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A Wave of Change:
Juvenile Justice Reform, Advocacy Organizations and Substantive Representation

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Abstract

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Since the turn of the twenty-first century, states across the country have been reevaluating their punitive juvenile justice systems. They have adopted policies that recognize cognitive and developmental differences between adults and youth, limit the use of juvenile confinement and strengthen reentry services in cases of juvenile justice system contact – among other reforms. Despite widespread reform, this period is also characterized by great variation. Between 2008 and 2017, some states enacted over 40 juvenile justice reform bills while others enacted none at all. I theorize and empirically test whether those states with a greater presence of juvenile justice advocacy organizations and substantive representatives – female, black and/or Hispanic state legislators – enacted more juvenile justice reform bills during this period. Juvenile delinquents, as a group, are marginalized by their youth, race, class and perceptions of deviance. It is because juvenile delinquents are politically weak that they need these actors to receive a wave of beneficial policy. Advocacy organizations elevate the group's marginalized interests and substantive representatives, due to their descriptive characteristics, are more willing to legislate in favor of these interests. I employ multiple linear regression models to test these theories as well as traditional explanations of criminal justice policy-making that have yet to be explored in the juvenile justice context.

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Table of Contents

Introduction.....	1
Chapter 1: The American Juvenile Justice System.....	8
Chapter 2: Theorizing Juvenile Justice Reform.....	39
Chapter 3: Data and Methods.....	72
Chapter 4: Results.....	109
Discussion and Conclusion.....	130
Appendix:	
Appendix 1.....	142
Appendix 2.....	145
Appendix 3.....	169

List of Tables and Figures

Title	Page Number
Figure 1.1 The Modern Juvenile Justice System Case Flow	9
Figure 1.2 Youth Confined in the Juvenile Justice System	11
Figure 1.3 Arrest Rates for Violent Crimes Across Age Groups, 1970-1998	20
Table 1.1 Juvenile Violent Versus Property Arrest Rates in the United States, 1975-199	21
Figure 1.4 Arrest Rates of Juveniles By Race, 1990-2016	23
Figure 1.5 Changing Perceptions of Crime in the US, 1989-2018	24
Figure 1.6 Racial Disparities at Varying Stages of Juvenile Justice Involvement, 1996-1997	27
Figure 1.7 The Number of Youth in Residential Placement, 1975-2015	28
Figure 1.8 Individuals Incarcerated By Federal, State and Local Governments	28
Figure 1.9 Youth Arrests, 1980-2016	31
Figure 2.1 Declining Rate of Youth Confinement, 1975-2015	32
Figure 2.2 Rates of Juvenile Residential Placement Across Racial and Ethnic Groups, 1995-2015	34
Table 1.2 Attitudes and Policy Preferences for Juvenile Justice System Reform, 2007	35
Table 1.3 Attitudes of US Voters Toward Youth Crime and the Justice System, 2007	35
Figure 2.3 Social Construction and Political Power of Target Populations	49
Figure 2.4 Multiple Streams Framework Applied to Juvenile Justice Reform	52
Figure 2.5 Distribution of Juvenile Justice Bills and the 11 Categories of Reform	75
Table 1.4 Miscellaneous Bills Descriptions	85
Table 1.5 Coding Juvenile Justice Reform Bills	87

Figure 2.6 Criteria for Juvenile Justice Organization Selection	90
Table 1.6 Summary of Model Categories	108
Figure 2.7 Distribution of Unweighted Juvenile Justice Bills, 2008-2017	109
Figure 2.8 Distribution of Weighted Juvenile Justice Bills, 2008-2017	110
Table 1.7 Leading 10 States in Juvenile Justice Legislative Reform, 2008 and 2017	111
Figure 2.9 Distribution of Juvenile Justice Advocacy Organizations Across States, 2008-2017	113
Figure 3.1 Distribution of Advocacy Organization Capacity Across States, 2008-2017	114
Table 1.7 Summary of States: Juvenile Justice Bills, Advocacy Organizations and Capacity	115
Table 1.8 Multiple Linear Regression Results: Dependent Variable as Juvenile Justice Bills	117
Table 1.9 Multiple Linear Regression Results: Dependent Variable as Weighted Juvenile Justice Bills	124

INTRODUCTION

The expansive and damaging reach of the criminal justice system has emerged as a pressing issue in national discourse as policymakers and the public grapple with the severe consequences of mass incarceration in the United States. Despite positive developments – such as the reduction in state incarceration, sentencing reforms and attempts to minimize recidivism – the U.S. continues to incarcerate more of its population than any other developed country with over 6.5 million adults under some form of correctional supervision in 2015 (Kaeble and Glaze 2016). Meanwhile, often overlooked and seldom discussed is the “quiet revolution in juvenile justice that has been underway throughout the country” (NJJN and TPPF 2013 6). Beginning in 2001 and continuing well into 2019, a juvenile justice reform period has been developing. Juvenile justice systems, across states, have undergone immense change – change initiated through state legislatures, state and federal courts, correctional agencies and other institutions (NJJN and TPPF 2013). In particular, state legislatures have enacted a wave of juvenile justice reform legislation that prioritize rehabilitation over retribution, recognize youth brain development and replace youth confinement with community-based programming.

Since its founding in the nineteenth century, the American juvenile justice system has wavered immensely in its treatment of youth. While the inception of the juvenile justice system was rooted in the belief that children who commit crimes should be punished separate from and less formally than adults, by the mid-twentieth century, these ideals began to fade and the system became increasingly formalized. During the 1980s and 1990s – known as the “the punitive turn” (Garland 2002) – juvenile crime, particularly violent crime, began to rise and was met with legislation that imposed adult-like penalties on criminally offending youth (Torbet et al. 1996; Jenson and Howard 1998). The term punitive, used to describe this period, refers to the nature of

the punishments inflicted on youth and the purpose that this treatment was meant to serve. As opposed to rebuilding and rehabilitating the youth offender, the policies of this period were harsh, reactive and served a retributive purpose (Whitman 2005). These punitive policy changes blurred the line between being adult and youth in the criminal justice system as the juvenile justice system began to more closely resemble the “just deserts” mentality of adult courts. Also during this period, juvenile confinement climbed steadily, beginning in the mid-1980s, and peaking in 2000 with 108,802 in residential placement (Sickmund 2010).

Considering this punitive backdrop, it is unclear how the juvenile justice reform period of the early 2000s – which is the focus of this study – emerged in the first place. After being treated harshly for decades, juvenile delinquents began to receive a wave of beneficial policy across states. Also during this period, juvenile confinement began to decline and, by 2015, the number of youth in residential placement had dropped to approximately 48,000 (AECF 2013; Hockenberry 2018). The existing political science literature does not attempt to understand how this reform period came to fruition. It may be that the field is uninterested in the coercive interactions between the state and youth, for children and adolescents are considered politically unimportant – unable to vote, donate to political campaigns, lobby and more – despite the fact that they become “relevant” upon turning 18. In view of this gap in the literature, the purpose of this study is to understand what caused this wave of beneficial juvenile justice policy starting in 2001.

More specifically, I seek to understand how politics affect state laws designed for juvenile delinquents. What political factors can help us understand why some state legislatures adopted juvenile justice reform while others did not? I focus on the state-level because most criminal and juvenile justice policy-making occurs at the state and local levels (Stolz 2002;

Bergin 2011). Further, state legislatures are the focus of this study because they play a critical role in structuring their criminal and juvenile justice systems. Laws are important because they define what a broad range of actors – teachers, counselors, the police, prosecutors, judges, correctional agencies, probation officers and more – can do with youth who commit crimes (Bernard 1992). While not the focus of this study, it is important to note that juvenile justice reform has also emerged from school boards, juvenile correctional agencies, propositions passed by popular vote and decisions handed down by state and federal courts – among others (Flanagan, Cohen, and Brennan 1993; NJJN n.d.).

The juvenile justice policy-making process is complicated by the fact that juvenile delinquents – those youth that violate the law – are a group disempowered in numerous ways. Juvenile delinquents carry negative social constructions, hold low political power and, today, are disproportionately comprised of minority youth from low-income communities (Schneider and Ingram 1993; Hockenberry 2018). Further, juvenile delinquents are disempowered by virtue of their age, denied the legal rights granted to full adult citizens (Cohen 2009). To understand how such a politically weak group received a wave of beneficial policies, I argue that the answer lies with juvenile justice advocacy organizations – those private, tax-exempt, non-profit organizations fighting for policies that benefit youth involved in the juvenile and criminal justice systems. It is the work of these state-level organizations that can shed light on how this marginalized group came to receive reforms. Utilizing John Kingdon's (1984) Multiple Streams Framework (MSF), I demonstrate that juvenile justice advocacy organizations acted like policy entrepreneurs during this period utilizing a three-pronged approach: coupling (1) the problem of punitive treatment directed at juvenile delinquents, with (2) policy solutions that emphasized scientifically based research and rehabilitation and (3) shaping and responding to their state's

political environment. In terms of shaping the political environment, I draw special attention to the interaction between advocacy organizations and state legislators. Juvenile justice advocacy organizations seek alliances with state legislators and find success with those who – due to their descriptive characteristics as black, Hispanic or female – are more likely to support juvenile justice reform than their fellow legislators.

The role of advocacy organizations in juvenile and criminal justice policy formation is understudied and deserving of greater attention by political scientists (Stolz 2002; Miller 2008). Thus, in order to understand this juvenile justice reform period, I rely on the wealth of literature that explores the policy-making process at the state-level (Kingdon 1984; Berry and Berry 1990), advocacy organizations (Rabin 1975; Jenkins 1987; Jenkins-Smith and Sabatier 1994; Miller 2008), descriptive and substantive representation among black and Hispanic legislators (Mansbridge 1999; Bratton and Haynie 1999; Reingold 2014), substantive representation among female legislators (Reingold 2014; Haynie 1999; Kathlene 1995; Sliva 2018; Flanagan 1993), the social construction of target populations (Schneider and Ingram 1993; Kreitzer and Smith 2018), the racial politics behind crime control (Smith 2004; Sliva 2018; Campbell, Vogel and Williams 2015; Carmichael and Kent 2014) and specifically, the racialization of delinquency (Ward 2012; Pickett and Chiricos 2012).

The interconnected nature of the juvenile and criminal justice systems makes it impossible to separate juvenile from criminal justice (Allen 2000). A great deal can be learned from studies on criminal justice policy-making, but I cannot simply apply these findings to understand this wave of policies directed at juvenile offenders. Nonetheless, those studies that look at the relationship between state fiscal health and adult decarceration (Brown 2012), crimes rates and the adoption of punitive policy (Williams 2003), public opinion and criminal and

juvenile justice policy-making (Cook and Lane 2009; Roberts 2004) and internal state factors and restorative justice policies (Sliva 2018) have provided invaluable insight into the policy-making process and the potential causes of this reform period.

To identify, at least in a preliminary way, the political factors causing some states to enact more juvenile justice reform than others, I conducted an original set of multiple linear regression models of juvenile justice reform between 2008 and 2017. While the beneficial legislation for juvenile delinquents began in the early 2000s, this nine-year period was selected due to data availability and still allows for a robust analysis of the broader reform period. Despite an overarching trend of reform, each state varies immensely in its juvenile and criminal justice policies (Lovrich, Lutze, and Lovrich 2014; Neil, Yusuf, and Morris 2015). There is no single juvenile justice system operating in the U.S. but, instead, at least 51 – each defined by a unique set of state laws, policies and practices (Lovrich, Lutze, and Lovrich 2014). This study has found that, between 2008 and 2017, legislatures in Colorado enacted 54 juvenile justice reform bills, California 45, Illinois 33, Maryland 21, Arkansas 16, Arizona 9, West Virginia 5 and Alaska 0. Through these models, I seek to demonstrate that two factors – the greater number of juvenile justice advocacy organizations and the presence of legislators that are either black, Hispanic or female – will explain why certain states have enacted more juvenile justice reform bills during this period than others. Aside from illuminating the politics behind juvenile justice reform, my findings can contribute to scholarship concerned with the racial politics behind systems of social control, descriptive and substantive representation, advocacy on behalf of marginalized groups, interest group behavior at the state-level and agenda setting in state legislatures.

Most importantly, this study offers a window to understanding how politically disadvantaged groups can receive policy gains, especially with the assistance of interest groups

and substantive representatives. While political scientists often overlook the juvenile justice system – and the policies that shape it – this area of study is consequential for the broader field. Juvenile justice policy concerns the way in which youth that commit crimes are handled by the state. The consequences of juvenile justice policy are not widely felt but, instead, tend to impact a certain subset of American youth – those who are poor and minorities. As Soss and Weaver (2017) have found, interactions with the carceral state can reduce an adult’s trust in the government and diminish the likelihood of future electoral participation – among other detrimental effects that weaken the value of one’s citizenship. Youth involved with the juvenile and criminal justice systems are experiencing this carceral state contact during the most formative years of their lives, suggesting that they may experience severe and long-lasting impacts on their future electoral participation and trust in government. Beyond scholarly contributions and relevance to political science, this study speaks to our nation’s ability to treat some of the most vulnerable members of our society with dignity and compassion. It is because youth are without power – unable to vote, lobby or speak for themselves – and are dependent on other actors such as advocacy organizations and state legislators to shape policy that directly impacts their well-being that this work is so important. Further, despite the positive developments that characterize this reform period, the U.S. still incarcerates a larger share of its youth than any other developed country (AECF 2013; Lubow 2015), meaning that juvenile justice issues should remain salient among observers of this movement.

As for the study’s layout, Chapter 1 provides an overview of the modern juvenile justice system followed by a historical account, spanning from the juvenile justice system’s founding to the twenty first century’s reform period. The chapter thoroughly explores the punitive turn of the 1980s and 1990s in which states passed laws favoring retribution over rehabilitation and

loosened the boundaries between adult and juvenile courts. Also addressed are the causes of this punitive turn including increased juvenile crime, the media, scholarly predictions and tough-on-crime policy responses by state lawmakers. The chapter ends with the juvenile justice reform period – characterized by lower juvenile crime rates, changes in public attitudes regarding the treatment of juvenile delinquents, reduced youth confinement and the emergence of legislative reforms. Chapter 2 discusses the importance of juvenile justice policy for the field of political science and demonstrates how John Kingdon's (1984) Multiple Streams Framework (MSF) best explains policy change during this reform period. Further, the MSF allows one to illustrate and analyze the potential role played by juvenile justice advocacy organizations acting as policy entrepreneurs across states. Here, I also theoretically explore the potential interactions between advocacy organizations and legislators that are black, Hispanic and/or female, all of whom tend to act as "substantive representatives" for juvenile delinquents. The chapter ends with the study's seven hypotheses. Chapter 3 discusses the study's data and the research methods implemented while Chapter 4 reviews the results of the multiple linear regression models. Finally, the paper ends with a discussion of the study's implications and a conclusion that revisits the broader themes at work in juvenile justice policy-making.

CHAPTER 1

THE AMERICAN JUVENILE JUSTICE SYSTEM

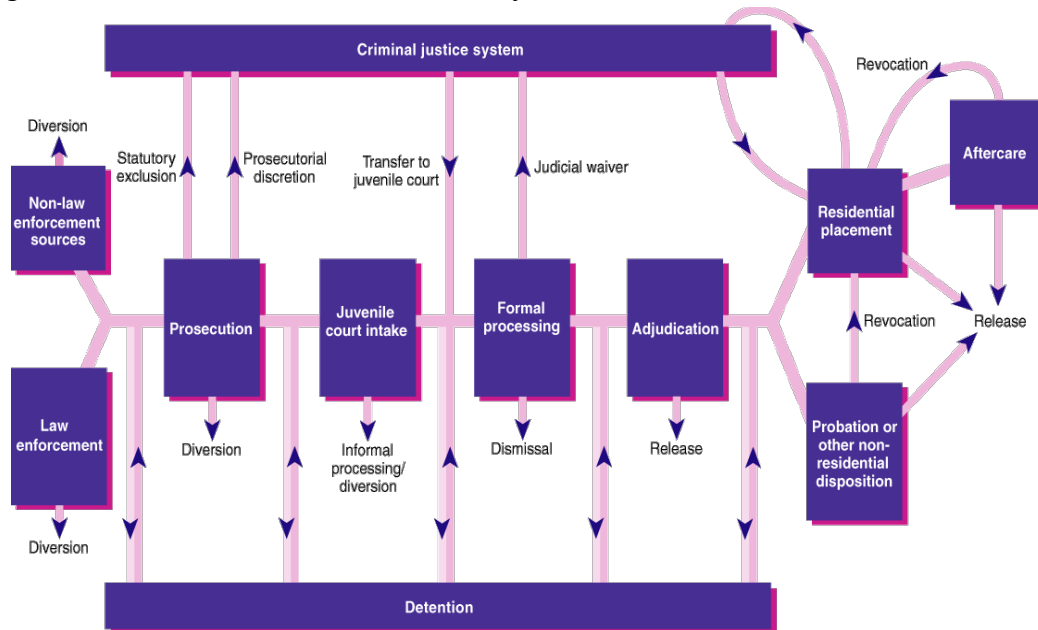
The juvenile and criminal justice systems in the U.S. are distinct but related systems of crime and social control. While the criminal justice system primarily punishes criminally offending adults, the juvenile justice system is reserved for youth. The terms juvenile offender and juvenile delinquent will be used frequently and interchangeably throughout the course of this study to refer to anyone under the age of 18 that commits an act that would be considered a crime if committed by an adult (NRC and IM 2001).¹ A status offender is an individual under 18 that commits an act that is illegal simply due to his or her age – such as running away from home or underage drinking. Each state determines the age at which a juvenile offender is considered an adult and thus, held accountable by the adult courts of the criminal justice system. Unless otherwise stated, the age of adulthood for this study is 18. Aside from juvenile delinquent, I may refer to youth that violate the law as youth, adolescents or children. While youth is a more fluid category, adolescents refer to those between ages 13 and 17, and children are those under the age of 10 (NRC and IM 2001).

As will be discussed in greater depth below, the boundaries between the criminal and juvenile justice systems have become increasingly less clear as the juvenile justice system has veered away from its rehabilitative roots (Shoemaker and Wolfe 2016). The juvenile justice system has been described as a complex, chaotic non-system, for it is comprised of numerous agencies that often lack coordination (Klein 1976; NRC 2013; Shoemaker and Wolfe 2016). The juvenile justice system consists of multiple institutions – both private and public – but its three main components include the police, juvenile court and juvenile corrections (Shoemaker and

¹ The term juvenile delinquent is quite antiquated and may carry negative connotations, but, at the given moment, it is one of the only terms available to describe youth who violate the law.

Wolfe 2016). To better envision the many components of the modern juvenile justice system, Figure 1.1 demonstrates how a juvenile offender's case may flow through the system and be adjudicated in any given state.

Figure 1.1 The Modern Juvenile Justice System Case Flow



Source: Snyder and Sickmund, *Office of Juvenile Justice and Delinquency Programs, 1999*, pg .98

Youth involved with the juvenile justice system may interact with a variety of actors depending on the lifespan of their cases. These interactions can include law enforcement, prosecutors, defense attorneys, judges, probation and/or juvenile detention officers. A juvenile delinquent can be referred to the juvenile court by the police, parents, victims, schools and more (NRC and IM 2001). In a given year, of the 1.3 million juveniles arrested across the country, approximately half are formally sent to the juvenile court while the rest are diverted. Diversion can include placement in mental health treatment centers, counseling services, victim awareness programs and community service, among other options. From the population sent to juvenile court, about 250,000 youth are sent to secure detention facilities and about 4,000 are sent to the adult criminal justice system through waiver or transfer (Shoemaker and Wolfe 2016). The

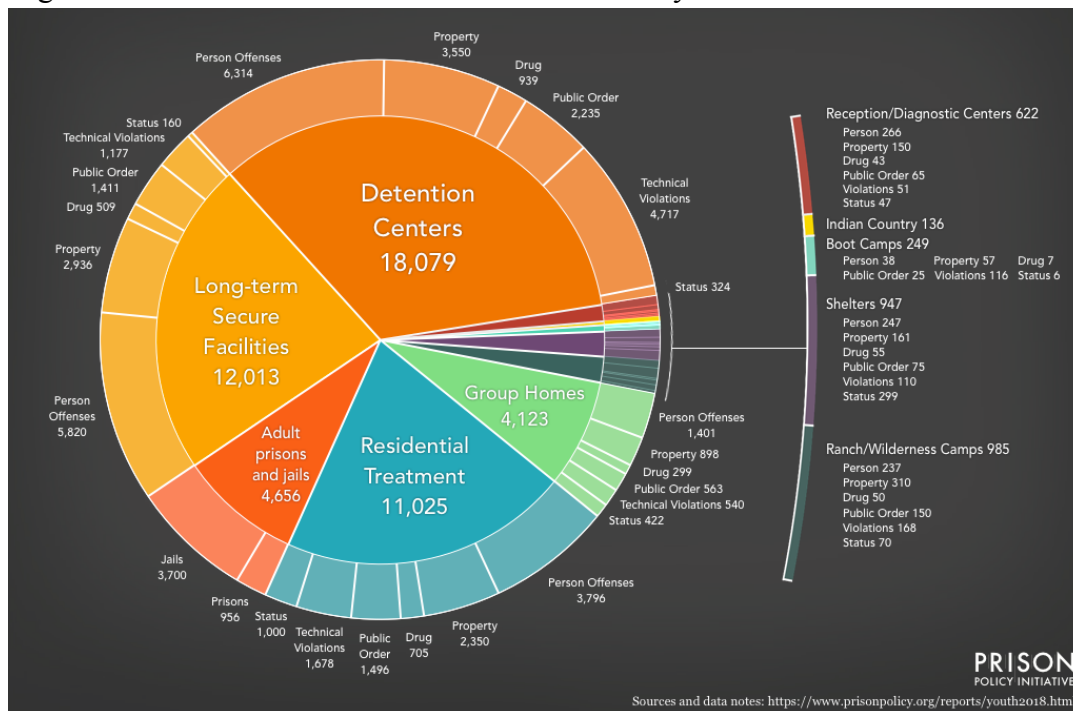
minority of youth that find themselves in the criminal justice system and under the jurisdiction of adult courts, may be transferred through three separate mechanisms that vary by state: statutory exclusion, judicial waiver and direct file (prosecutorial discretion in Figure 1.1)(Teigen 2019). Statutory exclusion refers to state laws that prohibit juveniles who have committed certain crimes from juvenile court jurisdiction, granting full jurisdiction to the adult criminal court. Judicial waiver means a juvenile court judge has transferred a youth's case to the adult criminal court. Direct file refers to prosecutors filing a juvenile's case with adult court as opposed to juvenile court (Teigen 2019). Not listed in Figure 1.1 is "once an adult always an adult" transfer laws which designate youth that have been criminally prosecuted at least once before as permanently under the jurisdiction of the adult court for all future offenses regardless of the crime's severity (Teigen 2019).

Juvenile delinquents may be placed in secure detention centers pre-adjudication (Roberts 2004). If adjudicated in the juvenile court, juvenile offenders may be released, sent to residential placement, referred to a community-based program, or put on probation (Roberts 2004). Residential placement refers to any placement out of the home. As Figure 1.2 demonstrates, youth may be placed in detention centers, long-term secure facilities, residential treatment and group homes, among other facilities. Depending on the state, youth may be held or incarcerated in adult jails or prisons. If a youth is transferred to adult court, found guilty and convicted of his or her charge, the youth will be sentenced as an adult and placed under adult correctional control.

As will be discussed, the punitive turn of the 1980s and 1990s saw a steady rise in the confinement of youth which caused great concern among juvenile justice reformers. However, probation was the "primary method of dealing with juvenile delinquents during the 1990s" (Patenaude 2006 22) and it remains the central tool of the juvenile court (Merlo and Benekos

2010). In 2008, 28 percent of adjudicated juvenile cases resulted in out-of-home (residential) placement while 57 percent resulted in probation (NRC 2013).

Figure 1.2 Youth Confined in the Juvenile Justice System



Source: © 2018 Wendy Sawyer. Reproduced with permission.

A great deal of research has explored why youth commit crimes and interact with the juvenile justice system in the first place. The three prominent explanations for the causes of delinquent behavior are rooted in individual, social and environmental factors (NRC and IM 2001). In the debate between nature and nurture, a general consensus has emerged that both a youth's biology and environment play a role in causing delinquent behavior (NRC and IM 2001). Individual-level risk factors for delinquency have been identified and well-studied, such as an individual's age, race and gender (Shoemaker and Wolfe 2016). Of greatest importance is the recognition among criminology and developmental science experts that criminal behavior tends to peak when youth reach late adolescence and tends to lessen in later stages of life (NRC 2013). In this way, many adolescents and young adults age out of criminal behavior. In terms of social

factors, variances in family structure and peer relationships have been associated with the development of delinquency (NRC and IM 2001). Single-parent homes may cause higher rates of juvenile delinquency due to insufficient supervision. Child abuse or neglect can mean a greater likelihood that a youth takes part in criminal behavior. Peers become particularly relevant as youth develop into adolescents. Peers can act as negative influences and encourage anti-social behavior among susceptible youth – increasing the likelihood of delinquency. Finally, community factors such as schools and neighborhoods can influence delinquency (NRC and IM 2001). Juvenile delinquency is more likely to arise when youth do not consistently attend school, especially if they are suspended or expelled. In terms of neighborhood, a high correlation has been established between criminal activity and urban, poor neighborhoods (Gordon 1976). This means that youth living in poor environments – those that lack access to adequate resources, schooling and healthcare – are at a higher risk for taking part in delinquent behavior. While numerous factors can affect the likelihood of delinquency, it is important to recognize that the vast majority of youth do not commit serious crimes, and those that do exhibit delinquent behavior most often do not become adult criminals (Shoemaker and Wolfe 2016; NRC 2013). Having contextualized the modern juvenile justice system and the causes of delinquent behavior, we are better equipped to understand how the U.S. has historically treated children and adolescents who commit crimes. I begin with the establishment of the juvenile justice system in the nineteenth century.

Origin Story: The Child-Savers, Reformatories and the First Juvenile Court

The perception and treatment of juvenile delinquents has waivered immensely throughout American history (NRC and IM 2001). Preceding the nineteenth century, children and adolescents that committed crimes were treated as adults in criminal courts (PBS n.d.). These

youth would be placed in jails and penitentiaries alongside adults (CJCJ n.d.). Beginning in the 1800s, social reformers known as the “child-savers” became deeply concerned with the state’s treatment of criminally offending youth, forming what is now called the child-savers movement (Monell 2017). Child-savers viewed “themselves as altruists and humanitarians dedicated to rescuing those less fortunately placed in the social order” (Platt 2009 3). This movement originated from the upper and middle classes, especially among well-educated women who used philanthropic work to fill “a void” in their lives (Platt 2009 77) – a void that emerged due to rapid societal changes such as the rise of urbanization and industrialization and the weakening influence of religion and the nuclear family. The child-savers believed that children who committed crimes were victims of contextual issues including poverty, urban overcrowding, toxic families, inadequate schools and neighborhoods – all social ills that required rehabilitation not punishment (McDermott and Laub, 1986; Mears and Pickett 2017). Further, juvenile delinquents were not fully developed. They were not culpable for their behavior and should be diverted from adult criminal courts (McDermott and Laub 1986).

In fact, these wayward youth, the reformers argued, needed to be re-socialized by the American parental state (Ward 2012). The reformers believed that delinquent youth could be “saved” and converted “into law-abiding citizens” (Platt 2009 46). As part of this mission, the reformers established the first institution devoted solely to juvenile delinquents – the New York House of Refuge in 1824. Delinquent youth would no longer be placed in adult penal institutions and could be saved through the use of treatment, strict discipline and supervision in houses of refuge (Olson-Raymer 1984; Shoemaker and Wolfe 2016; Bernard 1992). While juvenile delinquents were placed in these institutions, in reality, it was mostly youth with behavioral problems from poor and immigrant families that were removed from their “criminal”

environments and placed in houses of refuge. These institutions spread across the country with 25 similar facilities by the 1840s (CJCJ n.d.). These facilities were racially segregated with black youth detained in their own houses of refuge (Shoemaker and Wolfe 2016). By the mid-nineteenth century, houses of refuge had to grapple with “overcrowding, deteriorating conditions, and staff abuse” (CJCJ n.d.). In response, social reformers began advocating for the establishment of reformatories, also known as training and industrial schools. Reformatories incorporated a greater degree of education in their models than houses of refuge but were still penal institutions that corrected deviant youth behaviors (Monell 2017). These houses of refuge and reformatories laid the groundwork for today’s juvenile correction institutions.

After three decades of child-saving reform efforts and during a period of widespread change known as the Progressive Era (1890-1920), the first juvenile court was established in 1899 in Chicago, Illinois (Muncie and Goldson 2012). To this day, the juvenile court continues to act as “the center of the juvenile justice system” (NRC and IM 2001 156). States across the nation followed suit, including Wisconsin and New York in 1901 and Ohio and Maryland in 1902, with juvenile courts reaching 48 states by 1928 (Platt 2009). The juvenile court was intentionally designed to function differently from the adult criminal courts (Sarri and Vinter 1976). The court was guided by the *parens patriae* doctrine – “the legal backbone of the juvenile justice system” – such that it was expected to act as a parent to every child that entered the courtroom (Shoemaker and Wolfe 2016 24). Court proceedings were designed to be informal and were not accessible to the public in order to protect each child’s privacy. Further, judges were expected to exercise discretion based on each offender’s case and to protect the child through individualized responses (Olson-Raymer 1984). Juvenile offenders were adjudicated – not

convicted – in settings that lacked the same standards of evidence and procedure expected of criminal courts (Hague, 2006).

While on the surface, these reforms seem benevolent and progressive, it is essential to recognize the critical ways in which the child-saving movement and the establishment of the juvenile court created a complicated legacy for the contemporary juvenile justice system. In this new court system, youth's lacked the due process rights afforded to adults and could be detained without a trial or lawyer (Platt 2009; NRC and IM 2001). The juvenile courts involved more youth and institutionalized them in greater numbers than ever before (Platt 2009). Further, Platt (2009 xlvi) describes how the child-savers were "seeking new methods of social control to protect their class privilege and power." Moreover, the juvenile justice system was founded with an eye towards controlling youth from predominantly white, impoverished and immigrant families (Pickett and Chiricos 2012).

While important differences exist between the juvenile justice system in its founding and how it operates today, this system has always been a tool for "the social control of 'other people's children'" (Feld as cited in Pickett and Chiricos 2012 676). The work of the child-savers played a significant role in creating new categories of delinquency by criminalizing behavior such as drinking, begging, roaming the streets, staying out late, dancing, expressing sexuality and other acts, once treated informally, because they were prevalent among lower class and immigrant youth (Platt 2009). The National Research Council (NRC) and the Institute of Medicine (IM) (2001, 222) explain how the juvenile court "reflects an abiding tension between safeguarding children and protecting society." Even today, our society and lawmakers must decide if juvenile offenders should be treated with social welfare or social control in informal settings of rehabilitation or formal hearings geared towards punishment (Patenaude, 2006).

Ward (2012) further complicates these historical accounts of the juvenile justice system by highlighting the consistently overlooked experiences of black youth. With pressure from a white child-savers movement, white adults established the juvenile court system to save white youth – who had the potential to be reformed. Nonwhite, especially delinquent black youth, were not worthy of the parental state’s rehabilitation and were deemed incapable of becoming productive citizens of society (Ward 2012). While a means of social control, the juvenile justice system can also be understood as the state’s “citizen-building initiative” (Ward 2012 38). The intention of this system was to salvage American democracy through the rehabilitation of delinquent white youth (Ward 2012 41). The exclusion of black youth from the early juvenile justice system reflects the greater racial exclusion and segregation at work across all other American institutions at the time. So inferior were delinquent black youth that instead of juvenile court intervention and placement in reformatories for rehabilitation, they were “regularly committed to adult prisons, sentenced to the convict-lease system, prolonged periods in detention, and experienced higher rates of corporal punishment and execution” (Suddler 2015 19). While black youth did not have access to the resources of the juvenile court, they made up a disproportionate share of its caseloads and were typically sent to adult institutions (Ward 2012).

By the 1950s, the “optimism” surrounding the establishment of the juvenile court had faded (Bernard 1992). The public began to question the system’s efficacy and grew critical of the complete discretion held by juvenile court judges (CJ CJ n.d.). Liberal critics felt that the court was failing its rehabilitative mission and depriving youth of due process rights. Those on the conservative end of the spectrum felt that the court was failing to protect the public from young criminals (NRC 2013). By the 1960s and 1970s, liberal critiques prevailed and juvenile due process rights were expanded. The Supreme Court handed down a series of decisions – *Kent v.*

United States (1966), *In re Gault* (1967) and *In re Winship* (1970). In *Kent*, the Court established for the first time that juveniles have due process rights (McNeece and Jackson 2004). *Gault* granted juveniles in court with the right to advanced notice of charges, a fair and impartial hearing, legal counsel, the ability to cross-examine witnesses and protections from self-incrimination (Feld 1995; McNeece and Jackson 2004). *Winship* (Feld 1995 972) mandated that juvenile courts must “establish delinquency beyond a reasonable doubt, rather than by the lower standards of proof used in civil trials.”

In contrast to the juvenile justice system’s founding principles, these Supreme Court decisions formalized juvenile courts such that proceedings began to more closely resemble adult criminal trials (Jenson and Howard 1998; Ward 2012). These changes coincided with the steady rise in non-white youth and the sharp decline of white youth interacting with the juvenile justice system (Ward 2012). When youth of color were integrated in the juvenile justice system, they were not afforded access to an informal, rehabilitative juvenile court but instead one that emphasized accountability and tilted towards punishment. The juvenile justice system developed into one predominantly concerned with the social control of white youth to the social control of minority youth. It is no surprise, considering this history, that youth of color – black, Latino and Native American – are overrepresented in the juvenile justice system and African-American youth, in particular, remain more likely to be treated as adults, through transfer to adult court and incarceration in adult facilities (NRC and IM 2001).

The Punitive Turn of the 1980s and 1990s

By the 1980s, with an increasingly formalized juvenile court, the American public seemed to have formed a “new consensus,” perceiving youth as fully responsible for their crimes as opposed to neglected children in need of help or saving as in the Progressive Era (Patenaude

2006 21). It was during this period that conservative criticism – that the juvenile court was failing to protect the public from young criminals – coalesced and prevailed in policy debates. Conservatives felt that the existing juvenile justice system, even with its recent changes, was not adequately controlling juvenile crime (Lovrich, Lutze, and Lovrich 2014).

Considering these developments, the twentieth century’s punitive turn in juvenile justice emerged by the mid-1980s (Jenson and Howard 1998; Muncie and Goldson 2012). While it is one thing to punish those who violate the law, it is another to punish them punitively. The general nature of American punishment tends to be retributive, intended to shame and to humiliate (Whitman 2005). Instead of attempting to heal and resolve the root causes of criminal behavior, we punish to degrade – to “reduce another person in status” and “to treat another person as inferior” (Whitman 8 2005). Among the clearest examples of this degradation is the stripping of basic legal and civil rights from former felons, who upon release, may lose their right to vote, face employment and housing discrimination, be denied food stamps and access to educational institutions (Alexander 2012). Consistent with this tradition of American punitiveness are those public attitudes that favor tough-on-crime policies and harsh penalties for criminal behavior – such as incarceration and the death penalty (Enns 2016). The tough on crime policies typically associated with the era of adult mass incarceration include the War on Drugs, mandatory minimum sentences and three-strikes laws (Mizell 2014 1).

Thus, this juvenile justice period is considered punitive because it is defined by harsh and retributive policies designed for juvenile offenders. For the purposes of this study, the punitive juvenile justice period begins during the mid-1980s (NJJN and TPPF 2013), resulting from a

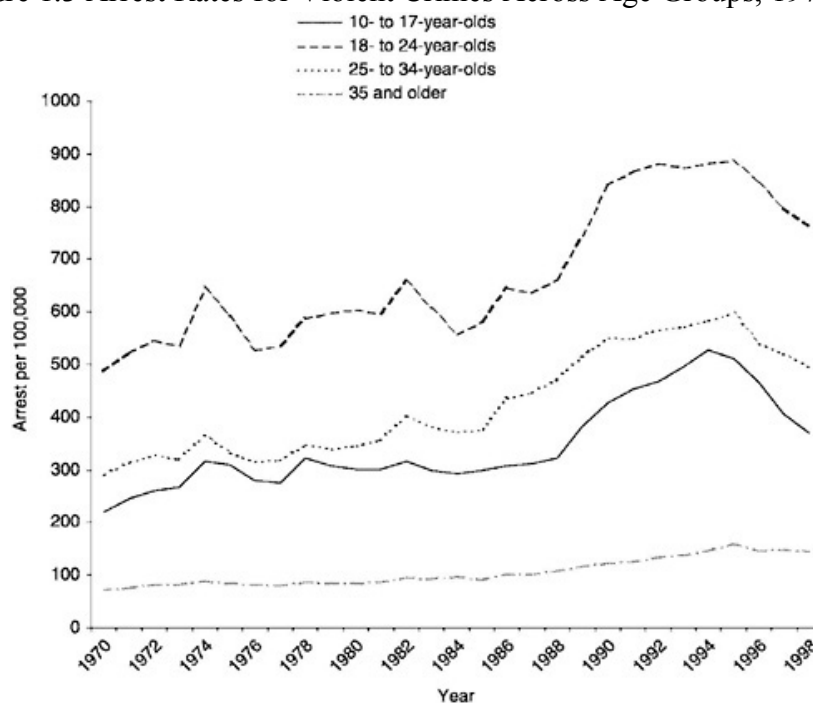
potent combination of forces.² Juvenile violent crime, scholarly predictions, the media and policymakers each played essential roles in causing a punitive wave of juvenile justice legislation across states (Merlo and Benekos 2010; Jenson and Howard 1998). States across the country began adopting a series of laws, beginning in 1985 and especially in the 1990s, that blurred the distinction between being a juvenile and an adult in the juvenile and criminal justice systems (Dowd 2015; Lovrich, Lutze, and Lovrich 2014; Torbet et al. 1996). According to Roberts (2004), 45 states passed laws that made their juvenile justice systems more punitive between 1992 and 1997. This includes laws that lowered the maximum age of juvenile court jurisdiction, granted greater discretion to prosecutors, adopted stricter sentencing and made juvenile records and proceedings accessible to the public (NRC and IM 2001). Some states enacted stricter laws for youth charged with drug and gang offenses, implemented boot camps for juvenile offenders and put an end to community-based programming (Jenson and Howard 1998). Many of the policies were created with the most violent juvenile offender in mind when, in reality, most youth interacting with the juvenile justice system had not committed a violent offense (Jenson and Howard 1998). It is important to note that the punitive turn in juvenile justice is not an isolated event but takes place within a wider context of punitiveness directed at adults in the criminal justice system. Redding and Howell (2000) explain how the criminal justice system experienced a retributive shift in the 1970s. States adopted a “just deserts” mentality for adults with the rise of determinant sentencing and the greater use of incarceration

² While there is no single date for the onset of this punitive turn in juvenile treatment, the National Juvenile Justice Network (NJJN) and Texas Public Policy Foundation (TPPF) have identified 1985 as the first year in which states began to rely heavily on confinement to address juvenile crime (NJJN and TPPF 2013). According to Patenaude (2006), the juvenile justice system tipped towards punishment between 1975 and 2003. Others believe that this punitive period began between the late 1970s and early 1980s (NRC and IM 2001).

(Feld 102 in Fagan and Zimring 2000), which ultimately spread into the juvenile justice system.

