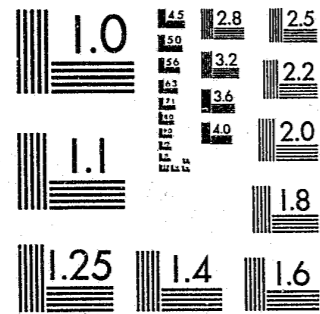


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MEASURING THE PERFORMANCE
FOR DIFFERENT TYPES
OF JUVENILE COURTS

Jeanne A. Ito



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FOR DIFFERENT TYPES
OF JUVENILE COURTS

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March 1984

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MEASURING THE PERFORMANCE
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OF JUVENILE COURTS

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Abstract

Measuring the Performance for Different Types
of Juvenile Courts

This report describes the results of a study of the performance characteristics of different types of juvenile courts. Funded by the Performance Measurement Program of the National Institute of Justice, the project set out to demonstrate the feasibility of developing a performance measurement system for courts that integrates both the goal-attainment and comparative approaches. To accomplish this objective we compared courts that differ in structure and goal orientation on several sets of performance indicators. The measure of court type was a typology of metropolitan juvenile courts developed by the National Center for State Courts. Indicators included screening measures, disposition measures, and due process measures. Data were collected from records of approximately 500 cases from each of four courts, two of each of the two major court types. Many of the expected relationships between court type and the performance indicators were supported, suggesting the importance of considering the role of structural and philosophical characteristics in explaining court performance and the usefulness of developing comparison groups for assessing court performance. On some measures, however, intercourt differences were greater than differences between types. In addition to demonstrating the importance of considering structural and philosophical differences in comparing performance among courts, the project raised several issues regarding performance monitoring activities by courts.

Executive Summary

As part of the National Institute of Justice's Performance Measurement Program, the National Center for State Courts conducted a study of the performance characteristics of different types of juvenile courts. A primary objective of the project was to determine the feasibility of drawing intercourt comparisons of performance. A premise of the study is that courts must be compared with similar courts. Our measure of similarity is a typology of metropolitan juvenile courts developed by the National Center for State Courts (Stapleton, Aday, and Ito, 1982). The typology was constructed on the basis of operational characteristics, but we suspect reflects major differences in goal orientation. In this sense the typology represents groups of courts with both similar structures and goals. The empirical typology of metropolitan juvenile courts in part reflects the existence of the major types of juvenile courts (i.e., the "traditional" and "due process") suggested in the literature. In our typology, a Type I court is comparable to the traditional juvenile court. The court has control over intake, 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. While a prosecutor may represent the state in the courtroom, he or she is not involved in deciding which cases will receive a judicial hearing. In a Type IV, or due process, court 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 non-court agencies and administrative decisions. The judge is dominant in the courtroom, but his or her authority is limited outside that setting. The typology points up the variations in case processing and decision-making in different systems. With the same general function of adjudicating cases, different types of court systems can be characterized by different combinations of events, or decision points, all related to the general philosophical orientation of the system. In other words, the different types use different "adjudicative processes" (Henderson et al; 1982).

The study reported here addresses the appropriateness of various performance measures in evaluating different types of courts by comparing actual performance of different types of courts as measured by the same indicators. We expected performance to differ by court type. The performance measures are grouped as screening measures, disposition measures, and due process measures. Screening measures include indicators of activities intended to determine which cases are to be referred to court. Another screening activity is the custody decision. In criminal courts, screening is a prosecutorial function. Juvenile courts, since their inception, have had procedures and staff to screen referrals and to resolve some cases without formal court processing. Traditionally, intake 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. Informal disposition may include "adjustment," referral to another agency, or placing a juvenile under "informal supervision," which requires reporting to a probation officer.

Our two major types of courts are distinguished by whether probation intake is administered by the court or the executive branch and

whether the prosecutor plays a role at intake. In the traditional court, intake is entirely a court function. In the due process court, an executive branch agency administers probation and the prosecutor is involved in intake. How the screening function is performed has obvious implications for the rest of the system. We think the structure of intake is related to the goals of the system and that performance of intake will differ accordingly. Given the rehabilitative goal of the traditional court we expected a smaller proportion of cases to be screened out. We expected this to be reflected in a lower intake dismissal rate and a higher official/unofficial ratio. We also expected offender characteristics to more extensively influence decision-making at intake in the traditional, Type I court. More oriented toward rehabilitation, the traditional court is more likely to assume jurisdiction in even weak cases (prosecutorially speaking). We also expected screening procedures in traditional courts to result in greater use of detention, as reflected in higher detention rates and longer periods of detention, and to exhibit the influence of offense as well as offender characteristics. Detention is likely to be viewed as the beginning of the rehabilitative process in the traditional juvenile court or as serving a protective (i.e., of the child) function; in a due process court, we expect detention is viewed primarily as deprivation of liberty and to serve a preventive (i.e., deterrent) function.

Dispositional measures are indicators of final case outcomes -- the final outputs of the system. We proposed several measures that tap the relative use of alternative dispositions. Non-judicial handling was discussed under screening measures. Given that a case is referred to court two additional decisions need to be made. First, the judge must decide whether to dismiss a case or assume jurisdiction. Secondly,

assuming jurisdiction, he or she must decide the formal disposition. We predicted that our two types of courts would differ in their relative use of judicial dismissal, commitment, and probation, and the relative influence of offense and offender characteristics in decision-making.

The judicial dismissal rate, or percentage of cases dismissed at first judicial hearing, while a court disposition, could be included as a screening measure because of its apparent use of such in many traditional courts. Some courts use automatic filing on all cases referred. There all cases receive a judicial hearing, even though a large proportion may be dismissed at this point. It is, therefore, difficult to attach any meaning to a judicial dismissal without further knowledge of a court. It may result from lack of evidence, a "not true" (i.e., innocent) finding, or be used as a sanction. We view it as an indicator of a court's tendency to favor judicial handling. It is likely that fewer "weak cases" reach the judge in a Type IV court due to the screening mechanism in place and less judicial control of the system. We also expect that "appearing before the judge" is used in a more traditional court as a form of punishment.

We expected both types of courts to exhibit comparable overall commitment rates, although the goal of institutionalization is more likely rehabilitative in the Type I courts and more punitive in the Type IV. We did expect greater use of commitment as a disposition in the more serious cases in the Type IV courts.

To investigate decision-making criteria the judicial decision-making process was broken down into two steps. First, we asked what factors distinguish between those cases dismissed by a judge and those which reach a formal disposition. We expected both offense and offender characteristics to explain the variation between those cases

dismissed and those that go on for disposition. We expected no systematic variation by offense or offender characteristics in the due process courts. Although we have no data on the reasons for dismissals, we suspect that case-specific factors such as failure of a witness to appear or insufficient evidence are more likely involved in dismissals in due process courts. We expected offender characteristics to influence the dispositional, or "sentencing," decision in both types of courts.

The third group of measures, "due process" measures, were designed to tap an adversarial orientation that recognizes opposing interests on the part of the state and a juvenile referred to the juvenile justice system. The juvenile justice system was founded as an alternative to the adversary criminal justice system with the court viewed as representing the juveniles' interest with no opposing state interest i.e., the state's interest is the juvenile's interest. Many of the changes in juvenile justice over the last fifteen or so years stemmed from a concern that this lack of adversariness had resulted in a denial of due process. While procedural safeguards have been introduced into many juvenile courts, we expected variation in their implementation. Specifically, we predicted greater concern for procedural due process in Type IV courts than the traditional Type I courts. This is not to suggest that traditional courts are "unfair." Some would argue that traditional juvenile courts are more concerned about "substantive" due process. Our due process measures included legal representation rates, average number of hearings, prosecutor participation rate, and case disposition time.

One of the earliest changes in the "modern era" of juvenile justice was the introduction of attorneys, initially defense attorneys, into the proceedings. We are concerned here with the factors indicative of the extent of the involvement of counsel. We predicted that attorneys

would be introduced into the proceedings earlier and that juveniles would be represented by attorneys at adjudication and at disposition in a higher percentage of cases in due process courts. We expected the traditional courts to be more likely to limit assignment of attorneys to those cases in which the juvenile is at risk of incarceration, in which cases the Gault decision required notice of the right to counsel. We also expected prosecutors, who are involved in intake in due process courts, to continue to represent the state in judicial proceedings.

Concern with due process is also reflected in the number of different types of hearings used. In the traditional model a case may be resolved through an informal hearing with the judge, probation officer, juvenile, and parents present. Now in many courts a case may have as many as three or more separate hearings. These include a formal arraignment, or preliminary hearing (which may be combined with a detention hearing), an adjudicatory hearing, and a dispositional hearing. We predicted that a large proportion of cases in due process courts would be disposed at intake, but for those referred for judicial handling we expected a larger proportion of cases to receive multiple hearings than in the two traditional courts. As to case processing time, we predicted that due process courts would have more concern for speedy justice (and speedy retribution) and, therefore, have shorter disposition times. Traditional courts, with more concern for maintaining jurisdiction over juveniles in need of "help," we reasoned, would exhibit longer case processing times.

To compare the performance of the two different types of courts on these indicators, the project gathered data from four metropolitan juvenile courts, two representing each of the two major types. The four metropolitan juvenile courts were located in four different geographical

regions. Systematic random samples were selected from the population of cases received at intake during calendar year 1980. Information was coded from the official court records of a sample of approximately 500-600 cases from each of the four courts during the fall of 1982 and winter of 1983. The information coded onto specially designed codesheets included background characteristics of the alleged offender, including sex, ethnicity, age, activity, and family composition; offense characteristics, including type of offense, previous official court contacts, and number of charges; and case processing characteristics, including source of referral, detention decision, length of detention, intake decision, dates of hearings, legal representation, legal findings, and disposition.

Major Findings and Conclusions

The project found important differences in performance between court types on measures in all three categories -- screening, dispositional, and due process. The screening function is clearly performed differently in the two types of courts. As predicted, the two due process courts have a much higher intake dismissal rate than the traditional juvenile courts. Also as predicted, traditional courts tend to favor judicial handling over non-judicial handling. Our findings suggest that due process courts are more likely to handle cases less formally, although one of the due process courts apparently uses the more formal procedure of signing consent decrees before a referee rather than having the intake worker place a juvenile on informal supervision. Focusing on the decision-making criteria in the decision whether to refer a case to court, we found, as predicted, that in the due process courts offense characteristics clearly were the significant determinants. In one of the traditional courts both offense and offender characteristics

influenced the intake decision, while in the other most cases diverted from court handling are those involving first offenses. Our findings offer limited support for our hypothesis that traditional juvenile courts make greater use of detention than due process courts.

In the relative use of court dispositions, traditional courts, as predicted, were far more likely to have cases dismissed before a judge. In one of the traditional courts over half of the court cases received this disposition. Viewed in light of the minimal intake screening in these courts, however, we interpret the use of judicial dismissal as a form of screening. This difference alone makes it difficult to compare court dispositions across courts without controlling for court type. When looking at commitment rates, for example, based on court cases alone, one of the due process courts, which screens out a large proportion of cases at intake, has a much higher commitment rate. Based on intake referrals, commitment rates are quite similar across courts. The importance of using a comparable base in drawing comparisons among courts is also apparent in our analysis of decision-making criteria. Looking at overall outcome based on intake referrals yields different results than looking at disposition of court cases alone. In one of the traditional courts, for example, looking only at overall outcome of cases received at intake, one might conclude that offense characteristics alone determine disposition. Looking at individual decision points, however, we found that family type was significant at intake and ethnicity and age at adjudication. Only in final disposition did offense predominate the decision-making. As predicted, offense characteristics were the best predictors in the due process courts, while offender characteristics were more significant in the traditional courts.

We predicted that offender characteristics would enter into the decision-making at the dispositional stage in the due process courts. This was true of one of the due process courts. In the other and in one of the traditional courts, however, only offense characteristics were significant in the dispositional decision.

We also found court type differences on several due process measures — legal representation, use of hearings, decision-making criteria, and the pace of case processing. Attorneys, both defense and prosecution, play a greater role in due process courts. While attorneys appear in nearly all cases that go to court in the due process courts, attorneys are more likely to be present in only the more serious cases in traditional courts — serious both in terms of offense seriousness and severity of outcome. We interpret this as a strict interpretation of the Gault mandate to provide notice of the right to representation when incarceration is a possible outcome. A prosecuting attorney is also much more likely to be involved in all types of hearings in due process courts than in traditional courts.

Another indicator of due process is the number of hearings per case. We found, as predicted, that more cases referred to court received multiple hearings in due process courts.

Using case disposition time as an indicator of "speedy justice," we predicted that cases would take longer to process in traditional courts. One of the due process courts did exhibit the shortest median time from intake to disposition, and one of the traditional courts the longest. This is no doubt largely due to the large proportion of cases disposed of at intake in due process courts and a backlog in the traditional court. Interestingly, however, court processing characteristics explain more of the variation in case disposition times

in the traditional courts than in the due process courts. We interpret this finding as a variant of the "homogenization effect" reported by Neubauer and Ryan (1982), in this case representing less disparity in case treatment in the due process courts.

Policy Implications

Many of the expected relationships between court type and our performance measures were supported. We interpret this as demonstrating the importance of considering the role of structural and philosophical characteristics in explaining court performance. This knowledge should be of considerable interest to organizational theorists. The study also suggests the importance of considering "adjudicative process" in understanding the performance of courts of various jurisdictions. Our results also have important implications for studies of decision-making in juvenile courts. Our findings may well provide an explanation for the inconsistencies in prior research in this area.

Knowledge concerning the link between structure and philosophy and court performance should also provide considerable assistance to practitioners in making choices among alternative structural arrangements. It should be useful in assessing how well courts are meeting their goals in performing specific functions -- e.g., screening. Viewing one's court from this perspective should also aid further goal-setting. The results of the study also indicate the usefulness of identifying comparison groups for assessing court performance.

While many of our hypotheses were supported, we would be remiss in not pointing out departures from our model. While empirically-based, our types are still, after all, polar types. For a complete test we would need a larger sample than two of each type. On some measures, intercourt differences were more apparent than between types. Looking at screening

measures, for example, one of our due process courts, which we predicted would favor nonjudicial handling, referred a large proportion of cases to court. This finding could be largely explained by a practice in this court of signing consent decrees before a referee. While distinctly different from other forms of judicial handling, one could consider this court "acting like" a traditional court in this practice. An alternative explanation is that the large number of missing files in that court were "informals" that had been purged, a practice we were able to discover in the other due process court. This court is also more similar to a traditional court in its commitment rate. By the same token, one of our traditional courts exhibited characteristics of a due process court in instituting a diversion program to screen out minor first offenders. This court also departed from our model in the structure of detention and detention practices. (Detention is not court-administered.) While our typology contributes to an explanation of differences in detention rates, other factors are likely court-specific.

We also recognize, as should the reader, that the differences observed between types may be due to factors other than the structural and philosophical differences we posited.

In addition to demonstrating the importance of considering structural and philosophical differences in comparing performance among courts, the project has raised several issues regarding performance monitoring activities by courts. We would draw the attention of practitioners to some of the pitfalls of using and interpreting statistical analysis of court data.

One source of the inconsistencies in findings among studies of juvenile court outcomes is likely to be how the dependent variable is measured. We have shown that by breaking down the process into

decision-making stages, different outcomes are produced at different points.

Another difficulty in comparing studies, and courts, is the use of different bases for performance measures. This is a special concern in the use of aggregate data for performance measures. A commitment rate, for example, is likely to be far different for cases received at intake than for cases referred to court in due process courts.

Another point of caution in using court data to measure performance is the variation in data quality. Large amounts of missing data can seriously distort findings. This is especially a problem where categories of data are missing for particular groups. We suspect, for example, that more information is available on a case the further it penetrates the system. Certain background characteristics may not be important in the disposition of less serious cases simply because information on these characteristics is missing for the less serious cases. Lack of attention to the distribution of missing data can result in serious systematic bias in findings. If we had eliminated the large number of cases with missing files in Court IVA, which we discovered had been purged and which consisted of informals in which the juvenile had subsequently reached age 18, the study would likely have yielded different results.

We also encountered difficulties in drawing comparisons across courts in the differential use of terminology -- e.g., the significance of filing a petition -- and different practices -- e.g., signing consent decrees before a referee. The differential use of judicial dismissal between types of courts also demonstrates the difficulty in applying measures across courts. If diverting from official court action means

that no formal dispositional order is entered, then judicial dismissal should be considered a form of diversion.

As more and more courts automate their record-keeping systems and software that can easily manipulate data becomes increasingly available, we recommend extreme caution on the part of court administrators in computing and interpreting performance indicators. We conclude with this caveat: the potential for error is great as is the risk of implementing costly changes based on faulty conclusions.

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Chapter I

Measuring Court Performance: An Introduction

In August 1982, the National Institute of Justice as part of its Performance Measurement Program awarded a grant to the National Center for State Courts to conduct a study on the performance characteristics of different types of juvenile courts. The Performance Measurement Program is an on-going research program begun in 1978 to improve performance measurement practices in all components of the criminal justice system.

Performance measurement in the courts area is a relatively recent topic of interest. The first phase of the Performance Measurement Program focused on developing a conceptual framework and a research agenda for further study. In the courts area this task was undertaken by Thomas J. Cook and Ronald W. Johnson of the Research Triangle Institute (1982). Our approach draws heavily from and builds upon the conceptual framework they developed. This chapter will summarize our approach to court performance measurement and how it relates to Cook and Johnson's framework and related work, and provides an overview of the remainder of the report.

The Conceptual Framework

It is a major contention of Cook and Johnson that a performance measurement system should not measure only outcomes, but also focus on the factors related to outcomes. They also recommend that a performance measurement system use a comparative framework. While subscribing to these attributes of a performance measurement system, we also maintain

that a performance measurement system should relate to the functions around which the system is organized, and that the measures should be analyzed in relation to each other. Each of these points will be elaborated below.

1. A performance measurement system should focus on process as well as outcomes. Only by looking at the linkage between activities and their consequences can performance be modified. An organizational model must be applied that takes into account the environmental constraints and structure within which a court operates, and that accommodates change. Only within the last ten years has an organizational perspective been applied in the study of courts (Eisenstein and Jacob, 1977; Feeley, 1972; Henderson, Guynes, and Baar, 1981; Nardulli, 1978). These works, however, have not focused on performance measurement.

An organizational approach suggests the following model:

Structure → Process → Outcomes

where variations in outcomes can be linked to variations in process and structure. Much of the organizational literature has been limited to exploring the relationship between structure and process.

Another literature has focused on outcomes but with little attention to the role of structure in producing variations in outcomes. Such studies have focused on "delay," relative use of disposition modes, personnel utilization, and equity (Cook and Johnson, 1982). In the juvenile courts area studies of outcome have been limited largely to studies of equity. Over a decade of research on this topic, however, has produced contradictory and inconsistent findings.

2. A performance measurement system should have a comparative framework. To be useful, a performance measurement system must have a base for comparison, whether temporal or intercourt. The utility of the

intercourt comparative approach, however, is limited by the great diversity in operating characteristics among courts. To make evaluations of relative effectiveness and efficiency, one must compare courts with similar operational structures. We believe that variations in operating characteristics reflect differences in goal structures among courts. Classifying courts on the basis of operation similarities, therefore, would yield groups or clusters of courts that were similar in goals. Thus, courts within a group (i.e., sharing similar goal and operational structures) would be assessed in terms of their goal attainment. The performance of courts within a type could be measured against that of other courts and against the hierarchy of goals and objectives inferred to exist for that type of court.

3. A performance measurement system should permit evaluation of goal-attainment. Applications of the organizational model to courts have been based on the premise that courts pursue purposive activities, the defining characteristic of an organization (Aldrich, 1978; Blau and Scott, 1962; Etzioni, 1964; Hall, 1972; Perrow, 1967). Through decades of research on "organizational effectiveness" the goal-attainment model has survived major criticism, and rather than being abandoned, the approach has undergone refinement (Hall, 1972; Perrow, 1967).

Initial criticism of the goals approach stemmed from recognition that the formal structure and goals of an organization do not fully explain organizational phenomena and that determining the real goals of an organization is often difficult (Hall, 1972). Specifying the goals of the justice system has been no less difficult than for other fields. The difficulty in defining a unitary set of goals for the criminal justice system is well-documented (Cook and Johnson, 1982; Wildhorn, Lavin and Pascal, 1977). The Wildhorn et al. effort to develop performance

indicators began with the identification of goals against which to measure performance. Finding no consensus among practitioners concerning a goal hierarchy, they focused on indicators within "issue areas." Cook and Johnson pointed out in their attempt to develop a conceptual framework for measuring performance in the courts field that these issue areas have no "conceptual cohesion" (p.30). A court's "operations" must be taken into account, as in Perrow's operative-goal model. Steers (1975), after reviewing seventeen models of organization effectiveness and finding little consistency, reached a similar conclusion and suggested a focus on operative goals and goal optimization.

Poister also made this point in suggesting that to develop "performance monitoring systems" for public programs they should be modeled as "goal-seeking systems" (Poister, 1982). In his model, performance indicators are derived from stated program objectives. In developing a system for a highway program Poister first identified the three major functions of the program. Courts can be described in terms of the functions they are designed to perform, and the activities conducted to serve those functions. Henderson et al. (1982), for example, describe courts in terms of their "adjudicatory processes" and suggest that different measures must be developed for different processes.

4. A performance measurement system should specify interrelationships among sets of performance indicators. Many courts are not unitary organizations, but rather consist of "loosely coupled subsystems" (Hagen, 1979). It is difficult even to define boundaries. A single performance indicator for an organization such as a court does little to suggest how to change performance. Also, courts perform multiple functions and tasks. Performance in one area is likely to affect performance in another. To the extent that performance indicators

measure activities and outcomes, a performance measurement system should specify their interrelationships. Looking to Cook and Johnson's three broad categories of measures--case disposition, equity, and resource utilization--the case disposition measure of case processing time should be interpreted in light of equity measures. A lengthy processing time may be necessary to accommodate due process procedures. A study of resource utilization may suggest that the cost of disposing of certain kinds of cases, minor violations, for example, is disproportionate to the concern for those cases.

Overview

The major objective of the project reported here was to compare outcomes between types of juvenile courts as measured by a set of performance indicators. The foregoing attributes of a performance measurement system guided our efforts. The project focused on process as well as outcomes by examining the linkages between activities such as decisionmaking and outcomes such as case disposition mode. As to the second attribute, a comparative framework, a primary objective of the project was to determine the feasibility of drawing intercourt comparisons of performance. A premise of the study is that courts must be compared with similar courts. Our measure of similarity is a typology of courts developed by the National Center for State Courts. The typology was constructed on the basis of operational characteristics, but we suspect reflects major differences in goal orientation. In this sense the typology represents groups of courts with similar goals and permits assessment of performance in terms of goal-attainment. The fourth attribute requires the specification of interrelationships among sets of performance indicators. Our study focuses on the interrelationship of activities at various stages of case processing.

Chapter II describes the typology of courts, the performance indicators, and the predicted differences between types. Chapter III describes the research setting and data collection. The next three chapters present the findings of the study. Chapter IV focuses on screening measures; Chapter V on dispositional measures; and Chapter VI on due process measures. Chapter VII discusses the conclusions and implications of the study.

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Chapter II

A Typology of Juvenile Courts

Juvenile courts represent an area of criminal justice undergoing rapid change. Historically, juvenile justice has been portrayed using an "ideal type," specifically, the "treatment" model. The juvenile court is represented by procedural informality, relaxation of due process guarantees, and contextual and discretionary decision-making. 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 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.

Variations in the justice system have not gone unnoticed. Prior studies of juvenile courts have yielded a number of classifications suggestive of a typological continuum. This continuum has been variously labelled casework-legal (Handler, 1965; Tappan, 1976), therapeutic-due process (Cohen and Kluegel, 1978), informal-formal (Dunham, 1966), co-operative-adversary (Stapleton and Teitelbaum, 1972), and rehabilitative-punitive (Erickson, 1974). Each pole of the continuum is assumed to be represented by its own ideal-typical structure. At one extreme lies the system best described by the concept of parens patriae with an emphasis on "helping" the child by 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 that Packer (1968) characterizes as:

[j]udicializing each state of the criminal process, of enhancing the capacity of the accused to challenge the operation of the process, and of equalizing the capacity of all persons to avail themselves of the opportunity for challenge so created.

When such continuums are applied to the justice system as a whole juvenile courts are usually lumped together at the therapeutic end. This is also true of the more recent Henderson et al. typology (1982). They posit three types of adjudicative process -- procedural, decisional, and diagnostic -- but note that diagnostic adjudication is descriptive of juvenile courts. They do, however, describe a process of development from "diagnostic adjudication" to "procedural adjudication" in the historical development of courts of equity in England:

To the extent that equitable proceedings have been merged with legal proceedings and lawyers have come to be the effective clientele in equitable proceedings, diagnostic adjudication has given way to procedural adjudication (p.23).

