hispanic and White youth with respect to their connections to reentry services. Black youth also had fewer connections to reentry services than Hispanic youth and Other Minority youth. Additionally, Other Minority youth experienced fewer connections to reentry services than Hispanic youth.

Overall, the model for the multivariate analysis was significant and for most of the variables examined. Black, Hispanic, and Other Minority youth all experienced fewer connections to reentry services than White youth. Additionally, Black youth received

fewer connections to reentry services than both Hispanic and Other Minority youth. Other Minority youth received fewer connections to reentry services than Hispanic youth. Findings that racial and ethnic minority youth experience fewer connections to reentry services does comport with studies about visitation (Young & Hay, 2019) as well as professional literature regarding the adequacy of transition services in minority communities (Ochoa et al., 2020; Ward, 2012). From the attribution theory perspective, minority youth may be perceived by facility staff as unredeemable and thus, the reason for them receiving fewer connections to reentry services than White youth. This finding become most detrimental for Black youth in that they experience longer length of stay and fewer connections to reentry services, both of which can increase the likelihood of juvenile recidivism.

Several relevant factors were related to connections to reentry services experienced by confined youth. Female youth experienced fewer connections to reentry services than male youth. This could be due in part to the complexity of the service needs for this population upon transition back into the community. Youth in detention and assessment facilities received significantly fewer connections to reentry services than youth in correction facilities. While age was a significant predictor of connections to reentry services, the difference was not pronounced with older youth having slightly more connections. Youth committed for person offenses experienced the most connections to reentry services with the exception for public order offenses, of which this was not significant.

Research shows that youth that receive family visits have better in-facility and post-release outcomes (Shanahan & diZergi, 2016; Villalobus Agudelo, 2013); therefore,

it is important that this connection become a critical aspect of the rehabilitative program for confined youth. Youth that receive visits show improved academic performance and are involved in fewer incidents of misconduct. The interaction had with family keeps the youth connected to their life outside the facility and motivates some to complete their program so they can return home as soon as possible. Further, youth that remain connected to their family while in placement also have reduced signs of depression (Villalobus Agudelo, 2013). That is important because research has shown that the deeper a youth goes into the juvenile justice system, the higher the prevalence of adverse childhood experiences (ACEs; Wolff et al., 2019). Furthermore, studies have found that the prevalence of ACEs is higher for minority youth (Mersky et al., 2021). Therefore, it may be that lack of family and community resources persist in communities of color and impacts any connections being made prior to their release back home.

In sum, across all racial and ethnic groups, findings revealed that Black youth experienced the most punitive sanctions as well as the fewest connections to reentry services than any other group represented in this study. This could suggest that the beliefs and perceptions of staff in confinement facilities may mirror those of police and court officials consistent with Attribution Theory and Racial Threat Hypothesis. For instance, attribution theorists argue that negative internal attributes such as unrepentant views are ascribed to minority youth that result in more punitive sanctions because these youth are not perceived to be amenable to treatment services. Additionally, in this study Black youth represented the highest proportion of youth within facilities, and thus, they could be perceived as a threat to decision makers in these confinement settings, thus resulting in

more punitive sanctions being imposed to the Black youth (consistent with Racial Threat Hypothesis).

Limitations

The current study had a few limitations worth noting. First, data used in each analysis derived from facilities across the United States that elected to participate in the PbS program, thus, the datasets are not of a random sample. I cannot be certain that the data from participating facilities were comparable to data from non-participating facilities. Therefore, the findings should be interpreted with caution. Another limitation of this study was that it focused exclusively on confinement, which represents the most restrictive part of the juvenile justice system. While this critical aspect of the system is understudied, I was limited in my understanding of how earlier decision points may have exacerbated racial disparities. For instance, for youth with determinate sentences, in-facility outcomes may have a limited impact on opportunities to transition early under facility incentive programs. Additionally, although the PbSLi has a robust data integrity process in place for compliance with PbS comprehensive reporting requirements, I could not assess the extent to which the information provided by participants accurately reflect their facility milieu, which could lead to potentially biased results. Finally, no legal variables were included in my analysis to test my first hypothesis that dealt with the use of control-oriented interventions. Previous studies examining incidents report data in facilities have often included legal factors as controls (Mueller et al., 2019). Therefore, findings for my first hypothesis should be interpreted with caution in that legal factors could have an influence on the use of control-oriented interventions within juvenile confinement settings. Despite the restrictions outlined above, the current study adds to the

RED literature in many ways. The contributions and implications of the current study are discussed in the next section.

