There are many reasons young people get into trouble with the court systems. What do you think are the most important explanations for delinquency?

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INTRODUCTION

Punitive juvenile justice (and school) policies have a disproportionate impact on certain populations of young people. Those caught in school’s exclusionary policies and/or in the juvenile courts share several common preexisting vulnerabilities. This chapter discusses the common experiences or traits that make some children and adolescents more vulnerable to delinquency.

The two upcoming examples touch on many of the concerns addressed in this text, including the impact of zero tolerance policies, subsequent school inflexibility in taking into account mitigating circumstances to determine student discipline, police decision-making and involvement, and how this involves certain groups of young people disproportionately. The first story is about a black male student from a poor family; the second story is about a middle-class female student who identifies as lesbian, gay, bisexual, and transgender (LGBT). Their backgrounds differ, but they experienced similar difficult outcomes. These initial experiences could lead to ongoing poor outcomes, a process that is further explored in Chapter 7:

By most accounts, Marlon Morgan is a great kid. The soft-spoken junior plays basketball for Saguaro High School. He was nominated for Youth of the Year last year by a branch of the Boys and Girls Clubs of Scottsdale. So why were his classmates wearing “Free Marlon” t-shirts last week? The 17-year-old had just been arrested on campus during lunch for wearing his baseball cap sideways instead of to the front and refusing to turn it the other way. Morgan, who is Black, believes he was singled out. Other teens in the same room were wearing their hats that way... Morgan was having lunch when Saguaro security guards approached him about his hat. It is against school policy to wear hats sideways because it can be a sign of disrespect for authority, the police report said, but Morgan said that the rule is enforced selectively. According to a police report, he pointed to several white students whose hats were on sideways. (Kupchik, 2010, p. 159)

An LGBT youth of color faced constant bullying from peers (and) did not report the abuse to school staff because, as she put it, “No one (was) going to do anything.” “After months and months of harassment she blew up and really hurt another student. She ended up getting extended suspension so, you know, she just dropped out. She was sixteen at the time and just didn’t see the point of that anymore. And she felt like she wasn’t going to be supported in the school.” In this case “extended suspension” amounted to 45 days, as opposed to the 10 days of suspension her bully received. This lack of protection from harassment and bullying, exposure to violence, along with differential and harsh discipline ultimately resulted in the student’s departure from school altogether. Although seemingly a choice, such a departure is part of a larger pattern of school push-out (Burdge, Licona, & Hyemingway, 2014, p. 11).

These two students were disciplined for noncompliance to rigid rules and/or for fighting, and without consideration for mitigating circumstances that may help explain why the incidents occurred. Application of zero tolerance policies and rigid discipline protocols within school systems, and the arrest and referral to the juvenile courts, have an inequitable impact on certain students, including minorities, LGBT adolescents, and those with education disabilities. Once arrested or adjudicated delinquent, these young people have a higher risk of staying involved with the juvenile justice system through reoffending and recidivating. Many of these
children and adolescents are already vulnerable, even prior to getting into trouble, because of their individual, family, peer, and/or community-based experiences. These experiences are often called “delinquency risk factors.”

FACTORS THAT INFLUENCE DELINQUENCY

Risk factors are experiences, traits, or issues that make an outcome (delinquency or mental health problems, for example) more likely. Some risk factors are associative (correlated or associated) with these outcomes, whereas others are causative (related directly) to outcomes. The more risk factors experienced by a young person, or his or her family, the greater the chance of delinquency and juvenile court involvement. Risk factors are considered either static or dynamic. Static risk factors cannot or are difficult to change and include things like demographic variables (age, race, and sex, among others) and socioeconomic status.

Dynamic risk factors can be modified and include things such as substance use, peer choices, academic effort, school connectedness, and some mental health problems, among others (Heilbrun, 1997; Thornberry, 2005).

It is important to note the difference when it comes to predicting delinquency (or other nefarious outcomes) between associative and causative factors. By definition, all relationships between two variables are associative, which means that when the score on one variable changes, the score on the other variable also changes. For instance, there is a relationship between hours per week students study and their test scores. This means that the test score increases or decreases when a student studies longer or shorter. The two variables (“hours per week studied” and “test score”) have no association if the test score remained unchanged after a change in the hours per week students study. Just because two variables are related does not mean that such a relationship is a causal relationship. Only some of the associative relationships are also causative, which means that a variable has a causal effect on the other variable. Establishing a causal relationship in research is not easy because it requires the use of a rigorous experimental design.

Protective factors are experiences that decrease the likelihood of harmful outcomes. As with risk factors, the more protective factors are present in a young person’s life, the less likely he or she is to experience these outcomes. Protective factors are more difficult to both identify and measure. Protective factors may just be the absence of risk factors, may reduce the likelihood of harmful outcomes, may decrease the impact of risk factors, or may promote positive outcomes (e.g., academic success). Protective factors may reduce the likelihood of experiencing harmful outcomes by either moderating the impact of risk factors or exerting an independent influence on the negative outcome, whether the risk factors are present or not. For example, having a strong and stable parent who keeps involved with his or her child’s life is often a strong protective factor to avoiding delinquency (DeMatteo & Marczyk, 2005; Loeber, Farrington, Stouthamer-Loeber, & White, 2008).

ECOLOGICAL/PSYCHOSOCIAL MODEL

Several delinquency risk prediction models have been developed, including the following: the categorization of risk factors into demographic or historical categories; identifying criminological
and clinical (mental health) factors; and an ecological/psychosocial approach (Heilbrun, 1997; Monahan et al., 2001; U.S. Department of Health and Human Services, 2001). The ecological/psychosocial model is used in this chapter as a framework to understanding delinquency through its focus on the etiology and interrelations of the risk factors, while recognizing the ongoing impact of adolescent development.

