

The Impact of Gender on the Processing of Probation Violations and Contempt: A Study of One Juvenile Court

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ABSTRACT

There is substantial evidence to suggest that in at least some contexts juvenile court judges are circumventing the proscription contained in the Juvenile Justice and Delinquency Prevention Act ("JJDP A"), which prohibits the secure confinement of status offenders, by securely detaining status offenders for contempt. Some evidence also indicates that gender may influence whether a juvenile is detained as a result of violating a valid court order. This study seeks to expand existing research by examining what happens to court order violators beyond detention and by explicitly comparing the treatment of court order violators with the treatment of probation violators in terms of detention, adjudication and confinement to shed light on how gender influences these decision points. While high rates of detention and commitment were uncovered, these results do not suggest that females were more likely to experience these consequences than males.

1. Introduction

The government and criminologists alike paid little attention to the issue of juvenile pretrial detention until the 1970s when a number of researchers documented the abuse of detained and incarcerated children and the issue created national concern (Cottle, 1977; Goldfarb, 1975; Sarri, 1974; Sorrentino, 1975; Wooden, 1976). In an effort to ameliorate some of the exposed problems, Congress adopted a number of reforms through the 1974 Juvenile Justice and Delinquency Prevention Act ("JJDP A"). One of the core reforms at the center of this Act was the deinstitutionalization of status offenders mandate (herein after referred to as the "DSO"). The DSO prohibits detaining juveniles for offenses that would not be crimes if not for their status as juveniles. Truancy, incorrigibility and habitually absent from home are all examples of status offenses. The DSO does not restrict the court's ability to detain juveniles for delinquent offenses. Delinquent offenses are crimes irrespective of the age of the perpetrator and include things like theft, assault and murder.

Failure to abide by the DSO mandate jeopardizes a state's right to receive grant money from the Department of Justice through the Office of Juvenile Justice and Delinquency Prevention and is costly. Federal law indicates that a state's failure to abide by the DSO results in a 20% reduction in annual grant funding.³ Failure to comply with other core requirements like the disproportionate minority confinement initiative, removal of juveniles from adult jails and sight and sound separation of juvenile and adults are similarly sanctioned. Noncompliance also triggers a requirement to spend at least 50% of remaining JJDP A funds on correcting noncompliance.⁴ In a recent year, Arkansas received only \$360,000 of the \$600,000 it was entitled to as a result of being noncompliant (Hughes, 2011).

While noncompliance is costly, it is not otherwise illegal. As a result, implementation of the DSO mandate remains uneven because it relies on enactment through state law and enforcement by state authorities. As a consequence, there is significant variability among the 50 states. Some states detain hardly any status offenders while others have hundreds in custody on any given day (Arthur & Waugh, 2009).

While the DSO was generally hailed as a progressive victory, some juvenile court judges believed that prohibiting detention of status offenders unreasonably interfered with their authority and stripped them of

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³ 42 U.S.C. 5633 (c)(1).

⁴ 42 U.S.C. 5633 (c)(2)(A).

an important tool for coercing compliance with court orders (Arthur & Waugh, 2009). In response, Congress substantially weakened the DSO by way of a 1980 amendment which permits juvenile court judges to securely detain status offenders accused of violating valid court orders (herein after referred to as the "VCO exemption") (Sherman, 2012). The VCO exemption has been extensively utilized. A daily census from 2006 indicates that about 5,000 status offenders were being detained nationwide (Arthur & Waugh, 2009).

As with the other provisions of the JJDP, implementation into law depends on the states. Some states like Connecticut have decided to explicitly prohibit detaining even contemptuous status offenders.⁵ While others, like New York, require the state to exhaust available services before filing a petition in juvenile court.⁶

Missouri, the site of this study, has also taken steps to codify the rules surrounding use of the VCO exemption. Specifically, Missouri's law prohibits the secure confinement of children accused of violating a valid court order, unless the court makes a finding that:

- (1) The child has a record of willful failure to appear at juvenile court proceedings; or
- (2) The child has a record of violent conduct resulting in physical injury to self or others; or
- (3) The child has a record of leaving a court-ordered placement, other than secure detention, without permission. 211.063.1 R.S.Mo (Supp. 1989).

