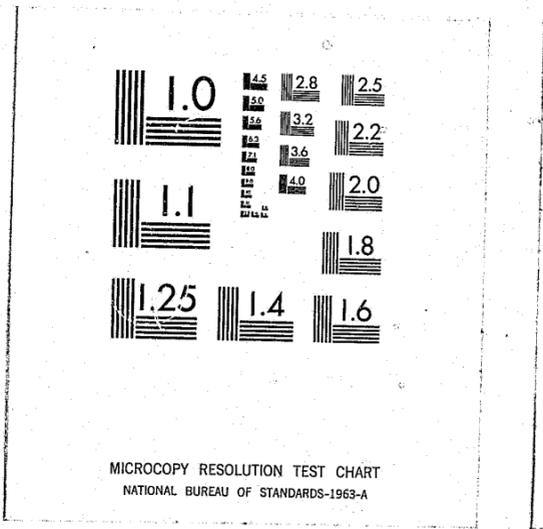


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Juvenile Dispositions

Social and Legal Factors Related to the Processing of Denver Delinquency Cases



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**JUVENILE DISPOSITIONS:
Social and Legal Factors Related to the
Processing of Denver Delinquency Cases**

by **Lawrence E. Cohen**
Research Analyst

CRIMINAL JUSTICE RESEARCH CENTER
Albany, New York

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THE UTILIZATION OF CRIMINAL JUSTICE STATISTICS Project was funded initially in 1972 by the National Criminal Justice Information and Statistics Service of the Law Enforcement Assistance Administration. One primary aim of the project is the production of annual editions of the Sourcebook of Criminal Justice Statistics, a compilation of available nationwide criminal justice statistical data. A second aim has been and continues to be an examination of the utility that a variety of criminal justice statistical data bases have for addressing questions of practical and theoretical interest in the field.

One product of that examination is a series of analytic reports, of which this volume is one. These reports, written by research staff members of the Utilization of Criminal Justice Statistics Project, all have a common theme: the discussion of a central criminal justice topic using an exemplary or innovative criminal justice data base. Each report in the series not only discusses substantive findings in regard to particular issues, but also considers the qualities and limitations of the data, as well as techniques and problems of analysis, in relation to the substantive findings.

At a time when criminal justice statistics development is extensive, and often expensive, these analytic reports focus attention on one often overlooked function of criminal justice statistics—the analysis of current issues and questions based on available data. In fact, the utilization issue is perhaps as important as any in the area of criminal justice statistics. It often happens that data are collected—usually at great expense—without subsequent efforts to utilize such data to address the pressing problems that confront criminal justice. This series of Analytic Reports explores the problems and prospects inherent in the application of various sources of criminal justice statistical data to issues of interest and concern to agency personnel, planners, researchers, and the public alike.

**MICHAEL J. HINDELANG
Project Director**

PREFACE

THIS ARTICLE IS THE THIRD in a series of papers that address issues concerning the processing of juvenile offenders. The series of papers on juvenile processing (listed inside the front cover) uses data collected on juvenile court dispositions in Denver during 1972. These data are perhaps one of the most comprehensive sources of information on juvenile court dispositions presently available. The quality of the Denver information makes it possible to assess the importance of variables of two general types—legal and status—in the disposition of juveniles. A variety of appropriate statistical techniques and controls are applied.

In this article, we attempt to discover the variables or combinations of variables that most substantially account for the variation in the severity of the dispositions accorded to juveniles.

The author is greatly indebted to a number of individuals whose assistance and cooperation greatly facilitated this research and would like to express gratitude to Betty White, Director of Intake for the Denver Juvenile Court, and Anthony Pasciuto, Tom Giacinti, and John Carr of the Denver Anti-Crime Council for their assistance and cooperation in securing the data utilized for these studies, and in arranging interviews with court personnel.

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JUVENILE DISPOSITIONS: SOCIAL AND LEGAL FACTORS RELATED TO THE PROCESSING OF DENVER DELINQUENCY CASES

Introduction

THE IMPORTANCE OF THE COURTS in our society as the institution with the final and formal power to determine the legal status of its clients cannot be underestimated. The courts can be viewed as the final stage in the processing of offenders, whereby the deviant label attached to persons at earlier stages (by police, probation officers, district attorneys, etc.) is either confirmed or rejected. Because of the enormous power granted the judiciary, elaborate procedural rules have been carefully derived from principles in the constitution in order to protect the rights of those accused of violating the law. Until very recently, however, the question of whether these rights or guarantees extend to juveniles had been ignored by the high courts, even though the constitution specifies no age distinctions. The growing realization of the inequities imposed upon juveniles because of the "therapeutic goals" of the traditional juvenile court model has given impetus to a recent trend by the Supreme Court of granting juveniles more of the same procedural safeguards guaranteed adults in their criminal proceedings.¹

¹See, for example, in re *Gault*, 387 U.S. 1 (1967); *Kent v. United States*, 383 U.S. 541 (1966); and in re *Winship*, 397 U.S. 358 (1970).

Obviously, the juvenile court is of critical importance to both the juvenile before it and to the juvenile justice system itself. Yet as important as this institution is, juvenile courts have rarely been the objects of systematic study. Little reliable knowledge is available regarding the factors that impinge upon court practices or the information upon which court decisions are based. It will be the object of this monograph to examine data from a large juvenile court in an attempt to discover and clarify the structural parameters within which this court operates.

If this objective can be achieved, if variables critical to the decisionmaking process can be identified, and this process can be clarified, then perhaps it will be possible to ascertain if the court's operation is consistent with its avowed philosophy. That is, it may be possible to determine if the framework under which a particular court operates represents a process whereby clients are treated according to the merits of their cases, or on the other hand, if the court represents a system that systematically accords the most severe treatments to the less powerful groups in our society, a possibility that has often been suggested (Martin, 1970; Chambliss and Siedman, 1971; Schur, 1973).

The purpose of this paper will be to determine the extent to which the social biographies and personal attributes of juveniles, as opposed to "legally relevant"

variables (such as prior record, severity of offense, etc.) account for the variation in the nature and severity of the treatment meted out in Denver, Colorado, which has a relatively large metropolitan juvenile court. The data collected by this court are among the most comprehensive in the country. For each child brought before the court, a case history record is compiled that contains detailed information regarding the juvenile's age, sex, ethnicity, and the Denver census tract in which he or she resides. This record also contains information relating to a host of other variables, such as the type of offense for which the juvenile was apprehended, the agency that referred the child to the court (police, school, welfare, etc.), data concerning prior juvenile court record, parents' income and marital status, home situation, and whether the child is in school, working, or idle. Finally, this record contains information concerning the types of "treatment" the child receives from the court. The case history record notes whether or not the child was held in detention, whether the child's case was treated informally or handled formally by the filing of a petition, and the type of final case disposition accorded by the court.

The selection of the Denver Juvenile Court for analysis will allow us to examine the nature of an important facet of contemporary American justice. We will be able to examine the structure and processes of a juvenile court that largely adheres to a due process model when processing and adjudicating alleged juvenile offenders. Let us now look at some of the characteristics of the city of Denver and its juvenile justice system.

The Research Setting²

The 1970 census lists Denver as the 25th most populous city in the United States, with an estimated 515,000 residents. Of this population, 31 percent were younger than 18, and thus, came under the jurisdiction of the Denver Juvenile Court. The city's ethnic composition was mainly white (89 percent), followed by black (9 percent) and "others," a residual category (2 percent). Of the city's white population, approximately 18 percent were classified by the census as persons of "Spanish heritage."

The median family income in Denver was \$9,650 during 1969. However, "Spanish heritage" and black

²The following material was also presented in an earlier report (see *New Directions in Processing Juvenile Offenders: The Denver Model*). Readers familiar with the earlier report may wish to skip directly to the Review of the Literature section.

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families earned median incomes of \$7,323 and \$7,278, respectively. The median educational level for those in Denver over the age of 25 was 12.5 years. Blacks had a median educational level of 11.0 years; their "Spanish heritage" counterparts, slightly less (10.0 years). Thus, less than half of the city's blacks and "Spanish heritage" people were high school graduates.

Official crime statistics indicate that approximately half of all reported crimes in the State of Colorado occurred in the County and City of Denver, though only one-fourth of the state's population resided in this geographic area.³

According to a recent analysis by the City and County of Denver (1972), the greatest proportion of serious crimes in Denver occur in census tracts that had: 1) the greatest increase in recipients of aid for dependent children; 2) the greatest percentages of those on welfare; 3) the greatest proportion of the population younger than 18; 4) the greatest percentage of those living in overcrowded housing; 5) the greatest population density; 6) the greatest number of public housing facilities; 7) the greatest percentage of rental housing; and 8) the greatest percentage of minority residents.⁴

Reports compiled by the metropolitan Denver Police Department's Crime Information Service indicate that of all those arrested in Denver for index crimes in 1972, more than half were juveniles. As a result of the substantial involvement of juveniles in illegal activities, the city of Denver is forced to rely heavily on its juvenile justice system for the processing of apprehended offenders.

