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INITIAL AND REVISED CLASSIFICATION OF JUVENILES BY THE JUVENILE JUSTICE SYSTEM

A TOPICAL REPORT BY THE:
NATIONAL JUVENILE JUSTICE SYSTEM ASSESSMENT CENTER

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FORWARD

Since passage of the Juvenile Justice and Delinquency Prevention Act of 1974 (as amended), there has been a concerted effort on the part of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and the states to provide improved handling of the juveniles by the juvenile justice system. Progress has been hindered by a general lack of reliable information concerning the circumstances surrounding the classification of juveniles as "delinquents" or "non-delinquents."

It is hoped that this literature search of the current state of knowledge concerning classification of juveniles and the juvenile justice system will provide policymakers, planners, and program administrators with some new insights into what is currently known and what future directions need to be taken.

We are appreciative of the researchers and those who assisted them in gathering and synthesizing the vast amount of statistical and qualitative information with limited resources and time. By sorting out and analyzing this information in a manner that has clarified issues and provided new insights as to the state of knowledge, they have accomplished a difficult task and made a significant contribution to the field.

James C. Howell, Director
National Institute for Juvenile Justice
and Delinquency Prevention

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TO BE WRITTEN

DRAFT

PREFACE

The National Institute for Juvenile Justice and Delinquency Prevention (NIJJDP) was created by the Juvenile Justice and Delinquency Prevention Act of 1974 (as amended) to carry out the functions of (1) information collection and dissemination; (2) research and evaluation; (3) development and review of standards; and (4) training.

To assist the Institute in carrying out its legislative mandate, the Assessment Center Program--consisting of four separate resource Centers located around the country--was initiated in November of 1976.

Three of the Centers are divided according to the topical areas of prevention of juvenile delinquency, the juvenile justice system, and alternatives to the juvenile justice system. The fourth Center was established to coordinate the work of the three Topical Centers. They are respectively listed below:

1. Center on Delinquent Behavior and Its Prevention: University of Washington, Seattle, Washington.
2. Center on the Juvenile Justice System: American Justice Institute, Sacramento, California.
3. Center on Alternatives to the Juvenile Justice System: University of Chicago, Chicago, Illinois.
4. Coordinating Center: National Council on Crime and Delinquency, Hackensack, New Jersey.

Each Topical Center is working in its area to:

- add to the general knowledge base on delinquency by establishing a national information resource unit at each Center
- identify knowledge gaps
- identify and describe promising programmatic approaches
- conduct state-of-the-art studies
- synthesize data and the results of studies
- provide information for use in standards development, technical assistance and training efforts
- assist states and others in the evaluation of delinquency programs through the provision of evaluation designs
- assist in the discretionary funding programs and an agenda for future research.

The Coordinating Center was also established to prepare an annual volume on juvenile crime and delinquency in the United States. The first annual volume is to be developed by the Coordinating Center independent of reports generated by Topical Centers; subsequently annual volumes will depend primarily on reports generated by Topical Centers.

The System Center is organized as part of the American Justice Institute funded through a grant from the National Institute of Juvenile Justice and Delinquency Prevention. A National Advisory Board was established to serve as an integral part of the Assessment Center Program by providing policy and management guidance to the Assessment Centers and NIJJDP, as well as reviewing program activities and Center products. An Advisory Committee to the System

Assessment Center was formed to provide overall technical review and assistance. In addition, the Directors of each Assessment Center and representatives of NIJJDP form an Operations Committee which addresses detailed management and planning issues, integrates the program with NIJJDP priorities, and provides a forum for inter-Center coordination.

With direction from NIJJDP and the assessment program's National Advisory Board as to topics of particular concern and interest to the field, the System Center is producing a series of reports such as this report on the classification of juveniles by the juvenile justice system. Additionally, general state of knowledge information is being collected on the juvenile justice system process, programs and program evaluations in order to provide both a national information resource and to provide a well-rounded capacity for ad hoc assistance to NIJJDP in accordance with the System Center's work plan.

It is hoped that through the continuing efforts of process and program assessment carried on during the life of the System Center, planners, policymakers, practitioners and youths themselves will be provided with an expanded capacity to make the juvenile justice system more responsive to the needs of the children who are processed through it and reduce the penetration of children into the system.

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CHAPTER I

A NATIONAL PORTRAIT OF THE JUVENILE JUSTICE SYSTEM

HISTORICAL CONTEXT

The first juvenile court law was passed in Illinois in 1899 establishing the Juvenile Court of Cook County "to regulate the treatment and control of dependent, neglected and delinquent children" (Fox, p. 1187). Other states soon followed suit and by 1928 all but two states had adopted juvenile court statutes which were similar to the Illinois act (Levin and Sarri, p. 1).

Many persons mistakenly think that until 1899 when a separate juvenile court came into being children were always tried side by side with adults and in no way accorded any different handling by the courts. While it is true that the same courts which tried adult criminals also tried juveniles, many courts had established separate sessions specifically for dealing with juvenile offenders. The District of Columbia and Boston were two jurisdictions which had attempted to set aside special hours or days for the trial of juvenile cases (International Prison Commission, p. 188).* Furthermore,

> Development of the juvenile court movement in the United States was preceded by a humanitarian reform in the nineteenth century. This reform sought to replace corporal and capital penalties by incarceration as a penalty for criminal acts. By the middle of the nineteenth century specialized institutions for the commitment of juveniles were necessary, because of deplorable jail conditions. It was partly this preoccupation with the jail conditions that nurtured the growth of training schools, which would

*See also Sussman and Baum, p. 3.

> culminate even later in a more complete separation of the juvenile court system (Johnson, p. 3).

The state of New York had maintained a separate institution for young male offenders since the 1820s and other states had done likewise (Reckless and Dinitz, p. 28). These "houses of refuge," as they were often called, were founded to "prevent delinquent children from being punished cruelly" (Mennel, p. 71). These refuges also "received children who were destitute and orphaned as well as those who were actually convicted of felonies in state and local courts" (Mennel, p. 71). And in 1841, through the efforts of John Augustus, a Boston shoemaker, the court in Boston began withholding commitment of some criminals to institutions by allowing them to be placed in his care. After his death, the Massachusetts legislature authorized legislation which permitted "an interested citizen, family, or agency known to the court" to supervise young offenders (Reckless and Dinitz, pp. 28-29). Thus the concept of probation was born.

Therefore, even prior to passage of the Illinois law, some separation of juveniles from adults had taken place and a system of correctional facilities designed for wayward and destitute youths had developed. One of the breaks with past practice which came about with the advent of the juvenile court, however, was the removal of the label "criminal" and the substitution of a notion of "delinquency" in its place:

> While . . . early laws embodied certain features of the juvenile court as we know it today, they nevertheless lacked the basic concept . . . that children who break the law are not to be treated as criminals, but as wards of the state, in special need of care, protection and treatment (Sussman and Baum, pp. 3-4).
>
> And it is this thought--the thought that the child who has begun to go wrong . . . who had broken a law or an ordinance, is to be taken in the hand by the state, not as an enemy but as a protector, as the ultimate guardian . . . which . . . was first fully and clearly declared, in the Act under which the Juvenile Court of Cook County, Illinois, was opened in Chicago . . .

> To get away from the notion that the child is to be dealt with as a criminal; to save it from the brand of criminality, the brand that sticks to it for life; to take it in hand and instead of first stigmatizing and then reforming it, to protect it from the stigma--this is the work which is now being accomplished (Mack, pp. 107, 109).

Furthermore, patterned after the Illinois law, the New York statute of May 25, 1909, specifically stated:

> A child of more than seven and less than sixteen years of age, who shall commit any act or omission, which, if committed by an adult, would be a crime not punishable by death or life imprisonment, shall not be deemed guilty of any crime, but of juvenile delinquency only . . . (Mack, pp. 107, 109).

Another way in which the juvenile court revised previous practice was in a combined jurisdiction over both delinquent and neglected and dependent children:

> ...This latter jurisdiction is possessed by most juvenile courts today, and is a continuance of much earlier powers possessed by "courts of chancery" to protect such children.
>
> Under the English common law it was recognized that "The care of all infants is lodged in the king as *parens patriae*, and by the king this care is delegated to his Court of Chancery." In protecting neglected and dependent children, chancery courts used what are called "equitable" powers, the essential ideas of which are flexibility, guardianship, and a balancing of interests in the general welfare, with a view to getting a fairer result than could be obtained by applying the older, more rigid legal rules (Sussman and Baum, pp. 5-6).
>
> ...because the king justified his intervention by claiming to protect the children, the term *(parens patriae)* grew to mean the sovereign's general obligation to look after the welfare of children in the kingdom since they are helpless (Besharov, p. 2).

This doctrine of protection rather than punishment underlies the broad jurisdiction which juvenile courts have had since their inception. "The doctrine also was used to justify the court's jurisdiction over acts of youthful misbehavior, not illegal in the traditional sense, such as truancy, disobeying parents, and associating with undesirables. In this way,

children could be 'saved' before they progressed irrevocably along the road to criminality" (Besharov, p. 2).

Throughout the history of the juvenile court, jurisdiction has generally extended

> ...to four kinds of cases: (a) those in which a youth has committed an act which if done by an adult would be a crime; (b) those in which a child is beyond the control of his parents or is engaging in non-criminal conduct thought to be harmful to himself; (c) those in which parents (or other custodian) of the person fail to offer proper care and guidance to a child though they are able to do so; or (d) those in which a child's parents (or other custodian) are unable to care for him. Again, speaking generally, (a) and (b) above define a "delinquent" child (in some states category) (b) is labeled differently such as "a person in need of supervision" or an "unruly child"), (c) a "neglected" child and (d) a "dependent" child. Some statutes do not employ specifically labeled categories to describe the youngsters subject to adjudication in the juvenile court (Paulsen and Whitebread, p. 32).

As a general rule until the early 1960s, legal definitions of delinquency did not distinguish between criminal and non-criminal conduct. The definition has varied from state to state, except that all states which specifically define the term include violation of laws and ordinances which are defined as criminal for adults. All states, indeed, include juveniles who have violated criminal laws within their jurisdiction but some have avoided using specific labels.

The definition of delinquency, however, has usually been much broader. As Sussman and Baum noted in 1968:

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*This is in accord with the recommendation of the National Council on Crime and Delinquency, Standard Juvenile Court Act (Sixth Edition, 1959), Comment on section 8: "Subdivisions 1 and 2 describe children defined as delinquent and neglected in most juvenile court laws. However, as in the 1949 and 1943 editions of the Standard Juvenile Court Act, these subdivisions avoid using the terms 'delinquency' and 'neglect'; about one-third of the states similarly avoid them (Ketcham and Paulsen, p. 67). The reason given for the recommendation is "that, in dealing with the child as an individual, classifying or labeling him is always unnecessary, sometimes impracticable, and often harmful" (p. 68).

> ...The laws average eight or nine items in addition to violation of law, and no juvenile court law confines its definition of delinquency to violations of laws and ordinances.

Chart A gives a listing of over 30 offenses which Sussman and Baum (1968) identified as appearing in the delinquency statutes of various states. No state had adopted all of the offenses listed. Phelps (1976) indicates that states were generally cutting down on the type of offense legally defined as delinquent and so the total number was being reduced.

Historically, the definitions of the various classifications have varied not only from state to state but also from time to time as states revised their acts. The first Illinois juvenile court act (passed in April 1899) divided "children into two classes, the 'dependent' and the 'delinquent' (International Prison Commission, p. 2). Although the first act limited its definition of delinquency to juveniles who had violated criminal statutes, jurisdiction over children "in danger of becoming involved in delinquent activities was added to that previously granted to the court at the very next legislative session" (Scott, p. 17).* After this first revision, the Illinois law defined a 'delinquent' child as:

> Any child under the age of 16 who violates any law of this state or any city or village ordinance, or who is incorrigible, or who knowingly associates with thieves, vicious, or immoral persons, or who is growing up in idleness or crime, or who knowingly patronizes any policy shop or place where any gaming device is or shall be operated (International Prison Commission, p.2).

A "dependent" child was defined as a child:

> who for any reason is destitute or homeless or abandoned, or had not proper parental care or guardianship, or who habitually begs or receives alms, or who is found living

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*See also Edward Eldefonso, Law Enforcement and the Youthful Offender, 2nd edition, New York: John Wiley & Sons, Inc., 1973, p. 20.

in any house of ill fame or with any vicious or disreputable person, or whose home by reason of neglect, cruelty, or depravity on the part of the parents, guardian, or other person in whose care it may be, is an unfit place for such a child (International Prison Commission, p.2).

CHART A

List of Acts of Conditions Included in Delinquency Definitions or Descriptions as of 1968 (Sussman and Baum, p. 12).*

- violation of *any* law or ordinance
- habitual truancy from school
- association with vicious or immoral persons
- incorrigibility
- behavior that is beyond parental control
- absence from home without consent of parents
- growing up in idleness or crime
- deportment that injures or endangers the health, morals, or safety of self or others
- use of vile, obscene, or vulgar language in public
- entering or visiting a house of ill repute
- patronizing a gaming place
- patronizing a place where liquor is sold
- wandering in the streets at night, not on lawful business (curfew violations)
- engaging in immoral conduct at school or in other public places
- engaging in an illegal occupation
- involvement in an occupation or situation dangerous or injurious to self or others
- smoking cigarettes or using tobacco in any form
- loitering
- sleeping in alleys
- use of intoxicating liquor
- begging
- running away from a state or charitable institution
- attempting to marry without consent, in violation of law
- indulgence in sexual irregularities

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*Tabulated in decreasing order of frequency

California, on the other hand, limited the definition of delinquency in its first juvenile court act (approved February 26, 1903):

> The words "delinquent child" shall include any child under the age of sixteen years who violates any law of this state or any ordinance of any town, city, county . . . (International Prison Commission, p. 165).

Its definition of "dependent child," although similar in many ways to the Illinois statute differed by including a child "who is incorrigible or who is a persistent truant from school" (International Prison Commission, p. 2). In later years, incorrigible and truant juveniles were described under a separate section of the California code.*

Through the years, juvenile court laws generally dealt with only classifications--delinquents who were juvenile offenders violating both criminal and noncriminal offenses, and neglected and dependent children. Chart B gives a list of conditions which are representative of the jurisdictional bounds of most juvenile courts for neglected and dependent children, where neglected and dependent children are generally described as the following reference by Johnson (1975) indicates:

> Most courts classify neglect and dependency under the same category, however dependency is defined separately in some courts. Neglect cases generally concern children whose parents have abandoned them, or are neglecting or refusing to provide proper care, including medical care, education, or a fit environment . . .
>
> Dependency, where it is defined as a separate condition, apart from neglect, usually means the complete absence of a legal custodian, or lack of proper care, not as a result of willful failure to provide, but because of physical, mental or financial inability.**

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*Section 600 of the California Welfare and Institutions Code in 1975 described neglected and dependent children, while Section 601 described those who were beyond the control of their parents or truants.

**For an excellent survey and digest of these laws in 54 American jurisdictions, see Sanford N. Katz, Ruth-Arlene W. Howe, and Melba McGrath, "Child Neglect Laws in America," Family Law Quarterly, Vol. 9, No. 1, Spring 1975.

CHART B

Conditions Representative of the Jurisdictional Bounds on Neglected and Dependent Children (Johnson, pp. 34-35).

- When a child lacks parental care because of its parent's fault or its parent's mental or physical disability.
- When a parent refuses or neglects to provide for a child's needs.
- When a parent has abandoned a child.
- When a child's home, by reason of neglect, cruelty, or depravity of its parents, is unfit.
- When a parent refuses to provide for a child's moral needs.
- When a parent refuses to provide for a child's mental needs.
- When a child's best interests are not being met.
- When a child's environment, behavior, or associations are injurious to it.
- When a child begs, receives alms, or sings in the street for money.
- When a child associates with disreputable or immoral people or lives in a house of ill repute.
- When a child is found or employed in a bar.
- When a child's occupation is dangerous or when it is working contrary to the child labor laws.
- When a child is living in an unlicensed foster home or has been placed by its parents in a way detrimental to it or contrary to law.
- When a child's conduct is delinquent as a result of parental neglect.
- When a child is in danger of being brought up to lead an idle, dissolute, or immoral life.
- When a mother is unmarried and without adequate provision for the care and support of her child.
- When a parent, or another with the parent's consent, performs an immoral or illegal act before the child.
- When a parent habitually uses profane language in front of a child.

In the early 1960s, "as the word 'delinquent' became more pejorative with the years, synonymous in the public mind with 'juvenile criminal,' some jurisdictions, notably New York in 1962, divided juveniles who misbehave into two categories: (1) juvenile delinquents . . . and (2) persons in need of supervision" (Midonick, p. 9). This latter category compromises what are generally termed "status offenses"--"in the juvenile court context . . . children whose conduct or

condition brings them under juvenile court jurisdiction even though they have done nothing which would be illegal if committed by an adult" (Dineen, p. 33). California likewise separated status offenses from its delinquency category the following year. By 1974, 26 states had defined status offenses as a separate category. An additional eight states could be classed as "mixed"--some status offenses were labelled as delinquency while others were in a separate category (Dineen, pp. 43-44).

Interestingly, although current scholars generally describe the New York Family Court Act of 1962 as the first juvenile court law to separate status offenses from criminal-type offenses, Pennsylvania's Juvenile Law of 1903 had established the three classifications of "dependent . . . neglected child," "delinquent child," and "incorrigible children" (International Prison Commission, p. 182). By later years incorrigibility had moved under the definition of "delinquent act" (Katkin, Hyman, and Kramer, p. 18).*

Perhaps the greatest controversy surrounding the juvenile court is whether or not status offenses should be removed entirely from its jurisdiction. Utah has already done so. Whether status offenses are decriminalized or not, however, there is no question that we have come a long way since the General Laws of New Plymouth Colony which provided the death penalty for sixteen offenses including being a "stubborn or rebellious son" (Scott, p. 17).

Until very recently, the separation of status offenses from criminal-type offenses was generally more cosmetic than meaningful. While those who criticized the labeling of noncriminals

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*By 1974, Pennsylvania had amended its act to include two categories--delinquent and deprived with truancy in the deprived category (Dineen, p. 40).

as delinquent children may have derived some satisfaction from these changes in the statutes, the "designations (had) minimal effect . . . (since) relatively few states with separate categories also place restrictions on detention or disposition alternatives" (Isenstadt and Sarri, p. 8).

Since the passage of the Federal Juvenile Justice Delinquency Prevention Act of 1974, however, and the subsequent move toward deinstitutionalization of status offenders, the classifications have taken on a new meaning. In 1975, for example, the California Youth Authority "declared it would no longer accept young people who have committed status offenses."* California passed a law in 1976 requiring that juveniles who are adjudged to be neglected/dependent or status offenders after January 1, 1977, cannot be detained or placed, after adjudication, in locked facilities.

THE MODEL

The term "model" refers to a device or procedure for providing insight into the consequences of a decision. For this assessment, a review was made of various models relating to the Juvenile Justice System. This effort located a number of models that were currently accepted as accurate descriptions of the Juvenile Justice System. These, in turn, pointed to a number of states that published such models, and to research organizations that either described such a model themselves, or had gathered together existing variations of such models. Based upon the adequacy of the documentation and the generalizability of the system described, one composite model was then created to represent the structure and process of the Juvenile Justice System *nationally*.

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*AB 3121 made major changes in California's handling of juveniles, effective January 1, 1977. But the trend had started in 1975 with a change in the policy of the California Youth Authority.

Appendix B contains a detailed description and flow chart of this model. It displays the logical flow of a juvenile from the first time he has direct contact with the official system through the various processes or decision points that comprise the system, and eventually to one of the numerous exit points from the system.

This flow chart is meant to be a composite of many different systems and, therefore, in its entirety would be more detailed than any one of them. Furthermore, where a single commonly known system function would more accurately be a process of many separate functions, these functions have been charted separately for the purposes of illustration. An example of this would be the function of the detention hearing. In many individual models the detention hearing is displayed as a single function being performed by the court, but in reality the hearing could be shown as three *separate* functions: arraignment hearing, a fitness hearing (to certify as juvenile or adult), and a detention hearing. In this chart, all three functions are shown as separate decision points along the flow.

Because the alternatives are many for each decision point, any display of this entire process rapidly becomes large and unwieldy. Figure 1 is therefore a simplified display of the generalized flow of a juvenile case through the Juvenile Justice System.

A juvenile case is simplistically conceived as having to flow through, or make contact with, five system components. These components are enacted by having a case, not otherwise diverted or dismissed, reported to *Law Enforcement*, processed by *Court Intake*, charged by the *Prosecutor*, tried in a *Court Hearing*, and possibly assigned to some form of *corrections* activity, followed by aftercare.

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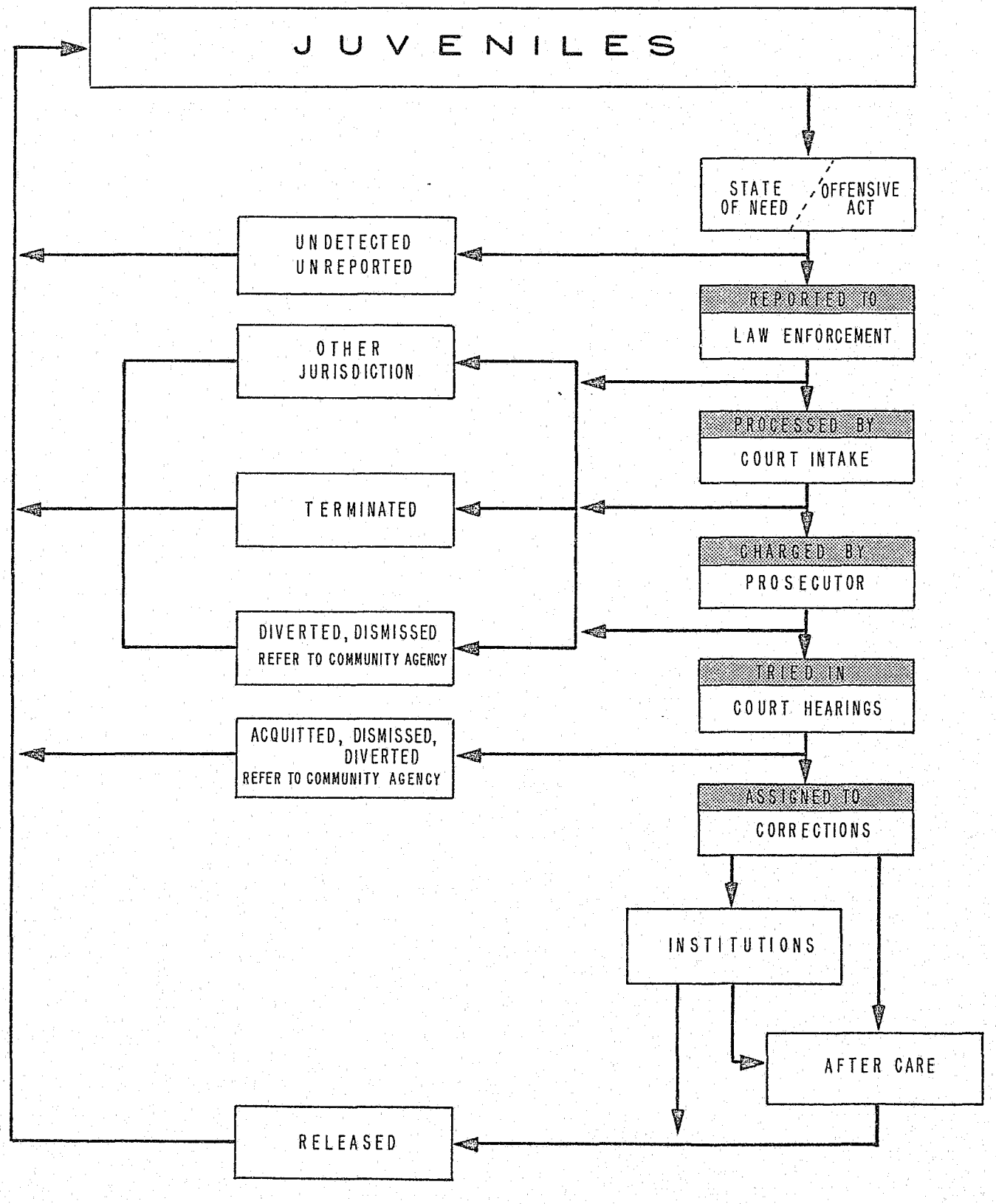
FIGURE I

GENERALIZED FLOW CHART OF THE JUVENILE JUSTICE SYSTEM



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The arrows leading to the left of Figure 1 indicate that diversion, dismissal and other alternatives do exist at each component so that when selected, the above process may be interrupted and a case *directed away from the system's primary control and back into the juvenile population at large.*

The System as a Process

Prior to official contact, a juvenile "case" will be the result of either the commitment of an offensive act or the recognition of a state of need.

Included under these categories are not only the full range of delinquent acts and troublesome behaviors, but also states of neglect, dependency, incorrigibility, and abuse. Obviously, some offensive acts are committed by those in some state of need.

The juvenile justice system only comes in direct contact with those who are apprehended; a small fraction of all juveniles who commit offenses. Moreover, many with whom it comes in contact have committed no offense, but are victims of the offenses of others.

There are a number of sources of referral to the official juvenile justice system such as court agencies; corrections agencies; systems agencies; community agencies; citizens (parent or self included); and direct observation by law enforcement agencies. For each there are different procedures (e.g., petitions, bench warrants, arrests, complaints to police).

Though the juvenile may enter the system via many different avenues, the detailed flow chart indicates the decisions that are made at entry are the same. The agency making the decision may choose to do nothing or handle the case on its own, make a direct referral to the court, refer to another agency

outside of the official juvenile justice system, or refer to the police who will then make a contact in the field. In the processing of a juvenile, and the eventual selection of processing alternatives, a distinction should be made between the transfer of the case to another agency for handling with provision for little or no follow-up and the formal placement of the case with another agency with the capability of follow-up implied. This difference is charted as either to *refer* or *place* with another agency.

Whenever a juvenile is referred to or placed with an agency, the process can begin all over again if the agency cannot handle him. In some situations, the agency can refer the case to court on the original charge if the client has been unresponsive.

Most jurisdictions have only limited choices, especially in the early phases. They often lack any intermediate agency or person to contact (special school program, youth worker, family counselor) before calling in the police or referring the juvenile to court. This forces decision makers--agencies, citizens, even police on the beat--either to do nothing or to take a more serious action than the situation may warrant.

Law Enforcement

This phase may vary by locality. The problem resides in the fact that juvenile delinquency is not limited to the working hours of the agency. It may be an around-the-clock occurrence and the limited hours of formal intake may be a deterrent to the decisions available to the intake officer. Some jurisdictions have instituted a 24-hour detention intake (on-call, at the court, or at the place of detention). Locations may vary in how they handle a juvenile just prior to court intake. In many juvenile justice systems, the police may perform a lengthy process of investigation and decision making prior to court intake, and in these localities police are performing

an intake function of their own that may last several hours prior to delivery of the juvenile to the court for formal intake.

Most intake facilities are operated by the probation department as a service to the court. However, recent organizational structures, though varying by locale, have emphasized the ongoing evolution of the probation department toward performing intake functions independent of the court.* At intake, the discretion allowed the duty officer varies between merely completing a police request to detain and full authority to refer or release. Most social service agencies do not offer help on a 24-hour basis. Therefore, many of the decisions that may be available for a juvenile at intake cannot be enacted because of the hour of the day or night, and the level of sophistication of the local intake process.

Parents may be difficult to locate. Police may wish to conduct investigative interviews. Emergency medical or drug cases may come in and demand immediate attention. All contribute to the trauma and confusion of the apprehended juvenile, particularly after hours. During intake hours, some offenders whose parents can be located quickly, can be taken directly to court intake.

In some jurisdictions, a juvenile is taken to the police station for intial screening either by a regular policeman or a specially trained juvenile officer. In others, the detention center, whether regional or local, is the first place to which a juvenile is brought. In a few jurisdictions, he may be delivered to an office of a Youth Service Bureau. Here, initial intake decisions are made by a full-time youth worker. And, of course, a mixture of these procedures may also

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*Not withstanding this tendency, for the purpose of this assessment, the intake process will be recognized as being highly dependent upon court policy, and will be referred to throughout this document as *"Court Intake"*.

occur. Less serious cases are taken to a Youth Service Bureau; more serious cases go directly to detention intake. Again, in some localities the juvenile may be taken to an after-hours probation officer at his home, and the complete intake function is performed in this setting without the obvious threat of detention.

Sparsely populated regions or states with regional detention facilities may have to hold a juvenile overnight pending court intake. Such overnight detention may be provided by use of a secure room in a fireproof building, a hospital, or a courthouse (but usually not a jail), with an "on-call" staff for the rare occasion in which it is used.

Some detention centers have a separate intake area in which some cases can be kept. This avoids interrupting ongoing programs for those awaiting a court hearing.

Court Intake

The options at this stage vary widely from jurisdiction to jurisdiction. *They greatly depend on the policy of the court.*

Except for the initial detention while the initial investigation is being made by the probation officer at intake, the decision to file for court action is shown as a decision logically made prior to the detention decision, though frequently made at the same hearing. A decision to file for court action and the subsequent filing of a petition would precede the detention hearing and is usually handled by the prosecuting attorney. The "detain-release" decision is usually shown as a two-alternative decision in conformity with the nationally accepted definition of detention as physically restricting. The criteria of detention usually being:

- serious danger to self or community;
- strong likelihood of leaving the jurisdiction; or
- a formal requirement to hold for another jurisdiction

Only after these criteria are considered are family circumstances to be taken into account. A "harmless" offender may need substitute arrangements (shelter or foster placement but not detention) because his family is unstable, but an adverse family situation will force a decision to detain if the substitute short-term arrangements are not available to provide the protection required.

A clear distinction has to be made between a juvenile who is placed in a non-criminal justice agency as a final disposition without pending court action, and a similar placement with a pending court date. The same agency may be responsible for both, but it must be recognized that those in the former group exit from the juvenile justice system.

Prosecution

The prosecuting attorney may in many localities formally rule on the sufficiency of evidence aspect of each case forwarded by the intake officer. And in some localities, the prosecutor actually performs a number of the decision processes formerly performed only by the intake officer.

Court

Court procedures are sufficiently varied to complicate description. It is particularly important to distinguish between the physical movement of the juvenile and the progress of his case. A juvenile may physically be located at the intake or detention facility in either a secure or non-secure environment, depending upon the petition that is filed. However, at the same time, the "case" may actually pass through several hearings where decisions are made relative to the eventual status of the juveniles.

Despite the large number of different possible court procedures, not all of these court procedures need be in every system; in fact, in many systems, all court functions are handled in

three court hearings: the detention hearing, the adjudication hearing, and the disposition hearing.

The many court phases may be shown as:

- the arraignment hearing
- the pre-hearing hearing (which is also a detention hearing for those detained)
- the adjudication hearing (a hearing of fact)
- the fitness hearing (to certify as adult or juvenile)
- the disposition (placement)

Many juveniles will proceed directly to disposition from an initial hearing, while others will have multiple hearings, motions filed and heard, and special fitness hearings prior to the disposition.

Corrections

A large variety of alternate paths are available at this point. A court may withhold disposition, due to a change in post- or pre-adjudicative status of the juvenile, to order studies, or to continue the case. A court may commit to correctional facilities, some of which are considered to be local facilities. Local facilities are often under a different jurisdiction, and they are usually funded by County governments. Few counties, however, have more than group homes or camps. Many feel that any juvenile who requires more specialized facilities should be committed to state institutions better able to offer the necessary programs and personnel.

In some jurisdictions, a commitment is made from the county to a youth authority or youth service bureau which runs a diagnostic and reception center for all new cases. After a few weeks' stay, offenders are transferred to the most appropriate program facility. Some states have a reception and diagnostic facility, but not a state youth authority. In others, local judges make commitments directly to specific institutions and maintain control over changes in motions to be released.

"Shelter facilities," "psychiatric facilities," and "institutions for the retarded" are sometimes run by private agencies and sometimes by states. Some states have specialized programs for retarded delinquents that are listed under correctional facilities if they are on the corrections budget. In many cases, however, the state purchases such services.

The court may order probation where the juvenile is supervised in his own home. A distinction is made as to whether the probation would be a term with or without supervision. It is important here to note the difference between the words "revoke" and "suspend" in terms of termination of probation. In some jurisdictions, the court may sentence a juvenile to a term in a state facility, and then suspend that sentence and recommend a term of probation. Other court systems may sentence directly to probation. If the juvenile, while on probation, were to justify a reversal of his probation, this distinction would be important. If the juvenile was sentenced to probation, then that sentence would be *suspended.* However, if the juvenile was sentenced to a term in an institution, but that sentence suspended in favor of probation, then that probation would be *revoked* back to the original sentence.

Release and Aftercare

Procedures for release or dismissal differ greatly among communities. In some shelter facilities, there may be a transfer of jurisdiction upon admission. The shelter agency can then make an independent determination of when to terminate. In other situations, the committing judge retains control; in still others, a state board retains control. In all cases, the recommendation of the institution involved plays a large role.

In both probation and aftercare, there may be a variety of programs with different resources, methods and caseloads. The quality and scale of what is available for this final phase is critical for handling the transition back to "normal" life.

CASE CLASSIFICATION BY THE JUVENILE JUSTICE SYSTEM

As has been previously reviewed, under the English Common Law, the care of children was lodged in the king as *parens patriae*, and delegated by the king to his court of chancery. The chancery court executed the sovereign's general obligation to look after the welfare of the children in balance with assuring the general welfare of the state. This balance has guided the evolution of the *juvenile justice system* as it is known today. The juvenile justice system is a body of rules and procedures for *identifying, screening,* and *processing* children thought to fit within the *parens patriae* responsibilities of government in general.

Identification of children as those falling within the responsibility of the state is closely linked to the specific behaviors or situations that demand the intervention of the state. Over the history of such "state" intervention, five general kinds of situations have brought children clearly under the responsibility of the juvenile justice system.

- Children above a minimum age, but not yet considered to be adults, who have committed an act which, if done by an adult, would be a crime.
- Children persistently beyond the effective control of their parents.
- Children without effective parental care and/or without a parent capable of providing proper care or control.
- Children whose home is an unfit place by reason of cruelty, abuse, or exploitation of the juvenile.
- Those "special" situations effecting children such as civil contracts entered into on behalf of the child, (e.g., marriage, property control); children involved in occupations or situations dangerous to self or others; or children who are physically dangerous to the public or to themselves because of mental or physical deficiency, disorder or abnormality.

In balancing the interests of children with the interests of the general welfare, the first decision the system must make in a case is *whether to act*. This decision involves a judgment as to whether the case is sufficient and suitable for legally

authorized action and an assessment of whether the case is appropriate for legally authorized action.

A case may be judged *"sufficient"* for action if the juvenile's situation can clearly be described by one or more of the five previously defined situation categories, and the demand for action, in terms of legal, policy, and other directive factors warrants action. Thus, case sufficiency for legal action is dependent upon the decision maker's assessment of the extent to which the juvenile's situation:

- Fits within the statutory boundaries of at least one of the five classified situations, and
- Involves sufficient demand for official action (regardless of how such demand is measured by the individual decision maker).

The case may be judged to be *"suitable"* for action if the case meets the:

- Official and unofficial criteria of "acceptability" (e.g., is it the kind of case the agency handles?), and
- Eligibility criteria for at least one form of final case disposition (i.e., once accepted, there must be at least one way to dispose of the case).

The case may be judged as *"appropriate"* for action if all four of the above conditions are met and the appraisal of all available information and circumstances clearly points to a system *responsibility* for action. This is the point at which information that argues for or against legally authorized forms of action must be considered. Such information might be:

- Case-related factors (e.g., mitigating circumstances).
- Non-case related factors (e.g., presence of an audience at the time of juvenile contact, acceptability of available dispositional options).

When each of these decisions have been made, the case can be said to have been "classified" into one of the five situation categories. However, *official* classification must await yet another determination.

Case Dispositional Alternatives

If the case passes all three of the tests described--sufficiency, suitability and appropriateness--the next question to be answered is *how to act*. Thus, the decision maker must select from the range of legally authorized case dispositions available. Here, case classification may limit or expand the range of available options (e.g., a pregnant girl might be treated as a social welfare problem or as a justice system problem). Dispositional alternatives available at *each* decision point in the system can be found in the detailed flow chart in Appendix B. However, the general form of the actual decision process itself is redrawn in Figure 2. This flow chart would simply indicate that for any specific system the decision process itself does not change and it is shown here irrespective of the point in the system where the actual decision might be made.

The task of this report is to explain the decision processes that determine case classification and subsequent movement through each of the system's decision points denoted as a diamond shape within the figure. Figure 2 displays the classification and process decision in its simplest form as a series of yes/no qualifications. As each qualification is made (either yes or no), the choices indicate the next logical qualification to be made. The specific classification and disposition choices to be made at each qualification point are detailed below.

At point A, the decisions to be made are whether to classify the juvenile as:

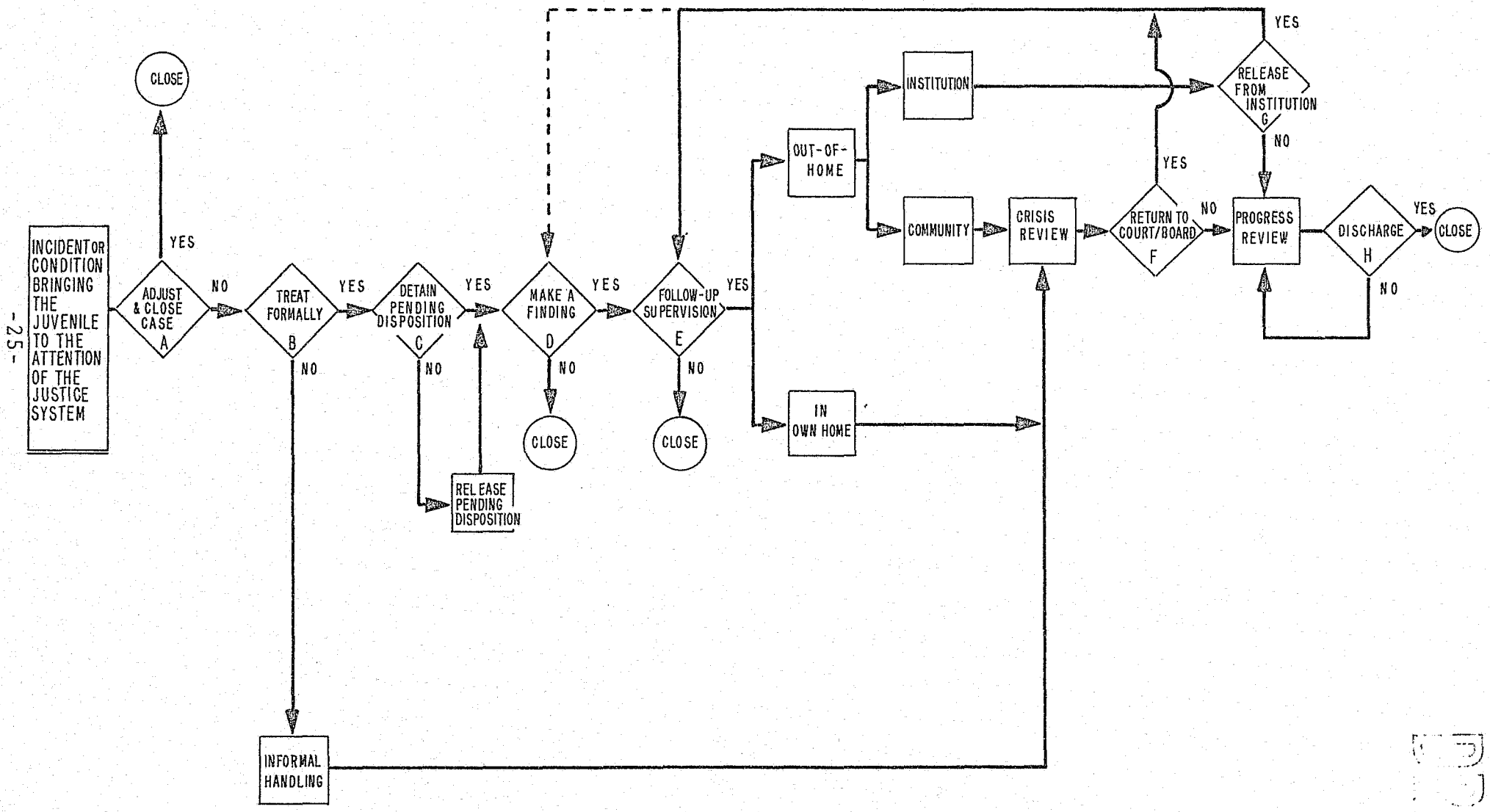
- Abused/Victimized
- Dependent/Neglected
- Incorrigible/Status Offender
- Delinquent/Youthful Offender

and how to dispose of the case. Dispositional options available include:

- Close the case with no further action.

FIGURE 2

KEY JUVENILE CASE PROCESSING DECISIONS MADE BY THE JUSTICE SYSTEM



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- Reprimand or counsel and close the case.
- Work out a settlement between the parties and close the case.
- Refer to another agency and close the case.

These decisions are most frequently made by law enforcement. However, all components of the justice system are faced with making these decisions for selected cases.

If the case progresses past this initial screening step, the next decision is that represented by point B. The decision to be made still involves choice of legal classification, from one of the selections above, and a decision about what to do with the juvenile. Dispositional options are:

- Handle the case informally and hold it open for progress review.
- Refer the case to court without taking the juvenile into custody.
- Take the juvenile into custody pending further investigation.
- Take the juvenile into custody and deliver to the detention or shelter facility.
- Hold the juvenile for detention hearing.
- Detain the juvenile pending final adjudication.

Obviously, these later options involve both the decision of whether to treat formally or informally and the decision concerning detention/release. Similarly, decisions made at point A involve these same implications--i.e., a decision to close the case with no further action is also a decision not to detain pending final adjudication of an allegation. Other combinations are obvious.

Point C again involves classification, plus selection of a case disposition focused upon the question of detention/release. The choices available to the decision maker are the same as those listed in the discussions for point B, above. It seems reasonable to assume that decisions A, B, and C necessarily occur together, even though a decision of one type may limit the alternatives available within the other two decision categories. Operationally, the decision maker must decide: whether to handle the case or close it; whether to process the case inside or outside the system; and if processing is

to be within the system, whether detention will be required.

At point D, the classification choice must again be made. Options for disposing of the case include:

- Dismissal of the petition as unsuitable for hearing by the court
- Finding that the juvenile is an unfit subject for the juvenile/family court.
- Upon hearing the case, make no finding of fact.
- Make a finding that the juvenile is within the jurisdiction of the court as a DEPENDENT/NEGLECTED child.
- Make a finding that the juvenile is within the jurisdiction of the court as an ABUSED/VICTIMIZED child.
- Make a finding that the juvenile is within the jurisdiction of the court as INCORRIGIBLE/STATUS OFFENDER.
- Make a finding that the juvenile is within the jurisdiction of the court as a DELINQUENT.

Assuming that the juvenile is retained within the justice system, the next decision, represented by point E, still involves "unofficial" classification. The legal basis for jurisdiction may predefine official classification; yet a juvenile defined legally as delinquent may be treated as abused, dependent, incorrigible and/or delinquent. Dispositional options are:

- Case closure with no follow-up
- Immediate settlement *without* probation or other supervision
- Supervision in the juvenile's own home
- Supervision in a foster home, relative's home, or group home
- Placement in a private institutional setting
- Commitment to a local (public) MINIMUM SECURITY facility
- Commitment to a SECURE local or state facility

At point F, legal classification has already been made. However, the crisis at hand might initiate legal and/or unofficial classification change. Where the crisis takes the form of a new act or status coming within the adjudicatory powers of the court, the case may be returned to point A or any point from A through E displayed in the chart. Aside from other processing decisions implied by points A through E, the disposition decision F can include:

- Close the case; discharge
- Supervision in the parental home

- Supervision in a foster home, relative's home, or group home
- Supervision in a private institutional setting
- Commitment to a local (public) MINIMUM SECURITY facility
- Commitment to a SECURE local or state facility

At point G, the juvenile under commitment in an institution might be processed in a variety of ways. The legal classification has already occurred; however, "unofficial" classification must be made even if this differs from the legal classification. In terms of disposition options, at point G, the juvenile may be:

- Released without follow-up supervision; discharged
- Released to supervision in the parental home
- Released to supervision in a foster home, relative's home or group home
- Continued in the institution

Finally, we come to point H where the juvenile in the community (or in an institution) is considered for discharge. Case classification still affects dispositional options. For example, it may affect maximum length of jurisdiction, eligibility for other programs, or decision maker's willingness to close the case. Disposition choices include:

- Continue current level of official control
- Refer to another agency and close the case
- Close the case without additional referral

Given this wide range of classification and dispositional options available to justice system professionals, key questions relate to what factors determine classification and disposition choices among professionals in the various justice system components (i.e., law enforcement, prosecution, court intake, court hearings, and corrections). To identify such factors, this document separately examines factors influencing each decision (classification and disposition) at each of these defined qualification points. The assessment summarizes literature-based knowledge in terms of each of the justice system components.

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CHAPTER II

AN ASSESSMENT OF LITERATURE-BASED KNOWLEDGE

INTRODUCTION

Studies of factors which determine processing decisions by social control agencies were initially concerned with assessing measurements of actual delinquency, particularly accuracy of knowledge about delinquents based on official records. By the late 1940s, as Goldman pointed out, several writers had begun to question the adequacy of existing statistics:

> The inadequacy of juvenile court statistics as an index of delinquency in the community has been commented on by several writers. In general, they suggest that only a small portion of the total number of juvenile offenders is known to the police, and an even smaller number is known to the court. It appears from such studies that neither the rate nor the type of juvenile delinquency nor the characteristics of juvenile delinquents in the community are adequately reflected in the juvenile court statistics. Such conclusions have arisen from the empirical study of the differences between official court and other community agency records . . . (Goldman, p. 9).
>
> . . . studies . . . indicate that research workers in the field of juvenile delinquency have been aware of and are concerned with the fact of the differential selection of juvenile offenders by police. However, there is in the literature no report of a systematic investigation of the factors which might be involved in this selection procedure . . . (Goldman, p. 23).

Thus, Goldman undertook in 1949 the first of several studies which have attempted to identify the factors used by police and other persons within the juvenile justice system in their decision-making about whether and how to process juveniles through the various levels of the system from initial custody

through adjudication, disposition and eventual release from the system.

Though classification is intrinsic within each decision to process a juvenile along the juvenile justice system, the empirical literature to date has been on whether or not to process the juveniles within or out of the system. Virtually none have focused entirely on how to classify the juveniles who are processed.

By far, the heaviest emphasis by researchers to date has been on the police followed by studies of the juvenile court. A few researchers have examined intake and detention decision-making. Very little attention has been directed toward post-dispositional (correctional) decision making and virtually none has been directed toward prosecutorial decision-making in the juvenile justice system.

There have been four general approaches taken to studying the various decision points: (1) analysis of an agency's records, (2) interviews and general questionnaires, (3) observation of decision-makers at work, and (4) simulated decision-making "games". Sometimes one approach has been used and sometimes a combination of approaches.

Analysis of records is the technique most frequently used. The researchers generally worked from a sample of the agency's records although occasionally a cohort of some type was selected and then traced through police and/or court files. This approach involved collecting what Narloch, Adams, and Jenkins refer to as "actuarial" (p. 10) data--generally offense and offender characteristics--and analyzing it in comparison to various dispositions. It represents an effort to ascertain what factors are associated with decision making by looking at the results of the decisions.

There are two major drawbacks to this type of approach. One is that the researcher is necessarily dependent on the nature and reliability of the records maintained. As Klein, Rosensweig, and Bates point out, for example, there is often a very unclear understanding within and between departments as to which contacts should be recorded as arrests and which should not. Based on interviews and examination of records in 49 California law enforcement agencies, they noted that "[i]n some instances an arrest was defined as a booking. In others it meant any detention at (or citation to) the station. In yet others it seemed to refer to any recorded contact between an officer and a juvenile. Finally, a few officers maintained that any street contact in which the juvenile was stopped for interrogation could constitute an arrest" (Klein, Rosensweig and Bates, p. 83). They provide a good example of the difficulty, furthermore, of assuming the reliability of the definition even within one department--"[w]hen one department erroneously supplied us twice with its juvenile arrest data for 1969, we found that the two reports involved different arrest definitions and yielded alternate arrest rates of 37% and 60% (Klein, Rosensweig and Bates, p. 87).

A second drawback is that the records reflect one person's assessments of "what happened" and are also limited to simplified notations of sometimes confusing or complex situations. Many items of information are frequently not available, such as the juvenile's demeanor, his family situation, conflicting versions of the event, and so forth. Cicourel commented on this problem when he pointed out that "[t]he 'logic in use' of the organizational actors (for example, policemen, probation officers) is obscured because the organizational records contain information reconstructed for various practical reasons. Knowledge of how reports are assembled is needed to transform the formal report descriptions into processual statements about the public and private ideologies of law enforcement agencies . . . The structural or so-called objective data extracted from official records are labels stripped of their contextual

significance. The meanings, which the researcher assigns to 'broken home,' 'bad attitude toward authority,' 'gang influence,' and 'bad neighborhood,' are divorced from the social context in which the labeling and actor's routine activities occur. These labels provide meanings to the police and probation officers for making both evaluations and disposition decisions. Offense categories, therefore, cannot be divorced from the typifications employed by the police and probation officials" (Cicourel, pp. 121-122).

Nevertheless official agency records do provide a source of data which can provide some insights into the process. One should simply remember the limitations and keep in mind that even where a relationship between a factor and a pattern of decision-making appears to be statistically significant, a cause and effect relationship may not necessarily exist.

Interviews and questionnaires represent an attempt to have the decision-maker provide information on how he decides on various dispositional alternatives and what factors are important. The drawbacks to this approach are that the decision-maker may not be fully aware of all the factors he considers or he may be reluctant to discuss what he does with an interviewer or to complete written questionnaires. He may also tend to respond in terms of what he thinks he *ought* to do rather than what he actually does or in terms of what he thinks the researcher wants to hear.