Nonetheless, juvenile crime rates are a useful starting point for understanding the adoption of punitive juvenile justice laws. Juvenile arrest rates serve as the closest indicator of juvenile crime rates, for there is no other measure of youth criminal behavior. Beginning in the mid-1980s, juvenile arrest rates for violent crimes began to rise with juvenile arrests, for all crime types, peaking in 1996 at almost 2.7 million (Puzzanchera 2018; NRC 2013). Figure 1.3, below, demonstrates the trajectory of arrest rates for all age groups between 1970 and 1988 for all violent index crimes.³ It is important to note that violent crime rates among young adults – those aged 18 to 24 – also increased over this period and were always higher than those of juveniles (NRC and IM 2001). All age groups – albeit to lesser degrees – underwent an increase in violent crime arrest rates during this period.

Figure 1.3 Arrest Rates for Violent Crimes Across Age Groups, 1970-1998



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Source: National Research Council and Institute of Medicine, 2001, pg. 34

³ Violent index crimes include the following four offenses: murder and non-negligent murder, rape, robbery and aggravated assault (FBI n.d.).

Further, despite the notable rise in violent crime, the largest share of juvenile crimes during this period were property-related crimes (McNeece and Jackson 2004). The property crime index in Table 1.1 includes burglary, larceny theft, motor vehicle theft and arson for youth aged 0-17 years old.

Table 1.1 Juvenile Violent and Property Arrest Rates in the United States, 1975-1995

Year	Violent Crime Index	Property Crime Index
1975	313.5	2819.6
1980	334.1	2562.2
1985	303.0	2370.7
1990	428.7	2564.7
1995	510.3	2454.6

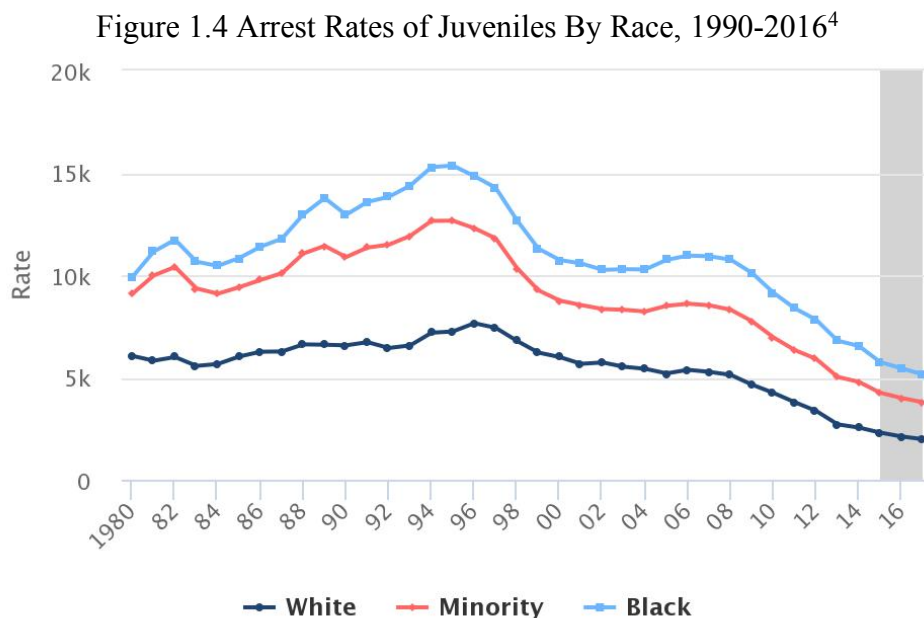
Source: Farrington and Loeber, 1998, pg. 3

Nonetheless, it was the spike in juvenile violent crime, especially homicides between the late 1980s and early 1990s that caused the most public alarm (Dowd 2015). Between 1985 and 1994, the rate of murder committed by adolescents, those aged 14 to 17, rose 172 percent (Fox 1996). Approximately a quarter of juveniles arrested for juvenile homicide during this period came from counties containing five major cities including Los Angeles, Chicago, Houston, Detroit and New York, while “84 percent of counties in the U.S. reported no juvenile homicides” (NRC and IM 2001 90; Jenson and Howard 1998). Thus, this rise in juvenile violent crime was concentrated in a handful of major urban areas. It is worth noting that adult violent crime rates also began to rise during this period. Adult homicide rates rose steadily between 1950 and 1970 before reaching a high of 24,703 homicides in 1991 and then dropping dramatically by 1999 (Cooper and Smith 2011).

The rise in juvenile crime has been explained by demographic changes, including significant increases in the youth population during this period (McDermott and Laub 1986). According to the National Research Council and the Institute of Medicine (2001 42), the increase

in homicide rates among juveniles between the late 1980s and early 1990s “was entirely due to an increase in homicides committed with firearms” (Shoemaker and Wolfe 2016). Fox (1996, 2) explains how “guns, and especially handguns, have played a major role in the surge of juvenile murder” with the number of youth killing with a gun four times higher than in 1984. Crack cocaine, which devastated many low-income communities of color between the late 1980s and early 1990s, has also been identified as a contributing factor to the rise in juvenile violent crime. Those youth that participated in crack dealing were more likely to be around violent criminal behavior (Shoemaker and Wolfe 2016). Further, some observers note how policing practices changed during this period which may have inflated the number of youth arrests, particularly for aggravated assaults (NRC and IM 2001).

The racial disparities in juvenile arrests during this period require closer attention. Figure 1.4 demonstrates that black youth were arrested at a higher rate than any other juvenile group between 1980 and 2016. Minority youth, including black and Hispanic youth, was the second largest group in terms of frequency of juvenile arrests.



Source: Office of Juvenile Justice and Delinquency Prevention (OJJDP), 2018

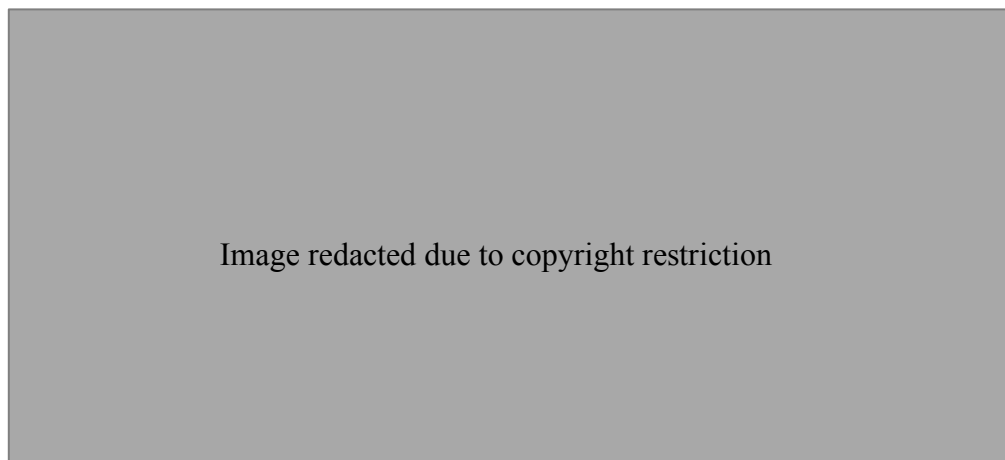
Greater representation among black and Hispanic youth is, at least in part, a result of biases pervasive in police practice and the criminal justice system (NRC and IM 2001). In particular, disparate arrest and offending rates among black youth must be understood within the broader context of race in America. Delinquency researchers have identified racial bias in policing – the entrance point into the juvenile justice system – as a contributing factor to why youth of color comprise a larger share of total juvenile arrest rates (Shoemaker and Wolfe 2016). These high rates are also closely related to the “community conditions under which black children grow up” (NRC and IM 2001 92) and that the variance in crime rates cannot be divorced from the structural conditions that define many ethnic and racial minority communities in this country (Loeber and Farrington 1998). Of all youth in the U.S., black youth are most likely to be born into a family living in concentrated urban poverty – a reality rooted in this nation’s history of racial discrimination, residential segregation and the criminalization of black

⁴ The arrest rate is per 100,000 youth.

and brown bodies (Shoemaker and Wolfe 2016; Ward 2012). It is for these reasons that Loeber and Farrington (1998 42) argue that the seemingly “individual-level correlation between race and serious juvenile offending is a function” of community context.

Next, the public’s role in causing a wave of punitive policies is also important to consider. The American public was deeply concerned with the rise in juvenile crime detailed above (Feld 1995). As reflected in Figure 1.5, perceptions of crime and its prevalence during the late 1980s and the early 1990s was significantly higher than in most recent years. In 1989 and 1992, 84 and 87 percent of respondents, viewed crime as a prominent and worsening issue, respectively. Throughout the 1990s, crime was ranked as an issue of importance for most voters (Norman 2018). By 2018, only 60 percent of respondents felt that crime was worsening – a drop of greater than 20 percent. Torbet et. al (1996, xvi) explain how “violent criminal behavior of a relatively small proportion of juvenile offenders created a public perception of rampant violent crime by juveniles.” Not captured by Figure 1.5 is the fact that the “public’s concern over violent crime [had] a clear racial component” (Feld 1995 977), which will be addressed in greater depth below

Figure 1.5 Changing Perceptions of Crime in the United States, 1989-2018⁵



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Source: Norman 2018

⁵ Gallup asked survey respondents: Is there more crime in the U.S. than there was a year ago?

Further, the predictions of influential criminologist and political scientist John DiIulio – among others including James Q. Wilson – have been widely cited as a contributing factor to the public and policymakers’ fear of youth crime (EJI 2014). In his work, DiIulio (1995) describes how the “youth crime wave has reached horrific proportions from coast to coast.” He predicted that the nation would soon face an unprecedented juvenile crime wave due to the emergence of the most violent generation of youth – particularly male youth. DiIulio’s scholarship was rooted in the conservative theory of moral poverty such that crime results from personal failings and moral depravity. As opposed to recognizing the structural and institutional causes of delinquent behavior, he claimed that criminally offending youth were corrupted by “deviant, delinquent, and criminal adults in abusive, violence-ridden, fatherless, Godless and jobless settings” (DiIulio 1995). Most importantly, DiIulio (1995) coined the infamous term – “super-predator” – to describe the “severely morally impoverished” and violent youth that prey on their communities. This term and his broader work informed public policy debates and prompted federal and state elected officials to enact punitive juvenile justice legislation. In reaction to these predictions, state legislators “adultified the juvenile justice system” by passing laws that made, once private, juvenile proceedings open to the public and lowered the age at which youth could be transferred to adult court – to name a few examples (Merlo and Benekos 2010).

The media also played an essential role in shaping public opinion and contributing to the emergence of this punitive turn (Pink and White 1976; Feld 1995). The media shaped, and continues to shape, how the public thinks about crime and is often the primary source of information educating the public about crime (Ismaili 2006; Roberts 1992). The media tends to over-represent violent and sensational crimes in its reporting (Roberts 1992), consistent with Laub’s (1983, 502) finding that public concern and “growing national alarm” regarding juvenile

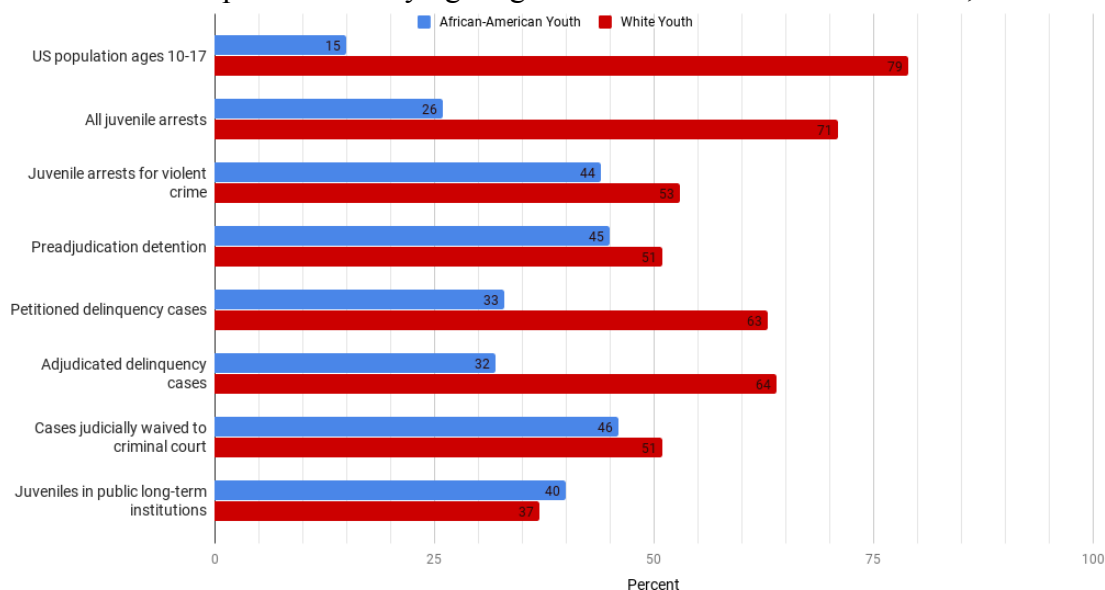
crime was largely blown out of proportion by the media. The media highlighted criminal activity perpetrated by adolescents and was instrumental in contributing to the association between crime, race and youth as it exists today (Byfield 2014). Through its sensationalized and frequent reporting, the media depicted young urban black males as the “super-predators” that DiIulio described (Lovrich, Lutze, and Lovrich 2014). As a result of this coverage, many scholars note how the public perceived the crime problem as one committed by black perpetrators against white victims, contributing to “the racialization of delinquency” (Pickett and Chiricos 2012 673). Because of the racialized way in which juvenile crime was framed, to crack down on juvenile crime really meant to get tough on African-American and Hispanic male youth. Aside from youth, Enns (2016) also found that media coverage contributed to the public’s association of adult racial minorities – especially African-American adults – with violent criminal behavior. Scholars tend to agree that public concern over youth crime – particularly violent crime – led to the enactment of the punitive juvenile justice policies described above (Roberts 2004). In an effort to seem responsive to public outrage and panic, policymakers passed punitive legislation in the aftermath of high profile youth crimes that gained widespread media coverage and public attention (Lovrich, Lutze, and Lovrich 2014 359). A premier example of such crimes includes the Central Park jogger case in which five minority youth were convicted of sexually assaulting a white female jogger in New York.⁶ The New York Times described this case as “one of the most widely publicized crimes of the 1980’s” (Farber 1990).

The racialization of delinquency is well reflected in the racial and ethnic disparities pervasive throughout every stage of juvenile justice contact during this period. Figure 1.6

⁶ After serving between six and thirteen years in prison, the true perpetrator was identified, and the boys – now men – were exonerated.

demonstrates that in 1996, African-American youth made up 15 percent of the U.S. youth population but 26 percent of juvenile arrests for all crimes, 45 percent of pre-adjudicated detained youth and 32 percent of petitioned delinquent cases. Further, African-American youth comprised 46 percent of the cases judicially waived to adult court and 40 percent of the population detained long-term after adjudication (NRC and IM 2001). As with the detained juvenile population, the majority of the incarcerated adult population comes from a marginalized subset of the American population – minority men that are poor and undereducated (Travis, Western and Redburn 2014).

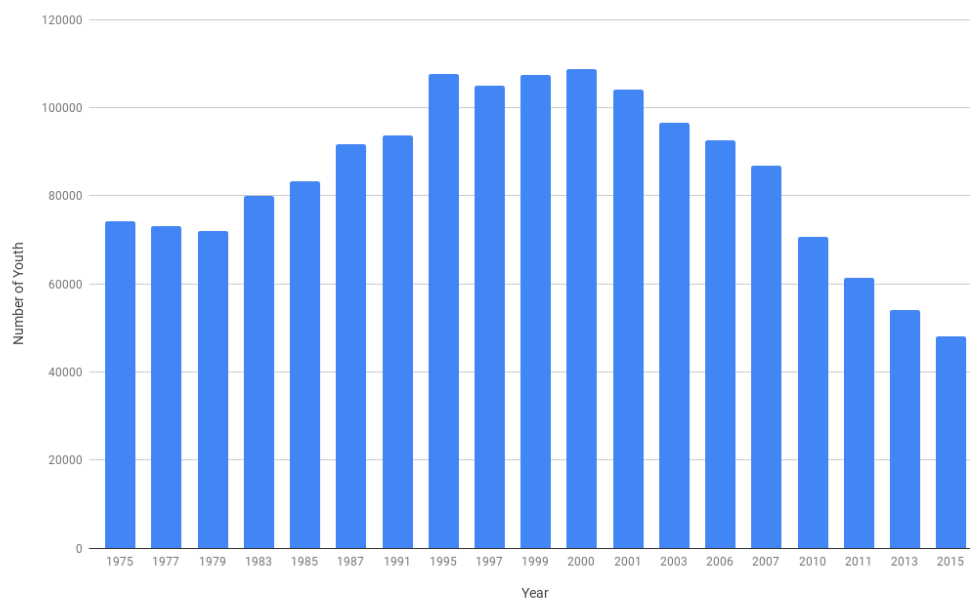
Figure 1.6 Racial Disparities at Varying Stages of Juvenile Justice Involvement, 1996-1997



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Source: National Research Council and the Institute of Medicine, 2001, pg. 232.

Having considered the many forces contributing to punitive policy responses, it also important to understand how the institutionalization of youth changed during this period. Youth detention rates began to rise in the mid-1980s. Figure 1.7 illustrates that the number of youth confined in residential placement peaked in 2000 at 108,802 youth (Sickmund 2010). The rate of youth confinement grew steadily beginning in 1975 and peaking in 1995 with 381 per 100,000 youth confined (AECF 2013).

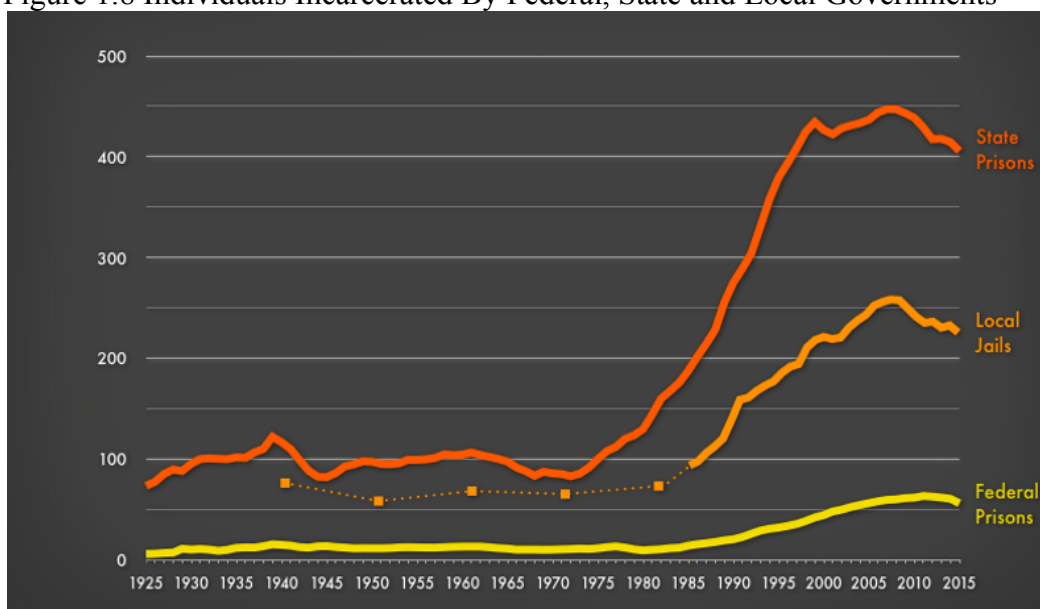
Figure 1.7 The Number of Youth in Residential Placement, 1975-2015



Source: Bureau of Justice Statistics 1989; Smith 1998; Sickmund et al. 2011; Hockenberry, Office of Juvenile Justice and Delinquency Prevention, 2018

Figure 1.8 demonstrates similar trends in the rise of adult incarceration which began in the early 1970s (Travis, Western and Redburn 2014). While the vast majority of these numbers represent incarcerated adults, this graph may also capture some youth that were transferred to adult facilities.

Figure 1.8 Individuals Incarcerated By Federal, State and Local Governments



Source: © 2014 Wendy Sawyer and Peter Wagner. Reproduced with permission.

To summarize, the punitive period is noted for the unparalleled rise in youth confinement and the enactment of punitive legislation directed at juvenile delinquents. The increase in juvenile crime and the media's coverage on acts of juvenile violence created public fear and prompted tough on crime responses by state lawmakers (Lovrich, Lutze, and Lovrich 2014; Merlo and Benekos 2010). Notably, many of these policies changes occurred after the juvenile violent crime rate had already begun to decline (Shoemaker and Wolfe 2016). Still, political elites capitalized on this "climate of fear" and the "culture of control" to appear tough on juvenile crime and, along with the media and prominent scholars, contributed to the demonization of youth and the racialization of delinquency (NRC 2013 40; Garland 2002; Merlo and Benekos 2010).

The Juvenile Justice Reform Period (early 2000s – Present)

Since the early 2000s and even without "national policy consensus," states have made great strides in reforming their juvenile justice systems (AECF 2013 4). According to the National Juvenile Justice Network (NJJN) and the Texas Public Policy Foundation (TPPF) (2013, 6), states began carrying out juvenile justice reforms in 2001 and continue to do so well into 2019. For this study, the defining feature of the reform period is the role played by state legislatures in reversing the punitive nature of their juvenile justice policies, often with an eye towards informal procedure, treatment and rehabilitation (Lovrich, Lutze and Lovrich, 2014).

States have enacted and continue to enact a series of juvenile justice reform laws including those that make transfer to adult court more challenging, return jurisdiction to juvenile courts for certain age groups, establish community-based alternatives to incarceration, seal the records of juvenile offenders, eliminate life without parole, strengthen access and protections to legal counsel for juvenile defendants and more (Brown 2015). Since 2005, 36 states enacted 70

laws to “reduce the number of youth prosecuted, tried, and incarcerated in the adult system” (Thomas 2017). The Campaign for Youth Justice reports that, in just two years between 2015 and 2017, four states passed laws to raise the age of juvenile court jurisdiction and nine have limited the placement of youth in adults jails and prisons. Eight states have made it more challenging to transfer youth to adult court and simplified processes to return transferred youth to juvenile court, and five states have shifted the power of transfer from prosecutors or legislatures to judges (Thomas 2017). The “raise the age”⁷ trend began in 2007 when Connecticut enacted legislation that returned 16 and 17 year olds to the juvenile courts (Brown 2015). Since 2010, at least 12 states passed legislation that “expand[ed] definitions of “competence” for juveniles,” taking youth’s social and cognitive development into consideration (Brown 2015 8). By 2015, 31 states prohibited racial profiling through legislation, and 33 now allow for the sealing or expungement of juvenile records (Brown 2015).

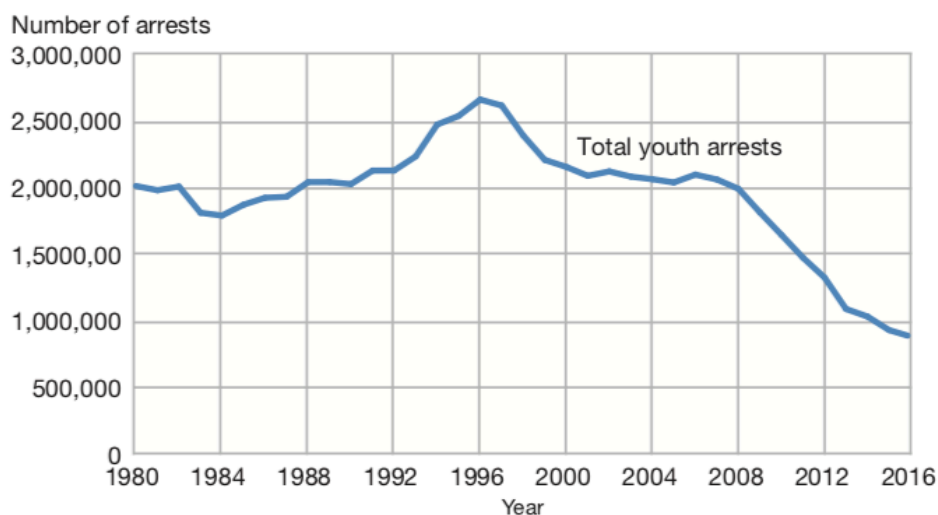
Aside from these numerous and far-reaching legislative enactments, states have tackled their juvenile justice systems using other avenues as well. For example, the Missouri Division of Youth Services (DYS) – the state’s juvenile corrections agency – has been lauded for its systematic reforms. The DYS’ approach has been coined as the “Missouri Model” (Peterson 2012; Mendel 2010) and has served as guide for other states. In this model, DYS only confines those youth that are a threat to public safety and provides individualized treatment and rehabilitation in small settings (NCSL 2011). Further, this model involves families in the rehabilitation process, prioritizes academic development and offers robust aftercare services upon release to reduce recidivism (Mendel 2010).

⁷ The raise the age trend refers to states enacting laws that raise the age of juvenile court jurisdiction. The upper age of juvenile court jurisdiction was lowered, across states, during the punitive period discussed above.

Also during this period, innovative national initiatives have been catalysts for reform in states across the country. For example, the MacArthur Foundation’s Models for Change Initiative and the Annie E. Casey Foundation’s Juvenile Detention Alternatives Initiative (JDAI) are two prominent initiatives that have assisted with juvenile justice reforms nationwide. JDAI is active in 27 states, aiding them in their attempts to reduce youth detention while also assuring public safety. Models for Change seeks to influence juvenile justice policy by assisting 16 states across the country with the implementation of evidence-based reform models rooted in the understanding that adults and youth are different cognitively and developmentally (Peterson 2012; NCSL 2011).

As with the punitive turn in juvenile justice, an overview of crime rates, detention rates and public opinion provides a useful context to understand this reform period. First, juvenile crime rates during the reform period were and remain in decline. This is in sharp contrast to the punitive period which was characterized by a notable rise in violent youth crimes. Figure 1.9 shows that juvenile violent crime rates started to decline in 1997, well before legislative reforms even began (Dowd 2015).

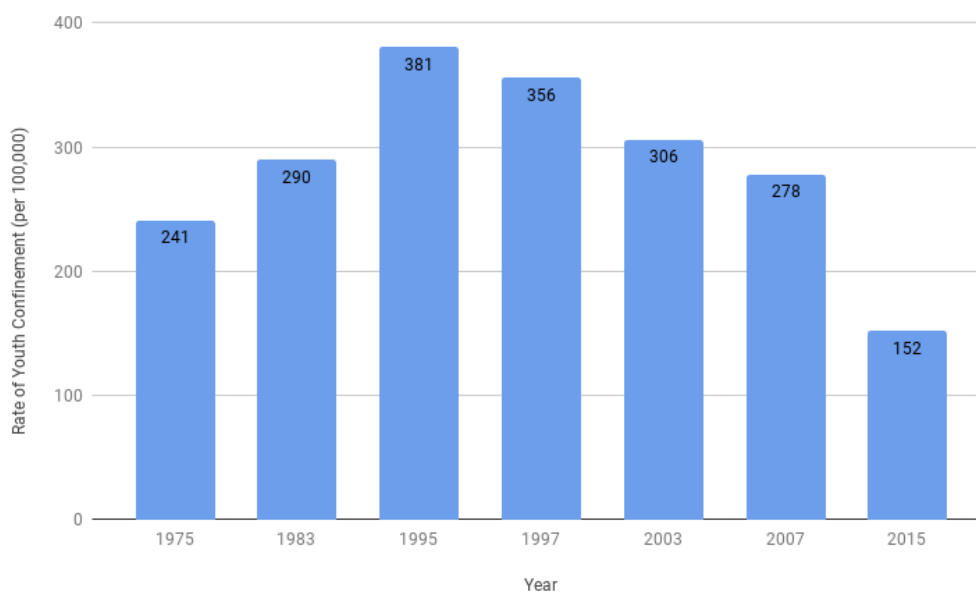
Figure 1.9 Youth Arrests, 1980-2016



Source: Puzzanchera, Office of Juvenile Justice and Delinquency Prevention, 2018, pg. 1

In terms of juvenile detention, 47 states reduced youth confinement between 1997 and 2011 (Lubow 2015). Figure 2.1 demonstrates that the rate at which youth – those aged under 21 – have been detained, incarcerated or placed in residential facilities since 1997. The rate of juvenile confinement began to fall in 1997 with 356 per 100,000 youth confined to 152 per 100,000 youth confined by 2015 (AECF 2013).

Figure 2.1 Declining Rate of Youth Confinement, 1975-2015



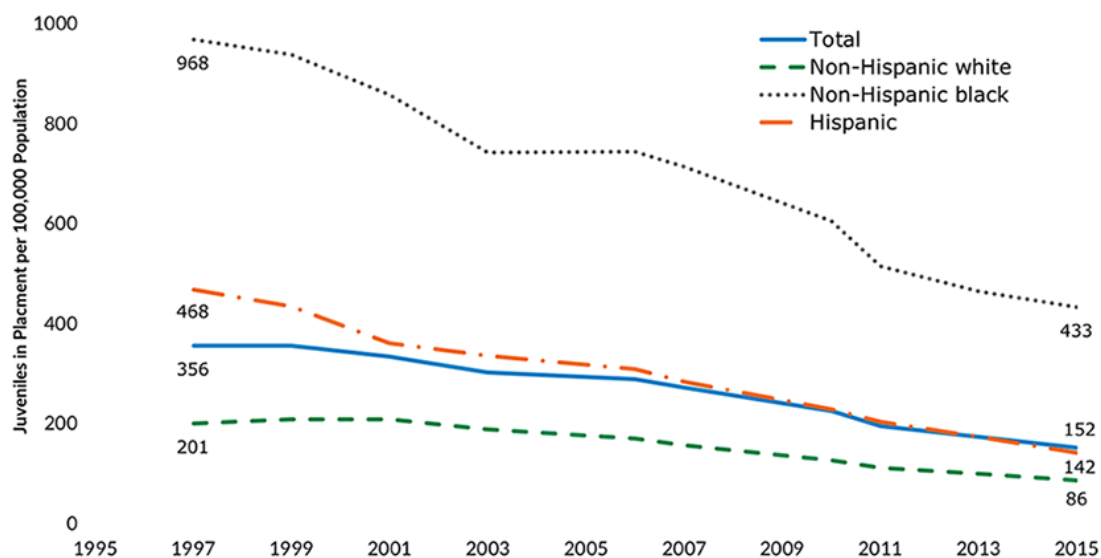
Source: Smith 1998; Sickmund et al. 2011

While the rate of youth confinement was at its highest in 1995, the number of confined juvenile delinquents peaked at 108,802 youth in 2000 (Sickmund 2010). Rates of confinement began to decline in 1997 with approximately 48,000 youth held in confinement by 2015 (Hockenberry 2018). The number of juvenile offenders held in residential placement decreased 48 percent for person offenses (e.g. criminal homicide, sexual assault and robbery), 67 percent for property offenses (e.g. burglary, theft and arson) and 71 percent for drug offenses (Hockenberry 2018). This decrease in confinement occurred across racial and ethnic groups – each group with declines of at least 44 percent (Lubow 2015).

While advocates of juvenile justice reform have identified these policy changes and reductions in confinement as steps in the right direction, it is also important to recognize one enduring problem: profound racial and ethnic disparities persist in the juvenile justice system. This area of concern is typically referred to as “Disproportionate Minority Contact” and refers to the continued overrepresentation of minority youth in the juvenile justice system (Armour and Hammond 2009).⁸ In 2015, the rate at which black youth were detained was six times that at which white youth were detained (Hockenberry 2018). As Figure 2.2 demonstrates, African-American and Hispanic youth remain most likely to be placed in residential facilities. In 2015, minority youth made up approximately 69 percent of the total population held in juvenile detention facilities with black youth making up 42 percent of the total detained population (Puzzanchera and Hockenberry 2017).

⁸ Aside from race, juvenile justice interaction also varies in terms of gender. While a great deal of attention is paid to boys in the juvenile justice system, for they comprise a majority of the juvenile delinquent population, the number of juvenile justice involved girls is growing (Peterson 2012). The rate at which girls are arrested is rising at a faster rate for all crimes (McNeece and Jackson 2004). The driving force for delinquency among girls tends to be “histories of physical or sexual abuse” and their offending tends to be related to their victimization (McNeece and Jackson 2004 55). Female juveniles are also more likely to be detained for status offenses than their male counterparts with 12 percent of female adolescents in residential placement due to a status offense as opposed to 4 percent of male youth in 2015 (Child Trends n.d.).

Figure 2.2 Rates of Juvenile Residential Placement Across Racial and Ethnic Groups, 1995-2015



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Public opinion since the punitive period has also evolved in notable ways. According to a 2007 poll commissioned by the Center for Children’s Law and Policy, as part of the MacArthur Foundation’s Models for Change initiative, the public is receptive to many of the juvenile justice reforms carried out in this period (Table 2.2). Polling took place in four states in regions across the country including Illinois, Pennsylvania, Louisiana and Washington, finding that majorities are in favor of alternative programs and community supervision as opposed to the incarceration of juvenile offenders. Further, most of the public recognizes that the juvenile justice system does not treat all youth the same, acknowledging that low-income and African-American youth receive worse treatment.

Table 1.2 Attitudes and Policy Preferences for Juvenile Justice System Reform, 2007

	Respondents that Agree or Somewhat Agree (%)
Favor taking away some money from state government spending on incarcerating youth offenders to put towards programs for counseling, education and job training for youth offenders.	84%
Favor community supervision over incarceration for nonviolent juvenile offenders.	62%
A poor youth who gets arrested receives the same, better, or worse treatment by the justice system than a middle-income youth who gets arrested for the same offense.	65% (worse)
An African American youth who gets arrested receives worse treatment by the justice system than a white youth who gets arrested for the same offense.	53%

Source: Center for Children's Law and Policy 2007; (n=300)

Similarly, a poll by the National Council on Crime and Delinquency (NCCD) found that the public is open to and supports many of the ideals that undergird the reform movement, namely supporting rehabilitative programs for incarcerated youth and the idea that youth should not be discriminated against in terms of education or employment due to their experiences with the juvenile justice system. The results also suggest that U.S. voters recognize the differences between adults and youth that commit crimes and do not support the confinement of juvenile offenders in adult facilities.

Table 1.3 Attitudes of US Voters Toward Youth Crime and the Justice System, 2007

	Respondents that Agree or Somewhat Agree (%)
Rehabilitative services and treatment for incarcerated youth can help prevent future crimes.	89%
Instead of a blanket policy about trying youth in adult court, these decisions should be made on a case-by-case basis.	92%
Persons under age 18 should not be incarcerated in jails and prisons that hold adults.	67%
Do you think it is unacceptable or acceptable that criminal convictions of youth under age 18, even for minor crimes, should negatively impact their future opportunities for jobs and education?	66% (unacceptable)

Source: Krisberg and Marchionna 2007; (n= 1043)

This wave of beneficial policy and positive public opinion is puzzling when we consider the existing literature on juvenile and criminal justice systems. Since its inception, the juvenile justice system has acted as a tool of social control over an underclass of youth – defined by race,

ethnicity and socio-economic status. The history of juvenile delinquency, recounted above, clearly demonstrates that certain youth are more likely to be perceived as deviant than others and that the juvenile justice system has “subjected [an] underclass” of youth – the poor youth from immigrant families during nineteenth century and the poor minorities of the twentieth and twenty-first centuries – to social control (Feld 1995 982; Ward 2012).

Today, as in the nineteenth century, juvenile delinquents tend to come from a particular socio-economic background. Poverty is highly associated with juvenile crime which means that significant numbers of juvenile offenders come from low-income backgrounds (Travis, Western and Redburn 2014; Snyder and Sickmund 2006; Burgess 1952). As Peterson (2012, 4) puts it, “poverty is the largest common denominator for incarcerated youth.” Further, it is youth of color from low-income communities, that are most likely to elicit negative associations of deviance in American society (Ward 2012). As Ward (2012 14) explains, non-white and especially black youth are “systematically classified as underserving, serious delinquents.” On the other hand, white, upper and middle class youth who commit crimes are less likely to be perceived as deviant and are often perceived in terms of their positive construction – their youth. It is this relationship between race and deviance, deeply rooted in the history of race and the politicization of juvenile crime in the U.S., that can explain why the juvenile offender population is disproportionately comprised of black and Hispanic youth from low-income communities (Hockenberry 2018; Snyder and Sickmund 2006). Ward (2012 2) points out that the juvenile justice system “was [not] suddenly overcome with race problems in the final quarter of the twentieth century.” From the founding of the first house of refuge to media coverage in the punitive turn of the 1990s, the racialization of delinquency has been a persistent process demonizing and criminalizing minority youth.

In fact, studies across time have shown that African-Americans are perceived as the threat shaping criminal and juvenile justice policy. Smith's (2004) work finds that populations with greater proportions of African-Americans are subjected to greater degrees of incarceration (Smith 2004). His findings demonstrate how carceral control acts as a means to protect social hierarchies from African-Americans who act as a racial threat (Campbell, Vogel and Williams 2015; Smith 2004). Carmichael and Kent's (2014) study on the police finds that those cities with greater African-American populations and more economic inequality have larger police forces. It is important to note that the size of Hispanic populations – a typically disfavored ethnic group in the underclass – did not impact police strength and was not directly linked to crime control policies. In a study of juvenile justice dispositions in counties across Florida, Tittle and Curran (1988) found that, in those areas where the racial threat is higher – meaning a larger proportion of the population is nonwhite – the race of the juvenile defendant had a stronger impact on disposition severity. In other words, minority youth were more likely to receive harsher sanctions for their crimes when they posed a “symbolic threat” to the elites of the community and society at large (Tittle and Curran 1988 52).

However, a recent study suggests that the relationship between race and criminal justice policies may be changing. Sliva (2018) found that the larger the proportion of black residents in a state, the more likely that state was to adopt restorative justice laws in its adult correctional system (Sliva 2018). Restorative justice policies embrace a philosophy of criminal justice that focuses on restoring the victim as opposed to punishing the offender (JJJ n.d.). This may suggest that, once a cause for punitive policy in the name of social control, large black populations may be a necessary precondition for enacting juvenile justice reform bills. Sliva (2018 14) considers potential explanations for her finding such that larger black populations may cause “the

expansion of alternative ideals about justice, lessened experiences of racial threat, or increased concern for issues of correctional system disparity.” Nonetheless, this study seeks to contribute to the extant literature and determine the role that social control – over minority and low-income youth – plays in the context of juvenile justice reform.

CHAPTER 2

THEORIZING JUVENILE JUSTICE REFORM

In many ways, juvenile justice reform provides a lens through which political scientists can better understand how policies change for “deviant” groups that, like juvenile delinquents, are associated with negative social constructions and hold little political power. Until recently, the study of criminal justice policy change – and even more so, that of juvenile justice – has been widely overlooked by political scientists (Miller 2008; Sliva 2016; Williams 2003; Ismaili, 2006; Bergin 2011). This general disinterest in how states create crime control policies for youth and adults is disconcerting. At the most basic level, citizens care about public safety (Williams 2003). The policies that public officials enact to control crime is of great relevance to any citizen that values security. During the punitive period of the 1990s, respondents to a Gallup Survey ranked crime above the economy as the most important issue facing the U.S. for two years in a row (Williams 2003). This preoccupation with crime was not unique to the hysteria that characterized the 1990s. Even in 2007, when juvenile justice reforms had already begun, a survey commissioned by the National Council on Crime and Delinquency (NCCD) found that 91 percent of respondents either somewhat or strongly agreed that juvenile crime was a major problem facing American communities (Krisberg and Marchionna 2007).