The ecological/psychosocial model uses a multidimensional classification approach, identifying risks as the young person relates and interacts with family, peers, school, and community/neighborhood. Based on longitudinal studies, the Howell model combines developmental theory and interactional theory of risk and protective factors across stages within this framework (Loeber & Farrington, 2001; Thornberry, 2005). This model recognizes that delinquency risks are intertwined, yet with other problems, and that they vary over the developmental life course, depending on the age of risk onset. In other words, this approach to understanding delinquency and serious offending allows researchers to look at juvenile justice populations to determine which young people are most at risk and how these risks change over time (DeMatteo & Marczyk, 2005; Hawkens et al., 2000).

What follows is a review of the literature that supports this theoretical approach to understanding delinquency and related outcomes. This overview includes school-related factors (bullying, truancy, and suspension/expulsion, among others), individual issues (mental health and substance use), key family problems (maltreatment and trauma), and neighborhood impacts (peers and poverty, among others). These experiences and risks are often cumulative, both over time, as well as in the number of issues (comorbidity) with which a child or adolescent has to contend and disproportionately impact certain young people. Some of these most important and influential factors that impact delinquency and juvenile court involvement are expanded on in later chapters—school problems and exclusion in Chapter 8, trauma in Chapter 9, and mental health, developmental, and learning problems in Chapter 10.

**SCHOOL DISCIPLINE RISK FACTORS**

The students involved in school discipline protocols and those who are excluded from attending share commonalities that place them at higher risk for poor outcomes. Most school discipline and suspension/expulsion risks are also factors for involvement with the juvenile courts. Two areas are highlighted here, however—poverty and maltreatment/trauma—because of their particular harmful impact on education across primary and secondary school as well as increasing the risk for school discipline problems.

**Poverty-Related Risk Factor**

More than one in five children grows up in poverty. Those who grow up in poverty are, both minority and white, less likely to graduate from high school and more likely to be poor as adults (Holzer, Schanzenbach, Duncan, & Ludwig, 2007). The southern states have the highest number of the nation’s poor children (42%) and the highest child poverty rate (24%), although there are significant state-by-state variations. Children of color are disproportionately more likely to grow up poor, with the youngest children most at risk, and nearly one in three children of color was poor in 2013. Black children were the poorest (40%), followed by American Indian/Native Alaskan children (37%), and Hispanic children (34%). More than two thirds of minority
Researchers have applied the ecological/psychosocial model across a developmental timeline, which is important when trying to understand adolescence. Adolescence is a time period that is marked by change, immaturity, impulsiveness, and ongoing development for preteens and teens alike. An example that incorporates parts of the ecological/psychosocial approach along a developmental timeline can be seen in Howell’s (2009) model for delinquency and gang involvement (see Figure 6.1).

**FIGURE 6.1**

**Howell’s Delinquency Model**

Poverty: The U.S. Government considers a person to be living in poverty if household income is below a certain income threshold. These poverty guidelines are available through the Department of Health and Human Services and are revised annually.

Children who are born into poverty will be persistently poor for at least half of their childhoods. Sixty-six percent of black children born between 1985 and 2000 were raised in neighborhoods with a poverty rate of at least 20%, compared with only 6% of white children. The families of these children have more difficulty finding and accessing safe housing and, when needed, in securing mental health care (Children’s Defense Fund, 2014; U.S. Department of Health and Human Services, 2014b).
Poverty impacts education outcomes for children, and students of color fare worse than poor white children. Nearly three quarters of lower income fourth-and eighth-grade students cannot read or compute basic mathematics at grade level, compared with only half of higher income (middle and upper) students. Seventy-eight percent of public school students graduated high school in four years in 2010, with percentages much lower for Hispanic students (70%) and black students (66%). More difficult is that young children in poor families, compared with those in nonpoor families, are two times more likely to have behavioral, developmental, or social delays (Children’s Defense Fund, 2014). Many families living in poverty, or near poverty, also experience homelessness, with 1.2 million public school students experiencing homelessness during the 2011–2012 school year. If a child experiences homelessness, he or she is twice as likely to have moderate-to-severe health problems, to repeat a school grade, to be suspended or expelled, and to drop out of high school (National Low Income Housing Coalition, 2013).

Maltreatment/Trauma-Related Risk Factor

Students living in poverty are disproportionately involved in school discipline protocols. Poor families are also disproportionately more likely to be involved in the child welfare system because of abuse or neglect. In other words, poverty and minority status are factors contributing to a greater chance of a family being involved with a children’s protective services (CPS) agency (Piquero, 2008; The Center for Civil Rights Remedies, 2013).

The greater involvement of poor families with CPS agencies, however, cannot be explained by the difference in the number of abuse and neglect incidents by social class. Instead, a child or family’s ethnicity significantly influences the decisions at almost every investigative stage that the child welfare professionals make. Black and non-Hispanic Indian families are twice as likely to be involved, compared with white families, in the child welfare system. In addition, of those children who are formally supervised by a CPS agency, fewer services and rehabilitative programs are offered to minority families, compared with white families; this is particularly true for kin care placements. The lack of services and programs children and families receive contributes to poorer reunification outcomes and, for many children, being moved from one home to another and, thus, one school to another. Changing schools often during formative periods of adolescence can increase the risk for poor peer choices, absenteeism, and school discipline (Drake & Zuravin, 1998; Hill, 2005; Lu et al., 2004; U.S. Government Accountability Office, 2007).