Observation of decision-makers at work and simulated decision-making "games" represent an attempt to see what the decision-maker actually does. But someone who is being observed may act differently than he does usually and simulations still permit the decision-maker to respond more in terms of what he thinks he *ought* to do than what he actually does. Furthermore, both observation and simulations are time consuming, and the researcher has difficulty including a wide range of transactions.

The drawbacks to the various methods used to study juvenile justice decision-making are not mentioned for the purpose of discouraging the reader from drawing any conclusions about the studies but simply to remind one that all methods of studying anything as complex as the juvenile justice system will have limitations and to establish the need to keep an open mind. As Gibbons points out, "[b]ecause this people-processing apparatus is manned by many individuals who are involved in making decisions about offenders, its nature cannot be fully captured in a few paragraphs" (Gibbons, p. 35). Nor perhaps in a few studies. But each can hopefully add pieces of information and can further our understanding of the nature of the process.

LAW ENFORCEMENT

The police generally represent the front end of the juvenile justice system, and consequently, the law enforcement component. For many juveniles this is the only contact they will ever have with the system while for many others, it is only the first stage of processing. Rubin has compared the juvenile justice system to an "inverted pyramid. At the top of the pyramid, somewhere between two and three million youngsters have police contacts during a year (this is not an unduplicated count: a given youngster may have five or ten police contacts in a year) . . . Law enforcement agencies are the most frequent referral agents forwarding juveniles to juveniles courts" (Rubin, p. 87). Cohen, in a study of three juvenile courts, found that the police were the referral agency for over three-fourths of the juveniles ("88 percent of the referrals in Denver, 77.8 percent in Memphis-Shelby County, and 88.2 percent in Montgomery County [Pennsylvania]") (Cohen, p. 36).

Most police-juvenile contacts are a result of citizen complaints. Black and Reiss, for example, based on observations in three cities, found that "[o]f the 281 police-juvenile encounters, 72% were citizen-initiated (by phone) and 28% were initiated

by policemen on patrol. Excluding traffic violations, these proportions become 78% and 22% respectively" (Black and Reiss, p. 66). Even though the police may not be the first persons to start the processing of a juvenile into the system, they represent the first formal agency to be contacted. Even when insisting that a juvenile be processed, most citizens call upon the police to start the processing rather than going directly to the juvenile courts. The police then intervene and make the first formal determination of whether or not to classify and process the juvenile and in what way.

As the President's Crime Commission noted in 1967, the police have a range of dispositional alternatives available to them "from outright release, usually to the parents, to referral to the juvenile court. Court referral may mean citation, filing of a complaint, or physical removal of the child to detention awaiting formal action. Between those extremes are referral to community resources selected by the officer and station adjustment, by which is meant the juvenile's release on one or more conditions. The term station adjustment, as used here, implies an effort by the police to control and change the juvenile's behavior" (President's Commission on Law Enforcement and Administration of Justice, p. 12).

Table 1, displaying the police intake decisions and the frequency of alternative choices, was created based on FBI data on juveniles taken into custody in 1976. This data was provided by

Table 1

DISPOSITION OF JUVENILES TAKEN INTO CUSTODY
BY LAW ENFORCEMENT AGENCIES

Handled in department and released	39.0%
Referred to juvenile court	53.4%
Referred to welfare agency	1.6%
Referred to another law enforcement agency	1.7%
Referred to criminal court	4.4%

Source: Federal Bureau of Investigation, Uniform Crime Reports, 1976, Table 57, p. 220.

law enforcement agencies representing almost four-fifths of the United States population.

Additional data given on six groups of cities varying in population size, and on suburban and rural areas show considerable variation in these dispositions due to demographics. Referrals to juvenile court, for example, ranged from 61.9 percent in rural areas to 46.0 percent in suburban areas.*

How policemen arrive at a disposition is not very clear or in what ways the decision-making process varies from locale to locale. A number of studies have been undertaken in an effort to determine what criteria enter into the police dispositional decision-making process about juveniles. They have included studies which analyzed records, observation of actual police-juvenile encounters, interviews, questionnaires, and decision games. A wide range of factors were covered to varying degrees. However, what emerges are some *impressions* but no simple, easy *answers* as to how juveniles are classified or processed.

Those factors that have been the subject of extensive study and observation, as possible determinants of classification and/or processing by law enforcement personnel are the primary organization of the remaining report. Each factor and its influence within the function of decision-making is outlined in detail by the body of knowledge presently known.**

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*Federal Bureau of Investigation, Uniform Crime Reports, 1976, Table 57, p. 220.

**As many references as were available at the time of preparation of the report are listed and referred to. However, when a reference was not available at the time of preparation, it was collected and entered in Appendix A as possible *other* sources of information not considered in this report.

Seriousness and Nature of Offense

There is general agreement that seriousness of offense is a major determinant in police decision-making about juvenile offenders. Even those researchers who consider it secondary to other factors have provided data which indicate that it is nevertheless a controlling factor to some extent.

With rare exception, the data show that referral rates are higher for the more serious offenses than for less serious or status offenses. Data on police dispositions of juvenile delinquency arrests in California in 1969, for example, show a distinct difference between referral rates for "major law violations" (78.6 percent) and "minor law violations" (49.2 percent) and "delinquent tendencies" (47.5 percent). ([California] Department of Justice, Bureau of Criminal Statistics, 1969, Table IX-4, p. 145).*

Goldman similarly noted differences in referral rates between serious and minor offenses in his 1950 comparison of four communities in Pennsylvania. Three of the four communities showed clearcut differences in referral rates between serious and minor offenses with a combined referral rate for the four of 57.4 percent for the serious offenses and 18.1 percent for minor offenses (Goldman, p. 42). While he noted that there were differences between the communities in the actual percentages referred for serious and minor offenses, the pattern of higher referrals for more serious offenses still held, with one exception:

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*"'[M]ajor offenses' ...are equivalent to a felony charge against an adult; 'minor offenses' ...equate roughly to misdemeanor charges; and 'delinquent tendencies' ...include such acts as truancy, runaway and curfew violations for which there is no adult counterpart" ([California] Bureau of Criminal Statistics, p. 141)

Location	% Referred to Juvenile Court	
	Serious Offenses	Minor Offenses
Steel City	55.6	39.2
Mill Town	33.3	1.5
Manor Heights	63.2	2.4
Trade City	70.2	73.5

Source: Goldman, pages 56, 72, 82 and 65.

Terry used Kendall's rank correlation coefficient to analyze the relationship of 12 variables to the severity of the sanction accorded to juvenile offenders. At the police level, he found that seriousness of the offense committed had the highest positive relationship of the variables examined. Furthermore, he noted that "[w]hile the three least serious offenses comprise 65% and the three most serious offenses comprise 6% of all offenses appearing in the police records, the three least serious offenses comprise only 9% of the offenses that appear in the juvenile court and the three most serious offenses comprise over 66% of the offenses appearing in the juvenile court records" (Terry, 1967a, p. 178).

McEachern and Bauzer analyzed over a thousand records drawn from the Los Angeles County Sheriff's Office Juvenile Index and found that the nature of the offense was a major determinant in the decision to request filing of a petition. Although they found that "almost everything is significantly related to whether or not a [court] petition was requested . . . [when]

*He attributed the lack of differential handling for serious and minor offenses in Trade City to a highly transient population and a low level of person contact between police and the community plus some political differences between the police chief and the city administration. The police in Trade City handled juveniles in a "rather indiscriminate and formal" manner (Goldman, p. 91).

analyses were carried out for [other] characteristics . . . [i]n every case the relationship between the nature of the offense is held constant, the effects of many of the other variables are eliminated or 'considerably reduced'" (McEachern and Bauzer, pp. 150-151).

Black and Reiss, in their study of 281 police-juvenile encounters, noted that of 15 incidents involving allegations of felonies, "the arrest rate . . . is twice as high . . . as it is for the more serious misdemeanors, and . . . the arrest rate for serious misdemeanors doubles the rate for juvenile rowdiness . . . Arrest appears even less likely when the incident is a noncriminal dispute"* (Black and Reiss, p. 68; Table 2, p. 69).

Even when other factors are clearly influential, the effect of offense seriousness can be seen. Wolfgang, Figlio and Sellin stressed the differential handling of whites and nonwhites in their study of a birth cohort of Philadelphia male juveniles. Nevertheless, they "noted the strong relationship between [offense] seriousness score and disposition" (Wolfgang, Figlio and Sellin, p. 222). Thornberry, in analyzing the same data, commented on "the relationship between seriousness and dispositions when race is held constant. From these comparisons, it is clear that the seriousness of the offense plays a major role in determining the severity of the disposition. Both black and white subjects are more likely to receive a severe disposition when they commit serious offenses" (Thornberry, p. 95). Table 2 indicates that these data do point to an apparent relationship between seriousness score and whether the case is referred to the juvenile court. Similar results were also observed when index and nonindex offenses were used as the measure of seriousness rather than the Sellin-Wolfgang seriousness score (Wolfgang, Figlio and Sellin, Table 13.5, p. 225).

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*Actually, of the 22 incidents involving noncriminal disputes, none resulted in arrest.

Table 2*

RELATIONSHIP OF SERIOUSNESS OF OFFENSE AND DISPOSITION BY SEX

Offense Seriousness Score	Race	
	Black	White
Low	16.1	7.7
High	70.0	49.6

Source: Thornberry, Table 4, p. 94

Two studies provided some exceptions to the above conclusions, however. One was Hohenstein who analyzed data from a previous Philadelphia study* using a predictive attribute analysis technique. He found that in 179 delinquency events in which the victims made statements against prosecution "offenders were 'remedialed' in 96 percent of the cases . . . A pertinent fact concerning these 179 events is that more than half of them had a seriousness socre greater than one and that, of the seven cases falling into the most serious quartile of seriousness, six were remedialed"(Hohenstein, p. 146).

Furthermore, Hohenstein found that of the 322 events in which no victim's statement was made against prosecution, the most influential factor was whether or not the offenders had more than one previous arrest. Thus, while seriousness of offense was one of the three most important variables when 14 variables were compared, it was generally less important than the victim's preference or the juvenile's prior record (Hohenstein, Figure I, p. 147).**

*The data consisted of 504 events drawn from 1960 records by Sellin and Wolfgang and used in constructing their index of delinquency (Hohenstein, p. 138).

**For a list of the 14 variables, see Hohenstein, p. 142.

Ferdinand and Luchterhand's study of inner-city youth provided the other exception to the general pattern in which seriousness of offense tended to influence police dispositions of juveniles. They divided offenses into three groups--against the person, which includes "all forms of violent, abusive behavior directed at the individual," against property, which includes "all forms of theft, burglary, vandalism, and fraud," and other, which includes "juvenile crimes . . . and offenses against public ordinances" (Ferdinand and Luchterhand, footnotes 2-4, Table 2, p. 512). When they compared these three offense groups against dispositions for male first offenders, they concluded that "it appears, though only weakly, that the police give less harsh dispositions to those youngsters who commit offense against the person than those who commit offenses against property" (Ferdinand and Luchterhand, p. 521). For this group of offenders, dispositions for "other" offenses--the least serious group--were more lenient than for offenses against property but less so than for offenses against persons. Over 40 percent of the offenders with offenses against persons were given probation-type dispositions compared with 30 percent of those involved in "other" offenses and 25 percent of those involved in offenses against property (Ferdinand and Luchterhand, Table 13, p. 521). Similar results were observed for male third offenders except that the results for offenses against property and "other" offenses are reversed (Ferdinand and Luchterhand, Table 12, p. 520).

While the nature of the technique used did not permit an evaluation of the influence of seriousness, Sullivan and Siegel nevertheless documented the importance of knowledge about the offense to policemen in making disposition decisions. When they asked 24 police officers to use a decision game in making decisions about a 15-year-old who was drunk and disorderly, 23 of the officers picked *offense* from a list of 24 information topics as their first choice. The remaining officer selected time first and then offense (Sullivan and Siegel, Table 1, pp. 256-257).

Differential handling can also be observed when looking at specific offenses even within levels of seriousness. Looking once again at the 1969 California data, we can see the referrals for the major offenses ranged from 73.7 percent for auto theft to 87.5 percent for forcible rape. Referrals within the minor offense category ranged from 45.3 percent for petty thefts to 90.2 percent for misdemeanor drunk driving ([California] Department of Justice, Bureau of Criminal Statistics, Table IX-4, p. 145).

Goldman also noted variations between specific offenses in the cases drawn from the four communities in which he collected data. The variations for the four combined ranged from no referrals for trespassing to 100 percent referrals for robbery and assault (Goldman, Table 4, p. 38). There were few offenses which resulted in 100 percent referrals in any of the communities and those offenses in which all contacts resulted in referral generally involved very small numbers. There were only ten robbery arrests in all four communities, for example, and two arrests for assault. Generally, also, the offenses with referral rates of 100 percent were fairly serious except for two runaway cases in Manor Heights (Goldman, p. 80) and eight incorrigible cases in Trade City (Goldman, p. 63). Of the more serious offenses, auto theft and riding in a stolen car had a generally high referral rate of about 90 percent while sex offenses also had high referral rates of about 83 percent (Goldman, Table 4, p. 38).

Some of the rationale behind these high rates was explained in the interviews which Goldman did in the four communities plus 18 other municipalities in Allegheny County (Pennsylvania) and six police districts in Pittsburgh (Goldman, p. 93). "While 10 percent of the officers felt that the theft of a car for a 'joy ride' without resulting in damage to the car did not warrant court intervention, 56 percent expressed a much sterner attitude. A stolen car in the hand of an irresponsible juvenile might become a dangerous weapon, making the boy a 'potential murderer.'" The potential economic loss

to the owner and the insurance company's interest were also cited as reasons why this crime so often resulted in referral (Goldman, p. 108). The rationale for the high percentage of referrals for sex offenses was less clear from the interview comments which indicated much less concern than the data from the four communities suggested. Based on the interviews, Goldman noted that the "police attitude toward sex offenders varied considerably from one community to another. In general, it might be said that cases of sex relations between juveniles of the same age, and if no coercion was involved, are referred by 45 percent of the police to the parents rather than to the court . . . The attitude in Pittsburgh seems to be stricter than in the surrounding municipalities" (Goldman, p. 109).

Goldman also found several offense-related factors which affected likelihood of referral rather than the legal nature of the offense itself. Among these related factors were the time of day, the sophistication of the offense, premeditation and maliciousness and whether or not a group of juveniles were involved. "If the offense looked, in any way, 'like a professional job' immediate referral to the court was indicated. . .The degree to which a juvenile offense approaches the form of adult criminal conduct is considered important. Cases of robbery with a gun or 'strong-arm stuff' are immediately transferred to the court . . .The use of burglar tools and a sophisticated approach to the crime signifies to the police the need for institutional correction . . .If, on questioning the juvenile, it was felt that the offense involved premeditation or careful planning, of 'if there is brains behind it,' immediate juvenile court referral was indicated by 42 percent of the police . . . Damage to houses under construction was usually overlooked unless the police felt the destruction was motivated by 'meanness or spite' rather than mischief or play" (Goldman, p. 112-113).

Wilson also observed differences in referral rates by specific offenses. In Western City, only about half of

the juvenile-police encounters for larceny resulted in court referral while almost all of the encounters involving robbery resulted in referral. Burglary and auto theft also had relatively high referral rates with aggravated assault comparable to larceny. Among the less serious offenses, being drunk and disorderly or engaging in malicious mischief resulted in about 30-40 percent being referred while only about half that many were referred for loitering (Wilson, p. 13). In Eastern City, larceny was much more likely to result in a juvenile's being taken to court than was assault by a margin of about two to one. Being drunk and disorderly virtually never resulted in a court appearance nor did malicious mischief, but incorrigibility resulted in court referral in about 50 percent of the cases (Wilson, p. 14).

Bodine, in a study of offenses committed by male juveniles aged 7 through 15 in a large northeastern city for a four-year period (Bodine, p. 3)*, observed that "[n]early three-quarters of all thefts and almost half of the personal conduct offenses go to court. Only a small percent of malicious behavior and miscellaneous [school, vehicle violations and violations of city ordinances] are sent to court" (Bodine, Table 5, p. 8). Serious theft (grand theft, burglary, robbery, and car theft) resulted in 89 percent being referred to court while petty theft offenders were referred 64 percent of the time. Malicious behavior (malicious mischief and trespassing) cases were referred only 14 percent of the time. Personal conduct (ungovernable, sexual misconduct and disorderly conduct) warranted referral in 45 percent of the cases (Bodine, Table 5, p. 8).

Overall, although the more serious offenses appear to have higher referral rates than do the less serious cases, there appears to be little indication that any particular offense

*A total of 3,343 cases were included.

results in referral regardless of any other factors. Even homicide does not always guarantee a court referral as shown by the 1969 California data--28 of 227 juveniles arrested for homicide were "handled within the department" ([California] Department of Justice, Bureau of Criminal Statistics, Table IX-4, p. 145).

Sellin and Wolfgang, who analyzed a ten percent sample of offense reports from the Philadelphia Police Department's 1960 records, observed that not even all cases resulting in hospitalization or death guaranteed arrest--about half (13) of the juvenile offenders involved in offenses which caused hospitalization or death received remedial dispositions rather than arrest. A higher proportion of those offenders whose victims were treated and discharged were arrested--75.2 percent. As Sellin and Wolfgang noted, "the determination of disposition is made on more criteria than degree of harm . . . Knowledge of the degree of harm alone would make extremely difficult any prediction of police disposition among these cases of physical injury (Sellin and Wolfgang, pp. 194-195).

Nor does amount of property loss or damage clearly result in arrest although "arrest dispositions are significantly more likely to be made in the higher value offenses," according to Sellin and Wolfgang's analysis (p. 217). Of the offenses involving over $200 loss or damage, 82.9 percent resulted in arrest. Offenses involving over $20 in property loss or damage resulted in 65.6 percent arrest rate, compared to 38.9 percent of those involving loss or damage of $20 or less (Sellin and Wolfgang, Table 57, p. 217).

Even though seriousness of offense is not an absolute, however, it is clearly a factor and when a serious [felony]/ minor [misdemeanor] dichotomy is used, seriousness of offense is probably a predominant factor. But as Cicourel, after several years of observation in two cities, noted, "the 'serious'

juvenile activities do not make up the majority or even a noticeable amount of incidents known to the police" (Cicourel, p. 183). Black and Reiss similarly pointed out that a "broader pattern in the occasions for police-juvenile transactions is the overwhelming predominance of incidents of minor legal significance. Only 5% of the police encounters with juveniles involve alleged felonies; the remainder are less serious from a legal standpoint. Sixty percent involve nothing more serious than juvenile rowdiness or mischievous behavior, the juvenile counterpart of 'disorderly conduct' or 'breach of the peace' by adults" (Black and Reiss, p. 67). Piliavin and Briar estimated that "minor offenders. . . comprised over 90 percent of the youths against whom police took action" (Piliavin and Briar, p. 159).

Goldman commented that the proportion of arrests for serious offenses varied from community to community and noted that such "offenses range from 6.1 percent to 37.1 percent of arrests [in the four communities he studied] with an average of 20.3 percent" (Goldman, p. 126). He and others have concluded, as a result, the "[d]ifferences in the court referral rates are largely a result of the differential handling of minor offenses" (Goldman, p. 126).

In summary, there is clearly differential handling of juveniles depending upon the type or seriousness of offense, although even the most serious offenses do not always result in referral to the juvenile court. Most researchers agreed that seriousness of offense was a major factor although there were a few limited exceptions and some disagreement as to whether or not seriousness is a primary factor.

Nevertheless even if it were always the most important factor it would have a relatively small effect on the total number of police dispositions because the serious offenses comprise a relatively small proportion (about five to ten percent) of police-juvenile encounters.

Or, as Wilbanks noted, "[i]n short, seriousness of offense is likely to be important for the [referral]/diversion decision only when the offense is serious. For less serious offenses many more factors are likely to influence the police decision" (Wilbanks, p. 121).

Prior Record

There is a general agreement by all those who have considered it as a variable that prior record is in fact an influential factor in police dispositional decision-making about juveniles. Where there is some disagreement is whether it is primary or to what degree it operates. There has also been no real indication of what kind of prior record--number of offenses or type of previous disposition--affects subsequent decision-making.

As Bodine noted in his study of 3,343 male juveniles in a large northeastern city, "[p]revious history of arrest is strongly related to disposition . . . Only slightly more than a quarter of the initial offenders are sent to court, but more than half their cases disposed of in this manner" (Bodine, p. 5).

Hohenstein found prior record second in importance only to the complainant's expressed preference. When he examined 322 Philadelphia delinquency events in which "no statement was recorded for or against prosecution, the offender was arrested 78 percent of the time. The factor most influential in predicting the disposition of the offenders in these events was the previous number of contacts they had had with the police. When the offender had had more than one previous contact, he was arrested 91 percent of the time; when he had had one or no previous offenses, he was arrested only 53 percent of the time" (Hohenstein, p. 146).

McEachern and Bauzer found that both number of the offense in the youngster's delinquent history and whether or not he was on probation had some influence on the police disposition (McEachern and Bauzer, pp. 150-151). Whether or not he was

on probation appeared to have a somewhat stronger and more consistent effect than number of the offense in the arrest history. A look at the proportion of petitions requested as number of previous entries on record increased showed a clearcut increase for offenses one through three (.17, .24, .46) but then the proportion dropped for offense number four (.34). The proportions for offenses 5-18 seesawed up and down but were always higher than for those with one or two previous entries on their records (McEachern and Bauzer, p. 156, Table 7). The proportion of petitions requested for different offenses and probation status was always higher for those on probation with about one-fifth of those not on probation having petitions requested compared to almost one-half of those on probation overall (McEachern and Bauzer, p. 156, Table 8).

Ferdinand and Luchterhand, in a study of dispositions in six inner-city neighborhoods in a large eastern city, concluded that race was a major determinant in the dispositions given male first offenders (Ferdinand and Luchterhand, p. 512, Table 1), but that when male third offenders were compared, "it is apparent that white and black offenders are given more comparable dispositions for the same offense" (Ferdinand and Luchterhand, p. 520*). Furthermore, the effect of prior record can be seen by examining dispositions for whites and blacks. For each racial group, the first offenders more often received probation-type dispositions that did the third offenders (Ferdinand and Luchterhand, p. 513, Table 3 and p. 520, Table 12).

Wolfgang, Figlio and Sellin observed a similar pattern in their study of a male birth cohort in Philadelphia. Although they concluded that race was a major determinant of police dispositions, they provided data in which the effect of being a one-time offender rather than a recidivist is clearly

*Data are provided only for first and third offenders.

visible for both whites and nonwhites (Wolfgang, Figlio and Sellin, p. 224, Table 13.3). Thornberry, in a separate analysis of the same data, shows a similar pattern for juveniles of low and high socioeconomic status" (Thornberry, p. 97, Table 8).

Terry, in his analysis of dispositions for 9,023 juvenile offenses in a midwestern city (Terry, 1967a, p. 178), found that number of previous offenses committed was a significant criterion in police dispositions, second in significance only to seriousness of the offense (Terry, 1967a, p. 178). This finding led to the observation that "[t]he legal status of delinquent does not seem to be easily attainable . . . While a chief function of primary agencies of social control is to identify, define, and sanction juvenile offenders . . . our evidence indicates that these agencies give the offender ample opportunity to avoid the status. This is indicated by the fact that the number of previous offenses is consistently significant as a criterion in the screening process. It is usually only after failure (and, generally, repeated failure) to discontinue the commission of delinquent acts that juveniles find themselves appearing in the juvenile court for adjudication as a juvenile delinquent" (Terry, 1967a, pp. 180-181). As further testimony to this conclusion, he noted that "[f]irst offenses constitute 38.2% of the offenses occurring at the police level of analysis, but only 7.3% of those at the juvenile court level and 4.0% of the offenses that result in institutionalization. On the other hand, offenses involving offenders who have committed five or more previous offenses constitute 20.4% of the offenses occurring at the police level of analysis, but 58.1% of those at the juvenile court level and 70.4% of the offenses that result in institutionalization" (Terry, 1967a, p. 181)

Cicourel does not provide any data on this factor, but, based on observations for several years in two cities, he does

note that prior record will often intervene to turn an otherwise "minor" event into a situation calling for a serious disposition. "From a routine investigation of a drunken party, for example, the police may uncover clues or suspects involved in something more serious; such inquiries are not viewed as trivial. Juveniles considered 'bad,' or 'punks,' for reasons like prior petty theft, grand theft auto, burglaries, and malicious mischief may be recommended for serious disposition because of activities (otherwise viewed as trivial) in drunk parties, fighting, and so on" (Cicourel, p. 119).

Wilbanks also found that prior record was considered a factor in police decision-making. When he asked 111 officers in 13 departments and at a training seminar to indicate whether they agreed or disagreed with eight policy statements, almost a third (31 percent) indicated that the statement "[f]irst offenders should not be sent to court unless the offense is very serious or the victim insists" reflected a personal rule of thumb. Another 40 percent said it reflected departmental policy or practice or state law. Only 23 percent disagreed that the statement reflected a guiding principle in their decision-making (Wilbanks, p. 98, Table III). The statement is limited, of course, to the absence of a prior record so it is not clear what role the presence of a prior record would play.

Two sets of researchers relying on observation of officers in patrol settings, noted that prior record is more likely to be a criterion used by youth bureau officers than by patrol officers. As Black and Reiss commented, the "youth officer may, for example, be more concerned with the juvenile's past record, a kind of information that usually is not accessible to the patrolman in the field setting. Furthermore, past records may have little relevance to a patrol officer who is seeking primarily to order a field situation with as little trouble as possible (Black and Reiss, p. 69).

Piliavin and Briar also made a similar observation--"[i]n the field, officers typically had no data concerning the past offense records" (Piliavin and Briar, p. 159). They did note that occasionally "officers apprehended youths whom they personally knew to be prior offenders. This did not occur frequently, however, for several reasons. First, approximately 75 percent of apprehended youths had no prior records; second, officers periodically exchanged patrol areas; and third, patrolmen seldom spent more than three or four years in the juvenile division" (Piliavin and Briar, p. 159, footnote 16).

Overall then there is unanimous agreement that prior record plays a role in the disposition decision for policemen. There was little information provided, however, to indicate how extensive the prior record had to be to affect the decision-making although two researchers seemed to indicate that it was not necessarily an all or nothing proposition (one or more priors versus none). Prior record appears to be a more important factor when decisions are made by officers at the police station rather than by patrol officers, mainly because patrol officers more often lack the necessary information to take this factor into account.

Victim's/Complainant's Preference

Several researchers have highlighted the importance of the victim's preference as a factor in police decision-making about dispositions of juvenile offenders. Two, in fact, consider it of paramount importance even when seriousness of offense and prior record are taken into account.

Hohenstein, in a special analysis of 504 delinquency events used in a Philadelphia study (Hohenstein, p. 138),* used

*The 504 events represented a 10 percent sample of reported delinquency events occurring in Philadelphia in 1960 and were used by Sellin and Wolfgang in constructing an index of delinquency (Sellin and Wolfgang, The Measurement of Delinquency).

predictive attribute analysis to evaluate the importance of 14* variables in the police decision-making process. Of these 14 variables, three important factors evolved--attitude of the victim, previous record of the offender, and seriousness of the present event. Most interesting, as Hohenstein noted, was "the order in which they appear in the typology. Its most striking feature is the primary role played by the attitude of the victim. Regardless of the seriousness of the events or the previous record of the offenders, when victims made statements to the police that they were against prosecution, offenders were 'remedialed' in 96 percent of the cases." All further attempts to split this group of 179 events failed . . . A pertinent fact concerning these 179 events is that more than half of them had a seriousness score greater than one and that, of the seven cases falling into the most serious quartile of seriousness, six were remedialed, thus emphasizing the fact that, regardless of the seriousness of the offense, the victim was likely to be listened to when he wanted the offender released. It is also important to note that the race of the victim had no effect on the degree to which he was listened to by the police. In the events where a white victim made a statement against prosecution, the offender was remedialed 95 percent of the time. When the victim was Negro, the offender was released over 96 percent of the time" (Hohenstein, p. 146). These high percentages of "remedial" dispositions contrast with the "322 events in which no statement was recorded for or against prosecution, [and] the offender was arrested 78 percent of the time" (Hohenstein, p. 146) (remedialed in only 22 percent of the cases).

The victim's role in the decision-making process also operated for prosecution, as well as against. Looking at "those events

*The 14 variables included seriousness of the event; number, age, sex and race of the victims; victim's attitude towards disposition; victim-offender relationship; number, age, sex and race of offenders; information about the discovery of the event and apprehension of the offenders; and property information (Hohenstein, p. 142).

in which the offender had a good previous record," Hohenstein noted that "the dispositions for this group again depended a great deal on the attitude of the victim. In the fifteen events in which the victim wanted to prosecute, the offender was arrested in every instance. In the 96 events in which no statement was made, the offender was arrested only 46 percent of the time . . ." (Hohenstein, p. 148).

Black and Reiss examined the role of the complainant in their analysis of 281 police-juvenile encounters in three major American cities. They noted that in "police encounters with suspects, which account for only about 50% of all police-citizen contacts, particularly important is the matter of whether or not a citizen complainant participates in the situational action. A complainant in search of justice can make direct demands on a policeman with which he must comply. Likewise a complainant is a witness of the police officer's behavior; thus he has the ability to contest the officer's version of an encounter or even to bring an official complaint against the officer himself . . . Furthermore, when a suspect is present in the field situation, the information provided by a complainant, along with his willingness to stand on his word by signing a formal complaint, may be critical to an arrest in the absence of a police witness" (Black and Reiss, pp. 69-70).

After examining their data, they concluded that "the police show a quite dramatic pattern of compliance with the expressed preferences of complainants. This pattern seems clear even though the number of cases necessitates caution in interpretation. In not one instance did the police arrest a juvenile when the complainant lobbied for leniency. When a complainant explicitly expresses a preference for an arrest, however, the tendency of the police to comply is also quite strong . . . the Negro arrest rate [for two types of misdemeanors] when the complainant's preference is arrest (60%) climbs toward the

rate of arrest for felonies (73%) . . . In no other tabulation does the arrest rate for misdemeanors rise so high. Lastly, it is notable that when the complainant's preference is unclear, the arrest rate falls between the rate for complainants who prefer arrest and those who prefer an informal disposition" (Black and Reiss, p. 71). There were only 10 felonies observed and one situation involving a white offender in which the complainant preferred arrest so it was not possible to draw any conclusions about these types of situations (Black and Reiss, p. 67, Table 1 and p. 71, Table 4).

Black and Reiss noted, however, that "a rather large proportion of complainants do not express clear preferences for police action such that a field observer can make an accurate classification" (Black and Reiss, p. 71). Hence, the weight of this factor in police disposition decision-making about juveniles is necessarily limited to some extent.

These findings led Black and Reiss to conclude that one "implication of these findings is . . . that the citizen complainant frequently performs an adjudicatory function in police encounters with juveniles. In an important sense the patrol officer abdicates his discretionary power to the complainant. At least this seems true of the encounters that include an expressive or relatively aggressive complainant among the participants" (Black and Reiss, p. 72).

Black and Reiss also hinted at the role of the complainant's preference in other situations -- that of status offenders where the complainant is frequently the juveniles' parents or guardians. "Earlier it was noted that most police encounters with juveniles come into being at the beckoning of citizens. Now it is seen that even the handling of those encounters often directly serves the moral interests of citizens . . . Police control of juveniles, for example, is partly a matter of reinforcement of the broader institution of authority based

upon age status. The police support adult authority; in parent-child conflicts the police tend to support parental authority" (Black and Reiss, p. 72, text and footnote 19). Thus complainant's preference helps in part to explain the seeming harshness of police dispositons in what appear to be relatively minor offenses.

Goldman also commented on the tendency of the police to pay attention to the expressed wishes of the victims and complainants. Based on 90 interviews with policemen in Pittsburgh and 22 surrounding communities, he commented that in "general, the police claimed to reflect what they considered to be the attitudes and wishes of the community in their management of juvenile offenders. They pointed out that, in reality, it is the community which decides who goes to court and who does not. The citizen complainant must be satisfied, according to 42 per cent of the reports, and unless he insists on court referral for the offending juvenile some police will usually not press charges. If the complainant insists on pressing the case, the police feel that they have no alternative, no matter how trivial the offense . . . Only 1 percent [one officer] stated that they did not need to consider the wishes of the public . . . The decision is considerd by the police to be really made by the citizens, insofar as they apply various forms of pressure on the police. It may be said that, in a way, the degree of annoyance caused the police either by the juvenile or by the offended party will determine the question of court referral" (Goldman, pp. 117-118).

Goldman also pointed out that the "complaint was made by 50 per cent of the police that citizens were uncooperative, and that many juvenile offenses do not get reported to the police" (Goldman, p. 118). This is another way in which the victim's preference enters into the effect of the decision-making process on juvenile offenders.

The policemen interviewed gave a variety of explanations of the reasons entering into victims' preferences for not prosecuting or reporting -- they "appear concerned only with retrieving their lost property and will not risk the loss of time and the inconvenience which might be involved in bringing official charges against a juvenile. They want to avoid publicity and also the possible loss of friends among the relatives of the offender . . . Shopkeepers rarely prosecute juvenile shoplifters or burglars. They appear to be afraid of losing time in court or the goodwill of their customers . . . 'Nine out of ten' complainants will refuse to sign the information, the official papers initiating court action, according to the police. Citizens 'want to give the boy a chance' and refuse to take responsibility for official action against a boy or girl" (Goldman, p. 118).

It is this type of situation--the one in which the victim of a crime is able to sign a complaint but declines to do so" --that was addressed by Davis in his study of police discretion in Chicago.* He concluded that the question of what to do was "answered mainly by patrolmen, who sometimes have and sometimes lack guidance from their supervisors . . . Most of the patrolmen had rather simple answers . . . One said: 'When there's no complainant, there's no crime.' .. One said: 'If the victim doesn't care, why should I?' That view was expressed by a good many (Davis, pp. 8-9). . . To the question whether a shoplifter whose theft is witnessed by an officer should be arrested if the owner or manager prefers not to sign a complaint, the answer was uniformly no. And youth officers were nearly unanimous in saying that they release a juvenile when the owner of stolen or damaged property is satisfied by restitution" (Davis, p. 11).

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*This study covered police discretion generally and was not specifically directed toward police handling of juveniles (Davis, p. 8).

Interestingly, Davis observed that to some extent the higher the officer's rank, the less likely he was to pay heed to the victim's preference, particularly where bodily injury or potential injury might be likely--"the higher the rank of the officer the more likely that he himself will sign the complaint. Several watch commanders and district commanders said quite heatedly that the purpose of the police is to protect the public, not just to satisfy the victim" (Davis, p. 10).

Howard designed and administered a Police Opinion Poll to 247 officers in seven police departments in two western states to ascertain what factors were involved in dispositions of petty theft cases which the officers polled had actually handled (Howard, p. iv). Based on a multiple regression analysis, she concluded that the offender's age was the most important variable and the victim's preference was the second most important variable (Howard, pp. 86-87).*

Two researchers, on the other hand, asked police officers to rank several criteria or factors in order of importance in their decision-making. Officers in both ranked the victim's preference quite low. For example, Gandy, in a study of the Metropolitan Toronto Police Department, gave officers a list of ten criteria to rank in terms of their consideration in the choice of referral to the juvenile court. The criterion "complainant insists on the arrest of the child" was ranked as least important (Gandy, p. 342, Table III). It is important to note, however, that the criterion was phrased in such a way as to test only those situations in which the complainant's preference was for referral and not those in which the complainant's preference was against referral.

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*Race was not included as a factor in the multiple regression analysis, however, because Howard felt that an officer's racial bias was dependent upon his past interactions with members of racial subgroups and that an officer may be using race as an indicator of having observed higher crime rates in Negro ghettos rather than as a racial bias per se (Howard, pp. 77-78).

It is also possible that the factors which operate in a Canadian department are different from the factors which operate in an American department.

Wilbanks, on the other hand, administered his questionnaire to 111 police officers in American departments. He "asked the subjects to rank six factors in terms of importance in . . . making a . . . decision whether or not to send a juvenile to court " (Wilbanks, pp. 106 and 238). "The responses . . . indicate that the personal view of the officer as to what should be done and his perception of departmental policy were considered more important than the officer's perception of the disposition the public, victim, or the court would like to see . . . " (Wilbanks, p. 106). Almost three-fifths (57.6 percent) of the officers ranked the victim's preference in fifth or sixth place (Wilbanks, p. 107, Table VI). It is possible that the methodology employed in these two studies does not adequately reflect what happens in actual practice. But it is interesting to note that when asked to rank victim's preference against other possible criteria, it ranks relatively low among officers questioned.

Overall, however, it appears likely that victim's preference is a major determinant in the police decision-making process. The two studies which compared victim's preferences with actual dispositions led to the conclusion that the victim's preference is a primary factor .

Furthermore, these findings coupled with those which indicate that police work is primarily reactive rather than proactive--citizen-initiated rather than police-initiated*--suggest

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*Black and Reiss reported that of "the 281 police-juvenile encounters, 72% were citizen-initiated (by phone) and 28% were initiated by policemen on patrol. Excluding traffic violations, these proportions become 78% and 22%, respectively (Black and Reiss, p. 66). Terry noted that an even higher proportion (83.9%) of offenders were brought to police attention by persons other than policemen (Terry, 1967b, p. 223).

that the victim represents an additional decision point in the juvenile justice processing system. The victim initially plays an important role in deciding whether or not to report the offense to the police and subsequently appears to play a role in the police disposition decision. The victim at this decision point acts primarily in an "advisory" capacity but an apparently highly influential one.

Co-Defendants

There are several ways in which the presence or absence of co-defendants can affect the disposition decision. One way is whether police view offenses involving multiple offenders as more serious and tend to refer more often in these cases. Another way is whether police feel all co-defendants should get the same disposition or not and hence refer or release an individual offender based on characteristics of a co-defendant rather than on what would have happened were he alone. A third way is whether the mix of co-defendants affects the decision--if a juvenile commits an offense with an adult, for example, or with a member of the opposite sex, may affect the police disposition.

Not much attention has been paid to how the number of offenders in a given offense situation affects the disposition given, however. Goldman, based on his interviews with 90 Allegheny County (Pennsylvania) policemen, noted that there was some variability among the officers in their views of how to handle groups of offenders, but "53 per cent reported that all members of the group must be considered as equally guilty. In order to be 'fair', either all or none of the boys involved should go to court. Thus a recidivist traveling with a group of neophytes in crime might be released, or a first offender might be hailed into court because apprehended with a group of repeaters. If there is a great disparity in ages in the group, the younger boys might be released and the older ones held. All might be referred by some policemen because in

the juvenile court they can get information better' on the basis of which responsibility in the group could be determined" (Goldman, pp. 113-114). Also, "[i]f the partner-in-crime is an adult, the juvenile must be yielded to the juvenile court in order to obtain official action against the adult" (Goldman, p. 112). Furthermore, some concern was expressed that an attempt to single out members of a group for court referral while releasing others "exposes the policeman to the censure of the court for failing to report the others involved in the offense" (Goldman, p. 132).

Wilbanks included a statement on the handling of co-defendants among a list of eight policy statements for which true/false answers were requested to indicate which were general guiding principles in decision-making. The questionnaire was completed by 111 officers in 13 departments and a training seminar. Over half (54 percent) disagreed with the principle that all or none of "several juveniles involved in the same incident should . . . go to court . . . regardless of the differences as to prior record, attitude, age, etc." But a sizeable minority of the officers (42 percent) agreed that it was a guiding principle -- 16 percent said it was a personal rule of thumb and 26 percent said it was departmental policy or practice or a state law (Wilbanks, p. 98, Table III).

Data collected by Sellin and Wolfgang for use in constructing an index of delinquency shed some light on how often juveniles in groups receive the same disposition. Of 504 events involving bodily injury, property loss or property damage, 263 had more than one offender (Sellin and Wolfgang, p. 169, Table 19).* In a subsequent analysis of these 504 events, Hohenstein noted that only three involved mixed dispositions for the offenders

*The records used in this study were drawn from Philadelphia Police Department records for the year 1960.

involved (Hohenstein, p. 142, footnote 5). These events are drawn from records of only one police department and are of relative seriousness, but they do indicate some possibility that the viewpoint expressed by the majority of the policemen interviewed by Goldman prevails in practice.

Hohenstein, in developing a coding scheme for the 501 events with only one type of disposition, considered using the mean for the offenders in multiple offender events in coding age, number of previous offenses and number of previous arrests. But he decided instead to use the "extremes"--the age of the oldest, the number of previous offenses and previous arrests for the offender(s) having the greatest number--because it was "assumed that the most extreme cases, and not the mean, would be most likely to influence the disposition decision" (Hohenstein, p. 144). Unfortunately, no one has tested this assumption so that the way in which these factors affect dispositions of groups of offenders is not known.

Terry, in a study of 9,023 juvenile dispositions, hypothesized that police would take into account the number of individuals involved, the degree of involvement with offenders of the opposite sex, and degree of involvement with adults. He found that data did not support the use of the first two factors (Terry, 1967a, p. 178, Table 2), but that degree of involvement with adults "approaches significance and retains a consistency of direction although reduced in magnitude when age is controlled" (Terry, 1967a, p. 177). The juveniles who were involved in offenses with adults tended to be arrested more often than juveniles who acted with other juveniles or alone.

Few studies considered this factor, but what little evidence there is suggests that police tend to lean in the direction of an all-or-none basis with respect to co-defendants, generally giving them all the same disposition. The one study which

indicated that a majority of officers did not consider it necessary to send all co-defendants to court if one was sent had almost as many officers who held the opposite view. What factors determine the nature of the disposition remains unknown at this time except that two researchers found that involvement with adults as co-defendants tends to result in arrest.

Evidence

One study considered the presence of evidence in police field decisions about whether or not to process juveniles further into the system. Black and Reiss discuss the role of evidence and point out that in "patrol work there are two major means by which suspects are initially connected with the commission of crimes: the observation of the act itself by a policeman and the testimony by a citizen against a suspect. The primary evidence can take other forms, such as a bloodstain on a suspect's clothing or some other kind of 'physical clue,' but this is very unusual in routine patrol work. In fact, the legally minor incidents that typically occasion police-juvenile contacts seldom provide even the possibility of non-testimonial evidence" (Black and Reiss, p. 72). They considered then what they term "'situational evidence' rather than . . . 'legal evidence.'" Situational evidence "refers to the kind of information that appears relevant to an observer in a field setting rather than to what might be acceptable as evidence in a court of law" (Black and Reiss, p. 72).

Based on the 281 police-juvenile encounters observed in their study, Black and Reiss noted that in "about 50% of the situations a police officer observes the juvenile offense, excluding felonies and traffic violations. Hence, even though citizens initially detect most juvenile deviance, the police often respond in time to witness the behavior in question. In roughly 25% of the situations the policeman arrives too late to see the

offense committed but a citizen gives testimonial evidence. The remaining cases, composed primarily of non-criminal disputes and suspicious person situations, bear no evidence of criminal conduct. In a heavy majority of routine police-juvenile encounters, the juvenile suspect finds himself with incriminating evidence of some sort. The lower arrest rate should be understood in this context" (Black and Reiss, p. 72).

Black and Reiss compared police dispositions with the presence of situational evidence and noted that "it is shown that in 'police witness' situations the arrest rate is no higher but is even slightly . . . lower than the rate in 'citizen testimony' situations . . . The low arrest rate in 'police witness' situations is striking . . . It documents the enormous extent to which patrolmen use their discretion to release juvenile deviants without official sanction and without making an official report of the incident" (Black and Reiss, p. 73).

Nevertheless, they stressed that "the importance of situational evidence should not be analytically underestimated . . . [The data] shows that the police very rarely arrest juveniles when there is no evidence. In only one case was a juvenile arrested when there was no situational evidence in the observer's judgment; this was a suspicious person situation. In sum, then, even when the police have very persuasive situational evidence, they generally release juveniles in the field; but when they do arrest juveniles, they almost always have evidence of some kind" (Black and Reiss, p. 74).

Demeanor, Attitude of Juvenile Toward Police

Several studies considered the factor of the juvenile's demeanor or general attitude toward police or authority figures. The conlusions were somewhat mixed although demeanor does appear to be a factor to some extent.

Piliavin and Briar were the first researchers to study the relationship between demeanor and police dispositions of juveniles and concluded that it is a major determinant. They observed juvenile officers in a metropolitan police department of a large industrialized city over a period of about nine months in 1964. Their observations led them to conclude that "police officers actually had access only to very limited information about boys at the time they had to decide what to do with them . . . Thus both the decision made in the field--whether or not to bring the boy in--and the decision made at the station--which disposition to invoke--were based largely on clues which emerged from the interaction between the officer and the youth, clues from which the officer inferred the youth's character.

These clues included the youth's group affiliations, age, race, grooming, dress, and demeanor . . . Other than prior record, the most important of the above clues was a youth's demeanor. In the opinion of juvenile patrolmen themselves the demeanor of apprehended juveniles was a major determinant of their decision for 50-60 percent of the juvenile cases they processed . . . The clues used by police to assess demeanor were fairly simple. Juveniles who were contrite about their infractions, respectful to officers, and fearful of the sanctions that might be employed against them tended to be viewed by patrolmen as basically law-abiding or at least "salvageable." For these youths it was usually assumed that informal or formal reprimand would suffice to guarantee their future conformity. In contrast, youthful offenders who were fractious, obdurate, or who appeared nonchalant in their encounters with patrolmen [the juvenile officers served at times in a patrol function] were likely to be viewed as 'would-be tough guys' or 'punks' who fully deserved the most severe sanction: arrest" (Piliavin and Briar, pp. 159-160).

Piliavin and Briar systematically recorded data for 66 police-juvenile encounters and classified juveniles as "co-operative" or "unco-operative." Of 21 juveniles classified as unco-operative, 14 were arrested, while only two of 45 classified as co-operative were (Piliavin and Briar, p. 161, Table 1). They noted elsewhere in their analysis, however, that juveniles committing serious offenses were "generally regarded . . . as confirmed delinquents" (Piliavin and Briar, pp. 158-159) and that "[w]hile reliable subgroup estimates were impossible to obtain through observation because of the relatively small number of incidents observed, the importance of demeanor in disposition decisions appeared to be much less significant with known prior offenders" (Piliavin and Briar, p. 160, footnote 17). The only data presented by Piliavin and Briar is the table comparing co-operativeness and disposition so it is not known how many of the encounters for whom observations were recorded involved serious offenses or juveniles with previous records.

Bordua and Harris examined data from a sample of 10,000 Detroit Youth bureau contacts with boys during the decade 1952 through 1961 which also indicate that demeanor plays some role in police decisionmaking. "Officers in the Detroit Youth Bureau filled out a form on first offenders which included an item called 'Attitude Toward Officer.' The categories and percentages on whom court petitions were filed are: Honest, 67 per cent; Responsive, 70 per cent; Evasive, 78 per cent; Anti-Social, 80 per cent" (Bordua, p. 159).

Cicourel also noted the role of demeanor in the police decision-making process. Based on several years of observation in two California cities, he describes "how decisions were being made on the basis of gestures, voice intonation, [and] body motion" (Cicourel, p. 171), as well as non-demeanor factors and notes the role of demeanor as a sign of the juvenile's acceptance or rejection of a "trust" relationship with the police officer. "[T]he police sought to establish a 'trust' relationship with

the juvenile during early delinquent encounters . . . When the 'trust' is viewed as broken by the police then they invoke criminal categories and relevances to explain the juvenile's actions and to construct and seek to justify a disposition. The 'trust' relationship, however, assumes the juvenile is able to convey some kind of sincerity to the officers involved so that 'treatment' as opposed to 'punishment oriented' disposition is discussed and prescribed" (Cicourel, p. 198). He further notes that "[t]he bargaining relationship between officer and juvenile is a routine feature of all the encounters [observed in both cities]" (Cicourel, p. 130).

Black and Reiss, who also based their conclusions on observations, disagree on the importance of demeanor. Based on 281 police-juvenile encounters recorded in three cities during the summer of 1966, they suggest that "the potential impact of the suspect's deference on juvenile dispositions in the aggregate is necessarily limited. Only a small minority of juveniles behave at the extremes of a continuum going from very deferential or very respectful at one end to antagonistic at the other. In most encounters with patrolmen the outward behavior of juvenile suspects falls between these two extremes . . . The juvenile suspect is civil toward the police in 57% of the encounters, a rather high proportion in view of the fact that the degree of deference was not ascertained in 16% of the 281 cases. The juvenile is very deferential in 11% and antagonistic in 16% of the encounters. Thus if disrespectful juveniles are processed with stronger sanctions, the subpopulation affected is fairly small. The majority of juvenile arrests occur when the suspect is civil toward the police" (Black and Reiss, p. 74).

Furthermore, the "relationship between a juvenile suspect's deference and his liability to arrest is relatively weak and does not appear to be undirectional. Considering all of the cases, the arrest rate for encounters where the suspect is civil is 16%. When the suspect behaves antagonistically toward

the police, the rate is higher -- 22%. Although this difference is not wide, it is in the expected direction. What was not anticipated, however, is that the arrest rate for encounters involving very deferential suspects is also 22%, the same as that for the antagonistic group . . . Because of the paucity of cases in the 'very deferential' and 'antagonistic' categories, the various offenses, with one exception, cannot be held constant . . . [In juvenile rowdiness cases,] the arrest rates follow the bipolar pattern: 16% for very deferential juveniles, 11% for civil juveniles, and 17% for the encounters where a juvenile suspect is antagonistic or disrespectful. When felony, serious misdemeanor, and rowdiness cases are combined into one statistical base, the pattern is again bipolar: 26%, 18%, and 29% for the very deferential, civil, and antagonistic cases respectively" (Black and Reiss, pp. 74-75).

