

Individual characteristics and community context in decisions to divert or arrest

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Abstract

Diversion programs are increasingly being implemented as an alternative to more severe sanctions, especially within juvenile justice. The civil citation program in Florida is unique in that it diverts juveniles away from the justice system at the earliest decision point of arrest. However, despite its growing use in a number of states, there is little research on the program's implementation and outcomes, namely, it remains unknown if the program is being applied consistently across communities and for juveniles within those communities. Drawing from the larger sociology of punishment, race, and social control literature, and the associated theories of labeling and social threat, this study employs statewide data from the Florida Department of Juvenile Justice to explore the community and individual determinants of civil citation's use. Consistent with the theoretical arguments of labeling and social threat, the multilevel analysis finds that community and individual characteristics, in particular race, impact the likelihood of receiving civil citation. Implications for future research, theory, and policy are discussed.

INTRODUCTION

Following several decades in the quest for a “law and order society” which led to mass incarceration and disproportionately negatively impacted minorities, criminal justice is undergoing a reexamination with increasing calls for evidence-based reform policies (Baumer, 2013; Braga & Apel, 2016; Laub & Frisch, 2016). Though evidence-based policies are exceedingly diverse, they often involve alternatives to more traditional forms of justice, that is, arrest, detention, or incarceration, particularly where juvenile populations are concerned (Kretschmar et al., 2016; Maggard, 2015; Zagar et al., 2013). One of the more prevalent reform examples is diversion. Diversion programs are intended to offer adult and juvenile offenders a rehabilitative alternative to formal processing and harsher sanctions, diverting them from further justice system contact, avoiding the formal label of criminal or delinquent, and thereby reducing the likelihood of future crime or delinquency. A juvenile diversion program that has grown in popularity over the past several years is civil citation. However, given the disproportionate arrest, sentencing, and

incarceration of blacks and other minorities during the era of mass incarceration—there is reason to question if minorities will be disproportionately denied alternatives such as civil citation.

With traditional juvenile diversion programs, youth are arrested and referred to the juvenile court system for a delinquent act and then diverted from official court processing and formal sanctions. What makes civil citation unique as a diversion program is how early it occurs in the juvenile justice process. Police are able to divert youth prior to any court or system contact. Rather than arrest, police can issue a civil citation to first-time misdemeanor offenders, requiring youth to participate in community-based services in lieu of formal sanctions, with the understanding that upon completion, the juvenile will have no official police record (Kuch, 2016). By diverting juveniles away from the justice system at this early stage and removing the stigma of a delinquent label, civil citation is intended to reduce further penetration into the formal justice system, and subsequently reduce the likelihood of future delinquency and other negative consequences associated with education and employment.

Civil citation first emerged in response to rising numbers of juvenile arrests in the 1990's and was first initiated in Miami-Dade County, Florida in 1997 (Kuch, 2016). The program eventually expanded throughout the state, and similar initiatives have emerged across several other states as well, including North Carolina, Hawaii, and California (Haw. DCCA. § 16-608-21, 2019; Juveniles: Civil Citation Process, 2012; Young Offenders Rehabilitation Act, 2015). However, and despite the expanding use of the program, minimal attention has been given to examining the extralegal factors that determine who receives a civil citation.

There is considerable theoretical and empirical evidence to suggest that these types of programs can help reduce future delinquency (Kretschmar et al., 2016; Lipsey, 2009; Ray & Childs, 2015); however research also suggests that there is considerable variation in who actually receives less punitive sanctions, such as diversion, as well as the types of communities that are more likely to employ these alternatives (Nadel et al., 2018; Rodriguez, 2007). For example, just as extralegal factors have been found to influence punishment decisions and disproportionality impact blacks and other minorities during the law and order era, these same extralegal factors may negatively influence decisions to divert youth away from formal sanctions. Therefore, understanding the extralegal factors that determine whether a juvenile receives a civil citation is an essential element in evaluating the program's effectiveness. Clearly, youth cannot benefit from a program if they are not afforded the opportunity to participate in it. In addition, because civil citation diverts juveniles at the earliest point of system contact, the decision to cite or arrest could have significant short- and long-term consequences for the youth involved.

Research suggests that early punishment decisions can significantly impact a juvenile's future delinquency, particularly for minorities (Lipsey, 2009; Lopes et al., 2012; Sampson & Laub, 1997). Labeling theory argues that early exposure to the justice system, especially when more severe sanctions are employed, can increase the likelihood of increased contacts with law enforcement in the future and subsequently result in even harsher punishments (Bernburg, 2019; Bernburg et al., 2006; Lopes et al., 2012). Individual-level factors such as race, ethnicity, or gender have been shown to increase the likelihood of early justice system involvement. Studies suggest that punishment decisions are influenced by the heuristics of justice actors, such as police, which are susceptible to racial stereotypes; several studies found that police were more likely to view white juveniles as more amenable to treatment than comparable black juveniles (Bala & Mooney, 2019; Ericson & Eckberg, 2016). This early implicit bias results in cumulative disadvantage among minority juveniles over the life course (Leiber & Stairs, 1999; Rodriguez, 2013; Spohn, 2007; Wooldredge et al., 2015). The consequences of justice system contact such as arrest can impact not only future delinquent behavior but also outcomes such as education and employment. For example, an arrest can impact the likelihood that youth dropout of high school and limit their college enrollment (Kirk & Sampson, 2013). Furthermore, Legewie and Fagan (2019) found that aggressive policing of minority neighborhoods in New York was associated with lower educational performance for minority youth. Moreover, having a criminal record has been found to negatively impact employment.

Studies have found that prior criminal records have a greater negative impact for black compared to white job applicants (Pager, 2003; Pager et al., 2009).

In addition, social threat theory suggests these punishment disparities are also connected to community-level factors, whereby the justice system serves as a tool to curb the growth or influence of minority groups (Davis & Sorensen, 2013; Liska, 1992; Payne & Welch, 2010; Stults & Swagar, 2018). In communities with a larger proportion of minority or “threatening” populations, law enforcement may use more severe sanctioning to control these perceived threats. For example, several studies have found that in police efforts to control gangs and juvenile delinquency some tactics can lead to the “hypercriminalization” of black and Latino male youth (Durán, 2009; Rios, 2007). As a result, community-level influences may condition police officers to apply harsher punishments—such as the choice to arrest versus divert—with members of minority groups. This pattern of punishment for minority groups is facilitated by what has been termed the *racialization of crime* where race and crime are conflated resulting in harsher sanctions being applied to minorities (Chiricos et al., 2006; Skogan, 1998; Mears et al., 2009). Research has also shown that racial threat and penal attitudes are regional, emphasizing the need to incorporate macro-level factors (Borg, 1997; Carmines & Layman, 1998; Chiricos et al., 2006; Keen & Jacobs, 2009; Taylor, 1998). Furthermore, given the well-established finding on the disproportionate sanctioning and punishment of minorities (Beckett & Sasson, 2000; Garland, 2001; Unnever & Cullen, 2007; Western, 2006), there is reason to question if minorities could be disproportionately denied efforts to reduce harsher criminal justice actions such as civil citation.

