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Experiences of Social Workers Providing Sentencing Advocacy for Youth of Color

Steven Robinson
Walden University

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Walden University

College of Social and Behavioral Sciences

This is to certify that the doctoral study by

Steven Robinson

has been found to be complete and satisfactory in all respects,
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the review committee have been made.

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Walden University
2022

Abstract

Experiences of Social Workers Providing Sentencing Advocacy for Youth of Color

by

Steven Edward Robinson Jr

MSW, University of Southern California, 2015

BS, Albertus Magnus, 2013

Project Submitted in Partial Fulfillment

of the Requirements for the Degree of

Doctor of Social Work

Walden University

August 2022

Abstract

The punitive sentencing of minority youthful offenders is contrary to the juvenile justice system's founding principles of rehabilitation. Moreover, the introduction of mitigation helps to inform the courts' decisions on the most appropriate recourse; however, few researchers have studied the experiences of social workers who provide sentencing advocacy for minority youth. This basic qualitative study explored the experiences of social workers in Louisiana involved in addressing sentencing disparities of minority youth and the changes social workers perceive as necessary to reduce these disparities. Six social workers in Louisiana were interviewed regarding their experiences related to providing sentencing advocacy for minority youth, and critical race theory was used to understand how both racism and mitigation impact sentencing outcomes for youth of color. Emergent themes regarding racial disparities that disadvantaged youth of color at all stages of system involvement were extracted from interview data through a six-step, inductive, thematic technique and validated by member checks. The findings of this study indicated that disparities began with arrest rates, continued through the pretrial stage, including legal representation, and stereotyping youth of color by system actors resulting in extreme sentences. The results help to understand how systemic issues and gaps in services in the juvenile justice system perpetuate sentencing disparities and how social workers can develop ways to address them through an increase in community involvement and sentencing alternatives. Such data can impact positive social change by alleviating the disadvantages that youth of color experience in the juvenile justice system thus decreasing system involvement.

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Dedication

I would like to dedicate this research study to several people who have been instrumental in my life and career. First, I'd like to dedicate this project to my parents. Mom, as an educator for over 35 years, you have always instilled the importance of education and your commitment and love for children has inspired the work that I do. Dad I and thankful for the work ethic that you instilled in me which has allowed me to persevere when I felt like giving up. I know you put your dreams of college on hold for your family and so I dedicate this degree to you. To my sisters, Takema and Kimberly, your entrepreneurial spirit inspires and motivates me to be the best that I can be. I also want to dedicate this study to my nephews, Isaiah, Jeremiah, Quincy, Kingston and August, who I hope to inspire and motivate to be the best that they can be.

I also dedicate this project to my grandfather William Robinson and grandmother the late Mrs. Catherine Robinson. I am proud to be your grandson and even prouder to carry on your legacy of public service. To my spiritual mother Overseer Gail Williams. Your prayers and encouragement have meant the world to me. You helped me to truly believe that I can do all things through Christ who is my strength. To my dearly departed Pastor, Viola Moore. Words cannot express the gratitude that I have for all that you have instilled in me. I am truly blessed to have been able to be under the tutelage of such a wonderful teacher. To my dearly departed friend and mentor, Danny Newell. All that I know about working with at risk youth I learned from you. I still hear your words of wisdom every day. I wish you could have been here to see how those words have manifested.

I would also like to thank the late Harry Adams for funding my undergraduate degree. The gift that you gave has multiplied and provided me with many opportunities for which I am forever grateful. To my mentee Ernest Northrop. You are my most honored assignment and I am so proud of the man that you have become. Lastly, I would like to dedicate this project to all the Black and Brown youth who have received injustice in the criminal legal system. You are loved, you are worthy, and you are not forgotten.

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Section 1: Foundation of the Study and Literature Review

The criminalization of Black youth has contributed to their overrepresentation in the criminal legal system and extreme sentencing outcomes. African Americans represent about 13% of the population in the United States; however, they account for over 35% of the prison population (Subramanian et al., 2018). Though White youth total 76% of the youth population and African American youth are 16% of the youth population, African American youth account for more than 31% of youth arrests (Jones, 2016). Among young people who have not been sent to a juvenile prison before, Blacks are more than six times as likely as Whites to be sentenced by juvenile courts to prison (The Sentencing Project, 2019).

The problem of sentencing disparities between youth of color and Whites is important to social workers. Social workers have a mission to advocate on behalf of the most vulnerable portion of society (National Association of Social Workers [NASW], 2019). Forensic social workers are tasked with providing mitigating information during sentencing hearings for juveniles to persuade the courts to impose sentences that are equitable and appropriate. Youth are different than adults in maturity and cognitive development, leading to an emphasis on treatment rather than punishment (Jordan & McNeal, 2016). Sentencing hearings must be conducted to consider the mitigating qualities of youth including adolescent brain development as a result of the diminished culpability of youth (Marshall, 2019). This research study therefore was conducted to understand the experiences of social workers who make sentencing recommendations for youth in the juvenile and adult court system.

The purpose of this study was to explore the experience of social workers who use mitigation to influence sentencing outcomes for minority youth. Despite literature regarding how socioeconomic status impacts sentencing outcomes, additional research is needed to understand how the intersectionality of race and ethnicity influences sentencing outcomes (Lehmann et al., 2017). There is a gap that exists in how social workers employ current research in sentencing advocacy to lessen the culpability of minority youthful offenders. It was therefore the focus of this study to understand the experiences of social workers in Louisiana involved in addressing sentencing disparities of minority youth and the changes they perceive as necessary to reduce or eliminate these disparities. In the following section, I include a detailed problem statement, purpose statement and research questions, nature of doctoral project, significance of the study, theoretical concepts, values and ethics, and a review of the professional literature.

Problem Statement

Minority youthful offenders are overrepresented in the juvenile justice system. Youth of color are disproportionately transferred to the adult criminal justice system, indicted for serious crimes at a higher rate, and are more likely to receive harsher sentences than their White counterparts (Barrett & Katsiyannis, 2015). Systemic racism within the juvenile justice system is a direct contributor to disproportionate minority confinement (DMC; Donnelly 2019). The intersections of race, gender, and socioeconomic status place minority youth, poor young African American males in particular, at a disadvantage during sentencing procedures (see Van Eijk, 2017).

Challenging social injustice has always been one of the main tenets of social work practice. Social workers “practiced at the intersection of social services and the legal system” (Ratliff & Willins, 2018, p. 7). A handful of juvenile public defender offices in a few states across the nation partner with social workers who gather trauma and social histories of clients through biopsychosocial reports to identify sentence alternatives for youthful offenders (Thomas & Wilson 2017). However, despite the juvenile courts’ shift toward trauma informed sentencing decisions (Buckingham, 2016), the inclusion of this information has not benefited minority youthful offenders, highlighting the disparities and racial bias that exists in the juvenile justice system.

Purpose Statement and Research Questions

Racial disparities exist throughout various processing points during criminal proceedings for juvenile defendants, becoming more prevalent during the penalty phase (Donnelly, 2017). Race, ethnicity, and gender have a significant impact on sentencing decisions, and young Black males receive sentences that are 7.8% longer than white youth (Lehman et al., 2017, p. 181). But there is a lack of research on the intersection of these factors (Bryson & Peck, 2019). Further, less research has been conducted on race effects during the latter stage of the court proceedings (Leiber et al., 2016, p. 8). This research study was conducted to understand the experiences of social workers who make sentencing recommendations for youth, exploring the extent to which social workers reported that age, race, and socioeconomic status impacted sentencing decisions.

Research Questions

The following research questions were developed for this study:

- RQ 1: What are the experiences of social workers in Louisiana involved in addressing sentencing disparities of minority youth?
- RQ 2: What changes do social workers in Louisiana involved in addressing sentencing disparities of minority youth perceive as necessary to reduce or eliminate disparities?

Definition of Terms

Disproportionate minority contact: Rates of contact with the juvenile justice system among juveniles of a specific minority group that are significantly different from rates of contact for white non-Hispanic juveniles. (The Office of Juvenile Justice and Delinquency Prevention, 2014).

Forensic social work: A particular form of social work practice that works within the legal field on both criminal and civil issues (Ratliff & Willins, 2019).

Intersectionality perspective: The perspective that race and gender are considered socially constructed relationships that operate simultaneously across a variety of settings that result in multiple marginalizations, and the experiences of marginalized groups are formed by social hierarchy (Bryson & Peck, 2019).

Racial disparity: Pertains to the percentage of a particular racial group contained by the criminal justice system that is larger than the percentage of that populace in the general population (Donnelly, 2017).

Sentencing: The process by which a judge imposes a punishment after a defendant is found guilty of a crime or pleas to a crime (Lehmann et al., 2019).

Social inequality: The unequal distribution of and access to resources that matter for people's quality of life and wellbeing, including material and immaterial resources as well as recognition (Van Eijk, 2017).

Nature of the Doctoral Project

Basic qualitative research was the methodology used to understand the experiences of social workers who provide sentencing advocacy for minority youth and their perceptions of the disparities and ways to address them. Carey (2017) noted that qualitative social work research is used to address topics that apply to social work practice (Carey, 2017). I interviewed forensic social workers in Louisiana regarding their experiences related to sentencing advocacy for minority youth. To ensure the safety of participants during the Covid-19 pandemic, the six individual interviews were conducted online via Zoom. The Louisiana Public Defender Board directory was used to obtain contact information for forensic social workers/mitigation specialists located in five different districts. Participants were contacted via phone calls and email. Additionally, as a former forensic social worker, I used my network to gain access to social workers who work with adolescent defendants and make sentencing recommendations in juvenile justice systems in Louisiana. Thematic analysis was used to identify themes from data gathered from the individual interviews. Thematic analysis not only identifies patterns of meaning in the data but also interprets it; therefore it requires the researcher to possess a certain level of knowledge which enables greater participation (Mackieson et al., 2019).

Significance of the Study

According to Walden University (2018) positive social change is defined as “a deliberate process of creating and applying ideas, strategies, and actions to the worth, dignity, and development of individuals, communities, organizations, institutions, cultures, and societies”. This mission is in alignment with the NASW Code of Ethics which states that social workers promote social justice and social change with and on behalf of clients, especially those who are vulnerable and oppressed (NASW 2017). The punitive and unjust sentencing of minority youthful offenders is contrary to the juvenile justice systems founding principles of rehabilitation. Puzone (2016) has noted the importance of mitigation on behalf of youth:

Studies on the impact of abuse and socio-economic deprivation on the brain development and behavior of at-risk youth support the argument that it is fundamentally unjust to hold these young people accountable for behavior that results, in large part, from factors that are beyond their control. Allowing youth who present significant mitigation to have juvenile charges expunged from their records if they complete appropriate programs and demonstrate improved behavior both benefits society and incentivizes positive behavior by the youth. (p.594)

Social workers who work within the criminal justice system understand that mitigation does not absolve one of responsibility; however, it does guide how we approach the use of consequences. The results of this study could impact how the court system uses social workers for mitigation purposes to ensure that consequences for

juvenile offenders are both fair and appropriate. This outcome has the potential to influence positive social change by creating strategies and standards which would impact criminal justice reform, decrease recidivism and educate system actors on the importance of mitigation.

Theoretical Foundation

I used critical race theory to understand how mitigation impacts sentencing outcomes from social workers' perspectives. Prior theory and research on sentencing oversimplify the role of race, gender, and age in judicial decision making (Steffensmeier et al., 1998). Critical race theory reveals how the legal system uses race to establish and sustain hierarchies and challenges the status quo by applying strategies that reject legal liberalism (Capers, 2014). Social work scholars have an ethical obligation to challenge the ways that race and racial power are constructed by law and culture (Kolivoski et al., 2014). Critical race theory is in alignment with the NASW code of ethics and core values in that it "provides an important framework that social workers can use to recognize, analyze, and change power dynamics that maintain institutional racism and reinforce racial inequality" (Kolivoski et al., 2014, p. 269). The main component of critical race theory is that White supremacy and privilege is maintained despite the constitutional guarantee of equal protection of the laws (Delgado & Stefancic, 2007). Applying this theory allowed me to understand from forensic social workers' perspectives what changes are needed to eliminate sentencing disparities.

