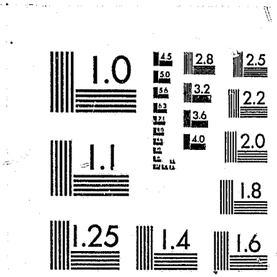


MICROCOPY RESOLUTION TEST CHART
NATIONAL BUREAU OF STANDARDS-1963-A

National Institute of Justice
United States Department of Justice
Washington, D.C. 20531

11/01/82

MF-1

STUDY OF STRUCTURAL CHARACTERISTICS, POLICIES AND OPERATIONAL PROCEDURES IN METROPOLITAN JUVENILE COURTS

VOLUME I

National Center for State Courts
300 Newport Avenue
Williamsburg, Virginia 23185

This research was conducted under Grant No. 78JN-AX-0036, awarded to the National Center for State Courts by the National Institute for Juvenile Justice and Delinquency Prevention of the Office of Juvenile Justice and Delinquency Prevention of the U.S. Department of Justice. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice or the National Center for State Courts.

THE NATIONAL CENTER FOR STATE COURTS

The National Center for State Courts is a nonprofit organization dedicated to the modernization of court operations and the improvement of justice at the state and local level throughout the country. It functions as an extension of the state court systems, working for them at their direction and providing for them an effective voice in matters of national importance.

In carrying out its purpose, the National Center acts as a focal point for state judicial reform, serves as a catalyst for setting and implementing standards of fair and expeditious judicial administration, and finds and disseminates answers to the problems of state judicial systems. In sum, the National Center provides the means for reinvesting in all states the profits gained from judicial advances in any state.

VOLUME I

Edited by
Janice Hendryx
and
Jeanne A. Ito

STUDY OF STRUCTURAL CHARACTERISTICS, POLICIES AND OPERATIONAL PROCEDURES IN METROPOLITAN JUVENILE COURTS

PROJECT STAFF

Project Directors	Orm W. Ketcham (October 1978-March 1980) Janice Hendryx (April 1980-December 1980)
Senior Staff Associate	W. Vaughan Stapleton
Senior Staff Attorney	David F. Halbach
Staff Associates	Jeanne A. Ito Barbara A. Kajdan
Administrative Staff	Brenda Jones Linda Perkins

The following individuals worked on the project part time and made significant contributions.

Research Director	Joel Zimmerman
Consultant	David Aday
Senior Staff Associate	Jag Uppal
Staff Associates	Linda Caviness Linda Sweeney Barbara Zaremba
Research Assistants	John Brown Doug Foister Virginia Lee Jan Orfe Dan Santoro

ACKNOWLEDGMENTS

The list of persons who have contributed to the completion of this report is long and their contributions are many. The management staff of the National Center are appreciated for their financial and personal support. We are indebted to the project's National Advisory Board members for their support and guidance. Personal gratitude is expressed to Pam Swain, the grant monitor, for her patient endurance. We especially appreciate and admire the talents and dedication of Linda Perkins. Her suggestions for this report and her participation in all aspects of it were always outstanding.

Part 1 of this volume, the description and analysis of the survey results, involved all full- and part-time project staff. They developed the survey instrument, collected and coded the data, analyzed and reanalyzed the results. We especially are grateful to David F. Halbach, William Vaughan Stapleton, and David Aday for reviews of the chapters. We would also like to express special thanks to Brenda Jones for her contributions, which included assisting in coding the data, entering it in the computer, and preparation of Appendix C, Composite Responses.

From instrument development through footnotes, the construction of the typology also involved the entire project staff. In addition we received assistance from other National Center staff who, because of their interest in the typology, gave unselfishly of their time and talents. We are grateful to Dr. Elizabeth Smith, currently Assistant Professor of Sociology at the University of Minnesota at Duluth, for her capable consultation in using the SPSS and SAS computer programs. Her

understanding of these statistical packages and her capacity for creative application of the procedures were valuable contributions to the data analyses. Dr. Joel Zimmerman deserves special mention for his contributions to the analysis plan and construction of the typology. His knowledge of analytic techniques enabled us to proceed more efficiently with data analysis; his substantive reviews of the work improved the quality of this report.

The authors of Part 3, the pilot test of the effects of court type on case outcome, gratefully acknowledge the contributions of project director Janice Hendryx and project staff David Halbach, Barbara Kajdan, Barbara Zaremba, and Jag Uppal who assisted in data collection and Douglas Foister who assisted in analysis of the data.

The views expressed herein, however, are those of the authors and do not necessarily represent positions of the National Center for State Courts or the National Institute for Juvenile Justice and Delinquency Prevention.

TABLE OF CONTENTS

	Page
ACKNOWLEDGMENTS	ix
LIST OF TABLES	xiii
LIST OF FIGURES	xix
ABSTRACT	xxi
EXECUTIVE SUMMARY	xxiii
METROPOLITAN JUVENILE COURT JURISDICTIONS PARTICIPATING IN THE SURVEY BY AND STATE	lvii
PART 1: DESCRIPTION AND ANALYSIS OF ORGANIZATION AND PROCEDURES	1
CHAPTER 1 INTRODUCTION	3
Survey Guidelines	5
Site Selection	6
The Research Design	7
Questionnaire Construction	7
The Pretest	8
Administration of the Survey	9
Methodological Concerns	11
The Findings	13
CHAPTER 2 JUVENILE JURISDICTION AND JUVENILE COURT JUDGES	15
Location of Juvenile Jurisdiction	16
Juvenile Court Judges	21
Use of Quasi- and Para-judicial Officers	27
Summary	31
CHAPTER 3 ADMINISTRATION OF SUPPORT SERVICES	35
Court vs. Executive Control of Support Services	35
Administrative Control of Probation	41
Administration of Support Services	44
Administration of Detention	52
Personnel Administration	57
Summary	61

CHAPTER 4 INTAKE 63

The Organization of Intake 65
Screening Criteria 77
Discretion and Processing Alternatives 80
Due Process Safeguards 86
Summary and Conclusions 87

CHAPTER 5 PREADJUDICATION DETENTION 91

Detention Screening 92
Detention Hearing 93
Summary 106

CHAPTER 6 ADJUDICATION AND DISPOSITION 107

The Role of Counsel 107
The Role of Prosecutor 112
Formalization 122
Dispositional Options 134
Summary 146

CHAPTER 7 CONCLUSIONS AND IMPLICATIONS 149

Structure and Organization of Juvenile Jurisdiction 150
Administration of Support Services 152
Intake 153
Preadjudication Detention 155
Adjudication and Disposition 157
Implications 159

PART 2: A TYPOLOGY OF METROPOLITAN JUVENILE COURTS 167

The Dimensions of Juvenile Justice 168
Construction of the Typology 174
Discussion and Implications 187

PART 3: THE ROLE OF COURT TYPE IN JUVENILE COURT DISPOSITIONAL OUTCOMES 201

The Research Setting 204
The Variables 205
The Analysis 208
Findings 211
Summary and Discussion 221

REFERENCES 225

LIST OF TABLES

TABLE Page

PART 1

2.1 Placement of Juvenile Jurisdiction Within the Court 20

2.2 Methods of Selecting Judges in Metropolitan Juvenile Courts 22

2.3 Relationship Between Judicial Selection and Court Jurisdiction 23

2.4 Method of Assignment 24

2.5 Relationship Between Full-time Assignment and Court Jurisdiction 26

2.6 Courts that Use Quasi-Judicial Officers and Para-Judicial Officers 29

2.7 Use of Quasi-Judicial Officers by Court Jurisdiction 29

2.8 Use of Para-Judicial Officers by Court Jurisdiction 30

2.9 Types of Judicial Officers in the 150 Courts and the Kinds of Cases They Hear 31

3.1 Source of Funds for Probation Departments 42

3.2 Control of Probation Employment 43

3.3 Administrative Control of Probation by Court Jurisdiction 44

3.4 Number of Court Administered Social Services by Administrative Control of Probation 45

3.5 Court Control of Social Services by Administrative Control of Probation 46

3.6 Control of Foster Care by Administrative Control of Probation 48

TABLE		Page
3.7	Administrative Control of Probation by Court Control of Psychological Evaluations	49
3.8	Administrative Control of Probation by Court Control of Psychological Counseling	49
3.9	Administrative Control of Probation by Court Control of Shelter Care	50
3.10	Administrative Control of Probation by Court Control of Diversion Programs	51
3.11	Administrative Control of Detention by Court Jurisdiction	55
3.12	Who First Reviews the Complaint by Who Controls Detention	56
3.13	Employee Protection Systems for Probation Employees by Administrative Control of Probation	58
3.14	Employee protections for probation personnel by Administrative Control of Detention	59
3.15	Employee Protections for Probation Personnel by Administrative Control of Probation	60
3.16	Employee Protections for Detention Personnel by Administrative Control of Detention	61
4.1	Initial Review of Complaints by Administrative Control of Probation	69
4.2	Decision to File Petition by Administrative Control of Probation	71
4.3	Initial Review of Complaints by Decision to File Petition	72
4.4	Screening Process	74
4.5	Diversion of Status Offenders from Official Court Processing by Initial Review of Complaints	77
4.6	Relationship Between Intake Screening Criteria and Who Reviews Complaint	79
4.7	Relationship Between Intake Screening Criteria and Who Makes Decision to File	79

TABLE		Page
4.8	Intake Processing Options for Alleged Criminal Law Violators by Administrative Control of Probation	81
4.9	Intake Processing Options for Status Offense Cases by ADministratiave Control of Probation	82
4.10	Nonjudicial Conference Prior to Petition for a Law Violation by Who Reviews the Complaint	83
4.11	Relationship Between Holding a Nonjudicial Conference After a Petition by Who Reviews the Complaint	84
4.12	Nonjudicial Conferences Prior to Petition for A Status Offense by Who Reviews the Complaint	85
4.13	Nonjudicial Conferences After a Petition on a Status Offense by Who Reviews the Complaint	85
5.1	Timeliness of Detention Hearings	95
5.2	Timeliness of Detention Hearing by Who Has Administrative Control of Detention	96
5.3	Timeliness of Detention Hearing by Who Administers Probation	97
5.4	Timeliness of Detention Hearing by Court Jurisdiction	98
5.5	Timeliness of Detention Hearing by Role of Prosecutor in Petition Decision	99
5.6	Timeliness of Detention Hearing by Assignment of Counsel	100
5.7	Officials Presiding at Detention Hearings	101
5.8	Who Presides Over Detention Hearing by Who Administers Detention Facility	102
5.9	Who Presides Over Detention Hearing by Who Controls Probation	103
5.10	Who Holds Detention Hearing by Role of Prosecutor in Petition Decision	104
5.11	Factors Considered in Decision to Continue Detention	105

TABLE		Page
6.1	Source of Representation for Indigents	108
6.2	Source of Representation for Indigents by Court Jurisdiction	109
6.3	When Counsel Assigned	110
6.4	When Counsel Assigned by Source of Representation for Indigents	111
6.5	Who Organizes Evidence in Delinquency Cases for Presentation in Court	114
6.6	Who Organizes Evidence in Status Offense Cases for Presentation in Court	115
6.7	Persons With Whom Plea Negotiations Conducted	117
6.8	Plea Bargaining by Administrative Control of Probation	117
6.9	Plea Bargaining by Who Does Initial Review of Complaint	118
6.10	Plea Bargaining by Who Files Petition	119
6.11	Presence of Prosecutor at Disposition by Court Jurisdiction	121
6.12	Presence of Prosecutor at Disposition by Who Controls Probation	121
6.13	Courts Using a Formal Response (Arraignment Hearing) in Cases of Alleged Delinquency	123
6.14	Courts Using a Formal Response (Arraignment Hearing) in Status Offense Cases	124
6.15	Arraignment in Cases of Alleged Delinquency by Who Controls Probation	125
6.16	Arraignment Hearing in Status Offense Cases by Who Controls Probation	125
6.17	Arraignment Hearing in Cases of Alleged Delinquency by Who Does Initial Intake Screening	126
6.18	Arraignment Hearing in Status Offense Cases by Who Does Initial Screening	127

TABLE		Page
6.19	Arraignment Hearing in Cases of Alleged Delinquency by Who Files Petition	128
6.20	Arraignment Hearing in Status Offenses by Who Files Petition	128
6.21	Mandatory Bifurcation by Court Jurisdiction	130
6.22	Mandatory Bifurcation by Who Controls Probation	130
6.23	Mandatory Bifurcation by Who Files Petition	131
6.24	Bifurcated Hearing by Court Jurisdiction	132
6.25	Bifurcated Hearing by Who Controls Probation	132
6.26	Bifurcated Hearing by Who Files Petition	133
6.27	Dispositional Options for Juvenile Who Has Violated the Criminal Law	135
6.28	Courts with Option to Commit Delinquents to Nonsecure Facilities by Jurisdiction	137
6.29	Courts with Option to Commit Delinquents to Nonsecure Facilities by Who Controls Probation	138
6.30	Courts with Option to Commit Delinquents to Nonsecure Facilities by Prosecutor's Participation in Petition Decision	139
6.31	Dispositional Options for a Juvenile Status Offender	140
6.32	Courts with Option to Commit Status Offenders to Nonsecure Facilities by Jurisdiction	141
6.33	Courts with Option to Commit Status Offenders to Nonsecure Facilities by Who Controls Probation	142
6.34	Courts with Option to Commit Status Offenders to Nonsecure Facilities by Participation of Prosecutor in Petition Decision	142
6.35	Commitment Options for Status Offenders by Jurisdiction	143

TABLE		Page
6.36	Commitment Options for Status Offenders by Who Controls Probation	144
6.37	Commitment Options for Status Offenders by Prosecutor's Participation in Petition Decision	145
Part 2		
1.	Factors of Court Characteristics	169
2.	Indicators of Factor Structure of Juvenile Courts	175
3.	An Empirical Typology of Metropolitan Juvenile Courts	176
A	The Unfolded Factor Structure by Court Type	193
B	Courts Identified by Cluster Number	197
Part 3		
1.	Distribution of Case Dispositions by Court	206
2.	Distribution of Dispositions by Analytic Treatment	209
3.	Discriminating Variables in Dispositional Outcome	211
4.	Discriminating Variables in Dispositional Outcome	213
5.	Discriminating Variables in Official/Unofficial Decision	215
6.	Discriminating Variables in Official/Unofficial Decision	217
7.	Discriminating Variables in Probation/Commitment Decision	218
8.	Discriminating Variables in Probation/Commitment Decision	220

LIST OF FIGURES

FIGURE		Page
1	An Empirical Typology of Metropolitan Juvenile Courts	177
2	A Paradigm of Contemporary Juvenile Justice	179
3	Typology Crossovers	185

ABSTRACT

STUDY OF STRUCTURAL CHARACTERISTICS, POLICIES
AND OPERATIONAL PROCEDURES IN METROPOLITAN
JUVENILE COURTS

This report describes the results of a two-year study of the structural characteristics, policies, and operational procedures in metropolitan juvenile courts. Data on court characteristics were gathered through a mail/telephone survey of key personnel (judges, probation officers, court services administrators) in a saturated sample of 150 metropolitan juvenile courts. Analysis of these data provide a general description of metropolitan juvenile courts ten years after the landmark Gault decision suggestive of the change that has taken place in juvenile justice. The descriptive analysis focuses on five general topics--the location of juvenile jurisdiction and juvenile court judges, the administration of social services, intake, preadjudication detention, and adjudication and disposition. The report also presents a typology developed through the research that provides a measure of the variation in the organization and operation of juvenile courts and suggests change mechanisms that may account for these variations. The results of a pilot test suggest a relationship between court type and case outcomes. The theoretical and policy implications of the research are discussed.

EXECUTIVE SUMMARY

In September 1978 the National Institute of Juvenile Justice and Delinquency Prevention awarded a grant to the National Center for State Courts to conduct a two-year study of structural, organizational, and procedural characteristics of metropolitan juvenile courts.

The judicial and executive initiatives commenced in 1967 by the Supreme Court's landmark opinion of In re Gault and by the President's Commission on Law Enforcement and Administration of Justice set in motion numerous changes in the juvenile justice system designed to ensure due process of law for youthful offenders. Passage of the Juvenile Justice and Delinquency Prevention Act in 1974 created additional pressures and incentives for standardization, diversion, and deinstitutionalization.

Today's juvenile courts operate under a myriad of pressures from courts, commissions, congress, scholars, legislatures, standards groups, and others to institute various reforms. Suggested reforms include the adoption of different philosophies, changes in who is to be included in or excluded from the court's jurisdiction, different organizational alignments and structures, new procedural concerns, more services, and new ideas on how services should be organized and administered.

Many suggested reforms are controversial. While In re Gault marked a recognition of the "child-saving" movement gone awry, many fear the consequences of transforming the traditional parens patriae approach to juvenile justice into a "junior criminal court." Must the juvenile court abandon its rehabilitative goals in order to ensure due process for youth?

There is no measure of the structure of juvenile courts prior to the Gault decision against which to compare today's juvenile courts. A current picture, however, is necessary in order to assess the need for the implementation of various recommended reforms. The study reported here provided this through a survey of the structural, organizational, and procedural characteristics of metropolitan juvenile courts. At the conclusion of the survey, a pilot study was conducted in three of the courts in the survey to assess the effects of structure on case outcomes.

The Survey of Metropolitan Juvenile Courts

The survey of metropolitan juvenile courts was designed to gather information on juvenile court jurisdiction, its location within the state court system, judicial officers, due process procedures, intake, detention, and social services.

Two methods of analysis were performed on these data. The first method consisted of a univariate and bivariate analysis that provided a description of the distribution of metropolitan juvenile courts on each of the variables included in the survey. This analysis indicated those features that distinguish among courts. The bivariate analysis, looking at the variables two at a time, can only suggest associations among the variables. Nevertheless, in cross-tabulation of the key features with other variables definite patterns began to emerge.

While Part 1 of the final report explores these patterns, Part 2 presents the results of a more methodologically sophisticated typological analysis. Factor analysis of the data identified five structural dimensions of juvenile courts. A cluster analytic procedure, based on indicators of the five derived factors representative of structural

dimensions, produced an empirical typology of twelve types of juvenile courts. Further reduction of the typology through the use of property space resulted in a paradigm of juvenile justice suggestive of the change process taking place in the field. Part 3 reports the results of the pilot study of the effects of court type on case outcomes.

Metropolitan Juvenile Courts

The survey population was defined as:

> All the courts that have primary responsibility for processing juvenile court cases for the largest jurisdictions in the United States. These courts would be defined in terms of all court jurisdictions that serve local, geo-political areas of a certain size and kind--usually known in the United States as counties.

"Primary responsibility" was defined as the court within a jurisdiction that had original jurisdiction over and heard the majority of juvenile cases. "Largest jurisdictions" included an initial list of the 160 counties with populations of more than 250,000 persons. Three courts in Massachusetts, initially selected from population estimates, were dropped because they did not have primary responsibility for juvenile matters in major metropolitan areas. Three Connecticut and five New York City Family Courts were consolidated and counted as "single-systems." The final sample selection yielded a population of 151 courts. Most of the juvenile courts surveyed had geographic jurisdictions that coincided with county lines. In all, 39 states from all regions of the country and the District of Columbia were represented. All but one court in this saturated sample of metropolitan juvenile courts participated in the survey. See page xlviii for a complete listing of the jurisdictions.

The Survey

There were two principal objectives that had to be met in the construction of the survey instrument. First, a range of questions had

to be generated that would yield answers of interest to the user population. Second, the questions had to reflect current theoretical concerns in the literature on juvenile justice. The questionnaire was designed to proceed from general structural characteristics and administrative relationships directly to stages of juvenile court processing--from intake through disposition.

Respondents included key juvenile court personnel, in most cases, one judge and one court administrator or chief probation officer per court. Data were collected via a combination mail/telephone survey. Respondents were provided a copy of the research instrument and responses were recorded during scheduled telephone interviews conducted by project staff.

Data collection was completed by February 1980, an effort that resulted in 126 two-responder and 24 single-responder courts. The latter were examined for internal consistency and the number of responses recorded as "don't know."

Data Reliability

The two-responder courts were examined for reliability of responses as measured by the amount of agreement calculated for each court. If a court recorded 70 percent agreement (or greater) between the two persons interviewed, the court was scheduled for a telephone callback and a follow-up interview with one or both of the original participants. If neither of the original responders was available, a third person was asked to resolve disagreements. Staff conducted on-site interviews with responders in courts with a reliability estimate of less than 70 percent. To further increase reliability, a staff member not familiar

with the court through prior interview or personal experience, was assigned to conduct the callback or site visit. The followup interviews were completed in April 1980 and a complete response set was constructed for each court. These 150 composite response sets with a resolved 98 percent agreement between respondents provided the data for analysis.

A Descriptive Analysis of Metropolitan Juvenile Courts

The descriptive analysis of metropolitan juvenile courts is organized around five topics--location of juvenile jurisdiction and juvenile court judges, administration of support services, intake procedures, preadjudication detention, and procedures at adjudication and disposition.

Location of Juvenile Jurisdiction and Juvenile Court Judges

The "juvenile court" was founded almost 100 years ago on the premise that juvenile matters are distinct from adult criminal matters and should be handled in a separate institution. This institution, the juvenile court, was to have its own procedures, designed to "help" juveniles in trouble and its own personnel with expertise in dealing with problem youth. This "separateness" of the juvenile court was to become its hallmark. The stereotypical "traditional" juvenile court was a court of special or limited jurisdiction presided over and administered by a juvenile judge, assisted primarily by social service personnel.

Various pressures, however, have promoted a blurring of the distinctions between the juvenile court and the adult criminal court. One such pressure is the general court unification movement, which has sought to improve the efficiency of the justice system through the consolidation of courts. Another source of pressure are standards groups

who see the location of juvenile jurisdiction in a limited or special court as an indication of lower status in the justice system, a status that threatens the quality of juvenile justice. Critics of the juvenile court have come to associate its very existence as a unique entity with the deprivation of due process for juveniles and have sought changes that would bring juvenile courts to more closely resemble adult criminal courts. Still others associate the juvenile court and its staff with "mollycoddling" and demand the more punitive stance of the adult court.

This study does not directly address the question of the effect of the location of juvenile jurisdiction and the nature of judicial personnel on the quality of justice. It does, however, indicate the extent to which metropolitan juvenile courts are separate and distinct within the justice system, in terms of structure and personnel. The survey questionnaire asked whether a court was of general or limited jurisdiction to determine the location of juvenile jurisdiction within the court system. Questions were also asked about method of judicial selection and assignment, types of judicial officers, and the types of cases heard by each to determine the extent to which a specialized juvenile staff may have developed.

The data show that 62.7 percent of the metropolitan juvenile courts are general jurisdiction courts. Many of them, however, remain as special divisions of the general trial court system. Most of the judges hold elective positions, although this is more true of those in general jurisdiction courts. It is suspected, however, that most attained their positions through interim appointment. Neither jurisdiction nor judicial selection method, therefore, can be considered a good indicator of the separateness or integration of the juvenile court.

Assignment method as an indicator of integration is also confounded by the lack of data on the duration of assignment. Most of the judges are assigned to juvenile matters full time, although limited jurisdiction courts are, predictably, more likely to have full-time juvenile judges than general jurisdiction courts.

About half of the courts in the study employ quasi-judicial officers to hear delinquency, status offense, and dependency/neglect cases. Only 20 percent use para-judicial officers to hear traffic or minor offenses. General jurisdiction, rather than limited jurisdiction, courts were more likely to use quasi- or para-judicial personnel.

Administration of Support Services

The juvenile court was founded as basically a social service agency. Critics of the juvenile court in this role have argued for administration of at least some services by an executive agency. Controversy over control of probation and support services has focused on the appropriate functions of the court and issues of accountability, conflict of interest, and efficiency. The appropriate role for the court in the administration of services was not addressed by this study. The survey data do indicate, however, the extent to which metropolitan juvenile courts maintain control over probation, detention, social services, and the personnel who provide these services.

For purposes of this study, the probation department was defined as the organization performing the majority of traditional probation functions regardless of its title. To determine the degree of control exercised by the court, three questions were asked: who has principal

administrative control of the probation department, who provides the funds, and who hires and fires the employees.

Of the 150 jurisdictions surveyed, the majority (60.7 percent) reported that the court has principal administrative control of the probation department while 33.3 percent of the probation departments are administered by an executive agency. Limited jurisdiction courts, however, are slightly more likely to control probation than general jurisdiction. The court has primary responsibility for hiring and firing probation personnel in 64 percent of the courts and in 40 percent of the jurisdictions the probation department is a line item in the court's budget.

Courts that administer probation were found more likely to administer various court-related social services. Also the court is less likely to administer services when probation is administered at the state level than when it is administered by a local executive agency. Courts with administrative control of probation are far more likely to be responsible for social services than courts with probation administered by either level of the executive branch.

Administration of detention facilities involves many of the same issues as probation and social services. The present survey found that detention facilities are administered principally by the executive branch (64 percent). In 36 percent of the jurisdictions, the court has primary control. The majority of detention facilities (73.3 percent) are funded principally by county governments. Even though only 16.7 percent of the detention facilities are under a state agency, 37.3 percent receive some funding from the state. The data show that judicial administration of

detention is associated with court control of the initial review of complaints. Detention also is more likely to be executively administered in courts of limited jurisdiction than courts of general jurisdiction.

The survey further found that executively administered probation and detention staffs are more likely to have employee protection systems than those administered by the courts. Also, state executive agency operated detention facilities are more likely to have both merit systems and unions for detention personnel than local executive and court controlled detention. These findings may reflect "cultural lag" in court management, or reflect the organizational structure of court systems.

Intake

Juvenile courts, since their inception, have had procedures and staff to screen referrals and to resolve some cases without formal court processing. As the juvenile court has evolved and come under increasing criticism, intake has been one of the targets. Intake traditionally has exercised considerable discretion not only in deciding which cases are referred to court, but also in the "informal" disposition of cases not referred for a judicial hearing. Wide discretion permitted intake workers to place juveniles on probation with no legal determination of facts or other legal safeguards. As the potential for abuse has become recognized, procedures have become more formalized, and the decision-making criteria have been made more explicit.

Court employed probation officers traditionally screened referrals to the court. Over the years probation departments have become more specialized and more of them have come under executive agency control.

Thus, we have the more specific title--intake officer instead of probation officer; there are separate intake units and more intake is being performed by employees of the executive branch of government and by prosecutors. The data indicate that intake is performed by a division of an executive or court administered probation department in 115 of the courts. There are 18 courts in which responsibility for intake is shared by the probation department and the prosecutor's office. The prosecutor has sole responsibility for intake in 11 courts. Six courts reported that clerks, magistrates, or other court employees do the screening.

Several questions were asked to clarify the specific responsibilities included in each court's intake function and to distinguish among types of intake staffs. Responders were asked who has responsibility for initially examining the complaint and who is responsible for deciding whether to file a petition. They also were asked to tell how the review is done, the purpose of the review, and the nature of the issues to be decided (e.g., probable cause, jurisidiction, best interest, whether to detain).

Although 91 of the courts have administrative control of probation, only 58 of these courts reported that court intake staff has sole responsibility for the initial review of complaints. Of the 59 courts reporting that an executive branch or other agency has principal administrative control of probation, 36 reported that an executive agency intake staff has sole responsibility for initial review of complaints.

The prosecutor's office makes the decision whether to file petitions in 88.4 percent of the courts with executively administered probation. Of 81 courts that administer probation, most (56.8 percent)

have their intake staffs decide whether petitions are filed. In 37 percent of these 81 courts the prosecutor makes that decision.

This suggests that prosecutors are taking a more active role in the juvenile court and that the role of the prosecutor is related to administrative control of probation. Does this also mean that intake procedures are becoming more formal with more emphasis on due process, and that probation or intake officers have less discretion?

Prosecutors make the decision whether to file a petition in 100.0 percent of the courts in which they first review the complaint, in 93.5 percent of the courts in which executive intake first reviews, but in only 29.3 percent of the courts in which court administered intake makes the initial review. (See Chapter 4, Table 4.3.)

The data indicate the development of a two-stage screening process in approximately half of the courts studied. In approximately two-thirds of the courts with one-stage processing, court intake is responsible for all screening. In all of the courts with a two-stage screening process the prosecutor is involved in the decision to file a petition. In over half of these courts an executive agency initially reviews the complaint and in 30.4 percent of the courts with double screening the court conducts the initial review.

The development and increase in the use of shared screening is likely a response to increased concern with the due process rights of juveniles. Another response is the development in several jurisdictions of a triage process that singles out the more serious cases that may result in the loss of liberty. For these cases full application of due process rights is assured. Status offense cases or misdemeanors may be

diverted or referred to agencies. In some courts status offense cases are not even included in the court's jurisdiction.

Responders were asked if the court conducted a non-judicial conference to try to resolve the case without formal court involvement prior to or after a petition was filed. When court or executive administered intake conducts the initial review they almost always hold a nonjudicial conference. They are almost twice as likely to have a conference than courts in which the prosecutor does the initial review. Although both court and executive intake have considerable discretion before a petition is filed, executive intake is more likely to lose discretion after a petition is filed than is court administered intake.

Much of the research that has been conducted on intake processes has sought to determine the criteria used and their relative weights in the decision to file a petition or to process informally. In the traditional juvenile court that emphasizes the condition of the child and is oriented toward treatment, we would expect social factors to influence decision making. This research has resulted in varied findings. In the survey reported here, 33.8 percent of the courts reported that the processing decision is made on legal factors only (including previous record) while 62.8 percent consider both social and legal factors. In the remaining 3.4 percent, intake is merely a clerical function and any decisions to dismiss cases or divert them are made after a petition has been filed.

Several studies of intake have asserted that it is the least regulated function in the juvenile justice system. It has been suggested that the combination of wide discretion and limited provisions for due

process may produce the greatest opportunity for abuse at intake. While most juvenile justice experts agree that intake should attempt to act in the best interest of the youth and needs to have informal processing options, they also recognize the need for procedural safeguards. The present study found that intake plays a critical role in informing youths of their rights and in the majority of courts intake provides the first notification.

Intake officers continue to exercise a great deal of discretion in deciding how youths will be handled and in the types of cases they have authority to consider. Intake, originally conceived to screen out frivolous complaints and resolve minor disputes, today has become, for an increasing number of juvenile courts, a vehicle for maintaining the therapeutic or rehabilitative goals of the juvenile court, while still preserving basic rights.

Preadjudication Detention

The detention process was initially viewed as serving two major functions: (1) protection (protecting children from hurting themselves through misbehavior) and (2) rehabilitation (the beginning of the treatment process). It is now generally recognized, whatever its purpose, as deprivation of liberty, a serious matter to be viewed in light of due process concerns. The present study focused on the procedures followed in pre-adjudication detention, i.e., the interim between arrest and adjudication. Specifically, questions were designed to determine who makes the initial detention decision, whether a detention hearing is required to decide continued detention, the maximum time within which such a hearing is held, whether counsel is assigned

prior to the hearing, who presides at the detention hearing, and the criteria used in the decision on continued detention.

Referrals to detention facilities may come from police, parents, social agencies, or the court. All such referrals could be automatically accepted. Increasingly, however, screening procedures have been set up to make the initial decision to detain or release a juvenile brought to a detention facility. The initial detention decision is often made at the time of intake by an intake worker. Data from the current study show that in 78.7 percent of the courts surveyed, intake or probation staff have the authority to detain juveniles alleged to be delinquent.

Standards groups recommend that the initial detention decision be reviewed to determine whether detention should continue. The current study reveals that in all 150 courts surveyed, hearings are held to determine whether detention should continue. Most of these courts state as their policy that hearings be scheduled in three days or less. The relationship between timeliness of the detention hearing and due process does not appear to be linear. Earlier hearings do not necessarily mean more procedural due process. Rather, the data indicate an association between the 24 hour time limit or a limit greater than three days and characteristics of traditional juvenile courts. Courts with characteristics of a criminal justice model are more likely to set a 48 or 72 hour limit. This allows more time for attaining an attorney and for attorney preparation time.

Additionally, the survey results indicate that detention hearings are presided over exclusively by judges in fewer than half of the courts. Those courts approximating the traditional model are more likely

to use para- or quasi-judicial officials exclusively or in addition to judges for detention hearings. Criteria for determining detention still appear to be somewhat broad and to emphasize the function of protection, whether for the juvenile or the community. Only eight courts listed probable cause as a factor in determining whether detention should continue.

Adjudication and Disposition

Born at the turn of the century out of the rejection of the adversarial procedures of the criminal court, the juvenile court in the last fifteen years has seen the introduction of many aspects of the adversary system. Today any discussion of the juvenile court must consider the role of defense counsel, the prosecutorial function, due process concerns, and formalized procedures, including arraignment, and adjudicatory and dispositional hearings. The extent to which these elements have been introduced into metropolitan juvenile courts was addressed by the present study.

Much of the change in juvenile court proceedings can be traced to the introduction of attorneys. Although lawyers were present occasionally in juvenile courts prior to the Gault decision, they played a minor role. The Gault decision made clear the need for safeguarding children's rights. The current survey attempted to measure the extent to which counsel is used in juvenile proceedings by asking when counsel for the juvenile is assigned and whether counsel is required to be present at the dispositional hearing. We also asked if legal counsel is provided to indigent juveniles (to which all responded affirmatively) and by whom. In about two-thirds (68.0 percent) of the courts representation is

provided to indigent juveniles by a public defender. In most of the remaining courts, counsel is assigned from an attorneys' list. A juvenile court that is a division of a court of general jurisdiction is more likely to use a public defender system than is a limited jurisdiction juvenile court. When representation is provided to an indigent by a public defender, counsel is slightly more likely to be assigned at intake than when assigned counsel is used. The current study also found that counsel for the juvenile is required to be present at the dispositional hearing in 92.0 percent of the courts surveyed.

If the introduction of lawyers into juvenile proceedings was the first challenge to the nonadversarial nature of juvenile proceedings, the next step was the introduction of prosecutors to represent the state's interest. The present study found that in all but five of the courts the prosecutor may organize the case for presentation when a violation of the criminal law is alleged. In status offense cases the prosecutor may organize the case in less than two-thirds of the courts that handle status offenders. The other significant participants in these proceedings are the probation officer and "someone else" (the complainant or social agency representative.)

The present study revealed that plea bargaining (as distinguished from sentence bargaining) has become common practice in metropolitan juvenile courts. In 85.3 percent of the courts surveyed it was reported that "the counsel for the juvenile or other representative of the juvenile negotiates with someone concerning the plea to be entered." In almost 80 percent of these courts these negotiations are conducted with the prosecutor alone. In another 16.4 percent, the prosecutor is joined

in negotiations by a representative of probation. Plea bargaining is more likely to take place in courts in which probation is executively administered and in which the prosecutor is involved in intake.

Even with the introduction of adversarial proceedings for juveniles, some have felt that the dispositional hearing should not be adversarial in nature. A little over half (52.7 percent) of the courts in the present study reported that the prosecutor is required to be present at disposition. The presence of the prosecutor is more likely to be required when the juvenile court is part of a court of general jurisdiction than when it is a court of limited jurisdiction and also when probation is executively administered rather than administered by the court. The changing role of the prosecutor is a significant gauge of the change that continues to take place in the juvenile justice system.

The criminal justice model toward which many see the juvenile justice system moving is characterized by a formalization of procedures. This includes a formal arraignment, or preliminary hearing, an adjudicatory hearing, and a dispositional hearing, rather than the one informal hearing characteristic of the traditional model. The present survey provides information concerning the extent to which these elements of formalization are present in metropolitan juvenile courts.

The present survey found evidence that a formal arraignment hearing is used in cases of alleged delinquency in 50 percent of the courts. In status offense cases, 56.2 percent of the courts that handle status offenders use a formal arraignment. Formal arraignment proceedings are more likely to be held when probation is executively administered and when the prosecutor is involved in intake.

While most juvenile cases are probably still uncontested and often the only hearing deals with disposition, as an indication of the formalization of the juvenile court system the present survey asked, "Is there a mandatory minimum time interval between adjudication and disposition?" Only 22 percent of the courts responding have such a requirement. A requirement that the hearing be bifurcated is more likely when juvenile jurisdiction is part of a general jurisdiction court, when probation is executively administered, and when court intake does not have responsibility for filing petitions.

Many respondents indicated that while hearings are not bifurcated by requirement, they are in practice in their courts. An additional 32 courts were thus identified as holding separate dispositional hearings, for a total of 65, or 43.3 percent of the total sample. General jurisdiction courts are slightly more likely to bifurcate their hearings (whether by rule or practice) than courts of limited jurisdiction. Bifurcation is also more likely when probation is executively administered and when the prosecutor is involved in intake.

The survey asked whether each of the following dispositional options was available to the court either for a juvenile who has violated the criminal law, or for a juvenile status offender: fines, probation, restitution, direct placement in secure facilities, direct placement in nonsecure facilities, continuance pending adjustment, adjustment and release, commitment to a state agency which determines placement, dismissal, and other.

For juveniles who have violated the criminal law, 90 percent of the courts surveyed have the nominal options of dismissal and adjustment

and release. All of the courts can place juveniles who have violated the criminal law on probation. Most have the conditional options of restitution and continuance pending adjustment. Fewer than half can assess fines for criminal violations. All of the courts in the study have the option of committing adjudicated delinquent juveniles to secure facilities either directly or by committing to a state agency that determines placement. The option of direct placement in nonsecure facilities is available to 86.7 percent of the courts. General jurisdiction courts and courts in which the prosecutor participates in the petition decision are slightly more likely to have the option to use nonsecure facilities.

For status offenders the nominal options of dismissal and adjustment and release are available in over 80 percent of the courts. Conditional options available for disposition of status offense cases include probation and continuance pending adjustment. Thirty-eight percent of the courts report restitution as a dispositional option. Despite the movement spearheaded by the Office of Juvenile Justice and Delinquency Prevention to "deinstitutionalize" status offenders, two-thirds of the courts reported that they have the option to commit staus offenders either directly to secure facilities (8.7 percent) or to a state agency that determines placement (58.0 percent). The option of placement in non-secure facilities is available in 74.7 percent of the courts. General jurisdiction courts in which the prosecutor is involved in the decision to file and in which probation is executively administered are more likely to have nonsecure facilities as an option for status offenders and less likely to have secure facilities available for status offenders.

Our descriptive analysis of juvenile courts reveals a great deal of change from the traditional juvenile court described in the literature. All of the courts in the survey report the presence of counsel, representing both juveniles and the state, and sensitivity to due process concerns reflected in procedures to ensure notification of rights for juveniles accused of violations of the criminal law and review of the decision to hold in detention.

The data did, however, reveal variations among courts on a number of characteristics--the location of juvenile jurisdiction, the selection and assignment of juvenile judges, the use of quasi- and para-judicial officers, the administration of probation and other support services, the organization of intake, the role of the prosecutor, the inclusion of defense counsel, the formalization of procedures at detention and adjudication, and the use of alternative dispositions. Patterns began to emerge suggestive of the association of limited jurisdiction, court control of probation, and lack of prosecutorial involvement in the intake process on the one hand, and the association of general jurisdiction, executive administration of probation, and prosecutorial involvement in the intake process on the other. They also suggest the importance of the screening function of intake and how it is structured and the types of cases included in the court's jurisdiction.

A Typology of Juvenile Courts

In order to develop a measure of the variation of juvenile courts among these significant characteristics, a typological approach was used in further analysis of the data. In the first phase of the typological analysis the underlying structure of the data was explored using both

principal components and classical factor analysis. Five factors emerged from this analysis that may be regarded as representing dimensions of juvenile court structure.

Factor 1: Status Orientation/Scope of Jurisdiction--The first factor contains a cluster of items relating entirely to the processing of status offenders. It captures the basic components of status offender jurisdiction: intake discretion to refer, counsel, or release from detention, the use of nonjudicial conferences to adjust the case, notification of rights if a judicial hearing is to be held, and disposition options available after formal adjudication.

Factor 2: Centralization of Authority--This factor relates primarily to court administrative control over probation, detention services, and court responsibility for restitution programs. Centralized authority is enhanced through the control and distribution of organizational rewards, e.g., hiring and firing, promotions, and incentive rewards.

Factor 3: Formalization--This factor consists of three items directly interpretable as the separation of the adjudication and disposition hearings in formal court procedures. This dimension not only is descriptive of structural formality, it provides insight into the use of information at the adjudicatory hearing.

Factor 4: Differentation/Task Specification--This factor includes the integration of the court with juvenile jurisdiction with other courts in the state court system, i.e., whether it is part of a court of general jurisdiction, with appeals going directly to an appellate court, on a limited jurisdiction court, in which appeals result in a de novo

hearing. Correlated with these elements of structure is the extent to which the role of prosecutor is "differentiated out" from the all-encompassing role of judge, defense counsel, and prosecutor traditionally played by the juvenile court judge.

Factor 5: Intake Discretion--This factor refers principally to the ability of the probation or intake staff to impose informal probation or restitution without a formal judicial hearing. The distinguishing characteristic of this dimension is exercised in cases prior to (or instead of) filing a formal petition.

In the second phase of the typological analysis, a variable was selected from each of the five factors as an indicator of the factor.

INDICATORS OF FACTOR STRUCTURE OF JUVENILE COURTS

Factor	Indicator	Factor Loading
I	Intake/Probation can refer status offender to voluntary agency	.81
II	Court/judge administer probation department	.74
III	Mandatory interval between adjudication and disposition can be waived*	.94
IV	Prosecutor participates in the decision to file a formal petition	-.60
V	Intake/probation arranges informal probation for law violators	.58

*Indicates existence of mandatory interval.

These five variables were entered into an agglomerative hierarchical cluster analysis. This procedure produced clusters, or groups of courts, each court in a cluster with the same value on each of the five variables. Twelve of the 25 clusters contained three or more courts and these 12 clusters, each of which may be regarded as a type, included 129 of the 150 courts in the study. The following table indicates the characteristics of each cluster and the number of courts in each.

AN EMPIRICAL TYPOLOGY OF METROPOLITAN JUVENILE COURTS

	Structural Dimensions				
Cluster (N)	Scope of Jurisdiction	Centralization of Authority	Formalization	Task Specification	Intake Discretion
1 (32)	Inclusive	High	Low	Low	High
2 (16)	Inclusive	High	Low	High	High
3 (7)	Inclusive	High	Low	High	Low
4 (13)	Inclusive	High	Low	Low	Low
5 (3)	Exclusive	High	Low	High	High
6 (4)	Exclusive	High	Low	Low	High
7 (20)	Inclusive	Low	Low	High	High
8 (14)	Inclusive	Low	High	High	High
9 (3)	Exclusive	Low	Low	High	Low
10 (4)	Exclusive	High	Low	High	Low
11 (4)	Inclusive	Low	Low	Low	Low
12 (9)	Inclusive	Low	Low	Low	High

N = 129

Conceptualizing this empirical typology in terms of property-space allowed a grouping of clusters to abstract further a classification of courts. (See Figure 1.) The two major coordinates of centralization of authority and task specification create quadrants that define four major types of courts. (See Figure 2.)

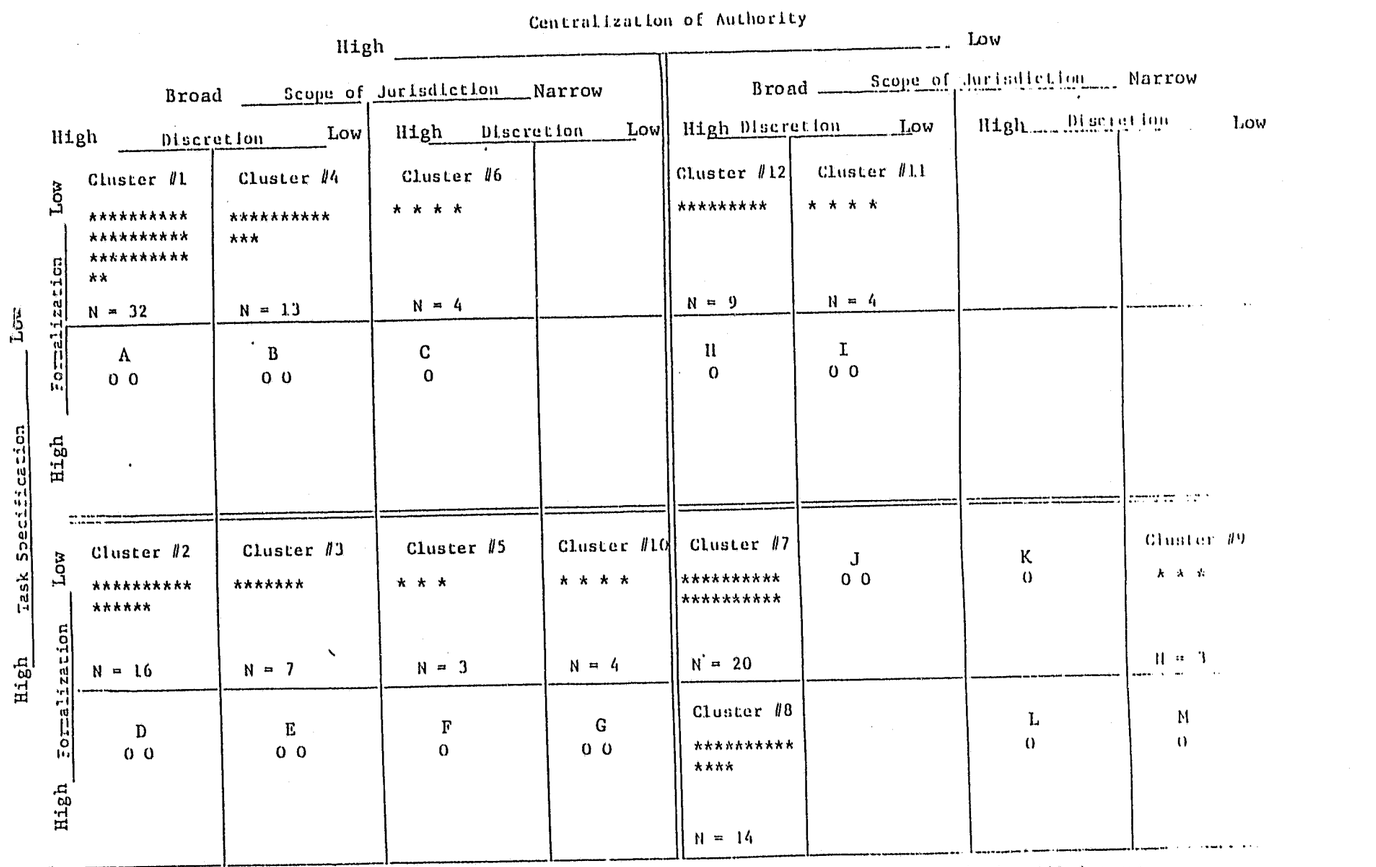
Type I: Integrative/Interventionist--A Type I court is a centralized, hierarchical, treatment-oriented bureaucracy that is quasi-cooperative in its mode of operation. The interests of the child and the state (represented by the court) are not seen as opposed and the structure of decision-making does not readily accommodate the conflict (adversary) approach. The court is the system; it is inclusive of information and holistic in orientation. Type I courts are characterized by central control over social services, detention, and the adjudicative process. The judge, or a person directly under the judge's authority, is likely to make all decisions concerning whether a petition is to be filed, a youth detained, and how the case will be processed.

Type II: Transitional--Type II courts share the basic characteristics of centralization of authority (administrative control of probation) and role differentiation (the prosecutor participates in the decision to file a petition). The type is transitional in the sense that the prosecutorial role is not combined, as it is in Type IV, with the separation of the probation department from the administrative control of the court. Thus, although there is the beginning of a double screening process, it is not as fully developed as that found in Type IV.

Type III: Divergent--Type III is labelled divergent both because of the relatively few courts represented in this type and because the

FIGURE 1

AN EMPIRICAL TYPOLOGY OF METROPOLITAN JUVENILE COURTS #

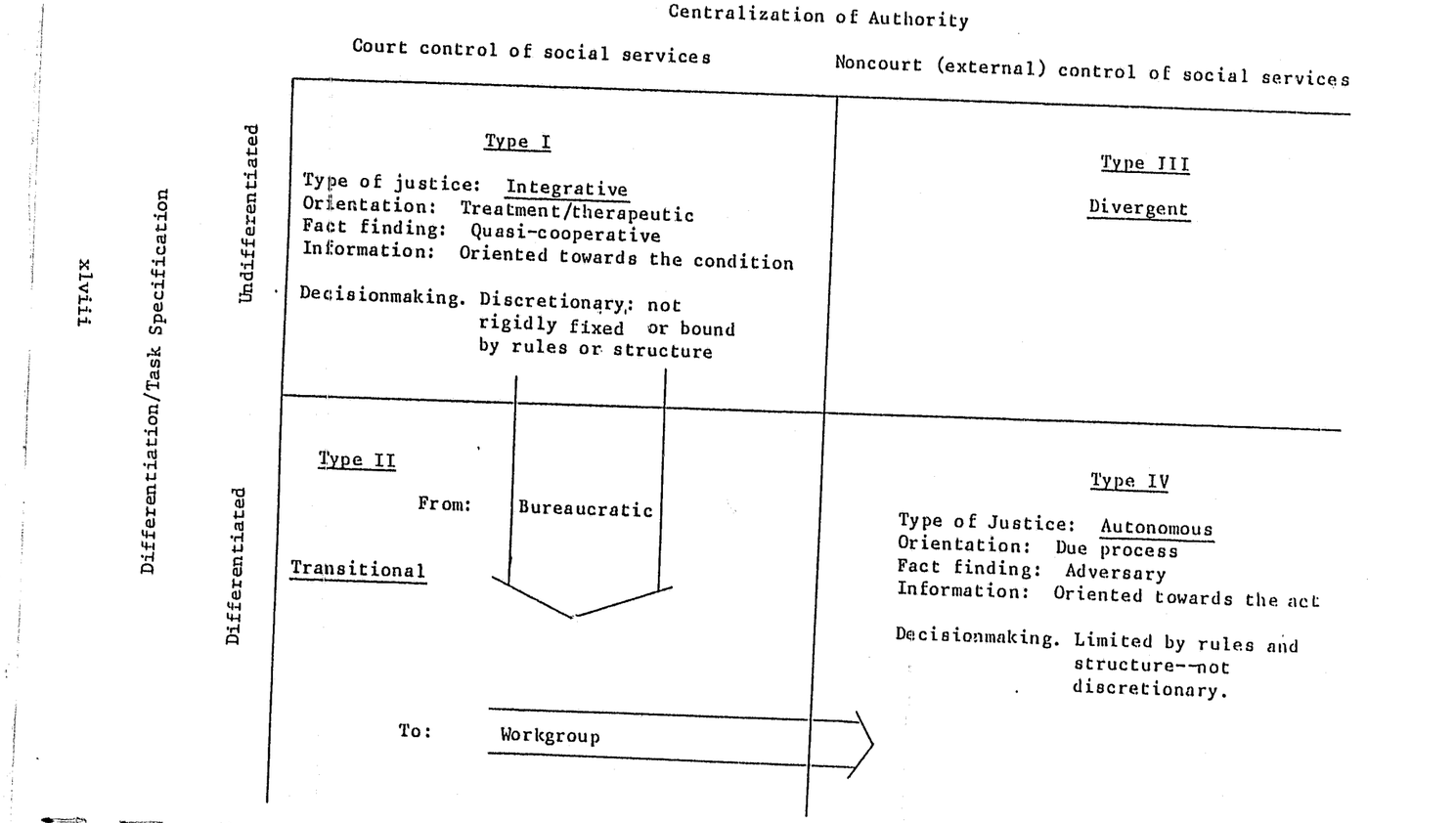


* classified court
0 unclassified court

Courts are identified by Cluster Number and cell letter in Appendix B.

Figure 2

A Paradigm of Contemporary Juvenile Justice



null cells suggest the correlation of low centralization of authority and low role differentiation/task specification is empirically rare.

Type IV: Autonomous/Noninterventionist--Type IV courts are characterized by decentralization and high differentiation/task specification. Social services are administered by an executive agency and a prosecutor is involved in the decision to file a petition. The court is the terminal processing point of a case that has passed through a number of noncourt agencies and administrative decisions. The judge is dominant in the courtroom, but his or her authority is limited outside that setting. The role of decision making is adversary; the case--not the youth--dominates decision making and adjudication will be on the basis of legally relevant criteria stipulated by procedures designed to limit evidence. Social information concerning the condition of the child is decentralized and not introduced until the court formally establishes jurisdiction. The orientation of the participants in case processing is specialized and defined by participation in dominant sponsoring organizations.

The empirical typology of metropolitan juvenile courts in part reflects the existence of the two major types of juvenile courts (i.e., the "traditional" and "due process") suggested in the literature. More importantly, however, it reveals variations in court structure and procedure that are not adequately captured by existing simplistic typologies.

The described variations may reflect changes in juvenile court structure. While the present survey can provide only a static portrait, the typology does suggest the nature and some directions of change. We

conceive of juvenile courts as "open systems" reacting to exogenous events and adapting to strain through the gradual introduction of new elements. For example, Gault mandates the introduction of defense counsel, but defines neither the precise role nor the stage at which counsel is to be assigned. Studies of the role of attorneys in juvenile court suggest considerable role conflict when adversary-oriented counsel are introduced without adapting other elements of the system to a conflict model of adjudication. The introduction of a more active presecutorial role may be an adaptive mechanism that reduces the role strain of a judge who had acted as both prosecutor and judge prior to the extensive use of defense counsel.

Similarly, a "triage" prescreening system that determines which cases become formal may be an adaptation to Gault and the diversion movement. The "triage" identifies cases that are not likely to result in incarceration and, therefore, do not require full application of due process guarantees. This adaptive strategy, which results in differential processing, allows for the development of individual subsystems, each with its own set of roles and procedures.

The typology reenforces Hagen's concept of juvenile justice as a loosely coupled set of subsystems. There are several implications. If juvenile courts are not represented by a single, uniform system of case processing, it follows that research will have to take into account the variation and sample accordingly. Past studies of case decisions in juvenile justice may reflect sampling errors and system differences.

The Effect of Court Type on Case Outcomes: A Pilot Study

This project conducted a pilot study of the effect of court type on case outcome. Data were gathered on youth "at risk" (point of entry

into the juvenile justice system after police processing) from three jurisdictions that were included in the court survey. A systematic sample of 250 cases was taken from each court. The research instrument was designed to record information on offender background characteristics, offense characteristics, and case processing.

The pilot study was limited to exploring the effects of court type on case disposition by focusing on the two extreme ideal types of integrative justice and autonomous justice. The courts selected for analysis of disposition outcomes are two variations of Type I courts and a Type IV court.

The typology suggests that Type I courts are structurally adapted to open and discretionary use of information and, lacking prosecutorial screening of cases and a fully developed adversarial procedure, will be exemplars of systems that use offender traits in making processing decisions. Conversely, a Type IV court, exhibiting multiple screening systems and highly developed adversarial procedures, will restrict decisionmaking to more formal, offense criteria except at final disposition where the probation report can supply mitigating social information to be used by a judge in assessing the type and severity of the disposition.

The results show that, focusing on overall outcome in a court that can be characterized by the integrative model of justice, offender characteristics are significant predictors of disposition, whereas in the court that more closely conforms to the autonomous justice model, offense characteristics alone were significant predictors. Furthermore, most of the contribution of offender characteristics to the separation of the

outcome groups in both types is due to discretionary variables; i.e., those considered legitimate decisional bases such as family composition and activity of the youth, rather than discriminatory variables (race and sex). That disposition can be predicted in only half of the cases in the integrative court, given the information in the dependent variables, whereas three-fourths of the cases in the autonomous court are correctly classified, is suggestive of the operation of individualized justice in the former and offense-based guidelines in the latter. Breaking down case processing into two steps, intake and sentencing, differences between the courts are even more pronounced. Offender characteristics appear to be more important than the offense in deciding whether a case is to be handled officially or unofficially in the integrative court. Focusing on the sentencing decision, however, an interesting difference emerges. Whereas the relative importance of offense vs. offender characteristics in determining official disposition remains approximately the same as in determining overall outcome in the integrative court, in the autonomous court offender characteristics become crucial in determining whether a juvenile is to be placed on probation or committed to an institution. These offender characteristics are largely discretionary--family composition and whether or not the youth is in school. This is in conformity with a philosophy of justice that restricts social information until after an adjudication is made. In other words, discretion enters <u>after</u> a legal finding.

The hypotheses are only partially confirmed, however, in that the second court approximating the traditional model is closer to the autonomous court than to the other integrative court in its dispositional

outcomes. Offense characteristics were found to predominate at all decision levels, although offender characteristics were also significant predictors of outcome. We suggest that these results may be due in large part to the differences in use of discretion in the two Type I courts. Whereas the first court is characterized by low intake discretion (a large proportion of cases referred are handled officially), in the second court, high discretion at intake consists of diversion screening, rather than the informal probation disposition characteristic of traditional juvenile courts.

It is clear that any definitive study of the determinants of decision making in juvenile courts must take into consideration structural variations of courts. It is equally clear that juvenile courts can be structured to accommodate due process requirements without sacrificing their rehabilitative mandate.

<u>Conclusions and Implications</u>

The study reported here began with the premise that the juvenile court, while the subject of much controversy and recipient of many prescriptions for reform, is no longer the traditional juvenile court described in much of the literature. Events and developments of the '60s and '70s have surely wrought change in the juvenile justice system. Change seldom occurs uniformly, however. The extent and nature of change in metropolitan juvenile courts has been the subject of this report. While presenting a static portrait of the juvenile court at the end of the decade of the '70s, it provides a context within which to consider the myriad of issues raised by those groups seeking reform of juvenile justice.

Many suggested reforms are controversial. While In re Gault marked a recognition of the "child-saving" movement gone awry, many fear the consequences of transforming the traditional parens patriae approach to juvenile justice into a "junior criminal court." The key question in considering any restructuring of the juvenile court is--must the juvenile court abandon its rehabilitative goals to ensure due process for youth? The findings of this study suggest the answer to that question is "not necessarily." While many juvenile courts still exhibit characteristics of the traditional juvenile court and have introduced only limited due process protections, others have adapted in ways that preserve the rehabilitative mandate of the juvenile court while guaranteeing basic legal rights.

While there is movement toward a "junior criminal court" model, this is fully developed in only relatively few states. More common is a transitional model that combines traditional court control over probation services with an expanded role for the prosecutor in the screening of cases. The most common model is the juvenile court that retains administrative control over probation and is also in control of when and how petitions are filed and processed.