The purpose of this study, then, is to identify the determinants of civil citation’s use. Specifically, what are the community and individual characteristics that determine the likelihood of issuing a civil citation instead of making an arrest? The study begins with an overview of Florida’s civil citation program, followed by a review of prior relevant literature. The current study, including its theoretical framework, hypotheses, data, measures, and methods are then described, and followed by the study’s findings. The paper concludes with discussion of the implications of the findings for future research, theory, and policy.

FLORIDA’S CIVIL CITATION PROGRAM

Civil citation is a prearrest diversion program. Unlike traditional diversion programs where youth are diverted for low-level offenses by professionals in the court or juvenile justice system after an arrest or referral has occurred, police officers are given the discretion to either officially arrest a youth for a nonserious misdemeanor offense, or divert them through civil citation to an intervention program (Florida Department of Juvenile Justice [FDJJ], 2015; Kuch, 2016). Civil citation is unique in that it is intended to divert first-time, low-level juvenile offenders away from the juvenile justice system at the earliest stage of the process, thereby limiting low-risk youths’ contact with the system and reducing the potential stigma associated with an arrest record. Juveniles who have committed a nonserious misdemeanor and have no prior offense history are eligible for civil citation (Fla. Stat. § 985.12, 2019). When juveniles are cited, they are diverted from formal processing and sanctions and assigned to an intervention program in the county in which they were referred (FDJJ, 2015). These programs vary considerably by county, ranging from community service (the most common sanction) to restitution, to more individualized programs based on youths’ needs such as domestic violence diversion, mental health counseling, or substance abuse treatment. Finally, if a youth fails to complete their assigned intervention or commits a new crime within 1 year of their civil citation, the original citation reverts to an arrest record and the youth is formally charged for the crime (Kuch, 2016; Walby, 2008).

Florida’s civil citation program received considerable attention in 2011 when it became a state-wide initiative (Fla. Stat. § 985.12). As a result of an official legislative request from the FDJJ in 2011, the Florida legislature enacted State Statute 985.12, *Civil Citation*. The statute defines civil citation

and creates statewide guidelines for its implementation and use. Notably, the statute adds the component that, beginning July 1, 2011, civil citations would *not result in an arrest record* for the juvenile. In effect, if a youth successfully completes the program, their case is closed and they avoid an arrest record (FDJJ, 2015). However, if the youth fails to complete the requirements of the civil citation referral, they are arrested for the original offense and formally processed through the juvenile justice system.

This *no-arrest* component was a significant change to local preexisting versions of the program, and it makes civil citation unique among other forms of diversion. Although the 2011 statute expressly clarified the program, it did not mandate its use, and as such, the decision to implement and how to implement civil citation programs remained at the county and local law enforcement agency level. Today, the extent to which the program is applied varies considerably throughout the state (Nadel et al., 2018).

RELEVANT LITERATURE

Punishment, race, and social control

During the law and order and mass incarceration era from 1980 to 2015, the number of people incarcerated increased from 500,000 to 2.2 million. During this period, blacks were incarcerated at more than five times the rate for whites. Moreover, black youth represented 32% of total youth arrested, 42% of youth detained, and 52% of youth waived to adult criminal courts (NAACP, 2020; Pew, 2008; The Sentencing Project, 2000). Furthermore, it has been found that media and news accounts of crime during the law and order period helped create what was termed the *racialization of crime* where race and crime became blurred (Mears et al., 2009; Chiricos, et al., 2004; Skogan, 1998). Specifically, blacks were characterized as criminals and viewed by whites as largely responsible for crime. This view, in turn, contributed to policies that disproportionately targeted blacks (Mears et al., 2009, p. 525).

In response to these law and order policies and their documented impact on minorities, there have been more recent policy efforts aimed at reducing formal criminal justice system contact. For example, the reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDP A) in 2018, added language for states to establish coordinating bodies, analyze data on race and ethnicity, and implement work plans aimed at reducing racial and ethnic disparities in the juvenile justice system (JJDP A, 2018). These requirements, in part, provided support for a renewed interest in prevention and diversion programs. Therefore, of particular relevance to the current study of civil citation is how the *racialization of crime* may influence the application of a program intended to reduce juvenile justice system contact, civil citation. Given that the various law and order policies of the past few decades were found to be applied disproportionately to blacks (Garland, 2001; Roberts et al., 2003; Unnever & Cullen, 2007; Western, 2006), there is the potential that such reform policies as civil citation will continue to reflect the *racialization of crime* pattern in which black youth are disproportionately denied diversion from arrest through civil citation.

Overview of diversion

First popularized during the 1960s, diversion programs emerged as an alternative to traditional, more punitive sanctions. Although these programs vary in their form and function, they all support the same primary objective, to “divert” lower-risk offenders away from the justice system and into more rehabilitative alternatives (Ray & Childs, 2015). Diversion is justified in part by labeling theory, which asserts that contact with the justice system can actually make it more likely someone will engage in future delinquency, rather than less (Cocozza et al., 2005; Dick et al., 2004; Potter & Kakar, 2002; Sullivan et al., 2010). Among younger offenders, initial delinquent behaviors can be

interpreted as a normal part of the maturation process; but when these behaviors are punished by the justice system, juveniles can become more likely to engage in future, more serious, secondary deviance (Lemert, 1951; Tannenbaum, 1938).

From the labeling perspective, such future delinquency occurs as a result of several negative consequences associated with contact with the justice system, including increased exposure to more serious delinquents, damages to the juvenile's self-perceptions, stigmatization of the juvenile in the eyes of pro-social peers, and a reduction in future opportunities such as continued schooling or employment (Bernburg, 2019; Bernburg & Krohn, 2003; Coccozza et al., 2005). In effect, using punishment to "help" juvenile delinquents might actually end up doing more harm than good. In addition, the impact of these labeling events can amplify over time. Research suggests that early exposure to the justice system has negative effects on later contacts. For example, decisions such as whether to arrest a juvenile, will inevitably impact later justice decisions, such as types and severity of punishment as well as future arrests and sanctions (Bernburg & Krohn, 2003; Duxbury & Haynie, 2020; Lopes et al., 2012). Therefore, if an offender receives harsher treatment early in the justice process, they are more likely to receive progressively harsher sanctions as they move through the system (Sampson & Laub, 1997). Diversion programs are intended to reduce these potential harms by keeping juveniles away from the official juvenile justice system by providing alternatives and more rehabilitative services that are capable of halting further progression into the system. As such, juveniles who receive diversion early in the justice process would be less likely to experience later negative cumulative effects associated with official justice system contact.