The Denver Juvenile Court

The Denver Juvenile Court was first authorized by the Colorado State Legislature in 1903. However, in 1899 Judge Ben Lindsey was instrumental in guiding through the legislature laws that provided for a special court for handling "disorderly" Denver juveniles. Such persons were identified under a Colorado school law as:

Every child... who does not attend school... or who is in attendance at any school and is vicious, incorrigible or immoral in conduct, or who is an habitual truant from school, or who habitually wanders about the streets during school hours

³See City and County of Denver, *Crime Reduction: High Impact Crime Program*, 1971, p. 22.

⁴*Supra* note 3, p. 25.

without any lawful occupation or employment, or who habitually wanders about the streets in the night time.⁵

Although this court was supposed to provide treatment for juveniles who habitually misbehaved at school, Lindsey deliberately extended this enactment to include all children of school age. Hence, as of April 12, 1899, all Denver children of school age who came in contact with the courts were being handled by this special court.⁶ This led Lindsey to claim that his was the first juvenile tribunal in the country, thereby predating the Cook County Court by several months. Today, the Denver Juvenile Court maintains its innovative traditions and closely mirrors the adult processing system with respect to the requirements of due process.⁷

At the time our data were collected, the Denver Juvenile Court had two full-time judges and two full-time referees to preside over hearings. These judges and referees were assisted by the Juvenile Probation Department, which conducted pre-disposition investigations on the background of juvenile offenders and made recommendations to judges regarding final dispositions. At the time of the observations for the present research, there were 20 juvenile counselors working under the court's direction, each of whom had an average caseload of approximately 43 juveniles.⁸

In 1972, the Denver Juvenile Court processed 5,700 complaints against children who had allegedly violated laws or statutes pertaining specifically to juveniles. In addition, the court also handled over 5,000 matters concerning dependency and neglect cases, adoptions, paternity suits, and consents to wed among juveniles. Our concern in this report will be limited to the processing of the 5,700 delinquency referrals. Of these juvenile court delinquency referrals, 88 percent came to the court's attention through the Denver Police Department; the remaining 12 percent of the complaints were forwarded through school and welfare agencies or parents who felt unable to control their children.

Given the large volume of cases appearing before the Denver Juvenile Court, the time required to process cases is considerable. For example, in 1972, because of

⁵See Philip B. Gilliam, *The Story of Judge Ben B. Lindsey* (Mimeo: Denver Juvenile Court, 1969).

⁶*Supra* note 5, p. 4.

⁷See Cohen, 1974, pp. 51-82.

⁸These figures were supplied by the Denver Anti-Crime Council.

the number of backlogged cases, it took an average of 76 days from the time a case reached the intake division of the court until a decision was made as to whether a petition should be filed, whether the child should be placed under informal supervision, or whether the case should be referred to some outside agency. This time period was even longer for the cases that were finally brought to the attention of juvenile court judges. In 1972, cases that reached the court in which the child admitted guilt required, on the average, 130 days until termination, but those adjudicated cases that were contested averaged 211 days from the time the complaint was received until it was disposed of by the court.

In order to obtain the information necessary to describe the manner in which juveniles are processed by the Denver Court, lengthy systematic interviews were conducted with juvenile officers over a 2-week period in October 1973. Furthermore, the author observed all phases of the court's proceedings and activities during this period. A description of the screening process gathered from these interviews and observations follows.

Juvenile Processing in Denver

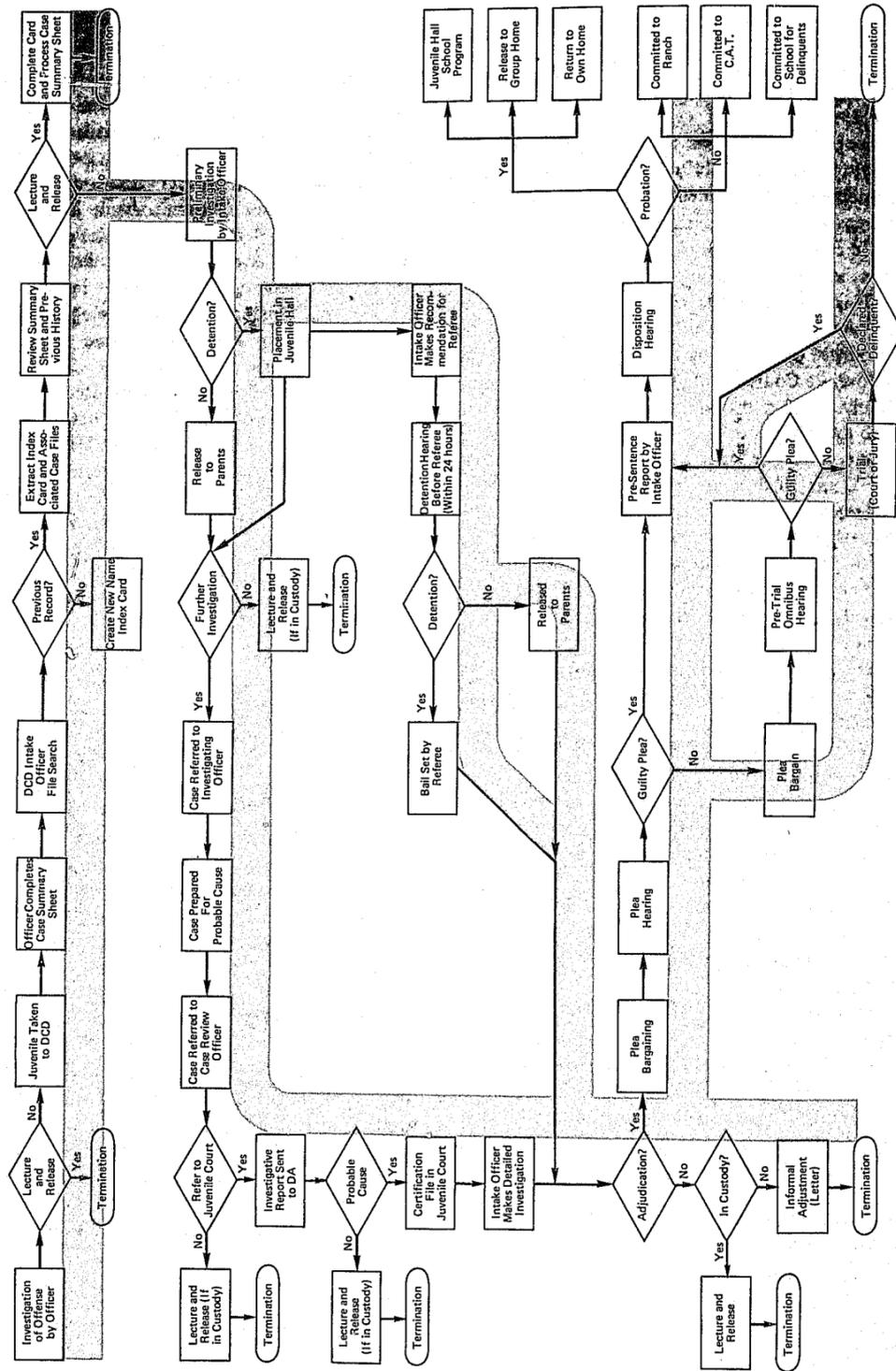
Figure 1 represents a flow chart demonstrating the various possible routes available to persons processed through the Denver juvenile justice system.⁹ As one can readily see, it is quite possible for a juvenile to go through a very involved process before his case is terminated. Though space limitations preclude a systematic explanation of all these various routes, we will attempt to succinctly summarize the key processes involved in this system by describing the activities of the functionaries involved in the Denver system of juvenile justice.

The Delinquency Control Division

The juvenile justice process in Denver generally begins with the investigation of an offense by a policeman in the field. If a juvenile is apprehended for the commission of an offense, the investigating officer (invested with the power of discretion) can release the child on the spot, release him or her subsequent to a lecture, or refer the suspect to the Delinquency Control

⁹The author is indebted to John Carr of the Denver Anti-Crime Council for his assistance in the preparation of Figure 1.

FIGURE 1. JUVENILE PROCESSING IN DENVER



Division unit of the Denver Police Department. In the city of Denver, all juveniles referred by the police are brought to the central office of the Delinquency Control Division (D.C.D.), which is a special section of the Denver Police Department that deals exclusively with juvenile offenders.

Once a child is referred to the D.C.D., his parents or guardians are immediately notified of his apprehension and are requested to appear as soon as possible at the General Office. The child is not advised of his rights until his parents, guardians, and/or attorney are present.

The D.C.D. intake officer will search the files to determine if the suspect has a previous record. This officer then has the option of first lecturing and then releasing the child to the custody of his parents, thus terminating the legal process, or instigating a preliminary investigation for the possible court adjudication of the suspect.

If the intake officer decides that further legal or corrective action is warranted, and that the termination of the legal process would not serve the best interests of the child or the community, he initiates an investigation and then makes a further decision as to whether the child is to be referred to the Juvenile Hall Detention Center for subsequent official adjudication or released to the custody of his or her parents, pending treatment in a private facility or community treatment center.

When an intake officer refers the child to the juvenile court for possible official adjudication, responsibility for the subsequent processing of this juvenile is assumed by the probation department. If, however, the D.C.D. intake officer decides to release the child to the custody of his parents, pending some form of private or community treatment, he assumes the responsibility of determining the type of agency most suitable for "treating the child's problem." In cases where the parents are indigent, or the intake officer perceives the child to be in need of specialized treatment, the D.C.D. will attempt to place the juvenile in one of several agencies that cater to "troubled youths" with specific types of problems.