The theoretical view of change suggests that the introduction of lawyers is followed by the increased role of full-time prosecutors and the gradual separation of probation and social services as independently administered agencies.

The evidence suggests, however, that many courts have adapted to the Gault mandates without relinquishing their traditional treatment orientation. The adaptive mechanism in these courts has been to

formalize the triage process at intake, with major serious delinquency and all contested petitions automatically receiving procedural guarantees, while minor offenses and status offenses--those not in danger of incarceration--are handled by more informal mechanisms.

The next step, determining if these structural and procedural characteristics make any difference in the processing of youths through the juvenile justice system, has yet to be determined. We were able to develop and field test an instrument to collect case processing and outcome data bearing on this question. The results were suggestive that court type is a determinant of case outcomes and that the structure of intake is a critical component of court type. These findings will remain inconclusive, however, pending further testing with a larger sample of courts selected on the basis of the typology.

METROPOLITAN JUVENILE COURT JURISDICTIONS PARTICIPATING IN THE SURVEY BY STATE

ALABAMA

Jefferson County (Birmingham)

Mobile County (Mobile)

ARIZONA

Maricopa County (Phoenix)

Pima County (Tucson)

ARKANSAS

Pulaski County (Little Rock)

CALIFORNIA - 17 Jurisdictions

Alameda County (Oakland)

Contra Costa County (Martinez and Concord)

Fresno County (Fresno)

Kern County (Bakersfield)

Los Angeles County (Los Angeles)

Monterey County (Salinas)

Orange County (Santa Ana)

Riverside County (Riverside)

Sacramento County (Sacramento)

San Bernardino County (San Bernardino)

San Diego County (San Diego)

San Francisco County (San Francisco)

San Joaquin County (Stockton)

CALIFORNIA - Continued

San Mateo County (Redwood City)

Santa Barbara County (Santa Barbara)

Santa Clara County (San Jose)

Ventura County (Ventura)

COLORADO

Denver County (Denver)

El Paso County (Colorado Springs)

Jefferson County (Golden)

CONNECTICUT - (All counted as one jurisdiction)

Fairfield County (Bridgeport)

Hartford County (Hartford)

New Haven County (New Haven)

DISTRICT OF COLUMBIA

District of Columbia (Washington, DC)

DELAWARE

New Castle County (Wilmington)

FLORIDA - 8 Jurisdictions

Broward County (Ft. Lauderdale)

Dade County (Miami)

Duval County (Jacksonville)

Hillsborough County (Tampa)

Orange County (Orlando)

Palm Beach County (West Palm Beach)

Pinellas County (Clearwater)

Polk County (Bartow)

GEORGIA

DeKalb County (Decatur)

Fulton County (Atlanta)

HAWAII

Honolulu County (Honolulu)

ILLINOIS - 6 Jurisdictions

Cook County (Chicago)

DuPage County (Wheaton & West Chicago)

Kane County (Geneva)

Lake County (Waukegan)

St. Clair County (Belleville & East St. Louis)

Will County (Joliet)

INDIANA

Allen County (Ft. Wayne)

Lake County (Gary & Crown Point)

Marion County (Indianapolis)

IOWA

Polk County (Des Moines)

KANSAS

Sedgwick County (Wichita)

KENTUCKY

Jefferson County (Louisville)

LOUISIANA

East Baton Rouge Parish (Baton Rouge)

Jefferson Parish (Gretna) (New Orleans Suburb)

Orleans Parish (New Orleans)

MARYLAND - 5 Jurisdictions

Anne Arundel County (Annapolis)

Baltimore County (Baltimore)

Baltimore County (Towson)

Montgomery County (Rockville)

Prince George County (Upper Marlboro)

MASSACHUSETTS - 5 Jurisdictions

Bristol County (Fall River)

Hampden County (Springfield)

Middlesex County (Cambridge)

Suffolk County (Boston)

Worcester County (Worcester)

MICHIGAN - 6 Jurisdictions

Genesee County (Flint)

Ingham County (Lansing)

Kent County (Grand Rapids)

Macomb County (Mt. Clemens, Detroit Suburb)

Oakland County (Pontiac)

Wayne County (Detroit)

MINNESOTA

Hennepin County (Minneapolis)

Ramsey County (St. Paul)

MISSOURI

Jackson County (Independence)

St. Louis County (Clayton)

St. Louis County (St. Louis)

NEBRASKA

Douglas County (Omaha)

NEVADA

Clark County (Las Vegas)

NEW JERSEY - 12 Jurisdictions

Bergen County (Hackensack)

Burlington County (Mt. Holly)

Camden County (Camden)

Essex County (Newark)

Hudson County (Jersey City)

Mercer County (Trenton)

Middlesex County (New Brunswick)

Monmouth County (Freehold & Asbury Park)

Morris County (Morristown)

Ocean County (Toms River)

Passaic County (Paterson)

Union County (Elizabeth)

NEW MEXICO

Bernalillo County (Albuquerque)

NEW YORK - 10 Jurisdictions (5 Boroughs of New York City were counted as one jurisdiction)

Albany County (Albany)

Buffalo County (Erie)

Monroe County (Rochester)

Nassau County (Mineola)

New York County (New York City)

NEW YORK - Continued

Oneida County (Utica)

Onondaga County (Syracuse)

Rockland County (New City)

Suffolk County (Riverhead)

Westchester County (White Plains)

NORTH CAROLINA

Guilford County (Greensboro)

Mecklenburg County (Charlotte)

Wake County (Raleigh)

OHIO - 8 Jurisdictions

Franklin County (Columbus)

Hamilton County (Cincinnati)

Lorain County (Elyria)

Lucas County (Toledo)

Mahoning County (Youngstown)

Montgomery County (Dayton)

Stark County (Canton)

Summit County (Akron)

OKLAHOMA

Oklahoma County (Oklahoma City)

Tulsa County (Tulsa)

OREGON

Multnomah County (Portland)

PENNSYLVANIA - 13 Jurisdictions

Allegheny County (Pittsburgh)

Berks County (Reading)

Bucks County (Doylestown)

Chester County (West Chester)

Delaware County (Media)

Erie County (Erie)

Lancaster County (Lancaster)

Lehigh County (Allentown)

Luzerne County (Wilkes-Barre)

Montgomery County (Norristown)

Phildelphia County (Philadelphia)

Westmoreland County (Greensburg, Pittsburgh Suburb)

York County (York)

RHODE ISLAND

Providence County (Providence)

SOUTH CAROLINA

Charleston County (Charleston)

Greenville County (Greenville)

TENNESSEE

Davidson County (Nashville)

Hamilton County (Chattanooga)

Knox County (Knoxville)

Shelby County (Memphis)

TEXAS - 6 Jurisdictions

Bexar County (San Antonio)

Dallas County (Dallas)

El Paso County (El Paso)

Harris County (Houston)

Tarrant County (Ft. Worth)

Travis County (Austin)

UTAH

Salt Lake County (Salt Lake City)

VIRGINIA

Fairfax County (Fairfax)

Norfolk County (Norfolk)

WASHINGTON

King County (Seattle)

Pierce County (Tacoma)

Snohomish County (Everett)

Spokane County (Spokane)

WISCONSIN

Dane County (Madison)

Milwaukee County (Milwaukee)

Waukesha County (Waukesha)

PART 1

DESCRIPTION AND ANALYSIS OF ORGANIZATION

AND PROCEDURES

CHAPTER 1

INTRODUCTION

There may be no single more important cause of change in American juvenile justice than the Supreme Court's landmark decision In re Gault, handed down on May 15, 1967. Other factors have contributed to revisions of juvenile court structure and procedure, including the President's Crime Commission Report (1967), the movement to deinstitutionalize offenders (National Advisory Commission on Criminal Justice Standards and Goals, 1973), the massive funding of juvenile diversion programs (Juvenile Justice Act of 1974, as amended) and the movement to unify state court systems (Berkson and Carbon, 1978). Nevertheless, the decision to formalize juvenile court procedure serves as a guidepost to a new era and a standard against which systems of juvenile justice will be held accountable.

The importance of this decision does not require the expectation of immediate and effective change. Impact studies suggest that such decisions are necessary, but not sufficient, conditions for the transformation of basic values and their supporting institutional structures (Wasby, 1979; Becker and Feeley, 1972; Lefstein, Stapleton, and Teitelbaum, 1969). Thus, the implementation of more formalized juvenile justice can be expected to occur both gradually and selectively (Lefstein, Stapleton, and Teitelbaum, 1969). In this regard, the Gault decision may be seen as an essential catalyst of change, imprinting into law the political and philosophical moods of the 1960s.

Today's juvenile courts operate under pressures applied by courts, commissions, Congress, scholars, legislatures, standards groups, and

others to change--to provide a better response to children. Among the suggestions are proposals to change philosophies, court jurisdiction, organizational alignments, structures and procedures, and the administration of services.

As a result of the thinking and hard work of hundreds of juvenile justice professionals, plus continuing guidance and support from the National Institute of Juvenile Justice and Delinquency Prevention and several private foundations, there is now an array of standards and goals to be tested and implemented. A few of the proposals, especially some of the detailed recommendations of the Institute for Judicial Administration/American Bar Association Juvenile Justice Standards (hereinafter referred to as IJA/ABA Standards), are the subject of controversy. Many of the standards, however, are widely accepted and their adoption has already begun. But the implementation of a majority of the standards will be especially difficult without reliable data about the important operational characteristics of modern juvenile courts.

In September 1978, the National Institute of Juvenile Justice and Delinquency Prevention awarded a grant to the National Center for State Courts to conduct a study of American metropolitan juvenile courts. The principal goal of this project was to develop a knowledge base of the organizational and procedural features of juvenile courts likely to affect such variables as adjudication outcomes, due process of law, case processing time and dispositional results. The project was guided by the following major objectives:

1. To provide a general description of metropolitan juvenile courts ten years after the landmark Gault decision suggestive of the change that has taken place in juvenile justice.

2. To provide a measure of the variation in the organization and operation of juvenile courts and to suggest change mechanisms that may account for these variations.
3. To devise a process for testing the effects of these variations in organization and operation on case outcomes.

Survey Guidelines

The overall design of the research in the survey of major metropolitan juvenile courts was developed within the following guidelines:

1. The survey goal was to construct an instrument to distinguish major structural and procedural variations in metropolitan juvenile courts.
2. The survey was not to be judgmental, i.e., there was no a priori "standard" of juvenile justice against which to measure an individual court's performance. The assumption of the design was that the mandates of In re Gault were being met. The objectives of the survey were to determine the variations of system adaptation to the introduction of procedural formality in the decade following the Supreme Court's decision in 1967.
3. Opinions of court personnel were not solicited. Every precaution was taken to make the survey as "objective" as possible.
4. The survey was designed to yield baseline information on court practices in handling juvenile cases from intake (and detention) through disposition. The purpose was primarily

descriptive. Analysis was to be carried out with the objective of permitting comparisons among courts.

5. The research was to be carried out with the objectives of accuracy, impartiality, and with ethical consideration for respondents' rights of confidentiality and review of the work product.

Site Selection

The survey population was defined as:

> All the courts that have primary responsibility for processing juvenile court cases for the largest jurisdictions in the United States. These courts would be defined in terms of all court jurisdictions that serve local, geo-political areas of a certain size and kind--usually known in the United States as counties.

"Primary responsibility" was defined as the court within a jurisdiction that had original jurisdiction over and heard the majority of juvenile cases. "Largest jurisdictions" initially included 160 counties with populations of more than 250,000 persons.

Existing sources of information were reviewed. Data produced by the National Assessment of Juvenile Corrections were examined, as were the Juvenile Court Statistics computer printouts of 1974, obtained from the National Center for Juvenile Justice. Finally, U.S. Census Bureau data were examined and the initial list of jurisdictions was compiled by location (city and county), population served, and standard metropolitan statistical area.

Subsequent analysis of data reduced the population to create a more accurate saturated sample of metropolitan juvenile courts. Three courts in Massachusetts, initially selected from population estimates, were dropped because they were not the courts of primary responsibility

for juvenile matters in major metropolitan areas. Three Connecticut and five New York City Family Courts were consolidated and counted as "single-systems." The final sample selection yielded a total of 151 courts. Most of the juvenile courts surveyed had geographic jurisdictions that coincided with county lines. In all, 39 states from all regions of the country and the District of Columbia were represented.

The Research Design

From the beginning, project staff envisioned the use of a survey methodology to meet stated objectives. The initial question concerned the survey design that would suit project needs. Three alternate methods were carefully considered: the mail survey, the on-site interview, and the telephone survey.

After discussions with consultants and a review of prior attempts to collect juvenile court data (Sarri and Hasenfeld, 1976), project staff concluded that the anticipated rate of return from a mail survey would be unacceptably low. On-site interviews, considered to be one of the most productive techniques in terms of anticipated data return, was deemed undesirable because of the time and funds it would take to visit all of the courts. The remaining method, the telephone survey, was considered inadequate by itself. Without careful preparation of the respondent population the net effect of a telephone survey would be to reduce, rather than enhance, cooperation. A decision was made to combine techniques into a mail/telephone survey.

Questionnaire Construction

There were two principal objectives that had to be met in the construction of the survey instrument. First, a range of questions had

to be generated that would yield answers of interest to the user population. Second, the questions had to reflect current theoretical concerns in the literature on juvenile justice. A major portion of early project development was spent meeting these objectives.

The questionnaire was designed to proceed from general structural characteristics and administrative relationships directly to stages of juvenile justice processing--from intake through disposition. Every attempt was made to design questions pertinent to structural or processing features that also would discriminate among courts. The principal format was the dichotomous (yes/no) type of answer, with opportunities left for persons to qualify their responses. The structured nature of the instrument, although limiting the amount of information to be gathered, was considered necessary to meet the anticipated time constraints of a telephone interview. Nevertheless, space was left on the questionnaire for qualifications and explanations and several open-ended questions were included to elicit a wider range of information than usually is obtained on a structured instrument.

A Focus Group comprised of individuals with direct service experience in juvenile courts was convened to critique the questionnaire and offer suggestions as to the general organization and clarity of the individual items. Interviewer training was carried out and practice sessions included hypothetical interviews with project staff who had juvenile court experience.

The Pretest

A pretest of Virginia courts was conducted for three reasons: a) to test entry protocol and interview procedures, b) to test the

instrument for ease of completion and clarity of questions, and c) to estimate the reliability of the questionnaire.

Of particular concern was the problem of reliability. It is axiomatic in research that without reliability, e.g., the "stability" of the instrument, there can be no validity. Failure to perceive problems of reliability or to take them into account can invalidate the analysis and interpretation of data. The pretest was designed to consider two aspects of reliability. The first was the degree to which any given question is understandable or can be answered within the framework or context of a working court. To the degree that a question is confusing,and thereby generates a "don't know" or "uncertain" answer, the question may be deemed to be less than adequate. A second major concern was between-responder reliability--would different people in the same court answer a question the same way.

The results of the pretest indicated that the project staff had not always taken into consideration differences in procedures that were dependent on the types of offenses or whether or not youths were detained. Accordingly, the questionnaire was redesigned to allow for these differences, particularly in areas concerning those aspects of legal rights that were the subject of the Gault decision.

Administration of the Survey

Permission to conduct the study was first obtained from the Chief Justice or Court Administrator of the state court system, then from the Presiding Judge of each juvenile court selected for the survey. All participants were provided descriptions of the project's goals, schedules, and survey materials, and periodic progress reports. It is a

measure of the care and skill exercised in entry protocol that we can report an unusually high sample fulfillment; 99 percent (150) of the 151 courts in the final sample responded to the survey.

The restructured questionnaire was forwarded to the selected courts and interviews, to be conducted by telephone, were scheduled with the presiding judge or an alternative person selected by the judge. Permission was obtained in most courts to talk with an additional person in the court, usually a chief probation officer or court administrator.

Data collection on all participating courts was completed by February 1980, an effort that resulted in 126 two-responder and 24 single-responder courts. The latter were examined for internal consistency and the number of responses recorded as "don't know." There was evidence that two or more persons had cooperated in some manner to produce a set of responses that represented a "composite" view of the subject courts and the questionnaires were deemed credible.

The two-responder courts were examined for reliability of responses as measured by the amount of agreement calculated for each court. If a court recorded 70 percent agreement (or greater) between the two persons interviewed, the court was scheduled for a telephone callback and a follow-up interview with one or both of the original participants. If neither of the original responders was available, a third person was asked to resolve disagreements.

Staff conducted on-site interviews with responders in courts with a reliability estimate of less than 70 percent. To further increase reliability a staff member, not familiar with the court through prior interview or personal experience, was assigned to conduct the callback or site visit.

The follow-up interviews were completed in April 1980. The results, recorded in "composite" questionnaires, and presented in Volume II, Appendix C, Composite Responses, are the project's best efforts to obtain complete and accurate responses.

Methodological Concerns

Throughout the project the staff has been concerned with basic problems of data reliability. For example, a methodological premise of the survey was that reliance upon a sole informant, no matter how strategically placed in the juvenile court hierarchy, was not to be trusted on faith alone. It stands to reason that judges, court administrators, chief probation officers and others involved in the juvenile justice process are busy individuals whose time can and should be devoted to tasks other than responding to social science inquiries. Even with careful preparation, it is to be expected that an individual will respond from the perspective of his or her role. This perspective can be tempered and shaped by length of experience and access to particular information, and subject to the nuances of expert opinion. For instance, judges may only hear cases brought to formal hearing and may not be privy to the details of intake or detention; social service personnel, on the other hand, know the intimate details of probation and intake practice, but may hazard only educated guesses about judicial practice on a day-to-day basis. By obtaining multiple responses to the same set of questions from responders in different locations in the system, and recontacting the courts to reduce the number of conflicting responses, we increased the accuracy of the data.

In all data collection activity, too, the social dynamics of the interview process may lend richness to the data base, but they also may

lead to confusion at the time of coding into machine-readable format. Multiple edits of the coded data were made and open-ended responses were independently coded by two or three staff members. These efforts increased the uniformity of the coding. Individual interviewing styles, however, may have made a difference in the thoroughness of the responses. Although the interviewers were trained and were full time staff members, the majority of whom were involved in the research from its beginning to end, interviewing styles were not uniform. One response to this known bias was to rotate interviewers. In the majority of courts different persons were assigned to do the two interviews in each court. Two or more interviewers, also, were assigned to each state. These actions reduced the likelihood of systematic interviewer error.
As to the question of validity, the differential use of terminology and the wording of some questions that may have resulted in misunderstandings that led to disagreement between responders may also have led to two wrong answers. In other words, we may not always have measured what we intended.

In conducting this survey the possibility of sampling error was virtually eliminated by selecting what appeared to be the universe of American metropolitan juvenile courts. Despite an extensive review of existing resources on population and juvenile court jurisdiction, the possibility remains that some metropolitan juvenile courts were overlooked. Limiting the survey to metropolitan courts, to some extent, controls for the effects of size on our findings. The results of the survey, however, are limited in that they are not generalizeable to smaller or rural courts.

Only 39 of the states are represented in this survey. We may have excluded a population of juvenile courts that would significantly alter the descriptions of juvenile courts developed from this survey. We recognize the importance of statutes in constraining the structure and operations of courts.

Because this was not a longitudinal study, the responses are limited to a specific time. Undoubtedly some of the courts look different today than when the survey was conducted. Changes have been made in statutes and personnel that have affected the procedures.

Furthermore, we recognize the influence of individual judges on the organization and procedures within their courts that may account for variations among courts.

The Findings

Given the great care taken in data collection there are no serious threats to its validity or reliability. The project resulted in a rich and extensive data base on metropolitan juvenile courts. Two approaches to the analysis of these data were taken. The first provided a description of the courts on each of the variables included in the survey. This analysis indicated those features that distinguish among courts. Looking at these variables two at a time can only suggest associations among the variables. Nevertheless, in cross-tabulation of the key features identified with other variables, definite patterns began to emerge.

Part 1 of this volume explores these patterns. The resulting descriptive analysis of metropolitan juvenile courts is organized around five topics. A chapter of this report is devoted to each topic. In each

chapter a summary of relevant literature is presented under each main subject heading, followed by a presentation of the survey results. Chapter 2 focuses on the status, location, and organization of juvenile courts within the state court systems. The administration of services to juveniles is discussed in Chapter 3. Chapter 4 presents the variations in the structuring of the intake function. Chapters 5 and 6 focus on procedures at detention, adjudication, and disposition. Conclusions and implications of these data are discussed in Chapter 7.

Part 2 presents the results of a more methodologically sophisticated typological analysis. Factor analysis of the data identified five structural dimensions of juvenile courts. A cluster analytic procedure based on indicators of the five derived factors produced an empirical typology of twelve types of juvenile courts. Further reduction of the typology through the use of property space resulted in a paradigm of juvenile justice suggestive of the change process taking place in the field.

Part 3 reports the results of a pilot study of the effect of court type on case outcome.

CHAPTER 2

JUVENILE JURISDICTION AND JUVENILE COURT JUDGES

Janice Hendryx and David Halbach

The "juvenile court" was founded almost 100 years ago on the premise that juvenile matters are distinct from adult criminal matters and should be handled in a separate institution. This institution, the juvenile court, was to have its own procedures, designed to "help" juveniles in trouble and its own personnel with expertise in dealing with problem youth. This "separateness" of the juvenile court was to become its hallmark. The stereotypical "traditional" juvenile court was a court of special or limited jurisdiction presided over and administered by a juvenile judge, assisted primarily by social service personnel.

Various pressures, however, have promoted a blurring of the distinctions between the juvenile court and the adult criminal court. One such pressure is the general court unification movement, which has sought to improve the efficiency of the justice system through the consolidation of courts. Another source of pressure are standards groups who see the location of juvenile jurisdiction in a limited or special court as an indication of lower status in the justice system, a status that threatens the quality of juvenile justice. Critics of the juvenile court have come to associate its very existence as a unique entity with the deprivation of due process for juveniles and have sought changes that would bring juvenile courts to more closely resemble adult criminal courts. Still others associate the juvenile court and its staff with "mollycoddling" and demand the more punitive stance of the adult court.

This study cannot directly address the question of the effect of the location of juvenile jurisdiction and the nature of judicial personnel on the quality of justice. It can, however, indicate the extent to which metropolitan juvenile courts are separate and distinct within the justice system, with regard to structure and personnel. The survey questionnaire asked whether a court was of general or limited jurisdiction to determine the location of juvenile jurisdiction within the court system. It also asked questions concerning method of judicial selection and assignment, types of judicial officers, and the types of cases heard by each to determine the extent to which a specialized juvenile staff may have developed. The remaining sections of this chapter summarize the literature concerning the appropriate location of juvenile jurisdiction and judicial staffing patterns, and present the survey results that describe metropolitan juvenile courts in the late '70s.

Location of Juvenile Jurisdiction

All of the standards promulgating organizations and most leading juvenile justice scholars agree that the court exercising juvenile jurisdiction should be at the highest trial court level. It is argued that the status of juvenile justice and juvenile court judges would be improved. The juvenile court supposedly would attract more competent judges and improve its ability to obtain necessary funding and resources. In sum, the quality of juvenile justice would be enhanced. There is less agreement on whether juvenile jurisdiction should be a division of the highest trial court or a separate (special) court. Standards groups and developers of model juvenile court acts have

recommended that it be a division of the highest trial court. A number of juvenile court judges and practitioners, however, believe it should be a separate court, equal to the highest trial court of general jurisdiction (Comparative Analysis of Standards and State Practices, Vol. III, 1977).

Effects of Unification

One of the factors that strongly influences the location of the juvenile court relative to the other courts in the state is the degree to which the state court system is centrally administered. "Unified court system" has a variety of meanings. One aspect of a unified court system, however, is a consolidated and simplified trial court structure that is centrally administered (Berkson and Carbon, 1978). The movement to unify state court systems has gained increasing momentum during the past twenty years (Berkson 1980). One of the effects has been to reduce the number of inferior, lower, or limited jurisdiction juvenile courts. Although not every state that has instituted some form of unification has placed juvenile jurisdiction at the highest trial court level, the majority have elevated the status of the juvenile court.

Debates concerning the desireability of maintaining a separate, special court of juvenile jurisdiction parallel those concerning the probate court. In a recent survey, probate judges were asked about unification, what they thought it would accomplish, and their reasons for supporting or opposing it (Berkson, 1980). Results indicate that those who favor unification say it "promotes efficiency, equity, and the quality of justice" (Berkson, 1980). By unification, probate judges would receive the same benefits as other judges and their status would

increase. Workloads and responsibilities would be equalized. These probate judges believe that separatism denotes inferiority. Unification, they claim, would do away with the fiefdoms that some judges have created, would eliminate the use of lay judges, and, by providing a broader jurisdiction, would make the job more interesting.

Opponents of unification believe it would reduce the quality of justice because it would prevent the development of expertise. They believe that probate work is unique and requires special experience, skill and temperament. Opponents claim that rotation results in judges working in areas in which they have no interest or expertise. The quality of justice and its administration suffer because judges have to spend too much time becoming proficient. By the time they know the area, they are rotated to another division. Many believe that in a unified system probate would " be perceived as the least among equals" (Berkson, 1980, p. 47). Cases would be relegated to low priority because of the other matters before the court, resulting in less efficient processing of probate matters. They also state that many administrative and procedural rules do not apply to probate courts and that too much bureaucracy is created by unification.

> Both sides address many identical issues and yet reach opposite conclusions. For example, proponents believe a unified system would be more administratively efficient because court administrators and chief judges are appointed to handle management responsibilities. Opponents view this as unnecessary bureaucratization. They perceive a unified system as encumbered by rules and red tape.
>
> Proponents believe that unification can help relieve backlogs through flexible assignment power, whereas opponents believe unification contributes to delay. Opponents claim that probate matters would be given low priority and that rotation would undermine judicial expertise. . . .
>
> A fundamental reason why probate judges reach different conclusions is that most of their claims are based on conjecture. Few of the judges surveyed have had experience in both unified and nonunified systems; thus their responses are grounded in normative assessments rather than comparative, empirical observation. This problem is compounded by the fact that there is a noticeable lack of scholarly research on the consequences of unification. Little systematic study has been undertaken to evaluate the impact of unification generally, and even less on its ramifications for probate courts specifically (Berkson, 1980, p. 48-49).

All of these statements could have been made about juvenile courts; indeed most of them have been. The disagreements begin with whether juvenile jurisdiction should be a division of the highest trial court or a separate court. But, as with attitudes about unification, most of the arguments about the structure and operation of juvenile courts are based on philosophical and normative preferences.

Structural Location of Metropolitan Juvenile Courts

At the trial court level, courts may be of general jurisdiction or of limited jurisdiction. General jurisdiction means that the courts can hear any matters regardless of the subject matter or dollar amount involved. Jurisdiction can be limited in two ways: either in scope, e.g., the court can hear only minor criminal matters and civil cases that do not exceed a certain dollar amount; or by subject matter, i.e., the court will only hear one type of case (National Survey of Court Organization, 1973). Courts that hear one type of case are often called separate or special courts. Some special juvenile courts are organized on a statewide basis (e.g., Rhode Island, Utah), while others serve a specific County or City (e.g., Lincoln, Nebraska; Denver, Colorado).

States have placed juvenile jurisdiction in courts of general, limited in scope, and special jurisdiction. Of the 40 states surveyed, juvenile jurisdiction is a division of the highest trial court in 17 states, part of a court with jurisdiction limited in scope in 3 states, a

separate or special court in 8 states, and 12 states have placed juvenile jurisdiction in two of these categories.

It was decided for data analysis purposes that the most useful method of classifying courts was to separate them by general and limited jurisdiction (National Survey of Court Organization, 1973). General jurisdiction courts include those in which juvenile matters are heard by a division of the highest trial court of general jurisdiction as defined by the state statute. Hereinafter, courts of limited and special jurisdiction will be referred to as limited jurisdiction. The states' statutes, The American Bench, and the responses to the survey were consulted to determine the structural location and status elements of the courts.

Table 2.1 displays the proportion of jurisdictions in the study that are general and limited. Over 60 percent (62.7) are general jurisdiction courts.

TABLE 2.1

PLACEMENT OF JUVENILE JURISDICTION WITHIN THE COURT

Type of Court Exercising Juvenile Jurisdiction	%	(N)
General Jurisdiction	62.7	(94)
Limited Jurisdiction	37.3	(56)
Totals	100.0	(150)

Juvenile Court Judges

One aspect of the isolation of the juvenile court from the rest of the justice system is the development of specialized judges and other court staff. Judicial selection and assignment systems and the use of other types of quasi- and para-judicial officers suggest the extent to which such specialization is now possible in metropolitan juvenile courts.

Judicial Selection

The four most common methods used to select judges are partisan election, nonpartisan election, appointment (usually by the governor), and merit selection (commonly known as the Missouri Plan), which is gubernatorial appointment from a list developed by a nominating commission (Ryan, et al., 1980). Judges who are selected through appointive procedures, rather than having to seek re-election periodically can be considered tenured and are thought to have greater independence.

The majority of judges, however, are selected through the interim process in states that use nonpartisan elections as the initial selection method (Ryan, Ashman, & Sales, 1978). Gubernatorial appointment and merit selection are the most common procedures used to fill unexpired terms. To use election vs. appointment as an indicator of judicial independence or autonomy is, therefore, somewhat spurious. We would expect, however, that traditional juvenile court judges more likely would be selected through appointment.

In this study only methods of initial selection procedures were obtained. Responders frequently told us first about interim procedures, which may suggest they are more frequently used than initial procedures.

We were careful to check responses to ensure that initial selection procedures were coded. We did not distinguish between partisan and nonpartisan public elections. As Table 2.2 shows, 70 percent of the courts in the survey have elected judges.

TABLE 2.2

METHODS OF SELECTING JUDGES IN METROPOLITAN JUVENILE COURTS (N = 150)

Methods	Courts Percentage	(N)
Public election	70.0	(105)
Gubernatorial appointment	15.3	(23)
Merit selection	8.7	(13)
Election by state legislature	3.3	(5)
Appointment by trial court judge	1.3	(2)
Other	1.3	(2)
Totals	99.9	(150)

Table 2.3 shows the relationship between jurisdiction and method of judicial selection. While 80.9 percent of the juvenile courts of general jurisdiction elect judges, only 48.2 percent of the courts of limited or special jurisdiction elect judges.

TABLE 2.3

RELATIONSHIP BETWEEN JUDICIAL SELECTION AND COURT JURISDICTION (N = 150 Courts)

Judicial selection	Jurisdiction: General %	(N)	Limited %	(N)	Totals %	(N)
Elected	84	(79)	46.4	(26)	70.0	(105)
Not elected	16	(15)	53.6	(30)	30.0	(45)
Totals	100.0	(94)	100.0	(56)	100.0	(150)

Method of Assignment

Judges may be assigned to the juvenile bench by specific appointment, automatic rotation, assignment by the chief justice, or through decision of the trial court judges en banc. At issue is the need for specialized knowledge and skills in deciding juvenile matters. The standards groups' recommendation to include juvenile jurisdiction within the highest general trial court and to rotate all judges through the divisions precludes the development of specialization.

The method of assignment to the juvenile division is primarily, but not solely, an issue for general jurisdiction trial courts. Some limited courts also have divisions. There also are some juvenile divisions that statutorily are a part of the highest trial court, that operate as separate and frequently (it would seem from the comments of responders) unequal courts.

The results of the survey (see Table 2.4) indicate that in 15.3 percent of the courts judges are permanently assigned to the juvenile bench through specific appointment. We cannot determine the length of time served through other methods of assignment. In 46 percent of the courts, the chief judge makes assignments; assignments may vary, however, from six months to indefinitely.

TABLE 2.4

METHOD OF ASSIGNMENT
(N = 150)

Method of Assigrment	%	(N)
Specific Appointment	15.3	(23)
Automatic Rotation	4.7	(7)
Chief Judge Assigns	46.0	(69)
Trial Court Judges Enbanc	7.3	(11)
Not Applicable	26.7	(40)
Totals	100.0	(150)

The difficulty in interpreting these data and those regarding jurisdiction is illustrated in the several patterns identified in this survey. There are a variety of practices operating under the same label--division of the highest trial court of general jurisdiction. If one considers only statutes, it would appear that 17 of the 40 states in this survey place juvenile jurisdiction on an equal basis (a division of the highest trial court) with the other matters heard by the highest trial court of general jurisdiction. The actual practices in many

states, however, may more closely approximate limited jurisdiction juvenile courts.

In Ohio the judges are elected to the Court of Common Pleas, the highest trial court of general jurisdiction in the state. A candidate knows that election will result in service as a juvenile court judge. Judges do not rotate to the civil or criminal divisions of the Court of Common Pleas; indeed if, because of illness or vacations a substitute judge is needed in the juvenile division, another juvenile court judge from the juvenile division of a different Court of Common Pleas is brought in to hear cases.

Another variation is the use of limited jurisdiction judges to hear juvenile cases in the general jurisdiction courts. Hawaii has a family court division in the Circuit Court, the general jurisdiction trial court. The family division uses two circuit court judges and five district court judges (district courts are courts of limited jurisdiction). The American Bench mentions only the family division of the circuit court as a division to which district court judges can be assigned.

Perhaps the most common practice identified by this survey is the general jurisdiction trial court with a juvenile division that in practice resembles a separate juvenile court. The judge is seldom rotated, either because of a personal preference to hear juvenile cases or because he or she is junior judge. The most junior judge in some courts is automatically assigned to the juvenile division and does not rotate to other divisions. He or she moves up to the "adult" court only after a new judge is elected, and, therefore, is most junior. Many of

these juvenile divisions also are located miles apart from the rest of the court. They have separate buildings, budgets, and accounting and information systems. There is reason to question whether or not these are de facto separate courts rather than divisions of courts of general jurisdiction.

Another indicator of a separate, specialized juvenile court judiciary is full-time assignment to juvenile matters. Table 2.5 indicates that most (82.7 percent) metropolitan juvenile court judges are assigned to juvenile matters full time. Limited jurisdiction courts, however, are more likely to have full-time juvenile judges than general jurisdiction courts.

TABLE 2.5

RELATIONSHIP BETWEEN FULL-TIME ASSIGNMENT AND COURT JURISDICTION (N = 150)

Full- or Part-time Assignment	Court Jurisdiction: General		Limited		Totals	
	%	(N)	%	(N)	%	(N)
Full time	75.5	(71)	94.6	(53)	82.7	(124)
Part time	24.5	(23)	5.4	(3)	17.3	(26)
Totals (150)	100.0	(94)	100.0	(56)	100.0	

As the level of attention given to juvenile crime and juvenile justice philosophy increases, the need becomes greater to examine carefully many of our untested hypotheses. If specialized juvenile judges are more likely to create a more enlightened, sensitive, and effective juvenile court without sacrificing due process or reducing fairness, we need to know this. If, however, rotation of judges through all divisions of a general trial court increases the quality of justice and reduces the number of youth under court jurisdiction without a reduction in effectiveness or concern for the welfare of youth and society, we need to know that. Present efforts to improve the quality of juvenile justice are hampered by the lack of solid empirical evidence to support philosophical positions.

Use of Quasi- and Para-judicial Officers

Quasi- and para-judicial officers have long been associated with the traditional juvenile court. A court designed to determine the "best interests of the child" rather than decide legal issues can be expected to place less emphasis on the legal training and judicial experience of its officers. The use of quasi- or para-judicial personnel is also considered an indication of lower status.

The IJA/ABA, NAC, the Task Force on Juvenile Justice and Delinquency Prevention, and the National Advisory Commission on Criminal Justice Standards and Goals-Task Force on Courts have recommended, with a few exceptions, that only judges hear juvenile cases. The American Bar Association in Standards Relating to Court Organization, Section 1.12(b), recommends the use of quasi-judicial officers in general jurisdiction trial courts to assist judges. The referee position is viewed as good

on-the-job training for becoming a judge. They also suggest that referees rotate through the divisions to broaden their experience.

The IJA/ABA in Court Organization and Administration acknowledges the conflict between the two standards and justifies its stance on juvenile courts as a necessary affirmative action to, in effect, compensate for past discrimination. "But different considerations apply to the juvenile court. The juvenile court is striving to overcome the inferior rank it has held for so long within the family of courts, and its use of referees has symbolized its inferior status."

For purposes of the survey quasi-judicial officers (e.g., referees, masters, commissioners) were defined as court personnel (not judges) who have authority over a wide range of cases. Another type of judicial officer was identified and called a para-judicial officer. Para-judges have much less authority than the quasi-judicial officers and usually hear only one type of minor case (e.g., uncontested traffic cases) or conduct one type of hearing (e.g., arraignments or detention hearings). They do not hear delinquency, dependency and neglect or status offense cases. They may have the title of referee, magistrate or hearing officer.

All of the courts that were surveyed have at least one judge hearing juvenile cases and only 3.3 percent (5) courts do not require them to be attorneys. Sixty of the 150 courts use judges exclusively. As shown in Table 2.6, over half of the 150 courts employ quasi-judicial officers to assist the judge(s). Of the 79 courts that use quasi-judicial officers, 86.1 percent require them to be attorneys. Thirty of the courts use para-judicial officers; 16 require them to be attorneys.

TABLE 2.6

COURTS THAT USE QUASI-JUDICIAL OFFICERS AND PARA-JUDICIAL OFFICERS

	Yes		No		Total	
	%	(N)	%	(N)	%	(N)
Employ quasi-judicial officers	52.7	(79)	47.3	(71)	100.0	(150)
Employ para-judicial officers	20	(30)	80.0	(120)	100.0	(150)

Table 2.7 shows that 63.8 percent of the general jurisdiction courts use quasi-judicial officers, while only 28.6 percent of the limited and special jurisdiction courts use them.

TABLE 2.7

USE OF QUASI-JUDICIAL OFFICERS BY COURT JURISDICTION (N = 150)

Use of Quasi-judicial Officers	Court Jurisdiction: General		Limited		Totals	
	%	(N)	%	(N)	%	(N)
Yes	63.8	(60)	28.6	(16)	50.7	(76)
No	36.2	(34)	71.4	(40)	49.3	(74)
Totals	100.0	(94)	100.0	(56)	100.0	(150)

CONTINUED

1 of 5

Table 2.8 presents information on the use of para-judicial officers.

TABLE 2.8

USE OF PARA-JUDICIAL OFFICERS
BY COURT JURISDICTION
(N = 150)

Use of Para-judicial Officers	Court Jurisdiction: General %	General (N)	Limited %	Limited (N)	Totals %	Totals (N)
Yes	23.4	(22)	8.9	(5)	18.0	(27)
No	76.6	(72)	91.1	(5)	82.0	(123)
Totals	100.0	(94)	100.0	(56)	100.0	(150)

The greater use of quasi-and para-judicial officers by juvenile divisions of general jurisdiction trial courts may indicate the de facto lower status of the juvenile court.

Responders to the survey were asked which of six kinds of cases were heard by each of the three different types of judicial officers. The number of courts that hear each type of case and the types of judicial officers who hear them are shown in Table 2.9.

TABLE 2.9

TYPES OF JUDICIAL OFFICERS IN THE 150 COURTS
AND THE KINDS OF CASES THEY HEAR

Types of cases	Types of Judicial Officers: Judges (N=150) %	Judges (N)	Quasi-judicial Officer (N=79) %	Quasi-judicial Officer (N)	Para-judicial Officer (N=27) %	Para-judicial Officer (N)
Delinquency	100.0	(150)	93.4	(71)	0.0	(0)
Transfer/Waiver	94.0	(141)	34.2	(26)	0.0	(0)
Status Offense	87.3	(131)	88.2	(67)	0.0	(0)
Neglect/Dependency	97.3	(146)	81.6	(62)	0.0	(0)
Traffic	14.0	(21)	34.7	(26)	48.1	(13)
Other	50.0	(75)	36.8	(28)	51.9	(14)

Table 2.9 indicates that quasi-judicial officers are used primarily to hear delinquency, status offense, and neglect/dependency cases. The decision to waive jurisdiction on transfer of juvenile to criminal court is largely reserved for the judge. Para-judicial officers hear primarily traffic cases and other minor matters.

Summary

This chapter focused on the location of juvenile jurisdiction and the nature of judicial personnel as indicators of the integration of the juvenile court with the justice system as a whole. The juvenile court was established in order to separate out juvenile matters from the adult criminal justice system and develop specialized procedures designed to benefit youth brought into the system. Various pressures, however, have

recommended changes that would bring the juvenile court to more closely resemble the adult criminal court. The survey questionnaire asked whether a court was of general or limited jurisdiction to determine the location of juvenile jurisdiction within the court system. It also asked questions concerning method of judicial selection and assignment, types of judicial officers, and the types of cases heard by each to determine the extent to which a specialized juvenile staff may have developed.

The stereotypical traditional juvenile court is a limited, or special, jurisdiction court presided over by a full-time judge, permanently assigned to the juvenile bench and assisted by specialized staff who may perform judicial functions. The data show that 62.7 percent of the metropolitan juvenile courts are general jurisdiction courts. Many of them, however, remain as special divisions of the general trial court systems. Most of the judges hold elective positions, although this is more true of those in general jurisdiction courts. It is suspected, however, that most attained their positions through interim appointment. Neither jurisdiction nor judicial selection method, therefore, can be considered a good indicator of the separateness or integration of the juvenile court.

Assignment method as an indicator of integration is also confounded by the lack of data on the duration of assignment. The data do indicate that in at least 42 percent of the courts judges are assigned on a permanent basis through method of selection or appointment to the juvenile bench. Most of the judges are assigned to juvenile matters full time, although limited jurisdiction courts are, predictably, more likely to have full-time juvenile judges than general jurisdiction courts.

About half of the courts in the study employ quasi-judicial officers to hear delinquency, status offense, and dependency/neglect cases. Only 20 percent use para-judicial officers to hear traffic or minor offenses. General jurisdiction, rather than limited jurisdiction, courts were more likely to use quasi- or para-judicial personnel.

CHAPTER 3

ADMINISTRATION OF SUPPORT SERVICES

Janice Hendryx and Barbara Kajdan

Social services and other court support services have always been critical to the functioning of the juvenile court to meet its rehabilitative mandate. In the stereotypical traditional juvenile court, probation, detention, and various social services were administered by the court; indeed, these "services" were a crucial part of the court. Today more juvenile courts may rely primarily on the executive branch and private sector for the provision of necessary services. The role of the court in the administration of services has become a controversial matter. This chapter summarizes the literature concerning the role of the court in the administration of services, and through an analysis of the survey data indicates the extent to which metropolitan juvenile courts maintain control over probation, detention, social services, and the personnel who provide these services.

Court vs. Executive Control of Support Services

Traditionally, services have been an integral part of the juvenile court. The court was established with a mandate to determine the needs of juveniles brought to its attention and to provide for those needs. Many argue that if the court is to be held accountable for those services, the court should have control of them. Those who favor court control of services argue that the court is in the best position to determine the types of services that are needed. They believe that if a

judge is to make the best use of available services he or she must have a thorough and up-to-date understanding of what the programs can do and what types of youths they can best serve.

Maintaining control of the service component of the court also includes control over personnel. Those who view rehabilitation as the primary goal of the juvenile justice system contend that probation personnel must be responsive to the court's philosophy. It is suggested in a special issue of the Juvenile Court Journal (Winter, 1972), that the judge should select key personnel, including a chief probation officer who is responsible for administration. "It is by far the best arrangement if the judge is perceptive and decisive in approving policy, if the chief is skilled in implementing that policy, and if the two of them are working with a common purpose and philosophy" (Keve, 1962: 174-175). This concept of a common ideology is consistent with Blumberg's depiction of courts as bureaucracies (1979). Judicial authority is centralized and all staff perform by direct extension of authority. The administrative staff have personal ties to the judge and share a common ideology.

Proponents of judicially administered probation assert that problems arise when the court does not have mangement responsibilities. Dyson and Dyson contend that in departments administered by an executive agency the probation officers have divided loyalties (1968). Their allegiance is first to the executive agency and then to the judiciary. Additionally, an unclear demarcation of authority exists because the employees work in the court but the executive agency has the broad power of examination and supervision. This seems consistent with Eisenstein

and Jacob's description of "work group" organization in which workers are answerable to the norms of their organizations and the judge's authority is limited (1977).

The extent to which some consider the provision of services a critical function of the juvenile court is reflected in the invocation of the inherent powers doctrine by some juvenile court judges. Carrigan, in "Inherent Powers of the Courts," reviewed relevant case law to develop this definition of inherent powers:

> Inherent powers consist of all powers reasonably required to enable a court to perform efficiently its judicial functions, to protect its dignity, independence and integrity, and to make its lawful actions effective (1973: 2).

Cratsley, in an updated version of "Inherent Powers of the Courts," defined the separation of powers doctrine as essentially a question of ". . . whether the particular subject matter under a judge's consideration for accomplishment via inherent powers is truly within the judicial function" (Cratsley, 1980: 15). For a judge to decide this, Cratsley says, the judge must decide, before invoking the inherent powers of the court, if the subject under consideration is ". . . necessary to the court's role in adjudication, necessary to a system of checks and balances, necessary to a properly balanced constitution, or necessary to the maintenance of the rule of law" (Cratsley, 1980: 16).

One must define the judicial functions that are to be protected in order to apply this definition. If the court's role is seen as solely one of adjudicating laws, advocates of court-administered services would not find support in the inherent powers doctrine. Proponents of judicially administered services assert that the inherent powers of the courts provide the authority for judges to employ probation officers and

administer detention and social service programs (Arthur, 1981). A number of court cases have supported this position (Carrigan, 1973; Cratsley, 1980; Weinstein, 1978).

A few of the inherent powers cases that have addressed specifically the question of whether courts should administer probation, detention or social services are summarized below:

1. "Within the inherent power of the Juvenile Court . . . is the authority to select and appoint employees reasonably necessary to carry our its functions of care, discipline, detention and protection of children . . . and to fix their compensation. In order that the Court may administer justice under the Juvenile Code, it is essential that it control the employees who assist it [p. 102]." State ex rel. Weinstein v. St. Louis County, 451 S.W.2d 99 (Mo. 1970). (Carrigan, 1973: 18).
2. "It is for the judges, not the county commissioners, to determine whether or not an additional court employee is needed and to choose the particular person for the job." Noble County Council v. State, 234 Ind. 172, 125 N.E.2d 709 (1955) (probation officer). (Carrigan, 1973: 13).

Although many other inherent powers cases have involved court personnel and juvenile courts, they have not addressed directly the court's proper role vis-a-vis probation, detention, and social services. Many of the cases have been brought for the purpose of obtaining funds for or approval of additional probation officers and, in general, the appellate courts have upheld the right of the trial court to these employees. The question of whether it is constitutional for the court to administer these programs has not been explicitly addressed.

Many who think that the judiciary should not administer intake, probation, detention, or social service programs believe it is unconstitutional for courts to do so. The separation of powers doctrine and the fourteenth amendment are cited as the guarantees against such practices (Gilman, 1981). Opposition to the juvenile court as a "welfare agency" is at the heart of many of the arguments against court control of services. It has been recognized that focusing on the condition of the child rather than the act that brought the child to the court's attention could result in the deprivation of basic rights. With the advent of the Supreme Court's decisions Kent v. U.S. (1966) and In re Gault (1967), the President's Crime Commission Report (1967), and the restructuring of the federal juvenile initiative (JJDP Act 1974, as amended), the juvenile court movement would seem to be directed towards more concern with procedural safeguards and legal issues.

Robert Vinter and others claim that: "Inevitably social or rehabilitative services compete with legal and case processing activites for the limited resources and personnel available to the court. As a consequence, emphasis in one area drains resources from another . . ." (1967: 89). Taking this assertion one step further, proponents of executive administration argue that removing managerial duties from the judiciary will give them more time to concentrate on the law.

Vinter expresses other concerns against court involvement in the administration of services. He asserts that no court can hope to acquire a sufficient range of services necessary for adequately responding to the diverse problems of delinquency, dependency and neglect. This requires a variety of services that would be a cumbersome management problem for

both the administrators and the employees. An increased number of programs would push the legal concerns into the background and, even when there is a marked increased in resources, the level of demand rises proportionately and the predicament of courts remains the same.

Another facet of this issue concerns the legal propriety of joining the role of judge and administrator. William Sheridan poses a hypothetical situation where an issue arises involving the nature of the care or service or any abuse in its provision. Under these circumstances he claims "the parent or guardian should always have recourse to the court. In such situations, when the judge is both, he may be called upon to pass judgments upon what are, in effect, his own actions" (Sheridan, 1967). In summary, when the judicial branch administers social services, conflicts of interests can be present in both disposing of cases and in reviewing the quality of services.

This argument has been expanded by those who believe the conflict of interest is so great that it eliminates the possibility of an unbiased hearing. This possible conflict of interest, it is argued, works against a fair and impartial hearing; court control of services violates the Fourteenth Amendment guarantee of the right to a fair trial (Gilman, 1981).

While there are those who prefer that courts not administer any juvenile services (IJA/ABA), some standards groups and juvenile justice scholars do not object to the court controlling some services (Rubin, 1981). For example, while the IJA/ABA in Court Organization and Administration suggests that intake, probation services, and detention programs should be administered by an executive agency, the National

Advisory Committee on Criminal Justice Standards and Goals recommends judicial administration of intake and social history functions. Vinter, however, contends that what ultimately happens when the court controls some, but not all, services is that programs become fragmented and often duplicative. The result of this fragmentation may be a conflict of interest in deciding dispositions. Provision of some, but not all, services generates a basic conflict of interest within the court, since those making dispositional decisions tend to favor action that relies on court facilities (Vinter, 1967).

A common theme among advocates of executively administered services is the reduction of fragmentation. When an executive agency administers these services, opportunities for comprehensive planning and cooperation with related service agencies are increased. Sheridan states that ". . . a parent who needs services for his child should not be compelled to go through a court process to secure such help; and two public service programs similar in nature, one in the judicial branch and one in the executive branch, is a luxury few communities can afford" (1967: 16-17). Coordination of services, it is argued, would maximize the use of scarce dollars.

While not addressing the appropriate role of the court in the administration of social services, the survey data do indicate the extent to which metropolitan juvenile courts maintain control of those functions that once defined the juvenile justice system.

Administrative Control of Probation

The probation department was defined as the organization performing the majority of traditional probation functions regardless of

what the department or agency was called. Three questions were asked to determine the degree of control exercised over probation by the court:

1. who has principal administrative control of the probation department;
2. who provides the funds (including whether probation is a line item in the court's budget); and
3. who hires and fires the employees.

Of the 150 jurisdictions surveyed, the majority, 60.7 percent (91), report that the court has principal administrative control of the probation department; in 33.3 percent (50), an executive agency has principal control, and the remaining 6.0 percent (9) (the "other" category) include four which share responsibilities between the court and an executive agency, four with state judicial control, and one jurisdiction where the matter was in dispute.

Table 3.1 shows the source of funds for probation. The categories are not mutually exclusive. Approximately 70 percent of the courts reported receiving funds from the county and over 40 percent from the state. Probation was a line item in the budgets of 40 percent of the courts.

TABLE 3.1

SOURCE OF FUNDS FOR PROBATION DEPARTMENTS

Source	%	(N)
State	43.3	(65)
County	71.3	(107)
City	4.7	(7)
Judicial (item in court budget)	40.0	(60)

Table 3.2 displays responses to the question of who has control over the employment (the hiring and firing) of probation personnel. Almost two-thirds of the courts in the survey have control over the employment of probation personnel. Twenty percent are controlled by the county, 10.7 percent by the state, and in 4.7 percent of the courts authority over employment is shared.

TABLE 3.2

CONTROL OF PROBATION EMPLOYMENT
(N = 150)

Agency	%	(N)
State	10.7	(16)
County	20.0	(30)
City	0.7	(1)
Court	64.0	(96)
Other (shared)	4.7	(7)
Total	100.1	(150)

The court, in the majority of jurisdictions, has control over employment and administration of probation; in 40 percent of the jurisdictions probation was a line item in the court's budget. Certainly these findings indicate that metropolitan juvenile courts are actively involved in provision of probation services within their states. Table 3.3 shows the relationship between location of jurisdiction and principal administrative control of probation. The majority of probation

departments in both general and limited jurisdiction courts are administered by the court, although limited jurisdiction courts are slightly more likely to control probation.

TABLE 3.3

ADMINISTRATIVE CONTROL OF PROBATION
BY COURT JURISDICTION
(N = 150)

Control of Probation	Court's Jurisdiction: General %	General (N)	Limited %	Limited (N)
Executive*	41.5	(39)	35.7	(20)
Court	58.5	(55)	64.3	(36)
Totals	100.0	(94)	100.0	(56)

*Executive includes the 9 courts that were grouped as "other"

Administration of Support Services

In this survey, respondents were asked if the court was directly responsible for the administration of foster care, psychological evaluations, psychological counseling, shelter care, diversion programs, restitution, and any other services. "Directly responsible for the administration" is defined as involvement in the day-to-day operation, control of the expenditure of funds, and authority to hire and fire the employees. In response to the question about "other" services administered by the court, the services most frequently mentioned included volunteer programs, group homes, and shelter care facilities.

Table 3.4 indicates that in 71.2 percent of the jurisdictions, in which an executive agency administers the probation department, the court controls two or fewer social service programs. In jurisdictions where the court administers probation, the court is more likely to provide a greater number of social services; 61.6 percent of the courts provide three or more social service programs.

TABLE 3.4

NUMBER OF COURT ADMINISTERED SOCIAL SERVICES
BY ADMINISTRATIVE CONTROL OF PROBATION
(N = 150)

Number of Social Services	Control of Probation: Executive Agency %	Executive Agency (N)	Court %	Court (N)	Total %	Total (N)
0-2	71.2	(42)	38.5	(35)	51.3	(77)
3-4	16.9	(10)	33.0	(30)	26.7	(40)
5-7	11.9	(7)	28.6	(26)	22.0	(33)
Totals	100.0	(59)	100.1	(91)	100.0	(150)

Table 3.5 shows that the court administered probation departments are more likely to administer each of the specific social services than courts with executively administered probation departments.

TABLE 3.5

COURT CONTROL OF SOCIAL SERVICES
BY ADMINISTRATIVE CONTROL OF PROBATION

Social Services	Administrative Control of Probation: Executive N = 50*		Court N = 91*		Other N = 9	
	%	(N)	%	(N)	%	(N)
Foster Care	10.0	(5)	27.8	(25)	22.2	(2)
Psychological Evaluations	18.0	(9)	54.9	(50)	33.3	(3)
Psychological Counseling	12.0	(6)	33.0	(29)	33.3	(3)
Shelter Care	8.0	(4)	26.4	(24)	33.3	(3)
Diversion Programs	24.0	(12)	64.8	(59)	55.6	(5)
Restitution	32.0	(16)	84.4	(76)	77.8	(7)
Other Programs	24.5	(12)	47.2	(42)	44.4	(4)

*The (N) for Executive (50) and Court (91) may be from one to three less than is shown and the percentages are based on the actual number of cases in each category.

The relationship between court control of services and the number of services provided by the total system cannot be determined by our data. Judge Justine Wise Polier, however, in her dissent to some sections of the IJA/ABA standards volume Juvenile Court Organization and Administration, states that separation of probation from the administration of the court in New York resulted in ". . . a steady deterioration of the quantity and quality of services to the court" (p. 47, 1980). Strong support for her analysis may be found among the judiciary of Florida. Many of the judges interviewed expressed similar concerns about the programs now administered

by the state executive which, until recently, had been controlled by the courts.

Some have proposed that the ultimate benefit of executive management is the potential for uniformity of procedure and service. On a state level, the available programs would be uniform, as would be the management of the personnel who staff these programs and the decision making procedures. The same case, however, is made by those who favor a centrally administered judiciary in a unified state court system. Only if one assumes that all court-administered services are controlled at the local level and all executively administered services are controlled at the state level can uniformity be considered a reason for executively administered services. This particular debate is more accurately described as centralization versus local control, than executive versus judicial control.

In the following tables administrative control of probation is divided into three categories, state executive agency, local (county and city) executive agency, and local court. This is done to look at the relationship between centralized management (state executive agency control of probation) and decentralized management (local executive agency and local court control of probation) and the court's control of social services. The nine courts in the "other" category are not included in these tables.

TABLE 3.6

CONTROL OF FOSTER CARE
BY ADMINISTRATIVE CONTROL OF PROBATION
(N = 140)*

Court Administers Foster Care	Administrative Control of Probation: State Executive %	(N)	Local Executive %	(N)	Court %	(N)
Yes	0.0	(0)	14.7	(5)	27.8	(25)
No	100.0	(16)	85.3	(29)	72.2	(65)
Totals	100.0	(16)	100.0	(34)	100.0	(90)

*10 missing cases

Table 3.6 suggests a possible relationship between state operated probation (centralized management) and the extent to which the court runs its own services. In none of the sixteen courts in which a state executive agency controls probation does the court administer foster care. When probation is controlled by a local executive agency, 14.7 percent of the courts administer foster care. The court administers foster care in 27.8 percent of the courts in which probation is also court controlled.

The effect of centralization is not apparent in Table 3.7. Court control of probation does make a discernible difference in whether the court has responsibility for conducting psychological evaluations.

TABLE 3.7

ADMINISTRATIVE CONTROL OF PROBATION
BY COURT CONTROL OF PSYCHOLOGICAL EVALUATIONS
(N = 140)*

Court Administers Psychological Evaluations	Administrative Control of Probation: State Executive %	(N)	Local Executive %	(N)	Court %	(N)
Yes	18.8	(3)	17.6	(6)	54.4	(49)
No	81.3	(13)	82.4	(28)	45.6	(41)
Totals	100.1	(16)	100.0	(34)	100.0	(90)

*10 missing cases

Table 3.8 does suggest the possible relationship between centralized management and the extent to which the courts provide psychological counseling.

TABLE 3.8

ADMINISTRATIVE CONTROL OF PROBATION
BY COURT CONTROL OF PSYCHOLOGICAL COUNSELING
(N = 138)*

Court Administers Psychological Counseling	Administrative Control of Probation: State Executive %	(N)	Local Executive %	(N)	Courts %	(N)
Yes	6.3	(1)	14.7	(5)	33.0	(29)
No	93.8	(15)	85.3	(29)	67.0	(59)
Totals	100.1	(16)	100.0	(34)	100.0	(88)

*12 missing cases

A pattern has begun to emerge. Courts with state operated probation departments are slightly less likely to have their own social services than are courts with county or city (local) administered probation. Courts with administrative control of probation are far more likely to be responsible for social services than either level of the executive branch. This pattern continues to hold in the next few tables.

