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THE PSYCHOLOGY OF DECISION MAKING IN THE JUVENILE COURT

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## Abstract

In the past 15 years, the juvenile court has been the focus of considerable U.S. Supreme Court reform. The principle aim of these reforms was to restrict the judicial discretion of juvenile court judges through the imposition of procedural safeguards. Despite these reforms, discretion is still the central, as well as, the most poorly understood element in the legal handling of delinquents. Therefore, an important need of the juvenile justice system is to better understand and structure discretionary decisions to assure an even-handed application of justice.

The purpose of the present investigation was to explore the role of implicit processes of person perception in the largely discretionary juvenile delinquency sentencing decision. Since discretionary decisions are, by definition, not subject to peer review or other external standards, it was hypothesized that juvenile court decision-makers have implicit theories of delinquency which influence their judgments. Utilizing a multimethodological approach, three sets of studies were conducted. First, several types of juvenile court records were analyzed to determine the kinds of information which most influence the delinquency sentencing decision. Both legal and social information were found to influence this decision. In particular, the harshest sentences were given to delinquents who were uncooperative, males, felons, repeat offenders, and who had broken homes, family instability and emotional instability. Since adolescent crime tends to be committed by individuals of both sexes who come from all strata of society as well as family backgrounds, these data support the contention that juvenile court decision-makers use implicit criteria to judge delinquents.

The second study was designed to directly measure if juvenile court decision-makers have theories about the information they use to sentence delinquents. Twenty probation officers and judges from three juvenile courts read 32 case histories of delinquents. These cases were constructed to represent an orthogonal set with respect to the following variables: demeanor, sex, family background, crime, and prior criminal record. In a within subjects design, subjects rated each case on nine dependent measures. Analyses revealed that experts used the information to make inferences about delinquents in the areas of crime seriousness, need for counseling, need for court intervention, family influence, peer group influence, emotional instability, dangerousness, intentionality, and moral character.

In the third part of this investigation, two experimental studies were conducted to explore the origins of experts' theories of delinquency by comparing them to those held by nonexperts. Community residents were given vignettes and questionnaires similar to those given to the experts. Overall, the results of these studies suggest that there is considerable agreement between juvenile court decision-makers and community residents in their social judgments of delinquents.

These findings have implications for social psychological theory as well as for a social policy of crime and delinquency. The results of the study of experts' ratings of delinquents suggests that social judgments may be partly a function of the kinds of social schemas evoked by the available information. They also suggest that the methods and theory of social cognition may offer a promising new approach toward a better understanding of legal decision-making.

Finally, the results of this investigation suggest that procedural reform alone cannot curb the use or abuse of discretion in the juvenile court since discretion operates in part according to implicit rules which are generally not addressed by structural changes in the law. Since the present investigation demonstrated that the tools to dissect discretionary decision-making are available, effective reform of the juvenile court may include a system for peer review and evaluation of the sentencing system. In this way, implicit rules can be made explicit.

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## CHAPTER 1

### Introduction

In the past 15 years, the American juvenile court has been the focus of considerable judicial and legislative change. Three Supreme Court decisions mandated major reforms of the juvenile court (In re Gault, 1967; Kent vs. United States, 1966; In re Winship, 1970), and these were followed by revisions in almost every state juvenile court statute in the country (National Advisory Committee on Criminal Justice Goals and Standards, 1976). The principal aim of these reforms was to restrict the judicial discretion of juvenile court judges through the imposition of procedural requirements on judicial hearings. However, these reforms did not still the controversy surrounding the juvenile court, and it continues in the discussions and analyses of legal scholars, historians, and social scientists who debate the validity of the basic goals and assumptions of the court.

These goals and assumptions were clearly stated when the first juvenile court was established in Chicago in 1899. The creation of that court represented a culmination of a radical philosophical change in conceptions of childhood; and the work, which this philosophy inspired, of 19th century reformers to create a legal separation in the treatment of juveniles and adults for the first time in the American legal system (Levine and Levine, 1970; Platt, 1969; Rothman, 1971). This separation reflected the reformers' belief that children were qualitatively different from adults and that treatment in the punitive adult criminal system was both inappropriate and harmful to them.

The reformers believed that children were malleable and that they could be shown the right way, as well as the wrong way to behave.

Therefore, rehabilitation replaced punishment as the goal of the new juvenile court. With the new goal, the nature of the judicial hearing became informal, and children no longer had the same procedural rights as adults.

The rehabilitative premise and the juvenile justice system based upon it survived almost unchallenged for nearly seven decades. When the challenges came, they were primarily scientific and legal. In 1966, the New York State Governor's Commission on Criminal Offenders commissioned a survey to determine the most effective means of rehabilitating delinquents. The survey covered 231 evaluation studies conducted in this country and elsewhere between 1945 and 1967 (Lipton, Martinson & Wilks, 1975). The results of this study were stunning. "With few isolated exceptions, the rehabilitative efforts that have been reported so far have had no appreciable effect on recidivism" (Martinson, 1974, p. 25). In addition to the disappointing effect on crime reduction, rehabilitative programs for delinquents were depicted as stigmatizing and punishing (Schur, 1971) while institutional programs were described as training schools for crime (cf. Bartollas, 1976; Goffman, 1961; Manocchio & Dunn, 1970).

The identity crisis in the juvenile justice system has been intensified by the epidemic increase in the rate of juvenile crime. Children commit crimes which are as serious as those committed by adults (Rubin, 1976; Time Magazine, 1977, 1981). More than half of all serious crime<sup>1</sup> in the United States is committed by youth aged 10 to 17 (Federal Bureau of Investigation, 1976) and since 1960, juvenile crime has risen twice as

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<sup>1</sup>Murder, rape, aggravated assault, robbery, burglary, larceny, motor vehicle theft.



fast as that of adults. In response to the problem of juvenile crime, some observers of the American judicial system have urged the elimination of the rehabilitative approach to young offenders and a return to punitive practices in which retribution and restraint are the governing principles (Morris, 1974; Van Den Haag, 1975; Wilkes & Martinson, 1976). Unfortunately, the benefits of punishment do not appear to be any more remarkable than those of rehabilitation (cf. Hood & Sparks, 1970). Moreover, the majority of serious juvenile crime may be the work of a few chronic offenders (Wolfgang, Figlio & Sellin, 1972; Center for Studies of Crime and Delinquency, 1974).