Black and Reiss compared their findings with those of Piliavin and Briar and noted that "it might be suggested that this finding does not necessarily conflict with that of [the earlier study], owing to an important difference between the coding systems employed. Piliavin and Briar use only two categories, 'cooperative' and 'uncooperative,' so the 'very deferential' and 'civil' cases presumably fall into the same category. If this coding system were employed in the present investigation, the bipolar distribution would disappear, since the small number of 'very deferential' cases would be absorbed by the larger number of 'civil' cases and the combined rate would remain below the rate for the 'antagonistic' cases. This, then, is one methodological explanation of the discrepancy in findings between the two investigations" (Black and Reiss, p. 75). Black and Reiss do not offer any explanation, however, for the large discrepancy in the percentages of "antagonistic/uncooperative" juveniles arrested -- Piliavin and Briar showed that 67% of the uncooperative juveniles were arrested while Black and Reiss found only about half that many actually arrested among the antagonistic juveniles in their sample. Even more strikingly, only four percent of the

cooperative juveniles in Piliavin and Briar's group were arrested compared to 16 percent of Black and Reiss' sample. It may be that the 36 observers employed in the latter study differed from the two observers in the Piliavin and Briar study in their perceptions of demeanor.*

Another possible explanation for the differences is that Black and Reiss observed on "street" encounters between patrolmen and juveniles whereas the other studies focused on juvenile officers who proceed in a different fashion. The patrolmen must make relatively quick decisions whether to release the juveniles immediately or to turn them over to the youth officers who make the final decision to release or refer. Thus, the higher "arrest" rate found by Black and Reiss may reflect only a temporary arrest situation whereas the arrest rate noted by Piliavin and Briar reflects a situation in which a juvenile officer is actually deciding whether to release or refer. The juvenile officers have more time in which to interrogate the juveniles and to decide what to do.

Ferdinand and Luchterhand, in studying teenagers in six inner-city neighborhoods in an eastern city, administered attitude scales to the juvenile offenders in their sample. They included Authority Rejection as one of eight factors and examined the possibility that since "Authority Rejection is an attitude that is likely to be quite obvious to an arresting officer, it may well be that the Easton police take this factor into account when about to make a disposition . . . To evaluate this possibility, [they] examined the mean level of Authority Rejection, holding race and offense constant" (Ferdinand and Luchterhand, pp. 516-517). They found that there were no significant

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*"Thirty-six observers -- persons with law, law enforcement, and social science backgrounds -- recorded observations of routine patrol work . . ." (Black and Reiss, p. 65). The observations for the Piliavin and Briar study were undertaken by the two researchers (Stark, p. 62).

differences in dispositions for whites according to the level of Authority Rejection exhibited. "For black offenders against property, on the other hand, the attitude toward authority does seem to make some difference. They are given more severe dispositions if their attitude toward authority is particularly defiant . . . Although the differences are not large enough to be significant, black offenders against the person as well as blacks who commit other offenses are given more severe dispositions if their attitudes toward authority are negative. However, this same pattern does not appear consistently among white offenders. White offenders against the person show a tendency to receive more severe dispositions if their attitudes toward authority are rejecting, but white offenders against property and white teen-agers who commit other offenses are clearly not given dispositions in terms of their attitudes toward authority" (Ferdinand and Luchterhand, p. 517).

Based on these findings, Ferdinand and Luchterhand concluded that "it would appear that black youngsters who come to the attention of the police are given dispositions largely in terms of their superficial attitudes and demeanor toward the police, whereas white offenders are judged by different and probably more basic criteria" (Ferdinand and Luchterhand, pp. 517-518). They suggest three possible interpretations which might be made from the apparent effect of attitudes toward authority on police dispositions of black and white juvenile offenders. One is that the Easton police who are primarily white may be more familiar with the white juveniles and hence less likely to base their decisions on this factor alone. Another possible interpretation is that the police are racially prejudiced and "use different criteria in evaluating [blacks'] situation[s], primarily to punish them with more severe dispositions" (Ferdinand and Luchterhand, p. 518). And a third interpretation is that "the direction of causation is just the reverse of that assumed here. It may be that a teenager's attitude toward authority depends basically upon the

nature of his experience with the police." This interpretation was rejected, however, because those white teenagers receiving the more severe dispositions "by the police do not systematically show more defiant attitudes toward authority" than do those receiving less severe dispositions (Ferdinand and Luchterhand, p. 518). They suggest that it "would appear, therefore, that the level of a black youngster's Authority Rejection is an important factor determining his disposition by the police, not the other way around" (Ferdinand and Luchterhand, p. 518). A fourth interpretation which they do not consider is that the black juveniles with high degrees of Authority Rejection more often exhibit negative demeanors toward the police in their actual encounters than do the white juveniles with similarly high degrees of Authority Rejection. There was no way to ascertain this information in this study, however. They did point out, nevertheless, that while black offenders tended to score relatively high on Authority Rejection they tended to score relatively low on Defiance of Parental Authority. From this they surmised that "black youngsters tend to expect the worst from public . . . authority figures . . . [and] since their attitudes toward public figures condition the actions such figures take toward black youngsters, these attitudes can constitute a self-fulfilling prophecy" (Ferdinand and Luchterhand, p. 518). It may be a self-fulfilling prophecy in two respects rather than just one -- if black juveniles' rejection of authority is specifically directed toward public authority, then their actions in encounters with police may be conditioned by their attitudes and cause them to be particularly defiant in those situations.

Sullivan and Siegel administered a decision game to 24 policemen which tested for the factors they would use in making a field decision about a juvenile offender. The particular situation used for the game involved a fifteen year old male who was drunk and disorderly and exhibited a belligerent attitude. Only two factors were used by all of the policemen before making

a decision -- offense and attitude. Twenty-three of the 24 subjects picked offense as the first piece of information. On the average, five pieces of information were sought before a final decision was made (Sullivan and Siegel, p. 259). "The majority of the officers (eighteen) made their final decisions when they selected the information topic attitude of offender . . . Fifteen of the eighteen decisions made at this point were to arrest, and three were to release with a warning on the street" (Sullivan and Siegel, p. 261). The remaining six officers indicated they needed additional information after having selected attitude (Sullivan and Siegel, p. 261).

Wilbanks asked 111 officers in 13 departments and at a training seminar to complete a questionnaire which included some policy statements for which true/false responses were requested as well as whether the policy statements reflected a personal rule of thumb or departmental policy or practice or a state law. Over half (54 percent) of the officers disagreed with the policy statement that "[t]he attitude of the offender is often the most important factor in the decision to send a juvenile to court." Twenty-nine percent indicated that the statement reflected a personal rule of thumb, however (Wilbanks, p. 98, Table III). The number agreeing with the statement might well have been higher, of course, if it had been changed to read "an" important factor rather than "the most" important factor.

Goldman, based on interviews with 90 policemen in 23 municipalities,* identified several extralegal factors which influence police decision-making about juveniles, including attitudes of the policeman toward the offender, his family, the offense and

*"Data for this purpose were obtained in discussion with the police in twenty-two municipalities in Allegheny County outside of Pittsburgh and in six police districts in the city of Pittsburgh." (Goldman, p. 93).

the juvenile court, among others. Among 13 factors, Goldman included the "attitude and personality of the boy. An offender who is well mannered, neat in appearance, and 'listens' to the policeman will be considered a good risk for unofficial adjustment in the community. Defiance of the police will usually result in immediate court referral . . . Maliciousness in a child is considered by the police to indicate need for official court supervision" (Goldman, p. 129). The emphasis here is on the boy and perceptions about his overall likelihood of adjustment with or without court intervention. A related factor was identified by Goldman as the "necessity for maintaining respect for police authority in the community. A juvenile who publicly causes damage to the dignity of the police, or who is defiant, refusing the 'help' offered by the police, will be considered as needing court supervision, no matter how trivial the offense" (Goldman, p. 128).

There is general agreement by those who have studied this factor that it is somewhat influential. The extent to which demeanor influences decisions is, however, less clear. Perhaps it is best summed up in Nettler's words: "These studies confirm common sense. They indicate that if you are apprehended committing a minor crime, being respectful to the policeman may get you off. If you are apprehended for a minor crime and you talk tough to the policeman, the encounter will probably escalate into arrest. If you are apprehended committing a more serious offense -- if, for example, you are caught robbing a bank -- being respectful to the police is not likely to make much difference to your being arrested" (Nettler, p. 57).

Race, Ethnicity

As Terry points out, many writers on crime and delinquency have frequently asserted that social-control agencies discriminate against racial and ethnic minorities "even though empirical research dealing with these issues is relatively sparse and poorly conceived" (Terry, p. 219). Until Goldman's study, no one had actually collected data to examine this issue, however. Since then, a number of researchers have analyzed police data and observed police-citizen encounters and drawn conflicting conclusions.

Goldman concluded that the "presence of a pattern of treatment of white and Negro children seems to be established. While only 33.6 percent of the offenses committed by white juveniles were referred to the court, 64.8 percent of the Negro arrests were disposed of by court referral" (Goldman, p. 47). He observed, however, that the "apparent differential treatment of Negro children arrested might be a reflection of the more serious crimes committed by Negro boys and girls . . . There appears to be little difference in the disposition of cases of white and Negro children who were arrested for serious offenses. However, there does appear to be a statistically significant difference in the disposition of minor offenses. A Negro child arrested for a *minor* offense has a greater chance of being taken to the juvenile court than does a white child. It must be remembered, however, that a child who was referred to court on a minor charge might have been previously arrested on a serious law violation" (Goldman, p. 44). He did not collect data on prior arrests, however, so this possibility was not statistically examined.

Furthermore, closer examination of his data raises some questions about the reliability of his conclusions. Of the four communities studied, one had no cases involving arrests of black juveniles. In the remaining three communities, there

were 71 arrests of black juveniles compared to 794 arrests of white juveniles. The smaller number of black juveniles arrested does not provide much opportunity for an examination of differential handling across a wide range of offenses.

"Mill Town" clearly provided the widest variation in handling of black and white juveniles--5.9 percent of the white juveniles were referred to court compared to 84.6 percent of the black juveniles. But these percentages are based on a total of 13 black juveniles arrested compared to 101 whites. Of these, seven of the blacks were arrested for serious offenses and referred to court while no whites were even arrested for serious offenses. The comparison of whites and blacks arrested and referred for minor offenses then is based on a comparison of six black cases against 101 white cases (Goldman, p. 74).

The differences in the number of black juveniles arrested compared to the number of white juveniles arrested is even more disparate in the other two communities although the variations in court referral rates are not so pronounced (Goldman, pp. 58, 66). In "Steel City," in fact, the percentages of juveniles referred to court for minor offenses are almost identical--33.5 percent of the white juveniles and 35.5 percent of the black juveniles (Goldman, p. 58).

Overall, Goldman's data does show differential referral rates between black and white juveniles but with the small numbers of black juveniles included in the data and no statistical control for the interaction of other variables such as prior arrests or age,* it is not possible to be sure that race alone is the determining factor.

Several researchers who have studied race and ethnicity since Goldman did control for seriousness of offense and prior record.

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*Goldman also noted elsewhere in his study that age appeared to be a determining factor (p. 128).

Even so, there is no consensus as to the result. Terry, McEachern and Bauzer, and Hohenstein concluded that police disposition decisions were not racially and/or ethnically biased.

In his study of data obtained from Juvenile Bureau records in an industrialized midwestern city, Terry did find that in "the screening of juvenile offenders by police, . . . sex, ethnicity, and socio-economic status were related with statistical significant to the type of disposition accorded. When control variables were introduced, however, these relationships became negligible" (Terry, 1967b, p. 221). Most notably, the "relationship between degree of minority status and severity of police disposition is negligible when the seriousness of the offense is held constant" (Terry, 1967b, p. 227).

Similarly, based on a random sample of 1,010 records drawn from the Los Angeles County (California) Central Juvenile Index, McEachern and Bauzer concluded that "almost everything is significantly related to whether or not a petition was requested. The one exception, 'Race,' is perhaps the only surprising finding . . . The proportions of petitions requested for the three ethnic categories used in this analysis are .28 for Negroes, .27 for Mexican-Americans, and .26 for 'Angloes'" (McEachern and Bauzer, pp. 150, 154-155). There were some variations shown when ethnicity was controlled by seven categories of offenses, however, and the researchers recognized this in concluding that the finding "with respect to the proportion of petitions requested for different ethnic groups does *not* mean that there is no differential treatment for these groups by individual police officers or by different police departments. It does mean that there are no *systematic and consistent* differences in requests for petitions throughout the county" (McEachern and Bauzer, p. 150).

Hohenstein used a technique called predictive attribute analysis to determine which factors were most predictive of

disposition decisions based on a sample of 504 delinquency events resulting in injury to persons and/or loss or damage to property (Hohenstein, p. 138).* The disposition decisions were made by officers in the Juvenile Aid Division of the Philadelphia Police Department during the year 1960 and generally reflect decisions made about juveniles taken into custody since these officers deal with all juvenile suspects subject to review by a superior officer (Hohenstein, p. 139). Overall, Hohenstein concluded that "no evidence was uncovered to support claims of bias by the police in their disposition of juvenile offenders" (Hohenstein, p. 149). There was only one exception--"In those events where the present offense was minor and the list of previous offenses contained only one or no arrests, . . . [w]hen the offender was a Negro, he was arrested 78 percent of the time; when he was white, only 22 percent of the time. This is the only instance where race was an important predictive variable" and represents only 18 events out of the 504 studied (Hohenstein, p. 148).

Weiner and Willie, in a study of disposition decisions by juvenile officers in Washington, D.C. and Syracuse, New York did not control for seriousness of offense or prior record, but found nevertheless that there was an "absence of bias in decision-making with reference to racial . . . characteristics of youth" (Weiner and Willie, p. 209). In an analysis of 6,099 youths processed by juvenile officers in Washington during fiscal 1963, Weiner and Willie concluded that the data did "indicate differentials by racial area of residence in the rates of police contact and court referral" (Weiner and Willie, p. 203). Contact rates were computed by using 1960 census data on the population aged ten through 17 (Weiner and Willie, p. 201). The researchers stressed, however, that the

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*The data collected related to offense "events" rather than specific juvenile offenders. Many of the events involved more than one juvenile and the number of offenders was one of the factors studied.

"important figure for this analysis . . . is the ratio of contacts and referrals, which helps us determine if there is discrimination in the handling of contacted black and white youth by professional police in the Youth Aid Division." They concluded that while "police in the field tend to have greater contact with black youth compared with white, the disposition process appears to be even-handed; the 38 percent of blacks referred to Juvenile Court is not very much greater than the 34 percent of whites who are referred to court (Weiner and Willie, p. 203). Examining records on 1,351 juveniles with whom police had contact in Onondaga County (New York) in 1968 (mostly in Syracuse), Weiner and Willie reached a similar conclusion to the one in Washington--"the race of an individual youth has no influence on the disposition decisions of the juvenile officer, nor does the race of his neighborhood, nor does an interaction of the two" (Weiner and Willie, pp. 204, 208-209).

Three studies, on the other hand, led to a contrary conclusion. Ferdinand and Luchterhand; Thornberry, Wolfgang, Figlio and Sellin; and Wilson all concluded that racial prejudice *is* a factor in some police dispositions of juveniles. The first two studies examined police dispositions in one location each while the third study compared two cities and found discrimination in one but not the other.

Ferdinand and Luchterhand selected a random sample of teenagers in six inner-city neighborhoods in a middle-sized city ("Easton") in 1964. Based on information collected from police, juvenile court and state records, they identified a subsample of 228 first-offender teenagers for whom police disposition data was available (Ferdinand and Luchterhand, p. 511; Table 1, p. 512). An analysis of this subsample led them to conclude that "indeed, black teenagers are labeled as delinquent by the police and referred to the juvenile court disproportionately more often than their white counterparts" (Ferdinand and Luchterhand, p. 511), "However," they

hypothesized, "differences . . . need not reflect racial discrimination on the part of the police. It could be that black delinquents are committing more serious crimes, or that they include more females who typically require court intervention more frequently*, or that they are older and therefore more likely to have been involved with the police" (Ferdinand and Luchterhand, p. 511). Even after considering these variables, they nevertheless found differences in handling of black and white first offenders and concluded that "it is clear . . . that the harsher dispositions received by blacks, . . . cannot be explained as a result of the types of offenses blacks commit, nor as a result of imbalance in the age or sex distribution of black offenders (Ferdinand and Luchterhand, p. 513). This conclusion was limited to black male first offenders, however--"among females the difference in disposition seems to disappear" (Ferdinand and Luchterhand, p. 512). A look at the numbers of female first offenders analyzed, however, suggests that the data is too limited to sustain any real conclusion about police handling of females in the jurisdiction studied in that the sample included only 12 white females (Ferdinand and Luchterhand, Table 4, p. 513). Furthermore, when they compared dispositions for male third offenders, they concluded that the "importance of race . . . tends to diminish as more dramatic factors enter the picture . . . [as] it is apparent that white and black [third] offenders are given comparable dispositions for the same offense . . .[I]t would seem that when a youth's delinquency is rather pronounced, his disposition is made primarily in terms of factors immediately relevant to his case; but when delinquency is relatively mild, racial membership is a factor in his disposition" (Ferdinand and Luchterhand, pp. 520-521).

Wolfgang, Figlio and Sellin gathered data on a male birth cohort in Philadelphia which included 9,956 police dispositions over an eight-year period (1955-1963) (Wolfgang, Figlio and Sellin, pp. 27, 219). In addition to prior record, they controlled for nature of offense (did or didn't involve injury,

*The researchers did not offer any data to support their statement that females "require court intervention more frequently."

theft or damage), seriousness of offense (based on a delinquency index previously developed by them)*, and SES and concluded that "however we split and spliced the material at hand, nonwhites regularly received more severe dispositions . . . that caused them to be processed at a later stage in the juvenile justice system (Wolfgang, Figlio and Sellin, p. 220). . . . Nor can it be said that recidivism makes the major difference in disposition . . . nonwhite one-time offenders. The same holds true for recidivists" (Wolfgang, Figlio and Sellin, p. 222). This was particularly true for recidivists--44.6 percent of the nonwhite recidivists received arrest rather than remedial dispositions as contrasted with only 26.9 percent of the white recidivists (Wolfgang, Figlio and Sellin, Table 13.3, p. 224).

Thornberry, in analyzing the same data (Thornberry, pp. 92-93)** pointed out that when "race and SES [socioeconomic status] were held constant, serious offenders and recidivists still received more severe dispositions than minor offenders and first offenders. However, . . . the effect of the nonlegal variables did not disappear when the legal variables were held constant. The two sets of variables tended to interact in relation to dispositions. Using race and seriousness to illustrate this interaction, . . . the most lenient dispositions were associated with white, minor offenders, and the most severe dispositions were associated with black, serious offenders" (Thornberry, p. 98). As he points out also, the most important finding, however, in relation to the previous research done in this area, is that the nonlegal variables are still related to the severity of the dispositions received, even when the legal variables are held constant. Why this happens in the birth cohort data and not in the previous

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*Wolfgang and Sellin, The Measurement of Delinquency.

**For some unknown reason, Thornberry presents data for 9,601 cases whereas Wolfgang, Figlio and Sellin presented data for 9,956 cases. Their conclusions are, nevertheless, the same.

studies is not readily apparent" (Thornberry, p. 98).

Wilson, in comparing two American cities in the early 1960s to see if professionalism made a difference in the ways police handled juveniles* (Wilson, 1968a, p. 9), found distinct differences between the two ("Western City" and "Eastern City") in the dispositions accorded juvenile offenders. Comparing data obtained from police department records, he concluded that "in Western City, justice, on the basis of fragmentary evidence, seems more likely to be blind than in Eastern City . . . [In Western City] Negro and white juveniles received remarkably similar treatment for all offenses but two; whites were more frequently arrested than Negroes for aggravated assault, and Negroes more frequently arrested than whites for loitering . . . in Eastern City the probability of court action (rather than warnings or reprimands) is almost three times higher for Negroes than for whites" (Wilson, 1968a, p. 13-14). Wilson points out, however, that his data are not strictly comparable--Western City data are for 1962 *offense* dispositions while Eastern City data are 1959-1961 juvenile *offender* dispositions (Wilson, 1968a, pp. 13-14). The differences found between the two cities could be a function of the different types of data bases. Or it could be that the differences reflect differences in departmental recordkeeping practices rather than differences in juvenile dispositional handling. Nevertheless, as Wilson says, "the differences are worth consideration" (Wilson, 1968a, p. 14). Wilson attributes the difference to the "ethos" of each department and suggests that factors such as organizational arrangements, community attachments, and institutionalized norms might cause differences between departments in how they handle juvenile offenders (Wilson, 1968a, p. 21)--one department might discriminate against juveniles of different races while another does not, for example.

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*This particular comparison was actually a substudy of a larger project undertaken to study variations in policing in general in six communities. The larger project was not limited to juveniles only as is the analysis in the article cited here. For a description of the overall project and findings, see Wilson, Varieties of Police Behavior.

Other researchers have noted that there is differential handling of black and white juveniles by police but attribute the differences to factors other than race per se. These conclusions came from two studies which relied on observation as their source of information.

Although they present no data to demonstrate it, Piliavin and Briar asserted that the juvenile officers they observed over a nine-month period did discriminate against blacks to some degree, but attributed the discrimination in large part to the demeanor of the juveniles encountered rather than to racial prejudice as such--"In exercising [their] discretion policemen were strongly guided by the demeanor of those who were apprehended, a practice which ultimately led . . . to certain youths (particularly Negroes and boys dressed in the style of 'toughs') being treated more severely than other juveniles for comparable offenses (Piliavin and Briar, p. 164). Based on systematic observation and data recording for 76 police-juvenile encounteres, Piliavin and Briar noted that an "unco-operative demeanor was presented by more than one-third of the Negro youths but by only one-sixth of the white youths encountered by the police in the court of our observations" (Piliavin and Briar, footnote 23, p. 164). They further concluded that "the relevance of demeanor was not limited only to police disposition practices. Thus, for example, in conjunction with police crime statistics the criterion of demeanor led police to concentrate their surveillance activities in areas frequented or inhabited by Negroes . . . These discriminatory practices . . . may well have self-fulfilling consequences" (Piliavin and Briar, p. 164).

Black and Reiss also observed differential handling of black and white juveniles by police but attributed it primarily to the complainant's preference rather than to the juvenile's demeanor. Based on observations of 281 police-juvenile encounteres in precincts in Boston, Chicago, and Washington, D.C. during the summer of 1966 (Black and Reiss, p. 65), they noted that "a differential in police dispositions that appears at

the outset of the analysis is that between Negroes and whites. The overall arrest rate for police-Negro encounters is 21%, while the rate for police-white encounters is only 8% . . . Moreover, . . . the arrest rate for Negroes is also higher within specific incident categories where comparisons are possible. The race difference, therefore, is not merely a consequence of the larger number of legally serious incidents that occasion police-Negro contacts" (Black and Reiss, p. 68).

When the factor of the complainant's preference was taken into account, however, a different picture emerged: "when there is no citizen complainant in the encounter the race difference in arrest rates narrows to the point of being negligible--14% versus 10% for encounters with Negro and white juveniles respectively. By contrast, when a complainant participates, this difference widens considerably to 21% versus 8% . . . [Furthermore,] the citizen complainants who oversee the relatively severe dispositions of Negro juveniles are themselves Negro. The great majority of the police officers are white in the police precincts investigated, yet they seem somewhat more lenient when they confront Negro juveniles alone than when a Negro complainant is involved . . . These patterns complicate the question of racial discrimination in the production of juvenile arrests, given that a hypothesis of discrimination would predict opposite patterns . . . Finally, it is noteworthy that Negro juveniles find themselves in encounters that involve a complainant proportionately more than do white juveniles. Hence, the pattern discussed above had all the more impact on the overall arrest rate for Negro juveniles" (Black and Reiss, p. 70).

Sullivan and Siegel used the decision-game technique with a group of 24 officers who selected items of information they thought necessary and then decided whether to arrest or not. The case involved a juvenile who was drunk and belligerent (Sullivan and Siegel, p. 253). On the average, the officers selected five pieces of information before making

their decisions but none of the 24 included race as one of the desired pieces of information. Given the opportunity to look at additional pieces of information and change their decisions if they wished, only one officer had the topic race as one of his first ten selections (Sullivan and Siegel, p. 261). It is possible, of course, that officers play the decision game as they believe they ought to rather than as they actually behave, but even granting this possibility, the outcome certainly suggests sensitivity on their part not to use race as a factor.

Most of the studies have dealt with race only but two did examine ethnicity as well. There are no hard and fast conclusions despite the widespread belief that race is a critical and prejudicially-used factor in police decision-making.

Some studies show no differential handling, some show differential handling but attribute it to factors other than discrimination per se, and some studies show differential handling and conclude that it is a result of prejudice on the part of the police. It is possible that these differences are an effect of the use of different study methods or the analysis of different factors. The studies which concluded that the police were racially biased did not take demeanor or complainant's preferences into account. One study which considered the complainant's preference, for example, concluded that the larger proportion of blacks being arrested was a result of black victim's preference for arrest as a disposition. On the other hand, it is quite possible--indeed perhaps likely--that the differences between the studies show differences between departments. As Gibbons says, in "all likelihood, what these discrepant findings reflect is real differences among communities and police departments with regard to the salience of race in police practices . . . In short, our research evidence may be mixed because law enforcement activities are lacking in uniformity" (Gibbons, p. 43).

At any rate, even though race and ethnicity may be subtle or not very subtle factors in police decision-making, the research

to date does not support the conclusion that race and ethnicity are systematic and consistent factors.

Socioeconomic Status

Several researchers have attempted to determine the impact of socioeconomic status (SES) on police dispositions of juveniles. Their conclusions have been mixed, although generally most agreed that SES was not clearly a factor when other criteria were taken into account.

Terry, for example, in his analysis of dispositions for 9,023 offenses in a heavily industrialized midwestern city, rejected his hypothesis that there would be a negative relationship between socioeconomic status and severity of police disposition. He did find a slight negative relationship between the two, but noted that when "the seriousness of the offense and the number of previous offenses were controlled, the relationship [was] slightly reduced . . ., reflecting the slight tendency for lower-status juveniles to commit the more serious types of offenses as well as to have more extensive prior records of delinquent behavior. [He concluded] therefore, it is doubtful that the police utilize socioeconomic status as a criterion in referral" (Terry, 1967a, p. 228).

Weiner and Willie collected data from Washington, D.C. and Syracuse, New York. They assigned the Washington juveniles to five socioeconomic areas based on census tract data and addresses listed on the police department contact forms and computed police contact rates and court referral rates based on the juvenile population aged 10 through 17 in each area (Weiner and Willie, p. 201). Overall they found that the data confirmed "an inverse relationship between the distribution of juvenile delinquency and socioeconomic status. The lower court referral and police contact rates [were] found in the area of highest socioeconomic status rank, and the highest rates [were] found in the area of lower rank. For all areas, the police contact [was] approximately three times

greater than the court referral rate" (Weiner and Willie, p. 202). Thus, while there was a relationship between socioeconomic status and court referral rates, they nevertheless concluded that since the referral rates as a ratio of contact rates was consistent across all five areas, "socioeconomic status appears not to be a contributing influence to the juvenile officer's decision as to whether or not a youth contacted by the Washington, D.C. police is referred to Juvenile Court" (Weiner and Willie, p. 203).

In examining the Syracuse data, they used structural effects analysis to make a comparison of individual and group data using records of 1,351 youth contacted by the police in 1968 (Weiner and Willie, p. 204). They concluded that "the socioeconomic status of the individual youth may be said not to affect the disposition decisions of juvenile officers . . . [and] there appears to be little interaction between individual status and tract status in influencing disposition decisions" (Weiner and Willie, p. 208). They did find, however, that the "highest disposition score . . . is found among youth of high individual socioeconomic status but low tract status. Obviously, then, the police refer to court a high percentage of high-status youth who live in low-status neighborhoods, possibly in an effort to 'protect' them from their environment . . . the group next most frequently referred to court are low-status youth in low-status tracts" (Weiner and Willie, p. 206). But they still concluded that "[i]n spite of these findings, the [data] indicate no significant individual effect and no structural effect. That is, the socioeconomic status of the individual youth and the socioeconomic status of the neighborhood in which he lives do not appear to affect the disposition decision of the juvenile officer" (Weiner and Willie, p. 206).

Shannon analyzed 4,554 records of police-juvenile contacts in Madison, Wisconsin for the years 1950-1955 by dividing them into zones consisting of groupings of school districts (Shannon, pp. 25, 27). He did observe some differences in

referral rates from zone to zone but concluded that the differences were not significant (Shannon, p. 32). Overall, he noted that "juveniles engaging in comparable types of delinquent behavior receive pretty much the same treatment from Madison police" (Shannon, p. 33).

Bodine examined over 3,000 records of police dispositions of juveniles in a large northeastern city for a four-year period. He used census tract data to divide the records into five income levels (Bodine, p. 3).* He noted after comparing dispositions with income levels, that "juveniles from lower income areas are over-selected for court appearance. The pattern of court referral forms a gradient, with an increasingly greater percentage of youngsters sent to court as the income level of the area of residence declines" (Bodine, p. 4). But in further analyzing the data, he concluded that "[j]uveniles from low income areas have a higher referral rate to court than juveniles from high income areas for two reasons: low-income youth are more often apprehended as repeating offenders, and repeating offenders have a referral rate which is twice as great as the rate for initial offenders; [and] low-income youth have a higher arrest rate for petty theft and petty thieves in general, and low-income petty thieves in particular, have a high court referral rate" (Bodine, pp. 11-12). He accounted for the high court referral rates for low-status youth in large measure by the explanation that "thefts from parking meters invariably get referred to court. Juveniles from lower income areas tend to commit a large number of these offenses" (Bodine, p. 10).

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*The data collected relate to offense "events" rather than specific juvenile offenders. Many of the events involved more than one juvenile and the number of offenders was one of the factors studied.

Several researchers analyzing birth cohort data in Philadelphia observed a definite effect of socioeconomic status of police dispositions, however, which was not explained away by controlling for offense or prior record. Thornberry noted that when seriousness of offense and number of previous offenses were controlled simultaneously, "SES differences are still present . . . the low SES subjects are less likely than the high SES subjects to be given a remedial disposition. These differences are greatest when the offense committed had a high seriousness score, but even for offenses with a low seriousness score the differences conform to the same pattern" (Thornberry, p. 97). Wolfgang, Figlio and Sellin found, however, that "regardless of SES, non-whites are treated essentially the same: about 57 percent have a remedial disposition. SES does make some difference among white boys, for 72 percent of the lower SES are in the remedial category compared to 80 percent from the higher SES" (Wolfgang, Figlio and Sellin, p. 222).

Cicourel, after several years of observation in two cities, also noted that socioeconomic status was related to police referrals of juveniles to court. But he also indicated that socioeconomic status operates as an indirect rather than a direct factor. He provided case histories for three juveniles and observed that there "cases . . . were similar [in that] the families involved would not 'close ranks' and mobilize all possible resources 'to protect' their child from law-enforcement officials, but often felt that the police and probation officials should 'help' them in controlling the juvenile. All three juveniles routinely engaged in what police term 'serious' juvenile offenses" (Cicourel, p. 243). He then provided two additional case histories which differed in that they represented "higher-income families and direct attempts by the parents to block removal of the juvenile from the home" (Cicourel, p. 243). Juveniles from middle-income families often fared better after coming in contact with the

police, according to Cicourel, because their families were able and willing to mobilize resources to keep them out of the juvenile justice system or to keep their involvement to a minimum.

Overall it would appear that socioeconomic status plays some role in police dispositions of juveniles, but that its influence is relatively weak. Only one study showed a clear relationship between socioeconomic status and dispositions and then primarily for whites rather than non-whites. It is possible, as one researcher noted, that "police believe a family from a high income neighborhood is able to provide more effective control over their son's future behavior" (Bodine, p. 9), and that the apparent influence of socioeconomic status is a result of a perceived conclusion about family status instead.

Sex

Two writers have pointed out contradictory presumptions about the impact of sex as a criterion in the decision-making process about juvenile offenders. Terry quotes Reckless as affirming that "female offenders have a much better chance than male offenders of not being reported, of not being arrested, and of dropping out of the judicial process" (Reckless, p. 37). Ferdinand and Luchterhand, on the other hand, in their introductory remarks assert that "as far as girls are concerned, the police and courts intervene more frequently and more actively, for simply to return them to their usual environment would probably be more detrimental

to the girl than utilizing other avenues of 'treatment' " (Ferdinand and Luchterhand, p. 510). Neither of these statements appears to be based on any empirical data.

The juvenile dispositional decision-making studies which examined the impact of sex as a factor generally lean toward the conclusion that it is not. The one thing which has been clear so far is that girls are less often arrested and far less often arrested for serious offenses than are boys. In 1976, Uniform Crime Reports data show that arrests of males under 18 totaled 935,892 while arrests of females under 18 totaled 260,499. For Part I offenses arrests of male juveniles totaled 372,103 while arrests of female juveniles totaled 87,089 (Uniform Crime Reports, p. 176, Table 27). As can be seen, there is a substantial difference between boys and girls in seriousness of offenses and any genuine analysis of differential handling between the two would assuredly have to account for this factor.

McEachern and Bauzer, in their analysis of 1,010 records drawn as a sample of Los Angeles County dispositions did control for different kinds of offenses. Having done this, they concluded that "there is no significant difference in the proportions of petitions requested for boys and for girls, although there is a significant interaction effect. Boys are less likely to have petitions requested for juvenile offenses and more likely to have them requested for more serious adult offenses" (McEachern and Bauzer, p. 151). A similar conclusion was drawn in their analysis of 7,946 records of police contacts in Santa Monica from 1940 to 1960. Petitions were requested for 29 percent of the boys and 21 percent of the girls. But only 25 percent of the girls' contacts with police were for the most serious offenses compared to 46 percent of the boys' contacts (McEachern and Bauzer, p. 158, Table 12).

Ferdinand and Luchterhand only give disposition data for female first offenders in their study of inner-city youth in a large eastern city. When this data is compared against similar data for male first offenders, however, there is no real difference in dispositions. Overall, about 30 percent of the males received the less severe dispositions as did 26 percent of the females. There was some variation when dispositions for offenses against persons and offenses against property were compared although it is hard to be sure whether these differences are real because of the small numbers of females in these categories (19 for offenses aginst persons and 16 for offenses against property).* Ferdinand and Luchterhand did find a difference between the treatment of male and female first offenders when they controlled for race, however -- "among males only it can be seen that racial differences in police dispositions remain strong . . . whereas among females the differences in disposition seem to disappear . . . Although black males are treated more harshly by the police, black females are not " (Ferdinand and Luchterhand, p. 512). But again, the number of female first offenders is so small, particularly the number of white female first offenders, that it is difficult to be sure that the data presented are representative of the total population even of the area studied.

Terry hypothesized in his study of a large industrialized mid-western city that "maleness" would be positively related to the severity of the disposition (Terry, 1967b, p. 221). Examination of 9,023 police dispositions did not bear out his hypothesis, however. In fact, "the relationship, although relatively small, was in the direction opposite to that which had been hypothesized. The reason appears to be that girls, much more than boys, are likely to be referred to social and

*Computed from data given in Tables 3 and 4 of Ferdinand and Luchterhand (p. 513).

welfare agencies, most of the relationship may be explained in terms other than sex. The data provide a plausible explanation. While girls account for only 17.9 per cent of all offenses, they represent nearly half of the sex offenses and incorrigibility cases. Nearly 70 per cent of all referrals to social and welfare agencies are in this category. Thus, the apparently greater severity in dealing with girls stems from their disproportionate commission of offenses which result in referral to social and welfare agencies. While the hypothesis must be rejected, an alternate hypothesis, suggesting a negative relationship between the severity of police action and the 'maleness' of the offender, is not warranted" (Terry, 1967b, p. 224-225).

Goldman attempted to examine the handling of male and female offenders to ascertain if the four communities he studied treated them differentially but decided that "[c]onclusions regarding the differential disposition of arrests of boys and girls are not justified because of the small number of female arrests" (Goldman, p. 127). Of a total of 1,236 arrests examined, only 24 were of females. This constituted only 1.9 percent of the arrests. Goldman noted that girls made up 3.0 percent of the court referrals but concluded that "such a difference between the proportion of boy arrests referred to the court and the girl arrests so handled might possibly have been obtained by chance alone" (Goldman, p. 44).

Hohenstein analyzed 504 delinquency events using 14 variables in a predictive attribute analysis approach and found that sex could not be used to predict police dispositions of juvenile offenders (Hohenstein, p. 149).

Sullivan and Siegel included sex as one of 24 items of information which could be selected in a decision game designed to determine what kinds of information police officers used. Only 24 officers selected sex as an item of information

desired before making their disposition decision. Overall this item ranked fifteenth among the items selected by 19 of the officers; five of the officers did not even consider it at all (Sullivan and Siegel, pp. 256-257, Table 1). It is possible, of course, that given a different offense about which to make a decision (only one case -- drunk and disorderly male -- was presented), this factor might have been seen in a different light.

Conventional wisdom suggests that sex is an important criterion in police decision-making about juveniles although there is disagreement about the presumed effect. Some persons would presume that females are treated more leniently than males while others would make the reverse presumption. Nevertheless, there is no empirical evidence to support either viewpoint. None of the studies on police dispositional decision-making provided any evidence to show that males and females receive differential handling by the police as a consequence of their sex rather than as a result of the nature of the offenses for which they come into contact with the police. Since status offenses frequently come to the attention of the police as a result of parental complaints and requests for intervention, it is possible that police referral of these types of offenses to courts is a reflection of their response to parental preferences and not a reflection of their own preferences. FBI data for 1976 indicate that more males under 18 were arrested for status offenses than were females under 18 (Uniform Crime Reports, p. 180, Table 31). Unfortunately the FBI data on police dispositions of juveniles does not include a breakdown by offense or sex, so it is not possible to compare dispositions for status offenders.

Age

Several studies have examined the importance of age as a factor in the decision-making process for police. Sullivan and Siegel's decision game study of twenty-four officers showed that it is a relatively important piece of information

for policemen. Fourteen of the officers selected age before making their decision; ten of them selected it as the second piece of information desired (offense was almost unanimously first) (Sullivan and Siegel, pp. 256-257, Table 1). Nevertheless the studies comparing age against dispositional choices are mixed in their conclusions about the actual influence which age has on police decision-making.

Goldman, in his 1949 study of four Pennsylvania communities, concluded that age was indeed a factor. "The rate of court referrals of arrested children increases with the age of the child . . . Offenders below age ten are less frequently [20.9] referred to court than are older children . . . Children between ages ten and fifteen were more frequently referred to court [30 percent] than were younger children . . . Offenders between the ages of fifteen and eighteen were most frequently referred to court [45.4 percent] " (Goldman, p. 218). He also found that the "increase in the rate of court referral with age is fairly consistent in different communities" (Goldman, p. 128).

He offered some explanation for the pattern -- "[i]t is possible, if not probable, that the nature of the offenses of children under age twelve is much less serious than that of the older boys and girls. For a variety of other reasons, however, police are loathe to refer younger children to court. Some, referring back to their own early childhood escapades, find justification for the informal rather than official treatment of such children. Other police, referring to court and institution experiences as leading to habituation in the ways of delinquency, use court referral only as a last resort. Some, in terms of their self-conceptions as professional antagonists of the criminal, are embarrassed at having to assume a police role with respect to a young child. They prefer, then, to overlook juvenile offenses" (Goldman, p. 45).

Gandy, who interviewed 75 officers in his study of the exercise of police discretion in the handling of juveniles in the Toronto (Canada) Metropolitan Police Department (Gandy, p. 330), found "general agreement among all officers that juveniles aged ten years and under should be released outright, with no formal involvement of the parents, unless the juvenile committed an offense that involved considerable property damage, or was a persistent rule violator, or there were unusual circumstances surrounding the violation, e.g., the juvenile was apprehended for shoplifting and it was found that he was a member of a group organized to commit petty thefts . . . There was [also] widespread support throughout the department for the private adjustment of complaints through restitution when juveniles ten years of age and under were involved" (Gandy, p. 332).

Klein and Teilmann, in a study of the "pivotal ingredients of police juvenile diversion programs," gathered data from 36 police departments in Los Angeles County (Klein and Teilmann, p. 1). Of those juveniles referred to diversion programs, 63 percent were below the median age (15.4) while 37 percent were above the median. For those juveniles who were counseled and released, over half (53 percent) were below the median age. The percentages for juveniles for whom non-detention petitions were requested were reversed--53 percent were above the median age. Unfortunately, they do not provide data on age for the juveniles for whom detention petitions were requested (Klein and Teilmann, p. 12, Table V).

Terry included age as one of the 12 variables examined for relationship to severity of sanction for 9,023 police dispositions in a midwestern community. He found a high relationship between age and disposition. This variable ranked third in importance behind seriousness of offense and number of previous offenses committed (Terry, 1967a, p. 178, Table 2). Age remained important even when controlled by number of previous

offenses committed and involvement with adults (Terry, p. 179, Table 3).

McEachern and Bauzer, in their study of police records in Los Angeles County generally and Santa Monica in particular, found that age was one of several factors which had some influence on whether or not a petition was requested. This remained true even when the nature of the offense was held constant. (McEachern and Bauzer, p. 15). Overall, the proportion of petitions requested rises as age rises. For all offenses, petitions were requested for four percent of the juveniles aged five to ten and for increasing percentages up through 41 percent for juveniles aged 17 to 18. There was some variation for each of the seven offense categories, however, but the higher percentages were still generally congregated among the older age groups (McEachern and Bauzer, p. 155, Table 4). There was also some slight variation for the Santa Monica cases overall where the percentage of petitions requested ranged from a low of 19 percent for those under ten years of age to a high of 31 percent for those aged 15. The percentage then dropped to 29 for 16-year-olds and 27 for juveniles aged 17 to 21 (McEachern and Bauzer, p. 158, Table 13).

Bodine, in an analysis of 3,343 juvenile dispositions in a large, northeastern city, provided data which shows that smaller percentages of juveniles are referred to court within the 7-12 age group than within the 13-15 age group, and that this was true for both initial and repeating offenders. Age appeared to be more influential among the initial offenders, however, than among the repeating offenders (Bodine, Table 2). When the interrelationships between age, arrest history, and income area were analyzed, Bodine concluded that "the age variable, in some cases, can act indirectly as a factor related to police disposition . . . youth from high income areas [for example,] are more likely to be repeating offenders when they are older. The percent repeating

is twice as great when the offenders are 13 to 15 years of age" (Bodine, p. 6).

Hohenstein, in using predictive attribute analysis with a group of 504 Philadelphia delinquency events, demonstrated that the age of the offender was "useless in the predictive typology. At no time did [this factor] come close to splitting any of the groups" (Hohenstein, p. 149).

Overall, while some studies have shown differences in disposition patterns for younger as opposed to older juveniles, with younger juveniles less often referred to court, the role of this factor is not entirely clear. It is possible that it is an indirect reflection of other factors such as offense seriousness and prior record, although two researchers did demonstrate a positive relationship between age and disposition when they held one or more of these or other variables steady. It seems likely that there is some tendency not to refer younger juveniles all other factors being equal.

Family Status

The extent to which police officers' perceptions of a juvenile's family status affect the dispositional decision has not been included in very many studies.

Sullivan and Siegel did include "family relationship or home situation" as one of the topics of information which could be selected by an officer deciding a juvenile case. It was selected by seven of 24 officers before they made their final decision. What makes this selection particularly noteworthy, however, is that it appeared to be much more important as a factor among the less experienced officers (with less than five years on the force). Five of the 12 less experienced officers chose this topic while only two of the 12 more experienced officers did so (Sullivan and Siegel, pp. 256-257, Table 1). This would suggest that family status becomes less important as an officer gains experience.

Wilbanks included that statement "[t]he ability of the offender's family to control the offender without outside intervention is the most important factor in deciding whether or not to send an offender to court" among eight policy statements in his questionnaire which was completed by 111 officers in 13 departments and a training seminar. Over half of the officers (57 percent) agreed that the statement was a guiding principle in their decision-making -- 39 percent indicated that it was a personal rule of thumb and 18 percent that it was departmental policy or practice or state law. It is possible that some of the 36 percent who disagreed with the statement would have agreed with it if it were not restricted to "the most" important factor rather than "an" important factor (Wilbanks, p. 98, Table III). Furthermore, the statement does not indicate what criteria the officers used to determine "the ability of the offender's family" to exercise control. Nevertheless it is clear that many officers attempt to consider the juvenile's family situation when making a decision as to disposition.

McEachern and Bauzer used intactness of family as a variable in their analysis of police decision-making in Los Angeles County. Based on 1,010 records drawn from the Central Juvenile Index, they found that whether or not the juvenile came from an intact family "apparently [had] some influence on the police disposition" among several other factors such as sex, age, prior record, and others (McEachern and Bauzer, pp. 150-151). "When offense is held constant, however, the effects of family status . . . are eliminated" (McEachern and Bauzer, p. 151). Similar results are found in an examination of 7,946 records of police-juvenile contacts in Santa Monica for 1940 to 1960 (McEachern and Bauzer, p. 159, Table 14).

Goldman found that various aspects of family status were mentioned by the 90 policemen he interviewed. "Most police expressed the opinion that juvenile delinquency is a reflection of home conditions, or lack of training in

the home . . . The family situation was given primary consideration by the policeman in determining the management of an offender. If the home situation was considered satisfactory by the policeman he would attempt to adjust the boy without juvenile court referral" (Goldman, pp. 120-121).

This assessment of the family situation came about in several ways. "Parents holding responsible positions in business, industry, or in politics were usually spared the official registration of their children's delinquencies. A good family, one in which the parents hold positions of responsibility in the community, 'more than likely will straighten the boy out' . . . Although family reputation was not considered by police as important as family cooperation, it must be taken into consideration because 'a good family will suffer if the boy is sent to the juvenile court' " (Goldman, p. 121). Other indications that a boy was from a "good" family were that the families were "established church members," "old settlers," and for some officers, that the parents were foreign-born ("they are more strict") (Goldman, p. 121). "Only 10 percent of the police claimed that a child from a good home received no special consideration from them" (Goldman, p. 122).

In addition, Goldman noted that the "attitude of the parents toward the policeman who brings the problem child to the home will often determine whether or not the child is referred to the court on this offense or on a subsequent offense. Many police believe that the willingness of the parents to assume responsibility for the child's conduct and for his correction is most important . . . Eighty-six percent of the police indicated that the sincere interest of the parents in the welfare of the child would influence them against court referral of the case. Only 10 percent would disregard such parental interest in making their decision abour disposition of the case (Goldman, p. 122).

Conversely, "[p]arents who are considered uncooperative by the police increase the risk of court referral for their delinquent children . . . If the parents shield the offending child, or condone his offenses, or criticize the police and accuse them of persecution, or if the parents refuse to make recommended restitution to the injured party, it was considered by 62 percent of the police an indication that juvenile court supervision is necessary for the youngster" (Goldman, p. 124).

"Neglect of children by parents, whether because of ignorance, alcoholism, or lack of interest, is considered by the police to be the most important 'cause' of juvenile delinquency . . . It was felt by 55 percent of the police interviewed that problem children in such irresponsible homes must be referred to the juvenile court for proper guidance and control and, if necessary, be placed in a more suitable home environment . . . Only 9 percent of the police interviewed felt that irresponsible parents did not indicate the necessity for official supervision of the child offender" (Goldman, pp. 122-123).

Alcoholism on the part of the parents brought differential handling depending upon which parent was the alcoholic. "If the father is alcoholic, but the mother seriously attempts to control the children, 26 percent of the police would attempt to adjust the boy in his home, while 29 percent considered that alcoholism of the father contraindicates adjustment of the child in the home. On the other hand, alcoholism in the mother will lead to the immediate referral of a delinquent child by 50 percent of the police. The mother is considered 'the foundation of the home.' Only 12 percent felt that the delinquent child of an alcoholic mother could be adjusted in the home" (Goldman, p. 124).

Children from broken homes evoked a less uniform response from the policemen interviewed by Goldman .

"Juvenile court referral was considered indicated by 26 percent of the police in cases of offenders who came from such homes." On the other hand, "[36] percent felt that if . . . care and affection were provided by one parent, court referral would not be necessary" (Goldman, p. 123).

Cicourel, based on several years of observation in two cities, stressed the role of the family in decision-making about a juvenile. "When parents challenge police . . . imputations of deviance, when parents can mobilize favorable occupational and household appearances, and when parents directly question law-enforcement evaluations and dispositions, law-enforcement personnel find it difficult (because of their own commitments to appearances -- lack of a broken home, 'reasonable' parents, 'nice' neighborhoods, etc.) to make a case for criminality in direct confrontation with family resources and a 'rosy' projected future. Imputations of illness replace those of criminality, or the incidents are viewed as 'bad' but products of 'things' done by 'kids' today" (Cicourel, p. 243).

Ferdinand and Luchterhand, in studying inner-city youth in a large eastern city, administered a variety of questions designed to elicit measures of "estrangement from family, "parental permissiveness," "seeking parental advice," and "family discord" as well as information on the family structure. They concluded that "the results suggest that although white offenders came from complete families more often, their relationships in the home were typically more discordant than those experienced by black offenders . . . The results [also] show that half of [the] sample of black offenders were from complete families . . . At the same time [the data] clearly indicates that there is less discord in the families of black offenders than in white offenders' families" (Ferdinand and Luchterhand, p. 519). Since data had been presented which showed differential handling of white and black male offenders, they concluded that "it seems

likely that the police are taking into account the offender's family structure when making a disposition of his case and that some of the difference in dispositions handed out to whites and blacks can be explained in terms of this practice by the police" (Ferdinand and Luchterhand, p. 519). Unfortunately they did not cross-tabulate family structure with disposition so their conclusion remains untested.

In summary, there has been little attention paid to collecting data on family status as it may or may not affect police decision-making. One study which compared family intactness with dispositions indicated that it was not a factor when controlled by nature of offense. On the other hand, one researcher found that policemen when interviewed indicated that family status was indeed considered while another researcher who observed police-juvenile transactions over an extended period of time also concluded that it was a factor. Another researcher who asked police officers to indicate whether or not they agreed with various policy statements found that over half agreed that a family's ability to control the juvenile was the most important factor in deciding whether or not to refer him to court.