In situations where the juvenile's parents fail to agree to this arrangement, or the child fails to complete his treatment at one of these agencies, the youth will be subsequently referred to the juvenile court for a detention hearing and possible adjudication. If, on the other hand, the juvenile successfully completes the treatment process at one of these agencies and is not apprehended for some new offense while undergoing this treatment,

the case is terminated and no further official legal action is forthcoming.

In cases where a child is ordered to appear at a detention hearing before the juvenile court, the investigative report prepared by the D.C.D. must be sent to the District Attorney for the establishment of *probable cause* that the child committed the alleged offense. The officers involved in each case are thus under pressure to ascertain facts sufficient to warrant a finding of *probable cause*.

Probation Intake and Court Processes

Once the D.C.D. intake officer has made the decision to refer the child to the juvenile court, he must file a complaint and then transfer both the child and the complaint to the intake unit at the juvenile court facility. There, further responsibility for processing the juvenile is assumed by probation intake officers.

Within 15 days from date of issue of the complaint, an intake officer must conduct a preliminary investigation into the charges pending against the child. The Denver Juvenile Court has specified that this preliminary investigation must report detailed information regarding the following: 1) the offense committed; 2) the child's past record with the police and courts; 3) the child's school record; 4) interviews with both parents and child; 5) a deposition from the complainant; and 6) any other information that would assist the District Attorney, who must decide whether or not the filing of a formal petition is warranted.

During the intake process the child and his parents are advised of the youth's right to counsel and told that if they cannot afford to obtain a private attorney, the court will appoint counsel, free of charge, to represent the youth.

If the family is financially able, they may secure a private attorney to represent the child. If, on the other hand, the family is indigent, then all CHINS cases (children in need of supervision) are referred to the legal aid society; all remaining offense categories are assigned to a public defender.

After completion of the preliminary investigation, the probation intake officer consults with his or her supervisor, and together they may make recommendations to the District Attorney regarding the advisability of filing a formal petition. A report of this investigation is sent to the District Attorney for review and certification.

After receiving the investigative report and recommendations from the probation department, the District Attorney's Office may decide that the filing of a petition is not warranted. The case will then generally be referred back to the probation department, thus delegating the responsibility for an unofficial or informal disposition to the intake officer and the unit supervisor.

If the District Attorney's Office determines that it is in the best interests of the child and/or community that further legal action be taken, he then prepares a formal petition and files it with the Clerk's Office. The petition is then returned to the probation intake officer, who advises the parents and the child of their legal rights. The intake officer will next set the case for a plea hearing within 7 to 10 days after the filing of the petition and arrange for a summons to be served on the child and his parents requesting them to be present at this hearing. The plea hearing is attended by the child, his parents, the intake officer, a court referee, and the child's attorney. The intake officer presents the case to the referee at the plea hearing, and the child is required to enter a plea of guilty or not guilty.

If the child's plea is guilty, the intake officer gathers all pertinent information available concerning the child, his or her home situation, etc., and prepares a detailed written report, which is to be made available to the court and the child's attorney at least 48 hours prior to a dispositional hearing.

The intake officer next appears with the child and his family at the dispositional hearing, which is generally set within three weeks after the plea hearing. A disposition is then determined by the court referee.

On the other hand, if the child pleads *not* guilty at the plea hearing, the case is set for what is called an *omnibus hearing*, which will be presided over by either a judge or referee. The purpose of this hearing is to settle such pre-trial matters as: 1) the hearing of motions; 2) the determination of jurisdiction; 3) the assurance of full discovery; 4) further plea bargaining; and 5) the decision to have the case settled by either a court or jury trial. If a plea of guilty results at the omnibus hearing, a date for a dispositional hearing is scheduled within 3 weeks. If the child chooses not to plead guilty, he is given the choice of a court or jury trial to be presided over by a juvenile court judge. If the child is subsequently acquitted at the trial, his case is terminated. If he is found guilty, a dispositional hearing is set, at which time the judge will select a disposition ranging from informal supervision to incarceration in an institution.

Detention

Aside from the functions previously mentioned, the Probation Intake Unit is invested by the court with the power to determine which juveniles are to be held prior to their dispositional hearing and which are to be released to the custody of their parents or guardians. Probation department guidelines make it clear that juveniles are not to be detained simply as a disciplinary measure or while an investigation into the complaint against the child is underway. Rather, there must be strong evidence that the child represents a danger to himself or the community when a decision to detain the child is made.

Any child who is to be detained longer than 48 hours must be brought before a court referee by the intake officer for a detention hearing, at which time the intake officer will present his justification for requesting further detention of the child to the referee. The referee then has the option of confirming or denying the intake officer's request.¹⁰

Under the Colorado Children's Code, the family of a child who has been placed in detention may request bonding. If such a request is made, it is the duty of the intake officer to contact a juvenile court judge or referee, who then determines the amount of the bond.

Having described the procedures by which juveniles are processed in Denver, let us now briefly examine some previous juvenile disposition studies, which have systematically attempted to identify the variables related to the severity of treatment imposed upon youthful offenders by juvenile courts.

Review of the Literature

Our review of the delinquency literature has uncovered three studies that have attempted to ascertain the factors related to the severity of disposition accorded by juvenile courts, while systematically controlling for the possible effects of relevant extraneous variables.

The first of these studies, conducted in Racine, Wisconsin, by Robert Terry (1967), examined all juvenile court appearances between the years 1958 and

¹⁰ Referees claimed to take intake officer's recommendations under advisement, but stated that they do not hesitate to overrule this request if they believe it to be ill-advised.

1962.¹¹ At the bivariate level of analysis, Terry found the variables of race and social class to be significantly related to the severity of disposition meted out by the court. Minority group members and lower class youths were found to be slightly but consistently treated more severely.

However, after Terry controlled for the number of previous offenses and the seriousness of the act for which the juvenile was charged, this relationship disappeared, indicating that the original effect was spurious.¹² On the other hand, Terry found that the age of the juvenile and such legal variables as the seriousness of offense and the youth's prior record were positively related to the severity of disposition accorded by the court, both with and without the application of statistical controls.

In a similar study, Arnold (1971) obtained data on 758 juvenile court dispositions from a "middle-sized city" in the South. These data show that at the bivariate level of analysis, minority group members were significantly more apt to have their cases brought to the attention of the juvenile court and also to be confined in State institutions, but that no systematic difference in accorded dispositions were observed among the various social classes. Arnold also observed significant bivariate relationships between the severity of dispositions accorded and 1) the offenders' home situation,¹³ 2) the number and seriousness of prior and concurrent offenses, and 3) the delinquency rate of the census tract in which the child resided. However, even when controls were simultaneously applied for the marital status of the juvenile's parents, the seriousness of the offense, the number and seriousness of prior and concurrent offenses, and the rate of delinquency in the offender's neighborhood, there remained substantial racial and ethnic differences in accorded dispositions.

The last study reviewed is a recent analysis by Thornberry (1973) that measured the effects of race and social class on juvenile processing in Philadelphia. Using

¹¹ There was only one part-time juvenile court judge during the years under investigation by Terry; this judge devoted 2 days per week to juvenile matters. Although Terry studied the entire juvenile screening process in Racine, Wisconsin, we have reported only on his findings with respect to the 248 juvenile hearings in his data.

¹² A spurious relationship is one in which hidden factors are exerting an effect on the dependent variable, which is erroneously credited to the independent variable.

¹³ Home situation in this case referred to whether or not the child came from a broken home.

the cohort sample employed by Wolfgang *et al* (1972) in their delinquency study, Thornberry was able to determine the relative effects of several legal and nonlegal variables on the severity of disposition accorded to 1,748 male juveniles.

Thornberry's data (like Terry's) indicated significant race and class effects at the bivariate level of analysis with respect to the severity of disposition meted out by the court. Specifically, blacks and lower class youths were more likely to receive severe dispositions than were whites or higher status juveniles. The author was aware that Terry's study showed similar bivariate relationships, and that these effects vanished when the legal variables of seriousness of offense and prior record were introduced as control variables. But Thornberry reported that the initial relationships failed to disappear when these control variables were added to his analysis. Thus, Thornberry's findings support a racial and class discrimination hypothesis.

Hence, even among the more rigorous and competent empirical studies there is considerable disagreement as to which variables significantly influence the severity of the dispositions accorded by the juvenile courts. Terry's data, for example, indicate a slight positive age effect, but also indicate that the severity of disposition was most strongly related to the seriousness of offense and prior juvenile record. Arnold's data, on the other hand, suggest that minority groups, those from areas with high delinquency rates, and those from broken homes were most apt to be discriminated against, but that no systematic difference can be observed among the various social classes. Finally, Thornberry's data indicate that both race and class significantly affect the treatment meted out by the courts—that both minorities and lower class youth are discriminated against.

Methodology

As the data collected by the Denver Juvenile Court contain a large number of variables similar to those previously studied, we are able to examine the relationship between various status and legal variables and the court's decision to impose severe sanctions on youthful offenders. The categorization of most of the variables to be used in this study can be easily determined from the tables in the data analysis section. However, the measurement of social class, severity of offense, and severity of disposition require explanation.