Before additional reforms of the juvenile court are introduced, it is essential to understand the process by which juvenile court decision-makers select or reject young offenders for treatment. The effectiveness of court programs cannot be assessed unless the criteria used to assign delinquents to such programs are more clearly specified. In this way, the type of delinquent who is helped by the juvenile court and the type who receives no benefit may be better identified and treated. Although much discussed and often lamented, the nature of discretionary decision making in the juvenile court is poorly understood.

The purpose of the present investigation is to conduct a case study of how one juvenile court selects and classifies offenders into sentencing categories. Consistent with the intra- and interpersonal nature of a judicial system based on the broad discretionary judgment of its legal actors, a cognitive social psychological approach is utilized in this study.

### Legal Decision Making As A Social Psychological Process

In recent years, students of the judicial system have begun to describe the social psychological nature of legal decision making. For example, researchers have: (1) described interpersonal factors which predispose police officers to warn, rather than arrest delinquents (Piliavin & Briar, 1964); (2) studied the effect of judges' attitudes on the kinds of sentences they impose (Hogarth, 1971); (3) investigated the role of attributions of responsibility on parole officers' willingness to grant a parole (Carroll, 1978).

These studies and others (e.g., Blumberg, 1967; Ebbesen & Konecni, 1975) focused on the legal decision and in particular the legal sanction. If we are to believe the thrust of this research, the sentencing decision appears to be as much the result of the personal and interpersonal dynamics of the legal actors, as the structural components of the law. These dynamics are complex because of the amount of discretion at the disposal of legal decision makers. Discretion can be defined as the ability to make decisions which are not subject to the review of others (cf. Reiss, 1974). This discretionary power means that a plethora of variables - legal, personal, and interpersonal - may affect legal actors' appraisal of a case. Surprisingly, few investigators have explored the social psychological dynamics of the juvenile court, despite the fact that in America it legitimized an individualized approach to offender case processing based on broad judicial discretion.

### General Goals of the Present Investigation

The present investigation has three general goals. The first goal of the investigation is to explore if there are relationships between the variables which influence sentencing outcomes and social psychological processes of person perception and causal attribution.

A second goal is to uncover the dominant model of juvenile justice utilized by the court considered in this study. The juvenile court may adopt one of three general types of decision-making models. The traditional system of juvenile justice was based on the model of individualized justice (Matza, 1964) in which the outcome of each case was determined on the basis of its own merits rather than by abstract rules of justice which apply to all cases. Legal officials have a high degree of discretion so that they may, in theory, act in the best interests of the child. There is a broad framework for decision making and the relevant criteria consist primarily of extra-legal variables such as the juvenile's character and individual needs.

Due to recent pressure to increase procedural formality (e.g. Gault), the contemporary juvenile system may more closely resemble the legal system of the adult court which is based on the principle of formal rationality (Weber, 1954). In this model of justice, all cases are decided upon through the application of abstract rules. The goal of formal rationality is to treat like cases in a like manner so that arbitrariness in decision making is minimized. The criteria of a "like" case are narrowly circumscribed to reflect such considerations as the nature and seriousness of the crime, and the defendant's prior criminal record (Matza, 1964). In this system, extra-legal variables such as family background would be of little importance in determining the outcome of a case. Therefore, legal variables would dominate in this model.

Finally, the juvenile court may have evolved a "mixed" system of justice in which both legal and extra-legal variables affect outcomes. This system may reflect the court's attempt to integrate the formal aspects of the adult criminal court with the substantive goals of the old juvenile court.

A third goal of this investigation is to develop a general methodology which could be utilized to conduct comparative studies of decision-making in a variety of courts. Three types of studies were conducted. First, extensive analyses of the court archives were completed to identify the nature of the variables most predictive of sentencing outcomes. Next, juvenile court decision-makers rated a large number of vignettes about delinquent acts which incorporated the findings of the archival analyses. Third, two experimental studies were conducted with nonexpert decision-makers who also rated vignettes about delinquent acts. Finally, these studies were supplemented by qualitative observations of the decision-making process collected over a period of twelve months.

#### Some Organizational Considerations

The theoretical and research presentation of this investigation take the following form. In Chapter 2, there is a summary discussion of the legal and social historical forces which shaped the values and goals of the juvenile court and created the framework in which sentencing decisions are made today. While the traditional juvenile court has changed in recent times, many of the original assumptions about children which were used as a basis for the creation of the individualized system of justice, continue to survive. Therefore, it is important to understand this history. Readers who are already familiar with this history (e.g., Platt, 1969; Rothman, 1971) and its recent procedural changes (e.g., In re Gault, 1967) may want to omit this chapter and proceed to Chapter 3. In Chapter 3, an integrated review of social psychological and legal theory and research related to judicial decision making is presented, and a broad theoretical framework is articulated for the present investigation. In Chapters 4, 5, and 6, the design and results of the present investigation

are described. Finally, in Chapter 7, the conclusions as well as the theoretical and policy implications that can be drawn from this multi-methodological study are presented.

The reader will discover that this study yielded an unusually large volume of data that required a great many complex statistical analyses. I have tried to make the text more readable by putting most of the empirical analyses in Appendices.

## CHAPTER 2

### The Historical Basis of the Juvenile Court

The first juvenile court was established in 1899 in Illinois (Illinois Juvenile Court Act, 1899), and by 1920, every state in the United States, except three, passed similar acts (Dunham, 1958). This court radically changed the legal status of children. For the first time, they were no longer tried in a criminal court and punished like adults. Instead, a new legal tribunal for children was created (See Aries, 1962; Levine & Levine, 1970; Mauss, 1974; Platt, 1969, for a history of how the social philosophy toward children changed in the previous 500 years and contributed to the political climate in which the creation of a special court for children seemed necessary).

The new legal status for children had two essential elements. First, the definition of "child" was broadened from individuals under the age of seven to individuals as old as 16. Second, all children referred to the juvenile court, whether they were dependent, neglected, or delinquent were eligible for the same protective guardianship of the juvenile court. This principle of state guardianship or parens patriae, had long been available to dependent and neglected children, and the juvenile court extended it to delinquents as well. These two changes, in modified form, remain today as the central characteristics of all juvenile court legislation (Paulsen & Whitebread, 1974). They may also be the most controversial aspects of the court because they require that teenage delinquents be given the same legal forum as young, dependent and neglected children. However, this change was justified by the juvenile court advocates because of the rehabilitative and humane basis of the juvenile court acting as a substitute parent.

### The Rehabilitative Basis of the Juvenile Court

From the beginning, juvenile court judges stated their commitment to rehabilitation, not punishment. In 1909, Judge Julian Mack claimed that the problem of the court was not, "Has this boy or girl committed a specific wrong, but what is he, how has he become what he is, and what had best be done to save him from a downward career?" The court's goal was "... not so much to punish as to reform, not to degrade but to develop, not to make him a criminal but a worthy citizen" (Mack, 1910, p. 18).