It is difficult to reconcile these conflicting findings. Perhaps the best explanation lies in the different ways each study attempted to examine the influence of family status. The studies indicate that many policemen at least <u>think</u> they do or <u>want</u> to consider a juvenile's family situation when making a disposition. Whether they actually do in practice, however, is less clear.

Characteristics of the Police Officer

Although not a criterion used in decision-making, characteristics of the officers can affect the outcome of the decision. As Wilbanks points out, all factors "have one

common unifying thread -- they have to be filtered through the perception of individual officers . . . In other words, the predictive value of the variables . . . might better be stated as: (1) the perception of the officer as to the nature and seriousness of the offense, (2) the perception of the officer as to the character of the offender and/or the offender's family, (3) the perception of the officer as to what departmental policy is and the extent to which he believes it can or should be applicable to specific cases, (4) the perception of the officer as to what resources are available in the community short of a court disposition and the effectiveness or appropriateness of such alternatives to specific cases upon which he has to make a disposition" (Wilbanks, pp. 26-27).

McEachern and Bauzer, in analyzing 7,946 delinquent incidents and their dispositions from records of juvenile-police contacts in Santa Monica (California), were able to classify investigating officers "according to the proportion of incidents with which they were concerned on which they requested petitions." They noted that the results make it "apparent that no matter what the offense, some officers are more likely to request petitions than others, and this trend is consistent for each offense category" (McEachern and Bauzer, p. 152). This proportion ranged from zero for 26 investigators to over 90 percent for a group of five investigators (McEachern and Bauzer, pp. 159-160, Table 16).

Based on findings that characteristics of juveniles apparently result in differential handling, several researchers have concluded that delinquency is as much a function of who the officer is as who the delinquent is.* In spite of these assertions, however, there has been relatively little attention paid to what characteristics of the officers affect

*See, for example, Piliavin and Briar (1964, p. 165).

dispositional outcomes and how. Little is known, for example, how criteria differ between officers who request many petitions and those who request few. Do they use the same criteria but different cutoff points in making referral decisions, or do they use different criteria entirely? Do they differ, for example, in their perceptions of the seriousness of offense while another uses this plus other factors? How many criteria do they use? Does the number of criteria affect the outcome?

Sullivan and Siegel did find some differences in the use of criteria by a group of twenty-four officers given a decision game involving a 15-year-old who was drunk and disorderly. The data indicated some difference between officers based on length of time on the job. "Officers with less than five years' experience required an average of 6.1 pieces of information to make a decision, but their more experienced counterparts required only 3.8 pieces of information, a little more than half the information required by the less experienced officers . . . (Sullivan and Siegel, p. 260). It [also] shows that officers with more experience tend not only to make more decisions to arrest but also to adjust fewer cases on the street. Five of the officers with less than five years' experience . . . [chose] not to invoke the criminal justice system formally through arrest" (Sullivan and Siegel, p. 259). Only two of the officers with more than five years' experience chose not to arrest (Sullivan and Siegel, p. 260, Table 2).

The data presented also indicate some slight difference in the pieces of information used by those who arrest and those who do not, although the number of officers involved is so small that it is hard to make any firm conclusions. Nevertheless, it is interesting to note that the younger officers who decided not to arrest used more pieces of information (7) than the younger officers who decided to make an arrest (5.6). The reverse is true for the officers with more experience. The two older officers who decided not to arrest used fewer

pieces of information (2) than the older officers who decided in favor of an arrest (4.2).*

Howard asked 247 policemen in seven police departments in two western states to fill out a form answering questions about their "last actual encounter" with a juvenile "suspected of petty theft" which included various items of information about the juvenile offender(s) and the offense situation (Howard, pp. iii and 93). She then used a regression equation employing six predictor variables and concluded that the "variables which contributed most to the prediction of petty theft disposition were concerned with the offender or the victim. The offender's age was the most important, the victim's preference was second, and knowledge about the offender was third. Variables related to the officer, specifically education and age, were fourth and sixth in importance. Fifth in importance was the sex of the offender. Dispositions are less severe for females than for males. Older officers tend to give less severe dispositions than do younger officers (Howard, pp. 86-87). The last conclusion was contrary to that shown by the data obtained by Sullivan and Siegel using the decision game technique. They used a different offense, however, so it is not clear whether the two studies reach different conclusions or indicate that age and experience of officers affect decisions in different ways depending on the nature of the offense.

In contrast, Wilbanks presented nine hypothetical cases to 111 officers in four states and concluded that "[n]o significant correlations were found to exist between . . . [decisions] for individual cases and the following personal characteristics:

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*Computed from data in Sullivan and Siegel (1972, pp. 256-257, Table 1).

(1) line officer or supervisor, (2) sex, (3) age, (4) race, (5) years of experience in police work, (6) years of experience in the juvenile unit, or (7) level of education." There was however, "a slight tendency . . . for female officers to refer more cases than male officers" (Wilbanks, p. 123). Furthermore, "[n]o significant correlation was found between any of the seven personal characteristics and the tendency of the officer to rely on his own view or the departmental view in conflict situations . . . Likewise, no significant correlations were found between the personal characteristics and the tendency of officers to [refer] or divert in marginal cases . . . The correlation analysis also failed to reveal any significant correlations between the seven personal characteristics and any of the etiological statements. Thus there is no evidence that more educated officers or younger officers are more likely to endorse any particular view of etiology [cause of delinquency] . . . In summary, the seven characteristics of the subjects . . . are not predictive of the case decisions" (Wilbanks, pp. 124-125).

Goldman, in his interviews with police officers in Allegheny County (Pennsylvania), did not focus on specific characteristics of officers but does give some insights into some factors which influence the individual officer's decisions. One was the "impact of special individual experiences in the court, or with different racial groups, or with parents of offenders, or with specific offenses, on an individual policeman . . . [which] may condition his future reporting of certain types of offense or classes of offenders" (Goldman, p. 130). An example was given of an officer who had taken two boys and a girl encountered while engaging in sexual activity to the girl's father only to have the girl's mother file an official complaint against him the following day for "defaming the girl's character." Afterwards, he turned a blind eye to juvenile sex offenses (Goldman, p. 104).

Another factor which influences the officer's decision, according to Goldman, is the "policeman's attitude toward specific offenses. The reporting or non-reporting of a juvenile offender may depend on the policeman's own childhood experiences or on attitudes toward specific offenses developed during his police career" (Goldman, p. 131).

The officer's attitude toward the juvenile court also apparently affects his decision-making, but in conflicting ways. On the one hand, he may be apprehensive about criticism from the juvenile court. "Cases which the policeman might prefer, for various reasons, not to report for official action may be reported because of fear that the offense might subsequently come to the attention of the court and result in embarrassment to the police officer" (Goldman, p. 130). On the other hand, the "policeman who feels the court unfair to the police or too lenient with offenders may fail to report cases to the court since, in his opinion, nothing will be gained by such official referral (Goldman, pp. 129-130). . . . Forth-three percent of the police expressed the attitude that [the judge] was too lenient with the boys and with the parents. They indicated that this consideration occasionally entered into their decisions not to refer an offender to the court" (Goldman, p. 102).

But large percentages of the policemen also expressed concern that "appearance of a boy in the juvenile court or in the detention home [was] . . . a harmful event" (Goldman, p. 101). Some thought it was harmful because "the juvenile got a feeling of being a 'big shot' . . . [and because] seeing other boys in the same predicament decreases the stigma which might be attached to court registration" (Goldman, pp. 101-102). Balanced against this feeling was an opinion expressed by about a third of the officers that the "institutions for the care of juvenile delinquents were . . . unsalutary . . . training grounds for further criminal activities.

Because of such considerations, the police are largely loath to refer boys to the juvenile court. It was pointed out to [Goldman] that more juveniles would be referred to the court if the police held these institutions in better esteem" (Goldman, p. 102). Whether because they thought the court too lenient or subsequent institutionalization harmful for whatever reason, about a third "of the police claimed to use juvenile court referral only as a last resort--when all other means of managing the child in the community had been exhausted. They felt it best to keep the boy out of court as long as possible. The remaining two-thirds had no strcng opinion on the matter" (Goldman, p. 101).

Wheeler, Bonacich, Cramer and Zola used a scale with six items to obtain a measure of officers' attitude of punitiveness. They also administered a set of questions about how officers would react to a 15-year-old boy's involvement in 12 acts (Wheeler, Bonacich, Cramer and Zola, pp. 44-46). Based on the officers' responses, the researchers noted that "it becomes clear that punitiveness in attitudes is not necessarily the same as the willingness to take the boys into the official court processes. Indeed, . . . the more punitive the group in attitude, the less willing it is to refer delinquents to the juvenile court. This is a clear reversal of the common-sense notion that sending a boy to court is a more serious action than handling him at an informal police level. If 'leniency' means lack of engagement in the official judicial process, then the most punitive groups in attitudes are also the most lenient. In any event, these data indicate that punitiveness in attitude and the preference for more severe dispositions are clearly not the same" (Wheeler, Bonacich, Cramer and Zola, p. 48). One possible explanation for this phenomena was

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*These same tests were administered to police chiefs (26), police juvenile officers (20), juvenile probation officers (25), and juvenile court judges (27) in 28 court jurisdictions with the Boston Metropolitan Area, exluding the Boston Juvenile Court (Wheeler, Bonacich, Cramer and Zola, pp. 34 and 38).

based on "direct power relationships between the groups involved, rather than ideologies about delinquency . . . The judges gain some measure of control over a delinquent only when he is referred to the court, and the police departments keep most of their control by not surrendering it to the court" (Wheeler, Bonacich, Cramer and Zola, pp. 48 and 49).

Another explanation somewhat echoes Goldman's finding that many policemen see the court as a last resort. "The police see the court as a way station into correctional institutions (Wheeler, Bonacich, Cramer and Zola, p. 49). . . . While the . . . police . . . are least anxious to have children appear in court, if they do appear there the police . . . are much more likely to feel that the result should be institutional confinement. Probation officers and judges, in contrast, are high on their readiness to have delinquents appear in court, but are much less ready to see them committed" (Wheeler, Bonacich, Cramer and Zola, p. 49). This explains in part why the police feel the court is too lenient. "The police clearly feel that they would not have referred the case to court if the delinquent in question did not really need it. Put differently, each group may select the 'worst' of the offenders that they experience, for the most severe action. The police, having selected the worst to refer to court, feel that the court should validate their selection process. But the court, not being exposed to the better cases that police did not refer to them, must find their better risks from among those that come before them . . . Thus, the relations between the police and the probation and court officials are much more complex than is suggested by the simple dimension of punishment versus 'leniency'. It seems clear that many of the problems of integrating the work of these groups might well focus around their varying conceptions of the functions of the police and the court vis-a-vis each other" (Wheeler, Bonacich, Cramer and Zola, p. 50). It is clear that an officer's attitude toward the court and toward

punishment is a complex and not easily related variable in his dispositional decision-making if the data presented in this study are indicative of other officers as well.

Ferdinand and Luchterhand also commented on the likelihood that an officer's perception of what the courts will do affects the likelihood of referral of a juvenile to the court. They found that referrals for crimes against the person were lower than for crimes against property. An examination of the dispositions by the juvenile court showed that juveniles referred for crimes against persons tended to get more severe dispositions that those referred for crimes against property. Ferdinand and Luchterhand speculated that the "fact that police are reluctant to send a boy to the Juvenile Court may mean that they are giving the youngster the full benefit of the doubt, especially when he is likely to receive a severe disposition in the Juvenile Court. Hence, those teenagers who are dealt with most severely by the court seem to be handled most cautiously by the police" (Ferdinand and Luctherhand, p. 521).

Black and Reiss also commented briefly on the relationship between an officer's personal attitudes or biases and his dispositional decision-making. They did not compare individual officers against specific dispositions but on balance did note that "during the observation period a strong majority of the policemen expressed anti-Negro attitudes in the presence of observers" (Black and Reiss, p. 70). They reasoned that it "might be expected that if the police were expressing their racial prejudices in discriminatory arrest practices, this would be more noticeable in police-initiated [actions]. But the opposite is the case . . . The great majority of the police officers are white in the police precincts investigated, yet they seem somewhat more lenient when they confront Negro juveniles alone than when a Negro complainant is involved. Likewise, . . . the arrest difference between Negro and white juveniles all but disappears when no complainant is involved" (Black and Reiss, p. 70).

Wilson also did not study characteristics of individual officers in his comparison of two police departments, but one of his observations may shed some light on a factor which affects individual decisions about juveniles. In comparing a department ("Western City") with a high referral rate but little apparent discrimination with a department ("Eastern City") with a low referral rate but apparent differential handling based on race, he noted major differences in the backgrounds of the officers in each department.

"The majority of Eastern City's officers were not only 'locals,' but locals from lower or lower-middle class backgrounds. Several times officers spoke of themselves and their friends in terms that suggested that the transition between being a street-corner rowdy and a police officer was not very abrupt. The old street-corner friends that they used to 'hang' with followed different paths as adults but, to the officers, the paths were less a matter of choice than of accident, fates which were legally but not otherwise distinct. The officers spoke proudly of the fights they used to have, of youthful wars between the Irish and the Italians, and of the old gangs, half of whose alumni went to the state prison and the other half to the police and fire departments. Each section of the city has great meaning to these officers; they are nostalgic about some where the old life continues, bitter about others where new elements -- particularly Negroes -- have 'taken over.'

"The majority of Western City's officers who were interviewed, almost without exception, described their own youth as free of violence, troubles with the police, broken homes, or gang behavior. The city in which they now serve has a particular meaning for only a very few. Many live outside it in the suburbs and know the city's neighborhoods almost solely from their police work. Since there are no precinct stations but only radio car routes, and since these are frequently changed,

there is little opportunity to build up an intimate familiarity, much less identification, with any neighborhood (Wilson, pp. 24-25).

In summary, few studies have focused on specific characteristics of police officers and how they affect an officer's decisions. As a general rule, those studies which conclude that decisions are a function of the particular officer as much as of the offense situation or the juvenile do so on the basis of examining characteristics of the situations and the juveniles and finding differential handling. Only three studies specifically examined characteristics of the officers themselves. Two studies found that there were some differences in decisions based on some characteristics of officers -- most notably length of experience and education -- but the studies used different offenses so the results are not easily compared. One found that officers with less experience gave less severe dispositions while the other study found that older officers gave less severe dispositions. The third study concluded that length of experience and education were not significantly related to the officers' decision-making but that there was some tendency for female officers to refer more cases than did male officers.

Policy and Organizational Strategy

A number of researchers have found that few departments have written guidelines that give specific criteria for when to refer or when to release a juvenile. Wilbanks, for example, undertook a study of the relationship of departmental policy to juvenile dispositional decision-making and found that "[n]ot one of the thirteen cities involved in [his] research . . . had a specific [italics added], written policy to guide the officers in making [their decisions]" (Wilbanks, p. 175). Some of the departments may have had policies but they were not as explicit as, for example, that "all felonies should be referred to court" (Wilbanks, p. 166). Sundeen,

in interviews with chiefs or their designated representatives in 47 police departments in California, similarly found that the departments had very broad policies. In order to ascertain what departmental policy was, he asked the chiefs of the departments to specify whether the policy was generally "to counsel and release the juvenile, to refer the juvenile to . . . the court, or to make the decision on the basis of the individual case" (Sundeen, p. 43). He soon revised his interviewing procedure, however, because "[a]fter the first few interviews it was apparent that the chiefs would not publicly commit themselves to one or the other disposition policies and would instead opt for the individual decision."*

Wilbanks further noted that "[t]his lack of a specific written policy seems to have resulted in considerable disagreement among the juvenile units as to exactly what constituted departmental policy" (Wilbanks, p. 175).

Klein, Rosenweig, Labin, and Bates also noted that many of the 49 California departments they studied appeared to give little guidance to their juvenile bureaus. "[I]t seems that many chiefs consider juvenile matters to be of little interest and have given them little attention. It is this attitude that permits otherwise highly structured departments to have relatively independent juvenile officers and bureaus with their own approaches to juvenile crime . . . [I]t is common enough -- and many juvenile officers freely acknowledge this fact -- that juvenile procedures often are able to develop quite independently of and even in opposition to otherwise standard and carefully scrutinized procedures (Klein, Rosenweig, Labin, and Bates, pp. 84-85).

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*It is possible, of course, that at least some of these departments had specific policies but that the chiefs declined to state so publicly. The interviewers eventually divided the departments according to impressions gained throughout the entire interview with each chief with the following results -- "four explicit counsel and release; twenty-three implicit counsel and release; sixteen individual conditions; three implicit probation [court]; and one explicit probation [court]" (Sundeen, p. 43).

Wilbanks undertook to study "the effects of [officers'] perceptions of departmental policy upon case decisions" (Wilbanks, p. 46) because as he commented "[a] study of the perception of relative effectiveness of various dispositions available in the community is likely to produce data that will be of more practical use than data from a study of the predictive value of offense and offender variables. The . . . type and number of offenders . . . into juvenile police units is not likely to change substantially but perceptions by decision-makers as to what cases are . . . 'divertable,' or 'referrable' may be changed if feedback is provided to decision-makers as to the effect of their [officers'] beliefs and perceptions upon their decisions (Wilbanks, p. 32).

Consequently, in 1973, Wilbanks administered a questionnaire to officers in 13 police departments in three states (Florida, New York and Texas) and to officers attending a training seminar in Louisiana. The questionnaire, in addition to biographical data, included items designed to ascertain personal beliefs as to the effectiveness of the various dispositions available, views of the relative importance of various reference groups (citizens, victims, other officers in the department, for example), etiological beliefs, and eight policy statements. Each officer was also asked to make decisions for nine hypothetical cases (Wilbanks, pp. 48-55).

Wilbanks hypothesized that "[d]epartments differ significantly with respect to their [court referral and diversion] rates" (Wilbanks, p. 125). The data collected confirmed this hypothesis. The range of court referrals on the nine simulated cases was from a low of 29 percent in one department to a high of 85 percent in another.* He further hypothesized that "[v]ariation in decisions on the . . . cases among departments can be better

*Computed from data in Wilbanks (p. 115, Table X).

accounted for by the perception of subjects as to departmental policy and practice than by their perceptions with respect to other . . . variables measured in the study" (Wilbanks, p. 136). This hypothesis was not confirmed, however. Of the ten variables which were most predictive of the court referral decision, the first seven were not departmental policy or practice items but were items relating to personal beliefs (Wilbanks, p. 137).

In addition, Wilbanks hypothesized that "[d]epartments whose officers perceive relatively few policy guidelines (Wilbanks, p. 143) . . . will disagree more on the case decisions than will departments whose officers perceive more policy guidelines." This hypothesis was also not confirmed. "There seems to be no relationship between the extent to which officers in the thirteen departments perceive degrees of structure and the extent to which they agree on case decisions. Thus disparity in decisions does not appear to be reduced by departmental policy" (Wilbanks, p. 144).

Overall then, Wilbanks found disparity between departments in court referral and diversion rates. But "relatively little correlation was found between departmental perception of policy and departmental decisions. Furthermore, disparity in decisions within departments was not associated with the degree of policy perceived by subjects in the departments or with the extent of agreement on policy by departments. Thus, though significant differences were found among departments in case decisions, those differences were not best explained by differences in perceptions of policy by the officers in each department. In other words, departments differ in case decisions for reasons other than differences in perceptions of departmental policy" (Wilbanks, pp. 162-163).

These findings are not too surprising in view of the officers' responses to two other items in the questionnaire. The

officers were asked to respond to a question whether they rely on their own point of view or departmental policy or practice when a conflict occurred between the two. "Responses to this item indicate[d] that 41.4% of the officers tend to rely on their own view . . . when a conflict occurs" (Wilbanks, p. 96). The officers were also "asked to rank the importance of six factors (their own view of what should be done, the disposition called for by departmental policy, the public, the victim or the court; or the disposition they believed most other officers in the unit would make for this case) which might be considered in making their decisions" (Wilbanks, p. 157). Almost half (45 percent) of the officers ranked their own view first compared to only a third who ranked departmental policy or practice first (Wilbanks, Table VI).

Wilbanks had hypothesized that personal belief items would be more predictive of officers' decisions for those who perceived little departmental policy than for those who perceived a relatively high level of policy. Yet in almost two-thirds of the decisions, personal belief items were more predictive of the variance for high-policy officers than for low-policy officers (Wilbanks, Table XXI). Wilbanks suggested that "the predictive power of the personal belief items may be more related to the willingness of the subject to follow departmental policy than to the nature of or the extent of departmental policy or practice" (Wilbanks, p. 159). This was partially confirmed by analysis which indicated that "the proportion of variance in case decisions accounted for by the personal variables is greater for subjects who prefer their own view than for those who prefer the departmental view in seven of the eight case decisions."*

*The ninth case was excluded from this analysis because all officers decided to refer the juvenile to court. (Wilbanks, p. 159).

Thus, Wilbanks has provided data which indicate that the existence of departmental policy will not necessarily ensure consistent decision-making among departmental officers. While this study is very useful to administrators and others who would like to influence police decision-making about juveniles, it should be remembered that Wilbanks noted that none of the departments studied had "a specific, written policy" and that this apparently led to some confusion as to what departmental policy was. It is possible that a fairly explicit, written policy might result in more consistent, policy-oriented decision-making, however.

An earlier study by Wilson suggests another possibility. He compared two departments -- "Western City" and "Eastern City" -- and concluded, based on both observation and examination of a sample of departmental records, that "Western City's officers process a larger proportion of the city's juvenile population as suspected offenders and, of those they process, arrest a larger proportion . . . Thus, a juvenile in Western City is far less likely than one in Eastern City to be let off by the police with a reprimand" (Wilson, pp. 15 and 18). Wilson compared various features of the two cities and of the two departments and concluded that "[f]ar more important . . . than any mechanical differences between the two departments are the organizational arrangements, community attachments, and institutionalized norms which govern the daily life of the police officer himself, all of which might be referred to collectively as the 'ethos' of the police force. It is this ethos which, in [Wilson's] judgment, decisively influences the police in the two places. In Western City, this is the ethos of a professional force; in Eastern City, the ethos of a fraternal force" (Wilbanks, p. 21).

Of particular relevance here is the reference to organizational arrangements. "Western City's police officer works

in an organizational setting which is highly centralized. Elaborate records are kept of all aspects of police work; each officer must, on a log, account for every minute of his time on duty; all contacts with citizens must be recorded in one form or another . . . The department operates out of a single headquarters; all juvenile offenders are processed in the office of the headquarters' juvenile bureau in the presence of a sergeant, a lieutenant, and, during the day shift, a captain. Dossiers on previously processed juveniles are kept and consulted at headquarters. Arresting officers bring all juveniles to headquarters for processing and their disposition is determined by officers of the juvenile bureau at that time" (Wilson, 1968a, p. 21).

In contrast, "[i]n Eastern City, the force is highly decentralized. Officers are assigned to and, sometimes for their whole career, work in precinct station houses. Juvenile suspects are brought to the local station house and turned over to the officer of the juvenile bureau assigned there. These assignments are relatively constant: a patrolman who becomes a juvenile officer remains in the same station house. The juvenile officer is not supervised closely or, in many cases, not supervised at all; he works in his own office and makes his own dispositions. Whatever records the juvenile officer chooses to keep -- and most keep some sort of record -- is largely up to him. Once a week he is required to notify the headquarters of the juvenile bureau of his activities and to provide the bureau with the names and offenses of any juveniles he has processed. Otherwise, he is on his own" (Wilson, 1968a, pp. 21-22).

Wilson further commented that "[t]he centralized versus the decentralized mode of operations is in part dictated by differences in size of city . . . but also in great part by a deliberate organizational strategy. Western City at one time had precincts, but they were abolished by a new, 'reform' police chief as a way of centralizing control over

the department in his hands. There had been some scandals before his appointment involving allegations of police brutality and corruption which he was determined would not occur again. Abolishing the precincts, centralizing the force, increasing the number and specificity of rules and tightening supervision were all measures to achieve this objective. These actions all had consequences . . . upon the behavior of the department . . . The force was becoming to a considerable extent 'bureaucratized' -- behavior more and more was to involve the nondiscretionary application of general rules to particular cases . . . In short, organizational measures intended to insure that police behave properly with respect to nondiscretionary matters . . . may also have the effect . . . of making them behave differently with respect to matters over which they do have discretion. More precisely, these measures tend to induce officers to convert discretionary to nondiscretionary matters -- for example, to treat juveniles according to rule and without regard to person" (Wilson, 1968a, p. 22). In contrast, "[i]n Eastern City the nonprofessional, fraternal ethos of the force leads officers to treat juveniles primarily on the basis of personal judgment and only secondarily by applying formal rules . . . The local precinct captain is a man of great power; however, he rarely chooses to closely supervise the handling of juvenile offenders. His rules, though binding, are few in number and rarely systematic or extensive" (Wilson, 1968a, pp. 22-23).

Wilson's conclusions suggest that it is not perhaps so much the presence of rules which determines the extent to which a department's officers make consistent decisions but the department's organizational arrangements -- the amount of supervision exercised. This had not been systematically studied, however, although two additional studies lend some support .

Wilson also visited "[a]nother big-city police department . . . (Center City) that also has high professional standards . . . The strongest impression an observer carries away from a prolonged visit to the Center City department is that the force, while honest and competent, has lost its sense of zeal [after a previous reform] . . . The tightness of supervision so characteristic of the Western City force is absent in Center City: perhaps over the years it has grown slack. The city remains 'closed' to vice and gambling but, with respect to juveniles, there is a greater propensity to 'reprimand and release' than to arrest or cite" (Wilson, pp. 29-30). While Wilson does not specifically say so, he implies that Western City's and Center City's rules were comparable and that it is the lack of stringent supervision which causes the difference rather than the difference in policy.

Overall Wilson also appears to suggest that a professional department which is centralized and closely supervised will also have rules which result in a relatively high arrest or cite rate. But there is no reason to believe that if a professional department which is centralized and closely supervised had an explicit reprimand-and-release policy it would not have a high reprimand-and-release rate. Sundeen, in a study of 43 California police departments with juvenile units, tested this possibility. He hypothesized "that departmental policy is directly related to counsel and release rate, if bureaucratic control is high; that is, under high bureaucratic control, the higher the counsel and release policy, the higher will be the counsel and release rate and, conversely, the lower the counsel and release policy, the lower will be the counsel and release rate . . . We would expect that under high bureaucratic control, the association between policy and rate will increase because policy is being implemented. On the other hand, under low bureaucratic control, we would expect the original association to disappear since

policy is not being implemented" (Sundeen, pp. 60 and 62).

Sundeen's hypothesis was confirmed. "Under the condition of high bureaucratic control there exists a moderate positive association between policy and rate . . . Under the condition of low bureaucratic control, as expected, there is no relationship between policy and rate. Thus, this evidence tends to support the hypothesis that policy, when implemented through centralized control, is directly related to counsel and release rate" (Sundeen, p. 62).

In addition to centralized management and close supervision, Wilbanks also noted another way in which a police department can facilitate the implementation of desired dispositions. He observed that "[r]eferrals [to agencies other than the court] seemed to increase markedly when some type of referral coordinating agent or agency existed in the community. The department with the highest referral had a close working relationship with an agent from the Youth Board, an agency which screened referrals by the police and placed them with appropriate community agencies. The liaison agent also provided the police with feedback about the progress of each referral. In short, it appears from the data that the police are much more prone to [divert cases] when the community actively encourages referrals at the police level (rather than at the level of court intake) by providing a coordinating agent or agency" (Wilbanks, p. 62). Wilbanks further noted that "since the data indicate that the police do favor diversion dispositions over [court referral] dispositions, the provision of some coordinating agent enables them to make more diversion or referral decisions by relieving them of having to determine exactly which agency is appropriate and by saving them the time it would take to initiate and follow through on each referral. Thus communities (or supervisors of juvenile units) which wish to increase the number of referrals [to social agencies] by the police juvenile units should see that some

type of agency such as the Youth Service Bureau or some coordinating agent is established to provide a liaison between the police and community resources" (Wilbanks, p. 180). The coordinating agent could, of course, be a member of the police department itself.

Overall then, the few studies which shed any light on the effect of policy on police dispositional decision-making indicate that policy alone will have little effect on the decision-making process. It is still not clear, however, what the effect would be for departments which have specific, written guidelines. But the research did indicate that even when officers perceived a high level of departmental policy they did not consistently follow that policy. Indeed the data indicated that high percentages of officers preferred to follow their own rules of thumb.

Two studies indicated that when the department is organized in such a way as to monitor the implementation of the policy then policies are more likely to result in predictable decision-making. One study indicated that this is true whether the policy is counsel and release or favors arrest.

SUMMARY OF LITERATURE ON FACTORS IN POLICE DISPOSITIONAL DECISION-MAKING

Although the police have been the agency most often studied by researchers interested in juvenile justice decision-making, there are still no clearcut, simple answers as to how different factors are used in the decision-making process at this point. Perhaps this is because the factors differ from department to department and from officer to officer. Perhaps it is also because the factors interact in a variety of ways. As Goldman pointed out, "[i]t must be borne in mind that in this study the several variables were artificially isolated. In reality, no one of the factors which have been shown to operate in the determination of which offenders

are officially reported to the court by the police can be found to exist alone. There is an interrelationship between the variables which cannot be expressed in statistical terms. Some of the factors discussed . . . may automatically exclude the consideration of other factors. At times the task of the policeman may be akin to that of solving a problem containing a number of variables. At other times, one of the considerations . . . may force the decision of the police officer in a given direction" (Goldman, p. 132).

Nevertheless the various studies indicate that some factors may sometimes be more important than others. One such factor appears to be the seriousness or the nature of the offense involved. Most of the studies indicated that referral rates, although they vary from community to community, are generally higher for serious, felony-level offenses than for less-serious, misdemeanor-level offenses or for those which apply only to juveniles. In some jurisdications, however, status (juvenile-only) offenses have a relatively high referral rate. The studies also indicate that different jurisdictions emphasize different offenses and that in some places specific offenses, such as thefts from parking meters or joyriding, have relatively high referral rates.

But even the most serious offenses do not always result in referral to the juvenile court. Even if they did, however, the effect on police decision-making overall would be small because the serious offenses make up only about five to ten percent of all police-juvenile encounters. As several researchers noted, for most police-juvenile encounters, many more factors come into play.

There was general agreement among those who considered the role of a juvenile's prior record that it is in fact an influential factor. What is less clear is whether it is always a major factor and how extensive the juvenile's record must

be to affect the dispositional decision.

Several researchers indicated that the victim's preference may be a major determinant. Two consider it of paramount importance even when seriousness of offense and prior record are taken into account. In view of the fact that police work appears to be primarily reactive (citizen-initiated) rather than proactive, the role of the victim or the complainant in the juvenile justice system should not be minimized.

Demeanor also appears to be a somewhat influential factor, although there was some disagreement. A number of researchers pointed out that the police often lack adequate information with which to assess a juvenile's character or on which to base a prognosis of his likely future actions and that they frequently rely on the juvenile's demeanor in deciding what disposition to invoke. A defiant attitude would be more likely to result in a court referral while a remorseful attitude or one of respect would mitigate the circumstances and lead to a reprimand and release. Data from a study of three cities which relied on observation of actual police-juvenile encounters suggest most juveniles do not exhibit demeanors at other extreme, however, and that this factor would therefore be relatively unimportant overall.

Only one study considered the role of evidence. The conclusion drawn from the data was that even in the face of very strong evidence, the police frequently released juveniles, but they almost never arrested juveniles unless they had evidence of some kind.

A number of studies considered the role of co-defendants and appear overall to indicate that police tend to give all co-defendants the same disposition or at least to think that they ought to do so. What factors determine the nature of the disposition, however, are not known although one study

indicated that involvement with an adult is likely to lead to an increased likelihood of arrest.

When personal characteristics of the juveniles are considered, there are again no pat answers. Among the personal characteristics considered were racial and ethnic status, socioeconomic status, family situation, age and sex.

Most studies which considered race or ethnic background dealt only with the former, but two studies did examine ethnicity as well. Although there is widespread belief that prejudice on racial or ethnic grounds is a major determinant of police decision-making, there was no empirical evidence to indicate that this is consistently true. Some studies show no differential handling, some show differential handling but attribute it to factors other than discrimination per se, and others show differential handling and conclude that it is the result of police prejudice. One study which attributed differential dispositions to another factor noted that black juveniles were arrested more often than white juveniles because the victims, who were also predominantly of the same race as the juveniles, differed in their preferences. Black victims tended to press for arrest while white victims more often indicated a preference for release. Nevertheless, there does appear to be evidence that some discrimination does exist in some jurisdictions.

Socioeconomic status seems to be less often a factor although this is also widely believed to affect police decision-making. Most researchers agreed, however, that socioeconomic status was not clearly a factor when other criteria were taken into account. Several researchers suggested the possibility that the apparent influence of this factor was the result of a perceived notion of a family's ability and willingness to adequately supervise the juvenile in the future.

The extent to which a juvenile's family status affects police decision-making has not been included in very many studies, however. One study which compared family intactness with police dispositions concluded that it was not a factor when controlled by the nature of the offense involved. On the other hand, two studies in which policemen were asked what role a juvenile's family situation plays in their decision-making indicated that many policemen at least think they do or want to consider this factor. Whether they actually do in practice is not known.

The role of age is also not clear. While some studies have shown that younger juveniles are less often referred to court than are older juveniles (as a proportion of those who come in contact with the police), it is possible that the relationship is only coincidental with younger juveniles less likely to have engaged in serious offenses or to have prior records. Two researchers did, however, find a relationship between age and disposition when offense and prior record were held steady. It seems likely that police tend not to refer young juveniles all other factors being equal.

Some writers suggest that females are less likely to be referred than males and others suggest that females are more likely to be referred, presumably on the grounds of a greater need for protection. None of the studies provided any evidence to show that police discriminate on the basis of sex, however.

One study indicated that, as between departments and communities, there is also great disparity between individual officers in the types of dispositions most often used. In spite of this, there has been relatively little attention paid to whether or not characteristics of individual officers affect decision-making. The three studies which did specifically deal with this issue showed conflicting results, however. One

study suggested that officers with less experience used less severe dispositions while another study showed that older officers gave less severe dispositions. The third study found that age and experience were unrelated to the types of dispositions selected. The three studies used different methodologies so it is not clear whether this factor varies depending upon the jurisdiction or the type of offense or whether it is really not a major factor. Other researchers, although not comparing officers' characteristics with the actual decisions they make, made several observations which are relevant. They suggest that an officer's background generally and his experiences as a policeman affect his decision-making as well as his perceptions of the effectiveness of the juvenile court. No simple relationship was found between officers' personal attitudes toward delinquents and delinquency and their preferred dispositions, however.

Almost no one has studied the effect which departmental policy has on how policeman make decisions. What little research there is, however, indicates that department's policy is less important, per se, than how it is organized and the manner in which the department implements the policy. Under conditions of centralized control, departmental policy appears to be influential whereas under less controlled conditions, policy appears not to make much difference.

In summary, it appears that even though the police have less information on which to base their decisions than do persons at other points in the juvenile justice system, police decision-making about juveniles is still a complex process. Which factors predominate appears to vary from jurisdiction to jurisdiction and officer to officer. While some writers have suggested that the decisions made about juveniles are more a function of who the officer is than who the juvenile is, the data seem to indicate the the process is more involved than that. Overall decisions depend on who the juvenile is,

who apprehended him, what the offense is, who the victim or complainant is, and where (the community) the decision is made.

COURT INTAKE

The Detention Decision

As Gottfredson and others have noted, the "use of detention varies markedly among counties in California and elsewhere in the nation. For example, . . . a sample of 1,849 children, referred to probation departments in eleven [California] counties, was studied. Detention rates, defined as the proportion of children detained to the total number of children referred as candidates for detention, ranged from nineteen percent to sixty-six percent among the counties. Following a national survey of juvenile detention practices, it was reported that in some jurisdictions all arrested children are detained routinely, while in others, fewer than five percent are detained (Gottfredson, p. 2).*

Rubin, in his study of three juvenile courts, also found marked variations in detention rates--Atlanta, for example, detained 88 percent of the juveniles referred while Salt Lake City detained 46 percent (Rubin, 1972, p. 308). He also found that length of stay in detention varied. While Atlanta and Salt Lake City both released about 40 percent of detained youth within nine hours, "Atlanta released from detention an additional 27 percent before the end of the first 24 hour period following presentation for admission to detention . . . While Salt Lake City released less than two percent additional youth during that time" (Rubin, 1972, pp. 308-309).

Ferster, Snethen and Courtless collected detention data for five of the largest cities in the United States as well as from four additional communities and noted that there was "a considerable variation in detention rate [of apprehended and booked juveniles] from jurisdiction to jurisdiction"

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*The California study is reported in Sumner, Locking Them Up and the national survey is reported in Frederick Ward, Jr., et al, "Correction in the United States," Crime and Delinquency, vol. 13, no. 1, January 1967, p. 31.

(Ferster, Snethen and Courtless, p. 163)* -- from a low of 11 percent to a high of 33 percent. Data for five of the jurisdictions similarly indicated a wide range when detention rates were computed as a percent of court referrals -- from a low of 39.7 percent to a high of 74 percent (Ferster, Snethen and Courtless, p. 195, Appendix A). Similar differences have been noted by others as well (Chused, Cohen).

Several studies have looked beyond the detention rates to attempt to get at the factors which appear to be influential in determining whether a juvenile gets detained or not. Gottfredson pointed out that the "laws governing detention vary among states. In most states, the juvenile code provides the authority for detention, but specific criteria for detention usually are determined by administrative policy . . . The purpose of juvenile detention generally is held to be the temporary containment of children who cannot safely be released, with 'safety' interpreted in reference to a likelihood of harm to the child or the community, or of running away" (Gottfredson, pp. 1-2). Specific criteria for determining "safety" and "likelihood of harm to the child or the community" are not clearly defined, however.

The various studies have examined a variety of factors with diverse results.

Offense

The relationship of offense to the likelihood of being detained appears to be keyed to the nature of the offense and not just the seriousness. Sumner, in studying characteristics of

*Data for 1968 were collected for Baltimore, Chicago, District of Columbia, Los Angeles County (California), New York, Volusia County (Florida) and Sangamon County (Illinois); data for 1967 were collected for Trumbull County (Ohio) and Tarrant County (Texas) (Ferster, Snethen and Courtless, p. 163, Footnote 14 and p. 195, Appendix A).

juveniles detained and not detained in ten California counties, noted that the "alleged offense is not related to the detention outcome when a crude classification of 'person,' 'property,' 'other offenses' and 'delinquent tendencies' is employed . . . The proportion detained is greatest for those children who are alleged to have committed an offense against persons [45%], but only 6 percent of the children in this sample were alleged to have such an offense . . . [The data] also indicates that the rate of detention differs little for children with alleged offenses against property [35%], other alleged offenses [34%], or for children who are classified as delinquent [36%] . . . It [also] might be supposed that if a child is alleged to have committed an offense which if committed by an adult in California would be considered a crime, the probability of that child's detention would be increased. This, however, was found not to be the case" (Sumner, 1968, pp. 129-121).*

She did find, however, that certain specific allegations were "clearly . . . related to the detention decision outcome. Most noteworthy is the allegation that the child is a runaway . . . [H]alf of them were detained, compared with the 36 percent overall detention rate . . . [On the other hand,] alleged truants were relatively rarely detained . . . only 19 percent" (Sumner, 1968, pp. 121-122).

Data also indicated that those referred for drug offenses and those referred for incorrigibility had detention rates above the overall rate (41% and 46%, respectively) (Sumner, 1968, p. 123, Tables 18 and 19).

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*The overall study involved 11 counties but one county did not provide the data requested on individual records (Sumner, 1968, p. 137, Footnote 1). Asked what information items were important, however, 97 percent of the decision-makers indicated that "seriousness of alleged current offense" was an important item (Sumner, 1968, p. 177).

Chused, in studying factors related to detention in three New Jersey counties, found that overall "alleged serious offenders (those charged with assaultive behavior or serious drug violations) were detained at high rates, but juvenile status offenders (those charged with behavior illegal only for juveniles) were detained in equally large proportions" (Chused, p. 507). There were variations by county, however. One county detained serious and status offenders about equally (55%, 54%) while another county detained serious offenders much more frequently (53%) than status offenders (32%). Data for the third county show a much higher detention rate (54%) for status offenders than for serious offenders (29%) (Chused, p. 546, Table 21). The numbers of juveniles in both the serious and status categories are relatively small, however. Data on specific offenses are not provided.

Cohen studied three jurisdictions in different geographical locations nationwide and found that seriousness of offense was not a major factor in the detention decision. When the relative strength of nine variables and detention outcomes were examined, seriousness of offense ranked in sixth place in two of the three counties and in eighth place in the third county (Cohen, 1975 , p. 34, Table 16).* Overall, Cohen noted that "some offense types rated as relatively less serious by court functionaries in each court had higher detention rates than did those rated as more serious . . . Furthermore, these less serious offenses exhibiting higher rates of detention were not the same among the three courts" (Cohen, 1975 , p. 31). In Denver and Memphis-Shelby counties, sex offenses (excluding forcible rape) had the highest rates of detention while in

*The three counties are Denver (Colorado, Montgomery (Pennsylvania) and Memphis-Shelby (Tennessee).

Montgomery County, unruly offenses had the highest rate of detention. In all three counties, the percentage of juveniles detained for violent offenses never ranked higher than third compared to percentages detained for other offense types (Cohen, 1975 , p. 30, Table 12; p. 31, Table 13; and p. 32, Table 14).

Rubin collected data in Atlanta and Salt Lake City which indicated different detention rates by general offense classifications for Atlanta and generally similar detention rates by general offense classifications for Salt Lake City. In Atlanta, only 54 percent of those referred for offenses against persons were detained, while 87 percent of those for offenses against property were detained as were 94 percent of those for offenses against public order and 92 percent of the status offenders (Rubin, p. 464, Table VI). In Salt Lake City, on the other hand, detention rates were about the same for all four classifications (ranging from 43 percent to 48 percent) (Rubin, p. 478, Table VI).

In general then, offense is somewhat more related to detention decisions in terms of the nature of the offense than in terms of seriousness. Status offenders tend to have high rates of detention relative to other juvenile offenders. Overall, however, the relationship of offense to detention decision-making seems to vary considerably from jurisdiction to jurisdiction.

Prior Record

A juvenile's prior record can be measured in a variety of ways and affect his likelihood of being detained depending on what kind of prior record he has. Sumner considered a variety of measures and found that all increased the likelihood of detention. "If the child has been referred previously to the court, then the probability of detention is increased. Among the

70 percent of children without previous court referral, the detention rate is 25 percent. One prior court referral, however, raises the likelihood of detention to twice that proportion [49%]. The probability of detention continues to increase with the number of prior court referrals [two to three prior court referrals -- 61% detained; four or more prior court referrals -- 78% detained]" (Sumner, 1968, p. 123 and p. 124, Table 20). Similar percentages were found for juveniles with prior delinquency adjudications (Sumner, 1968, p. 124, Table 21) and prior detentions, with prior detentions somewhat more likely to result in a current detention (Sumner, 1968, p. 125, Table 22).*

When Sumner examined the nature of the offense involved in the prior referral she found that there was no difference between a record of offenses which would be considered criminal if committed by an adult and a record of juvenile-only offenses. Juveniles with a prior record of "criminal" offenses were detained 46 percent of the time (Sumner, 1968, p. 125, Table 23) and those with a prior record of juvenile-only offenses were detained 45 percent of the time (Sumner, 1968, p. 127, Table 27). There was a difference in detention rates between those with a prior record of offenses against persons (58%) and those with a prior record of offenses against property

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*In response to a questionnaire listing various information items, over 80 percent of the decision-makers indicated that "the number of prior times the child has been detained is an important item for consideration. Indeed, 31 percent regarded this item as 'quite important,' and 14 percent stated it was 'very important'" (Sumner, 1968, p. 176). Also, 83 percent considered "as an important item the statement 'alleged offense would be first known offense.' . . . The types of previous offenses, in relation to the offense presently alleged, were said to be an important factor in arriving at the decision by 94 percent of respondents." Furthermore, 89 percent considered the number of previous offenses as an important variable (Sumner, 1968, p. 177). When intake unit personnel were asked, however, whether or not frequency of referral should be a detention determinant, there was a split between answers from high and low detention counties -- only 39 percent of the respondents in high detention counties said frequency of referral should be irrelevant compared to 61 percent of the respondents in low detention counties (Sumner, 1968, p. 78).

(45%) (Sumner, 1968, p. 126, Tables 24 and 25).* Although only five percent of the juveniles had past histories of dependency, those who did had a high likelihood of being detained (54%) (Sumner, 1968, p. 128, Table 28).

Even more likely to increase a juvenile's chances of being detained was having been on probation previously (41%), being on probation at the time the detention decision was made (67%), or having had a previous probation revoked (74%) (Sumner, 1968, p. 129, Table 29). The juveniles most likely to be detained were those who were or had been on parole (82% in this category were detained) (Sumner, 1968, p. 129, Table 30).

A regression analysis employed by Sumner which included 31 variables identified six variables as accounting for more than a fifth of the variation in detention decision outcomes. Of these six variables, four were related in some way to the juvenile's prior record. "The single item accounting for the largest portion of variation is the number of prior court referrals. A history of some prior offense is second in importance in accounting for detention decision outcome variation, followed by a history of prior detention and the issue of current or previous placement on probation" (Sumner, 1968, p. 162).

When Sumner compared the high and low detention counties, she found that "the low detention counties have considerably fewer children with no prior offense than the high detention counties" (Sumner, 1968, p. 143). This difference would appear to account for some of the variation between the counties, but even so, the data showed that the high detention counties still detained

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*Asked what items of information were important, 93 percent of the decision-makers indicated that a "past record of assault offenses" was an important consideration. A great majority also thought a history of narcotics involvement . . . an important item . . . A similar item 'repetitive nature of present alleged offense,' was similarly marked as an important item by all but 6 percent of the respondents" (Sumner, 1968, p. 177).

a higher proportion of juveniles within each category than did the low detention counties. Juveniles in high detention counties with no prior offenses were detained 37 percent of the time compared to 16 percent of juveniles with no prior offenses who were in low detention counties. Similarly, those with a record of prior offenses were more frequently detained in high detention counties (54%) than in low detention counties (32%) Sumner, 1968, p. 143, Tables 39 and 40).

Chused, in his study of three New Jersey counties, found that "juveniles with serious past histories were generally detained more often by police than others . . . , regardless of the crime charged . . . However, juvenile status offenders were detained at levels as high or higher than other juveniles regardless of record" (Chused, p. 507). Juveniles with a prior record who were referred for a serious crime were detained 58 percent of the time, for example, while status offenders were detained 65 percent of the time. Juveniles referred for a serious crime with no prior record were detained less often (29%) than were status offenders with no prior record (42%). In all four offense classifications (serious, medium, minor and status), juveniles with prior records were detained more often than those without prior records (Chused, p. 549, Table 28).

Chused's data, similar to that collected by Sumner in California, indicated that detention was higher for those with prior records than those without even using different measures of prior record. Those with a previous formal adjudication, for example, were detained more often than those with a previous informal adjudication in all three counties (Chused, p. 548, Table 25), and those with more than one prior adjudication more often than those with two or more prior adjudications (Chused, p. 549, Table 27). Similar results were obtained when detention rates were compared against the juvenile's worst previous disposition -- the more serious the previous disposition, the higher the likelihood of detention (Chused, p. 549, Table 26).

The juvenile's drug history also affected his likelihood of being detained. Chused found that 68 percent of those with addictive drug histories were detained compared to 40 percent of those with other drug histories and 32 percent of those with no drug history (Chused, p. 552, Table 37). This pattern was generally strengthened when combined with prior record. In Bergen County, for example, juveniles with a prior record and a history of using addictive drugs were detained 73 percent of the time while those with a prior record and no drug history were detained 41 percent of the time. Those with an addictive drug history but no prior record had a detention rate of 37 percent while those with no prior record and no drug history had a detention rate of 23 percent (Chused, p. 553, Table 38).

Cohen found that prior court referral was clearly related to detention in all three jurisdictions studied. In Denver County, only 10.2 percent of those with no prior court referrals were detained compared to 32.7 percent of those with one or more prior court referrals. In Memphis-Shelby County, 35.4 percent of those with no prior court referral were detained while 55.4 percent of those with one or more prior court referrals were detained. And in Montgomery (Pennsylvania), the figures were 12.5 percent and 29.7 percent, respectively (Cohen, 1975 , p. 28, Table 10). When he compared the relative strength of association between nine variables and the detention outcome, prior court referral ranked first in all three counties (Cohen, 1975 , p. 34, Table 16).

Clearly then, prior record is associated with an increased likelihood of detention as indicated by data from all the studies of detention decision-making.

Likelihood of Flight

Chused also considered the possibility that the "likelihood of flight from the jurisdiction may also have affected detention. Though the data was a bit sparse, those cases involving either juveniles living outside Bergen County, or use of bench warrants in Mercer and Essex, increased the rate of detention" (Chused, p. 510). Residing within the state did not increase the rate of detention for juveniles in Bergen County, but residing outside the state clearly did -- 31 percent of the juveniles residing in Bergen were detained compared to 88 percent of the juveniles living outside the state (Chused, p. 560, Table 57). It is probable that some of the out-of-state juveniles were detained as much because there was no one to whose custody they could be released as because of the likelihood of flight (likelihood of non-appearance in court) as such. This is perhaps indicated by the fact that only 22 percent of the juveniles who lived outside Bergen but within the state were detained (Chused, p. 560, Table 57).

Perhaps more directly relevant was Sumner's finding that runaways were more likely to be detained than other juveniles -- 50 percent were detained compared to only 33 percent of the others (Sumner, 1968, p. 122, Table 16).* Since runaways would be included among those whose offenses are classified as status offenses, the likelihood of flight might be part of the reason why juvenile status offenders appear to have relatively high detention rates.