The social class of the juvenile was estimated by an index derived from information concerning the median

family income and educational levels of the census tract in which the child resided at the time of apprehension.¹⁴

In general, those who resided in census tracts in which the median family income was \$15,000 per year or more and the median educational level was 14 years or over, were classified as "high status." Those living in tracts where the median income level was between \$7,000 and \$14,999 and the educational level was between 10 and 13.9 years were labeled as "middle status"; those whose median yearly family income was less than \$7,000 and median educational level was less than 10 years were classed as "low status."

Seriousness of offense was determined by dividing all possible offenses listed on the case history record into eight categories. A number of probation personnel, court referees, and juvenile court judges in Denver were then asked to rank these categories on a continuum from least to most severe, and the various infractions that constitute these offense types are listed below:¹⁵

- 1) **Alcohol offenses:** possession, drunkenness.
- 2) **Miscellaneous offenses:** curfew, carrying weapons, discharging firearms, disturbance, malicious mischief, filthy language, loitering, illegal possession of firearms, throwing missiles, other.
- 3) **CHINS:** behavior or condition injurious to self or others, truancy, runaway, beyond parental control.
- 4) **Drug offenses:** marijuana possession, use or sale of marijuana, possession or sale of narcotics, possession or sale of dangerous drugs, inhaling toxic vapors.
- 5) **Auto delinquencies:** joyriding, tampering, theft from auto.
- 6) **Sex offenses:** statutory rape, prostitution.
- 7) **Property offenses:** burglary, breaking and entering, auto theft, theft, fraud, forgery, shoplifting, arson.
- 8) **Violent offenses:** assault, aggravated assault, battery, manslaughter, murder, robbery, kidnapping, forcible rape.

A similar procedure was utilized to measure the severity of final disposition accorded juvenile offenders.

¹⁴The index of social class was derived by transforming income and educational levels into z-scores, adding the resulting values, and making decisions on the basis of the natural cutting points in the distribution.

¹⁵If the child was charged with more than one offense, the offense employed in the analysis was the most serious of the multiple offenses.

Probation officers, referees, and juvenile court judges were asked to separate all possible dispositions into five levels of severity ranging from least to most severe. The resulting categories and their proportional frequency of occurrence are presented below.

Severity Level 1: Juvenile counseled and matter closed (48 percent).

Severity Level 2: Informal supervision (18 percent).

Severity Level 3: Petition continued with child to receive private or special care at a facility run by the county or state (13 percent).

Severity Level 4: Formal supervised probation (18 percent).

Severity Level 5: Case transferred to adult jurisdiction or juvenile incarcerated in an institution (3 percent).

Initially, the legal and status variables in our study are cross-tabulated with the criterion variable (severity of accorded disposition); the strength of resulting bivariate relationships is called gamma.¹⁶ Gamma values vary between -1.00 and +1.00. The magnitude of the value indicates the proportionate superiority of predicting the order of the criterion variable from the order of the independent variables over guessing. For example, a gamma of .50 tells us that knowledge of the specific order of categories of the independent variable allows us to predict the order of cases on the dependent variable with 50 percent fewer errors than if we used only the ordered categories of the dependent variable as the basis for prediction.¹⁷ Gamma values $\geq \pm .20$ will be regarded here as indicative of a substantial bivariate relationship.¹⁸

We have seen from our review of the literature that the introduction of appropriate statistical controls sometimes greatly alters the findings observed at the bivariate level of analysis. Thus, after we have assessed the bivariate relationships among our data, we will employ two multivariate analytical techniques in order to determine whether multivariate relationships differ from the bivariate findings. First, we will employ a multivariate technique known as step-wise multiple regression analysis to summarize the direct independent effects of the predictor variables on the criterion when all known

¹⁶See Mueller *et al.*, 1970, pp. 288-290.

¹⁷See Mueller *et al.*, 1970, pp. 279-290.

¹⁸Although this level of magnitude is arbitrary, it has been used in previous research to indicate substantial relationships. See, for example, Empey and Lubeck, 1971, pp. 22-23.

extraneous factors and their relationships with one another have been controlled.¹⁹ Subsequently, we will utilize a technique known as Predictive Attribute Analysis (PAA) to systematically explore the indirect effects among our data. The use and interpretation of these techniques is discussed in a later section of this monograph.

Data Analysis

Earlier we presented the proportional frequency of occurrence for the various types of dispositions accorded by the court. The data indicate that almost half (48 percent) of those referred to the Denver Juvenile Court in 1972 were accorded unofficial dispositions, whereby they were counseled by intake officers and their cases were dismissed without any further action taken by the court. Almost all of these cases were disposed of by intake personnel without the consultation of referees or judges. Another 18 percent of the juveniles referred to the court in 1972 were placed under "informal supervision" by intake officers. Informal supervision means that probation officers, from time to time, will make telephone calls to the child's parents or to school officials, checking on his behavior. For the most part this type of disposition was also accorded by intake personnel upon consultation with a judge or referee.

The petitions filed against 13 percent of the youths referred to the court in 1972 were continued—that is, a judge or referee withheld a dispositional judgment while the juvenile underwent treatment at a facility the court felt was equipped to handle or treat the youth. For the vast majority of these cases, supervision by the court terminates when the child "successfully" completes this treatment.²⁰

¹⁹In order to use regression analysis in our study, the nonmetric variables in our analysis were conceptualized as dummy variables. The method by which the independent variables were dummied can be determined from the regression table in Appendix A. The dependent variable (severity of accorded disposition) was dichotomized into least severe (counseled and matter closed, informal supervision, petition continued) and most severe (formal probation, incarceration, or transfer to court of adult jurisdiction) categories.

For a discussion of dummy variables in multivariate regression analysis, see Kerlinger and Pedhazur, 1973, pp. 101-116.

²⁰For example, if a youth was referred to the court for a drug-related offense, the judge may withhold adjudication on the condition that the youth attend special drug therapy treatment at a private or public facility. If the child successfully undergoes

Formal probation was accorded to 18 percent of the youths referred to the court during the period encompassed in this study. Placing the child on formal probation means that although the child is allowed to remain in his own home, he is under the "close" supervision of a probation officer, who makes frequent home visits and periodically checks with school officials and/or the child's employer to ascertain pertinent information regarding the child's behavior. The child is frequently asked to submit written reports to the probation officer regarding his activities each month.

According to intake officers, referees, and juvenile court judges in Denver, the most serious or severe dispositions accorded to juveniles involve the child's incarceration in an institution and the transfer of the child's case to a court of adult jurisdiction in which the youth will be tried as an adult. These dispositions are usually accorded in situations where formal probation does not seem to be an adequate remedy, or where it has previously been tried and proven unsatisfactory. Only 3 percent of the youths referred to the Denver Juvenile Court in 1972 were accorded these dispositions. Hence it is obvious that the Denver Juvenile Court attempts to divert youths whenever possible away from the punitive orientation of an institutional environment.

Now that the frequency distributions of the dispositions accorded to juveniles have been identified, the various legal and social factors that appear to influence these dispositions will be explored.

Age and Severity of Disposition

The data obtained from the Denver Juvenile Court contain information regarding the age at time of apprehension and the severity of accorded disposition for 4,623 of the youths referred in 1972.²¹ The largest proportion (40 percent) of referred juveniles were 15- and 16-year-olds. The second most frequently appearing age cohort was that of the 17-year-olds, accounting for 34 percent of the referrals. Thirteen- and 14-year-olds constituted 20 percent of this total; juveniles 12 or younger were the least frequently appearing category, accounting for only 6 percent of the referrals.

treatment, then no official disposition is ever recorded. If, however, the child fails to "successfully" complete the treatment process after a pre-determined time period, he will be brought back before the judge for adjudication.

²¹Sample sizes vary from table to table because of missing values.

TABLE 3 Severity of Accorded Disposition by Ethnicity

Severity of disposition	ETHNICITY				Total
	White	Mexican-American	Black	Other	
Counseled and matter closed	51% (800)	50% (1,069)	46% (553)	43% (45)	49% (2,467)
Informal supervision	21% (331)	16% (339)	11% (130)	21% (22)	17% (822)
Petition continued	10% (164)	13% (275)	17% (203)	14% (15)	13% (657)
Formal probation	15% (244)	19% (396)	21% (255)	20% (21)	18% (916)
Case transferred to adult court or incarceration	3% (41)	2% (51)	5% (55)	2% (2)	3% (149)
Total	32% (1,580)	42% (2,130)	24% (1,196)	2% (105)	100% (5,011)

Gamma = .09 Missing cases = 689.

accorded by Denver Juvenile Court officials at the bivariate level of analysis. This conclusion is supported by the gamma coefficient of Table 3 (.09), which is below the minimum needed to establish the presence of a substantial bivariate relationship in this study.

Socioeconomic Status and the Severity of Accorded Disposition

The data permit us to examine the relationship between socioeconomic status and the severity of accorded disposition for 4,564 youths referred to the juvenile court in 1972.

As we stated earlier, the socioeconomic status of juveniles referred to the Denver Juvenile Court was estimated by census information about the median family income and educational levels of various census tracts. Using these variables as indicators of socioeconomic status is certainly not unusual in delinquency research (Shaw and McKay, 1929; Schmid, 1960; Mead, 1973; Thornberry, 1973). However, the results of this task were surprising in relation to the findings of other studies. According to our operational definitions of various status levels in Denver, approximately one-fifth

of the city's census tracts are classified as high status, about half as middle status, and about one-third as lower status. Interestingly, only 50 percent of those referred to the juvenile court in 1972 were classed as lower status, a lower proportion than that usually found in delinquency studies utilizing official data.