TABLE 3.9

ADMINISTRATIVE CONTROL OF PROBATION
BY COURT CONTROL OF SHELTER CARE
(N = 141)*

Court Administers Shelter Care	Administrative Control of Probation: State Executive %	(N)	Local Executive %	(N)	Court %	(N)
Yes	0.0	(0)	11.8	(4)	26.4	(24)
No	100.0	(16)	88.2	(30)	73.6	(67)
Totals	100.0	(16)	100	(34)	100	(91)

*9 missing cases

Shelter care is considered an especially good indicator because it is a residential service and not commonly associated with typical probation services. Table 3.9 shows that in those sixteen courts in which probation is administered by a state executive agency the court does not administer shelter care. In those courts in which probation is administered by a local executive agency, 11.8 percent of the courts administer shelter care. Over a fourth of the courts that administer probation also administer shelter care.

Table 3.10 displays the data on diversion programs. It is not considered a particularly good indicator because diversion is an integral part of a probation officer's job. Nevertheless, the pattern holds. Only one court, in which probation is administered by a state executive agency, administers a diversion program. Whereas, 32.4 percent of those courts in which probation is administered by a local executive agency administer such a program, and 64.8 percent of the courts that administer probation. Restitution and "other" services are not presented because of the questionable quality of the data.

TABLE 3.10

ADMINISTRATIVE CONTROL OF PROBATION
BY COURT CONTROL OF DIVERSION PROGRAMS
(N = 141)*

Court Administers Diversion Programs	Administrative Control of Probation: State Executive %	(N)	Local Executive %	(N)	Courts %	(N)
Yes	6.3	(1)	32.4	(11)	64.8	(59)
No	93.8	(15)	67.6	(23)	35.2	(32)
Totals	100.1	(16)	100.0	(34)	100.0	(91)

*9 missing cases

Later in this chapter a similar table is presented using employee protection systems as the dependent variable. It too suggests a possible connection between the court's control of social services and whether probation is administered by the state or local executive branch of government. It appears that court control of probation is more

determinative of court operated social services than state or local control of probation. There were not enough state judicially administered probation departments in the survey to allow us to do any analyses of them.

Administration of Detention

Administrative control of detention facilties involves many of the same issues as administration of probation and social services. The detention process was initially viewed as serving two major functions: (1) protection (protecting children from harming themselves through misbehavior) and (2) rehabilitation (the beginning of the treatment process) (Rubin, 1979). Milligan has written of the juvenile judge and detention:

> For some judges, operation of a detention home is the badge of authority for them . . . . It is visible expression of the mantle of parens patriae--the judge feeling like and acting as father to the children there (Milligan, 1981: 455).

Increasingly, detention also has been called upon to serve the function of protection for society. It is now, however, generally recognized as deprivation of liberty, whatever its purpose.

The preceding section on conflict of interest is especially relevant to judicially controlled detention facilities. Most of the recent juvenile justice standards favor the involvement of judges in the inspection and monitoring of detention facilities. Jack Foster's description of the responsibility of the court regarding detention facilities succinctly summarizes this view: "The judiciary should be in a position to challenge, review, instruct, condemn, and intervene, especially under a system that operates without bail or bond for those detained and without easy access to traditional writs of habeas corpus" (1981: 482).

Foster makes the point that court control of detention is probably a no-win situation. Either the judge is pitted against his or her employees or, assuming that he or she can maintain the necessary impartiality to consider allegations of inadequate or abusive treatment, the credibility of his or her findings would be in serious doubt.

All of the major juvenile justice standard setting groups recommend that detention facilities be administered by a state agency. The IJA/ABA prefers state agency administration but did amend the final version of the Interim Status volume to acknowledge the necessity for local or judicial control in some jurisdictions. A single state agency is preferred because of the expected benefits of centralized management. These benefits include greater financial resources, uniform level of care, and better personnel, salaries, and benefits. A statewide network of detention facilities administered by a state agency would make it easier to transfer youths between facilities and would increase the probability of a wider range of services and security. Centralized management, it is hoped, would reduce the likelihood of abuses and inadequate care. Locally funded detention facilities are opposed because funding generally is inadequate and there is an increased chance of regressive detention procedures (Wald, 1976).

Those who favor judicial control of detention believe abuses are more likely to occur under executive branch or private management. Frequently mentioned advantages of judicial control include: less chance for physical abuse of the youths or violation of their due process guarantees and better coordination with the intake and investigation unit (assuming, of course, that it is administered by the court).

These claims and similar ones made about the advantages and disadvantages of executively or judicially administered services have not been tested on a large scale. Indeed, a national study of detention facilities, conducted in 1966 by the National Council on Crime and Delinquency, concluded that ". . . the type of administering agency appears to have little effect on the quality of detention services rendered. NCCD surveys show that better coordination between probation and detention can usually be achieved when detention is administered under a director of court services. Regional detention appears to be most satisfactory when administered by a State agency. . . ." (The President's Commission on Law Enforcement and Administration of Justice, Task Force on Corrections, 1967: 122).

In the current survey, three questions were asked about the administration of detention facilities:

1. who has principal administrative control;
2. who funds the facility; and
3. who hires and fires detention personnel.

Results indicate that detention facilities are administered by the executive branch in 64 percent (96) of the courts, and in 36 percent (54) the court has primary control.

An executive agency controls employment of detention personnel in 58.7 percent (88) of the 150 courts surveyed. Courts control employment of detention personnel in 37.3 percent (56) of the courts. In six of the 150 jurisdictions we did not reconcile conflicting responses.

Detention was included in the budgets of 18.7 percent (28) of the courts. The majority of detention facilities, 73.3 percent (110), are

funded by county governments. Nine of the remaining facilities, 6 percent, receive most of their funding from city governments and 16.7 percent (25) are funded by state agencies. Three are part of a regional network of counties and cities. Even though only 16.7 percent (25) of the detention facilities are operated by a state agency, 37.3 percent (56) receive some funding from the state.

Table 3.11 presents data on the relationship between court jurisdiction and administrative control of detention. The results are a bit surprising at first. Detention is more likely to be executively administered in courts of limited jurisdiction than in courts of general jurisdiction. When you consider that, historically, detention has been controlled by county government (Sarri, 1974) and far fewer courts operated detention in the past than have controlled probation departments, then the relationships are not unexpected.

TABLE 3.11

ADMINISTRATIVE CONTROL OF DETENTION
BY COURT JURISDICTION
(N = 150)

Administrative Control of Detention	Court's Jurisdiction: General		Limited		Totals	
	%	(N)	%	(N)	%	(N)
Executive	58.5	(55)	73.2	(41)	64.0	(96)
Court	41.5	(39)	26.8	(15)	36.0	(54)
Totals	100.0	(94)	100.0	(56)	100.0	(150)

The relationship between administrative control of detention and who conducts the initial review of complaints (the first stage of the intake process) was explored because for many youths intake begins with admission to detention. Table 3.12 shows that 74.5 percent of the courts that operate detention facilities also conduct the initial review of

TABLE 3.12

WHO FIRST REVIEWS THE COMPLAINT
BY WHO CONTROLS DETENTION
(N = 143)*

Who Reviews Complaint**	Administrative Control of Detention: State Executive		Local Executive		Sub-total Executive		Court		Totals	
	%	(N)	%	(N)	%	(N)	%	(N)	%	(N)
Court Intake	24.0	(6)	28.4	(19)	27.2	(25)	74.5	(38)	44.1	(63)
Executive Intake	48.0	(12)	34.3	(3)	38.0	(35)	0.0	(0)	24.5	(35)
Prosecutor	12.0	(3)	7.5	(5)	8.7	(8)	11.8	(6)	9.8	(14)
Direct Petition	4.0	(1)	17.9	(12)	14.1	(13)	5.9	(3)	11.2	(16)
Intake and Prosecutor	12.0	(3)	11.9	(8)	12.0	(11)	7.8	(4)	10.5	(15)
Totals	100.0	(25)	99.9	(67)	100.0	(92)	100.0	(51)	100.1	(143)

*7 missing values
**See the Glossary in Volume II for definitions of categories

complaints. When detention is administered by an executive agency the initial review of complaints is done solely by executively controlled intake staffs in only 38 percent of the courts. There were only slight differences between state and local executively operated detention.

Personnel Administration

Courts traditionally have lagged behind the executive branch and the private sector in implementing personnel systems, but in the last decade they have made substantial progress. One of the most important reasons for this progress has been the emphasis on court unification and the concomitant increase in state financing of courts (Lawson, 1979). A related factor is the increasing number of court employees joining public employee unions (Cole, 1979).

Lawson, et al. identified three primary models of court personnel systems: patronage, merit, and collective bargaining. Courts generally have followed that order of progression when adopting new personnel systems, although there are variations on the types and exceptions in the evolution.

Patronage would come the closest to describing the personnel systems we would expect to find in courts that function similar to Blumberg's bureaucratic model. In courts that resemble Eisenstein and Jacob's workgroup model, we would expect to find merit selection and collective bargaining. Stated more simply, probation and detention departments administered by courts are less likely to have merit selection and collective bargaining than executively administered probation and detention. The survey did not ask about types of personnel systems. We asked about merit selection and unions for probation and detention employees.

Probation

Table 3.13 shows, by adding the total column, that in 79.3 percent of the courts, probation employees have either merit selection or a

union, and in 42.7 percent, they have both. Executively administered probation staffs are more likely to have these protections, with 94.9 percent having at least one, while 69.3 percent of court administered staffs have one. Furthermore, 69.5 percent of the executively administered probation departments have both, while only 25.3 percent of the court controlled staffs have both.

TABLE 3.13

EMPLOYEE PROTECTION SYSTEMS FOR PROBATION EMPLOYEES
BY ADMINISTRATIVE CONTROL OF PROBATION
(N = 150)

Employee Protection Systems	Control Over Probation: Executive Agency %	(N)	Court %	(N)	Total %	(N)
Both union and merit systems	69.5	(41)	25.3	(23)	42.7	(64)
Merit and no union	20.3	(12)	27.5	(25)	24.7	(37)
Union and no merit	5.1	(3)	16.5	(15)	12.0	(18)
No merit or union	5.1	(3)	30.8	(28)	20.7	(31)
Totals	100.0	(59)	100.0	(91)	100.0	(150)

Detention Personnel

We also asked the responders about employee protections for detention personnel. Table 3.14 shows when the categories are added together, that 81.3 percent of the courts have some form of employee protection for detention staffs, and 44.7 percent have both a merit system and a union.

TABLE 3.14

EMPLOYEE PROTECTIONS FOR PROBATION PERSONNEL
BY ADMINISTRATIVE CONTROL OF DETENTION
(N = 150)

Employment Protections	Control Over Detention: Executive Agency %	(N)	Court %	(N)	Total %	(N)
Both union and merit systems	58.3	(56)	20.4	(11)	44.7	(67)
Union	25.0	(24)	27.8	(15)	26.0	(39)
Merit	8.3	(8)	14.8	(8)	10.7	(16)
No merit or union	8.3	(8)	37.0	(20)	18.7	(28)
Totals	99.9	(96)	100.0	(54)	100.1	(150)

Of the 96 courts with executively administered detention facilities, 91.7 percent (cumulative) have either a merit system or a union, and 58.3 percent have both; whereas 63 percent (cumulative) of the court administered detention facilities have some protection, and only 20.4 percent have both.

These data can be interpreted as fitting Blumberg's model of the court as bureaucracy, which, as noted above, seems so descriptive of the traditional court. Judicial authority is centralized and all staff perform by direct extension of authority. The administrative staff have personal ties to the judge and share a common ideology. Judicial administrative authority is enhanced through control and distribution of organizational rewards (e.g., promotions, employment opportunities).

It may be, however, that fewer employee protections in court administered probation departments has less to do with traditional juvenile court philosophy than it does with operational differences in these two branches of government. According to Lawson, et al., courts ". . . have tended to follow developments in the executive branch personnel system, though usually some years later" [emphasis added]" (1979: 33). Table 3.15 presents data on probation employee protections classified by state excutive, local executive, and court control of probation. These data lend support to Lawson's assertion.

TABLE 3.15

EMPLOYEE PROTECTIONS FOR PROBATION PERSONNEL
BY ADMINISTRATIVE CONTROL OF PROBATION
(N = 136)*

	Administrative Control of Probation					
Employee Protections	State		Local		Court	
	%	(N)	%	(N)	%	(N)
Merit and Union	81.3	(13)	72.7	(24)	32.2	(28)
Union	0	(0)	12.1	(4)	13.8	(12)
Merit	6.3	(1)	15.2	(5)	24.1	(21)
None	12.5	(2)	0	(0)	29.9	(26)
Totals	100.1	(16)	100.0	(33)	100.0	(87)

*14 missing cases

The courts are significantly less likely to have both merit selection and unions for their probation employees than are county or state governments; but in the single protection categories they exceed the executive agencies.

When administrative control of detention was broken out by state executive, local executive, and court controlled (see Table 3.16), the results were similar to employee protections by administrative control of probation.

TABLE 3.16

EMPLOYEE PROTECTIONS FOR DETENTION PERSONNEL
BY ADMINISTRATIVE CONTROL OF DETENTION
(N = 144)*

	Control of Detention					
Employee Protections	State		Local		Court	
	%	(N)	%	(N)	%	(N)
Merit and Union	73.9	(17)	56.7	(38)	24.1	(13)
Union	8.7	(2)	10.4	(7)	13.0	(7)
Merit	17.4	(4)	22.4	(15)	24.1	(13)
None	0	(0)	10.4	(7)	38.9	(21)
Totals	100	(23)	99.9	(67)	100.1	(54)

*6 missing cases.

State executive agency operated detention facilities were far more likely to have both merit systems and unions for detention personnel than were local executive and court controlled detention.

Summary

The juvenile court was founded as basically a social service agency. Critics of the juvenile court serving this role have argued for administration of at least some services by an executive agency. The appropriate role for the court in the administration of services was not

addressed by this study. The survey data do indicate, however, the extent to which metropolitan juvenile courts maintain control over probation, detention, social services, and the personnel who provide these services.

The majority of courts have administrative control over probation and the employment of probation personnel. Limited jurisdiction courts, however, are slightly more likely to control probation than general jurisdiction.

Courts that administer probation were found more likely to administer various court-related social services. Also the court is less likely to administer services when probation is administered at the state level than when it is administered by a local executive agency. Courts with administrative control of probation are far more likely to be responsible for social services than courts with probation administered by either level of the executive branch.

In most of the courts detention facilities and personnel are administered by the executive branch and funded by county governments. Detention is more likely to be executively administered in courts of limited jurisidiction than courts of general jurisdiction.

The survey also found that executively administered probation and detention staffs are more likely to have employee protection systems than court-administered personnel. Also, state executive agency operated detention facilities are more likely to have both merit systems and unions for detention personnel than local executive and court controlled detention. These findings may reflect "cultural lag" in court management, or reflect the organizational structure of court systems.

CHAPTER 4

INTAKE

Janice Hendryx

Juvenile courts, since their inception, have had procedures and staff to screen referrals and to resolve some cases without formal court processing (Empey, 1978, Blumstein and Stafford, 1974). Early literature on juvenile courts discusses the purposes, variations in practices and the initial controversies surrounding these preliminary procedures (Sheridan, 1962, Dunham, 1958).

In 1922 the National Probation Association Committee on Juvenile Courts published the findings of a study of juvenile courts and reported the following about intake:

> As far back as 1910, the bulk and unstandardized methods of this extra-legal case-work were to be noticed. In 1913, when a first-hand study of leading courts was made, it was found that nearly every probation office visited had spontaneously developed some practice of this sort, in several courts to a considerable extent (Committee on Juvenile Courts, National Probation Association 1922).

In 1916 the Municipal Court of Chicago reported:

> Outside the court itself we have a social secretary who has with her a number of assistants . . . . This department of our court is fully as important, needful and useful in my opinion as the court itself . . . and it is remarkable how many cases can be settled in that department without ever at all coming to the attention of the court (Sheridan, 1962).

This spontaneous development of extra-legal intake procedures continued until 1926 when the first Standard Juvenile Court Act was published (Rubin, 1979). It provided for a "preliminary inquiry to determine whether the interests of the public or of the child require that further action be taken" (Wallkes, 1964: 117). States were

encouraged to formalize and legitimize the informal handling of cases by recognizing the practice in their juvenile statutes.

Probation officers in New York may have been the first to use the term "unofficial probation" and thereby provide the impetus for statutory recognition of intake. In the 1918 edition of their probation manual, unofficial probation was defined as "cases referred to probation officers for oversight and help for which persons are not brought before the court or judge at all. Unofficial cases usually arise through the desire of the parent, teacher, or someone else especially interested in having the wayward tendencies or habits of a child or an adult overcome without notoriety or other harmful effects which might follow an arrest or appearance in court" (Wallace and Brennan, 1963). Avoiding official processing of youths who could be helped without formal intervention, and the concomitant stigma, was considered then (and today) by many juvenile court practitioners as a necessary component of the court in order to achieve the highest principles of parens patriae (Rubin, 1979).

As the juvenile court has evolved and come under increasing criticism, intake has been one of the targets. Intake has traditionally exercised considerable discretion in not only deciding which cases are referred to court, but also in the "informal" disposition of cases not referred for a judicial hearing. Wide discretion permitted intake workers to place juveniles on probation with no legal determination of facts or other legal safeguards. As the potential for abuse has become recognized, procedures have become more formalized, and the criteria for determining how youths will be processed have been made more explicit. In many courts a prosecutor has assumed a role in intake. Nevertheless,

as the present research suggests, intake may be the last bastion of traditional court philosophy in many juvenile courts where the official processing structures have all the elements of the felony justice model.

The intake process is a major, critical element in any study of the structure and procedures of juvenile courts. The intake function is viewed by many observers of the juvenile court as the most important step in the decision-making process because, nationally, less than 50 percent of the youths referred to court are handled formally.

A considerable literature has developed, especially in recent years, on the subject of intake. Standards for decision making and staffing and operating intake units have been promulgated by a variety of groups and individuals (IJA-ABA, NCCD, NAC, John Howard Association). The standards groups vary on recommendations for the organization and operation of intake, including recommended division of labor, scope of inquiry, criteria to be used, and the discretion and processing alternatives available at intake. The presence and role of counsel, along with other due process safeguards at intake are matters of increasing concern and controversy.

The history and evolution of juvenile court intake has also been amply documented and described. A range of perspectives has been evidenced in the writings on juvenile court intake. We briefly will remind the reader of the contemporary issues and debates as they relate to the data but will not reiterate the history.

The Organization of Intake

The functional objectives of intake should determine in part its organization and operation. The following are the five primary

objectives of intake in most courts as suggested by the literature (Sheridan, 1962; Ferster and Courtless, 1971) and identified by this survey of metropolitan juvenile courts:

1. to determine if the court has jurisdiction over the allegation;
2. to determine probable cause (i.e., if there is sufficient evidence to support the allegation and to establish that the youth was the person responsible;
3. to decide if a youth will be detained until a judicial hearing;
4. to decide whether it is in the best interest of the youth or society to file a petition; and,
5. to make an alternative disposition if a decision is made not to file a petition.

There are, however, variations in how intake units are structured to meet these objectives.

The provisions of the statutes and the underlying philosophy of the court are sources of variation in the organization and operation of intake. The various organizational and administrative models in operation today reflect the different choices courts and legislatures have made. There are important philosophical and practical implications in each.

The statutory provisions, the agencies with administrative authority over intake, and the objectives of intake are interdependent and interrelated in the effects the parts have on the whole. They come together to affect the degree of discretion exercised and due process provided, not just at intake, but also at subsequent processing stages through to final disposition (Lemert, 1967).

The present survey gathered information on the administration and operation of intake in 150 metropolitan juvenile courts. Respondents were asked questions concerning which group or department performs the intake function, who initially reviews complaints, who makes the decision to file a petition, screening criteria used, processing alternatives, and due process safeguards.

Administration

Opinions concerning the appropriate branch (executive or judicial) and level (state or local) of government to administer probation were described in Chapter 3. Probation personnel traditionally have had responsibility for screening referrals to the juvenile court. As probation departments have become more independent of the courts, through centralized and executive administration, personnel protection systems, and collective bargaining arrangements, the organization and administration of intake necessarily have been affected.

Probation departments have become more specialized and more of them have come under executive agency control. Specialized intake units, separated from other probation responsibilities, staff most large juvenile courts and the executive branch of government has strengthened its control over its employees. The increased presence and more predominant role of the prosecutor have been major changes in intake.

The significance of these changes and their effects on the processing of youths, the provision of due process, and subsequent court hearings are not thoroughly understood or agreed upon (White, 1981). As a result of this study we are able to describe the extent of these changes in metropolitan juvenile courts.

The data indicate that intake is performed by a division of an executive or court administered probation department in 115 of the courts. There are 18 courts in which responsibility for intake is shared by the probation department and the prosecutor's office. The prosecutor has sole responsibility for intake in 11 courts. Six courts reported that clerks, magistrates or other court employees do the screening.

Intake Procedures

Questions concerning the initial review of complaints and the decision to file a petition proved to yield fuller, and, therefore, more accurate information on the agencies and their responsibilities for screening cases. Responses to these questions were open-ended; we did not force the responses into pre-determined categories. We were able to capture the sequence and level of responsibility between intake/probation officers and prosecutors. These responses eventually were coded and collapsed into categories. Responses to the two questions when considered together, allow finer distinctions to be made among operational models of intake.

Initial review of complaints: Open-ended responses to the question of who first examines the complaint were coded and collapsed into six categories:

1. Court intake (includes court administered probation, court employed prosecutor, and other court officers);
2. Executive agency intake (includes executively controlled intake staffs);
3. Prosecutor;
4. Shared (includes judicial and executive intake staffs who share the responsibility for reviewing complaints with the prosecutor's office);

5. Direct Petition (these courts do not screen referrals until after a petition has been filed); and
6. Other (includes those courts in which the determination of who examines the complaint is dependent on the type of charge).

These courts were eliminated from further analysis.

In approximately 39 percent of the courts, the initial review is conducted by a court intake unit. The initial review is conducted by an executive agency in 24.0 percent of the courts, and by a prosecutor in 7.3 percent. The responsibility for initial review is shared by a judicial or executive intake staff and a prosecutor in 10.6 percent of the courts, and in 9.3 percent petitions are filed directly.

Table 4.1 displays the data on who first reviews the complaint by who has principal administrative control of probation. We would expect that when the court controls probation, it also controls the intake process.

TABLE 4.1

INITIAL REVIEW OF COMPLAINTS BY ADMINISTRATIVE CONTROL OF PROBATION
(N = 136)*

Who Conducts Initial Review	Administrative Control of Probation: Executive %	Executive (N)	Court %	Court (N)
Court	2.0	(1)	66.7	(58)
Executive	73.5	(36)	0.0	(0)
Prosecutor	4.1	(2)	10.3	(9)
Direct Petition	4.1	(2)	13.8	(12)
Shared	16.3	(8)	9.2	(8)
Totals	100.0	(49)	100.0	(87)

*14 missing cases

Eighty-seven of the 136 courts have administrative control of probation and two-thirds of them reported that court intake staff has sole responsibility for the initial review of complaints. In 13.8 percent of the courts that control probation, cases are referred directly to the court, and in 10.3 percent a prosecutor conducts the initial review. In those courts reporting that an agency of the executive branch has principal administrative control of probation, almost three-fourths have sole responsibility for initial review of complaints. In another 16.3 percent the responsibility is shared with a prosecutor.

Making the decision to file a petition: Open-ended responses to the question of who makes the decision to file a formal petition were coded and collapsed into five categories:

1. Court intake (includes court administered probation, court employed prosecutor, and other court officers);
2. Executive agency intake (includes executively controlled intake staffs);
3. Prosecutor;
4. Shared (includes judicial and executive intake staffs who share the responsibility for reviewing complaints with the prosecutor's office);
5. Other (includes those courts in which the determination of who examines the complaint is dependent on the type of charge). These courts were eliminated from further analysis.

Looking at allegations of criminal law violations, in 45.3 percent of the 150 courts a prosecutor makes the decision to file a petition. In 30.7 percent a court intake unit makes the decision. In only three

courts does an executive intake unit alone decide whether to file a petition. Responsibility for the decision is shared by an intake unit and the prosecutor in 4.6 percent. In the remaining courts, responsibility for screening depends on the type of case. Table 4.2 shows the relationship between who makes the decision to file a formal petition and administrative control of probation.

TABLE 4.2

DECISION TO FILE PETITION BY ADMINISTRATIVE CONTROL OF PROBATION
(N = 124)*

Who Makes Petition Decision	Administrative Control of Probation: Executive %	Executive (N)	Court %	Court (N)
Court Intake	0	(0)	56.8	(46)
Executive Intake	7.0	(3)	0	(0)
Prosecutor	88.4	(38)	37.0	(30)
Shared	4.7	(2)	6.2	(5)
Totals	100.1	(43)	100.0	(81)

*26 missing cases

When an executive agency controls probation, it is likely that a prosecutor makes the decision whether to file a petition. The prosecutor makes in this decision 88.4 percent of the courts in the study in which an executive agency controls probation. In most (56.8 percent) of the courts that control probation, the decision whether to file a petition is

made by court intake staff. The prosecutor, however, is involved in the decision in the remaining courts.

Dual screening: These data suggest that prosecutors are taking a more active role in the juvenile court, especially in those courts where the executive branch has responsibility for probation services. Does this also mean that intake procedures are becoming more formal, with more emphasis on due process, or that intake officers have less discretion? These questions and others are examined in the following tables.

Table 4.3 shows the relationship between who first examines the complaint and who makes the decision to file the petition.

TABLE 4.3

INITIAL REVIEW OF COMPLAINTS
BY DECISION TO FILE PETITION
(N = 129)*

Decision to File	Initial Review of Complaints: Court Intake		Executive Intake		Prosecutor		Direct Petition		Shared		Total
	%	(N)	%	(N)	%	(N)	%	(N)	%	(N)	(N)
Court Intake	67.2	(39)	0.0	(0)	0.0	(0)	80.0	(12)	0.0	(0)	(51)
Executive Intake	0.0	(0)	6.5	(2)	0.0	(0)	6.7	(1)	0.0	(0)	(3)
Prosecutor	29.3	(17)	93.5	(29)	100.0	(14)	6.7	(1)	72.7	(8)	(69)
Shared	3.4	(2)	0.0	(0)	0.0	(0)	6.7	(1)	27.3	(3)	(6)
Totals	99.9	(58)	100.0	(31)	100.0	(14)	101.1	(15)	100.0	(11)	(129)

*21 missing

It is no surprise that prosecutors make the filing decision in 100 percent of the 14 courts in which they first review the petition. They

make the filing decision in 93.5 percent of the courts in which the initial review is done by executively administered intake. When court administered intake does the initial review, however, the prosecutor makes the filing decision in only 29.3 percent of the courts. Obviously, some courts have developed a two-stage screening process. Table 4.4 groups the courts according to screening process. In one-stage processing, the same agency conducts the initial review and makes the decision whether to file a petition. In two-stage processing, one agency conducts the initial review of the complaint and refers it for a decision on filing. Approximately one-half of the courts in this analysis use one-stage processing and one-half two-stage. In approximately two-thirds of the courts with one-stage processing, court intake is responsible for all screening. The prosecutor is solely responsible for screening in 24.1 percent of the courts. In three courts the responsibility is shared, and in only 2 is an executive agency solely responsible for screening. In all of the courts with a two-stage screening process the prosecutor is involved in the decision to file a petition. In over half (51.8 percent) of these courts, an executive agency initially reviews the complaint and a prosecutor makes the filing decision. In 30.4 percent of the courts with double screening the court conducts the initial review and, again, the prosecutor makes the filing decision.

TABLE 4.4

SCREENING PROCESS
(N = 114)*

		%	(N)
One-stage screening	50.9		
Court intake/court intake		67.2	39
Prosecutor/Prosecutor		24.1	14
Executive agency/executive agency		3.4	2
Shared/shared		5.2	3
		99.9	58
Two-stage screening	49.1		
Court intake/prosecutor		30.4	17
Court intake/shared		3.6	2
Executive agency/prosecutor		51.8	29
Shared/prosecutor		14.3	8
		100.1	56
		100.0	

*36 missing cases.

Tables 4.2 through 4.4 suggest important changes in juvenile courts--the introduction of a prosecutor into the intake process and the use of dual screening. The development and increase in the use of shared screening of cases has been attributed to a variety of causes. They include the increased concern with due process rights of juveniles since Gault, the increased number of executively administered probation departments, and a need to involve prosecutors because of law and order concerns, but not to involve them with trivial or status offense matters (Rubin, 1981). It also is related to documented abuses that have

occurred when intake officers have little knowledge and, in some cases, little concern for the legal aspects of their jobs.

> The absence of legal training on the part of intake officers has placed them at a disadvantage in this respect; not infrequently they place the law in limbo in conducting the evaluation . . . (and this) has often led to unrepresented youngsters accepting terms of informal probation or later admitting to the offense before the judge without anyone's having scrutinized the legal sufficiency of the case. (Rubin, 1980: 04)

The ABA/IJA Standards Project has recommended a shared or second level screening approach that requires the intake officer to obtain approval from the prosecutor on all referrals, regardless of whether the officer's recommendation is to petition, to handle informally, or to dismiss the case. Variations on the shared approach, all of which diminish the role of the prosecutor, include prosecutor review of cases only when a petition is recommended or a cursory review of the petitions before they are filed to ensure they are filled out properly.

Using the shared approach, intake officers often are able to maintain an emphasis on social factors, a broad scope of inquiry, and their processing discretion, tempered by prosecutorial review of the legal aspects of cases. Some jurisdictions in recent years, however, in addition to requiring the prosecutor to screen all referrals, have established specific criteria for diversion that limit the parens patriae orientation and discretion of intake.

Five jurisdictions, which are not included in the above analysis, represent another form of shared intake that resembles a triage process. Intake officers screen misdemeanor and status offense cases. The prosecutor's office receives felony and serious misdemeanor charges. The intake officer and prosecutor may have authority to refer cases to each

other. Prosecutors may refer those cases which they do not want to prosecute or dismiss completely. Intake officers may refer youths to the prosecutor for official processing. These five jurisdictions were excluded from the shared category because they do not use two stages or second level review and excluded from further analysis because of their small number.

Effect of screening mechanisms on referrals: It appears that the types of cases referred to court are in part determined by who does the screening. Until recent years, referral of youths to juvenile court was basically unrestricted. Now there are courts that either do not accept status offense cases or status offenses make up less than five percent of the referrals. Some juvenile courts accept status offenders as dependent/neglect cases and process them differently than delinquency referrals.

There are juvenile justice theorists and practitioners who believe that juvenile court intake should be the sole responsibility of the prosecutor and, concomitantly, only legal criteria should be used in deciding whether to file a petition. The prosecutor determines jurisdiction and probable cause and either handles the case formally or dismisses it. The types of cases referred to this form of juvenile court intake probably would differ substantially from the referrals to a court operated intake unit that refers youths to social service and uses informal probation.

Data presented in Table 4.5 indicate that status offenders are diverted from official court processing most often in those jurisdictions in which the prosecutor has sole responsibility for intake. Whereas the

majority of courts in which the prosecutor is not involved in the initial review of complaints do not divert most status offenders, 9 of the 14 courts in which the prosecutor is involved report diversion of status offenders.

TABLE 4.5

DIVERSION OF STATUS OFFENDERS FROM OFFICIAL COURT PROCESSING BY INITIAL REVIEW OF COMPLAINTS (N = 145)*

	Review of Complaints									
Status Offenders Diverted	Court Intake		Executive Intake		Prosecutor		Direct Petition		Shared	
	%	(N)	%	(N)	%	(N)	%	(N)	%	(N)
YES	41.3	(26)	30.6	(11)	64.3	(9)	31.3	(5)	18.8	(3)
NO	58.7	(37)	69.4	(25)	35.7	(5)	68.8	(11)	81.3	(13)
Totals	100.0	(63)	100.0	(36)	100.0	(14)	100.1	(16)	100.1	(16)

*5 missing cases

Screening Criteria

Intake is not a legal term. It originated from the social welfare field. Today, however, it commonly is used to describe both the legal and social aspects of screening referrals to juvenile courts.

Much of the research conducted on intake has sought to determine the criteria used and their relative weights in processing decisions. The findings have been as varied as the types of intake departments studied. Some researchers have found that minority and low socio-economic status youths are more likely to be processed formally

than other youths (Martin 1970; Arnold 1971; Schur 1973; Thornberry 1973; Krisberg & Austin 1978). Others have found that formal handling is primarily determined by the number of previous referrals, the seriousness of the offense, male gender, or the instability of the family (Terry 1976; Meade 1973).

In this study two open-ended questions were asked to ascertain the criteria used in deciding how referrals are handled.

1. What is the function of the person(s) who conducts the initial review of the complaint?

2. How is the decision made on whether to file a petition?

The information contained in responses to both questions was coded as legal, social and legal, or other criteria.

Tables 4.6 and 4.7 show the relationships between the types of intake criteria used and 1) who does the initial review of the complaint and 2) who makes the decision to file a petition. Both tables show that regardless of how intake is organized, the courts are likely to use both social and legal criteria. The one exception is courts in which the prosecutor first reviews the complaint. In 10 of the 14 courts, the prosecutor uses legal criteria only.

TABLE 4.6

RELATIONSHIP BETWEEN INTAKE SCREENING CRITERIA AND WHO REVIEWS COMPLAINT
(N = 145)*

Criteria	Who Reviews Complaint: Court Intake		Executive Intake		Prosecutor		Direct Petition		Shared		Total	
	%	(N)	%	(N)	%	(N)	%	(N)	%	(N)	%	(N)
Legal only	33.3	(21)	19.4	(7)	71.4	(10)	43.8	(7)	25.0	(4)	33.8	(49)
Social and legal	61.9	(39)	77.8	(28)	28.6	(4)	56.3	(9)	68.8	(11)	62.8	(91)
Clerical	4.8	(3)	2.8	(1)	0.0	(0)	0.0	(0)	6.3	(1)	3.4	(5)
TOTAL	100.0	(63)	99.9	(36)	100.0	(14)	100.0	(16)	100.0	(16)	100.0	(145)

*5 missing cases

TABLE 4.7

RELATIONSHIP BETWEEN INTAKE SCREENING CRITERIA AND WHO MAKES DECISION TO FILE
(N = 133)*

Criteria	Who Makes Decision to File: Court Intake		Executive Intake		Prosecutor		Shared		Total	
	%	(N)	%	(N)	%	(N)	%	(N)	%	(N)
Legal only	37.7	(19)	33.3	(1)	31.9	(23)	14.3	(1)	33.1	(44)
Social and legal	58.8	(30)	33.3	(1)	65.3	(47)	71.4	(5)	62.4	(83)
Clerical	3.9	(2)	33.3	(1)	2.8	(2)	4.3	(1)	4.5	(6)
TOTAL	100.0	(51)	99.9	(3)	100.0	(72)	100.0	(7)	100.0	(133)

*17 missing cases

Discretion and Processing Alternatives

In addition to filing a petition or dismissing the case, the processing options available to intake usually will include two other broad categories: 1) informal handling by the intake, diversion, or supervision unit of the probation department and; 2) diversion to an agency or program outside the department. Either type of informal processing could include the possibility of sanctions if the youth does not comply with the terms of the program.

Some of the factors that may govern or severely limit the discretion of the intake staff include the statute, the prosecutor or judge, the purposes of intake, or the available processing alternatives. The prosecutors or judges in many courts have specified that certain offenses must be prosecuted or heard by the court. Likewise, judges have informed intake staffs that they do not want certain offenses formally processed.

A limited number of alternative programs would circumscribe an intake officer's discretion. Referral of a youth to a social service agency where there is no follow-up or accountability would necessarily involve a far different decision by intake than referral to a prosecutor's diversion program where failure to meet requirements would result in the youth's formal processing.

Table 4.8 displays the relationship between administrative control of probation and a variety of intake options for processing alleged criminal violation cases.

TABLE 4.8

INTAKE PROCESSING OPTIONS FOR ALLEGED CRIMINAL LAW VIOLATORS BY ADMINISTRATIVE CONTROL OF PROBATION

Intake Processing Options	Administrative Control of Probation: (N = 87-89)* Court		(N = 56-58)* Executive		(N = 145-147)* Total	
	%	(N)	%	(N)	%	(N)
Detain	85.2	(75)	74.1	(43)	80.8	(118)
Release from detention	85.1	(74)	75.9	(44)	81.4	(118)
Arrange informal probation	68.5	(61)	78.9	(45)	72.6	(106)
Refer to a voluntary agency	93.3	(83)	91.2	(52)	92.5	(135)
Refer to a diversion program	94.4	(84)	93.1	(54)	93.9	(138)
Draw up a consent decree	37.1	(33)	33.3	(19)	35.6	(52)
Refer back to law enforcement	76.7	(66)	71.9	(41)	74.8	(107)
Counsel and reprimand	91.0	(81)	89.3	(50)	90.3	(131)
File a formal petition	57.3	(51)	20.7	(12)	42.9	(63)
Hold an informal conference	91.0	(81)	94.8	(55)	92.5	(136)
Arrange restitution	78.4	(69)	79.3	(46)	78.8	(115)
Dismiss the complaint	62.9	(56)	53.4	(31)	59.2	(87)

*The number of missing cases varies.

Table 4.9 presents the same information for status offense cases.

TABLE 4.9

INTAKE PROCESSING OPTIONS FOR STATUS OFFENSE CASES
BY ADMINISTRATIVE CONTROL OF PROBATION

Intake Processing Options	Administrative Control of Probation (N = 89)* Court		(N = 58)* Executive		(N = 147)* Total	
	%	(N)	%	(N)	%	(N)
Detain	54.4	(43)	26.9	(14)	43.5	(57)
Release from detention	60.0	(45)	42.0	(21)	52.8	(66)
Arrange informal probation	61.5	(48)	73.1	(38)	66.2	(86)
Refer to a voluntary agency	96.2	(75)	98.1	(52)	96.9	(127)
Refer to a diversion program	96.1	(74)	96.3	(52)	96.2	(126)
Draw up a consent decree	30.8	(24)	34.0	(18)	32.1	(42)
Refer back to law enforcement	52.0	(39)	39.2	(20)	46.8	(59)
Counsel and reprimand	91.0	(71)	86.8	(46)	89.3	(117)
File a formal petition	59.5	(47)	57.7	(30)	58.8	(77)
Hold an informal conference	94.9	(75)	100.0	(53)	97.0	(128)
Arrange restitution	48.7	(37)	32.7	(17)	42.2	(54)
Dismiss the complaint	66.7	(52)	62.3	(33)	64.9	(85)

*N's vary by as much as 6 because of missing cases.

Executively administered intake basically has as much discretion as court operated intake except in the areas of detention, filing petitions and dismissing charges.

An additional area of discretion that we asked about is the use of nonjudicial conferences by intake to try to resolve cases prior to and after a petition is filed. Table 4.10 presents responses to the use of

nonjudicial conferences prior to filing petition on criminal law violations dependent on who does the initial review of the complaint.

TABLE 4.10

NONJUDICIAL CONFERENCE PRIOR TO PETITION FOR A LAW
VIOLATION BY WHO REVIEWS THE COMPLAINT
(N = 145)*

Criteria	Who First Reviews Complaint: Court Intake		Executive Intake		Prosecutor		Direct Petition		Shared		Total	
	%	(N)	%	(N)	%	(N)	%	(N)	%	(N)	%	(N)
Yes	92.1	(58)	100.0	(36)	57.1	(8)	43.8	(7)	87.5	(14)	84.8	(123)
No	7.9	(5)	0.0	(0)	42.9	(6)	56.3	(9)	12.5	(2)	15.2	(22)
TOTALS	100.0	(53)	100.0	(36)	100.0	(14)	100.1	(16)	100.0	(16)	100.0	(145)

*5 missing cases

All executive agency intake and almost all court intake hold nonjudicial conferences. Surprisingly perhaps, seven of the courts that do not screen cases before a petition has been filed (Direct Petitions) do report holding nonjudicial conferences prior to a petition being filed. Table 4.11 presents the responses to the same question for after a petition has been filed. In other words, does intake still have the discretion to try to resolve a case after a petition has been filed?

TABLE 4.11

RELATIONSHIP BETWEEN HOLDING A NONJUDICIAL CONFERENCE
AFTER A PETITION BY WHO REVIEWS THE COMPLAINT
(N = 145)*

Nonjudicial Conferences	Who First Reviews Complaint: Court Intake		Executive Intake		Prosecutor		Direct Petition		Shared		Total	
	%	(N)	%	(N)	%	(N)	%	(N)	%	(N)	%	(N)
Yes	38.1	(24)	16.7	(6)	28.6	(4)	75.0	(12)	6.3	(1)	32.4	(47)
No	61.9	(39)	83.3	(30)	71.4	(10)	25.0	(4)	93.8	(15)	67.6	(98)
TOTAL	100.0	(63)	100.0	(36)	100.0	(14)	100.0	(16)	100.0	(16)	100.0	(145)

* 5 missing cases

Perhaps the most distinct finding is in the reduction in discretion after a petition has been filed. Of the courts with prosecutorial review of complaints, 57.1 percent hold a conference before a petition while only 28.6 percent hold one after a petition is filed. Court administered intake goes from 94.3 percent to 39.6 percent, while noncourt intake drops from 100 percent down to 16.7 percent. Only the courts that use direct petition intake increase their use of nonjudicial conferences after a petition has been filed.

The same questions were asked about status offenders, with similar results. Tables 4.12 and 4.13 display the data.

TABLE 4.12

NONJUDICIAL CONFERENCES PRIOR TO PETITION FOR A
STATUS OFFENSE BY WHO REVIEWS THE COMPLAINT
(N = 127)*

Nonjudicial Conferences	Who First Reviews Complaint: Court Intake		Executive Intake		Prosecutor		Direct Petition		Shared		Total	
	%	(N)	%	(N)	%	(N)	%	(N)	%	(N)	%	(N)
Yes	94.6	(53)	100.0	(33)	75.0	(6)	42.9	(6)	62.5	(16)	89.8	(114)
No	5.4	(3)	0.0	(0)	25.0	(2)	57.1	(8)	0.0	(0)	10.2	(13)
TOTAL	100.0	(56)	100.0	(33)	100.0	(8)	100.0	(14)	100.0	(16)	100.0	(127)

* 23 missing cases

After a petition is filed on status offenses the use of nonjudicial conferences follows a similar pattern to that for criminal law violations.

TABLE 4.13

NONJUDICIAL CONFERENCES AFTER A PETITION ON A
STATUS OFFENSE BY WHO REVIEWS THE COMPLAINT
(N = 126)*

Nonjudicial Conferences	Who First Reviews Complaint: Court Intake		Executive Intake		Prosecutor		Direct Petition		Shared		Total	
	%	(N)	%	(N)	%	(N)	%	(N)	%	(N)	%	(N)
Yes	40.0	(22)	27.3	(9)	37.5	(3)	78.6	(11)	6.3	(1)	36.5	(46)
No	60.0	(33)	72.7	(24)	62.5	(5)	21.4	(3)	93.8	(15)	63.5	(80)
TOTAL	100.0	(55)	100.0	(33)	100.0	(8)	100.0	(14)	100.0	(16)	100.0	(126)

*24 missing cases

It appears from the preceding presentations that, although both court and executive intake have considerable discretion before a petition is filed, executive intake has less discretion after a petition is filed than court intake.

Due Process Safeguards

Several studies of intake have concluded that it is the least regulated function in the juvenile justice system (Cohen and Kluegel, 1979; Ferster and Courtless, 1971). The greatest opportunity for abuse exists at intake because the most discretion is exercised and the least procedural due process is required. Most juvenile justice experts agree that intake should attempt to act in the best interest of youths and ought to have informal processing options, they also recognize the need for procedural safeguards.

The IJA-ABA recommends that during the intake process any statements made by the youth are inadmissible unless made after consulting with an attorney and in the attorney's presence. If a youth is interviewed or if there are negotiations concerning a nonjudicial disposition the youth must be represented by legal counsel (IJA/ABA, 1980).

Notification of Charges

In the majority of courts surveyed, intake staffs were the first ones to notify youths of the charges against them, 60.7 percent (91) in cases of alleged criminal law violations and 52.7 percent (79) in status offense cases.

Right to and Appointment of Counsel

Youths charged with criminal law violations were notified of the right to counsel at intake in 86 percent of the courts, and in 69.3

percent of the courts if the youth were alleged to be a status offender. Counsel was assigned at intake in 14.7 percent of the courts, with the majority assigning counsel at the first appearance before a judicial officer. Counsel was assigned at intake in 22 courts.

Right to Silence

Youths alleged to have committed criminal law violations were notified of their right to silence at intake in 70.7 percent of the courts. Those accused of status offenses were told of the right to remain silent at intake in 58.0 percent of the courts.

Right to Confront and Cross Examine

Youths accused of criminal law violations were notified at intake of the right to confront and cross examine witnesses in 58.7 percent of the courts compared with 43.3 percent for status offenses.

Although most courts give subsequent notifications, it is evident that intake plays a critical role in informing youths of their rights. In the majority of courts intake first notifies youths of the charges and their rights.

Summary and Conclusions

Juvenile court intake in metropolitan jurisdictions continues to be dominated by court administered probation departments (87 courts) but they are sharing responsibilities in approximately 36 of those courts. Intake administered by an executive agency is used in approximately 49 of the courts and the responsibilities are shared in approximately 46. The prosecutor has complete authority over intake in fourteen courts and participates in the decisions in approximately 58 others. (Approximations are used because of missing cases.)

Courts with prosecutor control of intake are more likely to divert status offenders from official court processing than those with other types of intake. Prosecutor controlled intake is much less likely to consider social factors when screening referrals.

The greatest difference between court administered and executively administered intake is that many more court intake departments have complete control of the screening process. The percentage of executive intake departments that conduct the initial review of complaints is greater than the percentage of court operated intake units. When executive intake conducts the initial review, however, a prosecutor is likely to decide if a petition will be filed.

Nonjudicial conferences conducted by intake for the purpose of resolving cases without taking them to court are a common practice in juvenile courts, regardless of the type of intake staff. Once a petition has been filed, however, the use of these conferences is sharply curtailed. The only exception is those courts that do not screen cases until after a petition has been filed.

A larger percentage of court administered intake units have discretion in detaining, filing petitions, and dismissing cases, especially with youths alleged to have committed criminal law violations. Otherwise, executive agency intake and court operated intake are almost equal in discretion. Intake officers continue to exercise a great deal of discretion in deciding how youths will be handled and in the types of cases they have authority to consider.

Intake, originally conceived to screen out frivolous complaints and resolve minor disputes, today has become, for an increasing number of

juvenile courts, a vehicle for maintaining the therapeutic or rehabilitative goals of the juvenile court. It is not sufficient, therefore, to consider only how formal cases are treated when defining the philosophy of a court. In the words of Cohen and Kluegel: "While most researchers investigating the possibility of discrimination and stereotyping in our juvenile courts have focused their attention on the formal decisions made by judges at adjudicatory and/or dispositional hearing, recent evidence indicates that the informal decision-making at the intake stage of court processing is the most crucial determinant of the final dispositional outcome." (Cohen and Kluegel, 1979)

Through intake departments, many courts are able to take the seemingly conflicting goals of due process and treatment and make them work together; perhaps to the best interests of the youth, society, and those who come together to work in the court. Part 2 and Part 3 of this report go into more detail on the effects of intake on court organization and case outcome.

CHAPTER 5

PREADJUDICATION DETENTION

Jeanne A. Ito

The strain between the traditional parens patriae model of juvenile justice and the due process-oriented criminal model is evident in the area of detention. Detention has often been defined as "the temporary care of children in physically restricted facilities pending court disposition or transfer to another jurisdiction or agency" (Emphasis added) (National Conference on Crime and Delinquency, 1961). As noted in the IJA/ABA Standards commentary, "care" is often substituted for due process in the juvenile justice system (1980). The detention process was initially viewed as serving two major functions: (1) protection (protecting children from harming themselves through misbehavior) and (2) rehabilitation (the beginning of the treatment process) (Rubin, 1979). It is now generally recognized as deprivation of liberty whatever its purpose. This is a serious matter, to be viewed in light of due process concerns (Sarri, 1974; Peterson, 1972). Serious criticisms continue to be hurled at the detention process in juvenile justice. Alleged abuses include overdetention, evidenced by high detention rates and long periods of detention, and detention of the "wrong children" through the misapplication of broad or vague criteria in detention decisionmaking. Also, detention has often been used as punishment, with juveniles placed in detention for a weekend and then released with no charges ever filed (Sarri, 1974; Ferster, Snethen, and Courtless, 1969).

The present study focused on the procedures followed in pre-adjudication detention, i.e., the interim between arrest and adjudication. Specifically, questions were designed to determine who makes the initial detention decision, whether a detention hearing is required to decide continued detention, the maximum time within which such a hearing is held, whether counsel is assigned prior to the hearing, who presides at the detention hearing, and the criteria used in the decision on continued detention.

Detention Screening

Referrals to detention facilities may come from police, parents, social agencies, or the court. All such referrals could be automatically accepted. Increasingly, however, screening procedures have been set up to make the initial decision to detain or release a juvenile brought to a detention facility (Rubin, 1979). As noted above (see Chpt. 4, "Intake"), the detention decision is often made at the time of intake by an intake worker. Data from the current study show that in 78.7 percent of the 150 metropolitan juvenile courts surveyed, intake or probation staff have the authority to detain juveniles alleged to be delinquent. Although we did not ask our respondents the criteria used in detention screening, previous research has revealed a lack of specific criteria (Ferster, Snethen, and Courtless; 1969; Cohen and Kluegel, 1979). Where written guidelines are provided they are often broad or vague, giving the decisionmaker almost unlimited discretion. Empirical studies of case outcomes suggest that non-legal criteria are often used (Cohen and Kluegel, 1979).

Current standards recommend that those charged with the detention decision be provided written rules and guidelines that delineate specific criteria. These criteria should specify circumstances under which release is mandatory as well as those dictating detention (IJA/ABA Standards, 1980, NACJJDP Standards, 1980). The following criteria for determining detention or conditioned release, proposed by the NACJJDP, favor release, stating:

> In determining whether detention or conditioned release is required, an intake officer should consider:
>
> a. The nature and seriousness of the alleged offense;
> b. The juvenile's record of delinquent offenses, including whether the juvenile is currently subject to the dispositional authority of the family court or released pending adjudication, disposition, or appeal;
> c. The juvenile's record of willful failures to appear at family court proceedings; and
> d. The availability of non-custodial alternatives, including the presence of a parent, guardian, or other suitable person able and willing to provide supervision and care for the juvenile and to assure his/her presence at subsequent proceedings.
>
> If unconditional release is not determined to be appropriate, the least restrictive alternative should be selected (NACJJDP Standard 3.151).

Detention Hearing

Standards groups further recommend that the initial detention decision be reviewed to determine whether detention should continue (NACJJDP Standards, 1980; IJA/ABA Standards, 1980). The current study reveals that in all 150 courts surveyed, hearings are held to determine whether detention should continue. Whether such hearings are mandatory was not determined.

Timeliness of Detention Hearing

Arguments for expediting detention hearings are obvious, and a large proportion of juvenile courts now review detention decisions within

three days (See Table 5.1). The remaining question, however, on which standards groups disagree, is the optimum timing of hearings. What are the effects of a 24-hour maximum time period in which hearings must be held vs. a 48-hour to 72-hour maximum? In addition to the direct effects on a child of being held in detention, research suggests a relationship between detention and the final disposition of a case (Goldkamp, 1980). Formalized procedures designed to ensure due process, including the introduction of attorneys, who need preparation time, are likely to lengthen the process. On the other hand, a more centralized system, in which many functions are coordinated by one agency, may be more able to expedite procedures. Also, philosophical orientation may be reflected in the scheduling of detention hearings. When detention is viewed as beneficial for the child, instead of a deprivation of liberty, due process concerns are likely to be less salient and defense counsel considered unnecessary. Therefore, hearings immediately after admission to detention, or hearings delayed beyond three days would not be surprising.

Some groups recommend that hearings be held within 48 hours of detention, and one group suggests a maximum of 72 hours before a hearing is held. The NACJJDP and IJA/ABA Standards, however, state as a preference that a judicial detention hearing be held within 24 hours of arrest. Levin and Sarri's review of juvenile codes in 1974 found only nineteen states that require a judicial detention hearing within a specified time period. The 1976 Sarri and Hasenfeld study found that detention hearings were held within 48 hours in less than one-tenth of the cases in 47 percent of the detention units included in the study.

Detention hearings were always held in 42 percent of the units. In only 14.2 percent of the courts in the current study are the hearings held within 24 hours. (See Table 5.1). In another 16.9 percent hearings are held within 48 hours for a cumulative percentage of 31.1. Over half

TABLE 5.1

TIMELINESS OF DETENTION HEARINGS
(N = 148*)

Maximum Time Within Which Hearing Held	%	Cumulative Percentages	(N)
1 day	14.2	14.2	(21)
2 days	16.9	31.1	(25)
3 days	56.1	87.2	(83)
4 days	5.4	92.6	(8)
More than 4 days	7.3	99.9	(11)
Totals	99.9		(148)

* 2 missing cases.

(56.1 percent) report a limit of 72 hours. Thus, in 87.2 percent of the courts studied, detention hearings are held within 72 hours. Only 12.7 percent of the courts have a policy that permits the initial detention review hearings be scheduled later than three days after detention.

This section explores the relationship between court characteristics likely to affect the scheduling of detention review hearings and their timing. These characteristics include the administrative structure of detention and probation, court jurisdiction, the role of the prosecutor, and the assignment of counsel.

The administrative structure of detention may affect the timing of hearings. Data from this survey describe policy and not practice; they do, however, provide some indication of the relationship between administrative structure and timeliness of the detention hearing. Table 5.2 shows that although detention hearings are required within three days in over 80 percent of the courts, courts in which a state

TABLE 5.2

TIMELINESS OF DETENTION HEARING BY WHO HAS ADMINISTRATIVE CONTROL OF DETENTION
(N = 142)

Maximum Time Before Hearing	Administrative Control of Detention: State Executive			County Executive			Court		
	%	Cumulative %	(N)	%	Cumulative %	(N)	%	Cumulative %	(N)
1 day	12.0	12.0	(3)	16.9	16.9	(11)	13.5	13.5	(7)
2 days	32.0	44.0	(8)	13.8	30.7	(9)	13.5	27.0	(7)
3 days	44.0	88.0	(11)	52.3	83.0	(34)	65.4	92.4	(34)
More than 3 days	12.0	100.0	(3)	16.9	99.9	(11)	7.7	100.1	(4)
Totals	100.0		(25)	99.9		(65)	100.1		(52)

* Eight missing cases; in 4 of these courts detention is administerd by the city.

executive agency administers the detention facilities are more likely to require hearings within two days. Forty-four percent of the courts in which a state executive agency administers detention facilities require hearings within 48 hours, compared with 30.7 percent when the detention facilities are administered by a county executive agency and 27.0 percent when administered by the court. While courts that administer detention are least likely to require the hearing within two days, they are most likely to require hearings by the end of three days (92.4 percent vs. 83 percent county and 88 percent state).

One might well predict less delay when all or most of the justice system's functions are centralized, i.e., controlled by one agency, in this case the court. Table 5.3 shows the relationship between timeliness of the detention hearing and administrative control of probation. When the court administers probation, hearings are more likely to be required within 24 hours. When an executive agency administers probation only 4 percent of the courts require detention hearings within 24 hours, whereas when the court administers probation 20.2 percent require hearings within a day.

TABLE 5.3

TIMELINESS OF DETENTION HEARING BY WHO ADMINISTERS PROBATION
(N = 139)*

Maximum Time To Hearing	Who Administers Probation: Executive %	(N)	Cumulative %	Court %	(N)	Cumulative %
1 day	4.0	(2)	4.0	20.2	(18)	20.2
2 days	24.0	(12)	28.0	13.5	(12)	33.7
3 days	58.0	(29)	86.0	55.1	(49)	88.8
More than 3 days	14.0	(7)	100.0	11.2	(10)	100.0
Totals	100.0	(50)		100.0	(89)	

*11 missing cases include courts in which probation is administered by "other."

Court jurisdiction has also been seen to distinguish among courts (See Chapter 2). It can be predicted that limited jurisdiction courts are more likely to exhibit characteristics of the traditional parens patriae juvenile court. Table 5.4 shows the relationship between timeliness of the detention hearing and court jurisdiction. Courts of limited jurisdiction are more likely to require detention hearings within 24 hours. Approximately one-fifth (20.8 percent) of the limited jurisdiction courts surveyed require hearings within a day, while only 10.5 percent of the general jurisdiction courts do.

TABLE 5.4

TIMELINESS OF DETENTION HEARING BY COURT JURISDICTION
(N = 148)*

Maximum Time Before Hearing	Court Jurisdiction: General %	(N)	Cumulative %	Limited %	(N)	Cumulative %
1 day	10.5	(10)	10.5	20.8	(11)	20.8
2 days	17.9	(17)	28.4	15.1	(8)	35.9
3 days	60.0	(57)	88.4	49.1	(26)	85.0
More than 3 days	11.6	(11)	100.0	15.1	(8)	100.1
Totals	100.0	(95)		100.1	(53)	

*2 missing cases.

Using the prosecutor's participation in the decision to file a formal petition as an indicator of prosecutorial involvement in intake, Table 5.5 indicates that courts in which the prosecutor is involved in intake are less likely to require detention hearings within 24 hours.

TABLE 5.5

TIMELINESS OF DETENTION HEARING BY ROLE OF PROSECUTOR IN PETITION DECISION
(N = 147)*

Maximum Time Before Hearing	Role of Prosecutor in Decision: Participates %	(N)	Cumulative %	Does Not Participate %	(N)	Cumulative %
1 day	9.0	(7)	9.0	20.3	(14)	20.3
2 days	23.0	(18)	32.0	8.7	(6)	29.0
3 days	53.8	(42)	85.8	59.4	(41)	88.4
More than 3 days	14.1	(11)	99.9	11.4	(8)	99.8
Totals	99.9	(78)		99.8	(69)	

*3 missing cases.

