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# Racial and Ethnic Disparities in Girls' Sentencing in the Juvenile Justice System

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Lori D. Moore<sup>1</sup> and Irene Padavic<sup>1</sup>

## Abstract

This article examines how gender-role ideology may affect racial/ethnic disparities, using data on the population of Black, White and Hispanic female juvenile offenders in Florida. As expected, Black girls received harsher dispositions than White girls, but contrary to predictions, Hispanic girls' dispositions were no harsher than White girls'. Interaction models revealed that the effects of race/ethnicity depend on legal variables; up to a certain threshold, White girls appear to be granted leniency. As their offending severity and prior records increase, however, the juvenile justice system becomes increasingly intolerant, and sentencing decisions become harsher for White girls than for Black girls.

## Keywords

disparate treatment; girls; juvenile justice; race; intersections of race/class/gender

Recent trends point to the need for renewed theoretical and research attention to sentencing decisions for juvenile girls of different races and ethnicities. Girls are the fastest growing group of offenders in the juvenile justice system (Office of Juvenile Justice and Delinquency Prevention, 2009; Stahl et al., 2007), but important variations exist among them. Racial/ethnic minority girls are overrepresented in the juvenile system (Schaffner, 2006), and they tend to receive harsher punishment than White girls (e.g., Guevara, Herz, & Spohn, 2006). Questions about why court decision makers might treat similarly offending girls differently falls in the domain of feminist theory, and sociologists and criminologists have begun drawing on such theory to unpack the sentencing process.

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<sup>1</sup>Florida State University, Tallahassee, FL

## Corresponding Author:

Lori D. Moore, 526 Bellamy, Florida State University, Tallahassee, FL 32306-2270

Email: [ldm2624@fsu.edu](mailto:ldm2624@fsu.edu)

This article draws on the population of Black, Hispanic, and White girls who were judicially disposed in the Florida Department of Juvenile Justice (FL DJJ) to examine hypotheses deriving from theory about the power of racialized gender expectations. In particular, we ask two questions informed by theory about how social control operates through gender-role expectations: Do racial and ethnic disparities exist between Black and White and between Hispanic and White girls that legally relevant factors fail to explain? And how do factors associated with gender role ideology affect the relationship between race/ethnicity and disposition severity?

These questions arise from feminist scholarship that attempts to understand how gender bias appears in the criminal justice and juvenile justice systems. Women and girls (compared to men and boys) in these institutions are devalued, excluded, type-cast, or neglected, primarily because the institutions' goals are not geared toward them (Carr et al., 2008, p. 26).

The problem of women's poor fit with the goals of these justice systems appears in all areas that include women, from guards to judges to prisoners. Female prison guards, for example, are stereotyped as having better interpersonal skills and being more adept at defusing conflicts than male guards, but these qualities have little cachet in the gendered organizational logic of the prison system (Britton, 1997). Women lawyers and judges in the Florida legal system found sex typing and harassment on the part of men judges to be marked (Padavic & Orcutt, 1997). In the juvenile justice system, girls compared to boys face harsher punishment for lesser offenses, are monitored and reprimanded more frequently, are sentenced to treatment facilities that fail to take into account the gendered pathways to delinquency, and are less likely to receive substance abuse treatment (Belknap & Holsinger, 2006; Carr et al., 2008; MacDonald & Chesney-Lind, 2001; Tracy et al., 2009). In sum, women and girls involved in the criminal and juvenile justice systems experience them differently from men and, in the case of girl offenders, they travel gendered pathways to offending and find themselves in gendered organizations that reinforce gender inequality.

## **Gender-Role Expectations and Punishment**

Feminist scholarship has challenged the notion that the primary function of the legal system is to protect and rehabilitate women and girls (the chivalry hypothesis). Research on gender and punishment in the juvenile justice system, for example, tends to find that girls are more likely than boys to receive harsher punishment for similar offenses and for status offenses (e.g., running away or truancy), and they are more likely to receive harsher punishment at younger ages (Belknap & Holsinger, 2006; Carr et al., 2008; Chesney-Lind, 2006; Chesney-Lind & MacDonald, 2001; Sherman, 2005; Tracey et al., 2009; Zimring, 2005). Researchers tend to attribute these findings to a patriarchal justice system that devalues women and girls (e.g., Carr et al., 2008; Chesney-Lind, 2006).

Research has found that girls tend to be punished for sex-inappropriate crimes and for expressions of anger typically associated with boys; in other words, anger and

sex-role inappropriate behavior in girls evoke sanctions. An experimental study, for example, showed that college students sought to mete out harsher punishment to girls who engaged in gender-atypical crimes (e.g., selling pornography) than to girls involved in gender-typical crimes (e.g., check kiting; Sinden, 1981). A study of juvenile offenders in a Midwestern county (Mallicoat, 2007) found that probation officers characterized the sexually inappropriate behavior of girls (such as having unprotected sex) as showing a lack of moral character, while tending to ignore similar behavior by boys (unless such behavior was criminally punishable). As for emotional expressions, girls behaving in stereotypically male ways (e.g., acting aggressively, using weapons, being violent, and expressing anger rather than sadness) can elicit exceptionally harsh reactions from officials. In a study of girls held at a juvenile detention facility, a probation officer said “Claudia thinks she’s one of the guys. She’s not very ladylike, and that gets her into a lot of trouble. Her first response is to start jumpin’ bad [being physically aggressive]” (Schaffner, 2006, p. 129). The same study found that girls who behaved aggressively were sanctioned more harshly than other girls, both formally (with legal sanctions) and informally (with verbal reprimands). In a study of police encounters with juvenile suspects, police officers more often arrested girls who behaved in stereotypically masculine ways (e.g., aggressive or hostile) than girls who behaved in stereotypically feminine ways (e.g., deferent or apologetic; Visher, 1983). Finally, based on a study of the case files of girls in an Arizona juvenile justice court, Gaarder and colleagues (2004, p. 576) concluded that, “When girls did not adhere to ‘feminine’ behaviors or attitudes, there was often an assumption that they were ‘becoming more like boys,’ and should be treated as boys would be.” In sum, the “simplistic notions of ‘good’ and ‘bad’ femininity. . . permit the demonization of some girls and women if they stray from the path of ‘true’ (passive, controlled and constrained) womanhood (Chesney-Lind, 2006, p. 11).