Despite state efforts to limit the reach of the VCO, most experts believe it is still being over-used. Indeed, the VCO has even been characterized as the exception that swallowed the rule of deinstitutionalizing status offenders (Arthur & Waugh, 2009). In testimony before congress, the Deputy Commissioner of Kentucky's Department of Juvenile Justice candidly admitted that in his state the VCO exemption had been invoked almost 2,000 times in 2007 ("Reforming the Juvenile Justice System," 2010 p. 16). While Kentucky may have been unusually prolific in its use of the VCO, nationwide estimates indicate that about 12,000 status offenders per year are held in secure detention pursuant to the VCO exemption ("Reforming the Juvenile Justice System," 2010 p. 20). There have also been a number of studies that suggest that status offenders are harmed by being detained and may actually be "criminalized" by the experience thus leaving detention with criminal inclinations they did not previously possess (see, e.g., Geller, 1995; Schwartz et al., 1987; Worrell, 1985).

Moreover, status offenders are not constitutionally entitled to basic due process rights the way delinquent offenders are thus there is reason to question the accuracy and fairness of judicial determination concerning status offenders (Kim, 2010).⁷ Although state law and federal regulations afford status offenders who may be confined pursuant to the VCO exemption the right to counsel and a hearing, the underlying status offense which resulted in the court order may not have afforded the juvenile much in the way of due process⁸ (May, 2006; ABA, 2010).

Like many federal laws, the JJDP must be periodically reauthorized and contemporary reauthorization efforts have been accompanied by demands to eliminate the VCO exemption entirely. In both the 110th and 111th Congresses, the Senate proposed bills to reauthorize the JJDP and to include an amendment to eliminate the VCO exemption.⁹ As of this writing, Congress has failed to act.

But, even if proponents are successful in amending the JJDP to remove the VCO exemption, the VCO will nonetheless remain a feature of most state's juvenile justice systems and a legally viable option unless those states react by removing authorization to detain status offenders for contempt from their own state codes. Because girls and minorities are disproportionately brought into the system and processed for status offenses, laws that limit the circumstances under which status offenders can be securely detained are particularly significant for girls and minorities (Chesney-Lind & Shelden, 1998; "Reforming the Juvenile Justice System," 2010).

⁵ See 2005 CONN.PUB. ACTS 05-250, codified at CONN. GEN. STAT. ANN. §§ 46b-120; 46b-148 (West 2006).

⁶ See, N.Y. FAM. CT. ACT § 735 (2005).

⁷ See, *In re Gault*, 387U.S. 1 (1966).

⁸ See 28 C.F.R. § 31.303(f)(3)(v)(D)

⁹ See, 110th Senate Bill 3155 and 111th Senate Bill 678.

2. Theory

Experts long realized that juvenile court judges were using status offenses to punish girls for behavior that went unpunished among boys (Chesney-Lind, 1973; 1977). It was hoped that the DSO and similar legislation would ameliorate this sexist treatment and stop the disproportionate use of secure detention and commitment against female status offenders vis-à-vis delinquents and male status offenders. The DSO and sister statutes have apparently fulfilled these hopes in part because since enactment of the DSO, the use of secure detention against status offenders has been substantially reduced, although not eliminated (Schwartz, Steketee & Schneider 1990; Snyder & Sickmund, 1995). These results seem promising on the surface, but some scholars suggest that the drop in the reported number of detained status offenders is misleading and does not reflect more even-handed treatment of girls by the system (Chesney-Lind & Shelden, 1998). They assert that girls accused of status offenses are still being treated more harshly than boys accused of similar offenses (Soler, Shoenberg & Schindler, 2009).

Chesney-Lind (1995) and other proponents of this theory argue that juvenile court judges are using contempt charges to circumvent the DSO via the VCO exemption, resulting in discriminatory detention of female status offenders (Bishop & Frazier, 1992; Chesney-Lind & Shelden, 1998; Federle & Chesney-Lind, 1992). This invidious discrimination against girls is allegedly accomplished by placing female status offenders under unreasonably strict court orders and then holding them in contempt and incarcerating them when they violate these orders (Bishop & Frazier, 1992; Chesney-Lind, 1995; Chesney-Lind & Shelden, 1998; McGuire & Kuhn, 2003; Soler, Shoenberg & Schindler, 2009). By securely detaining or committing girls pursuant to contempt citations, which are not considered status offenses, states may remain in technical compliance with the DSO, even if the detainee has never committed an act of delinquency.