Only 9.0 percent of the courts in which the prosecutor is involved in the petition decision require detention hearings within 24 hours, while 20.3 percent of those courts in which the prosecutor does not participate in the detention decision require hearings within 24 hours. These results may indicate more formalized procedures and more concern for due process, and, thereby, a longer process, when the prosecutor is involved in intake.

Those concerned not only with the effect of detention on a child but also its effect on final disposition of a case feel that an attorney should be assigned prior to the hearing and given adequate preparation time (IJA/ABA Standards; NACJJDP Standards). Standards groups have recommended that intake notify the juvenile's attorney or call a public defender when a juvenile is to be detained (IJA/ABA Standards; NACJJDP Standards).

Twenty-two (14.7 percent) of the courts report that counsel is assigned at intake. Table 5.6 suggests that in courts that provide for early assignment of counsel detention hearings are slightly more likely to be required within two days. Given the small number of courts that assign counsel at intake, however, this finding is inconclusive at best.

TABLE 5.6

TIMELINESS OF DETENTION HEARING BY ASSIGNMENT OF COUNSEL
(N = 126)*

Maximum Time Before Hearing	Assignment of Counsel: At Intake %	(N)	Cumulative %	Later Than Intake %	(N)	Cumulative %
1 day	13.6	(3)	13.6	14.4	(15)	14.4
2 days	22.7	(5)	36.3	16.3	(17)	30.7
3 days	54.5	(12)	90.8	57.7	(60)	88.4
More than 3 days	9.1	(2)	99.9	11.5	(12)	99.9
Totals	99.9	(22)		99.9	(104)	

*24 missing cases; 22 courts answered that counsel is assigned "at another time," many specifying "whenever asked for;" these courts were excluded from this table.

These data seem to suggest the association of concern about due process with a 48 or 72 hour time limit, rather than the recommended 24 hours. There is an association between court control of probation, limited jurisdiction, and no prosecutorial involvement in intake with the practice of requiring hearings within 24 hours.

Who Holds Detention Hearings

Recent standards groups have recommended that judges preside at all hearings in which a child's liberty is at stake (IJA/ABA; NACJJDP). The present study found that in less than half (48.6 percent) of the courts surveyed is the judge given sole authority to hold detention hearings (see Table 5.7).

TABLE 5.7

OFFICIALS PRESIDING AT DETENTION HEARINGS
(N = 148)*

Official	%	(N)
Judge only	48.6	(72)
Quasi-judicial officer only	18.9	(28)
Para-judicial officer officer only	2.7	(4)
Judge and quasi-judicial officer	23.6	(35)
Judge and para-judicial officer	2.7	(4)
Quasi- and para-judicial officers	0.7	(1)
Totals	99.9	(148)

*2 missing cases.

In another 26.3 percent of the courts the judge shares this authority with a quasi- or para-judicial officer (23.6 percent and 2.7 percent, respectively). (See Chapter 2 for a discussion of these officials.) In more than one-fifth of the metropolitan juvenile courts the decision to continue detention is made by someone other than a judge. In most of these courts authority to review detention is given to quasi-judicial officers, usually masters or referees.

Comparing those courts in which a judge may participate in detention hearings with those in which a quasi- or para-judicial officer

routinely presides, Table 5.8 indicates a strong relationship between who presides over detention hearings and who administers the detention facility.

TABLE 5.8

WHO PRESIDES OVER DETENTION HEARING BY WHO ADMINISTERS DETENTION FACILITY
(N = 148)*

Who Presides Over Detention Hearing	Who Administers Detention Facility: Executive Agency %	Executive Agency (N)	Court %	Court (N)
Judge participates	80.9	(76)	64.8	(35)
Quasi- or para-judicial officer only	19.1	(18)	35.2	(19)
Totals	100.0	(94)	100.0	(54)

*2 missing cases.

When an executive agency administers the detention facility, over eighty percent (80.9) of the courts report that a judge has or shares the responsibility for holding detention hearings. Over one third (35.2 percent) of the courts that administer detention facilities use quasi- or para-judicial officers exclusively to hold detention hearings. This may be because when a court controls admission and detention the judge is more likely to delegate responsibility to one of his or her employees.

The use of quasi- or para-judicial officers at detention hearings may also reflect court philosophy. An orientation that considers detention protective and ameliorative rather than a deprivation of

liberty is less likely to be associated with concern for the legal issues that would require the presence of a judge. Indeed, one judge has suggested a very direct link between court control of detention facilities and such a philosophy: "It is visible expression of the mantle of parens patriae--the judge feeling like and acting as father to the children who are there" (Milligan, 1981: 455).

Using court control of probation and services as an indicator of a parens patriae orientation, one would predict a greater use of quasi-or para-judicial officers at detention hearings among those courts. Table 5.9 displays the relationship between who presides over detention hearings and who controls probation. When an executive agency controls probation, hearings are more likely to be conducted by a judge (83.1 percent) than when the court controls probation (70.3 percent). Almost thirty percent (29.7) of those courts that control probation use quasi-or para-judicial officers exclusively to hold detention hearings.

TABLE 5.9

WHO PRESIDES OVER DETENTION HEARING
BY WHO CONTROLS PROBATION
(N = 150)

Who Presides Over Detention Hearing	Who Controls Probation: Executive Agency %	Executive Agency (N)	Court %	Court (N)
Judge participates	83.1	(49)	70.3	(64)
Quasi- or para-judicial officer only	16.9	(10)	29.7	(27)
Totals	100.0	(59)	100.0	(91)

Focusing on the relationship between who presides over detention hearings and the prosecutor's involvement in intake, Table 5.10 indicates that courts in which the prosecutor participates in the petition decision are slightly more likely to have a judge presiding at detention hearings. Almost thirty percent (28.6) of those courts in which the prosecutor is not involved in intake use quasi- or para-judicial officers exclusively to hold detention hearings. This is in the predicted direction given the likelihood of an association between the prosecutor's involvement in the system and attention to formalized procedures and concern with legal issues.

TABLE 5.10

WHO HOLDS DETENTION HEARING BY ROLE OF PROSECUTOR IN PETITION DECISION (N = 149)*

Who Holds Detention Hearing	Role of Prosecutor: Does Not Participate		Participates	
	%	(N)	%	(N)
Judge participates	71.4	(50)	78.5	(62)
Quasi- or para-judicial officer only	28.6	(20)	21.5	(17)
Totals	100.0	(70)	100.0	(79)

*1 missing case.

Detention Criteria

The NACJJDP and IJA/ABA standards groups recommend a standard of probable cause be applied in the decision to continue detention. In the

Sarri and Hasenfeld study, judges were asked to indicate the criteria they used "always" or "often" in reaching a detention decision. The following lists the rank order and percentages of judges' responses:

1. Protection of the juvenile (70%)
2. Protection of the community (66%)
3. Probable cause related to allegation (48%)
4. High risk that juvenile will abscond (43%)
5. Nowhere else to send youth (24%)
6. Preventive detention (22%) (1974)

Note that 48% of the judges responded that probable cause is a factor in their decisionmaking. When asked what factors are considered in making the decision whether detention should continue, only eight courts (5.4 percent) in the current study listed probable cause as a factor (see Table 5.11). Almost eighty percent (79.0) of the courts view detention

TABLE 5.11

FACTORS CONSIDERED IN DECISION TO CONTINUE DETENTION (N = 148)*

Factor	%	(N)
Danger to child/community	79.0	117
Risk of non-appearance	69.6	103
Nature of offense	51.4	76
Family situation	45.9	68
Prior record	35.1	52
Probable cause	5.4	8

* Frequencies represent number of courts mentioning each factor. A base of 148, the number of courts responding to this question, was used to compute the percentages. Most listed more than one. Therefore, the percentage does not total 100.

as a protective function, deciding whether detention should be continued on the criterion of dangerousness, either to the child, or to the community. Nearly seventy percent (69.6) of the courts use detention to

ensure appearance at subsequent judicial hearings. About half (51.4 percent) consider the nature of the offense. The family situation, i.e., whether there is a suitable adult to which the child can be released, was listed as a factor in deciding whether to continue detention by 45.9 percent of the courts. Over a third (35.1 percent) of the courts reported that the prior record of a juvenile is a factor in the decision-making.

Summary

In summary, detention procedures appear to have changed considerably in recent years. All of the 150 metropolitan juvenile courts included in this survey report that they hold hearings to review the detention decision. Most of these courts require that hearings be scheduled in three days or less. The relationship between timeliness of the detention hearing and due process does not appear to be linear, however; earlier hearings may not mean more due process. Rather, the data indicate an association between the 24 hour time limit or a limit greater than three days and characteristics of traditional juvenile courts. Courts with characteristics of a criminal justice model are more likely to set a 48 or 72 hour limit.

Additionally, the survey results indicate that in fewer than half of the metropolitan juvenile courts are detention hearings presided over exclusively by judges. Those courts approximating the traditional model are more likely to use para- or quasi-judicial officials exclusively to preside at detention hearings.

Criteria for determining detention still appear to be somewhat broad and to emphasize the function of protection, whether for the juvenile or the community.

CHAPTER 6

ADJUDICATION AND DISPOSITION

Jeanne A. Ito

Many see the juvenile court as having come full circle. Born out of the rejection of the adversarial procedures of the criminal court, the juvenile court in the last fifteen years has seen the introduction of many aspects of the adversary system.

Traditionally, juvenile proceedings usually consisted of one "hearing" with the judge, a probation officer, the juvenile, and his or her parents present. The purpose of the hearing was to determine what to do to help the child. There was no question of guilt to be decided, only the best interest of the child. The hearing, in contrast to criminal proceedings, was marked by informality. It was likely to be held in chambers. The judge did not wear a robe. No record was taken; no rules of evidence were followed; there were no formal rules of procedure. The role of judge included the functions of prosecutor and defense counsel. Today, following the Supreme Court's decision in In re Gault, any discussion of the juvenile court must consider due process concerns, the role of defense counsel, the prosecutorial function, and formalized procedures, including arraignment, and adjudicatory and dispositional hearings. The extent to which these elements have been introduced into metropolitan juvenile courts was addressed by the present study.

The Role of Counsel

Much of the change in juvenile court proceedings can be traced to the introduction of attorneys. Although lawyers were present occasionally in juvenile courts prior to the Gault decision, they played a minor role. Judges in over half of the metropolitan juvenile courts surveyed by Skoler

and Tenney in 1963 estimated that lawyers appeared in less than 5% of the delinquency cases. The Gault decision made clear the need for safeguarding children's rights. Much debate has been generated about the appropriate role for counsel--guardian or adversary--and the effectiveness of counsel (Coxe, 1967; Clarke and Koch, 1980; Ferster, Courtless and Snethen, 1971; Hayesip, 1979; Isaacs, 1963; Platt and Friedman, 1968; Platt, Schechterm and Tiffany, 1968; Stapleton and Teitelbaum, 1972). A segment of this debate has focused on the relative effectiveness of assigned counsel vs. public defender (Lehtinen and Smith, 1974-75; Nagel, 1973). These issues were not directly addressed by the research reported here. The survey did attempt to measure the inclusiveness of counsel in juvenile proceedings by asking when counsel for the juvenile is assigned and whether counsel is required to be present at the dispositional hearing. We also asked if legal counsel is provided to indigent juveniles (to which all responded affirmatively) and by whom.

Who Provides Legal Representation

The distribution of responses to the question of who provides legal representation for juveniles who are indigent is displayed in Table 6.1.

TABLE 6.1

SOURCE OF REPRESENTATION FOR INDIGENTS
(N = 150)*

Source of Representation	%	(N)
Public defender	68.0	(102)
Attorney's list	28.7	(43)
Special interest groups	8.0	(12)
Other	13.3	(20)

*Percentages are based on an N of 150. Respondents could answer "yes" to more than one category. The question, however, was intended to elicit the primary source of representation.

In about two-thirds (68.0 percent) of the courts representation is provided indigent juveniles by a public defender. In most of the remaining courts, counsel is assigned from an attorneys' list.

Table 6.2 indicates that a juvenile court that is a division of a court of general jurisdiction is more likely to use a public defender system than a limited jurisdiction juvenile court.

TABLE 6.2

SOURCE OF REPRESENTATION FOR INDIGENTS
BY COURT JURISDICTION
(N = 150)*

Source of Representation	Court Jurisdiction: General %	General (N)	Limited %	Limited (N)
Public defender	75.3	(73)	54.7	(29)
Attorneys' list	21.6	(21)	41.5	(22)
Special interest group	8.2	(8)	7.5	(4)
Other	13.4	(13)	13.2	(7)

*Percentages do not add to 100.0 because respondents could answer "yes" to more than one category of "who provides representation for indigents?"

Approximately three-fourths (75.3 percent) of the general jurisdiction courts use a public defender to represent indigents compared with 54.7 percent of the limited jurisdiction courts.

When Counsel Assigned

Respondents were asked when counsel is first assigned: at intake, when the petition is filed, at first appearance before a judicial officer, or at another time. Table 6.3 shows that in 59.0 percent of the courts counsel is assigned at the first appearance before a judicial officer. The nature of the "first appearance before a judicial officer"

varies among courts. In some courts a detention hearing may constitute the first appearance before a judicial officer; in others, an arraignment, or preliminary hearing; in still others the first appearance before a judicial officer may be an adjudicatory hearing.

TABLE 6.3

WHEN COUNSEL ASSIGNED
(N = 149)*

Time Counsel Assigned	%	(N)
At intake	14.8	(22)
When petition filed	11.4	(17)
First appearance before judicial officer	59.0	(88)
Another time	14.8	(22)
Totals	100.0	(149)

*One missing case.

In only 14.8 percent of the courts is counsel routinely assigned at intake. In another 11.4 percent, counsel is assigned when the petition is filed. The temporal ordering of these events may (and probably does) vary by court, and even by case within courts in actual practice. Nevertheless, a policy of assigning counsel at intake may be interpreted as early assignment.

Table 6.4 shows that when representation is provided an indigent by a public defender, counsel is more likely to be assigned at intake than when an attorney's list is used (17.6 percent vs. 11.9 percent). This may well be because of the ready availablity of the public defender.

TABLE 6.4

WHEN COUNSEL ASSIGNED BY
SOURCE OF REPRESENTATION FOR INDIGENTS

When Counsel Assigned	Who Provides Defense: Public Defender		Attorneys' list		Special Interest Group/Other	
	%	(N)	%	(N)	%	(N)
Intake	17.6	(18)	11.9	(5)	12.5	(4)
Petition	10.8	(11)	14.3	(6)	12.5	(4)
First appearance	57.8	(59)	57.1	(24)	59.4	(19)
Another time	13.7	(14)	16.7	(7)	15.6	(5)
Totals	99.9	(102)	100.0	(42)	100.0	(32)

Role of Counsel at Disposition

As the Council of Judges of the National Council on Crime and Delinquency pointed out in a policy statement in 1970: "A child is likely in many cases to admit the allegations of a juvenile court petition as true, and the dispositional hearing in such cases is the only point of real confrontation between the family and the court." But even when a juvenile case is adjudicated, given the broad discretion of most juvenile court judges in determining disposition, the dispositional hearing remains critical. In its present form, the parens patriae philosophy of juvenile justice holds the offense irrelevant in determining disposition. It is the best interest of the child that must be decided. As stated in the IJA/ABA Standards (Counsel for Private Parties, Standard 9.1: 169): "In most jurisdictions the court may--once an adjudication of delinquency for any offense is entered --invoke a

variety of sanctions ranging from dismissal of the matter to commitment to an industrial or training school" (emphasis added). Herein lies the importance of the attorney at disposition. The traditional model consists of judge and probation officer deciding the appropriate treatment for an adjudicated delinquent. In contrast, the present study found that counsel for the juvenile is required to be present at the dispositional hearing in 92 percent of the courts surveyed. In 43.3 percent of the courts in the study the dispositional hearing is required to be held separately from the adjudication.

The Role of Prosecutor

As noted earlier, the introduction of lawyers into juvenile proceedings has been cited as the first challenge to the nonadversarial nature of juvenile proceedings. Given a lawyer to represent the juvenile, the next step was to provide someone to represent the state's interest. In the traditional model the probation officer often presented the facts of the case at the hearing while the judge elicited further evidence through testimony. Conflict between the judge's impartial fact-finding function and the prosecutorial or testimony eliciting function he or she traditionally assumed has also been a source of change and has contributed to differentiating the prosecutorial role from the judicial (Finkelstein et al., 1973). As Ted Rubin described the change process:

> The defense attorneys came first, stimulated by the Gault decision of 1967. The former model of the judge, assisted by probation officers as representative of the state's interest in behalf of children and the community was no longer appropriate to a more legally based and adversarial court (Rubin, 1980: 310).

The prosecutor has been described by Rubin as ". . . becoming the most powerful functionary in the juvenile justice system" (Rubin 1979: 170). Some researchers have seen the introduction of the prosecutor into juvenile proceedings as providing a balance to juvenile proceedings that makes it possible for defense counsel to be more effective in representing a juvenile (Stapleton and Teitelbaum, 1972). To others an enhanced role for the prosecutor represents a new emphasis on the traditional prosecutorial function as it exists in criminal courts, and a concomitant "get tough" approach to "juvenile crime." (Sagatun and Edwards, 1979; Fox, 1970.)

Standards groups now recommend participation of a prosecutor "in every proceeding of every case in which the state has an interest" (IJA/ABA Prosecution, p. 3). In a 1973 investigation of prosecution in metropolitan juvenile courts, 94.1 percent of the courts surveyed reported that an attorney appeared regularly to represent the state in juvenile proceedings (Finkelstein et al.). In approximately half (51.4 percent) of the courts, the use of prosecutors was begun before Gault; in the remaining 42.6 percent, prosecutors were introduced post-Gault. In one-third of the courts, however, appearance of the prosecutor was at the court's request. Levin and Sarri in their 1974 study found that a majority of states allow the prosecutor to present evidence, but at the judge's discretion. In only a few states was the prosecutor required to present evidence. The present study asked "who organizes the facts of the case for presentation in court in cases of alleged delinquency?" Table 6.5 displays the results.

TABLE 6.5

WHO ORGANIZES EVIDENCE IN DELINQUENCY CASES
FOR PRESENTATION IN COURT
(N = 150)*

Who Organizes Evidence	%	(N)
Prosecuting Attorney	96.7	(145)
Law Enforcement Officer	17.3	(26)
Probation/Intake Officer	8.7	(13)
Judge	2.0	(3)
Someone Else	4.0	(6)

*Percentages are based on an N of 150 and do not add to 100.0 because respondents could answer "yes" to more than one category.

All but five of the courts reported that the prosecutor organizes the case for presentation when a violation of the criminal law is alleged.

In status offense cases (see Table 6.6) the prosecutor organizes the case in less than two-thirds (62.7 percent) of the courts that handle status offenders.

TABLE 6.6

WHO ORGANIZES EVIDENCE IN STATUS OFFENSE CASES
FOR PRESENTATION IN COURT
(N = 134)*

Who Organizes Evidence	%	(N)
Prosecuting Attorney	62.7	(84)
Law Enforcement Officer	11.9	(16)
Probation/Intake Officer	43.3	(58)
Judge	3.0	(4)
Someone Else	34.3	(46)

*Percentage based on N of 134; 16 courts (10.7 percent) reported that they do not handle status offenders. Percentages do not total 100.0 because respondents could answer "yes" to more than one category.

The other significant participants in this proceeding are the probation officer, who organizes the case in 43.3 percent of the courts, and "someone else," who is often the complainant, usually the parents or school official, or a social services agency representative. "Someone else" participates in presentation of the case in a little over a third (34.3 percent) of the courts handling status offense cases. These data suggest differential processing of status offenders in some courts.

Plea Bargaining

Plea bargaining is a controversial practice even in the adult criminal court. It is a point of sharp disagreement among groups recommending standards for juvenile justice. The NACJJDP group feel "all forms of plea negotiations, including negotiations over the level of charging as well as over the disposition, should be eliminated from the family court process" (Standard 3.175, Plea Negotiations, p. 332). The IJA/ABA Standards recognize and endorse the practice while seeking to impose restraints that would avoid abuses of the process (Part V).

In juvenile proceedings, plea bargaining may include reducing or dropping charges, changing a delinquency petition to a status or dependency/neglect petition, agreeing not to seek a transfer to criminal court, or the promise of the recommendation of a particular disposition to the court in exchange for an admission. The very notion of plea bargaining would seem incompatible with the parens patriae philosophy. A "child's best interest" can be determined, but not negotiated. Furthermore, the charge is irrelevant in the ideal typical juvenile court where the disposition need not be related to the offense. It is not the act but the condition of the child that, theoretically, determines disposition.

We would expect, therefore, that plea bargaining is less likely to be practiced in those courts that exhibit characteristics of traditional juvenile courts, i.e., court administration of probation and lack of prosecutorial involvement in intake. We would expect plea bargaining when probation is executively administered and the prosecutor involved in intake. When the system is thus decentralized and composed of subsystems, negotiation among those subsystems is likely to occur. These courts are also more likely to have a more structured dispositional system (of which Washington State's "point system" is an extreme example) in which the charge becomes more critical and negotiation more likely. The greater judicial control and discretion, the less room for, and the less likely, plea negotiation.

Results of the present study indicate that plea bargaining has become common practice in metropolitan juvenile courts. In 85.3 percent of the courts surveyed it was reported that "the counsel for the juvenile or another representative of the juvenile negotiates with someone concerning the plea to be entered." In almost 80 percent (78.1 percent) of these courts (see Table 6.7) these negotiations are conducted with the prosecutor alone. In another 16.4 percent of the courts in which plea bargaining takes place, the prosecutor is joined in negotiations by the representative of probation. In only one court is probation the lone negotiator.

TABLE 6.7

PERSONS WITH WHOM PLEA NEGOTIATIONS CONDUCTED
(N = 128)*

Persons Conducting Negotiations	Percent	(N)
With prosecutor	78.1	(100)
With probation	0.8	(1)
All	16.4	(21)
Other	4.7	(6)
Totals	100.0	(128)

*22 missing cases.

Table 6.8 reveals that, as predicted, in more decentralized court systems, composed of subsystems (as indicated by executive, as opposed to court, control of probation), plea bargaining is more likely to take place. In only two courts in which probation is executively controlled is plea bargaining not practiced. In nearly twenty percent (19.8) of the courts that control probation, plea bargaining is not practiced.

TABLE 6.8

PLEA BARGAINING BY ADMINISTRATIVE CONTROL OF PROBATION
(N = 150)

Plea Bargaining	Administrative Control of Probation					
	Executive		Court		Other	
	%	(N)	%	(N)	%	(N)
Yes	96.0	(48)	80.2	(73)	77.8	(7)
No	4.0	(2)	19.8	(18)	22.2	(2)
Totals	100.0	(50)	100.0	(91)	100.0	(9)

Table 6.9 shows that those courts, in which the initial review of a complaint is performed by court intake, are less likely to practice plea bargaining.

TABLE 6.9

PLEA BARGAINING BY WHO DOES INITIAL REVIEW OF COMPLAINT
(N = 145)*

Plea Bargaining	Who Does Screening: Court Intake		Executive Intake		Prosecutor		Direct Petition		Intake/ Prosecutor	
	%	(N)	%	(N)	%	(N)	%	(N)	%	(N)
Yes	71.4	(45)	97.2	(35)	100.0	(14)	87.5	(14)	93.8	(15)
No	28.6	(18)	2.8	(1)	0.0	(0)	12.5	(2)	6.3	(1)
Totals	100.0	(63)	100.0	(36)	100.0	(14)	100.0	(16)	100.1	(16)

*5 missing cases.

Although plea bargaining is practiced in 71.4 percent of the courts in which court intake reviews the complaint, plea bargaining predominates in the remaining courts. Looking at plea bargaining activity by who files the petition (see Table 6.10), the relationship holds.

TABLE 6.10

PLEA BARGAINING BY WHO FILES PETITION
(N = 149)*

Plea Bargaining	Who Files Petition: Court Intake		Executive Intake		Prosecutor		Direct Petition		Other	
	%	(N)	%	(N)	%	(N)	%	(N)	%	(N)
Yes	68.6	(35)	100.0	(3)	95.8	(69)	100.0	(7)	81.3	(13)
No	31.4	(16)	0.0	(0)	4.2	(3)	0.0	(0)	18.8	(3)
Totals	100.0	(63)	100.0	(36)	100.0	(14)	100.0	(16)	100.1	(16)

*1 missing case.

Presence of Prosecutor at Disposition

The role of the prosecutor at disposition is still controversial. Traditionally, the judge, with the recommendation of the probation officer, has determined the disposition "best fitting the needs of the child." Even with the introduction of adversarial proceedings for juveniles, some have felt that the dispositional hearing should not be adversarial in nature. The IJA/ABA Standards cite the need for the state's interest to be represented in arriving at a disposition that will ensure the protection of the community.

The prosecutor in juvenile court, however, may play different roles at different stages. His or her adversarial role is sharply defined in the adjudicatory stage. "The adversity of interests in the dispositional phase need not be as sharp as that in the adjudicatory phase" (IJA/ABA, p. 5). According to this standards group, given that a range of

dispositions will ensure protection of the community, a disposition may be selected on the basis of the child's best interests.

The Finkelstein study found that prosecutors reportedly appeared at disposition in 48.5 percent of the courts. In 13.2 percent of the courts the prosecutor and probation officer both represented the petitioner, and in 19.1 percent no one appeared for the petitioner at disposition (Finkelstein et. al., 1973). The prosecutor's role at disposition in 1973 did not include a recommendation for disposition (Finkelstein et. al.). In a large majority of the juvenile courts surveyed the probation officer alone made such recommendations to the judge. In one-fourth of the courts the prosecutor shared this function, and in only 8.8 percent of the courts was the prosecutor given sole responsibility for recommending a disposition.

The present survey did not ask the role assumed by the prosecutor in recommending an appropriate disposition. It was asked whether the prosecuting attorney is required to be present at the dispositional hearing. A little over half (52.7 percent) of the courts responded affirmatively. The possibility that this requirement might be related to court structure was explored. Table 6.11 reveals that the presence of the prosecutor is more likely to be required when the juvenile court is part of a court of general jurisdiction than a court of limited jurisdiction (60.4 percent vs. 42.0 percent).

TABLE 6.11

PRESENCE OF PROSECUTOR AT DISPOSITION
BY COURT JURISDICTION
(N = 141)*

Prosecutor's Presence	Court Jurisdiction: General %	General (N)	Limited %	Limited (N)
Required	60.4	(55)	42.0	(21)
Not Required	39.6	(36)	58.0	(29)
Totals	100.0	(91)	100.0	(50)

*9 missing cases.

Focusing on centralization of authority (who has administrative control of probation), Table 6.12 shows that when probation is executively administered, it is much more likely that the prosecutor will be required to be present at disposition than when the court administers probation (72.0 percent vs 44.4 percent).

TABLE 6.12

PRESENCE OF PROSECUTOR AT DISPOSITION
BY WHO CONTROLS PROBATION
N = (140)*

Prosecutor's Presence	Who Controls Probation: Executive %	Executive (N)	Court %	Court (N)
Required	72.0	(36)	44.4	(40)
Not Required	28.0	(14)	55.6	(50)
Totals	100.0	(50)	100.0	(90)

*10 missing cases.

In summary, the changing role of the prosecutor is a significant gauge of the change that continues to take place in the juvenile justice system. The prosecutor's involvement in juvenile proceedings varies. While representing the state in the adjudicatory phase in most courts, the prosecutor's role in intake and at disposition differs among courts. The appropriate role for the prosecutor in juvenile proceedings is a matter of disagreement even among prosecutors (Sagatun and Edwards, 1979; Fox, 1970). The IJA/ABA Standards caution the juvenile prosecutor not to "lose sight of the philosophy and purpose of the juvenile court . . . in insuring the best interests of the youth" (p. 3) while representing the state's interest. While noting that these conflicting roles may seem irreconcilable, the passage goes on to state:

> This conflict raises issues that challenge the very underpinnings of the juvenile court system, viz., can the best interests of a child be protected within the confines of an adversarial process and can such best interests be accommodated with the state's "interests" (IJA/ABA, p. 3).

In other words, the prosecutor's dilemma is the same as that facing the juvenile justice system--the careful balancing of due process and discretionary justice.

Formalization

The criminal justice model towards which many see the juvenile justice system moving is charactized by a formalization of procedures designed to ensure due process. This includes a formal arraignment, or preliminary hearing, an adjudicatory hearing, and a dispositional hearing, rather than the one informal hearing characteristic of the traditional model. The present survey provides information concerning

the extent to which these elements of formalization are present in metropolitan juvenile courts.

Formal Arraignment

Formal arraignment marks the beginning of adversarial proceedings. The plea-taking is often a juvenile's first appearance before a judicial officer, and the first opportunity for a judicial officer to explain the charges and the juvenile's rights, and to determine whether he or she is represented by counsel. The survey did not ask whether a formal arraignment is held. It did ask at what time a juvenile is asked "to admit or deny the factual allegations of a petition." Responses to this question were coded to indicate the presence or absence of evidence that the court uses a formal response (arraignment) hearing. Table 6.13 shows that 58.0 percent of the courts surveyed use a formal arraignment hearing in cases of alleged delinquency.

TABLE 6.13

COURTS USING A FORMAL RESPONSE (ARRAIGNMENT HEARING) IN CASES OF ALLEGED DELINQUENCY
(N = 150)

Formal Response	Percent	(N)
Yes	58.0	(87)
No	34.7	(52)
Depends on case	0.7	(1)
Automatic denial	2.0	(3)
Don't know	4.7	(7)
Totals	100.1	(150)

In status offense cases, 56.2 percent of the courts use a formal arraignment (see Table 6.14).

TABLE 6.14

COURTS USING A FORMAL RESPONSE (ARRAIGNMENT HEARING) IN STATUS OFFENSE CASES
(N = 130)*

Formal Denial	Percent	(N)
Yes	56.2	(73)
No	36.2	(47)
Depends on case	0.8	(1)
Automatic denial	1.5	(2)
Don't know	5.4	(7)
Totals	100.1	(130)

*20 missing cases.

We would expect courts that exhibit characteristics of traditional juvenile courts to be less likely to use a formal plea-taking ceremony. Tables 6.15 and 6.16 suggest that in a centralized court system (where probation is judicially controlled), formal arraignment proceedings are less likely to be held than when an executive agency administers probation (58.0 percent vs. 71.7 percent in cases of alleged delinquency and 54.8 percent vs. 68.2 percent in status offense cases).

TABLE 6.15

ARRAIGNMENT IN CASES OF ALLEGED DELINQUENCY
BY WHO CONTROLS PROBATION
(N = 134)*

Arraignment	Who Controls Probation: Executive		Court	
	%	(N)	%	(N)
Yes	71.7	(33)	58.0	(51)
No	28.3	(13)	37.5	(33)
Depends on case	0.0	(0)	1.1	(1)
Other	0.0	(0)	3.4	(3)
Totals	100.0	(46)	100.0	(88)

*16 missing cases.

TABLE 6.16

ARRAIGNMENT HEARING IN STATUS OFFENSE CASES
BY WHO CONTROLS PROBATION
(N = 117)*

Arraignment	Who Controls Probation: Executive		Court	
	%	(N)	%	(N)
Yes	68.2	(30)	54.8	(40)
No	31.8	(14)	31.1	(30)
Depends on case	0.0	(0)	1.4	(1)
Other	0.0	(0)	2.7	(2)
Totals	100.0	(44)	100.0	(73)

*33 missing cases.

CONTINUED

2 OF 5

Tables 6.17 and 6.18 show a strong association between who initially reviews the complaint and formal arraignment. In almost half (49.2 percent) of the courts in which court intake does the initial review no formal arraignment is held in delinquency cases. In 11 of the 13 courts (84.6 percent) in which a prosecutor first reviews the complaint in cases of alleged delinquency, a formal arraignment is held.

TABLE 6.17

ARRAIGNMENT HEARING IN CASES OF ALLEGED DELINQUENCY
BY WHO DOES INITIAL INTAKE SCREENING
(N = 138)*

Arraignment	Who Does Screening: Court Intake		Executive Intake		Prosecutor		Direct Petition		Intake & Prosecutor	
	%	(N)	%	(N)	%	(N)	%	(N)	%	(N)
Yes	44.3	(27)	73.5	(25)	84.6	(11)	66.7	(10)	66.7	(10)
No	49.2	(30)	26.5	(9)	15.4	(2)	33.3	(5)	9.8	(5)
Depends on case	1.6	(1)	0.0	(0)	0.0	(0)	0.0	(0)	0.0	(0)
Other	4.9	(3)	0.0	(0)	0.0	(0)	0.0	(0)	0.0	(0)
Totals	100.0	(61)	100.0	(34)	100.0	(13)	100.0	(15)	100.0	(15)

*12 missing cases.

TABLE 6.18

ARRAIGNMENT HEARING IN STATUS OFFENSE CASES
BY WHO DOES INITIAL SCREENING
(N = 118)*

Arraignment	Who Does Screening: Court Intake		Noncourt Intake		Prosecutor		Direct Petition		Intake & Prosecutor	
	%	(N)	%	(N)	%	(N)	%	(N)	%	(N)
Yes	42.9	(21)	69.7	(23)	85.7	(6)	64.3	(9)	66.7	(10)
No	51.0	(25)	30.3	(10)	14.3	(1)	35.7	(5)	33.3	(5)
Depends on case	2.0	(1)	0.0	(0)	0.0	(0)	0.0	(0)	0.0	(0)
Other	4.1	(2)	0.0	(0)	0.0	(0)	0.0	(0)	0.0	(0)
Totals	100.0	(49)	100.0	(33)	100.0	(7)	100.0	(14)	100.0	(15)

*32 missing cases.

Tables 6.19 and 6.20 also indicate that when court intake makes the petition decision, it is less likely that formal arraignment procedures will be used. Approximately 40 percent of the courts in which court intake files the petition hold formal arraignment hearings in both alleged delinquency and status offense cases. Nearly 60 percent or more of each of the remaining categories use formal arraignment procedures. Over 70 percent of the courts in which the prosecutor makes the petition decision use formal arraignments.

TABLE 6.19

ARRAIGNMENT HEARING IN CASES OF ALLEGED DELINQUENCY
BY WHO FILES PETITION
(N = 126)*

Arraignment	Who Files Petition: Court Intake		Executive Intake		Prosecutor		Intake/ Prosecutor	
	%	(N)	%	(N)	%	(N)	%	(N)
Yes	40.8	(20)	66.7	(2)	76.1	(51)	57.1	(4)
No	51.0	(25)	33.3	(1)	23.9	(16)	42.9	(3)
Depends on case	2.0	(1)	0.0	(0)	0.0	(0)	0.0	(0)
Other	6.1	(3)	0.0	(0)	0.0	(0)	0.0	(0)
Totals	99.9	(49)	100.0	(3)	100.0	(67)	100.0	(7)

*24 missing cases.

TABLE 6.20

ARRAIGNMENT HEARING IN STATUS OFFENSES
BY WHO FILES PETITION
(N = 107)*

Arraignment	Who Files Petition: Court Intake		Executive Intake		Prosecutor		Intake/ Prosecutor	
	%	(N)	%	(N)	%	(N)	%	(N)
Yes	39.5	(17)	66.7	(2)	72.7	(40)	66.7	(4)
No	53.5	(23)	33.3	(1)	27.3	(15)	33.3	(2)
Depends on case	2.3	(1)	0.0	(0)	0.0	(0)	0.0	(0)
Other	4.7	(2)	0.0	(0)	0.0	(0)	0.0	(0)
Totals	100.0	(43)	100.0	(3)	100.0	(55)	100.0	(6)

*43 missing cases.

Bifurcated Hearings

In the traditional model of the juvenile court, an informal hearing is held to determine the needs of the juvenile whom circumstances have brought to the attention of the court. This is in marked contrast to the criminal system in which a trial is held to determine guilt and sentencing reserved pending investigation. While most juvenile cases probably still are uncontested and require only a dispositional hearing, the question of bifurcation in contested cases is critical because it indicates the types of information available to the judge in determining guilt and the disposition. If the hearing is bifurcated the judge is less likely to be influenced by the juvenile's social history in determining the facts of the case. In the traditional juvenile court, where the "condition of the child" that brought him or her to the attention of the court is central, bifurcation is less likely to be considered a protection for the juvenile. We would thus expect limited jurisdiction courts, courts that administer probation, and courts in which the prosecutor is not involved to be less likely to bifurcate the adjudicatory hearing.

As an indication of the formalization of the juvenile court system the present survey asked, "Is there a mandatory minimum time interval between adjudication and disposition?" Only 22.0 percent of the courts responding have such a requirement. Table 6.21 indicates that when juvenile jurisdiction is part of a general jurisdiction court the court is more likely to require that the hearing be bifurcated than when it is a limited jurisdiction court.

TABLE 6.21

MANDATORY BIFURCATION BY COURT JURISDICTION
(N = 150)

Mandatory Bifurcation	Court Jurisdiction: General %	General (N)	Limited %	Limited (N)
Yes	26.8	(26)	13.2	(7)
No	73.2	(71)	86.8	(46)
Totals	100.0	(97)	100.0	(53)

A requirement that the hearing be bifurcated is also more likely when probation is executively administered (See Table 6.22), and when court intake does not have responsibility for filing petitions (See Table 6.23).

TABLE 6.22

MANDATORY BIFURCATION BY WHO CONTROLS PROBATION
(N = 141)*

Mandatory Bifurcation	Who Controls Probation: Executive %	Executive (N)	Court %	Court (N)
Yes	36.0	(18)	14.3	(13)
No	64.0	(32)	85.7	(78)
Totals	100.0	(50)	100.0	(91)

*9 missing cases.

TABLE 6.23

MANDATORY BIFURCATION BY WHO FILES PETITION
(N = 133)*

Mandatory Bifurcation	Who Files Petition: Court Intake %	Court Intake (N)	Executive Intake %	Executive Intake (N)	Prosecutor %	Prosecutor (N)	Intake/ Prosecutor %	Intake/ Prosecutor (N)
Yes	9.8	(5)	33.3	(1)	33.3	(24)	14.3	(1)
No	90.2	(46)	66.7	(2)	66.7	(48)	85.7	(6)
Totals	100.0	(51)	100.0	(3)	100.0	(72)	100.0	(7)

*17 missing cases.

Many respondents indicated that while hearings are not bifurcated by requirement, they are in practice in their courts. An additional 32 courts were thus identified as holding separate dispositional hearings, for a total of 65, or 43.3 percent of the total sample.

Table 6.24 shows that general jurisdiction courts are more likely to bifurcate their hearings (whether by rule or practice) than courts of limited jurisdiction.

TABLE 6.24

BIFURCATED HEARING BY COURT JURISDICTION
(N = 150)

Bifurcated	Court Jurisdiction: General %	General (N)	Limited %	Limited (N)
Yes	47.4	(46)	35.8	(19)
No	52.6	(51)	64.2	(34)
Totals	100.0	(97)	100.0	(53)

Table 6.25 reveals a strong association between administrative control of probation and bifurcation.

TABLE 6.25

BIFURCATED HEARING BY WHO CONTROLS PROBATION
(N = 141)*

Bifurcated	Who Controls Probation: Executive %	Executive (N)	Court %	Court (N)
Yes	56.0	(28)	38.5	(35)
No	44.0	(22)	61.5	(56)
Totals	100.0	(50)	100.0	(91)

*9 missing cases.

When probation is executively administered, over half (56.0 percent) of the courts bifurcate their hearings, whereas only 38.5 percent of the courts that administer probation have bifurcated hearings.

One might also expect that more formal procedures would be followed when the prosecutor is involved in intake. Table 6.26 shows that in over half (55.6 percent) of the courts in which a prosecutor files the petition, hearings are bifurcated, whereas hearings are bifurcated in only 23.5 percent of those courts in which court intake has the authority to file petitions.

TABLE 6.26

BIFURCATED HEARING BY WHO FILES PETITION
(N = 133)*

Bifurcated	Who Files Petition: Court Intake %	Court Intake (N)	Executive Intake %	Executive Intake (N)	Prosecutor %	Prosecutor (N)	Intake/ Prosecutor %	Intake/ Prosecutor (N)
Yes	23.5	(12)	33.3	(1)	55.6	(40)	28.6	(2)
No	76.5	(39)	66.7	(2)	44.4	(32)	71.4	(5)
Totals	100.0	(51)	100.0	(3)	100.0	(72)	100.0	(7)

*17 missing cases.

Dispositional Options

It is not the intent of this section to discuss the purpose of juvenile case dispositions or the criteria for determining the appropriateness of various options. Rather it is to focus on the range of dispositional options currently available to metropolitan juvenile courts. For herein lies the crux of the "unfulfilled promise" of juvenile courts (Ketcham, 1962). Having declared jurisdiction over a juvenile in order to determine a course of action in his or her "best interest," what options are available to the court?

The IJA/ABA Standards categorize dispositions as nominal, conditional, or custodial. Nominal refers to a judicial reprimand and unconditional release. Conditional dispositions include such options as probation, community service, restitution, and fines. Custodial options involve removing a juvenile from his or her home, whether for placement in secure or nonsecure facilities. As pointed out in the IJA/ABA Standards, traditionally, courts have used a narrow range of dispositional options--dismissal, probation, or commitment. These standards recommend a wider spectrum of options and greater use of options in the intermediate category.

The present survey asked whether each of the following dispositional options was available to the court either for a juvenile who has violated the criminal law, or for a juvenile status offender:

fines
probation
restitution
direct placement in secure facilities
direct placement in nonsecure facilities
continuance pending adjustment
adjustment and release
commitment to a state agency which determines placement
dismissal
other

Dispositional Options for Juveniles Who Have Violated the Criminal Law

Table 6.27 displays the distribution of responses concerning the availability of dispositional options for juveniles who have violated the criminal law. The nominal options of dismissal and adjustment and release are available to almost 90 percent or more of the courts surveyed.

TABLE 6.27

DISPOSITIONAL OPTIONS FOR JUVENILE WHO HAS VIOLATED THE CRIMINAL LAW

	%	(N)
Fines	48.7	73
Probation	100.0	150
Restitution	96.7	145
Direct placement in secure facilities	83.3	125
Direct placement in nonsecure facilities	86.7	130
Continuance pending adjustment	93.3	140
Adjustment and release	89.3	134
Commitment to a state agency which determines placement	88.7	133
Dismissal	99.3	149
Other	40.7	61

Looking at the availability of conditional options, we see that all of the courts can place juveniles who have violated the criminal law on probation. Most can also use the conditional options of restitution (96.7 percent) and continuance pending adjustment (93.3 percent). Fewer than half (48.7 percent) of the courts have the option of assessing fines for criminal violations.

Custodial options available to juvenile courts include direct placement in secure facilities, direct placement in nonsecure facilities,

and commitment to a state agency that determines placement. All of the courts in the study have the option of committing juveniles adjudicated delinquent to secure facilities whether directly or by committing to a state agency that determines placement. The option of direct placement in nonsecure facilities is available to 86.7 percent of the courts.

Commitment of Delinquents to Nonsecure Facilities

Reform efforts in juvenile corrections (paralleling a movement in adult corrections) have sought development of "alternatives to incarceration" (Reamer and Shireman, 1981). Such alternatives include group homes and other types of nonsecure facilities. Such options are more compatible with a philosophy of rehabilitation than the punitiveness that some have suggested characterizes traditional juvenile corrections. Thus nonsecure facilities are more likely to be available for delinquents in general jurisdiction courts, courts in which probation is executively administered, and courts in which the prosecutor is involved in the decision to file a petition. While the option of placing delinquents in nonsecure facilities is available to 86.7 percent of the courts surveyed, general jurisdiction courts are more likely to have such facilities than limited courts. (See Table 6.28.)

TABLE 6.28

COURTS WITH OPTION TO COMMIT DELINQUENTS TO NONSECURE FACILITIES BY JURISDICTION (N = 149)*

Availability of Nonsecure Facilities	Court Jurisdiction: General %	General (N)	Limited %	Limited (N)
Yes	90.6	(87)	81.1	(43)
No	9.4	(9)	18.9	(10)
Totals	100.0	(96)	100.0	(53)

*1 missing case.

Just over 90 percent (90.6) of the general jurisdiction courts have the option of committing delinquents to nonsecure facilities, while 81.1 percent of the limited jurisdiction courts have this option. Table 6.29 indicates that the option of nonsecure facilities has little relationship to who controls probation.

TABLE 6.29

COURTS WITH OPTION TO COMMIT DELINQUENTS TO NONSECURE FACILITIES BY WHO CONTROLS PROBATION
(N = 149)*

Availability of Nonsecure Facilities	Who Controls Probation: Executive Agency %	(N)	Court %	(N)
Yes	88.1	(52)	86.7	(78)
No	11.9	(7)	13.3	(12)
Totals	100.0	(59)	100.0	(90)

*1 missing case.

Table 6.30 shows some relationship between the role of the prosecutor in the petition decision and the availability of nonsecure facilities. Courts in which the prosecutor is involved in the decision to file are slightly more likely to have available nonsecure facilities than those in which he or she is not (89.9 percent vs. 84.1 percent, respectively).

TABLE 6.30

COURTS WITH OPTION TO COMMIT DELINQUENTS TO NONSECURE FACILITIES BY PROSECUTOR'S PARTICIPATION IN PETITION DECISION
(N = 148)*

Availability of Nonsecure Facilities	Prosecutor's Participation: Participates %	(N)	Does Not Participate %	(N)
Yes	89.9	(71)	84.1	(58)
No	10.1	(8)	15.9	(11)
Totals	100.0	(79)	100.0	(69)

*2 missing cases.

Dispositional Options for Status Offenders

Table 6.31 displays the distribution of options for status offenders. The nominal options of dismissal and adjustment and release are available to over 80 percent of the courts (88.7 percent and 81.3 percent, respectively).

TABLE 6.31

DISPOSITIONAL OPTIONS FOR A JUVENILE STATUS OFFENDER

	%	(N)	%*
Fines	8.7	(13)	9.8
Probation	81.3	(122)	91.7
Restitution	38.0	(57)	42.1
Direct placement in secure facilities	15.3	(23)	17.3
Direct placement in nonsecure facilities	74.7	(112)	84.2
Continuance pending adjustment	82.0	(123)	92.5
Adjustment and release	81.3	(122)	91.7
Commitment to a state agency which determines placement	58.0	(87)	65.4
Dismissal	88.7	(133)	100.0
Other	29.3	(44)	33.1

*Percentage based on number of courts (133) that handle status offenders.

Conditional options available for disposition of status offense cases include probation (81.3 percent) and continuance pending adjustment (82.0 percent). Thirty-eight percent of the courts report the availability of restitution as a disposition. Despite the movement spearheaded by the Office of Juvenile Justice and Delinquency Prevention to "deinstitutionalize" status offenders, over two-thirds of the courts reported that they have the option to commit status offenders either directly to secure facilities (8.7 percent) or to a state agency that determines placement (58.0%). The option of placement in non-secure facilities is available to 74.7 percent of the courts.

Commitment of Status Offenders to Nonsecure Facilities

Table 6.32 indicates that, of the courts that process status offenders, general jurisdiction courts are more likely to have available nonsecure facilities for status offenders than limited jurisdiction courts (87.7 percent vs. 78.8).

TABLE 6.32

COURTS WITH OPTION TO COMMIT STATUS OFFENDERS TO NONSECURE FACILITIES BY JURISDICTION (N = 133)*

Availability of Nonsecure Facilities	Court Jurisdiction: General %	General (N)	Limited %	Limited (N)
Yes	87.7	(71)	78.8	(41)
No	12.3	(10)	21.2	(11)
Totals	100.0	(81)	100.0	(52)

* 17 missing observations; represent courts that do not handle status offenders.

Table 6.33 shows little relationship between administrative control of probation and the availability of nonsecure facilities.

TABLE 6.33

COURTS WITH OPTION TO COMMIT STATUS OFFENDERS TO NONSECURE FACILITIES BY WHO CONTROLS PROBATION
(N = 133)*

Availability of Nonsecure Facilities	Who Controls Probation: State Agency %	State Agency (N)	Court %	Court (N)
Yes	84.6	(44)	84.0	(68)
No	15.4	(8)	16.0	(13)
Totals	100.0	(52)	100.0	(81)

*17 missing cases.

There is a relationship, however, between the prosecutor's participation in the petition decision and the availability of nonsecure facilities (see Table 6.34).

TABLE 6.34

COURTS WITH OPTION TO COMMIT STATUS OFFENDERS TO NONSECURE FACILITIES BY PARTICIPATION OF PROSECUTOR IN PETITION DECISION
(N = 132)*

Availability of Nonsecure Facilities	Prosecutor's Participation: Participates %	Participates (N)	Does Not Participate %	Does Not Participate (N)
Yes	89.1	(57)	79.4	(54)
No	10.9	(7)	20.6	(14)
Totals	100.0	(64)	100.0	(68)

*18 missing cases.

While 79.4 percent of the courts in which the prosecutor does not participate in the petition decision have available nonsecure facilities, 89.1 percent of those courts in which the prosecutor does participate have the option of committing status offenders to nonsecure facilities.

Commitment Options for Status Offenders

Table 6.35 indicates that general jurisdiction courts are more likely either not to institutionalize status offenders or to commit them only to nonsecure facilities than limited jurisdiction courts.

TABLE 6.35

COMMITMENT OPTIONS FOR STATUS OFFENDERS BY JURISDICTION
(N = 130)*

Commitment Options for Status Offenders	Court Jurisdiction: General %	General (N)	Limited %	Limited (N)
Both secure and nonsecure facilities	12.6	(10)	25.5	(13)
Nonsecure facilities only	74.7	(59)	52.9	(27)
Do not commit status offenders	12.6	(10)	21.6	(11)
Totals	99.9	(79)	100.0	(51)

* 20 missing cases; responded either "don't know" or "not applicable" to one or both options.

Almost three-fourths (74.7 percent) of the general jurisdiction courts have available nonsecure facilities and 12.6 percent do not institutionalize status offenders, for a total of 87.3 percent. Another

12.6 percent have both secure and nonsecure facilities. Approximately one-half (52.9 percent) of the limited jurisdiction courts have nonsecure facilities alone and 21.6 percent do not have commitment as a dispositional option for status offenders, for a total of 74.5 percent. One quarter (25.5 percent) have available both secure and nonsecure facilities.

Table 6.36 shows that courts with control of probation are more likely to have both secure and nonsecure facilities for status offenders. Twenty-four percent of those courts with control of probation have available both types of facilities, compared with only 7.8 percent of those in which an executive agency administers probation.

TABLE 6.36

COMMITMENT OPTIONS FOR STATUS OFFENDERS
BY WHO CONTROLS PROBATION
(N = 130)*

Commitment Options for Status Offenders	Who Controls Probation: Executive Agency		Court	
	%	(N)	%	(N)
Both secure and nonsecure facilities	7.8	(4)	24.0	(19)
Nonsecure facilities only	76.5	(39)	59.5	(47)
Do not commit status offenders	15.7	(8)	16.5	(13)
Totals	100.0	(51)	100.0	(79)

*20 missing cases; responded either "don't know" or "not applicable" to one or both options.

Approximately three-fourths (76.5 percent) of the courts in which an executive agency administers probation have only nonsecure facilities for status offenders, and 15.7 percent do not commit status offenders, a total of 92.2 percent. In comparison, 76.0 percent of those courts that control probation have only nonsecure facilities or do not have the option of committing status offenders. Approximately sixty percent (59.5) have only nonsecure facilities and 16.5 percent do not commit status offenders.

There is also a relationship between the prosecutor's participation in the petition decision and commitment options for status offenders (see Table 6.37).

TABLE 6.37

COMMITMENT OPTIONS FOR STATUS OFFENDERS BY PROSECUTOR'S
PARTICIPATION IN PETITION DECISION
(N = 129)*

Commitment Options for Status Offenders	Prosecutor's Participation: Participates		Does Not Participate	
	%	(N)	%	(N)
Both secure and nonsecure facilities	9.5	(6)	25.8	(17)
Nonsecure facilities only	79.4	(50)	53.0	(35)
Do not commit status offenders	11.1	(7)	21.2	(14)
Totals	100.0	(63)	100.0	(66)

*21 missing cases; responded either "don't know" or "not applicable" to one or both options.

Almost eighty percent (79.4) of the courts with prosecutorial involvement in the petition decision have only nonsecure facilities for status offenders, compared with approximately half (53.0 percent) of the courts with no prosecutorial involvement. Another 11.1 percent of those courts in which the prosecutor participates in the filing decision do not commit status offenders. This means that in over 90 percent of these courts status offenders are not placed in secure facilities. Only 9.5 percent of the courts in which the prosecutor is involved in the petition decision have available both secure and nonsecure facilities. Almost three-fourths of the courts in which the prosecutor does not participate in the decision to file a formal petition either commit status offenders to nonsecure facilities or do not institutionalize them, with 21.2 percent of these courts reporting that they do have the option of committing status offenders. The other 25.8 percent have available both secure and nonsecure facilities.

Summary

It was stated at the outset of this chapter that many aspects of the adversary system have been incorporated into the juvenile court adjudicatory process. The present study shows this is indeed true. Today, at any adjudicatory hearing in a metropolitan juvenile court, the juvenile is likely to be represented by an attorney and the state by a prosecutor. In most courts the prosecutor negotiates the plea to be entered. A majority of the courts use a formal arraignment hearing. Many of them bifurcate the adjudicatory hearing. Less punitive alternatives to secure confinement have been developed as dispositional options.

But these changes have not occurred in all metropolitan juvenile courts; nor have they occurred randomly. Patterns emerged in the data analysis suggestive of the association of executive control of probation, general jurisdiction, and prosecutorial involvement in intake with various adversarial elements. These court characteristics may well constitute structural correlates of a criminal justice orientation. On the other hand, court control of probation, limited jurisdiction, and lack of prosecutorial involvement in intake may well be structural correlates of the traditional parens patriae philosophy of juvenile justice.

CHAPTER 7

CONCLUSIONS AND IMPLICATIONS

Janice Hendryx and Jeanne A. Ito

This report has presented a description of metropolitan juvenile courts in the United States in the late 1970s in terms of their location within the state court system, their jurisdiction, types and use of judicial officers, and procedures at intake, detention, adjudication, and disposition. This description is based on the analysis of data gathered from judges, administrators, and other key juvenile justice personnel in 150 metropolitan juvenile courts.

The study reported here began with the premise that the juvenile court, while the subject of much controversy and recipient of many prescriptions for reform, is no longer the traditional juvenile court described in much of the literature. Events and developments of the '60s and '70s have surely wrought change in the juvenile justice system. Change seldom occurs uniformly, however. The extent and nature of change in metropolitan juvenile courts has been the subject of this report. While presenting a static portrait of the juvenile court at the end of the decade of the '70s, it provides a context within which to consider the myriad of issues raised by those groups seeking reform of juvenile justice.

Many suggested reforms are controversial. While In re Gault marked a recognition of the "child-saving" movement gone awry, many fear the consequences of transforming the traditional parens patriae approach to juvenile justice into a "junior criminal court." The key question in

considering any restructuring of the juvenile court is--must the juvenile court abandon its rehabilitative goals to ensure due process for youth? The findings of this study suggest the answer to that question is "not necessarily." While many juvenile courts still exhibit characteristics of the traditional juvenile court and have introduced only limited due process protections, others have adapted in ways that preserve the rehabilitative mandate of the juvenile court while guaranteeing basic legal rights.

Structure and Organization of Juvenile Jurisdiction

Several factors have converged since the Gault decision which, if one were able to measure their combined or separate effects, might have done as much or more to change juvenile court proceedings than that Supreme Court decision. Court unification brought with it improved status for juvenile courts and juvenile judges. Juvenile courts have become juvenile divisions and judges may rotate through the various divisions. Judges who have more knowledge of criminal and civil law and formal rules of evidence and procedure than of services for juveniles or adolescent psychology now sit on the juvenile bench. Prosecutors and attorneys for juveniles are present more frequently and gradually have taken more active roles.

Structural Location

Of the 40 states surveyed, juvenile jurisdiction is a division of the highest trial court in 17 states, part of a court with jurisdiction limited in scope in three states, a separate or special court in 8 states, and 12 states placed juvenile jurisdiction in two of these categories. Juvenile jurisdiction was placed in the highest trial court

of general jurisdiction in 94 of the 150 courts surveyed and in a limited jurisdiction court in the remaining 56.

Judicial Selection and Assignment

Seventy percent of the jurisdictions have publicly elected judges. While 84 percent of the juvenile courts of general jurisdiction elect judges, only 46.4 percent of the courts of limited jurisdiction elect judges.

The method of assignment to the juvenile division is primarily, but not solely, an issue for general jurisdiction trial courts, although some limited courts also have divisions. Assignment by the chief judge accounted for 46 percent of the courts in this survey.

Two other matters relating to judicial personnel were considered; the employment of quasi- and para-judicial personnel and the use of nonlawyers as judicial officers. All of the courts have at least one judge assigned to juvenile matters and in only 3.3 percent are the judges not required to be attorneys. Juvenile divisions of general jurisdiction trial courts are more likely to employ quasi- and para-judicial officers than limited jurisdiction courts.

We do not know, however, the extent to which courts actually rotate judges or its effect on the quality of justice. Nor can we determine the effects of quasi- and para-judicial officers on the administration or quality of juvenile justice.

Subject Matter Jurisdiction

Delinquency cases are heard in all of the courts; neglect/dependency cases (N/D) are heard by all but two of the 150 courts. Transfer/waiver cases are heard in 141 courts. Only 34.2

percent of the courts assign quasi-judicial officers to hear transfer/waiver cases.

The data do not support any conclusions about how the organization, staffing and subject matter jurisdiction affect court operations. Juvenile justice experts, however, theorize that all are important indicators of status, concentration of authority, and procedural ideologies.

Administration of Support Services

The majority of courts have administrative control over probation and probation personnel. Limited jurisdiction courts, however, are slightly more likely to control probation. Courts that administer probation are also more likely to administer various additional court-related social services. When probation is administered by the executive branch, a court is even less likely to administer services when that administration is centralized in a state agency rather than administered by a local executive agency. Courts with administrative control of probation are far more likely to be responsible for social services than courts with probation administered by either level of the executive branch.