Students with child maltreatment histories have significant educational risks and learning issues, including lower academic performance and grades, falling behind in grade level, lower standardized testing and proficiency scores, and increase in the identification of learning disabilities and emotional disturbances. For some abused or neglected children, a foster home is their only safe alternative. In 2000, black children represented 38% of the foster care population while comprising only 16% of the child and adolescent population; although through concerted federal and state efforts, this disparity has lessened since 2004. Nevertheless, it is still twice as likely today that a black or non-Hispanic Indian child, compared with a white child, will be placed into a foster care home and not remain with their biological family (Summers, Wood, & Donovan, 2013). These foster care placements are typically nine months longer for minority children—22 months for whites compared with 31 months for minorities. In addition, more than 23,000 teenagers aged out of foster care in 2012 because they turned 18 and had not been returned home, adopted, or placed with a legal guardian. This group of young people, also disproportionately minority, are at increased risk for not graduating from high school, becoming homeless, and/or becoming involved with the criminal justice system (Children’s Defense Fund, 2014; U.S. Government Accountability Office, 2007).

DELINQUENCY RISK FACTORS

Young people typically experience increased risk of involvement with delinquent behaviors and the juvenile courts as a result of a combination of risk factors, rather than any single experience.
Individual risk factors rarely act alone but interact with the individual’s environment in influencing young people toward delinquency. These risks impact both childhood/primary school-age groups (ages infancy to 11) and adolescent/secondary school-age groups (ages 12 to 17; Howell, 2009; Lipsey & Derzon, 1998).

**Individual-Related Delinquency Risk Factors**

**Children.** Delinquency risk factors during early childhood include a difficult temperament, impulsive behavior, aggressiveness, and an inattentive personality. Physical aggression in childhood and violence in adolescence are strongly linked, and part of the explanation is that aggressive children are often unsuccessful in having prosocial and positive peer relationships. In other words, aggressive children attract other aggressive children as friends and companions. The earlier the onset of these behavior difficulties, the greater chance there is for adolescent delinquency. Other factors for children include indicators of psychological difficulties or mental health problems (hyperactivity and behavior disorders, among others), limited social relationships or ties to peers, exposure to or victimization of violence, and substance use (Howell, 2009; Thornberry & Krohn, 2000; Warr, 2002).

**Adolescents.** Adolescents who are less connected to their schools or peers are at greater risk for delinquency, exacerbated by poorly functioning families and any early onset of offending behaviors. Being a perpetrator or a victim of violence predicts ongoing delinquent activities, other life stressors (living conditions and poverty, among others), and mental health problems. The mental health concerns include a history of early oppositional or conduct problems, hyperactivity, and substance use or dependence. Other individual factors include risk-taking, high impulsivity, and poor behavioral controls (Chassin, 2008; Grisso, 2008; Hawkens et al., 1998).

Juvenile justice involvement across numerous metrics is also predictive or influential of ongoing delinquency. These include the following: An earlier onset of delinquency adjudication predicts ongoing offending behaviors; the greater number of prior arrests increases later arrest risk; and out-of-home placement greatly increases the chance for formal and ongoing juvenile court involvement. In a related matter, substance abuse or use, itself an illicit activity, is a risk for ongoing delinquency, although the direction of the influence with delinquency is unclear (DeMateo & Marczyk, 2005; Hawkens et al., 2000).

Students with special education disabilities and those who are victims of maltreatment are at greater risk for delinquency adjudication, detention, and incarceration. Factors that increase the likelihood that an individual will develop a special education disability, in particular learning disabilities, include living in poverty, family dysfunction, being adopted, male gender, and low parent education levels. The risk factors related to special education disabilities are also, not surprisingly, related to the delinquency engagement (Altarac & Saroha, 2007; Sum, Khatiwada, McLaughlin, & Palma, 2009). Students with learning disabilities are two to three times more at risk than their peers to be involved with offending both on and off school grounds, to be arrested while in school, and to have higher delinquency recidivism rates (Matta-Oshima, Huang, Johnson-Reid, & Drake, 2010).

Maltreatment victimization increases risk for further problems in the juvenile courts. Adolescents who have been victims of physical abuse and neglect have a higher risk for engaging in delinquency. Researchers, however, are still trying to determine the etiology and differential impact abuse or neglect have on specific delinquent activities (Wiebush, Freitag, &
The cumulative impact of maltreatment, in addition to other risks associated with maltreatment, such as substance abuse and school difficulties, may affect females more negatively than males. Repeat maltreatment victimization predicts the earlier initiation and often greater severity of delinquent activity. When other risk factors are accounted for, repeat maltreatment victimization seems to be the strongest predictor of serious or chronic youthful offending (Lemmon, 2006; National Center for Child Traumatic Stress, 2009; Smith, Ireland, & Thornberry, 2005; Stewart, Livingston, & Dennison, 2008).

Family-Related Risk Factors

Children. Family exerts a significant influence during children’s early years. Families with the following traits or characteristics increase the chance for their children to commit delinquent acts, as well as some school-related problems: lower parental education levels; families that move often or provide different caregivers for the child (e.g., early loss of a parent); families with parents who have poor parenting skills; families who experience domestic violence; families with members who are involved in criminal activities, including substance abuse; younger mother families; and families with the history of abuse or neglect (Loeber et al., 2003; Pogarsky, Lizotte, & Thornberry, 2003; U.S. Department of Health and Human Services, 2001).

As highlighted earlier, poverty has a powerful impact and is a risk factor for many family difficulties. Families living in poverty often remain in poverty; they have little upward socioeconomic mobility. Growing up in poverty, or experiencing it as an older child or adolescent, makes school achievement more difficult, increases exposure to more unstable neighborhoods, and causes interfamilial stress. Family dysfunction and instability, often resulting from poverty, are risk factors for delinquency (Dembo et al., 2000; Felitta et al., 2008).

Adolescents. Specific age-related risks have been identified, including poor parent–child relationships, parent–child separation (family disruption, foster care, and kin care placement, among others), poor living conditions, a family history of crime or problematic behavior, poor parenting skills, and maltreatment. Of these, one of the strongest risks for adolescent delinquency is intrafamilial violence—domestic violence, spousal/partner abuse, and other related problems. These experiences have been linked to individual adolescent aggressive behaviors whereby adolescents learn this behavior from family members (Dembo et al., 2000; Dong et al., 2004; Hawkins et al., 1998).