Criminal and juvenile justice policies also concern how state governments prioritize their political agendas and how they choose to utilize public budgets. In 2008, federal, state and local governments spent approximately \$250 billion on their police, corrections and judicial institutions – 40 percent of the U.S. national defense budget and seventeen times U.S. spending on foreign aid (Enns 2016). Most of the costs concerning the maintenance of the criminal justice system fall on state and local governments (Enns 2016). In 2009, 95 percent of the billions spent

on correctional control – inclusive of prisons, probation and parole – came from the states (Brown 2012). Further, the share of state budgets going to crime control and criminal justice system related expenditures has swelled while other priorities, such as spending on higher education, have fallen (Miller 2008; Enns 2016).

Finally, criminal and juvenile justice policy have political consequences that are unequally distributed. Soss and Weaver (2017 567) explore this through what they call the “second face” of the state, which refers to the “the activities of governing institutions and officials that exercise social control by means of coercion, containment, repression, surveillance, regulation, predation, discipline, and violence.”⁹ According to Soss and Weaver, this second face – essentially the criminal justice system and the policies that shape it – can define how certain groups experience American democracy and citizenship. It is those at “the bottom of the American political order” that most frequently interact with the second face and are most deeply impacted by criminal justice policy-making consequences (Soss and Weaver 2017 567). Soss and Weaver (2017) refer to this underclass as “race-class subjugated” (RCS) communities, describing those Americans who are doubly marginalized due to their race – being African-American or Hispanic – and lower status class. It is because the reach of the criminal justice system disproportionately interacts with this subset of the American population (Miller 2008) that the politics of crime control is deserving of greater attention. This selective interaction with racialized poor communities across the country is not accidental but instead a result of the state’s systematic social control of certain groups.

⁹ Soss and Weaver (2017 576) describe how political science has paid ample attention to the first face of the state – the liberal-democratic and positively constructed civic face – concerned with questions of “public opinion, electoral behavior, and representation in legislative and bureaucratic settings” above all else.

For many in RCS communities, the most “salient state-citizen encounters” often involve those institutions – inclusive of the police, jails and courts – that comprise the criminal justice system (Soss and Weaver 2017). These interactions with the criminal justice system act as a form of “civic education” (Weaver and Lerman 2010 2). Whether these punitive interactions be with the police, the judge, the warden or the probation officer, they have been found to have a negative effect on how citizens perceive their government and the value their citizenship (Weaver and Lerman 2010). This civic education can reduce an individual’s trust in his or her government, make an individual less likely to join civic groups and vote in elections (Weaver and Lerman 2010). The negative effects of criminal justice system interaction are most significant when criminal justice contact resulted in incarceration (Weaver and Lerman 2010).

The juvenile justice system can be understood as the second face of the state as it pertains to youth. Juvenile justice policy shapes the civic education that delinquent youth receive in their interactions with the carceral state during the most critical developmental stage of their lives (NRC 2013). Depending on the nature of a state’s juvenile justice policy, youth can be taught that their value as citizens is diminished due to their crimes or remains intact despite their crimes. One can only imagine the severe harm that these lessons, when punitive as opposed to rehabilitative, can have on youth. Their view of the government, whether they choose to exercise their future right to vote, become politically engaged, make demands of their elected representative, join civic groups and other activities associated with full democratic citizenship may be jeopardized by punitive experiences with the juvenile justice system.

Further, we cannot forget that juvenile justice policy concerns a group that is politically disadvantaged in numerous ways – relating to age, power and social status. All youth already hold unequal status and do not enjoy the same rights afforded to adults. While they become full

citizens upon reaching the age of the majority, children and adolescents are “semi-citizens” for holding “some but not all of the essential elements of citizenship” such as the right to vote (Cohen 1973 vi). Further, juvenile justice policies affect those semi-citizens that have been deemed deviant for their criminal acts. As with adults and the second face of the state, the youth interacting with the juvenile justice system are disproportionately from RCS communities. Because the policy made to control juvenile delinquents disproportionately interacts with black and brown youth,¹⁰ this policy area and its disparate effects should warrant greater attention from the political science community. These policies have consequences for the future of American democracy, for youth are being taught lessons about their worthiness as citizens – lessons that will undoubtedly shape their adulthood.

Criminal and Juvenile Justice Policy-Making

As opposed to other issue areas, criminal justice policy-making has been noted as particularly complicated for the symbolic weight that crime carries in any society (Ismaili 2006; Oliver and Marion 2008). Issues related to crime can elicit the public’s perception of what is right and what is wrong. By controlling criminal behavior, in the name of law and order, elected officials can easily manipulate these issues for personal gain (Ismaili 2006). As seen in the punitive turn directed at juvenile offenders, crime – especially when it received heightened media coverage – can serve as an opportunity for political elites to demonstrate their responsiveness to the public and propel punitive agendas (Ismaili 2006).

¹⁰ Juvenile and criminal justice should be understood as racialized systems of social control over those groups that comprise the underclass – racial minorities, the poor and most severely, the racialized poor. Ample criminal justice research explores how these groups are perceived as threatening to the “hegemony of middle and upper-class rule” and face greater social control, criminalization and incarceration than those groups that do not pose a threat to the social order (Sampson and Laub 1993 288; Fishman, Schwartz and Hsieh 1997).

The existing literature demonstrates that policy-making, in any issue area, can be best understood through the internal determinants or the regional diffusion models – or through the application of both (Berry and Berry 1990; Emmert and Traut 2003). Regional policy diffusion refers to the process through which policies spread across borders, whether it be between nations, states or localities (Karch 2007; Bergin 2011). Proponents of diffusion argue that states will learn from and compete with their neighbor states by enacting similar legislation (Bergin 2011; Berry and Berry 1990). Some studies have looked to the diffusion of sentencing policies for criminally offending adults but did not find that geographic proximity was associated with the diffusion of such policies (Allen et al. 2004; Grossback et al. 2004). In his review of studies on criminal justice policy diffusion, Bergin (2011 411) finds that the existing literature “offer[ed] little support for the idea that geographical proximity influences the diffusion of criminal justice policies.” Considering these findings and following the lead of other studies concerned with criminal justice policy-making (Sliva 2018; Emmert and Traut 2003), this study utilizes the internal determinants model to understand which political, economic and social factors operating within each state can explain juvenile justice policy innovation.

I am concerned with policy innovation at the state-level because states, as opposed to federal and local governments, are the focal point for structuring criminal and juvenile justice systems (Bergin 2011). It is state laws that define the lived experiences of adults and youth that interact with the criminal and juvenile justice systems. Those studies concerned with state-level criminal justice policy-making have also employed the internal determinant models to find whether a series of factors – including crime rates, fiscal capacity and the size of African-American populations – can explain criminal justice policy outcomes within each state (Sliva 2018).

In particular, this literature explores why states enact certain policies for criminally offending adults and seeks to explain state variation in incarceration rates. To explain why some states have downsized their criminal justice systems in recent years, a handful of studies have looked to state budgets and placed great emphasis on the 2008 recession. They argue that budgetary concerns forced states to reduce their reliance on carceral control (Lubow 2015; Brown 2012; Lovrich, Lutze, and Lovrich 2014). Others have not found a relationship between state fiscal health and the adoption of punitive policies such as the enactment of three-strikes laws (Williams 2003). Similarly, studies have looked at the relationship between state fiscal health and the decline of state incarceration rates (Enns and Shanks-Booth 2015). Some scholarship has highlighted the role that crime rates play in impacting a state's incarceration rates and policy innovations (Fagan 2008; Williams 2003; Lubow 2015; Enns 2016). Many of these studies found little evidence to suggest that the rise in adult incarceration rates resulted from changes in adult crime rates (Smith 2004; Neil, Yusuf, and Morris 2015) or that legislators would enact less punitive policies as a response to falling crime rates (Cook and Lane 2009).

Limited scholarly research has been conducted to identify the causes of juvenile justice policy-making – let alone the enactment of beneficial policy for juvenile offenders as this study aims to do. Fishman, Schwartz and Hsieh (1997) argue that juvenile justice policy is a reflection of the public mood and its preoccupation with juvenile crime. While rising crime rates in the late 1990s created public fear and caused state legislatures to adopt legislation treating juveniles like adults (Fagan 2008), this does not necessarily mean that the “crime-drop hypothesis” can explain the emergence of this reform period (Lubow 2015 57). This hypothesis suggests that those states enacting beneficial legislation for juvenile offenders or reducing their youth confinement rates are doing so because their juvenile crime rates have declined (Lubow 2015). Bernard (1992)

argues that juvenile justice policy changes in a cyclical pattern. In its simplified form, the cycle begins with high juvenile crime rates, causing policymakers to enact harsher punishments or punitive reforms in lieu of existing, lenient juvenile justice policy. Eventually, policymakers and the public believe that the harsh punishments are causing greater juvenile crime instead of reducing it, resulting in the enactment of lenient reforms. As juvenile crime persists, lenient reforms, again, become the subject of scrutiny and punitive changes are enacted. According to Bernard (1992), this cycle has repeated itself three separate times since the establishment of the first House of Refuge in the 1820s. Understanding juvenile justice policy-making as cyclical is valuable, for it demonstrates that one cannot understand the laws that shape the modern juvenile justice system without recognizing the persistence of certain ideas over time. However, Bernard's cycle of juvenile justice simplifies the many forces that may be at work and is not particularly useful for explaining state-level variation in juvenile justice policy as this study aims to do.

Instead, I utilize the "multiple streams" framework (MSF) laid out by Kingdon (1984) to demonstrate how juvenile justice policies changed from punitive to less punitive. It is through the use of this general policy-making framework that the adoption of beneficial policy for juvenile delinquents becomes clear. While MSF is designed to understand federal policy-making processes, it is also applicable to policy-making at the state-level. MSF is the appropriate framework to study juvenile justice reform because it reflects the forces frequently cited by scholars and advocates of juvenile justice reform as the causes of beneficial policy outcomes, especially between the late 2000s to the present.

Most importantly, Kingdon's MSF allows me to examine the role that juvenile justice advocacy organizations played during this period. I theorize that variation in the presence and

capacity of juvenile justice advocacy organizations may partly explain which states passed more beneficial legislation for juvenile offenders than others. Here, juvenile justice advocacy organizations are those private, tax-exempt and non-profit organizations working to ensure that legislatures enact beneficial policies for youth involved in the juvenile and criminal justice systems. Advocacy refers to the “public support for or recommendation of a particular cause or policy” (Tow Foundation 2011 4). In this case, the juvenile justice advocacy organizations seek to reduce the punitive treatment of criminal offending youth by advocating for beneficial policies. Berry (2003 30) explains how nonprofit organizations that “‘speak for,’ ‘act for,’ and ‘look after the interests’ of those they are concerned about” through their interactions with the government are essentially interest groups. Thus, like any other organization seeking to influence state policy, the juvenile justice advocacy organizations of this period should be understood as interest groups.

De Vita and Williams (2001) highlight the importance of state-level advocacy organizations in the U.S., especially when looking at policy that concerns children. The “locus of activity” for children’s issues tends to be at the state-level, which means there is a greater need to “analyze the number and characteristics of child advocacy organizations” at the state-level – as this study does (De Vita and Williams 2001 4). While numerous organizations advocate for juvenile justice reform at the national level and fund organizations operating across the country, including the National Juvenile Justice Network (NJJN), Coalition for Juvenile Justice (CJJ), Children’s Defense Fund, Campaign for Youth Justice (CYJ), Annie E. Casey Foundation,

MacArthur Foundation and the National Juvenile Defender Center (NJDC), there are many state-level advocacy organizations that have pushed for juvenile justice reform.¹¹

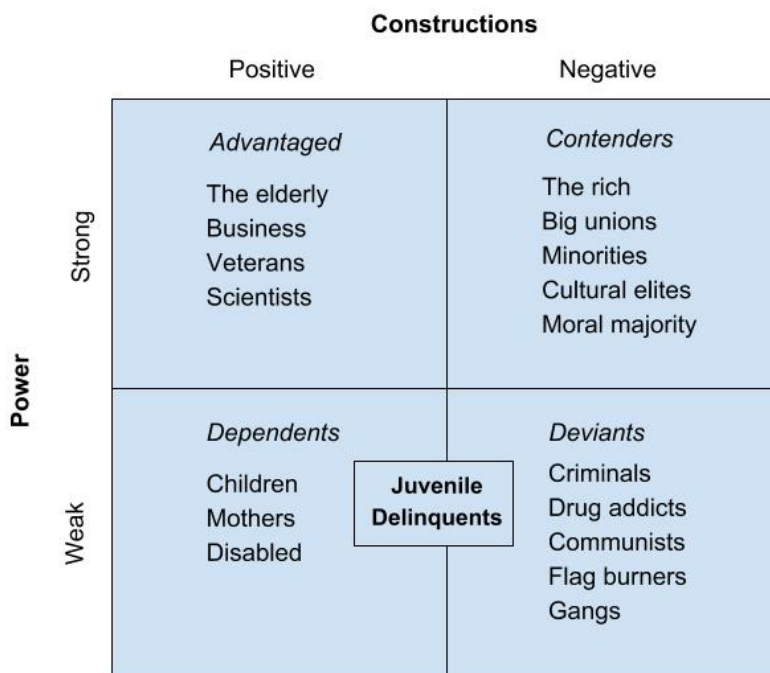
Generally speaking, political scientists have not paid great attention to the role of advocacy organizations in juvenile or criminal justice policy formation (Stolz 2002). The existing literature has been “non-systematic and fragmented” at best (Stolz 2002). Fairchild’s (1981) work looks at the punitive period directed at adults in the criminal justice system, finding that professionalized criminal justice interest groups – often comprised of law enforcement, corrections officers and lawyers – were more influential in shaping policy than those groups concerned with social services or achieving reforms. Similarly, Miller (2008) describes how policy environments at the state-level are biased towards the few interest groups – such as prosecutors’ associations and law enforcement groups – that promote policy solutions geared towards punishing criminal offenders. Despite these findings, it seems that the interest groups concerned with softer reforms – the juvenile justice advocacy organizations – have prevailed over the punitive status quo and acted as a profound force of change in this reform period.

Before exploring how MSF can explain this reform period, it is essential to understand why I call attention to the role of juvenile justice advocacy organizations in the first place. These organizations are essential because juvenile delinquents are at a tremendous disadvantage in terms of social construction and political power. Schneider and Ingram’s (1993) theory – the

¹¹ National and regional juvenile justice advocacy organizations and campaigns omitted from this study include: Advancement Project, Annie E Casey Foundation, Campaign for the Fair Sentencing of Youth, Children Defense Fund, Coalition for Juvenile Justice (CJJ), Dignity in Schools Campaign, Human Rights Watch, Justice for Families, Justice Policy Center, MacArthur Foundation, National Center for Juvenile Justice, National Girls Health and Justice Institute, National Juvenile Defender Center, National Juvenile Justice Network, Open Society Foundations, Prison Policy Initiative, Project to End Juvenile Life Without Parole, Strategies for Youth, The Campaign for Youth Justice (CYJ), The Sentencing Project, The Southern Poverty Law Center, Vera Institute of Justice, W. Haywood Burns Institute, Youth Justice Project and Youth Law Center

social construction of target populations – which has been confirmed empirically by Kreitzer and Smith (2018), describes how every group or target population is socially constructed and possesses degrees of political power. Social construction is a stereotype in which value and meaning are assigned to a person, group, space or situation as a result of numerous forces including history, politics, culture and the media (Schneider and Ingram 1993). Social constructions can be positive or negative and can determine who is deserving of “respect, privilege and status” in any given society (Schneider and Ingram 1997 107). On the one hand, groups can be smart, hardworking and generous among other positive descriptors while negatively constructed groups may be perceived as lazy, greedy and immoral. Power refers to a group’s access to politically important institutions, frequency of voting, possession of wealth and ability to mobilize (Kreitzer and Smith 2018). As illustrated in Figure 2.3, when social construction and power interact, there are several possible target population outcomes including dependents (positively constructed but with little to no political power) and deviants (no political power and negatively constructed) (Schneider and Ingram 1997 102). Youth involved in the criminal and juvenile justice systems straddle both positive and negative constructions. Juvenile delinquents fall under the negatively constructed category of deviant for their crimes, but their youth also places them in the positively constructed category of dependent (Schneider and Ingram 1993). Regardless of construction, juvenile delinquents in this framework are always politically weak, holding low degrees of power (Schneider and Ingram 1993).

Figure 2.3 Social Construction and Political Power of Target Populations



Source: Schneider and Ingram (1993). Amended by author.

The perceptions of deviance attached to juvenile delinquents have severe consequences for policy outcomes. Schneider and Ingram (1993) explain how, across issue area, public officials receive gains when they develop policy that is beneficial for positively constructed groups, particularly the politically powerful, and when they develop harsh policy for negatively constructed groups – especially those with limited political power (Kreitzer and Smith 2018). Put simply, “politicians like (and are rewarded for) doing good things for good people and bad things to bad people” (Kreitzer and Smith 2018 769). The social construction of juvenile delinquents – at the intersection of dependent and deviant – means that policy makers face no incentive to create beneficial policy and are actually incentivized to make negative policy due to their deviant component.

Therefore, it is challenging as a legislator to pass beneficial legislation for a group that is perceived as threatening. There are actually strong incentives to pass punitive legislation to

control such negatively constructed and political weak groups. Furthermore, understanding the juvenile justice system as a tool of social control and the role that the media has played in contributing to the racialization of youth crime, as discussed in Chapter 1, can illuminate the challenges that come with reversing punitive juvenile justice legislation and enacting reformative legislation in its place. For these reasons, the juvenile offender population is likely limited in its ability to achieve political gains without the assistance of juvenile justice advocacy organizations. Perhaps, without advocacy organizations, states that are now reformers would not have abandoned their punitive policies and enacted reforms for such a marginalized group. Youth in the juvenile justice system may need advocacy organizations to shift the power balance in their favor and to elevate their voices in the political arena.

While little scholarly attention has been paid to the relationship between advocacy organizations and juvenile justice policy-making, broader work on advocacy organizations demonstrates how advocacy organizations give marginalized groups a voice and represent those who are “unable to organize to compete in the marketplace” (Rabin 1975 207; Jenkins 1987). To influence policymakers on behalf of under-represented groups, non-profit advocacy organizations may utilize a range of methods including litigation, lobbying, research, community organizing and mobilization. Organizations may also employ disruptive tactics like marches, demonstrations and protests to bring about change (Jenkins 1987). It is through these methods that advocacy organizations provide political gains for such a politically weak group.

The Multiple Streams Framework

Kingdon’s (1984) MSF identifies three streams, or processes, through which policies can change: problems, policies and politics. First, there is the problem stream in which a problem must be identified. This problem may come to light through a crisis or high profile event but can

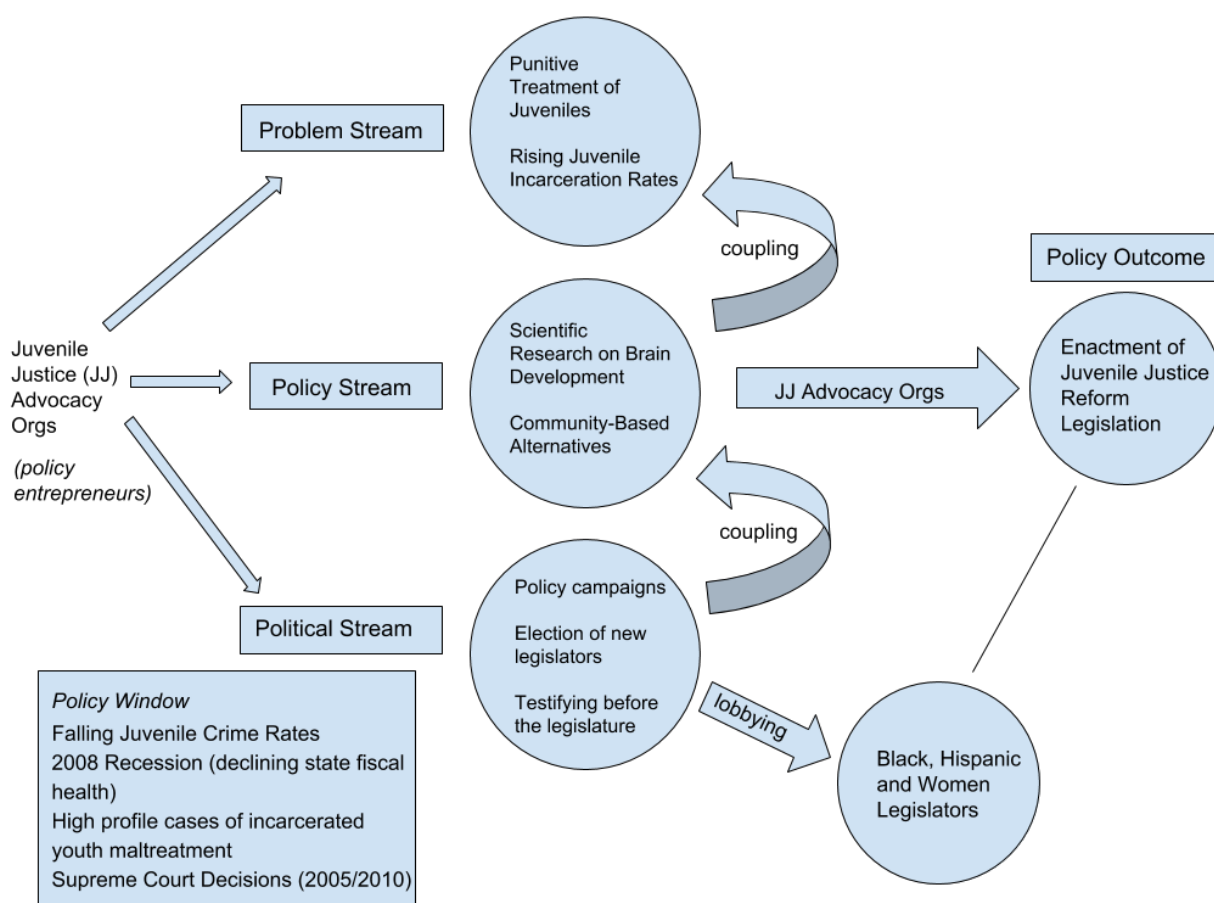
also arise through a change in an indicator. Governments frequently monitor indicators by tracking infant mortality rates, highway deaths or consumer prices – to name a few examples (Kingdon 1984). A change in an indicator signals to policymakers or actors outside the government that a problem may have emerged. Next, the policy stream refers to the process of knowledge accumulation among specialists. Often using scientifically based research, policies are generated to address the existing problem. Lastly, the political stream is characterized by political events such as elections, changes in administration or shifts in national mood (Kingdon 1984). Each stream has its own set of participants who tend to develop expertise in one particular area. Lobbyists are generally involved in the politics stream while researchers and analysts tend to be concerned with the policies stream. Nonetheless, a participant is capable of being active in all three streams (Kingdon 1984).

While these three streams operate independently, the most profound policy change emerges through what Kingdon (1984) calls coupling, the convergence of the three streams at critical moments. This means that the problem, the suggested policy and the political climate align and increase the likelihood of a desired policy outcome. Coupling is most likely to occur when a “window of opportunity” opens (i.e. a compelling problem has emerged or the political climate is ripe for change). The policy window is similar to the external system events that shock the policy subsystem in Sabatier and Jenkins-Smith’s (1993) advocacy coalition framework (ACF). Policy entrepreneurs – actors who are “advocates for proposals or for the prominence of an idea” – ensure that coupling occurs (Kingdon 1984 129). These actors are committed to linking the identified problem and policy solution to the political moment. Entrepreneurs can be elected officials, interest groups, lobbyists or academics and are persistent in their efforts to push for positive policy outcomes.

Kingdon's streams are not strict categories but, instead, loose boundaries that allow us to better organize the forces that shape the policy-making process. Through this framework, I am able to paint a coherent picture as to how juvenile justice reform emerged through the work of juvenile justice advocacy organizations as policy entrepreneurs – as summarized in Figure 2.4

Before understanding juvenile justice advocacy organizations as policy entrepreneurs, it is essential to outline how they were active participants in all three streams during the reform period.

Figure 2.4 Multiple Streams Framework Applied to State-Level Juvenile Justice Reform



Juvenile justice advocacy organizations began by identifying a problem – initiating the first stream. The problem likely came to light due to a change in an indicator – such as the rising

rates of youth confinement. Youth confinement began to climb in the mid-1980s with the number of youth confined peaking in 2000 (Sickmund 2010). This is likely to be the indicator that signaled a problem, especially considering some states began reforming their policies shortly after in 2001. Nonetheless, other developments could have also indicated a problem in juvenile justice such as the greater number of youth transfers to adult institutions (courts and prisons). Juvenile justice advocates recognized the excessive confinement of juvenile offenders for non-violent crimes, racial disparities in detention, illegitimate transfers of juvenile offenders to adult criminal court and the overall harsh treatment of youth in the juvenile justice system. As Lubow (2015 60) describes, advocacy organizations “[call] attention to problems” in order to make progress. Alongside these advocacy organizations, a range of other participants – concerned members of the public, policymakers, philanthropic foundations, legislators and juvenile justice bureaucratic administrators – also recognized the problem of punitive juvenile treatment.

With the problem – the punitive treatment of juvenile offenders – identified, advocacy organizations formulated policy alternatives that were rooted in research and benefited youth involved with the criminal and juvenile justice systems. Beyond juvenile justice policy, research in any issue area “can so substantially alter actors’ perceptions of the problem that major changes result” (Sabatier and Jenkins-Smith 1993 47). For example, New Futures Kids Count, a juvenile justice advocacy organization describes how it: “undertakes data projects to ensure that New Hampshire-based data is collected and put to use for Granite State children and families” and “makes strides to build statewide advocacy capacity in the early childhood field by using this critical data to advocate for strong and proven policies for the future health and prosperity of New Hampshire's children” (New Futures, n.d.). Such advocacy organizations generate policy proposals based on data and research to address the existing problem.

It is widely recognized, too, that such advocacy organizations created and elevated innovative policy solutions rooted in research on the adolescent brain and scientifically based alternatives to juvenile detention that rely on the family (YTFG Juvenile Justice Work Group 2012; Merlo and Benekos 2010; Hinton et al. 2007). First, these organizations focused on the many ways in which adolescents are distinct from adults. Adolescent brains are not fully developed and lack adult like decision-making and control capabilities (NJJN and TFFP 2013). Adolescents are undergoing development physically, emotionally and cognitively and are more likely to engage in risky behavior, misjudge situations and underestimate negative outcomes (NRC and IM 2001; NRC 2013). Research on brain development allowed advocacy organizations to call into question the degree to which juveniles are culpable for their crimes and whether their punishments should reflect these differences (YTFG Juvenile Justice Work Group 2012; NJJN and TFFP 2013). This research has also been cited in Supreme Court decisions and recognized by state legislatures in their legislative reforms (Benekos and Merlo 2016). Second, scientifically based alternatives to detention have been developed and widely implemented during this period. Advocacy organizations have promoted three prominent programs that engage the family including Multisystemic Therapy (MST), Functional Family Therapy (FFT) and Multidimensional Treatment Foster Care (MTFC) (YTFG Juvenile Justice Work Group 2012). With the assistance of advocacy organizations, these alternatives to confinement have been implemented by jurisdictions across the nation. Furthermore, advocacy organizations have developed policies with community-based programming and have advanced research demonstrating how this alternative is more effective at reducing recidivism and less costly for states to operate than confinement (NRC 2013; AECF 2013). The organizations also utilized

findings that recidivism rates were higher for youth incarcerated in adult facilities than those held in juvenile facilities to support their other policy proposals (NRC 2013).

Finally, while juvenile justice advocacy organizations are active in the problem and policy streams, they were and are important participants in the political stream. In this stream, the ultimate goal of juvenile justice advocacy organizations is to translate their beliefs – how they think the juvenile justice system should operate – into public policies (Sabatier and Jenkins-Smith 1993). Public policies can be understood as the final product, the realization of a set of beliefs, values and causal assumptions (Sabatier and Jenkins-Smith 1993). For example, the Colorado Juvenile Defender Center (CJDC, n.d.) states that it: “believes all children and youth should experience adolescence free from over-criminalization in a just society that promotes their well-being and provides second chances. We Believe in Youth!” Using their policy alternatives, rooted in research and data, it and other organizations seek to overcome the dominant coalition and existing belief system which favors the punitive treatment of juvenile offenders.

To weaken the dominance of the existing belief system, juvenile justice advocacy organizations attempt to shape the political environment and interact with prominent actors such as state legislators (Kingdon 1984). The second activity, concerning juvenile justice advocacy organizations’ efforts to directly influence policymakers will be revisited in greater depth below. In terms of shaping the political environment, advocacy organizations may lead policy campaigns by forming coalitions with other likeminded organizations to build support for an issue. Kingdon (1984 157) notes how issues are more likely to reach the top of the government agenda when there is a consensus among organized forces in the political environment. For example, the American Civil Liberties Union of North Carolina (ACLU) led a coalition of 40

other organizations in the state, most of whom were not solely committed to juvenile justice, in their Raise the Age Campaign. This policy campaign sought to change state law by raising the age of juvenile jurisdiction to 18 years old for certain felonies and misdemeanors. See Appendix 1.1 for the ACLU of North Carolina's policy campaign flyer. This organized campaign effort led to policy success in 2017 (Birdsong 2017). Similarly, the Louisiana Center for Children's Rights leads the Louisiana Youth Justice Coalition (LYJC), a network of over 70 organizations that "support statewide policies to transform the juvenile justice system" in line with their "common-sense juvenile justice" values (LYJC 2019).

Governments consider the negative consequences of taking an action that faces strong, unified opposition from within the political environment (Kingdon 1984). The strength of these organized political forces is determined in large part by the intensity of group communications and resources. An interest group will "invest its resources – time, energy, reputation, and sometimes money – in the hope of a future return" (Kingdon 1984 129). Kingdon (1984) recognizes that all interest groups do not operate equally within this framework. The effectiveness of juvenile justice advocacy organizations to shape policy outcomes will be "critically dependent upon its resources" (Sabatier and Jenkins-Smith 1993 29). Resources can refer to each group's money, expertise, number of supporters and membership among other factors (Sabatier and Jenkins-Smith 1993). Further, to influence the government agenda, a group's geographic location and ability to mobilize its members may also be important indicators of capacity.

Having explained how advocacy organizations have been active participants within each stream, it is important to recognize how they acted as policy entrepreneurs by carrying out the essential, political process of coupling. The likelihood of an issue manifesting itself into a

legislative enactment, for instance, is greatly enhanced if the three streams converge. Advocacy organizations as policy entrepreneurs were persistent in their efforts to align policy solutions with problems that fit within the political environment. The following statements were made by juvenile justice advocacy organizations from across the U.S. They reinforce the idea that juvenile justice advocacy organizations act as policy entrepreneurs:

Nonprofit, nonpartisan organization committed to improving the lives of Kansas children and families by providing comprehensive data, advocating for sound public policy and collaborating with lawmakers. [Kansas Action for Children (n.d.)]

We advocate, convene, conduct research, and educate the public on important juvenile justice issues. [Citizens for Juvenile Justice (n.d.)]

We work towards a transformed juvenile justice system that is safe, smart, cost-effective, and fair. We fight for kids in local government and organize the Louisiana Youth Justice Coalition to advocate for them at the state legislature. [The Louisiana Center for Children’s Rights (LYCJ 2019)]

[We] seeks to protect the rights and improve the treatment of children and youth in the juvenile justice system through public advocacy, community organizing, non-partisan research, and policy development. [Colorado Juvenile Defender Center (n.d.)]

Similarly, the Westchester Children’s Association (WCA), a juvenile justice advocacy organization in New York, describes how, on a daily basis, it analyzes data on children of all ages, leads coalitions of working experts on difficult issues, educates the public and lawmakers and advocates for public investments in children (WCA 2019). Like the ACLU of North Carolina, WCA was a member organization of a Raise the Age Campaign in New York which also resulted in policy success with the enactment of AB 3009 on April 10, 2017 (WCA 2019).¹²

¹² See Appendix 1.2 for a WCA publication summarizing the beneficial outcomes through the enactment of this law for criminally offending youth in New York.

Finally, the coupling efforts of these juvenile justice advocacy organizations are more likely to succeed when a policy window opens. Juvenile justice advocacy organizations, like any other interest group advocating for change, “are like surfers waiting for the big wave” (Kingdon 1984 173). What could the big wave – or policy window – for juvenile justice reformers be? Declining state fiscal health and budget cuts may have been the windows – or external events – that offered advocates an opportunity to push for their juvenile justice reforms (Merlo and Benekos 2010). The cost of adult mass incarceration and increased institutionalization of youth strained state budgets, particularly with the economic recession of 2008 (NRC 2013). Fiscal pressures created a need for cost-effective alternatives to youth detention which were produced in the policy stream (YTFG Juvenile Justice Work Group 2012). Lubow (2015 58) argues that while declining juvenile crime rates did not cause the reduction in confinement and the adoption of reformative policies across states, it did create an “ideological space” for policymakers and juvenile justice practitioners to entertain policies and programs “in ways not possible when pressure to be ‘tough on crime’ [was] highest.”

Another potential window of opportunity may have been the emergence of high profile cases in which youth were abused or treated with excessive force while in confinement. NJJN and TPPF (2013, 13) identify the “growing public awareness of the terrible conditions in youth prisons” as a contributing factor to the changing political climate for juvenile justice issues. 80 percent of states have had either federal court intervention or a major scandal arise due to the “violent, restrictive conditions” of their juvenile justice facilities (Lubow 2015 53). Benekos and Merlo (2016) argue that Supreme Court decisions concerning juvenile offenders were monumental during this period and, thus, potentially opened policy windows for broader change. The Supreme Court’s reasoning in *Roper v. Simmons* (2005), *Graham v. Florida* (2010), *Miller v.*

Alabama (2012) and *Montgomery v. Louisiana* (2015) consistently reaffirmed the understanding that youth and adults are different such that youth should not be treated with the same harsh sanctions (Benekos and Merlo 2016). Decisions from the highest court, rooted in scientifically based reasoning, may have opened the door for state legislators to rewrite other juvenile justice laws.

Understanding the concept of a policy window can also demonstrate why I expect advocacy organizations to have been important during this reform period as opposed to the punitive period of the 1980s and 1990s. It is not that these advocacy organizations were non-existent or unimportant before the early 2000s. In fact, prominent national organizations like the Annie E. Casey Foundation (AECF) were active prior to this reform period. AECF, for example, launched its national Juvenile Detention Alternatives Initiative (JDAI) in 1992 while the punitive period was still underway. Through the JDAI, AECF created criteria to limit the use of juvenile detention and improve conditions of confinement in jurisdictions across the country (NRC 2013). When looking at the problem stream prior to the reform period, it becomes clear why juvenile justice advocacy organizations were not successful in translating their beliefs into public policy successes. In the punitive turn period, the problem dominating national discussions was the rise in juvenile crime, and the prevailing policy solutions were influenced by predictions – from scholars like DiIulio – of incoming “super-predators.” Those groups that identified this problem of juvenile crime saw their beliefs translated into policy – policy that emphasized punitiveness, retribution and public safety. The dominant coalition at the time felt that rehabilitation had failed and punitive policy was required. The reform-oriented juvenile justice organizations were not part of the dominant coalition, so their voices did not prevail in the juvenile justice policy debates of the time. Prior to the emergence of the reform period in the early 2000s, the problem

became the rising confinement and punitive treatment of youth in the juvenile justice system.

The emergence of this new problem allowed juvenile justice advocacy organizations to become the main participants of the three streams and initiate this period of reform as policy entrepreneurs.

Revisiting the Political Stream: Policy Entrepreneurs and Political Representation

Juvenile justice advocates have (1) identified the problem, (2) produced policy solutions rooted in scientific evidence and (3) shaped the political environment across states. I argue that, a particular interaction within the political stream can help us understand how these organizations produced beneficial policy for a politically weak and negatively constructed group. The interactions between juvenile justice advocacy organizations and certain state legislators – those who are black, Hispanic and female – may shed light on an important component of this reform period.

Juvenile justice advocates “seek out allies” with similar beliefs to influence policy outcomes in the political stream (Richardson 2014). While allies can be other organizations active in the state, as seen with the ACLU of North Carolina and WCA’s “raise the age” campaigns, advocacy organizations may also seek to influence state legislators. Advocacy organizations can interact with the legislative branch in a series of ways. Roby (as cited in Stolz 2002 55) explains how interested parties seeking to influence criminal justice policy outcomes may engage in any of the follow five stages of the legislative process:“(1) writing of the proposed law; (2) public hearings and rewriting sections; (3) enactment of the law; (4) enforcement and reactions to the law; and (5) proposed amendments to the law.” Organizations can maintain relationships with legislators across political parties, produce information and data for legislative use, make recommendations to pertinent legislative committees, strategically

publicize information regarding their constituencies and more (Alliance for Justice 2004). Juvenile justice advocacy organizations may also identify and diligently track juvenile justice bills introduced in their states' legislatures. Rhode Island KIDS COUNT, for example, tracks legislation and currently has four juvenile justice bills that have been introduced in the Rhode Island Legislature on its 2019 agenda (RIKC 2019). Advocacy organizations can also testify before state legislative committees (Alliance for Justice 2004). For example, Executive Director of the Youth, Rights & Justice (YRJ) – a juvenile justice advocacy organization in Oregon – Mark McKechnie testified on April 25, 2017 in support of SB 82 before the House Judiciary Committee during the 2017 Oregon Legislative Assembly (YRJ 2019). SB 82 aimed to prohibit the use of solitary confinement as a punishment for youth offenders in Oregon Youth Authority facilities. See Appendix 1.3 for YRJ Testimony.

These activities within the political stream seek to influence state legislators who are tasked with drafting and voting on juvenile justice bills. Observers note that, since the punitive turn, legislators are generally more open to rehabilitative, preventive and restorative criminal and juvenile justice policies (Merlo and Benekos 2010; Sliva 2017). Nonetheless, I argue that legislators with certain descriptive characteristics – being black, Hispanic or women – were more likely to act as substantive representatives for juvenile offenders during this reform period. Descriptive representation, among black and Hispanic legislators, becomes substantive representation for juvenile offenders – especially those of color – when these legislators advocate for policy that is beneficial for and represents the interests of youth involved with the juvenile justice system. Women, unless black or Hispanic, legislators are not descriptive representatives. But, the literature explored below leads me to believe that they will act as substantive representatives for juvenile offenders in this reform period. None of this is to say that white,

male legislators cannot support or champion juvenile justice reform. It is after considering the existing literature that it seems that black, Hispanic and/or female legislators may be more inclined to prioritize juvenile justice and may be more likely to act as substantive representatives for a disadvantaged population, disproportionately comprised of minority and low-income youth.

At the individual level, a connection between descriptive and substantive representation, in terms of ethnic, racial and gender diversity, has been well established (Reingold 2014; Bratton and Haynie 1999). Thus, it is plausible that the compositional diversity of legislatures – in terms of race, ethnicity and gender – at the institutional level can impact juvenile justice policy outcomes. However, very few studies look at descriptive representation at the aggregate-level in any policy area. Some scholars of gender representation call into question the legitimacy of this institutional argument and cast doubt on the idea that once the number of women in legislative bodies reaches a certain threshold – or critical mass – legislative dynamics will change in favor of women, allowing them to alter legislative activity and prioritize issues pertinent to them (Beckwith and Cowell-Meyers 2007; Cowell-Meyers and Langbein 2009). While there is consensus in regards to the relationship between descriptive and substantive representation at the individual level, it remains unclear how descriptive representation – in terms of race, ethnicity and gender – operates when looking at state legislatures as a whole.