For the reasons described above, diversion programs have come to be viewed as a promising practice for reducing disproportionate minority contact within the juvenile justice system. For example, The Office of Juvenile Justice and Delinquency Prevention recommends diversion as a practice for reducing disproportionate minority contact (Hanes, 2012). In addition, the National Research Council (NRC) on Reforming Juvenile Justice concluded that, although there is a lack of evidence on interventions designed to reduce minority contact with the juvenile justice system they recommended focusing justice decisions about youth at the front end of the system, specifically arrest (NRC, 2013). Despite these acknowledgements as a promising practice, diversion programs can be impacted by the same extralegal factors as other aspects of the criminal justice system. Bala and Mooney (2019) point out that disparities can occur within diversion programs when "unnecessary limitations on eligibility" are imposed, such as use on first-time offenders only or limiting the types of misdemeanors that are eligible. In addition, racial disparities with diversion can also occur through indirect extra-legal variables such as single-parent households, low-income, or an inner-city environment (Bala & Mooney, 2019; Ericson & Eckberg, 2016).

Factors impacting the use of diversion

The success of a program or policy—in this case diversion—is often dependent upon the fidelity with which it is implemented, and in particular, whether it is used with the intended population (Berman & Fox, 2016; Lipsey, 2009; Mears et al., 2016). There are several reasons why this factor is important to a program's success. First, diversion is predominantly intended to be used with lower-risk offenders. Low-risk offenders are those believed to be of a low risk of reoffending such as first-time, nonviolent offenders. These individuals would likely be harmed rather than helped by more extensive juvenile justice system contact. However, if the program is instead used with higher-risk offenders, who would be more likely to reoffend in the absence of formal and more severe sanctions, then the program is less likely to be effective (Latessa & Lowenkamp, 2005; Mears et al., 2016). Second, even when this qualification is met, the program may still be applied unequally across that population, resulting in unfair disparities in punishment. For example, if a diversion program is predominantly used with white juveniles, or juveniles that live in more economically stable neighborhoods, then minority and low socioeconomic status juvenile offenders may disproportionately

receive harsher punishments, and increase the already existing disparities in the juvenile justice system. Finally, if the program is not being used with the intended population, thus reducing its effectiveness, then already limited justice system resources are being wasted.

Within the sociology of punishment literature, there are numerous studies that document the association between community and individual factors and punishment decisions, and more specifically, the decision to divert (Claus et al., 2017; Hamilton et al., 2007; Hayes-Smith & Hayes-Smith, 2009; Leiber et al., 2016; Leiber & Stairs, 1999; Rodriguez, 2007; Rodriguez, 2013). There are a number of reasons to anticipate that these effects are of particular concern in the use of civil citation. First, civil citation is a unique diversion program due to how early in the process the diversion occurs. The consequences of receiving or not receiving it could have substantial short- and long-term impacts, due to the lack of a resulting record. Various articulations of labeling theory have argued that juveniles with certain offenses or individual characteristics are more likely to not only receive more severe sanctioning, but also experience the negative effects of that sanctioning (Chiricos et al., 2007; Sampson & Laub, 1997).

Second, it is possible that disparities in use may be more prevalent in this program due to the high level of discretion involved in the decision to arrest or cite. Focal concerns theory argues that punishment decisions are influenced by three concerns: imposing a just sentence consistent with an individual's blameworthiness, protecting public safety, and avoiding negative consequences (Bala & Mooney, 2019; Bishop et al., 2010). These decisions are often made quickly with minimal information. As such, justice actors develop a perceptual shorthand drawn from both legal and extralegal factors to inform quick decisions. These extralegal factors often include stereotypes relating to race (Bishop et al., 2010; Ericson & Eckberg, 2016). Subsequently studies have found that justice actors are more likely to view black offenders as blameworthy and not amenable to treatment opportunities than their white counterparts (Bala & Mooney, 2019; Bridges & Steen, 1998).

Most diversion programs occur after a juvenile has been arrested and processed. Therefore, the decision whether to divert or not typically involves input or oversight from more than one justice system actor, such as a judge or prosecutor, armed with additional information on the juvenile and their offense. However, with civil citation, the decision to divert is made in the field at the sole discretion of the police officer and is done faster and with even less information. As such, it is possible that larger disparities will occur in who receives diversion versus arrest with civil citation than with other diversion programs (Mears et al., 2016). Below we review current literature on the individual- and community-level determinants of justice decision making.

Juvenile characteristics and justice decisions

Over the past several decades, researchers have debated the role of offender and offense characteristics on justice decisions. Some early researchers argued that labeling theory was supported by evidence that offender characteristics such as race, gender, socioeconomic status (SES), and demeanor strongly contributed to justice decision making (Chambliss & Nagasawa, 1969; Chiricos et al., 1972; Quinney, 1970). However, several other studies indicated that justice system decisions were largely driven by offense characteristics and that offender characteristics such as race were largely insignificant after controlling for offense type and severity (Black & Reiss, 1970; Burke & Turk, 1975; Chiricos & Waldo, 1975; Hagan, 1974; Weiner & Willie, 1971). Illustrative of this argument was Wellford's (1975) conclusion that "in the area of law enforcement it now seems clear that for juvenile offenses the variables of complainant behavior and offense type are considerably more important than class, race, demeanor etc., as variables affecting the decision to arrest" (p. 337).

Subsequent studies have found significant impacts for both offense characteristics such as type and severity, and offender characteristics such as race, gender, age, and SES (Smith & Visher 1981; Smith et al., 1984; Visher, 1983). There now exists an extensive literature delineating the role of offender characteristics in justice decisions, with several factors showing consistent associations with

the application of more severe sanctions at various decision points within the justice process, most notably race (Baumer, 2013; Mitchell, 2005; Doerner & Demuth, 2010; Spohn, 2009, 2013). Specific to diversion, characteristics including race, ethnicity, age, and gender have been associated with the decision to divert from juvenile court. Several studies contend that juveniles identified as racial or ethnic minorities are less likely to receive diversion than their white, non-Hispanic counterparts (Anderson, 2015; Cochran & Mears, 2015; Ericson & Eckberg, 2016; Leiber & Johnson, 2008; Rodriguez, 2010; Schlesinger, 2013). Rodriguez (2010), for example, used a multilevel model to determine if the race and ethnicity of a juvenile affected multiple decision points throughout the juvenile justice process, including diversion. She found that black youths were less likely to be diverted than white youths. In addition, research has found that diversion is more likely to be given to younger, female juveniles (Ericson & Eckberg, 2016; Hamilton et al., 2007; Rodriguez, 2010). Leiber and Johnson (2008) examined a sample of male juvenile offenders in Iowa and found that older black juveniles were significantly less likely to receive diversion than their younger white counterparts.