To accomplish the rehabilitative goal, a social agency model was grafted to the legal setting (Levine & Levine, 1970; Rothman, 1971).

It is the first legal tribunal where the law works side by side with the sciences which deal with human behavior. The court adopted the social case worker method, by which the child is treated individually in relation to his whole environment. It is in this procedure that the juvenile court differs from the criminal court, where an accused person is sought to be convicted of and punished for having committed a particular crime. The juvenile delinquents who were brought before the juvenile court are not regarded as criminals, irrespective of the misconduct with which they are charged. They are considered to be boys and girls who have become maladjusted and, perhaps through no fault of their own, have expressed their normal feelings and emotions in delinquent ways. The court recognizes that these children need special care, protection and understanding; and through proper supervision and guidance, it endeavors to divert the forces of delinquent behavior into normal, satisfactory channels (The Wayne County Juvenile Court, 1900; Quoted in Dunham, 1958, p. 517).

The social agency model of juvenile justice introduced two additional changes to the court. First, the traditional rules of legal procedure were no longer used because juvenile hearings were not considered legal trials (Ketcham & Paulsen, 1967; Paulsen & Whitebread, 1974). In *Commonwealth vs. Fisher* (1905), the Pennsylvania Supreme Court ruled that, "The very purpose of the juvenile court is to prevent a trial". Thus, children who violated laws did not have lawyers, trial transcripts were

not kept, and traditional rules for verifying evidence were not applied.

The second change introduced by the new social agency model of juvenile justice was the inclusion of the personal and social background of the child and the family as case characteristics with legal relevance to the treatment of a delinquent. The juvenile court judge and probation officer identified the child's needs and problems by gathering information about the family, neighborhood and school and decided whether there were deficiencies or abnormalities in any of these areas (Hakeem, 1954). They were to "... inquire into the habits, surroundings, conditions and tendencies of the child so as to enable the court to render ... judgment as shall best conserve the welfare of the child" (Children's Court of the City of New York, 1925).

It is not surprising that the juvenile court focused on the family as the cause of delinquency since the early twentieth century signaled the beginnings of child guidance, social work, and psychoanalysis. All three therapeutic movements emphasized the importance of the family on a child's positive social and personal adjustment (cf. Dunham, 1958; Hakeem, 1954; Healy, 1915; Levine & Levine, 1970; Rothman, 1971. Juvenile court judges accepted this assumption about the roots of maladjusted and delinquent behavior to the degree that parents were summoned into the juvenile court and even given jail sentences because they were judged responsible in part for a child's delinquencies (Teeters & Reinemann, 1950).<sup>1</sup>

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<sup>1</sup>The causal relationship between delinquency and family stability (or, as Empey, 1978; and Nettler, 1974, point out, between delinquency and a number of other variables) has not received consistent empirical support. In a review of eighteen studies relevant to the "broken home" hypothesis and delinquency, seven reported a significant positive association, four reported no significant association, and seven studies had findings so mixed that no conclusions could be made (Herzog, 1970).



In summary, the juvenile court vastly expanded the kinds of information which were appropriate for legal review and justified the change because of its humane and rehabilitative aims. Nevertheless, the court retained its powers as a court of law.

### Legal Basis of the Juvenile Court

While the new juvenile court was expected to help and protect children, it also had the power to compel acceptance of court intervention, and these interventions were not unlike those used in the adult criminal system. For example, children could be removed from their families and sent to reformatories for unspecified lengths of time. In several respects, the legal powers of the courts over children increased after the creation of the juvenile court.

First, the definition of illegal behavior for children was vastly expanded. Not only were the personal and social background of a delinquent added to the court's consideration of a case, but a new class of illegal behaviors called status offenses was created for children. Status offenses included any of the following acts:

... habitual vagrancy, incorrigibility, immorality, knowingly associating with thieves or vicious or immoral persons, growing up in idleness or delinquency, knowingly visiting gambling places, patronizing other places or establishments, idly roaming the streets at night, habitual truancy from school, deportment endangering the morals, health or general welfare of the child (New Jersey Statutes, 1925).<sup>2</sup>

Second, the power of the juvenile court was increased because it was less constrained by procedural guidelines for the interpretation of delinquency statutes or choice of sentence.

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<sup>2</sup>Behaviors such as truancy and running away from home are still illegal in some states (cf. Empey, 1979; Sarri & Hasenfeld, 1976).

Third, the juvenile court had the power to set indeterminate sentences for juveniles. For example, a juvenile could be sent to a reformatory, until reformed, or until the age of 21. In the matter of Gault (1967), the United States Supreme Court rejected an Arizona juvenile court decision in which Gerald Gault could be retained in a reformatory until the age of 21, for an act which an adult would have received a maximum sentence of a \$50 fine and/or three months in jail.

Finally, because the juvenile court operated within both a social agency and legal framework, criteria relevant to the rehabilitation of a delinquent could result in an outcome which was quite punitive under the guise of rehabilitation. This means that the court could apply sanctions to delinquents not only for criminal behaviors, but for negative social histories as well. The United States Supreme Court recognized some of the dangers of the discretionary power of the juvenile court and mandated reforms.

#### Recent Reforms In The Juvenile Court

Recent Supreme Court decisions have curtailed some of the discretionary power previously granted to most juvenile courts. In these reforms, the Supreme Court mandated a shift in juvenile law from a philosophical emphasis on broad judicial discretion to one which places some procedural and normative constraints on discretion.

There were three major Supreme Court decisions which changed the direction of the juvenile court. In Kent vs. United States (1966) the Supreme Court mandated that a right to counsel and to a proper hearing were necessary in cases involving juvenile waivers to adult court. This decision was important not only because of the issue, but because it noted

that the behavior of juvenile courts was suspect. In this decision, the Court warned that further safeguards were possible.

Only one year later, the famous Gault (1967) decision was reached, in which four rights were acknowledged at delinquency hearings: (1) the right to notice of the charges; (2) the right to counsel and to proper notification of this right; (3) the right to remain silent; (4) the right to confront evidence and cross-examine witnesses.

Finally, the decision of In re Winship (1970) extended the rights of juveniles further. Denying the notion that the juvenile proceeding is substantially a civil one, the Court declared that "proof beyond a reasonable doubt" is required in delinquency hearings.