## Racialized Gender-Role Expectations and Punishment

Intersectionality theory (Collins, 2000; Crenshaw, 1991) posits that a “matrix of domination” creates a hierarchy of privilege and oppression that can simultaneously locate an individual in a position of advantage and disadvantage, depending on the reference group being used for comparisons. Intersectionality theory identifies gender, race, class and sexuality as interlocking points of disadvantage or advantage (Bettie, 2003; Collins, 2000, 2004; Crenshaw, 1994; McCall, 2005). According to Collins (2000, p. 278), “Oppression is filled with . . . contradictions . . . because each individual derives varying amounts of penalty and privilege from the multiple systems of oppression which frame everyone’s lives.” Intersectionality theory implies that researchers seeking to understand how patriarchy operates in the criminal and juvenile justices system must center their analyses on the “race/gender/crime nexus” (Chesney-Lind, 2006, p. 10).

The economic, social, and spatial marginalization of women and girls of color tends to locate them in positions of disadvantage in terms of offending and official reactions

to their offending. In a study of Hawaiian parolees, for example, Native Hawaiian women were more likely than women of other ancestries to offend at earlier ages, hold juvenile records, recidivate, and be incarcerated (Brown, 2006). The researcher linked these outcomes to the marginalization of Native Hawaiian women (Brown, 2006). Marginalization also affects how Black women and girls are policed in urban neighborhoods. A study of Black youth in St. Louis showed that police presence had a negative effect on girls, because police were on hand to harass them for minor status offenses, such as curfew violations, but were slow to respond (or failed to respond) when girls reported an emergency or were in danger (Brunson & Miller, 2006).

Race and ethnicity shape how the criminal and juvenile justice systems punish women and girls. Although some research shows that girls tend to receive harsher punishment than boys, the findings become more complex when researchers consider the intersection of race/ethnicity and gender. In a study of disparities in the Florida juvenile justice system, for example, White and minority girls were less likely than their same-race male counterparts to receive detention rather than be released, but minority girls were more likely to receive detention than Whites of either sex (Bishop & Frazier, 1996). In a study of gender and race in one Midwestern county's juvenile justice system, White girls received harsher punishment than Black boys, and for Black girls, leniency was concentrated only in the early stages (e.g., intake and petition; Leiber et al., 2009). Other research on sentencing in the criminal justice system has found that Black women (e.g., Kramer, 2002; Kramer & Ulmer, 2009) and Black and Hispanic women (e.g., Steffensmeier & Demuth, 2006) are not disadvantaged vis-à-vis White women. Thus the intersection of gender with race/ethnicity will change any sentencing prediction based solely on one of the statuses. This variability in outcomes arises because an individual might be nested in a privileged position on the matrix of domination by virtue of gender but disadvantaged by virtue of race, or vice versa.

Stereotypes that court officials hold about the gender-role expectations for women and girls of different races and ethnicities have been thought to underlie disparities in the criminal and juvenile justice systems (e.g., Bickle & Peterson, 1991; Guevera, Herz & Spohn, 2006; Leiber et al., 2009; Mallicoat, 2007). White girls are stereotyped as passive, in need of protection, nonthreatening, and amenable to rehabilitation (Bickle & Peterson, 1991; Franklin & Fearn, 2008; Gaarder et al., 2004). Black girls and women, in contrast, are stereotyped as independent, aggressive, loud, pushy, rude, sexual, unfeminine, deserving of violence, and crime-prone (Collins, 2004, pp. 122-125 & 131; Miller, 2008; Moore & Hagedorn, 1996, p. 216; Sinden, 1981). Hispanic women (and girls by logical extension) are seen as dependent and submissive, family oriented, domestic, and highly sexual (or "sexual firebrands"; Cofer, 1993, pp. 143 & 145; Espin, 1984, p. 425; Segura & Pierce, 1993, pp. 296 & 300). Some of these stereotypes have been shown to be active in the criminal and juvenile justice systems. A study of female death row inmates accused of murdering their husbands, for example, found that the media and the court portrayed Black and Hispanic defendants as "explosive or hotheaded" and White defendants as "coldhearted or cunning" (Farr, 1997, p. 267). In the juvenile justice system, one study (Bridges & Steen, 1998), based

on 233 narratives from probation officers in the western United States, found that they held negative attributions about Black youthful offenders, whom they stereotyped as lacking respect for the law and holding bad attitudes that they described as stemming from character flaws. In contrast, they attributed White juvenile offending to family structure or delinquent peers, which are elements outside of individual character. The researchers concluded that probation officers' stereotypes about the causes of offending influenced their recommendations, making them more likely to propose harsher sentences for Black than for White offenders. Finally, in a study of girls on probation in an Arizona county, researchers found that probation officers held views about appropriate feminine behavior that failed to match up with girls' social realities or experiences (e.g., race, culture, class, gender, mental health, and substance abuse histories; Gaarder, Rodriguez & Zatz, 2004). Thus court officials' stereotypes about race/ethnicity and gender also may play a role in how girls are sentenced.

Black and Hispanic girls, because of their lower order position on the matrix of domination and their deviation from appropriate femininity in the eyes of court officials, are likely to face harsher sentencing than White girls, although refinements of racialized gender-role expectations can complicate this general pattern. A study of eight criminal court districts found that "gender-based role expectations" created sentencing disparities between White and Black women (Bickle & Peterson, 1991). In particular, being a caretaker (i.e., having a husband or children) afforded White women greater leniency than similar Black women. Yet the results were more complex; performing this role well afforded Black women greater leniency than it afforded White women. The implication is that court officials stereotype White women as naturally good at caretaking and thus do not grant them credit for performing an expected role, whereas they expect Black women to be poor wives and mothers and, therefore, reward them with shorter sentences when they outperform relative to expectations. Another example of the complexity in the link between gender, race expectations, and sentencing comes from a Los Angeles-based study that found that juvenile justice probation officers stereotyped Black girls' offending behavior as the product of poor lifestyle choices or criminality, whereas they regarded White and Hispanic girls' offending behavior as the product of low self-esteem and the influence of delinquent peers (Miller, 1994, pp. 232-239). In the case of stereotypically masculine offenses, officers' stereotypes led to harsher sentences for Black and Hispanic than for White girls. In another study of race, gender, and punishment in two Midwestern juvenile courts, White girls were more likely than non-White girls to be charged and receive an out-of-home placement versus a less harsh sentence (probation; Guevara, Herz, & Spohn, 2006). In sum, interactions between race/ethnicity and gender yield complex patterns of punishment outcomes in the criminal and juvenile justice systems.