This process parallels the current development in juvenile justice in the United States. The traditional juvenile court described in the literature is characterized by Henderson et al.'s (1982) "diagnostic adjudication." The authors describe courts dominated by diagnostic adjudication as oriented toward defining problems and finding remedies. "Disposition of the case does not depend solely upon establishing the facts in a case and applying the law to determine guilt or liability; rather, disposition becomes clearly intertwined with clarifying the issue" (p.18). On the structure of courts dominated by diagnostic adjudication, Henderson et al. note: "[They] are more likely to take on all of the attributes of an integrated service bureau than are the other courts. The critical role that administrative services play in the adjudicatory process encourages a close working relationship between

judges and staff" (p. 20).

In characterizing "procedural adjudication," Henderson et al. note: "[i]t emphasizes adherence to established rules and procedures to ensure a just resolution of a case. The primary role of the judge ... is to ensure that proper procedures are followed and to determine the appropriate penalty in criminal cases or remedy in civil suits" (p. 23). The major emphasis is on fact-finding, and the "clientele" consists mainly of attorneys. The authors note that Eisenstein and Jacob's (1977) courtroom workgroup is descriptive of procedural adjudication. Further, they note little integration between administrative services and the bench in courts in which procedural adjudication predominates. This model applies to our due process type of court. Such ideal types, however, tend to be conceptual, rather than empirical, in nature. Henderson et al. note that specific jurisdictions or types of proceedings tend to fall within one category or the other, juvenile and probate courts being predominately diagnostic, and hearing pre-trial motions a decisional process. They have not, however, developed operational definitions of their concepts.

A few attempts have been made to develop a method for identifying and empirically defining the polar types deriving from this continuum within juvenile courts, or at least to delineate the characteristics comprising each. Cohen and Kluegel (1978) describe the "due process model" in terms of concern on the part of court personnel for procedural rights, a probable cause standard for arrest, posting of bail, requirement of representation by attorney at adjudicatory hearing, use of plea bargaining, choice of bench or jury trial, and processing of few status offenses. The "traditional therapeutic model" is measured by frequent and emphatic expressions of therapeutic concerns by court

personnel, the absence of plea bargaining, the absence of jury trials, and the processing of status offenses. Stapleton and Teitelbaum (1972) list as the elements of the "conflict system" of justice: prosecution and defense attorneys, grand jury, preliminary hearing, arraignment hearing, plea-taking ceremony, pre-trial procedures, jury trial, sentencing hearing, effectiveness of appeal. The "quasi-cooperative system" is characterized as non-adversarial and indicated by absence of prosecutor, combination of arraignment, adjudication, and disposition into a single hearing, and lack of transcripts of proceedings.

Such checklists have been used to "type" courts under study, with those not meeting all criteria assigned to the middle of the continuum. Given its "score" on each of three criteria proposed by Stapleton and Teitelbaum, Erickson (1974) determined that her court was at the "mid-point" of the continuum and analyzed perceptions of the defense counsel's role in such a court. Cohen and Kluegel presumed to test the hypothesis of court effects on disposition by similarly employing a checklist approach in selecting their sites for data collection, each court representing a type.

While a step in the right direction, these checklists are still conceptual in nature and not empirically tested. The National Center for State Courts has developed a methodology for classifying metropolitan juvenile courts according to their operational characteristics, and hypothesized that the groups or types of juvenile courts reflect major differences in goal orientation (Stapleton, Aday, and Ito, 1982). 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. We believe that the typology represents structural correlates of the prevailing

value orientations in juvenile justice.

The Typology

The National Center for State Courts' typology of metropolitan juvenile courts was developed through analysis of data gathered on the structural characteristics of 150 metropolitan juvenile courts through interviews with key personnel, usually a judge and a court administrator or chief probation officer, in each court. Information was collected on juvenile court jurisdiction, the court's location within the state court system, judicial officers, due process procedures, intake, detention, and social services.

Factor analysis of the data on 96 variables identified five structural dimensions of juvenile courts. A cluster analysis, based on indicators of the five factors representing the structural dimensions, produced an empirical typology of twelve groups of juvenile courts. Further reduction of the typology through cross-classification on the two major variables resulted in four major types.

The five factors that emerged from the factor analyses may be regarded as representing dimensions of juvenile court structure--status orientation /scope of jurisdiction, centralization of authority, formalization, differentiation/task specification, and intake discretion. Status orientation/scope of jurisdiction refers to the inclusion of status offenders in the court's jurisdiction. This set of items was represented in the cluster analytic procedure by whether or not intake officers have the discretion to refer status offenders to voluntary agencies. Centralization of authority relates primarily to court administrative control over probation, detention, social services, and court responsibility for restitution programs. Centralized authority is enhanced through the control and distribution of organizational

rewards, e.g., hiring and firing, promotion, and incentive rewards. This factor was measured by whether or not the court had administrative control over probation. Formalization refers to the separation of the adjudication and disposition hearings in formal court proceedings.

Differentiation/task specification includes the integration of the court having 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, or a limited jurisdiction court, in which appeals result in a de novo hearing in a higher trial court. Correlated with these elements of structure is the expansion of the role of prosecutor. Whether or not the prosecutor participated in the decision to file a formal petition served as the indicator for this factor.

Intake discretion 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 that discretion is exercised prior to (or instead of) filing a formal petition.

Cross-classification of the two key features (both theoretically and in terms of the marginals) centralization of authority and differentiation/task specification resulted in the following four major types (see Figure 1):

Type I: Integrative (Traditional)

A Type I court is centralized and undifferentiated, i.e., the court controls probation and intake. The prosecutor does not participate in the decision whether to file a petition. This type is characterized by central control over social services, detention, and the adjudicative process. The judge, or a person directly under the judge's authority, is

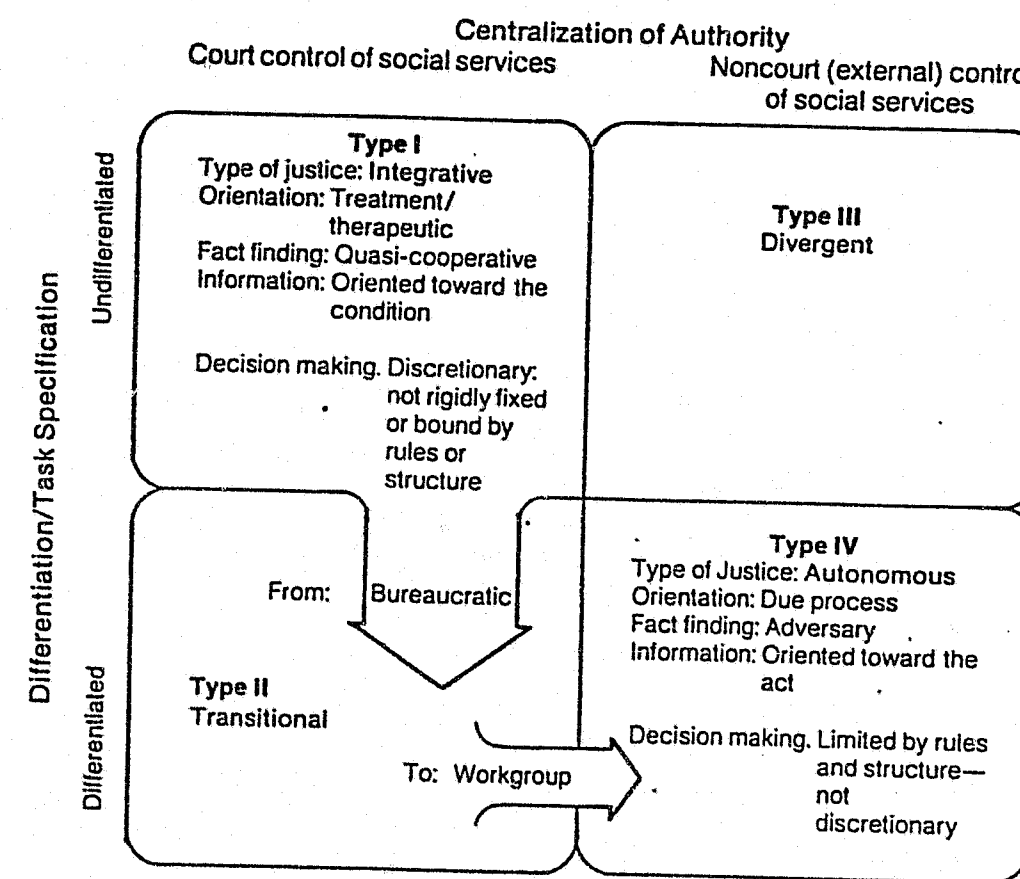


FIGURE 1
A Paradigm of Contemporary Juvenile Justice

Source: Jeanne A. Ito, Janice Hendryx, and Vaughan Stapleton

"Inside metropolitan juvenile courts: How their structure affects the outcome of cases." State Court Journal 6 (Fall 1982): 19.

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

As in Type I courts, Type II courts share the characteristic of centralization of authority (administrative control of probation). In Type II courts, however, the prosecutor is involved in the decision to file a petition. This 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 labeled divergent because the presence of relatively few courts of this type suggests that the correlation of low centralization of authority and low role differentiation/task specification is rare.

Type IV: Autonomous (Due Process)

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 non-court agencies and administrative decisions. The judge is dominant in the courtroom, but his or her authority is limited outside that setting.

The typology points up the variations in case processing and decision-making in different systems. With the same general function of adjudicating cases, different types of court systems can be characterized by different combinations of events, or decision points, all related to

the general philosophical orientation of the system. In other words, the different types use different "adjudicative processes" (Henderson et al., 1982). The work of Henderson et al. (1982) suggests that the same measures of performance may not be appropriate for different types of adjudicative process. They suggest, for example, that neither equity, as measured by "punishment fitting the crime," adherence to due process procedures, or case processing time may be appropriate criteria for evaluating the performance of diagnostic proceedings:

Diagnostic adjudication is substantive due process in the purest sense; it is not the procedures followed in adjudication which justify the outcome, but rather the appropriateness of the remedy given the diagnosis of the problem (p.20).

Furthermore,

Diagnostic adjudication is designed to embody and apply dominant social values to the analysis and remedy of social problems as they emerge in the lives of individuals and families. It is this larger purpose that cannot be fulfilled through an adjudicatory process based on procedural fairness and the adversary process, or through a process based on dispatch and routine (p.23).

The study reported here addresses the appropriateness of various performance measures in evaluating different types of courts by comparing actual performance of different types of courts as measured by the same indicators. We hypothesized that performance would differ by court type. The following sections describe the performance indicators and the expected differences between court types.

The Indicators

The National Center for State Courts' descriptive study of metropolitan juvenile court characteristics (Hendryx and Ito, 1981) delineates a number of operational characteristics that distinguish among

types of courts, and which suggest possible measures of performance. Paralleling to some extent Wildhorn et al.'s (1978) categories, the performance measures are grouped as screening measures, disposition measures, and due process measures.

Screening Measures

Screening measures include indicators of activities intended to determine which cases are to be referred to court. In criminal courts such screening is a prosecutorial function. Another screening activity is the custody decision. Juvenile courts, since their inception, have had procedures and staff to screen referrals and to resolve some cases without formal court processing. Traditionally intake 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. Informal disposition may include "adjustment," referral to another agency, or placing a juvenile under "informal supervision," which requires reporting regularly to a probation officer. Court-employed probation officers continue to screen referrals in many courts. Over the years, probation departments have become more specialized and more of them have come under the control of an executive agency. There are separate intake units and more often intake is being performed by employees of the executive branch of government and by prosecutors.

Our two major types of courts are distinguished by whether probation is administered by the court or the executive branch and whether the prosecutor plays a role at intake. In the traditional court intake is entirely a court function. In the due process court an executive branch agency administers probation and the prosecutor is involved in intake. There are several variations in the relationship

between the probation intake unit and the prosecutor, however. In some Type IV courts, the prosecutor has sole intake discretion. In other courts the function is shared. Where the function is shared, the intake officer may conduct an initial review and forward those cases on which he wishes to file to the prosecutor. Another variation is an initial screening for legal sufficiency by the prosecutor before referral to probation. In some courts all cases are reviewed simultaneously by both the prosecutor and probation.

How the screening function is performed has obvious implications for the rest of the system. We think the structure of intake is related to the goals of the system and that performance of intake will differ accordingly. Given the rehabilitative goal of the traditional court we expect a smaller proportion of cases to be screened out. We proposed the following measures related to the intake function:

Intake dismissal rate.--The intake dismissal rate, or percentage of cases closed at intake, is expected to be higher in a Type IV court, in which stricter legal criteria are likely to be applied in deciding whether to handle a case.

Official/unofficial ratio.--The official/unofficial ratio is determined by dividing the number of cases handled officially by the number of cases handled unofficially, controlling for offense. It is hypothesized that this ratio will be higher in a more traditional Type I court, which is more likely to assume jurisdiction even in the absence of strong evidence. In other words, it is the child who has been brought to the attention of the court, not the offense. It is the court's responsibility to determine the course of action in the child's best interest.

Petition criteria.--Petition criteria, the use of offense and offender characteristics in the decision whether to file a formal petition, are also likely to vary by type of court. Again, the more traditional court is more likely to assume jurisdiction of even the weakest case. Also, the decision-maker differs by type of court. In the traditional Type I court the decision to file a petition is made by a court or non-court intake unit staffed by personnel who most likely are oriented toward social services. A court-controlled intake unit is likely to be guided by the court's philosophy and directives. An executive agency intake unit can be expected to exhibit the orientation of their social service "sponsoring organization" (Eisenstein and Jacob, 1977). In Type IV courts, the prosecutor is involved in the decision to file a formal petition. We would, therefore, expect the application of legal criteria to the petition decision, even where the prosecutor is but one screener. Double prescreening, both social and legal, may lead to a different final disposition, whether the case is dismissed or the juvenile referred for services.

Another function of intake operations is to determine the custody status of juveniles referred to the system. The detention process has always been an important component of the juvenile justice system. It was initially viewed as serving two major functions: (1) protection (protecting juveniles from injuring themselves through misbehavior) and (2) rehabilitation (the beginning of the treatment process). More recently it has been viewed in terms of a liberty interest. 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. We proposed several measures to indicate the use of detention.

Detention rate.--A court's detention rate is defined as the percentage of juveniles detained at intake controlling for offense and type of referral--whether a body or paper referral. We would expect a larger percentage of juveniles to be detained in a Type I, traditional court, in which detention is likely to be viewed as the beginning of the rehabilitative process or as serving a protective function than in a Type IV due process court in which detention can be expected to be viewed primarily as deprivation of liberty.

Length of detention.--Length of detention, measured by the number of days held in detention (controlling for offense), is hypothesized as also greater in a Type I court than a Type IV court. Again, detention is viewed as beneficial in the traditionally oriented integrative court. Also, a Type IV court is more likely to apply stricter criteria in the decision whether or not to continue detention following a formal detention hearing.

Detention criteria.--The use of offense or offender characteristics in the decision to detain and to continue detention is expected to distinguish among types of courts. Procedures in the more due process oriented Type IV court are structured to favor release. It is expected that stricter criteria, such as probable cause, will be applied in deciding a liberty issue. Offense criteria, therefore, are likely to be predominant factors in detention decisions in these courts. Type I courts are more likely also to consider offender characteristics, such as the family and school situation of a child. A juvenile may be viewed as needing the protection and guidance of the court, regardless of the

offense.

Dispositional Measures

Dispositional measures are indicators of final case outcomes--the final outputs of the system. In computing dispositional measures, careful attention must be paid to the base in making comparisons across systems. Ideally, such measures should be based on the number of juveniles "at risk," i.e., that enter the system. Also, they must be analyzed in the context of the total distribution of dispositional options. We proposed several measures that tap the relative use of alternative dispositions. Non-judicial handling was discussed under screening measures. Given that a case is referred to court two additional decisions need to be made. First, the judge must decide whether to dismiss a case or assume jurisdiction. Secondly, assuming jurisdiction, he or she must decide the formal disposition. Traditionally, this decision has been between commitment and probation.

Judicial dismissal rate.--The judicial dismissal rate, or percentage of cases dismissed at first judicial hearing while a court disposition, could be included as a screening measure because of its apparent use as such in many traditional courts. Some courts use automatic filing on all cases referred. All cases receive a judicial hearing, even though a large proportion may be dismissed at that point. It is, therefore, difficult to attach any meaning to a judicial dismissal without further knowledge of a court. It may result from lack of evidence, a "not true" finding or be used as a sanction. We view it as an indicator of a court's tendency to favor judicial handling. It is likely that fewer "weak cases" reach the judge in a Type IV court due to the screening mechanism in place and less judicial control of the system. It is also likely that "appearing before the judge" is used in a more traditional

court as a form of punishment.

Commitment rate.--The commitment rate is defined as the percentage of juveniles committed to institutions, or "residential programs." Juvenile corrections has traditionally been viewed as oriented toward rehabilitation. We expect that in due process courts, commitment is viewed more as punishment as well as intervention. This difference may not be revealed by comparing overall commitment rates, however. Basing this rate on the number of youths who enter the system, rather than the number of cases adjudicated, there may well not be much variation by type. We do expect variation controlling for offense. We expect greater use of commitment as a disposition in the more serious cases in Type IV courts.

Probation rate.--The probation rate or percentage of juveniles placed on probation, controlling for offense, is likely to be higher for Type I courts, which have traditionally favored probation, whether formal or informal, as a means of controlling "wayward youths." Type IV courts are more likely to use a variety of alternative dispositions.

Dispositional criteria.--Dispositional criteria, specifically the relative use of offense and offender characteristics in the disposition decision are likely to vary by type of court. We have already suggested that in the intake decision offender characteristics are likely to have more influence in Type I courts. In looking at overall disposition we also expect Type I courts to more likely consider offender characteristics than Type IV courts, although offender characteristics are likely to enter into the decision-making to some extent in Type IV courts also once a legal finding has been made.

Due Process Measures

Included under the rubric "due process measures" are indicators

that reflect an adversarial orientation that recognizes opposing interests on the part of the state and a juvenile brought into the juvenile justice system. This recognition brings into focus the need to safeguard a juvenile's rights vis a vis the system. Measures involve the role of attorneys, both prosecutorial and defense, the use of hearings, the opportunity to deny the charges and to appeal legal findings, decision-making criteria, and the pace of disposition.

Legal representation rates.--In its extreme form the parens patriae philosophy sees the court as representing the juvenile and acting in his or her interest. Also, a probation officer or social service worker appears "for the child." Under these circumstances legal representation is not seen as necessary. Increasingly, however, even in the most traditional courts, in "serious cases" (often defined as cases in which incarceration is a possible outcome) counsel is assigned (Hendryx and Ito, 1981). The extent to which such representation is required or encouraged, and the inclusiveness of counsel in juvenile proceedings is likely to vary. The pre-adjudication representation rate, defined as the percentage of cases in which the juvenile is represented in proceedings prior to an adjudicatory hearing, is likely to be higher in Type IV courts. With a due process orientation, these courts are structured to accommodate the adversary process. Attorneys are likely to be brought in more often and earlier. Although juveniles are likely to be represented at any contested adjudicatory hearing, the rate of representation at adjudication (percentage of cases in which juveniles are represented by attorneys at the adjudicatory hearing) is likely to be higher in a Type IV due process court.

Average number of hearings.--The due process model is characterized 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. This measure only applies, of course, to cases that have been referred for judicial handling. We have already suggested that in due process courts a large proportion of cases are disposed without a judicial hearing. When a case is referred for judicial action in these courts we expect the introduction of procedural safeguards.

Denial rate.--The denial rate, or percentage of cases that are contested, is likely to be higher in Type IV courts, which are oriented, and therefore, structured, toward protection of a defendant's rights, including protection from self-incrimination. Guilt is less likely to be a question in a system that focuses on the child and not the offense. The consequences of an admission are not viewed as negative in the ideal-typical parens patriae court; on the contrary it is the first step toward receiving help.

Plea negotiation rate.--The plea negotiation rate is simply the percentage of cases plea bargained. Our previous research revealed, surprisingly, that in over 80 percent of the metropolitan juvenile courts surveyed, the prosecutor's role involves negotiating the plea to be entered (Hendryx and Ito, 1981). The plea negotiation rate is likely to vary by type of court, with a higher rate in Type IV courts. As we have stated elsewhere: "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" (Hendryx and Ito,

1981: p.122). Furthermore, not only is plea negotiation a work norm for the prosecutor, the prosecutor has more opportunity for negotiation in a Type IV court, in which he is involved in the intake process and has final authority, or at least participates, in deciding which cases receive formal handling.

Prosecutor participation rate.--The prosecutor participation rate is defined as the percentage of each type of proceeding at which the prosecutor represents the state. The introduction of the prosecutor into juvenile proceedings has been a major change in the field of juvenile justice (Rubin, 1979). A prosecutor is likely to be present at all adjudicatory proceedings as the state's representative. The extent to which he or she is present at other types of proceedings, especially disposition, is likely to vary by court type. The prosecutor is likely to play a greater role in the more adversarial Type IV court.

Post-disposition motions rate.--The post-disposition motions rate, or the percentage of cases in which the defense attorney files an appeal or seeks some other form of post-disposition relief (e.g., writ of habeas corpus) or change in disposition, is likely to be higher in a court that views the state's interest as possibly in conflict with a juvenile's interest.

Case disposition time.--Case disposition time, though stated in the negative, has frequently been used as a measure of one aspect of due process, i.e., "speedy justice". (Cook and Johnson, 1982; Volume 65, Number 2, Judicature). While the conventional wisdom might suggest that time-consuming procedural safeguards prolong the disposition process, we expect juvenile courts oriented toward due process to take less time to process cases than a more traditional court. The due process court is likely to be more interested both in speedy justice and speedy

retribution. In the traditional court taking and maintaining jurisdiction over a juvenile may be viewed as rehabilitative. We also predict, however, that more serious cases and especially cases ending in commitment take relatively more time than less serious cases. We expect "problem-related" cases to take longer to dispose in traditional juvenile courts.

The next chapter describes the four courts from which data were collected and the data collection procedures.

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Chapter III

Research Setting and Data Collection

The Research Setting

The project gathered data from four metropolitan juvenile courts, two representing each of the two major types--Type I, Integrative (Traditional), and Type IV, Autonomous (Due Process). The previous National Center for State Courts research that resulted in the typology used here classified 129 metropolitan juvenile courts. There were 48 traditional (Type I) courts identified and 34 due process (Type IV) courts. There were several factors considered in selecting two courts from each list. While theoretically we could have selected randomly, we wanted to include courts from different geographical regions and in close proximity to universities from which we could recruit graduate students to assist in data collection. We were also dependent on the cooperation of court personnel in agreeing to our presence, submitting to interviews, and providing access to the data.

There were only five states with Type IV courts. We began by selecting a Type IV court located in a western state. Our second Type IV court was selected to represent a different geographical region -- the Midwest. The specific site was selected because of its proximity to a major university. Type I courts are located in fifteen states predominately in two regions not already represented--the South and Northeast. The southern court volunteered. It is headed by a new judge interested in reform, who felt they could benefit from the information that would be gathered by the project. Because the data would be from an earlier time period, we did not feel that the desire for change on the

part of the new judge biased the data in any way. The fourth, and final, court was selected in consultation with the Center's Northeastern Regional Office Director who believed that the personnel would be co-operative. As we agreed to maintain confidentiality including the jurisdiction of the courts, they are identified by type--Type I courts are Court I A and Court I B, and Type IV courts are Court IV A and Court IV B.

Court I A

Court I A is located in a southern metropolitan city of approximately 800,000 population, about 28 percent black and about 28 percent under the age of 18. The annual report points with pride to the court's seventy year history as a separate system. The Police Court judge who handled juvenile cases had developed a practice of paroling juveniles to the Boys' Club. When the legislature established the Juvenile Court, it was the Boys' Club and the Children's Aid Society that assisted in making it a reality in the community. In 1980, the judge, only the fourth in the court's history, invited the community to join in this "noble cause" in a letter headed with the court's seal--a child's hand held in an adult's hand superimposed over the scales of justice and emblazoned with the motto "Justice, Rehabilitation, Mercy." At the time of our study, the Juvenile Court had become a division of the general jurisdiction court and was operating under a recently revised Juvenile Code. That Code mixes the rhetoric of the "child-saving movement" (e.g., "best interest of the child;" "A delinquent child is a child who has committed a delinquent act and is in need of care or rehabilitation;" "Detention care is temporary care of alleged delinquents.") with references to "due process," "right to counsel," and "privilege against self-incrimination." The jurisdiction includes delinquents, children in

need of protective supervision (CHIPS), dependent children, and domestic relations, excluding divorce. Two full-time judges were assigned to hear juvenile matters, assisted by two referees. The probation department is funded by the county, but administered by the court. As the top administrative officer the presiding judge delegates administrative control to the Chief Probation Officer. The prosecutor is not involved in pre-screening and is only required by statute to assist the court when requested and to represent the state in appeals. The Juvenile Intake Division of court services is responsible for receiving complaints and deciding whether to dismiss, informally adjust, or refer a case to court.