Values and Ethics

The purpose of this qualitative research study was to explore the experiences of social workers who provide sentencing advocacy for youth of color. According to the NASW Code Of Ethics social workers have a mission to “enhance human well-being and help meet the basic human needs of all people, with particular attention to the needs and empowerment of people who are vulnerable, oppressed and living in poverty” (NASW, 2017, p. 3). The intersections of race, gender, and age make minority male youth particularly vulnerable and susceptible to contact with the criminal justice system. This research study was conducted to make recommendations for equity in sentencing based on the experiences of social workers providing sentencing advocacy for youth of color. This study related to the NASW Code of Ethics in regard to social workers promoting social change on behalf of their clients. Social change has been the foundation of the social work profession since its inception (Ratliff & Willins, 2018). Furthermore, Section 6.04 of the NASW (2017) Code of Ethics states “Social workers should be aware of the impact of the political arena on practice and should advocate for changes in policy and legislation to improve social conditions in order to meet basic human needs and promote social justice” (p. 10).

This research study is in alignment with the value of social justice in addition to the ethical principle to challenge social injustice. This research study may provide criminal defense teams including attorneys and forensic social workers a better understanding of the experiences of providing sentencing advocacy for minority youth. Further, the findings of this study can influence policy makers and inform legislation that

could positively impact criminal justice reform which support the value of social justice. The legal system is impacted by social work research, advocacy, and policy development (Ratliff & Willins, 2018).

Review of the Professional and Academic Literature

In the United States, racial disparities exist throughout various processing points during criminal proceedings for juvenile defendants, becoming especially prevalent during the penalty phase (Donnelly, 2017). Furthermore, young Black males receive sentences that are 7.8% longer than White youth (Lehmann et al., 2017). Although researchers have conducted studies on the role social workers play throughout the pre-trial process, there are gaps in services in the juvenile justice system that contribute to sentencing disparities (Leiber et al., 2016). The purpose of this study was to explore the experiences of social workers who use mitigation to influence sentencing outcomes for minority youth.

The following section contains an in-depth literature review beginning with a description of the literature search strategy conducted including terminology used to identify relevant scholarship. Included in the remainder of this section is a review of literature on forensic social workers and criminal defense. Within the review of literature, the theoretical foundation of this study will be examined. The section will conclude with a summary.

Literature Search Strategy

I used several methods to obtain relevant literature for this review to ensure an exhaustive search of germane scholarship. Comprehensive online searches were

conducted through the Walden University electronic library to acquire recent peer-reviewed scholarly articles relating to social workers and juvenile justice with a particular focus on criminal defense. Google Scholar was used to search for additional contextual information on the topic of the intersection of race, gender, and ethnicity and its impact on sentencing outcomes. When looking for peer reviewed articles through Google Scholar, I narrowed the search by selecting “peer review.” Additional filters were used such as specifying the date range to ensure results fit the proper requirements for peer reviewed scholarly articles approved for doctoral research at Walden University. Specific focus was given to articles related to social workers and juvenile criminal defense. Key terms and phrases that yielded results were *race, ethnicity, intersectionality, gender, African American youth, racial disparity, disproportionate minority contact, forensic social work, and sentencing*. I also used Sage Journals, PsycINFO, ProQuest and Social Science Research Network (SSRN) to search for and obtain complete full text peer reviewed articles, which had been published within 5 years. Additional assistance from Walden University librarians was helpful in developing search methodologies that were efficient and resourceful yielding search results that were relevant to this study.

Theoretical Foundation

Critical race theory (CRT) reveals how the legal system uses race to establish and sustain hierarchies and challenges the status quo by applying strategies that reject legal liberalism (Capers, 2014). CRT employs five main tenets: (a) embedded racism, (b) rejection of liberalism philosophy, (c) interest convergence, (d) value of Whiteness, and (e) minority perspectives to examine social structures and policies that perpetuate racial

inequality and identify the causal relationship between race, power, and the preservation racial inequality (Kolivoski et al., 2014).

The first and main tenet of CRT is the belief that racial inequality is deeply embedded in all parts of society as a result of racism existing on both a conscious and subconscious level. Racial inequality remains in existence well after deliberate racism is eliminated (Carbide & Roithmayr, 2014). This subconscious racism is impacted by one's past wielding current effects that are often unrecognizable, making it challenging to address. Critical race theorists point out that this ingrained racism is the foundation that supports and maintains White privilege (Capers, 2014; Kolivoski et al., 2014). The belief in a post racial society further gives credence to the subconscious racism argument (Alexander, 2010). CRT also declares that liberalism is disingenuous in its pursuit of equality through neutrality in the law (Saccomano, 2019). Prior theory and research on sentencing oversimplify the role of race, gender, and age in judicial decision making (Steffensmeier et al., 1998), and the tradition of the law relies on characteristic factors assessed by intrinsic superiority and wealth, allowing Whites to benefit from racial and gender bias in the criminal justice system (Saccomano, 2019). Liberalism's attempt to level the playing field is viewed as futile by critical race theorists because it rests on the belief that all people have the same opportunity (Kolivoski et al., 2014). CRT critiques this notion as an irresponsible use of power, which undermines minority interests (Carbado & Roithmayr, 2014).

Despite these criticisms, CRT recognizes that Whites are not incentivized to dismantle systemic racism, as it could shift the balance of power (Kolivoski et al., 2014).

CRT asserts however that equality can only exist when the interests of White elites join with that of the disenfranchised (Carbado & Roithmayr, 2014). People of color rarely benefit from advances on behalf of white elites. Despite whites benefiting from trauma informed care initiatives and the social movement to treat substance abuse as a mental health crisis, Buckingham (2016) argued that the inclusion of mitigation has proven to be aggravating and harmful to minority youthful offenders. The stories of minorities are devalued and proven to be less persuasive in sentencing practices. CRT asserts that the information gained through the lived experiences told through minority narratives are vital to Whites understanding of racism and oppression (Kolivoski et al. 2014).

CRT provides social workers with a framework to analyze how the intersections of race, gender, and socioeconomic status place minority youth at a disadvantage during sentencing procedures. Forensic social work practitioners who apply CRT should be aware how certain mitigating factors can put their minority clients at risk of receiving punitive sentences. CRT enables social work practitioners with the ability to identify how race impacts and influences other aspects of criminal justice system such as adjudication, plea negotiations, and jury selection. The forensic social work practitioner can apply CRT to their direct practice through client advocacy and education.

Empirical Literature

Disproportionate Minority Contact

DMC refers to rates of contact with the juvenile justice system among juveniles of a specific minority group that are significantly different from rates of contact for White non-Hispanic juveniles (The Office of Juvenile Justice and Delinquency Prevention,

2014). Numerous amounts of data exist highlighting DMC in the juvenile justice system (Spinney, 2018). However, there is no consensus on the reason for the overrepresentation of minority youth in the juvenile justice system. But there are several schools of thought regarding how racism, on both a conscious and subconscious level, contributes to the overrepresentation of minority youth in the juvenile justice system (Dawson et al., 2018; Duran & Posadas, 2013; Jones, 2016; Majumdar, 2017).

Although several other contributing factors exist, there are two main explanations for the disproportionate amount of minority youth involved in juvenile justice system. Researchers claim that racial disparities, specifically, differential offending and racial bias among key decision makers within the juvenile justice system, contribute to the mass incarceration of minority youth (Dawson et al., 2020; Donnelly, 2019). The first reason for the prevalence of DMC is differential offending theory, which posits that the disproportionate representation of minority youth is a result of them committing disproportionate amounts of crime (Shannon, 2018; Spinney, 2018).

The second generally held explanation for the cause for DMC, differential treatment theory, holds that minority youth intentionally and inadvertently receive unequal treatment in the juvenile justice process (Shannon, 2018). This theory also aligns with the theory for this research project, CRT, which holds that racial inequality is deeply embedded in all parts of society as a result of racism existing on both a conscious and subconscious level (Carbado & Roithmayr, 2014; Capers, 2014; Kolivoski et al., 2014). The overrepresentation among juvenile offenders throughout all stages of the court system is directly related to race and ethnicity (Leiber & Beck, 2013). To address DMC,

the Office of Juvenile Justice and Delinquency Prevention (OJJDP) emphasized nine contact points (a) point of arrest, (b) referral to court, (c) diversion, (d) secure detention, (e) petition/indictment, (f) delinquent findings, (g) probation, (h) confinement in secure correctional facilities and, (i) transfer to criminal/adult jurisdiction, throughout the process stages at which to combat the overrepresentation of minorities among juvenile offenders (Spinney, 2018).

To establish new policy recommendations to decrease the overrepresentation of minority youth involved in the juvenile justice system, several research studies, along with micro and macro theories, provide a more holistic view of the racial disparities that exist within the various stages of the juvenile justice system (Shannon, 2018; Spinney, 2018). One major disparity is “cumulative disadvantage,” which suggests that minority youth have a greater chance of being arrested and coming in contact with and remaining in the criminal justice system (Shannon, 2018; Spinney, 2018). The first is the racial/ethnic selection bias perspective, which argues that minority youth are treated unequally due to biases in the court system. Additionally, labeling and conflict theory, which suggests majority groups utilize power to keep social control over minority groups, is used to account for the perpetuation of stereotypes and biases that exist within the juvenile justice system (Mallett, 2018). The following sections examine literature regarding DMC at the arrest, judicial disposition (sentencing), and transfer stages in the juvenile justice processing.

Arrest/Referral to Court. There are several ways that youth encounter the juvenile justice system compared to the criminal justice system. In addition to an arrest

by a police officer, youth can also be referred to juvenile court by a parent/guardian or school official (Marchbanks et al., 2018). The point of arrest accounts for the majority of disparity in the juvenile justice process (Jones, 2016). Duran and Posadas (2013) conducted a quantitative research study on the existence of disproportionate minority contact (DMC) in New Mexico and the variations for Hispanics, Native Americans, and African Americans in comparison to Whites during a 7-year period. Researchers used the statewide Family Automated Client Tracking System (FACTS) data from 2002 until 2008 totaling 509,574 cases. Hispanics, Native American and African Americans youth were compared to Whites using the relative rate index (RRI) formula (Duran & Posadas, 2013). The results of this study showed that although black youth only comprised 2 percent of the youth population, they had the highest rates of overrepresentation, the lowest rate for participation in diversion, and double the arrest rates as compared to Whites (Duran & Posadas, 2013). A more recent quantitative study explored DMC reduction at the arrest stage in 5 urban and 5 rural settings using arrest, confinement and transfer data. Researchers discovered that although there was a slight reduction in arrest and confinement of DMC in rural areas, minority youth were still overrepresented at the arrest stage in both rural and urban settings compared to white youth (Jones, 2016). The effects of race were still prevalent across geographic locations even when the study controlled for violent offenses and highlighted that street culture “provides minority youth, especially those in urban areas, with greater opportunities to engage in crime, and especially more violent crime” (Jones, 2016, p. 43).

While these findings may support the differential involvement notion that minority youth engage in more criminal activity, it can also be evident of biased law enforcement practices. In a recent quantitative study, researchers used longitudinal data to study whether African Americans report more negative interactions with law enforcement than Whites (Unnever et al., 2019). Researchers discovered that minorities reported higher level of negative interactions with law enforcement despite controlling for additional precipitating factors like gang involvement, impulsiveness, and mental health issues using data from the Project on Human Development in Chicago Neighborhoods (Unnever et al., 2019). Contrary to the findings in Jones (2018), a more recent longitudinal assessment study of 1,216 male adolescents on the associations between race and history of self-reporting using data from youth self-reported offending (SRO) concluded that minority youth were more likely to be arrested compared to White youth even after controlling for parental education, age, environmental factors, and offense type (Padgaonkar et al., 2020). These findings repute the differential offending perspective noting contact by law enforcement evidenced racial bias. These conflicting findings suggest that it is difficult to prove if arrest differentials are caused by differential offending or biased law enforcement practices and researchers disagree regarding the accuracy of self-reporting verses arrest data (Anderson, 2015; Feinstein, 2015).

Judicial Disposition (Sentencing). Several research studies reveal a direct correlation between race and judicial disposition (Evangelist, 2017; Leiber and Beaudry, 2016; Leiber and Peck, 2013) while other studies have found that minority youth are less likely to be formally adjudicated in comparison to White youth (Peck & Jennings, 2016).

This “corrective effect”, where judges impose less punitive sentences for minority youth in order to rectify for bias treatment at arrest, is an anomaly in that minority youth are still overrepresented in juvenile transfers where ultimately, they face harsher sentences in the adult criminal justice system (Bryson and Peck, 2019).