## Hypotheses and Analytic Strategy

The sections above inform two hypotheses. The first pertains to our overall predictions about race/ethnicity and disposition severity after controlling for other factors (such as

age, current offense severity, and prior record). The second pertains to how the courts might punish girls according to a racialized gender-role ideology where disposition decisions are made based on a combination of the offender's race/ethnicity and her offending behavior. We note that the data do not allow for a direct test of the impact of gender ideology in sentencing decisions; rather we can only indicate whether our findings are consistent or inconsistent with such an interpretation.

Our first hypothesis predicts racial disparities in sentencing, net of girls' offense severity and prior records. Offense severity and prior record may matter in court officials' sentencing decisions for several reasons. These factors bear on court officials' goals, which are to hand down decisions that are appropriate to the seriousness of the crime (fair retribution), that reduce the likelihood of recidivism, maximize the likelihood of rehabilitation, and decrease risks to the community (Steffensmeier, Ulmer, & Kramer, 1998). In general, minority girls compared to White girls tend to have more prior contacts with the juvenile justice system and are often charged with more serious offenses. Yet, if the system turns a blind eye toward a girl's race/ethnicity, we should expect to see similar sentences for White and for minority girls, once offense severity and prior record are controlled. If we do not, then it lends support to the notion that judges are bringing to bear attributes of the girls that are not part of their record but nonetheless differentially affect sentencing decisions—a finding consistent with the sentencing disparities literature.

Our second hypothesis predicts that the effects of race/ethnicity on disposition severity are contingent on the offense and prior record. We predict harsh sentences for minority compared to White girls at the lowest levels of offense severity and prior record and harsh sentences for White compared to minority girls at the highest levels. Such findings would provide indirect support for the notion of a racialized gender-role ideology, where girls are punished according to their location in the race/delinquency hierarchy. These findings would also imply that additive models (e.g., race/ethnicity, plus current offense severity, plus prior record) are not sufficient to explain disposition disparities. Our hypotheses are the following:

*Hypothesis 1:* Black and Hispanic girls will receive harsher dispositions than White girls net of age, current offense severity, and prior record.

*Hypothesis 2:* White girls whose current offenses are minor (below the index mean) will receive more lenient dispositions than similar minority girls, but White girls whose current offenses are severe (above the index mean) will receive harsher dispositions than similar minority girls.

*Hypothesis 3:* White girls whose prior records are minor (below the index mean) will receive more lenient dispositions than similar minority girls, but White girls whose prior records are severe (above the index mean) will receive harsher dispositions than similar minority girls.

Our analytic strategy is as follows. To test our first hypothesis, we regress disposition severity on race/ethnicity, age, current offense severity, and prior record to establish

if there are racial/ethnic disparities in dispositions. We test the second and third hypotheses to determine if and how the effects of race on disposition depend on the current offense severity and prior record.

## Data and Method

Data come from the Florida Department of Juvenile Justice Offense File for the 2006 fiscal year, which contains the entire population of juveniles referred to the FL DJJ. A major strength of the dataset is its comprehensiveness, since the system tracks juveniles from referral through disposition and maintains records of all encounters with the FL DJJ from age 10 through 18. One other element of the dataset stands out as a strength: It contains information on a large number of Hispanic youth. A weakness, however, is that because the dataset lacks an indicator of jurisdiction, we cannot control for between-jurisdiction variation, which has been shown in prior research to affect juvenile justice outcomes (e.g., Burruss & Kempf-Leonard, 2002; DeJong & Jackson, 1998; Feld, 1991).

The data were originally organized around referrals rather than individuals, so we used each offender's case identity number to reorganize the unit of analysis as individuals. We restricted our analyses to girls because our main theoretical focus is on disposition disparities among girls. We selected girls whose last offense occurred between July 1, 2005 and June 30, 2006 ( $n = 18,472$ ) and captured offending history for 3 years beginning on July 1, 2003 and ending on the date of their current offense.

## Dependent Variable

We measured disposition using four dummy-coded categories of severity: (a) nonjudicial, (b) probation, (c) commitment to a facility, and (d) transfer to adult court. Florida's juvenile justice system is made up of a series of decision points that include arrest, intake, nonjudicial disposition, and judicial dispositions (probation, commitment, or transfer to adult court; FL DJJ, 2009). We focused our analysis on nonjudicial and judicial dispositions because our theory concerns decision making at the end of this sequence. Nonjudicial dispositions are the least severe category, as they do not require an appearance before a judge and stipulate punishments such as apologizing to the victim, attending workshops, or performing community service. The second category, probation, is more severe because it requires an appearance before a judge. The third category, commitment to a facility, is more severe than nonjudicial and probation dispositions not only because it requires an appearance before a judge but also because the DJJ holds the youth in custody. The fourth category, transfer to adult court, is the most severe because the DJJ relinquishes its jurisdiction to the adult court, where the record becomes nonconfidential and the youth becomes established as an adult offender (Office of Juvenile Justice and Delinquency Prevention [OJJDP], 1999). Studies tend to find that youthful offenders transferred to adult court are sentenced more harshly than in the juvenile court; however, researchers note that adult courts

treat juvenile offenders more leniently than adult offenders (e.g., Kupchik, 2006). Because our analyses focus on the juvenile court only, we conceived of transfer to the adult court as the most severe outcome. Compared to other juvenile justice systems, Florida's is considerably more punitive and may be increasingly so, especially in terms of commitments and transfers to adult court (OJJDP, 1999). In Florida, the "get tough" sentiment is captured by former Governor Jeb Bush in a 2002 statement: "Florida's youth custody officers have apprehended thousands of juvenile offenders who think our 'Tough Love' message is just words. The juveniles are finding out the consequences are very real" (FL DJJ, 2002).