The court is housed in a building constructed for the court over fifty years ago, which looks very much like a '30's-vintage elementary school. It is located in a deteriorated commercial/residential area on the outskirts of the downtown business district, and is adjacent to a littered street lined with dilapidated shacks, some unoccupied, many housing blacks. Offices of the Deputy District Attorney and the Public Defender assigned to the court are also housed in the court building.

Court I B

The second traditional court is located in a northeastern metropolitan area of approximately 600,000 population. According to its annual report the court

"was created to focus specialized judicial power and wisdom on individual and social problems concerning families and children. Consequently, its goals are to assist, protect, and, if possible, restore families whose unity or well-being is being threatened and to preserve these families as secure units of law abiding members. This court is also charged with assuring that children within its jurisdiction receive the care, guidance, and control conducive to their welfare and the best interest of the state."

A special jurisdiction court, it exercises jurisdiction over all juvenile and domestic relations matters, including divorce.

At least two of the eleven judges and a part-time master are assigned to hear juvenile matters. The court is housed in a large, modern, recently constructed building in the downtown area. Intake is administered by the court. Complainants file petitions directly with the clerk, but court intake decides whether to refer a case for a court hearing. They also have the option of diverting first offenders in all but the most serious cases by referring them to a separate diversionary unit.

Court IV A

The first Type IV, due process, court visited is located in the western region in a metropolitan area of approximately 700,000 population, nearly 17 percent of whom are minorities. Hearing juvenile matters only, it is a general jurisdiction court with one judge who is rotated among other divisions. The judge at the time of the study was serving his fourth year in the position, having sought the assignment. Probation is administered by the county. The court, probation, and the offices of the district attorney and public defender are all located in the same county complex in a suburban area. Probation's intake department first review the case and decide whether to dismiss, handle informally, or apply for a petition. The prosecutor is the only one authorized to file a petition in a delinquency case. Most status offense cases enter the system through a separate unit--separate both administratively and physically, although housed within the same complex.

Court IV B

The second due process court is located in a midwestern metropolitan area of approximately 300,000 with a negligible minority

population (less than three percent). The court hearing juvenile matters is a branch of the general jurisdiction court and at the time of the study consisted of four full-time judges and one full-time and one part-time commissioner.

The legislative intent in establishing the juvenile justice system for the state specifies six goals that contain a mixture of due process and parens patriae rhetoric. The first purpose is "to provide judicial and other procedures through which children and all other interested parties are assured fair hearings and their constitutional and other legal rights are recognized and enforced while protecting the public safety." Diversion from the juvenile justice system and the use of community-based programs are also listed as goals. Other purposes refer to "preserving family unity," providing "supervision, care and rehabilitation," and "the best interests of the child." Probation is administered by the county department of social services. Intake is decentralized, involving the court, county social services, and the prosecutor's office in decision-making. The intake worker recommends type of handling based on policy dictated by the court. Authority to file a petition, however, rests with the deputy district attorney.

Data Collection

Sampling Procedures

Data were collected from samples of approximately 500-600 cases from each of the four courts during the fall of 1982 and winter 1983. The samples were selected from the population of cases received at intake during calendar year 1980. The year 1980 was selected to ensure that all cases sampled would have reached final disposition, and that the court characteristics for which the sites were selected would not have changed. Every nth case was selected in order to reach the quota for each court. If a juvenile was referred more than once during this

period, one event was randomly selected. Our intent was to sample from the master intake log that in most juvenile courts lists referrals chronologically i.e., as they are received at intake.

In Court I A the master intake log for 1980 had been destroyed. We found, however, that "statistics cards" are filled out for the state on each referral, which produces summary statistics for dispositions. The court stores its copy of the two-part form, grouped by month of disposition, in cardboard boxes in the basement of the old detention hall. We were able to sort by hand the cards for cases disposed in 1980 and 1981 by year and month of referral to obtain the population of 1980 referrals. We included delinquencies, status offenses, and violations of probation only, thus excluding dependency/neglect and special proceedings, which seemed to consist mainly of termination of parental rights, custody battles, and mental commitment. The total number of cards exceeded the number of cases reported by the court in its annual report, so we are confident that we identified the entire population, and that duplicates, which we noted, accounted for the additional cards. In order to obtain our target sample of 500-600 we oversampled to allow for replacement of duplicates and missing records. The initial sample drawn consisted of 709 cases of which 523 (73.8 per cent) were coded. Over half of the uncoded cases were either duplicates or otherwise did not meet the selection criteria. The latter category included cases referred in 1979, dependency/neglect, and custody cases inadvertently included because of miscodes of the statistics cards. For approximately 11 percent of the sampled cases no file could be located. Based on previous National Center research using court records this is about the average number of missing records in a nonautomated court. Also, using the information on the statistics cards (which included sex, ethnicity, age,

offense, and number of prior offenses, and disposition) we were able to compare the missing cases with the rest of the sample, and found no systematic bias.

In contrast, our second traditional court is automated and we had complete sample fulfillment. The sample of 632 was selected from a chronological list of 1980 referrals generated by computer program.

In both Type IV courts, which are decentralized, determining the sampling frame was more problematic. For Court IV A we combined multiple intake lists. For juveniles taken into custody separate "booking logs" were maintained for boys and girls at the detention center. Another log was kept in the intake division for "paper referrals" in delinquency cases. A citation log is also kept separately. This log lists those cases involving primarily minor offenses, in which the police issue a citation rather than take a juvenile into custody. Intake for most status offense cases is conducted by a separate unit yielding yet another list. A total of 585 cases were coded, 173 cases having to be replaced. Most of these cases were either duplicates or cases which were transferred to the alleged offender's home county for disposition. In approximately 6 percent of the cases, the files could not be located. More disturbing was the loss of 85 cases which seemed to form a pattern. We noticed from information on the intake log that they involved relatively minor first offenses and had been closed at intake. We discovered that probation records are not subject to record retention regulations and that "informals" were routinely purged when a juvenile reached the age of 18. As excluding these cases would have seriously biased our sample, we decided to code the cases from information contained in the intake log, which included age, sex, offense, detention status, date of intake, prior record, referral source, disposition, and disposition date.

Court IV B posed the most serious sampling problems. Here again multiple lists were combined--alleged delinquents, children in need of protective services (CHIPS), citations, and truancies--from three different locations. An initial sample of 590 was drawn. Due to an extraordinary number of missing files, however, replacement samples were drawn four different times. While initially missing cases were replaced with like offenses (delinquency, CHIPS, etc.), it became impossible to keep track of sample characteristics. Our best estimate is that approximately 35-40 percent of the original sample was lost. The number of repeat entries for runaways and our decision to include one event per juvenile made it difficult to define the total population of status offenders in any of the four courts. In this court, however, the CHIPS list was nearly exhausted. We were concerned that status offense cases might be overrepresented in the sample. The actual sampling fraction for CHIPS, however, was within two percentage points of that in the population. We are unaware of any other potential sources of systematic bias in the sample. The difficulty in locating files was due in part to the practice of filing cases by family. Not only are they filed by mother's name, which is frequently different from the juvenile's, but files are stuck within files, and in some cases a juvenile's file would be missing from the family file.

In arriving at the final samples cases were eliminated if information on the offense or disposition was missing. We also decided to eliminate traffic cases, which were represented in only two courts, for comparability of samples. We also excluded the small number of cases resulting in transfer or waiver to criminal court. While too few cases for a separate category, we did not consider it appropriate to

include them with commitment. The final sample distribution was as follows:

	(N)
Court I A	474
Court I B	513
Court IV A	489
Court IV B	453

Coding the Data

The information coded onto specially designed code sheets from official records included background characteristics of the alleged offender, including sex, ethnicity, age, activity, and family composition; offense characteristics, including type of offense, previous official court contacts, and number of charges; and case processing characteristics, including source of referral, detention decision, length of detention, intake decision, dates of hearings, legal representation, legal findings and disposition (see appendix for specimen code sheet). Coding of the information from the court records was carried out by specially trained students in three of the courts and by data processing staff in the fourth, all under the supervision of a professional National Center staff member. Prior to any data collection a set of coding instructions was developed. At each site, the principal investigator and the project consultant examined a sub-sample of files and consulted with court staff in order to establish site-specific coding instructions in order to insure comparability across courts. This was necessary mainly because of the use of different terminology. We also had to make decisions regarding comparability of procedures. In Court I B, for example, a petition is filed with the clerk in every case, but does not indicate judicial handling. The category "file a petition" for "intake decision," therefore, in Court I B read "refer for judicial handling."

Coders were trained by their supervisor who also made periodic coding reliability checks. Additional information on court operation was gathered through interviews and observation. The following three chapters report the analyses of these data.

Chapter IV
Screening Measures

As noted in Chapter II, while screening is a prosecutorial function in criminal courts, it is largely a probation function in juvenile courts. For the prosecutor the decision is whether or not a case has prosecutive merit. Generally, for the intake worker the decision is not only whether to accept the case but also how to handle it. Traditionally, juvenile courts have always had procedures to resolve some cases without formal court processing, whether by referral to other agencies, counseling and releasing, or placing a juvenile on informal probation. Over the years, probation departments have become more specialized and many juvenile systems have special intake units.

The courts in the typology, and in our study, are distinguished by who controls the intake process. In many courts intake is performed by an executive branch agency, whether state or local. Also, increasingly, prosecutors are involved in intake screening. In our traditional systems, intake is under the total control of the court. This is true of both traditional courts in our sample. In the due process courts the intake function is performed by an executive branch agency and a prosecutor. Each of our two sample courts conduct this process in a different manner. In Court IV A an intake worker reviews a case and decides how he or she thinks it should be handled. If the intake worker determines that a case should be handled judicially, application is made to the prosecutor's office for a petition. A prosecutor then reviews the case for legal sufficiency and may file a petition or send the case back to intake for informal handling.

In Court IVB, the county social services department has the responsibility for administering intake. The integration of court intake and social services make it difficult to distinguish the population "at risk" of court referral. The unit assigned this function, however, is attached to the court and governed by written judicial policy. Complaints are filed simultaneously with intake and the District Attorney's office. An intake worker meets with a prosecutor to review the intake worker's recommendations on type of handling. The decision on whether to file a formal petition rests with the District Attorney.

In all four courts, statutes and court rules give the intake worker considerable discretion in deciding whether to refer a case for judicial handling. In Court IA, for example, the intake worker must "determine whether the child is within the jurisdiction of the court and whether the best interests of the child or of the public require that a petition be filed."

Several studies have attempted to identify factors that influence the intake decision. These previous studies of decision-making criteria are not consistent, however, in their findings regarding the relative use of offender and offense characteristics and which offender characteristics are the best predictors. Terry (1967) found offense characteristics alone significant in the decision whether to refer a case for formal court handling. Thornberry (1973) found race and social class to influence the intake decision. Thomas and Sieverdes (1975) found both social and legal factors considered in the decision-making, primarily the type of offense. Cohen and Kluegel (1979b) suggested two hypotheses to explain these inconsistencies -- methodological inadequacies in the previous studies, and differing court philosophies. Using a sophisticated multivariate technique they found social and legal factors

and court associated with intake decision. Juveniles in the court they defined as due process were more likely to be referred to court than those in the therapeutic court.

We predicted that the traditional juvenile courts, oriented toward treatment and rehabilitation, would be less likely to screen out cases and, thereby, "refuse treatment" to juveniles brought to the attention of the juvenile court. We predicted that the due process courts, concerned with individual rights, would be less likely to intervene in a juvenile's life. Further, given intervention, we expected the due process courts to use less intrusive actions, being more reluctant to handle cases judicially. We also expected the due process courts to use stricter legal criteria in referring cases for formal judicial handling.

Findings

Referral Decision

Table 4.1 indicates the outcome of the screening process in each of the four courts. As predicted, the two due process courts are more likely to dismiss a case altogether. Almost half (47.2 percent) of the cases referred to Court IVA were dismissed at intake. Over one-fourth (26.5 percent) of the cases in Court IVB were dismissed. Approximately one-fifth (17.9 percent in Court IA and 20.5 percent in Court IB) of the cases in the traditional courts were dismissed at intake. Focusing on the cases referred to court, however, Court IVB is more comparable to the traditional courts. Approximately 60 percent or more (67.7, 59.8, and 69.3 percent, respectively) of the cases in Court IA, Court IB and Court IVB were referred for judicial action, while only 35.8 percent of the

TABLE 4.1
INTAKE DECISION BY COURT

	IA		IB		IV A		IV B	
	%	(N)	%	(N)	%	(N)	%	(N)
Dismiss	17.9	(85)	20.5	(105)	47.2	(231)	26.5	(120)
Handle informally	14.3	(68)	19.7	(101)	17.0	(83)	4.2	(19)
Refer to court	67.7	(321)	59.8	(307)	35.8	(175)	69.3	(314)
Totals	100.0	(474)	100.0	(513)	100.0	(489)	100.0	(453)

cases received at intake in Court IVA were referred to court. Compared to the other three courts little use is made of informal handling in Court IVB, which accounts for the difference. This is likely due to the practice of having consent decrees signed before a referee. While we defined this as judicial handling, the procedure is distinctly different from a hearing before a judge. Excluding the consent decrees (21.6 percent), 47.7 percent of the cases in Court IVB were heard before a judge, a figure much closer to the 35.8 percent referred to court in the other due process court.

The next step in our analysis was to examine decision making criteria used at intake. Our dependent variable was whether or not a case was referred to court. Table 4.2 displays the distribution of court samples on the independent variables. The variables are characterized as offense and offender characteristics. Offense characteristics are those directly related to the alleged act, and include type of offense¹ (miscellaneous minor, drug or alcohol, property, minor violence, or serious violence), number of charges (single or multiple), number of prior official court contacts, and number of prior unofficial court contacts. Offender characteristics are descriptive of the juvenile and included gender (male or female), ethnicity² (white or minority), age, and family composition (intact, step-parent, single parent, or other).

In order to investigate the relative influence of offense and offender characteristics in the intake decision in each type of court, the multivariate technique discriminant analysis was used. Designed to handle a categorical dependent variable, it allows one to enter the independent variables into the analysis one at a time, and to assess the relative contribution of each variable to distinguishing among categories of the dependent variable (Klecka, 1980).

TABLE 4.2
DISTRIBUTION OF COURT DELINQUENCY CASES ON OFFENSE AND OFFENDER CHARACTERISTICS

Offense Characteristics	Court							
	IA		IB		IV A		IV B	
Offense type:	%	(N)	%	(N)	%	(N)	%	(N)
Miscellaneous minor	7.6	(27)	17.9	(80)	8.6	(30)	9.8	(34)
Drug/alcohol	9.6	(34)	8.1	(36)	16.6	(58)	9.2	(32)
Property	64.0	(228)	58.3	(260)	59.0	(206)	69.9	(242)
Minor violence	10.4	(37)	9.9	(44)	6.3	(22)	6.9	(24)
Serious violence	8.4	(30)	5.8	(26)	9.5	(33)	4.0	(14)
Number of charges:								
Single	75.6	(272)	76.2	(353)	77.3	(272)	83.9	(322)
Multiple	24.4	(88)	23.8	(110)	22.7	(80)	16.1	(62)
Prior official court contacts:								
None	73.0	(262)	68.0	(315)	62.6	(219)	52.3	(179)
One	10.6	(38)	13.6	(63)	14.9	(52)	16.4	(56)
Two	6.7	(24)	5.2	(24)	6.9	(24)	10.8	(37)
Three	3.3	(12)	3.5	(16)	4.0	(14)	5.8	(20)
Four or more	6.4	(23)	9.7	(45)	11.7	(41)	14.6	(50)
Prior unofficial court contacts:								
None	82.9	(296)	80.5	(371)	89.4	(311)	55.3	(182)
One	13.2	(47)	16.5	(76)	4.9	(17)	16.1	(53)
Two	2.8	(10)	2.6	(12)	3.7	(13)	11.6	(38)
Three or more	1.1	(4)	0.4	(2)	2.0	(7)	17.0	(56)
Offender Characteristics								
Gender:								
Male	84.2	(303)	83.4	(386)	79.0	(274)	84.9	(325)
Female	15.8	(57)	16.6	(77)	21.0	(73)	15.1	(58)
Ethnicity:								
White	51.9	(187)	86.4	(400)	52.3	(184)	90.4	(347)
Minority	48.1	(173)	13.6	(63)	47.7	(168)	9.6	(37)

Age:

13 and under	10.3 (36)	13.7 (63)	18.7 (52)	13.4 (45)
14	11.2 (39)	11.3 (52)	17.6 (49)	10.4 (35)
15	19.2 (67)	20.5 (94)	21.6 (60)	21.0 (70)
16	30.1 (105)	24.2 (111)	19.4 (54)	26.3 (88)
17	28.4 (99)	27.4 (126)	22.3 (62)	29.0 (97)
18	0.8 (3)	2.8 (13)	0.4 (1)	0.0 (0)

Family composition:

Intact	34.8 (123)	45.2 (207)	31.7 (89)	51.7 (182)
Single parent	49.9 (176)	33.2 (152)	42.0 (118)	34.7 (122)
Step-parent	4.8 (17)	9.6 (44)	15.3 (43)	8.0 (28)
Other	10.5 (37)	12.0 (55)	11.0 (31)	5.7 (20)

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, those not referred to court and those referred to court, given the criteria 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., 1975).

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. 1975). It also allows us to measure the relative distance each variable moves the groups (Eisenstein and Jacob, 1978).

The order in which the variables were entered was not specified to determine which variable or variables have 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, 1975).

The technique produces several other statistics useful in interpreting the relationship between the independent and dependent variables. The standardized function coefficients are analagous to beta

weights in multiple regression analysis and indicate the relative contribution of each variable to the discriminant function, or combination of variables, distinguishing among groups (Nie et al., 1975). The canonical correlation can be interpreted as a measure of association between the "groups" and the set of discriminating variables with zero indicating no relationship and 1.0 a perfect relationship. As with Pearson's product-moment correlation the square of the canonical correlation can be interpreted as the percentage of variance in the dependent variable (the groups) explained by the independent variables (the discriminating variables). Wilks' lambda can also be interpreted as a measure of association (the lower the statistic, the higher the degree of association). It is more useful, however, to test significance when using sample data. It can be converted into an approximation of chi-square (Klecka, 1980).

Table 4.3 presents the results for each court of the discriminant analysis of the court referral decision--whether to refer a case to court or dispose of it at intake. Results are in the predicted direction except for Court IB. Offense and offender characteristics are both significant predictors of the court referral decision in Court IA. In the Type IV courts only offense characteristics make a significant contribution to the changes in Rao's V. In Court IB only prior court contacts are significant predictors of the referral decision. This is not surprising, however, given a stated policy objective of diverting first offenders. The canonical correlation of 0.71 indicates a moderately strong statistical association between prior official and unofficial court contacts and serious violent offense and the dependent variable court referral. The correlation may be interpreted as indicating that the independent variables explain 50.41 percent of the

TABLE 4.3
DISCRIMINATING VARIABLES
IN COURT REFERRAL DECISION
OF DELINQUENCY CASES
BY COURT

Court I A (N=359)		
Variables	Change in Rao's V	Standardized Discriminant Function Coefficient
Offense Characteristics		
Prior official court contacts	9.86*	0.45
Serious violent offense	4.94*	0.32
Alcohol or drug offense	1.41	-0.19
Number of charges	19.12*	0.69
Offender Characteristics		
Intact Family	7.47*	-0.39

*p < .05
Canonical correlation: .37
Percent of variance explained: 14.00%
Wilks' lambda: .86
Chi-square test of Wilks' lambda: 39.261; p < .001; df: 5

Court I B (whites) (N=398)		
Variables	Change in Rao's V	Standardized Discriminant Function Coefficient
Offense Characteristics		
Prior official court contacts	88.53*	0.95
Prior unofficial court contacts	37.13*	0.55
Serious violent offense	2.98	-0.14
Alcohol or drug offense	3.55	-0.18
Number of charges	3.35	0.16
Minor violent offense	2.40	0.13

* p < .05
Canonical correlation: .71
Percent of variance explained: 50.41%
Wilks' lambda: .50
Chi-square test of Wilks' lambda: 93.333; p < .001; df: 6

TABLE 4.3
 DISCRIMINATING VARIABLES
 IN COURT REFERRAL DECISION
 OF DELINQUENCY CASES
 BY COURT
 (cont'd)

Court IV A (N=350)		
Variables	Change in Rao's V	Standardized Discriminant Function Coefficient
Offense Characteristics		
Prior official court contacts	8.63*	0.45
Alcohol or drug offense	12.49*	-0.31
Serious violent offense	3.62*	0.47
Number of charges	14.23*	0.60
Property offense	2.82	0.39
Offender Characteristics		
Single parent family	2.98	0.27

*p < .05
 Canonical correlation: .38
 Percent of variance explained: 14.4%
 Wilks' lambda: .85
 Chi-square test of Wilks' lambda: 40.836; p < .001; df: 6

Court IV B (whites) (N=302)		
Variables	Change in Rao's V	Standardized Discriminant Function Coefficient
Offense Characteristics		
Prior unofficial court contacts	17.29*	-0.36
Prior official court contacts	7.93*	-0.40
Minor miscellaneous offenses	11.38*	0.61
Alcohol or drug offenses	15.70*	0.77
Serious violent offense	1.44	0.25
Number of offenses	3.05	0.39
Property offense	1.58	0.25
Offender characteristics		
Single parent family	1.53	-0.16

* p < .05
 Canonical correlation: .41
 Percent of variance explained: 16.8%

variance. The independent variables explain only 14-17 percent of the variance in the court referral decision in the other three courts. Although the relationship is moderate at best the significant variables affecting the intake decision in Court IA are number of charges and prior official court contacts, followed by whether or not the juvenile has an intact family and whether or not the case involves a serious violent offense. The chi-square test of Wilks' lambda is significant at the .001 level, which means that we would get as chi-square this large or larger only one time out of a thousand samples when there were actually no differences between the groups.

The significant discriminators in Court IVA were alcohol or drug offense (standardized coefficient of 0.31), number of charges (coefficient of 0.60), prior official court contacts (coefficient of 0.45), and serious violent offense (coefficient of 0.47). The canonical correlation (.38) indicates a moderate relationship, the discriminating variables explaining 14.4 percent of the variance. The chi-square test of Wilks' lambda indicates a significance level of .001.

In Court IVB the significant discriminating variables were prior unofficial court contacts (standardized coefficient of -0.36), prior official court contacts (coefficient of -0.40), and whether or not a case involves a minor miscellaneous offense (coefficient of 0.61) or alcohol or drug offense (coefficient of 0.77). The combination of variables is moderately associated with the groups with a canonical correlation of .41, indicating that the variables explain 16.8 percent of the variance. The Wilks' lambda is significant at .001.

To further explore the differential use of intake options, we looked for interaction effects in the relationship between offense

characteristics and intake decision. We would expect due process courts most likely to dismiss those cases indicating a "problem," but neither type of court to use dismissal extensively in the more serious cases. Table 4.4 reveals the distribution of cases among intake options for each court broken down by offense type.

Note that most cases involving miscellaneous minor offenses in due process courts were dismissed at intake. Court IB, while dismissing a much smaller percentage of miscellaneous minor offenses, (36.3 percent) used this option more in this type of case than any other. (Note also that Court IB received more such cases than the other courts). Court IA, however, referred most (63 percent) of even its minor cases for judicial handling.

We would expect due process courts to be most reluctant to assume jurisdiction over status offense cases and cases involving alcohol and drug use -- those cases indicating "problems". Table 4.4 reveals that this is largely the case. While in Court IVA 43.3 percent of the minor cases are dismissed at intake, 52.6 percent of the status offense cases are dismissed and 69 percent of the alcohol and drug cases. In Court IVB status offense cases are less likely to be dismissed at intake than minor law violations. In fact, referral to court is the predominant intake disposition (56.5 percent) for status offense cases in Court IVB. In Court IVA, only 8.8 percent of the status offense cases were referred to court. In the traditional courts, over half of the status offense cases were handled judicially. Half of the alcohol and drug cases were dismissed at intake in Court IVB. Traditional courts are much more likely to assume jurisdiction; in Court IA 17.6 percent were dismissed and in Court IB 30.6 percent.