Peer-Related Risk Factors

As children become adolescents, their relationship focus shifts from parents or guardians to peers. Proper adolescent development is important for young people to manage this challenging transition, and several factors have been identified that impede this transition and increase the risk for delinquency. Peer rejection during early school years increases susceptibility to the influence of negative and more deviant peers. Aggressive and more anti-social peers tend to associate with each other during primary school and may continue into middle and high school years. Associations with delinquent peers, as well as associations with delinquent siblings, increase the chances for offending behaviors and violence. In particular, deviant peers and the use of drugs are risks for ongoing and more serious and chronic youthful offending, including gang involvement (Coie & Miller-Johnson, 2001; Farrington, 1997; Howell, 2009).

School-Related Risk Factors

As discussed throughout the text, there are clear links from school difficulties, academic failure, truancy, and bullying to school exclusion policies that lead to formal juvenile court involvement. When reviewing specific risk factors for students and delinquency, the following experiences have been identified: low academic achievement, poor academic performance in elementary school, failure to complete school, failing an academic grade, low commitment to school (academics
and attendance), frequent absences, changing schools (particularly at important developmental stages), and having delinquent peers. In addition, schools that are poorly organized, function below minimal safety standards, and do not promote safe learning environments are additional risk factors for students to be involved with the juvenile courts (Hawkins et al., 2000; Howell, 2009).

**Community/Neighborhood-Related Risk Factors**

In addition to the impact of poverty and growing up in a lower socioeconomic neighborhood, there are other impacts that communities have on the risk for youthful offending and delinquency. The more unstable a neighborhood is, the greater the risk for poor child and adolescent outcomes, including juvenile court involvement. The high prevalence of crime, including drug-selling, and low-income housing are linked to a high rate of delinquency in a community, as is the high exposure to violence. Witnessing violence is associated with aggressive behavior and trauma, which also are linked to adolescent delinquent activities. These more violent communities are often disproportionately poor communities of color (Kracke & Hahn, 2008; Margolin & Gordis, 2000; Schwartz & Gorman, 2003).

**PROTECTIVE FACTORS**

Protective factors for delinquent activities and formal juvenile court involvement have been less widely researched than risk factors. Although, as noted earlier, the absence of some or all risk factors may act as protective factors for many young people as they move through different developmental stages, research has identified some important protective factors for this age group, including a positive parent/caregiver–child relationship; strong child self-efficacy; and social support from peers, teachers, and family members (Durlak, 1998). Research on delinquency prevention also found several additional protective factors for children and teens, including strong educational curriculum, such as positive reinforcement from school teachers and administrators; involvement in extracurricular school and nonschool structured activities (sports and academic clubs, for example); an attitude of intolerance toward deviant behavior; strong acceptance of social norms and peers; individuals with more flexible coping styles; improved problem-solving, anger management, and critical thinking skills; families that provide nonaggressive role models as well as clear and consistent norms; the establishment of at least one close relationship with a supportive adult (parent, family member, teacher, volunteer, or other); and a community with strong cohesion and structure (DeMatteo & Marczyk, 2005; Howell, 2009).

**RESILIENCY**

Children react to individual, family, peer, school, and community difficulties in various ways. Some are resilient to the challenges and can avoid harmful long-term outcomes. **Resiliency** with young people is seen in two ways: the ability to thrive despite difficulties and the ability to adapt despite difficulties. In other words, some do not let trauma, negative peers, poverty, difficult family situations, or other challenges impact their lives in a consequential way, whereas others are harmed by the difficulties but find ways to cope and move past these problems toward positive young adult lives. The presence or accumulation of protective factors, or the presence of numerous protective factors and their interaction with the risks, helps some young people become resilient (Fergus & Zimmerman, 2004).

**DISPROPORTIONATE IMPACT**

Children and adolescents who experience these delinquency risk factors, and particularly those who have comorbid experiences, are more likely to be involved with the juvenile courts. These delinquency, and school exclusion outcomes, however, disproportionately impact certain groups, including those who grow up in poverty; those of color; students who have special education
MARGARET’S STORY

It is hard to reconcile Margaret Samuel’s electric, infectious smile with her story of abuse, violence, and juvenile detention. Margaret Samuel’s life was marked by trauma that sent her reeling into the juvenile justice system. In this case, it was not the lack of love from a mother but physical and sexual abuse and other incidents she euphemistically refers to as “unfortunate events” at the hands of her father that left her a broken person.

She was the only daughter of seven children. “Growing up I felt lonely, isolated and often had to fight to be heard. I grew up in a household with an abusive father, school and friends as an outlet of escape,” she said to a rapt audience. “Yet the instability at home caused me to have behavior issues at school.” Those issues led to a physical fight at school that led to criminal charges, indefinite probation, time in a juvenile detention center, and frequent appearances in court. “I had probation violations from missing curfew, running away from home for weeks at a time,” she said. “I felt the court system was another entity which tried to control me and not help me.”

Samuel said her life was saved by a group of counselors, advocates, and probation officers she described as her “A-Team.” It was an inside joke for all the people who helped her work through her trauma and turn her life around. They, like all the probation professionals gathered in the ballroom, were there to “weather life’s storms,” she said. And she was grateful they were there for her. When she was sent to a probation facility for girls in Fairfax, Virginia, she was able to see life differently, she said.