These relationships are persistent across both adult (Bontrager et al., 2005; Johnson & DiPietro, 2012; Painter-Davis & Ulmer, 2020; Schlesinger, 2013) and juvenile populations (Anderson, 2015; Armstrong & Rodriguez, 2005; Caudill et al., 2013; Cochran & Mears, 2015; Maggard, 2015; Rodriguez, 2013) and are particularly salient for earlier decision points, such as diversion (Claus et al., 2017). In a systematic review of the literature on race and the punishment of juvenile offenders, Engen et al. (2002) found evidence of an impact of race across multiple studies, and in particular, that these effects were stronger in studies that examined earlier decision points in the justice process, such as arrest. Moreover, several studies have also found that these early justice decisions, especially among juveniles, can have a significant impact upon future offending and the receipt of harsher punishments (Claus et al., 2017; Lehmann et al., 2019; Lopes et al., 2012; Sampson & Laub, 1997; Spohn, 2009).

These disparities in justice decisions are particularly relevant in relation to the labeling perspective and the application of diversion programs. Studies of the *racialization of crime* find that not only are labels—such as delinquent—applied disproportionately across racial and ethnic groups, but also that the resulting label has disproportionate effects on these groups (Bernburg, 2019; Bontrager et al., 2005; Hassett-Walker et al., 2017; Lehmann et al., 2019). For example, a study on guideline departures in Florida found not only that black juveniles were more likely to experience upward departures, but also that among those youth that received these harsher sanctions, minority youth had higher risks of recidivism (Lehmann et al., 2019). These and other studies also examined whether Hispanic juveniles experienced similar disparities. However, these results are more mixed, with several studies in Florida finding no impact of ethnicity on punishment decisions (Arazan, 2018; Feldmeyer et al., 2015; Lehmann et al., 2019).

Community context and justice decisions

The tendency to apply harsher sanctioning in general, and to racial and ethnic minorities in particular, can be exacerbated by the larger community context (Britt, 2000; DeJong & Jackson, 1998; Freiburger & Jordan, 2011; Steffensmeier & Demuth, 2000; Ulmer & Johnson, 2004). Driven by macro-level theories, studies find considerable evidence that community characteristics such as racial heterogeneity, urbanization, and economic welfare are associated with various justice decisions (Andersen & Ouellette, 2019; Blackmon et al., 2015; Lowery, 2018; Lowery & Burrow, 2019; Regoeczi & Jarvis, 2013; Schlesinger, 2018), and in particular, the decision to divert (Hamilton et al., 2007; Hayes-Smith & Hayes-Smith, 2009; Leiber et al., 2016; Leiber & Stairs, 1999; Rodriguez, 2007; Rodriguez, 2013). These macro-level factors can condition how police approach a situation, dirving them to be more or less punitive.

One salient component of these decisions is the presence of potentially threatening groups or conditions; an association defined by social threat theory. The theory contends that as certain

minority populations increase within the larger community, the majority experiences a perceived threat to their social and economic status, and as a result, various justice policies, practices, and decisions are implemented to maintain social control over these perceived threatening minority populations. For example, majority perceptions of black minorities as threatening to economic resources has been found to predict punitive attitudes toward blacks. (Davis & Sorensen, 2013; King & Wheelock, 2007; Stults & Swagar, 2018). In effect, when the overarching community experiences a potential threat, that is, an increase in racial or ethnic heterogeneity, more severe justice sanctions may be used against the minority group perceived as threatening (Bontrager et al., 2005; Harer & Steffensmeier, 1992; Lowery et al., 2018; Steffensmeier & Demuth, 2000; Stults & Baumer, 2007; Ulmer & Johnson, 2004).

In particular, several studies have found that the percent black or Hispanic in the population impacts the use of more severe sanctions with juvenile populations (Freiburger & Jordan, 2011; Leiber et al., 2016; Rodriguez, 2007). For example, Leiber and Stairs (1999) found that juveniles were less likely to be diverted from further court processing in jurisdictions that exhibited higher racial heterogeneity and income inequality. Threats can also be experienced due to a lack of economic resources or rising crime rates (see King & Wheelock, 2007; Liska, 1992). Research has shown that community traits such as availability of economic resources, levels of law enforcement, crimes rates, and cultural context can impact the way that communities experience threat and implement justice policies (Chiricos & Delone, 1992; DeJong & Jackson, 1998; Greenberg & West, 2001; Lowery & Burrow, 2019; Schlesinger, 2018).

CURRENT STUDY

To a large extent, the successful implementation of any program or policy is dependent upon its fair and appropriate use among the target population, especially across diverse communities. Despite civil citation's expanding use—across Florida and the country—there has been little research on the consistency of its use (see Nadel et al., 2018 and Walby, 2008 as exceptions), and no studies have yet examined the determinants of who is likely to receive a civil citation versus an arrest. In the following study, we examine what individual-level offender and offense characteristics make it more likely that a juvenile who is eligible for a civil citation will receive one, and how the characteristics of the community influence the decision to civilly cite. Specifically, this study examines potential determinants of justice system decisions to arrest or divert in relation to offender and offense characteristics and community context. In the broader context of the *racialization of crime* and given the combined labeling and social threat theoretical conceptualization, we test the following individual- and community-level hypotheses.

First, *juveniles with more serious offenses, such as violent offenses, will be less likely to receive civil citation* (H1). A key tenet of civil citation is that it be used with lower-risk offenders who are at low risk of reoffending and are more likely to benefit from less justice intervention rather than more (FDJJ, 2015; Walby, 2008). Presumably then, juveniles who commit violent misdemeanor offenses would be less likely than juveniles who commit property, drug, or other offenses to receive this diversion alternative. In addition, current literature on punishment decisions typically finds that offenders with more violent or serious offenses are more likely to receive harsher sanctioning (Britt, 2000; Chiricos & Waldo, 1975; Kramer & Ulmer, 1996).

Second, we hypothesize that controlling for offense differences, *juveniles with certain demographic characteristics—particularly black juveniles—will be less likely to receive civil citation* (H2). Inspired by a number of different theoretical constructs, including labeling theory and the aforementioned *racialization of crime*, several studies have found a significant impact of offender characteristics, and race in particular, on punishment decisions, even when controlling for the offense itself (Armstrong & Rodriguez, 2005; Caudill et al., 2013; Engen et al., 2002). When it comes to the decision to divert, juveniles from minority backgrounds will be more likely to be arrested

(Bernburg & Krohn, 2003; Brame et al., 2014). Likewise, offenders who belong to traditionally less threatening groups, such as females, are more likely to be treated leniently (Anderson, 2015; Cochran & Mears, 2015; Rodriguez, 2010). We hypothesize that similar patterns will emerge in the decision to use civil citation as opposed to arrest.