I posit that greater numbers of female, black and Hispanic legislators will mean greater weight behind the demands and needs of juvenile delinquents (Mansbridge 1999). First, I expect black and Hispanic legislators, who are descriptive representatives, to act as substantive legislators for the juvenile delinquent population. Descriptive representatives are those individuals who “mirror some of the more frequent experiences and outward manifestations of belonging to the group” they seek to represent (Mansbridge 1999 628). For example, black

legislators represent black constituents and women legislators represent women constituents (Mansbridge 1999). Beyond a shared immutable characteristic – such as race – descriptive legislators may share an experience with the group that they seek represent. Descriptive representation is particularly important when it comes to deliberation in legislatures (Mansbridge 1999). When representatives share characteristics with a particular constituent group, they bring insights and experiences to the table that may not have arisen in a more homogenous legislative body.

One of the few studies that looks at descriptive representation at the aggregate-level is that of Owens (2005) which found that increasing African-American representation in state legislatures did lead to greater policy prioritization of issues relevant to African-American constituents. This is consistent with Mansbridge's (1999) argument that the relationship between descriptive and substantive representation is strongest when it comes to the representation of disadvantaged groups. When a group has been historically subordinated – for their race, ethnicity or status as a criminal offender – descriptive representation can “forge bonds of trust” and “facilitate vertical communication” (Mansbridge 1999 641). Preuhs (2006) also finds that African-American legislators can improve responsiveness to African-American issues within legislative bodies. However, it is important to note that the effects of minority member legislative influence were conditioned by which party was in control and which region of the country was being observed – factors that are considered in this study (Preuhs 2006). Bratton and Haynie (1999) find that black legislators are more likely to introduce bills pertaining to black interests including those that relate to “racial discrimination or furthering the socioeconomic and political status of African-Americans” (Reingold 2014, 196). Considering this literature demonstrating that black state legislators are more likely to prioritize the correction of social

injustices than their white counterparts (Button and Hedge 1996), it is plausible that the passage of juvenile justice reform bills fall under this domain. The social justice policies that black legislators are most interested in tend to touch on the “redistribution of wealth, including social welfare, civil rights and liberties, and issues with overt racial components” (Button and Hedge 1996, 200). I expect black and Hispanic elected officials to care more about juvenile justice reform because black and Hispanic youth disproportionately interact with and are more vulnerable to the juvenile justice system. However, I anticipate that Hispanic legislators will be weaker substantive representatives for juvenile delinquents than black legislators. While Bratton (2006) found that Hispanic legislators were more likely to sponsor Latino interest measures – those relating to immigration and language issues – than their non-Hispanic colleagues, they were neither more or less likely to introduce bills that reflected the broader interests of their ethnic group in issues related to education, health or welfare (Reingold 2014; Bratton 2006). While Hispanic legislators have brought some Latino interests, once absent from the political agenda, to the forefront, I anticipate the impact of their representation to be weaker in the context of juvenile justice reform.

While the relationship between minority policy makers and the passage of juvenile justice reform bills may seem intuitive, several studies suggest that women will also serve as substantive representatives for juvenile offenders and as allies of juvenile justice advocates pushing for reform. Female legislators have been found to prioritize – through support and sponsorship – bills related to children, social welfare education and healthcare (Reingold 2014; Poggione 2004). They tend to introduce more legislation related to children than their male counterparts (Thomas and Welch 1991). Bratton and Haynie (1999) find that women legislators are more likely than their white male colleagues to introduce bills that relate to black interests. Female

legislators are more likely to take liberal positions on issues considered “soft” including those that concern children, education, health, social welfare, the environment, gun control, civil rights and public safety (Cammisa and Reingold 2004; Thomas and Welch 1991).

While crime is not a soft issue, women tend to view people who commit crimes in terms of their social context while men tend to see criminal offenders as individuals “choosing a life of crime” (Kathlene 1995 696). In recognizing social context, women legislators see crime as stemming from “disparate education system[s], low wages, poor or no job opportunities and [a] lack of support for families” (Kathlene 1995 708). Because perceptions of crime are gendered, policymakers of different genders may provide contrasting solutions to solve problems related to crime (Kathlene 1995). Kathlene (1995) interviewed legislators in Colorado and found that more than half of the female legislators favored preventative over reactive solutions to crime and suggested early childhood education, educational programs for at-risk children, youth diversion programs, higher paying jobs and more jobs in high unemployment areas as policy solutions to crime. In understanding the causes of crime from a societal-environmental perspective and favoring solutions to crime that prioritize intervention and prevention at early ages, female legislators making or voting on juvenile justice issues may be more likely to treat youth that commit crimes with policy that favors rehabilitation over retribution.

Other studies have also found female legislators to be less punitive and more likely to favor rehabilitative and restorative practices when it relates to criminal justice policies. Generally speaking, female legislators are more likely to be ideologically liberal in regards to criminal justice policy (Flanagan et al. 1993). Sliva (2018) found that legislatures with greater numbers of female legislators were correlated with those states that adopted more restorative justice laws in their adult correctional systems. Through restorative justice, offenders take responsibility for

their crimes in a healing process which often requires face-to-face communication with their victim(s) and is “designed to facilitate personal and social reconciliation” as opposed to punishment and confinement (Sliva 2018 3). In demonstrating compassion for adult criminal offenders, female legislators may do the same for juvenile offenders.

Considering these studies, the presence of minority and female legislators may have an impact on the passage of juvenile justice reform at the state level. The more female legislators within a legislative body, the more likely that “women’s issues” reach the top of the legislative agenda (Thomas and Welch 1991). In this case, the “women’s issue” will be the enactment of policies that lessen the punitive treatment of juvenile offenders who are deserving of intervention and rehabilitation. For minorities, more black and Hispanic legislators means more descriptive representatives acting as substantive representatives for juvenile offenders – a population disproportionately comprised of youth that share their race and/or ethnicity. More likely to prioritize policies that reverse racial injustice, black legislators will push for legislation that treats juvenile offenders with rehabilitation over retribution. Similarly, but to a lesser degree, Hispanic legislators will push for policies that benefit those Hispanic youth involved in the juvenile justice system.

It is important to note that some scholars argue that presence alone may not be enough to see a group’s policy priorities come to fruition (Thomas and Welch 1991; Cammisa and Reingold 2004). Some studies suggest that women and minorities are most effective in shifting legislative policy when they have been thoroughly incorporated into the legislative body – referring to the number of committees chaired by and the proportion of leadership positions held by group members (Reingold and Smith 2012; Preuhs 2006). Reingold (2014, 198) explains how “both presence and power” – power referring to holding positions of leadership or chairing

committees – may be essential preconditions to influencing policy outcomes. Beyond gender, race and ethnicity, other factors such as party affiliation and citizen ideology (Flanagan et al. 1993; Cook and Lane 2009; Bratton and Haynie 1999) also may predict policy change.

Hypotheses

Based on the literature explored above, I deduce a set of hypotheses. The main concern of this study is the role of advocacy organizations in propelling juvenile justice reform. As policy entrepreneurs, juvenile justice advocacy organization's (1) identified the punitive treatment of juvenile offenders in the juvenile justice system (the problem stream), (2) utilized scientific based research to provide policy alternatives reflecting their beliefs (the policy stream) and (3) created policy campaigns and influenced the beliefs of legislators enacting juvenile justice policy (political stream). State variation in juvenile justice policy outcomes will be dependent upon the presence and nature of juvenile justice reform organizations. The greater the number of such advocacy organizations within each state, the stronger the voice advocating on behalf of juvenile delinquents. Juvenile delinquents as a group require advocacy organizations, whose access to political power and resources elevates the group's interests on legislatures' agendas. As discussed, juvenile delinquents need to be empowered by an organized force due to their marginalization as group that carries negative social constructions and holds negligible political power (Schneider and Ingram 1993). This group is also disproportionately comprised of poor, racial minorities which further exacerbates their low power and social status. Thus, the stronger the presence of organizations seeking positive policy for this group, the more likely that state legislators will enact such policies.

H1: States with more juvenile justice advocacy organizations will adopt more juvenile justice reform bills than those with fewer organizations.

Having accounted for the presence of these advocacy organizations, capacity speaks to the degree to which these organizations can speak on behalf of disempowered voices and influence the decisions of state legislators. Capacity refers to an organization's resources and capabilities. Kingdon's MSF explains how advocacy organization capabilities vary, which is important to consider when estimating the ability to be effective in the political stream. As explored above, an advocacy organization's capacity to influence the legislature can be understood in a myriad of ways including finances, size of staff, political connections and even distance from the capitol (Jenkins 1987; Rabin 1975; Scott et al. 2006; Jenkins-Smith and Sabatier 1994). With greater capacity comes a greater ability to act as effective policy entrepreneurs in the MSF. Those organizations with greater capacity will be better able to couple the streams and effectively shift the dominant belief system among policymakers in their favor.

H2: States with juvenile justice advocacy organizations with greater capacity will adopt more juvenile justice reform bills than states with less capable groups.

While a great deal of attention has been paid to advocacy organizations and their role as political entrepreneurs, it is also important to consider the legislators – who are on the receiving end of lobbying and other advocacy organization practices within the political stream. As discussed above, the literature suggests that certain characteristics make some legislators more likely to serve as substantive representatives for juvenile delinquents. In particular, those legislators that are African-American, Hispanic and/or female will serve as substantive representatives, positively impacting legislative outcomes for delinquent youth. Some studies relating to substantive and descriptive representation have accounted for both the presence and power of minority and female legislators to capture their effect on policy outcomes (Reingold 2014; Reingold and Smith 2012; Preuhs 2006). However, I am only able to test for presence and

was not able, due to a lack of available data and time, to account for power held in state legislatures by women and minorities.

First, female legislators will be more likely than their male colleagues to support bills that reverse punitive juvenile treatment, serving as allies for juvenile justice reform advocates. Aside from those female legislators that are African-American or Hispanic, female legislators are not descriptive representatives of juvenile offenders. But, the extant literature suggests women legislators are more liberal in terms of crime control policy (Flanagan et al. 1993; Thomas and Welch 1991; Cammisa and Reingold 2004; Sliva 2018), more concerned with issues related to children (Thomas and Welch 1991; Reingold 2014; Poggione 2004), more likely to perceive crime as a result of a social-environmental context (Kathlene 1995) and have demonstrated a preference for restorative justice policy solutions for criminally offending adults (Sliva 2018). It is for these reasons that I expect to see female legislators act as substantive representatives for juvenile delinquents. I anticipate that those legislatures with a larger proportion of female legislators will pass more juvenile justice reform bills. With greater numbers, women will be able to bring juvenile justice issues to the top of legislative agendas (Thomas and Welch 1991).

H3: States will adopt more juvenile justice reform bills when their legislatures have more female members.

African-American and Hispanic legislators are descriptive representatives serving as substantive representatives. Due to the glaring racial and ethnic disparities that define juvenile justice systems across states, issues related to juvenile justice reform can be understood as problems that are uniquely pertinent to minorities. The existing literature demonstrates that African-American and Hispanic legislators have acted as substantive policymakers by representing the interests of their respective groups with which they share racial and ethnic

characteristics (Mansbridge 1999; Owens 2005; Preuhs 2006; Bratton and Haynie 1999; Reingold 2014). Because minority legislators are more likely to pursue issues important to their respective groups, this suggests that minority legislators will be more likely to support juvenile justice reform – an issue disproportionately impacting their communities. However, I separate the proportion of the legislature that is Hispanic from the proportion that is black because the existing literature suggests that the relationship between black legislators and juvenile justice reform will be stronger than that between Hispanic legislators and reform (Reingold 2014; Bratton 2006; Carmichael and Kent 2014). As with women, the greater the number of these representatives in the legislative body, the stronger the voice pushing for the enactment of beneficial juvenile justice policy will be (Mansbridge 1999).

H4_a: States will adopt more juvenile justice reform bills when state legislatures have more black legislators.

H4_b: States will adopt more juvenile justice reform bills when state legislatures have more Hispanic legislators.

Finally, considering both the importance of juvenile justice advocacy organizations and substantive representation during this period of reform, I have constructed three hypotheses that capture the interaction between these two factors. The interactions between juvenile justice advocates and legislators – such as lobbying and testifying – will be most effective when the legislators on the receiving end of these practices are inherently more receptive to juvenile justice reform due to their racial, ethnic and/or gender identities.

H5: States with a greater number of and more capable juvenile justice advocacy organizations will adopt more juvenile justice reform bills when their legislatures have more female legislators.

H6: States with a greater number of and more capable juvenile justice advocacy organizations will adopt more juvenile justice reform bills when state legislatures have more black legislators.

H7: States with a greater number of and more capable juvenile justice advocacy organizations will adopt more juvenile justice reform bills when state legislatures have more Latino legislators.

These seven hypotheses are falsifiable, for they can be proven wrong. This will be evident if I find that those states with numerous and capable juvenile justice advocacy organizations and demographically diverse legislatures – in terms of race, ethnicity and gender – enact fewer juvenile justice reform bills than those states that do not share those characteristics.

CHAPTER 3

DATA AND METHODS

DATA

*Dependent Variable*¹³

This study focuses on juvenile justice reform across states. In particular, it examines the enactment of beneficial juvenile justice policy referring to those “programs or rules that are initiated through legislation” as opposed to court decisions or administrative changes (Bergin 2011). More importantly, it is the content of this legislation – how each bill seeks to solve issues related to juvenile crime – that is most important. The dependent variables of this study are the 612 juvenile justice reform bills enacted by each state’s legislature between the years 2008 and 2017. The bills enacted by state legislatures over this ten-year period were collected from the National Conference of State Legislatures (NCSL) Juvenile Justice Bill Tracker database (NCSL n.d.). The NCSL is a bipartisan nongovernmental organization that publishes reports and provides data for the monitoring of state legislative activity. The NCSL has been used frequently by other studies seeking to track state legislative activity (Browne and Reingold 2018; Monogan 2013; Brown 2012). Browne and Reingold (2018) utilized NCSL’s legislative reports to collect immigration-related bills enacted over a seven-year period in nine states. Considering its widespread use, the NCSL is a reliable source that provided me with a methodical way to collect all bills related to juvenile justice across states.

It is important to note that this study’s period of interest, 2008 to 2017, was selected due to NCSL data availability. The NCSL does not track juvenile justice bills enacted by states

¹³ A summary table providing data sources and measurement details for each dependent, independent and control variable is provided in Appendix 2.1

before 2008. Nonetheless, I was able to capture a decade of reform, so I could sufficiently analyze the juvenile justice policy-making process during this period. As Sabatier and Jenkins-Smith (1993 16) explain, understanding policy change requires “a time perspective of a decade or more.” Ideally, because some states began reforming their juvenile justice laws in 2001, I would have wanted to begin my analysis earlier. However, no database like that of the NCSL, collecting all juvenile justice related bills enacted before 2008 for all 50 states, exists. I did not have the time or resources to personally collect all juvenile justice bills enacted by state legislatures between 2001 and 2007 in a systematic fashion. To add this period would require that I accurately account for every juvenile justice related bill enacted in each state’s legislature over six years without the assistance of an existing database. Without available resources or time, this would not have been a systematic or viable approach to supplementing the available data. Some states may have passed some pieces of legislation in these early years before 2008 but that should not prevent states from legislating in the selected decade of interest where a great deal of legislative reforms did take place (Thomas 2017). For this reason, this study does not attempt to determine or rank states as the leaders of juvenile justice reform. To do so would be inaccurate, especially considering that there are other state-level avenues through which juvenile justice reform has been undertaken. Focusing solely on legislative outcomes and claiming to understand each state holistically would overlook the advances made in the juvenile justice system through other avenues such as the courts, correctional agencies, school boards and more. Instead, I seek to identify the factors that are causing some states to pass more juvenile justice reform legislation than others during this period. This distinction is important when understanding the implications of my findings.

The NCSL database did not identify which juvenile justice bills enacted in state

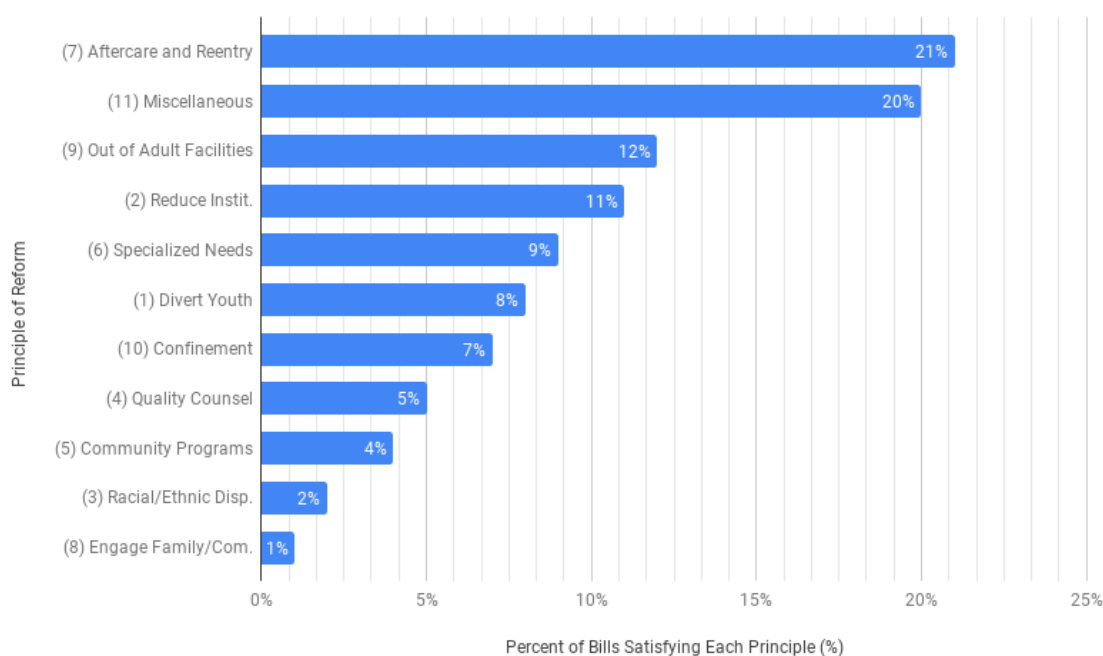
legislatures were juvenile justice reform bills. As other studies (Monogan 2013) have done, I evaluated and coded each bill based on a series of criteria to determine if it qualified as juvenile justice reform. My criteria were based on the National Juvenile Justice Network's (NJJN) Nine Tenets of Reform (NJJN 2018; Burrell 2015) – along with minor additions. Their tenets are closely related to the Youth Transition Funders Group's (Peterson 2012) publication the *Blue Print for Juvenile Justice Reform* which outlines tenets and goals to restructure and advance the juvenile justice system. Founded in 2005, the NJJN is a nationwide network of state-based juvenile justice organizations – partnered with 53 organizations in 43 states – advocating for fair and humane juvenile justice policies (NJJN n.d). The NJJN both draws from and contributes to state and local level initiatives to advance juvenile justice reform. The MacArthur Foundation's Models for Change initiative (Models for Change 2009) describes the NJJN as an “effective and respected” network and its website – where a great deal information was drawn for this study – as comprehensive. The NJJN is a reliable and credible source, for it is one of the nation's leading voices on juvenile justice.

The following eleven categories of reform comprised the criteria of this study (NJJN 2018): (1) Divert Youth from the Justice System; (2) Reduce Institutionalization; (3) Eliminate Racial and Ethnic Disparities; (4) Ensure Access to Quality Counsel; (5) Create a Range of Effective Community-Based Programs; (6) Recognize and Serve Youth with Special Needs; (7) Improve Aftercare and Reentry; (8) Engage Youth, Family and Community; (9) Keep Youth Out of Adult Courts, Jails and Prisons; (10) Improve Conditions of Confinement; and (11) Miscellaneous. Reform categories ten and eleven were not listed by the NJJN and were my additions. While the NJJN prioritizes “(10) Improve Conditions of Confinement” as part of its larger mission online, the category was not explicitly listed as an official tenet of reform. I added

this category because other prominent juvenile justice reform organizations (e.g. the Annie E. Casey Foundation, Campaign for Youth Justice and the Youth Transition Funders Group) also highlighted the issue in their publications (Burrell 1999; CFYJ 2018). The “Miscellaneous” category was added to allow for the coding of those reforms that did not clearly fall under the other categories.

Figure 2.5 shows the distribution of bills that I collected and analyzed across the eleven categories of reform. The juvenile justice bills most frequently satisfied the following reform principles (from most to least satisfied): (7) Improve Aftercare and Reentry; (11) Miscellaneous; (9) Keep Youth Out of Adult Courts, Jails and Prisons; (2) Reduce Institutionalization; (6) Recognize and Serve Youth with Special Needs; (1) Divert Youth from the Justice System; (10) Improve Conditions of Confinement; (4) Ensure Access to Quality Counsel; (5) Create a Range of Effective Community-Based Programs; (3) Eliminate Racial and Ethnic Disparities; and (8) Engage Youth, Family and Community.

Figure 2.5 Distribution of Juvenile Justice Bills and the 11 Categories of Reform



Below, I have included the descriptions for the principles of juvenile justice reform, ten of which were taken directly from the NJJN website. Along with defining each reform principle, I randomly selected at least one enacted bill from my analysis between 2008 and 2017 that satisfied the principle to serve as an example.

(1) Divert Youth from the Justice System:

Youth are often better served if involvement in the justice system can be avoided. Most youth age out of delinquent behavior without any formal justice-system intervention. Unnecessarily exposing young people to the juvenile justice system can actually encourage future criminal activity rather than deter it. For many youth entering the justice system, the consequences of a single lapse in judgment can haunt them for a lifetime. Most youth can be held accountable and supported in the context of family and community supports through processes such as restorative justice and social service intervention (NJJN 2018).

Diverting youth from the juvenile justice system was fulfilled by 8 percent of bills enacted during this period. For example, Texas passed HB 156 on June 12, 2017. This bill established a pilot program in certain public high schools to place youth in the Junior Reserve Officers' Training Corps in lieu of placement in "disciplinary or juvenile justice alternative education programs" (NCSL n.d.).

(2) Reduce Institutionalization:

Institutionalizing young people must be the choice of last resort, reserved only for those who pose such a serious threat that no other solution would protect public safety. Incarcerating youth disrupts their positive social development and exposes them to negative behaviors. Youth should never be placed in a facility solely because of their family situation or social service needs (NJJN 2018).

In those infrequent instances in which youth must be removed from their family and community, that removal should be for as short a time as possible, and only as a last resort. The facilities in which they are held should be: humane; developmentally appropriate; culturally competent; geared towards positive

youth outcomes; close to their families and neighborhoods; small; and home-like in orientation (NJJN 2018).

This tenet of reform was fulfilled by 11 percent of legislation enacted during this period. The state of California passed SB 1296 on June 28, 2014 which banned courts from imprisoning, holding in confinement or taking into custody habitually truant youth for contempt of court (NJJN n.d.). Often the case with the juvenile justice reform bills satisfying this tenet, states chose to expand the use of community corrections – probation and parole – as an alternative to institutionalization. It is important to note a prominent critique of expanding the use of probation and parole which argues that community corrections expands the web of correctional control as opposed to reducing it (Sarri and Vinter 1976). Phelps (2017 54) describes how probation is often characterized as an alternative to incarceration, but, instead, it acts as a “net-widener” that increases the reach of social control. Because it seems less punitive than incarceration, probation may be used more freely to expand the reach of the juvenile justice system. In the same way that the juvenile court was established with the intention of diverting youth from adult criminal procedures, it actually brought more youth under the punitive control of the state and criminalized more behavior (Sarri and Vinter 1976; Platt 2009). Nonetheless, enacting bills that favor probation or parole over incarceration does fulfill the goals of the category. It is not the role of this study to determine whether the outcomes of these reforms will widen the net of juvenile justice systems or curb their reach.

(3) Eliminate Racial and Ethnic Disparities:

NJJN believes that significant racial disparities pervade the juvenile justice system and lie at the heart of many of the justice system’s problems... “In order to achieve our goal, NJJN, in all of its work, seeks to promote policies and practices that eliminate racial and ethnic disparities, whether or not that is an explicit goal of those policies. Reform initiatives should have a positive effect on

reducing disparities, and should at worst be neutral in their impact on racial and ethnic disparities (NJN 2018).

This tenet of reform was satisfied by 2 percent of bills enacted between 2008 and 2017. Oregon enacted SB 463 on July 1, 2013. This bill allows Oregon lawmakers to request racial and ethnic impact statements for any bill concerning criminal justice, juvenile justice, or child welfare (NJN n.d.).

(4) Ensure Access to Quality Counsel

Effective assistance of counsel is essential to reducing unnecessary detention, transfer to adult court, and incarceration of young people. Youth in delinquency cases have a constitutional right to counsel, as the U.S. Supreme Court made clear in the 1967 landmark case, In re Gault. Yet across the country, youth too often face court hearings without the assistance of competent counsel, sometimes appointed as little as five minutes before the case is called, and many waive their right to counsel altogether. Like all people, youth need access to qualified, well-resourced defense counsel throughout the entire juvenile or criminal court process (NJN 2018).

This category was satisfied by 5 percent of bills during this period. Colorado passed HB 1032 on May 21, 2014. The bill states that a youth has the right to counsel which will be provided for by the state if the youth lacks resources to retain legal representation on his or her own (NJN n.d.).

(5) Create a Range of Effective Community-Based Programs:

“Community-based programs positively change the trajectories of young people’s lives. Jurisdictions are building continuums of alternative-to-placement programs with graduated levels of supervision and services to ensure that youth are placed in programs that help them desist from delinquency and progress personally. Having a variety of community programming available for youth provides options for decision-makers and therefore options for youth” (NJN 2018).

This tenet was satisfied in 4 percent of bills. On June 30, 2011, Ohio enacted HB 59, stating that up to 45 percent of the state's savings from facility closures may be used by the Department of Youth Services (DYS) to expand evidence-based community programs, including those funded by the Targeted RECLAIM and Behavioral Health and Juvenile Justice initiatives (NJN n.d.).

(6) Recognize and Serve Youth with Special Needs:

The juvenile justice system is too often used as a dumping ground for youth with mental health needs. Juvenile justice systems regularly act as way stations where youth are confined solely due to lack of community mental health treatment. These juvenile justice facilities are often overcrowded and understaffed and youth are exposed to stress, trauma and serious harms. Youth who have behavioral and mental health needs are particularly vulnerable to these harms, which result in serious injuries, self-mutilation, suicides and death (NJN 2018).

This principle was mainly intended for those youth with mental health issues. The NCSL reports that “of the more than 1.4 million youth arrested each year, close to 70 percent have a diagnosable mental health disorder, with more than 60 percent experiencing a co-occurring substance abuse disorder” (Brown 2015 11). I decided to expand this principle of reform to include other youth with special needs considering the vast literature that suggests several types of youth require attention due to their disproportionate contact with the criminal justice systems (NRC 2013; NRC and IM 2001). When coding bills, those pieces of legislation that addressed the needs of youth with mental health and substance abuse issues were included. Further, those bills that recognized the needs of dual-system youth, foster care youth and non-English speaking youth were also included as reforms. Dual-system youth refers to those children and adolescents that are involved in both child-welfare and juvenile justice systems. These youth are at greater risk for interacting with the juvenile justice system due to the relationship between child abuse,

neglect and delinquency (NRC 2013). Like youth with mental disorders, dual-system youth are more likely to be treated punitively by the courts and often require specialized attention for their complex needs (NRC 2013; Dowd 2015).

With these additions in mind, this tenet was satisfied by 9 percent of bills enacted between 2008 and 2017. Michigan's HB 4694, enacted on December 30, 2013, allows for the establishment of a juvenile mental health court for non-violent youth offenders in which applicable youth undergo mental health screenings and assessments to ensure treatment. A mental health court is a specialized court for defendants with mental illness that "substitutes a problem-solving model for traditional criminal court processing" (CSG Justice Center 2008 4). Defendants typically partake in a voluntary treatment plan to address their needs.

(7) Improve Aftercare and Reentry

The best reentry programs begin while a youth is still confined. Nearly 100,000 youth are released from juvenile justice institutions each year. Upon release, teenagers must enroll immediately in school or have a job waiting. Otherwise, they are more likely to return to their old friends and delinquent behaviors. Workforce development—helping teens attain job skills and earn money—is a key motivator for adolescents increasing their commitment to and enthusiasm for learning (NJJN 2018).

In addition to creating programs that strengthen youth services upon reentry, I have also included those bills that seal or expunge juvenile records. Record sealing and expungement makes reentry less challenging for youth involved with the juvenile justice system and increases the confidentiality of their juvenile justice system interactions. These reforms can reduce complications when seeking employment and housing in the long term.

This tenet was the most frequently satisfied of the bill analysis with 21 percent of bills improving aftercare and reentry. Illinois passed SB 1725 on December 23, 2009. In order to best understand how to reduce recidivism rates among youth and improve public safety, the bill

instructs the Illinois Juvenile Justice Commission (IJJC) to study those youth released from state custody who later returned for parole violations (NJN 2012). The IJJC report in 2011 recommended that “members of the parole board receive training in juvenile-specific topics; specific criteria be used to determine whether youth should be released, and that youth receive their decisions in writing; the parole board establish criteria that ensure youth are reviewed for release more often than once a year, and that youth can request such a hearing; and youth on parole be supervised by ‘aftercare specialists’ trained to help them obtain schooling, treatment, and employment” (NJN 2012).

Because many of the bills concerning this category satisfied aftercare and reentry through sealing and/or expungement of juvenile records, I have included an additional bill exemplifying the latter form of legislation. On March 29, 2012, Washington enacted SB 6240. SB 6240 makes the sealing of records automatic once youth reach 18 and pay their outstanding restitution fees (NJN n.d.).

(8) Engage Youth, Family and Community:

An overwhelming body of research shows that parents and families are crucial to successful youth development. Unfortunately, most youth justice systems are more inclined to ignore, alienate or blame family members than engage them as partners. Involved adults are necessary to keep young people active in their own rehabilitation. Using techniques such as family conferencing, jurisdictions are learning to work with parents—not against them—for the benefit of youth (NJN 2018).

1 percent of bills enacted during this period satisfied this tenet. On June 26, 2009 Louisiana enacted HB 894 which created a pilot program for juvenile offenders using the Functional Family Therapy (FFT) model of intervention. FFT is one of the policies rooted in scientifically based alternatives discussed in the policy stream of MSF in Chapter 3. This is a

family-based prevention and intervention strategy to assist high-risk youth, exhibiting behavioral problems, and their families (Sexton and Alexander 2000).

(9) Keep Youth Out of Adult Courts, Jails and Prisons:

On any given day, 10,000 youth are detained or incarcerated in adult jails and prisons. Studies show that youth held in adult facilities are 36 times more likely to commit suicide and are at the greatest risk of sexual victimization. Youth of color are over-represented in the ranks of juveniles being referred to adult court. In 2008, the U.S. Department of Justice and the Centers for Disease Control and Prevention found that transferring youth to the adult criminal justice system does not protect the community and substantially increases the likelihood that youth will re-offend. NJJN recommends that all youth under the age of 18 be processed through juvenile court (NJJN 2018).

This tenet was fulfilled in a series of ways. Bills satisfied this category if they allowed judges to exercise greater discretion in deciding whether youth should be transferred to adult court, separated pre-trial detained youth from adults in the same facilities, raised the age of juvenile court jurisdiction and banned the transfer of juveniles to adult court for non-violent crimes, among other reforms. 12 percent of juvenile justice reform bills satisfied this category. On February 25, 2015, Montana enacted HB 134 banning the placement of youth adjudicated for misdemeanor offenses from being placed in state prisons which also hold adult prisoners (NCSL n.d.). Oregon enacted HB 2707 on May 19, 2011 stating that youth charged as adults must be held in juvenile detention facilities pre-trial not adult jails (NJJN n.d.). On May 4, 2009, Nevada enacted SB 235 requiring that juvenile courts hold a hearing in order to determine whether juveniles should be transferred to an adult criminal court as opposed to allowing for automatic transfers (NCSL n.d.).

(10) Improve Conditions of Confinement:

While this principle was not explicitly stated as a main tenet of reform by the NJJN, the

organization named it as a policy platform in its past publications (NJJN 2009). I have included their description of this principle below:

A majority of the youth in the juvenile justice system are subjected to poor living conditions, maltreatment and, in many cases, abuse. In this policy platform, the National Juvenile Justice Network offers recommendations to improve the safety of and general living conditions of the youth in juvenile justice system (NJJN 2009).

In this analysis, conditions of confinement refers to the treatment of youth when they appear in court, pre-trial detention or long-term residential placement. For brevity, the phrase explicitly refers to confinement, but the treatment of youth at any point while under the control of the juvenile justice system was applicable in this analysis. Thus, bills that seek to improve the quality of life of youth confined as well as those bills that limit the use of shackling and isolation practices, to name a few examples, were included in this analysis.

7 percent of bills in this analysis fulfilled this tenet. Louisiana enacted HB 1477 on June 29, 2010 which created the Task Force on Juvenile Detention Center Standards. The Task Force proposed standards that prohibited the use of restraint chairs and chemical restraints, inclusive of pepper spray, in juvenile facilities. All juvenile facilities were required to be in compliance with these standard by the end of 2013 (NJJN n.d.). Connecticut passed HB 7302 on July 11, 2017 prohibiting the Department of Corrections from holding youth under the age of 18 in solitary confinement and enhancing transparency behind the use of isolation in Connecticut's prisons generally (NCSL n.d.).

(11) Miscellaneous:

The miscellaneous category serves as a catch-all category for those reforms that did not fit neatly within any of the 10 earlier categories. Undoubtedly, these reforms were beneficial changes for youth involved in the juvenile and criminal justice system. As demonstrated in Table

1.4, a wide range of legislation has been put in this category. Most notably, legislation attempting to address the school-to-prison pipeline was prominent across states during this period. With the rise of zero-tolerance policies in schools, children and adolescents are more likely to be suspended and expelled from school for minor infractions. This leads to a higher likelihood that youth become involved in activity that leads them to the juvenile justice system. Further, this pipeline disproportionately impacts economically disadvantaged and minority youth (NRC 2013).

Table 1.4 Miscellaneous Bills Descriptions

Categories	Number of Bills	Brief Description of Category	Bill Examples
School-to-prison pipeline	19	Reducing juvenile justice system contact with those youth that are expelled or suspended from school; Providing alternatives that reduce the likelihood of juvenile justice system interaction when youth find themselves in trouble at school	TX SB 108 (2015), NC S 707 (2012), IN HB 1193 (2010), LA HB 1209 (2012), MD HB 1287 (2017), MD HB 1338 (2013)
Competency	13	Improving methods and criteria through which courts determine youth are competent to stand trial	MI HB 4555 (2011), DE HB 253 (2012)
Evidence-based practices	11	Implementing evidence-based programs, rooted in research, like Multisystemic Therapy and Family Functional Therapy in juvenile justice interventions	KY SB 200 (2014), LA SB 302 (2009)
Decriminalization	11	Removing penalties for certain acts committed by youth that were once criminalized, mainly those related to (1) truancy and (2) sex-trafficking/prostitution	(1) TX HB 2398 (2015), NV SB 108 (2013) (2) WA HB 6476 (2010), LA HB 49 (2012), MI HB 5025 (2014)
Fines and Fees	9	Recognizing and reducing the cost of juvenile justice system interaction for youth and their families especially for those that are indigent; Limiting or prohibiting fines and fees	TX S 393 (2013), WA SB 5564 (2015), KY SB 120 (2017), MS HB 1516 (2013)
Restorative Justice	9	Refers to a philosophy of criminal justice that restores victims and relationships rather than focusing on punishing the offender (JJI n.d.)	WA HB 2906 (2016), IL HB 3165 (2017), MT HB 72 (2013)
Court Process Reforms	9	Includes legislation that establishes (1) teen and drug) court programs, that (2) reduces self-incrimination and (3) limits youth waiving right to counsel	WA HB 2535 (2012) (1) WV SB 669 (2010), MS SB 2246 (2008) (2) MS SB 2364 (2016) (3) NH HB 305 (2015)

Oversight	8	Legislative (or any third party) oversight over a state's juvenile justice facilities, courts and general system	TX SB 1374 (2009), VA SB 315 (2008), UT SB 119 (2013), HI HB 1101 (2009) MD SB 536 (2013)
Electronic Recording	7	Recording interviews and/or interrogations of youth and official statements made by youth	AR SB 788 (2009), IL SB 1006 (2013) MT HB 534 (2009)
Resentencing	5	Reducing the punitive nature of certain sentences for particular crimes committed by youth (i.e. removing mandatory sentences for youth committing certain acts)	WI SB 103 (2008)
Education	5	Expands access to education for formerly incarcerated and/or currently incarcerated youth	CO SB 54 (2010), LA SB 303 (2016) MI SB 644 (2014)
Enacting Task Forces/Committee	4	Enacting studies, taskforces and/or starting committees to investigate issues related to reform principles (i.e. education delivery, racial disparities, gender-specific issues etc.)	NH HB 1177 (2010), KY HCR 129 (2012)
Healthcare	3	Improves access to healthcare, provides assistance in applying for Medicaid etc.	CO HB 1046 (2008)
Probation/Parole	3	Making probation revocation for youth more challenging, reducing terms of probation and parole qualification, establishing graduated response for violations of parole etc.	KS SB 367 (2016), SC SB 300 (2012)
Risk Assessment	2	Creating standardized tools for juvenile justice practitioners that best estimate a youth's risk of recidivism and allow for the creation of plans for appropriate treatment or services to reduce the likelihood of reoffending (OJJDP 2015).	WY HB 12 2010
Other	26	These final reforms were not easily categorized, for they varied immensely in the ways in which they provided beneficial outcomes for youth involved in the juvenile and criminal justice systems.	Examples: Placing youth in residential facilities near their homes/communities (NYAB 9057 2012) Partnering with the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative (MS SB 2598 2012)

Source: Collected by author from NCSL

With this criteria in mind, I have provided an example of the juvenile justice bill coding process, using the state of Alabama as an example (Table 4.2). Every state was listed with every juvenile justice related bill enacted between years 2008 and 2017. Every bill was accompanied by the date of its passage and was assigned a score of 0 or 1. If a bill fulfilled the requirements of a certain category, such as the “Recognize and Serve Youth with Specialized Needs” category, it received a 1 and was highlighted green. If a bill failed to fulfill that category, it received a 0 – signifying that the bill was unrelated to that area of interest. During this process, to understand the content of the bills and accurately code them, I relied heavily on the NJJN and the Campaign for Youth Justice (CYJ). These prominent, national organizations provided summaries of bills that they considered juvenile justice reform successes, explaining why and in which ways each bill advanced a principle of reform. Table 1.5 only includes the first four categories of reform, but all bills were considered for each of the eleven categories. Thus, AL SJR 78 and AL SJR 91 were considered enactments of reform whereas the remaining three bills were not categorized as reform – having received all zeros – and were excluded from the study.

Table 1.5: Coding Juvenile Justice Reform Bills

Bill	Date Enacted	Divert Youth from the Justice System	Reduce Institutionalization	Eliminate Racial and Ethnic Disparities	Ensure Access to Quality Counsel
Alabama					
AL SJR 78	04/25/17	1	1	0	0
AL SJR 91	04/26/16	1	1	0	0
AL H 323	05/11/16	0	0	0	0
AL H 74	04/06/18	0	0	0	0
AL S 266	05/16/12	0	0	0	0

Using this criteria and point system, I identified a total of 612 bills across all states between 2008 and 2017 as juvenile justice reform bills. However, I also utilized a second method to score the passage of juvenile justice reform bills. The first method counted each bill,

regardless of how many categories fulfilled, as 1. Through the second method of counting, I used a weighted scoring system, meaning that each bill received a score based on the number of categories that it fulfilled. A single bill could have up to 11 points if the contents of the legislation fulfilled the 11 categories. The weighted method recognizes that one bill can do a great deal more reform than others, especially when it may be a comprehensive package of reforms. It would not be accurate to label both a bill enacting one category of reform and another bill enacting 5 separate categories of reform as 1. Through this system, I distributed a total of 716 points to all juvenile justice reform bills.