In most of the courts detention facilities and personnel are administered by the executive branch and funded by county governments. Detention is more likely to be executively administered in courts of limited jurisdiction than courts of general jurisdiction.

The survey also found that executively administered probation and detention staffs are more likely to have employee protection systems than are court-administered personnel. Also, state executive agency operated

detention facilities are more likely to have both merit systems and unions for detention personnel than local executive and court controlled detention. Again, although we were not able to measure the change, it is evident from a review of court unification and personnel administration literature that the percentage of court employees who are protected by merit systems and/or unions has increased (Baar, 1975, Lawson et. al, 1979). These findings may reflect "cultural lag" in court management, or reflect the organizational structure of court systems.

Intake

It would not be an overstatement to report that in many courts intake is the most critical decision point. The decisions made at intake may be more important than those made by the judge. Indeed, in most juvenile courts, 50 to 80 percent of the youths referred will be diverted or handled in some informal manner or the case will be dismissed (NCJJ, 1977).

Both judicially and executively controlled intake staffs have considerable discretion in disposing of status offenses and misdemeanors. In those courts where the prosecutor and intake officer share responsibility for the initial review of complaints it is usually for the review of felony charges. Another common form of shared responsibility is to have the intake officer review complaints and the prosecutor determine whether to file petitions. In some courts the prosecutor reviews only those complaints that the intake officer recommends for official processing. All other complaints are disposed of by the intake officer. In other courts the prosecutor reviews all complaints after the intake officer has seen them and made an initial recommendation.

There are 14 courts in which the prosecutor's office has sole responsibility for juvenile court intake. Some of these courts do not have jurisdiction over status offenses. Diversion in courts where the prosecutor controls intake occurs either during the first appearance before a judge or by the prosecutor's referral to the probation department for informal handling. There are a few of these courts in which there is no diversion; the prosecutor either dismisses the case or files a petition.

All courts have prosecutors to present the evidence in support of petitions alleging a criminal offense. All courts provide indigent youths with attorneys when: 1. the youths request attorneys, 2. they are denying the charges, or 3. the youths are likely to lose their liberty.

There are a few courts in which, unless all three of these factors are present, the youths might not have attorneys. In the vast majority of courts, however, if a youth is in danger of losing his or her liberty, counsel will be appointed.

The greatest difference between court administered and executively administered intake is the far greater percentage of court intake departments that have complete control of the screening process. The percentage of executive intake departments that conduct the initial review of complaints is greater than the percentage of court operated intake units that do. Executive intake, however, all but drops out of the picture when it comes time to decide if a petition will be filed.

Nonjudicial conferences, conducted by intake for the purpose of resolving cases without taking them to court, are a common practice in juvenile courts regardless of the type of intake staff. Once a petition

has been filed, however, the use of these conferences is sharply curtailed. The only exception is those courts that do not screen cases until after a petition has been filed.

A larger percentage of court administered intake units have discretion in detaining, filing petitions and dismissing cases, especially with youths alleged to have committed criminal law violations. Otherwise, executive agency intake and court operated intake are almost equally likely to have discretion.

Intake officers continue to exercise a great deal of discretion in deciding how youths will be handled and in the types of cases they have authority to consider. Intake, originally conceived to screen out frivolous complaints and resolve minor disputes, today has become, for an increasing number of juvenile courts, a vehicle for maintaining the therapeutic or rehabilitative goals of the juvenile court.

It is not sufficient, therefore, only to consider how formal cases are treated when defining the philosophy of a court. Through intake departments, many courts are able to take the conflicting goals of due process and treatment and make them work together; perhaps to the best interests of the youth, society, and those who come together to work in the court. Part 2 and Part 3 of this report go into more detail on the effects of intake on court organization and case outcome.

Preadjudication Detention

The potential for abuse in the application of the parens patriae philosophy has been well documented in the area of preadjudication detention. Traditionally, concern for protection of juveniles from harming themselves and belief in the ameliorative effects of detention

have overridden concern for legal protections. Procedures and criteria for admission to detention favored detention rather than release. Almost unlimited discretion and authority were given the intake worker or probation officer who made the admission decision pending disposition of the case.

Recognition of the abuses of the detention process has certainly led to improved conditions and procedures. All of the 150 metropolitan juvenile courts included in the survey report that they hold hearings to review the detention decision. Most of these courts state as their policy that hearings be scheduled in three days or less. In fewer than half of the courts, however, are detention hearings presided over exclusively by judges; those courts approximating the traditional model being more likely to use para- or quasi-judicial officials exclusively to preside at detention hearings. Also, criteria for determining detention still appear to be somewhat broad and to emphasize the function of protection, albeit protection not only for the juvenile, but also for the community. Only eight courts in the survey listed probable cause as a factor in the decision to continue detention.

Nor does a brief look at recent developments in the area of detention reveal a uniform, unilinear development toward improvement of conditions or due process. A headline in the New Jersey Law Journal in early '81 read "N.J. Kids Being Locked Up Illegally." The study reported herein alleges that many juveniles not meeting the legal criteria for detention are being held. The Juvenile Justice Digest reported in October 1981: "A federal judge in Washington state has ordered the closure of the Walla Walla County (Seattle) Juvenile Detention Center,

ruling that sub-standard conditions at the center constitute cruel and unusual punishment." And, while a federal court in New York in the spring of 1981 declared the state statute permitting pretrial detention on the presumption of guilt unconstitutional (Criminal Law Reporter: 2149), the Florida legislature in its 1981 session broadened the criteria for admission to detention (Evans).

Adjudication and Disposition

The all-purpose hearing with judge acting as prosecutor, defense counsel, and judge, determining with the advice of probation the best interest of the child no longer characterizes the adjudicatory process in the juvenile court. Recent years have seen the introduction of defense attorneys and prosecutors, and the differentiation of the adjudicatory process into two or more hearings--arraignment, adjudication, and disposition.

Role of Counsel

Although attorneys were present occasionally in juvenile courts prior to the Gault decision, they played a minor role. All juveniles in today's metropolitan juvenile courts are advised of their right to counsel and all indigent juveniles accused of a delinquent offense are provided counsel. The present study found that in most courts counsel for the juvenile is required to be present at the dispositional hearing. In 43.3 percent of the courts separate hearings are held, suggesting that in those courts counsel plays a role in deciding the appropriate disposition.

Role of the Prosecutor

The introduction of lawyers into juvenile proceedings has been cited as the first challenge to the nonadversarial nature of juvenile proceedings. Given a lawyer to represent the juvenile, the next step was to provide someone to represent the state's interest. Prior to the Gault decision, prosecutors appeared, for the most part, only at the request of the judge. In only a few states was he or she required to present evidence. In the present survey, all but five courts reported that the prosecutor is involved in organizing the evidence in delinquency cases for presentation in court. In over 80 percent of the courts the prosecutor's role involves negotiating the plea to be entered. Those courts in which plea bargaining does not take place are more likely to exhibit characteristics of the traditional juvenile court.

The prosecutor's involvement in juvenile proceedings varies, however. While representing the state in the adjudicatory phase in most courts, the prosecutor's role in intake and at disposition differs among courts. The prosecutor is required to be present at the dispositional hearing in a little over half of the courts, his presence less likely in courts that can be characterized as traditional.

Formalization

The adjudicatory process is no longer comprised of a single hearing in most juvenile courts. For cases of alleged delinquency, 58.0 percent of the courts surveyed indicated that a formal arraignment hearing is held. While only 22.0 percent have mandatory bifurcation of their hearings, a total of 43.3 percent in fact separate the adjudication

and disposition. Courts with characteristics of the traditional juvenile court are less likely to hold multiple hearings.

Dispositional options

Juvenile courts have always had available as dispositional options dismissal, adjustment and release, probation, and commitment to secure facilities. The present survey found that 86.7 percent of the courts have the option of placing juveniles found delinquent in nonsecure facilities. The more traditional juvenile courts are less likely to have this option. Despite the movement spearheaded by the Law Enforcement Assistance Administration to "deinstitutionalize" status offenders, two-thirds of the courts reported that they have the option to commit status offenders either directly to secure facilities (8.7 percent) or to a state agency that determines placement (58.0 percent). The option of placement in nonsecure facilities is available in 74.7 percent of the courts. The less traditional juvenile courts are more likely to have only nonsecure facilities for status offenders.

Implications

Although it will be some time before we are able to know the effects of these organizational differences, the information obtained in the survey does have utility now. It provides a factual basis for discussing juvenile courts, how they operate, and how they are organized. This, in turn, provides a basis for normative considerations.

The findings in this report do not support any one juvenile justice model, neither the parens patriae court nor the due process oriented system. Advocates of judically controlled probation, detention, and social services or those who prefer executive branch adminstration of

these programs will not find this report entirely supportive of either of point of view. Both will find some sustenance.

The information obtained from this survey of metropolitan juvenile courts provides the basis for determining if the discussions about organization and structure, which have gone on so long, have been about issues that make a difference in how the courts process youths. It provides a picture of the post-Gault juvenile courts and through the typology (presented in Chapter 8) establishes a broader context in which to consider the issues of jurisdiction, administration of services, legal safeguards at intake, the time of appointment and the role of defense counsel, and the role of the prosecutor.

The hope or fear of a massive movement to "junior criminal courts" is neither confirmed nor refuted by this survey. All the courts surveyed comply with the mandate of Gault to provide attorneys for juveniles who come to trial on a delinquency charge. Nonetheless this study confirms that most courts have retained elements of the traditional juvenile court, elements that are believed to limit the extent to which due process safeguards are applied.

Foremost among these features is the retention of court administrative control of probation. Over half (N=86) of the 150 courts report administrative control of probation services as a function of the court.

The degree to which probation is granted discretion to process alleged criminal law violations informally at intake, rather than being required to process all referrals, is important. Most juvenile justice

systems permit this discretionary judgment (123 courts), and 58 of these courts maintain administrative control over intake.

The introduction of a prosecutor to marshall the evidence for the state in a delinquency petition is universal. Courts differ, however, as to the power granted to the prosecutor in determining whether a petition is to be filed. Only 54 courts maintain a system in which petitions are filed directly or by intake. In all other courts the prosecutor either shares in or solely determines the decision to formalize a complaint.

A noteworthy change is the development of a "triage" classification system that separates juvenile misconduct (PINS/CHINS) and misdemeanors from delinquency (serious law violations). Juvenile justice systems universally are concerned with status offenders. As an ameliorative alternative to formal court hearings, many systems divert status offenders or otherwise decide cases informally. But it is the locus of such decision making (whether it is the court or an executive agency) that distinguishes among courts.

Perhaps the most important contribution of this study is an analysis that uses modern statistical techniques to determine how the identified structural elements are organized and combined to provide a simplified overview of contemporary juvenile justice. The result is a typology suggestive of a change model of juvenile court structure.

While there is movement toward a "junior criminal court" model, this is fully developed in only relatively few states. More common is a transitional model that combines traditional court control over probation services with an expanded role for the prosecutor in the screening of cases. The most common model is the juvenile court that retains

administrative control over probation and is also in control of when and how petitions are filed and processed.

The theoretical view of change suggests that the introduction of lawyers is followed by the increased role of full-time prosecutors and the gradual separation of probation and social services as independently administered agencies. The evidence suggests, however, that many courts have adapted to the Gault mandates without relinquishing their traditional treatment orientation. The adaptive mechanism in these courts has been to formalize the triage process at intake, with major serious delinquency and all contested petitions automatically receiving procedural guarantees, while minor offenses and status offenses--those not in danger of incarceration--are handled by more informal mechanisms. The locus of such attention for status offenders (whether court or executive agency) is a vital distinction in the typology (Part 2).

The next step, determining if these structural and procedural characteristics make any difference in the processing of youths through the juvenile justice system has yet to be determined. We were able to develop and field test an instrument to collect case processing and outcome data bearing on this question. The results (Part 3) were suggestive that court type is an important determinant of case outcomes and that the structure of intake is a critical component of court type. These findings will remain inconclusive, however, pending further testing with a larger sample of courts selected on the basis of the typology.

There were no comparable pre-Gault data with which to compare this survey. We cannot, therefore, accurately assess the degree of change that has occurred since the Gault decision. A thorough review of

juvenile justice and court organization literature, however, provided a comparison point against which to assess the nature of the change.

It is significant that all metropolitan juvenile courts appear to comply with the minimum requirements of Gault. The most recent national study of juvenile courts prior to this survey did not find all courts in compliance (Vinter and Sarri, 1976). Although the populations of juvenile courts and the methodologies used in the two studies are not comparable, certain trends indentified in the Vinter and Sarri study are supported by this survey. The emphasis of literature on juvenile courts has changed since the period immediately prior to the Gault decision. The predominant concerns of that earlier literature were with maintaining the unique aspects of juvenile courts in light of the growing demands for change and with documenting the abuses that led to the demands for change. As provisions of Kent v. United States (1966), In re Gault (1967), and In re Winship (1971) were implemented in more juvenile courts, a body of literature developed that was highly critical of the parens patriae doctrine and advocated increased due process, adversarial proceedings, and limiting the authority and role of the judge. In the past several years another body of literature has developed and is continuing to evolve. It is represented by the works of such people as H. Ted Rubin (1979-1981), John Milligan (1981), Eisenstein and Jacobs (1977), and Clynch and Neubauer (1981).

These works are characterized by efforts to objectively assess the strengths and weaknesses of various structural and administrative alignments. Rubin's and Milligan's assessments are tempered and enhanced by the authors' practical experiences. This latest literature is more

balanced, in that it recognizes that parens patriae and due process can co-exist and that there are benefits obtained from both. It is characterized by a more thoughtful approach to evaluating the effects of court and executive administrative control.

Certainly there continue to be those who advocate a return to pre-Gault juvenile courts, to the best of the parens patriae doctrine. Those who advocate elimination of the juvenile courts are just as adamant about the need to adopt the criminal justice model.

The mainstream of juvenile justice philosophy appears to be moving to a middle position and the results of this survey show the majority of courts similarly include a mixture of due process and parens patriae.

The descriptive analysis of juvenile courts presented here in Part 1 reveals a great deal of change from the traditional juvenile court described in much of the literature. The data did, however, reveal variations among courts on a number of characteristics. Patterns began to emerge suggestive of the association of limited jurisdiction, court control of probation, and lack of prosecutorial involvement in the intake process on the one hand, and the association of general jurisdiction, executive administration of probation, and prosecutorial involvement in the intake process on the other. These patterns may well represent structural correlates of differing juvenile justice philosophies.

Part 2 of this report describes an attempt to measure the variation of juvenile courts among various characteristics through the development of a typology of metropolitan juvenile courts, and Part 3 provides a preliminary assessment of the effects of these variations on actual case outcomes.

PART 2

A TYPOLOGY OF METROPOLITAN JUVENILE COURTS

A TYPOLOGY OF METROPOLITAN JUVENILE COURTS

Vaughan Stapleton, David P. Aday, Jr.,
and Jeanne A. Ito

American juvenile courts are frequently portrayed as organizations characterized by informality of procedure, limited structural differentiation, and dedication to the goals of treatment and rehabilitation. It cannot be assumed, however, that there is a single, uniform system of juvenile justice. The survey reported in Part 1 of this volume revealed a great deal of variation among juvenile courts on many structural and procedural characteristics. This chapter reports an attempt to measure these variations by constructing an empirical typology of juvenile courts that has implications for variations in juvenile justice procedures and the resulting case outcomes.

Typologies representing differing philosophies and systems have been proposed, variously labeled the casework-legal (Handler, 1965; Tappan, 1976), therapeutic-due process (Cohen and Kluegel, 1978), informal-formal (Dunham, 1966), cooperative-adversary (Stapleton and Teitelbaum, 1972), and rehabilitative-punitive (Erickson, 1974). At one extreme lies the system best described by the concept of parens patriae with an emphasis on "helping" the child, intervening in his or her best interest. At the other lies the more formal, legalistic system with a due process model of restricted information flow and precise rules of adjudication (Packer, 1968). These attempts at classification are frustrated, however, by the variations among jurisdictions (Matza, 1964; Lemert, 1967) that defy simple unidimensional classification.

Patterns emerging in Part I of this analysis suggest that the dominant value orientations of differing systems of justice are represented by observable structural correlates. These variations may reflect the ideal, polar types suggested in previous literature, and we hypothesize that they represent not a continuum, but points in multidimensional space. This research explores the dimensionality of juvenile court structure through factor analysis of court characteristics. The courts are then grouped on the derived dimensions through a cluster analytic procedure.

The Dimensions of Juvenile Justice

Ninety-six variables from the original database (Volume II, Appendix C) were entered into the analysis. Criteria for selection included conceptual relevance to court organizational theory and a criterion of response frequency distribution (i.e., no greater than an 85-15 percent split for dichotomously coded variables). For example, all of the courts reported that counsel was provided indigent juveniles. We could not use this variable because it did not differentiate among courts. The variables selected were recoded so that only two responses to each were possible, i.e., either the presence or absence of the characteristic. Dichotomous nominal scales were thus created to prepare the data for the selected analytical procedures.

In the first phase of the typological analysis the patterned relationships underlying the data were explored using both principal components and classical factor analyses (Rummel, 1970:104-113). Examination of the rotated solutions (with the number of factors varying between three and 27; varimax criterion (Rummel, 1970:391-393)) yielded

eight stable and interpretable factors.[1] These factors were nearly identical in the principal components and classical factor analyses. The factors loaded on 43 of the 96 variables and accounted for 65.1 percent of the variance of the reduced data set (i.e., after eliminating nonloading variables). Three factors were eliminated from further analysis because of coding problems and internal inconsistency among related items on these factors. In this case factor analysis represented a good deal more than a data reduction technique. It was an effort to locate the constellations of court characteristics that best represented theoretical dimensions of juvenile justice. It was also an attempt to define the constructs that court respondents used in defining the structures and procedures in handling juvenile justice caseloads. Table 1 shows the five factors that emerged from this analysis. Each factor is regarded as representing a dimension of juvenile court structure.

TABLE 1

FACTORS OF COURT CHARACTERISTICS

Loading*	Factor I (Status Offender Orientation)
.81	Intake/PO can refer status offenders to voluntary agency
.77	Intake/PO can release status offenders from detention
.74	Judicial disposition option--status offenders can be adjusted and released
.73	Intake/PO can counsel and reprimand status offenders
.72	Status offenders are notified of right to counsel at first appearance before a judicial officer
.70	Status offender cases can be disposed through continuance pending adjustment
.64	Use of a nonjudicial conference to adjust status offender cases before petition is filed
.64	Status offenders can be placed in a nonsecure facility
.61	Status offenders are notified of right to confront and cross-examine witnesses at first appearance before a judicial officer

.60	Status offenders are notified of right to silence at first appearance before a judicial officer
-.49	Most status offenders are diverted before official court hearing
	Factor II (Centralization of Authority on Probation and Detention)
.74	Court/judge administers probation departments
.78	Court/judge controls hiring and firing of probation personnel
.76	Court/judge administers detention hearings
.76	Court/judge controls hiring and firing of detention personnel
.56	Court is directly responsible for the administration of a restitution program
-.47	There is a union for probation officers
-.40	There is a merit system for detention workers
	Factor III (Formalization of Procedure)
.92	There is a mandatory minimum time between adjudication and disposition
.94	The mandatory interval can be waived
.65	The court bifurcates the hearings in practice
	Factor IV (Task Specification/Differentation)
-.61	The court is one of general jurisdiction
-.60	The prosecutor participates in the decision to file a formal petition
-.51	Appeals first go to an appellate court
.52	"Someone else" (other than prosecutor, judge, probation or police) organizes the facts of the case in court for status offenders
	Factor V (Discretion)
.58	Intake or probation staff arrange informal probation for law violators
.56	Intake or probation staff arrange informal probation for status offenders
.46	Intake or probation staff arrange restitution for law violators

*The loadings are from the factor pattern matrix after varimax rotation. All loadings over .40 are displayed.

Factor 1: Status Orientation/Scope of Jurisdiction

The first factor, Status Orientation/Scope of Jurisdiction, contains a cluster of items relating entirely to the processing of status

offenders (youths who have committed acts which, if committed by an adult, would not be offenses). It captures the basic components of status offender jurisdiction: intake discretion to refer, counsel, or release from detention, the use of nonjudicial conferences to adjust the case, notification of rights if a judicial hearing is to be held, and disposition options available after formal adjudication. The negative loading of the item representing diversion before official court handling is consistent with the interpretation of a court status orientation, i.e., the court has both the capacity and the willingness to deal with such offenses. A positive loading would indicate that a court does not process status offense cases.

Factor 2: Centralization of Authority

We call the second factor Centralization of Authority. It relates primarily to court administrative control over probation, detention services, and court responsibility for restitution programs. Centralized authority is enhanced through the control and distribution of organizational rewards, e.g., hiring and firing, promotions, and incentive rewards. These are managed by the judge and his or her administrative officer(s). Although authority may be delegated, as in a classical bureaucracy, it is likely to be exercised on a personal basis, not through incumbency in an "office" requiring technical expertise (Weber in Gerth and Mills, 1958:295). Persons in probation or detention positions are not likely to be protected by a regular system of appointment and promotion on the basis of a freely negotiated contract or guaranteed fixed salaries for specific duties (e.g., through a union or merit system) (Weber in Gerth and Mills, 1958:196-197).

Factor 3: Formalization

Factor three represents the dimension of Formalization. This factor consists of three items directly interpretable as the separation of the adjudication and disposition hearings in formal court procedures. This dimension not only is descriptive of structural formality, it provides insight into the use of information at the adjudicatory hearing. The use of social reports as an aid in establishing the jurisdictional predicate has been traditional practice of juvenile justice. It is most evident in proceedings where the demarcation between adjudication and disposition is either nonexistent or, at best, difficult to distinguish (President's Crime Commission, 1967; IJA/ABA Standards, 1977b:66-67). Although the practice has been defended on the grounds that adjudications, as well as dispositions, must be based on knowledge of the totality of the circumstances pertaining to the case, the issue has been hotly contested on the grounds that such usage of social information interferes with the introduction of relevant evidence and may prejudice the case (Teitelbaum, 1967). The formalization of the adjudication process through the bifurcation of hearings has been recommended as a way of inhibiting this practice (IJA/ABA Standards, 1977).

Factor 4: Differentiation/Task Specification

The fourth factor deals with Differentiation/Task Specification. Traditional juvenile justice, although specialized in its jurisdiction, has never been thought to be integrated with the rest of the judicial system (IJA/ABA Standards, 1977a). In courts of limited jurisdiction, dealing primarily with juvenile and youth related matters, appeals are

relatively infrequent, and when made, the hearing is often held de novo in a court of higher trial jurisdiction rather than on direct appeal. These elements of court structure correlate with the absence of task specification in juvenile hearings of the traditional mode. The traditional role of the juvenile court judge incorporates the multiple functions of judge, attorney for the defense, and prosecutor (Emerson, 1969: 172-215; Stapleton and Teitelbaum, 1972:111-153). The expansion of the role of the prosecutor in juvenile justice marks a significant change from this practice (Rubin, 1980), but the undifferentiated type of hearing is still the hallmark of juvenile justice. It is especially evident in status offender hearings where both the lawyer and the prosecutor are absent and "someone else" (e.g., the parent, complainant, or an agency representative) organizes the facts of the case for presentation in court.

Factor 5: Intake Discretion

A fifth factor concerns the dimension we have called Intake Discretion. It refers principally to the ability of the probation or intake staff to impose informal probation or restitution without a formal judicial hearing. Discretion may be defined as "relief from law" rather than by other connotations of the word, e.g., "absence of law" or "opposition to law" (Rosett, 1979). The distinguishing characteristic of this dimension is that it is nonjudicial and that it is exercised on cases prior to (or instead of) filing a formal petition. It is a practice typically used by courts with a social service agency approach that regard their task as nonpunitive in character. The informal handling of such cases has been regarded by some researchers as being equivalent to a dismissal of the case (e.g., Cohen and Kluegel, 1978).

A further characteristic of this dimension is that it marks the first stage of a juvenile justice system "triage" process whereby youths are prescreened for formal court appearance. The process of informal probation or restitution handled by the probation department without a judicial hearing is an early form of diversion in many juvenile courts.

Construction of the Typology

In the second phase of the analysis, the highest loaded or most conceptually clear variable from each of the five factors was selected as an indicator of the factor (see Table 2) and entered into an agglomerative hierarchical cluster analysis (Johnson, 1967).[2] The procedure calculates a distance matrix with a Euclidean metric and is based on the "maximum method" for clustering, which produces clusters that are optimally homogeneous and compact. There are no clear-cut statistical criteria for selecting the best clustering solution. For purposes of the research, a solution was sought that maximized homogeneity within clusters (of courts) and minimized the number of clusters. The 25 cluster solution was selected using these criteria. Within these clusters, courts had identical values on the five classifying variables (see Table 3); homogeneity was indicated statistically by the "maximum distance within a cluster" value of 0.0. Twelve of the 25 clusters contained three or more courts and these 12 clusters incorporated 129 of the 150 courts in the study. The remaining 21 courts, which appeared as individual "clusters" or in clusters of two courts, appeared to reflect random or error variance.[3] As a result, these courts were treated as "ungrouped" cases or "outliers" in subsequent analyses.

TABLE 2

INDICATORS OF FACTOR STRUCTURE OF JUVENILE COURTS

Factor	Indicator	Factor Loading
I	Intake/probation can refer status offender to voluntary agency	.81
II	Court/judge administer probation department	.74
III	Mandatory interval between adjudication and disposition can be waived*	.94
IV	Prosecutor participates in the decision to file a formal petition	-.60
V	Intake/probation arranges informal probation for law violators	.58

*Indicates existence of mandatory interval.

The 12 clusters were entered into a discriminant analysis that served to test the viability of the five variables as indicators of dimensions of variation of juvenile courts (as they operate within the context of related agencies). The analysis also tested the strength of the groupings against a criterion of use of information (i.e., information from the set of 96 variables). The discriminant analysis revealed that 58 variables, not including the five classifying variables, could discriminate among the clusters. The classification power of the discriminating variables was 98.46 per cent. In other words, 98.46 percent of the courts could be placed into the previously assigned clusters using as the basis of classification the information provided by the 58 variables. The 12 cluster solution (with 21 ungrouped cases) was selected as the empirical basis for the typology.

TABLE 3

AN EMPIRICAL TYPOLOGY OF METROPOLITAN JUVENILE COURTS

Structural Dimensions

Cluster (N)	Scope of Jurisdiction	Centralization of Authority	Formali-zation	Task Spec-ification	Intake Discretion
1 (32)	Inclusive	High	Low	Low	High
2 (16)	Inclusive	High	Low	High	High
3 (7)	Inclusive	High	Low	High	Low
4 (13)	Inclusive	High	Low	Low	Low
5 (3)	Exclusive	High	Low	High	High
6 (4)	Exclusive	High	Low	Low	High
7 (20)	Inclusive	Low	Low	High	High
8 (14)	Inclusive	Low	High	High	High
9 (3)	Exclusive	Low	Low	High	Low
10 (4)	Exclusive	High	Low	High	Low
11 (4)	Inclusive	Low	Low	Low	Low
12 (9)	Inclusive	Low	Low	Low	High

N = 129

This typology can be understood as a property-space, using the five representative (i.e., of the factor structure) variables as coordinates. The property-space is an heuristic typology of juvenile courts with each combination of values represented as a cell in the grid. The cluster analysis produced a monothetic solution that allows us to assign cases to the appropriate cells. (See Figure 1.)

FIGURE 1

AN EMPIRICAL TYPOLOGY OF METROPOLITAN JUVENILE COURTS #

Task Specification	Formalization	Centralization of Authority: High — Scope of Jurisdiction: Broad — Discretion: High	Centralization of Authority: High — Scope of Jurisdiction: Broad — Discretion: Low	Centralization of Authority: High — Scope of Jurisdiction: Narrow — Discretion: High	Centralization of Authority: High — Scope of Jurisdiction: Narrow — Discretion: Low	Centralization of Authority: Low — Scope of Jurisdiction: Broad — Discretion: High	Centralization of Authority: Low — Scope of Jurisdiction: Broad — Discretion: Low	Centralization of Authority: Low — Scope of Jurisdiction: Narrow — Discretion: High	Centralization of Authority: Low — Scope of Jurisdiction: Narrow — Discretion: Low
High	Low	Cluster #1 ********** ********** ********** ** N = 32	Cluster #4 ********** *** N = 13	Cluster #6 * * * * N = 4		Cluster #12 ********* N = 9	Cluster #11 * * * * N = 4		
High	High	A 0 0	B 0 0	C 0		H 0	I 0 0		
Low	Low	Cluster #2 ********** ****** N = 16	Cluster #3 ******* N = 7	Cluster #5 * * * N = 3	Cluster #10 * * * * N = 4	Cluster #7 ********** ********** N = 20	J 0 0	K 0	Cluster #9 * * * N = 3
Low	High	D 0 0	E 0 0	F 0	G 0 0	Cluster #8 ********** **** N = 14		L 0	M 0

Courts are identified by Cluster Number and cell letter in Appendix B.

* classified court
0 unclassified court

The property-space also allows grouping of the cells to abstract a classification of courts, that consists of a smaller number of types. Using as the two major coordinates Centralization of Authority and Task Specification quadrants are created that define four types of courts. The resulting types are polythetic, i.e., do not share all characteristics, but suggest a broader theoretical framework or paradigm of juvenile justice. (See Figure 2.)

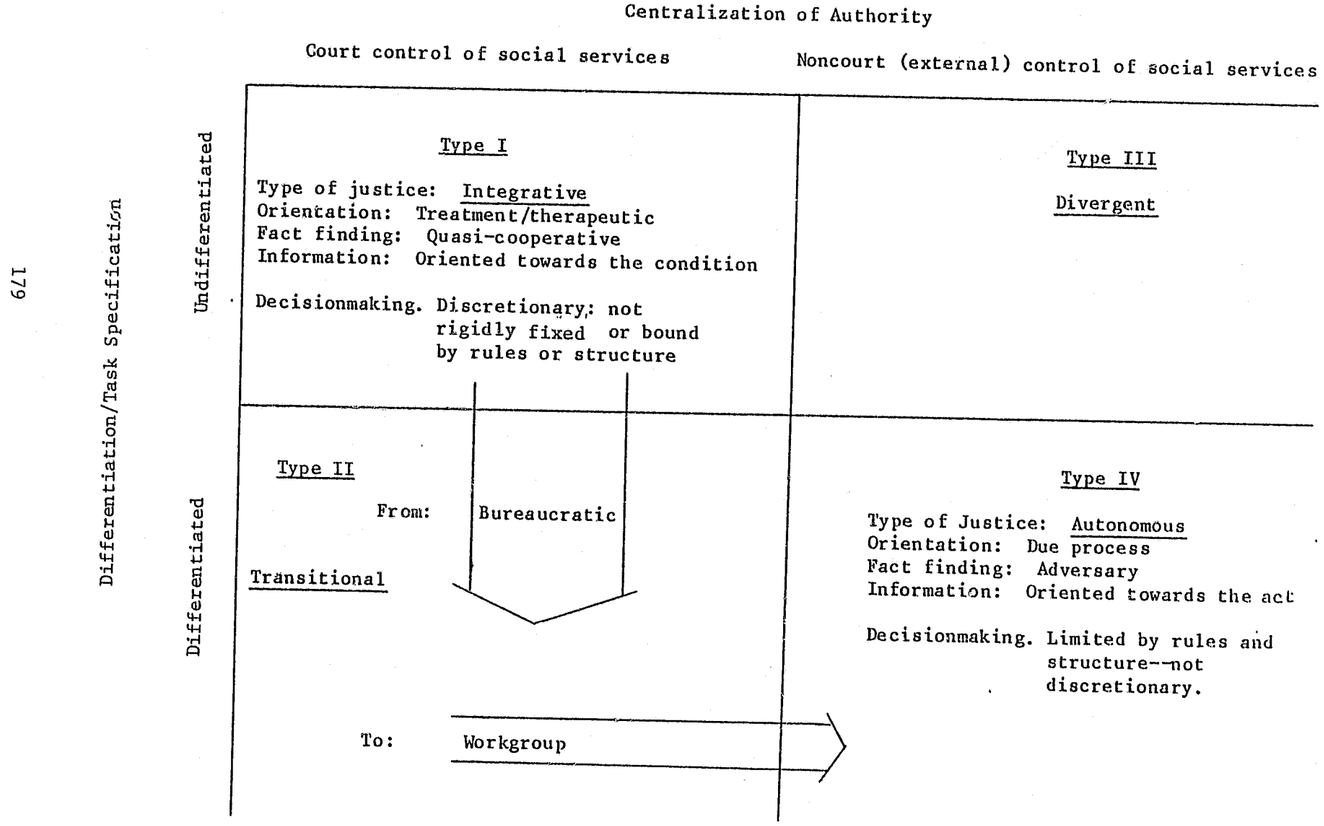
The typology and paradigm are described more concretely in the following discussion, drawing from the insights provided by the empirical analyses and the theoretical ordering. We are tempted to describe the typology and the paradigm as delineating an emergence of court and "system" structural forms. The survey, however, presents a time-specific picture that can neither capture change nor, specifically, the magnitude of critical differences. When viewed within the context of other justice research literature (e.g., Stapleton and Teitelbaum, 1972; Eisenstein and Jacob, 1977; Horowitz, 1977:171-220; Rubin, 1980), however, certain "directions" of difference are strongly suggested.

Type I Courts: Integrative

Type I juvenile courts (upper left quadrant) include Clusters 1, 4 and 6, a total of 49 courts. There are five outliers in this quadrant. The outliers are different from the representative clusters because of their location on the Formalization dimension. Type I courts reflect the ideology of a juvenile justice system ". . . founded on a conviction about the needs of children rather than their desires" (Teitelbaum 1980:238). The structural model based on this orientation does not conceive of a distance between youth and society. The court is

Figure 2

A Paradigm of Contemporary Juvenile Justice



not a deliberative body involved in a zero-sum game of win or lose. It is, by intent and design, an institution through which society can educate, treat, and reconcile basic conflicts to integrate a miscreant youth into the social order. The institutional mechanisms for the realization of these purposes traditionally are described as informality, open communication, full and complete disclosure of the context of the act or behavior that brought official attention to the youth, and a faith in the tools of social science in both determining causes of misbehavior and providing corrective action.

Forty-seven percent of these courts report having no merit system of employment and 49 percent report having no union for probation staff.[4] In addition, 55 percent of the courts in this quadrant report having primary administrative control over detention. Fifty-three percent of the detention staffs are unrepresented by a union and 43.5 percent work without a merit system. A higher percentage (49 percent) of these courts report being courts of limited jurisdiction than those in quadrant IV and, correspondingly, a higher percentage (28.6 percent) of these courts take appeals to a court of higher trial jurisdiction than to an appellate court on direct appeal. In over half (51.1 percent) of the courts in this quadrant, "someone else" (other than the prosecutor, judge, probation officer, or police) organizes the facts of the case for presentation in court for status offenses. Clusters 1 and 4 represent variations on the ideal-typical juvenile courts described in the existing descriptive literature. They include jurisdiction over status offenses, are highly centralized, exhibit relatively little role differentiation, and do not mandate bifurcation of the adjudication and disposition

hearings. They differ, however, on the amount of discretion given intake on probation staff. In Cluster 1 courts, staff may place a juvenile on informal probation; intake or probation officers in Cluster 4 courts do not have this discretion.

Cluster 6 courts differ primarily in that they do not process status offenders. Cluster 4 is distinguished by an important processing feature shared with only one other cluster (No. 11)--petitions are initiated directly. There is no apparent court or court-related prescreening of complaints before a judicial hearing. Neither probation nor a prosecutor is involved in the decision to file a formal petition.

Type IV Courts: Autonomous

Type IV courts (lower right quadrant) suggest a system founded upon notions of autonomy of the individual, with the concomitant emphasis on privacy and the limitation of state action into private interests (Packer, 1968; Allen, 1976; Teitelbaum, 1980). Rules of adjudication are those commonly associated with the notion of due process, i.e., the limiting of the kind and amount of information that may be used in support of state intervention.[5] These procedural restrictions are, themselves, founded upon the philosophy that state intervention is predicated--in criminal jurisprudence--on the conduct, not the condition, of an individual.

The structural correlates of Type IV courts identified by factor analysis are those commonly associated with the criminal justice ideal-typical model. It is a model similar to that described by Eisenstein and Jacob (1977) as an association of workgroups who share in a common ideology, but whose day-to-day activities are structured and

organized by their participation in differing "sponsoring" organizations (e.g., the judiciary, the state's attorney's office, the probation and parole services, the clerk's office, and the public defender's office). These workgroups participate in a "case," but the individuals are bound by loose interorganizational ties rather than by an integrated bureaucratic structure headed by a judge. The judge can maintain authority in the workplace of the courtroom, but authority is limited in that the judiciary is not the primary employer nor the exclusive organizer of the other workgroups. Insofar as the ideology of due process is concerned with the act, and not the condition, we expect to find more formal procedures designed to limit information used in adjudication to that which is legally relevant. One result is to reserve the probative value of offender (social) information for a separate disposition hearing.

In only two (5.4 percent) of the Type IV courts does the court or judge control the hiring and firing of probation personnel. Detention facilities are not court-administered in any of these courts. In only one-third (35.1 percent) of the courts is there a court-administered restitution program. In 82.1 percent of the courts in this quadrant there is a union for probation officers, and in 94.9 percent there is a merit system for detention workers. Only in Type IV courts is there substantial use of the mandatory bifurcated hearing (40.5 percent vs. 2.0 percent of Type I courts and none of Types II and III). Finally, courts in Type IV are more likely than Type I courts to be of general, rather than limited, jurisdiction (94.6 percent vs. 51 percent) and are more likely to have cases appealed directly than to have appeals to a higher trial court for a hearing de novo (97.3 percent vs. 69.4 percent).

Clusters 7, 8, and 9 are represented in Type IV. They are characterized both by decentralized authority (the court does not control probation) and a more sharply defined role for the prosecutor, in that he is involved in decisions to file a formal petition. Clusters 7 and 8 are further distinguished by a double prescreening process--the noncourt probation or intake has the discretion to handle a case informally, but the prosecutor must make the final decision to file. We expect that such a system will more precisely define the types of cases going to a judicial hearing and although the system (with probation included within its boundaries) may process status offense cases (Clusters 7 and 8), these cases are not likely to appear in court. Cluster 9 is the closest to a felony justice model in that these three courts have no jurisdiction over status offenders.

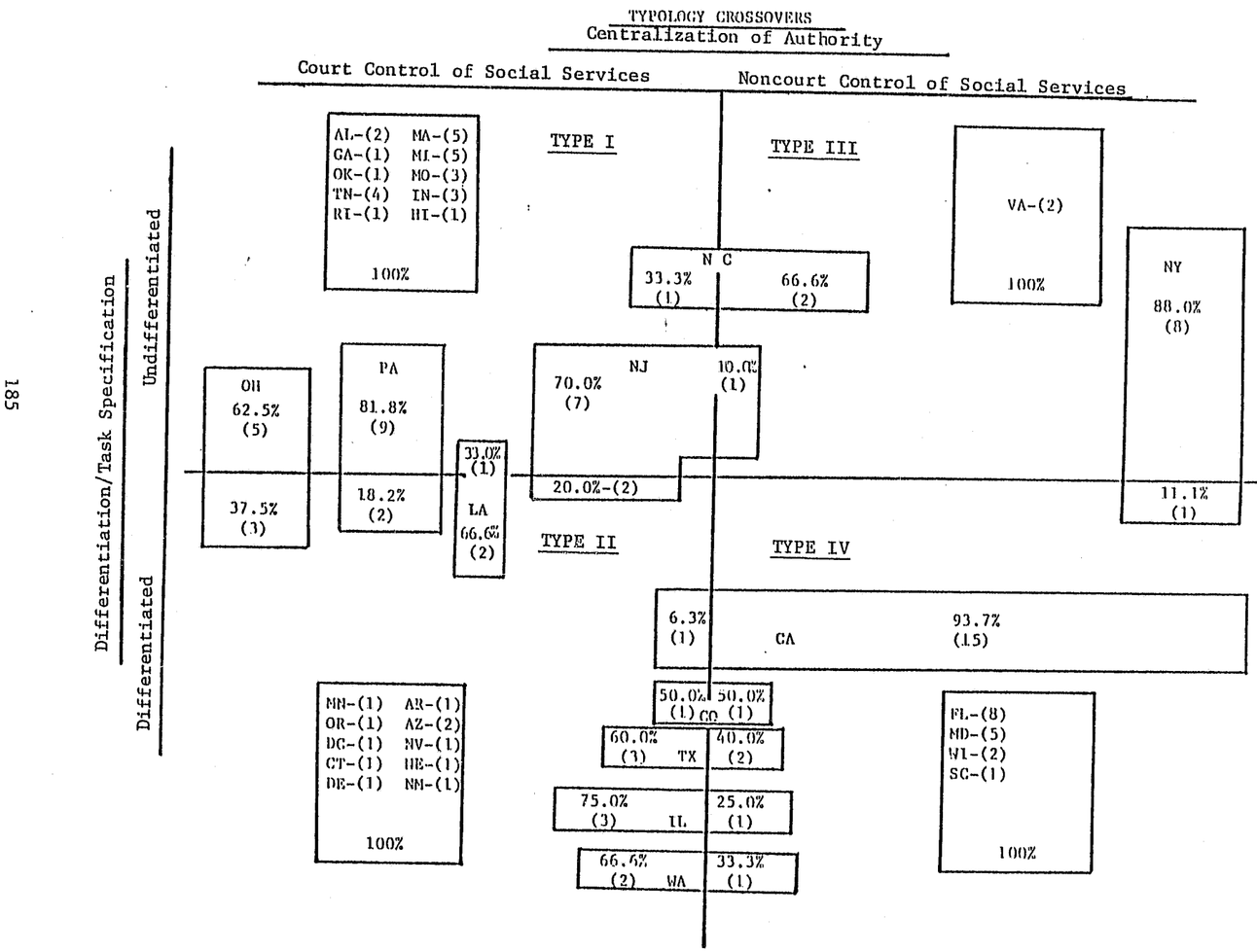
Type II Courts: Transitional

Type II (lower left quadrant) is represented by 30 courts in four major clusters (Nos. 2, 3, 5, and 10). All courts share the basic characteristics of centralization of authority (administrative control of probation) and role differentiation (the prosecutor participates in the decision to file a petition). Clusters 2 and 3 exhibit a strong status offender orientation; in Clusters 5 and 10 status offenders are not an important aspect of the caseflow. Clusters 2 and 5 share the attribute of high intake or probation discretion (i.e., granting informal probation) and in Clusters 3 and 10 this discretion is diminished to the point that the prosecutor maintains the only court-related screening function. None of the thirty courts in this quadrant is required to hold separate adjudicatory and disposition hearings, although 36.6 percent report that they bifurcate these hearings in practice.

Type II courts contrast with Type I courts primarily in the more salient role of the prosecutor and the generalized function of case screening. Cluster 4 maintains a direct filing system, and Clusters 1 and 6 grant the probation (intake) department discretion to filter out cases that do not require a formal hearing. In Type II courts all cases must pass prosecutorial scrutiny, and in two of the Clusters (Nos. 2 and 5) the screening function is apparently shared with the probation department. These findings are generally consistent with other research concluding that juvenile courts increasingly ". . . face the need to accommodate juvenile prosecutors, whose intake function and authority are being inserted into a large number of courts" (Rubin, 1980:317).

The quadrant is transitional in two senses of the word. First, although the prosecutor is involved in the decision to file a petition, as in Type IV, the probation department is under the administrative control of the court. Thus, although there is the beginning of a double screening process, it is not as fully developed as that found in Type IV. In addition, further analysis of the typology by the composition of state court systems reveals the phenomenon of "crossovers." In testing the stability of the typology, it was hypothesized that we would find within-state variation but relatively few crossovers on the diagonals. Our expectation was that state court systems would cross over on contiguous cells. Figure 3 displays data that confirm our expectation. Nineteen of the 30 courts (63.3 percent) in Type II belong in crossover states and there are more such state crossovers (9) in this quadrant than in any other. Most important, the crossovers are into contiguous cells. The one possible exception is New Jersey. Here there are crossovers into

FIGURE 3


TYPOLOGY CROSSOVERS
Centralization of Authority
Court Control of Social Services
Noncourt Control of Social Services
Differentiation/Task Specification
Undifferentiated
Differentiated
TYPE I
TYPE II
TYPE III
TYPE IV
AL-(2) MA-(5)
GA-(1) MI-(5)
OK-(1) MO-(3)
TN-(4) IN-(3)
RI-(1) HI-(1)
100%
OH
62.5%
(5)
37.5%
(3)
PA
81.8%
(9)
18.2%
(2)
33.0%
(1)
LA
66.6%
(2)
NJ
70.0%
(7)
10.0%
(1)
20.0%-(2)
N C
33.3%
(1)
66.6%
(2)
VA-(2)
100%
NY
88.0%
(8)
11.1%
(1)
6.3%
(1)
CA
93.7%
(15)
NM-(1) AR-(1)
OR-(1) AZ-(2)
DC-(1) NV-(1)
CT-(1) ME-(1)
DE-(1) NM-(1)
100%
50.0%
(1)
50.0%
(1)
CO
60.0%
(3)
TX
40.0%
(2)
75.0%
(3)
IL
25.0%
(1)
66.6%
(2)
WA
33.3%
(1)
FL-(8)
MD-(5)
WI-(2)
SC-(1)
100%

two contiguous cells, suggesting a degree of within-state variation that is consistent with an earlier study of New Jersey juvenile justice (Chused, 1973).

Type III Courts: Divergent

The remaining quadrant, Type III, is called divergent, both because of the relatively few courts represented in this type and because the null cells in Figure 1 suggest that the correlation of low centralization of authority and low role differentiation/task specification is empirically rare. Clusters 11 and 12 represent this type. Of the 13 courts in these clusters, eight are in the state of New York. Control of probation was transferred from the judiciary to the county by the legislature in 1971. Probation had been administered by the local court until New York state courts were unified in 1962, at which time the Judicial Conference assumed authority. The 1971 act was apparently in dispute for several years, as some considered it in violation of the judicial article adopted in 1962. In 1975 the New York Court of Appeals ". . . held that legislative transfer of probation services from judicial to county executive responsibility is constitutionally permissible." (Bowne v. County of Nassau, 37 N.E.2d 75, 371 N.Y.S. 2d 449 (1975)). Courts in Type III have separated probation from the administrative control of the court. They have not, however, shared the screening function with a prosecutor. Courts in Clusters 11 and 12 have a high status offender orientation and do not require the bifurcation of the adjudicatory and disposition hearings.

Discussion and Implications

The development of an empirically derived typology of juvenile justice has resulted in the identification of structural correlates of particularistic goals of justice systems. It has enabled us to array metropolitan juvenile courts according to those identified structural dimensions.

The Type I court, representing the normative expectations of integrative justice (Teitelbaum, 1980), is a centralized, hierarchical, treatment-oriented bureaucracy that is quasi-cooperative in its mode of operation. The interests of the child and the state (represented by the court) are not seen as opposed and the structure of decision making does not readily accommodate the conflict (adversary) approach. The court is the system; it is inclusive of information and holistic in orientation. Screening for formal court appearance, when done, is conducted by a court-controlled probation or intake department. The prosecutor is not determinative in the decision to file a formal petition.

Autonomous justice (Teitelbaum, 1980), represented in Type IV courts, is task specific and offense oriented. The court is the terminal processing point of a case that has passed through a number of noncourt agencies and administrative decisions. The judge is dominant in the courtroom, but his or her authority is limited outside that setting. The mode of decision making is adversary; the case--not the youth--dominates decisionmaking and adjudication will be on the basis of legally relevant criteria stipulated by procedures designed to limit evidence. Social information concerning the condition of the child is decentralized and not introduced until the court formally establishes jurisdiction. The

orientation of the participants in case processing is specialized and defined by participation in dominant sponsoring organizations.

A major type of court (III), called transitional, suggests a model of change in contemporary juvenile justice, but cannot be offered as evidence of such change. True causal analysis involves two basic elements lacking in this presentation: a) knowledge of priority and b) investigation and critical examination of competing rival explanations for a chain of events. Empirical knowledge of the universe of juvenile courts, or even a select sample of that universe, prior to the Supreme Court's decision In re Gault on May 15, 1967, is not available. We may speculate, as have others (Ketcham, 1961; Horowitz, 1977), that the expressed ideals of juvenile justice prior to Gault excluded normal due process guarantees as a "trade off" for individualized justice. It is the Gault decision, a legal consequence of these informal practices, that may be the single most important causal impetus to change in juvenile justice. Nevertheless, concomitant events in the decades of the '60's are '70's are equally important, e.g., the President's Crime Commission Report (1967) and the deinstitutionalization and diversion movements in criminal and juvenile justice (Horowitz, 1977).

Although we recognize change, the present survey can only provide a static portrait of juvenile justice. It does, nevertheless, strongly suggest the nature and direction of the change taking place and the operative change mechanisms. The observed variation among courts (with relative homogeneity within states) on other structural correlates is important. It suggests that juvenile courts operate as "open systems" (Katz and Kahn, 1966) reacting to exogenous events and adapting to strain

through the gradual introduction of new elements to reduce strain. Gault mandates the introduction of defense counsel, but defines neither the precise role nor the stage at which counsel is expected to be assigned. Studies of the role of attorneys in juvenile courts (Stapleton and Teitelbaum, 1972; Clarke and Koch, 1980) suggest considerable role conflict and system disruption when adversary-oriented counsel are introduced without adapting other elements of the system to the conflict model of adjudication. The emerging role of the prosecutor is an adaptive mechanism that generally reduces the role strain of a judge who had acted as judge and prosecutor, especially in contested cases represented by defense counsel. The full development of the role of the prosecutor is seen in the transitional type, and the complete development of the "triage" screening system is found in Type IV, where intake screening is first performed by an independent agency.

A specific procedure identified by the present research is a "triage" prescreening system that determines those cases that become formal. As in the medical model, different routes, or procedures, are established for different types of cases. The triage nurse must distinguish among minor medical problems, serious conditions not requiring emergency treatment, and life-threatening situations. In the juvenile justice counterpart, intake mechanisms operate to assess the nature and seriousness of a case and channel it accordingly. Status offenses, minor, and many first offenses are separated out from more serious or repeat offenses. The latter category is often defined as those cases in which incarceration is a likely disposition. Formalized procedures designed to ensure full due process may be followed only in

these cases. The extent to which triage procedures have been institutionalized no doubt varies. This is a relatively easy adaptation for juvenile courts that have increasingly relied on the mechanism of intake screening to sort out minor cases. This system is also consistent with Gault and the diversion movement in weeding out cases not likely to result in incarceration and, therefore, not requiring full application of due process guarantees.

The typology reinforces Hagen's concept of juvenile justice as a loosely coupled set of subsystems (Hagen, 1979; Gove, 1980). In the terminology of systems theory, the outputs of one subsystem are the inputs of another. Indeed, it is how these interdependent subsystems are structurally articulated that is the basis for the present typology.

The typology has several implications. If juvenile justice is not a single, uniform system of case processing, it follows that research will have to take into account the variation and sample accordingly. Present studies of case decisions in juvenile justice may reflect sampling errors and system differences. Cluster 4 courts in Type I, for instance, represent neither probation nor prosecutorial screening of cases for formal petition, while Clusters 2, 3, 5, and 10 represent double screening. Clusters 7, 8 and 9 represent a juvenile justice system composed of multiple, integrated subsystems. As simple a procedure as taking all court cases as the sampling frame will yield differing populations (for cross-court comparisons) depending upon the system(s) selected. Because so few studies have used multiple court comparisons, this basic methodological point is largely overlooked.

Finally, there is a substantive proposition to be more thoroughly investigated. We expect that studies conducted in systems that are structurally adapted to open and discretionary use of information will find evidence of discretion and bias in case processing. Conversely, studies conducted in courts with structural adaptations reflecting autonomous justice should support the null hypothesis of no discretion or bias.

Past studies cannot be used to test hypotheses from the current research and typology. These studies (and the present one) are time bound and static. Nevertheless, we suggest that some of the contradictions in the research of the past decade can be understood against a background of structural analysis of case processing. Case outcomes and the determinants of decisionmaking in juvenile justice should not be interpreted without knowledge of structure and procedure. A simple checklist of "components" of justice is not enough. An adequate understanding of the juvenile justice system and the process and criteria of juvenile case decision making, and the definitive testing of the differential processing hypothesis, require careful treatment of the variations in juvenile court structures as these exist in the context of related justice agencies. The following chapter reports a preliminary test of the effect of court type on case outcomes.

FOOTNOTES

[1]Decisional criteria included "eigenvalue-one" and interpretability (Rummel, 1970:362-364).

[2]Initially, factor scores were created using the complete estimation method and these composite indices entered into a cluster analysis. It became apparent that the factor scores (again, as complete estimates) contained information that was too complex to allow identification of interpretable clusters (or "types" of juvenile courts).

[3]Subsequent analyses suggest that these courts may not reflect error variance. Instead, it appears that the courts do not fall in the major clusters because of the effects of secondary, "contingent" classifying variables. See the discussion of the paradigm.

[4]Table A displays percentage by court type (quadrant). Outliers are not used in the calculations.

[5]The sociological literature equates "due process" with the presence of law counsel, prosecutor, or other observable elements in the proceedings. A functionalist view holds that what process is "due" in any given circumstance is problematic (Fuller, 1971, 1978). The right to counsel was not extended to juvenile justice as a "due process" requirement until relatively recently (In re Gault, 1967). It is important to note that the Gault decision applies only to a delinquency adjudication and then only for those cases in which a liberty interest is involved. The decision does not speak to pretrial procedures (i.e., intake) or to dispositional hearings.

TABLE A

THE UNFOLDED FACTOR STRUCTURE BY COURT TYPE

Item	Court Type: Type I (N=49)	Type II (N=30)	Type III (N=13)	Type IV (N=37)
	Percent of courts responding affirmatively			
Factor I (Status Offender Orientation)				
1. Status: Intake/PO can refer to a voluntary agency	89.9 (44)	76.7 (23)	100.0 (13)	91.9 (34)
2. Status: Intake/PO can release juvenile from detention	87.7 (43)	80.0 (24)	100.0 (13)	91.9 (34)
3. Status: Judicial disposition option-adjust and release	93.9 (46)	73.3 (22)	92.3 (12)	73.0 (27)
4. Status: Intake/PO can counsel and reprimand	83.7 (41)	73.3 (22)	84.6 (11)	83.8 (31)
5. Status: Youth is notified of right to counsel at first appearance before a judicial officer	83.7 (41)	66.7 (20)	84.6 (11)	81.1 (30)
6. Status: Judicial disposition option-continuance pending adjustment	95.9 (47)	73.3 (22)	100.0 (13)	70.3 (26)
7. Status: Use of a non-judicial conference to adjust case before petition is filed	73.4 (36)	83.3 (25)	100.0 (13)	86.5 (32)
8. Status: Disposition option-placement in a nonsecure facility	77.6 (38)	70.0 (21)	84.6 (11)	75.7 (28)

Item	Court Type: Type I (N=49)	Type II (N=30)	Type III (N=13)	Type IV (N=37)
	Percent of courts responding affirmatively			
9. Status: Notification of right to confront and cross-examine witnesses at first appearance before a judicial officer	75.5 (37)	73.3 (22)	61.5 (8)	64.9 (24)
10. Status: Notification of right to remain silent at first appearance before a judicial officer	67.3 (33)	63.3 (19)	46.2 (6)	75.7 (28)
11. Status: Most diverted before an official court hearing	40.8 (20)	30.0 (30)	7.7 (1)	35.1 (13)
Factor II (Centralization of Authority in Probation and Detention)				
1. Court/judge administers probation department	100.0 (49)	100.0 (30)	0.0 (0)	0.0 (0)
2. Court/judge controls the hiring and firing of probation personnel	98.0 (48)	96.7 (29)	23.1 (3)	5.4 (2)
3. Court/judge administers detention facilities	55.1 (2)	60.0 (18)	0.0 (0)	0.0 (0)
4. Court/judge controls the hiring and firing of detention personnel	55.1 (27)	63.3 (19)	0.0 (0)	2.7 (1)
5. Court is directly responsible for the administration of a restitution program	79.6 (39)	86.7 (26)	46.2 (6)	35.1 (13)

Item	Court Type: Type I (N=49)	Type II (N=30)	Type III (N=13)	Type IV (N=37)
	Percent of courts responding affirmatively			
6. There is no union representative for probation officers	49.0 (24)	73.3 (22)	38.5 (5)	17.9 (7)
7. There is no merit system for detention workers	40.8 (20)	36.7 (11)	15.4 (2)	5.1 (2)
Factor III (Formalization of Procedure)				
1. There is a mandatory minimum time interval between adjudication and disposition	2.0 (1)	0.0 (0)	0.0 (0)	40.5 (15)
2. Can that interval be waived	0.0 (0)	0.0 (0)	0.0 (0)	37.8 (14)
3. Does the court bifurcate hearings in practice (other than mandatory)	22.4 (11)	36.6 (30)	30.7 (4)	16.2 (6)
Factor IV (Task Specific/Role Differentation				
1. Is this a court of general jurisdiction	51.0 (25)	76.7 (23)	7.7 (1)	94.6 (35)
2. Does the prosecutor participate in the decision to file a petition	0.0 (0)	100.0 (30)	0.0 (0)	100.0 (37)
3. Do appeals first go to appellate court	69.4 (34)	93.3 (28)	84.6 (11)	97.3 (36)

Item	Court Type: Type I (N=49)	Type II (N=30)	Type III (N=13)	Type IV (N=37)
	Percent of courts responding affirmatively			
4. "Someone else" (other than prosecutor, judge, probation officer or police) organizes the facts of the case in court for status offenders	51.1 (25)	13.3 (24)	38.5 (5)	18.9 (7)
Factor V (Probation Discretion)				
1. Intake or probation staff arranges informal probation for law violators	73.5 (36)	63.3 (19)	69.2 (9)	89.2 (33)
2. Intake or probation staff arranges informal probation for status offenders	59.2 (29)	46.7 (14)	61.5 (8)	75.7 (28)
3. Intake or probation staff arranges restitution for law violators	75.5 (37)	73.3 (22)	84.6 (11)	83.8 (31)

TABLE B

COURTS IDENTIFIED BY CLUSTER NUMBER

Cluster 1

Birmingham, AL
Mobile, AL
Decatur, GA
Ft. Wayne, IN
Gary, IN
Baton Rouge, LA
Boston, MA
Cambridge, MA
Fall River, MA
Worcester, MA
Detroit, MI
Flint, MI
Lansing, MI
Pontiac, MI
Clayton, MO
Independence, MO
St. Louis, MO
Hackensack, NJ
Jersey City, NJ
Toms River, NJ
Trenton, NJ
Akron, OH
Columbus, OH
Tulsa, OK*
Erie, PA
Greensburg, PA
Norristown, PA
Wilkes-Barre, PA
Providence, RI
Chattanooga, TN
Knoxville, TN
Memphis, TN

*The prosecutor is involved in the decision to file in certain cases in Tulsa. Variable 195 was, therefore, placed in the "other" category and recorded as 0 when the variables were dummied (i.e., it is treated as error variance).