Third, given that the justice system and its actors'—in this case the police—do not operate in a vacuum, we hypothesize that the decision to divert or arrest will be influenced by community factors. Specifically, *counties with larger racial and ethnic minority populations, higher unemployment, and higher crime rates will be less likely to issue civil citations as an alternative to arrest to the juveniles who belong to the groups perceived as threatening (i.e., black, Hispanic, or more serious offenders)* (H3). This hypothesis is informed by the tenets of social threat theory, and the argument that communities with larger minority groups—whether that minority be racial, ethnic, economic, or criminal—are more likely to embrace more punitive sanctions (Blalock, 1967; Liska, 1992; Stults & Swagar, 2018). In this case, we hypothesize that communities with higher percentages of these groups will be less likely to use civil citation, instead opting for the more severe option of arresting first-time juvenile delinquents. In addition, if juveniles who belong to certain demographic groups, presumably black juveniles for example, are already less likely to receive civil citation in general, then experiencing contact with the police in a county that is already predisposed to arrest due to racial threat would likely only serve to further decrease their likelihood of receiving diversion through civil citation.

Study data

To incorporate juvenile, offense, and community characteristics in the analysis, two unique data sets were used in this study. The first is an individual-level data set that includes offender and offense characteristics from the FDJJ. It includes all first-time misdemeanor juvenile offenders who were referred to FDJJ, either through civil citation or arrest, between July 2011 and July 2016.¹ These juveniles represent all youth who would have been eligible for civil citation during the study period, whether they received it or not. As the nonarrest component of civil citation was not instituted until the 2011 state initiative, the cohort was limited to only juveniles referred after the 2011 initiative took effect in the 60 of Florida's 67 counties that had instituted a civil citation program at the time of this study.² The final cohort consisted of 93,027 juveniles, 38,421 of which received civil citation.

The second data set includes community characteristics for the 60 counties in Florida that implemented civil citation during the study period. It draws from four sources: demographic and community characteristics were drawn from Florida's Bureau of Business and Economic Research, crime rates were provided by the Florida Department of Law Enforcement, community-level economic variables were pulled from The Florida Office of Economic Development, and finally macro-level education characteristics from the Florida Department of Education. Annual measures for each of the variables were available for the years 2011–2016, resulting in 360 observations. These measures were then aggregated across all years to produce an average value for each variable in each county for the study period, resulting in a final set of 60 observations.³

Measures

As the primary purpose of this study is to identify determinants of receiving civil citation versus arrests, the outcome is a dummy variable indicating whether the juvenile received a civil citation

¹This date range reflects the start of the 2011 state initiative to the end of the study's data collection.

²Nineteen counties implemented civil citation prior to the state initiative. However, civil citation still included an arrest record prior to the state statute that allowed counties to remove any official arrest record for these juveniles.

³County variables were aggregated across years in order to be incorporated as Level 2 data in a multilevel model.

TABLE 1 Individual- and county-level descriptive statistics

Variables	Mean	SD	Minimum	Maximum
Individual predictors				
Outcome				
Received civil citation	0.41	0.49	0	1
Demographics				
Age	15.02	1.77	5	17
Male	0.60	0.49	0	1
Black	0.37	0.48	0	1
Hispanic	0.17	0.38	0	1
Offense information				
Offense type—violent	0.17	0.38	0	1
Offense type—property	0.43	0.50	0	1
Offense type—drug	0.25	0.43	0	1
Offense type—other	0.14	0.35	0	1
School-based offense	0.27	0.44	0	1
Timing of arrest or diversion				
In first year of implementation	0.24	0.43	0	1
County predictors				
Demographics				
Youth density	20.58	3.13	8.82	28.13
Percent black	14.41	9.93	3.06	55.19
Percent Hispanic	13.52	12.41	2.01	66.45
Social indicators				
Urbanization	375.50	549.45	10.26	3329.67
Graduation rate	63.88	6.22	43.87	77.50
Percent Republican	037.33	10.13	11.42	58.67
Crime				
UCR crime rate	2796.88	1091.67	450.27	5049.80
Juvenile arrest rates	1627.29	763.81	283.66	3678.12
Economics				
Unemployment rate	7.22	1.07	4.72	9.60
Poverty rate	18.39	5.23	9.70	29.42
Median household income	44,444.28	7808.26	32,441.79	6,7973.13
Law enforcement				
LEOS per capita	193.02	70.81	83.54	544.90
Implementation				
Buy in	0.30	0.46	0	1
Agency participation rate	78.00	25.65	0.00	100.00

Note: Individual level, $N = 93,027$. County level, $N = 60$.

(1) or was arrested (0). As seen in Table 1, approximately 41% of eligible juveniles in Florida received a civil citation during the study period. The 41% participation rate statewide is not unexpected given that the decision to implement and how to implement civil citation programs remained at the county and local law enforcement agency level and varies widely throughout the state. Furthermore, even

after a local jurisdiction chooses to implement the program, the final decision to arrest or cite lies with individual law enforcement officers.

Several juvenile offender and offense characteristics are included as potential predictors (see Table 1). Juveniles' race, ethnicity, and gender are measured dichotomously; three variables indicate respectively whether the juvenile is black (1/0), Hispanic (1/0), or male (1/0). Age is measured as a continuous variable, with the youngest juvenile referred at age 5, and the oldest referred at age 17. In addition, a number of offense characteristics are also included in the model. Indicators are included for the type of crime the juvenile committed. A series of four dummy variables indicate whether the juvenile was referred (either for civil citation or arrest) for a violent offense (28%), property offense (38%), drug offense (22%), or other (13%). We also include an indicator for whether the juvenile was referred within the first year of the state-wide civil citation initiative. In 2011 and 2012, when Florida's statewide juvenile civil citation program was enacted into law by the State Legislature, the Florida Department of Juvenile Justice embarked upon a statewide campaign that involved town hall meetings and dissemination of the Department's new strategic initiatives throughout the state. Prominent in this campaign was the civil citation program (FDJJ, 2012). This blitz of information and coverage likely resulted in numerous local jurisdictions initially adopting the program. However, as with many new programs, interest and enthusiasm often wanes and program implementation and participation declines. Several counties significantly decreased arrests during the first months of the program, only to return to normal practices over time (Nadel et al., 2018).

Finally, current research suggests that offenses which occur at school may be treated differently than those in the larger community (Hirschfield, 2008; Krezmien et al., 2010; Theriot, 2009). School-based offenses may carry with them different and often additional consequences besides those imposed by law enforcement or the juvenile justice system. For example, youth committing school-based offenses may also receive detentions, suspensions, or even expulsions. The existence of these additional sanctions may influence the decision to divert or arrest. In addition, school administrators may indirectly or directly attempt to influence law enforcement's decision to arrest or divert youth on their school grounds. As such, a dummy variable is included to indicate if the offense occurred at school.

To assess how the jurisdiction of referral impacts the use of civil citation, several community (county) characteristics are included in the models (see Table 1). These variables include the percent of the county population that is black and the percent Hispanic, youth density (percent of the population that is between the ages of 10 and 17), the high school graduation rate, the percent of voters that are registered republican, and the urbanization of the county as defined by population density (number of individuals per square mile). The study also incorporates three economic indicators as proxies for the general availability of resources in each county. These measures include the poverty rate, the unemployment rate, and the median income for each county. A number of crime and criminal justice indicators are also included, namely, the overall juvenile arrest rate (including all arrests, not just those for civil citation eligible juveniles), the Uniform Crime Report index crime rate, and the number of law enforcement officers per capita.