These reforms were not only a reinstatement of the constitutional rights of juveniles, but an indictment of the rehabilitative basis of the court. In the Gault (1967) decision, the Court noted that "... unbridled discretion, however benevolently motivated, is frequently a poor substitute for principle and procedure ..." (In re Gault, 1967, p. 21).

Although the Supreme Court criticized the old rehabilitative model of juvenile justice, it did not reject it. Therefore, the reforms were limited and it was left to the juvenile court to integrate the old model of juvenile justice with the new due process model mandated by the Supreme Court. However, recent studies suggest that the court may still function much as it always did. A recent survey of 200 juvenile courts (Sarri & Hasenfeld, 1976) revealed that the due process reforms of Kent, Gault and Winship have not been effectively implemented. In a series of studies, Sarri and Hasenfeld (1976) have shown that defense attorneys infrequently take an active adversarial role in juvenile hearings. These findings suggest that effective reform of the juvenile court cannot occur until

the decision-making process itself is more fully understood.

Recent studies by social scientists have shown that the legal decision is strongly influenced by the social psychological dynamics of the legal context. They have learned that the legal sanction is based in part on actors' first impressions of a defendant, as well as, evaluations of the defendant's personal responsibility for the illegal act. Social psychological research and theory in person preception, as they relate to the exercise of discretion by legal actors has important implications for an understanding of decision making in the juvenile court. Accordingly, this work, as well as related sociological work, are reviewed in the following chapter.

## CHAPTER 3

### Sentencing Delinquents As a Process of Social Definition

The juvenile sentencing decision has three salient components: the setting in which the decision takes place, the child about whom the decision is made, and the judge who makes the decision. Although all components are important, the present discussion and investigation focuses exclusively on the decision maker and the social psychological factors which mediate the outcome of a sentencing decision.

The information associated with each case forms the data base for the decision maker. The types of information available at a sentencing hearing include: the nature and circumstances of the offense, prior criminal record, family background, school records, recommendations from the probation officer and social worker, personality assessments, and medical history. The judge may consider any or all of the information available to the court in arriving at a sentence after the delinquent was found guilty. In juvenile court, this decision is made with few legal standards, conflicting guidelines from research on delinquency causation and rehabilitation, as well as, narrow organizational constraints on the amount of time which may be devoted to each case. It follows then, that the juvenile court judge may develop decision-making "rules of thumb" for judging delinquents based on personal and implicit organizational goals, beliefs, and attitudes about delinquents. The juvenile sentencing decision may be the outcome of decision-makers' acquisition, interpretation and evaluation of the social and legal aspects of the case, and thus, in part, may be the product of the social psychological processes of person perception (Schneider, Hasdorf & Ellsworth, 1979).

It is a general principle of person perception that behavior is not simply judged on its objective components, but is the result of an interpretation on the part of the observer based on a set of inferences that partly ignore and partly go beyond the information given (Schneider et al, 1979). Therefore, issues that have been named in the person perception literature as stereotypes, impression formation, and causal attribution may be relevant to an understanding of judging and sentencing delinquents.

Empirical investigations by social scientists support this view of the sentencing process. Two somewhat separate lines of research have been conducted. First, there is a considerable amount of research which has focused on the task of evaluating a criminal defendant and applying sanctions. The legal sanction is seen as an evaluative judgment: the more negative a defendant's personal characteristics the harsher the sentence. Experimental studies by social psychologists with adults and archival analyses of juvenile court records by sociologists provide converging support for this point of view.

A second approach to the study of legal decision making is based on the idea that sanctions depend upon the defendant's degree of responsibility. There is some evidence that decision makers do make attributions of responsibility which are related to the legal decision.

These research areas are described in the following sections of this chapter. In the first section, studies of the effects of negative personal characteristics on the sentence are described. Next, the legal and psychological theories of attribution of responsibility and related research are presented.

### Social Evaluation and the Sentencing Decision

Social psychologists have been giving subjects the task of evaluating the nonevidentiary aspects of a criminal case, deciding guilt, and assigning punishment for decades (cf. Gerbase, Zuckerman & Reis, 1977). A great deal of mock juror research has investigated the role of demographic, personality and social characteristics of both the defendant and the juror as well as the effects of judges' instructions, size of jury, decision rules and the order of evidence on the outcome of a sentencing decision (Davis, Bray & Holt, 1977; Gerbase et al, 1977). Although many interesting concepts are described in these studies, only those which have a theoretical theme directly related to a model of sentencing as a process of social evaluation or impression formation will be discussed.

In contrast to the simulation studies of experimental social psychology on the role of impression formation on legal outcomes, are the archival analyses of the influence of extra-legal variables on sentencing outcomes in real juvenile courts. These studies conceptualize a sentence as an outcome of a judicial system rather than an individual decision maker. Moreover, they employ correlational analyses in which causal inferences are not possible. Nevertheless, they provide convergent findings to the experimental research in which negative social information aggravates legal outcomes.

(1) Impression formation. Beginning with Landy and Aronson (1969), several social psychologists studied the judgment of criminal cases as a process of impression formation. The more positive personal characteristics a defendant possesses (e.g., employment status, personality, and attitudes), the more lenient the legal sanction. Although these factors may not have evidentiary relevance per se, they do have validity for

sentencing decisions in the experiences of trial lawyers. For example, Clarence Darrow observed, "Jurymen seldom convict a person they like or acquit a person they dislike ... facts regarding the case are relatively unimportant" (Sutherland & Cressy, 1974, p. 442).

Landy and Aronson (1969) had mock jurors read a negligent homicide case in which a drunk driver went through a red light and killed a pedestrian. Three descriptions of the defendant were included: a well-liked and stable insurance adjustor (attractive), a divorced janitor with a criminal record (unattractive), and an employee from nearby (neutral). The attractive and neutral defendants received shorter sentences than the unattractive defendant. Although the descriptions used in this study confounded attractiveness with age, prior criminal record, and the defendant's own injury in the act, later studies confirmed these results (Reynolds & Sanders, 1973; Sigall & Ostrove, 1975). These studies found that minor changes in a few trait labels can affect the assignment of sentences, such as describing the defendant as "loving and warm" or "cold and unapproachable" (Kaplan & Kemmerick, 1974; Sigall & Ostrove, 1975).

Physical attractiveness has been found to also affect observers' decisions to sanction illegal behavior. Efran (1974) had students role-play jurors on a student-faculty court who judged the guilt of a hypothetical student caught cheating on an exam. Written case descriptions were accompanied by photographs of the defendant varying in physical attractiveness. Attractive defendants were rated less guilty and as deserving milder punishment. Solomon and Schopler (1978) also found that attractive defendants received milder punishment in a fraud case than average or unattractive defendants.