It is important to note that all bills concerning the sentencing of juveniles to life without the possibility of parole – also known as JLWOP – were excluded from this study. Between 2008 and 2017, 19 states passed legislation limiting or banning life without parole for juveniles as a result of U.S. Supreme Court decisions (Rovner 2018). As mentioned in the policy window section of MSF in Chapter 2, the Supreme Court handed down three consequential rulings regarding juvenile offenders. In *Graham v. Florida* (2010), the Court banned the sentence of life without parole for juveniles that were not convicted of homicide. In *Miller v. Alabama* and *Jackson v. Hobbs* (2012), the Court ruled that mandatory sentences of life without the possibility of parole were unconstitutional for juvenile offenders. Lastly, in *Montgomery v. Louisiana* (2016), the Court held that its decision in *Miller v. Alabama* should be applied retroactively such that all juvenile offenders sentenced to life without the possibility of parole should be eligible for parole either through resentencing or parole hearings (Rovner 2018). Because this study is concerned with the political factors within each state that may have led to greater juvenile justice reform legislation, bills concerning JLWOP had to be excluded. The legislative changes related to JLWOP were enacted so that states would be in compliance with Supreme Court rulings,

making it challenging to isolate the effect of advocacy organizations in the policy-making process. The list of the states that enacted JLWOP legislation that were excluded from this study have been provided in Appendix 2.2.

Finally, in terms of reverse causation, it is possible that the presence or capacity of juvenile justice advocacy organizations operating in each state could have been affected by the enactment or the likely enactment of juvenile justice reform bills. When a state has passed more juvenile justice reform bills, it is plausible that these successful outcomes encouraged greater investment in existing juvenile justice advocacy organizations – impacting capacity – or caused other organizations to form in the state – influencing presence. Of the 173 advocacy organizations identified in this study, 20 were founded after 2008. Thus, there is the potential that this handful of organizations formed or grew in response to legislative success in their state. While only a small share of the organizations identified in this study, this could bias my results in favor of advocacy organizations even if they were not responsible for reform.

Independent Variables

There are six independent variables in this study: the number of juvenile justice advocacy organizations within each state, juvenile justice advocacy organization capacity and the proportion of each state's legislature that is black, Hispanic or female.

First, I measured the presence of juvenile justice advocacy organizations. As Scott et al. (2006, 697) did in their study of youth advocacy at the local-level, I determined the “prominent or visible” juvenile justice organizations operating at the state-level across the country. Using the criteria outlined in Figure 2.6 and a rigorous data collection process detailed below, I identified a total of 173 juvenile justice advocacy organizations across all 50 states between 2008 and 2017.

Figure 2.6 Criteria for Juvenile Justice Organization Selection

Criteria for Identifying Juvenile Justice Organizations

- (1) The organization is active in one state – not on the national or regional level.
- (2) The organization must be a tax-exempt, nonprofit that is classified as a 501(c)(3), 501(c)(4) or 501(c)(6)¹⁴
- (3) The organization advocates for the interests of youth in the juvenile and criminal justice systems; may be a children’s rights or mental health issue group but must identify juvenile justice system as a focus area
- (4) The organization is concerned with its state’s legislative activity as it relates to youth in the juvenile justice system – cannot only be service providers for current or former juvenile offenders

Because this study is interested in determining the political forces acting within each state, I excluded all juvenile justice advocacy organizations working in more than one state. Regional and national organizations would not allow me to accurately capture each organization’s activity in one state at a time. As will become apparent below, excluding national and regional organizations will be important for measuring capacity as well. Next, in terms of criteria two, there are many types of nonprofit organizations – 27 to be exact – operating within the U.S. (Tigas et al. 2018). A nonprofit organization is a “group organized for purposes other than generating profit and in which no part of the organization's income is distributed to its members, directors, or officers” (LII n.d.). 501(c) signifies that an organization is a nonprofit organization. Only 501(c)(3), 501(c)(4) and 501(c)(6) organizations were included in this study. While 501(c)(3) organizations are tax exempt and face lobbying restrictions, 501(c)(4) organizations are not tax exempt and can lobby openly without restrictions (Berry 2003).

The final two criteria refer to the content of the nonprofit organization’s work. In order to qualify as a juvenile justice advocacy organization, the organization had to advocate for youth in

¹⁴ 501(c)(6) organizations are tax-exempt business leagues, chambers of commerce, real estate boards and more, which are not designed for the purpose of generating a profit (IRS 2018). In this study, the 501(c)(6) organizations identified were bar associations.

the juvenile and criminal justice systems. Some organizations were straightforward and showed a singular commitment to altering the juvenile justice system in line with their beliefs. However, during this process, I encountered a great deal of organizations that, initially, were less clear in terms of my criteria. Broader children's rights were not included unless there was a specific mention or tracking of juvenile justice developments on their websites. I also encountered many criminal justice and mental health advocacy organizations which were only included when the juvenile justice system was mentioned as a priority in their platforms. I did not assume that organizations concerned with reforming the criminal justice system were also interested in juvenile justice, considering that these two systems are distinct. In terms of mental health and disabilities rights organizations, they were included if they expressed explicit concerns with the juvenile justice system and its interaction with mentally or physically disabled youth. I frequently encountered these types of organizations in my research because youth with mental health issues and disabilities are at higher risk for juvenile justice system contact (Brown 2015).

Having established that the organizations were concerned with the juvenile justice system, I then determined whether these organizations were engaged with or sought to influence their state's legislature as it related to youth involved in the juvenile justice system. As others have done when identifying criminal justice interest groups, the juvenile justice advocacy organizations in this study "need not be 100 per cent political" but their "interest is to achieve policy goals by influencing decisions" (Stolz 2002 58). Thus, some organizations were not included because they were solely juvenile justice service providers. For example, those groups advocating for juvenile defendants in the court system were not included because they showed no interest in influencing decisions made by state legislatures. If the organizations were not

concerned with achieving beneficial legislation for youth involved with the juvenile justices system, they failed to fit the final criterion.

One straightforward way to identify if an organization was advocating for juvenile justice reforms in the legislature was to determine whether an organization lobbied during the period of interest. Lobbying can be understood as an attempt to influence the government and is highly regulated when it comes to nonprofit organizations, particularly 501(c)(3) organizations, because of their status as public charities (Berry 2003). If such organizations are to receive tax-deductible donations, they should not be subsidized to lobby the government, for that is not a charitable act (Berry 2003 52). Berry (2003 53) explains how so many exceptions have emerged concerning nonprofit lobbying that there exists an “illogical patchwork of policies on advocacy by 501(c)(3) nonprofits.” Nonetheless, 501(c)(3) organizations can lobby the government as long as they abide by certain guidelines. If an organization holds tax-exempt status, it is required by the IRS to file Form 990 every year (Tigas et al. 2018). If an organization makes less than \$200,000 in revenue and hold less than \$500,000 in assets, it must file Form 990-EZ. Those nonprofit organizations that make less than \$50,000 file Form 990N “e-Postcard” (Tigas et al. 2018). By checking the Form 990s and Form 990-EZs of each advocacy organization, I was able to determine whether it lobbied. Question 4 of Part IV of Form 990 and question 47 of Part VI of Form 990-EZ ask if the organization engaged in lobbying activities that year. If an organization selected yes, it became clear that it was politically engaged at least at one point within the 2008 to 2017 period.

This criteria guided my organization selection as I carried out my rigorous, research process. To begin, I turned to the websites of two prominent juvenile justice networks, the Campaign for Youth Justice (CYJ, n.d.) and the National Juvenile Justice Network (NJJN, n.d.).

Both networks list partner juvenile justice organizations within their member states. As Scott et al. (2006) do, I also rely on direct engagement with the known juvenile justice advocacy organizations identified by these networks. I reached out to all of the identified partner juvenile justice advocacy organizations listed by the networks through email and, in some cases, by phone, requesting a list of juvenile justice organizations operating in each state. These local organizations held unique insight on their states' juvenile justice advocacy climate. Appendix 2.3 provides a list of those juvenile justice organizations that responded to my inquiries, and Appendix 2.4 provides a sample email sent to each juvenile justice advocacy organization which was modified depending on the organization. A total of 40 organizations from 31 states responded with names of juvenile justice advocacy organizations active in their state. However, their definition of a juvenile justice advocacy organization may have varied with my criteria. Thus, I thoroughly researched each organization sent to me and went through their websites to confirm that they were organizations in compliance with my criteria.

In addition to responses from these organizations, I also searched for juvenile justice advocacy organizations through GuideStar. GuideStar is a database that provides information on nonprofit organizations in the U.S., drawing from other public sources such as the Internal Revenue Service (IRS). The database describes itself as “a central repository of nonprofit information,” receiving over 9 million visits on its website per year (GuideStar n.d). In GuideStar, I input my pre-selected search terms including *juvenile justice*, *youth justice*, *children's rights* and *criminal justice*. These search terms yielded a varied pool of results. Searching *children's rights* in particular often resulted in a wide range of organizations including those that were committed to preventing child abuse and neglect, aiding children in foster care

systems, improving children's access to education and seeking protections for homeless youth. However, each organization was researched thoroughly and had to fulfill my four criteria.

For some organizations, it was not clear that they were devoted to juvenile justice issues or interested in influencing legislative outcomes relating to juvenile justice. In cases of doubt, I contacted such organizations directly for clarification. For example, the Colorado Children's Campaign was an organization associated with the Annie E. Casey Foundation's Kids Count and emerged through my research as an advocacy organization concerned with children's rights – specifically early childhood, child health and K-12 education. The organization tracked their state's legislative activity on their website, but it was not clear whether they prioritized juvenile justice as one of their policy areas. After calling the organization, a staff member clarified that they do not advocate for juvenile justice reform and directed me to other organizations in the state that did. Similarly, other organizations, like Kansas Action for Children, seek to advance the well-being of children in their state. As stated on their website, the organization's mission is to “to shape health, education and economic policy that will improve the lives of Kansas children and families” (KAC n.d.). It became clear that the organization was concerned with juvenile justice reform when I found that, in 2016, the organization testified before the Kansas Legislature's House Corrections and Juvenile Justice Committee in support of SB 367 – a juvenile justice reform bill intended to reduce reliance on youth incarceration in favor of community and family-based alternatives (KAC n.d.).

There are some miscellaneous organizations that I would like to draw attention to in order to clarify why they fit the four criteria listed above. Those organizations that mentioned dismantling the school-to-prison pipeline and demonstrated a clear interest in legislative developments were included in the study. This is because several states passed legislation that

aimed to address the school-to-prison-pipeline – which fell under the “Miscellaneous” category – over this juvenile justice reform period. Next, Equality Utah is an organization predominantly concerned with the rights of LGBTQ youth in the state of Utah. This organization was identified as a juvenile justice advocacy organization, for it made explicit mention of advocating for legislative reforms concerning LGBTQ youth in the juvenile justice system.

Combining the organizations collected from my exchanges with known juvenile justice groups and results yielded from GuideStar, I identified 173 juvenile justice advocacy organizations operating across states (See Appendix 2.5). The total number of organizations per state ranged from zero in Alaska, Idaho, Minnesota and South Dakota to 10 in California and New York. A summary table has also been included in Appendix 2.6 which holds all juvenile justice advocacy organizations and their relevant information including dates of founding, lobbying activity and other descriptive characteristics.

Capacity

The second dependent variable concerning advocacy organizations is capacity. Capacity refers to each advocacy organization’s ability to influence the legislature, which varies depending on characteristics unique to each organization. Stolz (2002) highlights common determinants of organizational capacity used in the existing literature including expertise, membership (grassroots or elite), leadership, staff and political skills such as the employment of former politicians to advocate for the group. Thus, capacity can be measured as human capital – referring to knowledge and expertise, the number of full time employees and the size of staff. Each organization’s social capital, such as its networks with other organizations in the state, can also serve as an indicator of capacity. Political capital may include the number of politicians serving on the organization’s board, the number of past political activities, the degree of

campaign contributions, the percent of income that comes from the government or whether the organization made the H election on their Form 990 or Form 5768 – which may indicate a degree of political savvy. The organization’s proximity to the state’s capitol, in terms of distance, can also impact the degree to which the organization can be impactful.

While several potential indicators exist, this study relies on financial indicators to measure capacity – an approach that has been used for criminal justice interest groups in the existing literature (Stolz 2002). To measure the capacity of the identified juvenile justice organizations, I recorded each advocacy organization’s filed IRS earnings from their Form 990 (or 990-EZ) documents. I accessed Form 990 documents from GuideStar in some cases but predominantly relied on ProPublica’s Nonprofit Explorer. Nonprofit Explorer provides access to the Form 990 documents of tax-exempt nonprofit organizations (Tigas et al. 2018). It is a database that provides information filed to the IRS which is the “most comprehensive and systematic source of information on nonprofit organizations” and thus, the most reliable source of information when determining nonprofit capacity (De Vita and Williams 2001 32). I searched the name of each identified juvenile justice advocacy organization within NonProfit Explorer and went through each Form 990 available between 2008 and 2017, recording the total revenue for each year (Line 12 of the form). The median revenue for all organizations within each state was used to determine that state’s capacity. For example, Delaware had two juvenile justice advocacy organizations active in the state, giving the state a 2 for presence. Next, the median was taken from all available revenues between years 2008 and 2017 for both organizations to determine Delaware’s juvenile justice advocacy capacity.

However, Form 990s were not available for every single organization on NonProfit Explorer or GuideStar. Some organizations had partial coverage over the 10-year period. Those

organizations that were missing up to four years of revenues were included in the study. This means that some organizations had six years of revenue available when calculating the median revenue over the ten-year period. However, if an organization was missing five years or more of yearly revenue, I marked the organization as “Data Not Available” (See Appendix 2.5). If 50 percent or more of the years needed were not available, I was not confident that it would accurately reflect the median revenue within the state. For those revenues that I could not find, I directly contacted organizations via email and phone, many of whom did not respond.

State Legislators

The final three independent variables concern the demographic and descriptive composition of state legislatures. I averaged the proportion of each state’s legislature that was female, black and Hispanic between years 2007 and 2018. I collected the proportion of state legislatures that were female from Rutgers Center for American Women and Politics. The proportion of each states legislature that was Hispanic/Latinx was collected from National Association of Latino Elected and Appointed Officials (NALEO) Education Fund. The proportion of state legislators that were African-American was more challenging to find. Carl Klarner granted me access to his data which holds the percentage of African-American legislators across states for each year between 2007 and 2016. I was unable to find another source of available data for African-American legislators in 2017, so I used the proportion of African-American legislators from 2016 for the year 2017 as well. In doing so, I assumed that the number of African-American legislators had not changed significantly between those two years.

Control Variables

The existing literature on issues related to criminal justice policy formation, crime control and social control (Smith 2004; Sliva 2018; Brown 2015) suggest there could be a set of variables that function as potential causes for the enactment of beneficial juvenile justice bills during this reform period. Because this study is guided by the internal determinants model, I control for a set of factors that vary within each state and could shape the degree to which a particular state enacts juvenile justice reform bills (Berry and Berry 1990).

First, I control for three variables that relate to the severity of the juvenile delinquency problem in each state – juvenile arrest rates for drugs and weapons and juvenile detention rates. A majority of criminal justice policy literature includes variables that speak to the problem stream – such as crime and incarceration rates – when trying to understand why states adopt certain policies (Sliva 2016; Williams 2003). In this case, I utilize juvenile arrest rates, for they are one of the more accurate ways to capture juvenile crime rates (NRC 2013). Each state's juvenile arrest rate for weapons and drug related crimes were aggregated and averaged between years 2008 and 2017, creating one average drug crime rate and one average weapon crime for each state. I collected these rates from the Office of Juvenile Justice Delinquency (OJJDP 2018), which drew from the FBI's 2017 Crime in the United States Report. The arrest rates for each state include the number of arrests for every 100,000 youth between ages 10 and 17. While ideally, the arrest rates would have been for juveniles committing violent and property crimes – including aggravated assault, robbery and larceny – the OJJDP data did not accurately cover all states' arrest rates for this period, making it inconsistent and less accurate to create an average rate. Nonetheless, juvenile drug and weapons crimes can still inform us on juvenile criminal behavior over this period. Because drugs are often associated with property crimes and weapons

with violent crimes, these two variables serve as proxies for property and violent crimes among juveniles. Especially considering the history of juvenile violent crime during the 1990s and the identified causes relating to greater access to weapons (Shoemaker and Wolfe 2016; Fox 1996), the juvenile arrest rate for weapons becomes a useful tool for capturing violent arrest rates.

These two variables capture the degree of juvenile crime within each state to determine whether average crime rates caused different juvenile justice policy outcomes during this period. The rise in juvenile crime during the 1990s – with the help of media coverage, scholarly and political elite manipulation – led to a wave of punitive legislation directed at juveniles. Thus, juvenile crime rates must be taken into consideration when explaining the causes of beneficial juvenile justice legislation during this reform period. I expect that a state with comparatively higher juvenile arrest rates for drug and weapons crimes, especially weapons crimes, will be less likely to enact beneficial policy during this period. It would be politically costly for policymakers to enact beneficial policies for a group that is committing crimes at a comparatively higher rate and posing a significant threat to public safety.

Next, I control for juvenile detention rates for each state. While those criminal justice studies that include detention rates (Brown 2012; Williams 2003) did not find incarceration rates to be a determinant of decarceration or sentencing reforms for adults, it is still important to apply this problem variable within the context of juvenile justice. I collected detention rate data from KidsCount which originated from the OJJDP's Census of Juveniles in Residential Placement (CJRP). The detention rate refers to the number of juvenile offenders in juvenile detention, correctional and/or residential facilities per 100,000 juveniles – aged 10 through the upper age of juvenile court jurisdiction in each state. This rate does not include data on juveniles held in adult prisons or jails or those facilities intended for drug or mental health treatment. Further, detention

rates for all states were only available for years 2007, 2010, 2011, 2013 and 2015. To create a single rate of juvenile detention, I summed and averaged the rates of detention for each of those listed years for all states. While 2007 is one year before this study's period begins, I decided to include it in the final rate to get a better sense of the average detention rate during this period. Similar to the proportion of African-American legislators, I assumed that the rate of juvenile detention during 2007 did not vary significantly from 2008.

Juvenile detention rates can shed light on the degree to which states use their juvenile justice systems to incapacitate their juvenile delinquents. A greater use of juvenile detention facilities can signal that a state is more punitive in its treatment of youth and may signal that they will be less likely to overturn their punitive laws directed at delinquent youth during this reform period. Further, higher rates of juvenile detention may cause greater juvenile justice advocacy activity, energizing juvenile justice advocates to take action and push for legislation that reduces the use of institutionalization.

The next three control variables are included to test the theories of social control by examining the relationship between the dependent variables and potential target populations. I include each state's percent black child population, Hispanic child population and low-income child population between years 2008 and 2017. These three groups – black, Hispanic and poor youth – can be understood as the target populations or the underclass – that the juvenile justice system has traditionally sought to control. The measure for low-income children accounts for the class component of social control while the black and Hispanic children variables will determine the size of the perceived racial and/or ethnic threat within each state. Hispanic and black children are separated due to the existing scholarship that shows that the presence of Hispanic citizens does not affect crime control and criminal justice policy like the presence of African-Americans

citizens does (Carmichael and Kent 2014). While the extant literature shows that the greater the size of racial minority populations, the greater use of punitive policies in response to crime (Enns 2016; Brown 2012), Sliva's (2018) study suggests that this relationship may not hold true in the context of juvenile justice reform. Despite Sliva's (2018) findings, I expect that the underlying logic of social control theory will act to prevent reform in states with large African-American youth, and to a lesser degree Hispanic youth, populations because of the vast literature suggesting that social control can explain punitive criminal justice policies (Smith 2004; Carmichael and Kent 2014). Those states that did choose to reverse or lessen the punitive nature of their laws during this juvenile justice reform period may have done so because they have relatively smaller African-American, Hispanic and/or poor populations within their state. It may be less politically costly for those state legislators to enact juvenile justice reform when they face less of a "threat" as demonstrated by the size of their state's underclass populations.

In terms of measurement, the black child population and Hispanic child population variables were collected from KidsCount which holds data from the Population Division of the U.S. Census Bureau. These measures refer to the proportion of all youth, aged under 18, that are either black or Hispanic in each state. The proportion of each state's population that is comprised of low-income children refers to all youth, under 18, whose income is under 200 percent of the Federal Poverty Line. This data was also collected from the Population Division of the U.S. Census Bureau. All three demographic measures – pertaining to race, ethnicity and class – are separately averaged and aggregated over the ten-year period for each state.

Next, I include three political variables – Republican control of state legislature and of the governorship and the ideological leaning of the public – to supplement the three variables concerning black, Hispanic and female state legislators. First, as is often done by studies of this

nature, I control for partisanship (Enns 2014; Enns 2016; Smith 2004). While on the federal level, politicians from either party have advanced punitive criminal justice policies (Enns 2016), studies focused on state-level policymakers suggest that Republican legislators are more likely than Democratic legislators to enact punitive criminal justice policies and are less willing to enact legislation that reduces reliance on incarceration (Smith 2004; Enns 2016; Brown 2012). Republicans are more likely to endorse a “rights-based view of crime” by enacting tough on crime policy solutions intended to protect the rights of noncriminal citizens (Kathlene 1995 700). Republican control in state legislatures has also been found to result in greater corrections spending (Brown 2012; Smith 2004). On the other hand, Democrats are more likely to support the rehabilitation of criminal offenders (Kathleen 1995).

First, I account for the Republican control of state legislatures – including each state’s upper and lower chamber – which was collected from the National Conference of State Legislatures (NCSL). The Republican control variable is the percent of years between 2008 and 2017 in which the Republican Party controlled the state legislature. Nebraska has a nonpartisan unicameral legislature and was removed from the regression models for this reason. Second, I constructed a Republican governorship variable. This variable is important to consider because the governor vetoes or signs each juvenile justice bill that passes the legislature, playing a role in the policy-making process. Further, governors exercise control over the juvenile justice bureaucracy through their ability to appoint the heads of agencies that run the system. The data for state governor partisanship was not available from one data source. I drew data from the Institute for Public Policy and Social Research (IPPSR) for years 2008 to 2011. The NCSL provided data for years 2012, 2014, 2015, 2016 and 2017. Finally, the Council of State Governments’ (CSG) Book of States collects data for governor partisanship for 2013. Having

compiled these three sources, I calculated the final partisanship variable as the proportion of years between 2008 and 2017 in which state governors were Republican.

The extant literature has also thoroughly explored the role that public opinion plays in shaping punitive criminal justice policy outcomes. Enns (2014) found that an increasingly punitive public contributed to the rise of adult mass incarceration in the U.S. Similarly, Merlo and Benekos (2010: 18) explain how public opinion influenced “lawmakers’ decisions about the regulation of juvenile crime.” What the public sees and thinks about juvenile offenders has been determined a crucial player in understanding how “the border between juvenile and adult justice” (Roberts 2004, 496) became less clear through the laws passed during the punitive turn. Just as the public may have shaped the adoption of punitive juvenile justice laws, I must consider whether the adoption of reformatory laws could also be related to the public. If the public views juvenile delinquents as “super-predators” that have no respect for other people’s livelihood, it may be more likely to favor deterrent or harsh policy solutions to solve juvenile crime. Because legislators and governors are concerned with reelection, they take their constituents’ preferences – for punitiveness or rehabilitation – into consideration when making juvenile justice policy (Williams 2003; Enns 2016).

Because it is quite challenging to measure public opinion on juvenile crime and juvenile justice policy over ten years in every state, I instead control for citizen ideology to determine how punitive each state’s public may be. I utilize Berry, Ringquist, Fording, and Hanson’s measure of citizen ideology which covers years 1960 to 2016. Bergin (2011) explains how Berry, Ringquist, Fording, and Hanson’s (1998) measures of citizen and state ideology, which were updated in 2018, are “widely employed” in political science research. For example, Emmert and Traut (2003) utilized the state ideology measure to find that states with more liberal governments

were more likely to adopt policies abolishing the death penalty for mentally challenged offenders. I am less concerned with the ideology of the state officials and am more interested in the citizen ideology measure, so that I can determine whether the public, reacting to changes in juvenile violent crime, caused state legislators to enact certain types of juvenile justice bills. This citizen ideology variable measures “the average location of the active electorate in each state on a liberal-conservative continuum” (Berry et al. 2010 117) with higher values indicating that citizens are more liberal. I expect that those states with more citizens on the conservative end of the spectrum will be more likely to favor punitive policies and will make it more challenging for state legislators to adopt beneficial policy for juvenile offenders during this period. Liberal citizens will be less likely to favor punitive responses to juvenile delinquency and favor the enactment of laws that treat juvenile delinquents with rehabilitative solutions.

Finally, I have three remaining control variables, namely state fiscal health, region and overall bill adoptions in state legislatures. I turn to the literature describing the economic determinants of criminal justice policy formation to establish a variable for state fiscal health (Lubow 2015; Brown 2012; Lovrich, Lutze, and Lovrich 2014; Enns and Shanks-Booth 2015; Sliva 2017). A state’s declining fiscal health has shown to “induce pressure to reduce costs and overcrowding” in terms of corrections (Sliva 2016 709). Brown (2012) argues that the Great Recession of 2008 – and its impact on state revenues – caused states to reduce their reliance on incarceration through the enactment of legislation that expanded reentry and risk assessment programs and reduced the number of probation and parole violations – to name a few examples. To measure fiscal health, Brown used state revenue per capita and found that the variable was significantly associated with policy enactments reducing reliance on incarceration. Also recognizing the decline in the overall incarceration rate since the recession, Enns and Shanks-

Booth (2015) sought to determine whether the economic decline and falling state incarceration rates were related. Enns and Shanks-Booth (2015) used the annual percent change in each state's tax revenue as a measure of each state's budgets. They did not find that economic decline caused changes to state criminal justice policy, correctional spending or incarceration rates.

Considering this ambivalent literature, I too consider the relationship between state fiscal health and the enactment of beneficial juvenile justice policy. There are numerous ways to measure a state's fiscal health. I created a measure that takes the difference between state general revenue and state general expenditure as a proportion of state gross domestic product (GDP) for each year. To create a single variable for fiscal health, I averaged each proportion for each state between 2008 and 2017. Each state's general revenue and expenditure was collected from the Inter-university Consortium for Political and Social Research's (ICPSR) Annual Survey of State Government Finances for years 2008 to 2016. For 2017, revenue and expenditure was collected from the U.S. Census Annual Survey of State Government Finances. For years 2008 to 2017, each state's GDP was collected from the U.S. Bureau of Economic Analysis (BEA)

As other studies concerned with criminal justice policy have done, I also consider region (Bergin 2011). I include a control variable for whether a state is located in the South. I justify testing for the South because of historical accounts describing juvenile justice practices in Southern states as considerably more inhumane in their treatment of black youth. Ward (2012 59) explains how southern juvenile justice "was generally a more malign and violent form of exclusion" in which black youth were convicted, incarcerated and, in some cases, executed. Considering this history, I anticipate that Southern states will be more likely to use their juvenile justice policies as a means of social control over youth of color and less likely to enact legislation that is beneficial for their underclass of youth. I utilize the Institute for Public Policy

and Social Research (IPPSR) region variable, originally from Carl Klarner, where South is coded as 1. Finally, I control for the number of bills adopted in state legislatures during these years. I do this to ensure that those states enacting more juvenile justice reform bills are not doing so simply because they tend to have more legislative enactments per session in general. This variable consists of the total number of bills enacted or adopted between years 2008 and 2017 for each state and was collected from the Council of State Governments' (CSG) The Book of States.

After controlling for these variables, I expect to find a strong, positive and linear relationship between the independent variables and the enactment of juvenile justice bills. As the interaction in hypotheses 5, 6 and 7 explain, the capacity and presence of state juvenile justice advocacy organizations and the presence of women and minorities in state legislatures will increase the number of juvenile justice reform bills enacted in each state. See Appendix 2.7 for a summary table of all variables – including mean, standard deviation, maximum and minimum values.

Methods of Empirical Analysis

The purpose of this study is to understand the forces that have caused some states to enact more juvenile justice reform legislation than others. I utilize multiple linear regression models to carry out my analysis, for this approach allows me to test the effects of both independent and control variables on the enactment of juvenile justice bills. Further, linear regression is best considering my dependent variables – weighted and unweighted juvenile justice bills – are continuous. Other studies that explore the political causes of criminal justice practices and policy also utilize regression models in their studies, such as ordinal logit regression models (Sliva 2018; Williams 2003), fixed-effects regression (Carmichael and Kent 2014) and Poisson and negative binomial regression (Brown 2015) to name a few examples. Finally, the dataset

contains 49 observations for 49 states excluding Nebraska which was removed due to the nonpartisan nature of its unicameral legislature. My unit of analysis is the state aggregated over the ten-year period (not state-year). State-year would not be possible in this study considering that several variables included in my regression models are relatively time invariant.

I carried out nine identical models twice – once with the dependent variable as juvenile justice bills enacted and the other as weighted juvenile justice bills enacted. Model 1 tests for the problem – isolating the relationship between juvenile detention rates, arrest rates and juvenile justice bills. Model 2 tests for the target population by testing Hispanic, black and poor youth populations. Model 3 tests for the role that politics play in the juvenile justice policy process by including the following variables: Republican governor, Republican control of state legislature and percent women, Hispanic and black legislators in each state’s legislative body. Model 3 tests hypotheses 3, 4_a and 4_b. Model 4 is a modified version of Model 3 that excludes the Republican control of state legislatures variable and puts the citizen ideology measure in its place. This is due to findings that the citizen ideology and partisan control over state legislature variables are correlated and should not be included in the same models. A correlation matrix has been included in Appendix 2.8. Next, Model 5 solely tests for advocacy organizations in each state including presence and capacity variables, addressing hypotheses 1 and 2.

Models 6,7, 8 and 9 include all variables with some variation due to multicollinearity. Model 6 tests all problem, target population and advocacy organization variables with most political explanation variables. This model also includes control variables for state fiscal health, South and bill adoptions. In terms of the political explanation variables, the model excludes black legislators, Hispanic legislators and citizen ideology variables. This model cannot include black and Hispanic legislators with the target population variables – Hispanic and black youth –

because they are highly correlated. Model 7 is identical to Model 6 except it includes the citizen ideology measure instead of Republican control of state legislatures. Model 8 includes all the problem, advocacy organization and control variables. It only includes the poor youth variable from the target population category and all political explanation variables except for citizen ideology. To avoid correlation issues, this model cannot test for Hispanic and black youth because Hispanic and black legislators are included. Lastly, Model 9 is identical to Model 8 except that the citizen ideology measure is tested in lieu of Republican control of state legislatures. Models 6 through 9 include female legislators while Models 6 and 7 include black and Hispanic legislators. Models in Appendix 3 look at the interaction between substantive representation and advocacy organizations, addressing Hypotheses 5, 6 and 7. Table 1.6 summarizes each variable category with variable name and description.

Table 1.6 *Summary of Model Categories*

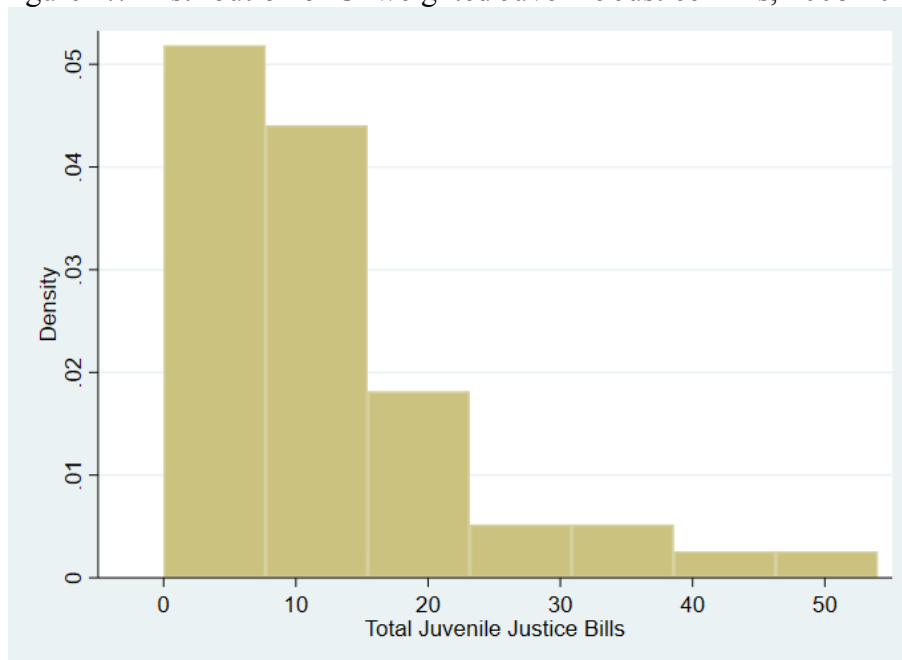
Category	Variable Name	Description
Problem	juvdetR	Juvenile Detention Rates
	drug	Juvenile Drug Arrests
	weapon	Juvenile Weapons Arrests
Target Population	b17P	Proportion of Black Youth
	hisp17P	Proportion of Hispanic Youth
	PPU18200	Proportion of Poor Youth
Political	reggov	Republican Governor
	repcntrl	Republican Control of Legislature
	citi6016	Citizen Ideology Measure
	pctwomen	% Women Legislators
	blackpct	% Black Legislators
	hispanpct	% Hispanic Legislators
Advocacy Organizations	presence	Advocacy Presence
	capacity	Advocacy Capacity
Controls	fiscal1	Fiscal Health
	south	South
	billadpt	Total Bill Adoptions

CHAPTER 5

RESULTS

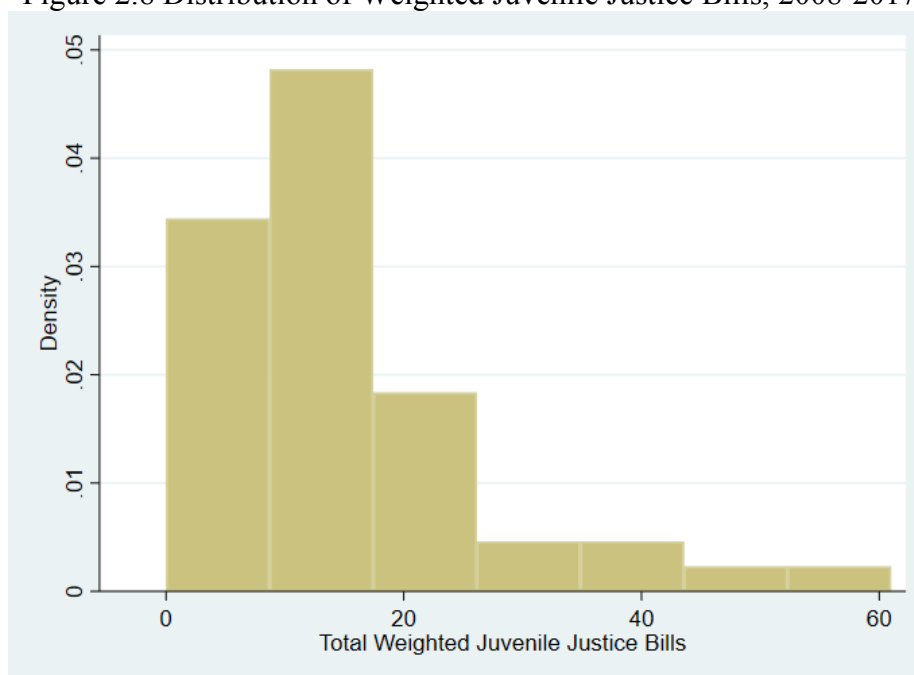
Prior to the results of the regression analysis, I first highlight my findings pertaining to states' juvenile justice bills and advocacy organizations by using descriptive statistics. Guided by the criteria discussed in Chapter 3, the greatest number of unweighted juvenile justice reform bills enacted in a single state was 54. For the weighted count, the greatest number of juvenile justice reform points distributed to a single state was 61. Figure 2.7 demonstrates the distribution of the dependent variable – juvenile justice bills – among the 50 states, with most states enacting between 0 and 15 over this period and some outlier states enacting upwards of 20 juvenile justice bills. While Nebraska was excluded from the regression analysis, the state is included in all of the following tables relating to juvenile justice bills and advocacy organizations. A summary table of variables with information pertaining to the mean, median and other descriptive statistics has been provided (including Nebraska) (See Appendix 3.1).

Figure 2.7 Distribution of Unweighted Juvenile Justice Bills, 2008-2017



The distribution of weighted juvenile justice bills is presented in Figure 2.8 with most states receiving less than 25 points in the scoring system. Some outlier states received 30 points or more for their enacted juvenile justice bills.

Figure 2.8 Distribution of Weighted Juvenile Justice Bills, 2008-2017



Appendix 3.2 includes a table listing how each state falls within the distributions illustrated above, listing states in order of most juvenile justice reform bills enacted to least between 2008 and 2017. Colorado, California, Texas and Illinois are the outlier states that enacted more than 30 juvenile justice reform bills during this period. Including Nebraska, the average number of juvenile justice reform bills enacted was 12. Appendix 3.3 holds a table ranking the states in terms of their weighted juvenile justice reform bill scores, listed from highest to lowest. Again, Colorado, California, Texas and Illinois received the most points in this scoring system. Including Nebraska, the average number of weighted scores distributed to states was 14. While the weighted scoring system did not severely alter the makeup of the top states – with the same four states leading in both counting systems – the weighted system did alter the

ranking of those states in the middle of the distribution. For example, in the unweighted system, Kansas was ranked lower than Oregon, Virginia, Florida, Arkansas, Delaware, Connecticut, New Hampshire, Indiana, Montana, Nebraska and Tennessee. However, in the weighted system, Kansas' 11 juvenile justice bills satisfied enough categories of reform that it surpassed those states to become the 10th highest on the list. Finally, Table 1.7 combines both weighted and unweighted scoring systems to compare the top ten states in the enactment of juvenile justice reform legislation during this period. The left column ranks the states using the unweighted system while the second column holds the top ten states using the weighted bills method. Some ranking slots hold two states, such as row six with Maryland and Mississippi, because these states enacted the same number of juvenile justice reform bills, meaning they both enacted the sixth highest number of unweighted juvenile justice reform bills.

Table 1.7 *Leading 10 States in Juvenile Justice Legislative Reform, 2008 and 2017*

Rank	State (Unweighted)	State (Weighted)
1	Colorado	Colorado
2	California	California
3	Texas	Texas
4	Illinois	Illinois
5	Louisiana, Washington	Louisiana
6	Maryland, Mississippi	Washington
7	Nevada	Mississippi
8	Oregon and Virginia	Nevada
9	Florida	Maryland
10	Arkansas	Kansas

Sliva (2017)'s case study observes the restorative justice policy-making process in Colorado and Texas' state legislatures between 2007 and 2013. Her work on the legislative contexts of both states can shed light on why Colorado and Texas emerged as leaders of juvenile justice reform legislation in my findings. According to Sliva (2017 260), Colorado was facing a "state juvenile justice crisis" resulting from the rise in zero tolerance policies after the

Columbine school shooting of 1999 and declining state fiscal health after the Great Recession of 2008. These two factors – punitive juvenile treatment after a school shooting and declining state fiscal health – may have served as the identified problem and policy window, respectively, for Colorado’s policy entrepreneurs to seize upon. Similarly, Sliva (2017 264) describes how Texas had “implemented substantial juvenile justice reforms” between 2007 and 2013, consistent with my findings. She identifies some criminal justice interest groups – including the Texas Public Policy Foundation (TPPF) – that have a “libertarian perspective on crime.” These conservative leaning interest groups push for the reduction of the state’s criminal and juvenile justice systems, for they believe that incarceration and other punitive policies are excessively costly for the state (Sliva 2017 265).