While this theory has intuitive appeal and has received some statistical support (Snyder & Sickmund, 1995), it has not been adequately tested and remains somewhat speculative. Because data specifically identifying children detained pursuant to the VCO exemption are not routinely collected and analyzed,¹⁰ empirical evidence to substantiate that girls are detained for violating court orders arising out of status offenses more frequently than delinquents or similarly situated male status offenders is not readily available (Belknap, 1996; Bishop & Frazier, 1992; Chesney-Lind, 1995; Chesney-Lind & Shelden, 1998).

3. Literature Review

While the available literature is sparse, some work has attempted to substantiate empirically the theory that discrimination against female status offenders is being masked by incarcerations for violating valid court orders (Federle & Chesney-Lind, 1992; McGuire & Kuhn, 2003). Bishop and Frazier (1992) attempted to substantiate the existence of discrimination in connection with detention pursuant to the VCO exemption in their study using statewide data from Florida reflecting all referrals from 1985 through 1987. They used gender to predict preadjudication detention controlling for age, race, and a number of other variables, including whether the referral stemmed from a contempt citation (Bishop & Frazier, 1992). They found that referral for contempt increased the chances of detention, but they were unable to establish that this effect was directly conditioned by gender (Bishop & Frazier, 1992). They did, however, conclude that “given that females are more likely than males to be referred for contempt, gender is clearly related to detention status in an indirect way” (Bishop & Frazier, 1992, 1180).

What Bishop and Frazier are implying is that girls and boys displaying similar recalcitrance in failing to comply with court orders are differentially referred for contempt. In other words, they suggest that girls, perhaps because their defiance is considered particularly unacceptable, are referred for contempt in circumstances under which boys would not be referred for contempt. Thus, it is suggested that girls in relation to the population of children who have violated valid court orders, disproportionately bear the risk of secure detention pursuant to the VCO exemption because they are more likely to be referred for violating a valid court order than are boys (see e.g., Chesney-Lind, 1995). While Bishop and Frazier’s conclusion is reasonable in light of the evidence, it cannot be considered definitive given the lack of data concerning children who could have been referred for contempt but were not.

¹⁰ Because such detention is not considered to be the detention of a status offender, the JJDPa does not mandate that states collect or study this data.

In addition to having no data on children who actually violated valid court orders but were not referred for doing so, Bishop and Frazier also lacked explicit data about the nature of the children's underlying offenses. Based upon interviews with juvenile court personnel, they inferred that almost all of the children detained pursuant to the VCO exemption were status offenders (Bishop & Frazier, 1992). This conclusion may seem reasonable and the lack of explicit data unimportant because judges generally possess unrestricted discretion to detain delinquent offenders and thus need not resort to using contempt to detain them. Yet, the lack of this data may nevertheless be significant because, while judges need not resort to contempt to detain a child accused of delinquency, neither are they precluded from doing so. Judges are free to allow delinquents to remain at home pending their adjudication and may choose to do so if they believe that the child's presence in the community is unlikely to result in additional offending or other problems so long as the child respects certain judicially imposed behavioral limits. If these delinquents fail to avail themselves of this final opportunity for freedom by disobeying the court's order, they could then be detained for contempt.

Subsequent work using data which explicitly indicated whether detention resulted from a status offender violating a court order or a delinquent offender violating a condition of probation proved inconclusive in that no statistically significant results were found (McGuire & Kuhn, 2003).

The data available for analysis here will allow an expansion of our understanding of how the VCO is applied in several important respects. Most of the work on the VCO stops with detention and while that is certainly significant in terms of determining whether the VCO is being used to circumvent the DSO, it is not the entire story. Examining adjudication and commitment, as will be done here, can reveal important aspects of VCO offenders' subsequent treatment. Moreover, in much of the prior work, the treatment of probation violators as a foil for understanding the treatment of VCO offenders is missing. This deficit is unfortunate because like their status offending counterparts referred for violating a court order, delinquents who violate their probation are flouting the court's authority and disobeying a judge's orders concerning the conditions of probation.