Cluster 2

Tucson, AZ
San Jose, CA
Denver, CO
Hartford, CT
Geneva, IL
Joliet, IL

Cluster 2 (continued)

Wheaton, IL
Minneapolis, MN
Omaha, NE
Morristown, NJ
Albuquerque, NM
Las Vegas, NV
Youngstown, OH
Portland, OR
Austin, TX
San Antonio, TX

Cluster 3

Little Rock, AR
Phoenix, AZ
Gretna, LA
New Orleans, LA
Mt. Holly, NJ
Elyria, OH
El Paso, TX

Cluster 4

Honolulu, HI
Indianapolis, IN
Springfield, MA
Grand Rapids, MI
Greensboro, NC
New Brunswick, NJ
Newark, NJ
Paterson, NJ
Canton, OH
Dayton, OH
Toledo, OH
Philadelphia, PA
Nashville, TN

Cluster 5

Wilmington, DE
Media, PA
West Chester, PA

Cluster 6

Allentown, PA
Pittsburgh, PA
Reading, PA
York, PA

Cluster 7

Los Angeles, CA
Martinez, CA
Redwood City, CA
Riverside, CA
Sacramento, CA
San Bernardino, CA
San Diego, CA
Santa Barbara, CA
Ventura, CA
Bartow, FL
Clearwater, FL
Jacksonville, FL
Miami, FL
Chicago, IL*
Baltimore, MD
Towson, MD
Syracuse, NY
Charleston, SC
Dallas, TX

Cluster 8

Bakersfield, CA
Ft. Lauderdale, CA
Oakland, CA
Salinas, CA
San Francisco, CA
Santa Ana, CA
Stockton, CA
Orlando, FL
Tampa, FL
Annapolis, MD
Rockville, MD
Upper Marlboro, MD
Madison, WI
Waukesha, WI

*The cluster solution grouped court in this cluster because of measurement error.

Cluster 9

Golden, CO*
(Greenville, SC)*
Ft. Worth, TX
Seattle, WA

Cluster 10

Washington, D.C.
Cincinnati, OH
Everett, WA
Spokane, WA

Cluster 11

Buffalo, NY
Charlotte, NC
Raleigh, NC
Fairfax, VA

Cluster 12

Camden, NJ
Albany, NY
Mineola, NY
New City, NY
Riverhead, NY
St. George, NY
Utica, NY
White Plains, NY
Norfolk, VA

PART 3

THE ROLE OF COURT TYPE IN JUVENILE COURT DISPOSITIONAL OUTCOMES

THE ROLE OF COURT TYPE IN JUVENILE COURT DISPOSITIONAL OUTCOMES

Jeanne A. Ito and Vaughan Stapleton

The juvenile court was founded on a philosophy distinct from that of the adult criminal court. Its goals were treatment-centered, rather than punishment-centered. Juveniles were brought before the court to determine the best course of action, or treatment, to meet the needs of each juvenile. While the act or acts that brought a youth to the attention of the court were a consideration in determining the disposition of a case, the "condition" of the child was the primary focus. Given this orientation, one would expect the use of broad discretion in a traditional juvenile court in determining dispositional outcomes. The traditional juvenile court is characterized by procedural informality, relaxation of due process guarantees, and contextual and discretionary decision making. With the advent of the Supreme Court's decisions in Kent v. U.S. (1966) and In re Gault (1967), the President's Crime Commission Report (1967), and the restructuring of the federal juvenile justice initiative (JJDP Act 1974, as amended), the juvenile court movement would seem to be directed towards more structural formality and less discretionary decision making.

The goals of a system and its environmental constraints determine the operational structure of the court system. Thus, differences in operational characteristics are hypothesized to be reflective of variations in goal structures. The outputs and outcomes of a court system are, at least in part, determined by its operational structure. Thus, one expects courts that differ in operational structure to produce different outputs and outcomes.

The typology of juvenile courts developed in this research is described in the preceding chapter as representing structural correlates of particularistic goals of justice systems. We would, therefore, expect differences in outcomes among different types of courts, differences reflected in their differing goal orientations.

For instance, traditional juvenile justice should reflect a concern for the treatment of all children that come to the court's attention. Decision making should incorporate the use of discretionary (offender) factors at critical decision points. The more formal, due process courts should evidence less discretionary decision making and more offense-based sentencing.

Inspired by the tenets of labelling theory and critical criminology, a decade of research has focused on the determinants of decision-making in American juvenile justice. If case processing decisions are based upon offender characteristics (e.g., race, sex, SES) rather than upon statutory definitions of offense, the system is subject to charges of bias and excessive use of discretion (Tittle, 1980: 246-247; Wellford, 1975: 333), an orientation generally opposite to the impartiality standards of an adversary, "due-process" system of criminal jurisprudence founded upon notions of free will and culpability (Packer, 1968). Such charges of abuse of discretion have fueled the fires of reforms in juvenile justice.

Although review articles (Hagen, 1974; Hirschi, 1980; Tittle; Wellford) suggest that the weight of evidence militates against the labelling hypothesis of discretionary decision making, the research literature still reveals inconsistent findings. Methodological critiques

(Cohen and Kluegel, 1978; Wellford) of Thornberry's (1973) analysis of juvenile court outcomes were confronted in a reanalysis of data (1979) that did not change substantially his finding of discretionary decision making, a conclusion supported in part by other independent research efforts (Arnold, 1971; Carter, 1979; Thomas and Cage, 1977). Refinements of problem situations, including the distinguishing of status offenders as a special offense classification (Carter; Dungworth, 1977; Thomas and Sieverdes, 1975) and the differentiation of discriminatory, as compared to discretionary, variables (Horwitz and Wasserman, 1980,) have not resolved the issue. Methodological explanations of contradictory findings include measurement and analytic problems (Cohen and Kluegel; Hagen; Hirschi; Thomas and Cage; Thomas and Sieverdes; Thornberry; Tittle) that make comparisons between studies difficult to interpret (Smith, Black and Weir, 1980).

Another explanation, mentioned but not adequately addressed in the literature, is that contradictory findings in studies of the determinants of juvenile court dispositions may be attributable to court differences (Cohen and Kluegel; Stapleton and Smith, 1980; Stapleton and Teitelbaum, 1972; Thornberry). A failure to measure adequately court type and the dearth of multiple site studies make it difficult, if not impossible, to generalize any previous findings.

As a preliminary test of the utility of the typology of juvenile courts developed in this research and described in the preceding chapter, in predicting outcomes, a pilot study of case dispositions was conducted in three of the courts included in the survey. The theory under investigation suggests that Type I courts (integrative) are structurally

adapted to open and discretionary use of information and, lacking prosecutorial screening of cases and a fully developed adversarial procedure, will be exemplar of systems that use offender traits in making processing decisions. Conversely, a Type IV court (autonomous), exhibiting multiple screening systems and a highly developed adversarial procedure, will restrict decision-making to more formal, offense-related criteria, except at final disposition where the probation report can supply mitigating social information to be used by a judge in assessing the type and severity of the disposition.

The Research Setting

The data were gathered from case records in the three courts, which are located in metropolitan areas in two different geographical regions during the spring of 1980. The courts selected for analysis of dispositional outcomes are two variations of Type I courts (Clusters 1 and 4) and a Type IV court (Cluster 7). The Cluster 4 court (Court A) is characterized by high centralization of authority, low differentiation/task specification, status offense jurisdiction, and low discretion. The Cluster 1 court (Court B) is also characterized by high centralization of authority, low differentiation/task specification, and status offense jurisdiction, but intake has high discretion. Nevertheless, Courts A and B both approximate the ideal-typical traditional juvenile court. The Cluster 7 court (Court C) approximates the autonomous criminal justice model. It is characterized by decentralization, high differentiation/task specification, status offender jurisdiction, and low intake discretion.

The samples in each court were selected from cases received at intake between October 31, 1978 and September 1, 1979. A systematic sample of 250 cases was taken from each court. Each sample was stratified by sex to ensure enough females for analysis. In Court C, a proportional sample was taken from the social service agency that performs intake for certain cases.

The Variables

The research instrument was designed to record information on offender background characteristics, offense characteristics, and case processing. The independent variables include factors which have been hypothesized to influence juvenile court dispositional outcomes. These factors may be classified as either offense characteristics or offender characteristics. Offense characteristics include type of offense, number of previous official court contacts, and number of offenses charged. Offenses were categorized as miscellaneous, vice, status offenses, property offenses, and offenses against persons.[1] Number of offenses was categorized as single or multiple. Number of previous official court contacts was dichotomized as one or more, or none.

Offender characteristics may be characterized as either discriminatory or discretionary. Discriminatory variables have traditionally been the focus of research seeking to test the "bias hypothesis" and include race, sex, and SES (Horwitz and Wasserman, a, b). These data do not include a measure of SES.[2] Race is dichotomized as white and nonwhite and sex as male and female.[3]

Discretionary offender characteristics in this research include family composition and activity. While determining disposition on the

basis of race, sex, or SES is considered discrimination, family composition and the way a juvenile spends his or her time are more likely considered appropriate criteria in deciding among dispositional options. The three categories of family composition were dummied for analysis. They include "both parents present," "parent and step-parent present," "single parent present." Activity was dichotomized as in school or not in school.

The differences among courts are reflected in the distribution of cases represented by the dependent variable, disposition. At best, dispositions other than probation and commitment are difficult to compare across different jurisdictions due to variations in terminology and meaning, especially in categories 1 and 2 of Table 1. In Court A, for

TABLE 1

DISTRIBUTION OF CASE DISPOSITIONS BY COURT

	A		B		C	
	%	(N)	%	(N)	%	(N)
1. Unofficial handling, pre-court diversion, warn and release	19.1	(47)	47.9	(113)	64.1	(159)
2. Continuance, restitution (pending final disposition), transfer to another state, judicial diversion, finding vacated pending adjustment	28.0	(69)	18.6	(44)	14.9	(37)
3. Probation, suspended sentence (with probation)	44.3	(109)	27.1	(64)	14.1	(35)
4. Commitment	8.5	(21)	6.4	(15)	6.9	(17)
Totals	99.9	(246)	100.0	(236)	100.0	(248)

instance, unofficial handling--a practice of many juvenile courts--is an artificial distinction in that essentially only one decision is made, at intake, i.e., all cases are "official" in that they are heard by a judge. There is no discretion granted to the probation department in Court A--unlike Court B--to assign to informal probation. In Court C all such decisions are made by probation--which, however, is within a separately administered state department of social services.

Part of the problem in studies of determinants of decision-making is how to cut and slice the dependent variable. Unlike criminal court sentencing procedures, juvenile justice research cannot deal with sentence length or time to parole (Thomson and Zingraff, 1981). Dependent variables are categorical decisions made by juvenile justice personnel. Since variations in dispositions may well be a function of the type of decision (Thomson and Zingraff, 871), and because the identified decision point varies among studies, it is difficult to compare findings.

Our methodology will test the following hypotheses by several different analyses that select, individually, decision point(s) in order to compare outcomes across courts.

The following hypotheses were tested:

1. In Courts A and B, offender characteristics are significant determinants of case dispositions at all levels of decisionmaking.

2. In Court C, offense characteristics are determinative of the intake decision, but offender characteristics are determinative of the sentencing decision.

The Analysis

The following analyses are presented as ways in which the decision points have been commonly selected in prior research.

Analysis I

Overall dispositions are examined by comparing category 1, category 3, and category 4. It is in these cases that some final disposition has been made. Category 2, cases which have not been resolved, is eliminated in this analysis.

Analysis II

By comparing category 1 and categories 2, 3, and 4 combined we may examine more concretely the decision of whether a case is to be handled informally (category 1) or formally (categories 2, 3, 4). Here we treat judicial decisions in Court A as if they were "unofficial" by including warn and release in category 1.

Analysis III

Third, the "sentencing decision" is represented by comparing category 3 with category 4. Given a true finding, how was the case disposed of?

The distribution of cases among dispositional categories according to analytic treatment is presented in Table 2. While these categories

TABLE 2

DISTRIBUTION OF DISPOSITIONS BY ANALYTIC TREATMENT

	% A	(N)	% B	(N)	% C	(N)
Analysis I						
1. Unofficial handling	26.6	(47)	58.8	(113)	75.4	(159)
3. Probation	61.6	(109)	33.3	(64)	16.6	(35)
4. Commitment	11.9	(21)	7.8	(15)	8.0	(17)
Totals	100.1	(177)	99.9	(192)	100.0	(111)
Analysis II						
1. Unofficial handling	19.1	(47)	47.9	(113)	64.1	(159)
2,3,4. Official handling	80.9	(199)	52.1	(123)	35.9	(89)
Totals	100.0	(246)	100.0	(236)	100.0	(248)
Analysis III						
3. Probation	83.8	(109)	81.0	(64)	67.3	(35)
4. Commitment	16.2	(21)	19.0	(15)	32.7	(17)
Totals	100.0	(130)	100.0	(79)	100.0	(52)

may be viewed in terms of severity, we have not empirically determined severity rankings and have, therefore, treated them as nominal in our analysis.

Method of Analysis

In criticizing previous studies of determinants of outcomes, Cohen and Kluegel noted that all of the independent variables should be introduced into the analysis simultaneously and that there should be a means of assessing the relative effects of each of the independent variables (Cohen and Kluegel). Given a nonmetric dependent variable, options are somewhat limited. Standard regression analysis, although allowing one to enter variables one at a time and to assess their relative contribution to explanation of the independent variable, assumes an interval level dependent variable. Log-linear analysis, while meeting the criterion of handling a categorical dependent variable, requires an enormous number of cases. Discriminant analysis was selected as the most appropriate method (Eisenstein and Jacob, 1978). Designed to handle a categorical dependent variable, it also allows one to enter the independent variables into the analysis one at a time, and through the use of Rao's V, to assess the relative contribution of variables to distinguishing among categories of the dependent variable (Klecka, 1980).

The data were entered into a stepwise discriminant analysis (Nie et al., 1975). This procedure first selects the variable that best discriminates among the "groups," in this case, disposition categories, given the criterion specified by the discriminant method selected. In stepwise fashion, subsequent variables are selected on the basis of their ability to further discriminate among the groups in combination with the preceding variables (Nie et al.).

Two further decisions were made regarding the method of analysis--the criterion of discrimination and whether to specify the

order in which the variables are entered into the analysis. A generalized distance measure, Rao's V, was chosen as the discrimination criterion. This method selects the variable that contributes the largest increase in V in combination with any other variables previously entered into the analysis. This results in the greatest separation of the groups. The change in Rao's V has a chi-square distribution with one degree of freedom when there is a large N, and can, therefore, be tested for statistical significance (Nie et al.). It also allows us to measure the relative distance each variable moves the groups (Eisenstein and Jacob).

The order in which the variables were entered was not specified to determine which variable(s) has the most discriminating power, although the sequence in which the variables are selected does not necessarily indicate their relative importance as discriminators. The procedure does yield the optimal, if not maximal, set of discriminating variables (Nie et al.).

Findings

First, we will look at disposition in terms of overall outcome, i.e., comparing categories 1 (informal handling), 3 (probation), and 4 (commitment) as options. (See Table 3.) The set of variables that

TABLE 3

DISCRIMINATING VARIABLES IN DISPOSITIONAL OUTCOME

COURT A

Variable	Rao's V	Change in V	% Change	Significance
Prior official court contacts	26.97	26.970	44.286	0.0000
Both parents	38.42	11.460	18.818	0.0033
Miscellaneous offense	49.85	11.430	18.769	0.0033
Race	56.07	6.217	10.209	0.0447
Sex	60.90	4.830	7.931	0.0893

COURT B

Variable	Rao's V	Change in V	% Change	Significance
Prior official court contacts	87.05	87.05	45.174	0.0000
Property offense	155.90	68.86	35.734	0.0000
Status offense	166.60	10.74	5.573	0.0047
Sex	173.20	6.590	3.420	0.0371
Personal Offense	179.40	6.190	3.212	0.0453
Activity	184.50	5.040	2.615	0.0805
No. of offenses	189.10	4.598	2.386	0.1003
Race	192.70	3.603	1.870	0.1650

COURT C

Variable	Rao's V	Change in V	% Change	Significance
Prior official court contacts	59.94	59.940	58.707	0.0000
Property offense	78.23	18.290	17.914	0.0001
No. of offenses	88.45	10.220	10.010	0.0060
Status offense	93.38	4.932	4.830	0.0849
Sex	96.59	3.208	3.142	0.2011
Activity	99.51	2.920	2.869	0.2323
Both parents	102.10	2.560	2.507	0.2781

discriminates among the three outcome categories in Court A includes the offense characteristics of prior official court contacts and type of offense and the offender characteristics of family structure, race, and sex. In Court B, the offense characteristics of prior official court contacts, type of offense, and number of offenses distinguish among outcome groups. The discriminating offender characteristics are sex, activity, and race. In Court C, the set of discriminating variables includes the offense characteristics of prior official court contacts, type of offense, and number of offenses and the offender characteristics sex, activity, and family structure.

Note that the best predictor in all three courts is prior official court contacts. Using a significance level of .05, type of offense is

also a significant predictor in all three courts. While in Court A the offender characteristics family structure and race distinguish among the three outcome categories, in Court B sex is the only significant offender characteristic, and in Court C offender characteristics do not significantly predict outcome.

In addition to a test of significance, the discriminant analysis procedure provides a measure of the relative contribution of each variable in statistically separating the outcome groups, the percentage of change in Rao's V. Table 4 shows the relative contribution of the independent variables broken down by offense characteristics and offender characteristics, both discriminatory and discretionary, for each court.

TABLE 4

DISCRIMINATING VARIABLES IN DISPOSITIONAL OUTCOME

COURT A

Variables	Contribution to Change in Rao's V	%
Offense characteristics	38.400	63.0
Prior official court contacts	26.970	44.2
Offense	11.430	18.8
Offender characteristics	22.507	36.9
Discriminatory	11.047	18.1
Race	6.217	10.2
Sex	4.830	7.9
Discretionary	11.460	18.8
Family composition	11.460	18.8

Percent of classified cases correctly classified: 53.11%

COURT B

Variables	Contribution to Change in Rao's V	%
Offense characteristics	177.438	92.1
Prior official court contacts	87.050	45.2
Offense	85.790	44.5
No. of offenses	4.598	2.4
Offender characteristics	15.233	7.9
Discriminatory	10.193	5.3
Race	3.603	1.9
Sex	6.590	3.4
Discretionary	5.040	2.6
Activity	5.040	2.6

Percent of classified cases correctly classified: 69.27%

COURT C

Variables	Contribution to Change in Rao's V	%
Offense characteristics	93.382	91.5
Prior official court contacts	59.940	58.7
Offense	23.222	22.8
No. of offenses	10.220	10.0
Offender characteristics	8.688	8.5
Discriminatory	3.208	3.1
Sex	3.208	3.1
Discretionary	5.480	5.4
Activity	2.920	2.9
Family composition	2.560	2.5

Percent of classified cases correctly classified: 75.36%

In Court A, 63 percent of the change in Rao's V is due to offense characteristics, while in Courts B and C over 90 percent of the change in Rao's V is due to offense characteristics. In Court A discriminatory and discretionary variables contribute almost equally to the distance among the groups. In Court B, although offender characteristics contribute little to discrimination among the outcome categories, the discriminatory variable sex makes the largest contribution of the offender characteristics. In Court C, discretionary variables make the largest

contribution of the offender characteristics (5.4%), with the discriminatory variable sex contributing only 3.1 percent of the change in Rao's V.

Table 4 also gives some indication of the predictive power of the discriminating variables in classifying cases according to dispositional outcomes. In Court A, the classification power of the discriminating variables was 53.11 percent. In other words, in just over half of the cases the dispositional outcome can be predicted using the information provided by the independent variables. In Court B the classification power is almost 70 percent and in Court C the dispositional outcome of over 75 percent of the cases can be predicted from the discriminating variables, which in Court C are largely offense characteristics.

In the second stage of analysis, we focus on the "intake decision," the determination of whether the case will be disposed of unofficially or officially.[4]

In Court A (Table 5), the following variables comprise the

TABLE 5

DISCRIMINATING VARIABLES IN OFFICIAL/UNOFFICIAL DECISION

COURT A

Variable	Rao's V	Change in V	% Change	Significance
Prior official court contacts	9.281	9.281	31.040	0.0023
Step-parent	17.690	8.413	28.137	0.0037
Race	21.510	3.815	12.759	0.0508
Single parent	22.930	1.418	4.742	0.2337
Miscellaneous offense	24.410	1.485	4.966	0.2229
Vice	26.160	1.748	5.846	0.1862
No. of offenses	27.350	1.192	3.987	0.2749
Sex	28.620	1.266	4.234	0.2605
Activity	29.900	1.278	4.274	0.2583

CONTINUED

3 OF 5

COURT B

Variable	Rao's V	Change in V	% Change	Significance
Property offense	55.840	55.840	41.733	0.0000
Prior official court contacts	98.230	42.400	31.689	0.0000
Status offense	115.100	16.830	12.578	0.0000
Personal offense	125.000	9.961	7.445	0.0016
No. of offenses	130.800	5.807	4.340	0.0160
Activity	133.800	2.972	2.221	0.0847
Race	135.600	1.780	1.330	0.1821

COURT C

Variable	Rao's V	Change in V	% Change	Significance
Prior official court contacts	51.17	51.170	57.871	0.0000
Status offense	72.29	21.120	23.885	0.0000
No. of offenses	83.33	11.050	12.497	0.0009
Property offense	88.42	5.083	5.749	0.0242

optimum set for statistically distinguishing among the outcome categories of unofficial and official: prior official court contacts, family structure, race, type of offense, number of offenses, sex, and activity. The first three (prior official court contacts, family structure, and race) are significant at the .05 level. In Court B, type of offense, prior official court contacts, and number of offenses are significant discriminating variables. Activity and race also contribute to distinguishing among the groups. In Court C, only prior official court contacts and type of offense predict the unofficial/official decision, both beyond the .05 level of significance.

Strikingly, over half of the change in Rao's V in Court A (Table 6) can be accounted for by offender characteristics, while in Court B

TABLE 6

DISCRIMINATING VARIABLES IN OFFICIAL/UNOFFICIAL DECISION

COURT A

Variables	Contribution to Change in Rao's V	%
Offense characteristics	13.706	45.8
Prior official court contacts	9.281	31.0
Offense	3.233	10.8
No. of offenses	1.192	4.0
Offender characteristics	16.190	54.1
Discriminatory	5.081	17.0
Race	3.815	12.8
Sex	1.266	4.2
Discretionary	11.109	37.2
Family composition	9.831	32.9
Activity	1.278	4.3

Percent of classified cases correctly classified: 65.10%

COURT B

Variables	Contribution to Change in Rao's V	%
Offense characteristics	130.838	96.5
Offense	82.630	60.9
Prior official court contacts	42.400	31.3
No. of offenses	5.807	4.3
Offender characteristics	4.752	3.5
Discriminatory	1.780	1.3
Race	1.780	1.3
Discretionary	2.972	2.2
Activity	2.972	2.2

Percent of classified cases correctly classified: 78.54%

COURT C

Variables	Contribution to Change in Rao's V	%
Offense characteristics	88.420	100.0
Prior official court contacts	51.170	57.9
Offense	26.203	29.8
No. of offenses	11.050	12.5

Percent of classified cases correctly classified: 80.09%

over 95 percent and in Court C 100 percent of the change in Rao's V can be attributed to offense characteristics. The offender characteristics in Court A that distinguish between unofficial and official outcomes are largely discretionary; family structure accounts for 37.2 percent of the change in Rao's V. The discriminatory variable race accounts for another 17 percent of the change. The 45.8 percent change due to offense characteristics can be largely accounted for by prior official court contacts. Again, the percentage of cases correctly classified is progressively larger, 65.10 percent in Court A, 78.5 percent in Court B and over 80 percent in Court C.

The third stage of analysis focuses on the "sentencing decision." Given a true finding, which variables discriminate between the dispositions of probation and commitment? Prior official court contacts again is the best discriminator in all three courts. Table 7 further

TABLE 7

DISCRIMINATING VARIABLES IN PROBATION/COMMITMENT DECISION

COURT A

Variable	Rao's V	Change in V	% Change	Significance
Prior official court contacts	15.46	15.460	36.652	0.0001
Miscellaneous offense	24.24	8.783	20.822	0.0030
Both parents	33.55	9.309	22.070	0.0023
Single parent	36.65	3.107	7.366	0.0780
Sex	38.77	2.116	5.017	0.1458
Vice	40.47	1.702	4.035	0.1920
Race	42.18	1.708	4.049	0.1912

COURT B

Variable	Rao's V	Change in V	% Change	Significance
Prior official court contacts	22.81	22.81	38.878	0.0000
Status offense	32.68	9.876	16.833	0.0017
Both parents	41.28	8.600	14.658	0.0034
Activity	45.23	3.942	6.719	0.0471
Race	48.41	3.182	5.423	0.0745
Step-parent	52.14	3.729	6.356	0.0535
Single parent	54.55	2.419	4.123	0.1199
Vice	56.70	2.150	3.665	0.1426
Miscellaneous offense	58.67	1.963	3.346	0.1611

COURT C

Variable	Rao's V	Change in V	% Change	Significance
Prior official court contacts	2.870	2.870	13.499	0.0903
Sex	6.372	3.502	16.472	0.0613
Property offense	11.550	5.175	24.341	0.0229
Both parents	16.840	5.290	24.882	0.0215
Activity	19.120	2.283	10.738	0.1308
Personal offense	21.260	2.146	10.094	0.1429

reveals that type of offense, family structure, sex, and race also distinguish between dispositions in Court A. Type of offense and family structure are the only other two variables with a significant effect. In Court B, in addition to prior official court contacts, type of offense, family structure, and activity are significant predictors of official disposition. Race also distinguishes between dispositions.

In Court C, type of offense and family structure are the only significant discriminating variables with prior official court contacts, sex, and activity contributing toward distinguishing among dispositions.

Table 8 reveals that whereas in Courts A and B offense

TABLE 8

DISCRIMINATING VARIABLES IN PROBATION/COMMITMENT DECISION

COURT A

Variables	Contribution to Change in Rao's V	%
Offense characteristics	25.946	61.5
Prior official court contacts	15.460	36.6
Offense	10.485	24.9
Offender characteristics	16.240	38.5
Discriminatory	3.824	9.1
Sex	2.116	5.0
Race	1.708	4.1
Discretionary	12.416	29.4
Family composition	12.416	29.4

Percent of classified cases correctly classified: 79.23%

COURT B

Variables	Contribution to Change in Rao's V	%
Offense characteristics	36.799	62.7
Prior official court contacts	22.810	38.9
Offense	13.989	23.8
Offender characteristics	21.83	37.2
Discriminatory	3.182	5.4
Race	3.182	5.4
Discretionary	18.650	31.8
Family composition	14.748	25.1
Activity	3.942	6.7

Percent of classified cases correctly classified: 86.08%

COURT C

Variables	Contribution to Change in Rao's V	%
Offense characteristics	10.191	47.9
Prior official court contacts	2.870	13.5
Offense	7.321	34.4
Offender characteristics	11.0	52.1
Discriminatory	3.502	16.5
Sex	3.502	16.5
Discretionary	7.573	35.6
Family composition	5.290	24.9
Activity	2.283	10.7

Percent of classified cases correctly classified: 76.92%

characteristics account for approximately 60 percent of the change in Rao's V, in Court C over half of the change in Rao's V can be attributed to offender characteristics. The offender characteristics determinative of whether a youth will be placed on probation or institutionalized are largely discretionary, with family structure accounting for about 25 percent of the change in Rao's V. The discriminatory variable sex accounts for 16.5 percent of the change. Nevertheless, type of offense is the main predictor of disposition in Court C. In Courts A and B, discretionary characteristics, principally family structure, are much more predictive of official disposition than are discriminatory characteristics.

In Court A, official disposition can be correctly predicted from the discriminating variables in almost 80 percent of the cases. In Court B, 86.1 percent of the cases can be correctly classified, and in Court C, 76.9 percent.

Summary and Discussion

Looking at overall outcome in the court that can be characterized by the integrative model of justice (Court A), offender characteristics are significant predictors of disposition, whereas in the court that more closely conforms to the autonomous justice model (Court C) offense characteristics alone are significant predictors. Furthermore, most of the contribution of offender characteristics to the separation of the outcome groups in both types is due to discretionary, rather than discriminatory, variables. That disposition can be predicted in only half of the cases in Court A, given the information in the dependent variables, whereas three-fourths of the cases in Court C, are correctly

classified is suggestive of the operation of individualized justice in the former and offense-based guidelines in the latter.

Breaking down case processing into two steps, intake and sentencing, differences between the courts are even more pronounced. Offender characteristics appear to be more important than the offense in deciding whether a case is to be handled officially or unofficially in Court A. In Court B and Court C the intake decision is made almost entirely on the basis of offense characteristics. Focusing on the sentencing decision, however, an interesting difference emerges. Whereas the relative importance of offense and offender characteristics in determining official disposition remains approximately the same as in determining overall outcome in Court A, in Court C offender characteristics become crucial in determining whether a juvenile is to be placed on probation or committed to an institution. These offender characteristics are largely discretionary--family composition and activity. This is in conformity with a philosophy of justice that restricts social information until after an adjudication is made. In other words, discretion enters <u>after</u> a legal finding.

The hypotheses are only partially confirmed, however, in that Court B appears closer to Court C than to Court A in its dispositional outcomes. Offense characteristics were found to predominate at all decision levels, although offender characteristics were also significant predictors of outcome. We suggest that these results may be due in large part to the differences in use of discretion in the two Type I courts. Whereas Court A is characterized by low intake discretion (a large proportion of cases referred are handled officially), in Court B, high

discretion at intake consists of diversion screening, rather than the informal probation disposition characteristic of traditional juvenile courts.

These findings can be interpreted as supportive of the theses presented in Part 1 that the variations and change in juvenile justice are not unidimensional, and that a juvenile court can be structured in such a way as to provide discretionary justice while preserving basic rights. Our assertion of the significnce of intake screening in overall outcomes is also confirmed.

It is clear that any definitive study of the determinants of decision making in juvenile courts must take into consideration structural variations of courts, must be inclusive of the system, and must be based on an adequate sample of courts representing each variation.

Notes

1. The offenses which comprise each category are as follows: Miscellaneous Offenses: disorderly conduct, disturbing the peace, driving while intoxicated, loitering, traffic violation, escape from custody, bench warrant, court order hold, probation/parole violation, refusal to aid police, and other offenses. Offenses of Vice: alcohol, drugs, prostitution, lewd and lascivious conduct. Status Offenses: curfew violation, incorrigibility, runaway, truancy, dependency/neglect, and unspecified status offenses. Property Offenses: arson, burglary, forgery, fraud, grand larceny, joyriding, malicious mischief, possession of burglary tools, possession of stolen property, possession of stolen vehicle, purse snatch, shoplifting, theft of vehicle, trespass, auto prowl, weapons. Offenses Against Person: aggravated assault and battery, simple assault and battery, hit and run, harassment and threats, resisting an officer, robbery, and rape.

2. Case records in the courts studied contained insufficient information to measure SES.

3. The nonwhite category contains predominantly blacks.

4. The unofficial category in Court A is largely comprised of "warn and release."

REFERENCES

Allen, Franncis A.
1976 "The juvenile court and the limits of juvenile justice" in Rose Giallombardo (ed.), Juvenile Delinquency: A Book of Readings (3d edition). New York: Wiley. 411-420.

Allinson, Richard S.
1979 "The language of contemporary criminal justice." Crime and Delinquency 25:364-369.

American Correctional Association.
1978 Manual of Standards for Juvenile Probation and Aftercare Services. Rockville, MD: Commission on Accreditation for Corrections.

Arnold, William R.
1971 "Race and ethnicity relative to other factors in juvenile court disposition." American Journal of Sociology 77:211-227.

Baar, Carl.
1975 Separate but Subservient: Court Budgeting in the American States. Lexington: Lexington Books.

Barton, William H.
1976 "Discretionary decision-making in juvenile justice." Crime and Delinquency, (October) 22:4:470-481.

Becker, T. and Malcolm Feeley.
1972 The Impact of Supreme Court Decisions (2nd Ed.). New York: Oxford University Press.

Berg, Jerome S.
1979 "Collective bargaining for court personnel in Massachusetts." Justice System Journal 4:295-303.

Berkson, Larry.
1980 "Why probate judges fear unified courts." The Judges Journal 19:16-49.

Berkson, Larry and Susan Carbon.
1978 Literature on Court Unification: An Annotated Bibliography. National Institute of Law Enforcement and Criminal Justice, U.S. Government Printing Office.

Black, Donald J.
1970 "Production of crime rates." American Sociological Review 35:733-746.
1971 "The social organization of arrest." Stanford Law Review 23:1087-1111.

Blumstein, R. A. and R. A. Stafford.
1974 "Application of the jussion model to a juvenile justice system." Proceedings of the National Council of Juvenile Court Judges (December):60-84.

Carter, Timothy J.
1979 "Juvenile court dispositions: a comparison of status and nonstatus offenders." Criminology 17:341-359.

Chused, Richard H.
1973 "The juvenile court process: a study of three New Jersey counties." Rutgers Law Review 26:488-589.

Cicourel, Aaron V.
1968 The Social Organization of Justice. New York: Wiley.

Clarke, Stevens H., and Gary G. Koch.
1980 "Juvenile court: therapy as crime control, and do lawyers make a difference." Law and Society Review 14:263-308.

Cohen, Lawrence E.
1975 Delinquency Disposition: The Empirical Analysis of Processing Decisions in Three Juvenile Courts. Washington, D.C.: Department of Justice, National Criminal Justice and Statistics Service.

Cohen, Lawrence E. and James R. Kluegel.
1978 "Determinants of juvenile court dispositions: ascriptive and achieved factors in two metropolitan courts." American Sociological Review 43:162-169.
1979 "Selecting delinquents for adjudication: an analysis of intake screening decisions in two metropolitan juvenile courts." Journal of Research in Crime and Delinquency 16:143-163.
1979 "The detention decision: a study of the impact of social characteristics and legal factors in two metropolitan juvenile courts." Social Forces 88:146-161.

Committee on the Standard Family Court Act.
1959 Standard Family Court Act. Hackensack, NJ: National Council on Crime and Delinquency.

Council of Judges of the National Council on Crime and Delinquency.
1970 Provision of Counsel in Juvenile Courts. New York: National Council on Crime and Delinquency.

Coxe, Spencer.
1967 "Lawyers in juvenile court." Crime and Delinquency 13:435-439.
1968 "In defense of youth: a case study of the public defender in juvenile court." Indiana Law Journal 43:619-640.

Creekmore, Mark.
1976 "Case processing: intake, adjudication, and disposition." Chapter 7 in Sarri and Hasenfeld (ed.), Brought to Justice? Juveniles, The Courts and The Law. Ann Arbor, MI: University of Michigan.

Criminal Law Reporter.
1981 "Juvenile does not have unqualified constitutional right to bail." Criminal Law Reporter 29:2560-2561.

Datesman, Susan K. and Frank R. Scarpitti.
1977 "Unequal protection for males and females in the juvenile court." In T.M. Ferdinand (ed.) Juvenile Delinquency: Little Brother Grows Up. Beverly Hills: Sage.

Doleschal, Eugene.
1979 "Crime--some popular beliefs." Crime and Delinquency (January):1-6.

Dungworth, Terence.
1977 "Discretion in the juvenile justice system: the impact of case characteristics on prehearing detention," Chapter 2 in T. M. Ferdinand (ed.), Juvenile Delinquency: Little Brother Grows Up. Beverly Hills: Sage. 19-43.

Dunham, H. Warren.
1966 "The juvenile court: contradictory orientations in processing offenders." In R. Giallombardo (ed.), Juvenile Delinquency: A Book of Readings. New York: Wiley. 381-398.

Eisenstein, James and Herbert Jacob.
1977 Felony Justice: An Organizational Analysis of Criminal Courts. Boston: Little, Brown and Company.

Emerson, Robert M.
1969 Judging Delinquents: Context and Process in Juvenile Court. Chicago: Aldine.

Empey, LaMar T.
1978 American Delinquency: Its Meaning and Construction. Homewood, IL: Dorsey.

Evans, R.W.
1981 "Juvenile justice: the legislature revisits chapter 39." The Florida Bar Journal (November):697-702.

Erickson, Patricia G.
1974 "The defense lawyer's role in juvenile court: an empirical investigation into judges' and social workers' points of view." University of Toronto Law Review 24:126-148.

Faust, Frederic L. and Paul J. Brantingham, (eds.).
1979 Juvenile Justice Philosophy: Readings, Cases and Comments (2nd edition). Criminal Justice Series St. Paul: West Publishing Company.

Ferster, Elyce Zenoff and Thomas F. Courtless.
1971 "The intake process in the affluent county juvenile court." The Hastings Law Journal (May) Vol. 22, No. 5.

Ferster, Elyce Zenoff, Thomas F. Courtless, and Edith Nash Snethen.
1969 "Juvenile detention: protection, prevention or punishment?" Fordham Law Review 38:161-196.
1970 "Separating official and unofficial delinquents: juvenile court intake." Iowa Law Review 55:2 864-893.
1971 "The juvenile justice system: in search of the role of counsel." Fordham Law Review 39:375-412.
1972 "Pre-dispositional data, role of counsel and decisions in a juvenile court." Law and Society Review 7:195-222.

Figueria-McDonough, Josefina.
1979 "Processing juvenile delinquency in two cities: a cross-national comparison." Journal of Research in Crime and Delinquency 16:114-142.

Finkelstein, M. Marvin, Ellyn Weiss, Stuart Cohen and Stanley Z. Fisher.
1973 Prosecution in the Juvenile Courts: Guidelines for the Future. National Institute of Law Enforcement and Criminal Justice. Washington, DC: U.S. Government Printing Office.

Flonders, Steven and Jerry Goldman.
1975 "Screening practices and the use of para-judicial personnel in a U.S. court of appeals: a study in the fourth circuit." The Justice System Journal 1:1-16.

Fox, Sanford J.
1970 Prosecutors in the juvenile court: a statutory proposal." Harvard Journal on Legislation 8:33-53.
1977 The Law of Juvenile Courts in a Nutshell, 2nd edition. St. Paul: West Publishing Company.

Friesen, Ernest C. (Reporter).
1978 "Internal organization and procedures of the courts." In Theodore J. Fetter (ed.) State Courts: A Blueprint for the Future. National Center for State Courts.

Fuller, Lon L.
1979 "The forms and limits of adjudication." Harvard Law Review 92:352-409.

Goldkamp, John A.
1980 "The effects of detention on judicial decisions: A closer look." The Justice System Journal 5 (3):234-257.

Gove, Walter R.
1980 "Postscript to labelling and crime," in The Labelling of Deviance, Evaluation or Perspective, 2d edition, Walter Grove (ed.). Beverly Hills: Sage. 264-270.

Greenspun, Julian.
1969 "Role of the attorney in juvenile court." Cleveland State Law Review 18:599-609.

Hackler, Jim, Joan Brockman and Eva Luczynska.
1977 "The comparison of role interrelationships in two juvenile courts: Vienna and Boston." International Journal of Criminology and Penology 5:367-397.

Hagen, John.
1974 "Extra-legal attributes and criminal sentencing: an assessment of a sociological viewpoint." Law and Society Review 8:357-383.
1979 "Ceremonial justice: crime and punishment in a loosely coupled system" Social Forces 58:506-527.

Hagon, John A., R. Gillis and Janet Chon.
1978 "Explaining official delinquency: a spatial study of class, conflict, and control." The Sociological Quarterly 19:386-398.

Hall, John C., Donna Martin Hamparian, John M. Pettibone and Joseph L. White (co-eds.)
1981 "Major issues in juvenile justice information and training: reading in public policy." Columbus: Academy for Contemporary Problems.

Handler, Joel F.
1965 "The juvenile court and the adversary system: problems of form and function." Wisconsin Law Review (Winter):7-51.

Hayeslip, David W., Jr.
1979 "The impact of defense attorney presence on juvenile court dispositions." Juvenile and Family Court Journal 30:9-15.

Hellum, Frank.
1979 "Juvenile justice: the second revolution." Crime and Delinquency 25:299-317.

Hirschi, Travis.
1980 "Labelling theory and juvenile delinquency: an assessment of the evidence," in Walter R. Gove (ed.), The Labelling of Deviance (2d ed.). Beverly Hills: Sage. 271-302.

Horowitz, Donald L.
1977 The Courts and Social Policy. Washington, D.C.: Brookings Institute.

Horwitz, Allen and Michael Wasserman.
1980(a) "Formal rationality, substantive justice, and discrimination." Law and Human Behavior 4:103-116.
1980(b) "Some misleading conceptions in sentencing research: an example and a reformulation in the juvenile court." Criminology 18:411-424.

Institute of Judicial Administration/American Bar Association (IJA/ABA).
1980 Standards Relating to Adjudication (draft). Cambridge, MA: Ballinger.
1980 Standards Relating to Counsel for Private Parties. Cambridge, MA: Ballinger.
1980 Standards Relating to Court Organization and Administration (draft). Cambridge, MA: Ballinger.
1980 Standards Relating to Dispositions. Cambridge, MA: Ballinger.
1980 Standards Relating to Interim Status: The Release, Control, and Detention of Accused Juvenile Offenders Between Arrest and Disposition. Cambridge, MA: Ballinger.
1980 Standards Relating to the Juvenile Probation Function: Intake and Predisposition Investigative Services. Cambridge, MA: Ballinger.
1980 Standards Relating to Monitoring. Cambridge, MA: Ballinger.
1980 Standards Relating to Pretrial Court Proceedings. Cambridge, MA: Ballinger.
1980 Standards Relating to Prosecution. Cambridge, MA: Ballinger.

Isaace, Jacob L.
1963 "The role of the lawyer in representing minors in the new family court." Buffalo Law Review 12:501-521.

Johnson, Stephen C.
1967 "Hierarchical clustering schemes." Psychometrika 32:241-254.

Katz, Daniel and Robert L. Kahn.
1966 The Social Psychology of Organizations. New York: Wiley.

Ketcham, Orman W.
1961 "The unfulfilled promise of the American juvenile court," Crime and Delinquency 7:97-110.

Klecka, William.
1980 Discriminant Analysis. Beverly Hills: Sage Press.

Lawson, Harry O., H. R. Ackerman, Jr., and Donald E. Fuller.
1980 Discretion and Lawlessness: Compliance in the Juvenile Court. Lexington: Lexington Books.

Lefstein, Norman, Vaughan Stapleton and Lee E. Teitelbaum.
1969 "In search of juvenile justice: Gault and its implementation." Law and Society Review 3:491-562.

Lehtinen and Smith.
1974-75 "The relative effectiveness of public defenders and private attorneys.: NLDA Briefcase 32.

Lemert, Edwin M.
1967 "Legislating Change in the Juvenile Court." Wisconsin Law Review 2:421-448.

Lerman, Paul.
1980 "Trends and issues in the deinstitutionalization of youths in trouble." Crime and Delinquency (July): 281-298.

Levin, Mark M, and Rosemary C. Sarri.
1974 Juvenile Delinquency: A Comparative Analysis of Legal Codes in the United States. Ann Arbor: National Assessment of Juvenile Corrections.

Levin, Mark M. and Rosemary C. Sarri.
1974 Juvenile Delinquency: A Study of Juvenile Codes in the U.S. Ann Arbor, MI: National Assessment of Juvenile Corrections, The University of Michigan.

Little, Arthur D., Inc.
1979 Intake. Prepared for the Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration.

Lou, Herbert.
1927 Juvenile Courts in the United States. Chapel Hill: University of North Carolina Press.

Mack, Julian.
1909 "The juvenile court." Harvard Law Review 23:104-122.

Matza, David.
1964 Delinquency and Drift. New York: Wiley.

Milligan, John R.
1981 "Judges and commissioners: a shotgun marriage." pp. 439-464 in John C. Hall et.al., eds., Major Issues in Juvenile Justice Information and Training: Readings in Public Policy. Columbus, Ohio: Academy for Contemporary Problems.

Nagel, Stuart S.
1973 "Effects of alternative types of counsel on criminal procedure treatment." Indiana Law Journal 48.

National Advisory Commission on Criminal Justice Standards and Goals
1973 Corrections. Washington, DC: U.S. Government Printing Office.
1973 Report on Courts. Washington, DC: U.S. Government Printing Office.
1976 Report of the Task Force on Juvenile Justice and Delinquency Prevention. Juvenile Justice and Delinquency Prevention. Washington, DC: U.S. Government Printing Office.

National Center for State Courts.
1981 A study of structural characteristics, policies and operational procedures in metropolitan juvenile courts. Report to the Office of Juvenile Justice and Delinquency Prevention. Williamsburg, VA.

National Conference on Crime and Delinquency.
1961 Standards and Guides for the Detention of Children and Youth (2nd edition).

National Council on Crime and Delinquency.
1970 "Provision of counsel in juvenile courts: a policy statement." Counsil of Judges.

National Council of Juvenile Court Judges.
1967 "Resolutions of the national council of juvenile court judges." Juvenile Court Judges Journal 18:106-108.

National Institute of Justice.
1980 Variations on Juvenile Probation: A Selected Bibliography. U.S. Department of Justice, U.S. Government Printing Office.

National Institute for Juvenie Justice and Delinquency Prevention.
1976 Report of the Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice. U.S. Department of Justice.

National Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention.
1977 A Comparative Analysis of Standards and State Practices: Court Structure, Judicial and Non-Judicial Personnel, and Juvenile Records, Volume III of IX. National Institute of Juvenile Justice and Delinquency Prevention.

New Jersey Law Journal.
1981 "N.J. kids being locked up illegally." New Jersey Law Journal (January 29):6.

Nie, Norman H. et al.
1975 Statistical Package for the Social Sciences. New York: McGraw-Hill.

Office of Juvenile Justice and Delinquency Prevention.
1980 Report of the National Advisory Committee for Juvenile Justice and Delinquency Prevention. Standards for the Administration of Juvenile Justice. Washington, DC: U.S. Government Printing Office.

Packer, Herbert L.
1968 The Limits of the Criminal Sanction. Stanford: Stanford University Press.

Paulin, John E., John L. Levitt, Thomas M. Young, and Donnel M. Pappenfort.
1980 Reports of the National Juvenile Justice Assessment Centers, Juveniles in Detention Centers and jails: An analysis of state variations during the mid-1970's. National Institute of Juvenile Justice and Delinquency Prevention, Washington, DC: U.S. Government Printing Office

Peterson, R. Thomas.
1972 "Juvenile justice and pre-adjudication detention." UCLA - Alaska Law Review 1:154-171.

Platt, Anthony.
1969 The Child Savers: The Invention of Delinquency. Chicago: University of Chicago Press.

Platt, Anthony and Ruth Friedman.
1968 "The limits of advocacy: occupational hazards in juvenile court." University of Pennsylvania Law Review 116:1156-1184.

Platt, Anthony, Howard Schechter, and Phyllis Tiffany.
1968 "In defense of youth: a case study of the public defender in juvenile court." Indiana Law Journal 43:619-640.

President's Commission on Law Enforcement and Administration of Justice.
1967 Task Force Report: Juvenile Delinquency and Youth Crime. Washington, D.C.: U.S. Government Printing Office.
Task Force Report: Corrections. Washington, D.C.: U.S. Government Printing Office.

Reamer, Frederick G. and Charles H. Shireman.
1981 "Alternatives to the juvenile justice system: their development and the current State of the Art." Juvenile and Family Court Journal (May):25-40.

Rosett, Arthur.
1979 "Connotations of discretion." In Sheldon L. Messinger and Egon Bittner (eds.), Criminology Review Yearbook. Beverly Hills: Sage. 377-401.

Rubin, H. Ted.
1977 "The juvenile court's search for identity and responsibility." Crime and Delinquency 23:1-13.
1979 Juvenile Justice: Policy, Practice and Law. Santa Monica, CA: Goodyear Publishing Company.
1979 "Retain the juvenile court? legislative developments, reform directions, and the call for abolition." Crime and Delinquency 25:281-298.
1980 "The emerging prosecutor dominance of the juvenile court intake process." Crime and Delinquency 26:229-318.
1981 "Between recommendations and orders: the limbo status of juvenile court referees." Crime and Delinquency (July): 317-335.

Rummel, R. J.
1970 Applied Factor Analysis. Evanston: Northwestern University Press.

Ryan, John Paul, Allan Ashman, Bruce D. Sales, and Sandra Shone-DuBow.
1980 American Trial Judges. New York: The Free Press.

Sagatun, Inger J. and Leonard P. Edwards.
1979 "The role of the district attorney in juvenile court: is the juvenile court becoming just like adult court?" Juvenile and Family Court Journal 30:17-23.

Sandhu, Harjit S. and C. Wayne Heasley.
1981 Improving Juvenile Justice: Power Advocacy, Diversion, Decriminalization, Deinstitutionalization and Due Process. New York: Human Sciences Press.

Sarri, Rosemary C.
1974 Under Lock and Key: Juveniles in Jails and Detention. The University of Michigan: National Assessment of Juvenile Corrections.
1976 "Service technologies: diversion, probation, and detention." Chapter 8 in Brought to Justice? Juveniles, the Courts, and the Law. Ann Arbor, MI: The University of Michigan.

Sarri, Rosemary and Yeheskel Hasenfeld.
1976 Brought to Justice? Juveniles, the Courts, and the Law. Ann Arbor, MI: The University of Michigan.

Schur, Edwin M.
1973 Radial Non-Intervention: Rethinking the Delinquency Problem. Englewood Cliffs: Prentice-Hall.

Sheridan, William H.
1962 "Juvenile court intake." Journal of Family Law, 2.

Skoler, Daniel L.
1977 Organizing the Non-System: Government Structuring of Criminal Justice Systems. Lexington, MA: Lexington Books.

Skoler, Daniel L. and Charles W. Tenney, Jr.
1964 "Attorney representation in juvenile courts." Journal of Family Law 4:77-98.

Smith, Charles P., T. Edwin Black and Adrianne W. Weir.
1980 A National Assessment of Case Disposition and Classification in the Juvenile Justice System: Inconsistent Labeling. Vol. II. Results of a Literature Search. Washington, D.C.: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.

Smith, Daniel D., et al.
1981 Delinquency 1978: United States Estimates of Cases Processed by Courts with Juvenile Jurisdiction. National Center for Juvenile Justice.

Smith, David Lewis.
1972 Prehearing Decision-Making in the Administration of Juvenile Justice. Ph.D. dissertation, The University of Tennessee.

Spergel, Irving A., John Korbelik and James P. Lynch.
1979 The Local Community Service System and ISOS: An Interorganizational Analysis Manuscript. University of Chicago School of Social Service Administration.

Stapleton, Vaughan, David P. Aday, Jr., and Jeanne A. Ito.
1980 The Structure of Juvenile Justice: An Empirically Derived Typology of American Metropolitan Juvenile Courts. Manuscript, National Center for State Courts.

Stapleton, Vaughan and Elizabeth Smith.
1980 "Court structure as a salient variable explaining the incidence of learning disabilities among adjudicated delinquents in three cities." Paper presented at the Law and Society annual meetings in Madison, Wisconsin, June 5-8, 1980.

Stapleton, Vaughan and Lee E. Teitelbaum.
1972 In Defense of Youth: A Study of the Role of Counsel in American Juvenile Courts. New York: Russell Sage.

Tappan, Paul,
1976 "The nature of juvenile delinquency." In R. Giallombardo (ed.), Juvenile Delinquency: A Book of Readings (3d ed.). New York: Wiley. 5-24.

Tarr, G. Alan.
1981 "Court unification and court performance: a preliminary assessment." Judicature 64:356-368.

Thomas, Charles W. and Robin J. Cage.
1977 "The effect of social characteristics on juvenile court dispositions." Sociological Quarterly 18:237-252.

Thomas, Charles W. and Christopher M. Sieverdes.
b:1975 "Juvenile court intake: an analysis of discretionary decision making." Criminology 12:413-432.

Thomson, Randall J. and Matthew T. Zingraff.
1981 "Detecting sentencing disparity: some problems and evidence." American Journal of Sociology 86:869-880.

Thornberry, Terence P.
1973 "Race, socio-economic status and sentencing in the juvenile justice system." Journal of Criminal Law and Criminology 64:90-98.
1979 "Sentencing dispositions in the juvenile justice system." 70:164-171.

Teitelbaum, Lee E.
1967 "The use of social reports in juvenile court adjudications." Journal of Family Law 7:425-441.
1980 "Forward: the meanings of rights of children." New Mexico Law Review 10:235-253.

Tittle, Charles R.
1975 "Deterrents or labeling?" Social Forces 53:399-410.
1980 "Labelling and crime: an empirical evaluation." Chapter 6 in Walter J. Gove (ed.), The Labelling of Deviance, 2d ed. Beverly Hills: Sage. 241-263.

Wadsworth, John R.
1979 "The impact of unionization on state courts." Justice System Journal 4:304-313.

Wald, Patricia M.
1970 "Pretrial detention for juveniles." in Margaret K. Rosenheim, ed., Pursuing Justice for the Child. Chicago: University of Chicago Press.

Wallace, John A. and Marion M. Brennan.
1963 "Intake and the family court." Buffalo Law Review, (June) 12:3.

Wallkes, Wallace.
1964 "Juvenile court intake -- a unique and valuable tool." Crime and Delinquency (April) 10:2 117-123.

Wasby, Stephen.
1979 The Impact of the United States Supreme Court. Chicago: Dorsey.

Weber, Max.
1958 From Max Weber: Essays in Sociology. H. H. Gerth and C. Wright Mills (eds.). New York: Oxford University Press.

Weinstein, David.
1979 "Collective bargaining in the judicial branch: current legal developments." Justice System Journal 4:314-336.

Weinstein, Noah
1978 Inherent Power of the Court. National Council of Juvenile and Family Court Judges, University of Nevada/Reno.

Wellford, Charles.
1975 "Labelling theory and criminology: an assessment." Social Problems 332-345.

Wex, Joseph H.
1979 "The extent and nature of collective bargaining of court employees in the states." Justice System Journal 4:274-286.

Winters, Glenn R., (ed.)
1973 Selected Readings Judicial Selection and Tenure, Revised Edition. Chicago: The American Judicature Society.

Young Thomas, M. and Donnell M. Pappenfort.
1977 National Evaluation Program Phase I Summary Report: Secure Detention of Juveniles and Alternatives to Its Use. National Institute of Law Enforcement and Criminal Justice. Washington, DC: U.S. Government Printing Office.

CASES CITED

In re Gault.
1967 387 U.S. 1.

Kent v. United States.
1966 383 U.S. 541.

Lake County Council v. Arredondo.
1977 266 Ind. 318, 363 N.E.2d 218.

Noble County Council v. State.
1955 234 Ind. 172, 125 N.E.2d 709.

In re Salaries for Probation Officers of Bergen.
1971 58 N.J. 422, 278 A.2d 417.

State ex rel. Weinstein v. St. Louis County.
1970 451 S.W.2d 99.

Webster County Board of Supervisors v. Flattery, Chief Judge.
1978 268 N.W.2d 869, 877.

In re Winship.
1970 397 U.S. 358.

STUDY OF STRUCTURAL CHARACTERISTICS, POLICIES AND OPERATIONAL PROCEDURES IN METROPOLITAN JUVENILE COURTS

VOLUME II

APPENDICES

National Center for State Courts
300 Newport Avenue
Williamsburg, Virginia 23185

This research was conducted under Grant No. 78JN-AX-0036, awarded to the National Center for State Courts by the National Institute for Juvenile Justice and Delinquency Prevention of the Office of Juvenile Justice and Delinquency Prevention of the U.S. Department of Justice. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice or the National Center for State Courts.

THE NATIONAL CENTER FOR STATE COURTS

The National Center for State Courts is a nonprofit organization dedicated to the modernization of court operations and the improvement of justice at the state and local level throughout the country. It functions as an extension of the state court systems, working for them at their direction and providing for them an effective voice in matters of national importance.

In carrying out its purpose, the National Center acts as a focal point for state judicial reform, serves as a catalyst for setting and implementing standards of fair and expeditious judicial administration, and finds and disseminates answers to the problems of state judicial systems. In sum, the National Center provides the means for reinvesting in all states the profits gained from judicial advances in any state.

STUDY OF STRUCTURAL CHARACTERISTICS, POLICIES AND OPERATIONAL PROCEDURES IN METROPOLITAN JUVENILE COURTS

PROJECT STAFF

Project Directors	Orm W. Ketcham (October 1978-March 1980) Janice Hendryx (April 1980-December 1980)
Senior Staff Associate	W. Vaughan Stapleton
Senior Staff Attorney	David F. Halbach
Staff Associates	Jeanne Abbott Ito Barbara A. Kajdan
Administrative Staff	Brenda Jones Linda Perkins

The following individuals worked on the project part time and made significant contributions.

Research Director	Joel Zimmerman
Consultant	David Aday
Senior Staff Associate	Jag Uppal
Staff Associates	Linda Caviness Linda Sweeney Barbara Zaremba
Research Assistants	John Brown Doug Foister Virginia Lee Jan Orfe Dan Santoro

TABLE OF CONTENTS

	Page
GUIDE TO THE APPENDICES	ix
APPENDIX A: CODE BOOK	1
APPENDIX B: GLOSSARY	43
APPENDIX C: COMPOSITE RESPONSES	49
APPENDIX D: OUTCOME MEASURES CODE BOOK	103

GUIDE TO THE APPENDICES

The three documents in this volume are the Appendices to the Report on the Survey of Metropolitan Juvenile Courts.

