

How negative stereotypes about poor black youth may be leading to stiffer juvenile court sanctions.

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While the US court system has begun to favor rehabilitation over harsh sentences in recent years, questions continue as to whether or not these changes have applied evenly across races. In new research, [Patrick Lowery](#) looks at juvenile sentencing data in South Carolina. He finds that while race alone does not significantly predict harsher punishments, black defendants from more disadvantaged backgrounds were likely to be punished more harshly via secure confinement, unless the judges were from a minority background.



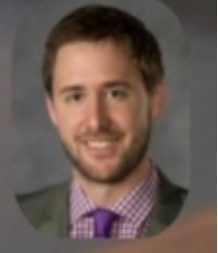
Over roughly the last decade, the United States Supreme Court has regularly ruled in favor of [positions](#) more [favorable](#) to the rehabilitation rather than incarceration of juvenile delinquents, particularly those sentenced for [serious and violent offenses](#). Despite these rulings which have moved juvenile justice back towards a more rehabilitative framework, there have been continued questions about whether or not these rehabilitative changes [apply equally across races](#). In the 1980s and 1990s the [specter of racism](#) and the belief that juvenile crime was at an all-time high, and would continue to rise, fuelled a shift toward a more punishment-based juvenile justice system in the states.

Of course, these racialized assumptions never came to fruition: violent crime continued to fall from the [early 1990s](#) until the [present day](#). Yet, despite the evidence suggesting these predictions were inaccurate, there is still an implicit – and sometimes explicit – link in the minds of Americans' between race, youth, and crime. Given these historical and contemporary concerns about race, youth, and crime, as well as the shift towards rehabilitation, I decided to examine how youth who were formally sentenced for serious and violent crimes were treated within the juvenile court. Would all youth be viewed as malleable and amenable to treatment? Or would there be other factors, either internal (e.g., race) or external (e.g., poverty), that affected what type of sentence a juvenile would receive?

With these questions in mind, I sought out to collect data on juveniles that were formally sentenced for a serious and violent crime in the state of South Carolina. To do this, I collected case file information over a five-year period, and supplemented the case file data with American Community Survey data that would accurately capture the type of environment the youths were residing in. Overall, the sanctions I look at were: secure confinement (juvenile prison), alternative sanctions (such as community service or house arrest), and probation. As part of the organizing framework for this research, I used the [racial threat hypothesis](#) to ferret out the research questions about sentencing, race, and community context.

While race alone was not a significant predictor of placement in secure confinement, the interaction of concentrated disadvantage and being a black defendant led to significantly greater odds of being placed in secure confinement.

- Patrick Lowery, Virginia Commonwealth University



The racial threat hypothesis posits that a relationship exists between the sizes of racial minority population and methods of social control used by the racial majority group – either formal or informal – that are used in order to continue holding majority power over social, economic and political control. It argues that as minority groups increase in an area, the majority group will then respond, as this creates a perception that there is now greater competition for scarce resources: employment, political representation, public services, schooling, or housing. While the original theory did not explicitly discuss criminal or juvenile justice, it has since been used to explain things such as [felon disenfranchisement](#), [police use of force](#), and the [desire of the population to use strict punishment on criminals](#).

My main finding is that while race alone was not a significant predictor of placement in secure confinement, the interaction of concentrated disadvantage and being a black defendant led to significantly greater odds of being placed in secure confinement, largely consistent with what racial threat would predict. I also found that, consistent with the [racial threat perspective on punishment](#), in areas where the minority population rose quickly over the study period, all defendants faced greater odds of being placed in secure confinement. I also noted that the presence of minority judges was associated with lower odds of being placed in secure confinement, compared to both alternative sanctions and probation. This finding aligns with prior research, suggesting that minority judges may be more [cognizant of the struggles faced by minority and indigent defendants](#). There was also an interesting non-finding, in that the rate of violent crime had no bearing on sentencing decisions. Nevertheless, perhaps this non-finding aligns with the notion that there is often a disconnect between perceptions of serious and violent juvenile crime and the reality.

From a policy perspective, a few things may be considered based on the findings of this research. First, it seems important to suggest that decision makers encountering these populations need to be more aware of socioeconomic status and its' entanglement with race. Whether a state has decided to approach juvenile justice from a rehabilitative framework, a punishment framework, or a “blended” framework, disparities in sentencing the likes of which this research uncovered should not be this high in magnitude. While it is true that [judges have limited information and are making educated guesses concerning future criminal propensity](#), future policy perspectives should seek to minimize this. This minimization may be guided by both risk assessment and greater social service support. Another policy aspect that may alleviate this justice inequity may be the use of cultural competence courses to push back against unconscious racial and class biases. While it is doubtful that judges are exercising active, malicious bias, some [negative stereotypes may have a subtle, yet important, influence on the outcome](#). In all, these options may be

promising methods to address the uncovered disparities found in this research.

This article is based on the paper, 'A Multilevel Test of the Racial Threat Hypothesis in One State's Juvenile Court', in Crime & Delinquency.

Featured Image Credit: Courtroom One Gavel (Joe Gratz)

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