Perhaps judicial intolerance for disobedience generally drives the apparently harsher treatment accorded status offenders. Perhaps disobedience from girls is regarded as particularly troublesome and worthy of sanction. These data make discussions of gender bias in detention pursuant to the VCO exemption less speculative because they allow cases that involve detention, adjudication and commitment of VCO violators to be analyzed and then compared to cases involving juveniles detained, adjudicated or committed for violating probation. In addition, being able to compare the application of detention for contempt among VCO and probation violators may indicate differences in the use of this sanction among these two groups that could help explain whether the VCO exemption is being used to circumvent the DSO.

4.1 Data and Methodology

The data under study come from the 22nd Judicial Circuit of the State of Missouri. The 22nd Judicial Circuit is coextensive with the City of St. Louis and is one of the busiest Circuit Court in the State. St. Louis County, where St. Louis' suburbs are located, falls within the bounds of the 21st Judicial Circuit. Thus, the 22nd Judicial circuit is an exclusively urban jurisdiction. The City of St. Louis has the highest concentration of disadvantaged and minority citizens in the State. For example, out of the 114 counties in the State plus the City of St. Louis, the City has the most children enrolled in free/subsidized lunch programs indicating a high level of poverty among the regions children.¹¹ Almost 70% of the children in the City of St. Louis are classified as minority, which is the highest proportion of any county in the State.¹²

In 1993, the Missouri General Assembly authorized the creation of the Family Court which was given jurisdiction over all divorce actions, legal separations, child custody, adoptions, juvenile proceedings, adult abuse and change of name cases. Through the generosity of the Family Court for the 22nd Judicial Circuit, the authors obtained access to data concerning all of the juvenile cases which were formally processed by the Court in 2010 and 2011. There were 869 cases in all. Most of these cases involved male defendants (N=741). Less than 15% (N=127) involved a female defendant and in one case data on sex was not retained. Selecting only those cases that were referred to the St. Louis City Family Court for either VCO or a probation violation(s) and were formally processed yielded a sample of 172 cases. It should be noted that

¹¹See, Kids Count in Missouri Data 2012 Data Book available at http://pfc.org/publications/kids_count_data_book_2012.pdf last viewed 9/26/2013.

¹²See, Kids Count in Missouri Data 2012 Data Book available at http://pfc.org/publications/kids_count_data_book_2012.pdf last viewed 9/26/2013.

Court personnel indicated that most cases referred to the Family Court are not formally processed.

The dependent variables of interest here are detention, days in detention, adjudication and commitment. Detention, adjudication and commitment are all measured dichotomously. Cases resulting in secure detention prior to a hearing on the alleged VCO or probation violation are coded with a 1 on the detention variable, cases which did not involve detention were coded with 0. If a juvenile was adjudicated "guilty" of the charged violation, the case was coded with a 1 on the adjudication variable otherwise it was coded with a 0. Cases resulting in post adjudication commitment were coded with a 1 on the commitment variable. Cases not resulting in commitment were coded with a 0. A second aspect of detention was also evaluated, days spent in detention. This variable was calculated from the detention start and end dates provided by the Court and is a ratio variable reflecting the number of days spend in detention.

4.2 Descriptive Analyses

As can be discerned from Table 1, all of the children formally processed for violating a valid court order were detained pending their formal adjudication . One case was missing data on adjudication but of the cases with data, 2/3 were adjudicated or found "guilty" of violating a court order while 1/3 of the VCO charges were dismissed after a hearing. With probation violators, only 2.5% escaped pre-adjudication detention and more than 2/3 were ultimately committed after formal adjudication (see Table 1).

Since only those juveniles who were found to have violated a court order or condition of probation could be committed, cases which resulted in a dismissal (no adjudication) were removed from the sample prior to analyzing commitment. As is clear from Table 1, most of the adjudicated cases resulted in commitment. With VCO cases, 61% resulted in commitment while 87% of adjudicated probation violations resulted in commitment.

The range on days in detention for VCO violators was 3 – 53 with a standard deviation of 12.66 and an average stay in detention of 21.47 days. The range on days in detention for probation violators was 2-91 with a standard deviation of 17.91 and an average stay in detention of 27.83 days. This suggests that on average probation violators spent about a week longer in detention than did VCO violators.

This study is primarily concerned with isolating the impact of gender in the VCO and probation violation contexts. As such, sex will be used as the primary independent variable throughout these analyses. Sex is a dichotomous variable; males were coded with a 0 and females were coded with a 1. Boys account for 148 (86%) of the cases used in this study while girls account for only 24 (14%) of the cases. VCO violators were slightly more likely to be boys (N=47 out of 51 or 92%) than were probation violators (N=101 out of 121 or 84%).