### *Independent Variables*

The primary independent variable is race/ethnicity. Blacks, Hispanics, and Whites were measured as dummy variables, with Whites used as the reference group. Other racial/ethnic groups were excluded because of their small numbers.

Research has identified age as affecting juvenile sentencing, and we measured it as a continuous variable ranging from 10 to 18 years, with an average of almost 16. Court officials often take age into consideration when deciding how to mete out punishment, and age has been found to afford younger juvenile offenders more leniency than older offenders because youthfulness is assumed to be associated with diminished culpability (e.g., Leiber & Johnson, 2008). The Florida juvenile justice system has no lower bound for juvenile court jurisdiction and an upper bound of 21 (although in some circumstances, young adults aged 21 and older can be handled in the juvenile court; Snyder & Sickmund, 2006). We restricted the sample to youth age 10 to 18 because of small sample size at the lower and upper limits and because similar age ranges are commonly used in the literature (e.g., Bishop & Frazier, 1996; Guevara, Herz, & Spohn, 2006; MacDonald, 2003).

Legal variables—current offense severity and prior record—have also been identified in the literature. The current offense is the last, most serious offense committed during the study period, but because offenders can be charged with multiple offenses on one day, the most serious offense committed on the last date of offense was selected. Current offense severity is a discrete measure that ranges from 1 to 3, with 1 being the least and 3 being the most. Offense categories were coded as follows: 1 = misdemeanor, 2 = felony, 3 = felony against a person. We conceived of felony against a person as being the most severe category and separate it from other felonies because girls (and disproportionately girls of color) are increasingly coming into contact with the juvenile justice system with person or violent offenses (Chesney-Lind & Irwin, 2008; Snyder & Sickmund, 2006). Assaultive offenses, which school officials may be more likely to accuse Black than White girls of committing (American Civil Liberties Union, 2007) also were coded as felonies against persons. We note that our data are limited in that they only contain delinquency records and not status offenses, which have been shown to differ in punishment outcomes by gender and race (e.g., Chesney-Lind, 1997; Chesney-Lind & Sheldon, 2004; Snyder & Sickmund, 2006). Other studies

**Table 1.** Descriptive Statistics for Girls

Variable	Coded value	Mean/prop	Range
<b>Race</b>			
Black	1 = Black, 0 = other	0.40	0-1
White	1 = White, 0 = other	0.49	0-1
Hispanic	1 = Hispanic, 0 = other	0.11	0-1
Age	Continuous	15.70	10-18
Offense severity	1 = Misdemeanor, 2 = Felony, 3 = Felony Person	1.25	1-3
Prior record	Index-Sum of prior offense severity/ No. of prior offenses	2.02	0-8
<b>Disposition</b>			
Nonjudicial	1 = Nonjudicial, 0 = other	0.66	0-1
Probation	1 = Probation, 0 = other	0.26	0-1
Committed	1 = Committed, 0 = other	0.06	0-1
Transfer	1 = Transfer, 0 = other	.009	0-1

Note: *N* = 18,472.

that have focused on delinquency case processing have found significant gender and racial differences in outcomes (e.g., Leiber et al., 2009). Prior record also has been identified as important in explaining racial disparities (see Engen, Steen, & Bridges, 2002). To create the prior record index variable, we divided the sum of each juvenile’s prior offense severity by the number of prior offenses (Bishop & Frazier, 1996).

To test the prediction that the effects of race/ethnicity on disposition severity depend on the offense severity and the prior record, we constructed interaction terms. One set is Black × Current offense severity and Hispanic × Current offense severity, where the reference group is White × Current offense severity. Interactions with prior record were measured similarly. These measures allowed us to determine whether patterns are consistent or inconsistent with claims about judges acting on a racialized gender-role ideology.

Tables 1 and 2 show descriptive statistics. Average age is almost 16, and approximately 40% of the girls are Black, 49 White, and 11% Hispanic. A majority (66%) received a nonjudicial disposition, 26% received probation, 6% received a commitment, and approximately 1% received transfer dispositions. Table 2 shows the number of Black, White, and Hispanic girls by offense severity and disposition.

**Results**

Table 3 shows cross-tabulations of mean offense severity by race and ethnicity by disposition severity and reveals that within each disposition, Black and Hispanic girls compared to White girls have worse current offenses. An Analysis of Variance (ANOVA) revealed significant differences among the means in Table 3 attributable to

**Table 2.** Number of Black, White and Hispanic Girls by Offense Severity and Disposition

Disposition	Misdemeanor			Felony			Felony person		
	Black	White	Hispanic	Black	White	Hispanic	Black	White	Hispanic
Nonjudicial	3,831	5,509	1,164	284	505	132	421	263	101
Probation	1,785	1,728	397	163	243	51	297	206	64
Commitment	411	434	87	46	50	10	61	43	10
Transfer	30	14	3	25	38	7	36	16	7

**Table 3.** Offense Severity Means for Black, White and Hispanic Girls by Disposition

Disposition	Black	White	Hispanic	Total
Nonjudicial	1.25	1.16	1.24	1.20
Probation	1.34	1.30	1.35	1.32
Commitment	1.32	1.26	1.28	1.29
Transfer	2.07	2.03	2.24	2.07
Total	1.29	1.21	1.28	1.25

**Table 4.** Prior Record Means for Black, White and Hispanic Girls by Disposition

Disposition	Black	White	Hispanic	Total
Nonjudicial	1.62	1.16	1.44	1.36
Probation	3.25	3.15	3.24	3.21
Commitment	3.70	3.53	4.00	3.65
Transfer	4.00	3.91	4.44	4.01
Total	2.29	1.80	2.05	2.02

race ( $F = 12.48, p < .001$ ), offense severity ( $F = 92.15, p < .001$ ), and the interaction of race and offense severity ( $F = 2.49, p < .05$ ).