“When I wanted to give up they reminded me of the light at the end of the tunnel,” Samuel said. “I knew that I needed help. The safe environment allowed me to put down my mask and carefully tear down the brick walls that I spent years putting up. For the first time in my life I was in a space where I could learn about myself and grow. I saw the possibility of living a different life so I decided to work toward it.” Now she is studying psychology at Northern Virginia Community College, working as an artist and making plans to build a therapeutic youth center in her home country of Sudan. (Kahn, 2016, p. 2)

1. Do you think that Margaret’s positive life outcome is the norm for these types of childhood trauma experiences?

2. What do you think are the outcomes for most youthful offenders like Margaret who come under juvenile court supervision?


disabilities; maltreatment victims; and those who identify as LGBT. These impacts are reviewed next and, when possible, are separated into school and juvenile justice categories.

Impoverished Children and Adolescents

Schools. Poor and lower income students are more likely than nonpoor students to be punished in school and with harsher discipline, and to be referred to the juvenile courts. Although students who grow up in poverty are overrepresented in populations that experience more school discipline, poverty is not an explanatory or a correlative reason for these outcomes. The relationship between poverty and school disruption or behavioral disorders is quite small (Fabelo et al., 2011; Noltemeyer & Mcloughlin, 2010; Skiba & Williams, 2014). Schools are the safest environment for children and teens, built on the relationships and trust among students and faculty. Safe schools are found across poor and nonpoor communities, and it is this environment that keeps students in school and academically successful (Carter, Fine, & Russell, 2014; U.S. Department of Education, 2014b, 2014d).

Students who are most impacted by punitive policies—in both schools and the juvenile courts—are low-income males of color. In school settings, it is particularly true that minority students are treated more harshly in underresourced urban schools. Specifically, schools with a greater proportion of black students have increased zero tolerance policies and use harsher, compared with diversion or in-school, discipline measures. In these strict discipline-focused school environments, the chance of school exclusion is greatest for poor black male students (Payne, 2012; Payne, Gottfredson, & Gottfredson, 2008; Welch & Payne, 2010).
Juvenile Justice. Poverty and living in more unstable communities, where there are higher crime rates, greatly increases the risk for young people to become delinquent. Part of the explanation for higher delinquency risks is that poorer and more unstable neighborhoods have weaker social controls, increasing residents’ isolation, which is related to high neighborhood turnover (Hawkins et al., 2000). Although this link has been established, a limited number of analyses remains to determine how many of the youthful offenders involved in the juvenile courts come from poor families, or what proportion of adjudicated or detained youthful offenders are from poor families. Even though the risk from poverty to delinquent activities is established, national or longitudinal studies of the courts are limited by different reporting expectations and lack of local courts’ data collection or sharing (Puzzanchera & Robson, 2014).

Children and Adolescents of Color

Schools. During the past three decades, reviews have found students of color to be significantly more at risk than white students for school discipline and involvement with the school-to-prison pipeline (Advancement Project et al., 2011). Black students have been identified as most at risk although possibly because historical investigations are less complete for other minority groups, including Hispanic and Native American students. Nonetheless, since 1975, black students have been suspended from school at two to three times the rates of white students, with some finding even higher disparities (Children’s Defense Fund, 1975; Gregory, Skiba, & Noguera, 2010; Losen & Martinez, 2013; Morgan, Salomon, Plotkin, & Cohen, 2014; Rausch & Skiba, 2004; U.S. Department of Education, 2000).

These disparities are found across different school locations and school districts, and in all regions of the country. Today, nationwide, black students constitute 18% of students but represent 39% of expulsions and 42% of referrals to law enforcement while in school; and in more disparate contrast, black and Hispanic students constitute 42% of students but account for 72% of those arrested for school-related offenses. These disparities are also found, although to lesser degrees, for Native American students as well as for English language learning students, depending on the location of the school district (Losen, Hewitt, & Toldson, 2014; The Center for Civil Rights Remedies, 2013). More specifically, black students are 3.5 times more likely to be suspended or expelled than their peers, with one in five black male students being suspended out of school for at least one day during the 2011–2012 and 2013–2014 school years. As noted, these race disparities cannot be explained by student misbehavior or the difficulties of living in poverty (Carter et al., 2014; Nicholson-Crotty, Birchmeier, & Valentine, 2009; Skiba, Shure, & Williams, 2012; U.S. Department of Education, 2014b, 2016a).

Juvenile Justice. Adolescents of color are overrepresented at each decision-making point within the juvenile justice system, from arrest to charges to disposition, with the greatest race and ethnic disparities the further a youthful offender penetrates the system. Nationwide, black youthful offenders are referred to the juvenile courts for delinquency at a rate 140% greater than white youthful offenders. If adjudicated and supervised youthful offenders continue through the juvenile justice system to out-of-home placement, moreover, the disparity becomes even more stark: Blacks...
A review of 364 elementary and middle schools in the 2005–2006 school year found black students were more than twice as likely as their white peers in elementary school and nearly four times more likely than their white peers in middle school to be referred to the office for problem behaviors. In addition, black and Hispanic students were more likely than their white peers to be suspended out of school or expelled for the same or a similar infraction of school discipline policies. A 2012 longitudinal study of Florida schools found that 39% of black students had experienced suspension, 26% of Hispanic students, and 22% of white students, with black students having longer suspension time frames even after controlling for the impact of poverty. Gender has also been found to have an impact on these disparate discipline outcomes. Although males were significantly more likely than females to be suspended or expelled, generally around twice the risk, black males were most at risk for school-based arrest and suspension, and black females were at higher risk than Hispanic or white females for these same discipline outcomes (Balfanz, Byrnes, & Fox, 2015; Daresbourg, Perez, & Blake, 2010; Skaia & Williams, 2014).

Where racial and ethnic disparities exist, black and other minority students, compared with white students, are more often disciplined for more subjective infractions or misbehaviors—disrespect, loitering, and excessive noise, among others. This is important when investigating race and ethnic disparities because a significant majority of suspensions and expulsions are because of nonserious behaviors, with disobedience—defiance and/or disruptive behavior—being the most common reason (The Equity Project at Indiana University, 2014; Wald, 2014).