Although not specifically theorized to influence the treatment of contemnors in the same way sex is, there is abundant empirical support for the notion that race profoundly influences the way the system treats children who come before the juvenile court (McGuire, 2002; Poe-Yamagata & Jones, 2000; Pope & Feyerherm, 1990; Olesnavage, 2010, Taylor-Thompson, 2005-2006; Wordes, Bynum and Corley, 1994). Moreover, there is evidence to suggest that race might influence application of the VCO exemption (see, Olesnavage, 2010; Soler, Shoenberg & Schindler, 2009).

As a result, race will also be examined vis-à-vis the likelihood of being detained, adjudicated or committed for a VCO or probation violation as well as the length of detention for these offenses. Cases involving Black children were coded with a 1 while cases involving White, Asian or Hispanic children are coded with a 0. The vast majority (N=160) of the cases processed for either a probation or VCO violation involved a Black child. One case involved an Asian child, 3 involved a Hispanic child and 8 involved a White child.

Various legal factors which might account for differences in treatment at the detention, adjudication and commitment stages will also be considered. First, whether the case involves a VCO or probation violation will be controlled for by coding VCO cases with a 1 and probation cases with a 0. Typically, VCO is used only against status offenders and probation only against delinquent offenders because, per the JJDP, a court need only rely on the VCO exemption when it wishes to detain status offenders. Court personnel indicated that they did not follow this practice in the 22nd Circuit and frequently used VCO against delinquent offenders. They provided data indicating that all of the VCO violators had at least one delinquent referral associated with their case (see Table 2). Surprisingly, almost 60% of VCO violators had a prior felony and

none of them were only status offenders. For purposes of regression, an ordinal prior offense variable was created ranging from class C misdemeanors coded with 1 to class A felonies coded with 7, with an incremental increase of 1 for each category in between. It should also be noted that in addition to violating noncriminal conditions of probation such as associating with known gang members, probation violations frequently encompass new delinquent offenses as obeying all laws is a standard condition of probation.

The second legal factor of concern is age which is often taken as an indicator of culpability especially at the juvenile level. Age will be controlled for by calculating the defendant's age in years by reference to the date of birth and charge date provided by the Family Court. Defendants' ages ranged from 12 - 17, although the vast majority were 14 (N=28), 15 (N=29) or 16 (N=44) years old. Only 1 was 12, 5 were 13 and 2 were 17 years of age. Age distribution was remarkably consistent between VCO and probation violators (see Table 3). Lastly, whether the case involves multiple VCO or probation violations is also considered. As is clear from Table 4, VCO cases are slightly more likely to involve 2 or 3 violations than are probation cases.

Unfortunately, there are no individual level indicators of socio-economic status available. The Court did however provide the zip code of the juvenile's residence which allowed the authors to control for median household income level in that zip code.¹³ While drawing conclusions about a particular juvenile's income level based upon aggregate zip code level income information is imprecise at best, it may nevertheless inform some decisions made by the Family Court. Family Court judges had access to information about the juvenile's address and probably had a generalized sense of the socioeconomic status of the juvenile's neighborhood, but they probably did not have any individualized information about the juvenile's family's income.

As is clear from Table 5, none of the juveniles come from affluent zip codes and most came from zip codes with a median income below \$26,000 a year. To put that in context, this means that most of the juveniles came from zip codes in the bottom 10% in the nation in terms of median income.¹⁴ More affluent zip codes, like 63109 which represents St. Louis Hills, do not appear in the data because no juveniles from that zip code were formally processed for either VCO or probation violations. The median income in 63109 is \$40,412, which puts that zip code in the top half nationwide.

4.3 Bivariate Associations

In order to get an integrated understanding of the demographic profiles of the juveniles referred for VCO and probation violations, cross-tabulations were run. Contrary to expectations, VCO in St. Louis does not appear to be used primarily against female offenders. Indeed, as is clear from Table 6, only 4 female offenders in a two year period were formally processed for a VCO violation and all four of those cases involved a Black child. By contrast more than 10 times as many boys (N=47) were formally processed for a VCO violation. As with females, most of the males were Black (N=41).