A surprisingly large proportion of referrals were classified as middle status offenders (44 percent). High status referrals accounted for only 6 percent of the total. Hence, our data show that the proportion of lower status offenders is much smaller, the percentage of middle status offenders much higher, and the proportion of high status juveniles about the same as that which is usually found to exist in other ecological studies using official sources of data (Gibbons, 1970:104).

Table 4 shows the bivariate relationship between the socioeconomic status of the census tracts in which those referred to the Denver Juvenile Court in 1972 resided and the severity of accorded disposition. As was the case with ethnicity, the individual cell distributions in this table fail to reflect any notable differences in the types of disposition accorded to various socioeconomic status groups. The gamma value of this table (-.01) also fails to demonstrate the presence of any substantial relationship

TABLE 4 Severity of Accorded Disposition by Socioeconomic Status

Severity of disposition	SOCIOECONOMIC STATUS			Total
	High	Middle	Low	
Counseled and matter closed	39% (160)	31% (1,034)	51% (1,167)	52% (2,361)
Informal supervision	11% (29)	9% (177)	14% (314)	12% (520)
Petition continued	14% (39)	16% (315)	13% (301)	14% (655)
Formal probation	12% (33)	20% (413)	19% (437)	19% (833)
Case transferred to adult court or incarceration	4% (10)	4% (78)	3% (57)	3% (145)
Total	6% (271)	44% (2,017)	50% (2,276)	100% (4,564)

Gamma = -.01 Missing cases = 1,136.

between status groups and the severity of "treatment." Thus, we conclude that at the bivariate level of analysis, there was no substantial relationship between these variables.

Family Stability and Severity of Accorded Disposition

Our data contain information regarding the relationship between the child's home situation and the severity of accorded disposition of 4,436 of the juveniles referred to the court in 1972. In this study a disrupted home is defined as one in which the child does not reside with both of his natural parents. The influence of a disrupted homelife on the severity of disposition accorded by the juvenile court is frequently suggested in the work of many writers (Schur, 1973:126). The contention is usually that juveniles who are from disrupted homes are more often accorded severe treatment by the court than are their counterparts from intact homes.²³ Using the percentage of children in Denver younger than 18 living

²³ Although many "intact" homes are by no means stable, and conversely, many "disrupted" homes are indeed stable, the data are inadequate to make such distinctions. However, it has

with both parents as a rough measure of the proportion of intact homes, we found that according to the 1970 census, 22 percent of youths younger than 18 were living in disrupted homes.

Our data indicate that 63 percent of the juveniles referred to the Denver court in 1972 were from disrupted homes. Hence, those from disrupted homes appear to have been greatly overrepresented among the 1972 court referrals.

The bivariate relationship between family stability and the type of disposition accorded by the court is presented in Table 5. The distribution of cases across the individual cells of this table is proportionate. In fact, the most substantial difference presented in this table concerns the proportion of those from intact homes who are counseled and then released (52 percent) in comparison to those from disrupted home situations who receive identical dispositions (43 percent). All other dispositions are evenly distributed among those from intact and disrupted homes.

been suggested by writers such as Schur (1972:126) that children from broken homes are more often stereotyped by juvenile court officials as coming from unstable home environments.

TABLE 7 Severity of Accorded Disposition by Number of Prior Court Referrals

Severity of disposition	NUMBER of PRIOR COURT REFERRALS				Total
	0	1	2-4	5+	
Counseled and matter closed	51% (1,092)	43% (353)	48% (533)	56% (406)	50% (2,384)
Informal supervision	26% (554)	12% (101)	6% (63)	4% (33)	16% (751)
Petition continued	12% (252)	19% (152)	14% (155)	9% (62)	13% (621)
Formal probation	10% (209)	24% (197)	29% (322)	22% (157)	18% (855)
Case transferred to adult court or incarceration	1% (11)	2% (15)	3% (36)	9% (66)	3% (128)
Total	45% (2,118)	17% (818)	23% (1,109)	15% (724)	100% (4,769)

Gamma = .15 Missing cases = 931.

have been well known to the police. It is quite possible that had we also had this information concerning the number of previous police contacts on the youth's record, we too would have found a substantial relationship between prior record and severity of accorded disposition. However, on the basis of the information available to us, we are able to conclude that the number of times the child had previously been referred to the court was not substantially related to the criterion at the bivariate level of analysis.

Seriousness of Offense and the Severity of Accorded Disposition

The data provide information concerning the relationship between the rated severity of the offense (see "Methodology" section) for which the juvenile was charged and the severity of accorded disposition for 5,127 of the youths referred to the court in 1972. From "least" to "most" severe, these offense types and their proportional frequency of occurrence were: 1) alcohol offenses (2 percent); 2) miscellaneous offenses (17 percent); 3) CHINS (12 percent); 4) drug offenses (11

percent); 5) auto delinquency (13 percent); 6) sex offenses (1 percent); 7) property offenses (34 percent); and 8) violent offenses (10 percent).

Table 8 presents the bivariate relationship between the seriousness of offense (as ranked by intake officers, referees, judges) for which the child was charged and the severity of accorded disposition. Surprisingly—in light of the importance ascribed to this variable in previous studies—the severity of offense does not appear to have been substantially related to the criterion (gamma = .15) at the bivariate level of analysis.

Though an examination of the individual cells within this table generally shows that more severe dispositions were accorded to those who allegedly committed the most serious offenses, many inconsistencies exist with respect to the relationship between severe dispositions and serious offenses. Especially noteworthy is the small proportion of CHINS counseled and then released in relation to the proportion of those charged with more serious offenses who were accorded this type of disposition.

Interestingly, previous studies (Terry, 1967; Thornberry, 1973) report that the seriousness of offense for

TABLE 8 Severity of Accorded Disposition by Seriousness of Offense

Severity of disposition	SERIOUSNESS OF OFFENSE								Total
	Alcohol	Misc.	CHINS	Drugs	Auto	Sex	Property	Violent	
Counseled and matter closed	88% (78)	72% (653)	3% (20)	66% (373)	45% (292)	26% (10)	52% (901)	40% (216)	50% (2,543)
Informal supervision	4% (4)	11% (98)	62% (374)	11% (63)	11% (69)	10% (4)	11% (195)	5% (28)	16% (835)
Petition continued	4% (4)	8% (69)	8% (51)	11% (64)	18% (119)	29% (11)	13% (230)	24% (131)	13% (679)
Formal probation	4% (4)	7% (57)	24% (147)	11% (64)	22% (145)	24% (9)	21% (357)	23% (128)	18% (921)
Case transferred to adult court or incarceration	0% (0)	2% (15)	3% (15)	1% (3)	4% (24)	11% (4)	3% (47)	8% (41)	3% (149)
Total	2% (90)	17% (902)	12% (607)	11% (567)	13% (649)	1% (38)	34% (1,730)	10% (544)	100% (5,127)

Gamma = .15 Missing cases = 573.

which the youth has been apprehended becomes less important in the accordance of severe sanctions as one moves through the juvenile justice system. That is to say, the association between the seriousness of offense and the type of disposition accorded to juveniles was found to be greatest at the police level of screening and least at the juvenile court level (Thornberry, 1973:44). This finding is somewhat supported here, although we have no information about police referral patterns. Our data show that the seriousness of offense was more strongly related to the decision to file a formal petition (gamma = .32),²⁴ a form of screening, than to the severity of final disposition (gamma = .15).

In any event, there appears to have been a positive but nonsubstantial relationship at the bivariate level of analysis between the seriousness of the offense allegedly committed by the youth and the severity of the disposition eventually accorded by the court.

²⁴ This table is not shown here. For a complete discussion of this relationship, see Cohen, 1974, pp. 181-182.

Type of Referral Agency and the Severity of Accorded Disposition

According to our data, 88 percent of the 5,109 juveniles for whom we have information were referred to the court by the police. The relationship between the severity of dispositions meted out by social control agents to juveniles and the type of agency which initiated the referral has, to the best of our knowledge, been largely unexplored. As our data allow us to observe this relationship, we will consider it in our study. Referrals by welfare agencies, parents, or school officials will be classified as miscellaneous referrals.

In Table 9 we present the bivariate relationship between the type of agency by which those appearing before the juvenile court were referred and the severity of accorded disposition. It appears that the agency of referral is substantially related to the disposition at this level of analysis. The gamma value of Table 9 (-.41) indicates that in general, those referred to the court by miscellaneous agencies were more often the recipients of severe dispositions (notably, formal probation) than were those directed to the court by the police.

TABLE 9 Severity of Accorded Disposition by Type of Referral Agency

Severity of disposition	TYPE OF REFERRAL AGENCY		
	Misc. agency ^a	Police	Total
Counseled and matter closed	6% (33)	55% (2,490)	50% (2,523)
Informal supervision	61% (376)	10% (456)	16% (832)
Petition continued	8% (51)	14% (628)	13% (679)
Formal probation	22% (137)	18% (787)	18% (924)
Case transferred to adult court or incarceration	3% (17)	3% (134)	3% (151)
Total	12% (614)	88% (4,495)	100% (5,109)

Gamma = -.41 Missing cases = 591.