1. Why do you think racial and ethnic disparities exist in most school discipline outcomes?
2. How might schools address this problem?

and Hispanics represent one third of this country’s adolescent population, but more than two thirds of those are held in juvenile incarceration facilities (Hockenberry & Puzzanchera, 2014a, 2014b; National Council on Crime and Delinquency, 2007; Puzzanchera & Robson, 2014). Of the youthful offenders incarcerated who are minorities, approximately 60% are black, 33% are Hispanic, and depending on the jurisdiction, between 1% and 4% are American Indian or Asian. These disparities are found in nearly all states with a greater impact on minority males than on minority females (Office of Juvenile Justice and Delinquency Prevention, 2014b; Piquero, 2008).

**Students With Special Education Disabilities**

**School Districts.** Students with special education disabilities represent a larger percentage of the suspended and expelled student population—20% to 25% compared with the typical 11% to 14% of the population that students with special education disabilities represent within their school districts. Compounding this problem is that the risk for students of color to be diagnosed with learning disabilities is significantly greater than white students: Hispanics are almost 20% more likely, blacks are over 40% more likely, and American-Indians are 80% more likely (Mallett, 2011; U.S. Department of Education, 2014b, 2016a).

Of all students with a special education disability, students with an emotional disturbance have been found to be most at risk for school discipline. Some researchers have found that almost three fourths of this group were suspended or expelled during their high school years, and school exclusion was between 7 and 12 times more likely for students with emotional disturbances compared with students without this special education identification. In some jurisdictions (the state of Texas and the city of Los Angeles), black students with emotional disturbance disabilities were most at risk, with significantly higher numbers being suspended or expelled than white students with disabilities (Fabelo et al., 2011; Losen & Gillespie, 2012; Wagner, Kutash, Duchnowski, Epstein, & Sumi, 2005). Students with an emotional disturbance are more likely to be placed in restrictive settings and have significantly elevated school dropout rates, while 50% have at least one arrest during or soon after high school (American Psychological

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**Racial and Ethnic Disparities**

**(Disproportionate Minority Contact):** Phrase that represents the disproportionate number of youthful offenders of color who come into contact with the juvenile justice (and adult) system.
Significantly large numbers of adolescents involved with the juvenile courts have special education disabilities, particularly those in detention and incarceration facilities—between 28% and 43%. Among incarcerated youthful offenders with special education disabilities, 48% have been identified with an emotional disturbance, 39% with a specific learning disability, 10% with developmental disabilities, and 3% with other health impairments. Of concern, between 5% and 10% of the adolescent population with identified emotional problems and diagnoses develop serious emotional disturbances that cause substantial impairment in functioning at home, at school, and/or in the community. This group, which accounts for significantly less than 1% of all adolescents, has long histories of multiple mental health disorders that will normally persist into adulthood but makes up between 15% and 20% of the juvenile justice incarceration facility populations (Quinn, Rutherford, Leone, Osher, & Poirier, 2005; Rozalski, Deignan, & Engel, 2008; Substance Abuse and Mental Health Services Administration, 2013b; Wang, Blomberg, & Li, 2005; White & Loeber, 2008).

MALTREATMENT AND TRAUMA VICTIMS

The connection across child maltreatment, school performance and exclusion, and juvenile delinquency is significant although underinvestigated. Research is gradually revealing how victimization experiences may contribute to the child and adolescent’s pathways into delinquency. Yet, this remains a complex issue because of the hidden and unidentified victims, differential impact of maltreatment types, diverse harmful outcomes, cumulative impact of trauma experiences, and comorbidity of problems for maltreatment victims. The issue is further complicated by the fact that several maltreatment outcomes are themselves delinquency risk factors.

CASE STUDY

TONEY J.

"T"oney Jennings was illiterate when he was arrested at age 16. In the six months he spent at the Lowndes County Jail in Eastern Mississippi, he says he played basketball, watched TV and "basically just stayed to myself." A special education student, Jennings qualified for extra help in school. Those services should have carried over to the justice system, but Jennings said he never even attended class while in jail. Now 20, he is still unable to read or write.

After several months at Lowndes, Jennings was sent to the Walnut Grove Youth Correctional Facility. At the time, the prison, a privately run facility an hour northeast of Jackson, was the only place for youths age 13 to 22 who had been tried as adults. Although the facility did have a school, a 2010 lawsuit by the Southern Poverty Law Center alleged that, among other things, fewer than half of the 1,200 inmates there attended classes.

Jennings, who is currently out of prison on appeal, unemployed, and living with his grandmother, said he took GED classes at Walnut Grove, but he did not get the extra help he needed. Before going to prison, he had at a kindergartener’s level, according to his IEP. His math skills were that of a first grader. But he’d been making progress at the alternative school, where teachers gave him more individual help (Butrymowicz & Mader, 2014, pp. 1–3).

1. Why do you think the institution did not provide special education services for Toney?

2. What do you think his transition was like going back to public (alternative) school?

As reviewed later in the text, maltreatment and related traumas have profound impacts on the educational outcomes of some children, including making the transition from primary to secondary school more difficult; poorer academic grades; increased risk of school grade failure and cognitive and language delays; higher absenteeism rates; lower standardized testing scores; and lower high school graduation rates (Boden, Horwood, & Fergusson, 2007; Smithgall, Gladden, Howard, Goerge, & Courtney, 2004; Wiggins et al., 2007). In addition, the more serious, earlier in life, or pervasive the maltreatment victimization, the greater the risk of special education disabilities, and having special education disabilities then is related to a higher risk for involvement in school discipline and exclusion. In particular, those in foster care, a group that is disproportionately black and non-Hispanic Indian, are at an elevated risk for special education disabilities, high school dropout, homelessness, juvenile and/or criminal court involvement, among others (Children’s Defense Fund, 2014; National Council of Juvenile and Family Court Judges, 2016a; Scarborough & McCrae, 2009).