Table 4 shows cross-tabulations of mean prior record by race and ethnicity by disposition severity and reveals that within each disposition, Black and Hispanic girls have worse prior records than White girls. An ANOVA revealed significant differences among the means in Table 4 attributable to race ( $F = 15.44, p < .001$ ), prior record ( $F = 2272.68, p < .001$ ), and the interaction of race and offense severity ( $F = 6.51, p < .01$ ).

Table 5, Model 1, used multinomial logistic regression to confirm this pattern. Models make White–Black and White–Hispanic comparisons and nonjudicial versus probation, nonjudicial versus commitment and nonjudicial versus transfer comparisons. Coefficients are multinomial odds ratios, and continuous variables have been centered to allow for more meaningful interpretation of interaction effects. Model 1 regressed disposition on race/ethnicity, age, current offense, and prior record. Contrary to our expectation that Hispanic girls would receive harsher dispositions than White girls, Hispanic ethnicity was not significant in all models, lending no support to Hypothesis 1 for Hispanics. Our expectations for Black girls were confirmed: Holding age, current offense severity, and prior record constant, their odds of receiving a probation versus a nonjudicial disposition were 1.27 times greater than White girls’, 1.19 times greater for commitment rather than a nonjudicial disposition, and one-and-one-half times greater for a transfer rather than a nonjudicial disposition.

Model 2 includes interaction terms for race/ethnicity and current offense severity. The interaction term for Black  $\times$  Current offense severity is significant for the probation and transfer relative to the nonjudicial decisions but not for commitment. Black

**Table 5.** Odds Ratios for Multinomial Logistic Regression of Disposition on Extralegal and Legal Variables for Girls

	Model 1			Model 2			Model 3		
	Probation	Commitment	Transfer	Probation	Commitment	Transfer	Probation	Commitment	Transfer
<b>Extra legal variables</b>									
<b>Race/ethnicity</b>									
Black	1.27***	1.19*	1.52*	1.28***	1.18*	1.88**	1.31***	1.22**	1.58*
Hispanic	0.96	0.80	0.96	0.96	0.80	0.94	1.00	0.78	0.96
Age	1.14***	1.13***	4.10***	1.14***	1.13***	4.11***	1.14***	1.13***	4.10***
<b>Legal variables</b>									
<b>Current offense severity</b>									
Prior record	1.20***	1.06	3.55***	1.31***	1.10	4.37***	1.19***	1.06	3.54***
<b>Interaction terms</b>									
Black × Current offense	1.49***	1.62***	1.64***	1.49***	1.62***	1.64***	1.57***	1.69***	1.72***
Hispanic × Current offense				0.85*	0.96	0.68*			
Black × Prior record				0.92	0.89	0.95			
Hispanic × Prior record							0.91***	0.92**	0.91
Hispanic × Prior record							0.90***	0.95	0.94
<b>Pseudo R<sup>2</sup></b>									
-2 log likelihood		0.13			0.13			0.13	
N		13,622.19			13,617.38			13,605.90	
		18,472			18,472			18,472	

Note: Coefficients are multinomial odds ratios. Base outcome is nonjudicial.

\* $p < .05$ . \*\* $p < .01$ . \*\*\* $p < .001$ .

girls' odds of receiving a probation versus a nonjudicial disposition are about 28% higher than White girls' (odds ratio = 1.28) when current offense severity is at its centered mean, which means that Black girls are more likely than White girls to receive the harsher disposition for an average offense. Whether Black or White girls were more likely to receive the harsher disposition depended on increases or decreases in current offense severity. For example, Black girls' odds of receiving a probation versus a nonjudicial disposition increased 15% less than White girls' odds for each increase in current offense severity (odds ratio = .85), which means that Black girls' odds of receiving the harsher disposition increased less as current offense severity increased. Conversely, Black girls' odds of receiving a probation versus a nonjudicial disposition increased 15% more than White girls' odds for each decrease in current offense severity, making Black girls more likely than White girls to receive the harsher disposition as current offense severity decreased. Turning to the transfer versus nonjudicial decision, Black girls' odds of receiving a probation versus a nonjudicial disposition were about 88% higher than White girls' (odds ratio = 1.88) when current offense severity is at its centered mean. Black girls' odds of receiving a transfer versus a nonjudicial disposition increased about 32% less than White girls' odds for each increase in current offense severity (odds ratio = .68). Conversely, Black girls' odds of receiving a transfer versus a nonjudicial disposition increased 32% more than White girls' odds for each decrease in current offense severity. Figure 1 shows how race is contextualized by current offense severity for the probation versus a nonjudicial disposition decision. For all levels of current offense severity, Black girls were more likely than White girls to receive a probation disposition versus a nonjudicial disposition, except at the highest levels of offense severity, where the probability converges. Figure 2 shows a similar pattern for the transfer versus the nonjudicial disposition. These findings are consistent with the notion of a racialized gender-role ideology (and with Hypothesis 2). It appears that although initially the juvenile justice system granted White girls leniency, it became increasingly intolerant as their delinquency increased in severity.

Model 3 includes interaction terms for race/ethnicity and prior record to test Hypothesis 3, about the effects of prior record and race on sentencing outcomes. Black girls' odds of receiving a probation versus a nonjudicial disposition were about 31% higher than White girls' (odds ratio = 1.31) when prior record is at its centered mean, which means that Black girls were more likely than White girls to receive the harsher disposition for an average prior record. Black girls' odds of receiving a probation versus a nonjudicial disposition increased 9% less than White girls' odds for each increase in current offense severity (odds ratio = .91), which means that Black girls' odds of receiving the harsher disposition increased less as prior record increased. Conversely, Black girls' odds of receiving a probation versus a nonjudicial disposition increased 9% more than White girls' odds for each decrease in prior record, making Black girls more likely than White girls to receive the harsher disposition as prior record decreases. Comparing the commitment to the nonjudicial decisions, for Black girls, the odds of receiving a commitment versus a nonjudicial disposition were about 22% higher than