Family Status

On the other hand, family status or living arrangements or parents' attitudes might also account for some of the increased

*When asked what information was important, 97 percent of the decision-makers indicated that "apparent likelihood that the child will run away" was an important consideration, "including 40 percent who marked it 'quite important,' and 41 percent who regarded it 'very important'" (Sumner, 1968, p. 178).

likelihood of detention for status offenders. Chused found that in two of the three counties he studied, juvenile status offenders were less likely to be living with both parents than were other juveniles referred (Chused, p. 557, Table 48). And in both counties, juveniles living with both parents were less likely to be detained than were juveniles with other living arrangements, regardless of offense for which referred. In the third county, family living arrangements appeared to make some difference for medium and minor offenders, but none for status offenders. Interestingly, serious offenders in this county were detained more frequently when they lived with both parents than when they did not (Chused, p. 557, Table 49).

Not surprisingly, Chused also found that much higher percentages of the juvenile status referrals came about as a result of parental complaints than did other referrals (Chused, p. 559, Table 55). When these data are combined with data which show that juveniles in all three counties were much more likely to be detained when a parent was a complainant than when a non-parent was the complainant (Chused, p. 559, Table 54), we can see another possible explanation for the high detention rates observed for status offenders. As Chused pointed out, "it is quite possible that persons, even from unsplit families, were not willing to come forward to assume custody of status offenders as often as in other cases. The possibility that parents of 'incorrigibles' and 'runaways' would refuse custody is a plausible explanation of the data" (Chused, p. 509).

Sumner also examined the relationship of the juvenile's living arrangements and detention decision outcomes. Her data indicated little difference between living with both parents and living with a mother or a father only. But juveniles who lived with neither parent were detained at much higher rates than others. Over half of those living with neither parent were detained compared to only about a third of the others"

(Sumner, 1968, p. 133, Table 34).* The patterns were the same in both high and low detention counties (Sumner, 1968, p. 150, Tables 53 and 54).

Cohen also considered whether a juvenile's coming from an "intact" or "disrupted" home made a difference in the detention decision outcome and concluded that "there appears to be no substantial difference between the child's family situation and detention decision outcomes in Denver and Memphis County, but it is clear that those from 'disrupted' homes were more apt to have been detained than were those from 'intact' homes. The observed difference in detention rates between those coming from intact and disrupted homes in Montgomery County, however, was found to be substantial -- with those coming from a home in which both natural parents do not reside having a substantially greater likelihood of being detained" (Cohen, 1975 , p. 27).

It appears that in some counties family status -- whether the juvenile lives with one, both or none of his natural parents -- affects the detention decision outcome but that this is not a universally applied criteria. One study's data indicate that most important may be parental willingness to accept custody of the juvenile but this criteria was not studied by the other two researchers so its applicability generally is unknown.

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*Based on direct observation during detention hearings, Sumner also noted that "[w]here one or both parents were present, it appeared that most judges tended to order the child released rather than detained, unless the probation officer's recommendation was to the contrary or the parents proved uncooperative" (Sumner, 1968, p. 45). Survey responses seemed to indicate that parental cooperation and attitude was definitely considered important by the decision-makers -- 80 percent of the respondents thought "attitude, appearance, and behavior of parents at the time of contact with probation staff" was an important item of information. Ninety-six percent thought the parents' behavior toward the child was important. Furthermore, 90 percent felt that "availability of the parents" was an important consideration (Sumner, 1968, pp. 179-180).

Present Activity

Cohen found that a juvenile's "present activity" was an important criterion in whether or not he was detained. While "only a relatively small proportion of the juveniles referred to each court were not attending school and/or employed at the time of their referral" the data indicate that this was nevertheless an important criterion employed by all three courts he studied, "with idle youths referred to each court disproportionately detained" (Cohen, 1975 , pp. 27-28). When the relative strength of association between nine variables and the detention decision was examined, present activity ranked in second place in two counties and tied for third place in the remaining county (Cohen, 1975 , p. 34, Table 16).

Chused also found a relationship between present activity and detention decision. "Except in Essex, persons not in school were more likely to be detained . . . However, juvenile status offenders were detained at high rates even when in school" (Chused, p. 508). School status did not, however, have much apparent affect on the decision to release a juvenile during a judicial detention hearing -- "80 per cent of those in school and 85 per cent of those not in school were detained" (Chused, p. 512).

Race, Ethnicity

Sumner found that blacks and Mexican-Americans were more likely to be detained when race/ethnicity alone was considered -- 48 percent of blacks, 40 percent of Mexican-Americans and 33 percent of whites were detained in the counties studied (Sumner, 1968, p. 130, Table 31). But "when the relevant background characteristics of the children [prior record and offense] . . . are statistically controlled . . . it must be concluded . . . that the ethnic group classification is not related to the detention decision outcome" (Sumner, 1968, p. 169).

Cohen concluded that, based on a bivariate analysis, there was "no evidence to suggest that nonwhites are substantially more apt to be detained than are white youths. In fact, for one [court] the opposite is true. In Montgomery County, whites were substantially more apt to have been detained than their nonwhite counterparts [19.5 percent compared to 8.2 percent]" (Cohen, 1975 , p. 23). Nonwhites were slightly more likely to have been detained in Denver county, but the difference is too slight to conclude that there was any consistent racial bias operating (Cohen, 1975 , p. 22).

Chused, on the other hand, did find that blacks were detained more often in the two counties for which data were available. This was partially because blacks were more likely to have been rearrested between the initial offense and the court hearing and were more likely to have a prior record (Chused, p. 508). But even when prior record was held steady, blacks had higher detention rates, particularly in one of the two counties. The same was true when seriousness of offense was held steady (Chused, p. 551, Tables 33 and 34).

Overall, it would appear that there is no consistent discrimination against minorities in detention decision-making but that minority status may influence the detention decision in some jurisdictions.

Sex

Sumner did not find any significant differences in detention rates for males and females. She did find that females were slightly more likely to be detained, but concluded that the difference was not great enough to be sure that it was not a result of chance alone (Sumner, 1968, p. 119, Table 13).*

*When asked what information was important, "[84] percent of the decision-makers considered the sex of the child to be unimportant in arriving at the decision to detain or not detain" (Sumner, 1968, p. 179). Sumner did find, however, that in eight or ten counties for which data was available on average number of detention stay days, girls were detained longer than were boys (Sumner, 1968, p. 550, Table 6).

Chused and Cohen did, however, conclude that sex was a criterion in some cases. Chused found that females were more likely than males to be detained in two of the three counties he studied and that the "detention difference by sex was reduced when crime and prior record were held constant [but] there was still some possibility, especially in Mercer, that females were detained more often than their male counterparts . . . Even assuming equal treatment, the basic fact remained that females were charged more often with juvenile status offenses and that detention rate for status offenses was high" (Chused, pp. 508-509). Even so, looking only at status offenses, males were detained more often in one county, less often in another county, and at about the same rate in the third county (Chused, p. 550, Table 31).

Cohen found that males were more likely than females to be detained in Denver while the opposite was true in the other two jurisdictions. Overall, he concluded that at the bivariate level of analysis, "sex is substantially related to the [detention decision] in one of [the] courts (Memphis-Shelby County), where it appears that females were more apt to have been detained than were males (Cohen, 1975 , pp. 21-22).

In a more sophisticated analysis undertaken subsequently of the Denver and Memphis data and reported later, Cohen and Kluegel found some interesting relationships between offense and sex as criteria in the detention decision. "Excluding status offenders from consideration for the moment . . . [and] controlling for all other factors, violent offense is the only category that substantially increases the likelihood of being detained . . . among males. For females the pattern is quite different. Females referred for miscellaneous, and alcohol and drug offenses face a higher than average chance of being detained . . . On the other hand, females referred for property or violent offenses face a substantially lower than average risk of being detained . . . than do males -- controlling for

the effects of all other factors in the analysis" (Cohen and Kluegel, 1977 , p. 14). Furthermore, for "males apprehended for alcohol and drug offenses, present activity has little affect on detention . . . , but for females present activity takes on much greater importance" (Cohen and Kluegel, 1977 , p. 13).

"One speculative explanation for the difference in detention decision outcomes between the sexes with respect to property and violent referrals may lie in the different types and severity of these offenses committed by males and females. For example, females may have a greater likelihood of referral for petty larcenies such as shoplifting, as opposed to a higher proportion of male referrals for burglary, auto theft, etc. In addition the nature or type of violent act for which males are referred may involve a greater degree of physical harm or damage, and hence be seen as a greater threat to the community than those violent offenses for which females are usually referred to the court.

"It is clear, however, that both courts react more harshly to offenses of 'decorum' by females than by males (miscellaneous, alcohol, and drug offenses)" (Cohen and Kluegel, 1977 , pp. 17-18). Both courts were generally similar with regard to detention decisions for males and females for other offenses as well, except that they differed in decisions about status offenders. Examining status offenses separately, Cohen and Kluegel found that "a sex difference affecting the detention decision is present in Denver, but essentially absent in Memphis. Both males . . . and females . . . [referred to the court] apprehended for status offenses in Denver show a higher than average chance of being detained. Controlling for all other factors, female status offenders in Denver experience a substantially higher risk of being detained than do males. In contrast the sex difference in the treatment of status offenders is much smaller in Memphis" (Cohen and Kluegel, pp. 14-15).

Other Factors

Age and socioeconomic status or family incomes were found to have no particular affect on detention decision outcomes. Chused found some slight tendency for those 11 and under to be detained more often in one county and for those 13 and under to be detained more often in another county (Chused, p. 555, Table 45), but overall there appears to be no strong pattern indicating age is a major factor. Cohen, in examining the bivariate relationship between age and detention, concluded that "age, by itself, is not a substantial factor in the decision to release or detain youths in any of the courts in [the] study" (Cohen, 1975 , p. 21). Sumner reached the same conclusion. "Children who are detained are, on the average, about four months older than children who are not detained" (Sumner, 1968, p. 119).

Cohen, in considering socioeconomic status, concluded that his "analysis gives no indication that . . . lower status youths are discriminated against in any of the courts once controls are introduced into the analysis" (Cohen, 1975 , p. 43). Sumner compared family income for detained and non-detained juveniles and found that "the variability in income among families whose children were not detained was greater than the variation in income among families of children who were detained." Nevertheless, there was not much difference between the average monthly incomes of the two groups -- families of children who were detained averaged $611 per month while families of children who were not detained average $674 per month (Sumner, 1968, p. 131).

Some other factors which appeared to have some influence on detention decision-making were not related to specific characteristics of the juveniles. Chused, for example, found wide variations between the counties in release rates of juveniles pending a hearing and concluded that these "differences had

no relation to the severity of the problems present in each sample population . . . The conclusion is inescapable that the administrative methods of the police, the Probation Departments and the courts had extraordinary effects on the outcomes of the detention decisions. In some cases, especially in [one county], the judge sitting caused wide variations in practice" (Chused, p. 534). The judge in that county was rotated every six months and the variations in release from detention rates were quite noticeable "at the points of judicial rotation" (Chused, p. 513).

In New Jersey, at the time of Chused's study, police made the initial detention decision while they sometimes released the juveniles without a judicial hearing. For juveniles who were not released by the police, a judicial hearing was held to decide whether the juveniles should continue to be detained pending adjudication. Chused found wide variations between the counties in release rates as well as in the criteria apparently used by the judges in making their release decisions. He concluded that judges used different criteria than did the police in deciding who should be detained (Chused, pp. 510-514). But he failed to note that the police had, of course, pre-sorted the juveniles for whom the judges held hearings and the judges were therefore making decisions about a different group of juveniles.

In the California counties studied by Sumner, police were not legally empowered to make detention decisions. Nevertheless, she found that they were highly influential and in many instances actually made the detention decision. "For example, in some places a police officer has only to bring a child to juvenile hall for detention to take place immediately" (Sumner, 1968, p. 32). Surveys of law enforcement and probation personnel undertaken as part of Sumner's study indicated that a majority of law enforcement personnel thought they made (or someone within law enforcement made) detention decisions (Sumner, 1968,

p. 58). It is difficult to know how accurate this assessment is. Certainly, where the police simply deliver the juvenile to the detention hall, they are making the decision. But where a juvenile they want detained is actually detained pursuant to review by an intake unit staff member, then who actually made the detention decision is less clear. The survey of probation department decision-makers did indicate that "the 'opinion of the arresting officer' [was] an important item in the opinion of three-fourths of all respondents. The 'attitude, appearance, and behavior of parents at the time of contact with law enforcement officers' was judged important by three-fourths of all. The child's 'behavior at the time of apprehension' also was regarded as important by 86 percent of those completing the questionnaire" (Sumner, 1968, p. 179). Clearly probation department personnel were not immune to law enforcement interests.

In response to two items specifically dealing with the police officer's role, the majority (53 percent) agreed that "police officers should have a voice in detention decisions." But when the statement was put more forcefully as "the arresting officer's opinion on detention ought to be followed," over three-fourths disagreed. It is noteworthy that this means, however, that almost a fourth agreed to some extent that the police ought to be allowed to make detention decisions. (Sumner, 1968, p. 195).

Sumner expressed concern about the apparently large role which police played in the detention decision process, but also noted that "accompanying evidence raises an interesting question. Law enforcement involvement in detention decision-making was <u>not</u> found to be associated with the high-low rate classifications, but probation officer involvement <u>was</u> found to be associated with this classification. This result the conclusion that the common habit of blaming law enforcement for high detention rates is one which should be discontinued"

(Sumner, 1968, p. 79).*

Sumner's surveys also touched on some other possible considerations used by decision-makers. "All but 16 percent indicated that the 'current juvenile court policy' is an important consideration. Two-thirds indicated that the issue of 'whether the delinquency act was an individual or "gang" act' was an important consideration . . . Seventy percent regarded a 'history of alcohol abuse' as an important item, four out of five regarded the 'child's attitude toward authority' important, and more than half (56 percent) regarded 'community pressure concerning a particular offense type' as important . . . The 'child's apparent capacity for improved social adjustment' was regarded as an important consideration by all but 11 percent of the decision-makers studied . . . Opinion was quite divided on the importance of the item 'associates in alleged offense detained or not detained.' Half the decision-makers endorsed the importance of the item, while half rejected it as unimportant" (Sumner, 1968, pp. 179-180).

Sumner also speculated that differences in attitudes of decision-makers might affect differences between detention rates. She found some differences which distinguished decision-makers in high detention counties from decision-makers in low

*A study undertaken by the Office of Criminal Justice Planning, State of California, noted a "curious finding emerged from the two groups of criminal justice personnel [interviewed] responding to a question regarding the appropriateness of juvenile court detention orders. Ten percent of the top criminal justice officials who answered the question felt that minors were ordered detained too often and 32% believed they were not detained often enough; the remaining 58% thought minors were detained 'to the appropriate extent.' By contrast, only 4% of juvenile probation staff felt that minors were detained too often and 52% complained that they were not held as often as they should be. This variation is probably due to the fact that probation officers are the ones who request the detention hearing in the first place, but it does question the often-stated belief that probation officers are the most liberal or 'soft-hearted' members of the criminal justice system" (California Office of Criminal Justice Planning, p. 46).

detention counties. "The detention of the child as a means of preventing him from running away is apparently considered a more important consideration by decision-makers in the counties with relatively high detention than is the case among decision-makers in the relatively low detention rate counties (Sumner, 1968, p. 181). . . The issue that the child is living with one parent only is given a rating of greater importance by decision-makers in the relatively high detention counties than is the case among those in the low detention counties (Sumner, 1968, p. 182) . . . Whether or not the child currently is on probation is given more stress by respondents from the relatively high detention rate counties . . . On the other hand, . . . two items are identified as of greater importance by the decision-makers from the counties with relatively low detention rates. These are 'parents' behavior toward the child,' and 'child's apparent capacity for improved social adjustment.' . . . Taken together, these results suggest more concern for the prior record of the child and for some aspect of control (e.g., prevention of runaways) among decision-makers in the counties with relatively high detention, and more concern with information related to the personal or social situation of the child among those decision-makers who are members of the staff in counties with relatively low detention rates" (Sumner, 1968, p. 183).

Two factors totally unrelated to characteristics of the decision-makers themselves or the juveniles were considered by Sumner as well -- days and hours devoted to intake coverage, and bed capacity at the juvenile hall. The data suggested that "there may be a relationship between the hours when intake services are available and the number of children detained . . . detention rates in eight counties tend to differ according to when a child arrives at the place of intake, e.g., before or after normal working hours. In six of these eight counties, the difference lies in the direction of detaining more children after hours than before . . . Intake in counties 'G' and 'F' . . . is open seven days a week from fourteen to sixteen hours

respectively and the number of children detained during these hours changes very little from one period to another. Intake in 'J' and 'D' counties, on the other hand, is open five days a week, eight hours a day, and the number of children detained after hours is much higher than it is during normal work hours" (Sumner, 1968, pp. 71-72). Detention in "J" was 20 percent during the work day and 80 percent after hours; detention in "D" was 30 percent during the work day and 70 percent after hours (Sumner, 1968, p. 71, Table 4).

Although "[m]ost persons interviewed firmly believed that there is a decided relationship between detention rates and bed capacity at the juvenile hall" (Sumner, 1968, p. 35), Sumner found, after examining bed capacity, bed occupancy and general detention rates, that there was "[n]o evidence . . . that detention rates are influenced by detention costs or bed capacity" (Sumner, 1968, p. 107).

Rubin, after noting the high percentages of detainees who were released within 24 hours in the court jurisdictions which he studied, speculated on what appears to be two additional factors in the detention decision. "[S]ome cases may require more than eight hours to get parents in for interviews or to obtain sufficient information on which to base a more careful decision" (Rubin, 19 , p. 309). The latter reason was also mentioned by Chused. Based on "interviews with persons at the Trenton Bureau of Juvenile Aid and the Mercer County Probation Department," he commented that "[t]he Bureau personnel said they usually released juveniles once their investigations were complete. Only very serious cases or parental refusals to accept their children led to . . . continued confinement . . . In addition, the Probation Department exercised authority to release detained juveniles after a delinquency petition was on file. They often did so when parents or others appeared to take the juveniles from the detention center. The apparent result of the informal process was a pattern of release which

was not related to any obvious social purposes except perhaps the investigatory needs of the police departments . . . " (Chused, pp. 512-513).

Rubin also made an additional observation. "One may speculate further . . . that detention screening staff may take a conservative stance, detaining debatable cases for later determination by judge or referee" (Rubin, 1972, p. 309).

Cohen and Kluegel also concluded that a factor which is substantially associated with detention decision outcomes is "the orientation of juvenile justice taken by the court . . . More specifically, the difference in detention practices between the Denver court, which places greater emphasis on due process guarantees, and the Memphis juvenile court with its more traditional orientation, is reflected in two ways. First, the Memphis court detains a higher proportion of juveniles than does Denver. Second, the two courts appear to use different criteria when making the detention decision for status offense referrals. [The] data indicates that prior record and present activity have no substantial impact on the detention decision outcomes of status offenders in Memphis, while those who have been referred for this type of offense in Denver have an increased likelihood of being detained if they have previously been before the court, and/or were not . . . employed or attending school (Cohen and Kluegel, 1977 , p. 16)*. . .

*They do point out that "[c]oncerning the latter difference between the two courts, a cautionary note must be added. Although the inference that prior record and present activity do not substantially influence the detention decision among status offenders in Memphis is solidly founded (there are substantial numbers of status offenders who have a prior record or who are inactive in Memphis), the inference that these variables have a heightened effect in Denver must be made with some caution. Relative to the total number of status referrals in Denver (512), there are few who have a prior record (86) or who were conventionally inactive (56)" (Cohen and Kluegel, 1977 , p. 16).

These findings would tend to indicate that the greater emphasis on due process guarantees are manifested in lower detention rates than those which can be found in the more traditional juvenile court. However, having a prior record and being idle, when combined with a referral for a status offense significantly more often result in a decision to detain youth in Denver (the due process court), than in Memphis (the more traditional court). Such a finding may indicate that these factors are interpreted by Denver officials as a twin indication that the child is not receiving proper supervision in the home, and should not be returned to this environment until some understanding or adjustment can be fostered among the youth, his or her parents or guardians, and the court, thus bringing some 'direction' to the child's life. If such interpretations are indeed made by Denver officials, then, it appears likely under these circumstances that the due-process court is more concerned with 'the best interests of the child' than the more traditional juvenile court" (Cohen and Kluegel, pp. 16-17). It is possible, of course, that the differences found between the two courts are not so much a reflection of their juvenile justice orientation as of other conditions, but the possibility remains that due-process courts and the more traditional courts foster differences in perspectives among intake personnel which influence detention decision outcomes.

Summary of Literature on Factors in Detention Decision-Making

There were fewer studies of this decision point in the juvenile justice system than there were of police and court decisions and the findings are not all consistent.

Overall the literature indicates that detention rates vary widely from jurisdiction to jurisdiction. Similarly it appears that the criteria used in determining whether or not to detain a juvenile pending adjudication also vary widely

from jurisdiction to jurisdiction. Perhaps the most consistent factor would be the juvenile's prior record. All the detention decision-making studies indicate that prior record, measured in a variety of ways, is very much a consideration. Prior record can include prior referrals to the court, prior adjudications, number of prior offenses and types of offenses, probation or parole status, or a prior record of detentions. On almost any measure, the existence of a prior record resulted in a higher detention rate.

The role of the alleged offense is less clear. Overall it appears that juveniles with more serious offenses and those referred to the court for status offenses will have higher rates of detention than others, but this varies from place to place.

Perhaps one factor which affects the relatively high rate of detention for status offenses is the juvenile's family status. Whether a juvenile lived with one, both or none of his natural parents appeared to be a factor in some jurisdictions. Family willingness or availability to assume custody was also a probable factor and is likely more important than whether or not a juvenile comes from an intact family situation. One study indicated that when the parents are complainants the detention rate is high.

Another possible factor is the juvenile's likelihood of running away before the adjudicatory hearing. Runaways and juveniles from out-of-state appear to be detained relatively frequently.

An additional factor which appears to be important is the juvenile's present activity. Juveniles who are not employed or attending school have higher detention rates in many jurisdictions according to two researchers.

Overall age and socioeconomic status appear not to be very important factors. Nor was there any evidence that there is consistent discrimination against minorities. It appears that minority status may influence detention decision-making in some jurisdictions, however, but it is also possible that this discrimination is less a racial bias per se than a reflection of assumptions about the juvenile's personal situation.

There appears to be some differential handling of males and females. One study indicated that the detention decisions about males and females are related to the nature of the offenses for which they are referred -- males are more often detained for violent and property offenses and females more often for "decorum" offenses -- miscellaneous, alcohol and drug offenses. In some jurisdictions, females may be detained more often for status offenses but this appears to vary somewhat.

It is also possible that the hours during which intake screening units operate plays a role in detention decision outcomes. One study showed that detention rates were generally much higher during hours when no one was on duty to screen cases.

Although widely believed by many practitioners to be a factor, no evidence was available to show that bed capacity in the juvenile hall was a major determinant. One researcher specifically examined this issue and could find no relationship between bed capacity and detention rates.

One other factor which may possibly affect detention decision outcomes is the juvenile justice orientation of the court -- whether it is generally due-process oriented or oriented more toward the traditional juvenile justice concept. But this factor was considered in a study limited to only two courts so any definite answers must await further examination of a larger number of jurisdictions.

The Intake Decision

As Rubin points out, "Whether or not a referred youth should become the subject of a formal petition, should have no further action taken against him, or should be handled through some informal procedure, is the next decision to be made [after a juvenile has been referred to the court]. In most courts, this is made by the probation staff, particularly, the intake division of this department. There has been a decided move in the last decade to divide probation into an intake unit and a field supervision unit . . . However, a number of courts still maintain probation staff who make intake decisions, conduct social studies, and provide field supervision for the same youth as he wends his way through the process. An advantage of the separate division system is greater attention to each function. The disadvantage is that the child and parents must adjust to two or three different probation staff members. The trend is, however, toward the former, a specialization of function.

"There are other approaches to intake decision-making. In [some courts] the complaint is referred to the clerk of the court who scrutinizes the police report as to legal sufficiency. If the complaint is found sufficient a hearing is held with a judge or referee, who decides whether or not the case should go further. In some states or communities the district attorney is the decision-maker, and he may or may not have the advantage of a preliminary investigation by the probation department" (Rubin, 1976, pp. 91-92).

A number of studies have been undertaken to study the intake process. Most study the first type of approach wherein cases are screened by a nonprosecutor and all but one relied on analysis of existing records. In one case, the researcher supplemented his analysis of records with interviews and observations in the courts under study.

National data indicate that approximately one half of the cases referred to juvenile courts are screened out without referral for a judicial hearing. Some of these cases are dismissed without any further action and some involve placing the juvenile under informal supervision for a relatively short period of time, possibly up to six months, while the probation staff ascertain whether or not he is adjusting satisfactorily. Assuming no further problems, he is released from supervision without a formal hearing before a judge.

Rubin, in a comparative study of three jurisdictions, found widely varying rates of filing of petitions. "Salt Lake City led in filing 47 percent of referred cases. Atlanta filed 20 percent. Seattle filed but 14 percent" (Rubin, 1972, p.307). Rubin advises caution, however, in comparing rates from one jurisdiction to another and cites an example of a case which he observed in one court. A 12-year-old was brought in by the police for shoplifting some cigars. He and his mother were interviewed and a record check and report evaluation was conducted, a process which took about 90 minutes. The boy was then released but no record was kept to be counted as a referral (Rubin, 1972, pp. 102 and 242). The probability is that court records of referrals are undercounted and that intake screening results in higher rates of informal adjustment than statistics indicate.

Where the clerk or a member of the district attorney's staff screen for legal sufficiency, there is probably little variation in the factors which determine whether or not a petition is filed. This particular type of intake screening has generally not been studied, however. Ferster, Courtless and Snethen, in a study of a sample of cases which were handled informally by probation intake officers in "Affluent County" in 1968-1969, noted that "[l]ack of jurisdiction and lack of evidence were given as the reason for the decision not to refer the case to court in only six of 162 cases examined.

Since no comparable data was available from other jurisdictions, however, it is impossible to generalize with any degree of accuracy whether intake departments of other juvenile courts also dismiss only a small number of complaints for lack of jurisdiction or lack of evidence" (Ferster, Courtless and Snethen, p. 870).

The studies which have been done appear to have been undertaken in courts where factors such as "the best interests of the child" and the "best interests of the community" might conceivably be weighed in determining the advisability of ensuring a formal, judicial hearing. A variety of factors were considered by these studies.

Offense

There appears to be a good deal of variation between jurisdictions as to the role of the offense in determining whether or not a petition will be filed. Rubin, for example, found little variation in filing rates for offenses against persons (55 percent), offenses against property (59 percent) and offenses against public order (56 percent) in Salt Lake City but did note that those offenses which were illegal for juveniles only resulted in a petition much less often (36 percent) (Rubin, 1972, p. 473, Tables IV and V). In Seattle, the pattern was different, however. There offenses against persons were relatively frequently selected for the filing of a petition (31 percent), followed by offenses illegal for juveniles only (20 percent). Offenses against property (7 percent) and offenses against public order (4 percent) were rarely filed on. Most of the offenses which were illegal for juveniles only which resulted in petitions were those which were classified as "ungovernable" which was almost always referred for a court hearing (18 out of 19 cases processed by intake resulted in a petition being filed) (Rubin, 1972, pp. 485-486, Tables II and III). And in Atlanta, there was

a third pattern observed. Of the sample of cases examined, offenses against persons (39 percent) and offenses against public order (37 percent) relatively frequently resulted in the filing of petitions, followed by offenses against property (24 percent) and offenses which are illegal for juveniles only (13 percent) (Rubin, 1972, p. 459, Tables IV and V).

Cohen also found variations between the courts which he studied. In Denver County, for example, over three-quarters of the drug offenses were adjusted informally compared to Memphis-Shelby County where only 14 percent of the drug offenses were similarly adjusted informally. In both counties, approximately the same percentages of violent offenses (44-45 percent) and sex offenses (37 percent) were adjusted informally. Also, in both counties, alcohol-related offenses were almost always (91 percent) adjusted informally.*

In spite of the variations between jurisdictions, however, it can be seen that most of them do differentiate to some extent between offenses in the likelihood of a petition being filed. What cannot be stated as a rule across jurisdictions is which categories of offenses will have the highest filing rates. Also, seriousness of offense is not always the determinant in general terms of seriousness.

Thomas and Sieverdes, who studied intake decisions for the most recent referrals of 346 juveniles in a small southeastern city during the late 1960s, found that in that system, "the most powerful predictor of case dispositions is the seriousness of the most recent offense" (Thomas and Sieverdes, p. 425).

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*Computed from data in Cohen (Cohen, 1975a, p. 34, Table 13 and p. 35, Table 14). Montgomery County, on the other hand, had a "requirement that a formal petition be filed against every juvenile who is referred to the court . . . to ensure a legal basis for whatever action is taken against the child" (Cohen, 1975a, p. 17).

They noted, however, that "the relative importance of the seriousness of the most recent offense was shown to vary considerably" when other factors were considered (Thomas and Sieverdes, p. 429).

Terry, in his study of a midwestern city, found that seriousness of offense and age were both about equally significantly "related to the severity of sanctions accorded by the probation department" (Terry, 1967a, pp. 177-178; and p. 178, Table 2). The number of previous offenses was also significantly related but not quite as strongly as seriousness of offense and age (Terry, 1967a, p. 178, Table 2).

Creekmore, in an analysis of data collected during field studies in seven courts, noted that "with the exception of offenses against persons, no apparent relationship exists between type of offense and intake decisions" (Creekmore, p. 127). There was little difference between percentages of those handled informally for four offense categories (status, misdemeanor, property and person). But juveniles charged with offenses against persons were much more likely to receive formal handling (51 percent compared to 33-38 percent for the other three offense categories) and much less likely to have their cases dismissed (16 percent compared to 26-33 percent). (Creekmore, p. 127, Table 7.2).

Thornberry and Arnold both found that racial and ethnic differences appeared to be strong determinants but that the effects of seriousness of offense could still be seen even within this framework. Thornberry found, for example, that 61.4 percent of blacks with offenses with a low seriousness score had their cases adjusted informally compared to only 36.5 percent of blacks with a high seriousness score. For whites, those with low seriousness scores had their cases adjusted 73.9 percent of the time compared to those with high seriousness scores (38.4 percent). In fact, a high seriousness

score tended to eliminate the differences between blacks and whites at the intake stage of processing (blacks were still slightly less often screened with a petition being filed, however) (Thornberry, p. 94, Table 4).*

Arnold, who studied records of 761 juveniles born in the late 40s who were referred to a southern court prior to April 9, 1964, found virtually no differences between offenses screened at the intake level for Anglos but did find variations between levels of seriousness of Latin Americans and Negroes. Across four levels of seriousness, the percentages of Anglos sent to court ranged only from 10 to 15 percent. For the Latin Americans, on the other hand, the range was from eight to 32 percent and for the Negroes from 16 to 45 percent. For all three ethnic groups, higher percentages were sent to court for offenses at seriousness level 3 (generally property-type offenses, but including armed robbery) than at seriousness level 4 (generally person-type offenses) (Arnold, p. 220, Table 5 and p. 215, Table 1).

Meade, on the other hand, in studying 439 juveniles referred for the first time to a court in a large southeastern metropolitan county, found that none of seven legal and social variables studied was significantly related to the intake decision to refer a juvenile for an official hearing. Of the seven variables, having been involved in an adult-type offense ranked third as being related in a positive direction with the intake decision, however (Meade, p. 482, Table 5).

Ferster and Courtless, in a study of intake decision-making in "Affluent County," interviewed probation intake personnel

*Thornberry's data was collected as part of a birth cohort study undertaken by Wolfgang, Figlio and Seelin (Delinquency in a Birth Cohort) and includes intake screening data for 3,086 delinquency events (Thornberry, p. 94, Table 2).

who reported "that children who commit 'serious' offenses are automatically referred to court. For these cases intake does not employ its normal procedure of conferences with juveniles and parents. The cases are merely given a hearing date . . . [But] intake personnel were unable to specify the offenses which are serious enough to justify automatic court referral. Therefore an attempt was made by an analysis of intake records to determine empirically which offenses intake regards as 'serious'" (Ferster and Courtless, p. 1136). Records of a sample of 162 cases handled informally and of a sample of 49 cases referred to court "show that there is no single offense for which court referral is automatic" (Ferster and Courtless, p. 1137).

Overall, it would appear that most jurisdictions do make some distinction between offenses in decisions about whether or not to file a petition for a formal hearing but that there are definite variations between which offenses affect the decision.

Prior Record

Most of the studies considering the relationship of prior record to intake decision-making found a positive relationship.

Cohen, for example, provided data for Denver and Memphis-Shelby counties which showed that in both court jurisdictions, juveniles without a record of prior court referrals were much less likely to have petitions filed for a formal court hearing. In Denver, 78 percent of the juveniles without any prior court referrals had their cases adjusted unofficially compared to 56 percent of the juveniles with one or more prior court referrals. The data indicate that the important distinction was between no prior referrals and one or more. Of those with one prior court referral, 56 percent were adjusted unofficially. With two to four prior court referrals the rate was 54 percent and with five or more court referrals the percentage only went

up to 61 percent.* In Memphis-Shelby County, data was available only for those without any prior court referrals (71 percent adjusted unofficially) and those with one or more such referrals (50 percent adjusted unofficially).**

Terry found a significant relationship between number of previous offenses committed and the intake screening decision made by probation officers. Of three variables which he found were significantly related, however, prior record ranked third (behind seriousness of offense and age). The differences between the three were slight, however, and prior record could safely be considered a primary factor in the decision-making at the intake level in the midwestern community he studied (Terry, 1967a, p. 178).

Utilizing data collected by Wolfgang, Figlio and Sellin for a study of a male birth cohort in Philadelphia, Thornberry analyzed intake screening and found that there was a drop in the proportion of juveniles whose cases were adjusted without a court hearing as the number of previous offenses increased -- 57 percent of those without any record of previous offenses had their cases adjusted informally, 47 percent of those with one or two previous offenses, and only 34.9 percent of those with three or more previous offenses (Thornberry, p. 94, Table 3). Even though Thornberry's analysis generally showed differential handling between blacks and whites at the three levels of processing which he studied (police, intake, juvenile court), the "rates are approximately equal" at the intake level when the number of previous offenses is held constant (Thornberry, p. 95).

Utilizing data collected by Wolfgang, Figlio and Sellin for a study of male birth cohort in Philadelphia, Thornberry analyzed

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*Computed from data in Cohen (1975a, p. 32, Table 11 and p. 33, Table 12).

**Computed from data in Cohen (1975a, p. 32, Table 11).

intake screening and found that there was a drop in the proportion of juveniles whose cases were adjusted without a court hearing as the number of previous offenses increased -- 57 percent of those without any record of previous offenses had their cases adjusted informally, 47 percent of those with one or two previous offenses, and only 34.9 percent of those with three or more previous offenses (Thornberry, p. 94, Table 3). Even though Thornberry's analysis generally showed differential handling between blacks and whites at the three levels of processing which he studied (police, intake, juvenile court), the "rates are approximately equal" at the intake level when the number of previous offenses is held constant (Thornberry, p. 95).

Arnold also found differential handling between racial and ethnic groups in his study of 761 cases in a southern community, but these differences were still apparent even when number of prior offenses was held constant. But within each minority group, the pattern was consistent in that those with one or more prior offenses were more likely to be sent to court than were those without any prior offenses. For Latin Americans and for Negroes the percentages sent to court increased as the number of prior offenses increased from none to one to two or more. But for Anglos, the dividing line appeared to be mostly between none or one or more (Arnold, p. 221, Table 6).

Ferster and Courtless, in a study of the intake process in "Affluent County," compared a sample of 49 cases referred to court for the first time with a sample of 162 cases handled informally. "As far as prior encounters with the juvenile justice system are concerned, the informal group had considerably more contact with the police than did the juveniles who were processed formally for the first time in 1968. While prior intake contact was the same for both groups (about 6 percent for each), 39 percent of the informals and only 22 percent of the formals had prior police contacts" (Ferster and Courtless, p. 1137).

Thomas and Sieverdes, in the southeastern city they studied, found that "prior offense records do not appear to be . . . so powerful a predictor." They suggest that an interpretation of this finding may lie in the size of the jurisdiction -- "the volume of cases that are handled is generally quite low, and those responsible for screening the juvenile cases frequently have considerable knowledge about the previous behavior of a given juvenile, including behavior that is not a matter of formal record. While a prior record might be taken as an important indicator in a court with a much heavier docket of cases, it probably is not interpreted in that fashion in localities where the informal information on each case is often extensive" (Thomas and Sieverdes, p. 428).

Overall then, prior record would appear to be a fairly important factor in most jurisdictions but possibly only one of many factors in a small jurisdiction where the juveniles are known to the intake screeners.

Present Activity

Two studies considered the juvenile's school attendance and/or employment as factors related to the intake decision. Generally, present activity does not seem to be related to the decision to file a petition.

Meade, in a study of juveniles referred for the first time to the court, found that school failure was not significantly related to the intake disposition. If anything, the direction of the relationship was opposite to that which might be expected -- juveniles who were school failures were slightly less likely to have been referred on for a formal court hearing (Meade, p. 482).

Cohen provided data which showed little differential handling of juveniles who were conventionally active (60 percent adjusted

unofficially) as compared with those who were "idle" (65 percent adjusted unofficially) in Memphis-Shelby County. In Denver County, the differences were slightly greater (65 percent adjusted unofficially for those who were conventionally active as compared with 55 percent for those who were "idle").*

In general, the data is too sparse to be able to clearly link present activity and intake decision-making. In one jurisdiction (Denver), however, it did appear to have some relationship.

Family Status

Several researchers compared the juvenile's family status -- whether he was living in an intact or a disrupted home -- with the intake screening outcome. For the most part, there appeared to be little difference between juveniles from intact or disrupted homes.

Meade, for example, in a study of 439 first offenders in a large southeastern metropolitan county, found that family disruption was positively related to the likelihood of a formal hearing but that the relationship was not statistically significant (Meade, p. 482).

Cohen also included data on family disruption for Denver and Memphis-Shelby counties, but the differences between the two groups were minimal. In Denver County, 66 percent of the juveniles from intact homes had their cases adjusted unofficially compared to 61 percent of those from disrupted homes. In Memphis-Shelby County, 63 percent of the juveniles from intact homes had their cases adjusted unofficially compared to 59 percent of those from disrupted homes.**

*Computed from data in Cohen (Cohen, 1975 , p. 30, Table 10).

**Computed from data in Cohen (Cohen, 1975 , p. 29, Table 9).

Thomas and Sieverdes examined the most recent referrals of 346 juveniles in a small southeastern city and compared nine legal and social variables against case disposition at the intake level. They found that "those from unstable family backgrounds . . . [were] more likely to be referred . . . than those from stable family backgrounds" (Thomas and Sieverdes, p. 429), but the "levels of association show that no single variable other than seriousness of the most recent offense accounts for more than a relatively small proportion of the variation in the dependent variable. Indeed, despite the common belief that social factors exert a major influence in legal dispositions, these data show only low to moderate correlations between social factors and case disposition" (Thomas and Sieverdes, p. 423). Of the nine variables examined, family stability ranked sixth out of seven which appeared to have some influence (Thomas and Sieverdes, p. 423).

Arnold presents data on intake disposition for those from intact and broken homes for three racial/ethnic groups in a study of 761 cases in a southern city. There was little difference for Anglos in the proportions of those from intact homes (13 percent) and those from broken homes (18 percent) who were sent to court. For Latin Americans and blacks, however, the differences were more pronounced although not sizeable. For Latin Americans, 19 percent of those from intact homes were sent to court compared to 28 percent of those from broken homes. For blacks, 25 percent of those from intact homes were sent to court compared to 35 percent of those from broken homes (Arnold, p. 219, Table 4).

Chused presents data for three New Jersey counties which does show fairly substantial differences between juveniles who live with both parents and those who have other living arrangements. In Bergen County, for example, only six percent of the juveniles living with both parents were placed on the formal calendar compared with 19 percent who had other living

arrangements. In Essex County the percentages were 38 percent and 58 percent, respectively, and in Mercer County, 18 percent and 39 percent. In the two latter counties, juveniles living with both parents were also much more likely to be referred to a hearing before a conference committee (the least serious possible alternative) than were juveniles with other living arrangements (Chused, p. 572, Table 93).

Chused also presents data comparing the intake dispositions for juveniles whose parents were the complainants with those for whom the complainant was not a parent. Those with parents as complainants were less likely than others to be accorded formal hearings in all three counties (Chused, p. 569, Table 87). This is not entirely surprising in that parental complainant situations were most often juvenile -status type offenses.

Overall, then, it appears that coming from an intact or disrupted home has some slight influence on the intake disposition in many jurisdictions and a stronger influence in a few. Even though most of the studies did not show a strong relationship between family status and intake outcome, the relationship was always such that juveniles from disrupted homes were more likely to be referred to court than were those from intact homes, however small the differences may have been. One study indicated that the relationship between family status and court referral may be stronger for those from minority groups than for whites.

Race, Ethnicity

The studies indicate that juveniles from minority groups may be referred to court more often than nonminority juveniles in some jurisdictions but there is no consistent pattern of discrimination at the intake level. In addition, one researcher who found general patterns of discrimination in studying the police and court levels, found minimal discrimination at the intake level when seriousness of offense and prior record

were taken into account.

Thornberry, for example, in analyzing data collected for a birth cohort study of male juveniles in Philadelphia,* noted that "[a]t the intake hearing the results are not as consistent. When dealing with offenses that have a low seriousness score the results are consistent with the findings concerning the police and juvenile court levels. Regardless of the number of previous offenses, blacks are more likely than whites to receive a severe disposition, i.e., to be referred to the juvenile court. On the other hand, when dealing with offenses with a higher seriousness score, there are very small differences between the races, and in two of the three comparisons whites are treated more severely than blacks. For example, for first offenders who committed serious offenses, blacks receive an adjusted disposition in 53.3 per cent of the cases, whereas whites do so in 48.8 per cent of the cases" (Thornberry, p. 96). Generally, then the differential handling which is detrimental to minorities occurs among the less serious offenders. As the seriousness of the offense moves from low to high, the differential handling of minorities generally disappeared.

Arnold, on the other hand, in studying 761 intake dispositions in a southern city, found a reverse pattern. When he controlled for seriousness of offense, he noted little difference in the percentages of Anglos, Latin Americans and Negroes sent to court for offenses at the two lowest levels of seriousness. But for seriousness levels 3 and 4, Anglos received far fewer referrals. At seriousness level 3, for example, 14 percent of the Anglos were sent to court, 32 percent of the Latin Americans and 35 percent of the Negroes. At seriousness level 4, the Latin Americans (25 percent) were between the Anglos (13 percent) and the Negroes (42 percent) in the likelihood of being sent to court (Arnold, p. 220, Table 5).

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*Data collected by Wolfgang, Figlio and Sellin (Delinquency in a Birth Cohort).

Similarly, Arnold's data show that there was little difference between the three groups when they had no prior offenses or only one prior offense. With two or more prior offenses, however, the differences are distinct -- 23 percent of the Anglos were sent to court, compared with 33 percent of the Latin Americans and 62 percent of the Negroes (Arnold, p. 221, Table 6).

Arnold generally found that Anglos were treated most leniently regardless of the other factors considered with Latin Americans beings treated more leniently than Negroes. "This pattern supports the general assumption that Mexican-Americans have a middle-status rank between Anglos and Negroes in communities in which both minority groups are present in sizable numbers" (Arnold, p. 223).

Cohen provides data for Denver County which shows a somewhat similar pattern. Whites were most likely (72 percent) to have their cases adjusted unofficially, Spanish Heritage juveniles less likely (66 percent) and blacks least likely (57 percent).* For Memphis-Shelby County, Cohen noted that "[t]here were not enough nonwhites (other than blacks) . . . to permit a further breakdown of ethnicity for the analysis of [the] data" (Cohen, p. 24, Footnote 11). But he does provide data which shows only minimal differential handling between whites (64 percent adjusted unofficially) and nonwhites (58 percent adjusted unofficially). **

Chused had data on race for only two of the three New Jersey counties he studied and it shows generally that blacks were more likely to have their cases placed on the formal rather than the informal calendar than were whites even with similar

*Computed from Cohen (Cohen, 1975 , p. 25, Table 6).

**Computed from Cohen (Cohen, 1975 , p. 24, Table 5).

prior records or number of prior adjudications. Essex County provided the only exception in that whites with no prior record were more likely (29 percent) than were blacks (13 percent) to be placed on the formal calendar (Chused, p. 575, Tables 102 and 103). The pattern is less consistent when seriousness of the offense is controlled, however. In Mercer County, blacks with serious or medium offenses were more likely to be placed on the formal calendar than were whites with similar offenses, but there were no differences for minor offenses, and for juvenile status offenses, whites were more likely to be placed on the formal calendar. For Essex County, the only major differences are for those with medium offenses where whites are less often placed on the formal calendar (Chused, p. 576, Table 104). Overall, then, it would appear that minority status may influence intake screening decisions to some extent in these two counties, but that the differential handling is not very consistent across similarly serious offenses.

Terry, in his study of 775 cases referred to the probation department in a midwestern community, concluded that there was only a "negligible relationship" between severity of intake dispositions and minority status. "Only the percentage waived to the criminal court increased as the degree of minority status increased and the differences were very small" (Terry, 1967b, p. 227). So small, in fact, that he rejected his original hypothesis that there would be more severe handling of minority groups. Furthermore, the pattern observed by Arnold of Anglos receiving more lenient treatment than Mexican-Americans who in turn received more lenient treatment than Negroes is not evident in Terry's data. Anglos, for example, and Negroes were about equally likely (28-29 percent) to be released at intake compared to Mexican-Americans who were most likely (37 percent) to be released at intake. Negroes, on the other hand, were mostly likely (34 percent)

to be referred to juvenile court, followed by Anglos (32 percent) while Mexican-Americans were least likely (28 percent) to be referred (Terry, 1967b, p. 226, Table 2). Overall, Terry concluded that the "evidence indicates that the severity of disposition is not a function of the degree of minority status of the juvenile offender" (Terry, 1967b, p. 228).

Meade, in a study of 439 first offenders in a southeastern county, concluded that race was not a significant variable in predicting the likelihood of a formal hearing. The relationship is such that whites are actually slightly more likely to have formal hearings that are blacks (Meade, p. 482 Table 5).

Thomas and Sieverdes likewise did not find that race was a major predictor of court referral in a study of 346 cases in a small southeastern city. Their examination of nine variables indicated that "no single variable other than seriousness of the most recent offense accounts for more than a relatively small proportion of the variation in [case dispositions]" (Thomas and Sieverdes, p. 423). Of the seven variables which showed some relationship to intake outcome, race ranked fifth (Thomas and Sieverdes, p. 423).

Generally, then, the studies indicate that race is sometimes a factor in intake screening but that this is by no means a consistent or even predominant pattern across all jurisdictions. There was some indication in two jurisdictions that whites received the most lenient treatment, followed by Mexican-Americans with blacks least likely to have their cases adjusted without court referral. A third jurisdiction with data on these three groups showed that there was no pattern of discrimination, however. Other studies comparing only whites and nonwhites found no evidence of discrimnation or negative or minimal differences.

Socioeconomic Status

The studies provide no evidence to show that socioeconomic status is a very important factor in intake screening outcomes.

Meade, for example, found that social class was not significantly related to hearing decision and that the relationship was only slightly in the direction that the juveniles in the lower socioeconomic groups were more likely not to have formal hearings than the reverse (Meade, p. 482, Table 5). Thomas and Sieverdes also found no association between social class and case disposition (Thomas and Sieverdes, p. 423).

Arnold, in studying 386 cases in his sample for which socioeconomic status could be defined, found minimal differences between those in the middle rank (35 percent), the upper lower rank (29 percent), and the lower lower rank (32 percent) in the likelihood of being sent to court (Arnold, p. 218, Table 3). Terry also concluded that socioeconomic status was not related to the intake outcome for the 775 cases in his study which were referred to the probation department in a midwestern community. "When the number of previous offenses is controlled, the relationship between socioeconomic status and severity of probation department disposition is negligible" (Terry, 1967b, p. 228).

Cohen's data for Denver and Memphis-Shelby counties also show little difference between socioeconomic groups. The juveniles in the high socioeconomic group were only slightly more likely to have their cases adjusted unofficially--72 percent in the high socioeconomic group in Denver, of example, compared to 65 percent of those in the low socioeconomic group. Juveniles in the middle socioeconomic group were least likely (60 percent) to have their cases adjusted unofficially. In Memphis-Shelby County, the differences are so small -- 62 percent

of juveniles in the high socioeconomic group had their cases adjusted unofficially compared to 59 percent of the middle group and 57 percent of the low group. *

Thornberry, in his analysis of Philadelphia male birth cohort data, found that "[w]hen both legal variables [seriousness of offense and number of previous offenses] are controlled simultaneously, and when the offense had a high seriousness score, the low SES subjects [were] not more likely to be treated more severely than the high SES subjects . . . In two of . . . six comparisons, those involving high seriousness offenses with no previous offenses or one or two previous offenses, the pattern [of discrimination] is reversed. In these two cases the low SES subjects are more likely than the high SES subjects to be treated leniently. On the other hand, in the other four comparisons the reverse is true, since the low SES subjects are less likely to be treated leniently" (Thornberry, p. 97**). Only for the juveniles with low seriousness scores and three or more previous offenses are the differences large, however (more than three to six percentage points) (Thornberry, p. 97, Table 8).

In general then, the studies do not provide much evidence to support a relationship between low socioeconomic status and more severe intake outcomes.

Age

Age appears to be related to the intake screening decision in that older juveniles are more likely to be referred for a hearing before the court.

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*Computed from data by Cohen (Cohen, 1975 , p. 27, Table 8).

**The data were collected by Wolfgang, Figlio and Sellin (Delinquency in a Birth Cohort).

Terry, for example, found a substantial relationship between age and the severity of the disposition in his study of 775 cases referred to the probation department in a mid-western community. Age ranked first, tied with seriousness of offense committed, in an examination of the relationship between 12 variables and the intake screening outcome (Terry, 1967a, p. 1978, Table 2). Even when three additional variables were used as controls, the relationship between the intake disposition and age was not reduced. These three variables were number of previous offenses, involvement with adults, and involvement with members of the opposite sex (Terry, 1967a, p. 179, Table 3).