The links from maltreatment, particularly for younger victims, to school difficulties is clear. Thus, maltreatment may be a strong, and for many students a direct, link to disproportionate school discipline. In addition, it is speculated by many child welfare experts that the identified and substantiated cases of child maltreatment is significantly undercounted—with the actual number of maltreatment being many times greater than the annual count of about 800,000 (Finkelhor, Turner, Shattuck, & Hamby, 2013; U.S. Department of Health and Human Services, 2013a). If so, maltreatment and its subsequent impact on students’ school outcomes may be a larger explanatory link to students’ eventual involvement in the school discipline protocols and, for some, the juvenile courts. This explains why the juvenile court populations include such a disproportionate number of youthful offenders with a history of maltreatment—between 26% and 60%, with the higher percentages being of populations that are detained and incarcerated (Bender, 2009; Ford, Chapman, Hawke, & Albert, 2012; Sedlak & McPherson, 2010).

LESBIAN, GAY, BISEXUAL, AND TRANSGENDER STUDENTS

Students who identify as LGBT have been found to be at greater risk for involvement in school discipline, delinquent activities, and the juvenile courts. The increased attention to the disproportionate risks that LGBT students experience in recent years may be due to an ease at which students can identify themselves as LGBT today, and thus, researchers can more readily access this population. It is also possible that the disproportionate involvement of LGBT youth in the punishment protocol and the juvenile justice system has always been a problem (Losen et al., 2014):

Asante Colman, a seventeen-year-old junior at Charles City High School in Charles City County, Virginia, was suspended for three days after refusing an order from a school official to take off a pair of high heels he was wearing. “I’m not advertising. I’m being myself,” said Colman. “I want to be able to be a regular student. A gay regular student that attends CCHS.” (Mitchum & Moodie-Mills, 2014, p. 11)

LGBT students experience exclusionary discipline—suspensions and expulsion—and hostile school environments more often than their peers, increasing the risk for arrests and juvenile court involvement. School environments have been found to be hostile and unsafe for many LGBT students, leading some to become confrontational and aggressive to maintain safety (Himmelstein & Bruckner, 2011; Kosciw, Greytak Diaz, & Bartkiewicz, 2010; Savage & Schanding, 2013; Skiba, Arredondo, & Rausch, 2014).

Many LGBT students avoid school suspensions/expulsions or juvenile court involvement but feel unsafe in school, leading to increased absenteeism, poorer academic outcomes, and decreased school engagement as a result of these and related problems. Almost three out of
four LGBT students report experiencing harassment (e.g., threatened, called names), half were threatened online because of their sexual orientation or gender identity, and almost one of every five reported being physically attacked. LGBT students of color were more likely targeted than white LGBT students. A majority of LGBT students did not report these incidents to school authorities, nearly one in three of them missed at least one day of school, and one in ten missed more than ten days of school over a prior month (Kosciw, Greytak, Palmer, & Boesen, 2014; Murdock & Bolch, 2005; Russell, Kostroski, Horn, & Saewyc, 2010). In-school victimizations of LGBT students has been associated with harmful psychological effects, including depression and other mental health difficulties, and high rates of suicide compared to their non-LGBT peers (Himmelstein & Bruckner, 2011; Human Rights Watch, 2009; Toomey, Ryan, Diaz, & Russell, 2011).

The difficulties may also begin for many of these young people at home, where there is a significantly increased risk for family violence once an adolescent tells family members he or she is LGBT. LGBT adolescents are also nearly three times more likely to report being a victim of childhood physical or sexual abuse, with boys more at risk than girls (Wilson, Cooper, Kastanis, & Nezhad, 2014). In addition, a disproportionate number of LGBT adolescents run away from home, and homelessness is a significant predictor juvenile justice system involvement; up to 40% of homeless adolescents are LGBT (Burwick, Oddo, Durso, Friend, & Gates, 2014; Estrada & Marksamer, 2006; Majd, Marksamer, & Reyes, 2009).

My mom (told the judge that I was gay). She told him I wouldn’t go to school and I got kicked out. (But the problem was) I was getting harassed at school. My probation officer lied and said it wasn’t as bad (at school) as it was. (Mitchum & Moodie-Mills, 2014, p. 8)

Historical myths that LGBT adolescents are rare or nonexistent in the juvenile courts have given way to more reliable studies of this adolescent population. Emerging evidence has found that LGBT adolescents are twice as likely to be arrested and detained for status and other nonviolent offenses (typically truancy, running away, and prostitution), and that between 13% and 15% of youthful offenders formally processed in the juvenile courts and being held in the detention centers are LGBT (Beck, Cantor, Hartge, & Smith, 2013; Irvine, 2010). Surveys conducted in Louisiana and California found that a youth offender who identified as LGBT is three times more likely to be held in detention for running away or nonviolent offenses, and upward of 50% of girls in the California juvenile justice system identified as LGBT (Irvine, Wilber, & Canfield, 2017; Wilson, 2014). A disproportionate number, up to 60%, of these arrested and detained LGBT adolescents nationwide are black or Hispanic, mirroring or expanding the racial and ethnic disparities within the juvenile courts (Center for American Progress, 2017; Hunt & Moodie-Mills, 2012).

WHY THE DISPROPORTIONATE IMPACT?

The question remains, why are the children and adolescents who are troubled and vulnerable disproportionately involved with the juvenile justice system and school discipline protocols? Several possible explanations should be included in any inquiry by a juvenile court or school district: implicit and explicit bias, the impact of comorbid difficulties, inequitable distribution of school resources, and racial and class segregation.