Sigall and Ostrove (1975) hypothesized that since attractive individuals hold more status than the unattractive, observers may believe that there is less risk that they will commit future crimes. Therefore, the attractive defendant may be treated more leniently than the unattractive defendant. To test this, they created stimulus materials crossing three levels of physical attractiveness from photographs of women with two different crimes -- a burglary and a swindle. Since attractiveness is an asset for confidence swindles, subjects should view the attractive swindler as having a higher risk of recidivism than the unattractive swindler. But attractiveness should operate in the opposite way for burglary. The results showed that the attractive swindler was given a longer sentence than the unattractive swindler, while the predicted difference in attractiveness levels was not found in the burglary condition. Therefore, while this study showed that attractiveness can work against a defendant for an attractiveness related crime, it did not support the Efran (1974) and Solomon and Schopler (1978) findings on physical attractiveness.

Other studies have shown that physical attractiveness mitigated sentencing outcomes for minor offenses only. For example, Piehl (1977) found that physical appearance affected sentencing judgments about hypothetical traffic offenders when the accidents were minor (attractive defendants were punished less), but attractiveness had no effect when the accident was severe.

Finally, research has also revealed that similarity between observer and defendant attitudes mitigated sentencing outcomes. Mock jurors evaluated a hypothetical defendant who was either similar or dissimilar to them. Similarity significantly mitigated sentencing outcomes for

hypothetical defendants (Good & Good, 1977; Griffith & Jackson, 1973; Lussier, Perlman, & Breen, 1977).

In summary, this section presented research in which social psychologists extended the familiar research paradigm for impression formation into the adult criminal justice area. In general, the more negative the personal impression of a hypothetical defendant, the harsher the recommendation for legal treatment. However, these results were not always consistent. Sometimes a positive personal characteristic (e.g., physical attractiveness) aggravated sentencing outcome when the implementation of the crime was partly dependent on the characteristic; moreover, personal variables did not reliably mitigate outcomes for crimes which were serious. These studies suggested that observers interpreted the available information about a hypothetical defendant not only to evaluate him or her but to make inferences about his or her character as well as the risk of future criminal behavior. Observers may have used personal cues to make multi-dimensional evaluations of defendants. It should be stressed that the simulation nature of this research literature limits its generalizability without convergent field studies.

The next section expands the conclusion of this section to include findings from investigations conducted on real legal decisions in the juvenile court.

(2) Archival analyses of the juvenile court. In recent years, researchers have attempted to clarify the nature of the criteria used by juvenile court decision makers to either release or sentence delinquent children, utilizing an archival methodological approach. Many of these studies were conducted to validate the assumptions of the sociological

conflict school of delinquency which postulates that legal institutions primarily exist to enforce the norms of the more influential groups in society.

In the conflict school, claims were made about the extent of discrimination in sentencing (Chambliss, 1973; Davis, 1975; Quinney, 1974). An assumption of this school was that two types of variables, legal and extra-legal, influenced the decision-making process and that only legal variables were legitimate inputs while the use of extra-legal variables was indicative of stereotyping and discrimination.

The approach is similar to the experimental studies by social psychologists, described in the previous section because they shared the hypothesis that legal decision makers place a negative interpretation on nonevidentiary variables which result in a more severe legal sanction for delinquents and criminals. To test this assumption, investigators conducted archival studies in which they compared the power of legal variables such as the nature and seriousness of the crime and the extent of past criminal record with the strength of extra-legal variables such as social class and race, to predict case outcomes. Some studies found no evidence of racial and social class discrimination (e.g., Cohen & Kluegel, 1978; McEachern & Bauzer, 1967; Terry, 1967) while others (e.g., Arnold, 1972; Thomas & Cage, 1977; Thornberry, 1973) found that lower class and minority youths received harsher sentences than higher class and white youth. The criticisms of the inconsistencies in this research have been primarily methodological and included issues related to the crude measurement of key variables, inadequate statistical techniques and lack of proper controls (Hagan, 1974; Hirschi, 1975; Wellford, 1975). While recent

studies (e.g., Cohen & Kluegal, 1978; Thomas & Cage, 1977) overcome many of these problems, their inconsistent findings mirror those of earlier work.

These studies had conceptual as well as methodological shortcomings. They tended to define extra-legal variables exclusively in terms of discriminatory variables such as race and sex. In the juvenile court, extra-legal variables may include information about the juvenile's family, character, and school performance. Most past studies of juvenile court decision-making have ignored these kinds of extra-legal variables. Three exceptions are Thomas and Cage (1977), who examined the home situation and school enrollment of the juvenile; Cohen and Kluegal (1978), who examined whether a juvenile was working or in school; and Horwitz and Wasserman (1980), who examined problems in school and problems with parents. All three investigations found that the more negative a child's case history, the more severe the disposition. In the Horwitz and Wasserman (1980) study this was true regardless of the severity of the crime or the prior record of the offender.

Results from both psychological impression formation and sociological archival investigations suggest that negative nonevidentiary case information adversely affects sentencing outcomes for defendants. However, in archival studies, only characteristics associated with a sentence that are officially recorded can be correlated with the judicial decision. Most researchers agree that sentencing outcomes are also associated with unobservable evaluations by legal actors of defendants' intentionality and risk to recidivism. The next section of this chapter expands the model of the types of inferences legal actors make about

defendants by introducing and describing legal and psychological concepts of responsibility.

### Attributing Responsibility

Lawyers and psychologists have long been interested in how people attempt to determine the cause of other individuals' behavior. The concepts of intentionality and responsibility are central to explanations of social behavior by psychologists and sentencing behavior by legal psychologists. Recently, legal psychologists have attempted to integrate the theory and research of legal scholars and social scientists on the causes of behavior (cf. McGilles, 1978), so that social scientists may benefit from centuries of legal scholarship on concepts which are intrinsically psychological, and lawyers may benefit from the empirical investigations by psychologists of long held legal assumptions about human behavior. The aim of this section of the chapter is to describe a small part of the complex system of legal conceptualizations of responsibility about adults and children, and to relate these notions to attribution theories and research.

(1) Legal responsibility. In criminal law, responsibility refers to the degree to which an individual may be blamed for conduct which is harmful to others (Gross, 1979) and held legally liable for it. Generally speaking, this means that the individual is only responsible for harm which was caused intentionally. Therefore, an individual who harmed another because of negligence is less blameworthy under the law than for harm done intentionally. The law distinguishes between objective and subjective or intentional harm. Both are necessary if an individual is to be held responsible for a harmful act. In the law, the physical element

of harm (objective) is referred to as the actus reus and the element of intent (subjective) is referred to as the mens rea.