Given the lack of variance in the detention variable, chi-square and other analyses are not possible with this measure. Chi-square analysis using sex and adjudication produced a model that was statistically insignificant for both VCO and Probation violators (Table 7). After removing those cases involving non-adjudicated juveniles, Chi-square using sex and commitment was run which indicates a statistically significant association between sex and commitment among probation but not VCO violators (Table 8).

A correlation matrix was used to evaluate bivariate correlations. As is clear from Table 9, there are a number of statistically significant correlations, although none of them exceed .211 suggesting that none of these variables are strongly related. Sex, the primary independent variable, is significantly related to days in detention and commitment. The association is negative suggesting that being male is associated with more days in detention and a greater likelihood of being committed. Race is not correlated in a statistically significant manner with any other variable which is not surprising given the lack of variability on that variable. Age is positively associated with receiving detention. Being charged with a VCO as opposed to probation violation is positively associated with multiple violations and days in detention. Multiple violations is also, not surprisingly, associated with more time in detention. Zip code median income is negatively associated with being adjudicated and being committed, suggesting that juveniles from more affluent areas are less likely to be adjudicated or committed. The dependent variables detention, days in

¹³ Data about median income was gleaned from <http://zipwho.com> accessed on 9/24/2013.

¹⁴ See, <http://zipwho.com>

detention, adjudication and commitment are, not surprisingly, correlated as they are various measures of the same underlying construct, harshness of judicial decisions.

While there are no multi collinearity issues¹⁵ which would preclude regression analysis with these data, the lack of variance and/or association between our independent variable sex and our dependent variables detention and adjudication make calculating a regression equation for those variables nonproductive. Logistic regression was used to calculate likelihood of commitment and OLS regression was used to calculate days in detention.

4.4 Multivariate Regression Findings

The model predicting days in detention was constructed using the single stage enter method. As is clear from Table 10, sex loses its statistical significance in predicting days in detention once race, age, multiple charges, median income, VCO/probation and prior charge level are controlled. Not only do the individual variables cease to make statistically significant contributions to predicting detention length once they are combined, the model as a whole is also insignificant.

Turning to the logistic regression model predicting commitment, Table 11, it becomes apparent that sex also loses its significance in predicting commitment once the other legal and jurisdictional variables are controlled. The only variable which continues to be statistically significant predictor of commitment, after all other factors are controlled, is whether the child is charged as a probation or VCO violators. Probation violators are more likely to be committed than are VCO violators. The Wald statistics indicate that being charged as a probation violator has the largest relative effect on commitment, although the exact magnitude of the effect cannot be quantified because Wald statistics only indicate relative contributions.

5. Conclusion

The anomalous use of the VCO exemption against delinquent rather than status offenders in this jurisdiction is unknown in the existing literature. This presents an interesting question which warrants further study. Perhaps this state of affairs is not as unique as it appears, perhaps other jurisdictions do the same? If so, much of the existing literature may need to be reinterpreted in light of this alternate use of the VCO.

Both VCO and probation violators experience extremely high rates of detention. Indeed, all VCO violators are detained and 97.5% of probation violators were detained. In addition, most of those found “guilty” of VCO or probation violations were also ultimately committed, 61% and 87% respectively. To put that in to context, according to Court records, 36% of referred males and 11% of referred females in 2010 and 38% of referred males and 14% of referred females in 2011 were detained for some period of time prior to dismissal or adjudication. In terms of commitment, less than 5% of the females referred to the Family Court in 2010 and 2011 were committed and less than 10% of the males referred to the Family Court in 2010 and 2011 were committed.

What we may be seeing here is evidence of a disobedience effect. In other words, judges may regard it as particularly egregious for a juvenile to disobey one of their orders. As a consequence, those who flout judicial authority may be more likely to find themselves detained and upon “conviction” committed than are those who just commit a criminal offense. On the other hand, since so few cases are referred for VCO and probation violations, it is also possible that these cases reflect the most recalcitrant and difficult to deal with juveniles, which would also explain relatively high rates of detention and commitment among this group.

In addition, this jurisdiction does not appear to use VCO violations or probation violations as a vehicle for detaining girls. Family court records suggest that in 2010 there were 115.9 referrals of boys per 1,000 of the youth population in the City of St Louis while the analogous rate for girls was only 52.6. Formally processed cases involved 127 girls (14.6%) and 741 (85.4%) boys. The gender breakdown for probation cases is 20 girls (16.5%) and 101 (83.5%) boys. VCO cases involve 4 (8%) girls and 47 (92%) boys. These relative proportions do not suggest gender bias in the application of VCO.