Regardless of the findings that minority youth receive less harsh dispositions, community dispositions are more likely to be granted to White youth, such as probation or diversion (Evangelist, 2017). A quantitative research study which explored how participants’ perceptions of minority youth perpetuate stereotypes which contribute to the idea that they are similar to adults in culpability thus supporting the use of severe sentencing concluded that the differences in participants’ perceptions affect legal precedent which establishes youthful offenders are less culpable than adults and protects juveniles from punitive sentences (Rattan et al. 2012). The findings of this study highlight the fragility of protections for youth when race is involved (Rattan et al. 2012).

In a more recent quantitative study, researchers evaluated whether interventions implemented according to the DMC mandate reduced disparities in juvenile processing using juvenile court records from Pennsylvania from 1997 through 2011, by estimating the degree to which racial disparities were involved in the decision making for secure placement prior to and after DMC reform. Using the Gelbach decomposition, the study identified contributing factors to racial disparities in secure placement decision making. The results of the study showed that prior to the DMC mandate, 37% of African American cases resulted in detention as compared to 16% of Whites. Although detention rates declined after DMC reforms, African Americans remained disproportionately

represented in detention facilities compared to White youth who generally receive therapeutic programs (Donnelly, 2019). Several researchers however acknowledge limitations in many of these studies as they do not consider juveniles who are transferred to the adult criminal justice system (Leiber et al., 2016).

Juvenile Transfer. Minority youth are transferred to the adult criminal justice system at much higher rates compared to whites (Puzzanchera & Hockenberry, 2017) although there is not a consensus on the degree that race plays in waivers to adult court. Lehman et al., (2017) conducted a study on the direct effects of race and ethnicity on sentencing juveniles who were transferred to the adult criminal court. Prior research (Bales & Piquero, 2012) had been conducted on the intersections of race, gender and age and sentencing outcomes however Lehman et al. (2017) noted that few studies have shown how these variables have affected juvenile sentencing. Data from 30,913 juvenile transfers in Florida from 1995 and 2006 from the Florida Sentencing Guidelines database was used for this study on the direct effects of race and ethnicity on sentencing juveniles who were transferred to the adult criminal court. Lehman et al. (2017) used a hierarchical multinomial logistical regression to examine the effects of race and ethnicity in order to answer the research question of whether Black juvenile transfers were more likely to receive prison sentences compared to their White counterparts. Not surprisingly the study showed that Black transfer youth were 2.349 times more likely to receive a sentence to prison versus supervision or probation and received sentences that were 7.8% longer than their White counterparts (Lehman et al., 2017).

In a more recent study researchers examined transfer decisions of youth who were eligible for judicial waiver based upon race and gender using data derived from the National Juvenile Court Data Archive from 2004 through 2014. Using intersectionality perspective as the theoretical framework, research findings showed that African American youth were 72 percent more likely to be transferred to adult court than their White counterparts, even when controlling for legal variables (Bryson and Peck, 2019). Similar findings from a study which conducted a randomized experiment to examine the relationship between a juvenile's transfer status and criminal justice system (CJS) actors' decision making showed that White respondents preferred harsher sentences for Black male transferred juveniles, proving the researchers' theory that a juvenile's transfer status acts as a cognitive heuristic influence on CJS workers sentencing preferences (Lehman et al., 2019).

Social Workers Role in Juvenile Court Processing, Sentencing, and Mitigation Efforts

Social workers have been working with the forensic population since the formation of the National Conference of Charities and Corrections in 1879 (Ratliff, 2018). According to Maschi et al. (2019) "the use of both terms 'charities' and 'corrections' suggests the early pioneers saw the importance of including justice issues in the conceptualizations of compassionate social services and policy and the law as a proper venue for social workers as actors and advocates" (pg. 178). Since Congress first passed the Juvenile Justice and Delinquency Prevention Act (JJDP) in 1974 requiring states to adhere to two requirements in order to receive federal grants, there have been several amendments including a mandate to address and reduce DMC in 1988 (OJJDP,

n.d.). The first requirement, “Deinstitutionalization/Deincarceration of Status Offenders” (DSO) excluded status offenders from being detained. The second requirement, known as “Sight and Sound Separation” prohibits adult contact with juveniles in jails (OJJDP, n.d.). Social workers have been involved in various efforts to reduce DMC at all stages of the juvenile justice system with the primary focus on diversion and delinquency prevention (OJJDP, n.d.). Social workers have more recently been involved providing mitigation and sentencing advocacy at the disposition stage (Maschi et al., 2017).

Judges, prosecutors, and other system actors rely on mostly limited and biased information such as police reports, general demographics and prior offenses when making sentence recommendations and decisions for juveniles (Fader et al., 2014). This decision making, process, known as causal attribution, is based in perceptions and stereotypes (Fader et al., 2014). Lehmann et al. (2019) explained how race influences system actors’ decision making:

In the absence of sufficient information about offenders, justice system actors can use mental shortcuts or “perceptual shorthand” when evaluating the three focal concerns. These causal attributions or “cognitive heuristics” can include stereotypes that link race, gender, and outcomes from earlier processing stages to the likelihood of future criminal activity. (p. 516)

As elected officials, judges are tasked with ensuring public safety and decreasing the uncertainty that individuals will re-offend (Fader et al., 2014). Social workers have been employed by courts, district attorneys, and public defenders to reduce uncertainty through mitigation (Ratliff, 2018). Social workers who primarily work in public defense

gather trauma and social histories of clients through biopsychosocial reports in an effort to identify sentence alternatives for youthful offenders (Thomas & Wilson, 2017).

Buckingham (2016) however pointed out that despite the juvenile courts shift towards trauma informed sentencing decisions, the inclusion of this information has not benefited minority youthful offenders but instead has been seen as a harmful aggravating factor; thus, highlighting the disparities and racial bias that exists in the juvenile justice system.

Social workers who are employed by the courts face a unique challenge when providing court mandated treatment to minority youth (Crosby, 2016). The understanding of the role of race and culture is important in the treatment of minority youthful offenders. A majority of African American youth fear that mental health practitioners with different cultural backgrounds will be biased and unrelatable. Greenberg et al. (2018) noted that a large portion of minorities experience interethnic transference evidenced by a reluctance to create a therapeutic rapport with non-minority practitioners. In a more recent qualitative study on trauma informed approaches to juvenile justice, researchers used critical race theory as a way to combat racism within the juvenile justice system. According to Crosby (2016), social workers who provide mandated treatment can be seen as part of the system which evokes feelings suspicion and mistrust from minority youth.

Social worker participation in court-ordered treatment suggests that we may be unintentionally participating in a system that at best provides a more humane diversion from punishment or at worst colludes with an oppressive social structure. In addition, given the enormous financial incentives inherent in the

mandatory treatment industry, the profession risks participating in a muddled enterprise where clinicians pretend to treat, and clients pretend to comply at the behest of the criminal justice system. (p. 11).

Crosby (2016) argued the main challenge for the social workers is convincing minority youth to buy into a system based on western customs, which can be culturally insensitive. Understanding race and culture therefore is critical in engaging minority youth in court mandated treatment as well as including minority social workers in the process (Crosby, 2016).

White youth are more likely to be provided with opportunities for diversion and have more contact with social workers employed by district attorney's offices compared to minority youth (Cochran & Mears, 2015). Intake is regarded as one of the most critical stages in juvenile justice processing since "diversion can keep young people from deeper involvement with the juvenile justice system, it has the potential to ameliorate the processes through which racialized youth become criminalized at much higher rates than legally similar white youth" (Schlesinger, 2018, p. 59). Consistent research findings suggests that minority youth are more likely to be formally processed than afforded diversion opportunities or "youth discounts" (Leiber et al., 2016), further supporting the theory that the intake process is "the most significant source of racial disparities in case processing" (Feld, 2018, p. 9). Social work intervention at this stage is vital as Mears et al. (2016) notes "empowering intake officers in this way, the court avoids the potential pitfalls of the more adversarial process that can unfold during formal proceedings, and it

infuses a “social work” sensibility into decision making about a large swath of youth referred to juvenile court” (p. 4).

Summary

Throughout the United States, and particularly Louisiana, minority juvenile offenders experience racial disparities from the point of arrest (Padgaonkar, 2020). Nowhere are these disparities more prevalent than at the penalty phase (Donnelly, 2017). Social workers who provide sentencing advocacy for minority youth face many challenges in helping their clients receive outcomes that are fair and appropriate. These challenges can be difficult to overcome when working within a system where a client’s race, age, and gender acts as a cognitive heuristic for criminal court judges’ decision making (Lehman et al., 2019). While youthfulness and other mitigation evidence can benefit White defendants by reducing culpability, these factors can be aggravating for youth of color, resulting in punitive sentences.

Several research studies have been conducted on the effectiveness of social work advocacy throughout the pre-trial process, however, Leiber et al., (2016) reveal gaps in services in the juvenile justice system that perpetuate sentencing disparities, noting the need for further research on race effects during sentencing. According to the NASW “Social workers should promote and facilitate evaluation and research to contribute to the development of knowledge” (NASW, 2017). CRT provides the framework for forensic social work practitioners who work within the criminal justice system to understand the unique challenges of this population and begin to navigate the current system while simultaneously working towards reform.

The problem of sentencing disparities between minority and White youth is important to social workers. According to the NASW (2017) social workers have a mission to “enhance human well-being and help meet the basic human needs of all people, with particular attention to the needs and empowerment of people who are vulnerable, oppressed and living in poverty” (NASW, 2017, para. 1). Forensic social workers are tasked with providing mitigating information during sentencing hearings for juveniles in an effort to persuade the courts to impose sentences that are equitable and appropriate. Additional information is needed to understand how systemic issues and gaps in services in the juvenile justice system perpetuates sentencing disparities. This research study sought to understand the experiences of social workers who make recommendations for sentencing in the juvenile court system.

Section 2: Research Design and Data Collection

The social problem related to this project is sentencing disparities between minority and non-minority adolescents. The purpose of this study was to explore the experience of social workers who use mitigation to influence sentencing outcomes for minority youth. Section 2 describes the research design and the methodology including details regarding participants, instrumentation, and data collection.

Research Design

Basic qualitative research was the methodology used to understand the experiences of social workers who provide sentencing advocacy for minority youth and their perceptions of the disparities and ways to address them. The following research questions explored what the experiences of social workers in Louisiana involved in addressing sentencing disparities of minority youth were and the changes they perceived as necessary to reduce or eliminate these disparities:

RQ1: What are the experiences of social workers in Louisiana involved in addressing sentencing disparities of minority youth?

RQ2: What changes do social workers in Louisiana involved in addressing sentencing disparities of minority youth perceive as necessary to reduce or eliminate disparities?

This study is suited for a qualitative approach because social workers' experiences in providing sentencing advocacy are vital to address and mitigate the disparities within the juvenile justice system. Qualitative social work research is used to address concerns that apply to social work practice (Carey, 2017, p. 8).

Methodology

I used individual interviews via Zoom to interview forensic social workers in Louisiana regarding their experiences related to sentencing advocacy for minority youth. Semistructured individual interviews provide much more flexibility allowing space for spontaneity (Lune & Berg, 2017). Unlike other methods used in large studies to measure various periods in time with the same data, participants in semistructured interviews are encouraged to elaborate and defend their beliefs, which yields more detailed responses (Lune & Berg, 2017). The added benefits of virtual interviews are that they are cost efficient and provide a convenient and comfortable way for participants from various geographic locations to be included (Lune & Berg, 2017).

Participants

The participants consisted of criminal defense-based forensic social workers who work with system involved youth and practice in Louisiana. The Louisiana Public Defenders Board directory was used to obtain contact information for forensic social workers/mitigation specialists located in five different districts to ensure an adequate number of participants. Participants were contacted via phone calls and email. Additionally, as a former forensic social worker, I used my network to gain access to social workers who work with adolescent defendants and make sentencing recommendations in juvenile justice systems in Louisiana.