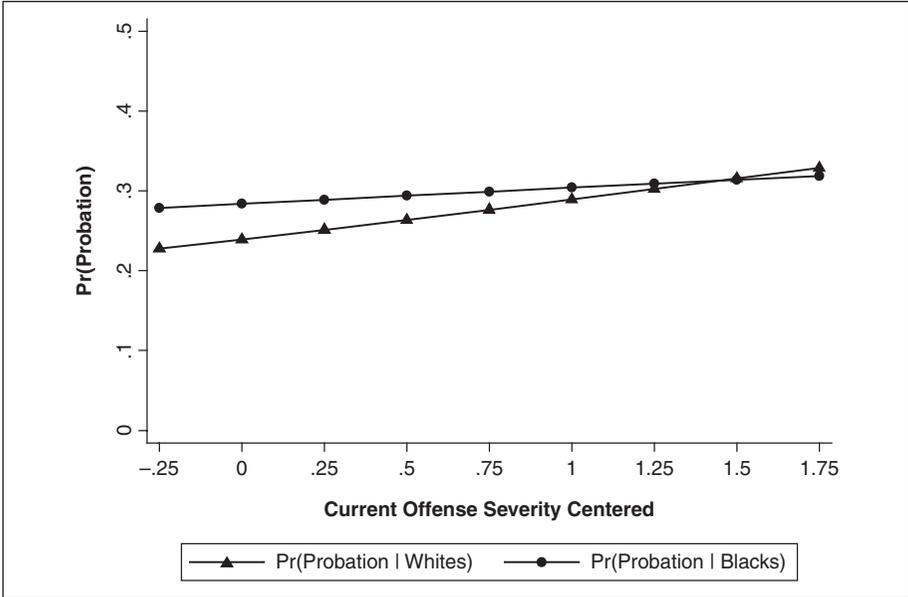


Figure 1. Probability of probation versus a nonjudicial disposition for Black girls compared to White girls, by current offense severity

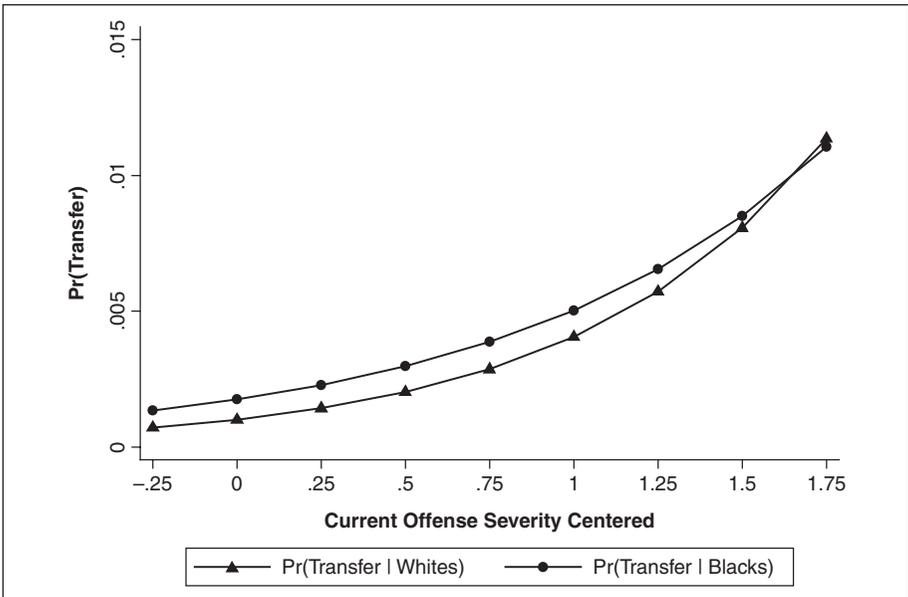
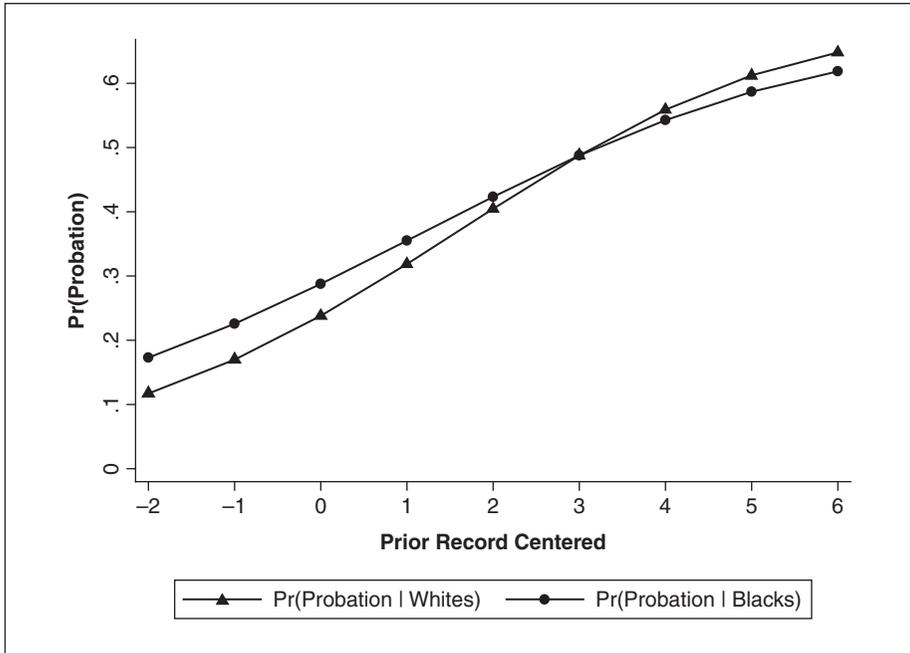
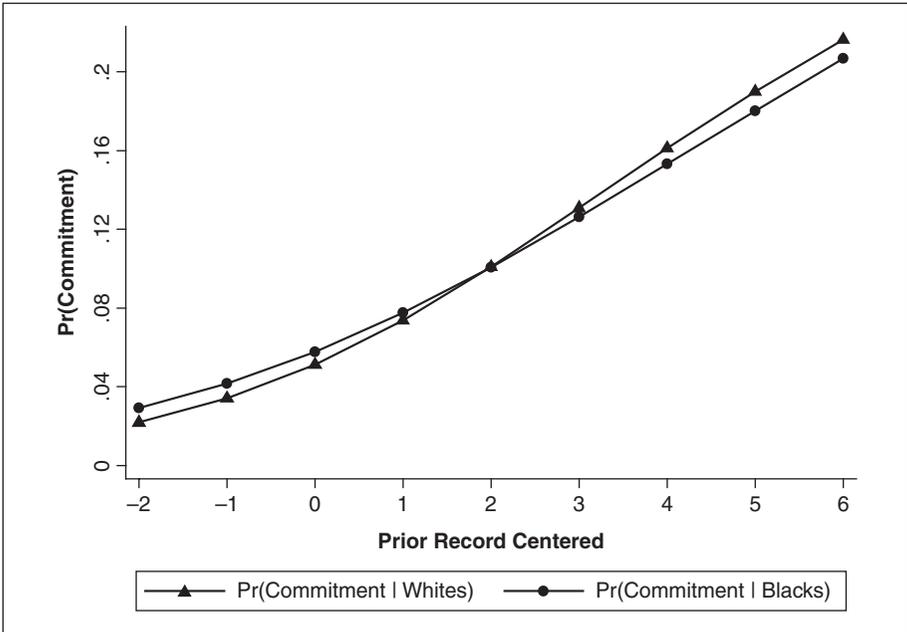