Inherent Bias and Targeting

Implicit and explicit bias and stereotyping are not explanations that make juvenile court or school personnel comfortable. Nevertheless, most individuals have stereotypes that may unknowingly affect their perceptions of others. Research continues to show that cultural stereotypes impact perceptions and reactions to minority groups, and those with whom the majority
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POLICY: WHAT’S BEING DONE?

INEQUITABLE DISTRIBUTION OF SCHOOL RESOURCES

Not all school districts or school discipline protocols are alike, differentiated via location, student population, family income levels, and community resources, among others reasons. Inequitable and resource-driven differences across school districts have led to several troubling outcomes, including the following: Low-income students are more likely to be punished within schools; large school districts with greater minority populations have increased security measures and discipline outcomes; the No Child Left Behind Act had a significantly more harmful impact on low-performing, often poorly resourced, school districts; and more poorly performing schools have trouble hiring and retaining qualified teachers (Heitzeg, 2014; Kupchik, 2010; McCurdy, 2014; McNulty-Eittle & Eittle, 2004). The multifaceted impact that policies and subsequent rules and regulations that accompany school funding decisions at the local, state, and federal level should be taken into account when discerning these complex explanations for the rise of the school-to-prison pipeline, as well as how to appropriately correct these problems in the schools and the juvenile courts.

1. Why do you think school funding is disparate across districts and states?
2. What was your experience in middle and high schools? In other words, thinking back, did you attend a poorly or well-funded school?

Comorbid Difficulties

With the myriad of difficulties experienced by the groups that are disproportionately involved in the juvenile courts and in school exclusion, explanations should also entail a review of the combination of risks over time. Rarely is it a singular experience that leads to students’ involvement in the school-to-prison pipeline or other pathways to the juvenile courts. Researching and investigating the impact of cumulative risks factors and its impact on these child and adolescent populations should continue. In addition, juvenile justice and school personnel should diligently investigate mitigating history and circumstances when possible before invoking arrests or school exclusion policies. This includes the impact of family functioning, neighborhoods, poverty, trauma, and related difficulties on the child or adolescent (Summers et al., 2013; U.S. Department of Education, 2012).

Segregation by Race and Class

A common narrative for many students caught within school discipline protocols and those adolescents formally involved with the juvenile courts is that there is subtle, or not-so-subtle, racial profiling leading to disproportionate outcomes for those of color. As discussed, racial and ethnic disparities are also found within the following subgroups: impoverished students (minorities are more often poor than whites), those with special education disabilities (certain minority groups disproportionately identified), and those who identify as LGBT (disproportionately involved in school exclusion and held in detention centers). Inherent bias may impact teachers.

Racial Profiling: The use of race or ethnicity as grounds for suspecting someone of having committed an offense.
and other school personnel and has generated concerns about teacher and student ethnicities in school settings. Furthermore, there may be an alternative paradigm or explanation: Many schools are segregated by class and race, and most low-income students of color attend different schools from most middle-class and Caucasian students; thus, the problem may be structural (NAACP, 2005).

Consequently, when administrator and educators at many of the more segregated schools see the potential for greater safety concerns, they may develop school discipline procedures that rely more heavily on out-of-school alternatives for students identified as risky or troublesome. These punitive responses to students, primarily low-income students and/or those of color and concentrated in larger urban school districts, may emanate from teachers of any ethnic group. Thus, the response may be related to the race and class differential and less so to teacher/administrator/school resource officer perceptions or bias. In other words, it may be less about the cultural insensitivity of those working with young people who are different (race, disability, and socioeconomic class, among others) and more about the school district and neighborhood structural explanations that need to be accounted for (Addington, 2014; Ferguson, 2000; Hirschfield, 2010). Nevertheless, this narrative is incomplete and any investigation into race and class segregation must be completed at the local school district and juvenile court level (McLoughlin & Noltemeyer, 2010; Roch, Pitts, & Navarro, 2010; Rocha & Hawes, 2009).

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**Segregated (Segregation):** To separate or divide (people, activities, or institutions) along racial, sexual, or religious lines.

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**CHAPTER REVIEW**

**CHAPTER SUMMARY**

This chapter reviews the myriad of risk and protective factors that increase the chances for a young person to be involved with delinquent activities and/or school discipline and removal. These risk factors increase the chances for involvement with the juvenile courts, but they can be counter-balanced by protective situations or individual and family resiliency. These protections notwithstanding, the following young people are disproportionately impacted and involved with the juvenile courts and excluded from their schools: those living in poverty, those of color, maltreatment victims, students with special education disabilities, and those who identify as LGBT. This disproportionate impact has possible explanations, some including inherent and explicit bias, as well as stereotyping.

**KEY TERMS**

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**DISCUSSION QUESTIONS**

1. Why are certain groups of young people more at risk for juvenile court involvement or school suspensions or expulsions? Who are these young people, and what pathways can you identify that may explain why some groups are disproportionately involved?

2. Why is maltreatment difficult to accurately identify and prevent? What implications may this have for juvenile court judges and school administrators?

3. What does it mean if a young person is resilient? Why do you think some children and teens are more resilient to...

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difficult lives than others? What protective factors may help build resiliency?

4. What are the key risk factors for juvenile delinquency and for school suspensions, expulsions, and drop out? How do these risk (and protective) factors impact outcomes?

5. What is the potential impact of comorbid risk factors over time for children and teens?

6. How does poverty impact children and teens and their involvement in the “school-to-prison pipeline”?

7. Why do you think there is disproportionate involvement of certain groups of young people who get excluded from school and/or formally involved with the juvenile courts?

8. What are the strengths and limitations of the ecological/psychosocial model in explaining delinquency, serious offending, and gang involvement? How does the developmental (life-course) model apply to children and teens?

9. If you were designing a delinquency prevention program, what would it look like? Justify these program recommendations based on risk and protective factor research evidence to date.

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