Ferster and Courtless, who compared a sample of cases referred to court in "Affluent County" with a sample handled informally, noted "that the average ages were 15.6 and 14.5 years respectively (Ferster and Courtless, p. 1137).

Thomas and Sieverdes, in examining dispositions for 346 cases referred to the juvenile court of a small southeastern city, found that the intake decisions were somewhat associated with both the juvenile's age at the time of the most recent offense and the juvenile's age at the first offense. Overall, they found that seriousness of the most recent offense was the strongest predictor of intake disposition and was the only one of nine variables analyzed which "account[ed] for more than a relatively small proportion of the variation in [case dispositions]" (Thomas and Sieverdes, p. 423). Seven of the nine variables exhibited a positive, although moderate association with the intake screening outcome and of these seven, age at the time of the juvenile's first offense and age at the time of the most recent offense ranked second and third, respectively (Thomas and Sieverdes, p. 423). As both ages increased, the relationship with intake outcome also increased (Thomas and Sieverdes, p. 426, Table 2 and p. 427, Table 3).

Meade, in studying intake screening decisions for 439 first offenders, concluded that age was positively related to the likelihood of a juvenile's being referred for a formal hearing so that an older juvenile was more likely to be, but that the relationship was not statistically significant (Meade, p. 482).

Cohen provided data on Denver and Memphis-Shelby counties which showed that in Denver County juveniles who were 12 years old or younger were more likely (82 percent) to have their cases adjusted unofficially than were older juveniles (62-66 percent) but that juveniles over 12 were about as likely with some slight edge in favor of those 13-14 years of age (66 percent). In Memphis-Shelby County, however, age appeared to be unrelated to the likelihood of having a case adjusted unofficially -- the percentages for four age groups ranged from 57 to 62 percent, with 13-14 year-olds least likely to have their cases adjusted unofficially and 17-year-olds most likely.*

Chused's data for three New Jersey counties also present a mixed picture. In Bergen County, age appears to be clearly related to the likelihood of having a formal hearing scheduled even when prior record is controlled. Juveniles 14-15 years of age with no prior record, for example, were placed on the formal calendar in three percent of the cases while those 16-17 years of age with no prior record were placed on the formal calendar ten percent of the time. Comparable figures for those with a prior record in the same age groups are 19 percent and 35 percent. In Mercer County, on the other hand, the 16-17 year-olds were less likely to be placed on the formal calendar than were the 12-13 and 14-15 year-olds, both for those with no prior record and for those with a prior record. In Essex County, there is no consistent pattern. The 16-17 years-olds were

*Computed from data in Cohen (Cohen, 1975 , p. 22, Table 3).

more likely to be placed on the formal calendar when they had no prior record but were about equally likely to be placed on the formal calendar when they had a prior record as were the 12-13 year-olds. Both with and without a prior record, the 14-15 year-olds were less likely to be placed on the formal calendar than were the other age groups (Chused, Table 92, p. 572).

In general, then, it appears that being older is more likely to result in a formal court hearing in most jurisdictions but with some exceptions. Where age appears to be clearly related to the intake screening decision the relationship is almost always such that the older juveniles are most likely to be accorded the most severe disposition.

Sex

There was no strong pattern of differential handling for males and females at the intake level.

Terry had hypothesized that males would be most likely to be accorded the more severe dispositions. While he found a positive relationship, he observed that "the relationship is relatively small. When the seriousness of the offense committed and the number of previous offenses committed are controlled, the existing relationship is reduced in magnitude . . . The relationship may be largely accounted for in terms of the influence of these two variables. First, while girls are heavily over-represented among offenses for which informal supervision is most likely to be accorded (sex offenses and incorrigibility), boys are heavily over-represented among offenses for which referral to the juvenile court is most likely (burglary, auto theft, homicide, and robbery) and among those offenses which result disproportionately in waiver to criminal court (disorderly conduct, liquor offenses, assault, violent property damage,

homicide, and robbery) . . . In addition, boys are heavily over-represented among offenders who have committed seven or more previous offenses, which further explains the disproportionate waiver of boys to the criminal court. Girls are heavily over-represented among offenders who have committed from one to four previous offenses. This type of record is most likely to result in placement under informal supervision . . . The seriousness of the offense and the number of previous offenses appear to account for most of the relationship between the 'maleness' of the offender and the severity of the probation department disposition" (Terry, 1967b, p. 225). Consequently, he rejected his hypothesis that "maleness" would result in more severe handling at the intake level.

Cohen provided some data which showed that females in Denver and Memphis-Shelby counties were slightly more likely to have their cases adjusted unofficially at the intake level than were males, but the differences are small. In Denver County, for example, 70 percent of the females had their cases adjusted unofficially compared to 65 percent of the males.* Furthermore, it is likely that if seriousness of offense and number of previous court referrals or offenses were controlled for that the differences would disappear as they did in Terry's analysis. When Cohen employed a multivariate technique to examine dispositions across the full range of outcomes from intake through incarceration, for example, sex was not substantially related to the dispositional outcome in either of these two counties (Cohen, 1975a, p. 42, Table 20 and p. 43, Table 21).

Meade also found that there was a slight but not statistically significant relationship between sex and the likelihood of a formal hearing for the group of first offenders he studied (Mead, p. 482, Table 5).

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*Computed from data in Cohen (Cohen, 1975a, p. 23, Table 4).

Thomas and Sieverdes likewise found a positive but minimal association between sex and disposition in their study of 346 intake dispositions. Of nine variables examined, seven appeared to have some association with the intake screening outcome and sex ranked seventh (Thomas and Sieverdes, p. 423).

Chused presents data for the three New Jersey counties he studied which indicates that in two of the counties females were somewhat less likely than males to be placed on the formal calendar while in the third county, females were much less likely to be placed on the formal calendar. In Mercer County, for example, 28 percent of the males had their cases placed on the formal calendar compared to 23 percent of the females. In Essex County, the figures were 54 percent of the males and 14 percent of the females (Chused, p. 573, Table 96). When dispositions of males and females are controlled by seriousness of offense and prior record, the same general patterns hold for each of the counties. In Bergen and Mercer counties, males are still somewhat more likely to be placed on the formal calendar than females even with similar prior records. In Bergen County, however, females with minor offenses in terms of seriousness are more likely to be placed on the formal calendar than are males. And in Mercer County, females with minor or juvenile status-type offenses are also more likely to be placed on the formal calendar than males. But the overall pattern holds for males because higher percentages of males are referred for serious offenses than are females and those with serious offenses are most likely to be placed on the formal calendar. In Essex County, females are always less likely to be placed on the formal calendar than are males even when seriousness of offense and prior record are the same. In addition, only two percent of the females were referred to intake for serious offenses compared to 30 percent of the males (Chused, p. 574, Tables 98 and 99).

Generally, then, it would appear that in most jurisdictions differences in intake screening decisions between males and females occur because of the differences in the offenses for which they are referred to intake and in their prior records. Where some differences do occur, they generally mean less likelihood of being sent on for a court hearing for females than for males although females sometimes are accorded more severe dispositions for minor or juvenile-type offenses. Overall, however, differential handling based on sex appears to be minimal.

Other Factors

Ferster and Courtless, in their study of the intake process in "Affluent County," noted that "[o]nly one criterion has been imposed by the court . . . on the intake staff: Whenever two or more juveniles are charged with a single offense, if intake refers one of these children to court, they must refer all" (Ferster and Courtless, p. 1136). But Ferster and Courtless did not provide any data to show if co-defendants were referred to court more or less often than they are handled informally.

Thomas and Sieverdes considered the effect of co-defendants on the intake decision as did Terry. The results of the first study suggest a small positive association between number of co-defendants and the intake decision but the association is relatively small. Of nine variables examined, seven appeared to be associated to some degree and of these, number of co-defendants ranked fourth. Those with co-defendants were somewhat more likely to be referred for a formal court hearing (Thomas and Sieverdes, p. 423).

Terry, on the other hand, found virtually no relationship between the number of individuals involved and the intake decision. To some extent, however, the degree of involvement

with co-defendants of the opposite sex or who were adults increased the likelihood of more severe intake disposition. Neither of these relationships was statistically significant, however (Terry, 1967a, p. 178, Table 2).

Terry also considered the relationship of the delinquency rate in the juvenile's area of residence as did Arnold. They reached different conclusions. Terry found only a minimal albeit positive relationship between the two (Terry, 1967a, p. 178, Table 2). Arnold, in comparing the affect of several variables on the dispositions of Anglos, Latin Americans and Negroes, found that delinquency rate of the juvenile's neighborhood was inconsequential for Anglos but that differences could be observed for Latin Americans and Negroes. For both groups, juveniles from the eight lowest delinquency rate tracts were much less likely to be sent to court. The differences were greater for Negroes than for Latin Americans (Arnold, p. 22, Table 8). Arnold also analyzed his data by comparing volume of delinquency in a neighborhood as well as rate of delinquency and noted that this appeared to have a greater impact on decision-making -- "[i]t may be that volume of delinquency in different parts of town affects the court officials' handling of offenders more than does the more sophisticated analysis of rates of offenses" (Arnold, pp. 221-222). He does not actually provide the data for this particular analysis, however, and it is not possible to differentiate between intake and judicial decision-making to ascertain if this is true at both levels of processing.

In summary, then, there are a variety of approaches to intake screening -- investigation and decision-making by intake staff or probation officers who can adjust cases informally or refer them on for a formal court hearing, scrutinization of cases by a clerk for legal sufficiency with all legally sufficient cases being heard by the court, and investigation and decision-making by a prosecutor. The most common current practice

appears to be intake screening by a probation department unit, frequently one established to handle intake only and not concurrent supervision. There is a trend toward involvement of the prosecutor in intake screening and decision-making, particularly of the more serious, adult-type offenses. The studies to date, however, have all been of the probation department approach except for one in New Jersey where clerks decided whether juveniles should be placed on a formal or informal calendar. The formal calendar carries with it the more serious dispositional outcomes. One study also included a jurisdiction in which all incoming cases were referred for a judicial decision.

Intake screening patterns appear to vary considerably from jurisdiction to jurisdiction. In some high percentages of incoming cases are referred for a court hearing and in other jurisdictions, informal adjustment appears to be the rule. Comparisons between court systems on the rate of petitions filed are not necessarily reliable, however, because of differing practices of counting referrals and releases.

Overall, there appear to be variations between jurisdictions in what factors enter into the intake screening decision. Prior record -- number of prior court referrals or number of previous offenses recorded -- appears to be most consistent across all jurisdictions. Most studies indicated that this factor is significantly related to intake screening outcomes.

The role of the alleged offense in decision-making at intake is less clear. It would appear that the nature of the offense or its seriousness is a factor in some way in most jurisdictions but there is a good deal of variability in how offense is perceived from one jurisdiction to another. There are definite variations between jurisdictions in which offenses affect the intake decision.

Age appears to be somewhat related to intake screening decisions in that younger juveniles appear not to be referred on for a formal court hearing as frequently as are older juveniles, but this does not appear to be a strong factor in most jurisdictions.

Family status appears to be somewhat influential as well but again, as with age, the relationship is not by any means a strong one nor is it consistent across all jurisdictions.

Socioeconomic status and the juvenile's school attendance and/or employment do not appear to have an impact on the decisions made at the intake level. None of the studies which considered these factors provided any evidence that they were particularly influential. Nor does there appear to be any strong evidence of differential handling for males and females when seriousness of offense and prior record are taken into account. There may be some differentiation in a few jurisdictions but the data in this regard do not show sex to be a major variable overall.

Race and ethnicity are widely believed to be major factors in decision-making at all levels of the juvenile justice system. Overall, at the intake level, the studies do not indicate any consistent or predominant pattern of discrimination, however. Two studies which compared different levels of the juvenile justice system found that the intake level demonstrates the least amount of differential handling between racial and ethnic groups. There was some indication in two jurisdictions that whites were least likely to be referred for a court hearing, Mexican-Americans somewhat more likely and Negroes most likely to be referred. A third jurisdiction with data on these three groups, however, showed no pattern of discrimination. Some jurisdictions in which there appear to be differences based on race or ethnicity when only this factor is compared with

intake screening outcomes show greatly reduced relationships when seriousness of offense and/or prior record are introduced into the analysis. In some instances, when these two variables are controlled, differences between racial and ethnic groups are eliminated or whites are seen to be accorded more severe dispositions in some categories. Overall, while it is not possible to say that some discrimination does not exist, there is no evidence to suggest that widespread discrimination against minorities is operating at the intake screening level.

Generally, at the intake level, the literature indicates that the legal variables of offense and prior record, particularly the latter, are probably the most consistently utilized factors in the decision-making process. As Thomas and Sieverdes noted, "despite the common belief that social factors exert a major influence in legal dispositions, [the] data show only low to moderate correlations between social factors and case disposition. Still . . . [the] findings lead us to conclude that both legal and extralegal factors are being taken into consideration in the determination of whether to refer a given case for a formal hearing in the juvenile court" (Thomas and Sieverdes, pp. 423-429).

Court Hearings

As Rubin points out, the juvenile "court is a far more complex instrument than outsiders imagine. It is law, and it is social work; it is control, and it is help; it is the good parent and, also, the stern parent; it is both formal and informal (Rubin, p. 66) . . . Juvenile court statutes set forth two major criteria which should govern decisions whether a child is detained, whether a child is handled formally, and the disposition a judge should make once he finds a delinquent act has been committed. These standards are: the best interests of the child, and the best interests of the community . . . Obviously, these criteria are not clearly defined" (Rubin, p. 81). Nor are they necessarily compatible.

It is within this highly ambiguous context that a judge makes decisions. While it is true that this general ambiguity extends on throughout the system and that police and intake personnel also make decisions within this context, the power of the court to intervene drastically in a juvenile's life--a judge can send a juvenile to an institution for an extended period or remove him from his home for placement elsewhere--and for more extended periods than do the other agencies, places a much greater burden on this final stage in the process of determining whether or not a juvenile should officially be designated as delinquent.

One should also keep in mind that juvenile processing is essentially "an inverted pyramid. At the top of the pyramid, somewhere between two and three million youngsters have police contacts during a year (this is not an unduplicated count: a given youngster may have five or ten police contacts in a year). At the bottom of the pyramid is the number of youths committed to state delinquency institutions. This number has been approximated as 100,000 annually" (Rubin, p. 87). Terry noted this in pointing out that "the screening process operates in such a way

as to eliminate the vast majority of juvenile offenders from the legal-judicial process before reaching the juvenile court stage" (Terry, 1967a, p. 176). In his study of juvenile processing he found that he needed to start with a "universe" of 9,023 juvenile cases at the police level to insure "that enough cases would be included at later stages in the process in order to permit adequate statistical" (Terry, 1967a, p. 176) analysis. He found in tracing the cases through to judicial disposition that of the original 9,023, "775 were referred to the County Probation Department and 246 of these were eventually referred to the juvenile court" (Terry, 1967a, p. 176).

Cohen, in studying three court jurisdictions, similarly noted that the large majority of cases referred to these courts were "adjusted unofficially; that is youths were counseled by intake officers and their cases were dismissed without any further official action taken by the court" (Cohen, 1975a, p. 20). Furthermore, he observed that "[g]iven the small proportion of juveniles within each of the three courts under analysis who were accorded the most severe disposition alternative, it seems likely that these systems attempt whenever possible to direct youths away from the punitive orientation of an institutional environment. In 1972, only 2.9 percent of the youths referred to the Denver County Juvenile Court were incarcerated or had their case waived to a court of adult jurisdiction; a slightly higher proportion of the Memphis-Shelby County (7.8 percent) and Montgomery County (6.5 percent) juvenile court referrals received similar treatment" (Cohen, 1975a, p. 21*).

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*These percentages are based on the number of juveniles referred at the pre-intake level.

While these figures vary considerably from jurisdiction to jurisdiction (Rubin, 1972*), one should nevertheless keep in mind when considering the factors which go into making court dispositional decisions that these are decisions made about a relatively small number of juveniles and the group which is evaluated for various dispositional outcomes at this level is a group which has already been "sifted" through several decision points and from which many juveniles have already been dropped out.

Offense

Most researchers who have examined the relationship of offense to disposition find that offense is a major if not a primary factor.

Cohen, for example, concluded that there was a substantial relationship between offense and disposition in two of the three jurisdictions he studied. "[T]here appears to be a substantial positive relationship between the rated seriousness of offense and the severity of accorded disposition in both the Denver County and Memphis-Shelby County juvenile courts at the bivariate level of analysis, but no substantial relationship between these two variables was observed in Montgomery County" (Cohen, 1975a, p. 35**). Cohen speculates that one "plausible

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*Rubin noted in a study of samples drawn from cases referred to three other courts, for example, that petitions were filed in 14.2 percent of the cases referred to the King County (Seattle) Juvenile Court, in 20.5 percent of the cases referred to the Fulton County (Atlanta) Juvenile Court, and in 47.0 percent of the cases referred to the Utah Second District (Salt Lake City) Juvenile Court (p. 322). He also advises caution in interpreting court statistics, however, in that courts apply different definitions as to what constitutes a referral (p. 242).

**Personnel in each jurisdiction were asked to rank offenses by their perceptions of seriousness. While the ratings were similar, they were not always identical. The findings, therefore, reflect the relationship between dispositions and what court personnel view as serious offenses.

interpretation of this finding is that functionaries of [the Montgomery County] court attempt to adhere to the 'individualized' justice concept, whereby the 'needs' of the child, rather than the nature of the specific offenses that led to the child's referral, are the major concern of this court. Hence, the act itself may be of secondary importance in the eyes of the court. This possibility may explain the relatively high proportion of those charged with sex and unruly offenses who are incarcerated. [These offenses were rated as third and fourth least serious out of seven categories of offenses]" (Cohen and Kluegel, N.D.b, p. 11*).

In a subsequent multivariate analysis of two of these three courts--Denver and Memphis-Shelby counties--Cohen and Kluegel examined the relationship between disposition and six legal and extra-legal variables (Cohen and Kluegel, N.D.b, p. 11). Based on the results of this analysis they noted that the "evidence suggests that offense and prior record are the major determinants of the severity of disposition accorded in the two courts studied (Cohen and Kluegel, N.D.b, p. 21) . . . In general, . . . youths adjudicated for offenses conventionally thought to be the most serious (property and violent offenses) incur the highest risks of being given either the moderately severe or most severe dispositions" (Cohen and Kluegel, N.D.b, p. 16).

Scarpitti and Stephenson studied a group of 1,210 16-17 year-old, male juveniles "residing in a large eastern metropolitan county . . . [who had not] previously been institutionalized, although some had been on probation" (Scarpitti and Stephenson, p. 144). They compared the groups which had been assigned to

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*The six variables are offense type, prior record, present activity, race, parental income, and court.

probation (943), to a nonresidential group center (100), to residential group centers (67), and to the reformatory (100) (Scarpitti and Stephenson, p. 144). Overall, they noted that "[i]f present offense (the one bringing the boy into this study) is taken as the point of departure, there is some slight indication that the nature of the offense is associated with court disposition . . . Reformatory boys register highest in crimes against the person and lowest in crimes against public policy. However, it is the [nonresidential group center] boys (rather than the probationers) who appear to reverse this pattern most markedly" (Scarpitti and Stephenson, p. 148). While the probationers and the boys assigned to the residential group centers had about equal percentages who had committed offenses against persons (15-16 percent), only nine percent of the boys assigned to the nonresidential group centers had committed similar offenses. If dispositions are divided into those involving reformatory assignment and those not sent to a reformatory, there are distinct differences between the two groups in terms of seriousness of offense with the reformatory group clearly having been involved in a higher percentage of offenses against persons and lower percentages of offenses against property and offenses against public policy (Scarpitti and Stephenson, Table 3, p. 148).

Two researchers noted that minorities appeared to get more severe dispositions, but observed that the effect of seriousness of offense was nevertheless apparent even controlling for racial differences. Ferdinand and Luchterhand, in studying inner-city youth in a large eastern city, examined court dispositions for a group of 220 male first offenders. They then noted that an "interesting pattern . . . is the apparent lack of discrimination in dispositions by the juvenile court. There is some variability in the dispositions given black and white delinquents, but black delinquents do not consistently receive appreciably harsher dispositions from the court than white

offenders. As with the police, as the seriousness of the offense increases, the discrepancy between the dispositions given white and black youths seems to decrease. But in this case the discrepancy is so small that it probably reflects in the main the court's interest in intervening when the youth's home situation seems to require it. Black delinquents, as has been shown, come from incomplete family situations more often than whites" (Ferdinand and Luchterhand, p. 521).

Thornberry likewise noted the lessening of the disparity between dispositions as the seriousness of the offense increased. They compared the "relationship between seriousness and dispositions when race is held constant. From these comparisons it is clear that the seriousness of the offense plays a major role in determining the severity of the disposition. Both black and white subjects are more likely to receive a severe disposition when they commit serious offenses" (Thornberry, p. 95*).

Terry, on the other hand, found a negative relationship between seriousness of offense and severity of disposition. In a study of 246 cases disposed of in a juvenile court in a "heavily-industrialized Midwestern city" (Terry, 1967a, p. 176) he concluded that "a [wide] variety of criteria appear to be utilized and several variables that appear to be unimportant at earlier stages in the screening process become significant at the juvenile court stage" (Terry, 1967a, p. 177-178). He had hypothesized a positive relationship between seriousness of offense and severity of disposition, but in spite of the finding that the "negative relationship is substantial, the positing of the alternate hypothesis does not seem plausible. Rather, the

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*Thornberry based his conclusions on data collected by Wolfgang, Figlio and Sellin in a birth cohort study of males who were born in 1945 and lived in Philadelphia from ages 10-17 (p. 92). Of 9,601 delinquency events committed by the cohort subjects and for which final dispositions were noted, 1,748 were adjudicated by the juvenile court (p. 93).

relationship that exists appears to be a function of the broad categories used in measuring the seriousness of offense committed. Also, since the independent variable in question has been utilized as a criterion by both the police and the probation department, it is probable that the types of offenses which reach the juvenile court tend to be similar in seriousness. This similarity does not become evident in terms of the broad categories used" (Terry, 1967a, p. 178). He points out that "the three most serious offenses comprise over 66% of the offenses appearing in the juvenile court records" (Terry, 1967a, footnote 28, p. 178). Furthermore, he observed that "[w]hen the number of previous offenses committed is controlled, for example, the relationship in question [seriousness of offense] becomes negligible" (Terry, 1967a, p. 179).

Buss surveyed 32 judges to ascertain what factors they considered in deciding whether or not to waive jurisdiction of a juvenile to adult court. Overall, he found that at least 22 factors were cited. "The most uniformly considered factor, dangerousness to the community, however, is considered by less than one-half of the responding judges" (Buss, p. 555). Three of the four components used by Buss to make up this factor were related to the seriousness of the offense. "Out of 32 judges, 7 considered the seriousness of the felony; 12 the presence of personal violence; 9 the presence of property destruction; and 13 the existence of a prior record" (Buss, footnote 8, p. 551). Unfortunately, it is not clear how many of the judges citing offense-related factors cited only one such factor or more. At any rate, clearly almost as many cited personal violence as cited the existence of a prior record.

Emerson, based on 16 months of observation and interviews in a large, northeastern, metropolitan juvenile court, noted the importance of the circumstances of the offense rather than the legal classification, per se. "[T]he technique and style used

in committing a delinquent act provide the court with important indicators of the degree of involvement in and commitment to criminal as opposed to normal life-styles. In the first place, the use of professional or sophisticated techniques for committing the offense suggests both exposure to criminal ways of doing things and criminal purposes. The court closely attends to the use of special tools or instruments or of expert knowledge in the commission of a crime. In this way, for example, the court inquires into the techniques of car theft, for use of a master key rather than 'popping' the ignition indicates a criminal rather than a normal typical delinquency . . . Professionalism can also be indicated by the technique used to commit the offense. In handbag thefts greater criminal expertise is indicated when the purse-snatcher comes up suddenly from behind and surprises the victim. Approaching from the front may warn the victim and increase the chance of identification . . . Greater criminal involvement is also indicated by evidences of planning and preparation for the act. In . . . breaking and entering, . . . for example, . . . burglar's tools indicate not only professional technique but also fairly extensive preparation. Similarly, in handbag cases, evidence that the victim had been followed from a bank in order to increase the chance of getting a large sum of money indicates a criminal-like actor."

"In contrast, delinquencies that give the impression of unplanned spontaneity and impulse suggest normal character. If the act appears as the product of a whim, of an inability to resist temptation, normal character is normally assessed . . . In general, adolescents are assumed normally to engage in a certain amount of illegal activity. Preparation and planning become important signs of criminal-like character because they directly contradict this common-sense view of adolescent impulsivity and susceptibility to temptation. But in addition, careful planning and preparation indicate that the youth gave long and thorough thought to committing the offense. This tends to contradict any

presumption that he 'did not know what he was doing,' that because of youthful innocence or ignorance he understood neither the meaning nor the consequences of the act. Depiction of acts as carefully planned and rationally executed events, therefore, helps establish the criminal character of the delinquent. Conversely, presentation of acts as spontaneous, spur-of-the-moment occurrences shapes assessment of character as normal" (Emerson, pp. 116-119).

"Court personnel approach and understand delinquent acts in terms that indicate the actors' moral character. As a result, the manner in which an offense is presented to the court may critically affect the subsequent assessment of character and disposition of the case" (Emerson, p. 106).

Overall it is clear that seriousness of offense plays some role in judicial dispositional decisionmaking although the extent of the relationship between a juvenile's offense and the severity of the disposition is not clear. It appears also that seriousness is assessed in terms beyond the specific legal classification and includes circumstances which impute criminal-type intent and actions on the part of the juvenile rather than just youthful spontaneity or carelessness.

Prior Record

Without question, on the other hand, the existence of a prior record is related to the severity of the disposition. All those studying this factor concluded that it was positively related.

Cohen found that the proportions of youths referred to the three courts he studied varied from court to court as to whether or not they had made prior court appearances, but even so, "at the bivariate level of analysis with the information available [prior court referrals but not number of previous police contacts]

. . . juveniles who had previously been referred to the court were substantially more apt to have been accorded severe dispositions in each of the three courts" (Cohen, 1975a, p. 32). In Denver, for example, five percent of the adjudicated juveniles with no prior referrals were incarcerated or transferred to adult court compared with 15 percent of those with one or more prior referrals (Cohen, p. 32*).

Cohen and Kluegel also considered prior record in their multivariate analysis of six variables related to dispositions in Denver and Memphis-Shelby counties. They found that prior record, along with offense, was a "major determinant of the severity of disposition accorded" (Cohen and Kluegel, p. 21). Inspecting the main effect of prior record, they observed that "in general having no prior record increases the likelihood of being given the least severe disposition . . . and decreases the likelihood of being given the most severe disposition" (Cohen and Kluegel, p. 15). Furthermore, they observed an interaction between prior record and offense such that "the effect of offense type on disposition depends upon the category of prior record . . . [T]his interaction principally involves status and property offenses" (Cohen and Kluegel, p. 16). A juvenile who is apprehended for a status of property offense who has no prior record will be "likely to receive more lenient treatment than would be expected on the basis of . . . offense category [or] prior record [alone] . . . On the other hand, if an individual apprehended for a status of property offense has a prior record, he is likely to receive a more severe disposition than would be expected on the basis of [offense or prior record alone]" (Cohen and Kluegel, pp. 16-17).

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*Computed from data in Table 11.

Although Terry concluded in his study in a midwestern court that a wide range of variables were related to juvenile court dispositions, he nevertheless found that the strongest relationship between severity of disposition and any of the variables studied, was that between disposition and the number of previous offenses committed (Terry, 1967a, p. 178). He concluded therefore that "[t]he prior record of delinquent behavior appears to be the most significant criterion utilized by the juvenile court" (Terry, 1967b, p. 228).

Chused, in his study of juvenile court dispositions in three New Jersey counties, found a clear relationship between prior record and severity of the disposition. The difference was most apparent for those with prior records in Mercer County--37 percent with a prior record received the most severe disposition compared to only one percent of those with no prior record (Chused, Table 152, p. 600). Chused also noted that "prior serious dispositions were related to subsequent serious dispositions. The court imposed sanctions more serious than those last ordered at fairly low rates, especially when moving from medium or minor to serious dispositions" (Chused, p. 528). There was also some tendency to withhold severe dispositions until the juvenile had had at least two prior adjudications. This was most prevalent in Bergen County--four percent of those with one prior adjudication received the most severe disposition compared to 40 percent of those with two or more prior adjudications. This pattern was least prevalent in Essex County where 30 percent of those with one prior adjudication received the most serious disposition compared to 37 percent of those with two or more prior adjudications (Chused, p. 603*).

Wolfgang, Figlio and Sellin, in their study of a Philadelphia, male, birth cohort, also noted the effect of previous dispositions.

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*Computed from data in Table 159.

"The decision of a court penalty for a repeat of the same type of offense is most often influenced by previous decisions, the decision immediately preceding the offense having the maximum impact. For instance, if a delinquent receives a court disposition for his first index offense, the probability that he will receive similar treatment for his second index offense is greater than the probability of receiving any other disposition. Similarly, if he had been remedialed for his first index offense, there is a greater probability of receiving a remedial [noncourt] disposition for the second index offense . . . If an offender receives a remedial disposition for his first index offense and a court disposition for his second, the probability that he will receive a more severe disposition for the third and subsequent offenses is high. But such a definite pattern does not [italics added] emerge if the court disposition for the first index offense is followed by a remedial for the second index offense. Thus, our hypothesis that the disposition immediately preceding the offense influences the subsequent disposition holds partially true, and such a tendency seems to be more stable for those who receive a court disposition" (Wolfgang, Figlio and Sellin, p. 227). These conclusions are premised on an examination of dispositions crossing all agencies (police, probation and court) and so are not indicative of court practice alone but also of the likelihood of a juvenile's reaching the court as well, but the results nevertheless suggest that even at the court level, prior adjudications and dispositions affect court dispositions.

Thornberry, in analyzing the same data, also noted the relationship between number of previous offenses and court disposition. While the percentages were different for blacks and whites, the pattern nevertheless was the same. Juveniles with no previous offenses were placed on probation rather than institutionalized far more often than were juveniles with a record of previous offenses. The percentages placed on probation decreased as the number of previous offenses increased from one or two to three or more (Thornberry, Table 5, p. 95).

Arnold analyzed data on 761 offenses committed by juveniles born during a 16-month period in the late 40s and "made a matter of formal or informal record in the court [in a Southern community] prior to April 9, 1964 (Arnold, pp. 214-215). His data, similar to that analyzed by Thornberry, indicated differential dispositions based on minority status. But "[c]onsideration of the number . . . of prior and concurrent offenses markedly reduces the differential handling" (Arnold, p. 220). And even within each of the three racial/ethnic groups studied, the effect of prior offenses on the likelihood of being sent to the youth authority is visible. For Anglos the probability remains about the same for those with one or no prior offenses, however, while the probability of being sent to the youth authority for Latin Americans and Negroes increases with only one prior offense. The effect of two or more prior offenses is even more pronounced for Negroes than for Latin Americans (Arnold, Table 6, p. 221).

Scarpitti and Stephenson, based on the study of dispositions for 1,210 adjudicated 16-17 year-old males, noted that the extent of prior delinquency appears to be related although the nature of past delinquency does not. "A fairly clear pattern of progression with respect to the association between delinquency history and treatment program emerges upon examination of the data . . . This pattern indicates that the extent of delinquency tends to increase from probation through NRGC [placement in nonresidential group center] and RGC [placement in a residential group center] to the reformatory . . . This progression is most clearly indicated by the number of past court appearances. Nearly half of the probationers have had no prior court appearance, while only 6 or 7 percent of the other boys fall into this category. Twenty percent of the boys at the reformatory, 15 percent at the RGC, 6 percent at NRGC, and 3 percent on probation have had five or more appearances. Only 40 percent of the probationers, but over 90 percent of the boys in the other groups, had one or more prior petitions sustained by the court. Eighty percent of the probationers, but

only 19 percent of the reformatory boys, had never been on probation before. As a group, probationers were older and reformatory boys younger at the time of their first court appearance. Insofar as previous court history and age at first court appearance are associated with continued delinquency, the probationers appear to be the best risks and the reformatory assignees the worst.

"The type of past delinquent activity does not seem closely related to the present court disposition. Boys in all four groups have appeared in court for a wide range of delinquencies, and the offenses of the reformatory boys do not appear to be any more or less serious than those of the other boys. Nor is any particular type of delinquency grossly associated with one or another of the programs of treatment. If offenses are grouped into more general types, such as crimes against the person, property, or public policy, again no clear pattern emerges (Scarpitti and Stephenson, pp. 146-148).

Copeland found a distinct difference in disposition outcomes when he counted the number of prior referrals. He examined a sample of 78 Travis County (Texas) juvenile court cases in which the court held a disposition hearing in 1971 and found that the "statistics for the average number of referrals . . . show that the number of referrals a juvenile has accumulated may have a definite impact on the disposition. The difference between an average of 6.4 referrals for juveniles committed and an average of 2.92 referrals for juveniles placed on probation is the clearest indication of this effect. A significant variation also appears in the average number of referrals for those juveniles committed to [the Texas Youth Council] (6.4) and those left at home on a supervisory basis (3.51)" (Copeland, pp. 309-310).

He further noted, however, that "[t]here is not . . . a correspondingly large difference between the averages for juveniles

disposed of by commitment [6.4] as opposed to suspended commitment [5.1], nor between commitment [6.4] and placement in non-[Texas Youth Council] facilities (for example a boys' ranch) [5.85]" (Copeland, p. 310).

Copeland further examined the prior referrals by computing weighted averages based on the seriousness of the offenses involved. He found that the weighted averages differed for those juveniles who were committed (16.45) and those who received suspended commitments (11.73) (Copeland, p. 308). He also made a subjective evaluation of the provability of prior referrals and found that the weighted averages of the "provable" prior referrals were inversely related to the likelihood of being committed. Juveniles committed had a weighted average of seriousness of prior referrals of 8.26 compared to a weighted average of 10.75 for juveniles with suspended commitments (Copeland, p. 309*).

Buss, in his survey of 32 judges on the factors used for waiver decisions, found that only about 40 percent of the judges cited a prior record or serious offenses as a factor, but that this was nevertheless the most often cited of 22 factors used (Buss, footnote 8, p. 551; p. 555).

Emerson, who studied a northeastern, metropolitan juvenile court by observing and interviewing staff over a 16-month period in 1966 and 1967, noted that "almost the first step the court takes in dealing with a case is to check into previous court record. Even before an accused delinquent is arraigned the probation officer calls the Board of Probation to determine whether the youth has had contact with courts anywhere in the state. Report

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*He observed overall "that more serious past referrals often present significant problems of evidentiary proof, while less serious ones present fewer instances of factual inadequacy" (p. 310). He attributes this partially to the "relative ease of proving behavior problems" (p. 309).

of a prior record will fundamentally influence the court's subsequent assessment and handling of the case. Particularly where the youth has a lengthy record (even of minor offenses) or conviction for one or two serious offenses, movement toward serious criminal activity is inferred. Perhaps the most damaging of all possible items is prior commitment to the Youth Correction Authority, for this indicates to the court that some official has previously decided that this delinquent constitutes a 'hopeless case.'"

"In addition, court personnel are very much aware that lack of an official record does not necessarily mean that the youth has not been involved in recurring delinquent behavior. The court recognizes that enforcement agencies routinely exercise wide discretion, that juvenile officers, for example, frequently send kids home with only 'a kick in the pants,' taking no official action . . . Reports of unrecorded 'trouble' can be particularly telling where they indicate propensities toward violence and dangerousness" (Emerson, p. 122).

Prior record clearly appears to be related to judicial dispositional outcomes, particularly the number of prior court referrals or previous offenses. Whether the type of offenses involved in the prior record is as important is not so clear. One researcher concluded that the type of offenses was not important while another found that the weighted average of seriousness for prior referrals definitely appeared to distinguish between a commitment and a suspended commitment. The latter researcher also noted, however, that the weighted average of provable prior referrals was lower for those juveniles who were committed than for those with suspended commitments. What this suggests for the future with increased attention paid to the legal rights of juveniles is unclear. In all likelihood, prior record will continue to be important but what will be considered in ascertaining this factor may be more limited. On the other hand,

judges may continue to assess a juvenile's entire prior record regardless of whether a court has decided the merits of specific entries.

Present Activity

Three studies considered the juvenile's employment or school attendance as factors in the disposition at the court level and all show that a juvenile's "present" activity at the time of the disposition appears to be related to some extent although not the same in all jurisdictions.

Cohen concluded that "present activity does not appear to be substantially associated with the severity of accorded disposition in either Denver or Memphis-Shelby counties at the bivariate level of analysis. The relationship between these variables in Montgomery county appears substantial, however, and indicates that idle youths are disproportionately accorded severe sanctions" (Cohen, 1975a, p. 31). Cohen's analysis is based on all juveniles referred to the court and includes those adjusted unofficially at intake (screened out of court processing) as one category of dispositions. If the data are limited only to those whose cases were adjudicated by the court and who received either formal probation (least severe) or incarceration or transfer to adult court (most severe) as dispositions, then the data show that in all three counties the percentages of idle youths who received the most severe disposition are about twice those for youths who were working and/or in school. In Memphis-Shelby County, for example, 19 percent of conventionally active youths received the most severe disposition compared to 44 percent of idle youths. In Denver County, the percentages in both categories were lower although the pattern persisted--10 percent of conventionally active youths received the most severe disposition compared to 21 percent of the idle youths (Cohen, 1975a, p. 30).

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*Computed from data in Table 10.

Cohen and Kluegel, in their subsequent multivariate analysis of the Denver and Memphis-Shelby data, noted that "juveniles who are idle have a greater than average probability of obtaining the most severe disposition . . . and a less than average probability of obtaining the least severe disposition" (Cohen and Kluegel, p. 15). They further noted that "[p]resent activity seems best interpretable as an indicator of a stereotypical perception by a court official that the juvenile is 'delinquency-prone.' Of particular interest in this respect is the interaction of present activity with prior record (Cohen and Kluegel, p. 18) . . . [T]he influence of prior record differs by category of present activity . . . [in such a way] that juveniles who are active receive less severe dispositions than would be expected on the basis of . . . prior record alone. Conversely, . . . juveniles who are idle receive more severe dispositions than would be expected on the basis of . . . prior record alone" (Cohen and Kluegel, pp. 15-16).

Scarpitti and Stephenson also noted an apparent relationship between school attendance and employment, and dispositional outcomes. "Over 70 percent of the reformatory boys have quit school or have been expelled or excluded, compared with approximately 50 percent of the probation and RGC [residential group center] boys and a low of 31 percent of the NRGS [nonresidential group center] boys. Although reformatory boys are somewhat older than those at the NRGC or RGC, fewer have completed the tenth or eleventh grades, and considerably more have been in upgraded classes. They compare even less favorably with probationers, 37 percent of whom have completed the tenth grade or more. However, it should be noted that at some educational levels the boys are not sharply differentiated by treatment program, nor are the differences found consistently at each level" (Scarpitti and Stephenson, p. 146).

Considering employment, Scarpitti and Stephenson observed that "[a]lthough 52 percent of these boys were not in school at the

time of the court appearance that brought them into the study, only 30 percent had full-time employment. Reformatory boys have had the largest proportion of unemployment and, as reported, the smallest proportion of boys in school. Few boys in any group have an extended work history, and the general pattern suggests brief and intermittent employment. Although these boys are only sixteen and seventeen years of age, a significant number have probably been out of school long enough for a better employment history than indicated by these data" (Scarpitti and Stephenson, p. 146).

Chused found that two of the three New Jersey counties which he studied showed higher percentages of juveniles not in school received the most serious disposition compared to juveniles in school. Seventeen percent of the Mercer County juveniles who were in school were accorded the most serious disposition compared to 30 percent of those who were not in school. In Essex County, the comparable percentages were 13 percent and 29 percent. Bergen County, on the other hand, did not appear to differentiate between juveniles in school and not in school. It also had the lowest percentages of juveniles who were accorded the most serious disposition (Chused, Table 164, p. 605).

While the relationship between present activity and severity of disposition is not consistently demonstrated in all of the studies which considered it as a factor, the data do suggest that there is a connection, at least in some jurisdictions. Conventional wisdom would suggest that a juvenile who has dropped out of school and is unemployed would be viewed as more prone to get into trouble. Whether this is true or not is not entirely clear, however. It is also possible that a juvenile who has dropped out of school and is unemployed is viewed as being more in need of remedial education or job training which might be available through court action than is a juvenile who is receiving such help through community resources.

Family Status

Overall, although there is some slight tendency for juveniles from intact homes to receive less severe dispositions at the court level, there is no strong relationship demonstrated by any of the studies in which this factor was considered.

Cohen found that the relationship was positive but not substantial in two of the three courts he studied. "In sum, there appears to be no substantial relationship between the child's family situation and the severity of accorded disposition in Denver and Memphis-Shelby counties" (Cohen, 1975a, p. 29). He did note, however, that "the bivariate analysis indicates that coming from a home in which both natural parents do not reside appears to increase the likelihood that one will be accorded a more severe disposition in Montgomery County" (Cohen, 1975a, p. 29). It is interesting to note that Montgomery County also had a tendency to accord more serious dispositions to "unruly" juveniles than did the other two counties (Cohen, 1975a, Table 13, p. 34; Table 14, p. 35; Table 15, p. 36). Cohen's analysis is based on all cases referred to the court, however, and not just on adjudicated cases. When the data are re-computed, however, to include only the latter cases, the relationships remain about the same. Juveniles from disrupted homes are more likely to receive the more severe disposition than are juveniles from intact (residing with both natural parents) homes with the widest disparity in Montgomery county.

Scarpitti and Stephenson, in their study of 16-17 year-old males, found that reformatory boys were somewhat more likely to have come from disrupted families. "Although differences are not great, the family organization of the reformatory boys seems somewhat poorer than that of the boys in the other programs. They have a slightly higher proportion of families broken by separation, divorce, or death; fewer live with both parents; and a considerably larger proportion live with relatives or in

foster homes or institutions. There is little difference among the other three groups on this variable (Scarpitti and Stephenson, p. 146).

Ferdinand and Luchterhand, in studying juveniles from six inner-city neighborhoods in a large eastern city, also found some slight tendency for juveniles from incomplete homes to receive the more severe dispositions. "Although the number of youngsters who receive dispositions other than 'Warning' for first offenses is too few to allow firm conclusions, it does seem, at least for offenses against property, that a youth from an incomplete family runs a slightly greater risk of receiving a disposition other than 'Warning' than one from a complete family" (Ferdinand and Luchterhand, p. 522). They observed that there were also some slight differences between blacks and whites. "At the same time, however, it also appears that the court is not unreasonably influenced by the teenager's family situation when deciding his disposition. Black youth from incomplete families are not uniformly given more severe dispositions, and whites are seemingly given dispositions regardless of their family situation. Thus, the court responds to the much greater proportion of incomplete families among black offenders by intervening in their situation only slightly more often" (Ferdinand and Luchterhand, p. 522). It should be noted, however, that Ferdinand and Luchterhand presented data for first offenders only and that the effect of coming from a disrupted family situation might be heightened for repeat offenders.

Arnold, who studied dispositions for 761 offenses recorded in a court in a southern city for a birth cohort born during the late 40s, found that for Anglos and Negroes higher percentages of those from intact homes than from broken homes were sent to the youth authority. Only for the Latin Americans was there an apparently higher likelihood that those from broken homes would be sent to the youth authority (Arnold, Table 4, p. 219).

All of the studies considering the effect of coming from an intact versus a disrupted home have used a very stringent definition of intactness--that a juvenile is living with both natural parents--but there is nevertheless little evidence to suggest that this is a strong factor in judicial decision-making.

Chused, in studying dispositions in three New Jersey counties, compared dispositions for juveniles whose parents were complainants against those for juveniles where someone else was the complainant. Only in one county were those in the parental complaint category more likely to receive a serious disposition than the others. In another county the percentages were about the same, while in the third county juveniles in the parental complaint category less often received the severe disposition (Chused, Table 157, p. 602).

Cicourel, based on several years of observation in two cities, noted that "[p]arents seeking to mobilize resources to help their children under the juvenile court law are encouraged to do so" (Cicourel, p. 327). He pointed out, however, that some families did not "'close ranks' and mobilize all possible resources 'to protect' their child from . . . officials, but often felt that the police and probation officials should 'help' them in controlling the juvenile" (Cicourel, p. 243). These parents tended to accept court intervention. But other parents "seek to preserve ideal images of the family unit and individual members . . . [and acted] to block removal of the juvenile from the home . . . When parents challenge police and probation imputations of deviance, when parents can mobilize favorable occupation and household appearances, and when parents directly question law-enforcement evaluations and dispositions, law-enforcement personnel find it difficult (because of their own commitments to appearances--lack of a broken home, 'reasonable' parents, 'nice' neighborhoods, etc.) to make a case for criminality in direct confrontation with family resources and a 'rosy' projected future" (Cicourel, p. 243). Cicourel provided several

examples of "negotiation of dispositions" between parents and court personnel and in court hearings (Cicourel, pp. 292-327).

Emerson, who spent 16 months observing and interviewing court personnel in a large, metropolitan juvenile court, also noted the role of the family. "[T]he court's assessment of the delinquent's moral character is fundamentally shaped by the reports made of his family situation. Reports of 'good' behavior in the home from parents who favorably impress court staff make a crucial contribution to an assessment of normal character, while reports of 'trouble in the home' and a 'bad home' are considered reliable indicators of abnormal character . . . Juvenile court personnel assume that 'something wrong in the home' is a cause and a sign of a future delinquent career. This assumption appears in purest form in cases of parental neglect ('care and protection' cases, which if successful give custody over the children involved to the state), but also occurs in many strictly delinquency cases. For as the chief probation officer argued: 'Delinquent kids are usually neglected anyway.' In either case there exists a 'bad home situation,' that is, a home where the parent is felt to be unable or unwilling to provide the kind of attention, supervision, and/or affection a child needs to develop normally. If nothing is done in such a case, it is felt, the child will grow up uncared for, uncontrolled, and perhaps even warped in personality by the treatment received at the hands of his parents. Under such circumstances, the court feels obliged to intervene in order to correct the situation and prevent the probable drift of the youth into increasingly serious delinquent activities" (Emerson, pp. 129, 131).

Emerson also pointed out that the structure of the family is not the telling point so much as the nature of the family relationship and the kind of supervision exercised by one or both parents. "In assessing the worth of a family situation, therefore, the court does not look for middle class values and forms

(e.g., a working father in the home, an intact marriage, etc.) so much as forms and values that distinguish the respectable from the disreputable . . . Hence, a mother who maintains control in her home, who disciplines her children properly, making sure they go to church and school regularly, and who tries to keep her children and apartment clean and neat will favorably impress court personnel despite being on welfare. In contrast, the mother who drinks, lives with a series of men, has too many children, and makes no effort to keep up appearances, will be condemned as someone producing a breed of criminal-like delinquents" (Emerson, p. 132).

Overall, then, there is little evidence of the effect of a juvenile's family structure on court dispositional decision-making. It does appear, however, that a family's willingness to provide adequate supervision and care does affect court dispositions to some extent.

Race, Ethnicity

There is some evidence to indicate that juveniles from minority groups are accorded somewhat more severe dispositions than are nonminority juveniles. The data do not, however, indicate that this is a consistent pattern across all jurisdictions. Cohen, for example, found that "although there is a slight trend for whites to have been accorded less severe dispositions in both the Denver court and the Memphis-Shelby County court, the magnitude of these relationships was not substantial at the bivariate level of analysis. The magnitude of the positive relationship observed between ethnicity and severity of disposition was, however, substantial at the bivariate level of analysis for Montgomery County, thus indicating that nonwhites were more apt to have been accorded the most severe dispositions in this court, even though the proportion of whites and nonwhites receiving the most severe disposition (incarceration or waiver to a court of adult jurisdiction) was approximately equal" (Cohen, 1975a, p. 25).

But if the data are re-computed to examine only adjudicated juveniles rather than those referred to the court before intake screening, then a somewhat different pattern emerges. When dispositions for adjudicated juveniles only are compared, the data show that there is virtually no difference between whites and nonwhites in Denver county in dispositional outcomes. Additionally, the data for Montgomery county show that whites are more likely (18 percent) to get the most severe disposition (incarceration or waiver to an adult court) while nonwhites are less likely (10 percent) to get a similar disposition. In Memphis-Shelby County, nonwhites were somewhat more likely (23 percent) to get the most severe disposition while whites were less likely (18 percent) to get the same disposition (Cohen, 1975a, p. 24*). It is possible, however, that if the interaction of other factors were included here, such as prior record or seriousness of offense, the differences might be altered or at least reduced.

Three researchers who did attempt to control for other factors reached inconsistent conclusions. Both Thornberry and Arnold found that the interaction of other factors did not eliminate the differences in handling between minorities and others although several factors did appear to reduce them somewhat.

Thornberry, in analyzing data collected as part of a birth cohort study of males in Philadelphia,** controlled for both seriousness of offense and number of previous offenses. When either factor is controlled for separately or when both factors are combined and compared against dispositions both race, the conclusion remains that "the data reveal that blacks are treated more severely than whites. . . . At the level of the . . .

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*Computed from data in Table 5.

**The data was collected by Wolfgang, Figlio and Sellin for their birth cohort study in Philadelphia.

juvenile court there [is] no deviation from this finding, even when the seriousness of the offense and the number of previous offenses are simultaneously held constant" (Thornberry, p. 96).