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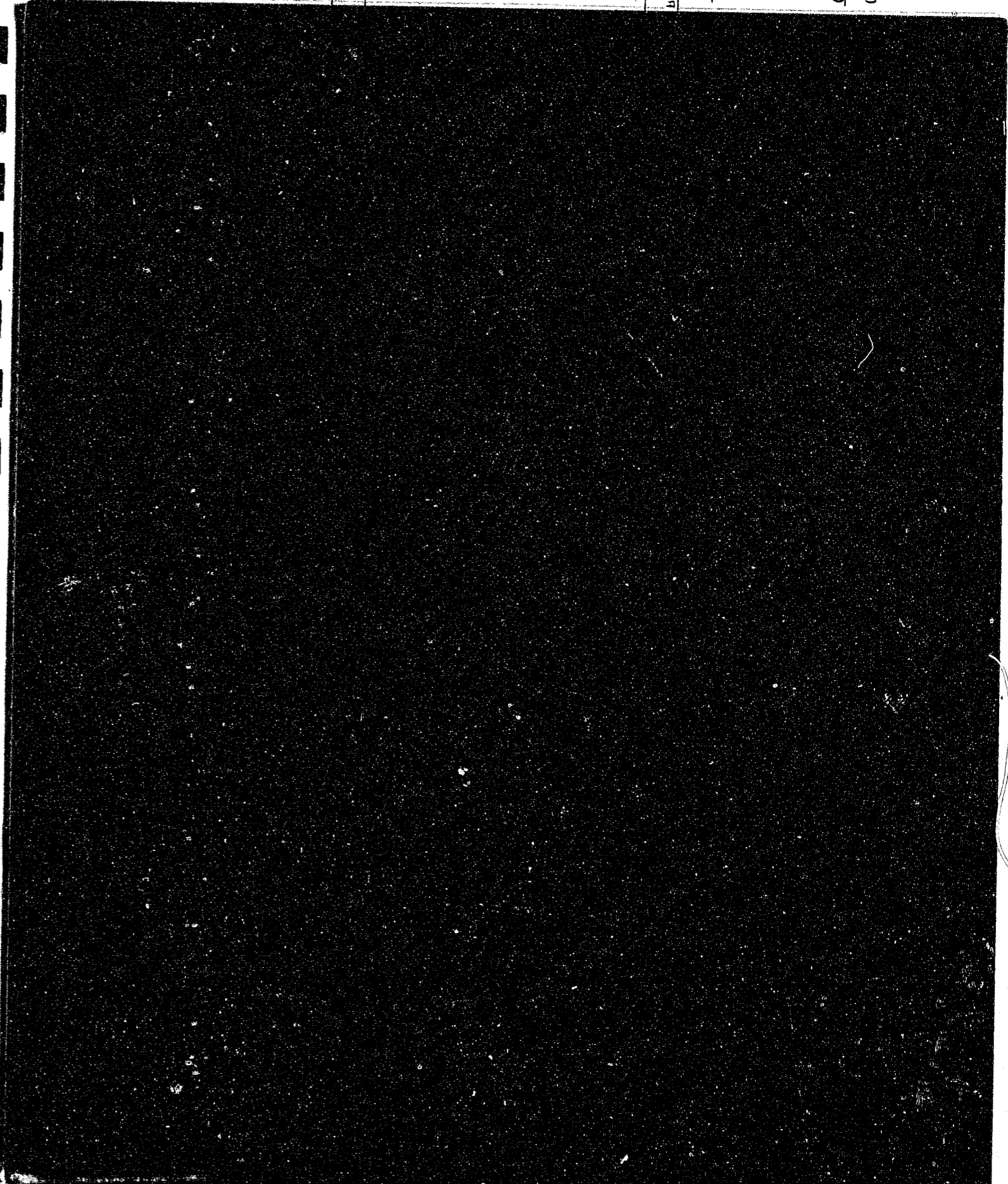


TABLE 4.4
INTAKE DECISION FOR EACH
OFFENSE TYPE BY COURT

	MISCELLANEOUS MINOR OFFENSES				STATUS OFFENSES				ALCOHOL AND DRUG OFFENSES			
	IA	IB	IV A	IV B	IA	IB	IV A	IV B	IA	IB	IV A	IV B
	% (N)	% (N)	% (N)	% (N)	% (N)	% (N)	% (N)	% (N)	% (N)	% (N)	% (N)	% (N)
Dismiss	18.5 (5)	36.3 (29)	43.3 (13)	50.0 (17)	26.3 (30)	8.0 (4)	52.6 (72)	33.3 (23)	17.6 (6)	30.6 (11)	69.0 (40)	50.0 (16)
Handle in- formally	10.5 (5)	16.3 (13)	23.3 (7)	2.9 (1)	15.8 (18)	30.0 (15)	38.7 (53)	10.1 (7)	26.5 (9)	19.4 (7)	10.3 (6)	3.1 (1)
Refer to court	63.0 (17)	47.5 (38)	33.3 (10)	47.1 (16)	57.9 (66)	62.0 (31)	8.8 (12)	56.5 (39)	55.9 (19)	50.0 (8)	20.7 (12)	46.9 (15)
Total	100.0 (27)	100.0 (80)	100.0 (30)	100.0 (34)	100.0 (114)	100.0 (50)	100.1 (137)	99.9 (69)	100.0 (34)	100.0 (36)	100.0 (58)	100.0 (32)
	PROPERTY OFFENSES				MINOR VIOLENT OFFENSES				SERIOUS VIOLENT OFFENSES			
	IA	IB	IV A	IV B	IA	IB	IV A	IV B	IA	IB	IV A	IV B
	% (N)	% (N)	% (N)	% (N)	% (N)	% (N)	% (N)	% (N)	% (N)	% (N)	% (N)	% (N)
Dismiss	14.0 (32)	22.3 (58)	41.3 (85)	24.6 (58)	29.7 (11)	2.3 (1)	54.5 (12)	8.3 (2)	0.0 (0)	7.7 (2)	21.2 (7)	14.3 (2)
Handle in- formally	13.2 (30)	19.2 (50)	6.8 (14)	3.3 (8)	10.8 (4)	25.0 (11)	4.5 (1)	8.3 (2)	6.7 (2)	19.2 (5)	6.1 (2)	0.0 (0)
Refer to court	72.8 (166)	58.5 (152)	51.9 (107)	72.7 (176)	59.5 (22)	72.7 (32)	40.9 (9)	83.3 (20)	93.3 (28)	73.1 (19)	72.7 (24)	85.7 (12)
Totals	100.0 (228)	100.0 (260)	100.0 (206)	100.0 (242)	100.0 (37)	100.0 (44)	100.0 (22)	99.9 (21)	100.0 (30)	100.0 (26)	100.0 (33)	100.0 (14)

We expected the four courts to be more similar to each other in the intake processing of more serious cases. Table 4.4 shows that the predominant intake disposition for cases involving property offenses, minor violence, or serious violence for all courts was court referral, with the handling of minor violent offenses in Court IVA the single exception. (As the sample contained only 12 such cases, one should not conclude that cases of minor violence are typically dismissed.) Court IVA, however, continues to be the court most likely to dismiss any type of case at intake. Nevertheless, Court IVA referred half (51.9 percent) of its property offense cases to court, and 72.7 percent of its cases involving serious violent offenses.

Table 4.5 indicates the effect of prior court record on the intake decision. We expected prior offenses to increase the probability of court referral in the due process courts. The probability of court referral increases with each additional previous offense for all our courts. In Court IVA, however, the percentage of cases referred to court ranges from 26.4 for first offenders to 71.6 for juveniles with more than three previous offenses. In Court IVB, the percentages range from 58.8 to 84.4 percent. In Court IA 61.9 percent of the first offenders are handled judicially, while only 45.4 percent are in Court IB. There is a dramatic difference in handling repeat offenders, however, in Court IB. This indicates the effect of the diversion program for first offenders mentioned previously. With one previous offense the rate of court referral almost doubles (84.3 percent). With two or three offenses, it climbs to 93.3 percent, and 98.5 percent of the juveniles with more than three offenses are referred to court.

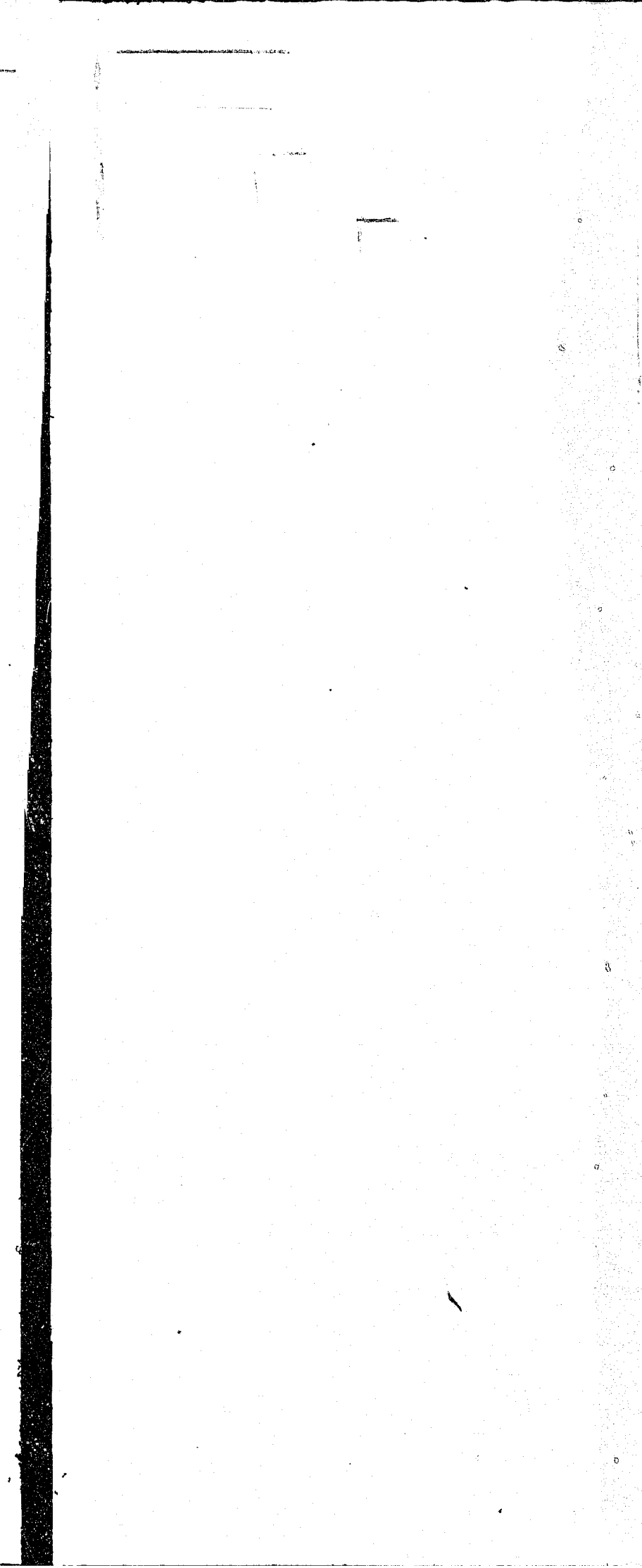


TABLE 4.5
 INTAKE DECISION ACCORDING TO
 PRIOR OFFICIAL RECORD
 BY COURT

	NO PREVIOUS OFFENSE				ONE PREVIOUS OFFENSE											
	IA		IB		IV A		IV B		I A		I B		IV A		IV B	
	%	(N)	%	(N)	%	(N)	%	(N)	%	(N)	%	(N)	%	(N)	%	(N)
Dismiss	19.8	(69)	28.6	(100)	55.6	(179)	37.7	(80)	17.0	(9)	5.7	(4)	39.1	(27)	28.4	(19)
Handle in- formally	18.3	(64)	26.0	(91)	18.0	(58)	4.2	(9)	5.7	(3)	10.0	(7)	23.2	(16)	1.5	(1)
Refer to court	61.9	(216)	45.4	(159)	26.4	(85)	58.0	(123)	77.4	(41)	84.3	(59)	37.7	(26)	70.1	(47)
Totals	100.0	(349)	100.0	(334)	100.0	(322)	99.9	(212)	100.1	(53)	100.0	(70)	100.0	(69)	100.0	(67)

	TWO OR THREE PREVIOUS OFFENSES				MORE THAN THREE PREVIOUS OFFENSES											
	IA		IB		IV A		IV B		I A		I B		IV A		IV B	
	%	(N)	%	(N)	%	(N)	%	(N)	%	(N)	%	(N)	%	(N)	%	(N)
Dismiss	12.8	(6)	2.2	(1)	39.6	(19)	15.7	(11)	2.6	(1)	0.0	(0)	17.9	(12)	12.5	(16)
Handle in- formally	2.1	(1)	4.4	(2)	7.3	(4)	17.1	(5)	0.0	(0)	1.5	(1)	10.4	(7)	3.1	(4)
Refer to court	85.1	(40)	93.3	(42)	52.1	(25)	77.1	(54)	97.4	(38)	98.5	(65)	71.6	(48)	84.4	(108)
Totals	100.0	(47)	99.9	(45)	100.0	(48)	99.9	(70)	100.0	(39)	100.0	(66)	99.9	(67)	100.0	(128)

We expected that due process courts would be more likely to refer cases involving multiple charges to court than cases involving a single charge. Table 4.6 suggests that the effect of multiple charges is greater in the traditional courts. While 21.7 and 23 percent of the cases with a single charge in Courts IA and IB were dismissed, only 2.2 and 12.4 percent of the cases involving multiple charges were. In Court IVA half (51 percent) of the cases involving a single charge were dismissed while 31.2 percent of the multiple charge cases were disposed of other than by referral for judicial handling. The number of charges made little difference in deciding the type of processing in Court IVB.

The Detention Decision

Another function of intake is to make the initial custody decision. All four of the courts operate under comparable statutes that favor release, but allow considerable discretion in determining whether detention is necessary for the "protection" of society or the juvenile. In one of the traditional courts, for example, a juvenile taken into custody "shall immediately be released...except in situations where:

- (1) the child has no parent, guardian, custodian or other suitable person able and willing to provide supervision and care for such a child;
- (2) the release of the child would present a clear and substantial threat of a serious nature to the person or property of others where the child is alleged to be delinquent;
- (3) the release of such child would present a serious threat of substantial loss to such child; or
- (4) the child has a history of failing to appear for hearings before the court."

We expected traditional courts to be more likely to detain and due process courts to favor release. We interpret the traditional juvenile court philosophy as viewing detention as protective. The due

TABLE 4.6
INTAKE DECISION ACCORDING TO
NUMBER OF CHARGES BY COURT

	IA		IB		IV A		IV B	
	%	(N)	%	(N)	%	(N)	%	(N)
ONE CHARGE								
Dismiss	21.7	(83)	23.0	(90)	51.0	(202)	26.8	(102)
Handle informally	17.0	(65)	20.7	(81)	19.7	(78)	4.5	(17)
Refer to court	61.3	(234)	56.4	(221)	29.3	(116)	68.8	(262)
Totals	100.0	(382)	100.1	(392)	100.0	(396)	100.1	(381)
MULTIPLE CHARGES								
Dismiss	2.2	(2)	12.4	(15)	31.2	(29)	25.0	(18)
Handle informally	3.3	(3)	16.5	(20)	5.4	(5)	2.8	(2)
Refer to court	94.6	(87)	71.1	(86)	63.4	(59)	72.2	(52)
Totals	100.1	(92)	100.0	(121)	100.0	(93)	100.0	(72)

process court is more likely to view detention as a liberty issue and use strict legal criteria. This hypothesis is consistent with the findings of Cohen and Kluegel's (1979) study of the detention decision in which they found a higher detention rate in their "therapeutic" court than the more due process-oriented court. Our results, however, were mixed. While one of the traditional courts had the highest detention rate (21.1 percent)(see Table 4.7), the other had the lowest (3.3 percent). The detention rates for the due process courts, while lower than Court IA's, were much higher than Court IB's rate (13.5 and 13.7 percent).

Large interstate variations in detention and commitment rates unexplained by youth crime rates, led one research team to characterize juvenile corrections as "justice by geography" (Krisberg, Litsky, and Schwartz, 1982). Interestingly, although the states in which our two due process courts are located have strikingly different detention rates, the detention rates for the two courts are quite similar. One is located in a state with one of the highest rates based on youth population and the other in a state with one of the lowest rates. (The high rate in the first state may be partly attributable to the use of the detention facility for short-term confinement (up to a month) as part of the case disposition.) The traditional court with a low detention rate is located in a state with a low detention rate. The court with the highest detention rate (as predicted by court type) is located, however, in a state with a relatively low rate. This suggests to us that court type explains at least some of the variance in the use of detention, although other factors at the court level are significant. One difficulty in explaining differences in the use of detention by court type is that while we believe court structure as measured by our typology reflects philosophical orientation, detention is often administered separately

TABLE 4.7
DETENTION DECISION BY COURT

	IA		IB		IV A		IV B	
	%	(N)	%	(N)	%	(N)	%	(N)
Release	78.9	(374)	96.7	(496)	86.5	(423)	86.3	(391)
Detain	<u>21.1</u>	<u>(100)</u>	<u>3.3</u>	<u>(17)</u>	<u>13.5</u>	<u>(66)</u>	<u>13.7</u>	<u>(62)</u>
Totals	100.0	(474)	100.0	(513)	100.0	(489)	100.0	(453)

from intake. In Court IVB, for example, while intake is court-controlled, detention is administered by the State.

With such little variance in the use of detention we did not perform a discriminant or other multivariate analysis to investigate the relative use of offense and offender characteristics in the detention decision. We did, however, look at the characteristics of detained juveniles. Previous research has shown prior offense history to be the major determinant of detention status, but is mixed on the effect of other variables (Sumner, 1970; Pawlak, 1977; Dungworth, 1977; Cohen and Kluegel, 1979; Bailey, 1981). We expected the traditional courts to be more likely to assume custody of juveniles with "problems"—those charged with status offenses or alcohol or drug-related offenses—and those viewed to be in need of protection, such as females, juveniles 13 or younger, whites, and juveniles from broken homes. We expected all courts to detain juveniles charged with serious violent offenses and with lengthy records.

Table 4.8 displays the characteristics of detained juveniles in each court. Percentages indicate detained juveniles within each category. As predicted, in the traditional courts status offenders and those charged with serious violent offenses were more likely to be detained. Status offenders in Court IVB, however, were also as likely to be detained as serious violent offenders. In Court IVA, almost 40 percent of the serious violent offenders were held in custody. Consistent with previous research juveniles with no prior record were less likely to be detained in all courts. There appears to be little systematic variation among the other variables. Gender differences in detention rates are suggested in two courts. A higher proportion of females were detained in Court IA and IVB—one a traditional court, the other a due process. The two courts with sizeable minority populations

TABLE 4.8
CHARACTERISTICS OF DETAINED
JUVENILES BY COURT

	IA		IB		IV A		IV B	
	%	(N)	%	(N)	%	(N)	%	(N)
<u>Offense</u>								
Miscellaneous minor	11.1	(3)	0.0	(0)	20.0	(6)	11.8	(4)
Status	32.5	(37)	8.0	(4)	15.3	(21)	30.4	(21)
Alcohol and Drugs	14.7	(5)	2.8	(1)	10.3	(6)	0.0	(0)
Property	17.5	(40)	3.5	(9)	7.8	(16)	12.4	(30)
Minor Violence	5.4	(2)	0.0	(0)	18.2	(4)	4.2	(1)
Serious Violence	36.7	(11)	3.8	(1)	39.4	(13)	28.6	(4)
<u>Prior Record</u>								
None	16.9	(59)	2.3	(8)	9.6	(31)	7.5	(16)
One Offense	22.6	(12)	1.4	(1)	11.6	(8)	14.9	(10)
Two Offenses	51.5	(17)	11.1	(3)	29.0	(9)	21.7	(10)
Three Offenses	14.3	(2)	16.7	(3)	17.6	(3)	25.0	(6)
More than Three Offenses	40.0	(10)	4.2	(2)	30.0	(15)	19.2	(20)
<u>Gender</u>								
Male	19.5	(70)	3.4	(14)	14.2	(50)	11.6	(40)
Female	26.1	(30)	2.9	(3)	12.1	(16)	19.4	(21)
<u>Ethnicity</u>								
White	23.4	(62)	3.9	(17)	16.7	(49)	13.4	(55)
Minority	18.2	(38)	0.0	(0)	8.7	(17)	16.7	(7)

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<u>Age</u>							
13 and under	23.9	(16)	1.4	(1)	5.0	(4)	17.5 (11)
14	23.3	(14)	3.0	(2)	18.3	(15)	15.2 (7)
15	21.0	(21)	6.4	(7)	15.1	(14)	13.0 (12)
16	19.4	(24)	2.6	(3)	20.5	(15)	16.3 (17)
17 or over	20.3	(25)	2.7	(4)	11.2	(18)	10.1 (15)
<u>Family Composition</u>							
Both parents	15.4	(23)	2.7	(6)	12.3	(15)	11.7 (25)
Single parent	21.0	(50)	3.0	(5)	17.8	(29)	18.1 (27)
Step parent	29.6	(8)	2.0	(1)	10.4	(8)	14.3 (5)
Other	35.3	(18)	7.8	(5)	29.3	(12)	21.7 (5)

(Court IA and Court IVA) both detained a higher proportion of white juveniles. There is no relationship between age and being detained. Court IA did have a lower detention rate for juveniles from intact homes, but so did Court IVB. All courts had a higher detention rate for juveniles in the "other" category, which includes juveniles living with other relatives and juveniles who have been removed from their homes, the latter likely correlated with prior record. We were unable to compare the length of detention due to large amounts of missing data on this variable. In many cases it was difficult to determine the date of release.

Summary

In summary, the screening function is clearly performed differently in different types of courts. As predicted, the two due process courts have a much higher intake dismissal rate than the traditional juvenile courts. Also as predicted, traditional courts also tend to favor judicial handling over non-judicial handling. Our findings suggest that due process courts are more likely to handle cases less formally, although one due process court uses the more formal procedure of signing consent decrees before a referee rather than having the intake worker place a juvenile on informal supervision.

Focusing on the decision making criteria in the decision whether to refer a case to court, we found, as predicted, that in the due process courts only offense characteristics were significant determinants. In one of the traditional courts both offense and offender characteristics influenced the intake decision, while in the other most cases diverted from court handling are those involving first offenses.

Our findings offer limited support for our hypothesis that detention practices are associated with court type.

Chapter V focuses on the outcome of cases referred to court.

Notes

1. Status offense cases were excluded from this analysis because we expected offender characteristics to influence handling of these cases in all courts.
2. Only whites were included in the analysis in Courts IB and IVB because of the small proportion of minorities in these populations.

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Chapter V
Dispositional Measures

When a case enters the juvenile justice system there are a number of potential outcomes. Chapter IV discussed the ways in which a case may be disposed of at intake. It may be screened out altogether or handled informally through referral to a social agency or diversion program, counseling by the intake worker, or informal supervision for a set or indeterminate time period. This chapter will focus on the disposition of cases referred to court for formal handling. The judge has several options. He or she may dismiss a case, place a juvenile on probation with conditions imposed, or commit a juvenile to a residential facility.

We will look at the relative use of different dispositional options and decision-making criteria. As with the intake decision, previous research on subsequent stages has yielded inconsistent findings (Bailey and Peterson, 1981; Carter, 1979; Clarke and Koch, 1980; Cohen and Kluegel, 1978; Horwitz and Wasserman, 1980; Thomas and Cage, 1977; Thomas and Sieverdes, 1975; Thornberry, 1973, 1979).

It has been difficult, heretofore, to interpret the disposition of judicial dismissal. In some courts it certainly serves a screening function. As indicated in our previous typological analysis, courts vary in the amount of discretion exercised by intake. There are courts, for example, in which intake has no discretion; all cases receive a judicial hearing automatically. In others, intake has very little discretion. Obviously some dismissals are due to a lack of evidence and follow a "not true" finding. Type IV courts are characterized by the involvement of the prosecutor in deciding in which cases petitions will be filed. We also suspect that "appearing before the judge" is used as a sanction in

traditional courts. Often the official disposition is "warned and released." We expect that fewer "weak cases" (prosecutorially) reach the judge in a Type IV court. We predicted that traditional courts would exhibit a higher judicial dismissal rate than due process courts. We also expected more use of probation as a dispositional option in the Type I courts. Probation has been a traditional means of dealing with "wayward youth." We also, therefore, expected traditional courts to use probation in cases involving those offenses indicating a "problem."

Due process courts are often characterized as punitive in orientation meting out harsher dispositions than traditional juvenile courts, which have been criticized for leniency and mere wrist slapping. While juvenile correctional facilities are rehabilitative and not punitive in intent, they do curtail liberty. We were interested in the relative use of the commitment option in the two types of courts. Basing the commitment rate on the number of youths who enter the system, rather than the number of cases adjudicated, we expected similar commitment rates across courts. Focusing on cases adjudicated, we expected higher commitment rates for due process courts for the simple reason that most of the less serious cases would have been screened out prior to adjudication. We also expected greater use of commitment as a disposition in the more serious cases in the Type IV courts.

To investigate decision-making criteria we broke down the judicial decision-making process into two steps. First, we asked what factors distinguish between those cases dismissed by a judge and those which reach a formal disposition. We have already suggested that the judge serves a screening function in the traditional juvenile court, and we, therefore, expect both offense and offender characteristics to explain the variation between those cases dismissed and those that go on

for disposition. In the due process courts, however, we expect no systematic variation by offense or offender characteristics. Although we have no data on the reasons for dismissals, we suspect case-specific factors such as failure of a witness to appear or new evidence.