A 2013 report produced by the NJJN and the TPPF also show results consistent with my findings. The report named California, Connecticut, Illinois, Ohio, New York, Mississippi, Texas, Washington, and Wisconsin as the “comeback states” for leading the national shift away from youth incarceration between years 2001 and 2010 (NJJN and TPPF 2013). This report ranked states based on the adoption of statewide policies in six areas of reform, most of which were concerned with reducing youth incarceration. By no means are the results of my study directly comparable to the findings of this 2013 report. However, it seems that some of the states identified for their incarceration related juvenile justice reforms, prior to this study’s period of interest, have also been emerged as leaders in juvenile justice reform legislation between 2008 and 2017. With exception to Wisconsin, Ohio and New York – which received 1, 10 and 6 weighted juvenile justice reform bill scores, respectively – the results of this study’s bill analysis show some overlap with the findings of the NJJN and TPPF.

Next, I turn to my findings related to the main independent variable of this study – the presence of juvenile justice advocacy organizations. Figure 2.9 presents the distribution of juvenile justice advocacy organizations across states. The range of advocacy organizations active within each state ranged from 0 and 10. Including Nebraska, the average number of advocacy organizations was 3 per state. Of the 173 advocacy organizations identified in this study, 133 were 501(c)(3), 38 were 501(c)(4) and 2 were 501(c)(6) organizations. All 501(c)(4) organizations identified in the study were state branches of the American Civil Liberties Union (ACLU). 100 of the advocacy organizations identified in this study identified on their Form 990 or 990-N that they lobbied during at least one year between 2008 and 2017. The question of lobbying was not applicable for the 38 501(c)(4) organizations considering lobbying is an inherent part of their tax code designation. Thus, aside from the 138 organizations in this study that did lobby between 2008 and 2017, 33 501(c)(3) and 2 501(c)(6) organizations did not lobby during this period. I was either not able to access these 35 organizations' IRS forms or these organizations did not indicate that they lobbied on their available IRS forms.

Figure 2.9 Distribution of Juvenile Justice Advocacy Organizations Across States, 2008-2017

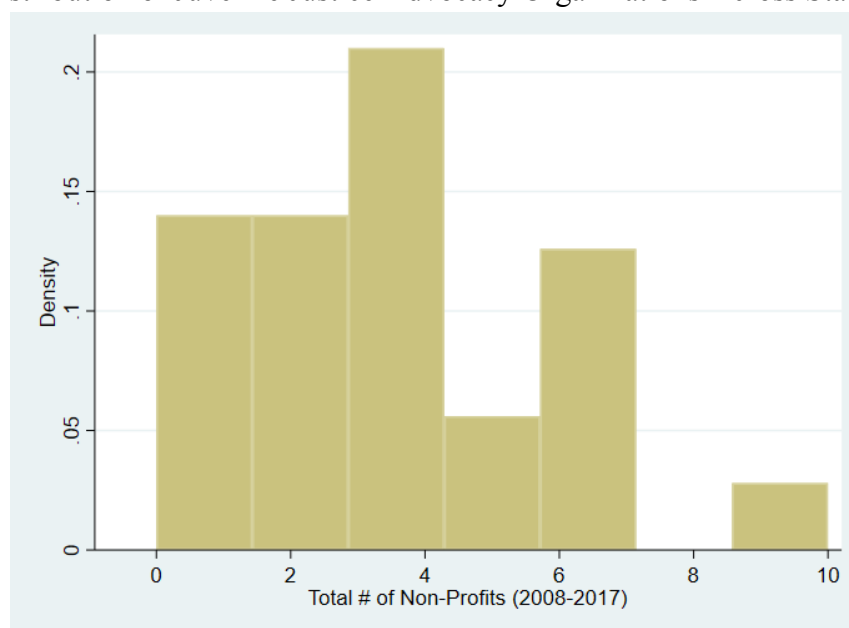
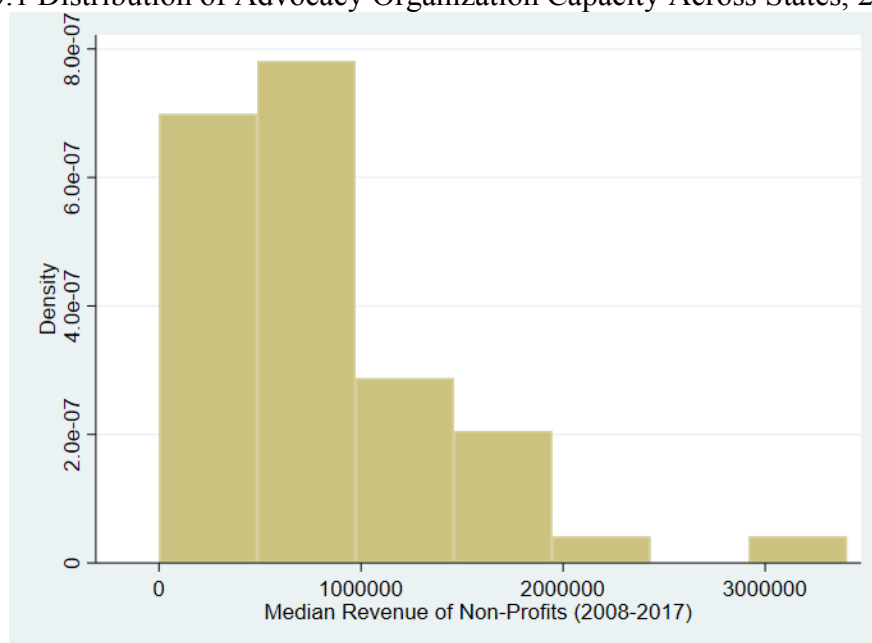


Figure 3.1 presents the next independent variable pertaining to advocacy organizations – capacity – measured as the median revenue from each states’ advocacy organizations. The median revenue of advocacy organizations ranged from 0 to \$3,405,486 between years 2008 and 2017. The average capacity of advocacy organizations within a state was \$750,396 during this period.

Figure 3.1 Distribution of Advocacy Organization Capacity Across States, 2008-2017



Finally, Table 1.7 summarizes each state’s (1) juvenile justice bill enactments (weighted and unweighted), (2) juvenile justice advocacy organization presence and (3) organization capacity between years 2008 and 2017. Some states received a zero for advocacy organization presence, for I was not able to identify juvenile justice advocacy organizations that fit my criteria within those states. Those states received a zero for advocacy organization capacity as well.

Table 1.7 Summary of States: Juvenile Justice Bills, Advocacy Organizations and Capacity

State	Juvenile Justice Reform Bills Enacted	Juvenile Justice Reform Bills Enacted (weighted)	Presence of Advocacy Organizations (#)	Capacity of Advocacy Organizations (Median)
Alabama	7	10	3	118,488
Alaska	0	0	0	0
Arizona	9	9	2	2,028,603
Arkansas	16	17	3	1023717
California	45	47	10	1,937,512
Colorado	54	61	4	263,384
Connecticut	14	18	4	1,348,471
Delaware	15	15	2	596,264
Florida	17	18	6	514,446
Georgia	8	14	3	500,709
Hawaii	6	10	2	1,369,617
Idaho	8	10	0	0
Illinois	33	36	7	725621
Indiana	12	15	2	525,427.5
Iowa	6	7	1	69,458
Kansas	11	20	3	757,437.5
Kentucky	4	9	4	767,824
Louisiana	25	31	4	625,483
Maine	9	10	2	167,060
Maryland	21	21	3	966,190
Massachusetts	2	3	7	750,656.5
Michigan	9	10	5	620,938
Minnesota	5	5	0	0
Mississippi	21	23	1	3,405,486
Missouri	4	4	5	241,107
Montana	12	14	1	63,774.5
Nebraska	12	16	4	420,333
Nevada	19	22	2	80,024
New Hampshire	13	15	2	699,102
New Jersey	2	3	6	1,570,606
New Mexico	2	2	5	738,658
New York	5	6	10	1,457,100
North Carolina	5	5	6	1,324,284
North Dakota	5	5	0	0

Ohio	7	10	3	690,028
Oklahoma	9	11	2	1,500,494
Oregon	18	18	6	985,117
Pennsylvania	8	10	2	108,2005
Rhode Island	3	3	3	193,521
South Carolina	4	4	3	737,599
South Dakota	4	7	0	0
Tennessee	12	12	2	85,755.5
Texas	38	41	6	763,034
Utah	11	17	6	779,372
Vermont	9	10	4	503,432
Virginia	18	18	6	807,677
Washington	25	27	5	1,808,018
West Virginia	5	11	1	88,182
Wisconsin	1	1	3	1,652,367
Wyoming	4	6	1	165,441

Turning to the multiple linear regression component of this study, the analysis yielded two sets of results – one in which the dependent variable was unweighted juvenile justice bills and the other weighted juvenile justice bill scores. The number of observations for all results is 49, for Nebraska was excluded from all regression models due to the nonpartisan nature of its unicameral legislature. All results are interpreted with the p-value of statistical significance at $p \leq .05$. First, I explore the findings of models where the dependent variable is the number of juvenile justice bills enacted (unweighted) between 2008 and 2017. In Table 1.8, I display the results from these nine models.

Table 1.8 Multiple Linear Regression Results: Dependent Variable as Juvenile Justice Bills

	(1)	(2)	(3)	(4)	(5)
presence					1.5485** (0.6841)
capacity					0.0000 (0.0000)
billadpt					
juvdetR	-0.0015 (0.0225)				
drug	0.0039 (0.0098)				
weapon	0.0590 (0.0426)				
b17P		26.4567* (15.2416)			
hisp17P		42.5769*** (11.8346)			
PPU18200		-0.1472 (0.2218)			
pctwomen			0.1418 (0.1470)	0.2270 (0.1463)	
blackpct			0.3685* (0.1997)	0.3974** (0.1899)	
hispanpct			0.4171* (0.2202)	0.4588** (0.2024)	
repgov			-0.0851 (0.0608)	-0.1368** (0.0508)	
repcntrl			0.0024 (0.0512)		
citi6016				-0.2455** (0.1215)	
fiscall					
south					
_cons	6.8422 (5.2467)	8.2708 (8.4071)	8.3928 (5.0767)	21.4183** (7.9876)	5.9229** (2.8421)
Number of Cases	49	49	49	49	49
R2	0.0781	0.2371	0.1994	0.2688	0.1367
Adj. R2	0.0166	0.1863	0.1064	0.1838	0.0992
F	1.2706	4.6627	2.1426	3.1622	3.6423
Prob > F	0.2959	0.0064	0.0785	0.0162	0.0340

*** p<0.01, ** p<0.05, * p<0.10

Standard Errors in ()

Dependent Variable as Juvenile Justice Bills (continued)

	(6)	(7)	(8)	(9)
presence	-0.3966 (0.9265)	-0.4686 (0.8770)	-0.0585 (0.9972)	-0.2716 (0.9539)
capacity	0.0000 (0.0000)	0.0000 (0.0000)	0.0000 (0.0000)	0.0000 (0.0000)
billadpt	0.0015* (0.0009)	0.0016* (0.0008)	0.0018* (0.0009)	0.0019** (0.0009)
juvdetR	0.0364 (0.0265)	0.0267 (0.0260)	0.0427 (0.0273)	0.0353 (0.0267)
drug	0.0001 (0.0114)	-0.0047 (0.0109)	0.0010 (0.0117)	-0.0051 (0.0114)
weapon	-0.0153 (0.0507)	-0.0128 (0.0484)	-0.0146 (0.0515)	-0.0053 (0.0498)
b17P	18.4830 (26.4325)	31.1853 (26.4029)		
hisp17P	26.7339 (17.7633)	29.5021* (16.7216)		
PPU18200	-0.2527 (0.3141)	-0.3606 (0.2960)	-0.1470 (0.3369)	-0.3124 (0.3231)
pctwomen	0.1768 (0.1589)	0.2469 (0.1578)	0.2539 (0.1596)	0.3180* (0.1593)
blackpct			0.1077 (0.3237)	0.2353 (0.3202)
hispanpct			0.0272 (0.3007)	0.1271 (0.2873)
repgov	-0.0811 (0.0623)	-0.1100* (0.0556)	-0.0547 (0.0663)	-0.0916 (0.0587)
repcntrl	0.0270 (0.0578)		0.0088 (0.0608)	
citi6016		-0.2756* (0.1543)		-0.2501 (0.1620)
fiscall	-2.7737 (2.8036)	-2.3093 (2.6595)	-2.7716 (2.8667)	-2.5825 (2.7422)
south	1.8931 (5.3250)	-1.5065 (5.4717)	1.9103 (4.9229)	-0.4518 (4.9554)
_cons	1.4234 (12.8927)	24.4167 (18.2144)	-4.8509 (13.9911)	19.0327 (20.4516)
Number of Cases	49	49	49	49
R2	0.4164	0.4630	0.3792	0.4195
Adj. R2	0.1762	0.2419	0.1236	0.1805
F	1.7331	2.0943	1.4837	1.7551
Prob > F	0.0944	0.0392	0.1703	0.0895

*** p<0.01, ** p<0.05, * p<0.10

Standard Errors in ()

Models 5, 6, 7, 8 and 9 tested for advocacy organization presence and capacity, concerning Hypotheses 1 and 2. With exception to Model 5, Hypotheses 1 was not supported by most of the regression models. In Model 5, the presence of advocacy organizations was statistically significant and positively correlated with juvenile justice reforms. For every 1 unit increase in advocacy organization presence within a state, the enactment of juvenile justice bills increased by 1.58. However, Models 6, 7, 8 and 9 yielded results demonstrating that the presence of advocacy organizations was negatively correlated with juvenile justice reform enactment. However, these results were not statistically significant. Further, this negative correlation was weak in two models, with coefficients of $-.058$ and $-.27$. While not statistically significant, Models 5, 6, 7, 8 and 9 found that the capacity variable was consistently positively correlated with the enactment of juvenile justice reform bills. With every one unit increase in juvenile justice advocacy organization capacity, the enactment of juvenile justice bills increased by 1.34 in Model 5, 2.62 in Model 6, 2.22 in Model 7, 3.79 in Model 8 and 3.65 in Model 9. Thus, the direction of the relationship between organization capacity and bill enactments is as hypothesized. Finally, the models do not show support for Hypotheses 2 which looks at the interaction between presence and capacity. Appendix 3.4 includes a version of Model 5 with an interaction component between the two variables. The results demonstrate a negative relationship between presence and capacity with a coefficient of -1.18 . However, this interaction had a p-value of $.902$.

Hypotheses 3 received some support from the models. Model 9 was the only test that demonstrated that the female legislator variable was statistically significant and positively correlated with juvenile justice reform bill enactment. For every one unit increase in the average proportion of female legislators, the enactment of reform bills increased by $.318$. While

controlling for other variables, this model demonstrates a moderate correlation between the presence of female legislators and the enactment of juvenile justice bills. In the remaining models – 3, 4, 6, 7 and 8 – female legislators were consistently positively correlated with the enactment of juvenile justice reform bills. However, p-values were not statistically significant, so I am unable to reject the null hypotheses. Models 3, 4, 8 and 9 tested for Hypotheses 4_a and 4_b. In Models 8 and 9, while not statistically significant, the average percent of black and Hispanic legislators were positively correlated with the enactment of juvenile justice reform bills. The coefficients were relatively small at .235 and .127, respectively. In Model 3, the black and Hispanic legislator variables were positively correlated with the enactment of juvenile justice reform, had larger coefficients and were approaching statistical significance. In this model, for every one unit increase in the average proportion of Hispanic legislators and black legislators, the enactment of juvenile justice bills increased by .417 and .368, respectively. In Model 4, Hispanic and black legislators were statistically significant and positively correlated with juvenile justice reform – with coefficients of .458 and .397, respectively. Considering these findings, it seems that the models present some support for black legislators in Hypotheses 4_a and stronger support for Hispanic legislators in Hypotheses 4_b. However, when controlling for other variables, the findings lack consistent statistically significant p-values.

Hypotheses 5 relates to whether numerous and capable juvenile justice advocacy organizations as well as the presence of more female legislators could explain why some states enacted more juvenile justice reform bills. Appendix 3.5 holds results from a version of Model 8 that tests for the interaction between presence, capacity and female legislators. The results found that the interaction between these three variables is positive with a large coefficient of 3.59 but

with a p-value of .196. While the direction is as anticipated, there does not seem to be strong evidence in favor of Hypotheses 5.

Hypotheses 6 and 7 posit that states with numerous and capable juvenile justice advocacy organizations will enact more juvenile justice reform bills when state legislatures have more black and Hispanic legislators, respectively. In Appendix 3.6, I include two versions of Model 8 that test for the interaction between black legislators, presence and capacity and the interaction between Hispanic legislators, presence and capacity. Presence, capacity and black legislators share a negative relationship with a coefficient of -1.38 and a p-value of .537. However, the interaction between presence, capacity and Hispanic legislators yielded statistically significant results with a p-value of .027. For every one unit increase in presence, capacity and the average proportion of Hispanic legislators, a state's enactment of juvenile justice reform bills increases by 4.07. Thus, the evidence supports the interaction predicted in Hypotheses 7 but not Hypotheses 6.

Finally, an overview of the control variables – problem, threat populations, political and miscellaneous – allows us to consider other potential explanations for juvenile justice reform during this period. In terms of the problem explanation of juvenile justice policy-making, none of the models found juvenile detention, drug arrest rates or weapons arrest rates to be statistically significant. Nonetheless, in all models, juvenile weapons arrests were negatively correlated and juvenile detention rates positively correlated with juvenile justice bill enactments. Drug arrests were positively correlated with the enactment of juvenile justice reform bills in Models 6 and 8 and negatively correlated in Models 7 and 9. These results, lacking statistical significance and in some cases, inconsistent, suggest that arguments relating to the relationship between juvenile

crime rates and incarceration rates cannot explain the adoption of beneficial policy for juvenile offenders across states.

The models demonstrate partial support for social control arguments as they pertain to poor youth but diverged from my predictions regarding racial and ethnic target populations. Models 2, 6 and 7 included all three threat variables – black, Hispanic and poor youth. In Model 2, the size of the Hispanic youth population was statistically significant and positively correlated with the enactment of juvenile justice reform bills. As the average proportion of the state's Hispanic youth population increased by one unit, the enactment of juvenile justice reform bills increased by 42.57. The black youth variable was positively correlated and approaching statistical significance with a coefficient of 26.45. Once again, in Model 6 and 7, the target population variables were not statistically significant but Hispanic and black youth were positively correlated with juvenile justice bill enactments while poor youth were negatively correlated. In Model 2, the poor youth population was negatively associated with the enactment of juvenile justice reform bills with a coefficient of -.147 but was not statistically significant. The variable was negatively correlated and not statistically significant in Models 8 and 9.

The political explanations included in this study were the citizen ideology, the Republican governor and the Republican control of state legislatures variables. First, the republican control of state legislatures variable was tested in Models 3, 6 and 8, consistently yielding a positive but weak relationship with juvenile justice reforms – with coefficients ranging from .002 to .027. None of the models found the Republican control variable to be statistically significant. The Republican governor variable was tested in Models 3, 4, 6, 7, 8 and 9. As expected, the Republican governor variable consistently held a negative, while weak, relationship with juvenile justice reforms. Republican governors were found to be statistically

significant in Models 4 and 7 – with coefficients of $-.13$ and $-.11$ and p-values of $.01$ and $.05$, respectively. The citizen ideology measure was tested in Model 4, 7 and 9. In this measure, a more liberal public is indicated by higher scores. This variable did not operate as hypothesized and shared a consistently negative relationship with juvenile justice reforms in all models. In Model 4, for every one unit increase in a state's "liberalness," the enactment of juvenile justice reform bills decreased by $.245$ with a p-value of $.05$. While statistically significant, the variable's coefficient is relatively small, making the relationship between citizen ideology and the enactment of juvenile justice reform bills weak.

Finally, the miscellaneous variables were included in models 6, 7, 8 and 9. In all four models, state fiscal health was negatively correlated with juvenile justice reform bills but was not statistically significant. The bill adoption variable was consistently positively correlated with juvenile justice reform and was statistically significant in Models 7, 8 and 9. However, the coefficients in this relationship were quite small ranging from $.0016$ to $.0019$. The South variable varied in its relationship to juvenile justice reform enactments. In Models 7 and 9, Southern states were negatively correlated with juvenile justice reform but positively correlated in Models 6 and 8. These inconsistent findings and lacking statistical significance make determining the relationship between the South control variable and juvenile justice bill enactments challenging to identify.

Next, Table 1.9 holds the second set of results from the multiple linear regression analysis with the dependent variable as weighted juvenile justice reform bills.

Table 1.9 Multiple Linear Regression Results: Dependent Variable as Weighted Juvenile Justice Bills

	(1)	(2)	(3)	(4)	(5)
presence					1.5624** (0.7446)
capacity					0.0000 (0.0000)
billadpt					
juvdetR	0.0039 (0.0245)				
drug	0.0032 (0.0107)				
weapon	0.0544 (0.0463)				
b17P		24.7150 (16.8097)			
hisp17P		41.5715*** (13.0523)			
PPU18200		-0.1078 (0.2446)			
pctwomen			0.1276 (0.1623)	0.2265 (0.1607)	
blackpct			0.3637 (0.2204)	0.3963* (0.2085)	
hispanpct			0.4036 (0.2431)	0.4496** (0.2222)	
repgov			-0.0822 (0.0671)	-0.1408** (0.0558)	
repcntrl			0.0049 (0.0566)		
citi6016				-0.2865** (0.1334)	
fiscall					
south					
_cons	8.4621 (5.7084)	9.0771 (9.2721)	10.6280* (5.6048)	25.8731*** (8.7697)	8.0998** (3.0933)
N	49	49	49	49	49
R2	0.0563	0.1976	0.1562	0.2378	0.1157
Adj. R2	-0.0067	0.1441	0.0581	0.1492	0.0772
F	0.8941	3.6929	1.5920	2.6837	3.0081
Prob > F	0.4516	0.0185	0.1828	0.0338	0.0592

*** p<0.01, ** p<0.05, * p<0.10

Standard Errors in ()

Juvenile Justice Bills (Weighted) (continued)

	(6)	(7)	(8)	(9)
presence	-0.3095 (1.0463)	-0.4052 (0.9866)	0.0445 (1.1177)	-0.2181 (1.0647)
capacity	0.0000 (0.0000)	0.0000 (0.0000)	0.0000 (0.0000)	0.0000 (0.0000)
billadpt	0.0015 (0.0010)	0.0016* (0.0009)	0.0018* (0.0010)	0.0019* (0.0010)
juvdetR	0.0423 (0.0300)	0.0310 (0.0292)	0.0487 (0.0306)	0.0400 (0.0298)
drug	0.0001 (0.0128)	-0.0058 (0.0122)	0.0013 (0.0131)	-0.0062 (0.0127)
weapon	-0.0202 (0.0573)	-0.0169 (0.0545)	-0.0230 (0.0577)	-0.0117 (0.0556)
b17P	16.8045 (29.8497)	31.8246 (29.7027)		
hisp17P	26.4935 (20.0598)	30.0231 (18.8114)		
PPU18200	-0.2679 (0.3548)	-0.4013 (0.3330)	-0.1459 (0.3777)	-0.3479 (0.3607)
pctwomen	0.1641 (0.1795)	0.2468 (0.1776)	0.2467 (0.1789)	0.3234* (0.1778)
blackpct			0.1121 (0.3629)	0.2659 (0.3574)
hispanpct			-0.0118 (0.3370)	0.1107 (0.3207)
repgov	-0.0762 (0.0704)	-0.1123* (0.0625)	-0.0490 (0.0743)	-0.0946 (0.0656)
repcntrl	0.0276 (0.0653)		0.0077 (0.0681)	
citi6016		-0.3215* (0.1736)		-0.2964 (0.1809)
fiscall	-3.3819 (3.1661)	-2.8699 (2.9919)	-3.3706 (3.2132)	-3.1660 (3.0606)
south	2.3249 (6.0134)	-1.7010 (6.1555)	1.8809 (5.5181)	-0.9583 (5.5307)
_cons	3.3100 (14.5595)	30.3618 (20.4908)	-3.8701 (15.6826)	24.6302 (22.8261)
N	49	49	49	49
R2	0.3564	0.4123	0.3255	0.3747
Adj. R2	0.0915	0.1704	0.0478	0.1172
F	1.3451	1.7040	1.1721	1.4552
Prob > F	0.2333	0.1012	0.3386	0.1818

*** p<0.01, ** p<0.05, * p<0.10

Standard Errors in ()

As with the first set of results, Models 5, 6, 7, 8 and 9 tested for advocacy organization presence and capacity, addressing Hypotheses 1 and 2. Model 5 found the presence of advocacy organizations to be statistically significant with a p-value of .04 and positively correlated with juvenile justice reforms with a coefficient of 1.56. Model 8 also found presence to be positively correlated but not statistically significant while Models 6,7 and 9 found the presence of advocacy organizations to be negatively correlated with juvenile justice reforms. The coefficients were -.309 in Model 6, -.405 in Model 7 and -.218 in Model 9. As with the unweighted set of results, there is not sufficient evidence to support Hypotheses 1. Models 5, 6, 7, 8 and 9 found that capacity had a positive relationship with juvenile justice reform bill scores, but all results had p-values greater than .05. Lastly, Appendix 3.7 holds regression outputs for Model 5 with an interaction component between presence and capacity to satisfy Hypotheses 2. The interaction between presence and capacity was negative with a coefficient of -2.93 and a p-value that was not statistically significant.

Hypotheses 3 received weak support from the weighted juvenile justice bill models. In Models 3,4,6,7, 8 and 9, the average percent of women in state legislators was positively correlated with weighted juvenile justice bills but p-values were not statistically significant. The coefficient was .127 in Model 3 and 4, .164 in Model 6, .246 in Model 7, .246 in Model 8 and .323 in Model 9. Hypotheses 4_a and 4_b – tested in Models 3,4, 8 and 9 – yielded mixed results. Hispanic legislators were positively correlated with weighted juvenile justice bills in 3,4 and 9. In Model 4, Hispanic legislators yielded statistically significant results with a p-value of .049 such that for every unit increase in the average proportion of Hispanic legislators within a state, the enactment of weighted juvenile justice bills increased by .449. However, Hispanic legislators were negatively correlated with bills in Model 8 with a small coefficient of -.011 and

a p-value of .972. The percent black legislators variable was consistently positively correlated with weighted juvenile justice bills in all four models but were at no point statistically significant.

Appendix 3.8 presents Model 8 with an interaction between the presence, capacity and female legislator variables to address Hypotheses 5. The model did not yield statistically significant results with a p-value of .263, but the relationship between the three variables and juvenile justice bills was positive with a coefficient of 3.52. This outcome offers weak support for Hypotheses 5, but, once again, I am not able to reject the null hypotheses due to the p-value. For Hypotheses 6 and 7, Appendix 3.9 displays Model 8 with an interaction between presence, capacity and black legislators as well as presence, capacity and Hispanic legislators. The presence, capacity and black legislators variable share a negative relationship with a coefficient of -1.14 and p-value of .639. Again, the interaction between presence, capacity and Hispanic legislators yielded a statistically significant p-value of .032 and coefficient of 4.47. These findings lend strong support to Hispanic legislators in Hypotheses 7 but not for black legislators in Hypotheses 6.

Again, in overview of the control variables, the problem explanation in Models 1,6,7, 8 and 9 did not yield statistically significant results. Juvenile detention rates were positively and weakly correlated with weighted juvenile justice reform enactments with coefficients ranging from .024 from .048. Drug arrests rates and weapons arrest rates varied from being weakly positively correlated to weakly negatively correlated with juvenile justice reform bills. In terms of the social control variables, no model, with exception to Hispanic youth in Model 2, yielded statistically significant results. Black youth in Models 2, 6 and 7 were positively correlated with weighted juvenile justice reform bills with coefficients of 24.7, 16.80 and 31.82, respectively. Hispanic youth were also positively correlated with juvenile justice reform in Models 2, 6 and 7.

In Model 2, for every one unit increase in the average proportion of the state's youth population that was Hispanic, juvenile justice reform bill scores increased by 41.57 with a p-value of .003.

In Models 6 and 7, while not statistically significant, the Hispanic youth variable was accompanied by a coefficient of 26.49 and 30.02, respectively. As in the first set of results, poor youth in Models 2, 6, 7, 8 and 9 were persistently negatively correlated with weighted juvenile justice bills with p-values that were not statistically significant.

Next, the political explanations – Republican governor, Republican control of legislature and citizen ideology variables – of juvenile justice reform received some support in the weighted models. Republican governors in Model 3, 6, 7, 8 and 9 were again negatively correlated with weighted juvenile justice bills but not statistically significant. In Model 4, Republican governors were negatively correlated with a coefficient of $-.14$ and statistically significant p-value of $.015$. Republican control of state legislatures in Models 3, 6 and 8 were positively correlated – with small coefficients of $.0007$ – and p-values that were not statistically significant. Finally, the citizen ideology measure in Models 4, 7 and 9 were consistently negatively correlated. Again, in Model 4, the citizen ideology measure was statistically significant, demonstrating that increases in states' public liberalism diminish the enactment of weighted juvenile justice reform bills by $-.28$.

The miscellaneous variables – fiscal health, South and bill adoptions – were tested in Models 6, 7, 8 and 9. Again, fiscal health was consistently negatively correlated with weighted juvenile justice bill enactments with coefficients of -3.38 , -2.86 , -3.37 and -3.16 . However, these findings were not statistically significant. The bill adoption variable was consistently positively correlated with weighted bill enactments but was only statistically significant in Model 9. However, the coefficient was small once again, with coefficients ranging from $.0014$ to $.0019$,

signaling a weak relationship between the variables. Again, the South variable varied in the direction of its relationship with the weighted dependent variable. In Models 7 and 9, Southern states were negatively correlated with weighted juvenile justice reform but positively correlated in Models 6 and 8.

DISCUSSION AND CONCLUSION

Discussion

There are numerous avenues through which states can reform their juvenile justice systems – the courts, correctional agencies, school boards and more. This study has selected one avenue over nearly one decade across states. All findings should be applied narrowly and can only speak to reformative changes made in state legislatures between years 2008 and 2017.

The results of this study demonstrate that, regardless of whether the dependent variable was weighted or not, juvenile justice advocacy organizations and their capacity were not strong predictors of juvenile justice reform when controlling for other factors between 2008 and 2017. However, models that did not control for other variables did find the presence of advocacy organizations to have a positive and statistically significant effect on juvenile justice reform. Advocacy organization capacity – measured as median revenue – was consistently positively correlated with juvenile justice reforms, but the results were never statistically significant. The interaction tests provided in the Appendix demonstrated a negative relationship between advocacy presence and capacity, which directly conflicts with my predictions.

If those states with a greater number of advocacy organizations saw less juvenile justice reform bill enactments, it may have been those states that had fewer organizations with greater financial capacity that experienced more juvenile justice reform. Fewer and stronger organizations may have been the most effective in advocating on behalf of youth in the juvenile justice system and translating their beliefs into beneficial policy. It is possible that a greater number of advocacy organizations within the political stream of each state may have acted as a negative force on the policy-making process due to the emergence of numerous and potentially conflicting beliefs among organizations. Legislators may have been more receptive to the

lobbying of a few groups that shared a unified voice as opposed to numerous organizations that may not have been unified. Future work concerned with advocacy organizations in the juvenile justice policy-making process should explore the role that coalition building between likeminded advocacy organizations plays in shaping policy outcomes during this reform period. In Chapter 3, both North Carolina and New York saw the passage of juvenile justice reform bills when juvenile justice advocacy organizations formed coalitions to push “raise the age” campaigns in the political stream. Advocacy coalitions, as opposed to individual organizations, were also more impactful in shaping policy outcomes in the restorative policy-making contexts of Colorado and Texas (Sliva 2017). Those organizations that shared formalized and highly coordinated coalitions may have been more impactful as juvenile justice policy entrepreneurs (Kingdon 1984; Sliva 2017; Sabatier and Jenkins-Smith 1993). Moreover, if the financial capacity of advocacy organizations cannot explain the enactment of juvenile justice reforms, other facets of these groups may have been more explanatory. Aside from capacity measured in terms of financial resources, advocacy organizations could have been studied in terms of their interpersonal connections with legislators or their geographic distance from state legislatures – to name a couple of examples. Further, this study only looked to the role of state-level advocacy organizations, excluding national and regional organizations that have poured their resources into states to ignite juvenile justice reform. Miller (2008 17) argues that solely observing one level of government and neglecting the local and federal levels, “may understate or miss altogether the role that some very active groups play across the three policy levels.” Those juvenile justice organizations active across levels are also deserving of closer attention and should be incorporated in future works studying the relationship between interest groups and juvenile justice policy-making.

The three remaining independent variables of interest – the average proportion of female, black and Hispanic legislators – received modest support in some of the models, suggesting that a diverse legislative body – in terms of gender, race and ethnicity – may have contributed to greater enactments of juvenile justice reform bills. But, the findings were not robust enough, across models, to say with certainty that any one of these groups caused states to enact more juvenile justice reform. When controlling for all other variables, the average proportion of female legislators within states was positively correlated and statistically significant in relation to unweighted juvenile justice bills. This suggests that, as hypothesized, female legislators, on the aggregate-level, may act as substantive representatives for juvenile offenders, willing to reverse the punitive treatment of juvenile offenders and serve as allies for juvenile justice reform advocates. These findings are consistent with studies that have found women legislators to perceive crime as a result of social-environmental contexts (Kathlene 1995) and to preference restorative justice policy solutions for criminally offending adults (Sliva 2018).

Interestingly, the interaction test between the presence, capacity and Hispanic legislator variables yielded both a statistically significant and positive relationship with juvenile justice reform. The existing literature does not provide an answer as to why the interaction between Hispanic legislators, as opposed to black and female legislators, and more capable advocacy organizations would yield more juvenile justice reform. I had hypothesized that black legislators would be stronger forces of change during this period of reform due to studies suggesting their role as substantive representatives may be stronger (Reingold 2014; Bratton 2006; Carmichael and Kent 2014). My finding may be related to the fact that the regression analysis found Hispanic youth, as opposed to black youth, to share a stronger relationship with the enactment of juvenile justice reform bills. Because Hispanic youth have a stronger relationship with reforms, it

may be that their descriptive representatives – Hispanic legislators – were adamant about enacting reform bills and more receptive to juvenile justice advocacy organizations operating within the state. Also, it is important to note that states ranged from having an average proportion of 11 to 84 female legislators, zero to 28 black legislators and zero to 42 Hispanic legislators during this period (See Appendix 2.6). Due to the comparatively small size of black legislators, it may be that they did not utilize their limited social and political capital in legislative bodies to advance the interests of juvenile offenders. Some state legislatures had large numbers of female and Hispanic legislators who may have been able to use their presence to produce beneficial policy for youth involved with juvenile justice systems.

Despite some support from these findings, it seems that the sheer presence of minority and female legislators may not be enough to explain beneficial policy outcomes for criminally offending youth. As previous studies have shown, it is more than presence that will allow these legislators to impact policy-making processes (Thomas and Welch 1991; Cammisa and Reingold 2004). Future work should consider the degree to which these groups have been incorporated into the legislative body (Reingold and Smith 2012; Preuhs 2006) and the power held by these group members by, for example, measuring the number of committees chaired by female, black and Hispanic legislators during this period (Reingold 2014).

In terms of the problem explanations of juvenile justice policy-making, detention and arrest rates were not significantly related to juvenile justice reforms. Observers note how high juvenile crime rates prompted state policymakers to enact punitive reforms during the 1990s but it seems that changes in weapons and drug arrests – proxies for violent and property crimes – did not elicit changes in juvenile justice policy-making. The models suggest that the arguments used in criminal justice policy-making contexts, relating to crime rates and incarceration rates, are not

effective ways to explain the beneficial policy developments in this reform period. It is important to note that the detention rate variable was consistently positively correlated with the enactment of juvenile justice reform bills (weighted and unweighted) – albeit with extremely small coefficients. This positive relationship lends some support to the argument that states with greater average rates of youth detention had a comparatively larger “problem” at hand. Greater rates of youth detention – a substantial change in the indicator – may have allowed advocacy organizations in some states to highlight the severity of the confinement “problem.” With comparatively greater detention rates identified in their problem stream, organizations were able to garner support for juvenile justice reform. States with comparably lower average rates of youth detention did not face the same degree of pressure to change their juvenile justice policies and address the identified problem.

The findings concerning target populations can contribute to the existing literature that explores the role of social control in juvenile and criminal justice policy-making contexts. However, all models pertaining to social control, with exception to one model relating to Hispanic youth, were not statistically significant. Thus, all results relating to racial, ethnic and class-based target populations must be interpreted with caution. Across every model, black and Hispanic youth were positively correlated within the enactment of juvenile justice reform bills. This positive relationship suggests that minority youth were not treated as racialized threats and that juvenile justice policy may not have acted as a force of social control over these groups, as I had anticipated that they would. Considering that greater black and Hispanic youth populations were positively correlated with the enactment of more beneficial juvenile justice policy, there seems to be some support for Sliva’s (2018) findings that greater minority populations are correlated with the adoption of beneficial criminal justice policy. However, even when

controlling for other variables, the effect of Hispanic youth was consistently more impactful than that of black youth. This may be because Hispanic youth are perceived as less threatening than black youth – due to different histories of social construction and media depictions that have most deeply impacted the public’s perception of black youth and their criminality (Ward 2012). While this is only speculation, it may be that states with greater minority youth populations – black and Hispanic youth – enacted more juvenile justice reform bills because their presence made the problems associated with the juvenile justice system more relevant. Because the juvenile justice system disproportionately interacts with minority youth, states with more minority youth – which also means more minority adults (due to correlation findings) – paid greater attention to the issues that stemmed from juvenile justice system debates. The minority populations themselves may have called greater attention to certain injustices and brought the topic of reform to the forefront of political discussions. On the other hand, in states predominantly comprised of white youth, the issues associated with the juvenile justice system may have been less important to the public and policymakers.

In terms of the poor youth component of social control, this variable was consistently negatively associated with the enactment of juvenile justice reform bills. In line with my predictions, as a state’s poor youth population grew larger, the enactment of juvenile justice reform bills decreased. This may suggest that the underclass eliciting social control in the context of juvenile justice policy may not pertain to race/ethnicity but to the socio-economic status of youth. Those states that were less willing to reduce the scale of their juvenile justice systems may have been motivated, in part, by the size of their poor youth population. This finding is consistent with the history outlined in Chapter 1 in which poor youth were subjected to social control in the early years of the child-saving movement and throughout the course of the juvenile

justice system (Platt 2009). As Carmichael and Kent (2014) did in their study of police forces, future work concerned with how state's develop their juvenile justice policies should also look at varying degrees of economic inequality in addition to the greater presence of low-income groups within a state.

