

Minority youth face stiffer juvenile court sanctions in areas with high minority population, study finds

December 7 2016, by Brian Mcneill

A new study by a Virginia Commonwealth University criminal justice professor analyzed data from the Department of Juvenile Justice in South Carolina to test the "racial threat hypothesis"—a theory proposing that localities with a high population of a minority race will result in the majority race imposing tough penalties on the minority population.

The study, "A Multilevel Test of the Racial Threat Hypothesis in One State's Juvenile Court," led by Patrick Lowery, Ph.D., an assistant professor of [criminal justice](#) in the L. Douglas Wilder School of Government and Public Affairs, was published Nov. 28 in the journal *Crime & Delinquency*.

Among the key findings, Lowery said, is that black juvenile defendants from counties with large black populations faced more punitive sanctions, and that areas with high levels of disadvantage and teenage populations were marked by elevated levels of incarceration.

What exactly is the racial threat hypothesis? And what led you to want to test it?

The racial threat hypothesis argues that there is a relationship between increases in the size of minority populations and methods of social control used by the majority group in order to maintain social, political and economic control. As minority groups increase in areas, there is

greater contact and competition for a variety of resources, such as jobs or housing. The greater the sense of minority groups increased power in society, perceived or real, the more likely that members of the dominant group are to express prejudice towards minority groups or to take a variety of actions, such as using methods of social control. Particular to social control aspect of racial threat, this research looked at formal social control for juvenile offenders, but past research has looked at racial threat and policing, adult criminal justice expenditures, support for voter suppression legislation such as felon disenfranchisement laws or punitive criminal justice policies, and support for "fringe" political candidates.

Can you tell me a bit about the methodology that you used?

Data was collected from the South Carolina Department of Juvenile Justice over a five-year period. All of these juveniles in the sample had been formally adjudicated, a term in the juvenile justice system which simply means "sentenced," in the juvenile court and were eligible to be exposed to the adult criminal court. These sentences included receiving either a term of secure confinement, an alternative, community based sanction, or a term of probation. From there, there was an examination of a variety of characteristics relevant to the juvenile, such as age, race, gender, offense type, prior offenses and the presence of minority and female judges on the case. There were also characteristics of the community taken into account, such as how populated it was, the black population and population change over the study period, how disadvantaged or advantaged the community was, white-to-black income differences and the violent crime rate. From there, it was just a matter of seeing how all of these things influenced, together or separately, the decision handed down to a juvenile.

What were your major conclusions?

One major aspect that was found is that race alone was not a significant predictor of receiving a harsh sentence, although the interaction of race and some other community characteristics did influence severe sanctions.

For example, the most punitively sanctioned juveniles were black juveniles who lived in areas of concentrated disadvantage. Based on the data, if you were a black defendant living in an area of concentrated disadvantage, you were almost certainly going to receive the harshest sanction regardless of the offense committed. With that said, other aspects were important in explaining sentencing of these juveniles. These things included living in an area of concentrated disadvantage, living in an area with a high teenage population, living in an area with a larger minority presence or in an area where the [minority population](#) has risen quickly.

Another important finding from this research suggests that minority bench diversity mattered, as areas with minority judges serving on the bench were often more lenient towards all types of offenders and sentenced defendants more equitably across a variety of different characteristics. There was also an interesting nonfinding, in that the violent crime rate of an area actually played no role in explaining the sentencing decisions. One would think intuitively if violent crime is on the increase in areas that the courts would react more seriously, but that was just not the case in this data.

As far as conclusions go, I can say that there is a price paid in the juvenile court by young, black males from poor areas or areas where the black population is high or increasing. Of course, concentrated disadvantage affected all youth in this research, but significantly the most affected by concentrated disadvantage was black youth. As Justice Hugo Black once famously stated, "The trial a man receives should not depend on how much money that he has." I can also say that bench

diversity seems to matter somewhat when it comes to providing juvenile justice more equitably.

Do you think your findings in South Carolina have implications for other communities across the country?

To a certain extent, yes. There is a lot of work that lends support to the racial threat hypothesis, but South Carolina is somewhat unique in that it is quite literally a very black and white state, where the black and white population combined make up about 98 percent of the state population. It is also very heavily black compared to a lot of other states. So I think some of the conclusions drawn from this research would at the very least suggest this type of research should be conducted in areas that resemble South Carolina and there may be a degree of generalizability. But, what about those states or areas or areas with lower black populations and higher percentages of other [minority groups](#)? In other words, state that do not look like South Carolina. With regards to that question, I'm not entirely certain they can be generalized to those communities.

In light of your findings, are there any reforms or solutions that you would recommend?

I think decision makers here should be a bit more cognizant of the ways that socioeconomic status, race, and the combination of those two things are entangled, especially as it relates to the perception of blameworthiness. Cultural competence courses for officials may also serve as a good solution, in order to help identify and change racial biases. This is not to suggest that there is active, malicious racial bias, but rather that there may be a degree of being unaware of how cultural beliefs influence and shape their perceptions and beliefs on the subject of race. From there, strategies can be developed to eliminate

stereotypical behavior and make juvenile justice more equitable.

How does this study fit into your larger body of scholarship?

My major areas of study are race, poverty, inequalities, [juvenile justice](#), as well as sociological and criminological theories. I think this study spans the gamut of all of my research interests. I hope to continue on this route of scholarship and continue to answer important research questions as it relates to these aforementioned topics.

More information: P. G. Lowery et al. A Multilevel Test of the Racial Threat Hypothesis in One States Juvenile Court, *Crime & Delinquency* (2016). [DOI: 10.1177/0011128716678192](https://doi.org/10.1177/0011128716678192)

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