Degrees of intention have been described in the Model Penal Code (1962). The code makes use of four terms to describe intention: purpose-ly, knowingly, recklessly, and negligently. In order of decreasing culpability, the degrees of intention may be defined in the following manner (Gross, 1979):

- purposely -- a design by an individual to commit an act which causes unavoidable harm;
- knowingly -- a design by an individual to commit an act which creates an imminent danger but not necessarily unavoidable harm;
- recklessly -- a design by an individual to commit an act which creates serious risk of harm;
- negligently-- a design by an individual to commit an act which creates risk because of an absence of appropriate care or precautions.

Implicit in these categories of intention is the common sense assumption that individuals are held increasingly more accountable for events over which they exercise the greatest control. However, this control is not between the body and the act, but between the body and the designs and direction of the mind. Therefore, intention refers to the "...private inner workings that give significance to the physical activity on public display (Gross, 1979, p. 91). In criminal law, both the act (actus reus) and the private mental state (mens rea) are required for the crime, "because a crime is held to consist of something done and something intended, with what is done, made blameworthy by the fact that it was

intended" (Gross, 1979, p. 91). A central problem of the law, therefore, is to determine an accused's state of mind at the time a criminal act was committed.

When there are questions in the law about an accused's intentionality for a criminal act, evidence is offered about the degree of behavioral control the individual had over the act. Gross (1979) described the kinds of information which may be offered as evidence in support of lack of behavioral control. For example, if an individual passed counterfeit money, but denied that he knew the money was counterfeit, evidence against intentionality may include lack of history as a counterfeiter and testimony that the accused acted as though he believed that the money was real. If the individual had no prior record, and seemed generally surprised that his money was counterfeit, a judge or jury may infer that the criminal act was unintended. Therefore, the objective determination of mens rea in adults is in part, the product of a complex subjective process consisting of inferences from behavior about what an individual knew or didn't know at the time the criminal act was committed.

(2) Mens Rea as applied to juveniles. One might think that the concept of mens rea would have no place in the juvenile court where the state is presumed to act as paren patriae and not adversary to the child and where rehabilitation is the primary goal of justice, not punishment. Therefore, it is interesting to note that forty-two states and the District of Columbia retain some version of the common law ruling of juvenile competency side by side with juvenile court statutes (cf. Keasey & Sales, 1977). The prevailing rule, which is believed to be over 1500 years old (Kean, 1937; Woodbridge, 1939), is that children under the age of seven are incapable of committing a crime due to a conclusive

presumption that such persons are unable to formulate the appropriate mens rea. For children between the ages of seven and fourteen, the presumption of no mens rea is rebuttable. Finally, persons fourteen years old and over are considered capable of criminal intent. Since the majority of delinquents treated in the juvenile court are fourteen and over (Empey, 1979), the attribution of responsibility or irresponsibility for delinquency should be common in juveniles. However, in practice, as we shall see, this may not be true.

Currently, there are two conflicting views on mens rea in juveniles. In the first view, since the best interests of the child are the paramount consideration, disposition is based on need and not criminal liability and issues of intent are not relevant. The juvenile is not prosecuted for a crime even though a crime is the basis on which the delinquency petition is formulated. The important element is that the juvenile committed an asocial act, and if that is found, the court will turn its attention to the determination of what rehabilitative process it should follow (cf. In re L.B., 1968; Frey, 1973). The second view is that intent is relevant to the determination of delinquency (In re Glassberg, 1956; United States vs. Costanzo, 1968). Thus, the role of mens rea in the outcome of delinquency hearings is unclear.

On the other hand, mens rea is an explicit concern of the juvenile court in hearings to transfer a juvenile for trial in an adult court. State laws generally specify an age boundary (usually 14) at which the juvenile court may waive its jurisdiction over a delinquent (Paulsen & Whitebread, 1974). The states also specify general criteria which must be met before jurisdiction is waived. These criteria frequently include the severity of the crime as well as the "amenability for treatment" of



the delinquent in the juvenile court (Paulsen & Whitebread, 1974). However, evidence of mens rea may also be required. Such evidence, as in adult court, is generally invoked to support the contention that the child possessed some level of knowledge concerning the consequences of his behavior: "knowledge of the nature and illegality of the offense; consciousness of the wrongfulness of the act; demonstration of intelligent design and malice" (Keasey & Sales, 1977; p. 129).

Many kinds of behavior have been offered in support of a child's potential for mens rea: educational level, habits, general character, and even moral or religious instruction (Keasey & Sales, 1977). The juvenile court judges of the District of Columbia offered several criteria to be used in the waiver decision as a Policy Memorandum in the Appendix to Kent vs. United States (1966). A section of that memorandum suggested that the decision to waive jurisdiction over a delinquent might include consideration of "the sophistication and maturity of the minor as determined by consideration of his home, environmental situation, emotional attitude and pattern of living..." (Paulsen & Whitehead, 1974, p. 141).

In summary, juvenile law does focus on the child's state of mind and thus, issues of attributing legal responsibility for harmful acts may be as relevant for delinquents as for adult criminals. Furthermore, common sense interpretations of ordinary behaviors by legal actors may influence the interpretation of intentionality. Therefore, psychological theories and research on common sense processes for inferring responsibility for acts are considered in the following section.

(3) Attribution theory and criminal responsibility. The law infers intention, a state of mind, from the behavior of a accused. Although complex legal theories have evolved to interpret the meaning of behavior,

in the final analysis, they seem to rely on the "common sense" judgments of the judges and jurors. "The general rules that warrant inferences from the facts are presumptions that are part of our store of social intelligence ... presumptions of how people normally act and what normally happens in given circumstances" (Gross, 1979, p. 90). Hart and Honore (1959) have also observed the reliance of the law on everyday judgmental processes and remarked that, features need to be brought to light and described in literal terms; for the assertion often made by the courts, especially in England, that it is the plain man's notions of causation (and not the philosopher's or the scientist's) with which the law is concerned, seems to us to be true (p. 1)".

Attribution theorists have addressed the problem of how common sense notions about the causes of behavior affect how individuals assign responsibility to others. A general discussion of the three major attribution theories (Heider, 1958; Jones & Davis, 1965; Kelley, 1967) and their convergence with legal theory follows. However, the reader is referred to Perlman (1979) and Shaver (1975) for comprehensive reviews of attribution theory and research.