Next we focused on the "sentencing" decision. Given that the judge has decided to issue a formal dispositional order in a case, is a juvenile to receive probation or other conditional disposition, or to be committed to a residential facility? While in a traditional court the judge may have access to both the legal and social history at all stages, it is more likely in a due process court that the social report is withheld until the dispositional phase (Teitelbaum, 1967). We, therefore, expect offender characteristics to influence the dispositional decision in both types of courts.

Findings

Table 5.1 reveals the differential use of judicial dismissals in the two types of courts. Over 30 percent (31.2) of the cases reaching a judicial hearing in Court IA are dismissed by the judge and over half (56.4 percent) in the other traditional court. In the two due process courts (IVA and IVB) only 16.6 and 4.5 percent, respectively, are dismissed by a judge. In the traditional courts, probation or other conditional disposition is the other predominant outcome, with approximately 13 percent of the cases ending in commitment to a residential facility or a suspended commitment. Most juveniles whose cases reach a judicial hearing in the due process courts receive a conditional disposition (60.6 percent in Court IVA and 86.6 percent in Court IVB). Conditions imposed on juveniles include restitution, both monetary and service, whether community service or participation in an

TABLE 5.1
JUDICIAL DISPOSITION
BY COURT

	IA		IB		IV A		IV B	
	%	(N)	%	(N)	%	(N)	%	(N)
Judicial Dismissal	31.2	(100)	56.4	(173)	16.6	(29)	4.5	(14)
Probation	56.1	(180)	30.6	(94)	60.6	(106)	86.6	(272)
Commitment	12.8	(41)	13.0	(40)	22.9	(29)	8.9	(28)
Totals	100.1	(321)	100.0	(307)	100.1	(175)	100.0	(314)

organized work project; counseling; and various treatment programs. As mentioned in the previous chapter, over 40 percent of the cases included under probation in Court IVB were actually consent decrees signed before a referee. While the commitment rate is lower in Court IVB than in the traditional courts, it is quite higher in Court IVA. Almost one fourth of cases (22.9 percent) referred to court in this due process court result in commitment to a residential facility. As predicted, however, Table 5.2 shows that based on cases received at intake the commitment rates, are quite similar. Note also the relative use of judicial dismissal as a disposition based on cases received at intake. Approximately six percent or fewer cases are dismissed by a judge in the due process courts, while at least a fifth of all cases in the traditional courts receive this disposition.

Table 5.3 displays judicial dispositions according to offense type by court. Almost two thirds of the cases involving miscellaneous minor offenses that are referred to court in Court IB are dismissed by a judge. The predominant disposition for those cases in the other courts is probation. Status offense cases are much more likely to be dismissed before a judge in the traditional courts than in the due process courts; if they reach the latter court it is likely that a formal disposition will be entered. Small numbers of alcohol and drug-related cases are handled judicially in all courts. In property offense cases, probation is the predominant disposition in all courts but IB, in which almost half of the cases are dismissed. Over half of the cases involving serious violence result in judicial dismissal in the traditional courts; extremely few (4 in Court IVA, none in IVB) such cases that reach a judge in the due process courts are dismissed. A large percentage (10 of 24 cases) are committed in Court IVA.

TABLE 5.2
DISPOSITIONAL OUTCOME
BY COURT

	IA		IB		IV A		IV B	
	%	(N)	%	(N)	%	(N)	%	(N)
Disposition at Intake	32.3	(153)	40.2	(206)	64.2	(314)	30.7	(139)
Judicial Dismissal	21.1	(100)	33.7	(173)	5.9	(29)	3.1	(14)
Probation	38.0	(180)	18.3	(94)	21.7	(106)	60.0	(272)
Commitment	8.6	(41)	7.8	(40)	8.2	(40)	6.2	(28)
Totals	100.0	(474)	100.0	(513)	100.0	(489)	100.0	(453)

TABLE 5.3
 JUDICIAL DISPOSITION ACCORDING TO
 OFFENSE TYPE BY COURT

	MISCELLANEOUS MINOR OFFENSES				STATUS OFFENSES				ALCOHOL AND DRUG OFFENSES			
	IA	IB	IV A	IV B	IA	IB	IV A	IV B	IA	IB	IV A	IV B
	% (N)	% (N)	% (N)	% (N)	% (N)	% (N)	% (N)	% (N)	% (N)	% (N)	% (N)	% (N)
Judicial Dismissal	17.6 (3)	65.8 (25)	30.0 (3)	0.0 (0)	37.9 (25)	67.7 (21)	0.0 (0)	7.7 (3)	15.8 (3)	55.6 (10)	33.3 (4)	0.7 (1)
Probation	76.5 (13)	31.6 (12)	50.0 (5)	100.0 (16)	45.5 (30)	29.0 (9)	58.3 (7)	71.8 (28)	78.9 (15)	33.3 (6)	50.0 (6)	93.3 (14)
Commitment	5.9 (1)	2.6 (1)	20.0 (2)	0.0 (0)	16.7 (11)	3.2 (1)	41.7 (5)	20.5 (8)	5.3 (1)	11.1 (2)	16.7 (2)	0.0 (0)
Totals	100.0 (17)	100.0 (38)	100.0 (10)	100.0 (16)	100.1 (66)	99.9 (31)	100.0 (12)	100.0 (39)	100.0 (19)	100.0 (18)	100.0 (12)	100.0 (15)
	PROPERTY OFFENSES				MINOR VIOLENT OFFENSES				SERIOUS VIOLENT OFFENSES			
	IA	IB	IV A	IV B	IA	IB	IV A	IV B	IA	IB	IV A	IV B
	% (N)	% (N)	% (N)	% (N)	% (N)	% (N)	% (N)	% (N)	% (N)	% (N)	% (N)	% (N)
Judicial Dismissal	25.9 (43)	48.7 (74)	14.0 (15)	3.4 (6)	36.4 (8)	65.6 (21)	33.3 (3)	15.0 (3)	60.7 (17)	52.6 (10)	16.7 (4)	0.0 (0)
Probation	62.7 (104)	33.6 (51)	67.3 (72)	88.6 (156)	54.5 (12)	21.9 (7)	55.6 (5)	80.0 (16)	21.4 (6)	31.6 (6)	41.7 (10)	91.7 (11)
Commitment	11.4 (19)	17.8 (27)	18.7 (20)	8.0 (14)	9.1 (2)	12.5 (4)	11.1 (1)	5.0 (1)	17.9 (5)	15.8 (3)	41.7 (10)	0.3 (1)
Totals	100.0 (166)	100.1 (152)	100.0 (107)	100.0 (176)	100.0 (22)	100.0 (32)	100.0 (9)	100.0 (20)	100.0 (28)	100.0 (19)	100.0 (24)	100.0 (12)

In order to examine decision making criteria we used discriminant analysis to determine the variables that distinguish first, between those cases dismissed by the judge and those which go to a formal disposition, and secondly, to distinguish those cases in which a juvenile receives a conditional disposition from those resulting in commitment to a residential facility. Table 5.4 displays the results of the discriminant analysis for the adjudication decision of delinquency cases for each court. We expected the analysis to indicate the use of dismissal as a form of judicial screening in the traditional courts. Three variables were significant in discriminating between dismissals and cases receiving a formal disposition in Court IA. The best discriminator was whether or not the offense involved serious violence (discriminant function co-efficient of .66). The offender characteristics of ethnicity and age also distinguished between the two groups (co-efficients of .51 and .47, respectively). In Court IB the only significant variables were family types. Being from a single parent (co-efficient of 1.08) or step-parent family (co-efficient of .70) were the only characteristics distinguishing between judicial dismissals and formal dispositions. In the due process courts only offense characteristics determined which cases would be dismissed, but they only account for 11.6 percent of the variance in Court IVA and 9.6 percent in Court IVB, compared with 15.2 percent and 33.6 percent in Court IA and Court IB, respectively. Factors other than offense and offender characteristics determine which cases will be dismissed in the due process courts. As indicated earlier, we suspect case-specific evidentiary factors.

Turning to the formal disposition decision for those cases not dismissed by the judge, Table 5.5 shows the variables that discriminate

IV B	(N)
6.7	(1)
33.3	(14)
0.0	(0)
00.0	(15)

IV B	(N)
0.0	(0)
1.7	(11)
6.3	(1)
00.0	(12)

TABLE 5.4

DISCRIMINATING VARIABLES
IN ADJUDICATION DECISION
OF DELINQUENCY CASES
BY COURT

Court I A (N=254)				
Variables	Change in Rao's V %		Standardized Discriminant Function Co-efficient	
Offense characteristics	19.18	56.7		
Prior official court contacts	1.21	3.6	0.19	
Serious violent offense	14.09*	41.7	0.66	
Minor violent offense	2.26	6.7	0.26	
Number of charges	1.62	4.8	-0.22	
Offender Characteristics	14.64	43.3		
Ethnicity	7.66*	22.6	0.51	
Age	6.98*	20.6	0.47	

* p < .05
 Canonical correlation: .39
 Percent of variance explained: 15.2%
 Wilks' lambda: 0.85
 Chi-square test of Wilks' lambda: 30.576; p < .001; df: 6

Court I B (N=227)				
Variables	Change in Rao's V %		Standardized Discriminant Function Co-efficient	
Offense Characteristics	2.23	10.4		
Prior official court contacts	2.23	10.4	0.33	
Offender Characteristics	19.11	89.6		
Single parent family	11.79*	55.2	1.08	
Step-parent family	7.32*	34.4	0.70	

*p < .05
 Canonical correlation: .58
 Percent of variance explained: 33.64%
 Wilks' lambda: 0.66
 Chi-square test of Wilks' lambda: 16.642; p < .001; df: 3

Court IV A
(N=162)

Variables	Change in Rao's V %		Standardized Discriminant Function Co-efficient	
Offense Characteristics	16.86	85.8		
Prior official court contacts	10.23*	47.9	0.84	
Alcohol or drug offense	3.83*	17.9	0.46	
Minor violent offense	2.80	13.1	0.38	
Offender Characteristics	2.80	14.2		
Step-parent family	2.80	14.2	0.41	

* p < .05
 Canonical correlation: .34
 Percent of variance explained: 11.6%
 Wilks' lambda: .88
 Chi-square test of Wilks' lambda: 17.936; p < .001; df: 4

Court IV B (Whites)
(N=245)

Variables	Change in Rao's V %		Standardized Discriminant Function Co-efficient	
Offense Characteristics	19.44	100.0		
Minor violent offense	10.33*	53.1	0.79	
Alcohol or drug offense	6.93*	35.6	0.67	
Number of charges	2.18	11.2	-0.34	

* p < .05
 Canonical correlation: .31
 Percent of variance explained: 9.6%
 Wilks' lambda: .90
 Chi-square test of Wilks' lambda: 18.344; p < .001; df: 3

TABLE 5.5

DISCRIMINATING VARIABLES
IN FORMAL DISPOSITION
OF DELINQUENCY CASES
BY COURT

Court I A (N=91)				
Variables	Change in Rao's V		Standardized Discriminant Function Co-efficient	
	%			
Offense Characteristics	23.91	82.7		
Prior official court contacts	5.78*	20.0	0.96	
Prior unofficial court contacts	7.77*	26.9	-0.73	
Serious violent offense	6.19*	21.4	0.46	
Minor miscellaneous offense	2.61	9.3	-0.32	
Number of charges	1.56	5.3	0.32	
Offender Characteristics	5.01	17.3		
Ethnicity	3.43	11.9	0.48	
Intact family	1.58	5.4	0.34	

* p < .05

Canonical correlation: 0.54

Percent of variance explained: 29.2%

Wilks' lambda: 0.71

Chi-square test of Wilks' lambda: 23.072; p < .001; df: 7

Court I B (whites) (N=93)				
Variables	Change in Rao's V		Standardized Discriminant Function Co-efficient	
	%			
Offense Characteristics	25.76	62.0		
Prior official court contacts	5.50*	13.2	1.17	
Minor miscellaneous offense	6.24*	15.0	1.21	
Number of charges	14.02*	33.8	0.68	
Offender Characteristics	15.77	38.0		
Intact family	15.77*	38.0	1.25	

* p < .05

Canonical correlation: 0.86

Percent of variance explained: 74%

Wilks' lambda: 0.26

Chi-square test of Wilks' lambda: 17.248; p < .001; df: 4

Court IV A (N=100)				
Variables	Change in Rao's V		Standardized Discriminant Function Co-efficient	
	%			
Offense Characteristics	17.22	85.6		
Prior official court contacts	10.14*	50.4	0.72	
Prior unofficial court contacts	2.32	11.5	0.41	
Serious violent offense	4.76*	23.7	0.48	
Offender Characteristics	2.89	14.4		
Age	2.89	14.4	0.40	

* p < .05

Canonical correlation: 0.42

Percent of variance explained: 17.6%

Wilks' lambda: 0.82

Chi-square test of Wilks' lambda: 17.795; p < .001; df: 4

Court IV B (whites) (N=96)				
Variables	Change in Rao's V		Standardized Discriminant Function Co-efficient	
	%			
Offense Characteristics	17.87	39.0		
Prior official court contacts	14.59*	31.8	-0.80	
Minor miscellaneous offense	3.28	7.2	0.28	
Offender Characteristics	27.98	61.0		
Single parent family	4.07*	8.9	1.38	
Intact family	4.36*	9.5	1.20	
Step-parent family	19.55*	42.6	0.91	

* p < .05

Canonical correlation: 0.58

Percent of variance explained: 33.6%

Wilks' lambda: 0.66

Chi-square test of Wilks' lambda: 35.938; p < .001; df: 5

between juveniles who receive a conditional disposition and those who are committed to a residential facility. We expected both offense and offender characteristics to influence this decision in both types of courts. The only significant discriminators in Court IA and IVA, however, were offense characteristics--specifically prior record and whether or not the case involves a serious violent offense. In Courts IB and IVB, however, family type was the best predictor of whether a juvenile would be committed to a residential facility. In fact, in Court IB the standardized discriminant function co-efficient was 1.25. Combined with prior official court contacts, minor miscellaneous offense, and number of charges, the variables explain 74 percent of the variance.

Having broken down the decision making process into three stages (intake, adjudication, and disposition) it may be instructive to go back and look at the overall process. We performed a discriminant analysis of all delinquency cases received at intake with the four dispositional options of disposed at intake, judicial dismissal, probation, and commitment as categories of the dependent variable. Table 5.6 displays the results. The only significant factors in Court IA were offense characteristics. Our previous analysis suggests that family type was a significant factor at intake (see Chapter IV), and ethnicity and age at adjudication. Offense characteristics predominated at the dispositional stage. Prior court contacts had the greatest impact on overall outcome in Court IB, but we know that prior record was most crucial at intake because of a diversion program for first offenders. For cases referred to court, family type was a critical factor. For Court IVA, offense characteristics dominated the decision-making at all levels. For Court

TABLE 5.6
DISCRIMINATING VARIABLES
IN DISPOSITIONAL OUTCOME
IN DELINQUENCY CASES
BY COURT

Court I A (N=343)		
Variables	Contributions to Change in Rao's V	%
Offense Characteristics	106.20	76.0
Prior official court contacts*	27.75	19.8
Prior unofficial court contacts*	8.31	5.9
Offense*	50.24	35.9
No. of charges*	19.90	14.2
Offender Characteristics	33.61	24.0
Ethnicity	13.20	9.4
Age	12.41	8.9
Family composition	8.00	5.7
Percent of cases correctly classified: 34.69%		
Court I B (whites only) (N=318)		
Variables	Contributions to Change in Rao's V	%
Offense Characteristics	69.21	70.9
Prior official court contacts*	49.13	50.3
Prior unofficial court contacts*	12.99	13.3
Offense	7.09	7.3
Offender Characteristics	28.41	29.1
Family composition	20.85	21.3
Age	7.56	7.7
Percent of cases correctly classified: 31.13%		

TABLE 5.6
 DISCRIMINATING VARIABLES
 IN DISPOSITIONAL OUTCOME
 IN DELINQUENCY CASES
 BY COURT
 (cont'd)

Court IV A (N=315)		
Variables	Contributions to Change in Rao's V	%
Offense Characteristics	71.60	74.7
Prior official court contacts*	29.88	31.2
Offense*	33.27	34.7
No. of charges	8.45	8.8
Offender Characteristics	24.24	25.3
Family composition	18.65	19.4
Age	5.59	5.8
Percent of cases correctly classified: 33.02%		

Court IV B (Whites only) (N=233)		
Variables	Contributions to Change in Rao's V	%
Offense Characteristics	66.55	62.2
Prior official court contacts*	31.78	29.7
Offense*	30.20	28.2
No. of charges	4.57	4.3
Offender Characteristics	40.35	37.7
Family composition*	40.35	37.7
Percent of cases correctly classified: 50.64%		

*Significant at .05

IVB offense and offender characteristics influenced case outcomes, but offender characteristics were only significant at the dispositional stage.

Summary

This chapter focused primarily on the disposition of cases referred to court -- both the relative use of dispositional options and the decision-making criteria. There are several potential outcomes -- judicial dismissal, probation or other conditional disposition, and commitment to a residential facility. We expected traditional courts to be more likely to dismiss cases before a judge and to use probation. We expected due process courts to be more likely to use commitment, especially in cases of serious violence. The hypothesis regarding judicial dismissals was supported. While the commitment rate was in the predicted direction for one of the due process courts, however, the rate in the other was lower than those of the traditional courts. Our hypothesis that serious cases would more likely result in commitment in due process courts was supported.

We also looked at overall outcomes of all cases received at intake. We predicted that using this base, commitment would be similar, which was confirmed. This analysis also highlights the little use made of judicial dismissal in due process courts.

We examined decision-making criteria in the adjudication decision and the disposition decision as well as the criteria in overall outcome. We predicted that offense criteria alone would be determinant of the adjudication decision in due process courts while offender characteristics would also be significant in the disposition decision. We predicted that both offense and offender characteristics would be significant at both decision points for traditional courts. The hypotheses regarding the adjudication decision were supported. Those

regarding the dispositional decision, however, received only limited support. While offender characteristics entered into the decision-making in Courts IB and IVB, offense characteristics alone were significant in the other two.

Looking at decision-making criteria in overall outcome as well as at different decision points reveals both differences between court types and the importance of using a comparable base in drawing comparisons among courts. In Court IA, for example, using overall outcome alone we could have concluded that only offense characteristics determine disposition. Looking at individual decision points we found that family type was significant at intake and ethnicity and age at adjudication. Only in final disposition did offense predominate the decision-making.

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Chapter VI

Due Process Measures

Many of the changes in juvenile justice in the last fifteen years stemmed from a concern that due process was being sacrificed to individualized treatment. While procedural safeguards have been introduced into many juvenile courts, we suspect variation in their implementation. Specifically, we predicted greater concern for procedural due process in Type IV courts than the traditional Type I. This is not to suggest that traditional courts are "unfair." Some would argue that traditional juvenile courts are more concerned about "substantive" due process. The due process measures we proposed involve the role of attorneys, both prosecutorial and defense, the use of hearings, the opportunity to deny the charges and to appeal legal findings, plea negotiation, and the pace of case disposition.

The juvenile justice system was founded as an alternative to the adversary criminal justice system. The court was viewed as representing the juveniles' interest, with no opposing state interest. One of the more recent changes in juvenile justice was the introduction of attorneys into the proceedings. Our data do not address the appropriate role of counsel or effectiveness of counsel around which a large body of literature has been centered (Coxe, 1967; Platt and Friedman, 1968; Platt, Schechter and Tiffany, 1968; Ferster, Courtless, and Snethen, 1971; Stapleton and Teitelbaum, 1972; Hayeslip, 1979; Clarke and Koch, 1980; Gabinet-Morgenstern, 1981; Marshall, Marshall, and Thomas, 1983). We are more concerned here with the factors indicative of the involvement of counsel. The extent to which such representation is required or encouraged, and the inclusiveness of counsel in juvenile proceedings

varies. We predicted that attorneys would be introduced into the proceedings earlier and that juveniles would be represented by attorneys at adjudication and at disposition in a higher percentage of cases in due process courts. We also expected traditional courts to be more likely to limit assignment of attorneys to those cases in which the juvenile is at risk of incarceration, as provided in the Gault decision. We also expected prosecutors, who are involved in intake in due process courts, to continue to represent the state in judicial proceedings.

Concern with due process is also reflected in the number of different types of hearings used. In the traditional model a case was resolved through an informal hearing with the judge, probation officer, and juvenile and parents present. Now in many courts a case may have as many as three or more separate hearings. These include a formal arraignment, or preliminary hearing (which may be combined with a detention hearing), an adjudicatory hearing, and a dispositional hearing. We predicted that a large proportion of cases in our due process courts would be disposed at intake, but for those referred for judicial handling we expected a larger proportion of cases to receive multiple hearings than in the two traditional courts.

We expected due process courts to be more likely to provide an opportunity to deny the charges and appeal legal findings. We were unable, however, to collect reliable data on denials. The variable "contested status" was intended to identify contested hearings. Some coders, however, recorded whether or not the juvenile admitted the charges at intake. In many cases, it was difficult to determine from the files whether or not a trial was conducted. As to post-disposition motions rates, although we expected more appeals in due process courts, we found very few appeals in any of the courts.

We were also unable to collect data on plea bargaining. We expected more negotiation in due process courts. While we could compare charges at intake with charges on the petition, we know that factors other than bargaining are involved in the charging process. Interviews, however, indicated extensive negotiation on the part of the prosecutor in Court IV A. A probation department administrator noted that while in other counties in that state probation is involved in such negotiations, their probation department "adamantly refuses." He stated that they "want to have nothing to do with it. It is common to drop charges to get a plea on one." He cited as an example an armed robbery in which the weapons charge is dropped for a plea on simple burglary. Probation objects because the disposition can be based only on the charge. In this hypothetical case "the fact that the kid used a gun can't be taken into consideration in setting the disposition." We observed several courtroom proceedings in which a plea was accepted for "reasonably related charges."

The pace of case processing has been a neglected topic in juvenile justice, perhaps because "speedy justice" is considered relevant only in criminal proceedings. We predicted that due process courts with more concern for speedy justice (and speedy retribution) would have shorter disposition times. Traditional courts, with more concern for maintaining jurisdiction over juveniles in need of "help," we reasoned, would exhibit longer case processing times.

Findings

Legal Representation

We attempted to determine when a defense attorney was assigned in a case by recording his or her presence at the intake conference and any subsequent hearings. It should be kept in mind in interpreting these data that in many cases we were unable to determine whether or not an

attorney was present. These cases were excluded from this analysis.

Attorneys were present at intake in a nominal number of cases. Table 6.1 shows their presence at any hearing prior to adjudication, whether detention hearing, pre-trial hearing, or arraignment. When a detention hearing was held it was often combined with arraignment, so we have not distinguished between detention hearings and arraignment hearings in this table. Results are mixed. While the court in which juveniles are most likely to be represented by counsel in pre-adjudicatory hearings is a due process court (all but three had attorneys), in the other due process court only about half of the juveniles had attorneys, and over seventy percent of the juveniles in Court IA were represented by attorneys prior to adjudication. In the other traditional court fewer than 20 percent had legal counsel.

Table 6.2 indicates the involvement of defense attorneys in detention hearings. As predicted, there is a clear difference between court types. In the due process courts attorneys were present at over 90 percent of the detention hearings. Attorneys appeared for 63.1 percent of the detained juveniles in Court IA and only 15.4 in Court IB.

In many courts the first judicial appearance is the time at which counsel is appointed if a youth is not represented, so we would expect more juveniles to be represented at the adjudicatory stage. Table 6.3 indicates, however, that there is still a marked difference by court type. In the due process courts almost every juvenile whose case reaches an adjudicatory hearing is represented by an attorney. Nearly half of the juveniles in Court IA are not represented and approximately 40 percent in Court IB.

There are few contested cases in juvenile courts so disposition usually takes place immediately following the adjudicatory hearing.