The term *forensic social worker* refers to social workers who practice within the criminal justice system. Recruiting forensic social workers as participants aligns with the

practice focus questions of the research project. The important role social workers in the criminal justice system is to:

work with clients and litigation teams to fashion multifaceted mitigation. This process involves developing comprehensive biopsychosocial assessments, timelines, and family and social histories; working closely with each client throughout the proceedings, paying special attention to their unique needs; and engaging in reentry planning in collaboration with family and community partners that provide viable avenues for skill building. This client-centered, developmental approach has empowered court-involved youth to have their voices heard and recognized their need to be treated fairly and their right to make certain decisions about their cases. (Ratliff & Willins, 2018, p. 9)

The sample size was six participants. Six is the minimum amount for individual interviews for a small research project where saturation can be achieved (Fugard & Potts, 2015). Individual interviews with a large number of participants can lead to a waste of resources resulting in “unnecessary data” and “elaboration of information that is not relevant for the aim of the study” (Malterud et al., 2016, p. 1758). Individual interviews can be easier to manage and provide an environment for participants to be more forthcoming and engage in intimate conversation.

Instrumentation

The use of individual interviews in this study allowed participants to share their experiences as social workers providing sentencing advocacy for minority youth. I sent initial invitations via email and phone to social workers through publicly available

contact info to participate in individual interviews held via Zoom. Email invites included a description of study form introducing myself as a doctoral student at Walden University who is conducting individual interviews consisting of social workers who have a minimum of a master's degree in social work and experience working with youth of color in the juvenile justice system, from arrest through the sentencing phase. Email invitations minimized coercion and permitted potential participants to opt out with minimal fear of retaliation or other negative consequences.

The email also included informed consent forms. The informed consent procedure provided adequate time for potential participants to review the study information and ask questions before giving consent. The language was tailored to participants (social workers) while maintaining professional tone. The consent form included inclusion criteria such as social workers who work with court involved juveniles and provide advocacy and an understandable explanation of the research purpose. The consent form indicated the time commitment and clearly stated that participation is voluntary and that the participant has the right to decline or stop participation at any time. The consent form also included an understandable description of the data collection process and member checks as well as a description of the anticipated benefits to society and social work practice from the results of the study.

The individual interview protocol assisted in preparing for the interview questions by reiterating the purpose of the study, informed consent, and voluntary participation (Appendix A). In order to adequately prepare for the interview process, researchers should gather information in an effort to understand participants' perspective and

knowledge of the identified problem (Stringer & Aragón, 2020). Thought was put into the educational background and demographics of research participants in order to develop a relevant interview protocol and interview process. The effectiveness of semi structured individual interviews relies on standardized questions with familiar verbiage and flexibility (Lune & Berg, 2017).

Interview questions are designed to be open ended as this will allow participants expand upon their ideas, thoughts, feelings and experiences related to research problem (Stringer & Aragón, 2020). I developed culturally sensitive interview questions to minimize the possible embarrassment of certain participants since the social work practice problem of sentencing disparities between youth of color and Whites involves race and may elicit discussions of privilege (Appendix D). Researchers should take into account how participants may react to certain questions and try to make sure that questions are not critical or judgmental (Stringer & Aragón, 2020). In addition, the theoretical framework of this study, critical race theory, which holds that racial inequality is deeply embedded in all parts of society as a result of racism existing on both a conscious and subconscious level, is helpful in developing an informed interview protocol and subsequent interview questions (Kolivoski et al., 2014).

Data Analysis

The purpose of the study is what guides the data analysis process (Nowell et al., 2017). The purpose of this study was to explore the experience of social workers who use mitigation to influence sentencing outcomes for minority youth. Keeping the purpose in mind during data analysis helps the researcher effectively identifying themes from

feedback, extract, and delete irrelevant information and stay on task with managing data (Nowell et al., 2017). I used thematic analysis to identify themes from data gathered from the individual interviews. Thematic analysis not only identifies patterns of meaning in the data but also interprets it, therefore it requires the researcher to possess a certain level of knowledge which enables greater participation (Mackieson et al., 2019).

Demographic details such as age, ethnicity, and number of years working were shared in final results; however, they were not shared in a manner that would render participants identifiable because identifying information such as names, titles etc. were omitted. To ensure confidentiality when sharing the final results of research studies using individual interview data, Lune and Berg (2017), suggests to “systematically change each subject’s real name to a pseudonym or case number when reporting data” (pg. 48).

The audio-recorded interviews with the six participants were transcribed verbatim and imported as source files into NVivo 12 software. NVivo is computer-assisted qualitative data analysis software that does not automate the analysis process, but instead maintains the coding scheme the researcher develops from the data to enhance the trustworthiness of the findings and the integrity of the analysis process (Leech & Onwuegbuzie, 2011). The six-step, inductive, thematic analysis procedure described by Braun and Clarke (2006) was applied to the data. An inductive procedure was consistent with the exploratory purpose of this study because, by clustering participant responses into codes and themes according to the meanings that emerge from them rather than sorting them into predefined categories, the researcher can allow unanticipated themes and insights to emerge (Braun & Clarke, 2006). A thematic procedure was appropriate

because it enables the researcher to identify as the major findings in the study themes that represent the experiences of multiple participants, thereby making the findings more robust, because they incorporate multiple perspectives (Braun & Clarke, 2006).

In the first step of the analysis, the data was read and reread in NVivo in full to gain familiarity with it (Braun & Clarke, 2006). Handwritten notes were made during this step regarding potential patterns in participants' responses. The second step of the analysis consisted of coding the data. Phrases or groups of phrases relevant to participants' experiences as social workers who use mitigation to influence sentencing outcomes for minority youth were excerpted from the transcripts and assigned to an NVivo node. The nodes represented initial codes, and they were labeled with brief, descriptive phrases summarizing their relevant meanings. When different transcript excerpts had similar meanings, they were assigned to the same code.

The third step of the analysis involved searching for themes by grouping related codes. In the fourth step of the analysis, the themes were reviewed to ensure they accurately represented participants' responses and to ensure they did not overlap or encompass multiple ideas that could be more clearly presented as two or more smaller themes. The fifth step of the analysis consisted of naming the themes with propositional phrases that clarified their relevance to addressing the research questions. The sixth step of the analysis involved creating the presentation of findings.

Strategies for Validation

Several methods were used to address the rigor of the study. Lincoln and Guba (1985) developed criteria for evaluating the reliability and validity of qualitative analysis.

The term trustworthiness was used by Lincoln and Guba as a way for researchers to accurately report the analysis process thus denoting that their research findings were worth attention (Elo et al., 2014 p. 2). Credibility, transferability, dependability, and conformability are the criteria for the trustworthiness of a qualitative content analysis (Nowell et al., 2017). Researchers establish transferability by providing evidence of the applicability of their research findings to other populations (Tobin & Begley, 2004).

Dependability is established through an external audit and critique of the research process itself (Tobin & Begley, 2004). Credibility refers to the plausibility of the correct interpretation of the views of participants in the research findings and is achieved through extended observation, consistent involvement, triangulation and peer review (Korstjens & Moser, 2018). Conformability refers to degree in which research findings are corroborated by other researchers. This is most often achieved once dependability, credibility and transferability are established (Nowell et al., 2017).

I was able to achieve credibility in my research project by conducting member checks via email/phone to help improve the accuracy, credibility, and validity, of the study. According to Hayashi et al. (2019) descriptive validity accurately presents facts without “alteration or aggrandizement” (pg. 100). Conducting member checks enhances the trustworthiness of the research study by confirming participants’ answers thus increasing its credibility (Chase, 2017). Transferability will be enhanced by providing a detailed description of participant demographics and setting to allow readers to make their own inferences about transferability of the findings.

Ethical Procedures

Researchers should familiarize themselves with procedures used to ensure the ethical protection of participants. According to sub-section (d) of section 5.02 Evaluation and Research of the National Association of Social Workers (NASW) Code of Ethics “Social workers engaged in evaluation or research should carefully consider possible consequences and should follow guidelines developed for the protection of evaluation and research participants. Appropriate institutional review boards should be consulted” (NASW, 2019, para. 2).

I invited various participants from different organizations via phone and email in order to ensure a diverse sample (Appendix A). The language of the email as well as interview protocol and questions are tailored to participants (social workers) while maintaining a professional tone. The email included details of the study as well as a consent form that describes how privacy will be maintained by stating that I, the researcher, will not use their personal information for any purpose outside of this research project.

Data were kept secure by using password protection to protect the information from the study that was transcribed, including codes in place of names, and is encrypted on a flash drive that is locked up in a file cabinet that has a double lock system in accordance with Institutional Review Board procedures for ensuring data protection. I have sole access to the data which will be maintained for a period of 5 years as required by the university, after which I intend to destroy by shredding. The names of participants

were discarded after completing the study in an ethical and secure way to maintain confidentiality.

As a social work researcher, it is my ethical obligation to follow procedures to ensure the safety and confidentiality of the research participants. The NASW Code of ethics states in sub-section (e) of section 5.02 Evaluation and Research that “Social workers engaged in evaluation or research should obtain voluntary and written informed consent from participants, when appropriate, without any implied or actual deprivation or penalty for refusal to participate; without undue inducement to participate; and with due regard for participants’ well-being, privacy, and dignity. Informed consent should include information about the nature, extent, and duration of the participation requested and disclosure of the risks and benefits of participation in the research” (NASW 2019, para 4).

In order to personally ensure that my study met the standards of ethical research, issues of informed consent was addressed in the initial email. The informed consent procedure provided adequate time for potential participants to review the study information and ask questions before giving consent. The consent form included inclusion criteria such as social workers who work with court involved juveniles and provide advocacy. The consent form also contains an understandable explanation of the research purpose which is to explore the experience of social workers who use mitigation to influence sentencing outcomes for minority youth.

The consent form includes an understandable description of the data collection process including focus groups and member checks. Participants are also informed that

the time commitment for the study would be 1 hour. The consent form clearly states that participation is voluntary and that the participant has the right to decline or stop participation at any time. Participants were forewarned that being in this type of study involves some risk of the minor discomforts that can be encountered in daily life, such as emotional reactions related to experiences to include stress however being in this study would not pose risk to participants' safety or wellbeing.

The consent form preserves the rights of participants and does not ask them to waive their legal rights and explains and describes the participants can contact me, the researcher, via phone or email for general questions about the study and the university's Research Participant Advocate (if they have questions about their rights as participants). Finally, the consent form indicates there will be no payment for participating.

Summary

The purpose of this study was to explore the experience of social workers who use mitigation to influence sentencing outcomes for minority youth. I used individual interviews to interview forensic social workers in Louisiana regarding their experiences related to providing sentencing advocacy for minority youth and use the results to understand how systemic issues and gaps in services in the juvenile justice system perpetuates sentencing disparities and develop ways to address them. I used the six phases of thematic analysis: (a) becoming familiar with your data, (b) generalizing initial codes (c) search for themes (d) review themes (e) defining and naming themes, and (f) producing the report to identify themes from data gathered from the individual interviews. These themes will contribute to a final concise report of the thematic analysis

which will include direct quotes from participants and offer a rational and articulate description of the data throughout the various themes (Nowell et al. 2017). Procedures were used to ensure the ethical protection of participants in accordance with the Institutional Review Board (IRB) consent process and NASW code of ethics regarding ethical responsibilities in evaluation and research.

Section 3: Presentation of the Findings

The purpose of this basic qualitative research study was to explore the experience of social workers who use mitigation to influence sentencing outcomes for minority youth. To achieve the study purpose, data were collected through one-to-one, semistructured interviews with six forensic social workers in Louisiana. The following research questions were developed to guide this study:

RQ 1: What are the experiences of social workers in Louisiana involved in addressing sentencing disparities of minority youth?

RQ 2: What changes do social workers in Louisiana involved in addressing sentencing disparities of minority youth perceive as necessary to reduce or eliminate disparities?

Section 3 is a presentation of the study findings I identified by executing the data collection and analysis procedures described in Section 2. This section also includes a description of the data analysis technique used in this study, followed by a presentation of the findings. This section concludes with a summary of the findings.

Data Analysis Techniques

The audio-recorded interviews were transcribed verbatim into Microsoft Word and imported as source files into NVivo 12 computer-assisted qualitative data analysis software. The data analysis procedure applied to the data was the six-step, inductive, thematic technique described by Braun and Clarke (2006). In the first step of the analysis, the data were read and reread in NVivo in full to gain familiarity with it. Handwritten notes were made during this step regarding potential patterns in participants' responses.