Finally, two variables were included to serve as proxies for the level of county investment in implementing civil citation. The first variable, hereby referred to as "buy-in," is a dummy measure of whether the county implemented civil citation prior to the 2011 state initiative. Counties that began their own program prior to the state's legislative push are likely more invested in its successful implementation. The second variable, agency participation rate, represents the percent of law enforcement agencies within each county that used the civil citation program during the study period. Each county in Florida includes multiple law enforcement agencies, each of which had discretion in whether to implement this program after the 2011 initiative. Therefore, agency participation is calculated by the percentage of law enforcement agencies in that county that referred a juvenile for civil citation.

Analytic strategy

Civil citation's use across the state is not only dependent upon the types of juveniles police come into contact with, but also the larger context of the county in which the officer operates. Individual effects are couched within the larger county-level context. Because the juveniles are nested within the context of the county in which they were referred, hierarchical generalized linear modeling (HGLM) was employed. Using traditional regression with a multilevel analysis risks violating two key assumptions: noncorrelated error terms and homoscedasticity (Raudenbush & Bryk, 2002). Because each individual observation is grouped within a larger contextual environment—in this case counties—they no longer represent unique observations. Individuals who belong to the same county likely share similar characteristics, thus biasing the error terms. Multilevel modeling corrects for this potential bias by incorporating a unique random effect for each second-level equation into the statistical model (Raudenbush & Bryk, 2002). As the outcome in this study is dichotomous (civil citation or arrest), HGLM is employed, rather than traditional hierarchical linear modeling techniques. With the exception of the dichotomous variables, all Level 1 and Level 2 predictors are grand centered around their respective means. While grand mean centering does introduce the risk of potentially biasing individual-level effects, unlike group mean centering, it does not artificially constrain the county-level variation (Ulmer & Johnson, 2004). As this study is primarily concerned with the contextual-level effects on the outcomes, grand mean centering is more appropriate.

Raudenbush and Bryk (2002) advocate for a “model building approach,” whereby the researcher develops progressively more complex models, testing for significant effects at each subsequent level of analysis. The first of these is the unconditional model, where only the outcome is included to determine if the likelihood of receiving a civil citation varies significantly across counties. If not, then the likelihood of receiving a civil citation is not influenced by county differences, and multilevel modeling is unnecessary. When we ran the unconditional model, however, there was significant variation in the likelihood of receiving a civil citation across Florida counties, with an interclass correlation of 29%, indicating multilevel modeling is appropriate for these data.

FINDINGS

Multilevel modeling is used to examine individual-, offense-, and county-level influences on the decision to either arrest a juvenile or divert them with a civil citation. After the unconditional model confirmed the likelihood of receiving civil citation varies across counties (ICC of 0.288), the first step in the analysis was to examine the effect of individual- and offense-level factors on the likelihood of receiving civil citation, while accounting for this county variation.

Offender characteristics and offense type

We first hypothesized that juveniles with more serious offenses, such as violent offenses, would be less likely to receive civil citation (H1). We found that juveniles with property offenses were 95% more likely to receive a civil citation than juveniles with violent offenses. In addition, juveniles who committed their offense at school were nearly two times more likely to receive a civil citation than juveniles who committed offenses in the community. However, juveniles with drug or other (technical or administrative) offenses were not significantly more or less likely to receive a civil citation than juveniles with violent offenses. Given these findings, it appears that offense characteristics do influence the likelihood of receiving a civil citation.

Our second hypotheses predicted that, after controlling for offense differences, juveniles with certain demographic characteristics—particularly black, older, males—will be less likely to receive civil

TABLE 2 Hierarchical generalized linear modeling (HGLM) analysis of the effects of juvenile characteristics on civil citation

Predictors	Civil citation outcome (Model 1)		
	MLE	OR	SE
Individual level			
Age	−0.07	0.934***	0.02
Male	−0.16	0.855***	0.04
Black	−0.17	0.847***	0.05
Hispanic	0.10	1.106	0.11
Offense type—property	0.67	1.946***	0.13
Offense type—drug	0.48	1.621	0.32
Offense type—other	0.15	1.158	0.14
School-based offense	0.66	1.937***	0.15
Within first year of implementation	−0.95	0.385***	0.27
Variance component = 1.480***			

Note: Individual level, $N = 93,027$; county level, $N = 60$.

* $p < 0.05$; ** $p < 0.01$; *** $p < 0.001$; $p < 0.1$.

citation (H2). The findings confirm our hypothesis and demonstrate that several individual-level variables were significant predictors of receiving a civil citation (see Table 2). Juveniles who are younger, female, and white are more likely to receive civil citation than their older, male, and black counterparts respectively. Specifically, male juveniles have a 14.5% lower odds of receiving a civil citation than females; black juveniles have a 15.3% lower odds of receiving civil citation than whites; and with each successive year, older juveniles experience a 6.6% lower odds of civil citation than younger juveniles. There was no significant effect for Hispanic juveniles.

Community context, offense, and individual effects

Prior research has indicated that the use of civil citation varies by county, that community context of each county may influence the likelihood of receiving a civil citation in general, and more specifically, who is receiving it (Nadel et al., 2018; Sullivan et al., 2010; Walby, 2008). In Model 1, after the individual- and offense-level factors were included, the likelihood of receiving a civil citation still varied significantly across counties (variance component was significant at the $p < 0.001$ level as seen in Table 2). When including county characteristics in the model, we hypothesized that the decision to divert will be influenced by a number of community factors, and in particular, that juveniles who belong to minority or “threatening” groups (i.e., black, Hispanic, or more serious offenders) will be more likely to experience these effects (see Table 3). Specifically, counties with a larger proportion of racial and ethnic minority populations, higher unemployment, and higher crime rates will be less likely to use civil citation as an alternative to arrest, and more so with minority juveniles (H3).