Turning to the political explanations explored in this study, there is some support for the prediction that partisanship among governors impacted the enactment of juvenile justice reform between 2008 and 2017. States that had more Republican governors during this period were negatively correlated with the enactment of beneficial policy for juvenile offenders. This is consistent with findings that Republicans tend to favor tough on crime policy solutions (Kathlene 1995) and are more likely to enact punitive criminal justice policies (Smith 2004; Enns 2016; Brown 2012) than their Democratic counterparts. Republican governors in this context may have been less willing to sign bills that granted criminally offending youth beneficial outcomes. Another potential explanation for this outcome may be that legislators in states with Republican governors were less likely to draft bills or pursue legislation that related to juvenile justice reform, knowing that their governor would not have been receptive to such changes. However, the partisanship question is complicated by the findings that show Republican controlled legislatures were slightly more likely to enact juvenile justice reform. This may suggest that the issue of juvenile justice reform has become a bipartisan one among state legislators. Sliva's (2017) case study of the restorative justice policymaking process in Texas found that while restorative justice legislation tended to be proposed by Democratic legislators, Republican legislators also supported the issue. Restorative justice, which is in some cases directly related to juvenile justice, has been identified as a "non-divisive" issue (Sliva 2017 266). The final political explanation relates to public ideology on a conservative-liberal spectrum. One model, within

each set of results, provided statistically significant evidence that states with conservative publics enacted more juvenile justice reform bills during this period. This finding runs counter to my predictions and should cast doubt on assumptions that conservative populations are opposed to juvenile justice reform. In fact, conservative leaning publics may be in favor of these policy changes in the name of fiscal responsibility, potentially endorsing the libertarian view of crime identified in Sliva's (2017) case study of Texas. Consistent with this result, a 2016 poll found that the majority of Democratic and Republican voters in Kansas believe that rehabilitation should be the main goal for juvenile offenders and that the state should reduce the number of juvenile offenders it sends to facilities (Pew Charitable Trusts 2016). Nonetheless, the citizen ideology measure may not be a sufficient proxy for public punitiveness and future studies should continue to speculate about the role that the public plays in the juvenile justice policy-making process. In particular, additional polling in states across the country or a direct study of the media's role in shaping public opinion, in the context of juvenile justice reform, could also provide useful insights.

Finally, in terms of the miscellaneous variables, it seems that bill adoptions is weakly correlated with the enactment of juvenile justice reform bills. This means that state legislatures that adopted more bills, signaling more legislative activity, were more likely to enact juvenile justice reform during this period. Also in this category was the South variable. Due to the inconsistent findings, it is challenging to conclude the relationship between this regional measure and juvenile justice reforms. Finally, the persistent negative relationship between state fiscal health and juvenile justice bill enactments suggests that those states that experienced greater financial hardship were more likely to undertake juvenile justice reforms. For those states struggling financially, reshaping their juvenile justice systems may have become a priority to

save their state money in the long run. While not statistically significant, the direction of this relationship is consistent with the extant literature suggesting that declining state fiscal health has caused states to reduce their reliance on incarceration and adopt less punitive criminal justice policies (Sliva 2016; Brown 2012).

Conclusion

This study is rooted in the belief that juvenile justice policy warrants greater attention from the scholarly community and from political scientists in particular. This area of study is compelling for two reasons. First, the variation that defines this juvenile justice reform period means that, state by state, juvenile delinquents are experiencing the coercive arm of their governments in very different ways. These interactions, if punitive, have the potential to suppress youth and their future political efficacy, civic engagement and perceptions of citizenship. Second, through this study, it has become clear that the juvenile justice system, since its founding, has been a system of social control – persistently interacting with a particular set of youth marked as “other” for their race, ethnicity and/or socio-economic class.

Considering this background, the puzzle of this study becomes clear: how did a period of reform in which a group marginalized by age, race, class and perceptions of deviance receive beneficial policy? More importantly, what can explain the variation in beneficial policy outcomes for juvenile offenders across states? To answer these questions, I relied heavily on Kingdon’s Multiple Streams Framework (MSF) to demonstrate how juvenile justice advocacy organizations across states acted as policy entrepreneurs – unifying the problem, policy and political streams – to relentlessly promote the interests of their vulnerable and powerless group, juvenile delinquents. I argued that these organizations played a critical role in advancing the social and legal status of youth that commit crimes within American society. I also drew

attention to the interactions between these organizations and substantive representatives – those legislators who are black, Hispanic and/or female. While this study's multiple linear regression analysis did not yield sufficient evidence to support these claims, this does not diminish the fact that juvenile justice advocacy organizations have been identified as a driving force in the push for juvenile justice reform (Fedders 2015). Further, the models showed some, but weak, support for the role that legislative diversity played in producing beneficial policy for juvenile delinquents.

Aside from testing my hypotheses concerning advocacy organizations and substantive representatives, this study also explored other political explanations that had yet to be tested in the context of juvenile justice. Of utmost importance is the way in which this study can contribute to our understanding of social control in juvenile justice policy-making and my findings suggesting that juvenile justice reform may have been a bipartisan issue among state legislators and members of the public. Other important takeaways from this study concern state fiscal health, partisanship among governors and traditional explanations such as crime and detention rates. Further, having ranked states and their legislative activity between 2008 and 2017, this study provides an opportunity for the future exploration of juvenile justice policy-making processes in a more focused and deliberate manner. As Sliva (2017) has done in the context of restorative justice policymaking, case studies that analyze the juvenile justice policy-making process in leading states such as Colorado, California, Texas and Illinois in comparison to bottom ranking states with similar characteristics could provide useful insights for this area of study.

Despite the fact that this period has seen tremendous legislative changes, juvenile justice systems, across states, “are only at the early stages” of reform and anything but “near the finish

line” (Lubow 2015 60). In 2015, approximately 62 percent of youth – 29,924 of the 48,043 youth held in residential placement – were being held for non-violent offenses (Hockenberry 2018). This means that the majority of youth placed in residential facilities are held for property, drug, public order, technical violations and status offenses. Thus, reformers across states continue to urge policymakers to resist confinement and incorporate community-based programming in their policies in cases where youth do not pose a severe risk to public safety (AECF 2013; Sawyer 2018). Further, they argue that juvenile justice laws must continue to be updated so that they better “reflect our current understanding of brain development and criminal behavior over the life course” (Sawyer 2018). Reformers in some states are still advocating for raising the age of juvenile court jurisdiction, ending the transfer of youth to the adult criminal justice system and removing youth from adult correctional facilities (Sawyer 2018). While some states have addressed these areas, these policy priorities remain salient for juvenile justice activists seeking a more just, humane and effective juvenile justice system.

Ultimately, this period of juvenile justice reform is not necessarily novel or unprecedented in the grand scheme of American history. As Bernard (1992) describes in his cycle of juvenile justice, the nation has seen the emergence of lenient policies directed at juvenile delinquents before, considering the treatment of criminally offending youth has wavered between rehabilitation and punitiveness. With this in mind, this study has recognized the immense state variation in juvenile justice policy-making and has allowed for the robust testing of certain political explanations – often used in criminal justice contexts – to determine why some states are more willing or able to reform their juvenile justice policies. Only time will tell how durable these numerous reforms will be and what problems the juvenile justice system may face in years to come. However, one thing is clear. If state policy designed for juvenile delinquents is to shift

dramatically yet again, this study has shed light on the numerous forces that may be at work, equipping us with findings that can be applied to any disadvantaged and marginalized group that is often overlooked by scholarship and society at large.

APPENDIX 1

1. American Civil Liberties Union of North Carolina: Raise the Age Campaign

Coalition Members:

Action North Carolina
 Alamance County Dispute Settlement & Youth Services
 Alexander Youth Network
 American Civil Liberties Union (ACLU) of North Carolina
 Benchmarks, Inc.
 Campaign for Youth Justice
 Carolina Justice Policy Center
 Caught Before Fallen
 The Children's Alliance - Mecklenburg
 Children First/CIS of Buncombe County
 Children's Home Society of NC
 Communities In Schools of NC
 Council for Children's Rights (Charlotte)
 Cumberland County CommuniCare
 Disability Rights North Carolina
 Eckerd Youth Alternatives, Inc.
 Emotions Organization
 Forsyth Futures
 Haven House, Inc.
 ILR, Inc. (Independent Living Resources)
 Jackson County Psychological Services, Inc.
 Justice Fellowship
 Leadership CONNECTIONS, Inc.
 National Alliance on Mental Illness (NAMI-NC)
 National Association of Social Workers (NASW) NC
 National Juvenile Justice Network
 NC Child
 North Carolina NAACP
 North Carolina Advocates for Justice
 North Carolina Association of Educators (NCAE)
 North Carolina Council of Churches
 North Carolina Families United
 North Carolina Foster and Adoptive Parent Association
 North Carolina Justice Center
 North Carolina Pediatric Society
 NC Public Defender Association
 Prevent Child Abuse North Carolina
 Project Challenge, Inc.
 Right on Crime
 SAYSO, Inc. (Strong Able Youth Speaking Out)
 Shared Journey
 Southern Coalition for Social Justice
 Spirit House Inc.
 The Sentencing Project
 Thompson Child and Family Focus
 United Way North Carolina
 Youth Empowered Solutions, Inc.
 Youth Justice Project

Other Key Endorsers:

The John Locke Foundation
 Conservatives for Criminal Justice Reform
 NC Sheriffs' Association
 NC Association of Chiefs of Police
 NC Police Benevolent Association
 The NC Chamber of Commerce Legal Institute
 NC Association of County Commissioners
 NC Faith and Freedom Coalition
 NC Magistrates Association
 North Carolina Commission on the Administration of Law & Justice

Join Us!

RaiseTheAgeNC.org

[Twitter: @RaisetheAge_NC](https://twitter.com/RaisetheAge_NC)

Facebook:

facebook.com/RaiseTheAgeNorthCarolina/



Let's Keep Kids Out of the Adult Court System: Raise the Age in North Carolina!

North Carolina is one of only two states that automatically charges all 16- and 17-year-olds as adults, regardless of the crime. This leaves kids with a permanent adult criminal record that makes it more difficult to find a job, get a higher education, or even find housing. It's no surprise that children charged in the adult system are more likely to commit another crime than those charged in the juvenile system. That's why legal experts and organizations across the political spectrum support 'raising the age' of juvenile jurisdiction to 18 years of age for most crimes.

The Raise the Age NC Coalition supports the recommendation of Chief Justice Mark Martin's Commission on the Administration of Law and Justice to automatically **raise the age to 18 for low-level felonies and misdemeanors** (excluding Class A through E felonies and traffic offenses).

SAVES TAXPAYER MONEY

There is ample evidence that raising the age could save North Carolina millions of dollars over time. Dramatic reductions in juvenile crime over the last decade have already led to long-term savings of more than \$40 million a year. And the experiences of other states have found that raising the age is cost-effective. One Wisconsin study found "for every 1,000 youth returned to the juvenile system there will be \$5.8 million in direct savings each year through reduced law enforcement costs, court costs, and losses to victims." By reducing recidivism and improving outcomes for youth, raising the age will strengthen North Carolina's tax base and reduce future expenses.

PROMOTES PUBLIC SAFETY

Recidivism rates for 16- and 17- year olds handled by the adult criminal justice system are more than twice as high as those served by the juvenile justice system.

The juvenile justice system is not a "get out of jail free" card. All crimes—especially when committed by youth—are a serious matter. The fact is: the juvenile justice system is better equipped to rehabilitate youth and encourage families to be engaged in the process as well.

WORKS FOR YOUTH

Two-thirds of children in the criminal justice system have at least one disability. The juvenile justice system is a far more productive setting for these children than the adult criminal justice system, because it offers needed services and support that can help youth with disabilities stay on track in the future. The adolescent brain is still developing and responds well to interventions. With support, young people can learn to make responsible choices and are likely to grow out of negative or delinquent behavior.

2. Westchester Children's Association Raise the Age Campaign

RAISE the AGE | NY

On April 10, 2017, Governor Cuomo signed into law "Raise the Age" legislation that was included as part of the State Budget. It can be found in A-3009c/S-2009c Part WWW.

KEY COMPONENTS OF THE LEGISLATION

The presumptive age of juvenile accountability is raised for 16 year olds effective 10/1/18 and for 17 year olds effective 10/1/19. Except as otherwise noted, all components described below are pursuant to this timeline.

The law will change cases for 16/17 year olds in the following ways:

Parental Notification

- Parents must be notified when their children are arrested.
- Questioning of youth must take place in age-appropriate settings, with parental involvement (including with regards to waiving Miranda rights), and for developmentally appropriate lengths of time.

Court Processing:

The vast majority of cases of 16-17 year olds will ultimately be heard in the Family Court, either originating there or being transferred there from the new Youth Part of the adult criminal court.

Misdemeanors:

- All misdemeanor cases (other than vehicle and traffic law misdemeanors) will be heard in Family Court pursuant to the Family Court Act. This includes Family Court Act procedures for adjustment and confidential records.

Felonies:

- All felony cases will start in the Youth Part of the adult criminal court.
- All **non-violent felonies** will be transferred from the Youth Part to the Family Court unless the District Attorney (DA) files a motion within 30 days showing "extraordinary circumstances" as to why the case should remain in the Youth Part. If DA files motion, there can be a hearing and the Judge must decide within 5 days of the hearing or motions whether to prevent the transfer of the case to Family Court.
- **Violent felonies** can also be transferred from the Youth Part to the Family Court. If the charges do NOT include the accused displaying a deadly weapon in furtherance of the offense, causing significant physical injury, or engaging in unlawful sexual conduct, the case will transfer to Family Court unless the DA files a motion within 30 days showing "extraordinary circumstances" as to why the case should remain in the Youth Part. If the charge does include an element listed above, removal to Family Court is only possible with consent of the DA. Vehicle and Traffic Law cases and Class A felonies other than Class A drug offenses cannot be transferred.
- 16 and 17 year olds whose cases remain in the Youth Part will be referred to as "Adolescent Offenders." Adult sentencing will apply, but the Judge must take the youth's age into account when sentencing. Adolescent Offenders are eligible for Youthful Offender treatment, as is the current law with respect to 16 and 17 year olds charged as adults.
- Adolescent offenders may voluntarily participate in services while their case is pending.

Violations:

- Violations will be heard in adult criminal/local courts, as is the current law.

Family Court:

- Youth whose cases are heard in the Family Court will be processed pursuant to existing Juvenile Delinquency (JD) laws, which includes the opportunity for adjustment. They will not have a permanent criminal record.

Youth Part of Adult Court:

- New "Youth Parts" will be created. All 13-15 year old Juvenile Offenders and all 16-17 year Adolescent Offenders will have their cases in the Youth Part.
- Family Court Judges will preside over cases in the Youth Parts.

Source: © Raise the Age NY 2019. Reproduced with permission [via email with Julia Davis 2019]

3. Youth, Rights and Justice Testimony Before Oregon Legislature

Youth, Rights & Justice

ATTORNEYS AT LAW

To: House Committee on Judiciary, 2017 Oregon Legislative Assembly

From: Mark McKechnie, Executive Director

Date: April 25, 2017

RE: Support for SB 82

Chair Barker and Members of the Committee:

My name is Mark McKechnie, and I am the Executive Director of Youth, Rights & Justice. For nearly 42 years, YRJ attorneys have represented youth in Oregon's juvenile court and juvenile justice systems. We have also served on a number of committees and work groups regarding juvenile justice policies and practices at the state and county levels. One of them has been the Oregon Youth Authority "Use of Isolation Community Advisory Group," on which I have personally served.

Youth, Rights & Justice supports SB 82. This important bill was developed based, in part, upon the advice of the advisory group, and it reflects the policy and practice direction that OYA has undertaken over the last several years regarding the use of isolation rooms in OYA facilities. The bill addresses two issues. First, it states unequivocally that isolation may not be used as punishment for any youth offender or young person in an OYA facility. This is consistent with national trends and with research on the trauma and other harm that can be inflicted by isolating young people.

Second, it will help ensure that there is no confusion between different OYA policies. While this bill is consistent with administrative rules that have been in place for some time, other rules, recently amended, arguably allowed the practice of isolation for the purpose of punishment. Placing this prohibition in statute will help avoid such confusion from recurring in the future.

The Oregon Youth Authority has made great strides in improving programs, services and conditions to benefit and rehabilitate youth who have broken the law. The OYA leadership has engaged in a focused and thoughtful process, engaging internal and external stakeholders to shift the culture, practices and policies of the agency, to promote positive human development among all of the youth and young people served and among the employees of OYA.

This bill supports and reflects a shift to evidence-based methods of intervention, such as Collaborative Problem Solving, that are more effective in managing youth behavior in the short term and in helping young people to develop problem-solving and conflict-resolution skills that will continue to benefit them throughout their lives. OYA has invested additional staff resources to manage and reduce conflict and has longer-term plans to redesign facilities to further promote these efforts.

SB 82 is one important piece of a comprehensive effort to reduce the use of isolation and to develop alternatives that promote better outcomes for youth and OYA staff. Following the unanimous support of the Oregon Senate, Youth, Rights & Justice urges the committee to support SB 82, as well.

An independent, not-for-profit law firm, Est. 1975
1785 NE Sandy Blvd., Suite 300 • Portland, OR 97232 • (503) 232-2540, F: (503) 231-4767 • www.youthrightsjustice.org

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APPENDIX 2

1. Final Data Summary Table

	Variable	Source
Dependent Variable	Juvenile Justice Reform Bills	National Conference of State Legislatures (NCSL) “Juvenile Justice Bills Tracking Database.” Available Online at: http://www.ncsl.org/research/civil-and-criminal-justice/ncsls-juvenile-justice-bill-tracking-database.aspx .
Independent Variables	Juvenile Justice Advocacy Organizations	National Juvenile Justice Network: http://www.njjn.org Campaign for Youth Justice; http://www.campaignforyouthjustice.org GuideStar: https://www.guidestar.org/Home.aspx Direct contact with local organizations
	Capacity of Juvenile Justice Advocacy Organizations	Form 990, Form 990-EZ, Form 990-N Direct contact of organizations Nonprofit Explorer: https://projects.propublica.org/nonprofits/ GuideStar: https://www.guidestar.org/Home.aspx

Independent Variables (cont.)	Black State Legislators	Carl Klarner (2008-2016) granted me access to data via direct communication with Beth Reingold on 12/16/2018
	Latino State Legislators	National Association of Latino Elected and Appointed Officials (NALEO) Education Fund's National Directory of Latino Elected Officials: http://www.naleo.org/practice_dir_2017
	Female State Legislators	Rutgers Center for American Women and Politics: https://www.cawp.rutgers.edu/state-by-state

Control Variable	Source
Black Youth Population	Collected from Kids Count Data Center: https://datacenter.kidscount.org/data/tables/103-child-population-by-race?loc=1&loct=2#detailed/2/2-52/false/871,870,573,869,36,868,867,133,38,35/68,69,67,12,70,66,71,72/423,424 Original Source: Population Division, U.S. Census Bureau
Hispanic Youth Population	Collected from Kids Count Data Center: https://datacenter.kidscount.org/data/tables/103-child-population-by-race?loc=1&loct=2#detailed/2/2-52/false/871,870,573,869,36,868,867,133,38,35/68,69,67,12,70,66,71,72/423,424 Original Source: Population Division, U.S. Census Bureau
Low-income Youth Population (200% FPL)	Collected from: KidsCount Data Center: https://datacenter.kidscount.org/data/tables/47-children-below-200-percent-poverty?loc=1&loct=2#detailed/2/2-53/false/871,870,573,869,36,868,867,133,38,35/any/329,330 Original Source: Population Reference Bureau, U.S. Census Bureau

Juvenile Violent Crime Rates	<p>Collected from Office of Juvenile Justice Delinquency Prevention (OJJDP) Statistical Briefing Book: https://www.ojjdp.gov/ojstatbb/crime/qa05103.asp?qaDate=2017.</p> <p>Original Source: FBI's 2017 Crime in the United States Report [Tables 5 and 69].</p>
Juvenile Property Crime Rates	<p>Collected from Office of Juvenile Justice Delinquency Prevention (OJJDP) Statistical Briefing Book: https://www.ojjdp.gov/ojstatbb/crime/qa05103.asp?qaDate=2017.</p> <p>Original Source: FBI's 2017 Crime in the United States Report [Tables 5 and 69].</p>
Juvenile Detention Rates	<p>Collected from Kids Count Data Center: https://datacenter.kidscount.org/data/tables/8391-youth-residing-in-juvenile-detention-correctional-and-or-residential-facilities-by-race-and-hispanic-origin#detailed/2/2-52/false/573,36,867,133,18,17,14,12,10,8/4038,4411,1461,1462,1460,4157,1353/16996,17598</p> <p>Original Source: Sickmund, Melissa, Sladky, T.J., Kang, Wei, and Puzzanchera, C. (2017) "Easy Access to the Census of Juveniles in Residential Placement." Online Author's analysis of OJJDP's Census of Juveniles in Residential Placement [2007, 2010, 2011, 2013, and 2015]</p>
Party Control of State Legislature	<p>Collected from Mahoney, John. 2019. "State Partisan Composition." National Conference of State Legislatures (NCSL): http://www.ncsl.org/research/about-state-legislatures/partisan-composition.aspx</p>
Governor Party Identification	<p>Collected from Public Policy and Social Research (IPPSR) [2008 to 2011]</p> <p>Collected from Council of State Governments' (CSG) Book of States [2013]: https://knowledgecenter.csg.org/kc/content/book-states-2013-chapter-4-state-executive-branch</p> <p>Collected from National Conference of State Legislatures (NCSL) [2012, 2014, 2015, 2016, 2017] http://www.ncsl.org/research/about-state-legislatures/partisan-composition.aspx</p>
Citizen Ideology Measure	<p>Collected from: William D. Berry, Evan J. Ringquist, Richard C. Fording, Russell L. Hanson. 1998. "<u>Measuring Citizen and Government Ideology in the American States, 1960-93.</u>" <i>American Journal of Political Science</i>, Vol. 42, No. 1 (Jan.), pp. 327-348.</p>

South	<p>Collected from Institute for Public Policy and Social Research (IPPSR)</p> <p>Original Source: Klarner, Carl. 2013. "State Economic Data", http://hdl.handle.net/1902.1/20404, Harvard Dataverse, V1</p>
State Fiscal Health	<p><i>State General Revenue and General Expenditure</i> [2008-2016] Collected from Kaplan, Jacob. Annual Survey of State Government Finances 1992-2016. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [distributor], 2018-03-11. https://doi.org/10.3886/E101880V1</p> <p>[2017] Collected from U.S. Census Annual Survey of State Government Finances: https://www.census.gov/data/tables/2017/econ/state/historical-tables.html</p> <p><i>State Gross Domestic Product</i> Collected from Bureau of Economic Analysis (BEA): https://apps.bea.gov/itable/iTable.cfm?ReqID=70&step=1#reqid=70&step=1&isuri=1</p>
Bills Adopted	<p>Collected from Council of State Governments' The Book of States publications Chapter 3, State Legislative Branch: http://knowledgecenter.csg.org/kc/category/content-type/content-type/book-states</p>

[] = the years collected for use in study; unless stated otherwise, all data was collected for years 2008 to 2017

2. Juvenile Life Without Possibility of Parole (JLWOP) Legislation Omitted

States	JLWOP Legislation Omitted
Alabama	2016 AL HB 323
Arkansas	2013 AR HB 1993 2017 AR SB 294
California	2013 AR HB 1993 2017 CA SB 394
Colorado	2016 CO SB 181
Delaware	2013 DE SB 9
Florida	2014 FL HB 7035
Louisiana	2012 LA HB 543 2012 LA SB 317 2013 LA HB 152 2017 LA SB 16
Missouri	2016 MO SB 590
Nebraska	2013 NE LB 44
Nevada	2011 NV AB 134 2015 NV AB 267
New Jersey	2017 NJ AB A373
North Carolina	2012 NC SB 635
Pennsylvania	2012 PA SB 850
South Dakota	2016 SD SB 140
Texas	2013 TX SB 2 (Identical: TX HB 4b and TX HB 7b)
Utah	2013 UT SB 228 2016 UT HB 405
Vermont	2015 VT HB 62
Washington	2014 WA SB 5064
West Virginia	2014 WV HB 4210
Wyoming	2013 WY HB 23

3. Responding Juvenile Justice Advocacy Organizations via Email or Phone

State		Email	Phone
Alabama			
Alaska			
Arizona			
	Children's Action Alliance	Yes	
Arkansas			
California			
	California Alliance for Youth and Community Justice	Yes	
	Anti-Recidivism Coalition	Yes	
Colorado			
	Colorado Children's Campaign		Yes
	Colorado Juvenile Defender Center	Yes	
Connecticut			
Delaware			
Florida	Center for Children's Rights	Yes	Yes
Georgia			
	JUSTGeorgia	Yes	
Hawaii			
	Hawaii Youth Services Network	Yes	Yes
Idaho			
Illinois			
Indiana			
	Children's Policy and Law Initiative of Indiana	Yes	
Iowa			
Kansas			
	Kansas Appleseed Center for Law and Justice	Yes	Yes
Kentucky			
Louisiana			
	Southern Poverty Law Center	Yes	
	Louisiana Center for Children's Rights	Yes	
Maine	Maine Center for Juvenile Policy and Law	Yes	
Maryland			
	Advocates for Children and Youth (ACY)	Yes	Yes
Massachusetts			
	Citizens For Justice	Yes	Yes
Michigan			
	Michigan Council on Crime and Delinquency	Yes	
Minnesota			
Mississippi			

	Southern Poverty Law Center	Yes	
Missouri			
Montana			
Nebraska			
	Voices for Children in Nebraska	Yes	
Nevada			
	American Civil Liberties Union of Nevada	Yes	
New Hampshire			
New Jersey			
	Youth Justice New Jersey	Yes	
	New Jersey Parents Caucus		Yes
New Mexico			
	NMCAN	Yes	Yes
New York			
	Children's Defense Fund of New York	Yes	Yes
	Children's Rights	Yes	
North Carolina			
	Youth Justice Project of North Carolina	Yes	
	American Civil Liberties Union of North Carolina	Yes	
North Dakota			
Ohio			
	Juvenile Justice Coalition	Yes	
Oklahoma			
	Oklahoma Institute for Child Advocacy		Yes
Oregon			
Pennsylvania			
Rhode Island			
	Rhode Island KIDS COUNT		Yes
South Carolina			
South Dakota			
Tennessee			
	Just City Memphis	Yes	
Texas			
	Texas Appleseed	Yes	
	Texans Care for Children	Yes	
	Texas Criminal Justice Coalition	Yes	
Utah			
	Utah Juvenile Defender Resource Center	Yes	
	Utah Coalition of La Raza		Yes
Vermont			
	Vermont Family Network		Yes
Virginia			
	JustChildren	Yes	

Washington			
	TeamChild	Yes	Yes
West Virginia			
	American Civil Liberties Union of West Virginia	Yes	
Wisconsin			
	Wisconsin Council on Children and Families	Yes	
Wyoming			

4. Sample Email Sent to Juvenile Justice Advocacy Organization

Sent: Fri 12/14/2018 5:03 PM; [Contact information collected from NJJN website]

Dear Mr. Cuneo,

I hope this email finds you well. My name is Leily Arzy, and I am a senior at Emory University in Atlanta, Georgia. I am in the process of writing an honors thesis on juvenile justice advocacy organizations operating across the United States. As part of this project, I need to collect a comprehensive list of all organizations advocating for juvenile justice reform within Colorado. The National Juvenile Justice Network has been immensely helpful in this effort by listing your organization, the Colorado Juvenile Defender Center.

I am reaching out to see if you or a member of your office would be able to send me a list of any other juvenile justice advocacy organizations working towards reform in Colorado.

I appreciate your help and look forward to hearing from you.

Thank you,

Leily Arzy

5. Juvenile Justice Advocacy Organizations Identified in Study

State	Juvenile Justice Advocacy Organization
Alabama	Voices for Alabama's Children
	Children First Alliance of Alabama
	American Civil Liberties Union of Alabama
Arizona	Children's Action Alliance
	Arizona Legal Women and Youth Services
Arkansas	Arkansas Advocates for Children and Families
	American Civil Liberties Union of Arkansas
	Arkansas Public Policy Panel
California	Communities United for Restorative Youth Justice
	Youth Justice Coalition
	American Civil Liberties Union of Southern California
	American Civil Liberties Union of Northern California
	Center on Juvenile and Criminal Justice
	The Anti-Recidivism Coalition
	East Bay Community Law Center
	Ryse
	Restore Justice
	Young Women's Freedom Center
Colorado	Colorado Juvenile Defender Coalition
	American Civil Liberties Union of Colorado
	Padres and Jovenes Unidos
	Colorado Criminal Defense Bar
Connecticut	Center for Children's Advocacy
	Regional Youth Adult Social Action Partnership
	American Civil Liberties Union of Connecticut
	Connecticut Voices for Children
Delaware	The Delaware Center for Justice
	American Civil Liberties Union of Delaware
Florida	Florida's Children First
	The Children's Campaign
	Florida Juvenile Justice Association
	American Civil Liberties Union of Florida
	Delores Barr Weaver Policy Center
	Center for Children's Rights
Georgia	Voices for Georgia's Children
	Interfaith Children's Movement
	Georgia Appleseed

Hawaii	Hawaii Youth Services Network
	Hawaii Children's Action Network
Illinois	John Howard Association of Illinois
	The Juvenile Justice Initiative
	Communities United
	Metropolis Strategies
	American Civil Liberties Union of Illinois
	Community Organizing and Family Issues
	Voices for Illinois Children
Indiana	Youth Law Team of Indiana
	Children's Policy and Law Initiative of Indiana
Iowa	American Civil Liberties Union of Iowa
Kansas	Kansas Appleseed Center for Law and Justice
	American Civil Liberties Union of Kansas
	Kansas Action for Children
	Kentucky Youth Advocates
	Northern Kentucky Children's Advocacy Center
	Institute for Compassion in Justice
	American Civil Liberties of Kentucky
Louisiana	American Civil Liberties of Louisiana
	Families and Friends of Louisiana's Incarcerated Children
	Louisiana Center for Children's Rights
	Agenda for Children
Maine	American Civil Liberties Union of Maine
	Restorative Justice Institute of Maine
Maryland	Advocates for Children and Youth
	American Civil Liberties Union of Maryland
	Public Justice Center
Massachusetts	Center for Public Representation
	Citizens for Juvenile Justice
	Massachusetts Advocates for Children
	American Civil Liberties Union of Massachusetts
	Youth Advocacy Foundation
	Families for Justice As Healing
	Massachusetts Budget and Policy Center
Michigan	The Michigan Council on Crime and Delinquency
	Michigan League for Public Policy
	American Civil Liberties Union of Michigan
	Student Advocacy Center of Michigan
	Michigan's Children

Mississippi	Mississippi Center for Justice
Missouri	Missouri Juvenile Justice Association
	Families and Friends Organizing for Reform of Juvenile Justice
	Metropolitan Congregations United
	American Civil Liberties Union of Missouri
	Missouri Faith Voices
Montana	American Civil Liberties Union of Montana
Nebraska	Voice for Children
	American Civil Liberties Union of Nebraska
	Nebraska Appleseed
	Nebraska Juvenile Justice Association
Nevada	American Civil Liberties Union of Nevada
	Children's Advocacy Alliance
New Hampshire	New Futures (New Hampshire Kids Count)
	New Hampshire Center for Public Policy Studies
New Jersey	New Jersey Parents Caucus
	Advocates for Children of New Jersey
	American Civil Liberties Union of New Jersey
	Education Law Center
	New Jersey Institute for Social Justice
	Statewide Parent Advocacy Network
New Mexico	NMCAN
	Young Women United
	New Mexico Women's Justice Project
	Disability Rights New Mexico
	American Civil Liberties Union of New Mexico
New York	The Correctional Association of New York
	New York Civil Liberties Union
	Schuyler Center for Analysis and Advocacy
	Center for Community Alternatives
	Citizens Committee for Children
	Families Together in New York State
	The Children's Agenda
	Juvenile Justice League NYC
	Youth Represent
	Westchester Children's Association
North Carolina	NC Child
	American Civil Liberties Union of North Carolina
	Disability Rights of North Carolina
	Carolina Justice Policy Center

	North Carolina Justice Center
	Council for Children's Rights
North Dakota	American Civil Liberties Union of North Dakota
Ohio	The Juvenile Justice Coalition
	American Civil Liberties Union of Ohio
	Ohio Justice and Policy Center
Oklahoma	Oklahoma Institute for Child Advocacy
	American Civil Liberties Union of Oklahoma
Oregon	Disability Rights Oregon
	Partnership for Safety and Justice
	Youth Rights & Justice
	Oregon Justice Resource Center
	Children First for Oregon
	Oregon Criminal Defense Lawyers Association
Pennsylvania	The Youth Sentencing & Re-Entry Project
	Mental Health Association in Pennsylvania
Rhode Island	Rhode Island KIDS COUNT
	Rhode Island for Community & Justice
	American Civil Liberties Union of Rhode Island
South Carolina	South Carolina Appleseed
	American Civil Liberties Union of South Carolina
	Protection and Advocacy for People with Disabilities
Tennessee	Just City Memphis
	American Civil Liberties Union of Tennessee
Texas	Texas Network of Youth Services Incorporated
	Texans Care for Children
	The Texas Criminal Justice Coalition
	Texas Appleseed
	American Civil Liberties Union of Texas
	Disability Rights
Utah	American Civil Liberties Union of Utah
	Voices for Utah's Children
	Racially Just Utah
	Disability Law Center
	Utah Coalition of La Raza
	Equality Utah
Vermont	Vermonters for Criminal Justice Reform
	Vermont Family Network
	American Civil Liberties Union of Vermont
	Voices for Vermont's Children

Virginia	JustChildren, Legal Aid Justice Center
	American Civil Liberties Union of Virginia
	Virginia Interfaith Center for Public Policy
	disAbility Law Center of Virginia
	Voices for Virginia's Children
	Commonwealth Institute for Fiscal Analysis
	TeamChild
	American Civil Liberties Union of Washington
	Columbia Legal Services
	Disability Rights
	Center for Children & Youth Justice
West Virginia	American Civil Liberties Union of West Virginia
Wisconsin	The Wisconsin Council on Children and Families (Kids Forward)
	Disability Rights
	American Civil Liberties Union of Wisconsin
Wyoming	Wyoming Children's Law Center

6. Summary Juvenile Justice Advocacy Table

	Organization	City	Year Founded	Year of IRS Recognition	IRS Code	Evidence of H Election – Lobbying Activity (Year)	Partner of National Juvenile Justice Network and Campaign for Youth Justice	Mean Revenue, 2008-2017	Annie E. Casey Foundation Grantee
AL	Voices for Alabama’s Children	Montgomery	1992	1993	501(c)(3)	Yes (2017)		\$584,999.00	Yes
	Children First Alliance of Alabama	Montgomery	1995	2010	501(c)(3)	No		\$111,472.00*	
	American Civil Liberties Union of Alabama	Montgomery	1965	1970	501(c)(4)	N/A		\$24,692.00	
AZ	Children’s Action Alliance	Phoenix	1988	1993	501(c)(3)	Yes (2009)	Yes	\$1,845,512.00	Yes
	Arizona Legal Women and Youth Services	Phoenix	2013	2016	501(c)(3)	No		Data not available	
AR	Arkansas Advocates for Children and Families	Little Rock	1977	1977	501(c)(3)	Yes (2009)	Yes	\$1,617,765.00	Yes
	American Civil Liberties Union of Arkansas	Little Rock	1969	1970	501(c)(4)	N/A		\$86,405.00*	
	Arkansas Public Policy Panel	Little Rock	1963	1972	501(c)(3)	Yes (2016)		\$1,259,915.00	
CA	Communities United for Restorative Youth Justice	Oakland	2011	2014	501(c)(3)	Yes (2010)	Yes	\$584,190.00*	
	Youth Justice Coalition	Inglewood	2003	2009	501(c)(3)	Yes (2010)	Yes	\$553,797.00*	
	American Civil Liberties Union of Southern California	Los Angeles	1923	1970	501(c)(4)	N/A		\$2,702,745.00	
	American Civil Liberties Union of Northern California	San Francisco	1934	1972	501(c)(4)	N/A		\$2,601,085.00	
	Center on Juvenile and Criminal Justice	San Francisco	1985	1995	501(c)(3)	Yes (2015)		\$2,566,545.00	
	The Anti-Recidivism Coalition	Los Angeles	2013	2013	501(c)(3)	Yes (2015)	Yes	\$1,448,409.00*	

	East Bay Community Law Center	Berkeley	1988	1988	501(c)(3)	Yes (2017)		\$3,548,628.00	
	Ryse	Richmond	2008	2008	501(c)(3)	Yes (2017)		\$1,701,008.00*	
	Restore Justice	Los Angeles	2017	2018	501(c)(3)	No		Data Not Available	
	Young Women's Freedom Center (née Center for Young Women's Development)	San Francisco	1993	1995	501(c)(3)	No		\$757,002.00	
CO	Colorado Juvenile Defender Coalition	Denver	2008	2010	501(c)(3)	Yes (2014)	Yes	\$255,768.00	
	American Civil Liberties Union of Colorado	Denver	1952	1970	501(c)(4)	N/A		\$294,856.00*	
	Padres and Jovenes Unidos	Denver	1992	n/a	501(c)(3)	Yes (2009)		Data Not Available	
	Colorado Criminal Defense Bar	Denver	1979	1980	501(c)(6)	No		\$279,275.00	
CT	Center for Children's Advocacy	Hartford	1997	1997	501(c)(3)	Yes (2010)		\$1,634,630.00	
	Regional Youth Adult Social Action Partnership	Bridgeport	1985	1994	501(c)(3)	Yes (2010)		\$2,927,359.00	
	American Civil Liberties Union of Connecticut	Hartford	1948	1970	501(c)(4)	N/A		\$687,450.00	
	Connecticut Voices for Children	New Haven	1995	1995	501(c)(3)	Yes (2016)		\$1,393,040.00*	
DE	The Delaware Center for Justice	Wilmington	1920	1946	501(c)(3)	Yes (2016)	Yes	\$1,133,005.00*	
	American Civil Liberties Union of Delaware	Wilmington	1961	1972	501(c)(4)	N/A		\$81,115.00*	
FL	Florida's Children First	Coral Springs	2002	2003	501(c)(3)	Yes (2009)		\$1,053,607.00	
	The Children's Campaign	Tallahassee	1992	2002	501(c)(3)	Yes (2009)	Yes	\$569,383.00**	
	Florida Juvenile Justice Association	Tallahassee	1994	1996	501(c)(6)	No		\$295,191.00	
	American Civil Liberties Union of Florida	Coral Gables	1920	1970	501(c)(4)	N/A		\$502,896.00*	
	Delores Barr Weaver Policy Center	Jacksonville	2013	2013	501(c)(3)	No		\$2,229,819.00*	
	Center for Children's Rights	Jacksonville	2015	2016	501(c)(3)	Yes		Data Not Available	
GA	Voices for Georgia's Children	Atlanta	2003	2003	501(c)(3)	Yes (2017)	Yes	\$984,949.00	
	Interfaith Children's Movement	Atlanta	2001	2003	501(c)(3)	No		\$67,528.00	