(a) Heider. Heider described several factors which individuals consider when judging the cause of another's behavior. Heider (1958) distinguished between locus of control and intentionality. An individual, Heider reasoned, could be held responsible not only for objectively committing an act (personal causality or internal locus of control) but for subjectively (intentionally) committing the act as well (impersonal causality). Thus, Heider's conceptualization of the psychological process of attributing responsibility parallels legal theory. Heider also conceptualized intention as a matter of degree in a manner similar to the

one found in the Model Penal Code (cf. Hamilton, 1978). Heider's levels of intentionality (as named by Sulzer, 1971) are:

- association -- responsibility for an act for which the accused  
has no direct knowledge or experience except  
through a relationship to another person;
- causality -- responsibility for an act caused by the individual,  
but not foreseen;
- intentionality -- responsibility for an act caused and foreseen  
by the individual;
- justifiability -- reduced responsibility for a harmful act caused  
and foreseen by the individual, yet necessary  
(as in self-defense).

Like the Model Penal Code (1962), Heider's hierarchy based intent on what an individual knew at the time an action occurred.

Shaw and Sulzer (1964) and Shaw and Reitan (1969) empirically investigated the use of the different levels of responsibility. They hypothesized that children would make more primitive attributions of responsibility than adults. Stories concerning a boy named Terry were given to two different age groups (6 to 9 year olds and college students) who rated his responsibility for story outcomes which differed in both valence and intensity. The children did make more primitive attributions than adults. However, the adult ratings of the responsibility of the child depicted in the vignette increased progressively from the level of association to intentionality. Thus, Heider's levels of knowledge are empirically associated with an increase in the subjective assignment of responsibility in adult judgments of a child's misbehavior. These findings suggest that the concepts of legal responsibility are acquired slowly through

experience and that adults do assign responsibility to children for disapproved acts.

(b) Jones and Davis. Individuals rarely have access to another's thoughts to infer intention. Rather, intentions are inferred from behavior. Jones and Davis (1965) tried to explain how individuals judge the intentions of others from observations of behavior. They described the steps which a preceiver might take to move from an observation of behavior to an attribution about another's intentions or motives. These steps (cf. Jones & McGillis, 1976) form the process of "correspondent inference" and include: (a) evaluation of the observed behavior and its goals in comparison to other actions which were also available; (b) identification of the consequences most likely intended and unique to the observed action; (c) appraisal of the likelihood that the individual intended those consequences based upon information about the person, other related circumstances, and what is socially appropriate in that context; (d) substantiating that the observed individual had the knowledge and the ability to achieve the intended consequences; (e) possible attribution of an intention to the individual; (f) possible attribution of a personality trait to the individual.

Jones and Davis (1965) proposed several factors which may facilitate observer's attributions of intent. The probability that the observer will perceive a relationship between an individual's behavior and intentions is increased according to the number of noncommon effects associated with the action. Thus, it is more likely that an observer will connect a behavior with an intention when a unique noncommon effect is associated with the action.

The theory of correspondent inferences has several potential applications in the juvenile court sentencing decision. First, as the circumstances of the case become more salient, they may be considered as non-common effects and limit the attribution of intent. For example, if a boy from a supportive and stable family steals money, the judge may infer the obvious effect of having money to spend. However, if the boy's family is unstable, the additional effect of "acting out" may also be inferred and attributions to intent may become less likely. In a legal sense, variables which decrease the likelihood of correspondent inference, may be termed mitigating variables. Consistent with the notion of the effects of mitigating variables on attributions of intent, Feldman and Rosen (1979) found that individuals who committed a crime alone received significantly longer sentences than those who committed similar crimes with others. In addition to the effect of the crime itself, crimes with others may have the additional effect of social reward from acquaintances. Thus, less intent may be attributed to individuals who commit crimes in groups. This hypothesis was supported in a separate study by Feldman and Rosen (1978) in which college students attributed greater responsibility to single than to multiple perpetrators.

Social desirability is another important variable in the Jones and Davis (1965) theoretical framework which may be especially important in a legal context. Jones and Davis hypothesize that the less desirable an action, the more easily an observer may attribute intentionality to the observed individual. Social desirability has also been called "prior probability" (Jones & McGillis, 1976) to indicate that information gained was greater if a behavior was unusual rather than just negative. Delinquents who commit crimes which are relatively common in children

(e.g., misdemeanors, shoplifting) may be more likely to receive attributions to social pressure or whim and not to intention. On the other hand, unlikely factors which are also low in social desirability (e.g., prior criminal record or unusual brutality) may aggravate legal outcomes and increase attributions of intention. Hendrick and Shaffer (1975) found that subjects in a jury simulation study attributed greater intent to a murderer and recommended longer sentences when they were informed that the victim had been mutilated. A similar outcome was recently associated with a real delinquency case in Vermont (Time Magazine, 1981). Two boys, ages 15 and 16, raped, stabbed and beat two twelve-year-old girls, killing one. The state legislature, in response, lowered the age at which a child may be tried and sentenced as an adult to ten.

(c) Kelley. Kelley (1967) focused on responsibility as locus of control rather than as intention. Put simply, Kelley's attribution theory attempted to explain how observers attribute responsibility for an action to an individual rather than to environmental variables. Kelley hypothesized that three types of information facilitate causal attribution of an event to the person: (1) low consensus or the infrequent occurrence of other individual's performing the given action; (2) low distinctiveness or the absence of a unique association of the action with one stimulus; (3) high consistency or prior history of performing the action toward the same stimulus.

Low distinctiveness, in a legal setting, refers to prior criminal record. Lussier, Perlman, and Breen (1977) have shown that repeat offenders received increased attributions of personal causation and longer sentences than first time offenders.

In summary, there is a considerable degree of similarity between legal and psychological theories about when individuals attribute responsibility to others for acts, as well as, the consequences of the attributed culpability. However, there are several areas of difference between legal and psychological theories of responsibility which may hamper the empirical application of psychological concepts to legal decision making.

#### Differences Between the Psychological and Legal Theories of Responsibility.

There are three general areas of difference between legal and psychological theories of responsibility. First, the goals of the theories are different. The goal of the legal theory is to solve an immediate problem--to determine the guilt or to decide the sentence of an accused criminal. In contrast, psychological theories of responsibility were not created to solve a specific problem. Rather, they are offered as general descriptions of how individuals make inferences about the behavior of others, and to make predictions about behavior in various situations.

Second, legal theories of responsibility were designed to determine responsibility for acts which have harmful consequences. Psychological theories, on the other hand, are more general, and were devised to explain many types of behaviors, including those which cause harm.