A number of county-level variables were significant. First, not accounting for the race of the juvenile, juveniles residing in communities with a larger proportion of minorities were more likely to receive a civil citation in lieu of arrest; with every 1% increase in the county’s black population, civil citation eligible juveniles in that county were 3% more likely to receive civil citations, and again, not accounting for race, juveniles were 2% more likely to be civilly cited for every 1% increase in the Hispanic population. In addition, youths in urban counties (higher population density) were more likely to receive civil citations. Finally, both implementation variables had significant effects. Juveniles in counties that demonstrated greater receptivity to the program through early implementation and

TABLE 3 Hierarchical generalized linear modeling (HGLM) analysis of the effects of juvenile and county characteristics on civil citation

Predictors	Civil citation outcome					
	Model 2			Model 3		
	MLE	OR	SE	MLE	OR	SE
Individual level						
Age	-0.07	0.934***	0.02	-0.07	0.933***	0.02
Male	-0.16	0.855***	0.04	-0.16	0.856***	0.04
Black	-0.17	0.846***	0.05	—	—	—
Hispanic	0.10	1.105	0.11	0.12	1.124	0.11
Offense type—property	0.67	1.946***	0.13	0.67	1.950***	0.13
Offense type—drug	0.48	1.621	0.32	0.48	1.621	0.32
Offense type—other	0.15	1.158	0.14	0.14	1.154	0.14
School-based offense	0.66	1.938***	0.15	0.66	1.945***	0.14
Within first year	-0.95	0.385***	0.27	-0.95	0.385***	0.27
County level						
Youth density	-0.07	0.930	0.04	-0.07	0.926†	0.04
Percent black	0.03	1.026†	0.01	0.03	1.033*	0.01
Percent Hispanic	0.03	1.021*	0.01	0.03	1.022*	0.01
Urbanization	0.00	1.000*	0.00	0.00	1.000*	0.00
Graduation rate	0.02	1.019	0.02	0.02	1.017	0.02
Percent Republican	0.01	1.014	0.02	0.02	1.018	0.02
UCR crime rate	0.00	1.000	0.00	0.00	1.000	0.00
Juvenile arrest rates	-0.00	1.000	0.00	-0.00	1.000	0.00
Unemployment rate	-0.11	0.897	0.13	-0.12	0.886	0.13
Poverty rate	0.01	1.011	0.03	0.01	1.013	0.03
Median household income	0.00	1.000	0.00	0.00	1.000	0.00
LEOS per capita	-0.00	1.000	0.00	-0.00	1.000	0.00
Buy in	0.73	2.080**	0.27	0.72	2.059*	0.27
Agency participation rate	0.02	1.023***	0.00	0.02	1.024***	0.00
Black × percent black						
Intercept				-0.19	0.828***	0.07
Percent black				-0.01	0.988†	0.01
Variance component: int.	0.886***			0.805***		
Variance component: slope				0.091***		

Note: Individual level, $N = 93,027$; county level, $N = 60$.

* $p < 0.05$; ** $p < 0.01$; *** $p < 0.001$; † $p < 0.1$.

had a larger rate of agency participation were 2.18 and 1.02 times more likely to receive civil citations respectively.

In the final models, we considered how these community characteristics might condition the officer's decision to civilly cite versus arrest minority youth. Macro-level indicators of threat, such as percent black in the population, or overall crime rate, are anticipated to have larger effects on the individuals that make up these groups. In other words, any impact of a larger black population on arrest practices is expected to be more prevalent for black individuals. Among the various threat

indicators included in these analyses, only one combination—black and percent black—are significant at both the individual and county level.⁴ This conditional effect was included in the final model (Model 3, Table 3).

Although counties with a higher proportion of black residents are more likely to issue civil citations over arrests, black juveniles are significantly less likely to receive a civil citation. When we include an interaction term for black and percent black in the model, the percent black in the population has a negative moderating effect on juvenile race and the odds of receiving a civil citation. In other words, black juveniles have even lower odds of receiving civil citation versus arrest in higher percent black counties than lower ones (odds decreased by an additional 2%). These findings suggest moderate support for the social threat hypothesis, whereby the presence of a larger threat group results in more punitive decision making toward members of that group; in this instance, more arrests than civil citations.

SUMMARY AND DISCUSSION

Diversion through civil citation has expanded rapidly across Florida and in many other states. However, as with any new program or policy, its success is dependent upon the quality of its implementation, which prior research has shown to vary considerably (see Nadel et al., 2018; Walby, 2008). This study makes a unique contribution to the literature by identifying factors that affect the likelihood a juvenile will receive this early intervention, including not only the juvenile's individual and offense characteristics, but the contextual influences of the community implementing the program. As this program addresses contact so early in the juvenile justice system—arrest—any disparities in the application of this program could have long-term and wide-ranging consequences particularly for first-time, low-risk juveniles.

The findings indicate significant variation in the likelihood of receiving a civil citation across offense-, individual-, and community-level characteristics. While these findings support the general hypothesis that lower-risk offenders are more likely to receive diversion (H1), it is interesting that the study found that only property offenders, and not drug or other offense types were more likely to receive civil citation than violent offenders. One of the key justifications for diversion programs is that the more severe sanctions typically associated with the justice system are most beneficial for higher-risk offenders (i.e., official arrest, detention, formal probation, and commitment), while these same sanctions can be detrimental to lower-risk offenders (Lipsey, 2009; Ray & Childs, 2015). While juveniles with property offenses are substantially more likely to receive civil citation, there is no significant difference in the likelihood of being civilly cited among juveniles with either drug or "other" offenses. As neither of these categories prohibit a juvenile from receiving a civil citation, it would appear that at least some subset of the target population is still not benefiting from the program. Several causes may contribute to this finding. One likely contributing factor is that drug offenses often carry with them "zero tolerance" policies and associated punitive attitudes in schools, workplaces, and public spaces. For example, school districts throughout Florida embraced zero tolerance policies that included violence, weapons, and drugs. These policies became institutionalized in schools, in part, due to federal requirements such as the Safe and Drug-Free Schools and Community Act of 1994. In turn, such policies may influence police officers' decisions to arrest rather than cite for drug related acts of delinquency. Further research should examine these trends, and determine if steps should be taken to increase the use of this program with these other types of lower-risk offenders.

In support of arguments on the disparate application of labeling, we found that black, male, and older juveniles were significantly less likely to receive this particular diversion program. This is also in line with our hypothesis that juveniles belonging to these groups would be more likely to receive

⁴For the other potential threat interactions—that is, Hispanic and percent Hispanic, or offense type and crime rate—one of the variables was insignificant. Therefore these interactions were not included in the conditional model.

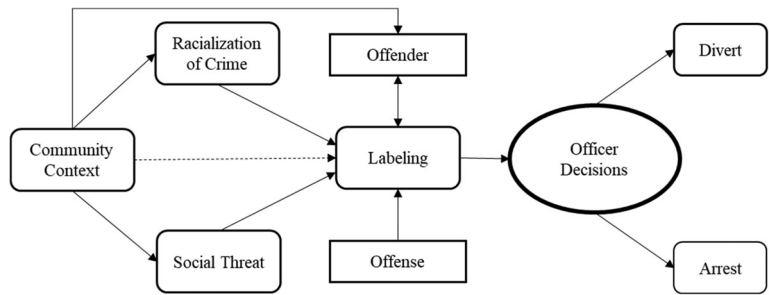
more punitive sanctions (H2). Hispanic juveniles were not significantly more or less likely to receive civil citation, however, this finding is in line with existing research on ethnic disparities in Florida (see Arazan, 2018; Feldmeyer et al., 2015; Lehmann et al., 2019). These findings are largely consistent with prior studies on the use of diversion programs and other juvenile justice sanctions (Armstrong & Rodriguez, 2005; Cochran & Mears, 2015; Leiber & Johnson, 2008). Although this disparate application of punishment or diversion is well established in the literature, it is additionally concerning in a program such as civil citation, which diverts juveniles away from the justice system at one of the earliest points of contact. As prior research on labeling and cumulative disadvantage demonstrates, receiving a delinquent label early on can lead to increasingly negative outcomes in the future (Bernburg, 2019; Chiricos et al., 2007; Hassett-Walker et al., 2017; Lehmann et al., 2019; Sampson & Laub, 1997).