^a Includes school officials, welfare agents and parents.

An obvious discrepancy in the dispositions accorded to individuals referred by these two sources can be found among those receiving the two least severe dispositions. Only 6 percent of those referred to the court by miscellaneous agencies were counseled and released, but 55 percent of those referred by police were accorded this disposition. This pattern is reversed among those placed under informal supervision: 61 percent of those referred by miscellaneous agencies were given this disposition as opposed to only 10 percent of those directed to the court by the police. Perhaps the control of available extraneous variables will help clarify this relationship.

In sum, at the bivariate level of analysis, the source of the court referral appears to have a substantial influence on the severity of the disposition accorded juveniles. Specifically, those who arrived before the court via miscellaneous agencies were generally accorded more severe dispositions than those referred by the police.

Detention Decision Outcome and the Severity of Accorded Dispositions

The data provided by the Denver Juvenile Court permit the assessment of the relationship between the detention decision outcome and the severity of accorded disposition for 4,567 of those referred in 1972. Our data indicate that 23 percent of those for whom we have information were detained prior to adjudication.

Table 10 indicates the relationship, which is maintained in each cell of the bivariate table for the detention decision outcomes and the severity of dispositions accorded by the court. Those juveniles who were detained were significantly more apt to be accorded the more severe dispositions than were those who were released without being detained. Specifically, those who were released without detention were considerably more apt to have been accorded the two least severe dispositions (counseling and informal supervision). An almost equal percentage of those released without being de-

TABLE 10 Severity of Accorded Disposition by Detention Decision Outcomes

Severity of disposition	DETENTION DECISION OUTCOME		Total
	Not detained	Detained	
Counseled and matter closed	51% (1,780)	39% (419)	48% (2,199)
Informal supervision	19% (689)	5% (55)	16% (744)
Petition continued	14% (492)	13% (139)	14% (631)
Formal probation	15% (514)	34% (357)	19% (871)
Case transferred to adult court or incarceration	1% (32)	9% (90)	3% (122)
Total	77% (3,507)	23% (1,060)	100% (4,567)

Gamma = .35 Missing cases = 1,133.

tained and those placed under the protective custody of detention had their petitions continued pending treatment, but those who were accorded the two most severe types of dispositions (formal probation and transfer to an adult court or incarceration) were considerably more apt to have been detained prior to these dispositions.

The gamma value of this table (.35) is in excess of that needed to establish the existence of a substantial relationship; it thus appears that the decision to detain the child made at an earlier stage of processing is substantially related to the disposition accorded at a later stage. However, we must caution the reader that it is possible that this finding is spurious. That is, it may well be that youths are both detained and accorded severe dispositions for some other reason(s) that are not indicated by the simple bivariate level of analysis. It is hoped that the multivariate techniques to be applied later will clarify this relationship.

Case Treatment and the Severity of Disposition

The decision to handle a case informally or formally by a petition is made by intake personnel and the District Attorney's office. When these parties agree that the juvenile's case should be handled informally, the youth is almost certain to be counseled and then released or placed under informal supervision. However, if a formal petition is filed against the youth, the final disposition of his case will be accorded by a referee or judge, who almost always selects a "treatment" from one of the three most severe types of dispositions (petition continuation, formal probation, and case transfer or incarceration).

Table 11 presents the relationship between the final dispositions accorded to juveniles referred to the court in 1972 and the manner in which their cases were

TABLE 11 Severity of Accorded Disposition by Manner of Case Treatment

Severity of disposition	MANNER OF CASE TREATMENT		Total
	Informal	Formal	
Counseled and matter closed	73% (2,440)	0% (5)	48% (2,445)
Informal supervision	27% (898)	0% (3)	18% (901)
Petition continued	0% (11)	39% (681)	13% (692)
Formal probation	0% (11)	53% (925)	18% (936)
Case transferred to adult court or incarceration	0% (8)	8% (145)	3% (153)
Total	66% (3,368)	34% (1,759)	100% (5,127)

Gamma = .99 Missing cases = 573.

handled. As we would expect, the gamma value of this table is quite substantial (.99), indicating an almost perfect relationship. Perhaps the most surprising finding is that a few juveniles (less than 1 percent) appear to be accorded severe dispositions without benefit of a formal hearing. Eleven youths were apparently placed on formal probation without having a formal petition filed against them. Our data also disclose that eight juveniles were either transferred to courts of adult jurisdiction or incarcerated in an institution without a formal hearing.²⁵

On the other hand, of those youths whose dispositions are accorded by referees or judges after the filing of a formal petition, less than 1 percent were granted one of the two least severe dispositions, whereas 39 percent had their cases continued pending treatment, 53 percent were placed on formal probation, and 8 percent

²⁵ Further inspection of the data disclosed that these eight youths were older, frequent, and serious offenders who were immediately transferred to courts of adult jurisdiction before petitions were filed against them.

were incarcerated in a juvenile institution or had their cases transferred to a court of adult jurisdiction.

Summary of the Bivariate Relationships

The analysis of the bivariate relationships has indicated that children referred to the court by agencies other than the police, those who were detained prior to adjudication, and those who had formal petitions filed against them were substantially more apt to have been accorded a more severe disposition (the criterion variable) than were their peers. Curiously, the number of previous court referrals and the seriousness of the offense with which a youth was charged were not found to relate substantially to the criterion; in contrast, previous studies found these variables were an important consideration, influencing the type of disposition accorded to children referred to the courts which had been studied. Ethnicity, socioeconomic status, and other "status" variables also appear not to have been associated with the severity of accorded dispositions at the bivariate level of analysis.

Multivariate Findings

As we have previously indicated, the analysis of relationships when attributes are considered one at a time in relation to the criterion often fails to provide the researcher with a complete or accurate picture of the interrelationships that occur within the data. Therefore, it is often necessary to employ statistical procedures that will allow for the assessment of the independent effects of each of the attribute variables on the criterion, while controlling simultaneously for the effects of the remaining variables. To accomplish this purpose, we employed step-wise multiple regression analysis.²⁶ Furthermore, it is often the case that relationships are not independent, but result from the interaction of variables; in which case linear regression procedures would fail to uncover these effects. To investigate the possibility that interaction effects occur within the data, we also utilized a procedure called Predictive Attribute Analysis (PAA).²⁷

The results of the regression analysis differ considerably from those observed through the tabular presentations at the bivariate level of analysis. For heuristic purposes, we will arbitrarily define beta weights equal to or exceeding ±.10 as indicative of substantial relationships. (For a summary of the relative magnitude of these beta weights, see Appendix A.) The multivariate findings indicate (in order of relative magnitude), that only the independent effects of 1) the filing of a formal petition (B = .373) and 2) the number of previous court referrals (B = .111) were found to be substantially related to the

criterion when all known extraneous factors were controlled. Hence, when statistical controls were entered into the analysis, the type of referral agency and the detention decision outcome were found not to relate substantially with the severity of the accorded disposition, as was the case for the relationship observed at the bivariate level, where tabular presentations were utilized to measure effects. On the other hand, the regression analysis indicated that although the direct effect of the number of previous court referrals is apparently masked at the bivariate level of analysis, it is substantially related to the criterion when other variables were controlled.

As we have previously mentioned, the fact that regression analysis identifies only direct (linear) relationships makes it necessary for us to employ a multivariate technique, which will allow us to systematically uncover the indirect effects of variable or interaction patterns that occur within the data. To accomplish this purpose, we used PAA. Indeed, the use of this technique uncovered the presence of a great deal of interaction within the data (see Appendix B).

Like the regression analysis, our use of PAA indicated that the case treatment decision (the decision to file a formal petition) explained the greatest amount of variation in the severity of accorded dispositions. Of those 1,759 juvenile cases handled formally by the filing of a petition, 61 percent received the most severe dispositions (formal probation, incarceration, or transfer to an adult court), but only 0.5 percent of those (3,368)

under analysis. Hohenstein (1969:140) outlines the rationale behind this procedure:

The process divides the sample through a series of (splits) into a set of mutually exclusive and exhaustive subsets. The basic idea in the procedure is the sequential segregation of subgroups, one at a time, so as to arrive at a set of subgroups which will best be able to reduce the error in predicting the dependent variable. At any stage in the branching process, the set of groups developed at that point represents the best possible scheme for predicting the dependent variable in that sample from the information available.

Although PAA is generally performed with dichotomous variables, we employed both dichotomous and polychotomous variables. This alteration does not change the basic logic of this analytic tool.

When utilizing PAA, pre-determined splitting and stopping rules are needed. The splitting rule establishes which subdivisions are to be performed; the stopping rule indicates when the subdivision process is to be terminated. Our splitting rule was based on the selection of the variable that had the maximum Kendall's tau association with the criterion. For a subdivision to be made, the tau value must have equaled or exceeded ±.10. With respect to our stopping rule, the analysis terminated when the number of cases in a cell was less than 100.

²⁶ In step-wise multiple regression each variable is entered separately into the equation, whereas in a traditional multiple regression solution, all variables are entered simultaneously. The resulting equation takes the following form:

$$Y = a + b_1X_1 + b_2X_2 + \dots + b_kX_k + e$$

Where: Y represents the dependent variable
a is a constant
b₁...b_k are least square regression coefficients
X₁...X_k represent various predictor variables such as age, sex, and race.
e is the residual error term representing unknown variation.