Figure 2. Probability of transfer versus a nonjudicial disposition for Black girls compared to White girls, by current offense severity



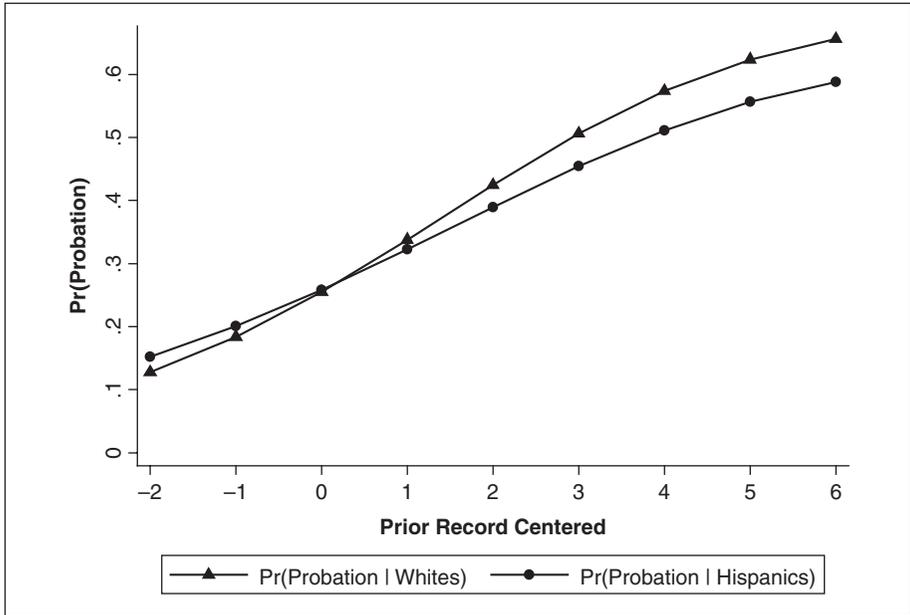
**Figure 3.** Probability of probation versus a nonjudicial disposition for Black girls compared to White girls, by prior record

White girls’ (odds ratio = 1.22) when prior record is at its centered mean. Black girls’ odds of receiving a commitment versus a nonjudicial disposition increased 8% less than White girls’ odds for each increase in prior record (odds ratio = .92). Conversely, Black girls’ odds of receiving a commitment versus a nonjudicial disposition increased 8% more than White girls’ odds for each decrease in prior record. Figure 3 shows that at the least extensive levels of prior record, Black girls were more likely than their White counterparts to receive a probation disposition relative to a nonjudicial disposition. As prior record becomes more extensive, however, Black girls were less likely than their White counterparts to receive probation relative to a nonjudicial disposition. This finding is consistent with racialized gender-role ideology. The juvenile justice system punishes Black girls more harshly than White girls but only for the group of girls with average or below-average prior records. For girls with above-average prior records, however, the juvenile justice system metes out harsher punishment to White girls than Black girls. Figure 4 shows that for lower levels of prior record, Black girls were more likely than White girls to receive a commitment disposition relative to a nonjudicial disposition, whereas at the higher levels, White girls were more likely to receive the harsher disposition, which demonstrates that the juvenile justice system grants White compared to Black girls leniency only up to a certain point.



**Figure 4.** Probability of commitment versus a nonjudicial disposition for Black girls compared to White girls, by prior record

Hispanic ethnicity was insignificant for all models, with one exception. In Model 3 of Table 5, the interaction term for Hispanic ethnicity and prior record was significant for probation relative to the nonjudicial decision. For Hispanic girls, the odds of receiving a probation versus a nonjudicial disposition were not statistically significant or different from White girls' (odds ratio = 1.00) when prior record was at its centered mean. However, Hispanic girls' odds of receiving a probation versus a nonjudicial disposition increased 10% less than White girls' odds for each increase in prior record (odds ratio = .90) and increase 10% more than White girls' odds for each decrease in prior record. Figure 5 illustrates this effect. Hispanic girls with below-the-mean prior records were more likely than their White counterparts to receive probation relative to a nonjudicial disposition; in other words, they received harsher sentences. At the mean value for prior record, the predicted probability for Hispanic and White girls converged. For every subsequent value for prior record, Hispanic girls were less likely than their White counterparts to receive probation relative to a nonjudicial disposition, meaning that the worst-offending Hispanic girls were granted more leniency than the worst-offending White girls. This finding is consistent with racialized gender-role ideology, which predicts that White girls compared to racial and ethnic minority girls receive leniency in sentencing, but that White girls lose their advantage when they deviate too far beyond average offending behavior.



**Figure 5.** Probability of probation versus a nonjudicial disposition for Hispanic girls compared to White girls, by prior record

### Discussion and Conclusion

Based on data for the population of Black, White, and Hispanic female youthful offenders in Florida, we have demonstrated how the interaction of race/ethnicity and legal variables (current offense severity and prior record) situates girls in positions of relative advantage and disadvantage vis-à-vis sentencing decisions. We argue that a racialized gender-role ideology underlies this disparity. Below, we summarize our findings and discuss their implications.