The second step of the analysis consisted of coding the data. Phrases or groups of phrases relevant to participants' experiences as social workers who use mitigation to influence sentencing outcomes for minority youth were excerpted from the transcripts and assigned to an NVivo node. The nodes represented initial codes, and they were labeled with brief, descriptive phrases summarizing their relevant meanings. When different transcript excerpts had similar meanings, they were assigned to the same code.

The third step of the analysis involved searching for themes by grouping related codes. In the fourth step of the analysis, the themes were reviewed to ensure they accurately represented participants' responses and to ensure they did not overlap or encompass multiple ideas that could be more clearly presented as two or more smaller themes. The fifth step of the analysis consisted of naming the themes with propositional phrases that clarified their relevance to addressing the research questions. The sixth step of the analysis involved creating the presentation of findings.

Credibility and confirmability were strengthened in this study through member checking, in which my interpretations of the data were emailed to participants with a request that they either verify the accuracy of those interpretations or recommend corrections. All participants verified the accuracy of the interpretations, providing evidence that the interpretations were accurate and reflected the participants' views. Dependability was strengthened in this study through the presentation of detailed descriptions of the study methodology, design, and procedures and their rationale in Section 2. These descriptions enable the reader to verify the integrity of the procedures independently. To enable the reader to assess transferability, descriptions of the study

setting, and sample have been provided. Direct quotes from the data have been provided in the presentation of results as evidence and thick description of all findings to enable the reader to better assess transferability and verify confirmability independently through a comparison of the findings with participants' own words.

Findings

Six forensic social workers in Louisiana provided one-to-one, semistructured interview data. Table 1 indicates the demographic characteristics of the participants.

Table 1

Participant Demographics

Participant	Gender	Race or ethnicity	Years of experience as a forensic SW	Previous clinical experience
P1	Female	Hispanic		Internship in Public Defender's office
P2	Female	Indian		Save the Children
P3	Female	White		Internship
P4	Female	White		Internship in an outpatient facility for youth
P5	Female	White		Internship in Public Defender's office
P6	Female	White		Internship in Public Defender's office

Four themes were identified in the data as the major findings in this study. The themes were named to clarify their significance as answers addressing the research questions. In the more detailed presentation of the findings that follows, the codes grouped to form each theme and the number of transcript excerpts included in each code and theme are indicated. As a preliminary overview, Table 2 indicates how the themes were used to address the research questions.

Table 2*Themes Used to Address Research Questions*

Research question	Themes
RQ1: What are the experiences of social workers in Louisiana involved in addressing sentencing disparities of minority youth?	Theme 1. Racial disparities disadvantage youth of color at all stages of system involvement Theme 2. Positive changes include community involvement and sentencing alternatives
RQ2: What changes do social workers in Louisiana involved in addressing sentencing disparities of minority youth perceive as necessary to reduce or eliminate disparities?	Theme 3. Policy changes and education for system actors are needed Theme 4. Social workers can advocate for youth of color to eliminate or reduce disparities

The remainder of this presentation of the findings is organized by research question. Under the subheading for each research question, the findings are organized by theme. The presentation of each theme includes a table indicating the initial codes grouped to form the theme and the number of data excerpts assigned to them, followed by discussion of the theme with evidence from the data.

Research Question 1

RQ 1: What are the experiences of social workers in Louisiana involved in addressing sentencing disparities of minority youth? The two themes used to address this question were (a) racial disparities disadvantage youth of color at all stages of system involvement and (b) positive changes include community involvement and sentencing alternatives. The following subsections are presentations of these themes.

Theme 1: Racial Disparities Disadvantage Youth of Color at All Stages of System

Involvement

All six participants contributed to this theme, and no participants provided discrepant data. Subheadings are provided in the discussion of this theme for clarity regarding the stage of system involvement being discussed. Table 3 indicates the number of data excerpts included in this theme and in the initial codes grouped to form it.

Table 3

Initial Codes Grouped to Form Theme 1

Theme	<i>n</i> of participants	<i>n</i> of data excerpts
Theme 1. Racial disparities disadvantage youth of color at all stages of system involvement	6	54
Abusive treatment from staff members in jail (pretrial)	2	2
Caseloads are almost entirely youth of color (arrest)	5	6
Derogatory treatment of youth of color in court (court)	4	6
Disparity in arrest rates between white youth and youth of color (arrest)	3	5
Pretrial white youth cases move faster (pretrial)	5	9
Racial disparity in public versus private representation (legal representation)	6	11
Sentencing disparities between white youth and youth of color in comparable circumstances are extreme (sentencing)	6	10
Special consideration for white youth by prosecutor (court)	2	3
Traumatizing treatment during arrest (arrest)	2	2

Arrest. All participants indicated that the racial disparities that disadvantaged youth of color at all stages of system involvement began with arrest rates, which were disproportionately high for youth of color. P1 described the racial disparity in arrest rates as the most pronounced inequity she had observed: “The biggest difference [racial

disparity], I would say, is that I've never had a youth who was not of color arrested that I've been aware of." This response was notable for the absolute terms in which the participant spoke in saying that in her experience, she had never been aware of a White youth being arrested. The other interviewees also reported that all or almost all youthful arrestees were youth of color. P2 stated, "The entire time I've done this work, especially in New Orleans, every kid that was getting arrested was black." Participants estimated the arrest rates for White youth and youth of color according to the racial composition of their caseloads. P3 indicated that out of an estimated 30 clients she had worked with as a forensic social worker, only one was White: "In my work, most of my clients are Black . . . I think I had one client who was White." P5 also spoke from firsthand experience in stating, "There was just a stark [racial] difference in how many clients I had, especially with the youth. I think I've maybe had two young, White clients in the last three, four years." Similar to P5, P6 remembered having only two White youth as clients in 3 years: "Nearly all of my clients were youth of color, maybe except for two. I think I had two White clients, ever, in my three years."

Participants described disparities in arrest rates as significant not only because arrests initiated system involvement disproportionately for youth of color, but because being arrested was often traumatic. P1 described police aggression as traumatizing to youth who were arrested:

When I hear youth tell me about their experiences with arrest, it often comes with a lot of trauma, in addition to maybe the fear of the arrest itself, but the actual treatment of the youth by the officers who are making the arrest. And so,

unfortunately, it's very frequent that I hear about youth being pushed down on the ground, being kicked, being hit, being spoken to with a real lack of dignity.

P6 corroborated P1's statement that police officers were often aggressive when arresting youth: "From body cam footage that I would sometimes see, or from the first interaction that [youth of color] have with that officer, there is an immediate tone and just aggression, I would say, from people in power." The racial disparities that began with the disproportionately high arrest rates for youth of color continued through all stages of system involvement.

Pretrial. Participants consistently stated that in their experience, White youth moved quickly through the pretrial process, but that the pretrial stage tended to move more slowly for youth of color. In addition, judges often set bail amounts that youth of color and their families could not afford, with the result that youth of color would often have to remain in jail while awaiting trial. P2 reported, "I noticed that the White kids don't stay jailed very long, but you see these Latino kids completely jailed and sitting for days and waiting, regardless of what their charges are." P2 added that even the District Attorney's office appeared to collaborate in rushing pretrial cases for White youth: "Not only was it that [White] people were getting arrested a lot less, but when they did get arrested and they were not people of color, you ended up seeing this fast push, even from the DA's office." P5 agreed that pretrial cases tended to move slowly for youth of color and added, "More often than not, they [youth of color] have to sit in jail throughout that time, because they can't bond out or their bond was set so high." P1 indicated that having bail set at an affordable amount was a Constitutional right associated with the

presumption of innocence, and that white youth benefited consistently from this right:

“Their constitutional rights are being honored to start with, and so if their bail is being set at an affordable rate for their family, and they’re able to afford bail, then they’re not experiencing the [pretrial] incarceration.” P1 added that in contrast, youth of color were often detained in jail while awaiting trial:

[White youth are] not experiencing the loss of the presumption of innocence because they’re out [of jail], and so they’re able to go to school and go to work instead of being incarcerated during that pretrial period. I haven’t seen that in any cases with any of our Black youth.

Legal Representation. Participants reported observing racial disparities in legal representation that disadvantaged youth of color. White youth or their families were often able to afford private attorneys, participants said, whereas youth of color relied on overworked public defenders who did not have time to delve deeply into each client’s case. P1 described the disparity in legal representation as a result of economic injustice and disproportionately high rates of poverty among families of color: “Families who can afford private attorneys often don’t tend to be families of color. They tend to be White families, and that’s just a reflection of the economic disparities present in our society.” P1 stated that the necessity for youth of color to rely on public defenders was a racial inequity in legal representation because public defenders had excessive caseloads: “A public defender who has a really big caseload is often able to spend less time per client, which also means less time in putting together the cases, and that makes all the difference in the outcomes.” P5 stated that her clients, who were almost all youth of color, all

worked with public defenders: “Most of my clients, well, they all had public defenders. I don’t think that they [the clients] got the time that they always need, just like any client, but especially with the youth.” P5 corroborated P1’s description of public defenders as having excessive caseloads: “Public defenders are overworked, right? When you have 150, 200 cases, you don’t have the time that you would like to sit down with each person, sort of really go over things with them.” P5 added that public defenders’ inability to spend adequate time with each client could mean that clients did not fully understand the plea deals they accepted: “They didn’t get that extra guidance to fully understand what that plea deal they’re taking is going to look like when they get out and how that would affect them, not just that day, but years and years [later].” P6 noted that youth of color who worked with public defenders often did not receive a same-race advocate to whom they could more easily relate:

Primarily at [the public defender’s office, youth of color are] likely receiving legal advice from attorneys that don’t look like them or are not from around here. Same with client services, as well. So, they’re having not as smooth an experience as someone that might be white is getting. It might be harder to relate.

Court. Another inequity that some participants observed was that predominantly white prosecutors appeared more attentive to white offenders than to youth of color. P2 described the following experience as representative of the disparity between prosecutors’ solicitude toward white youth versus youth of color:

I remember, and I can clearly see to this day, I saw the ADA [Assistant District Attorney], he would stay with those [White] families while they were dealing

with what they were dealing with. You'd see them in the hallway [outside the courtroom]. He would be sitting next to them. And I'd be like, what the hell? It would just make me so angry that you, as a White man, are here and supporting these White individuals, but I rarely have ever seen you interact with somebody who's of color.

Participants also observed iniquities in the way judges and court staff interacted with youth of color versus white youth. P6 described this disparity in stating, "Whenever that [youth of color] client's in the courtroom, you see how people are treating them, and it's largely very hostile . . . it also spans to probation officers, drug court workers, judges, clerks." P5 described negative treatment of youth of color by judges in stating, "Just the judges, the way that they'll make [youth of color] wait, or talk to them differently, and the punishments they give or the drug testing . . . I've never seen that happen to a white person." P2 alluded to negative stereotyping of youth of color by judges and prosecutors: "What I was seeing was the black kids, the Hispanic kids . . . everybody is treated like they're a gang member. That's a huge part of the way that you see judges, the way that you see prosecution handle these cases."

Sentencing. Participants described the disparity between sentencing for youth of color and sentencing for white youth as extreme, with youth of color being sentenced far more severely than White youth in similar circumstances. P1 described the disparity as she observed it:

When we control for arrest history, like first-time offenders, same charge, we see a huge disparity between what is the sentencing outcome if that person was black

[versus] white, or if that person was Latino [versus] white . . . I have seen white offenders who have been charged with something get community service for the same thing that I see some of my [clients of color] get years in jail for, and that's with no prior history, or with the same prior history.

P3 suggested that sentencing disparities existed because judges viewed white youth and youth of color differently, attributing more accountability to youth of color than to white youth: "Youth of color are seen as little adults, versus a white youth is seen as someone with complicated mental health issues or family dynamics that have led them to do supposedly what they're accused of doing." P5 reported observing sentencing disparities in which white youth were treated with far more leniency than youth of color:

What I've seen is, I've had a couple white clients who have been picked up, and . . . they got basically released to diversion. And then my other clients, who were black, they would be sent home on an ankle monitor, or they would have to take a plea to probation, or their charges would move forward.

P2 also reported observing sentencing disparities, stating, "You will get more of your Hispanic kids getting, it seems, unfair treatment and higher levels of sentencing than some of the kids who are not people of color."