TABLE 6.1

PRESENCE OF DEFENSE ATTORNEY
AT PRE-ADJUDICATORY HEARINGS
BY COURT

	Court IA		Court IB		Court IV A		Court IV B	
	%	(N)	%	(N)	%	(N)	%	(N)
Attorney present	70.4	(107)	18.0	(40)	49.4	(77)	96.3	(77)
No attorney present	29.6	(45)	82.0	(182)	50.6	(79)	3.8	(3)
Totals	100.0	(152)	100.0	(222)	100.0	(156)	100.1	(100)

TABLE 6.2

PRESENCE OF DEFENSE ATTORNEY
AT DETENTION HEARINGS
BY COURT

	Court IA		Court IB		Court IV A		Court IV B	
	%	(N)	%	(N)	%	(N)	%	(N)
Attorney present	63.1	(53)	15.4	(6)	94.4	(51)	93.2	(68)
No attorney present	36.9	(31)	84.6	(33)	5.6	(3)	6.8	(5)
Totals	100.0	(84)	100.0	(39)	100.0	(54)	100.1	(73)

TABLE 6.3

PRESENCE OF DEFENSE ATTORNEY
AT ADJUDICATORY HEARINGS
BY COURT

	Court IA		Court IB		Court IV A		Court IV B	
	%	(N)	%	(N)	%	(N)	%	(N)
Attorney present	53.2	(141)	59.4	(155)	97.6	(165)	98.0	(242)
No attorney present	46.8	(160)	40.6	(106)	2.4	(4)	2.0	(5)
Totals	100.0	(301)	100.0	(261)	100.0	(169)	100.0	(247)

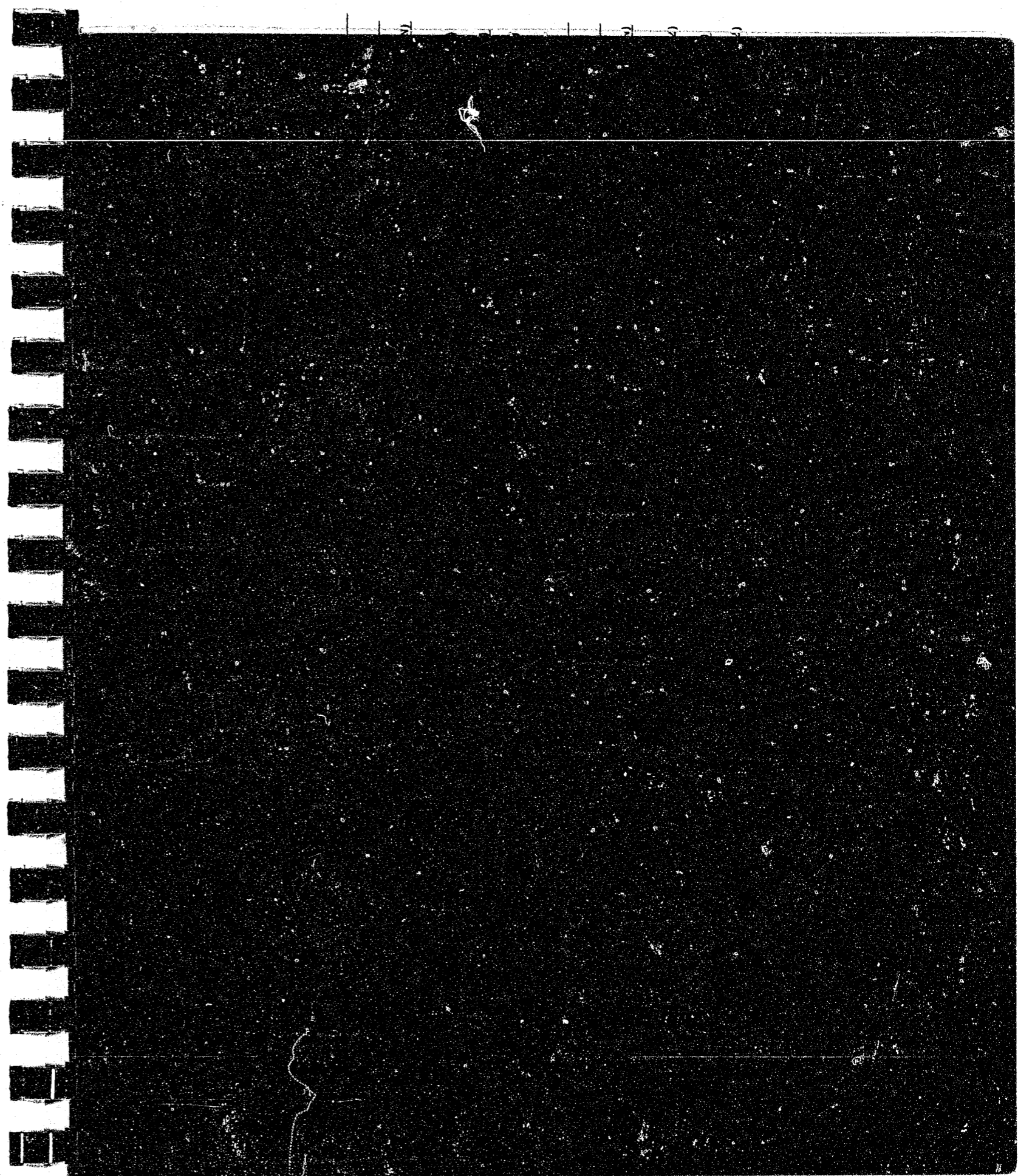
TABLE 6.4

PRESENCE OF DEFENSE ATTORNEY
AT DISPOSITIONAL HEARINGS
BY COURT

	Court IA		Court IB		Court IV A		Court IV B	
	%	(N)	%	(N)	%	(N)	%	(N)
Attorney present	45.0	(9)	33.3	(9)	98.0	(49)	66.3	(53)
No attorney present	55.0	(11)	66.7	(18)	2.0	(1)	33.8	(27)
Totals	100.0	(20)	100.0	(27)	100.0	(50)	100.1	(80)

Table 6.4, however, indicates the involvement of defense attorneys in those hearings that are bifurcated, i.e., held on a date subsequent to the adjudication hearing. The defense attorney is present in almost all dispositional hearings in Court IV A and in approximately two-thirds in Court IVB. The juvenile's interest at disposition is represented by an attorney in fewer than half of the cases in which a subsequent dispositional hearing is held in the traditional courts.

Few cases are adjudicated without a defense attorney present in the due process courts. We were interested, however, in which cases attorneys are assigned in traditional courts. The Gault decision mandates the right to counsel only in those cases in which incarceration is a possible outcome. Table 6.5 reveals the types of cases in which juveniles have legal representation at the adjudicatory hearing in the traditional courts. They are present in half or more of the cases involving minor miscellaneous offenses, property offenses, and serious violent offenses. (They are also present in over half of the cases involving alcohol and drugs and minor violence in Court IB). Attorneys are less likely to be present in status offense cases (30.2 percent in Court IA and 38.5 percent in Court IB). Juveniles appearing in cases involving alcohol or drug offenses or minor violence are less likely to have attorneys in Court IA. Table 6.6 reveals that cases in which attorneys are involved in traditional courts have more serious outcomes. In Court IA, a similar percentage of juveniles receive probation or other conditional disposition whether or not an attorney is present. The percentage dismissed, however, is more than doubled when no attorney is present, and the commitment rate is eight times higher when an attorney is present.



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TABLE 6.5
 PRESENCE OF DEFENSE ATTORNEY AT ADJUDICATION
 FOR EACH TYPE OF OFFENSE BY COURT

	MISCELLANEOUS MINOR OFFENSES				STATUS OFFENSES				ALCOHOL AND DRUG OFFENSES			
	IA	IB	IV A	IV B	IA	IB	IV A	IV B	IA	IB	IV A	IV B
	% (N)	% (N)	% (N)	% (N)	% (N)	% (N)	% (N)	% (N)	% (N)	% (N)	% (N)	% (N)
Attorney present	50.0 (8)	50.0 (16)	88.9 (8)	100.0 (12)	30.2 (19)	38.5 (10)	100.0 (11)	97.1 (33)	31.6 (6)	60.0 (9)	100.0 (11)	100.0 (7)
No attorney present	50.0 (8)	50.0 (16)	11.1 (1)	0.0 (0)	69.8 (44)	61.5 (16)	0.0 (0)	2.4 (1)	68.4 (13)	40.0 (6)	0.0 (0)	0.0 (0)
Totals	100.0 (16)	100.0 (32)	100.0 (9)	100.0 (12)	100.0 (63)	100.0 (26)	100.0 (11)	100.0 (34)	100.0 (19)	100.0 (15)	100.0 (11)	100.0 (7)
	PROPERTY OFFENSES				MINOR VIOLENT OFFENSES				SERIOUS VIOLENT OFFENSES			
	IA	IB	IV A	IV B	IA	IB	IV A	IV B	IA	IB	IV A	IV B
	% (N)	% (N)	% (N)	% (N)	% (N)	% (N)	% (N)	% (N)	% (N)	% (N)	% (N)	% (N)
Attorney present	54.2 (84)	60.8 (79)	97.1 (101)	97.4 (147)	38.1 (8)	66.7 (20)	100.0 (9)	100.0 (17)	53.8 (14)	90.0 (18)	100.0 (24)	100.0 (12)
No attorney present	45.6 (71)	39.2 (51)	2.9 (3)	2.6 (4)	61.9 (13)	33.3 (10)	0.0 (0)	46.2 (0)	10.0 (12)	0.0 (2)	0.0 (0)	0.0 (0)
Totals	100.0 (155)	100.0 (130)	100.0 (134)	100.0 (151)	100.0 (21)	100.0 (30)	100.0 (9)	100.0 (17)	100.0 (26)	100.0 (20)	100.0 (24)	100.0 (12)

TABLE 6.6

ATTORNEY PRESENCE AT ADJUDICATION
AND JUDICIAL DISPOSITION
IN TRADITIONAL COURTS

	<u>No attorney present</u>				<u>Attorney present</u>			
	<u>Court IA</u>		<u>Court IB</u>		<u>Court IA</u>		<u>Court IB</u>	
	<u>%</u>	<u>(N)</u>	<u>%</u>	<u>(N)</u>	<u>%</u>	<u>(N)</u>	<u>%</u>	<u>(N)</u>
Dismissed	39.4	(63)	53.8	(57)	17.0	(24)	57.4	(89)
Probation	57.5	(92)	36.8	(39)	58.2	(82)	27.1	(42)
Commitment	3.1	(5)	9.4	(10)	24.8	(35)	15.5	(24)
Totals	100.0	(160)	100.0	(106)	100.0	(141)	100.0	(155)

TABLE 6.7

ATTORNEY PRESENCE AT ADJUDICATION
AND JUDICIAL DISPOSITION
IN TRADITIONAL COURTS
FOR EACH OFFENSE

	STATUS OFFENSES							
	<u>No attorney present</u>				<u>Attorney present</u>			
	<u>Court IA</u>		<u>Court IB</u>		<u>Court IA</u>		<u>Court IB</u>	
	<u>%</u>	<u>(N)</u>	<u>%</u>	<u>(N)</u>	<u>%</u>	<u>(N)</u>	<u>%</u>	<u>(N)</u>
Dismissed	50.0	(21)	60.0	(9)	10.5	(2)	66.7	(6)
Probation	45.2	(19)	40.0	(6)	47.4	(9)	33.3	(3)
Commitment	4.8	(2)	0.0	(0)	42.1	(8)	0.0	(0)
Totals	100.0	(42)	100.0	(15)	100.0	(19)	100.0	(9)

MINOR MISCELLANEOUS, ALCOHOL AND DRUG, AND
MINOR VIOLENT OFFENSES

	<u>No attorney present</u>				<u>Attorney present</u>			
	<u>Court IA</u>		<u>Court IB</u>		<u>Court IA</u>		<u>Court IB</u>	
	<u>%</u>	<u>(N)</u>	<u>%</u>	<u>(N)</u>	<u>%</u>	<u>(N)</u>	<u>%</u>	<u>(N)</u>
Dismissed	32.4	(11)	62.5	(20)	10.0	(2)	61.4	(27)
Probation	67.6	(23)	37.5	(12)	72.7	(16)	22.7	(10)
Commitment	0.0	(0)	0.0	(0)	18.2	(4)	15.8	(7)
Totals	100.0	(34)	100.0	(32)	99.9	(22)	99.9	(44)

PROPERTY OFFENSES

	<u>No attorney present</u>				<u>Attorney present</u>			
	<u>Court IA</u>		<u>Court IB</u>		<u>Court IA</u>		<u>Court IB</u>	
	%	(N)	%	(N)	%	(N)	%	(N)
Dismissal	32.4	(23)	43.1	(22)	14.3	(12)	53.9	(41)
Probation	63.4	(45)	39.2	(20)	66.7	(56)	27.6	(21)
Commitment	4.2	(3)	17.6	(9)	19.0	(16)	18.4	(14)
Totals	100.0	(71)	99.9	(51)	100.0	(84)	99.9	(76)

SERIOUS VIOLENT OFFENSES

	<u>No attorney present</u>				<u>Attorney present</u>			
	<u>Court IA</u>		<u>Court IB</u>		<u>Court IA</u>		<u>Court IB</u>	
	%	(N)	%	(N)	%	(N)	%	(N)
Dismissal	58.3	(7)	50.0	(1)	57.1	(8)	52.9	(9)
Probation	41.7	(5)	0.0	(0)	7.1	(1)	35.3	(6)
Commitment	0.0	(0)	50.0	(1)	35.7	(5)	11.8	(2)
Totals	100.0	(12)	100.0	(2)	99.9	(14)	100.0	(17)

To further investigate the possibility that attorneys are assigned only in serious cases we next controlled for offense type (see Table 6.7). Looking at status offense cases, in Court IB no status offenders were committed when a defense attorney was present. Because of the small number of miscellaneous minor, alcohol and drug, and minor violent offenses we grouped these offenses together. Note that none of the juveniles charged with these relatively minor offenses were committed to residential facilities when an attorney was present. Most were placed on probation in Court IA and most dismissed in Court IB. When an attorney was present 4 out of 22 such cases resulted in commitment in Court IA and in 15.8 percent of the cases in Court IB. In property offense cases in Court IA juveniles are far more likely to be committed when an attorney is present, and cases are more likely to be dismissed when an attorney is not present. There were very few cases involving serious violent offenses in which an attorney was not present at the adjudicatory hearing. Those cases resulting in commitment, however, were more likely to involve attorneys.

Two of the more recent studies of the role of counsel in juvenile courts that produced similar findings, were interpreted as indicating the negative impact of lawyers in the juvenile court (Hayeslip, 1979; Clarke and Koch, 1980). An alternative explanation is that the causal arrow goes in the opposite direction--that the "risk" of incarceration causes the presence of counsel. We strongly suspect that the finding is related to attorney assignment. In re Gault (1967) mandated the right to counsel in those cases in which juveniles are "at risk" of incarceration. We should, therefore, not be surprised to find attorneys present when juveniles are ordered incarcerated. That this association cuts across offense types does raise some interesting questions, however, regarding the decision to assign counsel. What factors are involved in the

decision-making? Are these same factors independently related to case outcome or does the presence of counsel bias the outcome? A test of these hypotheses would require a better measure of offense seriousness than our data provide.

Role of the Prosecutor

The next several tables indicate the role of the prosecutor in our four juvenile courts. We already know he or she is involved in screening in the due process courts, and we expected a greater role for the prosecutor in subsequent stages. Table 6.8 suggests that the prosecutor does become involved earlier in due process courts. A prosecuting attorney was present at a judicial hearing prior to the adjudication in over 90 percent of the cases in Court IVB and 38.4 percent in Court IVA. A prosecuting attorney was present in the traditional courts in less than about 10 percent of the cases.

Table 6.9 shows the prosecutor's involvement in detention hearings. The prosecuting attorney appears regularly at detention hearings in the due process courts (91 percent of the time in Court IVA and 86.1 percent in IV B). He or she is much less likely to appear in the traditional courts (14.4 percent in Court IA and 26.8 percent in Court 1B).

The prosecuting attorney is also less involved at the adjudicatory proceedings in the traditional courts. While Table 6.10 shows that the state's interest was represented at 96.6 percent of the adjudicatory hearings in Court IVA and 85.9 percent in Court IVB, a prosecuting attorney was present in only 14.5 percent of the cases in Court IA and 45.7 percent in IB.

An attorney also represents the state's interest in the dispositional phase in the due process courts. He or she appeared in 98 percent of the separate dispositional hearings in Court IVA and in 70.3 percent in Court IVB (see Table 6.11). In the traditional courts a prosecuting attorney

TABLE 6.8
 PRESENCE OF PROSECUTING ATTORNEY
 AT PRE-ADJUDICATION HEARINGS
 BY COURT

	Court IA		Court IB		Court IV A		Court IV B	
	%	(N)	%	(N)	%	(N)	%	(N)
Attorney present	10.9	(14)	6.1	(15)	38.4	(56)	91.4	(64)
No attorney present	89.1	(114)	93.9	(230)	61.6	(90)	8.6	(6)
Totals	100.0	(128)	100.0	(245)	100.0	(145)	100.0	(70)

TABLE 6.9

PRESENCE OF PROSECUTING ATTORNEY
AT DETENTION HEARINGS
BY COURT

	Court IA		Court IB		Court IV A		Court IV B	
	%	(N)	%	(N)	%	(N)	%	(N)
Attorney present	14.4	(13)	26.8	(11)	91.0	(61)	86.1	(68)
No attorney present	85.6	(77)	73.2	(30)	9.0	(6)	13.9	(11)
Totals	100.0	(90)	100.0	(41)	100.0	(67)	100.0	(79)

TABLE 6.10

PRESENCE OF PROSECUTING ATTORNEY
AT ADJUDICATORY HEARINGS
BY COURT

	Court IA		Court IB		Court IV A		Court IV B	
	%	(N)	%	(N)	%	(N)	%	(N)
Attorney present	14.5	(47)	45.7	(164)	96.6	(199)	85.9	(269)
No attorney present	85.5	(277)	54.3	(195)	3.4	(7)	14.0	(44)
Totals	100.0	(324)	100.0	(359)	100.0	(206)	99.9	(313)

TABLE 6.11

PRESENCE OF PROSECUTING ATTORNEY
AT DISPOSITIONAL HEARINGS
BY COURT

	Court IA		Court IB		Court IV A		Court IV B	
	%	(N)	%	(N)	%	(N)	%	(N)
Attorney present	5.3	(1)	17.8	(8)	98.0	(48)	70.3	(52)
No attorney present	94.7	(18)	82.2	(37)	2.0	(1)	29.7	(22)
Totals	100.0	(19)	100.0	(45)	100.0	(49)	100.0	(74)

represented the state in only one dispositional hearing in Court IA and in 17.8 percent in Court IB. Number of Hearings

Table 6.12 displays the number of judicial hearings per case for each court for those cases handled judicially. As predicted the due process courts are more likely to hold three judicial hearings in a case. In Court IVA nearly one-quarter of the cases referred to court received three hearings, in Court IVB 8.6 percent, and in Courts IA and IB, 6.5 and 4.5 percent, respectively. We know, however, that many cases are screened out before reaching a hearing in the due process courts.

Table 6.13 shows the percentage of cases receiving multiple hearings based on the number of cases entering the system. Note that a larger percentage of cases still receive three hearings in the due process courts. Most cases in Court IA and Court IVB, however, receive only one hearing. Again, many of these cases for which one hearing was recorded in Court IVB were cases in which a consent decree was signed before a referee.

Case Disposition Times

While measures of "delay" have been typical indicators of court performance in both trial and appellate courts (see Cook and Johnson (1982) and Volume 65, Number 2 of Judicature, generally), we are aware of only one other study that includes case processing time in juvenile courts. In a study comparing the processing of status and non-status offenders, Marshall, Marshall, and Thomas (1983) found no difference in "celerity", indicated by the number of days between the filing of a petition and case disposition. Concern with delay in the courts has been voiced both by citizens seeking "speedy justice" and court personnel faced with a never-ending backlog. Lack of concern in the juvenile area may stem from the absence of such backlogs, or the perception that speedy disposition of juvenile cases is not necessarily desirable. Juvenile

TABLE 6.12

NUMBER OF JUDICIAL HEARINGS
PER CASE BY COURT

No. of Hearings	Court IA		Court IB		Court IV A		Court IV B	
	%	(N)	%	(N)	%	(N)	%	(N)
One	52.6	(169)	22.4	(64)	12.8	(23)	74.8	(234)
Two	40.8	(131)	73.1	(209)	62.6	(112)	16.7	(52)
Three	6.5	(21)	4.5	(13)	24.6	(44)	8.6	(27)
Totals	99.9	(321)	100.0	(286)	100.0	(179)	100.1	(313)

TABLE 6.13

NUMBER OF JUDICIAL HEARINGS
PER CASE BY COURT

No. of Hearings	Court IA		Court IB		Court IV A		Court IV B	
	%	(N)	%	(N)	%	(N)	%	(N)
None	30.8	(143)	42.0	(207)	62.9	(303)	26.9	(115)
One	36.4	(169)	13.0	(64)	4.8	(23)	54.6	(234)
Two	28.2	(131)	42.4	(209)	23.2	(112)	12.1	(52)
Three	4.5	(21)	2.6	(13)	9.1	(44)	6.2	(27)
Totals	99.9	(464)	100.0	(493)	100.0	(482)	99.9	(428)

justice standards groups have addressed the issue of processing time and, in general, recommend faster processing in cases involving delinquent offenses, and/or if a juvenile is in custody (National Advisory Committee for Juvenile Justice and Delinquency Prevention, 1980). They vary in the recommended time limits from intake to disposition for cases not involving custody from 60 days (IJA/ABA) to 85 days (NACJJP).

Luskin (1978) has noted the pejorative connotation of the term "court delay", which suggests a normal or ideal processing time, or the notion that faster is better. The recent work of Henderson et al. (1982) indicates that courts' performance must be measured and evaluated in light of the adjudicatory processes they employ. The same measures may not be appropriate for different processes. They suggest, for example, that disposition time is not an appropriate measure of performance for courts in which diagnostic adjudication predominates:

Diagnostic adjudication is designed to embody and apply dominant social values to the analysis and remedy of social problems as they emerge in the lives of individuals and families. It is this larger purpose that cannot be fulfilled through an adjudicatory process based on procedural fairness and the adversary process, or through a process based on dispatch and routine....[D]iagnostic adjudication is identified by the court's effort to embody and apply dominant social values independent of the pressures of counsel or of time (Henderson et al (1982), p. 23).

Looking to the literature on adult courts, some studies have concluded that differences among courts are idiosyncratic, or the result of "local legal culture" (Church, et al, 1978); other studies note systematic variation within courts (Wildnorn, Lavin, and Pascal, 1977; Grossman, Kritzer, Bumiller, and McDougall, 1981; Neubauer and Ryan, 1982). Offense and offender characteristics and case processing characteristics have been found related to variations in case processing

times.

Offense characteristics that have been found to affect case processing time include offense seriousness, offense type, and complexity (Neubauer and Ryan, 1982). Serious cases are generally found to take longer to process (Church, 1978; Hausner and Seidel, 1981; Neubauer and Ryan, 1982). The effect of offense type seems to vary among courts (Wildhorn, Lavin, and Pascal, 1977; Hausner and Seidel, 1981; Neubauer and Ryan, 1982). Hausner and Seidel found a positive relationship between number of charges and case processing time.

Offender characteristics that have been investigated in relation to case processing include race, gender, age and prior record. Swigert and Farrell (1980) found that cases involving blacks took longer to process. They did not, however, control for offense. Neubauer and Ryan (1982) found no association between race or gender and case processing time. They did find a positive relationship between age and disposition time.

Neubauer and Ryan (1982) found court processing characteristics more strongly associated with disposition time than either offense or offender characteristics. The number of motions and the "disposition mode" were both related. Not surprisingly, as motions increased, so did disposition time. Trials required the longest processing time, followed by dismissals, with pleas taking the least time. They also found that defendants in custody were processed more quickly than those out on bail, and that cases handled by private attorneys took longer than those handled by court-appointed attorneys or public defenders.

In order to assess the relative effects of offense, offender, and court processing characteristics, Neubauer and Ryan (1982) performed a stepwise multiple regression analysis. The variables with the greatest

effect in all three courts were the number of motions filed, disposition mode, and custody status of the defendant. The amount of variance explained by the complete set of characteristics ranged from 14% to 46% in the three courts. Interestingly, following delay reduction programs in each of the courts, the amount of variance explained by these same variables decreased. The authors interpret their finding as a "homogenization" phenomenon. In other words, cases were handled more alike, decreasing the effect of case and defendant characteristics.

It is our contention that juvenile courts oriented toward due process are likely to take less time to process cases than a more traditional court. The due process court is likely to be more interested both in speedy justice and speedy retribution. In the traditional court taking and maintaining jurisdiction over a juvenile may be viewed as rehabilitative. The conventional wisdom would suggest (as did Marshall, Marshall, and Thomas, (1983)) the opposite -- that procedural safeguards are time-consuming and, therefore, case disposition time is lengthier in due process type courts. Traditional courts, for example, are more likely to order a social investigation earlier in a case and to use the information in a combined adjudication-disposition hearing. Due process courts are more likely to defer such investigation until after a true finding, thus prolonging the process. We also predicted, however, that more serious cases and especially cases ending in commitment would take relatively more time than less serious cases. We expected cases that could be viewed as indicating a "need for help", such as status offense cases, cases involving alcohol or drugs, and cases in which the alleged offender is female, very young, or from a broken home, would take longer to dispose in traditional juvenile courts. We also predicted that traditional courts would view white juveniles as more amenable to help and thus take more time in disposing their cases.

Our data allow a limited test of our hypotheses. First, we should note that all four courts are roughly within the bounds of proposed time standards in terms of their median cases. Comparing the median time elapsed between intake and disposition in each of our court samples, while processing times are remarkably similar among three of the courts, one of the traditional courts showed the longest case processing time, 64 days, and one of the due process courts the shortest, 21 days (the median time for the other traditional court was 27 days and the other due process court, 31 days).