Contributions and Implications

The current study contributes to the existing body of literature on racial and ethnic disparities in the juvenile justice system in several important ways. First, I utilized a national dataset that has a continuum of relevant factors that are lacking in other studies, and thus, is identified as a limitation in previous work. For example, research shows that supervision staff play a key role in the experiences of confined individuals, due in part to the discretionary power they possess. Accounting for staff characteristics and behaviors (e.g., abuse of youth by staff) in models allows for improved estimations of the R/E relationship with confinement experiences. Most of the research on the extent and causes of the RED phenomenon typically concludes with disposition decisions (Mueller et al., 2019; Oglesby-Neal & Peterson, 2021; Walker & Bishop, 2016). Consequently, we have overlooked the extent and impact of RED within the most restrictive part of the system: confinement settings. The current study helped to fill this gap and did so using data from nearly 300 juvenile justice confinement facilities distributed throughout all regions of the United States. The results added to our understanding of the RED problem extending beyond points of contact to within critical stages of the juvenile justice system. Future RED research needs to continue investigating in-facility outcomes from datasets that improves generalizability at the national level.

Implications for policy and practice were varied. On one hand, it offers a broader stroke of the RED phenomenon in juvenile confinement facilities in the United States.

The findings did reveal some disparate experiences with confinement; therefore, advocacy groups may be better able to petition for more resources at the national level to design RED interventions and strategies in confinement. For instance, all three minority groups experienced fewer connections to reentry services than White youth. Research has shown that minority youth have been excluded from child-welfare programs (Ward, 2012) and have been underserved in communities due to few service providers being available (Bell, 2017). As previously indicated, research has evidenced that successful reentry is a factor in desistance from crime and delinquency. Initiatives such as Justice Reinvestment that focus on investing in strategies for reduced recidivism could use findings from the current study to target specific resources (e.g., transportation vouchers for parents to visit their child in placement) to juvenile confinement facilities and minority communities.

On the other hand, findings from this study also encourages a more balanced approach by researchers in studying RED in correctional environments. While it is important to introduce controls to reduce the differences between the groups being assessed, it is equally important to introduce legal (e.g., confirmed mistreatment) and extra-legal factors (e.g., gender, administrative sanctions) of correctional staff that can impact youth experiences and outcomes. In the current study, I found that the proportion of female staff within facilities influence the use of control-oriented interventions, which can negatively impact youth with traumatic histories. Connecting these findings to literature about a higher prevalence of ACEs for confined youth, especially for racial and ethnic minority groups, could be considered in efforts and strategies at RED reduction. Theoretical explanations for the RED phenomenon point to disparate practices of police,

probation officers, and judges that derive from negative stereotypes and threat perceptions about racial minorities (Cochran & Mears, 2015; Goldman & Rodriguez, 2020; Healy & O'Brien, 2015; Zane, 2017). Future research on RED in juvenile confinement facilities should include measures about staff (e.g., fear of youth) and youth (e.g., staff fair about discipline practices) perceptions regarding the facility culture to confirm whether the beliefs and actions of custodial staff mirror that of decision makers from earlier stages of the juvenile justice system.

A final implication of this study points to revisiting the historical context of race, ethnicity, culture, and harsh punishment in this country. Disparate treatment of minority youth date back to the inception of the juvenile justice system with roots in bias beliefs and resulting practices, that, research suggests can have detrimental impacts on youth both while in the confinement setting and upon return to the community. The current study revealed that disparate treatment of non-White youth persists today across juvenile confinement jurisdictions, and that minority youth are less likely than White youth to receive services and interventions that serve to mitigate the adverse impact of juvenile confinement settings.

Conclusion

The racial and ethnic disparities phenomenon has been an issue that has plagued the American Juvenile Justice System for over three decades. Findings from the current study reveal, the ways in which the experiences of youth in confinement facilities differ by racial and ethnic groups is in youth experiences with control-oriented interventions, lengths of stay, and connections to reentry services. While disparities endure today, the

magnitude of these disparities are not significant, which could point to concerted efforts being made to reduce and eliminate practices that have a disproportionate and negative impact on one of society's most vulnerable populations. Future research on RED in confinement settings should continue to examine this problem using a sample that covers all regions of the country with both individual-level and facility-level factors that are relevant to experiences of confined individuals.

Chapter 6: References

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