Appendix A, the Code Book, provides, by question, the instructions used by the interviewers as they administered the questionnaire and by the coders as they combined responses into composites. It also includes the coded versions of open-ended questions, with the definitions of the closed set of responses.

Appendix B is a glossary of words and phrases used in the questionnaire. It provides the definitions used by the interviewers to clarify questions for responders. These definitions also were used to code responses.

Appendix C, Composite Responses, presents the responses of the 150 courts to each of the 78 questions asked in the survey. It is the data base from which the typology was constructed.

Appendices A and B provide the necessary information for fully understanding the Composite Responses, Appendix C. While one may disagree with the way particular questions and responses are defined, these documents should, at least, enable one to understand how the present researchers arrived at their conclusions.

A description of the procedures used to develop, test, and administer the questionnaire can be found in Chapter 1 of the report on the Survey of Metropolitan Juvenile Courts. The process of combining the two responses in each court, reducing the amount of responder conflict, and coding the composite responses (the answers contained in this document) is also described in Chapter 1.

APPENDIX A

CODE BOOK

Introduction

This introduction to the code book serves as a brief guide and table of contents to help the reader understand its organization. The code book contains the complete questionnaire used by the interviewers. It also includes the coded versions of questions that originally were open-ended.

The coding instructions, which were in the questionnaire, are capitalized. Additional clarifications, and instructions that were in the interviewer's instruction manual, have been incorporated in the code book as "Notes" and are italicized.

The questionnaire was designed to elicit responses to a series of items relating to court structure and operating procedures. Space was provided for the interviewer to qualify answers when necessary. Open-ended questions were used when it was felt that pre-coding might have unnecessarily limited the responses.

Variables 192-203 are the results of coding the open-ended questions. They are clearly identified as such throughout the code book. The code book delineates the categories to which responses were assigned and the criteria used by the coders. All open-ended responses were "blind-coded" by two staff members and then they met to resolve any discrepancies in coding.

Each "question" contains one or more "variables" (items) that could be answered independently of one another. The questionnaire contains 78 questions and 191 variables (203 variables after coding of open-ended questions). The average time per interview was approximately 35-40 minutes.

Section A - Structure (pp. 5-10)

This section contains information on basic statutory provisions, numbers and type of judicial officers, and the types of cases they hear. Answers to questions were verified by reference to State Juvenile Codes and The American Bench; occasionally the responders were called back if the information was still in dispute. The purpose of these questions was to obtain indicators of: (a) the status of the court hearing juvenile matters, (b) the organizational context within which juvenile matters were considered, and (c) the accountability of the juvenile court and judicial officers.

Section B - Administrative Relationship (pp. 11-17)

This section consists of 11 closed-ended and 2 open-ended questions designed to determine where probation, detention, and social services fit into the administrative framework of the juvenile court. The court's involvement in these activities was believed to reflect partially its philosophy of the proper role of the juvenile court. The questions provided indications of specialization, accountability, and organizational structure.

Section C - Intake (pp. 18-28)

The project recognized intake as a unique and vital area of juvenile court organization and procedure. This section consists of 12 closed-ended and 8 open-ended questions designed to elicit information concerning the processing stages, including notification of rights and use of nonjudicial conferences. For the first time in the instrument, questions were asked that differentiated between status offenders and law violators. Critical decision point stages were identified along with the

agency or agencies that are involved in the intake process. Open-ended questions were used to determine the responsibilities of those persons who do intake.

Also included in this section are a number of items (questions 33-34) relating to the discretionary options of intake or probation staff for both status offenders and law violators.

This section provided information on the due process orientation of the court, adaptations to the legal requirements of Gault, specialization and court structure.

Section D - Notification of Rights to Counsel, Silence, Confrontation and Cross-examination of Witnesses (pp. 29-32)

This section was designed with the assumption that all courts meet Gault requirements of due process. The thrust of inquiry was to determine when such notification would be given. Independent options were given for each "right" for both law violators and status offenders to test the sensitivity of the responding courts to Gault.

The section also includes questions to determine when, and through which agency, legal counsel is provided.

Section E - Detention (pp. 33-34)

Four questions were asked to determine detention practices, specifically the length of time in detention (pre-trial) allowed before a formal hearing and an open-ended question on the factors considered in making a detention decision.

Detention practices in conjunction with the items on administrative control and intake discretion provide indicants of due process orientation.

Section F - Adjudication (pp. 35-38)

Seven questions (5 closed-ended and 2 open-ended) concerned the potential role of the prosecutor (vis-a-vis other roles) in the development of a case. Like the questions in the "rights" section, this was designed to offer a wide range of options to test the sensitivity of these items. Respondents could answer any combination of items that applied in their courts.

Questions were included to determine the use of plea-bargaining and mandatory bifurcation of adjudication and disposition hearings. These items provide information on due process orientation, formalization of procedures, specialization, court structure and philosophy.

Section G - Disposition (pp. 39-41)

A final section was developed to ascertain the roles of defense counsel and prosecutor at the dispositional hearing and whether or not a judge was required to prepare a written dispositional order that provided the reasons for the specific disposition.

A range of common dispositional options was presented for both status offenders and law violators. These items provide information on the distinctions made between status offenders and criminal law violators.

Additional Items

Two questions were included to determine whether or not revocation of probation required a formal hearing and to determine if juvenile justice systems provided 24 hour intake.

Two additional variables (V197 and V203) were constructed from the available information obtained during the interviews. They are shown on the last page (p. 42) of the code book. These questions were not asked during the interviews; therefore, responses are not as reliable as the other data.

CODE BOOK

NATIONAL CENTER FOR STATE COURTS
JUVENILE COURT QUESTIONNAIRE

Card 1
Columns

SECTION A--STRUCTURE

1. What is the name of the court exercising juvenile court jurisdiction?

_____

_____

2. Is this a court of general or limited trial jurisdiction?

V001 General 1 10
Limited (special) ..... 2 (SKIP TO QUESTION 5)

3. Do the judges hear juvenile and/or domestic relations cases full time?

V002 Yes 1 11
No 2
DK 8
NA 9

Note: Initially, this question was "skipped" for courts of limited or special jurisdiction because we assumed that all metropolitan juvenile courts would be so large as to require full-time juvenile court judges. When it became evident that we were losing information, this question was answered for courts of limited or special jurisdiction by referring to questions 6 through 10. If a court of limited or special jurisdiction reported having full-time judges who hear only juvenile and domestic relations cases it was concluded that the response to question 3 was yes.

Card 1
Columns

4. In your court, are judges assigned to the bench by: (READ ENTIRE LIST--ONE ANSWER PER ROW)

		Yes	No	DK	NA	
V003	specific appointment	1	2	8	9	
V004	rotation	1	2	8	9	12-15
V005	chief judge	1	2	8	9	
V006	other (en banc) _____ (SPECIFY)	1	2	8	9	

Note: V003-V006 are mutually exclusive. The data were reanalyzed to show the primary method of assignment. When the data were recoded, courts that have the trial court judges en banc decide who will be assigned to the juvenile division were put in the "other" category.

5. In your court are the judges chosen by: (READ ENTIRE LIST--ONE ANSWER PER ROW)

		Yes	No	DK	NA	
V007	public election	1	2	8	9	
V008	election by state legislature	1	2	8	9	
V009	appointment by the governor	1	2	8	9	16-22
V010	appointment by local governing body ...	1	2	8	9	
V011	appointment by trial court judge	1	2	8	9	
V012	Missouri Plan	1	2	8	9	
V013	other _____ (SPECIFY)	1	2	8	9	

Note: V007-V013 are mutually exclusive. The data were reanalyzed to show the method for selection, not the method for filling unexpired terms.

Qualifications _____

_____

Card 1
Columns

6. What are the titles of your judicial officers? (READ ENTIRE LIST--ONE ANSWER PER ROW)

		Yes	No	DK	NA	
V014	judges	1	2	8	9	
V015	master/referee	1	2	8	9	23-25
V016	other _____ (SPECIFY)	1	2	8	9	

Note: "Master/referee" includes all judicial officers, except judges, regardless of their titles. "Other" only includes para-judicial officers--persons with limited powers, e.g., traffic hearing officers, detention referees, and referees who only hear arraignments. They do not hear contested cases. All of the data, where these two categories are used (master/referee and other judicial officer), have been recoded to conform to these definitions.

Qualifications _____

_____

7. Which are full time? (PROBE FOR HOW MANY & RECORD ON ANSWER GRID)

_____

8. Which are part time? (PROBE FOR HOW MANY AND RECORD ON ANSWER GRID)

_____

Card 1
Columns

9. Which are required to be lawyers? (RECORD ON ANSWER GRID)

ANSWER GRID FOR QUESTIONS 7-9
(OPPOSITE FULL OR PART TIME, SPECIFY THE NUMBER)

		Judge		Master/Referee		Other	
FULL TIME	(V017)	____	(V020)	____	(V023)	____	
PART TIME	(V018)	____	(V021)	____	(V024)	____	
LAWYER	(V019)	Yes 1 No 2 DK 8 NA 9	(V022)	Yes 1 No 2 DK 8 NA 9	(V025)	Yes 1 No 2 DK 8 NA 9	26-34

10. In your court, which of the previously mentioned judicial officers hear the following types of cases? (READ ENTIRE LIST--ONE ANSWER PER ROW)

JUDGE

		Yes	No	DK	NA	
V026	violations of criminal law by juveniles	1	2	8	9	35-40
V027	transfer hearings to adult court	1	2	8	9	
V028	noncriminal law violations (status offenses)	1	2	8	9	
V029	neglect/dependency cases	1	2	8	9	
V030	traffic citations	1	2	8	9	
V031	other*_____ (SPECIFY)	1	2	8	9	

MASTER/REFEREE

		Yes	No	DK	NA	
V032	violations of criminal law by juveniles	1	2	8	9	41-46
V033	transfer hearings to adult court	1	2	8	9	
V034	noncriminal law violations (status offenses)	1	2	8	9	
V035	neglect/dependency cases	1	2	8	9	
V036	traffic citations	1	2	8	9	
V037	other*_____ (SPECIFY)	1	2	8	9	

Card 1
Columns

OTHER

		Yes	No	DK	NA	
V038	violations of criminal law by juveniles	1	2	8	9	47-52
V039	transfer hearings to adult court	1	2	8	9	
V040	noncriminal law violations (status offenses)	1	2	8	9	
V041	neglect/dependency cases	1	2	8	9	
V042	traffic citations	1	2	8	9	
V043	other*_____ (SPECIFY)	1	2	8	9	

Note: For V's 031, 037, and 043, "other" includes Domestic Relations, Probate, Detention and Arraignment Hearings, Paternity, and Child Custody.

11. Do appeals from your court first go to: (ONLY ONE ITEM MAY BE CIRCLED--RESPONDER COPY HAS YES/NO FORMAT)

V044

appellate court	1	53
higher trial court	2	
other*_____ (SPECIFY)	3	
DK	8	
NA	9	

Note: "Other" includes variations in procedures dependent on the type of case.

(PROBE FOR ROUTE APPEALS TAKE--RECORD QUALIFICATIONS)

_____

_____

_____

Card 1
Columns

12. What are the maximum and minimum age limits of your court's jurisdiction?

ANSWER GRID FOR QUESTION 12
RECORD AGE--MINIMUM AGE IS FROM WHAT BIRTHDAY
MAXIMUM AGE IS TO WHAT BIRTHDAY
IF THERE IS NO SPECIFICATION OF MINIMUM OR MAXIMUM AGE, RECORD AS "00".
OBTAIN THE STATUTORY MAXIMUM AND MINIMUM, NOT THE TRADITIONAL PRACTICE OF THE COURT.

	Maximum	Minimum	
violation of criminal law	(V045) ____	(V046) ____	54-61
status offenses	(V047) ____	(V048) ____	

Card 1
Columns

SECTION B--ADMINISTRATIVE RELATIONSHIP

13. Is your probation department funded by: (READ ENTIRE LIST--ONE ANSWER PER ROW)

		Yes	No	DK	NA	
V049	state executive branch of government	1	2	8	9	62-66
V050	county executive branch of government	1	2	8	9	
V051	city/municipal executive branch of government ..	1	2	8	9	
V052	judicial branch of government	1	2	8	9	
V053	other	1	2	8	9	

Note: It is possible, though not probable, that all of the variables would be answered yes. We are looking for regular funding sources, not grants. If the court has a grant from the state for a special project and that is the only money the state has given to the court, NO would be coded opposite "State Executive Branch of Government."

Courts do not fund probation departments. There are, however, probation departments that are a line item in a court's budget that is submitted to the legislature or county board. This would be considered a probation department funded by a judicial branch of government.

14. Who has principal administrative control of your probation department? (ONLY ONE ITEM MAY BE CIRCLED--RESPONDER COPY HAS YES/NO FORMAT)

V054
state executive 1
county executive 2
city/municipal executive 3
court 4
other _____ 5
(SPECIFY)
DK 8
NA 9

67

Qualifications _____

_____

Card 1
Columns

15. Are probation officers part of a merit system of employment? (ONLY ONE ITEM MAY BE CIRCLED--RESPONDER COPY HAS YES/NO FORMAT)

V055

state	1	68
county	2	
city/municipal	3	
other _____ (SPECIFY)	4	
none	5	
DK	8	
NA	9	

Note: "Other" includes judicial or court operated merit systems.

Qualifications _____

_____

16. Is there a union for probation officers? (ONLY ONE ITEM MAY BE CIRCLED)

V056

Yes	1	69
No	2	
DK	8	
NA	9	

Qualifications _____

_____

Card 1
Columns

17. Who has control over the employment (the hiring and firing) of probation personnel? (Record answer)

_____

_____

_____

Question 17 was an open-ended question that was coded as shown below.

Who has control over the employment (the hiring and firing) of probation personnel?

V192

State	1
County (executive) or counties	2
City/municipal (executive) or cities	3
Court	4
Other _____ (SPECIFY)	5
Don't know	8
Not applicable	9

Note: "Court" includes judge, chief probation officer (if (s)he is hired at discretion of judge), combination of judge and chief P.O., court administrator with judge and/or any combination where judge has the final authority.

If probation is controlled by the court, then chief probation officer is synonymous with court.

In cases where a judge advises a county or a state commission and where question 14 does not specify the court as having principal administrative control, then county, state, or other (whichever applies) is coded. When there is a combination and principal administrative control is not clearly defined, other is coded.

18. Is the probation department responsible for both adult and juvenile caseloads? (ONLY ONE ITEM MAY BE CIRCLED)

V057

Yes	1	70
No	2 (IF NO, SKIP TO 20)	
DK	8	
NA	9	

Note: If the probation department serves a family court and therefore has some adults in the caseloads, 18 is coded NO.

Card 1
Columns

19. Do you have probation officers with exclusively juvenile caseloads? (ONLY ONE ITEM MAY BE CIRCLED)

V058 — 71

Yes	1
No	2
DK	8
NA	9

Note: If the answer to 18 is yes (there is a single probation department), then we wanted to know if the agency separates juvenile and adult probation functions. We obtained the rule, not the exception.

If the probation department has a few officers with mixed caseloads (adult and juvenile) but the majority have all adult or all juvenile, YES is coded.

If they have assignments based on geographical areas but a few probation officers have special caseloads of all juveniles, NO is coded.

Card 2
Columns

20. Do the operating funds for your detention facility come from: (READ ENTIRE LIST--ONE ANSWER PER ROW)

6-10

		Yes	No	DK	NA
V059	state executive agency	1	2	8	9
V060	county executive agency	1	2	8	9
V061	city/municipal executive agency	1	2	8	9
V062	judicial branch of government	1	2	8	9
V063	other _____ (SPECIFY)	1	2	8	9

Note: The coding instructions for this question are the same as for question 13.

Qualifications _____

_____

Card 2
Columns

21. Who has principal administrative control of your detention facility? (ONLY ONE ITEM MAY BE CIRCLED--RESPONDER COPY HAS YES/NO FORMAT)

V064 — 11

state executive	1
county executive	2
city/municipal executive	3
court	4
DK	8
NA	9

Qualifications _____

_____

22. Are your detention workers part of a merit system of employment? (ONLY ONE ITEM MAY BE CIRCLED--RESPONDER COPY HAS YES/NO FORMAT)

V065 — 12

state	1
county	2
city/municipal	3
other _____ (SPECIFY)	4
none	5
DK	8
NA	9

Note: "Other" includes judicial or court operated merit systems.

Qualifications _____

_____

23. Is there a union for detention personnel? (ONLY ONE ITEM MAY BE CIRCLED)

V066 — 13

Yes	1
No	2
DK	8
NA	9

Qualifications _____

_____

Card 2
Columns

24. Who has control over the employment (the hiring and firing) of detention personnel? (RECORD ANSWER)

_____

_____

Question 24 was an open-ended question that was coded as shown below.

Who has control over the employment (the hiring and firing) of detention personnel?

V193

State 1
County(s) 2
City(s) 3
Court 4
Other _____ 5
(SPECIFY)
Don't know 8
Not applicable 9

Note: The coding instructions for this question are the same as for question 17.

25. Is your court directly responsible for the administration of the following: (READ ENTIRE LIST--ONE ANSWER PER ROW)

		Yes	No	DK	NA	
V067	foster care	1	2	8	9	14-20
V068	psychological evaluation	1	2	8	9	
V069	psychological counseling	1	2	8	9	
V070	shelter care	1	2	8	9	
V071	diversion programs	1	2	8	9	
V072	restitution	1	2	8	9	
V073	other _____ ..... (SPECIFY)	1	2	8	9	

ON ITEMS ANSWERED YES, GO TO SECTION C

ON ITEMS ANSWERED NO, GO TO QUESTION 26

Card 2
Columns

26. Does your court (in cases where it is not directly responsible for the administration) set policy for: (READ ENTIRE LIST--ONE ANSWER PER ROW)

		Yes	No	DK	NA	
V074	foster care	1	2	8	9	21-27
V075	psychological evaluation	1	2	8	9	
V076	psychological counseling	1	2	8	9	
V077	shelter care	1	2	8	9	
V078	diversion programs	1	2	8	9	
V079	restitution	1	2	8	9	
V080	other _____ ..... (SPECIFY)	1	2	8	9	

SECTION C--INTAKE

27. When a complaint alleging a violation of the criminal law by a juvenile is brought to the attention of the court, who first examines the allegations of the complaint? (RECORD TITLE OF PERSON AND DEPARTMENT THEY WORK IN)

_____

_____

_____

_____

Note: We want the title of the person and the name of the department or division for which (s)he works. If there are several answers, dependent on the type of offense (misdemeanor or felony) or whether the youth is in custody, all are to be noted.

Question 27 was an open-ended question that was coded as shown below:

When a complaint alleging a violation of the criminal law by a juvenile is brought to the attention of the court, who first examines the allegations of the complaint?

V194

Court intake	1
Noncourt intake	2
Court prosecutor	3
Noncourt prosecutor	4
Another court officer	5
Direct petition	6
Intake and prosecutor	7
Other	8

Note: The following definitions are used to code question 27.

1. Court intake--A court intake department that is part of probation generally (no specified intake unit) or a separate division or department but under court services or supervision.

2. Noncourt intake--An executive agency intake department that is separate from the court (includes intake or probation intake that is controlled by state, county or city).

3. Court prosecutor--A states attorney, prosecutor or district attorney employed by the juvenile court.

4. Noncourt prosecutor--A separate prosecutorial function or office.

5. Another court officer--Includes a clerk, clerk magistrate, secretary; does not include probation or intake officers.

6. Direct petition--There is no complaint--all "petitions" come directly to court for action.

7. Intake and prosecutor--Combined intake and prosecutorial function (probation shares equally with the prosecutor in intake screening).

8. Other--Includes variations in procedure dependent on severity of offense and whether or not the youth is detained.

Note: In addition to the response given to question 27, consult questions 13, 14, 17 to determine who has administrative control over probation. The operable condition here is who essentially controls intake and decides or makes the initial decisions concerning the route the case will follow.

Answer 3 does not include a probation officer, intake worker or legal advisor who screens for legal sufficiency. If this is noted in answers, code "1" above is used if part of intake services. If unclear code "8" (other) is used.

28. What is his/her function? (RECORD ANSWER)

_____

_____

_____

_____

Note: We want to know what the person considers to be his or her responsibilities when reviewing the complaint. Does he or she determine the validity of the complaint, decide whether to try to handle it informally or file a petition? Does he or she look at the legal proof to determine probable cause? Why is this person reviewing the complaint?

Responses to question 28 were considered with responses to question 30 and used to code variable 196.

29. Who makes the decision to file a formal petition on a complaint alleging a violation of the criminal law by a juvenile? (RECORD TITLE OF PERSON AND DEPARTMENT THEY WORK IN)

_____

_____

Note: What is the title(s) of the person(s) who has a role in making this decision? Often this will be an intake worker, but it may also include a state's attorney. In the case of a youth who is on probation and commits a new offense, it might also be the probation officer in charge of supervising the youth. In some jurisdictions there will be several persons involved in making the decision, e.g., state's attorney, court liaison officer and intake worker. Additionally, it may depend on the type or the seriousness of the offense.

Question 29 was an open-ended question that was coded as shown below:

Who makes the decision to file a formal petition on a complaint alleging a violation of the criminal law?

V195

Court intake	1
Noncourt intake	2
Court prosecutor	3
Noncourt prosecutor	4
Another court officer	5
Intake and prosecutor	6
Other	7
Don't know	8
Missing value	9

Note: The following definitions are used to code question 29.

1. Court intake--A court intake department that is part of probation generally (no specified intake unit) or a separate division or department but under court services or supervision.

2. Noncourt intake--An intake department that is separate from the court. It includes intake or probation intake which is controlled by state, county or city.

3. Court prosecutor--A states attorney, prosecutor or district attorney employed by the juvenile court.

4. Noncourt prosecutor--A separate prosecutorial function or office.

5. Another court officer--Includes a clerk, clerk magistrate, secretary; does not include probation or intake officers.

6. Intake and prosecutor--Combined intake and prosecutorial function (probation shares equally with the prosecutor in determining if a petition will be filed).

7. Other--Includes judicial officer, complainant, and police officer; also includes variations in procedure dependent on severity of offense or whether the youth was detained.

8. Don't Know.

9. Missing Value.

Note: If "6" was coded for V194, this question is answered for who reviews the petition. Consult questions 13, 14, 17 to determine who has administrative control over probation. The operable condition here is who essentially controls intake and decides or makes the initial decisions concerning the route the case will follow.

Answer 3 (court prosecutor) does not include a probation officer, intake worker or legal advisor who screens for legal sufficiency. If this is noted in answers, code "1" above is used if part of intake services. If unclear code "7" (other) is used.

30. How is this done? (RECORD ANSWER)

_____

_____

Note: This question is intentionally broad in order to discern the criteria used in deciding to file a petition. Does the person(s) consider probable cause, offense history, socioeconomic characteristics, relationship between the youth and parents, or school performance?

Question 30 was open-ended and was coded as shown below.

How is this done?

V196

Legal Criteria	1
Social and Legal Criteria	2
Other (SPECIFY) _____	5
DK	8
NA	9

Note: Check questions 27, 28, 29, and 45, 46, 47 of the survey questionnaire to get full context in answering this item.

Card 2
Columns

31. Which group or department performs the juvenile intake function in your court: (ONLY ONE ITEM MAY BE CIRCLED)

V081 28

probation department 1
prosecutor's office 2
law enforcement agency 3
another court officer 4
other _____ 5
(SPECIFY)
DK 8
NA 9

Note: If more than one department does intake, it is coded as "other" and qualifications are recorded. "Other" includes variations in procedure dependent on type of offense and whether or not the youth is detained.

Qualifications _____

_____

32. How many full time professional persons are there in your juvenile intake unit?

V082 (RECORD NUMBER) _____ 29-30

The numerical responses were entered in the computer and grouped by the following categories:

1-10
11-20
21-30
31-99
100 or more
Don't know

Card 2
Columns

33. In cases involving alleged violations of the criminal law by juveniles, does your intake or probation staff in practice: (READ ENTIRE LIST--ONE ANSWER PER ROW)

		Yes	No	DK	NA	
V083	detain juveniles	1	2	8	9	31-42
V084	release juveniles from detention	1	2	8	9	
V085	arrange informal probation	1	2	8	9	
V086	refer to voluntary agency	1	2	8	9	
V087	refer to diversion program	1	2	8	9	
V088	draw up a consent decree	1	2	8	9	
V089	refer report back to the law enforcement agency for further investigation	1	2	8	9	
V090	counsel and reprimand	1	2	8	9	
V091	file a formal petition	1	2	8	9	
V092	conduct an informal conference	1	2	8	9	
V093	arrange restitution	1	2	8	9	
V094	dismiss the complaint	1	2	8	9	

Qualifications _____

_____

34. In cases of alleged juvenile status offenses, does your intake or probation staff in practice: (READ ENTIRE LIST--ONE ANSWER PER ROW)

		Yes	No	DK	NA	
V095	detain juveniles	1	2	8	9	43-54
V096	release juveniles from detention	1	2	8	9	
V097	arrange informal probation	1	2	8	9	
V098	refer to voluntary agency	1	2	8	9	
V099	refer to diversion program	1	2	8	9	
V100	draw up a consent decree	1	2	8	9	
V101	refer report back to the law enforcement agency for further investigation	1	2	8	9	
V102	counsel and reprimand	1	2	8	9	
V103	file a formal petition	1	2	8	9	
V104	conduct an informal conference	1	2	8	9	
V105	arrange restitution	1	2	8	9	
V106	dismiss the complaint	1	2	8	9	

Qualifications _____

_____

Card 2
Columns

35. In your court, who first notifies the youth of the charges or allegations of a complaint involving a violation of the criminal law? (ONLY ONE ITEM MAY BE CIRCLED) 55

V107

- intake officer 1
- another court officer 2
- (SPECIFY) _____
- referee/master 3
- detention officer 4
- judge 5
- other 6
- (SPECIFY) _____
- DK 8
- NA 9

Note: "Other" includes variations in procedures dependent on whether or not the youth is detained and severity of offense.

Qualifications _____

_____

36. In your court, who first notifies the youth of the charges or allegations of a complaint involving a status offense? (ONLY ONE ITEM MAY BE CIRCLED) 56

V108

- intake officer 1
- another court officer 2
- (SPECIFY) _____
- referee/master 3
- detention officer 4
- judge 5
- other 6
- (SPECIFY) _____
- DK 8
- NA 9

Note: "Other" includes some executive agency personnel and variations in procedures dependent on whether or not the youth is detained.

Qualifications _____

_____

Card 2
Columns

37. How is the first notification provided in a case alleging a violation of the criminal law by a juvenile? (ONLY ONE ITEM MAY BE CIRCLED--RESPONDER COPY HAS YES/NO FORMAT)

V109 57

- written 1
- oral 2
- other (SPECIFY BELOW) 3
- DK 8
- NA 9

Note: "Other" includes both written and oral and variations in procedures dependent on whether the youth is detained.

Qualifications _____

_____

38. How is the first notification provided in a case alleging a status offense? (ONLY ONE ITEM MAY BE CIRCLED--RESPONDER COPY HAS YES/NO FORMAT)

V110 58

- written 1
- oral 2
- other (SPECIFY BELOW) 3
- DK 8
- NA 9

Qualifications _____

_____

39. Is there any subsequent notification given as to the charges or allegations of the complaint in a case of a criminal law violation by a juvenile? (ONLY ONE ITEM MAY BE CIRCLED)

V111 59

- Yes 1
- No ..... 2 (IF NO, SKIP TO 42)
- DK 3
- NA 4

Card 2
Columns

40. Who or what office gives second notification?

_____

_____

NA 9

Note: Responses were not coded, but are available in the original files.

41. How is the second notification provided to the juvenile? (ONLY ONE ITEM MAY BE CIRCLED--RESPONDER COPY HAS YES/NO FORMAT)

V112 — 60

written 1
oral 2
other _____ 3
(SPECIFY)
DK 8
NA 9

42. Is there any subsequent notification given as to the charges or allegations of the complaint in a case of a status offense? (ONLY ONE ITEM MAY BE CIRCLED)

V113 — 61

Yes 1
No ..... 2 (IF NO, SKIP TO 45)
DK 8
NA 9

43. Who or what office gives second notification? (RECORD ANSWER)

_____

_____

NA 9

Note: Responses were not coded, but are available in the original files.

Card 2
Columns

44. How is the second notification provided to the juvenile? (ONLY ONE ITEM MAY BE CIRCLED)

V114 — 62

written 1
oral 2
other 3
DK 8
NA 9

45. Does a nonjudicial conference take place which attempts to resolve the complaint without taking it to court? (READ EACH CATEGORY--ONE ANSWER PER ROW)

		Yes	No	DK	NA	
	For a violation of the criminal law by a juvenile					
V115	prior to filing petition	1	2	8	9	63-66
V116	after filing a petition	1	2	8	9	
	For a status offense					
V117	prior to filing petition	1	2	8	9	
V118	after filing a petition	1	2	8	9	

(ANY YES, GO TO QUESTION 46, 47)

46. Who is present at this conference? (RECORD ANSWER)

_____

_____

NA 9

Note: Possible persons might include the youth, the parents, attorneys, the complainant, the police officer, and the intake worker.

47. What is done at this conference? (RECORD ANSWER)

_____

_____

NA 9

Note: We want to know if the youth is required to admit to the facts of the case, what issues are discussed, what is the role of the complainant or the police officer (if present) and the roles of attorneys and parents. Can the complainant or youth request a judicial hearing if they are unhappy with the decision made at the conference?

Responses to questions 46 and 47 are uncoded and are available in the original files.

Card 2
Columns

SECTION D--NOTIFICATION OF OTHER RIGHTS

48. Is a youth who is accused of a violation of the criminal law notified of the right to counsel: (READ ENTIRE LIST--ONE ANSWER PER ROW)

		Yes	No	DK	NA	
V119	at intake	1	2	8	9	67-70
V120	by petition	1	2	8	9	
V121	at first appearance before a judicial officer	1	2	8	9	
V122	at any other stage (SPECIFY)_____	1	2	8	9	

Card 3
Columns

49. Is a youth who is accused of a status offense notified of the right to counsel: (READ ENTIRE LIST--ONE ANSWER PER ROW)

		Yes	No	DK	NA	
V123	at intake	1	2	8	9	6-9
V124	by petition	1	2	8	9	
V125	at first appearance before a judicial officer	1	2	8	9	
V126	at any other stage	1	2	8	9	

SPECIFY _____

Qualifications _____

_____

50. In cases where the court notifies a youth of the right to counsel, when is counsel first assigned? (ONLY ONE ITEM MAY BE CIRCLED--RESPONDER COPY HAS YES/NO FORMAT)

V127

	at intake	1
	when petition is filed	2
	at first appearance before a judicial officer	3
	at another time (SPECIFY BELOW)	4
	DK	8
	NA	9

10

Qualifications _____

_____

Card 3
Columns

51. Is legal counsel provided to juveniles who are indigent? (ONLY ONE ITEM MAY BE CIRCLED)

V128 — 11

Yes 1
No 2
DK ..... 8 (IF NO, SKIP TO 55)
NA 9

52. Who makes the arrangements for counsel? (RECORD ANSWER)

_____

_____

NA 9

53. When are the arrangements made? (RECORD ANSWER)

_____

_____

NA 9

Note: Responses to questions 52 and 53 are uncoded and are available in the original files.

Card 3
Columns

54. In the cases we have been discussing, is legal representation provided by: (READ ENTIRE LIST--ONE ANSWER PER ROW)

		Yes	No	DK	NA	Columns
V129	public defender	1	2	8	9	12-15
V130	attorneys' list	1	2	8	9	
V131	special interest group	1	2	8	9	
V132	other	1	2	8	9	

SPECIFY _____

Note: Question 54 was intended to elicit the primary source of representation. In those courts where the respondent answered affirmatively to both public defender and attorneys' list and it could not be determined which was primary, public defender was assumed to be the primary source. "Other" includes two courts in which legal representation was provided both by public defenders' and attorneys' list. In one court the public defender handled one-third of the cases and attorneys' list two-thirds. In the other, an attorneys' list was used in status offense cases and a public defender handled violations of the criminal law.

55. Is youth who is accused of a violation of the criminal law notified of the right to remain silent: (READ ENTIRE LIST--ONE ANSWER PER ROW)

		Yes	No	DK	NA	Columns
V133	at intake	1	2	8	9	16-19
V134	by petition	1	2	8	9	
V135	at first appearance before a judicial officer	1	2	8	9	
V136	at any other stage	1	2	8	9	

SPECIFY _____

Qualifications _____

_____

Card 3
Columns

56. Is a youth who is accused of a status offense notified of the right to remain silent: (READ ENTIRE LIST--ONE ANSWER PER ROW)

		Yes	No	DK	NA	Card 3 Columns
V137	at intake	1	2	8	9	20-23
V138	by petition	1	2	8	9	
V139	at first appearance before a judicial officer	1	2	8	9	
V140	at any other stage	1	2	8	9	

SPECIFY _____

Qualfications _____

_____

57. Is a youth who is accused of a violation of the criminal law notified of the right to confront and cross examine witnesses: (READ ENTIRE LIST--ONE ANSWER PER ROW)

		Yes	No	DK	NA	
V141	at intake	1	2	8	9	24-27
V142	by petition	1	2	8	9	
V143	at first appearance before a judicial officer	1	2	8	9	
V144	at any other stage	1	2	8	9	

SPECIFY _____

Qualifications _____

_____

58. Is a youth who is accused of a status offense notified of the right to confront and cross examine witnesses: (READ ENTIRE LIST--ONE ANSWER PER ROW)

		Yes	No	DK	NA	
V145	at intake	1	2	8	9	28-31
V146	by petition	1	2	8	9	
V147	at first appearance before a judicial officer	1	2	8	9	
V148	at any other stage	1	2	8	9	

SPECIFY _____

Qualifications _____

_____

Card 3
Columns

SECTION E--DETENTION

59. When a juvenile is detained (remains in custody) after arrest, does (s)he receive a hearing to determine whether detention should continue? (ONLY ONE ITEM MAY BE CIRCLED)

V149 Yes ..... 1 — 32
No 2
DK ..... 8 (IF NO, SKIP TO 63)
NA 9

60. What factors are considered in making this decision? (RECORD ANSWER)

_____

_____

NA 9

Note: Responses are uncoded and are available in the original files.

61. What is the maximum time after detention that a hearing is held? (PROBE: WHAT IS MEANING OF "NEXT COURT DAY"?)

(RECORD ANSWER IN HOURS) _____

V150 NA ..... 99 — 33-34

Note: The number of hours does not include noncourt days.

The actual responses were translated into hours and the hours were entered in the computer and grouped in the following categories:

Within 24 hours
Within 48 hours
Within 72 hours
Within 96 hours
More than 96 hours
Don't know

Card 3
Columns

62. Is the detention hearing held before: (READ ENTIRE LIST--ONE ANSWER PER ROW)

		Yes	No	DK	NA	
V151	judge	1	2	8	9	35-37
V152	master/referee	1	2	8	9	
V153	other _____ (SPECIFY)	1	2	8	9	

Card 3
Columns

SECTION F--ADJUDICATION

63. In a petition alleging a violation of the criminal law by a juvenile, is the evidence supporting the petition organized for presentation in court by: (READ ENTIRE LIST--ONE ANSWER PER ROW)

		Yes	No	DK	NA	
V154	prosecuting attorney	1	2	8	9	38-42
V155	law enforcement officer	1	2	8	9	
V156	probation/intake officer	1	2	8	9	
V157	judge	1	2	8	9	
V158	someone else _____ (SPECIFY)	1	2	8	9	

Note: We want to know the persons who appear in court to build or "make" the case against the juvenile and bring out the facts that have been gathered to support the petition. Who prosecutes the case? "Someone else" includes parents and social service agency attorneys or representatives.

Qualifications _____

_____

64. In a petition alleging a status offense, are the facts of the case organized for presentation in court by: (READ ENTIRE LIST--ONE ANSWER PER ROW)

		Yes	No	DK	NA	
V159	prosecuting attorney	1	2	8	9	43-47
V160	law enforcement officer	1	2	8	9	
V161	probation/intake officer	1	2	8	9	
V162	judge	1	2	8	9	
V163	someone else _____ (SPECIFY)	1	2	8	9	

Qualifications _____

_____

Card 3
Columns

65. When does the court call upon a juvenile to admit or deny the factual allegations of a petition alleging a violation of the criminal law? (RECORD ANSWER)

_____

_____

_____

Question 65 was coded as follows:

Is there evidence that the court uses a formal denial (arraignment) hearing?

V198
- Yes 1
- No 2
- Depends on Case 3
- Other (SPECIFY) 5
- DK 8
- NA 9

Note: If the plea is taken at adjudication, then it is coded NO. "Other" includes courts in which an automatic denial is entered.

66. When does the court call upon a juvenile to admit or deny the factual allegations of a petition alleging a status offense? (RECORD ANSWER)

_____

_____

Question 66 was coded as follows:

Is there evidence that the court uses a formal denial (arraignment) hearing?

V199
- Yes 1
- No 2
- Depends on Case 3
- Other (SPECIFY) 5
- DK 8
- NA 9

Card 3
Columns

67. Does the counsel for the juvenile or another representative of the juvenile negotiate with anyone concerning the plea to be entered? (ONLY ONE ITEM MAY BE CIRCLED)

V164 48
- Yes 1
- No ..... 2 (IF NO, SKIP TO 69)
- DK 8
- NA 9

68. With whom are these negotiations conducted?

_____

_____

- NA 9

Question 68 was coded as follows:

V200
- with prosecutor 1
- with probation 2
- with judge 3
- all of above or combination 4
- other (SPECIFY) 5
- don't know, missing value 8
- not applicable 9

69. Is there a mandatory minimum time interval between adjudication and disposition? (ONLY ONE ITEM MAY BE CIRCLED)

V165 49
- Yes 1
- No ..... 2 (IF NO, SKIP TO 72)
- DK 8
- NA 9

Note: The intent of this question is to determine if the court must bifurcate the adjudication and disposition hearings.

If the answer to question 69 is NO, questions 70 and 71 are coded "9", Not Applicable.

Card 3
Columns

70. Can that interval be waived? (ONLY ONE ITEM MAY BE CIRCLED)

V166

Yes 1
No ..... 2 (IF NO, SKIP TO 72) 50
DK 8
NA 9

71. By whom can that interval be waived?

_____

_____

NA 9

Question 71 was coded as shown below.

Does the prosecutor participate in the waiver decision?

V201

Yes 1
No 2
Other (SPECIFY) _____ 5
DK 8
NA 9

Does the youth and/or his attorney participate in the waiver decision?

V202

Yes 1
No 2
Other (SPECIFY) 5
DK 8
NA 9

Card 3
Columns

SECTION G--DISPOSITION

72. Is the prosecuting attorney required to be present at the dispositional hearing? (ONLY ONE ITEM MAY BE CIRCLED)

V167

Yes 1
No 2
DK 8
NA 9 51

Qualification _____

_____

73. Is counsel for the juvenile required to be present at the dispositional hearing? (ONLY ONE ITEM MAY BE CIRCLED)

V168

Yes 1
No 2
DK 8
NA 9 52

Qualifications _____

_____

74. Which of the following dispositional options does the court have for a juvenile who has violated the criminal law: (READ ENTIRE LIST--ONE ANSWER PER ROW)

		Yes	No	DK	NA	
V169	fines	1	2	8	9	53-62
V170	probation	1	2	8	9	
V171	restitution	1	2	8	9	
V172	direct placement in secure facilities	1	2	8	9	
V173	direct placement in nonsecure facilities	1	2	8	9	
V174	continuance pending adjustment	1	2	8	9	
V175	adjustment and release	1	2	8	9	
V176	commitment to a state agency which determines placement	1	2	8	9	
V177	dismissal	1	2	8	9	
V178	other _____ (SPECIFY)	1	2	8	9	

Card 3
Columns

75. Which of the following dispositional options does the court have for a juvenile status offender:
(READ ENTIRE LIST--ONE ANSWER PER ROW)

		Yes	No	DK	NA	
V179	fines	1	2	8	9	63-72
V180	probation	1	2	8	9	
V181	restitution	1	2	8	9	
V182	direct placement in secure facilities	1	2	8	9	
V183	direct placement in nonsecure facilities	1	2	8	9	
V184	continuance pending adjustment	1	2	8	9	
V185	adjustment and release	1	2	8	9	
V186	commitment to a state agency which determines placement	1	2	8	9	
V187	dismissal	1	2	8	9	
V188	other _____ (SPECIFY)	1	2	8	9	

Qualifications _____

_____

_____

76. Is the judge required to prepare a written dispositional order with reasons? (ONLY ONE ITEM MAY BE CIRCLED)

V189 — 73

Yes 1
No 2
DK 8
NA 9

Qualifications _____

_____

77. Does revocation of probation require notice of a formal hearing. (ONLY ONE ITEM MAY BE CIRCLED)

V190 — 74

Yes 1
No 2
DK 8
NA 9

Qualifications _____

_____

Card 3
Columns

78. Does the department which provides intake service operate a 24 hour intake unit? (ONLY ONE ITEM MAY BE CIRCLED)

V191 — 75

Yes 1
No 2
DK 8
NA 9

Qualifications _____

_____

Additional variables were constructed from the available data and open ended comments. These questions were not asked during the survey and, therefore, are not as reliable as the other data.

Is there evidence that most status offenders are diverted before official court handling?

V197

Yes	1
No	2
Other (SPECIFY)	5
DK	8
NA	9

Note: This variable was constructed to show the courts that occasionally process status offenses but usually divert them.

If #69 is NO, does the court usually bifurcate the hearings in practice?

V203

Yes	1
No	2
Other (SPECIFY)	5
DK	8
NA	9

Note: This additional variable was constructed to show the courts that don't require bifurcated hearings but in practice usually do separate them. If the answer to question 69 is YES, then it is coded "9".

APPENDIX B

GLOSSARY

Words and phrases used in the code book are defined in the Glossary. They are listed in alphabetical order. These definitions were used by interviewers to clarify questions for responders and by coders to complete composite questionnaires and to code open-ended questions.

The Glossary and Code Book together provide the necessary documentation for better understanding the Composite Responses document.

GLOSSARY

Adjustment and release. A finding is entered but no sanctions are imposed.

Another court officer. An employee of the court, but not part of the probation department. Includes advocates, clerks, clerk/magistrates, and intake referees.

Assigned by chief judge. The presiding or senior judge assigns the judge or judges who will hear juvenile cases. The assignment is usually for one or two years.

Assigned by specific appointment. Assignment to the juvenile division may be voluntary or may automatically go to the most junior judge. The primary difference between this method of assignment and the others is that the length of time on the juvenile bench is not predetermined. If the judge wants to stay there (s)he can do so almost indefinitely or if the judge wants to be reassigned (s)he may have to wait until there is a more junior judge to take his/her place. Also includes judges appointed to the juvenile bench by the governor or trial court judge.

Assigned by rotation. All of the judges of the general trial court automatically rotate through the divisions at predetermined times.

At any other stage. This could be any or all subsequent court stages, it does not include police warnings.

By petition. It is stated in the petition.

Clerical task. Petition is processed and no review is conducted until after the petition has been filed. Includes courts where petitions are filed directly by complainants. This is a response category for question 30, V196.

Commitment to a state agency that determines placement. The judge places the youth in the custody of an agency that decides where the youth will reside.

Consent decree. A judicial order by which the youth charged with an offense accepts limited supervision in the community for a prescribed period of time while judgment is suspended on the petition. The youth, petitioner and court must all agree to the action. Usually further action is postponed to determine whether the youth gets in more trouble; if the youth does not, the petition will be dismissed. If the youth does get into further trouble during this period, (s)he usually is returned to court and adjudicated.

Continuance pending adjustment. Adjudication is withheld for a period of time and if the youth abides by certain rules or doesn't get in any further trouble, the case will be dismissed.

Directly responsible for the administration of. Involved in the day-to-day operation, controls the expenditure of funds, hires and fires employees.

Direct placement in nonsecure facilities. The judge can order youths to be placed in specific group homes, foster care placements, and shelters.

Direct placement in secure facilities. The judge can order youths to be placed in specific institutions or training schools.

Don't know (DK). The most frequent reason for coding this response was when responder conflicts were not or could not be resolved. Occasionally, it reflects a "don't know" response by both of the responders in a court or insufficient information to code an open-ended question. DK is used instead of Not Available (NA).

Full-time judicial officer. The person may hear a variety of cases, e.g., civil, criminal and juvenile, and has a full time job as a judge or referee. Even though the person does not spend all his/her time on juvenile matters, (s)he would still be considered to be a full time judicial officer.

General jurisdiction. The highest or only trial court in the state.

In practice. Actual practices as compared to authorization--e.g., in theory intake officers could dismiss a complaint, but in practice they never do.

Judicial officer. Has the authority to preside over a wide variety of cases and formally adjudicates and disposes of cases.

Legal criteria. These include sufficiency of evidence, jurisdiction, properly worded charge, prior court contacts, and type of offense.

Limited jurisdiction. Any court exercising jurisdiction that is narrower than the state's highest or only court of general trial jurisdiction, also includes courts of special jurisdiction.

Master/referee. The criteria for coding a judicial officer as a master or referee include wide judicial powers, i.e., hears delinquency and/or dependency/neglect cases, but has a title other than judge.

Maximum Age. To what age, not through what age. The age at which time the juvenile court loses jurisdiction. If a 17-year-old youth is under juvenile jurisdiction but an 18-year-old is under adult jurisdiction, the maximum age would be coded as 18.

Merit system. A governmental (city, county or state) personnel and classification system that may test all prospective employees, accepts, reviews and rates applications for positions, has an established pay scale and job classification system and prevents employees from being fired without cause or at the discretion of the employer.

Missouri plan. This is a method for selection and retention of judges. After an initial appointment and a brief prescribed period of service, the judge then stands for a nonpartisan and noncompetitive election by the public. The electorate votes "yes" or "no" on retaining the judge.

Nonjudicial conference. A meeting conducted by a probation or intake officer to attempt to resolve a case without sending it to court. Usually participation is voluntary and the youth may be required to admit to the facts of the allegations before (s)he can be diverted. If a decision is made not to file a petition, a dissatisfied complainant may appeal this decision in order to force an adjudication. Usually the admissions made at such a conference are not admissible at subsequent judicial proceedings.

Not applicable (NA). This is a response category that was used most frequently to respond to status offense questions by courts that do not process or seldom process status offenses. For other questions it indicates that the question was not applicable to some courts.

Para-judicial officer. Usually only hears one type of case (e.g., traffic) or presides over one type of hearing (e.g., arraignment or detention) and can not decide contested cases.

Part-time judicial officer. The person does not hear cases full time. A referee who also practices law or has another job would be part time.

Principal administrative control. The official or agency that controls the expenditure of funds, hires and fires employees, and supervises the day-to-day operations.

Required to be lawyers. A statutory requirement that judicial officers are attorneys and members of the State Bar.

Set policy for. Functions somewhat like a board of directors, does not hire and fire, does set broad policy, may approve the total budget.

Social criteria. A youth's family situation, school status, and attitude are considered when making a decision whether or not to formally process the case.

Special interest group. Examples would be grant-funded projects that provide legal services to juveniles, or law school students who, as part of their legal education, defend juveniles.

Status offense. Noncriminal misbehaviors by juveniles that are usually labelled incorrigibility, beyond control, running away, and truancy. Acts that would not be offenses if they were committed by adults.

Traffic citations. This includes moving and nonmoving minor violations. It does not include serious offenses involving a vehicle (manslaughter, leaving the scene of an accident) or traffic offenses committed by persons under the legal age to receive a license.

24 hour intake. The agency or unit responsible for intake during normal office hours also does intake during the remainder of the day. This does not include on-call intake workers who, by telephone, approve detention admissions.

Union. An organization for employees that has paid representatives who bargain collectively with management for all employees. Usually the issues are wages, benefits and job conditions.

Violation of the criminal law by a juvenile. An act that would constitute a felony or misdemeanor if committed by an adult.

With reasons. Written justification, which is specific to the youth, of a disposition ordered by the court.

APPENDIX C

COMPOSITE RESPONSES
OF THE
SURVEY OF
METROPOLITAN JUVENILE COURTS

This document displays, in questionnaire format, composite responses of the 150 courts surveyed. It will be necessary to refer to the Glossary and Code Book to fully understand some responses.

Several questions in the survey instrument ask about an "other" category. The qualitative data (uncoded) are available in the original files. Applicable variables will be denoted with an asterisk.

COMPOSITE RESPONSES

Structure and Jurisdiction

Question 2 (V001) — Is this a court of general or limited (special) trial jurisdiction? (150 courts)

Courts Answering:	Percent	(N)umber
General	62.7	(94)
Limited or Special	37.3	(56)

Question 3 (V002) — Do the judges hear juvenile and/or domestic relations cases full time? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	82.7	(124)
No	17.3	(26)

NOTE: V003-006 ARE MUTUALLY EXCLUSIVE.

Question 4 (V003) — In your court, are judges assigned to the bench by specific appointment? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	15.3	(23)
No	58.0	(87)
Not applicable	26.7	(40)

Question 4 (V004) — In your court, are judges assigned to the bench by automatic rotation? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	4.7	(7)
No	68.6	(103)
Not applicable	26.7	(40)

Question 4 (V005) — In your court, are judges assigned to the bench by the chief judge? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	46.0	(69)
No	27.3	(41)
Not applicable	26.7	(40)

Question 4 (V006) — In your court, are judges assigned to the bench by any other means?[1] (En banc)

Courts Answering:	Percent	(N)umber
Yes	7.3	(11)
No	66.0	(99)
Not applicable	26.7	(40)

NOTE: V007-013 ARE MUTUALLY EXCLUSIVE.

Question 5 (V007) — In your court are the judges chosen by public election? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	70.0	(105)
No	30.0	(45)

Question 5 (V008) — In your court are the judges chosen by election by state legislature? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	3.3	(5)
No	96.7	(145)

Question 5 (V009) — In your court are the judges chosen by appointment by the governor? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	15.3	(23)
No	84.7	(127)

[1]When the data were recoded, courts that have the trial court judges en banc decide who will be assigned to the juvenile division were put in the "other" category.

Question 5 (V010)

In your court are the judges chosen by appointment by a local governing body? (150 courts)

Courts Answering:	Percent	(N)umber
No	100.0	(150)

Question 5 (V011)

In your court are the judges chosen by appointment by trial court judge? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	1.3	(2)
No	98.7	(148)

Question 5 (V012)

In your court are the judges chosen by Missouri Plan? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	8.7	(13)
No	91.3	(137)

Question 5 (V013)

In your court are the judges chosen by any other means?* (150 courts)

Courts Answering:	Percent	(N)umber
Yes	1.3	(2)
No	98.7	(148)

NOTE: V014-016 ARE NOT MUTUALLY EXCLUSIVE. RESPONDENTS COULD ANSWER "YES" TO MORE THAN ONE VARIABLE.

Question 6 (V014)

Do you have judges hearing juvenile cases? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	100.0	(150)

*See note on page 49.

Question 6 (V015)

Do you have masters/referees hearing juvenile cases?[2] (150 courts)

Courts Answering:	Percent	(N)umber
Yes	50.7	(76)
No	49.3	(74)

Question 6 (V016)

Do you have any other judicial officers hearing juvenile cases?[2] (150 courts)

Courts Answering:	Percent	(N)umber
Yes	18.0	(27)
No	82.0	(123)

Question 7 (V017)

How many judges hear juvenile cases full time? (150 courts)

Courts Answering:	Percent	(N)umber
0	4.0	(6)
1	36.0	(54)
2	21.3	(32)
3	8.7	(13)
4	9.3	(14)
5	4.7	(7)
6	1.3	(2)
7 or more	7.3	(11)
Don't know	7.3	(11)

Question 8 (V018)

How many judges hear juvenile cases part time? (150 courts)

Courts Answering:	Percent	(N)umber
0	83.3	(125)
1	8.0	(12)
2	3.3	(5)
More than 2	0.7	(1)
Don't know	4.7	(7)

[2]"Masters/referees" includes all quasi-judicial officers, regardless of title. "Other judicial officers" includes only para-judicial officers, persons with limited powers, e.g., traffic hearing officers, detention referees.

Question 7
(V020)

How many masters/referees hear juvenile cases full time? (150 courts)

Courts Answering:	Percent	(N)umber
0	6.7	(10)
1	10.7	(16)
2	16.7	(25)
3	4.7	(7)
4	2.0	(3)
5	2.0	(3)
6	0.7	(1)
7 or more	2.7	(4)
Don't know	4.7	(7)
Not applicable	49.3	(74)

Question 8
(V021)

How many masters/referees hear juvenile cases part time? (150 courts)

Courts Answering:	Percent	(N)umber
0	30.0	(45)
1	7.3	(11)
2	5.3	(8)
3	2.0	(3)
6	2.7	(4)
Don't know	3.3	(5)
Not applicable	49.3	(74)

Question 7
(V023)

How many other judicial officers hear juvenile cases full time? (150 courts)

Courts Answering:	Percent	(N)umber
0	6.0	(9)
1	7.3	(11)
2	2.0	(3)
4	0.7	(1)
5	0.7	(1)
Don't know	1.3	(2)
Not applicable	82.0	(123)

Question 8
(V024)

How many other judicial officers hear juvenile cases part time? (150 courts)

Courts Answering:	Percent	(N)umber
0	11.3	(17)
1	3.3	(5)
2	2.0	(3)
3	0.7	(1)
7 or more	0.7	(1)
Not applicable	82.0	(123)

Question 9
(V019)

Are judges required to be lawyers? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	96.7	(145)
No	3.3	(5)

Question 9
(V022)

Are masters/referees required to be lawyers? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	43.3	(65)
No	6.7	(10)
Don't know	0.7	(1)
Not applicable	49.3	(74)

Question 9
(V025)

Are other judicial officers required to be lawyers? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	8.0	(12)
No	10.0	(15)
Not applicable	82.0	(123)

Question 10
(V026)

In your court, does the judge hear violations of criminal law by juveniles? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	100.0	(150)

Question 10 (V027)

In your court, does the judge hear transfer hearings to adult court? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	94.0	(141)
No	6.0	(9)

Question 10 (V028)

In your court, does the judge hear noncriminal law violations (status offenses)? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	87.3	(131)
No	12.7	(19)

Question 10 (V029)

In your court, does the judge hear neglect/dependency cases? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	97.3	(146)
No	2.7	(4)

Question 10 (V030)

In your court, does the judge hear traffic citations? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	14.0	(21)
No	86.0	(129)

Question 10 (V031)

In your court, does the judge hear any other types of cases?* (150 courts)

Courts Answering:	Percent	(N)umber
Yes	50.0	(75)
No	50.0	(75)

*See note on page 49.

Question 10 (V032)

In your court, does the master/referee hear violations of criminal law by juveniles? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	47.3	(71)
No	3.3	(5)
Don't know	0.7	(1)
Not applicable	48.7	(73)

Question 10 (V033)

In your court, does the master/referee hear transfer hearings to adult court? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	17.3	(26)
No	33.3	(50)
Don't know	0.7	(1)
Not applicable	48.7	(73)

Question 10 (V034)

In your court, does the master/referee hear noncriminal law violations (status offenses)? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	44.7	(67)
No	6.0	(9)
Not applicable	49.3	(74)

Question 10 (V035)

In your court, does the master/referee hear neglect/dependency cases? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	41.3	(62)
No	9.3	(14)
Not applicable	49.3	(74)

Question 10 (V036)

In your court, does the master/referee hear traffic citations? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	17.3	(26)
No	32.7	(49)
Don't know	0.7	(1)
Not applicable	49.3	(74)

Question 10 (V037)

In your court, does the master/referee hear any other types of cases?* (150 courts)

Courts Answering:	Percent	(N)umber
Yes	18.7	(28)
No	32.0	(48)
Not applicable	49.3	(74)

Question 10 (V038)

In your court, do any other judicial officers hear violations of criminal law by juveniles? (150 courts)

Courts Answering:	Percent	(N)umber
No	18.0	(27)
Not applicable	82.0	(123)

Question 10 (V039)

In your court, do any other judicial officers hear transfer hearings to adult court? (150 courts)

Courts Answering:	Percent	(N)umber
No	18.0	(27)
Not applicable	82.0	(123)

Question 10 (V040)

In your court, do any other judicial officers hear noncriminal law violations (status offenses)? (150 courts)

Courts Answering:	Percent	(N)umber
No	18.0	(27)
Not applicable	82.0	(123)

*See note on page 49.

Question 10 (V041)

In your court, do any other judicial officers hear neglect/dependency cases? (150 courts)

Courts Answering:	Percent	(N)umber
No	18.0	(27)
Not applicable	82.0	(123)

Question 10 (V042)

In your court, do any other judicial officers hear traffic citations? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	8.7	(13)
No	9.3	(14)
Not applicable	82.0	(123)

Question 10 (V043)

In your court, do any other judicial officers hear other types of cases?* (150 cases)

Courts Answering:	Percent	(N)umber
Yes	9.3	(14)
No	8.7	(13)
Not applicable	82.0	(123)

Question 11 (V044)

Do appeals from your court first go to: (150 cases)

Courts Answering:	Percent	(N)umber
Appellate court	85.3	(128)
Higher trial court	14.0	(21)
Other	0.7	(1)

Question 12 (V045)

What is the maximum age limit of your court's jurisdiction for a violation of the criminal law by a juvenile? (150 courts)

Courts Answering:	Percent	(N)umber
16	10.0	(15)
17	20.7	(31)
18	69.3	(104)

*See note on page 49.

Question 12
(V046)

What is the minimum age limit of your court's jurisdiction for a violation of the criminal law by a juvenile? (150 courts)

Courts Answering:	Percent	(N)umber
0	70.0	(105)
6	2.0	(3)
7	10.7	(16)
8	2.0	(3)
10	12.7	(19)
12	2.7	(4)

NOTE: IF THERE WAS NO SPECIFICATION OF MINIMUM AGE THE RESPONSE WAS CODED AS "0".