More informative is a look at the patterns of case disposition times among courts and between types. As noted above, our theory would hold that due process-oriented courts would show special concern toward more serious cases in which a liberty interest is involved. A traditional court would be more interested in maintaining jurisdiction over juveniles for whom its responsibility is to provide services, such as status offenses and alcohol or drug-related cases, females, young children, juveniles from broken families and whites.

Table 6.14 reveals that cases involving violence take longer to process in three of the four courts. In one of the traditional courts, however, status offense cases take the longest to process, as predicted. Otherwise, less serious cases take less time to dispose in all courts. Females took longer to process in only one court, one of the traditional courts, as predicted. Looking at family type, we expected cases involving juveniles from broken homes to take longer to dispose than those involving juveniles from intact families in traditional courts. This hypothesis was supported. In Court IA cases involving juveniles from intact families took about 10 days less to dispose than those involving juveniles from single or step-parent families, and in Court IB 20 days or more. In Court IVA it took less time on the average to

TABLE 6.14
 MEDIAN DAYS OF CASE PROCESSING TIME
 BY CASE, OFFENDER, AND COURT PROCESSING
 CHARACTERISTICS

	<u>Court I A</u>	<u>Court I B</u>	<u>Court IV A</u>	<u>Court IV B</u>
<u>OFFENSE CHARACTERISTICS</u>				
<u>TYPE:</u>				
	(N)	(N)	(N)	(N)
Miscellaneous Minor Status	25 (27)	41 (79)	20 (31)	27 (30)
Alcohol or drugs	20 (121)	98 (56)	0 (143)	22 (61)
Property	18 (36)	41 (35)	11 (59)	24 (28)
Minor Violence	33 (233)	57 (266)	35 (214)	31 (240)
Serious Violence	31 (37)	92 (45)	25 (21)	40 (24)
	41 (34)	95 (27)	39 (39)	36 (18)
<u>COMPLEXITY:</u>				
Single Charge	22 (379)	62 (398)	18 (388)	32 (312)
Multiple Charges	40 (90)	71 (110)	37 (81)	27 (64)
<u>COURT PROCESSING</u>				
<u>NUMBER OF HEARINGS:</u>				
0	6 (143)	27 (207)	2 (300)	21 (111)
1	32 (165)	42 (63)	28 (10)	31 (175)
2	57 (131)	116 (208)	40 (112)	48 (44)
3	13 (20)	167 (10)	52 (42)	51 (23)
<u>TYPE OF DISPOSITION:</u>				
Dismissed at intake	5 (84)	23 (104)	8 (217)	21 (96)
Handled informally at intake	7 (65)	45 (101)	0 (81)	23 (10)
Judicial dismissal	58 (100)	126 (172)	43 (27)	78 (12)
Probation, consent decree, services ordered or other conditions imposed	35 (179)	68 (91)	43 (105)	35 (234)
Commitment	43 (41)	71 (40)	37 (34)	28 (24)
<u>OFFENDER CHARACTERISTICS</u>				
<u>RACE:</u>				
White	25 (262)	57 (343)	21 (285)	31 (342)
Minority	30 (207)	93 (74)	22 (184)	26 (34)

varies. We predicted that attorneys would be introduced into the proceedings earlier and that juveniles would be represented by attorneys at adjudication and at disposition in a higher percentage of cases in due process courts. We also expected traditional courts to be more likely to limit assignment of attorneys to those cases in which the juvenile is at risk of incarceration, as provided in the Gault decision. We also expected prosecutors, who are involved in intake in due process courts, to continue to represent the state in judicial proceedings.

Concern with due process is also reflected in the number of different types of hearings used. In the traditional model a case was resolved through an informal hearing with the judge, probation officer, and juvenile and parents present. Now in many courts a case may have as many as three or more separate hearings. These include a formal arraignment, or preliminary hearing (which may be combined with a detention hearing), an adjudicatory hearing, and a dispositional hearing. We predicted that a large proportion of cases in our due process courts would be disposed at intake, but for those referred for judicial handling we expected a larger proportion of cases to receive multiple hearings than in the two traditional courts.

We expected due process courts to be more likely to provide an opportunity to deny the charges and appeal legal findings. We were unable, however, to collect reliable data on denials. The variable "contested status" was intended to identify contested hearings. Some coders, however, recorded whether or not the juvenile admitted the charges at intake. In many cases, it was difficult to determine from the files whether or not a trial was conducted. As to post-disposition motions rates, although we expected more appeals in due process courts, we found very few appeals in any of the courts.

TABLE 6.14

MEDIAN DAYS OF CASE PROCESSING TIME
BY CASE, OFFENDER, AND COURT PROCESSING
CHARACTERISTICS

	<u>Court I A</u>	<u>Court I B</u>	<u>Court IV A</u>	<u>Court IV B</u>
<u>OFFENSE CHARACTERISTICS</u>				
<u>TYPE:</u>				
	(N)	(N)	(N)	(N)
Miscellaneous Minor Status	25 (27)	41 (79)	20 (31)	27 (30)
Alcohol or drugs	20 (121)	98 (56)	0 (143)	22 (61)
Property	18 (36)	41 (35)	11 (59)	24 (28)
Minor Violence	33 (233)	57 (266)	35 (214)	31 (240)
Serious Violence	31 (37)	92 (45)	25 (21)	40 (24)
	41 (34)	95 (27)	39 (39)	36 (18)
<u>COMPLEXITY:</u>				
Single Charge	22 (379)	62 (398)	18 (388)	32 (312)
Multiple Charges	40 (90)	71 (110)	37 (81)	27 (64)
<u>COURT PROCESSING</u>				
<u>NUMBER OF HEARINGS:</u>				
0	6 (143)	27 (207)	2 (300)	21 (111)
1	32 (165)	42 (63)	28 (10)	31 (175)
2	57 (131)	116 (208)	40 (112)	48 (44)
3	13 (20)	167 (10)	52 (42)	51 (23)
<u>TYPE OF DISPOSITION:</u>				
Dismissed at intake	5 (84)	23 (104)	8 (217)	21 (96)
Handled informally at intake	7 (65)	45 (101)	0 (81)	23 (10)
Judicial dismissal	58 (100)	126 (172)	43 (27)	78 (12)
Probation, consent decree, services ordered or other conditions imposed	35 (179)	68 (91)	43 (105)	35 (234)
Commitment	43 (41)	71 (40)	37 (34)	28 (24)
<u>OFFENDER CHARACTERISTICS</u>				
<u>RACE:</u>				
White	25 (262)	57 (343)	21 (285)	31 (342)
Minority	30 (207)	93 (74)	22 (184)	26 (34)

process cases involving youth from step-parent families, and in Court IVB there was little difference among family types. We found no relationship between age and disposition time. Our findings show differences in processing time of one to five days on average between whites and minorities in three of the courts, with a due process court (IV B) taking longer to process whites. The two traditional courts took longer to process cases involving minority offenders. Also included in the analysis was the offense characteristic number of charges. Our findings indicate a lengthier processing time for cases in which the offender had three or more previous official court contacts in three of the four courts.

We examined the relationship between two court processing variables -- the number of hearings held and the type of disposition. Type of disposition includes five categories: dismissal at intake; informal handling at intake; judicial dismissal; probation, consent decree, services ordered or other conditions imposed; and commitment. We know that a major difference between court types is the use of different dispositions. Due process courts are more likely to dispose cases at intake, while traditional courts make greater use of judicial dismissal. There was a positive relationship between number of hearings and disposition time in all courts, except that in Court IA, those cases in which three hearings were held took less time than those in which one or two hearings were held. Looking at type of disposition, in the due process courts cases ending in commitment took less time than cases in which probation or services were ordered or conditions imposed. In the other category of judicial handling, judicial dismissal, cases took the same length of time as probation in one due process court and considerably longer in the other, although relatively few cases are so handled in the due process courts. Judicial dismissal is the disposition

that takes longest in both traditional courts, followed by commitment. Not surprisingly, disposition at intake takes less time in all courts. Cases involving multiple charges took longer in all courts except Court IV B. Table 6.15 presents the results of a stepwise multiple regression of case, offender, and court processing characteristics on case disposition time for each court. Only variables that were correlated with disposition time (a Pearson's r of at least .1) in each court were included in the equation. Variables thus excluded from the multiple regression analysis were ethnicity, age, gender, number of charges, and the presence of an attorney at adjudication.

The most striking finding is the difference in the amount of variance explained in each type of court. While 23 percent of the variance is explained in each of the traditional courts, only 17% and 3% is explained by the independent variables in the Type IV Courts. In Court IVB none of the variables has a significant independent effect on case disposition time controlling for the other variables. In the other due process court disposition type, prior record, and family type all influence disposition time. In the traditional courts court processing characteristics have the most influence on disposition time. In Court IA the most significant factors in determining disposition time are whether the case was disposed at intake, and the number of hearings. The unstandardized regression coefficients (B) indicate the effect of a unit of change in each independent variable on the dependent variable in terms of the number of days of processing time. In Court IA handling a case at intake takes an average of 20 to 32 days less time than referring it to court. Judicial hearings add on the average 8 days each. In Court IB, however, while dismissing a case at intake takes an average of 43 days less time to dispose, dismissal by a judge takes an average of 88 days longer. Each judicial hearing adds 16 days on the average. In Court IB

TABLE 6.15
REGRESSION OF CASE AND OFFENDER
CHARACTERISTICS ON CASE PROCESSING TIME

Variables	Court I A		Court I B		Court IV A		Court IV B	
	Beta	B	Beta	B	Beta	B	Beta	B
Intake Dismissal	-.27 ^a	-32.38 ^a	-.12 ^b	-43.45 ^b	-.20 ^c	-26.17 ^c	-.07	-9.25
Intake Informal	-.15 ^a	-19.82 ^a	n	s.	-.18 ^c	-28.81 ^c	n.	s.
Probation	n.	s.	-.06	-20.96	-.15 ^b	20.94 ^b	.10	11.96
Intact Family	.03	3.35	-.01	-2.28	.10 ^b	13.10 ^b	n.	s.
Official Priors	.01	.43	n.	s.	.09 ^c	2.46 ^c	n.	s.
Judicial Dismissal	.14	15.59	.29 ^a	88.32 ^a	.05	12.90	n.	s.
Number of Hearings	.16 ^a	7.87 ^a	.11 ^c	16.14 ^c	-.08	-4.17	.01	-.51
Status	.02	-1.88	.08 ^c	40.43 ^c	-.11	-14.84	n.	s.
	R = .48 R ² = 23% N = 457		R = .48 R ² = 23% N = 504		R = .41 R ² = 17% N = 383		R = .17 R ² = 3% N = 357	

^a Significant at .001

^b Significant at .01

^c Significant at .05

the type of offense affects case processing time in that status offense cases take, on the average, 40 days longer to dispose.

How a case is processed thus has the greatest effect on how long processing takes. In one of the due process courts the offender characteristics of family type and record also influence disposition time. There are two interesting court type effects. The independent variables have more explanatory power in the traditional courts, and, also, the number of hearings influences disposition time in the traditional courts. Interestingly, although number of hearings has no significant effect on disposition time in the due process courts, the unstandardized regression coefficients suggest a negative effect. The more hearings, the faster a case was processed. This finding may reflect the effect of custody in speeding up processing in those courts in that detained juveniles are likely to have had one or more detention hearings.

The difference in amount of explained variance between court types raises some interesting questions. The Type I courts are centralized under judicial authority and tight control over case processing could be expected. The Type IV courts, on the other hand, are segmented, decentralized systems, in which one might expect less effective case management. If Neubauer and Ryan's interpretation of their data is accurate, we have found the opposite. They found that the effects of offense, offender, and court processing characteristics were reduced after delay reduction programs were instituted. Rather than related to case management techniques, however, we interpret the "homogenization" effect as less disparity in case treatment in the due process courts.

In an attempt to gauge the overall effect of court type on case disposition time, we combined the four court samples in a regression

analysis (see Table 6.16). Court type, along with three other variables had independent effects of at least .1 (Pearson's r). The three other variables were all court processing characteristics -- dismissed at intake, judicial dismissal, and number of hearings. Although combining the samples, given their differences on the independent variables makes the results questionable, it is interesting to note that controlling for processing characteristics on which the types differ, court type only explains an additional 1 percent of the variance, which likely reflects the longer disposition time in Court IB compared to the other three courts. Thus, the significant aspects of court type as it affects case processing time is likely captured in the different use of disposition types in the two types of courts. Perhaps more interesting is the unexplained variance, which suggests "homogenization" of cases in the due process courts. These findings are consistent with the theory of individualized justice in the traditional courts.

Summary

This chapter sought to compare the performance of traditional and due process courts on several measures of due process--the role of attorneys, the use of hearings, the opportunity to deny the charges and to appeal legal findings, use of plea negotiation, and the pace of case disposition. Our data did not permit us to compare court types on several of these measures--the opportunity to deny the charges and to appeal legal findings, and the use of plea negotiation. Several interesting court type differences in performance in the area of due process did emerge in the analysis, however.

Juveniles are much more likely to be represented by counsel at detention hearings, adjudicatory hearings, and dispositional hearings in due process courts than in traditional courts. In traditional courts,

TABLE 6.16
REGRESSION ANALYSIS OF CASE
AND OFFENDER CHARACTERISTICS
AND COURT TYPE ON
CASE DISPOSITION TIME
(N=1701)

Variable	r	Beta	B	R ² Change	F	Significance
Dismissed at Intake	-0.23	-0.09	-19.7	0.054	8.55	.01
Judicial Dismissal	0.38	0.29	73.7	0.096	132.07	.001
Number of hearings	0.26	0.09	8.5	0.004	8.16	.01
Traditional Court	0.20	0.10	19.4	0.008	17.41	.001

R² = 18.2%

legal representation of juveniles appears to be associated with incarceration as a possible outcome. The prosecuting attorney has little involvement in the traditional courts.

Due process courts are more likely to hold multiple hearings in a case. This does not, however, lead to lengthier case processing times in due process courts. One of the due process courts exhibited the shortest median time from intake to disposition, and one of the traditional courts the longest. This is no doubt largely due to the large proportion of cases disposed of at intake in due process courts. Interestingly, however, court processing characteristics explain more of the variation in case disposition times in the traditional courts than in the due process courts. We interpret this finding as a variant of the "homogenization effect" reported by Neubauer and Ryan, in this case, less disparity in case treatment in the due process courts.

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Chapter VII

Conclusions and Implications

The project reported here set out to demonstrate the feasibility of developing a performance measurement system for courts that integrates both the goal-attainment and comparative approaches. To accomplish this objective we compared the performance characteristics of different types of juvenile courts. We predicted how the types would differ in performance according to their structure and philosophy. We have attempted to demonstrate the extent to which variation in goals can be measured through performance indicators and thus serve as a model for practitioners or policymakers interested in evaluating court performance in light of organizational goals.

Our measure of court type is a typology of metropolitan juvenile courts developed by the National Center for State Courts that we believe reflects the structural correlates of the prevailing value orientations in juvenile justice. The major variables that distinguish between types are centralization of authority and the role of the prosecutor. Type I can be largely described as the traditional juvenile court of the literature. The court controls 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. In a Type IV Court, social services are administered by an executive agency and the prosecutor is involved in the decision to file a petition.

Our performance indicators can be grouped as screening measures, disposition measures, and due process measures. The project found

important differences between court types in all three categories of measures.

Screening is an important and controversial function in juvenile courts. Long a separate prosecutorial function in criminal courts, juvenile courts have traditionally made all the decisions regarding whether and how to handle all complaints referred to the system. Referrals may be made by police, parents, schools, social agencies or any citizen. Some courts have always automatically filed petitions on all complaints, which are then heard by a judge. Another screening activity is determining whether a juvenile should be placed in custody pending further processing decisions.

It is impossible to measure the effectiveness of screening mechanisms without knowledge of how the function is defined by an organization. The traditional juvenile court philosophy is based on the "treatment model." The intent of the court is to rehabilitate a juvenile whose "presenting" offense is viewed as a symptom of his condition. Viewed in the extreme, screening out a case is tantamount to refusing treatment. The due process court, on the other hand, is charged with applying the law. The juvenile is brought to the attention of the court for an alleged offense. Whether the case is to be handled must depend on probable cause that he or she did commit the offense and how the case is to be handled by the nature of the offense and the juvenile's prior court history.

These are ideal types and we do not expect any court to fully espouse either philosophy. Our previous research, however, has uncovered intake structures, each of which may better accommodate one or the other philosophy. In our Type I Courts, court intake personnel conduct an

initial screening. Our findings suggest this screening is minimal. We interpret the great use of judicial dismissal as a form of judicial screening in traditional juvenile courts, but screening with a difference as it entails the sanction of having to appear before a judge. The difficulty in interpreting judicial dismissal is underscored by the practice of some researchers to eliminate dismissal as a dispositional category. Due process courts, on the other hand, are more likely to screen out cases and divert them from any judicial handling. We also found that this screening process is largely based on offense criteria. While we had predicted that offender characteristics would enter into the decision-making in the traditional courts, this was true of only one of our courts; those diverted in the other traditional court, however, were almost exclusively first offenders, although only one-third of the first offenders.

We have already indicated the differential use of judicial dismissal as a court disposition in the two types of courts. We predicted due process courts would have higher commitment rates. While one due process court had the highest rate among the four courts, the other had the lowest. Based on all cases received at intake, however, commitment rates were quite similar across courts. As predicted, we also found that serious cases were more likely to result in commitment in due process courts. As predicted, offense characteristics alone were determinant of the adjudication decision in due process courts, while offender characteristics are significant in the traditional courts. We predicted that offender characteristics would enter into the decision-making at the dispositional stage in the due process courts. This was true of one of the due process courts. In the other and in one

of the traditional courts only offense characteristics were significant in the dispositional decision.

We also found court type differences on several due process measures—legal representation, use of hearings, decision-making criteria, and the pace of case processing. Attorneys, both defense and prosecution, play a greater role in due process courts. While attorneys appear in nearly all cases that go to court in the due process courts, attorneys are more likely to be present in only the more serious cases in traditional courts—serious both in terms of offense seriousness and severity of outcome. We interpret this as a strict interpretation of the Gault mandate to provide notice of the right to representation when incarceration is a possible outcome. A prosecuting attorney is also much more likely to be involved in all types of hearings in due process courts than in traditional courts.

Another indicator of due process is the number of hearings per case. We found, as predicted, that more cases referred to court receive multiple hearings in due process courts.

Using case disposition time as an indicator of "speedy justice," we predicted that cases would take longer to process in traditional courts. Our hypothesis received partial support in that one of the traditional courts had the longest processing time and one of the due process courts had the shortest. The other two courts had very similar processing times. Cases resulting in judicial dismissal took longest to process and dismissal at intake the least time in all courts. We also found a "homogenization effect" in due process courts, which we interpreted as the absence of differential handling.

Many of the expected relationships between court type and our performance measures were supported by the data. We interpret this as

demonstrating the importance of considering the role of structural and philosophical characteristics in explaining court performance. This knowledge should be of considerable interest to organizational theorists. The study also suggests the importance of considering "adjudicative process" in understanding the performance of courts of various jurisdictions. Our results also have important implications for studies of decision-making in juvenile courts. Our findings may well provide an explanation for the inconsistencies in prior research in this area.

Knowledge concerning the link between structure and philosophy and court performance should also provide considerable assistance to practitioners in making choices among alternative structural arrangements. It should be useful in assessing how well courts are meeting their goals in performing specific functions--e.g., screening. Viewing one's court from this perspective should also aid further goal-setting. The results of the study also indicate the usefulness of identifying comparison groups for assessing court performance.

While many of our hypotheses were supported, we would be remiss in not pointing out departures from our model. While empirically-based our types are still, after all, polar types. For a complete test we would need a larger sample than two of each type. On some measures, intercourt differences were more apparent than between types. Looking at screening measures, for example, one of our due process courts, which we predicted would favor nonjudicial handling, referred a large proportion of cases to court. This finding could be largely explained by a practice in this court of signing consent decrees before a referee. While distinctly different from other forms of judicial handling, one could consider this

court "acting like" a traditional court in this practice. An alternative explanation is that the large number of missing files in that court were "informals" that had been purged, a practice we were able to discover in the other due process court. This court is also more similar to a traditional court in its commitment rate. By the same token, one of our traditional courts exhibited characteristics of a due process court in instituting a diversion program to screen out minor first offenders. This court also departed from our model in its detention practices. While our typology contributes to an explanation of differences in detention rates, other factors are likely court-specific. We also recognize, as should the reader, that the differences observed between types may be due to factors other than the structural and philosophical differences we posited.

In addition to demonstrating the importance of considering structural and philosophical differences in comparing performance among courts, the project has raised several issues regarding performance monitoring activities by courts. We would draw the attention of practitioners to some of the pitfalls of using and interpreting statistical analysis of court data.

One source of the inconsistencies in findings among studies of juvenile court outcomes is likely how the dependent variable is measured. We have shown that by breaking down the process into decision-making stages, different outcomes are produced at different points.

Another difficulty in comparing studies, and courts, is the use of different bases for performance measures. This is a special concern in the use of aggregate data for performance measures. A commitment rate, for example, is likely to be far different for cases received at intake than for cases referred to court in due process courts.

Another point of caution in using court data to measure performance is the variation in data quality. Large amounts of missing data can seriously distort findings. This is especially a problem where categories of data are missing for particular groups. We suspect, for example, that more information is available on a case the further it penetrates the system. Certain background characteristics may not be important in the disposition of less serious cases simply because information on these characteristics is missing for the less serious cases. Lack of attention to the distribution of missing data can result in serious systematic bias in findings. If we had eliminated the large number of cases with missing files in Court IVA, which we discovered had been purged and which consisted of informals in which the juvenile had subsequently reached age 18, the study would likely have yielded different results.

We also encountered difficulties in drawing comparisons across courts in the differential use of terminology -- e.g. the significance of filing a petition -- and different practices -- e.g. signing consent decrees before a referee. The differential use of judicial dismissal between types of courts also demonstrates the difficulty in applying measures across courts. If diverting from official court action means that no formal dispositional order is entered, then judicial dismissal should be considered a form of diversion.

As more and more courts automate their record-keeping systems and software that can easily manipulate data becomes increasingly available, we recommend extreme caution on the part of court administrators in computing and interpreting performance indicators. We conclude with this caveat: the potential for error is great as is the risk of implementing costly changes based on faulty conclusions.