Similarly, Arnold, who studied 761 offenses disposed of by a southern court, controlled for a number of other factors--family status, socioeconomic rank, seriousness of offense, prior offenses and amount of delinquency in each juvenile's neighborhood. Nevertheless, he found that Latin Americans and Negroes still received higher proportions of youth authority dispositions than did Anglos, with the Negroes showing the highest percentage. He consequently concluded that the data supported a "general assumption that Mexican-Americans have a middle-status rank between Anglos and Negroes in communities in which both minority groups are present in sizable numbers" (Arnold, p. 223). Of the five factors considered in addition to race and ethnicity, he found that the amount of delinquency in a juvenile's neighborhood reduced the apparent racial/ethnic differences the most. Overall, "[c]onsideration of neighborhood rates of delinquency reduces the differential disposition by race and ethnicity most noticeably for those tracts where the rate is low. The data were also analyzed by volume of delinquency in each census tract. This analysis produced a more consistent reduction in differential disposition by race and ethnicity than did any other consideration taken alone. It may be that volume of delinquency in different parts of town affects the court officials' handling of offenders more than does the more sophisticated analysis of rates of offenses" (Arnold, pp. 221-222).

Arnold also computed what he termed "total considerations scores" by weighing each of the factors analyzed. "A simplified analysis of variance of the data . . . indicates that about 15 percent more of the offenses by Latin Americans and by Negroes than by Anglos 'should' have resulted in the offenders' being sent to the youth authority on the basis of their higher average total considerations scores. In fact, 50 percent more of the offenses

by Latin Americans and 45 percent more of the offenses by Negroes than by Anglos resulted in decisions to send the offenders to the youth authority. This would suggest that either about 35 percent (15) of the offenses of Latin Americans and about 30 percent (17) of the offenses by Negroes which were subjects of formal hearings resulted in the offenders' being sent to the youth authority because of racial bias against them, or that about 50 percent (20) of the offenses by Anglos did not result in the offenders' being sent to the youth authority because of racial bias in their favor. It appears that total considerations scores as high as 13 (the category in which most of those sent to the youth authority fell) would justify sending individuals for youth authority 'treatment.' The bias, then, appears to be one of not applying the law to the 'privileged' race rather than one of applying it with excessive severity to the minority groups" (Arnold, pp. 225-226).

Terry, on the other hand, controlled for a number of factors other than minority status and concluded that "[w]hile . . . Mexican-Americans [and] Negroes . . . are over-represented in correctional institutions, probation departments, courts, and police records, this over-representation does not, on the basis of the evidence examined in this study, appear to be a direct result of these characteristics. The over-representation of these individuals is not the result of discrimination by control agencies" (Terry, 1967b, p. 229). In comparing percentages of three racial/ethnic groups receiving formal supervision or institutionalization in the midwestern court studied, he found only small differences between the three groups, particularly between Anglos and Mexican-Americans. The percentages of those institutionalized were as follows--Anglos (60.7 percent), Mexican-Americans (61.5 percent), and Negroes (69.0 percent) (Terry, 1967b, Table 2, p. 226). While he noted that a "positive relationship was found to exist between the degree of minority status and the severity of juvenile court sanctions . . .

[and that the] relationship appears to be a function of the more severe dispositions accorded Negro offenders", he also observed that "the data reveals . . . that Negroes are under-represented among offenders who have committed two or fewer previous offenses and are over-represented among offenders having more extensive prior records of delinquent behavior. When the number of previous offenses committed is controlled, the relationship in question is reduced" (Terry, 1967b, pp. 227-228). Consequently he rejected his original hypothesis that minority status was related to the severity of juvenile court dispositions (Terry, 1967b, p. 228).

Overall when Terry examined the relationship between 12 variables and the severity of the juvenile court disposition, minority status appeared to be the second least related variable (Terry, 1967a, Table 2, p. 178).

Ferdinand and Luchterhand examined the juvenile court dispositions accorded their sample of inner-city, male first offenders by race and observed that an "interesting pattern . . . is the apparent lack of discrimination in dispositions by the juvenile court. There is some variability in the dispositions given black and white delinquents, but black delinquents do not consistently receive appreciably harsher dispositions from the court than white offenders. As . . . the seriousness of the offense increases, the discrepancy between the dispositions given white and black youths seems to decrease. But in this case the discrepancy is so small that it probably reflects the court's interest in intervening when the youth's home situation seems to require it . . . The court's more active intervention in the lives of blacks may reflect its concern with this fact rather than discrimination" (Ferdinand and Luchterhand, pp. 521-522). It should be pointed out as well that roughly eight out of ten youths of both races were given warnings rather than any more severe disposition (Ferdinand and Luchterhand, Table 14, p. 522).

How the data would differ if juveniles other than male first offenders were included is, of course, not known.

Scarpitti and Stephenson in contrast to the other researchers concluded that the blacks in their sample of 16-17 year-old boys probably received more lenient treatment alternatives than did the whites. "Over 70 percent of the reformatory assignees in this study were black. The RGC [residential group center] had the smallest percentage of blacks, 45 percent, followed by probation, 50 percent, and the NRGC [nonresidential group center], 59 percent. At first glance, this racial imbalance raises many questions in minds sensitized to the long history of racial bias in so many aspects of American life. Using a delinquency history index, a composite weighted score based upon number of prior court appearances, type of past offenses, and age at first court appearance, we discovered that the blacks committed to the reformatory scored significantly higher (i.e., were 'more delinquent') than did the whites similarly committed. It would appear that in the court studied, at least for the three years of data collection, black boys had to exhibit a much greater degree of delinquency commitment than whites before the most punitive alternative was selected" (Scarpitti and Stephenson, p. 148).

Overall, it would be hard to escape the conclusion that the evidence suggests that some jurisdictions discriminate against minority groups, particularly blacks, at the court level, but the evidence also suggests that this is not a consistent pattern across all jurisdictions.

Socioeconomic Status

The studies which considered socioeconomic status as a factor in court dispositional outcomes generally were inconsistent in their findings.

Cohen, using juveniles referred to the court before intake screening as a base, found that there was a slight negative relationship between a low socioeconomic status and severity of disposition in one court, a slight positive relationship in another court, and a substantial positive relationship in the third court (Cohen, 1975a, Table 7, p. 26). When the data are recomputed to include only the dispositions accorded to adjudicated juveniles, the same pattern remains. In one court, the percentage of juveniles of high and middle socioeconomic status who were given the most severe disposition (incarceration or waiver to adult court) was higher than was the percentage of low socioeconomic status juveniles given a similar disposition. In another court, the percentage of low socioeconomic status juveniles accorded the most severe disposition was over twice that of high and middle socioeconomic status juveniles. And in the third court, high and middle socioeconomic status juveniles were accorded the most severe disposition less often than were those of low socioeconomic status but the disparity was not as great as in the second court above (Cohen, 1975a, p. 26*). Cohen interestingly observed, however, that "[u]sing the census tract characteristics as indicators of socioeconomic status [led to] . . . results [which] . . . were surprising, however, in relation to the findings of other studies, because a large proportion of the referrals to each court were classified as high and middle status. The percentage of middle or upper status referrals was 51.1 percent for Denver, 61.0 percent for Memphis-Shelby County, and 48.5 percent in Montgomery County. The proportions of high and middle status offenders are much larger than those generally found in delinquency studies using official statistics as a source of data for their research" (Cohen, 1975a, pp. 26-27). How this might have affected the relationship of socioeconomic status to dispositional outcomes is unclear, however.

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*Computed from data in Table 7.

Arnold, who studied dispositions for 761 offenses in one court in a southern city, was able to define socioeconomic status for only a little over half the cases based on occupation of the head of the household. While there were significant differences between dispositions of those in the lowest rank (76 percent were sent to the youth authority) and those in the highest rank (57 percent were sent to the youth authority), those in the middle of the three rankings he computed had the lowest proportion of youth authority dispositions (37 percent) (Arnold, p. 216; Table 3, p. 218). Consequently, he concluded that the "court records indicate that handling of persons in this court does not vary systematically by their social rank" (Arnold, p. 218). It does appear, however, that being at one extreme or the other had some effect.

Terry, who also examined dispositions in only one court, found that lower-status youth were more likely to receive a severe disposition than were others. "However, when the number of previous offenses was controlled, the relationship was drastically reduced . . . indicating that lower-status offenders are more likely to have committed a greater number of previous offenses than middle- and upper-status offenders. The large reduction in the magnitude of the relationship would seem to indicate that lower-status offenders are accorded more severe dispositions not because they are lower-status individuals, but because of differences in prior records of delinquent behavior" (Terry, 1967b, p. 228).

Thornberry, in analyzing birth cohort data from a study undertaken in Philadelphia,* controlled for seriousness of offense and number of previous offenses. Even so, he concluded that at the juvenile court level, "the low SES subjects are treated

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*The data were collected by Wolfgang, Figlio and Sellin, 1972.

consistently more severely than their counterparts, even when both legal variables are simultaneously controlled" (Thornberry, p. 97). The one exception was that high SES subjects with one or two previous offenses and a serious offense were less likely to get probation than were SES subjects with similar offenses and number of previous offenses (Thornberry, Table 8, p. 97).

Scarpitti and Stephenson found some relationship between coming from a "disadvantaged family" and disposition in their study of a group of 16-17 year-old males in a large eastern metropolitan county. "The reformatory boys appear least advantaged economically; a considerably higher proportion of them received welfare aid. Over half either have incomes of $4,000 or less or are welfare cases, compared with somewhat more than a third of the families of probationers and with the 40 and 43 percent of the families of boys at the RGS [residential group center] and NRGC [nonresidential group center]. Although the data on occupation of family breadwinner is incomplete and the pattern is not entirely clear, RGC boys have the lowest percentage of breadwinners among the unskilled and semi-skilled and the highest percentage among the owners, managers, and professionals. The reformatory boys have the highest percentage of breadwinners in unskilled and semi-skilled occupations. The 13 percent of the reformatory boys whose family breadwinners are classified as owners or managers is puzzling in view of the total pattern; however, the number is small and the category is extremely broad. Also, no family breadwinner of a reformatory boy falls in the professional and semiprofessional category. The reformatory group also has the highest number of cases in the 'unknown' category, which is likely to indicate absence of the family breadwinner, a history of transitory employment, or a lower occupation" (Scarpitti and Stephenson, pp. 145-146).

Scarpitti and Stephenson also compared the four groups by education of the head of the household. "The education of the family breadwinners of the reformatory group also appears least

satisfactory. Twenty-seven percent of these boys have breadwinners who did not progress beyond grammar school, while RGC boys have 5 percent and probation and NRGC boys about 15 percent in this category. Reformatory boys generally show less favorably at each successive educational level [of the breadwinner] through high school graduation. Although post-high school education improves, the number is again too small to be significant. What is likely to be more significant is the large percentage of reformatory boys whose family breadwinners' education is 'unknown.' The families of RGC boys seem to have the best educational backgrounds, since only 5 percent of the breadwinners had less than a grammar school education and 21 percent graduated from high school" (Scarpitti and Stephenson, p. 146).

Two researchers who spent time observing and interviewing court personnel reached different conclusions about the role of socioeconomic status. Cicourel, after several years of observation in two California cities, noted that socioeconomic status appeared to be related to dispositions in that middle-income families were better able to mobilize resources to keep their children either out of court or, post-adjudication, out of state institutions (Cicourel, pp. 243-327).

Emerson, on the other hand, after 16 months of observation in a large, northeastern metropolitan juvenile court, noted that "[j]uvenile court personnel . . . do not recognize only middle class values regarding family life. Dealing almost entirely with lower and lower-middle class families, they come to recognize important distinctions between family life within these classes. For the juvenile court the crucial difference lies not between middle and lower class families, but between the family life of the respectable and the 'disreputable poor' . . . Court staff will readily acknowledge that a single Negro mother receiving welfare, for example, can provide a 'good home' for her children. In assessing the worth of a family situation,

therefore, the court does not look for middle class values and forms (e.g., a working father in the home, an intact marriage, etc.) so much as forms and values that distinguish the respectable from the disreputable poor" (Emerson, pp. 131-132*).

Emerson compared his observations with Cicourel's and commented that "while Cicourel argues that middle class families have the financial resources that can be used to curtail contact with legal agencies by providing alternative solutions . . ., it should be noted that the juvenile court often relies on lower class kinship ties as an equivalent kind of resource. That is, while the middle class family can pay for psychiatric therapy or tuition at a private boarding school, lower and lower-middle class families possess a richer set of kinship relations upon which to draw in order to come up with some solution acceptable to the court. Thus, many delinquency cases are handled by having the youth go live with relatives in some other area. Negro youths, for example, are sometimes sent 'down South' to stay with relatives as a solution to their delinquency" (Emerson, p. 132).

Overall, then, it appears that socioeconomic status differentiates some dispositional outcomes from others in some jurisdictions but that there are clearcut variations between courts. The apparent effect of a juvenile's coming from a low socioeconomic status is sometimes negative and sometimes positive. In other courts, there appears to be little difference between the categories and in some courts the apparent differences seem to be explained by interaction with other factors such as offense or prior record.

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*The term "disreputable poor" is taken from Matza, 1966.

Age

Four studies included an analysis of the relationship between age and disposition. One of the three was concerned only with the factors involved in the decision of whether or not to waive jurisdiction over a juvenile to an adult court. As with the other factors, the study results appear to be mixed.

Cohen did not find any substantial relationship between age and severity of disposition based on juveniles referred to the three courts studied before intake screening occurred (Cohen, 1975a, p. 21). When the data are re-computed to include only those juveniles whose cases were adjudicated before the court, the data indicate that in two counties the juveniles who were 12 and under were least likely to receive the most severe disposition, those 13-16 were somewhat more likely to, and those 17 years of age, most likely to be accorded the most severe disposition (incarceration or transfer to adult court). In the third county, there was little variation between the age groups. Those 12 and under and those 17 years of age were least likely to receive the most severe disposition (about 13 percent in each age group) and those aged 13-16 years were slightly more likely (about 15-16 percent) to receive the most severe disposition (Cohen, 1975a, p. 22*).

Terry, in his study of juvenile agency dispositions, in a mid-western city, found that age appeared to have a substantial relationship to disposition at the juvenile court level such that older juveniles were more likely to be accorded the most severe disposition (to be institutionalized) (Terry, 1967a, Table 2, p. 178). When age was controlled by number of previous offenses, however, there was no apparent disparity in dispositional outcomes (Terry, 1967a, Table 3, p. 179).

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*Computed from data in Table 3.

The data collected by Chused in three New Jersey counties indicate varied patterns for four age groups in terms of the proportions accorded the most serious disposition. In Essex County, the percentages rise steadily as ages rise--only four percent of those in the 12-13 year-old group were accorded the most serious disposition while 29 percent of those in the 16-17 year-old group were. In Bergen County, those in the younger age brackets more often were accorded the most serious disposition, while in Mercer County, those 11 and under were least likely (6 percent) to be accorded the most serious disposition with those in the 14-17 year-old more likely to be (18-21 percent), and those in the 12-13 year-old group most like (29 percent) (Chused, Table 163, p. 604).

Buss surveyed 32 judges on the factors used by them in making a decision to waive jurisdiction of a juvenile to the adult court. A fourth of the judges replied that they considered the juvenile's proximity to the age of adulthood (18) to be a factor. Nineteen replied that it was not considered in their decision-making (Buss, footnote 9, p. 552).

Age, then, appears to be related to dispositional outcomes to some extent. The one study which controlled age by number of previous offenses found that the relationship disappeared. It is quite probable that where age appears to be related, it is only indirectly so in that younger juveniles generally do not have as many previous offenses.

Sex

Four studies examined the relationship of sex and court disposition. The results are somewhat mixed.

Cohen provided data on dispositions of juveniles in three counties. When data are compared for those whose cases were adjudicated and divided into two disposition categories of formal probation (least severe) and incarceration or transfer to

adult court (most severe), the males always received the most severe disposition in larger proportions than did the females in all three counties. The differences are not great, however. In Memphis-Shelby County, females received the most severe disposition 19 percent of the time compared to 22 percent for males. In Montgomery County, the disparity was slightly greater --females received the most severe disposition nine percent of the time compared to 17 percent for males (Cohen, 1975a, p. 23*).

Terry, in comparing court dispositions for 30 females and 216 males in a juvenile court in a midwestern city, found that "females are more likely to be institutionalized than males. When the degree of involvement with the opposite sex and with adult offenders was controlled, the existing relationship was reduced . . ., indicating that girls are more often cited for offenses involving the opposite sex and adults, both of which are more likely to result in institutionalization. When the number of previous offenses was controlled, however, the negative relationship between "maleness" and severity of juvenile-court disposition was enhanced . . ., indicating that females are more severely sanctioned than males even though they tend to have less extensive records of prior delinquent behavior" (Terry, 1967b, pp. 225-226).

Gibbons and Griswold analyzed court dispositions in the State of Washington during the mid-50s for first referrals (Gibbons and Griswold, p. 107). While it is not entirely clear, it appears that the cases studied are based on over 18,000 referrals prior to intake screening. In that case, their findings show little difference in the likelihood of boys or girls having their cases adjudicated "47.7 percent of the cases against boys

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*Computed from data in Table 4.

and 49.9 percent of the complaints against girls were dismissed . . . but those girls who received some other disposition tended to be committed to institutions in relatively larger numbers than boys. In this study, 11.3 percent of the boys and 25.8 of the girls not dismissed [adjudicated?] were sentenced to an institution (Gibbons and Griswold, p. 109).

Chused compared the proportion of those receiving the most serious disposition by sex and found no consistent pattern across the three New Jersey counties he studied. In Bergen County, the percentages were about even, in Mercer County, almost twice the percentage of females to males received the most serious disposition, and in Essex County, none of the females received the most serious disposition while 14 percent of the males did (Chused, Table 160, p. 604).

Overall, then, there appears to be some tendency for females to be accorded more severe dispositions in some counties and less in others. The one study which controlled for other factors suggested that sex may be a variable which affects disposition in interaction with other factors. The relationship of sex to disposition varied when controlled for previous offenses and for involvement with adults and members of the opposite sex (which may suggest that it will vary if controlled by the nature of the offense).

Presence of Defense Counsel

Two studies considered the effect of a juvenile's being represented by an attorney on the dispositional outcome. One study indicated that those with attorneys were more likely to receive the more severe disposition while the other study indicated that those with private attorneys were less likely to have their petitions sustained (to be found "guilty").

Duffee and Siegel examined a sample of 218 cases drawn from court records in a northeastern New York county (Duffee and Siegel, p. 549). "Preliminary data analysis reveal[ed] a positive relationship between representation by counsel and severity of disposition, i.e., incarceratory sentence" (Duffee and Siegel, p. 550). While 35 percent of those with attorneys received such a severe disposition, only five percent of those who waived an attorney likewise received a similar sentence. Those with and without attorneys were equally likely to be put on probation while the disparity appears again in the likelihood of dismissal--10 percent for those with attorneys and 40 percent for those without (Duffee and Siegel, Table 1, p. 550). This pattern persisted even when representation by an attorney was controlled by seriousness of offense. The disparity was about the same as that overall for those with major [felony-type crimes] offenses, and almost the same for those with minor [misdemeanor-type crimes] offenses, except that the differences were greater for the likelihood of dismissal and those represented by an attorney were slightly more likely to be put on probation (58 percent) than were those without an attorney (50 percent). Though the trend is still apparent for PINS (persons-in-need-of-supervision or juvenile-only) offenses, the disparities were not significant--36 percent of those with attorneys received incarceratory dispositions compared to 23 percent of those without (Duffee and Siegel, Tables IV-V, p. 551; Table VI, p. 552).

Duffee and Siegel speculated that "[w]here the juvenile is afforded a lawyer, the system is more likely to treat him as acceptable material for further processing. To reach this conclusion, however, is not also to suggest that the data <u>proves</u> that youths with lawyers are treated <u>unfairly</u> . . . What does seem likely is that the juvenile court is more willing to retain the juvenile as a participant in the justice system when the presence of a lawyer has insured the appearance of due process" (Duffee and Siegel, p. 552). While they may be right,

there are two other possibilities. One is that the felony and misdemeanor categories are very broad and include a broad range of offenses. It may be that certain offenses within these categories were over-represented by the juveniles with attorneys (serious felonies such as aggravated assault, for example, or misdemeanor drug possession). A second possibility is that the juveniles who were represented by counsel had more extensive prior records than did those without. But whatever the reason, the data do indicate that presence of counsel alone will not insure a more lenient disposition.

Chused, in his study of three New Jersey counties, did not examine the relationship between having an attorney and the sentence which a juvenile was accorded but he did examine the presence of an attorney and the likelihood of being found "guilty." In two of the three counties, juveniles who had private attorneys fared better than did those who had no attorney. Surprisingly, they also fared better than did those who had a public defender. The juveniles who were represented by a public attorney in these counties did not do any worse than those without an attorney, but clearly retaining a private attorney gave an edge in favor of the juvenile. In Bergen County, for example, those with public defenders and without attorneys were found "guilty" 90 percent of the time while those with private attorneys were found "guilty" only 71 percent of the time. In the third county, Essex, there appeared to be little difference between the three groups (Chused , Table 120, p. 585).

Probation Officer Recommendation

Ariessohn compared the probation officer's recommendation in 328 cases heard by the San Diego County Juvenile Court in 1972 with the judge's final disposition. "It was found that in 80 percent of all the delinquency cases presented to the court the probation officer's recommendation was followed without substantial alteration. Of the 20 percent in which the

recommendation was not accepted by the court, a more lenient disposition was made three times as often as a more severe disposition. While the court granted 83 percent of the requests to place juveniles on probation, only 75 percent of those minors being recommended for institutional commitment were so ordered" (Ariessohn, p. 20). He speculated that this may be because the "probation officer's judgment [differs] from the court's because he may have more direct knowledge of the limitations and capabilities of the correctional agency and community resources to effectively deal with and rehabilitate the offender. The court, on the other hand, may idealize the juvenile justice system's resources and ability to successfully protect the community from the transgressions of the offender, and at times grant probation to a minor whom the probation officer is seeking to have committed to an institution" (Ariessohn, p. 22).

During the same time period as that for the cases compared above, Ariessohn also asked 50 randomly selected juvenile probation officers, the judge and three referees from the San Diego Juvenile Court to respond to a survey in which they expressed "their opinions as to the relative importance of various parts of the pre-hearing juvenile probation report currently being used in [that] jurisdiction" (Ariessohn, pp. 18-19). "In arriving at a case disposition, personal factors (such as the minor's attitudes and school performance) seemed to have greater weight with the court than with the . . . probation personnel who responded to the survey. The . . . probation officers felt the seriousness of the present offense to be of primary importance, but this factor ranked third with the judges . . . The courts rated the minor's attitudes very high, and in follow-up interviews with several of the referees it was learned that the attitude the juvenile exhibits in the courtroom often may make a significant difference in the disposition of the case. Subsequent interviews with probation officers who participated in the survey revealed that expressed attitudes were deemed to be

important but often deceiving. Hence, more objective determinants of attitude, such as psychological testing and the minor's demonstrated conduct in the community were felt to have more significance in assessing the minor's personality characteristics and attitudes" (Ariessohn, pp. 19-20). The judges ranked minor's attitude toward authority first while probation officers ranked it sixth. Seriousness of offense was ranked third by the judges while minor's prior record was ranked second. On the latter factor, the probation officers were in agreement, also ranking it second (Ariessohn, p. 19).

Gross surveyed only probation officers, but he asked them to rank both their own ideas as to "the importance of the various sections of the [prehearing] report in terms of usefulness for appropriate or accurate recommendation of disposition" (Gross, p. 214). They were also asked to rank those sections they thought the court would consider most important. There were some differences in the rankings which the 70 probation officers responding gave for their own opinions and those they perceived to be held by the courts. "The probation officers ranked as most important (1) the child's attitude toward the offense, (2) family data, and (3) previous delinquency problems. The three sections the officers felt the court would consider most important were (1) present offense data, (2) previous delinquency problems, and (3) the child's attitude toward the offense . . . The largest gap between the officers' personal evaluations and their apperception of the court's view was in regard to 'present offense data.' The officers perceived the court would consider this section the most important, while they ranked it fourth" (Gross, pp. 215-216). Presumably the officers' own rankings can be viewed as reasonably reliable and it is interesting to note that their rankings differ somewhat from those given by the probation officers who responded to Ariessohn's questionnaire. If their rankings of the court's opinions are accurate, then here too there are differences between the courts (Gross' survey was conducted in Minnesota).

Cohn examined a sample of probation officers' recommendations and reports to the juvenile court judge in the Bronx Children's Court in New York in 1952 in an attempt to ascertain what criteria were used by the probation officers in determining their recommendations. Based on data tabulated from these reports, Cohn made several observations. "From the tabulation it is evident that personality difficulties were important criteria in the probation officer's recommendations; yet the relatively high number of cases in which no personality assessment had been recorded indicates some lack of perceptiveness on the probation officer's part . . . Type of delinquent act committed was a significant factor in the probation officers' recommendation . . . Only one-eighth of all children committing delinquencies against life or property were recommended for institutionalization, but one-half of those committing delinquent acts against parents were so recommended . . . The seriousness of the delinquent act appears to have been of only secondary significance to the probation officer in making his recommendation. The officer who may have hesitated in putting on probation a child who committed a serious delinquent act often did not hesitate at all in recommending a discharge or a psychiatric examination . . . Children in each of the four recommendation groups showed distinctively different types of relationships with their parents. The children recommended to an institution usually had tense relations with both parents; the children recommended for discharge usually had good relations with both; and those recommended for probation or psychiatric examination had fair relations with them . . . A similar trend can be observed when one studies the factor of marital stability of the parents, which was recorded in only about half the 200 presentence reports (104 cases). The highest number of stable marital relations was recorded for parents of the discharge group, the next highest for parents of the groups recommended to probation and psychiatric examination . . . and the lowest number for parents of those in the institution group" (Cohn, pp. 267-269). Overall, Cohn concluded that "[s]eriousness

of the delinquent act had only secondary significance to the probation officer in making his recommendation; of primary significance were the child's personality, his family background, and his general social adjustment" (Cohn, p. 273). Unfortunately, Cohn did not go one step further and analyze which of these recommendations were accepted by the judge and which were not.

The studies which have attempted to ascertain the criteria which the probation officers use in making their prehearing reports and recommendations and which have considered the use of these reports by the judges have shown that, by and large, agreement on dispositions is relatively high between probation officers and judges. The latter are somewhat less likely to choose to institutionalize a juvenile, however. What is not clear, however, is whether the judges actually are influenced by the recommendations or whether they independently arrive at their decisions using roughly the same criteria or different criteria with roughly equivalent decisions.

Judicial Ideology and Attitudes

Wheeler, Bonacich, Cramer and Zola considered the relationship between a judge's personal ideology and attitudes and the dispositional decisions he makes. In comparing the correlation between several measures which they devised as indicators of personal background and ideology, they noted that "it is clear that none of the measures explains a great deal of the difference in dispositions, and that, in general, the correlations linking ideology to outcome are fairly low. But what is surprising is less the strength of the relationships than their direction. Of the six measures, four reflect fairly directly some of the ideological and behavioral differences . . . These include both the quantity and quality of reading the judge does, whether or not he wears his robes in court [formality in approach], and a measure of the 'toughness' of his attitudes toward delinquency.

The judges who have taken the more severe actions are those who read more about delinquents, who read from professional journals, who do not wear their robes in court, and who are more permissive in outlook. They are also the younger judges (who characteristically express more liberal attitudes on these and other issues) and the judges who rank their own experience with delinquents as of relatively less importance than other factors in influencing their views.

"Severity of the sanctions, therefore, appears to be positively related to the degree to which a judge uses a professional, humanistic, social welfare ideology in making his decisions. A common-sense interpretation would have led us to expect negative correlations, but the pattern of the relationships relating the attitude and ideology items to the dispositions is positive. In other words, it is just the judges whom we should think of as being permissive in attitude who would take what most would regard as the more severe actions" (Wheeler, Bonacich, Cramer and Zola, pp. 55-56).

They speculated on two possible interpretations of the data. "First, the extent that a person absorbs a social welfare ideology, and believes that he is acting in behalf of the child rather than in behalf of justice in the community, he may be able to take actions he could not justify on other grounds . . . Clearly, if a person thinks of the institutions to which these youths are sent as benign, humane, and therapeutic, rather than as existing as a last resort for punishment and community protection, then he may more easily be persuaded that it is in the youth's behalf that he is sent there. And it is not necessary to see the institutions as benign and humane in an absolute sense, merely that they be perceived as more healthy environments than the disorganized family and neighborhood settings from which many delinquents come . . . Furthermore, a judge who thoroughly accepts the ideology of the juvenile court movement

and who believes in the principles of 'parens patriae' may be willing to intervene in a more potent way than more traditionally oriented judges" (Wheeler, Bonacich, Cramer and Zola, p. 57).

Secondly, "is a . . . feature that goes less to the perceived value of the rehabilitative experience than it does to the sensitivity to deviant behavior itself. It seems quite likely that adoption of a more sophisticated ideology regarding delinquency causation and treatment has the added consequence of making a person more sensitive to problems of delinquency in the first place. Acts that some might regard as mere child's play may be seen as representing underlying pathology of a serious nature . . . The larger the number of persons perceived as lying in the 'problem' category, the more actions will have to be taken regarding them and, in the process, the larger becomes the population of persons labeled deviant . . . The internal relationships between attitudinal measures . . . do provide support for the relevance of sensitivity to deviance. A judge's readiness to commit juveniles to institutions for specified acts is not correlated with the judge's judgment of the seriousness of the act, or his readiness to have a boy who commits such an act appear in court . . . Thus, it is clear that the judges do not see commitment as being justified primarily because of the severity of the offense or the necessity of official action. But the judge's readiness to perceive abnormality in the background of delinquent acts is correlated . . . with his willingness to commit. In other words, at least at an attitudinal level, the judge's willingness to commit appears to be associated with his sensitivity to psychological disorder rather than to the perceived seriousness of the acts for the community" (Wheeler, Bonacich, Cramer and Zola, pp. 57-58).

Juvenile Justice Orientation of the Court

Cohen and Kluegel provide some data on two courts with different orientations to juvenile justice which appear to echo the observations on judicial ideology. In comparing Memphis-Shelby County and Denver County, they noted that "the two courts differ in their philosophical or legal orientations . . . [This difference] appears to [affect] the overall severity of dispositions and the influence of the different offense types for which juveniles were referred to the court . . . [J]uveniles referred in Memphis (the more therapeutic court) were, on the whole, more likely to be given a severe disposition, and more likely to be given a more severe disposition for the same type of offense than juveniles in Denver (the more due-process oriented court). Whatever discretionary power is granted under the therapeutic model, then, seems to be manifested in a greater proportion of severe dispositions accorded . . . [Nevertheless,] the disposition process is most strongly influenced by prior record and type of offense in these two courts with different approaches to juvenile justice and from different regions of the county" (Cohen and Kluegel, p. 20).

Summary of Literature on Factors in Judicial Dispositional Decision-Making

Overall, the studies of dispositional outcomes at the court level and the possible factors which are related provide a very mixed impression. The only factor which appears to be strongly related in any consistent fashion is the juvenile's prior record.

Terry, who studied decision-making by three different agencies--the police, the probation department, and the juvenile court--, observed that the "juvenile court judge utilizes a broader range of criteria than do either the police or the probation department. The criteria used tend to be partially legally based,

but they are also significantly dependent upon the situation in which the offense is committed and the unfavorability of the personal and social biography of the offender. This seems to indicate an attempt at the 'individualization' of sanctions by the juvenile court and, at the same time, an attempt to find criteria that are relevant given the previous decisions made in terms of legalistic criteria by the police and the probation department" (Terry, 1967a, p. 180).

The juvenile court assuredly has the largest body of information available to it at the time the dispositional decision is being made than do any of the agencies which make prior processing decisions. A police officer has relatively little information about the juvenile other than the circumstances and nature of the offense and perhaps about his prior record when he must make the initial decision to apprehend the juvenile or to release him to the field. At each succeeding stage in the process, pieces of information are presumably added to the record. Whether the judge draws on the large volume of information available to him or not is, however, unknown.

Buss, in his study of the factors entering into the wavier-to-adult-court decision, documented the apparent disparity between judges in their decision-making. Of the 32 judges responding to his survey, he found that none of the factors was cited by even half of the judges and that between them the judges cited at least 22 different factors (Buss, p. 555).

Overall, however, it appears that seriousness of the offense plays some role in judicial dispositional decision-making and in some instances the nature of the offense (criminal versus juvenile, for example).

Status offenders appear to be accorded relatively severe dispositions (institutionalization) in some jurisdictions, but

this may be more a function of their family situations than of the "offense" per se. Juveniles with similar family situations may also be accorded similar dispositions regardless of the nature of the offense which brought them before the court. There was some slight evidence that coming from an intact or a disrupted home affected the disposition negatively to some extent, but the data was not strong in this regard. Unfortunately, there were no studies which examined the apparent stability of the juvenile's home and the disposition accorded. A study of criteria used by probation officers in preparing pre-hearing reports and recommendations indicated that this was a factor in their decision-making and the judges may be utilizing this information indirectly when taking the probation officer's recommendation.

Data provided by one study indicated a high rate of agreement between a probation officer's recommendation and the judge's final disposition. There was less agreement, however, when the probation officers recommended institutionalization rather than probation. To what extent the judges use similar criteria in making their decisions or actually take the recommendation with little review is unknown. One study in which both judges and probation officers ranked factors which they considered important showed some variation between them. Furthermore, there is something of the traditional "chicken-before-the-egg" problem. It is not at all clear that the probation officers pay more heed to the factors which they consider important than they do to the factors which they think the judges consider important.

The relationship between a juvenile's activity (attendance in school and/or employment) is also somewhat unclear. It would appear that being conventionally active is viewed positively in some jurisdictions and that juveniles in this category receive more lenient dispositions. The data are not consistent across all jurisdictions, however, and it would appear that this is not a factor in some courts.

The studies which considered the relationship of personal factors such as race or ethnic status, age, sex and socioeconomic status were inconsistent in their results. It would appear that these factors are important in some jurisdictions but not in others. And they are not necessarily consistently related in that one or all may be factors in any given jurisdiction.

Other factors which may affect the decision in some jurisdictions but for which there is insufficient data to draw firm conclusions are the judge's personal ideology and attitudes, the juvenile justice orientation of the court (traditional parens patriae versus due-process), and the presence of defense counsel.

Prior record is about the only factor which consistently appears to be related to judicial dispositional outcomes, particularly the number of prior court referrals or previous offenses.

POST-DISPOSITION

When a juvenile is referred to a correctional agency, the latter must make two kinds of decisions: (1) whether it is prepared to accept him (admissions) and, if so, (2) where in the system to put him (level of custody/supervision).

Admissions

The correctional authorities in some states are empowered to refuse admission to juveniles committed to their authority. The literature revealed only one study of this type of decision-making.

Chein undertook a study in the early 1970s of decision-making by the Minnesota Department of Corrections as to whether or not to admit juveniles who had been adjudicated delinquent by juvenile courts throughout the state and committed to their authority. He found that approximately four-fifths of the juveniles committed to the department were admitted to their institutions for treatment. This percentage varied somewhat among the three institutions which conducted the admissions' evaluations (Chein, Table 12, p. 115).

"When the juvenile is committed to the authority of the Department of Corrections, he . . . is committed to one of the three statewide juvenile institutions . . . depending upon his . . . county of residence . . . Here he undergoes a three to four week diagnostic evaluation, in which he is tested by a psychologist, placed in a cottage, and observed and evaluated by the staff. At the end of this period, a 'staffing' is held . . . to determine whether the recommendation will be to admit the juvenile to the treatment program at the institution, to recommend that the juvenile be returned to the community on probation, or to recommend placement of the juvenile in a supervised community setting, such as a group home, foster home, private treatment center, and so on. The specific nature of the staffing varies in the three institutions . . . The important point,

however, is that a recommendation is made. This recommendation is then reviewed by an 'Action Panel' made up of three rotating representatives of the institution and juvenile probation services. The Action Panel may adopt the staff recommendation, reject the staff recommendation in favor of an alternative plan, or accept the staff recommendation with modification. Preliminary observations convinced the researcher that the Action Panel rarely overturns a staff recommendation . . . In only ten cases out of 210 analyzed from Department of Corrections files (4.7%) did the Action Panel overrule the staff decision. In seven of the ten, the staff recommended institutionalization. Some of these overrulings resulted from events which occurred between the time of the staffing and the Action Panel meeting, such as a run from the institution or the collapse of a community treatment plan" (Chein, pp. 41-42, 44).

Chein used four methods to collect information for his study--(1) systematic observation of over 50 staffings (the meetings at which staff recommendations were made), (2) a survey of staff attitudes, (3) a content analysis of 214 staffing reports from the Department of Corrections' files for January 1, 1973 to June 30, 1974 (a 25-percent stratified sample of cases evaluated during that time period), and (4) a decision-game utilizing five cases drawn from departmental files (Chein, pp. 53, 57, 70, 80).

Based on this extensive data collection and analysis, Chein concluded that "[i]t is not unusual for an observer to come to a situation and find things totally confusing and unpatterned. However, after several observations, patterns usually do emerge and the observer can systematize and categorize them. In the case of this research, clear patterns, or rules governing the decision-making process did not emerge. There tended to be more exceptions to the rules than actual rules. This pattern of non-systematic decision-making was evidenced, not only by the researcher's observations, but by much of the quantitative data as well" (Chein, p. 98).

"[D]ecision-making is [apparently] done in a very unsystematic and arbitrary way. The staff questionnaire analysis indicated that the staff have difficulty in specifying certain criteria as more important than others . . . (Chein, p. 182). Of the 33 variables presented to the staff, 27 of them were rated 3.00 or higher on the initial staffing decision. A mean rating above 3.00 means that the majority of the staff feels that those variables are either 'somewhat' or 'very' important criteria. The fact that so many variables were rated that high attests to the staff's difficulty in selecting some criteria as more important than others in decision-making" (Chein, p. 106).

"The decision game suggests that although the commitment offense and delinquent history of the juvenile are usually among the first factors considered, there is a wide range of other variables which are looked at. The content analysis of staffing reports failed to find evidence of a systematic basis or set of criteria used to make decisions" (Chein, p. 182).

Overall, Chein noted that "decision-making tends to be based more on the subjective feelings of the staff concerning the juvenile's needs (including both treatment needs and the need for punishment). In other words, faced with a lack of information on what (if anything) actually works for different kinds of delinquents, and faced with an absence of sufficient knowledge about the availability and value of community programs, staff members fall back on that which they know best--their own institutional program.

"Juveniles are admitted to the institution for a variety of reasons. Status offenders and serious offenders, juveniles from good environments and poor environments, young immature juveniles and older, more sophisticated juveniles. Some are admitted to protect society and punish them for their delinquency, while others are admitted to help them with their problems" (Chein, p. 183).

Chein also concluded that "only those juveniles for whom someone has taken the initiative to find a community placement . . . actually escape institutionalization. Factors such as the amenability of the probation officer to community treatment and the amount of effort he exerts to find a placement and the presence of a caseworker who is more familiar with community programs, as well as the greater availability of such programs in certain areas of the state, are more influential in determining the fate of a juvenile delinquent than are any of the characteristics of the juvenile, his offense, or his home environment" (Chein, p. 184).

Chein also attempted to "see whether any staff characteristics related to the way they rated the importance of the thirty-three variables [included in the staff questionnaire]. Staff were dichotomized according to institution, whether or not they served on the Action Panel, sex, length of service, age, education, position, and custodial/treatment attitudes . . . The results . . . show remarkably high correlations between the high and low categories of all the groupings compared . . . This means that staff characteristics are not related to the way they rate the importance of the 33 variables to decision-making. Stated differently, the relative importance of the 33 variables is rated similarly by all categories of staff" (Chein, p. 112).

Level of Custody/Supervision

Level of custody refers to the assignment of wards to "maximum" or "minimum" security institutions. Level of supervision refers to probation and parole agency designation of juveniles as intensive or minimal level supervisees. Virtually no references were found in the literature to any empirical research on decision-making at this point.

Parole Release

As Fox points out, "[t]he general rule found among juvenile court statutes is that when a commitment is made, it may last until the

juvenile reaches his majority" (Fox, p. 223). Some states, however, have opted to limit this indefinite period. "In Connecticut, for example, the traditional indeterminate commitment to age 21 has been changed to a maximum of two years . . . In New York, the period generally applicable for commitment of delinquents is 18 months . . ." (Fox, p. 223). Nevertheless the length of the commitment is determined by the Correctional authority. Given this general system of broadly indeterminate sentencing in juvenile justice, which vests considerable discretionary authority in the hands of the youth correctional authorities, the parole release decision determines, for all intents and purposes, the length of the sentence that an institutionalized ward must serve.

As Fox also points out, however, "a child [seldom] spends the entire authorized time of the commitment in an institution and in the usual case he is released under a parole supervision after a few months" (Fox, p. 226). In most cases juveniles spend less than a year--"the average stay in state juvenile institutions [in 1970] was 8.8 months . . . In 1974, . . . the majority of states slightly increased the confinement period to 9.1 months" (Wheeler and Nichols, p. 1). The Ohio Youth Commission undertook a national survey in 1973 of factors related to length of stay. Of 30 states responding, 26 provided data on average length of stay. The lengths varied from a low of 5 months in Idaho to a high of 14 months in Alabama. Only four of the reporting states showed average lengths of stay of a year or more (Wheeler, 1974, Table 3, p. 10). As Wheeler points out in his analysis of this data, however, the figures are probably somewhat deflated because "[t]here are many ways of examining length of institutional stay. Youth committed to state correctional agencies often pass through numerous local and state institutions before [being] paroled. For the purpose of [the] study, stay [was] defined as 'the average period of confinement in the releasing institution'" (Wheeler, 1974, p. 8). Nevertheless, the figures give some indication of the relatively short time most juveniles are actually incarcerated.

In analyzing the state data, Wheeler and Nichols commented that there was only minimal variation "observed between the country's nine census regions. In 1970, the largest regional length of stay average (11 months) was seen in the West South Central area made up of Arkansas, Louisiana, Oklahoma and Texas. The shortest regional stay (7 months) was observed among the East North Central states of Ohio, Indiana, Illinois, Michigan and Wisconsin. Six out of nine regions detained youth between 8 and 9 months. This pattern did not significantly change in 1973" (Wheeler and Nichols, p. 3).

Of all the decision points in the juvenile corrections system, parole release has received by far the most attention. Nevertheless, the literature revealed only four studies of decision-making at this point.* Only one actually attempted to focus on the decision-makers themselves while the other three focused on characteristics of the juveniles compared against length of stay.

In his study in the early 1970s of decision-making by the Minnesota Department of Corrections, Chein observed staffings at the state's three institutions, administered a questionnaire to the staff responsible for making decisions, and carried out a content analysis of staffing reports (Chein, pp. 53, 57, 70). Chein noted that "the recommendation by the staff to parole a juvenile after he has spent some time in a treatment program . . . [u]sually . . . follows several successful limited paroles or home visits . . . which indicate to the staff the juvenile's readiness to return to the community. These decisions are not automatically accepted by the Action Panel [consisting of three rotating representatives of the institution and juvenile probation services] (Chein, p. 42), but revisions are usually minor (e.g., granting a limited parole for three weeks instead of an outright parole so that if the juvenile

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*Since there are so few studies and they emphasize different factors, the discussion will focus on each study rather than on individual factors as in the previous sections.

gets into further trouble, the Action Panel will not have to go through a formal parole revocation hearing to bring him back to the institution) . . . [T]he primary decision [therefore] rests with the staff . . . It is also important to note that only actual decisions are reviewed by the Action Panel. The staff's decision not to recommend parole or limited parole does not constitute a formal decision and is not reviewed by the Action Panel, although an 'institution review' by the Action Panel is required for any youth who has not been recommended for parole within one year of the original commitment date. The staffing recommendation to parole or not to parole is, therefore, a crucial one, determining the course of the juvenile's institutional career" (Chein, pp. 45-46).

"The general format of the staffing process at the three institutions is one of discussion around a table. Someone presents the case and the staff discusses it . . . At parole staffings, the discussion revolves around progress made by the juvenile and parole plans" (Chein, p. 83). Chein, after systematic observation of over 50 staffings at the three institutions, concluded that "[d]iscussing [the juvenile's] problems is . . . very important at parole staffings, although the discussion usually involves institutional adjustment, attitude, and behavior as opposed to the juvenile's offense or delinquency problems. The belief that delinquency is a manifestation of psychological and other adjustment problems leads the staff to concentrate their treatment efforts on the juvenile's attitude and behavior in the cottage. The belief is that if the youth works out his problems in relation to staff and other peers, he will be rid of the problems which caused his delinquency, and will be considered a good risk for parole. This becomes especially clear when looking at the subject areas discussed in the . . . staffings . . . [T]he parole staffing places highest priority on discussing the juvenile's progress or lack of progress on his goals, with 'cottage and group living' ranked second in importance. 'Disposition or treatment plan' ranks third in importance at [one institution] and fourth [at another], and is more likely to be discussed at

staffings involving juveniles who have been at the institution a while, are making progress, and are being considered for parole . . . Offense is not an important factor in any of the parole staffings. There the juvenile's attitude and demeanor and progress on goals are the most important factors . . . " (Chein, pp. 102-103).

Chein noted some exceptions to this approach, however. In some cases observed or for whom he read case files, "parole was recommended despite the juvenile's lack of progress. In these cases, the staff usually gives up on the juvenile, decides that it cannot do much more for him, or that the juvenile is unhelpable. This is especially true when the annual review is near or when the juvenile approaches the age of eighteen. In the former case, rather than trying to justify a continued commitment before the Action Panel, the staff will parole the juvenile and 'let him screw himself up,' not holding much hope for success. In the latter case, the staff will seek to get the juvenile discharged from the system so 'the adult authorities can worry about him'" (Chein, pp. 103, 105).

Overall, Chein concluded that "[i]n terms of the importance of different criteria to the decision, no one criteria was consistently seen as the most important in a majority of staffings. Thus, different criteria are used in different areas, and different reasons are given to justify the decisions. This attests to the general lack of consistency or systematic method used by the staff in making decisions" (Chein, p. 105). This observation was borne out by responses to the staff questionnaire. "Of the 33 variables presented to the staff, . . . 21 were rated above 3.00 on the parole staffing decision. A mean rating above 3.00 means that the majority of the staff feels that those variables are either 'somewhat' or 'very' important criteria. The fact that so many variables were rated that high attests to the staff's difficulty in selecting some criteria as more important than others in decision-making" (Chein, p. 106).

Chein also attempted "to see whether any staff characteristics related to the way they rated the importance of the thirty-three variables. Staff were dichotomized according to institution, whether or not they served on the Action Panel, sex, length of service, age, education, position, and custodial/treatment attitudes . . . " (Chein, p. 112). After examining the results, Chein concluded "that staff characteristics are not related to the way they rate the importance of the 33 variables to decision-making. Stated differently, the relative importance of the 33 variables is rated similarly by all categories of staff" (Chein, p. 112).

The study also included a content analysis of 214 staffing reports, a 25 percent sample of reports prepared on juveniles committed to the Department of Corrections over an 18-month period (Chein, p. 57*). Of 29 variables analyzed, Chein found "that the only variables which related to length of incarceration (number of days in the institution) are institution, race, and the presence of emotional support in the home. The mean length of stay in [one] institution is 250 days . . . compared with 155 days for [the other two institutions]. This finding is due to the nature of the [one institution's] guided group interaction program which is said to require a longer amount of time for maximum benefits. [Other data] indicates that the greater length of stay [at this institution] . . . is consistent across all races, sexes, and offense categories" (Chein, p. 141). Indirectly, this indicates that treatment program is the relevant variable rather than institution generally.

Chein also found that nonwhites had shorter lengths of stay in each of the three institutions than did whites, but noted that

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*This sample was stratified by age, race, sex, and institution. A disproportionate number of minority cases was drawn to include enough minority cases for analysis. The time period covered is January 1, 1973 through June 30, 1974.

"[f]rom the data gathered in this research, it is not possible to arrive at a definite reason for this phenomenon" (Chein, pp. 141, 147 and Table 24, p. 146).

As to "[t]he relationship between length of incarceration and the emotional support received by the child," Chein commented that it "suggests that the lack of emotional support in the home may preclude the possibility of a return there, and may necessitate a group home placement, which requires more time to find" (Chein, p. 147).

"None of the other variables, including offense, [were found to be] significantly related to length of incarceration . . . [A]lthough the relationship between offense and seriousness and length of incarceration is not significant, the data does indicate that status offenders spend more time in the institution than do serious and drug offenders (210.2 days vs. 180.5 days) . . . It is difficult to explain this difference except in the sense that status offenders, by virtue of the fact that they are status offenders, may not have a place to go when they are to be paroled, so they remain at the institution longer, until a placement can be found or the home situation improved. Serious offenders, on the other hand, 'do their time' and are released" Chein, pp. 147-148).

Wheeler and Nichols undertook two related studies for the Ohio Youth Commission in the early 1970s. The first was an analysis of data from thirty states relating to length of stay, and the second was an analysis of similar data relating specifically to Ohio (Wheeler, 1974; Wheeler, 1976; Wheeler and Nichols, 1974).

Wheeler, in a monograph reporting his conclusions after examination of the national data obtained in 1974, noted that "[c]ontrolling on institution population, diagnostic classification systems and parole board status, no significant statistical difference on institutional stay was observed" (Wheeler, 1974, abstract, n.p.). If one looks at the data presented in an

earlier monograph by Wheeler and Nichols on the same study, however, there is some question as to what constitutes a significant difference. The data indicate, for instance, that length of stay varies from a low of 6.0 months for states which use the departmental committee release procedure to a high of 9.6 months for states with parole boards. States which vest the release decision in the superintendent or institution staff showed an average length of stay of 8.6 months (Wheeler and Nichols, p. 7). If one looks at these differences in terms of the possibility of a length of stay of several years, the differences appear small. But considering that the average length of stay is less than a year, it can be seen that definite variations between the procedures do exist. States which rely on parole boards have an average length of stay which is 60 percent greater than those using the departmental committee procedure. Wheeler and Nichols also report that only 15 percent of the states which reported what their release procedure is use the departmental committee procedure while 23 percent rely on parole boards and 62 percent have the decision made by the staff or superintendent of the institutions (Wheeler and Nichols, p. 7). It is possible that other factors are more important in determining length of stay, but the data presented here suggest the possibility, at least, that if states changed to the departmental committee procedure, lengths of stay might decrease.