Consistent with past research concerning the main effects of race/ethnicity on disposition, we found that racial and ethnic minority girls received harsher punishment than White girls, with one important exception: the case of Hispanic girls in some circumstances. As expected, compared to White girls, Black girls received more severe dispositions even after taking into account the seriousness of the offense, prior record, and age. This finding provides evidence of Black–White racial bias in the juvenile justice system. Hispanic girls, in contrast, were not disadvantaged vis-à-vis White girls. Our main effects model and all but one of the interaction models showed no statistically significant differences in disposition severity. This finding is surprising in light of previous research that found a Hispanic girl disadvantage (e.g., Miller, 1994), and could be because of stereotypes about the reasons for Hispanic girls’ delinquency. It is possible that court officials hold a gender-role ideology that locates

Hispanic and White girls similarly in the matrix of domination because stereotypes associated with White women and girls (e.g., passive and nonthreatening; Bickle & Peterson, 1991) overlap with stereotypes associated with Hispanic women and girls (e.g., submissive and dependent; Cofer, 1993). Juvenile court officials have been found to be lenient toward Hispanic girls because of their attributions about Hispanic girls' motivations for offending and about the girls' family lives. A study of 174 girls' case files in Arizona, for example, showed court officials directing sympathy toward Hispanics whom they believed had acted out as a result of struggles between their ethnic and American identities and toward those whose families spoke English (because they viewed these families as more cooperative and functional; Gaarder, Rodriguez, & Zatz, 2004). Furthermore, although the Miller (1994) study found a Hispanic girl disadvantage, the attributions court officials made about their pathways to delinquency were similar to those they made for White girls'—low self-esteem and peer pressure. Future research on how court officials assign attributes to Hispanic girls would further researchers' understanding of how ethnicity and gender play out in sentencing. Black girls, however, failed to enjoy the leniency granted to White and Hispanic girls.

How does a racialized gender-role ideology create disposition disparities? Our analyses revealed that the effects of race/ethnicity on disposition severity were conditioned by girls' current and prior offending behavior. In four of the six tests, White girls compared to Black girls were granted leniency in disposition decisions, but only up to a threshold, at which point their probabilities of receiving a harsher disposition either converged or surpassed their racial/ethnic minority counterparts. These findings suggest that the juvenile justice system is tolerant of White girls with minor-to-average offense severity levels and low-to-average prior records but relatively intolerant of their Black counterparts'. As White girls surpass what the juvenile justice system considers acceptable offending behavior for their racial group, it reacts in an increasingly punitive manner. The juvenile justice system appears to be unmoved by above-average levels of Black girls' offending behavior, perhaps because judges expect high levels of deviance from this group. If the juvenile justice system holds behavioral expectations for girls based on their membership in different racial/ethnic groups, then a failure on the part of the girl to conform to that expected behavior could result in negative sanctions (i.e., harsher dispositions), an interpretation consistent with our findings.

We caution that unmeasured factors (e.g., family status, school status, gang membership, parental status, jurisdictional variation, and so on) might be correlated with race/ethnicity in ways that could render our race/ethnic differences spurious. We also were unable to test for interaction effects found significant in previous research, such as the interaction between race and court location (e.g., Eisenstein, Flemming, & Nardulli, 1988; Feld, 1991; Ulmer & Johnson, 2004) and between race and SES (Zatz, 2000). We also note that because we lack data on decision-makers' gender-role ideology, our findings allow us only to point to patterns consistent with such an ideology, not to claim that sentencing derives from it. Given the trends of increasing rates of girls' incarceration and the racialized dimensions of the problem, it is crucial to gain a better

understanding of the links between sentencing and decision-makers' ideologies about gender and race. Future research that incorporates mixed methods (interviews with court actors and offenders, courtroom observations, along with quantitative data on offender behaviors) similar to Daly's (1994) examination of gender, race, and the criminal justice system, is likely to yield the type of data that allows a thorough examination of these dimensions.

What are the implications of our findings for research on racial/ethnic and gender disparities in the juvenile justice system and for juvenile justice policy? The primary implication is the utility of considering an intersectional approach to determine if and how the intersection of race/ethnicity, gender, and other variables creates justice disparities. By using such an approach, which leads to testing for interaction effects, we discovered that the effects of race/ethnicity on disposition severity are contextualized by the level of girls' offending behavior. In particular, we found several threshold effects for current offense severity and prior record for White compared to Black girls and one for White compared to Hispanic girls. Researchers examining the possibility that disparities in dispositions are complicated by the intersections of race/ethnicity, gender, and other factors will be poised to make important contributions to understanding these disparities and how court officials react to girls based on a combination of their race and behavior.

What are the implications of our findings for juvenile justice policy? Our findings speak to the need for gender-specific programming that takes into account girls' needs and particular pathways into delinquency. Researchers have called attention to the lack of programming that considers girls' varied cultural backgrounds and addresses substance abuse, motherhood, employment, and sexual abuse (Bloom, Owen, & Covington, 2005; Chesney-Lind, 2001). Policies and programs aimed at taking seriously the girls' lives, delinquency pathways, and social and cultural backgrounds are likely to help, rather than harm, girls who come into contact with the juvenile justice system.

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**Bios**

**Lori D. Moore** is a doctoral candidate in Sociology at Florida State University. She is interested in racial and ethnic disparities in sentencing and is writing a dissertation drawing on a large dataset of Florida's youthful offender population.

**Irene Padavic** is Pepper Professor in the Department of Sociology at Florida State University. Much of her research concerns gender and race in organizations. Publications include "A Feminist Analysis of Organizational Research on Sex Differences," with Robin Ely, which appeared in *Academy of Management Review* 32(4): 1121-1143, 2007; "Negotiating Hegemonic Masculinity in a Batterer Intervention Program," with Doug Schrock in *Gender & Society* 21(5): 625-649, 2007; and *Women and Men at Work, Second edition*, with Barbara Reskin, Thousand Oaks CA: Pine Forge Press, 2002.