	Georgia Appleseed	Atlanta	2005	2006	501(c)(3)	Yes (2017)		\$604,581.00	
HI	Hawaii Youth Services Network	Honolulu	1980	1981	501(c)(3)	No		\$1,380,422.00	
	Hawaii Children's Action Network	Honolulu	1997	1997	501(c)(3)	Yes (2017)		\$1,063,230.00	
IL	John Howard Association of Illinois	Chicago	1901	1924	501(c)(3)	No		\$576,222.00	
	The Juvenile Justice Initiative	Evanston	2000	2002	501(c)(3)	Yes (2010)	Yes	\$327,123.00*	
	Communities United	Chicago	2000	2001	501(c)(3)	Yes (2016)	Yes	\$1,462,926.00*	
	Metropolis Strategies	Chicago	2011	2011	501(c)(3)	Yes (2015)		\$1,973,047.00*	
	American Civil Liberties Union of Illinois	Chicago	1920	1970	501(c)(4)	N/A		\$551,569.00**	
	Community Organizing and Family Issues	Chicago	1995	1996	501(c)(3)	Yes (2010)		\$992,143.00*	
	Voices for Illinois Children	Chicago	1987	1987	501(c)(3)	Yes (2009)		\$2,046,571.00*	Yes
IN	Youth Law Team of Indiana	Indianapolis	2005	2009	501(c)(3)	No		\$478,393.00**	
	Children's Policy and Law Initiative of Indiana	Indianapolis	2013	2013	501(c)(3)	No	Yes	Data Not Available	
IA	American Civil Liberties Union of Iowa	Des Moines	1935	1970	501(c)(4)	N/A	N/A	\$78,266.00*	
KS	Kansas Appleseed Center for Law and Justice	Lawrence	1999	2000	501(c)(3)	Yes (2017)	Yes	Data Not Available	
	American Civil Liberties Union of Kansas	Overland Park	1920	1972	501(c)(4)	N/A		\$105,089.00****	
	Kansas Action for Children	Topeka	1979	1980	501(c)(3)	Yes (2017)		\$925,536.00	Yes
KY	Kentucky Youth Advocates	Louisville	1975	1978	501(c)(3)	Yes (2010)	Yes	\$1,468,704.00	Yes
	Northern Kentucky Children's Advocacy Center	Covington	1987	1990	501(c)(3)	Yes (2015)		\$786,201.00	
	Institute for Compassion in Justice	Lexington	2015	2016	501(c)(3)	No		\$107,408.00	
	American Civil Liberties of Kentucky	Louisville	1955	1970	501(c)(4)	N/A		\$65,414.00*	
LA	American Civil Liberties of Louisiana	New Orleans	1956		501(c)(4)	N/A		\$66,472.00*	

	Families and Friends of Louisiana's Incarcerated Children	New Orleans	1997	2007	501(c)(3)	No	Yes	\$450,399.00*	
	Louisiana Center for Children's Rights (née Juvenile Justice Project of Louisiana)	New Orleans	1997	2007	501(c)(3)	Yes (2017)	Yes	\$1,222,002.00	
	Agenda for Children	New Orleans	1984	1988	501(c)(3)	Yes (2009)		\$2,690,891.00	Yes
ME	American Civil Liberties Union of Maine	Portland	1968	1970	501(c)(4)	N/A		\$139,247.00*	
	Restorative Justice Institute of Maine	Brunswick	2012	2013	501(c)(3)	No		\$335,272.00*	
MD	Advocates for Children and Youth	Baltimore	1987	1988	501(c)(3)	Yes (2010)		\$1,047,354.00	Yes
	American Civil Liberties Union of Maryland	Baltimore	1931	1970	501(c)(4)	N/A		\$373,356.00*	
	Public Justice Center	Baltimore	1985	1985	501(c)(3)	Yes (2010)		\$1,845,236.00	
MA	Center for Public Representation	Northampton	1973	1983	501(c)(3)	Yes (2017)		\$2,907,967.00	
	Citizens for Juvenile Justice	Boston	1994	1994	501(c)(3)	Yes (2017)	Yes	\$406,057.00	
	Massachusetts Advocates for Children	Boston	1969	1971	501(c)(3)	Yes (2010)		\$1,305,955.00*	
	American Civil Liberties Union of Massachusetts	Boston	1920	1982	501(c)(4)	N/A		\$727,866.00*	
	Youth Advocacy Foundation	Boston	2001	2002	501(c)(3)	No		\$379,058.00	
	Families for Justice As Healing	Roxbury	2010	2016	501(c)(3)	Yes (2016)		\$134,357.00***	
	Massachusetts Budget and Policy Center	Boston	1987	1987	501(c)(3)	Yes (2010)		\$1,090,894.00	Yes
MI	The Michigan Council on Crime and Delinquency	Lansing	1956	1976	501(c)(3)	Yes (2017)	Yes	\$866,412.00	
	Michigan League for Public Policy	Lansing	1912	1956	501(c)(3)	Yes (2010)		\$2,002,236.00	Yes
	American Civil Liberties Union of Michigan	Detroit	1959	1970	501(c)(4)	N/A		\$588,080.00*	
	Student Advocacy Center of Michigan	Ypsilanti	1975	1977	501(c)(3)	Yes (2017)		\$455,769.00	
	Michigan's Children	Lansing	1992	1993	501(c)(3)	Yes (2017)		\$623,617.00	
MS	Mississippi Center for Justice	Jackson	2003	2003	501(c)(3)	Yes (2009)		\$3,494,161.00*	

MO	Missouri Juvenile Justice Association	Jefferson City	1977	1978	501(c)(3)	Yes (2017)		\$321,884.00	
	Families and Friends Organizing for Reform of Juvenile Justice	Jackson	2010		501(c)(3)	No	Yes	Data Not Available	
	Metropolitan Congregations United	Saint Louis	1997	1999	501(c)(3)	Yes (2010)	Yes	Data Not Available	
	American Civil Liberties Union of Missouri	Saint Louis	1920		501(c)(4)	N/A		\$110,613.00	
	Missouri Faith Voices	Jefferson City	2011	2018	501(c)(3)	No		Data Not Available	
MT	American Civil Liberties Union of Montana	Helena	1972	1972	501(c)(4)	N/A		\$63,895.00**	
NE	Voice for Children	Omaha	1987	1987	501(c)(3)	Yes (2009)	Yes	\$478,507.00*	Yes
	American Civil Liberties Union of Nebraska	Lincoln	1966	1970	501(c)(4)	N/A		\$122,024.00*	
	Nebraska Appleseed	Lincoln	1996	1996	501(c)(3)	Yes (2017)		\$1,904,396.00	
	Nebraska Juvenile Justice Association	Lincoln	1974	1983	501(c)(3)	No		\$95,420.00****	
NV	American Civil Liberties Union of Nevada	Las Vegas	1967	1986	501(c)(4)	N/A	Yes	\$66,890.00*	
	Children's Advocacy Alliance	Las Vegas	1997	2000	501(c)(3)	Yes (2017)		\$201,269.00	Yes
NH	New Futures	Concord	1997	2001	501(c)(3)	No	Yes	\$1,152,034.00	
	New Hampshire Center for Public Policy Studies	Concord	1996	1998	501(c)(3)	No		\$366,485.00*	
NJ	New Jersey Parents Caucus	Succasunna	1990	2000	501(c)(3)	Yes	Yes	Data Not Available	
	Advocates for Children of New Jersey	Newark	1978	1978	501(c)(3)	Yes (2009)		\$1,529,537.00	Yes
	American Civil Liberties Union of New Jersey	Newark	1960	1970	501(c)(4)	N/A		\$401,561.00	
	Education Law Center	Newark	1973	1986	501(c)(3)	Yes (2017)		\$1,819,551.00	
	New Jersey Institute for Social Justice	Newark	1999	1999	501(c)(3)	Yes (2017)		\$1,335,243.00	
	Statewide Parent Advocacy Network (SPAN)	Newark	1987	1988	501(c)(3)	Yes (2010)		\$2,902,304.00*	

NM	NMCAN	Albuquerque	1990	1994	501(c)(3)	Yes (2013)	Yes	\$848,735.00	
	Young Women United	Albuquerque	1999	2002	501(c)(3)	No		\$401,331.00*	
	New Mexico Women's Justice Project	Albuquerque	2001	2002	501(c)(3)	No		Data Not Available	
	Disability Rights New Mexico	Albuquerque	1979	1980	501(c)(3)	Yes (2017)		\$1,870,370.00	
	American Civil Liberties Union of New Mexico	Albuquerque	1962	1970	501(c)(4)	N/A		\$158,718.00	
NY	The Correctional Association of New York	New York	1844	1961	501(c)(3)	Yes (2010)	Yes	\$2,089,956.00	
	New York Civil Liberties Union	New York	1951	1972	501(c)(4)	N/A		\$1,429,041.00	
	Schuyler Center for Analysis and Advocacy	Albany	1872	1935	501(c)(3)	Yes (2014)		\$990,522.00	
	Center for Community Alternatives	Syracuse	1981	1991	501(c)(3)	No		\$7,958,574.00	
	Citizens Committee for Children	New York	1944	1945	501(c)(3)	Yes (2016)		\$2,548,784.00	
	Families Together in New York State	Albany	1999	1995	501(c)(3)	Yes (2014)		\$3,148,236.00	
	The Children's Agenda	Rochester	2004	2005	501(c)(3)	Yes (2010)		\$566,497.00*	
	Juvenile Justice League NYC	Middletown	2005	2015	501(c)(3)	No		Data Not Available	
	Youth Represent	New York	2006	2007	501(c)(3)	No		\$612,243.00*	
	Westchester Children's Association	White Plains	1914	1935	501(c)(3)	Yes (2010)		\$784,807.00*	
NC	NC Child	Raleigh	1983	1983	501(c)(3)	Yes (2010)	Yes	\$624,294.00	Yes
	American Civil Liberties Union of North Carolina	Raleigh	1965	1970	501(c)(4)	N/A	Yes	\$361,245.00*	
	Disability Rights of North Carolina	Raleigh	2007	n/a	501(c)(3)	Yes (2017)		\$3,169,190.00	
	Carolina Justice Policy Center	Durham	1975	1977	501(c)(3)	Yes (2017)		\$136,787.00	
	North Carolina Justice Center	Raleigh	1996		501(c)(3)	Yes (2016)		\$4,727,236.00*	
	Council for Children's Rights	Charlotte	1979	1982	501(c)(3)	No		\$2,284,358.00	
ND	American Civil Liberties Union of North Dakota	Fargo	1971		501(c)(4)	N/A		Data Not Available	
OH	The Juvenile Justice Coalition	Worthington	1993	1994	501(c)(3)	Yes (2014)	Yes	Data Not Available	

	American Civil Liberties Union of Ohio	Cleveland	1966	1970	501(c)(4)	N/A		\$461,743.00*	
	Ohio Justice and Policy Center	Cincinnati	2006		501(c)(3)	Yes (2016)		\$813,935.00*	
OK	Oklahoma Institute for Child Advocacy	Oklahoma City	1983	1984	501(c)(3)	Yes (2010)	Yes	\$1,403,141.00*	
	American Civil Liberties Union of Oklahoma	Oklahoma City	1964	1972	501(c)(4)	N/A		Data Not Available	
OR	Disability Rights Oregon	Portland	1977	1977	501(c)(3)	Yes (2016)		\$2,018,869.00	
	Partnership for Safety and Justice	Portland	1999	2004	501(c)(3)	Yes (2010)	Yes	\$717,710.00*	
	Youth Rights & Justice	Portland	1985	1985	501(c)(3)	Yes (2010)		\$2,585,478.00*	
	Oregon Justice Resource Center	Portland	2011	2012	501(c)(3)	No		\$375,312.00*	
	Children First for Oregon	Portland	1991	1993	501(c)(3)	Yes (2017)		\$629,894.00	Yes
	Oregon Criminal Defense Lawyers Association	Portland	1979	1979	501(c)(3)	No		\$964,859.00	
PA	The Youth Sentencing & Re-Entry Project	Philadelphia	2014	2014	501(c)(3)	No	Yes	\$346,601.00*	
	Mental Health Association in Pennsylvania	Harrisburg	1992	2000	501(c)(3)	Yes (2017)		\$1,158,975.00	
RI	Rhode Island KIDS COUNT	Providence	1994	1997	501(c)(3)	Yes (2010)	Yes	\$1,830,263.00	Yes
	Rhode Island for Community & Justice	Providence	2005	2006	501(c)(3)	No		\$196,383.00	
	American Civil Liberties Union of Rhode Island	Providence	1959	1970	501(c)(4)	N/A		\$98,720.00*	
SC	South Carolina Appleseed	Columbia	1979	1996	501(c)(3)	Yes (2017)	Yes	\$1,016,928.00	
	American Civil Liberties Union of South Carolina	Charleston		1970	501(c)(4)	N/A	Yes	\$92,645.00***	
	Protection and Advocacy for People with Disabilities	Columbia	1977	1979	501(c)(3)	Yes (2010)		\$1,685,774.00	
TN	Just City Memphis	Memphis	2015	2016	501(c)(3)	Yes (2016)	Yes	\$718,898.00	
	American Civil Liberties Union of Tennessee	Nashville	1968	1970	501(c)(4)	N/A		\$88,605.00*	
TX	Texas Network of Youth Services	Austin	1980	1982	501(c)(3)	Yes (2017)		\$699,257.00	

	Inc.								
	Texans Care for Children	Austin	1985	1997	501(c)(3)	Yes (2017)		\$752,966.00	
	The Texas Criminal Justice Coalition	Austin	2000	2000	501(c)(3)	Yes (2011)	Yes	\$717,745.00	
	Texas Appleseed	Austin	1996	1997	501(c)(3)	Yes (2017)	Yes	\$1,207,427.00	
	American Civil Liberties Union of Texas	Houston	1938	1970	501(c)(4)	N/A		\$506,356.00*	
	Disability Rights	Austin	1977	1978	501(c)(3)	Yes (2017)		\$8,926,800.00	
UT	American Civil Liberties Union of Utah	Salt Lake City	1958	1972	501(c)(4)	N/A		\$59,714.00*	
	Voices for Utah's Children	Salt Lake City	1985	1986	501(c)(3)	Yes (2016)		\$1,068,153.00	Yes
	Racially Just Utah	Salt Lake City	2013	2018	501(c)(3)	No		Data Not Available	
	Disability Law Center	Salt Lake City	1978	1978	501(c)(3)	Yes (2017)		\$1,929,370.00	
	Utah Coalition of La Raza	Salt Lake City	1992	1993	501(c)(3)	Yes (call)		Data Not Available	
	Equality Utah	Salt Lake City	2001	2004	501(c)(3)	No		\$167,241.00*	
VT	Vermonters for Criminal Justice Reform	Burlington	2013	2014	501(c)(3)	Yes (2016)	Yes	\$106,889.00*	
	Vermont Family Network	Williston	2008	2014	501(c)(3)	No		\$2,470,886.00**	
	American Civil Liberties Union of Vermont	Montpelier	1967	1970	501(c)(4)	n/a		\$53,366.00*	
	Voices for Vermont's Children	Montpelier	1983	1986	501(c)(3)	Yes (2017)		\$572,831.00	Yes
VA	JustChildren	Charlottesville	1997		501(c)(3)	Yes (2010)	Yes	\$4,084,308.00	
	American Civil Liberties Union of Virginia	Richmond	1969	1970	501(c)(4)	N/A		\$454,944.00	
	Virginia Interfaith Center for Public Policy	Richmond	1982	1986	501(c)(3)	Yes (2014)		\$685,375.00	
	disAbility Law Center of Virginia	Richmond	2013	2013	501(c)(3)	Yes (2017)		\$2,611,092.00*	
	Voices for Virginia's Children	Richmond	1994	1994	501(c)(3)	Yes (2010)		\$784,356.00	Yes
	Commonwealth Institute for Fiscal Analysis	Richmond	2007	2010	501(c)(3)	Yes (2017)		\$970,251.00	
WA	TeamChild	Seattle	1995	1998	501(c)(3)	Yes (2017)	Yes	\$1,577,651.00	

	American Civil Liberties Union of Washington	Seattle	1935	1970	501(c)(4)	N/A		\$1,410,077.00	
	Columbia Legal Services	Seattle	1967	1976	501(c)(3)	Yes (2010)		\$5,677,738.00	
	Disability Rights	Seattle	1975	1975	501(c)(3)	Yes (2017)		\$2,602,177.00	
	Center for Children & Youth Justice	Seattle	2006	2006	501(c)(3)	Yes (2016)		\$1,568,974.00	
WV	American Civil Liberties Union of West Virginia	Charleston	1971	1971	501(c)(4)	N/A	Yes	\$93,170.00*	
WI	Wisconsin Council on Children and Families	Madison	1881	1942	501(c)(3)	Yes (2010)	Yes	\$1,682,715.00*	
	Disability Rights	Madison	1977	1984	501(c)(3)	Yes (2017)		\$4,748,025.00	
	American Civil Liberties Union of Wisconsin	Milwaukee	1972	1970	501(c)(4)	N/A		\$231,205.00*	
WY	Wyoming Children's Law Center	Laramie	2009	2009	501(c)(3)	No	Yes	\$159,388.00****	

Source: Compiled by the author

* = Average revenue calculated from available data obtained from completed and publicly available reports to the IRS (i.e., Form 990) [missing one year of data]

**= [missing two years of data]

***= [missing three years of data]

****= [missing four years of data]

7. All Variables Summary Table [without Nebraska]

Variable	Obs	Mean	Std. Dev.	Min	Max
juvbill	49	12.2449	11.24635	0	54
juvbillw	49	14.30612	12.09374	0	61
juvdetR	49	197.298	76.8371	54.4	441.2
drug	49	439.6111	205.1957	96	1183
weapon	49	67.7415	45.15222	7.1	272.5
b17P	49	.1198163	.1078156	.01	.43
hisp17P	49	.1616735	.1321439	.021	.59
PPU18200	49	41.31429	7.419653	26.4	55.9
repgov	49	55.10204	35.42142	0	100
repctrl	49	48.57143	41.33199	0	100
citi6016	49	51.52613	15.02064	22.42473	86.468
pctwomen	49	25.46827	10.99896	11.63	84.74
blackpct	49	8.364987	8.051002	0	28.50575
hispanpct	49	4.156102	7.650841	0	42.46032
presence	49	3.428571	2.415229	0	10
capacity	49	757132.4	682830.1	0	3405486
fiscall	49	.0311798	.6290745	-1.205314	2.202565
south	49	.3265306	.4738035	0	1
billadpt	49	3929.551	2749.116	744	15255

8. Correlation Matrix

	juvbill	juvbillw	juvdetR	drug	weapon	bh17P	hisp17P	PPU18200	reggov	repcntrl	pctwomen	blackpct
juvbill	1.0000											
juvbillw	0.9850	1.0000										
juvdetR	0.0007	0.0321	1.0000									
drug	0.1883	0.1644	0.2946	1.0000								
weapon	0.2733	0.2295	-0.0410	0.5086	1.0000							
bh17P	0.4572	0.4194	-0.1403	0.0558	0.4111	1.0000						
hisp17P	0.4312	0.3979	-0.0048	0.1766	0.2032	0.7238	1.0000					
PPU18200	0.0956	0.1052	0.1531	-0.1707	0.0122	0.4254	0.2016	1.0000				
reggov	-0.1842	-0.1574	0.1927	0.0482	-0.0292	0.2073	0.0580	0.3581	1.0000			
repcntrl	-0.2135	-0.1808	0.2928	0.0980	-0.1535	-0.0783	-0.1992	0.3721	0.6369	1.0000		
pctwomen	0.2143	0.1819	-0.1769	0.1325	0.0230	0.1677	0.3273	-0.1553	-0.1091	-0.1870	1.0000	
blackpct	0.1649	0.1550	-0.1980	-0.0867	0.3818	0.6089	-0.0597	0.3799	0.2517	0.0955	-0.1066	1.0000
hispanpct	0.2775	0.2456	-0.0318	0.1251	0.1040	0.6560	0.9091	0.2688	0.0954	-0.1788	0.2686	-0.0618
citi6016	-0.0257	-0.0694	-0.4185	-0.1635	0.0729	-0.0022	0.0885	-0.4768	-0.5170	-0.7552	0.3298	-0.0969
presence	0.3619	0.3349	-0.2718	-0.0821	0.2583	0.4958	0.4734	0.0298	-0.2599	-0.3381	0.1987	0.2829
capacity	0.2014	0.1761	-0.4427	-0.0741	0.1996	0.4168	0.2494	0.1572	-0.0620	-0.1484	-0.0211	0.2987
fiscall	-0.2403	-0.2445	0.2096	0.1544	-0.0757	-0.3020	-0.1455	-0.3432	0.0822	0.1444	-0.0027	-0.2214
south	0.1137	0.1131	-0.0986	-0.2287	0.0482	0.3662	-0.1593	0.4876	0.1469	0.2158	-0.1679	0.6104
billadpt	0.4840	0.4347	-0.1372	0.2959	0.5368	0.5248	0.4471	0.1728	-0.0865	-0.2655	0.0278	0.2802
	hispan~t	citi6016	presence	capacity	fiscall	south	billadpt					
hispanpct	1.0000											
citi6016	0.1082	1.0000										
presence	0.4114	0.2823	1.0000									
capacity	0.1862	0.1111	0.3614	1.0000								
fiscall	-0.2284	-0.0007	-0.3236	-0.1926	1.0000							
south	-0.1441	-0.3262	0.0026	0.1102	-0.2064	1.0000						
billadpt	0.4398	0.0808	0.5070	0.1509	-0.2200	0.1662	1.0000					

APPENDIX 3

1. Summary Table with Nebraska

Variable	Obs	Mean	Std. Dev.	Min	Max
juvbill	50	12.24	11.13106	0	54
juvbillw	50	14.34	11.97209	0	61
juvdetR	50	199.324	77.38665	54.4	441.2
drug	50	444.6789	206.2283	96	1183
weapon	50	67.66067	44.69276	7.1	272.5
b17P	50	.11862	.1070445	.01	.43
hisp17P	50	.16166	.1307886	.021	.59
PPU18200	50	41.258	7.354329	26.4	55.9
repgov	50	56	35.62847	0	100
repcntrl	50	47.6	41.48076	0	100
citi6016	50	51.11903	15.14272	22.42473	86.468
pctwomen	50	25.3911	10.89981	11.63	84.74
blackpct	50	8.275239	7.993657	0	28.50575
hispanpct	50	4.077515	7.592731	0	42.46032
presence	50	3.44	2.391823	0	10
capacity	50	750396.4	677502.9	0	3405486
fiscal1	50	.0357648	.6234658	-1.205314	2.202565
south	50	.32	.4712121	0	1
billadpt	50	3912.74	2723.514	744	15255

2. Total Juvenile Justice Reform Bills Enacted (Bill as 1)

State	Juvenile Justice Reform Bills Enacted
Colorado	54
California	45
Texas	38
Illinois	33
Louisiana	25
Washington	25
Maryland	21
Mississippi	21
Nevada	19
Oregon	18
Virginia	18
Florida	17
Arkansas	16
Delaware	15
Connecticut	14
New Hampshire	13
Indiana	12
Montana	12
Nebraska	12
Tennessee	12
Kansas	11
Utah	11
Arizona	9
Maine	9
Michigan	9
Oklahoma	9
Vermont	9
Georgia	8
Idaho	8
Pennsylvania	8
Alabama	7
Ohio	7
Hawaii	6
Iowa	6
Minnesota	5
New York	5
North Carolina	5
North Dakota	5
West Virginia	5
Kentucky	4
Missouri	4
South Carolina	4
South Dakota	4

Wyoming	4
Rhode Island	3
Massachusetts	2
New Jersey	2
New Mexico	2
Wisconsin	1
Alaska	0

3. Total Juvenile Justice Reform Bills Enacted (Weighted)

State	Juvenile Justice Bills Enacted (Weighted)
Colorado	61
California	47
Texas	41
Illinois	36
Louisiana	31
Washington	27
Mississippi	23
Nevada	22
Maryland	21
Kansas	20
Connecticut	18
Florida	18
Oregon	18
Virginia	18
Arkansas	17
Utah	17
Nebraska	16
Delaware	15
Indiana	15
New Hampshire	15
Georgia	14
Montana	14
Tennessee	12
Oklahoma	11
West Virginia	11
Alabama	10
Hawaii	10
Idaho	10
Maine	10
Michigan	10
Ohio	10
Pennsylvania	10
Vermont	10

Arizona	9
Kentucky	9
Iowa	7
South Dakota	7
New York	6
Wyoming	6
Minnesota	5
North Carolina	5
North Dakota	5
Missouri	4
South Carolina	4
Massachusetts	3
New Jersey	3
Rhode Island	3
New Mexico	2
Wisconsin	1
Alaska	0

4. Hypotheses 2

Interaction between Presence and Capacity with Juvenile Justice Bills

Source	SS	df	MS	Number of obs	=	49
Model	831.777992	3	277.259331	F(3, 45)	=	2.38
Residual	5239.28323	45	116.428516	Prob > F	=	0.0820
				R-squared	=	0.1370
				Adj R-squared	=	0.0795
Total	6071.06122	48	126.480442	Root MSE	=	10.79

juvbill	Coef.	Std. Err.	t	P> t	[95% Conf. Interval]	
presence	1.672787	1.216305	1.38	0.176	-.7769767	4.122551
capacity	1.59e-06	3.19e-06	0.50	0.620	-4.83e-06	8.01e-06
c.presence#c.capacity	-1.18e-07	9.46e-07	-0.12	0.902	-2.02e-06	1.79e-06
_cons	5.678328	3.4835	1.63	0.110	-1.337801	12.69446

5. Hypotheses 5

Interaction Between Women Legislators, Presence and Capacity with Juvenile Justice Bill

Source	SS	df	MS	Number of obs	=	49
Model	2775.80053	18	154.211141	F(18, 30)	=	1.40
Residual	3295.26069	30	109.842023	Prob > F	=	0.2002
				R-squared	=	0.4572
				Adj R-squared	=	0.1315
Total	6071.06122	48	126.480442	Root MSE	=	10.481

	juvbill	Coef.	Std. Err.	t	P> t	[95% Conf. Interval]	
	juvdetR	.053384	.0310056	1.72	0.095	-.0099378	.1167058
	drug	.0064133	.0122014	0.53	0.603	-.0185053	.0313319
	weapon	-.0313648	.0529288	-0.59	0.558	-.1394599	.0767303
	PPU18200	-.165426	.344884	-0.48	0.635	-.8697732	.5389212
	repgov	-.0429179	.0673326	-0.64	0.529	-.1804294	.0945936
	repcntrl	.0321239	.0621316	0.52	0.609	-.0947658	.1590136
	presence	9.176536	5.867083	1.56	0.128	-2.805647	21.15872
	capacity	.0000299	.0000155	1.93	0.063	-1.67e-06	.0000615
	c.presence#c.capacity	-8.79e-06	7.12e-06	-1.23	0.227	-.0000233	5.76e-06
	pctwomen	1.63207	.7490854	2.18	0.037	.1022335	3.161907
	c.presence#c.pctwomen	-.3421651	.1991223	-1.72	0.096	-.7488272	.0644969
	c.capacity#c.pctwomen	-1.17e-06	6.72e-07	-1.75	0.091	-2.55e-06	1.98e-07
	c.presence#c.capacity#c.pctwomen	3.59e-07	2.72e-07	1.32	0.196	-1.95e-07	9.14e-07
	hispanpct	.0272216	.3131639	0.09	0.931	-.6123445	.6667877
	blackpct	.0053099	.3298528	0.02	0.987	-.6683394	.6789592
	fiscall	-1.217176	3.149712	-0.39	0.702	-7.649747	5.215395
	south	6.128665	5.414224	1.13	0.267	-4.928655	17.18599
	billadpt	.0017239	.0009197	1.87	0.071	-.0001545	.0036022
	_cons	-44.17699	27.63993	-1.60	0.120	-100.6253	12.27127

6. Hypotheses 6 and Hypotheses 7

(6)

Interaction Between Black Legislators, Presence and Capacity with Juvenile Justice Bill

Source	SS	df	MS	Number of obs	=	49
Model	2921.48827	18	162.304904	F(18, 30)	=	1.55
Residual	3149.57295	30	104.985765	Prob > F	=	0.1418
				R-squared	=	0.4812
				Adj R-squared	=	0.1699
Total	6071.06122	48	126.480442	Root MSE	=	10.246

	juvbill	Coef.	Std. Err.	t	P> t	[95% Conf. Interval]	
	juvdetR	.0171178	.0298012	0.57	0.570	-.0437443	.0779799
	drug	.0129912	.0125365	1.04	0.308	-.0126117	.0385942
	weapon	-.0412415	.0523592	-0.79	0.437	-.1481732	.0656902
	PPU18200	-.0334153	.3395633	-0.10	0.922	-.7268961	.6600655
	repgov	-.0908239	.0664365	-1.37	0.182	-.2265053	.0448574
	repcntrl	.0269665	.0622521	0.43	0.668	-.1001692	.1541022
	presence	.052606	2.128136	0.02	0.980	-4.293628	4.39884
	capacity	-7.69e-06	6.61e-06	-1.16	0.254	-.0000212	5.82e-06
	c.presence#c.capacity	2.90e-06	2.00e-06	1.45	0.157	-1.18e-06	6.99e-06
	blackpct	.7201713	.875112	0.82	0.417	-1.067046	2.507389
	c.presence#c.blackpct	-.1109006	.3057214	-0.36	0.719	-.735267	.5134657
	c.capacity#c.blackpct	3.62e-07	4.22e-07	0.86	0.398	-5.00e-07	1.22e-06
	c.presence#c.capacity#c.blackpct	-1.38e-07	2.21e-07	-0.63	0.537	-5.91e-07	3.14e-07
	hispanpct	.0432187	.3076838	0.14	0.889	-.5851553	.6715928
	pctwomen	.2561435	.1803322	1.42	0.166	-.1121439	.624431
	fiscall	-.9250203	3.174779	-0.29	0.773	-7.408784	5.558743
	south	1.624269	4.889508	0.33	0.742	-8.361438	11.60998
	billadpt	.0015477	.0009906	1.56	0.129	-.0004754	.0035708
	_cons	-6.517128	16.27012	-0.40	0.692	-39.74515	26.7109

(7)

Interaction Between Hispanic Legislators, Presence and Capacity with Juvenile Justice Bill

Source	SS	df	MS	Number of obs	=	49
Model	3024.01337	18	168.000743	F(18, 30)	=	1.65
Residual	3047.04786	30	101.568262	Prob > F	=	0.1084
				R-squared	=	0.4981
				Adj R-squared	=	0.1970
Total	6071.06122	48	126.480442	Root MSE	=	10.078

juvbill	Coef.	Std. Err.	t	P> t	[95% Conf. Interval]	
juvdetR	.0247228	.0278862	0.89	0.382	-.0322285	.0816741
drug	.0104083	.0118395	0.88	0.386	-.0137712	.0345879
weapon	-.0397536	.0516849	-0.77	0.448	-.1453084	.0658011
PPU18200	-.1462001	.3243636	-0.45	0.655	-.8086388	.5162387
repgov	-.0541352	.0637556	-0.85	0.403	-.1843415	.0760712
repcntrl	.0250554	.0624397	0.40	0.691	-.1024633	.1525742
presence	1.81574	1.863382	0.97	0.338	-1.989793	5.621273
capacity	8.25e-06	4.39e-06	1.88	0.070	-7.20e-07	.0000172
c.presence#c.capacity	-2.22e-06	1.74e-06	-1.28	0.212	-5.78e-06	1.34e-06
hispanpct	2.076178	1.558493	1.33	0.193	-1.106688	5.259045
c.presence#c.hispanpct	-.480901	.3154173	-1.52	0.138	-1.125069	.1632672
c.capacity#c.hispanpct	-1.66e-06	8.95e-07	-1.86	0.073	-3.49e-06	1.65e-07
c.presence#c.capacity#c.hispanpct	4.07e-07	1.76e-07	2.32	0.027	4.85e-08	7.66e-07
pctwomen	.2603428	.1548005	1.68	0.103	-.0558021	.5764877
blackpct	-.0012881	.3159092	-0.00	0.997	-.6464608	.6438847
fiscall	-2.347664	2.832731	-0.83	0.414	-8.132873	3.437545
south	3.689521	4.795593	0.77	0.448	-6.104387	13.48343
billadpt	.0016981	.0009395	1.81	0.081	-.0002206	.0036167
_cons	-7.624706	13.59387	-0.56	0.579	-35.3871	20.13769

7. Hypotheses 2

Interaction between Presence and Capacity with Juvenile Justice Bills Weighted

Source	SS	df	MS	Number of obs	=	49
Model	823.140208	3	274.380069	F(3, 45)	=	1.99
Residual	6197.26796	45	137.717066	Prob > F	=	0.1286
				R-squared	=	0.1172
				Adj R-squared	=	0.0584
Total	7020.40816	48	146.258503	Root MSE	=	11.735

juvbillw	Coef.	Std. Err.	t	P> t	[95% Conf. Interval]	
presence	1.872121	1.322838	1.42	0.164	-.7922115	4.536454
capacity	1.76e-06	3.47e-06	0.51	0.615	-5.23e-06	8.74e-06
c.presence#c.capacity	-2.93e-07	1.03e-06	-0.28	0.777	-2.37e-06	1.78e-06
_cons	7.490056	3.788611	1.98	0.054	-.1405978	15.12071

8. Hypotheses 5

Interaction Between Women Legislators, Presence and Capacity with Juvenile Justice Bill Weighted

Source	SS	df	MS	Number of obs	=	49
				F(18, 30)	=	1.09
Model	2777.57134	18	154.309519	Prob > F	=	0.4049
Residual	4242.83682	30	141.427894	R-squared	=	0.3956
				Adj R-squared	=	0.0330
Total	7020.40816	48	146.258503	Root MSE	=	11.892

	juvbillw	Coef.	Std. Err.	t	P> t	[95% Conf. Interval]
	juvdetr	.0625365	.0351822	1.78	0.086	-.0093151 .1343881
	drug	.006263	.013845	0.45	0.654	-.0220123 .0345383
	weapon	-.037518	.0600587	-0.62	0.537	-.1601742 .0851381
	PPU18200	-.1637799	.3913419	-0.42	0.679	-.9630068 .6354469
	repgov	-.0363083	.0764027	-0.48	0.638	-.1923434 .1197268
	repctrl	.0300379	.0705011	0.43	0.673	-.1139446 .1740204
	presence	9.788365	6.657414	1.47	0.152	-3.807887 23.38462
	capacity	.0000304	.0000176	1.73	0.093	-5.44e-06 .0000663
	c.presence#c.capacity	-8.83e-06	8.08e-06	-1.09	0.284	-.0000253 7.68e-06
	pctwomen	1.68438	.8499916	1.98	0.057	-.0515346 3.420294
	c.presence#c.pctwomen	-.3514894	.2259453	-1.56	0.130	-.8129312 .1099524
	c.capacity#c.pctwomen	-1.16e-06	7.63e-07	-1.53	0.138	-2.72e-06 3.94e-07
	c.presence#c.capacity#c.pctwomen	3.52e-07	3.08e-07	1.14	0.263	-2.78e-07 9.81e-07
	hispanpct	-.0125286	.3553489	-0.04	0.972	-.738248 .7131907
	blackpct	-.0009608	.3742859	-0.00	0.998	-.7653545 .763433
	fiscall	-1.58868	3.573997	-0.44	0.660	-8.887756 5.710395
	south	6.205532	6.143551	1.01	0.321	-6.341273 18.75234
	billadpt	.0016987	.0010436	1.63	0.114	-.0004326 .0038301
	_cons	-45.84098	31.36319	-1.46	0.154	-109.8932 18.21119

9. Hypotheses 6 and 7

(6)

Interaction Between Black Legislators, Presence and Capacity with Juvenile Justice Bill Weighted

Source	SS	df	MS	Number of obs	=	49
Model	3200.13756	18	177.78542	F(18, 30)	=	1.40
Residual	3820.27061	30	127.342354	Prob > F	=	0.2040
				R-squared	=	0.4558
				Adj R-squared	=	0.1293
Total	7020.40816	48	146.258503	Root MSE	=	11.285

	juvbillw	Coef.	Std. Err.	t	P> t	[95% Conf. Interval]	
	juvdetR	.0186902	.0329063	0.57	0.574	-.0485133	.0858938
	drug	.0064624	.0142862	0.45	0.654	-.022714	.0356388
	weapon	-.0372683	.058073	-0.64	0.526	-.1558692	.0813327
	PPU18200	-.1971901	.3759454	-0.52	0.604	-.9649731	.5705929
	repgov	-.1164605	.067402	-1.73	0.094	-.2541138	.0211928
	citi6016	-.2793554	.1820321	-1.53	0.135	-.6511146	.0924037
	presence	.530681	2.341849	0.23	0.822	-4.252013	5.313375
	capacity	-6.06e-06	7.30e-06	-0.83	0.413	-.000021	8.84e-06
	c.presence#c.capacity	2.27e-06	2.22e-06	1.02	0.314	-2.26e-06	6.81e-06
	blackpct	.8890827	.9469464	0.94	0.355	-1.04484	2.823005
	c.presence#c.blackpct	-.1338349	.3275716	-0.41	0.686	-.8028253	.5351555
	c.capacity#c.blackpct	3.06e-07	4.64e-07	0.66	0.515	-6.43e-07	1.25e-06
	c.presence#c.capacity#c.blackpct	-1.14e-07	2.40e-07	-0.47	0.639	-6.04e-07	3.76e-07
	hispanpct	.0987371	.3394879	0.29	0.773	-.5945897	.7920638
	pctwomen	.3148886	.2018226	1.56	0.129	-.0972881	.7270654
	fiscall	-1.029118	3.460554	-0.30	0.768	-8.096513	6.038277
	south	-.9573548	5.609392	-0.17	0.866	-12.41326	10.49855
	billadpt	.0015845	.0010463	1.51	0.140	-.0005523	.0037213
	_cons	18.84893	24.52373	0.77	0.448	-31.23521	68.93307

(7)
Interaction Between Hispanic Legislators, Presence and Capacity with Juvenile Justice Bill Weighted

Source	SS	df	MS	Number of obs	=	49
				F(18, 30)	=	1.35
Model	3141.42697	18	174.523721	Prob > F	=	0.2276
Residual	3878.98119	30	129.299373	R-squared	=	0.4475
				Adj R-squared	=	0.1160
Total	7020.40816	48	146.258503	Root MSE	=	11.371

juvbillw	Coef.	Std. Err.	t	P> t	[95% Conf. Interval]
juvdetR	.0306655	.0314637	0.97	0.338	-.0335918 .0949229
drug	.0111748	.0133584	0.84	0.409	-.0161066 .0384563
weapon	-.0492751	.0583154	-0.84	0.405	-.1683711 .0698208
PPU18200	-.1529783	.3659749	-0.42	0.679	-.9003986 .5944421
repgov	-.0495722	.0719346	-0.69	0.496	-.1964822 .0973378
repcntrl	.0264285	.0704498	0.38	0.710	-.1174492 .1703061
presence	2.30204	2.102427	1.09	0.282	-1.991689 6.59577
capacity	9.34e-06	4.95e-06	1.89	0.069	-7.79e-07 .0000195
c.presence#c.capacity	-2.60e-06	1.97e-06	-1.32	0.197	-6.61e-06 1.42e-06
hispanpct	2.298843	1.758425	1.31	0.201	-1.292341 5.890027
c.presence#c.hispanpct	-.5302897	.355881	-1.49	0.147	-1.257096 .1965162
c.capacity#c.hispanpct	-1.87e-06	1.01e-06	-1.85	0.074	-3.93e-06 1.91e-07
c.presence#c.capacity#c.hispanpct	4.47e-07	1.98e-07	2.25	0.032	4.21e-08 8.51e-07
pctwomen	.2487561	.1746593	1.42	0.165	-.1079458 .6054579
blackpct	-.0179544	.356436	-0.05	0.960	-.7458938 .709985
fiscall	-2.830056	3.196131	-0.89	0.383	-9.357427 3.697315
south	3.735945	5.410801	0.69	0.495	-7.314385 14.78627
billadpt	.001671	.00106	1.58	0.125	-.0004938 .0038358
_cons	-7.172739	15.33778	-0.47	0.643	-38.49666 24.15118

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