Similarly, it would appear from the data presented in the earlier monograph, that classification system may well be a determining factor in length of stay. As Wheeler and Nichols noted, "[w]hile all states, when asked, favored differential treatment . . . only 69 percent were found to have actually adopted a bonafide classification system . . . The remaining 31 percent reported using no system or merely reading the case record to determine treatment program and where to place a youngster . . . [U]pon comparing these sub-types: classification against non-classification states, . . . a two months difference was observed. States employing a formal classification system confined youth an average of 9.4 months; those that did not, detained them

7.6 months" (Wheeler and Nichols, pp. 5-6). Using the institution as a unit of analysis, Wheeler and Nichols found that "institutions using Quay . . . or I-Level confine youth longer (10.3 months) than the A.P.A. [American Psychological Association] (8.9 months) or institutions using no specific method (6.9 months) (Wheeler and Nichols, p. 6). Keeping in mind once again that the average length of stay is under one year, there would appear to be some distinct differences based on the classification system used and particularly based on using a system versus using none at all. Since the type of classification system used implies differences between types of treatment programs, the data may suggest that treatment program utilized is a key factor in how long a juvenile remains in an institution.

Institution size showed less variation than did classification system or parole release procedure. "In the 1974 reporting population of 30 states . . . , large institutions (100 and above average daily population) were associated with longer stay. Compared to small institutions with an average stay of 8.4 months, large institutions showed 9.5 months" (Wheeler, 1974, p. 10).

Of the thirty states which provided data for the national survey undertaken by the Ohio Youth Commission, only five provided data on institutional stay by offense. Wheeler presents the data differentiating between "FBI Index Crime: Against Person," "FBI Index Crime: Against Property," and status offenses. FBI index crimes as a category are limited to only seven offenses, generally regarded as felonies. No data is provided on misdemeanors or other felonies so it is difficult to get a very clear picture of the role that offense plays in length of stay. Nevertheless, the data provided show that juveniles committed for FBI index crimes against persons had the longest average lengths of stay. Four of the five states, on the other hand, showed shorter lengths of stay for juveniles committed for FBI index crimes against property than those committed for status offenses (Wheeler, 1974, Table 6, p. 19). Wheeler concluded that the data show

"minimal differentiation" (Wheeler, 1974, p. 19) but there is some question as to what represents minimal. Of the four states which provided data for all three categories (Idaho did not include data on FBI index crimes against persons which generally showed the longest length of stay), the variation between the shortest length of stay and the longest for these three categories of offenses was .5 months for Ohio, 2.8 months for North Carolina, 3.3 months for Arkansas, and 7.5 months for California. With average lengths of stay for these categories which range from 5.4 months to 17.8 months, the differences for three of the states might be considered less than minimal (Wheeler, 1974, Table 6, p. 19).

In their analysis of the Ohio data collected, Wheeler and Nichols examined the average lengths of stay of 528 males committed to the Ohio Youth Authority during the spring of 1972. The data showed that lengths of stay varied according to institution. The average length of stay for nine Ohio Youth Commission institutions ranged from 7.0 months to 16.3 months (Wheeler and Nichols, Table 5, p. 15). There appeared to be less variation within each institution than between institutions (Wheeler and Nichols, pp. 14-15).

Furthermore, Wheeler and Nichols noted that "age was found associated with institution assignment" (Wheeler and Nichols, p. 17). As a general rule, however, even within institutions the younger juveniles had longer lengths of stay than did older juveniles. "[T]he average stay of ten to fourteen-year-old male residents was 9.2 months. Youths aged fifteen and over averaged a 7.2-month stay in the institution. Even when . . . controlled for returnee status, younger boys stayed nearly two months longer" (Wheeler, 1976, pp. 207-208).

In analyzing a three-month cohort for 1972 which included both males and females, Wheeler noted that females "averaged nearly one month longer in the institutions than males (8.1 and 7.5 months, respectively)" (Wheeler, 1976, p. 208). He attributes

this to the amount of bed space available in male and female institutions--"this finding supports the notion that stay is a function of bed space. During this period, Ohio had the highest number of surplus beds in its female facilities. Compared with stay in female institutions with the lowest number of vacant beds (7.3 months), the female institution with the most vacant beds detained youth twice as long (14.0 months). The shortest average length of stay, 6.5 months in 1973, was observed in Ohio's most overpopulated (800-1,000) institution . . . During this period, the other male institutions' average stay was 12.9 months" (Wheeler, 1976, p. 208).

Hussey used 1970-1971 data collected by the California Youth Authority to study factors related to length of stay in Paso Robles, one of the state's ten training schools for boys. While the California Youth Authority also operates forestry camps, Hussey selected a training school as more appropriate for his study of juvenile parole decision-making because the preponderance of the commitments to the training schools came from the juvenile court while the majority of those committed to the forestry camps came from the criminal courts (Hussey, p. 91).

Hussey noted the limitations of his methodology and pointed out that his study was "essentially an ex post factor search for explanation . . . [and that he was] talking about correlates of the decision and not about the actual components of the decision . . . Thus, there may be a tendency . . . to talk in more absolute terms than is warranted within the strict interpretation of causality" (Hussey, pp. 173, 175). He theorized, however, "that if the juvenile court ideology were fully implemented, the present study would fail to find variables that correlated with the decision to release" (Hussey, p. 178).

Most of the factors which Hussey analyzed were not correlated with the length of stay. "That is, the following variables, some of which have been found to predict release or success on

average, and those of average to above average social standing. Close examination of [the data] reveals an even more interesting finding than just that inmates of the lowest social standing get out the soonest. Perhaps in line with more traditional expectations, those of average and above-average social class standing get out second while those in the middle, the 'below average' group stay the longest" (Hussey, p. 128).

When Hussey examined the relationship between race and time to parole, he found that there was a significant relationship whereby Mexican-Americans had the shortest lengths of stay, whites had the second shortest and blacks the longest (Hussey, Table VI-6, p. 130). Furthermore, he found that "the impact of the race factor on an obtained relationship [was] notable . . . That is, the relationship between SES [socioeconomic status] and [time to parole] can be explained by race except in the case of Whites; the relationship between [offense] and [time to parole] can be explained by race of the offender; and the relationship between age at admission and [time to parole] washes out when race is controlled, except for Whites" (Hussey, p. 141).

Based on a multiple regression analysis,* Hussey concluded that the factors associated with time to parole varied for each of the three racial/ethnic groups. "It was observed that the variables predictive of release for Whites are congruent with prevalent juvenile justice philosophy and yet, quite different from those that are predictive of release for Blacks and Mexican-Americans. For instance, the five factors predictive of release for Blacks would seem to represent actions, statuses, or activities that are generally seen as at least deviant if

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*Because of missing data, Hussey utilized pairwise deletion in his analysis. The sample sizes were as follows: Mexican-Americans (77), Blacks (86), and Whites (160) (Hussey, pp. 154, 156, 159).

parole in previous research, were found to be not associated with the decision to parole: the number of times returned to an institution, marital status of one's parents, the number of times placed in a foster home, attitude toward school, school misbehavior, evidence of psychological instability, criminal history of one's father, the self respect of the family, tatoos, alcohol associated with past or present offense, prior commitments to jail, prior escapes, the nature of one's friends, co-offenders, prior record, education of one's parents, income derived from welfare, age at first delinquent contact, and age at first delinquent commitment" (Hussey, pp. 141-142).

Several variables did appear to be associated with length of stay, however--offense, age at admission, socioeconomic status and race/ethnicity.

Hussey divided offenses into four categories of crimes and found that the longest lengths of stay were associated with crimes against the person for profit, followed by crimes against the person not for profit. Economic crimes ranked third and the shortest lengths of stay were associated with drug offenses (Hussey, p. 137).

Age at admission was also associated with length of stay in "that the older one is, the sooner one is released" (Hussey, p. 139). Roughly a quarter of the juveniles in the 7-14 age group at admission had lengths of stay of 472 or more days. Only about a tenth of those admitted at age 15 had similar lengths of stay and only two percent of those admitted at age 16 and five percent of those admitted at age 17.

"[T]he relationship between social class and time to parole [was] significant. The trend exhibited in the data is that lower class ('lowest' and 'next to lowest') inmates of the institution tend to get out sooner than do those of below

not criminal. Prior escapes, criminal history of the father and offense severity are representative of the most powerful predictor set for Blacks. In the case of Mexican-Americans . . . similar factors such as offense severity and age at first delinquent commitment [are found]. On the other hand, out of the six most predictive variables for Whites, none would seem to represent criminal kinds of activities. Not only are the predictors for Whites quite different from those for the other groups, but these factors are more like the kinds of variables that would be considered if interest centered on the child's welfare, 'condition,' or socialization. The factors predictive in the case of Whites include the amount of parental education, evidence of psychological disorder, socio-economic class, and the degree to which the family uses welfare resources. It seems reasonable to assert that these factors are much more similar to traditional concerns of the juvenile court than those cited in the case of Blacks of Mexican-Americans" (Hussey, pp. 185-186).

Narloch, Adams and Jenkins studied characteristics of wards released from California Youth Authority facilities during 1955 and 1957. They compared juveniles who were "paroled from either a clinic [clinic early releases] or an institution [institutional early releases] within four months after admission to the Youth Authority. Releases after four months, from clinic or institution, [were] defined as regular releases . . . During the three-year period of the study, clinic early releases fluctuated around 3.3 percent of the total. Institutional early releases showed a steady growth from 4.7 to 5.3 percent of the total" (Narloch, Adams and Jenkins, p. i).

"Both the clinic and institutional early releases differ[ed] considerably from all other wards in average length of stay before parole. While the two former groups [had] a median stay before parole of approximately three months, the latter group [had] a median stay of approximately nine months" (Narloch, Adams and Jenkins, p. 6).

Narloch, Adams and Jenkins noted the following differences between clinic early releases and regular releases. "Clinic early releases tend[ed] to be younger than regular releases. The clinic early releases [had] a model age of 17 . . . Regular releases [were] most frequently . . . age 19-and-over . . . Clinic early releases [also showed] a higher probability of being white than regular releases. The former [were] 68 percent white, while regular releases [were] approximately 57 percent white. This comparison [did not, however, make any] allowance for variations in recidivism by color . . . [In addition,] [c]linic early releases [were] much more likely than regular releases to be girls. Of the former, 45.4 percent [were] girls; of the latter, 11.2 percent [were] girls . . . [Furthermore,] [c]linic early releases show[ed] higher proportions in the 'no prior record' and 'no prior commitment' categories and lower proportions in the 'one prior' and 'two prior commitments' categories [than did regular releases]" (Narloch, Adams and Jenkins, pp. 21-22).

The data also indicated that "institutional early releases occupied an intermediate position between clinic early releases and regular releases on practically all the . . . characteristics, but they tended to resemble regular releases more than they [did] clinic early releases" (Narloch, Ada-s and Jenkins, pp. 22-23).

The early releases were "typically the result of a clinic staff recommendation and a California Youth Authority Board decision. Both recommendation and decision were based on a body of clinical data obtained in several weeks of observation and examination of the ward . . . In making decisions on wards for early release from the clinics, the Board shows a high level of agreement with the recommendations by the clinic staff" (Narloch, Adams and Jenkins, pp. i, 43).

Parole/Probation Revocation

Research on parole- and probation-revocation decision-making is virtually nonexistent. The literature search turned up only one study. Reed and King administered a questionnaire to 108 North Carolina probation officers in May and June of 1965. The questionnaire included questions on the officer's "background characteristics" such as "sex, race, college major, role played, age-crime type preferred, average monthly caseload, revocations, previous employment, organizational memberships, residence, and liberalism-conservatism" (Reed and King, p. 121). In addition, the questionnaire included eight revocation cases drawn from probation files. Three of the cases involved juveniles--"sixteen-year-old males with good family backgrounds but with previous records of assault or automotive offenses . . . In each there had been, before the violation which caused the revocation, a number of minor infractions by the probationer and warnings by the officer" (Reed and King, pp. 121-122).

"Each case selected was digested, condensed, and presented in the same manner. The format included a fact situation, background characteristics of the probationer, his current violation, decisional summaries, and a multiple choice question which confronted the probation officer with decisional alternatives for each of four different cases situations--(1) when the officer alone knew of the violation; (2) when a reliable party told him of the violation; (3) when the police were holding probationer for the violation; and (4) when the judge asked the officer for a recommendation in the hearing of the violation" (Reed and King, p. 121).

The data indicated that "[d]espite case and officer homogeneity, some rather pronounced differences were encountered in decisions . . . [E]xposure--disruption of private or semi-private supervisory practice by intervening public, police, or court involvement in the case--may well be the kdy to differentiating the officer population. Social science majors, liberals, no

and multiple age-crime type preferences, Negroes, and big brother and sister roles are more likely to be in favor of nonrevoking types of action than officers with other characteristics" (Reed and King, pp. 127-128).

Discharge Decisions

Discharge, or termination, refers to the point at which a juvenile finally leaves the jurisdiction of the juvenile justice system. Discharge decisions typically occur at the conclusion of either probation or parole, although wards may be directly discharged from institutions.

Probation and parole discharge decisions are perhaps the least visible of all the decision points within the juvenile justice system for two reasons--(1) there is no systematic research on the determinants of such decisions, and (2) these decisions appear to be least formalized or subject to routine procedure.

Sarri reports some limited information on the probation termination process based on a national survey conducted in the spring of 1974. The survey included responses from 501 probation workers (Sarri, Sosin, Creekmore and Williams, p. 29). "The mean length of time a youth was placed on probation was reported as 11.5 months. Approximately 25% of probation officers reported that this referred to active probation and that youths would not necessarily be discharged at the end of that period; they would more likely be placed on inactive status. And if a new offense were charged, handling was expedited because the juvenile still had a formal status in the courts and some of the initial due process requirements could be bypassed. Decisions on termination are typically not based on formal review" (Sarri, p. 160).

Sarri further commented that "[g]iven the indeterminancy of most dispositions made by juvenile courts, the question of routine review of a juvenile's behavior becomes paramount.

When probation services were developed and linked to the juvenile court, it was argued that there should be no fixed sentences because the goal was treatment and rehabilitation. Moreover, the probation officer was apparently the one who was to make the final decision about achievement of that goal and then arrange for official termination and discharge by the judge . . . The majority of probation officers (55% of court-appointed and 62% of state probation officers) reported that there was no routine review of probations. Despite the median length of time on probation reported . . ., the findings . . . clearly indicate that there is no established annual review except in a very small number of courts. Obviously, factors such as the juvenile's age, end of the school year, and court population pressures have more influence on the length of probation than any rational review procedure" (Sarri, pp. 163-164). Combining the data which show that routine review is rare and the report by roughly a quarter of the probation officers that juveniles were transferred from active to inactive status for purposes of expediency, it seems likely that many juveniles are, in fact, never officially discharged from the system.

SUMMARY OF LITERATURE ON FACTORS IN POST-DISPOSITIONAL DECISION-MAKING (ADMISSIONS, PAROLE, DISCHARGE)

There were very few studies of how decisions are made about processing juveniles in and out of the correctional component of the juvenile justice system.

Only one researcher examined decision-making as to whether or not to admit a juvenile to an institution. The general conclusion was that decision-making at this stage was very unsystematic, at least in the state where the study was undertaken. There appeared to be no consistent reasons for admitting a juvenile to an institution or consistent factors which affected the decision. Staff characteristics were not related to the way they made admissions decisions.

Virtually no references were found to empirical research on decision-making on level of custody or supervision.

There were, on the other hand, four studies of parole decision-making. Only one focused on the decision-makers as well as on the characteristics of the parolees. Generally the conclusion of this study was that emphasis at this stage is on the juvenile's attitude and progress on treatment goals. Nevertheless, no one criteria was seen as the most important and there was a general lack of consistency in decision-making. Staff characteristics do not appear to be associated with their decision-making.

The other studies compared characteristics of juveniles or of the system with length of stay. One study included data from thirty states which showed that the average length of stay varies somewhat from state to state but that it is generally less than a year. Other data collected as part of this study indicated that there may be differences in the length of stay depending upon the release procedure used (parole board, departmental committee or institution superintendent decision), classification system, and institution size.

Another study which relied on data on juveniles in one of several training schools in a large, western state, compared characteristics associated with length of stay and suggested that factors associated with parole decision-making may vary by racial/ethnic group.

The fourth study compared juveniles released either from a clinic or an institution within four months of admission with regular releases. The early clinic releases tended to be younger, female, and white and showed higher proportions in the no-prior-record and no-prior-commitment categoreis. Institutional early releases tended to resemble regular releases more than they did clinic early releases but were

still somewhat between the two. This study indicated that the Youth Authority Board generally followed the recommendations made by clinic staff as to early releases.

None of the literature indicated that parole prediction tables are used for juveniles.

There was only one study of probation revocation decision-making and none of parole revocation. The one study involved a questionnaire with eight cases, three of which were juveniles. The officers were differentiated by whether or not the decisions were made privately or subject to public scrutiny.

There were no studies of parole or probation discharge decision-making, although one survey indicated that these types of decisions--particularly probation--are very unsystematic and that many juveniles may, in fact, never be officially discharged.

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APPENDIX A

NATIONAL JUVENILE JUSTICE SYSTEM ASSESSMENT CENTER

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Program Coordinator

Dorothy O'Neil

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Phyllis D. Modley
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APPENDIX B

DETAILED JUVENILE JUSTICE SYSTEM FLOW CHART

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NATIONAL JUVENILE JUSTICE SYSTEM ASSESSMENT CENTER

DETAILED JUVENILE JUSTICE SYSTEM FLOW CHART

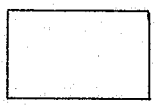
INTRODUCTION

The attached flow chart shows one way of representing the structure and processes of the juvenile justice system. It displays the logical flow of a juvenile from the first time he has direct contact with the official system through the various processes or decision points that comprise the system, and eventually to one of the numerous exit points from the system.

THE NETWORK

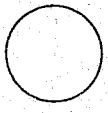
A client is conceived as entering the system from the left. Flow through the system is from left to right. All vertical lines represent decision points; ovals represent alternative decision choices; rectangulars represent system functions; and circular exit symbols represent the termination of the case, or that the case is no longer within the jursidiction of the system. Branching to "diversion programs" is considered to be an exit from the system, but not a total termination. Some placements in community agencies maintain at least an informal supervisory status with the placing agency. Thus, if the placement fails, the system agency will regain jurisdictional control again and proceed to process the client.

Legend of Symbols



SYSTEM FUNCTION

DECISION ALTERNATIVE



EXIT POINT

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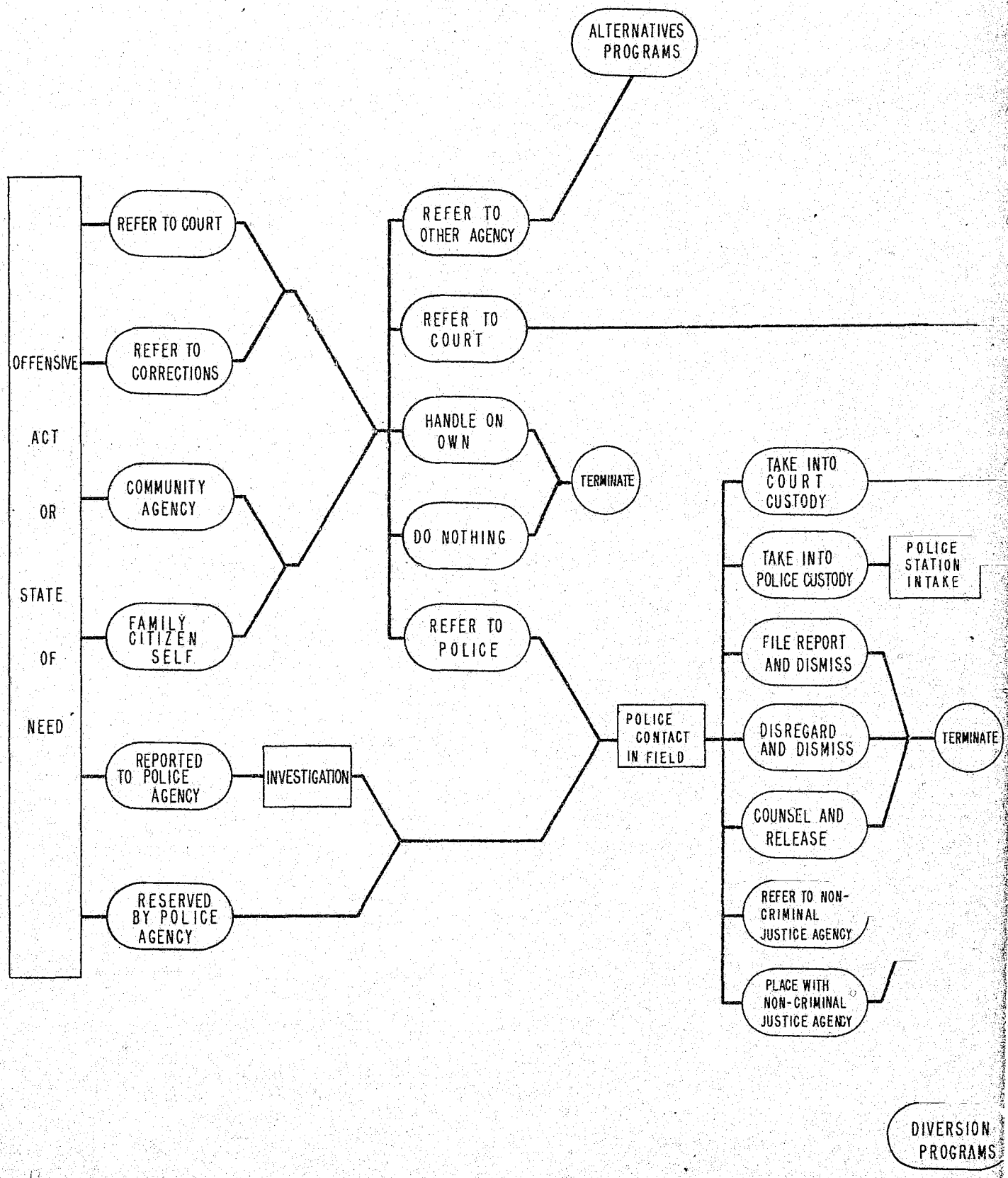
ALTERNATIVES PROGRAMS
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RESERVED BY POLICE AGENCY
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REFER TO COURT
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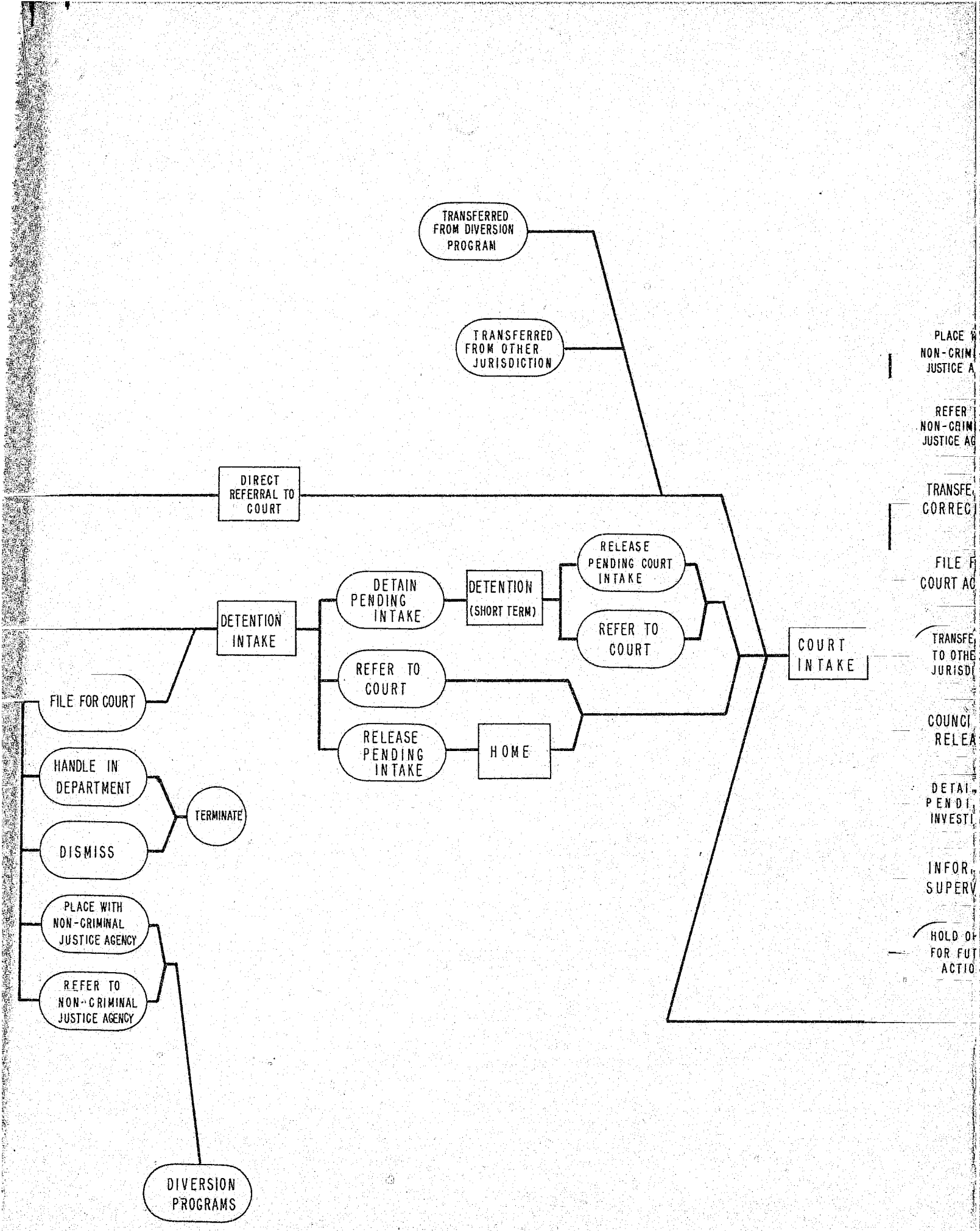
DO NOTHING
TERMINATE
REFER TO POLICE
POLICE CONTACT IN FIELD
TAKE INTO COURT CUSTODY
TAKE INTO POLICE CUSTODY
POLICE STATION INTAKE
FILE REPORT AND DISMISS
DISREGARD AND DISMISS
TERMINATE
COUNSEL AND RELEASE
REFER TO NON-CRIMINAL JUSTICE AGENCY
PLACE WITH NON-CRIMINAL JUSTICE AGENCY
DIVERSION PROGRAMS


TRANSFERRED FROM DIVERSION PROGRAM
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REFER TO COURT
RELEASE PENDING INTAKE
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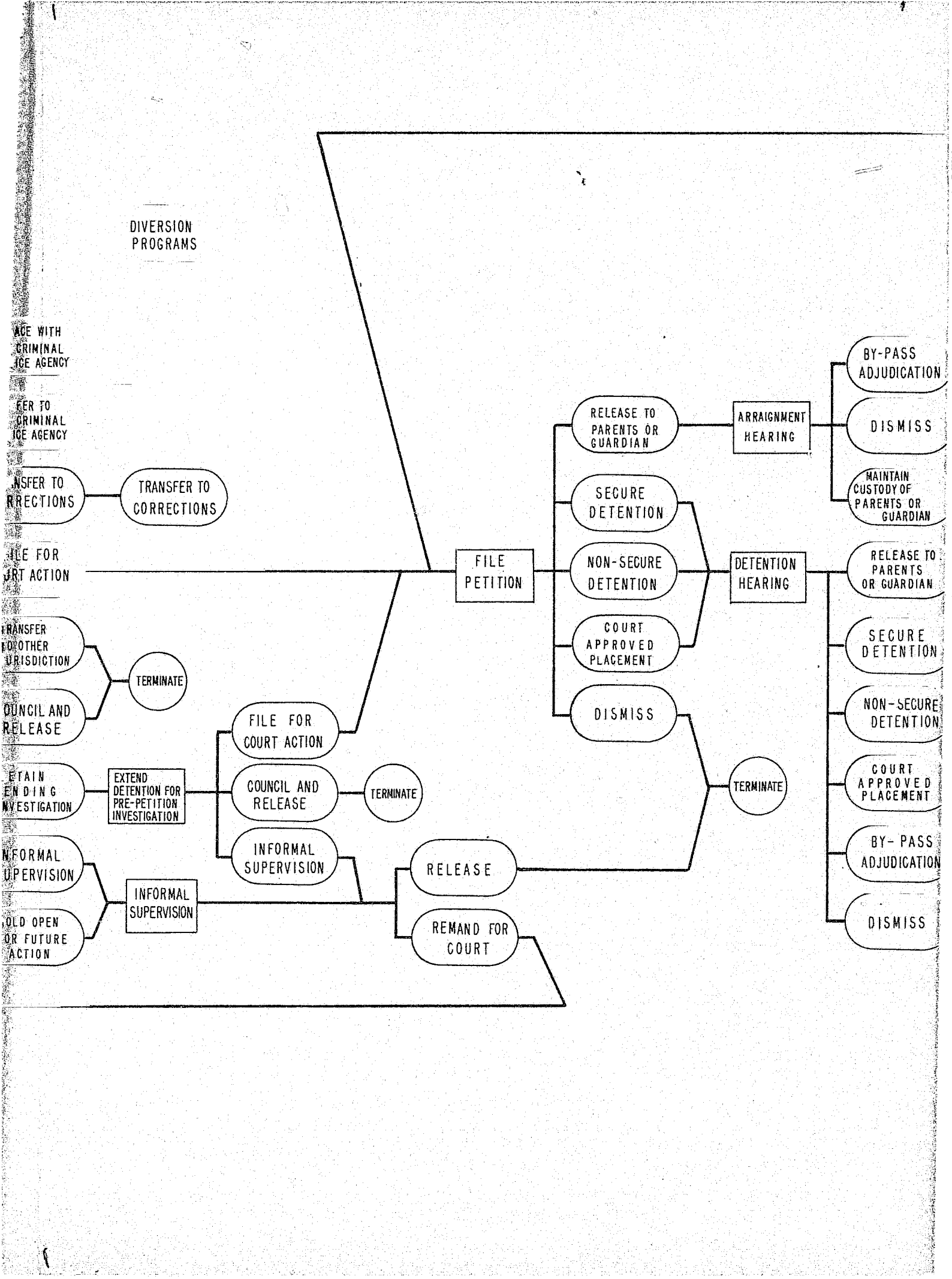
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INFORMAL SUPERVISION
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REMAND FOR COURT
FILE PETITION
RELEASE TO PARENTS OR GUARDIAN
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NON-SECURE DETENTION
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MAINTAIN CUSTODY OF PARENTS OR GUARDIAN
DETENTION HEARING
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COURT APPROVED PLACEMENT
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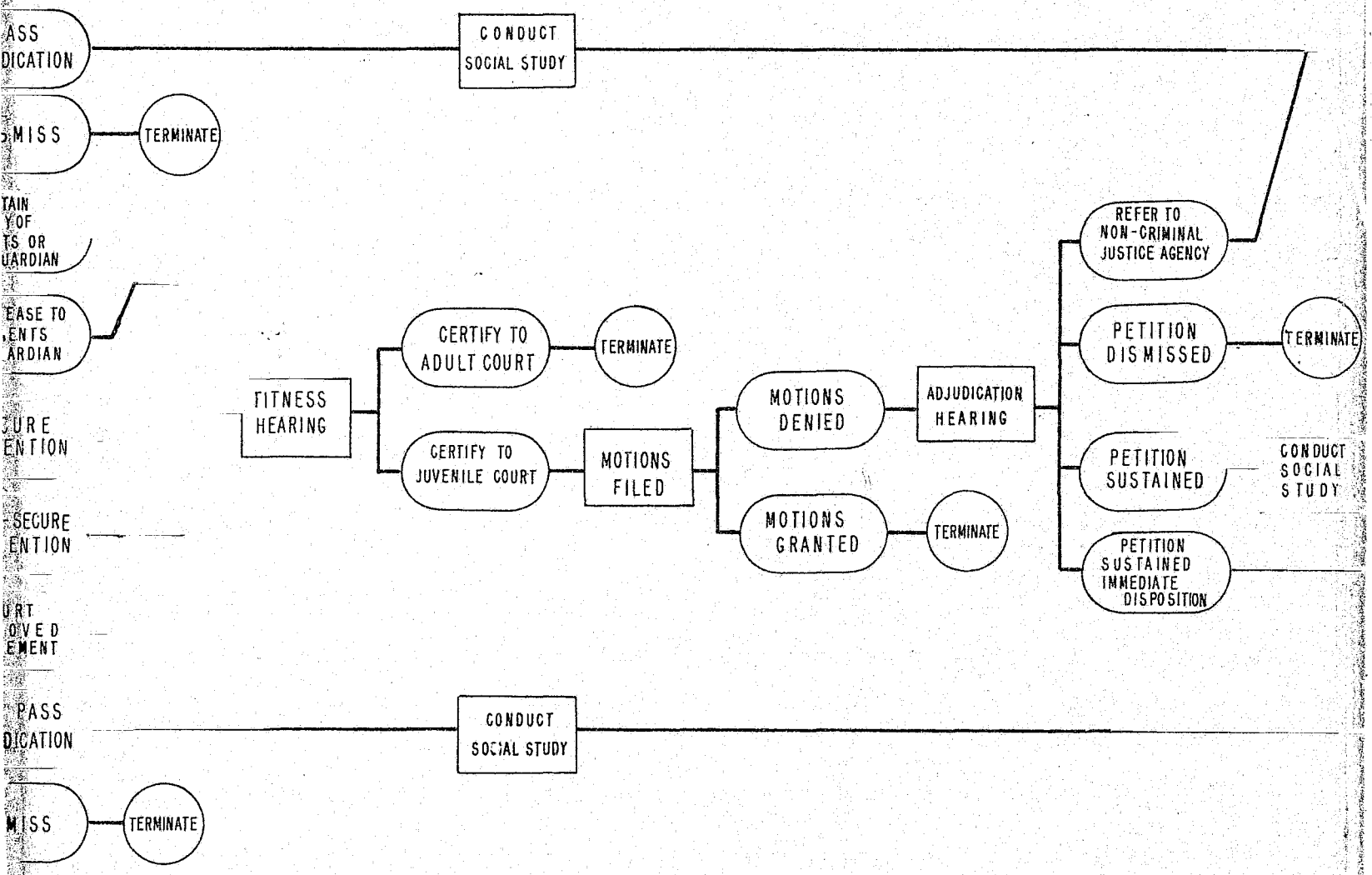
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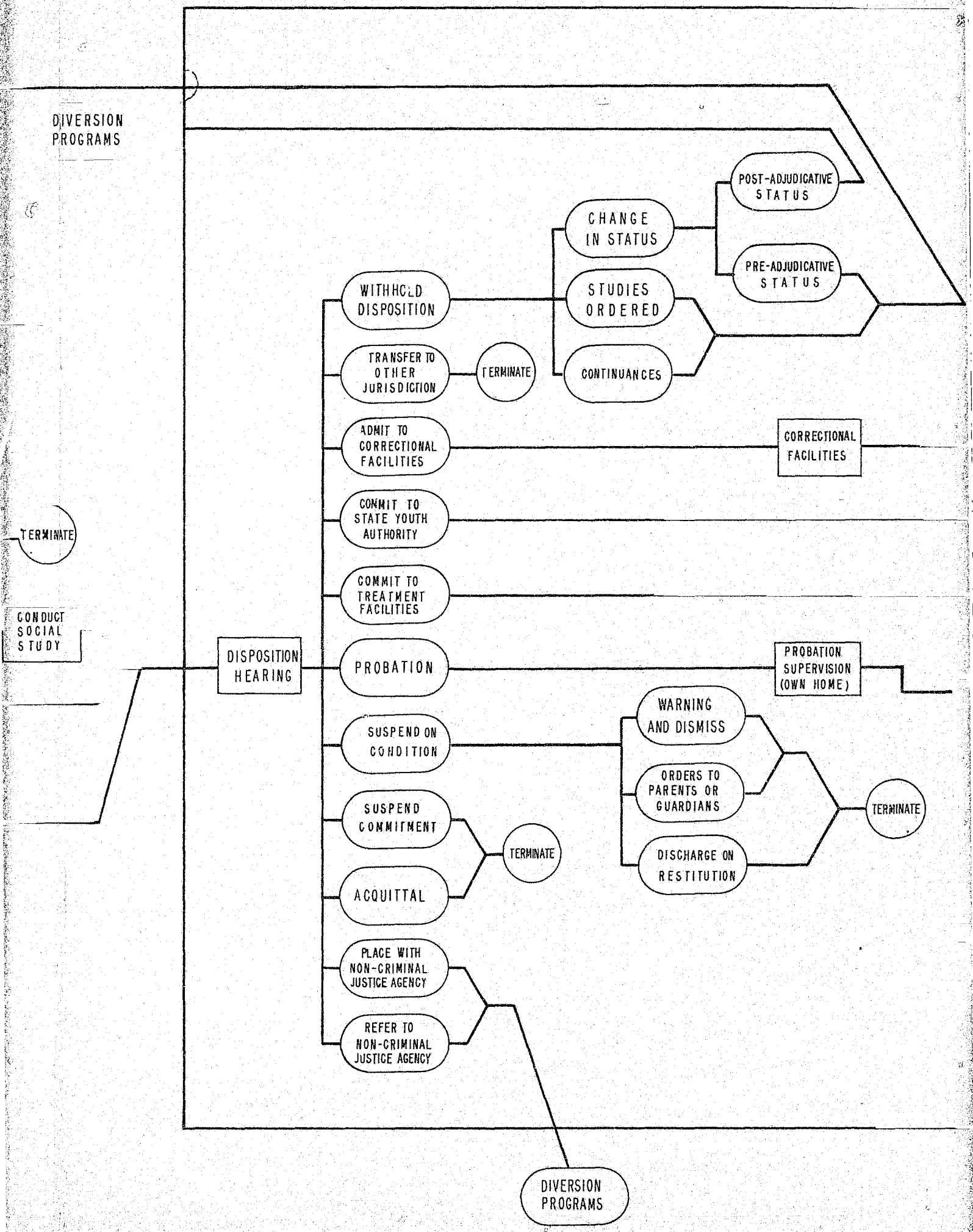
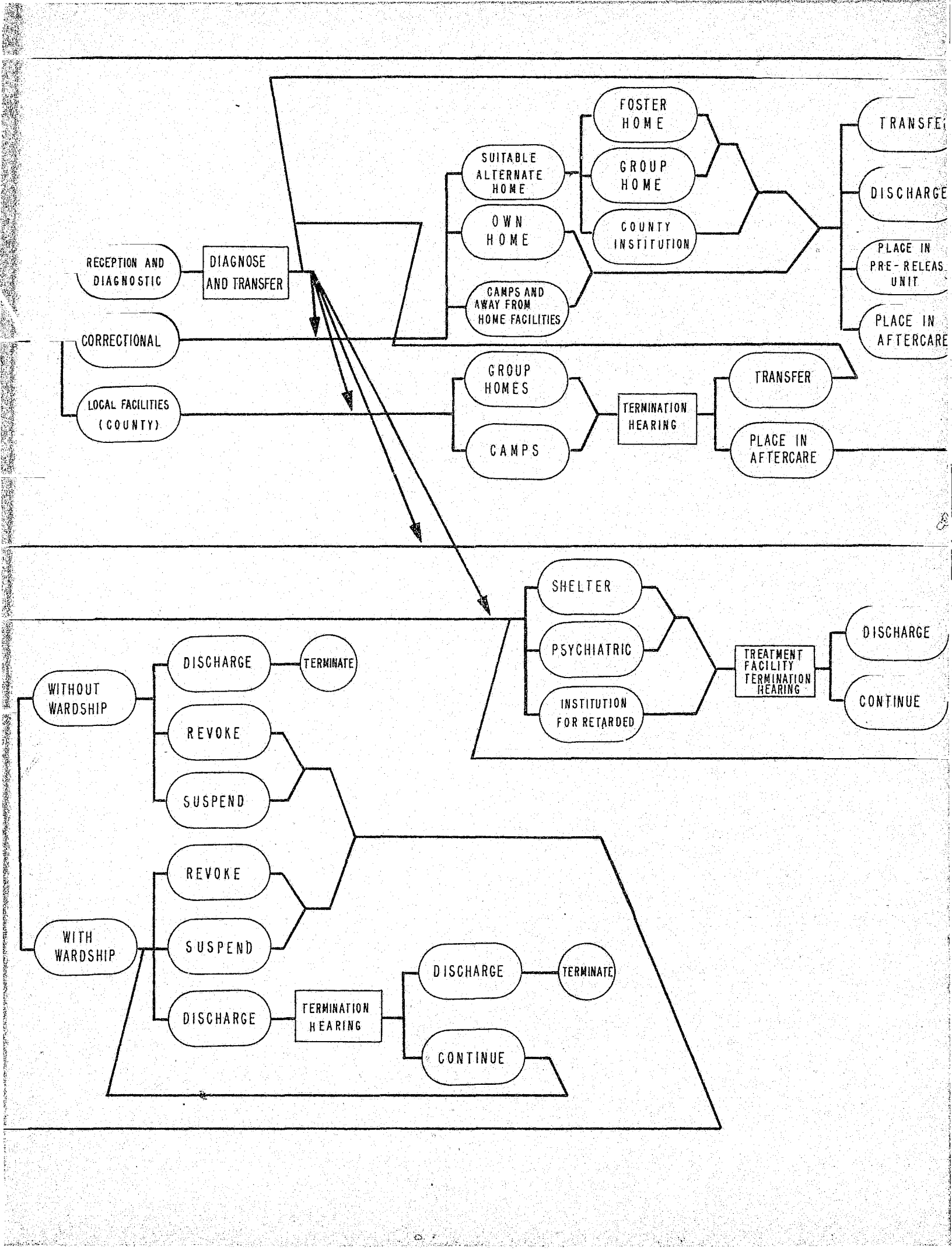
TERMINATE
CERTIFY TO JUVENILE COURT
MOTIONS FILED
MOTIONS DENIED
MOTIONS GRANTED
TERMINATE
ADJUDICATION HEARING
REFER TO NON-CRIMINAL JUSTICE AGENCY
PETITION DISMISSED
TERMINATE
PETITION SUSTAINED
CONDUCT SOCIAL STUDY
PETITION SUSTAINED IMMEDIATE DISPOSITION
CONDUCT SOCIAL STUDY


DIVERSION PROGRAMS
POST-ADJUDICATIVE STATUS
CHANGE IN STATUS
PRE-ADJUDICATIVE STATUS
WITHHOLD DISPOSITION
STUDIES ORDERED
TRANSFER TO OTHER JURISDICTION
TERMINATE
CONTINUANCES
ADMIT TO CORRECTIONAL FACILITIES
CORRECTIONAL FACILITIES
TERMINATE
COMMIT TO STATE YOUTH AUTHORITY
COMMIT TO TREATMENT FACILITIES
CONDUCT SOCIAL STUDY
DISPOSITION HEARING
PROBATION
PROBATION SUPERVISION (OWN HOME)
WARNING AND DISMISS
SUSPEND ON CONDITION
ORDERS TO PARENTS OR GUARDIANS
TERMINATE
SUSPEND COMMITMENT
DISCHARGE ON RESTITUTION
TERMINATE
ACQUITTAL
PLACE WITH NON-CRIMINAL JUSTICE AGENCY
REFER TO NON-CRIMINAL JUSTICE AGENCY
DIVERSION PROGRAMS


RECEPTION AND DIAGNOSTIC
DIAGNOSE AND TRANSFER
CORRECTIONAL
LOCAL FACILITIES (COUNTY)
SUITABLE ALTERNATE HOME
OWN HOME
CAMPS AND AWAY FROM HOME FACILITIES
FOSTER HOME
GROUP HOME
COUNTY INSTITUTION
TRANSFE
DISCHARGE
PLACE IN PRE-RELEAS UNIT
PLACE IN AFTERCARE
GROUP HOMES
CAMPS
TERMINATION HEARING
TRANSFER
PLACE IN AFTERCARE
SHELTER
PSYCHIATRIC
INSTITUTION FOR RETARDED
TREATMENT FACILITY TERMINATION HEARING
DISCHARGE
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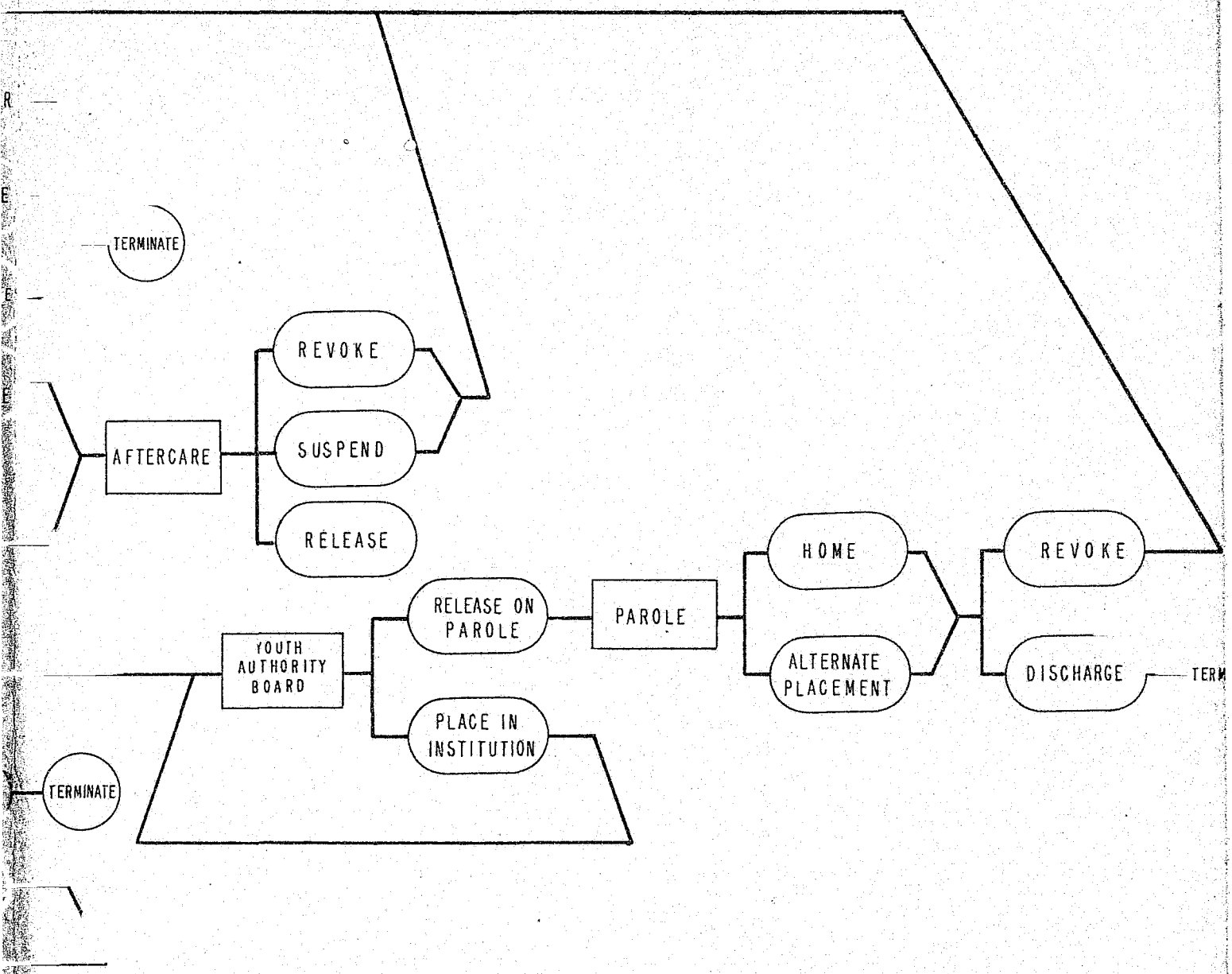

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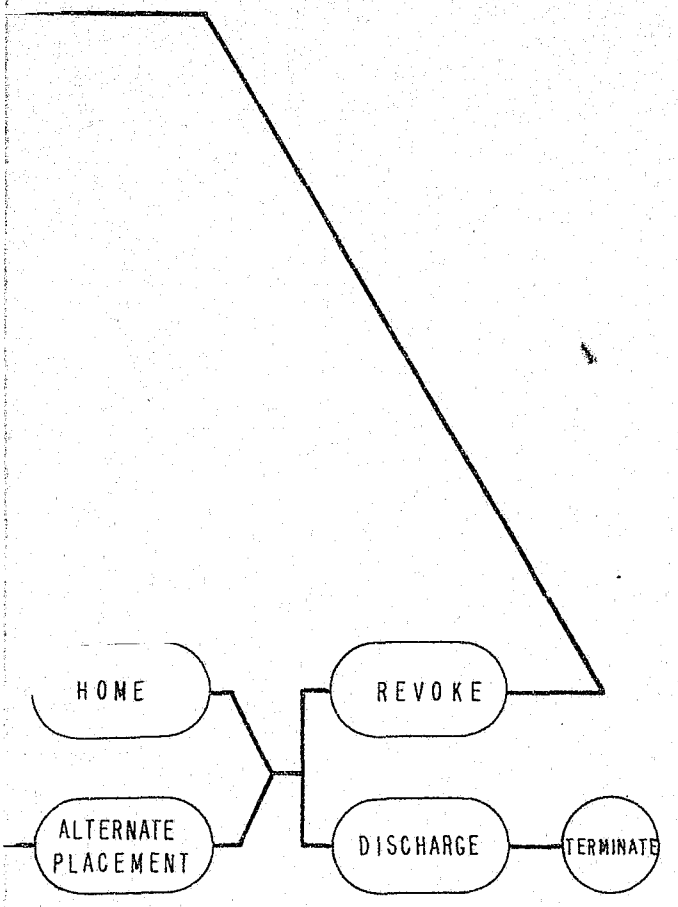

APPENDIX C

ADDITIONAL REFERENCES

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ADDITIONAL REFERENCES NOT INCLUDED IN THE SYNTHESIS DUE TO TIME CONSTRAINTS

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