Appendix A:
Code Sheet

CODE SHEET

Court Performance Measures

		<u>Record 1</u> (Column Nos.)
V001	Court ID No. <u> / / / </u>	(1-4)
V002	Coder ID No. 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12	(5-6)
V003	Case ID No. <u> / / / </u>	(7-10)
V004	Gender	(11)
	Male 1	
	Female 2	
	MV 9	
V005	Ethnicity	(12)
	White 1	
	Black 2	
	Mexican 3	
	Puerto Rican 4	
	Oriental 5	
	American Indian 6	
	Mixed 7	
	Other 8	
	MV 9	
V006	Date of Birth <u> / / / / / </u>	(13-18)
V007	Family Composition	(19)
	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 8	
	MV 9	

V008	Activity		(20)
	In school	1	
	Employed	2	
	In school and employed	3	
	Idle	4	
	Other	5	
	MV	9	
V009	Previous Official Court Contacts	<u> / </u>	(21-22)
V010	Previous Unofficial Court Contacts	<u> / </u>	(23-24)
V011	Date of Intake	<u> / / / / / </u>	(25-30)
V012	Charge One at Intake	<u> / </u>	(31-32)
V013	Charge Two at Intake	<u> / </u>	(33-34)
V014	Source of Referral		(35)
	Police	1	
	Parent	2	
	School	3	
	Social agency	4	
	Other	5	
	MV	9	
V015	Date of Detention	<u> / / / / / </u>	(36-41)
V016	Date of Detention Hearing	<u> / / / / / </u>	(42-47)
✓ V017	Presiding Officer at Detention Hearing		(48-49)
	Judge A	01	
	Judge B	02	
	Judge C	03	
	Judge D	04	
	Judge E	05	
	Judge F	06	
	Referee A	07	
	Referee B	08	
	Referee C	09	
	Referee D	10	
	MV	99	

V018	Presence of Defense Attorney at Detention Hearing		(50)
	Public defender	1	
	Legal aid attorney	2	
	Appointed private attorney	3	
	Retained private attorney	4	
	Source of attorney not specified	5	
	No attorney	6	
	MV	9	
V019	Presence of Prosecuting Attorney at Detention Hearing		(51)
	Present	1	
	Not present	2	
	MV	9	
V020	Detention Decision		(52)
	Hold in secure facility	1	
	Hold in non-secure facility	2	
	Release from custody	3	
	MV	9	
V021	Length of Detention	<u>1</u>	(53-54)
V022	Date of Intake Conference	<u>1 / / / /</u>	(55-60)
			<u>Record 2</u>
V023	Presence of Defense Attorney at Intake Conference		(1)
	Public defender	1	
	Legal aid attorney	2	
	Appointed private attorney	3	
	Retained private attorney	4	
	Source of attorney not specified	5	
	No attorney	6	
	MV	9	

V024	Presence of Prosecuting Attorney at Intake Conference		(2)
	Present	1	
	Not Present	2	
	MV	9	
V025	Intake Decision		(3)
	File petition	1	
	Handle informally	2	
	Divert	3	
	Dismiss	4	
	Other	5	
	MV	9	
V026	Date Petition Filed	<u>1 / / / /</u>	(4-9)
V027	Charge One on Petition	<u>1</u>	(10-11)
V028	Charge Two on Petition	<u>1</u>	(12-13)
V029	Nature of Charge/Complaint		(14)
	Delinquency petition	1	
	Status complaint/petition	2	
	Family in need of supervision	3	
	Dependency or neglect complaint/petition	4	
	MR/DD/MI	5	
	Violation of court order	6	
	Traffic	7	
	Other	8	
	MV	9	
V030	Date of 1st Court Appearance	<u>1 / / / /</u>	(15-20)
V031	Presiding Officer at 1st Court Appearance		(21-22)
	Judge A	01	
	Judge B	02	
	Judge C	03	
	Judge D	04	
	Judge E	05	
	Judge F	06	
	Referee A	07	
	Referee B	08	
	Referee C	09	
	Referee D	10	
	MV	99	

V032 Presence of Defense Attorney at First Court Appearance (23)

Public defender	1
Legal aid attorney	2
Appointed private attorney	3
Retained private attorney	4
Source of attorney not specified	5
No attorney	6
MV	9

V033 Presence of Prosecuting Attorney at First Court Appearance (24)

Present	1
Not present	2
MV	9

V034 Contested Status (25)

Contested	1
Not contested	2
MV	9

V035 Date of Adjudication (26-31)

V036 Presiding Officer at Adjudication (32-33)

Judge A	01
Judge B	02
Judge C	03
Judge D	04
Judge E	05
Judge F	06
Referee A	07
Referee B	08
Referee C	09
Referee D	10
MV	99

V037 Presence of Defense Attorney at Adjudication (34)

Public defender	1
Legal aid attorney	2
Appointed private attorney	3
Retained private attorney	4
Source of attorney not specified	5
No attorney	6
MV	9

V038 Presence of Prosecuting Attorney at Adjudication (35)

Present	1
Not present	2

V039 Finding on Charge One (36-37)

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 establishment of jurisdiction, but disposition entered after formal hearing	08
Other	09
MV	99

V040 Finding on Charge Two (38-39)

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 establishment of jurisdiction, but disposition entered after formal hearing	08
Other	09
MV	99

V041 Date of Disposition (40-45)

V042 Presiding Officer at
Disposition
Judge A 01
Judge B 02
Judge C 03
Judge D 04
Judge E 05
Judge F 06
Referee A 07
Referee B 08
Referee C 09
Referee D 10
MV 99

(46-47)

Committed to non-secure
facility 09
Committed to mental
health facility 10
Committed to secure
facility 11
Other 12
MV 99

V046 Appeal or Other Post-
Dispositional Motions
Yes 1
No 2

(52)

V043 Presence of Defense Attorney
at Disposition
Public defender 1
Legal aid attorney 2
Appointed private
attorney 3
Retained private
attorney 4
Source of attorney not
specified 5
No attorney 6
MV 9

(48)

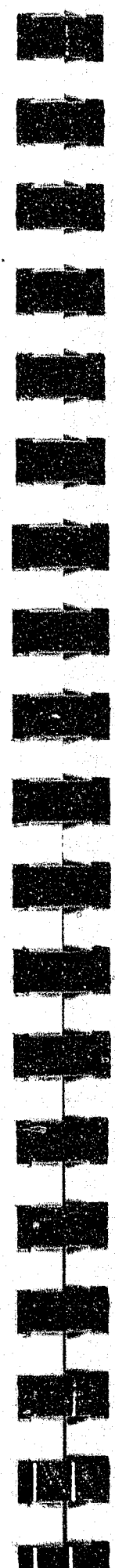
V044 Presence of Prosecuting
Attorney at Disposition
Present 1
Not present 2
MV 9

(49)

V045 Disposition
Warned and released 01
Restitution ordered
(includes community
service) 02
Finding vacated or to
be vacated pending
adjustment 03
Continuance 04
Diversion 05
Probation or community
supervision for 6
mos. or less 06
Probation or community
supervision for more
than 6 mos. 07
Probation or community
supervision for
indefinite time period 08

(50-51)

Appendix B:
Code Book



CODE BOOK

Record 1

Column Nos.

1-4

Court Identification Number (V001)

0104 Court IV A
0204 Court IV B
0301 Court I A
0401 Court I B

5-6

Coder Identification Number (V002)

01-12

7-10

Case Identification Number (V003)

001-

11

Gender (V004)

1 Male
2 Female

12

Ethnicity (V005)

1 White
2 Black
3 Hispanic
4 Puerto Rican
5 Oriental
6 American Indian
7 Mixed
8 Other

13-18

Date of Birth (V006)

19

Family Composition (V007)

1 Both parents
2 Mother and stepfather or other male
3 Father and stepmother or other female
4 Mother only
5 Father only
6 Other relative
7 Foster home
8 Other
Includes store security

20

Activity (V008)

1 In school
Presently enrolled, even if
offense occurred during vacation.
2 Employed
Employed but not in school.

	3	In school and employed.	
	4	Idle Neither enrolled in school or employed.	
21-22		<u>Previous Official Court Contacts (V009)</u> Number of prior referrals to the system in which judicial action was taken. Dismissals were not counted.	
23-24		<u>Previous Unofficial Court Contacts (V010)</u> Number of prior referrals to the system in which non-judicial action was taken, including informal probation, diversion, counseling, or warning, or adjustment.	
25-30		<u>Date of Intake (V011)</u> Date on which a case was logged into the system. For physical referrals, the date they were brought in.	
31-32		<u>Charge One at Intake (V012)</u> If more than one offense was listed, the most serious was coded. Refers to alleged offense at intake. This information was usually found on intake log or intake form.	
33-34		<u>Charge Two at Intake (V013)</u> If more than one offense was listed, the second most serious alleged offense recorded at intake was coded.	
35		<u>Source of Referral (V014)</u> 1 Police Includes sheriff and other law enforcement officials. 2 Parent 3 School 4 Social agency 5 Other In Court IV A includes referrals by probation and self-referrals. In Court I A, predominantly referred by victim.	
36-41		<u>Date of Detention (V015)</u> Date juvenile placed in detention facility, secure or non-secure.	
42-47		<u>Date of Detention Hearing (V016)</u> Date of first detention hearing if more than one held.	

48-49

50

51

52

53-54

Presiding Officer at Detention Hearing (V017)

Each judge and referee in each court was assigned a code. The officer's name was usually found on an order of release or order to continue detention, or in the minutes of a detention hearing.

Presence of Defense Attorney at Detention Hearing (V018)

- 1 Public defender
- 2 Legal aid attorney
- 3 Appointed private attorney
- 4 Retained private attorney
- 5 Source of attorney not specified. Often the initials "P.D." followed the name of the defense attorney in the minutes or bench notes of the proceedings. In Court I A a list of public defenders serving the court was consulted. If parties present were listed and no attorney included, assumed no attorney present.

Presence of Prosecuting Attorney at Detention Hearing (V019)

- 1 Present
 - 2 Not present
- Information usually found in minutes or bench notes of proceedings.

Detention Decision (V020)

- 1 Hold in secure facility
 - 2 Hold in non-secure facility
 - 3 Release from custody
- Initial decision made at intake whether to hold or release. Information usually found on intake form. Secure facility means jail or juvenile detention facility. Non-secure facility includes group or foster home or shelter care facility.

Length of Detention (V021)

Number of days held in custody from arrest until adjudication, or release if it occurred prior to adjudication. In Court IV A this information was usually found in the probation officer's report. In the other courts, the release data was often difficult to determine unless the juvenile was released following a detention hearing.

Date of Intake Conference (V022)

Refers to that date when a youth and/or parents were called in for a pre-hearing, non-judicial conference with an intake worker or probation officer to determine whether case would be handled informally or processed officially. In Court IV A coded citation hearing for cases initiated by citation. These were held before probation officers designated as hearing officers.

Record 2

1

Presence of Defense Attorney at Intake Conference (V023)

- 1 Public defender
- 2 Legal aid attorney
- 3 Appointed private attorney
- 4 Retained private attorney
- 5 Source of attorney not specified
- 6 No attorney

In Court IV A and Court I A space was provided on the intake form for this information. In Court I B we were informed that attorneys never appear at intake conferences.

2

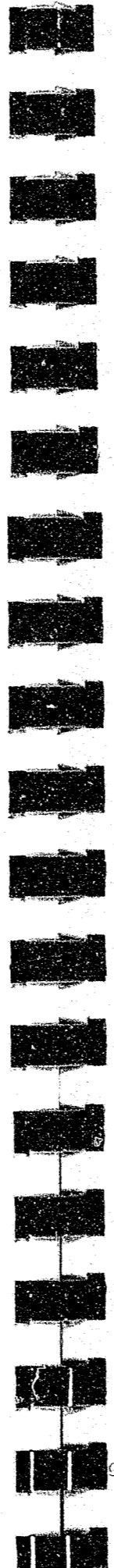
Presence of Prosecuting Attorney at Intake Conference (V024)

- 1 Present
 - 2 Not present
- If account of intake conference listed parties present and did not include prosecuting attorney, concluded one was not present, or when we were informed one was never present.

3

Intake Decision (V025)

- 1 File petition
- Coded if any indication in the record that judicial action was taken subsequently. In Court IV A and Court I A the intake form provided a space or a check-off "intake disposition" for this information. In Court I B all complaints were automatically filed with the clerk. "1" was not coded, however, unless a case was referred for judicial action.



- 2 Handle informally
Coded if a case was kept within the system, but no judicial action was taken; e.g., if a case were informally adjusted or the juvenile placed on informal probation.
- 3 Divert
Coded if youth referred to counseling, agency, or special diversion program.
- 4 Dismissed
Coded if case was dismissed or if no further indication of processing beyond intake.
- 6 Continued counseling
- 7 Counsel and dismiss; counsel, warn, and dismiss; warn and release; warn and drop; warning letter.
- 8 Crisis resolution
Voluntary residential program in Court IV A.

4-9

Date Petition Filed (V026)

Usually found on petition. If no copy of the petition in the file usually found in minutes of proceedings.

10-11

Charge One on Petition (V027)

If more than one offence was listed, the most serious was coded. This information was usually taken from the petition, or if no copy of the petition was in the file from the minutes of the adjudication hearing.

12-13

Charge Two on Petition (V028)

If more than one offense was listed, the second most serious offense listed on the petition or in the minutes of the adjudication hearing.

14

Nature of Charge/Complaint (V029)

- 1 Delinquency
- 2 Status complaint
- 3 Family in need of supervision
- 4 Dependency or neglect
- 5 Mental disability
- 6 Violation of court order
- 7 Traffic
- 8 Other

Refers to how the court defines the act. In the absence of such a definition, any indictable offense or misdemeanor was coded a delinquency. In Court IV A petitions were distinguished by statute number. In Court IV B, status offenses were labelled "CHINS." In Court I A status offenses were so coded. In Court I B offenses were defined as "wayward" or "delinquent," with the former designating certain minor offenses as well as runaway, truancy, and incorrigibility.

15-20

Date of 1st Court Appearance (V030)

Refers to first appearance before a judge or referee. May be detention hearing, arraignment, adjudicatory, or dispositional hearing.

21-22

Presiding Officer at 1st Court Appearance (V031)

Each judge and referee in each court was assigned a code. The officer's name was usually found in the minutes, bench notes, or order issuing from such proceeding.

23

Presence of Defense Attorney at First Court Appearance (V032)

- 1 Public defender
- 2 Legal aid attorney
- 3 Appointed private attorney
- 4 Retained private attorney
- 5 Source of attorney not specified
- 6 No attorney

Often the initials "P.D." followed the name of the defense attorney in the minutes or bench notes of the proceeding. In Court I A a list of public defenders serving the court was consulted. If parties present were listed and no attorney included, assumed no attorney present.

24

Presence of Prosecuting Attorney at First Court Appearance (V033)

- 1 Present
 - 2 Not present
- Information usually found in minutes or bench notes of proceeding.

25

Contested status (V034)

- 1 Contested
 - 2 Not contested
- Juvenile's plea, usually indicated in minutes of adjudicatory proceeding.

26-31

Date of Adjudication (V035)

Date when court took formal action concerning jurisdiction. May correspond to day of detention hearing and/or arraignment. If youth pleaded guilty, coded the date the court accepted the plea in open court. May be the dispositional hearing. In Court IV A, coded the fitness hearing if juvenile waived to adult court.

32-33

Presiding Officer at Adjudication (V036)

Each judge and referee in each court was assigned a code. The officer's name was usually found in the minutes, bench notes, or order issuing from such proceeding.

34

Presence of Defense Attorney at Adjudication (V037)

- 1 Public defender
- 2 Legal aid attorney
- 3 Appointed private attorney
- 4 Retained private attorney
- 5 Source of attorney not specified
- 6 No attorney

Often the initials "P.D." followed the name of the defense attorney in the minutes or bench notes of the proceeding. In Court IV A the probation officer's report gave a detailed account of the proceeding including this information. In Court I A a list of public defenders serving the court was consulted. If parties present were listed and not attorney included, assumed no attorney present.

35

Presence of Prosecuting Attorney at Adjudication (V038)

- 1 Present
 - 2 Not present
- Information usually found in minutes or bench notes of proceeding.

36-37

Finding on Charge One (V039)

- 01 Finding of delinquency
- 02 Finding of status offense
- 03 Charges dismissed.
In most cases we were unable to determine whether a dismissal represented a not true finding. In some cases we know a dismissed was used as a judicial sanction.
- 04 Finding of hold under advisement, continuance pending adjustment. This code was used for consent decrees in Court IV B and Court I A.
- 05 Waiver to adult court.
- 06 Unspecified continuance
- 07 Hold for examination
- 08 Nothing recorded on establishment of jurisdiction, but disposition entered after formal hearing
- 09 Other
Found in minutes or bench notes of proceeding.

38-39

Finding in Charge Two (V040)

Same procedure as for charge one.

40-45

Date of Disposition (V041)

Date a disposition of the case was entered. May be the date of intake if the case was not referred to court or the date of the dispositional hearing if referred to court. If uncontested, probably the same as the date of adjudication.

46-47

Presiding Officer at Disposition (V042)

Refers to dispositional hearing. Each judge and referee in each court was assigned a code. The officer's name was usually found in the minutes, bench notes, or order issuing from proceeding.

48

Presence of Defense Attorney at Disposition (V043)

- 1 Public defender
- 2 Legal aid attorney
- 3 Appointed private attorney
- 4 Retained private attorney
- 5 Source of attorney not specified
- 6 No attorney

Often the initials "P.D." followed the name of the defense attorney in the minutes or bench notes of the proceeding. In court I A a list of public defenders serving the court was consulted. If parties present were listed and no attorney included, assumed no attorney present.

49

Presence of Prosecuting Attorney at Disposition (V044)

- 1 Present
 - 2 Not present
- Information usually found in minutes or bench notes of proceeding.

50-51

Disposition (V045)

- 13 Probation and continued counseling
- 14 6 mos. probation and 30-50 hrs. community service
- 15 15 das. restitution project
- 16 alcohol abuse or other counseling program
- 17 6 mos. probation and restitution and community service
- 18 5 das. restitution project, professional counseling, intensive supervision
- 19 10 das. restitution project
- 20 60 das. detention center, includg. 60 das on restitution project
- 21 20 das. restitution project
- 22 restitution, restitution project, counseling program
- 23 restitution, 120 hrs. community service, professional counseling
- 24 5 days restitution project
- 25 restitution, 80-100 hrs. community service
- 26 informal supervision
- 28 committed to short-term residential program
- 29 30 das. detention center and restitution program
- 30 short-term residential program and restitution
- 31 10-14 das. restitution program and restitution
- 32 restitution project

33 Probation and restitution
34 15 das. detention center
35 1-9 das. restitution project and
restitution
36 residential treatment program
(psychiatric unit of hospital,
drug program)
37 1 yr. residential program
38 100-150 hrs. community service
39 6 mos. probation, restitution,
restitution project
40 restitution, 12 das. restitution
project, drug program
41 restitution program and probation
42 6 mos. probation, 48 hours comm.
service, 1 da. detention center
43 3 yrs. state training school
44 restitution, 10 das. restitution
project, probation
45 6 mos. probation, restitution,
60 hrs., community service
46 40-60 hrs. community service and
alcohol/drug abuse counseling or
other counseling
47 restitution, informal probation,
alcohol abuse counseling
48 5 yrs. state training school
49 restitution, 10-20 das. restitution
program
50 restitution program and professional
drug abuse counseling
51 restitution and Job Corp
52 6 mos. probation and restitution
program 12 das.
53 committed to short term residential
program
54 4 das. restitution program
55 11 das. detention center and group
home placement
56 6 mos. informal probation
57 professional counseling
58 15-20 das. restitution program and
restitution
59 8 yrs. state training school
60 40 hrs. community service
61 10 das. detention center, 30 das.
restitution program, and restitution
62 8 das. work project and professional
counseling
63 15 das. restitution program, rest and
family counseling
64 3-6 das. detention center and
professional counseling to include
alcohol abuse
65 restitution and 3-4 das. detention
center
66 60 hrs. volunteer service
67 90 das. detention center
68 4 yrs. state training school

70 restitution and 120 hrs. volunteer
service
71 counseling and psychiatric
evaluation recommended
72 referred for counseling
73 consent decree, restitution and
community supervision, may include
community service
74 consent decree, residential
placement, restitution, supervision
75 residential placement 1 yr.
76 fine/court costs
77 informal disposition, may include
supervision, restitution
78 consent decree, restitution, no
supervision, case closed
79 consent decree, supervision 6
months or more
80 restitution without any other
conditions
81 protective supervision order by
court, no formal probation
82 restitution and community
supervision, 6 months or more
83 restitution and community
supervision, 6 months or more and
placement in drug treatment
program, and psych. eval.
84 consent decree, supervision 6
months or less, community service
85 home detention (1 month),
restitution, alcohol program and
psychiatric evaluation
86 disposition on other charges,
relevant charge dismissed or not
dealt with
87 ordered to live with father,
mother, or other relative/change
of custody
88 supervision 1 year and drug program
89 transfer
90 consent decree, community service
91 consent decree, fine and community
supervision
92 community supervision, fine, loss
of driver's license
93 consent decree
94 probation and non-secure commitment
95 probation for 6 months and
restitution
96 indefinite probation and community
service
97 suspended commitment,
probation/and drug program/psych
evaluation or community service

98 probation for one year and
community service
Codes were added in each court for each
distinct disposition in order to
preserve individualization in
sentencing.

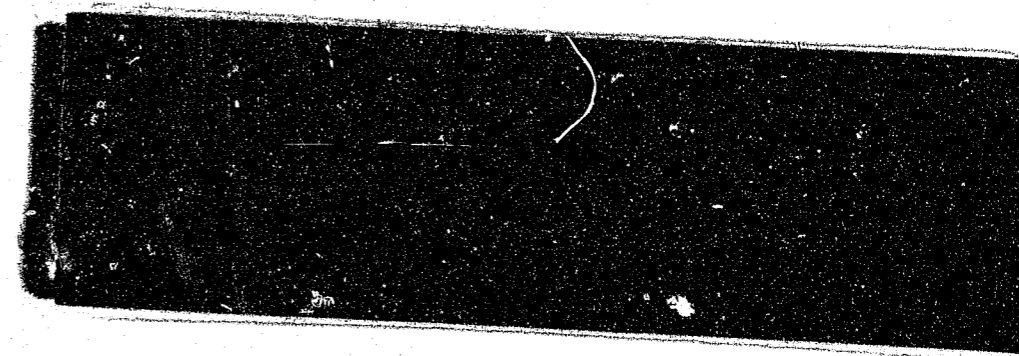
52

Notice of Appeal (V046)

- 1 Yes
- 2 No

Appendix C:
Recorded and Constructed Variables

CONTINUED



APPENDIX C
RECODED AND CONSTRUCTED VARIABLES

Ethnicity (v005)

White
Minority
 Black
 Mexican
 Puerto Rican
 Oriented
 American Indian
 Mixed
 Other
 East Indian
 Hispanic

Family Composition (v007)

Both parents (Intact family)
Step-parent family
 Mother and stepfather/other male
 Father and stepmother/other female
Single-parent family
 Mother only
 Father only
Other
 Other relative
 Foster home

Activity (v008)

In school
 In school and employed
Not in school
 Employed
 Idle
 Other

Charge One at Intake (v012)

Offense type:

Miscellaneous Minor Offense
 Aiding and abetting
 Entering a closed park
 Bribery
 Fire in park
 Disorderly conduct
 Disturbing the peace
 Giving false information
 Obstructing
 Refusal to aid police
 Loitering
 Vagrancy
 Ordinance violations
 Fireworks
 Statutory rape
 Indecent exposure
 Prostitution
Status Offenses
 Curfew violation
 Incorrigibility
 Runaway
 Truancy
Alcohol and Drug Offenses
 Alcohol
 Marijuana
 Driving while intoxicated
 Drugs
 Inhalents
Property Offenses
 Arson
 Burglary
 Unlawful entry
 Forgery
 Fraud
 Destroying property
 Grand larceny
 Joyriding
 Larceny
 Malicious mischief
 Possession of stolen property
 Stolen vehicle
 Purse snatch
 Shoplifting
 Vehicle theft
 Trespass
 Auto prowl
 Petty theft
 Entering locked car
 Attempted burglary

Minor violent offenses
 Assault and battery
 Battery
 Fighting
 Threats
 Resisting an officer
 Serious violent offenses
 Aggravated assault and battery
 Serious injury
 Gun
 Oral copulation
 Kidnap
 Incest
 Strong-arm robbery
 Robbery (weapon)
 Attempted rape
 Sexual assault
 Molestation
 Rape
 Sodomy
 Weapons
 Assault with a deadly weapon
 Murder
 Possession of a deadly weapon

Source of Referral (v01A)

Law enforcement
 Police
 Other
 Security guard
 Sheriff
 Park ranger
 Other
 Parent
 School
 Social agency
 Other
 Victim
 Probation

Presence of Defense Attorney at Detention Hearing,
 Intake Conference, First Court Appearance,
 Adjudication, Disposition (v018, v023, v037, v043)

Attorney
 Public defender
 Legal aid attorney
 Appointed private attorney
 Retained private attorney
 Source of attorney not specified
 No Attorney

Detention Decision (v020)

Detain
 Hold in secure facility
 Hold in non-secure facility
 Release from custody

Intake Decision (v025)

File petition
 Handle informally
 Handle informally
 Divert
 Continued counseling
 Crisis resolution
 Dismiss
 Dismiss
 Counsel and dismiss; counsel, warn,
 and dismiss; warn and release;
 warn and drop; warning letter

Judicial Disposition

Dismiss
 Finding of not true, charges
 dismissed (v039)
 Warned and released (v045)
 Probation and other conditional
 dispositions (v045)
 Restitution ordered (includes
 community service)
 Finding vacated or to be vacated
 pending adjustment
 Probation or community supervision
 for 6 months or less
 Probation or community supervision
 for more than 6 months
 Probation or community supervision
 for indefinite time period
 Probation and continued counseling
 6 months probation and 30-50 hours
 community service
 15 days restitution project
 Alcohol abuse or other counseling
 program
 6 months probation, restitution, and
 community service
 5 days JCWP, professional counseling, and
 intensive supervision
 10 days JCWP
 20 days. JCWP

Restitution, restitution project, counseling program
Restitution, 120 hours community service,
and professional counseling
5 days restitution project
Restitution and 80-100 hours community
service
Informal supervision
10-14 days restitution project and restitution
Restitution project
Probation and restitution
1-9 days restitution project and restitution
100-150 hours community service
6 months probation, restitution, restitution project
Restitution, 12 days restitution project, and
drug program
Restitution project and probation
Restitution, 10 days restitution project, probation
6 months probation, restitution, 60 hours
community service
40-60 hours community service and
alcohol/drug abuse counseling or
other counseling
Restitution, informal probation, alcohol
abuse counseling
Restitution and 10-20 days restitution project
Restitution project and professional drug abuse counseling
Restitution and Job Corp
6 months probation and 12 days restitution project
4 days restitution project
6 months informal probation
Professional counseling
15-20 days restitution project and restitution
40 hours community service
8 days restitution project and professional counseling
15 days restitution project, restitution, and family
counseling
60 hours volunteer service
Restitution and 120 hours volunteer service
Counseling and psychiatric evaluation recommended
Referred for counseling
Consent decree, restitution and community
supervision (may include community service)
Fine/court costs
Informal disposition (may include supervision,
restitution)
Consent decree and restitution, no supervision,
case closed)
Consent decree with supervision 6 months or more
Restitution
Protective supervision
Restitution and community supervision 6 months or
more, placement in drug treatment program,
and psychiatric evaluation

END