Regarding our third hypothesis, juveniles living in counties that are more racially and ethnically heterogeneous were more likely to receive a civil citation than to be arrested. However, counties with higher unemployment and higher crime rates—or economic and criminal threat respectively—were not significantly less likely to be issued civil citations over arrests. In particular, in areas with a larger proportion of minority populations, the likelihood of juveniles to benefit from this program increases. Importantly, this relationship does not translate into more beneficial outcomes for black juveniles. Not only are black juveniles not more likely to receive civil citation in these counties, their odds of receiving a civil citation are lower in counties with a higher percentage of minorities than in counties with a lower percentage of minorities (H3). One explanation for these seemingly mixed results is that counties with higher perceived threat choose to implement additional justice system options such as civil citation, however, they reserve these options for the non-black—non threat—youth within their jurisdiction. Overall, our findings indicate that black juveniles are disproportionately denied the advantages of the civil citation program, and as such, supports the *racialization of crime* even for programs that are intended to reduce contact with the juvenile justice system. Given these findings, policymakers and local stakeholders should potentially explore policy modifications to ensure the consistent use of the program across different demographic groups.

The theoretical implications of our findings are relevant to the now decades old but continuing inquiry into the sociology of punishment, race, and social control (i.e., Chiricos et al., 2006; Garland, 2001; Peffley & Hurwitz, 2002; Western, 2006). What largely began in the 1970s and reflective of the emerging prominence of labeling theory—the question addressed in numerous empirical studies was is it offense or offender characteristics that determine various justice decisions? Moreover, in more recent integrative efforts to explain justice decisions, both community context and race have been shown to shape justice policies and decisions (Sampson, 1986; Smith 1986). Labeling and social threat theories are useful in explaining the relationship between community and individual characteristics, and justice decisions. Furthermore, Chiricos et al. (2001) have argued at the core of the community relationship to justice decisions are a number of “microprocesses” that operate at the individual level and initiate the structural relationship between the community, the individual, and justice decisions. These microprocesses can involve perceptions of minorities as threatening and/or criminal and, in particular, in need of social control. The current study’s investigation of these relationships in decisions to arrest or divert with civil citation across multiple communities in Florida adds to our empirical and theoretical understanding of this interrelated process, and provides further support of the need to simultaneously consider offense, offender, race, and community context in the effort to explain justice decisions, thereby requiring an integrative labeling and social threat perspective.

It can be concluded that justice decisions are not timeless, but rather reflect an interrelated process that involves consideration of offenders and their characteristics including race, the nature of their offense, and the larger community context in which these decisions are made and, ultimately, to which they are relevant. While modeling and testing this approach to justice system decisions is complex—it is no more complex than the decisions themselves. By combining salient elements of community context, the *racialization of crime*, social threat, and labeling, Figure 1 displays the

FIGURE 1 Theoretical conceptualization of decisions to divert or arrest



current study's theoretical conceptualization underlying its assessment of police decisions to divert through civil citation or arrest.

Future studies should explore this community, offender, and offense relationship in more detail to determine why disparities are occurring in various justice system decisions. Within each county, for example, local law enforcement agencies have the option to institute a civil citation program including county sheriff offices and municipal police departments. However, each county or municipality is under no obligation to operate a program, and as such, there can be variation in the use of civil citation even within counties. Given that not only the choice to implement civil citation, but also how it is used is largely determined at the local level—individual municipalities in individual counties—a mixed methods approach addressing police officer decision making and the characteristics of different local law enforcement agencies might help further explain differences in implementation and provide guidance for future policy.

We also find that juveniles who commit their offense on school grounds were nearly three times as likely to be civilly cited as compared to juveniles whose offense occurred in the larger community, indicating that the context of schools may also have a significant influence on the decision to civilly cite a youth instead of arrest. This finding leads to a number of questions, including why schools may be more likely to use the program; is civil citation more likely to be implemented in a school context compared to the larger community; and are school-based delinquents substantively different than community delinquents? Further research should be conducted to better understand these trends and how they may differ across racial groups. In addition, these findings suggest that attempts to increase the use of civil citation across the state may need to have a stronger focus on local, community-based law enforcement agencies.

This study had a number of limitations that should also be addressed in future research. First, the characteristics of juveniles were limited to basic demographics and offense type. However, several other factors such as socioeconomic status, family dynamics, school discipline, or offense seriousness could affect the youth's behavior as well as an officer's perceptions of the youth. Furthermore, our race and ethnicity are mutually exclusive categories in our data, and this does not allow us to examine an interaction between race and ethnicity such as possible disparities among Afro-Latin youth. Future studies should incorporate some of these more detailed measures to gain a better understanding of which juveniles are most likely to receive and subsequently benefit from diversion programs. In addition, as previously discussed, this study is also limited in that it did not account for the influence of the different municipalities within each county that operated the program, or the individual law enforcement officers administering the citations or arrests. Although this study accounts for some of the variability in implementation across the state, future research incorporating more local variation might provide further detail on the disparate use of this program across the state, and subsequently provide a better base of knowledge from which to inform future policy. Finally, future research should include an examination of law enforcement officer characteristics. Since the decision to civilly cite or arrest occurs at the officer level, an officer's race, ethnicity, gender, age, years of experience, and ideology may significantly influence their decision to apply a civil citation versus an arrest.

Despite these limitations, this study's findings have direct implications for what can be expected from the current decarceration and downsizing turn from the law and order society and mass incarceration movement. Given the continued *racialization of crime*—it is clear that without targeted evidence-based justice reform more of the same will occur for minorities namely continued racial disparities in the receipt of more severe punishment and the simultaneous denial of the receipt of less severe alternatives such as diversion. This is a major criminal justice policy dilemma in attempting to develop and implement reform policies that will not continue to contribute to the well-established racial divide in criminal and juvenile justice.

Clearly, if current decarceration, downsizing, and related alternatives as diversion are to effectively confront the issue of racial disparities, reducing such disparities must be at the forefront of the criminal and juvenile justice policy agenda. Such prioritization is now beginning to show considerable promise with the increasing number of Criminal Justice Researcher and Policymaker/Practitioner Partnerships (Alpert et al., 2013; Blomberg, 2019; Braga, 2013; Pesta et al., 2019). These partnerships have been shown to be a promising strategy for translating research into policy and practice (Blomberg, 2019). The long existing racial divide within our justice system and the associated *racialization of crime* is becoming subject to more detailed scrutiny with compelling empirical and theoretical studies gaining prominence in policy and practice decision making.

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