Summary. This theme addressed Research Question 1 by indicating that in participants' experiences as forensic social workers, racial disparities disadvantaged youth of color at all stages of system involvement. The disparities began with arrest rates, with the overwhelming majority of youth who were subjected to arrest being youth of color, in participants' experience. Racial disparities continued through the pretrial stage,

with the proceedings often being expedited for white youth but moving slowly for youth of color, and with youth of color having to spend the pretrial period in jail far more frequently than white youth because bail was set beyond their means. In legal representation, racial disparities in socioeconomic status often resulted in white youth being able to afford private attorneys, while youth of color were assigned to overworked public defenders who did not have time to review their cases in detail or advise them adequately. In the courtroom, judges, staff, and prosecutors were perceived as stereotyping youth of color and treating them in a derogatory manner, while white youth tended to be treated with solicitude and consideration. Racial disparities in sentencing were described as extreme, with youth of color being sentenced far more severely than white youth in similar circumstances.

Theme 2: Positive Changes Include Community Involvement and Sentencing Alternatives

Alternatives

All six participants contributed to this theme. Table 4 indicates the number of data excerpts included in this theme and in the initial codes grouped to form it.

Table 4

Initial Codes Grouped to Form Theme 2

Theme	<i>n</i> of participants	<i>n</i> of data excerpts
Theme 2. Positive changes include community involvement and sentencing alternatives	6	13
Community involvement is effective in mitigating sentencing disparities	3	4
Judges are increasingly receptive to sentencing alternatives	6	9

When asked to describe any positive changes they had observed that tended to alleviate the disadvantages youth of color experienced during system involvement,

participants consistently cited two factors. The first factor was that judges appeared to be increasingly receptive to sentencing alternatives. The second factor was that community involvement, in which families and communities expressed support for youth of color during sentencing, appeared increasingly effective in mitigating sentencing disparities between white youth and youth of color.

All six participants reported the perception that judges appeared to be increasingly receptive to sentencing alternatives for youth of color. P1 cited substance-abuse treatment as an example of a sentencing alternative:

Let's say there's a charge around drugs, and we know that addiction is a mental health issue. So, if sentencing includes opportunities for diversion, opportunities for treatment, then people can get the help they need, and the judge can influence the sentencing to include that, or to actually shift to only be that, like that could be a sentence.

P2 reported that when clients had mental health issues, reporting those issues to the judge, along with other mitigating circumstances such as lack of access to services, could influence the judge to divert sentencing to treatment instead of jail. P2 added, "The judges here are more receptive to it." As an example of a judge's receptivity to taking mental health issues into consideration when sentencing youth of color, P2 recalled, "I remember this judge, she specifically asked [the client's attorney] if we could set up a call because she wanted to learn more and understand more about trauma. And I thought that was huge." P2 explained that judges' increasing receptivity to learning about effects

of trauma and other mental illnesses was significant because it made judges more willing to consider appropriate sentencing alternatives:

If we can know that our judges understand that [mental health] piece of it, then we're coming in there [court], and we're asking for a better sentence because we're saying, "Look, this kid has suffered in all of these ways for the entirety of their life, and we're asking for a shot, and this is what we're asking for: we're asking that this kid be put into these types of mental health programs to receive this type of specific treatment, we're switching schools, we're getting an IEP [Individualized Educational Plan], we're out here responding to what they have had," and the judge can understand that. That is huge.

P3 agreed that judges were increasingly receptive to credible descriptions of mental health as mitigating circumstances: "If we can explain how stress and trauma impacts development, that is powerful. Especially if you have an expert who has a PhD or can put more credit to what the mitigation is saying. Judges do listen to that." P4 cited as a significant, positive change that prosecutors were also becoming more receptive to considering neurodevelopmental explanations as valid arguments for mitigating sentencing: "Even within the prosecution, there is growing acceptance of the science . . . on a biological level, youth are less culpable because of brain development. I think the use of that in sentencing is huge." P5 described as a significant victory an instance in which a judge accepted a treatment plan as an alternative to sentencing a youth of color:

I presented a release plan for [the youthful client of color], and I had this whole thing worked out of wraparound services, and the judge actually went by what I

had presented in court. And it was mind-blowing. And [the judge] released him to probation under the condition that he kind of connected with the services, and so that was a win. That was an improvement.

Three participants stated that a second positive change they had observed in relation to the sentencing of youth of color was that community involvement was increasingly effective in mitigating sentencing outcomes. As an explanation of what community support might involve, P1 named a number of potential advocates for youth of color who were undergoing sentencing: “When a judge gets a chance to meet some of the people who are supporting [the client]—maybe that’s a teacher, a coach, a pastor, a job supervisor—then they get a sense that there is community support around.” P1 described community support for youth of color as humanizing the client and demonstrating the existence of a positive support system: “That level of humanization and community support has changed the sentencing outcomes, because then judges are looking at students and they’re saying, ‘Oh, okay, I see you have a support system around you.’” P1 said that when community support was not made apparent to the judge, sentencing outcomes could be significantly more severe for youth of color: “Without the presence of that advocacy, they would have been incarcerated for sometimes years.” P4 added to P1’s responses that the presence of family in court could also demonstrate the existence of a positive support system and contribute to the mitigation of sentencing severity for youth of color: “Just family support, and interest and ability to be there for the client, or have some kind of involvement, I think that matters [to judges during sentencing].” P3 corroborated P1’s responses in stating that judges were less likely to

release youth of color who did not demonstrate the existence of a support system: “If I have a young person who can’t stay with family, or doesn’t have family, has severe mental health issues and doesn’t have the resources to address [them], a judge is less likely to let them go.”

In summary, participants reported that they perceived two positive changes occurring that contributed to mitigating racial disparities during system involvement that disadvantaged youth of color. Both changes were relevant at the sentencing stage. First, participants had observed that judges and prosecutors were increasingly receptive to considering mental health issues such as trauma and neurodevelopmental explanations as mitigating circumstances when sentencing (or recommending sentences for) youth of color. Second, participants had observed that community involvement on behalf of youth of color, when it effectively demonstrated to the judge the existence of a support system, was effective in reducing the severity of sentencing.

Research Question 2

RQ2 was: What changes do social workers in Louisiana involved in addressing sentencing disparities of minority youth perceive as necessary to reduce or eliminate disparities? Two of the themes identified during data analysis were relevant to addressing this question, including: (a) policy changes and education for system actors are needed, and (b) social workers can advocate for youth of color to eliminate or reduce disparities. The following subsections are presentations of these themes.

Theme 3: Policy Changes and Education for System Actors Are Needed

All six participants contributed to this theme. Table 5 indicates the number of data excerpts included in this theme and in the initial codes grouped to form it.

Table 5

Initial Codes Grouped to Form Theme 3

Theme	<i>n</i> of participants	<i>n</i> of data excerpts
Theme 3. Policy changes and education for system actors are needed	6	12
Connecting all youth with a social worker	1	1
Decreasing sentencing terms	3	4
Educating system actors	3	3
Giving judges less discretion	1	1
Promoting participatory defense among system-involved youth of color	2	3

Three participants stated that a change needed to reduce sentencing disparities for youth of color was the education of system actors, including judges and prosecutors. P2 recommended training to educate judges about the effects of trauma on behavior: “The idea of more trainings with individuals that are working with kids who are system involved would be huge, I think, for judges to understand the trauma piece of things.” P3 recommended that the defense educate judges about trauma, either via expert witnesses or mitigation letters citing credible sources: “I think when you can either have an expert come to court, or if you can put in the mitigation [letter] about brain development with your works cited, it does help.” P6 recommended that system actors receive, “Psychoeducation, especially when it comes to youth mental health and brain development.”

Three participants recommended that policy changes should be made to reduce sentencing terms. P1 recommended, “Mandatory minimums, erasing those, and then also decreasing sentencing terms would be helpful.” P3 recommended that legal minors should never be tried in an adult court: “I think we need to hold fast to sentencing young people as children . . . I don’t think a 15-year-old, no matter what they are accused of doing, should be trialed in adult court.” P3 explained that this recommended policy change would contribute to reducing sentencing terms because children who were tried as children could not be incarcerated beyond the age of 21, while minors who were tried as adults could receive sentences up to and including life without parole.

Two participants recommended that policy be changed to promote participatory defense, in which youth would be able to speak on their own behalf either on or off the court record. P6 suggested that judges who might ignore mitigation letters might be persuaded toward a less severe sentence if the client were allowed to speak: “I could write the greatest [mitigation] letter in the world. It doesn’t mean the judge is going to read it or be impacted by it. But maybe if that client speaks, I think that would be helpful.” P1 recommended changing policy to reduce judges’ discretion in sentencing, citing this discretion as a reason for racial sentencing disparities: “The application of sentencing being so different according to race, it’s really obvious . . . And so, I do think that not giving judges the power to have such a range in sentencing is a step in the right direction.” P5 recommended that policy be changed so that all system-involved youth would be assigned to a social worker: “I would love to see every youth that comes through the system to have a social worker or to be connected with a social worker in

some way.” P5 believed that connecting all youth with social workers would help to reduce sentencing disparities because the social workers could assess mitigating factors and identify appropriate supports, factors identified under Theme 2 as influencing sentencing: “Because of the types of trauma and issues that clients often bring, [social workers] would be able to better assess for the appropriate services. So, I think that would make a huge difference as far as sentencing goes.”

In summary, participants indicated that two forms of change had the potential to mitigate sentencing disparities that disadvantaged youth of color. First, system actors such as judges and prosecutors should be educated about trauma and neurodevelopment so they would better understand these factors when they were cited in mitigation recommendations. Participants recommended educating system actors through dedicated trainings, expert witnesses, or citations to credible sources in mitigation letters. Second, participants recommended policy changes to reduce sentencing disparities. Recommended policy changes included the reduction of sentencing terms (e.g., by eliminating mandatory minimums and only trying minors in juvenile court), promoting participatory defense, reducing the judicial discretion that produced sentencing disparities, and connecting all system-involved youth with social workers, who could identify mitigating factors and appropriate supports.

Theme 4: Social Workers Can Advocate for Youth of Color to Eliminate or Reduce Disparities

All six participants contributed to this theme. Table 6 indicates the number of data excerpts included in this theme and in the initial codes grouped to form it.

Table 6*Initial Codes Grouped to Form Theme 4*

Theme	<i>n</i> of participants	<i>n</i> of data excerpts
Theme 4. Social workers can advocate for youth of color to eliminate or reduce disparities	6	25
Advocating for youth of color	5	16
Humanizing youth of color for judges	4	7
Reflection on bias	1	1
Work to change policies	1	1

Five participants stated that a way in which social workers could contribute to reducing sentencing disparities was by advocating for youth of color, and particularly by writing mitigation letters. P1 stated that letters to judges were effective during the pretrial stage in getting bail set at an amount that youth of color or their families could afford:

What I have seen be so impactful has been writing letters to judges just to explain that this is a student, and they go to my school, and I've been training other educators to do the same thing and to say, "This is what they're going to miss if they are incarcerated for this two months" . . . every single student that we've written a letter for like that has been released from incarceration, either because their bail has been lowered to an affordable rate consistent with their eighth amendment right and then they could afford bail, or because we asked for a release on recognizance and they got it.

P1 further indicated that enabling students to come to their trial from school or home rather than from jail predisposed judges and juries to look on them more favorably: "They show up to court in a way that allows a judge and that allows a jury to see them for who they actually are, a student who's in chapter 17 of Harry Potter, you know?" P2

reported testifying on behalf of clients to reduce sentencing: “I’ve testified multiple times on behalf of my clients to be able to get them better sentences, and I think it’s helpful.” P2 explained that testimony from a social worker was often helpful for the client because social workers were in a position to identify and understand mitigating factors that might not otherwise be presented to the court: “We have the ability to understand someone’s diagnosis, and take that, and be able to really dig deep in it, and then get the system to understand why this kid might be doing what they’re doing.” P6 stated that social workers could write effective mitigation letters that reminded court actors of youthful clients’ status as children with limited culpability, to mitigate judges’ and prosecutors’ preconceptions to the contrary: “The way you would structure a mitigation letter with a younger client would be like, ‘Hey, this person is their age. They’re not this adult criminal that you think they are.’ Oftentimes, with court actors, that’s not really believed.”

Four participants stated that social workers could work to reduce sentencing disparities by humanizing youth of color for judges. P1 recommended that social workers ensure that judges receive “qualitative information” about clients, including,

Their positive character, who they are as a human, their values, but it’s also about challenges that they’ve experienced, and about setbacks, and about things that have happened to them, traumas that they have incurred, because it helps to understand that maybe what they need is help, and incarceration isn’t designed to provide that.