Question 12
(V047)

What is the maximum age limit of your court's jurisdiction for a status offense by a juvenile? (150 courts)

Courts Answering:	Percent	(N)umber
16	10.0	(15)
17	16.7	(25)
18	69.3	(104)
Not applicable	4.0	(6)

Question 12
(V048)

What is the minimum age limit of your court's jurisdiction for a status offense by a juvenile? (150 courts)

Courts Answering:	Percent	(N)umber
0	88.0	(132)
6	2.0	(3)
7	1.3	(2)
8	0.7	(1)
10	4.0	(6)
Not applicable	4.0	(6)

NOTE: IF THERE WAS NO SPECIFICATION OF MINIMUM AGE THE RESPONSE WAS CODED AS "0".

Administration of Probation

NOTE: V049-V053 ARE NOT MUTUALLY EXCLUSIVE. RESPONDENTS COULD ANSWER "YES" TO MORE THAN ONE VARIABLE.

Question 13
(V049)

Is your probation department funded by the state executive branch of government? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	43.3	(65)
No	56.0	(84)
Don't know	0.7	(1)

Question 13
(V050)

Is your probation department funded by the county executive branch of government? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	71.3	(107)
No	28.7	(43)

Question 13
(V051)

Is your probation department funded by the city/municipal executive branch of government? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	4.7	(7)
No	95.3	(143)

Question 13
(V052)

Is your probation department funded by the judicial branch of government? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	40.0	(60)
No	60.0	(90)

Question 13 (V053)

Is your probation department funded by any other source?* (150 courts)

Courts Answering:	Percent	(N)umber
Yes	0.7	(1)
No	99.3	(149)

Question 14 (V054)

Who has principal administrative control of your probation department? (150 courts)

Courts Answering:	Percent	(N)umber
State executive	10.7	(16)
County executive	22.0	(33)
City/Municipal executive	0.7	(1)
Court	60.7	(91)
Other	6.0	(9)

Question 15 (V055)

Are probation officers part of a merit system of employment? (150 courts)

Courts Answering:	Percent	(N)umber
State	24.0	(36)
County	36.7	(55)
City/municipal	0.7	(1)
Court	6.0	(9)
None	32.7	(49)

Question 16 (V056)

Is there a union for probation officers? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	54.7	(82)
No	44.7	(67)
Don't know	0.7	(1)

*See note on page 49.

Question 17 (V192)

Who has control over the employment (the hiring and firing) of probation personnel? (150 courts)

Courts Answering:	Percent	(N)umber
State	10.7	(16)
County (executive) or counties	20.0	(30)
City/municipal (executive) or cities	0.7	(1)
Court	64.0	(96)
Other	4.7	(7)

NOTE: FOR THE FOLLOWING QUESTIONS, IF THE RESPONDENT ANSWERED "NO" for V057, "NA" WAS CODED FOR V058.

Question 18 (V057)

Is the probation department responsible for both adult and juvenile caseloads? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	34.7	(52)
No	65.3	(98)

Question 19 (V058)

Do you have probation officers with exclusively juvenile caseloads? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	33.3	(50)
No	1.3	(2)
Not applicable	65.3	(98)

Administration of Detention

NOTE: V059-V063 ARE NOT MUTUALLY EXCLUSIVE. RESPONDENTS COULD ANSWER "YES" TO MORE THAN ONE VARIABLE. IN THIS SECTION "NOT APPLICABLE" DENOTES COURTS THAT DO NOT HAVE DETENTION FACILITIES.

Question 20 (V059) — Do the operating funds for your detention facility come from a state executive agency? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	37.3	(56)
No	60.7	(91)
Don't know	0.7	(1)
Not applicable	1.3	(2)

Question 20 (V060) — Do the operating funds for your detention facility come from a county executive agency? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	73.3	(110)
No	25.3	(38)
Not applicable	1.3	(2)

Question 20 (V061) — Do the operating funds for your detention facility come from a city/municipal executive agency? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	6.0	(9)
No	92.7	(139)
Not applicable	1.3	(2)

Question 20 (V062) — Do the operating funds for your detention facility come from the judicial branch of government? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	18.7	(28)
No	80.0	(120)
Not applicable	1.3	(2)

Question 20 (V063) — Do the operating funds for your detention facility come from any other source?* (150 courts)

Courts Answering:	Percent	(N)umber
Yes	1.3	(2)
No	97.3	(146)
Not applicable	1.3	(2)

Question 21 (V064) — Who has principal administrative control of your detention facility? (150 courts)

Courts Answering:	Percent	(N)umber
State executive	16.7	(25)
County executive	43.3	(65)
City/municipal executive	2.7	(4)
Court	36.0	(54)
Not applicable	1.3	(2)

Question 22 (V065) — Are your detention workers part of a merit system of employment? (150 courts)

Courts Answering:	Percent	(N)umber
State	20.0	(30)
County	40.0	(60)
Municipal	2.7	(4)
Court	4.0	(6)
None	29.3	(44)
Don't know	2.7	(4)
Not applicable	1.3	(2)

Question 23 (V066) — Is there a union for detention personnel? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	56.7	(85)
No	40.7	(61)
Don't know	1.3	(2)
Not applicable	1.3	(2)

*See note on page 49.

Question 24 (V193)

Who has control over the employment (the hiring and firing) of detention personnel? (150 courts)

Courts Answering:	Percent	(N)umber
State	16.7	(25)
County/s	39.3	(59)
City/s	2.7	(4)
Court	37.3	(56)
Other	2.0	(3)
Don't know	0.7	(1)
Not applicable	1.3	(2)

Court Control of Social Services

NOTE: V067-V073 ARE NOT MUTUALLY EXCLUSIVE. RESPONDENTS COULD ANSWER "YES" TO MORE THAN ONE VARIABLE.

Question 25 (V067)

Is your court directly responsible for the administration of foster care? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	21.3	(32)
No	78.0	(117)
Don't know	0.7	(1)

Question 25 (V068)

Is your court directly responsible for the administration of psychological evaluations? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	40.7	(61)
No	58.7	(88)
Don't know	0.7	(1)

Question 25 (V069)

Is your court directly responsible for the administration of psychological counseling? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	25.3	(38)
No	72.7	(109)
Don't know	2.0	(3)

Question 25 (V070)

Is your court directly responsible for the administration of shelter care? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	20.7	(31)
No	79.3	(119)

Question 25 (V071)

Is your court directly responsible for the administration of diversion programs? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	50.7	(76)
No	49.3	(74)

Question 25 (V072)

Is your court directly responsible for the administration of restitution? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	66.0	(99)
No	33.3	(50)
Don't know	0.7	(1)

Question 25 (V073)

Is your court directly responsible for the administration of any other program?* (150 courts)

Courts Answering:	Percent	(N)umber
Yes	38.7	(58)
No	59.3	(89)
Don't know	2.0	(3)

*See note on page 49.

CONTINUED

4 OF 5

NOTE: V074-V080 ARE NOT MUTUALLY EXCLUSIVE. RESPONDENTS COULD ANSWER "YES" TO MORE THAN ONE VARIABLE. IF RESPONDENT ANSWERED "YES" IN QUESTION 25 TO ANY OF THESE CATEGORIES, IT WAS CODED AS "NA" IN QUESTION 26.

Question 26 (V074)

Does your court (in cases where it is not directly responsible for the administration) set policy for foster care? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	6.0	(9)
No	71.3	(107)
Don't know	1.3	(2)
Not applicable	21.3	(32)

Question 26 (V075)

Does your court (in cases where it is not directly responsible for the administration) set policy for psychological evaluations? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	10.0	(15)
No	47.3	(71)
Don't know	2.0	(3)
Not applicable	40.7	(61)

Question 26 (V076)

Does your court (in cases where it is not directly responsible for the administration) set policy for psychological counseling? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	8.0	(12)
No	64.0	(96)
Don't know	2.7	(4)
Not applicable	25.3	(38)

Question 26 (V077)

Does your court (in cases where it is not directly responsible for the administration) set policy for shelter care? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	7.3	(11)
No	71.3	(107)
Don't know	0.7	(1)
Not applicable	20.7	(31)

Question 26 (V078)

Does your court (in cases where it is not directly responsible for the administration) set policy for diversion programs? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	5.3	(8)
No	44.0	(66)
Not applicable	50.7	(76)

Question 26 (V079)

Does your court (in cases where it is not directly responsible for the administration) set policy for restitution? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	7.3	(11)
No	26.0	(39)
Don't know	0.7	(1)
Not applicable	66.0	(99)

Question 26 (V080)

Does your court (in cases where it is not directly responsible for the administration) set policy for any other program?* (150 courts)

Courts Answering:	Percent	(N)umber
Yes	1.3	(2)
No	56.0	(84)
Don't know	4.0	(6)
Not applicable	38.7	(58)

*See note on page 49.

Intake Procedures and Practices

Question 27 (V194)

When a complaint alleging a violation of the criminal law by a juvenile is brought to the attention of the court, who first examines the allegations of the complaint? (150 courts)

Courts Answering:	Percent	(N)umber
Court intake	35.3	(53)
Noncourt intake	24.0	(36)
Court prosecutor	0.7	(1)
Noncourt prosecutor	9.3	(14)
Another court officer	6.0	(9)
Direct petition	10.7	(16)
Intake and prosecutor	10.7	(16)
Other	3.3	(5)

Question 28

What is his/her function?
(Responses to questions 28 and 30 were considered together and used in coding Variable 196.)

Question 29 (V195)

Who makes the decision to file a formal petition on a complaint alleging a violation of the criminal law? (150 courts)

Courts Answering:	Percent	(N)umber
Court intake	27.3	(41)
Noncourt intake	2.0	(3)
Court prosecutor	0.7	(1)
Noncourt prosecutor	48.0	(72)
Another court officer	6.0	(9)
Intake and prosecutor	4.7	(7)
Other	10.7	(16)
Don't know	0.7	(1)

Question 30 (V196)

How is this done? (150 courts)

Courts Answering:	Percent	(N)umber
Legal criteria	32.7	(49)
Social & legal criteria	63.3	(95)
Other (clerical task)	4.0	(6)

Question 31 (V081)

Which group or department performs the juvenile intake function in your court? (150 courts)

Courts Answering:	Percent	(N)umber
Probation	76.7	(115)
Prosecutor	7.3	(11)
Court officer	4.0	(6)
Other	1.3	(2)
Shared	10.7	(16)

Question 32 (V082)

How many full-time professional persons are there in your (juvenile) intake unit? (150 courts)

Courts Answering:	Percent	(N)umber
1-10	57.3	(86)
11-20	18.0	(27)
21-30	4.7	(7)
31-99	8.0	(12)
100 or more	0.7	(1)
Don't know	11.3	(17)

Question 33 (V083)

In cases involving alleged violations of the criminal law by juveniles, does your intake or probation staff in practice detain juveniles? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	78.7	(118)
No	20.7	(31)
Don't know	0.7	(1)

Question 33 (V084)

In cases involving alleged violations of the criminal law by juveniles, does your intake or probation staff in practice release juveniles from detention? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	78.7	(118)
No	20.0	(30)
Don't know	1.3	(2)

Question 33 (V085)

In cases involving alleged violations of the criminal law by juveniles, does your intake or probation staff in practice arrange informal probation? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	70.7	(106)
No	28.7	(43)
Don't know	0.7	(1)

Question 33 (V086)

In cases involving alleged violations of the criminal law by juveniles, does your intake or probation staff in practice refer to a voluntary agency? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	90.0	(135)
No	8.7	(13)
Don't know	1.3	(2)

Question 33 (V087)

In cases involving alleged violations of the criminal law by juveniles, does your intake or probation staff in practice refer to a diversion program? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	92.0	(138)
No	7.3	(11)
Don't know	0.7	(1)

Question 33 (V088)

In cases involving alleged violations of the criminal law by juveniles, does your intake or probation staff in practice draw up a consent decree? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	34.7	(52)
No	64.0	(96)
Don't know	1.3	(2)

Question 33 (V089)

In cases involving alleged violations of the criminal law by juveniles, does your intake or probation staff in practice refer reports back to the law enforcement agency for further investigation? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	71.3	(107)
No	26.0	(39)
Don't know	2.7	(4)

Question 33 (V090)

In cases involving alleged violations of the criminal law by juveniles, does your intake or probation staff in practice counsel and reprimand? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	87.3	(131)
No	11.3	(17)
Don't know	1.3	(2)

Question 33 (V091)

In cases involving alleged violations of the criminal law by juveniles, does your intake or probation staff in practice file a formal petition? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	42.0	(63)
No	57.3	(86)
Don't know	0.7	(1)

Question 33
(V092)

In cases involving alleged violations of the criminal law by juveniles, does your intake or probation staff in practice conduct an informal conference? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	90.7	(136)
No	8.6	(13)
Don't know	0.7	(1)

Question 33
(V093)

In cases involving alleged violations of the criminal law by juveniles, does your intake or probation staff in practice arrange restitution? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	76.7	(115)
No	22.0	(33)
Don't know	1.3	(2)

Question 33
(V094)

In cases involving alleged violations of the criminal law by juveniles, does your intake or probation staff in practice dismiss the complaint? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	58.0	(87)
No	41.3	(62)
Don't know	0.7	(1)

Question 34
(V095)

In cases of alleged juvenile status offenses, does your intake or probation staff in practice detain juveniles? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	38.0	(57)
No	49.3	(74)
Don't know	1.3	(2)
Not applicable	11.3	(17)

Question 34
(V096)

In cases of alleged juvenile status offenses, does your intake or probation staff in practice release juveniles from detention? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	44.0	(66)
No	39.3	(59)
Don't know	2.0	(3)
Not applicable	14.7	(22)

Question 34
(V097)

In cases of alleged juvenile status offenses, does your intake or probation staff in practice arrange informal probation? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	57.3	(86)
No	29.3	(44)
Don't know	2.0	(3)
Not applicable	11.3	(17)

Question 34
(V098)

In cases of alleged juvenile status offenses, does your intake or probation staff in practice refer to a voluntary agency? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	84.7	(127)
No	2.7	(4)
Don't know	0.7	(1)
Not applicable	12.0	(18)

Question 34
(V099)

In cases of alleged juvenile status offenses, does your intake or probation staff in practice refer to a diversion program? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	84.0	(126)
No	3.3	(5)
Don't know	1.3	(2)
Not applicable	11.3	(17)

Question 34
(V100)

In cases of alleged juvenile status offenses, does your intake or probation staff in practice draw up a consent decree? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	28.0	(42)
No	59.3	(89)
Don't know	0.7	(1)
Not applicable	12.0	(18)

Question 34
(V101)

In cases of alleged juvenile status offenses, does your intake or probation staff in practice refer reports back to the law enforcement agency for further investigation? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	39.3	(59)
No	44.7	(67)
Don't know	4.0	(6)
Not applicable	12.0	(18)

Question 34
(V102)

In cases of alleged juvenile status offenses, does your intake or probation staff in practice counsel and reprimand? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	78.0	(117)
No	9.3	(14)
Don't know	0.7	(1)
Not applicable	12.0	(18)

Question 34
(V103)

In cases of alleged juvenile status offenses, does your intake or probation staff in practice file a formal petition? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	51.3	(77)
No	36.0	(54)
Don't know	1.3	(2)
Not applicable	11.3	(17)

Question 34
(V104)

In cases of alleged juvenile status offenses, does your intake or probation staff in practice conduct an informal conference? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	85.3	(128)
No	2.7	(4)
Don't know	0.7	(1)
Not applicable	11.3	(17)

Question 34
(V105)

In cases of alleged juvenile status offenses, does your intake or probation staff in practice arrange restitution? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	36.0	(54)
No	49.3	(74)
Don't know	3.3	(5)
Not applicable	11.3	(17)

Question 34
(V106)

In cases of alleged juvenile status offenses, does your intake or probation staff in practice dismiss the complaint? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	56.7	(85)
No	30.7	(46)
Don't know	0.7	(1)
Not applicable	12.0	(18)

Due Process Procedures
Notification of Charges

NOTE: IN QUESTIONS 35 AND 36, "OTHER" MEANS THAT THE NOTIFICATION PROCEDURE VARIES DEPENDING ON THE CASE.

Question 35 (V107)

In your court, who first notifies the youth of the charges or allegations of a complaint involving a violation of the criminal law? (150 courts)

Courts Answering:	Percent	(N)umber
Intake officer	60.7	(91)
Another court officer	12.7	(19)
Judge	0.7	(1)
Other	26.0	(39)

Question 36 (V108)

In your court, who first notifies the youth of the charges or allegations of a complaint involving a status offense? (150 courts)

Courts Answering:	Percent	(N)umber
Intake officer	52.7	(79)
Another court officer	12.7	(19)
Judge	0.7	(1)
Other	24.0	(36)
Not applicable	10.0	(15)

Question 37 (V109)

How is the first notification provided in a case alleging a violation of the criminal law by a juvenile? (150 courts)

Courts Answering:	Percent	(N)umber
Written	54.0	(81)
Oral	17.3	(26)
Other (Both)	28.7	(43)

Question 38 (V110)

How is the first notification provided in a case alleging a status offense? (150 courts)

Courts Answering:	Percent	(N)umber
Written	42.0	(63)
Oral	24.0	(36)
Other (Both)	23.3	(35)
Not applicable	10.7	(16)

Question 39 (V111)

Is there any subsequent notification given as to the charges or allegations of the complaint in a case of a criminal law violation by a juvenile? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	97.3	(146)
No	2.7	(4)

Question 40

Who or what office gives second notification? (Responses are uncoded and available in the original files.)

Question 41 (V112)

How is the second notification provided to the juvenile? (150 courts)

Courts Answering:	Percent	(N)umber
Written	64.0	(96)
Oral	27.3	(41)
Other (Both)	6.0	(9)
Not applicable	2.7	(4)

Question 42 (V113)

Is there any subsequent notification given as to the charges or allegations of the complaint in a case of a status offense? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	85.3	(128)
No	4.7	(7)
Not applicable	10.0	(15)

Question 43 — Who or what office gives second notification? (Responses are uncoded and are available in the original files.)

Question 44 (V114) — How is the second notification provided to the juvenile? (150 courts)

Courts Answering:	Percent	(N)umber
Written	55.3	(83)
Oral	23.3	(35)
Other (Both)	6.0	(9)
Don't know	0.7	(1)
Not applicable	14.7	(22)

Nonjudicial Conferences

Question 45 (V115) — Does a nonjudicial conference take place, which attempts to resolve the complaint without taking it to court, for a violation of the criminal law by a juvenile prior to filing a petition? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	85.3	(128)
No	14.7	(22)

Question 45 (V116) — Does a nonjudicial conference take place, which attempts to resolve the complaint without taking it to court, for a violation of the criminal law by a juvenile after filing a petition? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	32.7	(49)
No	67.3	(101)

Question 45 (V117) — Does a nonjudicial conference take place, which attempts to resolve the complaint without taking it to court, for a status offense prior to filing a petition? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	79.3	(119)
No	8.7	(13)
Not applicable	12.0	(18)

Question 45 (V118) — Does a nonjudicial conference take place, which attempts to resolve the complaint without taking it to court, for a status offense after filing a petition? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	32.0	(48)
No	55.3	(83)
Not applicable	12.7	(19)

Question 46 — Who is present at this conference?

Question 47 — What is done at this conference? (Responses are uncoded and are available in the original files.)

Provision of Counsel

Question 48 (V119) — Is a youth, who is accused of a violation of the criminal law, notified of the right to counsel at intake? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	86.0	(129)
No[3]	14.0	(21)

[3]"No" includes courts that do not have intake.

Question 48 (V120)

Is a youth, who is accused of a violation of the criminal law, notified of the right to counsel by petition? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	52.7	(79)
No	44.0	(66)
Don't know	3.3	(5)

Question 48 (V121)

Is a youth, who is accused of a violation of the criminal law, notified of the right to counsel at first appearance before a judicial officer? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	94.0	(141)
No	6.0	(9)

Question 48 (V122)

Is a youth, who is accused of a violation of the criminal law, notified of the right to counsel at any other stage?* (150 courts)

Courts Answering:	Percent	(N)umber
Yes	42.7	(64)
No	52.7	(79)
Don't know	4.7	(7)

Question 49 (V123)

Is a youth, who is accused of a status offense, notified of the right to counsel at intake? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	69.3	(104)
No	18.7	(28)
Not applicable	12.0	(18)

*See note on page 49.

Question 49 (V124)

Is a youth, who is accused of a status offense, notified of the right to counsel by petition? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	42.0	(63)
No	44.7	(67)
Don't know	2.0	(3)
Not applicable	11.3	(17)

Question 49 (V125)

Is a youth, who is accused of a status offense, notified of the right to counsel at first appearance before a judicial officer? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	78.0	(117)
No	10.0	(15)
Not applicable	12.0	(18)

Question 49 (V126)

Is a youth, who is accused of a status offense, notified of the right to counsel at any other stage?* (150 courts)

Courts Answering:	Percent	(N)umber
Yes	34.7	(52)
No	48.7	(73)
Don't know	5.3	(8)
Not applicable	11.3	(17)

Question 50 (V127)

In cases where the court notifies a youth of the right to counsel, when is counsel first assigned? (150 courts)

Courts Answering:	Percent	(N)umber
At intake	14.7	(22)
When petition is filed	11.3	(17)
At 1st appearance before a judicial officer	58.7	(88)
At another time	14.7	(22)
Not applicable	0.7	(1)

*See note on page 49.

Question 51 (V128)

Is legal counsel provided to juveniles who are indigent? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	100.0	(150)

Question 52
Question 53

Who makes the arrangements for counsel?
When are the arrangements made?
(Responses are uncoded and are available in the original files.)

Question 54 (V129)

In the cases we have been discussing, is legal representation provided by a public defender? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	68.0	(102)
No	32.0	(48)

Question 54 (V130)

In the cases we have been discussing, is legal representation provided by an attorney's list? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	28.7	(43)
No	71.3	(107)

Question 54 (V131)

In the cases we have been discussing, is legal representation provided by special interest groups? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	8.0	(12)
No	92.0	(138)

Question 54 (V132)

In the cases we have been discussing, is legal representation provided by any other group?* (150 courts)

Courts Answering:	Percent	(N)umber
Yes	13.3	(20)
No	86.7	(130)

Right to Remain Silent

Question 55 (V133)

Is a youth who is accused of a violation of the criminal law notified of the right to remain silent at intake? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	70.7	(106)
No	29.3	(44)

Question 55 (V134)

Is a youth who is accused of a violation of the criminal law notified of the right to remain silent by petition? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	21.3	(32)
No	76.7	(115)
Don't know	2.0	(3)

Question 55 (V135)

Is a youth who is accused of a violation of the criminal law notified of the right to remain silent at first appearance before a judicial officer? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	86.0	(129)
No	14.0	(21)

*See note on page 49.

Question 55 (V136)

Is a youth who is accused of a violation of the criminal law notified of the right to remain silent at any other stage?* (150 courts)

Courts Answering:	Percent	(N)umber
Yes	42.7	(64)
No	50.0	(75)
Don't know	7.3	(11)

Question 56 (V137)

Is a youth who is accused of a status offense notified of the right to remain silent at intake? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	58.0	(87)
No	28.7	(43)
Not applicable	13.3	(20)

Question 56 (V138)

Is a youth who is accused of a status offense notified of the right to remain silent by petition? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	14.7	(22)
No	70.7	(106)
Don't know	2.0	(3)
Not applicable	12.7	(19)

Question 56 (V139)

Is a youth who is accused of a status offense notified of the right to remain silent at first appearance before a judicial officer? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	67.3	(101)
No	19.3	(29)
Don't know	0.7	(1)
Not applicable	12.7	(19)

*See note on page 49.

Question 56 (V140)

Is a youth who is accused of a status offense notified of the right to remain silent at any other stage?* (150 courts)

Courts Answering:	Percent	(N)umber
Yes	31.3	(47)
No	48.0	(72)
Don't know	8.0	(12)
Not applicable	12.7	(19)

Right to Confront and Cross Examine

Question 57 (V141)

Is a youth who is accused of a violation of the criminal law notified of the right to confront and cross examine witnesses at intake? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	58.7	(88)
No	40.0	(60)
Don't know	1.3	(2)

Question 57 (V142)

Is a youth who is accused of a violation of the criminal law notified of the right to confront and cross examine witnesses by petition? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	20.0	(30)
No	78.0	(117)
Don't know	2.0	(3)

Question 57 (V143)

Is a youth who is accused of a violation of the criminal law notified of the right to confront and cross examine witnesses at first appearance before a judicial officer? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	87.3	(131)
No	12.0	(18)
Don't know	0.7	(1)

*See note on page 49.

Question 57
(V144)

Is a youth who is accused of a violation of the criminal law notified of the right to confront and cross examine witnesses at any other stage?* (150 courts)

Courts Answering:	Percent	(N)umber
Yes	39.3	(59)
No	52.7	(79)
Don't know	8.0	(12)

Question 58
(V145)

Is a youth who is accused of a status offense notified of the right to confront and cross examine witnesses at intake? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	43.3	(65)
No	42.0	(63)
Don't know	1.3	(2)
Not applicable	13.3	(20)

Question 58
(V146)

Is a youth who is accused of a status offense notified of the right to confront and cross examine witnesses by petition? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	13.3	(20)
No	72.7	(109)
Don't know	1.3	(2)
Not applicable	12.7	(19)

Question 58
(V147)

Is a youth who is accused of a status offense notified of the right to confront and cross examine witnesses at first appearance before a judicial officer? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	71.3	(107)
No	15.3	(23)
Don't know	0.7	(1)
Not applicable	12.7	(19)

*See note on page 49.

Question 58
(V148)

Is a youth who is accused of a status offense notified of the right to confront and cross examine witnesses at any other stage?* (150 courts)

Courts Answering:	Percent	(N)umber
Yes	28.7	(43)
No	48.7	(73)
Don't know	10.0	(15)
Not applicable	12.7	(19)

Detention Hearing

Question 59
(V149)

When a juvenile is detained (remains in custody) afer arrest, does (s)he receive a hearing to determine whether detention should continue? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	100.0	(150)

Question 60

What factors are considered in making this decision?
(Responses are uncoded and are available in the original files.)

Question 61
(V150)

What is the maximum time after detention that a hearing is held (excluding Saturday, Sunday and holidays)? (150 courts)

Courts Answering:	Percent	(N)umber
Within 24 hours	14.0	(21)
Within 48 hours	16.7	(25)
Within 72 hours	55.3	(83)
Within 96 hours	5.3	(8)
More than 96 hours	7.3	(11)
Don't know	1.3	(2)

*See note on page 49.

NOTE: V151-V163 ARE NOT MUTUALLY EXCLUSIVE. RESPONDENTS COULD ANSWER "YES" TO MORE THAN ONE VARIABLE.

Question 62 (V151) — Is the detention hearing held before the judge? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	75.3	(113)
No	24.0	(36)
Don't know	0.7	(1)

Question 62 (V152) — Is the detention hearing held before the master/referee? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	44.0	(66)
No	6.7	(10)
Not applicable	49.3	(74)

Question 62 (V153) — Is the detention hearing held before any other court official?* (150 courts)

Courts Answering:	Percent	(N)umber
Yes	10.7	(16)
No	7.3	(11)
Not applicable	82.0	(123)

Adjudication

Question 63 (V154) — In a petition alleging a violation of the criminal law by a juvenile, is the evidence supporting the petition organized for presentation in court by the prosecuting attorney? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	96.7	(145)
No	3.3	(5)

*See note on page 49.

Question 63 (V155) — In a petition alleging a violation of the criminal law by a juvenile, is the evidence supporting the petition organized for presentation in court by a law enforcement officer? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	17.3	(26)
No	82.0	(123)
Don't know	0.7	(1)

Question 63 (V156) — In a petition alleging a violation of the criminal law by a juvenile, is the evidence supporting the petition organized for presentation in court by a probation/intake officer? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	8.7	(13)
No	90.0	(135)
Don't know	1.3	(2)

Question 63 (V157) — In a petition alleging a violation of the criminal law by a juvenile, is the evidence supporting the petition organized for presentation in court by the judge? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	2.0	(3)
No	97.3	(146)
Don't know	0.7	(1)

Question 63 (V158) — In a petition alleging a violation of the criminal law by a juvenile, is the evidence supporting the petition organized for presentation in court by someone else?* (150 courts)

Courts Answering:	Percent	(N)umber
Yes	4.0	(6)
No	95.3	(143)
Don't know	0.7	(1)

*See note on page 49.

Question 64 (V159)

In a petition alleging a status offense, are the facts of the case organized for presentation in court by the prosecuting attorney? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	56.0	(84)
No	33.3	(50)
Not applicable	10.7	(16)

Question 64 (V160)

In a petition alleging a status offense, are the facts of the case organized for presentation in court by a law enforcement officer? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	10.7	(16)
No	78.0	(117)
Don't know	0.7	(1)
Not applicable	10.7	(16)

Question 64 (V161)

In a petition alleging a status offense, are the facts of the case organized for presentation in court by a probation/intake officer? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	38.7	(58)
No	50.7	(76)
Don't know	0.7	(1)
Not applicable	10.0	(15)

Question 64 (V162)

In a petition alleging a status offense, are the facts of the case organized for presentation in court by the judge? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	2.7	(4)
No	86.0	(129)
Don't know	0.7	(1)
Not applicable	10.7	(16)

Question 64 (V163)

In a petition alleging a status offense, are the facts of the case organized for presentation in court by someone else?* (150 courts)

Courts Answering:	Percent	(N)umber
Yes	30.7	(46)
No	56.7	(85)
Don't know	2.0	(3)
Not applicable	10.7	(16)

Plea Taking

Question 65 (V198)

When the court calls upon a juvenile to admit or deny the factual allegations of a petition alleging a violation of the criminal law, is there evidence that the court uses a formal denial (arraignment) hearing? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	58.0	(87)
No	34.7	(52)
Depends on case	0.7	(1)
Other[4]	2.0	(3)
Don't know	4.7	(7)

Question 66 (V199)

When the court calls upon a juvenile to admit or deny the factual allegations of a petition alleging a status offense, is there evidence that the court uses a formal denial (arraignment) hearing? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	48.7	(73)
No	31.3	(47)
Depends on case	0.7	(1)
Other[5]	1.3	(2)
Don't know	4.7	(7)
Not applicable	13.3	(20)

[4]An automatic denial is entered.
[5]An automatic denial is entered.

*See note on page 49.

Question 67
(V164)

Does the counsel for the juvenile or another representative of the juvenile negotiate with anyone concerning the plea to be entered? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	85.3	(128)
No	14.7	(22)

Question 68
(V200)

With whom are these negotiations conducted? (150 courts)

Courts Answering:	Percent	(N)umber
With prosecutor	66.7	(100)
With probation	0.7	(1)
All	14.0	(21)
Other	4.0	(6)
Not applicable	14.7	(22)

Bifurcated Hearings

Question 69
(V165)

Is there a mandatory minimum time interval between adjudication and disposition? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	22.0	(33)
No	78.0	(117)

Question 70
(V166)

Can that interval be waived? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	20.7	(31)
No	1.3	(2)
Not applicable	78.0	(117)

Question 71
(V201)

Does the prosecutor participate in the waiver decision? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	6.0	(9)
No	14.7	(22)
Not applicable	79.3	(119)

Question 71
(V202)

Does the youth and/or his attorney participate in the waiver decision? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	20.7	(31)
Not applicable	79.3	(119)

Disposition

Question 72
(V167)

Is the prosecuting attorney required to be present at the dispositional hearing? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	52.7	(79)
No	46.7	(70)
Don't know	0.7	(1)

Question 73
(V168)

Is counsel for the juvenile required to be present at the dispositional hearing? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	92.0	(138)
No	7.3	(11)
Don't know	0.7	(1)

Question 74
(V169)

Does the court have fines as a dispositional option for a juvenile who has violated the criminal law? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	48.7	(73)
No	50.0	(75)
Don't know	1.3	(2)

Question 74
(V170)

Does the court have probation as a dispositional option for a juvenile who has violated the criminal law? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	100.0	(150)

Question 74
(V171)

Does the court have restitution as a dispositional option for a juvenile who has violated the criminal law? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	96.7	(145)
No	2.7	(4)
Don't know	0.7	(1)

Question 74
(V172)

Does the court have direct placement in secure facilities as a dispositional option for a juvenile who has violated the criminal law? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	83.3	(125)
No	16.7	(25)

Question 74
(V173)

Does the court have direct placement in nonsecure facilities as a dispositional option for a juvenile who has violated the criminal law? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	86.7	(130)
No	12.7	(19)
Don't know	0.7	(1)

Question 74
(V174)

Does the court have continuance pending adjustment as a dispositional option for a juvenile who has violated the criminal law? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	93.3	(140)
No	6.7	(10)

Question 74
(V175)

Does the court have adjustment and release as a dispositional option for a juvenile who has violated the criminal law? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	89.3	(134)
No	9.3	(14)
Don't know	1.3	(2)

Question 74
(V176)

Does the court have commitment to a state agency which determines placement as a dispositional option for a juvenile who has violated the criminal law? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	88.7	(133)
No	10.7	(16)
Don't know	0.7	(1)

Question 74
(V177)

Does the court have dismissal as a dispositional option for a juvenile who has violated the criminal law? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	99.3	(149)
No	0.7	(1)

Question 74
(V178)

Does the court have any other option as a dispositional option for a juvenile who has violated the criminal law?* (150 courts)

Courts Answering:	Percent	(N)umber
Yes	40.7	(61)
No	52.7	(79)
Don't know	6.7	(10)

Question 75
(V179)

Does the court have fines as a dispositional option for a juvenile status offender? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	8.7	(13)
No	78.0	(117)
Don't know	2.0	(3)
Not applicable	11.3	(17)

Question 75
(V180)

Does the court have probation as a dispositional option for a juvenile status offender? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	81.3	(122)
No	6.7	(10)
Don't know	0.7	(1)
Not applicable	11.3	(17)

*See note on page 49.

Question 75
(V181)

Does the court have restitution as a dispositional option for a juvenile status offender? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	38.0	(57)
No	48.0	(72)
Don't know	2.7	(4)
Not applicable	11.3	(17)

Question 75
(V182)

Does the court have direct placement in secure facilities as a dispositional option for a juvenile status offender? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	15.3	(23)
No	72.0	(108)
Don't know	1.3	(2)
Not applicable	11.3	(17)

Question 75
(V183)

Does the court have direct placement in nonsecure facilities as a dispositional option for a juvenile status offender? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	74.7	(112)
No	14.0	(21)
Don't know	1.3	(2)
Not applicable	10.0	(15)

Question 75
(V184)

Does the court have continuance pending adjustment as a dispositional option for a juvenile status offender? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	82.0	(123)
No	6.7	(10)
Don't know	0.7	(1)
Not applicable	10.7	(16)

Question 75 (V185)

Does the court have adjustment and release as a dispositional option for a juvenile status offender? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	81.3	(122)
No	6.0	(9)
Don't know	1.3	(2)
Not applicable	11.3	(17)

Question 75 (V186)

Does the court have commitment to a state agency which determines placement as a dispositional option for a juvenile status offender? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	58.0	(87)
No	29.3	(44)
Don't know	1.3	(2)
Not applicable	11.3	(17)

Question 75 (V187)

Does the court have dismissal as a dispositional option for a juvenile status offender? (150 courts)

Courts Answering:	Percent	(N)umber
Yes	88.7	(133)
No	0.7	(1)
Not applicable	10.7	(16)

Question 75 (V188)

Does the court have any other alternative as a dispositional option for a juvenile status offender?* (150 courts)

Courts Answering:	Percent	(N)umber
Yes	29.3	(44)
No	53.3	(80)
Don't know	6.7	(10)
Not applicable	10.7	(16)

*See note on page 49.

APPENDIX D

OUTCOME MEASURES CODE BOOK

NATIONAL CENTER FOR STATE COURTS
300 Newport Avenue
Williamsburg, Virginia 23185

V101 F4.0 — COURT ID NUMBER

Enter Gault court classification 4-digit number for the court being studied.

V102 F2.0 — CODER ID

01 - Hendryx
02 - Kajdan
03 - Halbach
04 - Zaremba
05 - Uppal
06 - Ito
07 - Caviness
08 - Stapleton
09 - Others as they apply
10 - Others as they apply
11 - Others as they apply

V103 F4.0 — INDIVIDUAL ID

A 4-digit number corresponding to the names and file numbers which apply will be supplied by Janice and Vaughan on your sample list.

Take care to right-justify the numbers. The first case is 0001--not 1000.

V104 F1.0 — SEX OF INDIVIDUAL JUVENILE

Male = 1
Female = 0
MV* = 9

Code what is on the court record, not what you believe the value to be. For instance, if no gender identification is supplied for a Jane Doe, do not code "0". The appropriate code is "9".

*MV = Missing Value

V105 ETHNICITY
F1.0

Follow the court record classifications, not your judgment (or the judgment voiced during conversations with a probation officer, clerk or other court official). Spanish surname does not supercede a white or black ethnic classification. Mixed classifications, if they occur, are coded as such.

White (W., Caucasian, Cauc) 1
Black (B, Negro) 2
Mexican (Chicano) 3
Puerto Rican 4
Oriental 5
American Indian, Alaskan, Native 6
Mixed 7
Other 8
MV 9

Recode for Analysis

White = 1
Non-white = 0
MV = 9

V106 AGE - DATE OF BIRTH
F6.0

MMDDYY = Month, day, year, e.g.,
021476 = Feb. 14, 1976
MV = 999999

NOTE: Take care to right-justify month and day codes, e.g., Jan. 5 = 0105, not "1050"

If three dates given, use the two that match.
If two ages given, use the oldest.
If too confusing--"999999."

IMPORTANT: In all cases where the date is being coded, code as "missing" only those parts of the data for which information is unavailable. That is, if only "1976" is available, code the date "999976".

V107 DATE OF INTAKE
F6.0

MMDDYY = Month, day, year
See instructions for age classifications
MV = 999999

IMPORTANT: Date of intake is defined as date of intake into court processing system, i.e., the date logged into the books as the date on which the designated court personnel first take notice of the petition/complaint. Date of intake is not date of police arrest. Date of intake may also be date of detention.

The date of intake for physical referrals was coded as the date they were brought in, regardless of whether they were detained or not.

The date of intake for paper referrals was determined by the date when intake initiated activity on the case.

In City 3 and City 4 the time between date of apprehension and date of intake varied from several days to weeks, so we added another variable, date of apprehension, for these two courts. In City 1 this information was not collected. See V140. In City 2 it was usually the same as the date of apprehension.

V108 DATE OF DETENTION
F6.0

MMDDYY = Month, day, year
See instructions for age classifications
MV = 999999
Not detained = 999999

Detention defined: Secure detention NOT foster home or shelter care placement. Date on which youth is placed in a secure detention facility. If this date occurs BEFORE date of intake then date of intake should correspond to date of detention. E.g., a youth is brought into detention at 5:30 p.m. on Friday, March 14--the date of a detention hearing is set for Monday, March 17th. Date of detention and date of intake are the same in this instance 031480.

If a youth was in shelter care and not ever in detention, V108 was coded as the date of shelter care. V119 was coded "4" (not detained) and V120 was coded to show when the youth was in shelter. V121 was coded as the number of days the youth was in shelter care. If a youth was in detention and shelter care, only the detention information is recorded on V108, V109 and V121.

V109 DATE OF DETENTION HEARING
F6.0
MMDDYY = Month, day, year
See instructions for age classification
MV (Also no detention hearing) = 999999

If the youth was in shelter care and never detained, then if there was a shelter care hearing the date was coded here. If a youth was in both detention and shelter care, the date is for detention.

V110 DATE OF INTAKE CONFERENCE
F6.0
MMDDYY = Month, day, year
See instructions for age classifications
MV = 999999
No conference = 999999

The date of intake conference applies to that date where a youth and/or parents are called into the juvenile court for a pre-hearing, nonjudicial conference with an intake worker, probation official. If it is classified in court records as an arraignment hearing, or any hearing before a judge, master, or referee, then "999999" is the appropriate code.

An intake conference was further defined to mean that the purpose was to determine if the case should be processed formally or informally. In City 3, where intake has specific guidelines for deciding which youths can be diverted and the prosecutor makes the decision to handle formally or dismiss, there was no intake conference, given this definition.

V111 DATE OF 1st COURT APPEARANCE
F6.0
MMDDYY = Month, day, year
See instructions for age classification
MV = 999999
No appearance = 999999

The date of first court appearance is the date the youth first comes before the court officer designated as judicial. This date may and often does correspond with date of detention hearing. It may also correspond to an arraignment hearing, fact-finding hearing or some "label" particular to the juvenile court being studied. Regardless of the function of the hearing--it should be coded as the date where the youth's case is first reviewed by a judicial figure, with the youth present.

The purpose of the 1st court hearing and the number of subsequent hearings varied in each site.

In City 1 virtually every referral is formally processed. At the first court appearance in City 1 a decision was made on whether to file a petition and it could also be a detention hearing.

In City 2 the 1st appearance, called a preliminary appearance or referee hearing, was an arraignment and a detention hearing if the youth was being held. If a guilty plea was entered it sometimes became the adjudicatory and disposition hearing.

In City 3 the initial hearing, if the youth was being detained, was a detention hearing and usually an arraignment. If a youth pleaded not guilty then a date for adjudication was set. Normally plea-bargaining went on and a guilty plea was entered to reduce charges a day or two before the date for trial.

City 4 appeared to have the most court appearances per case. The initial hearing was, in the case of detained youths, a detention hearing. Then there would be a preliminary hearing separate from the detention hearing. A case would often have two preliminary hearings if it were contested. Then there could be an adjudicatory hearing but a finding would not be entered until the disposition hearing.

V112 DATE OF ADJUDICATION, FINDING, OR ENTERING OF "TRUE FINDING"
F6.0
MMDDYY = Month, day, year
See instructions for age classifications
MV = 999999
No adjudication or adjudication withheld = 999999

This date corresponds to that date where a court takes formal action concerning jurisdiction. It may well correspond to the day of detention hearing and 1st court appearance. In cases where these dates correspond the same date is to be entered for each variable. Not all cases have an adjudication date.

If adjudication was withheld and the case continued pending adjustment--no date of adjudication was entered.

If the youth pleaded guilty the date recorded was the date the court accepted the plea in open court.

In City 4, if it were a contested case and at the adjudicatory hearing the youth was found guilty but the judge did not enter the finding until the disposition hearing, the date of the adjudicatory hearing was the date coded. If the case wasn't contested and the youth pleaded guilty but the judge did not find him/her guilty until the dispositional hearing the disposition date was coded.

V113 DATE OF DISPOSITION
F6.0

MMDDYY = Month, day, year
See instructions for age classifications
MV = 999999

This date corresponds to the date of entering a disposition of the case. Important it may well be the same date as 1st court appearance and detention. If so, code as that date.

In cases where no disposition is recorded or inferred from record and/or where no date is entered, enter the MV code.

This category was broadened to include the date the court or intake disposed of a case, regardless of whether it was done formally or informally. If a decision was made to divert a youth to a "strings attached" diversion program the date of disposition is the date the decision was made, not the date diversion received the referral or date diversion was completed. All cases with complete records have a disposition date coded.

Card 2

V114 LIVING WITH (IMMEDIATELY PRIOR TO OFFENSE)
F1.0

Both parents 1
Mother & Stepfather/other male 2
Father & Stepmother/other female 3
Mother only 4
Father only 5
Other relative 6
Foster home and shelter care 7
Group home or Institution 8
Other includes with friends or runaway 0
MV 9

Recode for Analysis

1 = 1
2 & 3 = 2
4 & 5 = 4
6 = 6
7, 8 & 0 = 7
9 = 9

Residential status, if not actually recorded, may be inferred from probation record, if available. Residential status should be recorded as being that of date of case occurrence (entry date).

In cases where residential status is impossible/difficult to detemine enter the MV code.

If a youth was charged with running away, living with was coded as where the youth was immediately before running.

If a youth was charged with an offense and also was a runaway, but was not charged with the offense of running away, then runaway was coded for "living with."

V115 FAMILY COMPOSITION
F1.0

Both parents 1
Mother & Stepfather/other male 2
Father & Stepmother/other female 3
Mother only 4
Father only 5
Other relative 6
Foster home 7
Other 0
MV 9

Recode

1 = 1
2 & 3 = 2
4 & 5 = 4
6 = 6
7 & 0 = 7
9 = 9

This was defined as where the youth normally has resided during his/her life or during the past several years if that is different from the rest of his/her life. It is not an indicator of the marital status of the parents.

V116 ACTIVITY
F1.0

In school 1
In school is determined as presently enrolled in a school--full time student, even if on vacation.

Employed 2
Not in school but employed

Work-study 3
Both in school and employed includes summer job.

Alternative special school 4

Job training, apprenticeship 5

Idle 6

Other (includes institutionalized) 7

MV 9

Recode for Analysis

1, 3 & 4 = 1
2 & 5 = 2
6 = 6
7 & 9 = 9

V117 COURT ENFORCED ACTIVITY
F1.0

(Special work and restitution programs. If no mention is made in the record of such activity then code "No.")

Yes 1
No 0

If the youth was in a court ordered work program or making restitution at the time (s)he was apprehended then "yes" was coded.

V118 LEGAL (LAWYER) ACTIVITY
F1.0

Where it is possible to do so, identify the "type" of legal activity. When a lawyer's name is entered, and it is not possible to identify the name with one of the types of activity, then code "other attorney-unspecified" (5).

Public defender 1
Legal aid 2
Appointed private attorney 3
Code 3 includes use of an "attorney's list" from court or local bar association.
Retained private attorney 4
Other attorney--unspecified 5
No attorney 6
MV 9

If a public defender was present at arraignment and a private attorney was present at adjudication then "private attorney" was coded.

If counsel was present at arraignment but not at a subsequent adjudication hearing, then "no attorney" was coded.

The primary form of legal counsel in City 2 was appointed counsel; in 1, 3, & 4, it was a public defender.

Cities 2, 3, &4 automatically had legal counsel present at the initial hearing.

V119 DETENTION RECORD
F1.0

This category refers to when a youth was detained. Variable 121 refers to how long. Detention refers to secure facilities.

Youth detained before first court appearance 1

Youth detained after first court appearance and before disposition 2

Detained both before and after 3

Not detained 4

MV 9

V120 SHELTER CARE RECORD
F1.0

IMPORTANT: If the court record or social file has a place of entry for detention record and status--and this is not filled in--then code "4" on V119 & V120.

If there is no such place for data entry--and there is no record of detention-- enter MV code "9".

Shelter, foster home, special nonsecure placement before 1st court appearance 1

Shelter, foster home, special nonsecure placement after 1st court appearance and before disposition 2

Shelter care both before and after 3

No shelter care 4

MV 9

Refer to V108 for other changes in V120 and V121.

V121 LENGTH OF DETENTION
F3.0

Record actual number of days (3 col. code)
4 on 119 = 999
9 on 119 = 999
MV = 999

If a youth was detained after disposition until placement and we could not determine when placement occurred then the length was coded 999.

If the youth was not detained or placed in shelter care V121 was coded "000."

V122 NUMBER OF PREVIOUS COURT CONTACTS - OFFICIAL
F2.0

This applies to prior contact with the court where there has been judicial notice taken of the case. Remember to right justify the numbers.

Record Actual Number (2 col. code)
MV = 99

If a youth was referred for 3 separate offenses at different times but they were adjudicated or otherwise disposed of together this was counted as one official contact.

If there was a record of a referral but no information on whether it was handled formally or not, it was not counted.

V123 F2.0 NUMBER OF "NOT TRUE" FINDINGS OR ACQUITTALS ON PREVIOUS CHARGES

Record Actual Number (2 col. code)
None = 00
MV = 99

Recode

0 = 0
1 = 1
2 & over = 2
MV = 99

If a youth was referred on multiple charges and at adjudication (s)he was acquitted on some, but not all--no "not true findings" were recorded.

We counted not true contacts rather than charges to keep the numbers consistent with number of official contacts.

If the charge was nolle prossed by the prosecutor prior to a court hearing it was counted as an unofficial contact.

V124 F2.0 NUMBER OF PREVIOUS COURT CONTACTS - UNOFFICIAL

Number of prior contacts with court where court has instituted some action, (e.g., informal probation/handling, diversion, referral, counsel and warn) with no judicial notice taken. This information will probably be found in a probation report.

Record actual number (2 col. code)
MV = 99

Recode

0 = 0
1 = 1
2 & over = 2
MV = 99

V125 F1.0 WHETHER ONE OR MORE OFFENSES

Single offense at intake 1
Multiple offense at intake 2
MV 9

The number of offenses at intake does not always agree with the number of charges coded in variables 130-132. The information on charges was obtained at two steps to compare original number of charges with the number at adjudication. Number of charges at intake usually represented what the police had charged the youth with, not intake's decision on charges.

In City 2 this information was taken from a yellow sheet filled out at intake.

In City 3 it was taken from a pink sheet filled out by intake if the youth was brought in. If it was a paper referral in Court 3 we took it from the transmittal letter from intake to diversion.

In City 4 it was taken from the form that Intake completed and then sent on to the prosecutor.

V126 F1.0 NATURE OF THE CHARGE/COMPLAINT

Delinquency petition 1
Record how the court defines the act. In the absence of such a definition code as a delinquency any indictable offense or misdemeanor.

Status complaint/petition 2
Again, how the court defines the complaint or petition. It may be a "status" offense such as runaway or incorrigibility, but if the court defines the event or case as delinquency, code "1".

IMPORTANT: Persons in Need of Supervision (PINS), Children in Need of Supervision (CINS, CHINS), Minor in Need of Supervision (MINS), may be included in this category. In some jurisdictions this type of case is classified as a Dependency or Neglect.

Family in Need of Supervision 3
A special category where the entire family situation is brought to the attention of the court. Often used in place of a CINS or Neglect petition.

Dependency or Neglect complaint/petition 4

MR (Mental Retardation)
DD (Developmentally Disabled)
MI (Mental Incapacitation) 5

Violation of Probation/Parole/Aftercare/Court
Condition of Supervision 6

Traffic 7

Other 8

MV 9

Violation of Probation was coded if that was the only charge--if this was what the petition read or if there was an administrative hearing to revoke probation. If the youth supposedly had violated probation, but was charged with a new offense, the offense was coded. An exception was youths charged with escape from an institution--it was coded VOP.

This information was taken from the petition when applicable. In the case of unofficial handling it reflects the alleged offense(s) at intake.

In City 4 status offenses were coded as "Dependency or Neglect."

V127 F1.0 DIVERSION STATUS

Youth is/was in a diversion program .....Yes .. 1
No .. 0
MV .. 9

IMPORTANT: "IS" MEANS THE CHILD IS IN A DIVERSION PROGRAM AT THE TIME OF INTAKE.

"WAS" MEANS THE CHILD WAS TAKEN OUT OF A DIVERSION PROGRAM IN ORDER TO FILE LATEST CHARGE.

IF EITHER OF THESE CONDITIONS APPLY, CODE "YES." IF THE CHILD WAS IN DIVERSION, IT ENDED "NATURALLY" AND IS NO LONGER IN DIVERSION, CODE "NO."

IF THIS CHILD HAS NEVER BEEN IN A DIVERSION PROGRAM, CODE "NO."

The youth had to have been diverted by intake from court.

V128 F1.0 NATURE OF HANDLING OF CASE

Official Handling 1
Any action leading to a judicial review of the case and the formal establishment of the jurisdictional predicate--even for a short period of time. This includes consent decrees and not guilty findings.

If the youth ever had a judicial hearing "official handling" was coded even though later the case may have been diverted.

Unofficial Handling 2
Any action less than above which leads to a nonjudicial resolution of the case. There is no formal jurisdiction exercised and no coercive sanction applied which is enforceable. Does not include consent decrees reviewed or signed by judicial officers. Includes referral to an outside agency, counsel and warn, and unofficial probation.

Diversion status 3
Case is handled on condition of entry into a diversion program, either administered directly by the court or by another agency. Coercive action can be applied if youth does not comply with terms of diversion.

Case is not handled 4
There is a record of a complaint--but intake has declined the case. Does not include counsel and warn.

MV 9

City 1 made almost all cases official.

In City 2 if the case was handled informally but the youth had to make restitution or make a donation to charity--then it was coded "Diversion." Unofficial was frequently used.

In City 3 there was a formal diversion agency and if the youth didn't meet the requirements of the diversion contract (s)he was sent back to court. Unofficial handling was seldom used.

In City 4 diversion meant a mediation program operated by the prosecutor. Youths referred to it could be sent back to court if they did not comply with the mediated decision. City 4 also frequently used unofficial handling.

V129 CONTESTED STATUS
F1.0

Contested 1
Evidence is in file to indicate that the youth denied charge or otherwise wishes to contest the allegations of the complaint or petition.

Not Contested 0
Youth admits and/or waives an adjudication (fact-finding) hearing. Includes consent decree.

MV 9

If a youth pleaded not guilty at the initial judicial hearing it was coded as "contested," even if the youth later changed his/her plea.

V130 OFFENSE CLASSIFICATION
F2.0

CHARGE #1 - CHECK ONLY ONE on 1st offense listed in order listed on the record for the date of entry.

Abortion 01
Aggravated Assault/Battery 02
Aiding and abetting (compounding a crime) 03
Alcohol (includes "minor in possession" and "public drunkeness" 04
Arson (setting nonstructural fires) 05
Arson-structural 06
Assault, Assault/Battery (not aggravated) 07
Battery 08
Bench Warrant 09
Bribery 10
Burglary 11
Contempt of Court 12
Courtesy Hold 13
Courtesy Investigation 14
Court Order Hold 15
Curfew 16
Dependency/Neglect 17
Disorderly conduct 18
Disturbing the Peace 19
Drugs (unspecified) 20
DWI-DUI 21
Escape from Custody (fleeing) 22
Extortion 23
Fighting 24
Firing a Gun 25
Forgery 26
Fraud (con or swindle) 27
Fraud (credit cards) 28
Fugitive Warrant 29
Gambling (possession of lottery tickets) 30
Glue/Paint (inhalents) 31

Grand Larceny (unspecified) 32
Hit and Run 33
Hold witness 34
Homicide 35
Incorrigibility 36
Indecent exposure 37
Information 38
Intimidation (not extortion) 39
Joyriding 40
Kidnap 41
Larceny (misc.) 42
Loitering 43
Malicious Mischief (includes "malicious destruction of public or private property and "Criminal mischief" 44
Manslaughter 45
Marijuana Possession 46
Moving vehicle violation 47
Nonmoving vehicle violation 48
Harassment and Threats 49
Obstructing (unspecified) 50
Opium-Heroin 51
Other dangerous drugs 52
Perjury 53
Petty Embezzlement 54
Pick pocket 55
Pimping 56
Possession of Burglary Tools 57
Possession of stolen property 58
Possession of stolen vehicle 59
Probation/parole violation 60
Prostitution (male and female) 61
Purse Snatch 62
Purse Snatch (no force) 63
Refusal to aid police (includes "failure to obey" and "interfering with" a police officer 64
Resisting an Officer 65
Riot and Alarm 66
Robbery (Strong Arm) 67
Robbery (Weapon) 68
Runaway 69
Sexual Assault (Attempted Rape) 70
Sexual Assault (Lewd & lacivious) 71
Sexual Assault (Molestation) 72
Sexual Assault (Rape) 73
Sexual Assault (Sodomy) 74
Shoplifting (not grand larceny) 75
Smuggling 76
Statutory Rape 77
Stolen vehicle (misc.) 78
Theft of Vehicle 79
Trespass 80

Truancy 81
Unspecified Status 82
Vagrancy 83
Tampering with an auto and auto prowl 84
Weapons (unspecified) 85
Other (includes "attempted" anything, some strange property offenses, and acting without a license. ... 86
MV 99

Offenses were coded from petitions when available. Otherwise they were coded from sources listed under V126--Nature of the Charge.

V131 F2.0 OFFENSE CLASSIFICATION
CHARGE #2

Use same list and code second offense listed on record for date of entry. If there is no record, offense code "99".

V132 F2.0 OFFENSE CLASSIFICATION
CHARGE #3

0 Use same list and code third offense listed on record for date of entry. If there is no record, offense code "99".

V133 F2.0 COURT FINDING AND ADJUDICATION ON CHARGE #1

IMPORTANT: FOR CODES 01 - 08, MUST HAVE CODED "1" ON V128.

Finding of delinquency/true finding 01

Finding of CINS, PINS, etc. 02

Finding of not true, charges dismissed 03

Finding of "hold" under advisement--"continuance pending adjustment" 04

Waiver to adult court 05

Unspecified continuance 06

Held for examination 07

Nothing recorded on the establishment of jurisdiction but a disposition is entered after formal hearing 08

No official court finding--case was disposed of unofficially--MUST HAVE CODE "2" "3", "4" or "9" in Variable 128 09

Plea bargained 96

Other 97

Nolle prosse 98

MV 99

The "Other" category includes "filed directly in adult court" and "charges dropped by complainant after arraignment."

V134 F2.0 COURT FINDING ON CHARGE #2
Check V131

V135 F2.0 COURT FINDING ON CHARGE #3
Check V132

Recode

01, 02, & 96 = 01
03 = 03
04, 06, & 07 = 04
05 = 05
08 = 08
09 = 09
98 = 98
99 = 99

V136 F1.0 IS YOUTH UNDER OPERATIONAL SUPERVISION OF COURT AT TIME OF INTAKE

Includes formal Probation/Parole and/or supervision by court or executive agency .....Yes .. 1
No .. 0
MV .. 9

Interpret Violation of Probation or Court Order on "Yes"(1). If no record found of being on supervision and record seems complete, code "No"(0). If records are missing which would have this information, code "MV"(9).

The definition was broadened to include youths presently involved with the court on other charges, being processed separately from the charge(s) we were following. It does not include youths under the court's supervision as a dependent or neglected child.

V138 NOTICE OF APPEAL
F1.0

Yes 1
No (MV) 0

V139 NOTICE OF UNUSUAL LEGAL ACTIVITY
F1.0

Indicate yes if special court motions are on record (e.g., motion to suppress evidence).

Yes 1
No (MV) 0

SPECIFY ON ANSWER SHEET

Includes motions to suppress, to dismiss, depositions, etc.

V140 DATE OF APPREHENSION

This is the date that the youth was arrested or a complaint was made. We added this variable to have a more precise idea of the processing time on paper referrals. Cities 3 & 4 were the two places where this data was collected because of the delay between apprehension and intake activity on paper referrals.

END