With step-wise multiple regression each variable is entered on the basis of its ability to account for the greatest amount of variation in the criterion. Hence, this procedure enters variables into the equation on the basis of their ability to increase the explanatory (predictive) power of the equation. The R² which results from these two types of regression analyses have similar interpretations.

²⁷ With PAA our main concern is with the classification of individuals by either the presence or absence of certain characteristics or attributes related to the particular dependent variable

youths whose cases were treated informally received severe dispositions. Among those who were accorded formal petitions, the number of prior court referrals was found to be the next most substantially related variable to severe disposition rates. The proportion of juveniles within this group accorded the most severe dispositions increased directly with the number of times they had previously been referred to the court. The data indicated that 46 percent of the (466) juveniles formally petitioned but having no prior court referrals were accorded the most severe dispositions, whereas 59 percent of (359) comparable youths with one, 69 percent of those (502) with between two and four, and 78 percent of (279) with five or more previous referrals received severe dispositions.

Among each of these prior referral subcategories, detention decision outcomes were found to be the variable next most strongly related to the imposition of severe dispositions. In general, juveniles within these various subcategories were more apt to be accorded severe dispositions if they had been detained.

Our analysis further indicated the existence of substantial interaction patterns among both those who were and those who were not detained within the various prior referral subcategories. Among those who had been accorded formal petitions, socioeconomic status was found to be substantially associated with the imposition of severe dispositions for youths with no previous court referrals, who had been detained. Whereas 83 percent of the (60) middle status youngsters in this group received severe dispositions, a lesser proportion (55 percent) of the (40) lower status youths were treated similarly. Among comparable youngsters who were not detained, age emerged as the variable most substantially related to the criterion. Whereas 53 percent of the (66) 13- and 14-year-olds were accorded the most severe dispositions, 37 percent of the (138) 15- and 16-year-olds, and 27 percent of the (115) 17-year-olds received similar "treatment."

Finally, one other substantial interaction pattern ascertained through the PAA occurred among those accorded formal petitions, with between two and four prior court referrals, who were not detained. The severe disposition rate of this group was found to be most substantially and inversely related to the juvenile's age cohort. Whereas 82 percent of the (11) 12 or younger among this group were accorded the most severe dispositions, a decreasing proportion of the (35) 13- and 14-year-olds (74 percent), 15- and 16-year-olds (67

percent), and those 17 (53 percent) received like treatment.

The multivariate analysis of our data thus indicates that the severity of disposition accorded by the juvenile court was most strongly related to "legal" criteria. A prior legal decision (case treatment decision) explains the greatest amount of the variation in the imposition of severe dispositions, followed in turn by the number of prior court referrals and, to a somewhat lesser extent, the detention decision outcome. In sum, then, the data show that those who had formal petitions filed against them, those with the greatest number of prior court referrals, and those who were detained prior to adjudication were consistently more apt than others to have been accorded the most severe dispositions at the multivariate level of analysis. The child's age and socioeconomic status were found to be related to the severity of disposition only in subcategories or multiple combinations of the above predictor variables, with the youngest and most affluent juveniles having received the most severe dispositions.

Summary and Conclusion

Our analysis has shown that the greatest amount of variation in the nature and severity of "treatment" meted out by the Denver Juvenile Court can be accounted for by what could be called "legally" relevant variables. Our findings indicate that in general, children who had formal petitions filed against them, those with the greatest number of prior court referrals, and those who had been placed in detention prior to adjudication were the most apt to have been accorded severe dispositions at the multivariate level of analysis.²⁸ That legal criteria rather than status variables apparently explain the greatest amount of variation in the accorded dispositions is not particularly surprising, first in view of the findings of some previous research (Terry, 1967; Mead, 1973),²⁹ and second, in light of the fact that Denver has a progressive system that affords its juveniles many of the procedural protections of the due process model. However, legal decisions appear to take on added

²⁸This conclusion is drawn from the results of both the direct and indirect effects uncovered through our multivariate analysis.

²⁹The findings are, of course, in contrast to Thornberry's and Arnold's.

explanatory importance as one progresses through the various stages of processing. Early "legal" decisions appear to exert strong influence over subsequent decisions, such that once a child is detained, the chance that a formal petition will be filed against him appears to increase greatly.³⁰ Once a formal petition is filed against the youth, the probability that a severe disposition will be accorded increases markedly.

The apparent influence of prior legal decisions upon subsequent processing decisions may occur for several reasons. First, each previous "legal" decision may increase presumption of the juvenile's guilt in the eyes of the persons making subsequent decisions. Secondly, the decision to detain a child in the Denver system is regarded as a serious one, to be used only when the juvenile appears to represent a danger to himself or the community. It may be that probation officers attempt to "cover" themselves by recommending a petition be filed against the juvenile. Detaining a child without the subsequent filing of a petition may raise questions about the necessity of the youth's having been detained in the first place. It is also possible that the factors that most strongly influence decisions regarding detention, filing of a formal petition, and the severity of accorded disposition are not reported in the case history record of the child. Thus, much of the variation in each of these decisions could be attributed to criteria for which information is not available. Some of the possible factors absent among our data perhaps related to these decisions may reside in the interplay between the juvenile and court functionaries. Among such factors could be the child's demeanor, attitudes, and apparent contrition.

Another possible explanation suggested by Emerson (1969) offers another interpretation of our findings. In carrying out their respective duties, juvenile officers, probation functionaries, judges and referees must work closely with one another. Each of these functionaries is to one extent or another dependent on the services of others. This interdependence is necessary for the court to function smoothly, but it also creates obligations that limit the extent of freedom with which these various agencies may act.

³⁰The present analysis has failed to demonstrate this relationship since we did not utilize the case treatment decision as a criterion in this monograph. However, an earlier analysis shows conclusively that the detention decision outcome had a substantial effect upon the case treatment decision at both the bivariate and multivariate levels of analysis. See Cohen (1974:164-206).

For example, if the Delinquency Control Division refers a child to the juvenile court and recommends that the child be detained prior to adjudication, the probation intake officer or referee may tacitly accept this recommendation, even though the final responsibility for the determination is theirs. For whatever reason, if the D.C.D. feels the child deserves tough treatment, to ignore the policeman's recommendation makes for poor working relationships between these agencies. Ultimately it is the police who control the flow of traffic into the probation department and provide the probation officer with much of the information necessary to fill out court reports; therefore, good probation/D.C.D. working relationships are essential. Hence, probation officers or referees may feel pressure to follow police recommendations.

Similarly, the District Attorney may receive demands from the D.C.D. that a formal petition be filed against a particular child. As good working relationships with the police are also essential for the District Attorney, he too may generally comply with these wishes.

Once the decision has been made to file a formal petition, appearance before a juvenile court judge at a formal hearing is almost a certainty. Upon adjudication, judges almost exclusively limit their range of choices to one of the three most severe dispositions. Hence, a youth appearing at a formal hearing is virtually assured of receiving a relatively severe disposition.

Therefore, it is possible that the mutual dependency between agencies may greatly affect the manner in which a child's case is treated. Various functionaries of the Denver system may respond towards youths on the basis of judgments which have been made at prior stages of processing by other functionaries with whom good noncontradictory working relationships are necessary. If the finding that prior legal decisions possibly have a substantial bearing on the determination of latter legal decisions is generalizable to other juvenile justice systems, then it is unfortunate that the courts are beginning to focus on procedural rights for juveniles at the "most visible" stage (the courts), while ignoring the possibility that the most crucial decisions might be taking place at "less visible" stages. Perhaps it is at these "less visible" stages where the greatest attention to procedural rights is needed.³¹

³¹For a discussion of this issue see Fred Cohen, *Selecting Treatment and Correction Programs*. Unpublished manuscript: School of Criminal Justice, State University of New York at Albany.

Interestingly, our study has yielded no empirical evidence to sustain the charge that certain categories of young people are discriminated against by the juvenile justice system. In particular, critics have charged that minority youth, those from lower class families, and other "less powerful" social categories are dealt with more harshly by the court.³² Our findings concerning these charges are different than those reported by Arnold and Thornberry, but consistent with the results of Terry's study.

It might be asked, how can the discrepancies in the reported findings of these studies be accounted for? The possibilities, of course, are numerous. First, the differences in the findings may be real in that different juvenile courts around the country may employ different criteria when judging delinquents. Secondly, the manner by which we obtained our measures of severity of offense and severity of disposition may have affected our findings. Had we used more conventional but less sensitive measures, different results may have been obtained. Finally, with the exception of Terry's study, the factors used here as independent, dependent, and control variables greatly exceeded the number utilized in the studies previously reviewed. Terry found status variables to be slightly but consistently related to severity of disposition at the bivariate level of analysis. However, upon the application of statistical controls, these relationships vanished. It is possible that had

³² For a summary of these charges, see Cohen, 1974, pp. 1-50.

Arnold and Thornberry included more variables in their analyses, the differences they observed between status variables and the severity of disposition may have disappeared.

We cannot properly contend that our findings are representative or even typical of other juvenile court systems in this country. Obviously, Denver has a very progressive and somewhat unusual manner of processing juveniles. However, these findings do necessitate the qualification of widespread accusations charging that discrimination on the basis of ascriptive criteria permeates our juvenile justice system.