P4 described humanizing clients as an essential task for a forensic social worker: “We are called on a daily basis to remind people of the humanity of our clients and the particular context when it’s youth of color. Like, what is the bigger picture of why they’re here?” P5 also stated that forensic social workers could work to present their clients to judges as whole persons: “It’s been helpful to be able to directly speak to the judges, and to be able to present information to them that the client might not necessarily want to say themselves or share in open court.” P5 explained that social workers were optimally positioned to provide contextualizing information to judges because, “Social workers have the ability to meet clients where they’re at, and so I think that helps us to get a better understanding of where they’re coming from and what’s going on externally.”

P3 stated that one way in which forensic social workers could better position themselves to reduce sentencing disparities for youth of color was to engage in self-reflection to identify and counteract unconscious, personal biases, such as by asking themselves, “Do I, as a white social worker, treat all of my young clients the same way, and in my reflecting to make sure I’m not imposing those stereotypes onto the people I work with.” P1 indicated that social workers can work to influence policy changes of the kinds described under Theme 3: “Actually work for policies to change so that the policies that are currently around sentencing, around arrests, around profiling, that those would change.”

In summary, participants stated that social workers can contribute to reducing sentencing disparities that disadvantaged youth of color in four main ways. First, social workers could advocate on behalf of system-involved youth of color. Such advocacy

could and did take the form of writing effective mitigation letters at the pretrial and sentencing stages, and of testifying in court on behalf of clients. A specific form of advocacy in which participants described forensic social workers as engaging was that of humanizing their clients for judges by presenting qualitative information about the whole person, to broaden the focus of sentencing from the specific criminal behavior to include consideration of the context and mitigating factors that contributed to it. One participant stated that forensic social workers could and should engage in advocating for policy changes, and one participant recommended that social workers engage in self-reflection to identify and counteract their own unconscious biases.

Summary

Two research questions were used to guide this study. RQ1 was: What are the experiences of social workers in Louisiana involved in addressing sentencing disparities of minority youth? Two of the themes identified during data analysis were relevant to addressing this question. The first RQ1 theme was: Racial disparities disadvantage youth of color at all stages of system involvement. This theme addressed Research Question 1 by indicating that in participants' experiences as forensic social workers, racial disparities disadvantaged youth of color at all stages of system involvement. The disparities began with arrest rates, with the overwhelming majority of youth who were subjected to arrest being youth of color, in participants' experience. Racial disparities continued through the pretrial stage, with the proceedings often being expedited for white youth but moving slowly for youth of color, and with youth of color having to spend the pretrial period in jail far more frequently than white youth because bail was set beyond their means. In

legal representation, racial disparities in socioeconomic status often resulted in white youth being able to afford private attorneys, while youth of color were assigned to overworked public defenders who did not have time to review their cases in detail or advise them adequately. In the courtroom, judges, staff, and prosecutors were perceived as stereotyping youth of color and treating them in a derogatory manner, while white youth tended to be treated with solicitude and consideration. Racial disparities in sentencing were described as extreme, with youth of color being sentenced far more severely than white youth in similar circumstances.

The second RQ1 theme was: Positive changes include community involvement and sentencing alternatives. Participants reported that they perceived two positive changes occurring that contributed to mitigating racial disparities during system involvement that disadvantaged youth of color. Both changes were relevant at the sentencing stage. First, participants had observed that judges and prosecutors were increasingly receptive to considering mental health issues such as trauma and neurodevelopmental explanations as mitigating circumstances when sentencing (or recommending sentences for) youth of color. Second, participants had observed that community involvement on behalf of youth of color, when it effectively demonstrated to the judge the existence of a support system, was effective in reducing the severity of sentencing.

RQ2 was: What changes do social workers in Louisiana involved in addressing sentencing disparities of minority youth perceive as necessary to reduce or eliminate disparities? Two of the themes identified during data analysis were relevant to addressing

this question. The first RQ2 theme was: Policy changes and education for system actors are needed. Participants indicated that two forms of change had the potential to mitigate sentencing disparities that disadvantaged youth of color. First, system actors such as judges and prosecutors should be educated about trauma and neurodevelopment so they would better understand these factors when they were cited in mitigation recommendations. Participants recommended educating system actors through dedicated trainings, expert witnesses, or citations to credible sources in mitigation letters. Second, participants recommended policy changes to reduce sentencing disparities. Recommended policy changes included the reduction of sentencing terms (e.g., by eliminating mandatory minimums and only trying minors in juvenile court), promoting participatory defense, reducing the judicial discretion that produced sentencing disparities, and connecting all system-involved youth with social workers, who could identify mitigating factors and appropriate supports.

The second RQ2 theme was: Social workers can advocate for youth of color to eliminate or reduce disparities. Participants stated that social workers can contribute to reducing sentencing disparities that disadvantaged youth of color in four main ways. First, social workers could advocate on behalf of system-involved youth of color. Such advocacy could and did take the form of writing effective mitigation letters at the pretrial and sentencing stages, and of testifying in court on behalf of clients. A specific form of advocacy in which participants described forensic social workers as engaging was that of humanizing their clients for judges by presenting qualitative information about the whole person, to broaden the focus of sentencing from the specific criminal behavior to include

consideration of the context and mitigating factors that contributed to it. One participant stated that forensic social workers could and should engage in advocating for policy changes, and one participant recommended that social workers engage in self-reflection to identify and counteract their own unconscious biases. Section 4 indicates the conclusions and recommendations drawn from these findings.

Section 4: Application to Professional Practice and Implications for Social Change

The qualitative research study addressed the experiences of social workers who provide sentencing advocacy for youth of color. The aim was to make recommendations for equity in sentencing based on the experiences of social workers providing sentencing advocacy for youth of color. Basic qualitative research was the methodology used to understand the experiences of social workers who provide sentencing advocacy for minority youth and their perceptions of the disparities and ways to address them. This section discusses the research findings and applications of the findings to professional ethics in social work practice and provides recommendations and implications for social change.

Key Findings and Relation to the Knowledge Base

Research Question 1

RQ 1: What are the experiences of social workers in Louisiana involved in addressing sentencing disparities of minority youth? The two themes used to address this question were Theme 1: Racial disparities disadvantage youth of color at all stages of system involvement, and Theme 2: Positive changes include community involvement and sentencing alternatives. The following subsections are presentations of these themes.

Theme 1: Racial Disparities Disadvantage Youth of Color at All Stages of System Involvement

The findings of this study indicate that racial disparities that disadvantaged youth of color at all stages of system involvement began with arrest rates, which were disproportionately high for youth of color. In line with this study, Bryson and Peck

(2019) suggested that racial disparity in the U.S. justice system has been longstanding. In the last few years, sentencing has shifted to a more surreptitious manifestations and outcomes from explicit racism. There is evidence of direct racial discrimination for youths from minority communities. Young African American and Latino males tend to receive more severe sentences as compared to white males (Chase, 2017). The rate of unemployment is higher among African Americans as compared to Whites; therefore, unemployed young Black males also tend to receive severe sentences.

This study also found that there are disparities in the rates at which youth get transferred to the adult system. Along with disparities in which youth get transferred to the adult system, commitments are the residue of disparities that grow at each stage of the justice system. The findings are consistent with Dawson-Edwards et al. (2020) who argued that other than disparities in youth arrests, Black youths are more likely to be treated harshly as they get transferred to adult system at an early stage. According to Dawson-Edwards et al., Black youths are 129% more likely to get arrested as compared to other races, which is an increase from the last years. Among the youth adjudicated delinquent, over 20% of the African American youths were more likely to be committed.

Additionally, White youth tend to move quickly through the pretrial process, but that the pretrial stage tend to move more slowly for youth of color. During the pretrial period, under the revised rules, there is

marking of evidence, comparison of original evidence vis-à-vis copies, stipulations regarding the faithfulness of the reproductions and the genuineness and due execution of the adverse parties' evidence, reservation of testimonial

evidence not available at the pre-trial by giving the name or position and the nature of the testimony of the proposed witness, and reservation of documentary and other object evidence by giving a particular description of the evidence.

(Dempsey et al., 2016, p. 483)

Due to racial discrimination, the pretrial process has been made slower for African Americans thus making it difficult for them to achieve a fair judgement.

Racial disparities have also been reported in legal representation. White youth or their families afford private attorneys, whereas youth of color rely on overworked public defenders who do not have time to delve deeply into each client's case. Blacks face unique impediments in obtaining access to counsel (Donnelly, 2017). Individuals with African American names only received half callbacks of those with white-sounding names in response to requests for legal representation (Donnelly, 2017). Getting a lawyer or equal access to justice is harder for African Americans. Generally, the findings of this study indicate that the existence of racial and ethnic disparities is a challenge for juvenile justice system in the United States. The disparities for Black youths have increased as indicated by factors such as total number of arrests and the total number of youths in placement. This study suggests the reforms that have resulted in fewer overall arrests and commitments have not been shared equally among all youths. The reforms are benefiting the White youths alone. The social work principal most closely related to the social work practice problem, findings and recommendations is social justice. The NASW code of ethics states that social workers "pursue social change, particularly with and on behalf of vulnerable and oppressed individuals and groups of people." The findings of this study

highlight that minority youth are disproportionately affected by the criminal justice system and thus are vulnerable to discriminatory practices.

Theme 2: Positive Changes Include Community Involvement and Sentencing

Alternatives

The positive changes that can help alleviate the disadvantages that youth of color experience are community involvement and sentencing alternatives. Currently, the justice system of the United States is willing to consider sentencing alternatives for youth of color in order to achieve equality and reduce racial discrimination. The population of U.S. jails and prisons has exploded, which has forced lawmakers to become more open to other alternatives to incarceration (Donnelly, 2017). Lawmakers can provide various sentencing alternatives in statute. Judges would accept using alternative sentencing as long as the case does not involve mandatory sentences required by the law (Epperson et al., 2018). The alternatives to jail and prison that are currently available include fines, restitution, community service, probation, house arrest, inpatient psychiatric treatment, and work release. Judges have freedom to impose these alternatives for felony sentences such as damage of property, embezzlement, and theft, especially in younger offenders. Alternative sentencing will play a huge role in reducing the number of incarcerated Black youths (Donnelly, 2017). For example, when a client has mental health issues, reporting those issues to the judge, along with other mitigating circumstances such as lack of access to services, could influence the judge to divert sentencing to treatment instead of jail.

Community involvement is increasingly becoming effective in mitigating sentencing outcomes. There are different ways that communities can be involved in reducing sentences, especially for youths of color. One of the best ways to prevent crime is by providing more resources and support to low-income communities. Through community development programs, Black youths, who experience high unemployment rate, will be more engaged hence lack time to conduct crime. In line with this study, Feld (2018) suggested low-cost workforce development programs have equipped Black youths with necessary skills to secure job opportunities. Furthermore, substance abuse treatment programs have helped youths to stay away from drugs and crimes. However, due to low-income and lack of job opportunities, access to drug abuse treatment programs is generally lower among African American youths, which explains the high incarceration rates in this community. Community organizations can provide treatment programs to reduce sentencing of Black youths. Both community involvement and sentencing alternatives are relevant at the sentencing stage. The important thing is that judges and prosecutors are increasingly receptive to considering mental health issues such as trauma and neurodevelopmental explanations as mitigating circumstances when sentencing (or recommending sentences for) youth of color.

Research Question 2

RQ2 was: What changes do social workers in Louisiana involved in addressing sentencing disparities of minority youth perceive as necessary to reduce or eliminate disparities? Two of the themes identified during data analysis were relevant to addressing this question, including: (Theme 3) policy changes and education for system actors are

needed, and (Theme 4) social workers can advocate for youth of color to eliminate or reduce disparities. The following subsections are presentations of these themes.

Theme 3: Policy Changes and Education for System Actors Are Needed

This study has established that policy changes are important in order to reduce sentencing disparities for youth of color. System actors, including judges and prosecutors should be educated to enhance their knowledge in handling kids. According to Greenberg et al. (2018), the advantage is that many people working within the US criminal justice system are well aware of this problem of racial disparity and are willing to counteract it. Unwarranted racial disparities arise from misuse of the law, where people in similar situations receive dissimilar treatment based on race. Policy changes such as avoiding trails in adult courts for children less than 15 years will reduce the number of black youths being incarcerated. Furthermore, black youths do not have adequate access to quality lawyers during their defense. Therefore, regulation is required to improve equality since equal access to justice is a normative ideal of democratic government.