¹⁵ The correlation matrix revealed no bivariate correlations in excess of .70, which is the generally recognized point beyond which collinearity becomes a significant problem (Bachman and Paternoster, 1997, 492-93; Walker, 1999:228).

Indeed, to the extent that sex has any statistically demonstrable impact on outcome determinations like length of time in detention and ultimate commitment; it appears that being male rather than female may increase the likelihood of both. These results may be a function of the somewhat unique demographic attributes of the juveniles served by the Family Court. As indicated previously, the City of St Louis is largely populated by African-Americans. Indeed, nearly all of the children brought into the family court for both VCO and probation violations are African-American. A significant amount of literature suggests that being young, black, male and poor entails significant punishment costs (Spohn&Holleran, 2000; Steffensmeier, Ulmer & Kramer, 1998). It may be that among populations which are largely minority the punitive treatment of females is overshadowed by the even more punitive treatment accorded Black males. Certainly, the high levels of detention and commitment for both VCO and probation violators provides some support for this supposition.

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Table 1. Detention and Commitment Status of Probation and Court Order Violators

Violation of Valid Court Order

	N	%	Adjudication	N	%	Commitment	N	%
Detained	51	100.0	Adjudicated	33	66.0	Committed	20	60.6
Not Detained	0	0.0	Not Adjudicated	17	34.0	Not Committed	13	39.4
Total	51	100.0	Total	50	100.0	Total	33	100.0

Probation Violations

Detained	118	97.5	Adjudicated	76	62.8	Committed	66	86.8
Not Detained	3	2.5	Not Adjudicated	45	37.2	Not Committed	10	13.2
Total	121	100.0	Total	121	100.0	Total	76	100.0

Table 2. Prior Charge Level for Violators

VCO	N	%
Felony B	1	2.0
Felony C	28	54.9
Felony D	1	2.0
Misdemeanor A	19	37.3
Misdemeanor B	1	2.0
Misdemeanor C	1	2.0
Total	51	100.0
Probation Violation	N	%
Felony A	6	5.0
Felony B	10	8.3
Felony C	49	40.5
Felony D	20	16.5
Misdemeanor A	30	24.8
Misdemeanor B	3	2.5
Misdemeanor C	3	2.5
Total	121	100.0

Table 3. Age of Defendants

	Age	N	%
VCO	12	0	0
	13	1	3.0
	14	9	27.3
	15	9	27.3
	16	13	39.4
	17	1	3.0
	Total	33	100.0
	Probation Violation	12	1
13		4	5.3
14		19	25.0
15		20	26.3
16		31	40.8
17		1	1.3
Total		76	100.0

Table 4. Multiple Violations

	Violations	N	%
VCO	1	21	63.6
	2	6	18.2
	3	5	15.2
	4	1	3.0
	Total	33	100.0
Probation Violation	1	61	80.3
	2	11	14.5
	3	4	5.3
	Total	76	100.0

Table 5. Median Income by Zip Code

VCO			Probation Violation		
Income	N	%	Income	N	%
\$10,491.00	1	3.0	\$10,491.00	6	7.9
\$20,686.00	1	3.0	\$17,783.00	1	1.3
\$23,553.00	1	3.0	\$20,724.00	3	3.9
\$25,953.00	21	63.6	\$23,543.00	4	5.3
\$27,486.00	1	3.0	\$23,553.00	6	7.9
\$28,604.00	2	6.1	\$24,587.00	2	2.6
\$30,775.00	1	3.0	\$25,953.00	32	42.1
Subtotal	28	84.8	\$27,486.00	2	2.6
Missing	5	15.2	\$28,604.00	1	1.3
Total	33	100.0	\$30,775.00	1	1.3
			Subtotal	58	76.3
			Missing	18	23.7
			Total	76	100.0

Table 6. Demographic Profile of Youth Formally Processed for VCO or Probation Violations

		Sex		Total
		Female	Male	
	Race/Ethnicity			
Probation Violation	Asian	0	1	1
	Black	20	95	115
	Hispanic	0	2	2
	White	0	3	3
	Total	20	101	121
VCO	Black	4	41	45
	Hispanic	0	1	1
	White	0	5	5
	Total	4	47	51