Finally, we wish to call to the reader's attention an obvious limitation of the present study. In some instances (particularly in those where relationships are assessed while many controls are applied simultaneously), considerable information is missing from the analysis. The missing data, if not randomly distributed throughout the sample, may represent a possible source of bias. It is probable, however, that the missing data result mainly from a lack of commitment to record-keeping on the part of probation personnel, rather than attempts to bias statistical tabulations or case histories. In any event, a more complete data base would have allowed for a more reliable determination of the factors most substantially related to variations in the severity of accorded dispositions in the Denver Juvenile Court. It is hoped that subsequent studies will be able to use similar but more complete data in order to increase our knowledge of the factors related to the various processing decisions made by juvenile court functionaries.

APPENDIX A

Bivariate Correlations (r) and Beta Weights Representing the Direct Effects of the Independent Variables on the Severity of Accorded Disposition*

Independent Variable	r	Beta	R Square Change ^a
Formal Petition: No/Yes	.679	.373	.461
Number Of Prior Court Referrals	.257	.111	.020
Detention: No/Yes	.266	.093	.001
Referral Agency: Miscellaneous Agency/Police	-.040	-.082	.005
Seriousness Of Offense: Alcohol, Miscellaneous, CHINS, Drugs/Sex, Auto Delinquency, Property Crime, Violent Crime	.151	.038	.004
Age	-.026	-.033	.003
Ethnicity: White/Non-White	.030	-.028	.001
Family Stability: Intact Home/Disrupted Home	.020	-.017	.001
Sex: Female/Male	.033	.006	.001
Socioeconomic Status: Non-Low/Low	-.010	.003	.000
Present Activity: Working Or In School/Idle	.102	.002	.000
R = .71 ^b			

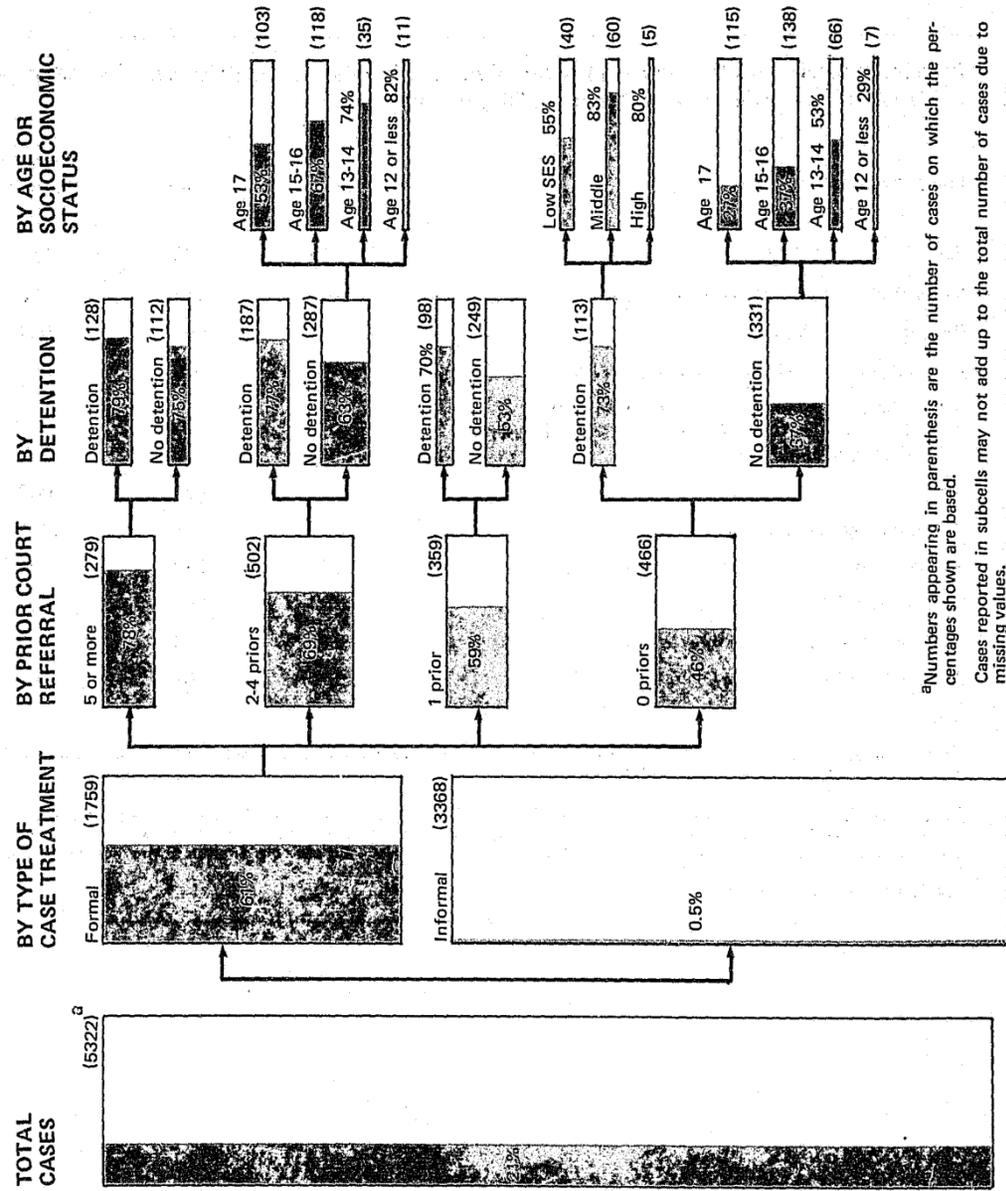
*Dependent variable dichotomized as counseled and matter closed, informal supervision, petition continued/formal probation, incarceration or transfer to court of adult jurisdiction.

^aR² change indicates the amount of variation in the dependent variable which can be statistically accounted for by a specific predictor variable. By summing this column we obtain a measure called R² which indicates the total amount of variation in the dependent variable which can be attributed to the variation in the best weighted combination of the independent variables.

^b Multiple correlation coefficient.

Appendix B

PAA Results in terms of percent accorded formal probation, incarceration, or transfer to a court of adult jurisdiction



^aNumbers appearing in parenthesis are the number of cases on which the percentages shown are based. Cases reported in subcells may not add up to the total number of cases due to missing values.

BIBLIOGRAPHY

Arnold, William R.
1971 "Race and Ethnicity Relative to Other Factors in Juvenile Court Dispositions." *American Journal of Sociology* 77 (No. 2): 211-227.

Chambliss, William J., and Robert B. Seidman
1971 *Law, Order, and Power*. Reading, Mass.: Addison-Wesley.

Cohen, Lawrence E.
1974 *Conferring the Delinquent Label: The Relative Importance of Social Characteristics and Legal Factors in the Processing of Juvenile Offenders*. Doctoral Dissertation. University of Washington. Seattle, Washington.

Emerson, Robert M.
1969 *Judging Delinquents: Context and Process in the Juvenile Court*. Chicago: Aldine Publishing Company.

Empey, Lamar T. and Steven G. Lubeck
1971 *Explaining Delinquency*. Massachusetts: Heath Lexington Books.

Gibbons, Donald C.
1970 *Delinquent Behavior*. Englewood Cliffs, N.J.: Prentice-Hall.

Hohenstein, William H.
1969 "Factors Influencing the Police Disposition of Juvenile Offenders." In T. Sellin and M. Wolfgang (eds.), *Delinquency: Selected Essays*. New York: John Wiley and Sons.

Kerlinger, Fred N., and Elazar J. Pedhazur
1973 *Multiple Regression in Behavioral Research*. New York: Holt, Rinehart and Winston, Inc.

Martin, John J.
1970 *Toward a Political Definition of Delinquency*. U.S. Department of Health, Education, and Welfare. Washington, D.C.: U.S. Government Printing Office.

Meade, Anthony
1973 "Seriousness of Delinquency, the Adjudicative Decision and Recidivism—A Longitudinal Configuration Analysis." *Journal of Criminal Law and Criminology* 64 (No. 4).

Mueller, John H., et al.
1970 *Statistical Reasoning in Sociology*. New York: Houghton Mifflin Co. 3rd ed.

Schmid, Calvin
1960 "Urban Crime Areas: Part I." *American Sociological Review* 25: 327-342.

Schrag, Clarence
1971 *Crime and Justice: American Style*. National Institute of Mental Health. Rockville, Maryland.

Schur, Edwin
1973 *Radical Non-Intervention: Rethinking the Delinquency Problem*. Englewood Cliffs, N.J.: Prentice-Hall.

Shaw, Clifford R., and Henry D. McKay
1929 *Delinquency Areas*. Chicago: The University of Chicago Press.

Terry, Robert M.
1967 "The Screening of Juvenile Offenders." *Journal of Criminal Law, Criminology and Police Science* 58 (June): 173-181.

Thornberry, Terrence P.
1973 "Race, Socioeconomic Status and Sentencing in the Juvenile Justice System." *Journal of Criminal Law and Criminology* 64 (No. 1): 90-98.

Wolfgang, Marvin, and R. Figlio and T. Sellin
1972 *Delinquency in a Birth Cohort*. Chicago: University of Chicago Press.

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