The findings of this study also suggests that policy be changed to promote participatory defense, in which youth would be able to speak on their own behalf either on or off the court record. “Participatory Defense is a community organizing model for people facing charges, their families, and communities to impact the outcomes of cases and transform the landscape of power in the court system” (Hockenberry & Puzanchera, 2017, p. 450). Participatory defense is the easiest accessible way to directly challenge incarceration for the affected individuals, especially those from minority communities. The problem is despite being an easy and most accessible approach, participatory defense

has been left unexploited in bid to reduce the increasing number of black youths being incarcerated.

Educating judges and prosecutors can play a key role in reducing racial disparities in the justice system. Judges need psychoeducation, especially when it comes to youth mental health and brain development. The findings are consistent with Donnelly (2017) who argued that the biases and susceptibilities of judges can be removed through proper education and training. Judges need to understand their roles in the reproduction of racial disparities. Decision-making from judges come from a collective process. According to Epperson et al. (2018), the choice of the judges has an influence of the judicial decision-making. Therefore, racial balance when choosing judges can help reduce racial disparities.

Theme 4: Social Workers Can Advocate for Youth of Color to Eliminate or Reduce Disparities

One way through which social workers can be committed to reducing racial disparities in the justice system is by advocating for youths of color, and particularly by writing mitigation letters. The social work principal most closely related to the social work practice problem, findings and recommendations is competence. The NASW code of ethics state that social workers should “continually strive to increase their professional knowledge and skills and to apply them in practice”. Crime policies and school, police, and juvenile court practices have led to a disproportionate focus on the behavior of black youths. Regardless of the fact that crime rates across the US have fallen in recent years, African American youths remain highly represented in the correctional facilities of the

juvenile justice system. According to Lehmann et al. (2017), social workers have advocated for black youths through implementation of reforms to reduce racial and ethnic disparities within the juvenile justice system. For example, effective, data-driven reforms in several jurisdictions have been implemented in Pennsylvania, which has played an important role in reducing disparities at different points of the juvenile justice system. What social workers need to do is to advocate for changes in policies to allow students to come to their trial from school or home rather than from jail predisposed judges and juries to look on them more favorably.

Through humanization of black youths, social workers can also help reduce racial disparities. The criminal justice of the US is broken. The so-called hard laws have resulted in the US being the most incarcerated country among the developed nations (Lehmann et al., 2020). Clearly, hard laws are not an effective strategy. As highlighted by Lehmann et al. (2020), an increase in incarceration rate is an increase in crime because the country is disrupting and destabilizing so many families and communities that cannot easily recover. Humanization of the legal process can play a key role in reducing racial disparities. Youths are in their development period and can make errors. Therefore, social workers have to ensure judges receive quality information about these youths when in court. Judges have to understand the challenges that they've experienced, and about setbacks, and about things that have happened to them, traumas that they have incurred, because it helps to understand that maybe what they need is help, and incarceration isn't designed to provide that. Social workers should remind judges of the humanity of their clients and the particular context when it's youth of color. This dual responsibility to

advocate for clients and educate system actors is closely related to the social work practice value of dignity and self-worth which states “Social workers are cognizant of their dual responsibility to clients and to the broader society. They seek to resolve conflicts between clients’ interests and the broader society’s interests in a socially responsible manner consistent with the values, ethical principles, and ethical standards of the profession” (NASW).

The findings of this study contribute to the existing knowledge in regard to the experience of social workers who use mitigation to influence sentencing outcomes for minority youth. All participants indicated that the racial disparities that disadvantaged youth of color at all stages of system involvement began with arrest rates, which were disproportionately high for youth of color. This is in line with Lehmann et al. (2020) who argued both whites and youths of color have obtained a lower commitment rate in the last decade. However, youths of color are four times more likely to get arrested. The rate of racial disparities across the US is high for youths from minority groups. The results of this study have indicated that African American youths face a harsh juvenile justice system as compared to white youths.

Youth, their families, and community can suffer as a result of delays in youth justice. As established in this study, white youth moved quickly through the pretrial process, but that the pretrial stage tended to move more slowly for youth of color. For judges and managers of the justice system, it is important to improve the timeliness of the justice process. The need to address racial disparities in juvenile justice system has been due to amendments on the federal Juvenile Justice and Delinquency Prevention Act

(JJDP). According to this study, although there has been some progress in the involvement in the juvenile justice system, disparities continue to increase, especially for youths of color.

Application to Professional Ethics in Social Work Practice

In criminal justice settings where social workers are employed to provide services to client populations, the profession of social work and the field of criminal justice currently maintain an uneasy partnership. The main factor that causes discomfort between criminal justice and social work is differing values (Ferguson, 2018). “The predominant correctional philosophy of retribution, so evident in American systems of criminal justice, is also in direct contrast to social work values regarding the dignity and worth of all” (Sayre & Sar, 2015, p. 633). In the US criminal justice system, The NASW Code of Ethics provide the principles and standards guide social workers, however, its implementation is not effective. According to Ferguson (2018), there is need to address this and provide an opportunity for equality in the justice system.

There are barriers to practicing social works in ways that ensure equality and less discrimination in the justice system. Racism is a major factor contributing to the conflict between justice system and social work, which develops problems for social workers to comfortably work in the criminal justice settings (Sayre & Sar, 2015). The NASW Code of Ethics has been developed in the past few years to become quite detailed and comprehensive. The NASW Code of Ethics is called into action when an ethical dilemma arises. Tensions occur in the American criminal justice system due to discrimination, especially for individual s from minority groups. Ferguson (2018) described the shift in

the United States over the last three decades to a more punitive approach to offender treatment than in the past. The emphasis has shifted from taking into account the contexts of offenders' lives and assisting offenders through rehabilitation to a much narrower focus on risk management.

Recommendations for Social Work Practice

This study has established that, within the experiences of the participants interviewed, racial disparities that disadvantaged youth of color at all stages of system involvement began with arrest rates, which were disproportionately high for youths of color. Based on the findings of this study, several recommendations are made. For courts, the study recommends the inclusion of two positive changes, which include community involvement and sentencing alternatives. Currently, judges are open to the use of alternative sentencing as long as the case does not involve mandatory sentences required by the law (Epperson et al., 2018). The alternatives to jail and prison may include fines, restitution, community service, probation, house arrest, inpatient psychiatric treatment, and work release. For the judicial system, policies need to be changed and more education and training programs implemented for judges and prosecutors. Through training, judges can understand the challenges that youths experienced, and about setbacks, and about things that have happened to them, traumas that they have incurred, because it helps to understand that maybe what they need is help, which cannot be provided by incarceration.

For youths, the study recommends the development and implementation of programs through which they can learn appropriate behaviors. Youths who demonstrate

improved behaviors can have their juvenile charges expunged from their records. Social workers who work within the criminal justice system understand that mitigation does not absolve one of responsibility; however, it does guide how we approach the use of consequences. The results of this study will impact how the court system uses social workers for mitigation purposes to ensure that consequences for juvenile offenders are both fair and appropriate. This outcome has the potential to influence positive social change by creating strategies and standards which would impact criminal justice reform, decrease recidivism, and educate system actors on the importance of mitigation. This study used a qualitative approach; therefore, future researchers should explore the same research problem using a quantitative approach and survey research design and compare the findings. One of the limitations that might affect the generalizability of the findings relates to the researcher's novice skills in using qualitative methods in conducting a study. The findings of this study will be disseminated by publishing policy briefs and publishing the study findings in national and statewide journals.

Implications for Social Change

The findings of this study have contributed to the understanding that African American youths are disadvantaged in all stages of juvenile justice system. Arrests of black youths is higher as compared to white youths. The findings concur with and provide both theoretical and practical implications for all who are in the field of juvenile justice system. The implications are discussed in this section.

For courts, this study indicates that the implementation of sentencing alternatives can play a key role in alleviating the disadvantages youths of color experienced in the

justice system. The advantage is that judges are willing to consider sentencing alternatives for youth of color in order to achieve equality and reduce racial discrimination (Donnelly, 2017). Black and Latino youths tend to receive harsh punishment than white youths for the same mistakes. Therefore, different sentencing alternatives such as include fines, restitution, community service, probation, house arrest, inpatient psychiatric treatment, and work release can be utilized. Secondly, community involvement in the sentencing of black youths is effective in mitigating sentencing outcomes. One of the best way to prevent crime is by providing more resources and support to low-income communities.

Positive policy changes in the justice system will ensure no trails in adult courts for children below 15 years thus reducing the number of black youths being incarcerated. Furthermore, policy changes are required majorly to ensure African Americans have equal access to lawyers and justice at large. As a democratic country, the US should ensure every citizen has access to justice regardless of their race. Providing education to judges and prosecutors, as found by this study, is an important way of ensuring courts have adequate information about the offenders before making judgements.

Psychoeducation is critical, especially when it comes to youth mental health and brain development. Finally, the humanization of the court process is a way of reducing racial disparities. Due to hard laws, the criminal justice of the US is broken as it tends to favor white youth. Youths, whose brains are not fully maturated, are in their development period and as such are prone making errors. Therefore, social workers have to ensure

judges receive quality information about these youths when in court in order to make informed decisions.

Summary

The qualitative research study explored the experiences of social workers who provide sentencing advocacy for youth of color. Basic qualitative research was the methodology used to understand the experiences of social workers who provide sentencing advocacy for minority youth and their perceptions of the disparities and ways to address them. The findings of this study indicate the racial disparities that disadvantaged youth of color at all stages of system involvement began with arrest rates, which were disproportionately high for youth of color. The positive changes that can help alleviate the disadvantages that youth of color experience are community involvement and sentencing alternatives. Based on these findings, it is recommended that judges be open to the use of alternative sentencing as long as the case does not involve mandatory sentences required by the law.

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Appendix A: Interview Protocol

Script Prior to the Beginning of the Individual Interview:

Thank you for being willing to participate in this interview. Transcripts of this interview will be used in the data analysis for my dissertation study on the experiences of social workers providing sentencing advocacy for youth of color. As we have discussed this interview will be used to document your experiences working with system involved youth of color. Our interview today will last up to one hour. I will be asking you questions related to your academic and professional training as well as questions about your experience in working with system involved youth of color.

Review Consent Form

Before our meeting today, you reviewed a consent form that indicated that I have your permission (or not) to audio record our focus group today. Do I still have your permission to record our focus group today? ___Yes ___No

If yes: Thank you (participant name)! If at any point you wish to stop the recording or take something that you said off of the record, please let me know.

If no: Thank you for letting me know. I will honor your wishes and only take notes during our interview.

Do you have any questions before we begin our interview today?

[Discuss individual interview questions]

If at any point during our interview, questions arise, ask them at any time.

Appendix B: Individual Interview Questions

(Follow up questions to the main questions will be used in this semi-structured interview.)

1. How did you come to work in the juvenile justice system?
 - a. How long have you worked in the juvenile justice system?
 - b. What were your previous clinical experiences?
2. Tell me about your academic training in social work.
3. How do you obtain professional development training?
 - a. Do you look for trainings or continuing education online?
 - b. Do you attend face to face training or continuing education?
 - c. Have you sought out training on specific topics related to youth of color in the juvenile justice system?
4. What percentage of your caseload is youth of color?
5. What differences in legal representation of youth of color have you noticed?
6. What differences have you noticed in treatment between youth and youth of color at arrest and throughout the course of the case as well as after sentencing?
7. Describe your experiences of sentencing disparities between white youth and youth of color.
8. To what extent has age, race and socioeconomic status impacted sentencing decisions?

9. What positive changes regarding sentencing for youth of color have you noticed?
10. What types of changes are still needed?
11. As a social worker what can you do to eliminate or reduce these disparities?

Conclusion

Before we conclude this interview, is there anything else that you would like to share that you believe influences your work with youth of color in the juvenile justice system?

Please remember that I will use the recording that we created today to create a transcription of your interview. I will email that transcription to you at the address that you provided within 2 weeks for your review. You will have the opportunity to review the transcription to ensure its accuracy before the data is used for the completion of this study.

Thank you, again, for participating in this interview today.