Table 7. Sex and Adjudication

Probation		Male	Female	Total	VCO	Male	Female	Total
Not Adjudicated	Count	36	9	45	Count	15	2	17
	% within Adjudicated	80.0%	20.0%	100.0%	% within Adjudicated	88.2%	11.8%	100.0%
	% within Defendant's sex	35.6%	45.0%	37.2%	% within Defendant's sex	32.6%	50.0%	34.0%
Adjudicated	Count	65	11	76	Count	31	2	33
	% within Adjudicated	85.5%	14.5%	100.0%	% within Adjudicated	93.9%	6.1%	100.0%
	% within Defendant's sex	64.4%	55.0%	62.8%	% within Defendant's sex	67.4%	50.0%	66.0%
Total	Count	101	20	121	Count	46	4	50
	% within Adjudicated	83.5%	16.5%	100.0%	% within Adjudicated	92.0%	8.0%	100.0%
	% within Defendant's sex	100.0%	100.0%	100.0%	% within Defendant's sex	100.0%	100.0%	100.0%

Pearson Chi-square = .626

Pearson Chi-square = .496

Table 8. Sex and Commitment

Probation		Male	Female	Total	VCO	Male	Female	Total
Not Committed	Number	6	4	10	Number	11	2	13
	% within Commitment	60.0%	40.0%	100.0%	% within Commitment	84.6%	15.4%	100.0%
	% within Defendant's sex	9.2%	36.4%	13.2%	% within Defendant's sex	35.5%	100.0%	39.4%
Committed	Number	59	7	66	Number	20	0	20
	% within Commitment	89.4%	10.6%	100.0%	% within Commitment	100.0%	0.0%	100.0%
	% within Defendant's sex	90.8%	63.6%	86.8%	% within Defendant's sex	64.5%	0.0%	60.6%
Total	Number	65	11	76	Number	31	2	33
	% within Commitment	85.5%	14.5%	100.0%	% within Commitment	93.9%	6.1%	100.0%
	% within Defendant's sex	100.0%	100.0%	100.0%	% within Defendant's sex	100.0%	100.0%	100.0%

Pearson Chi-square = 6.061*

Pearson Chi-square = 3.275

*. Correlation is significant at the 0.05 level (2-tailed).

**. Correlation is significant at the 0.01 level (2-tailed).

Table 9. Correlation Matrix

	Sex	Race	Age	VCO	Multi-violations	Median Income	Detention	Days in Detention	Adjud.	Comm.
Sex	1									
Race	.110	1								
Age	-.021	.014	1							
VCO	-.114	-.122	-.037	1						
Multi violations	.092	.064	-.140	.181*	1					
Median Income	-.018	-.022	.017	.124	.033	1				
Detention	-.075	-.036	-.188*	.086	.066	-.023	1			
Days in Detention	.187*	-.079	.012	-.174*	-.171*	.059	.207**	1		
Adjud.	-.080	-.112	-.080	.030	.069	-.187*	.177*	.186*	1	
Comm.	.181*	-.019	-.125	-.114	.129	-.211*	.175*	.363**	.418**	1

Table 10. Predictors of Length on Detention

	B	Std. Error	Beta	t
Sex	-7.539	4.198	-.157	-1.796
Race	-7.132	5.695	-.107	-1.252
Age	-.215	1.331	-.014	-.161
VCO	-5.694	3.071	-.160	-1.854
Prior Charge	-.164	1.182	-.012	-.139
Multiple Violations	-3.447	2.113	-.142	-1.631
Median Income	.000	.000	.079	.934
(Constant)	37.662	22.849		1.648

F= 1.904

R Square = .093

Table 11. The Impact of Contempt on Subsequent Commitment

Variable	Log. Coeff.	Std. Error	Wald
Sex	-1.606	.891	3.247
Race	.786	.907	.752
Age	.095	.317	.090
VCO	-1.842**	.645	8.167
Prior Charge Level	.095	.253	.141
Multiple Violations	.367	.425	.746
Median Income	.000	.000	.115
Constant	-.043	5.560	.000

Chi-Square	df	C & S R ²
13.940*	7	0.15

* = significant at the .05 or above

Classification Table

		Predicted		
		Not Committed	Committed	% Correct
Observed	Not Committed	5	13	27.8
	Committed	2	66	97.1
Overall Percentage				82.6