Finally, both the legal and psychological theories of responsibility suggest different methodologies for inferring responsibility. The legal theory focuses on what the individual knew at the time the crime was committed and on behavior which a judge or jurist may use to infer the accused's level of knowledge. It is a case by case determination of intentionality based on the legal decision maker's experience and fund of social knowledge. In contrast, psychological theories of attributing

intention are based on formal, over-arching rules or hypotheses of attribution behavior which can be applied to several types of cases. The legal decision-maker is depicted as a scientific logical information processor but not necessarily any more so than other decision-makers.

Therefore, while psychological theories of responsibility may be helpful orienting tools to describe individuals' general approach to understanding why others behave as they do, they may be too general to help make specific predictions about how an individual infers intentionality in a specific legal context. Consider the following example: If "Mr. X" robbed "Mr. Y" how would a psychological analysis based on either the Jones and Davis (1965) or Kelley (1967) models infer X's responsibility? Jones and Davis proposed that we list the effects of the action and then examine the effects of plausible alternative actions not taken. The effects of a robbery may include: obtaining money, frightening the victim, feeling a thrill, and going to jail. Plausible alternatives may include: getting a job, committing another type of crime and robbing another person. Moreover, each of these alternatives has associated effects. Since the number of noncommon effects is great, correspondent inference is ambiguous. This suggests that the process of correspondent inference may have a limited usefulness in a legal setting where a decision is necessary.

An analysis of "X robs Y", utilizing Kelley's (1967) attribution theory is also inconclusive. To analyze "X robs Y" according to Kelley's (1967) model, the following information is needed: has X robbed others (distinctiveness); has X robbed Y before (consistency); have other people robbed Y (consensus). Only the distinctiveness information is clearly relevant to an analysis of X's responsibility for the act. Specific,



case-related facts may be more helpful (e.g., the circumstances of the crime, whether X committed other types of crimes, and personality or character information about X) in determining intentionality.

Indeed, historical descriptions of the types of information juvenile court decision makers utilized in the sentencing decision indicated that they were specific and highly selective in their choices. Sociological archival analyses also revealed evidence of decision makers' selectivity. Additional sociological work by Emerson (1969) and Cicourel (1968) suggest that decision-maker selectivity of information was guided by hypotheses about the type of delinquents who should be "blamed" (attributed intentionality or legal responsibility) versus the type who should be rehabilitated (attributed emotional instability and amenability to treatment). Selecting and Judging Delinquents: Summary of a Sociological Case Study.

Emerson (1969) and Cicourel (1968) conducted case studies in the classic sociological tradition of participant observation which were pioneering attempts to describe the personal and organizational dynamics of juvenile court decision making. They described how legal decision makers in the juvenile court looked for information about a delinquent's character which could be interpreted as evidence of the child's degree of blame or responsibility for the criminal act. Emerson (1969) quoted one decision maker who stated that: "We look for tipoffs that something is really wrong. We get some tipoffs just from the fact sheet; truancy, school attendance, conduct and marks. If you get something wrong there, you know there is trouble. When you get truancy and bad conduct plus the delinquency, there's definitely something wrong" (p. 84).

Emerson (1969) observed legal decision makers utilize case characteristics to categorize children into delinquency types. The first type

consisted of so-called "normal" delinquents or children who committed illegal acts out of youthful exuberance or thoughtlessness, rather than from an intentional desire to perpetrate harm. Not surprisingly, these children were treated moderately. They were generally warned and released.

A second group of children were those who appeared "troubled" and in need of court services. These children frequently had a history of emotional or family instability. Their crimes were viewed as the result of an inability to control anti-social impulses. The court tended to treat these children more restrictively than the "normal" delinquents. However, the court treatment was intended as rehabilitative.

Finally, Emerson described a third group of delinquents as "hard core". These were children who were characterized as delinquents who planned their crimes. They tended to be repeat offenders and were given severe treatment by the court and held responsible for their crimes, as illustrated in the following excerpt from Emerson (1969):

Generally, I would find the probation officer handling the case and ask him: "What do you have on this kid? How bad is he?" He'll say: "Oh, he's bad!" Then he opens the probation folder to me, and I'll see he's got quite a record. Then I'll ask him: "What are you going to recommend?" He'll say, "Give him another chance. Or probation. Or we've got to put him away."

But probation officers don't make this last recommendation lightly. Generally they will try to find a parent in the home, "someone who can keep him under control, someone who can watch him." But if the probation officer has given the kid a number of chances, it is a different story: "He's giving the kid chances and he keeps screwing up... (Commitment will then be recommended). And I say the kid deserves it. Before a kid goes away, he's really got to be obnoxious-- he will deserve it" (p. 139).

The process by which children are classified was described by Emerson as one in which the judge selected and rejected specific aspects of a case which seemed to capture a child's intentions about committing

either present, or future harm. According to Emerson (1974), "A real delinquent is seen as not simply a youth who committed a delinquent act, but as one whose action indicated that he or she is the kind of person who has or will regularly become seriously engaged in delinquent activity (Emerson, 1974, p. 634). Emerson (1969) described how one judge reviewed case information to arrive at a decision about the risk of future delinquencies for two teenage girls held for shoplifting. During the court hearing, two probation officers summarized their reports on the girls. According to the probation officers, both of the girls were runaways as well as truants from school. However during the pre-trial interview, one girl seemed "well-behaved" while the other "seemed mean". According to Emerson (1969), one probation officer said that the second girl was "... most disrespectful to her mother in the interview at my desk. She asked me if it was any of my business if she was a runaway when she was charged with shoplifting" (p. 188). When the probation officers finished their reports, the judge questioned the girls. He queried them about where they went and who they saw when they ran away. Finally, the judge considered the information and disclosed his decision for the two girls. He stated: "Since they're not going to school and not doing well, I want them held in detention for study. Psychiatrics on both. I want physicals on both too. (Both girls are now crying, as they will be held for another two weeks). There's something going on with them. I'm not worried about the stealing but that brings it to a head" (p. 189).

The judge in this case focused very little on the legally relevant facts of the shoplifting complaint. Instead, he searched for information about: the "context" of the crime or why the girls ran away; their home situations; and their school situations. Only after this information

was gathered, was a decision made. Emerson conjectured that the judge held a stereotype about female runaways, which suggested a future "delinquent career", when a runaway had both family and school problems. A probation officer was quoted by Emerson (1969) in the context of Jean's and Mary's case: "Incorrigible can be a prelude to runaway, which is a prelude to prostitution" (p. 189). In cases such as these, court decision-makers attempt to predict risk, or perhaps dangerousness, based on extra-legal variables as much as on the alleged offense.

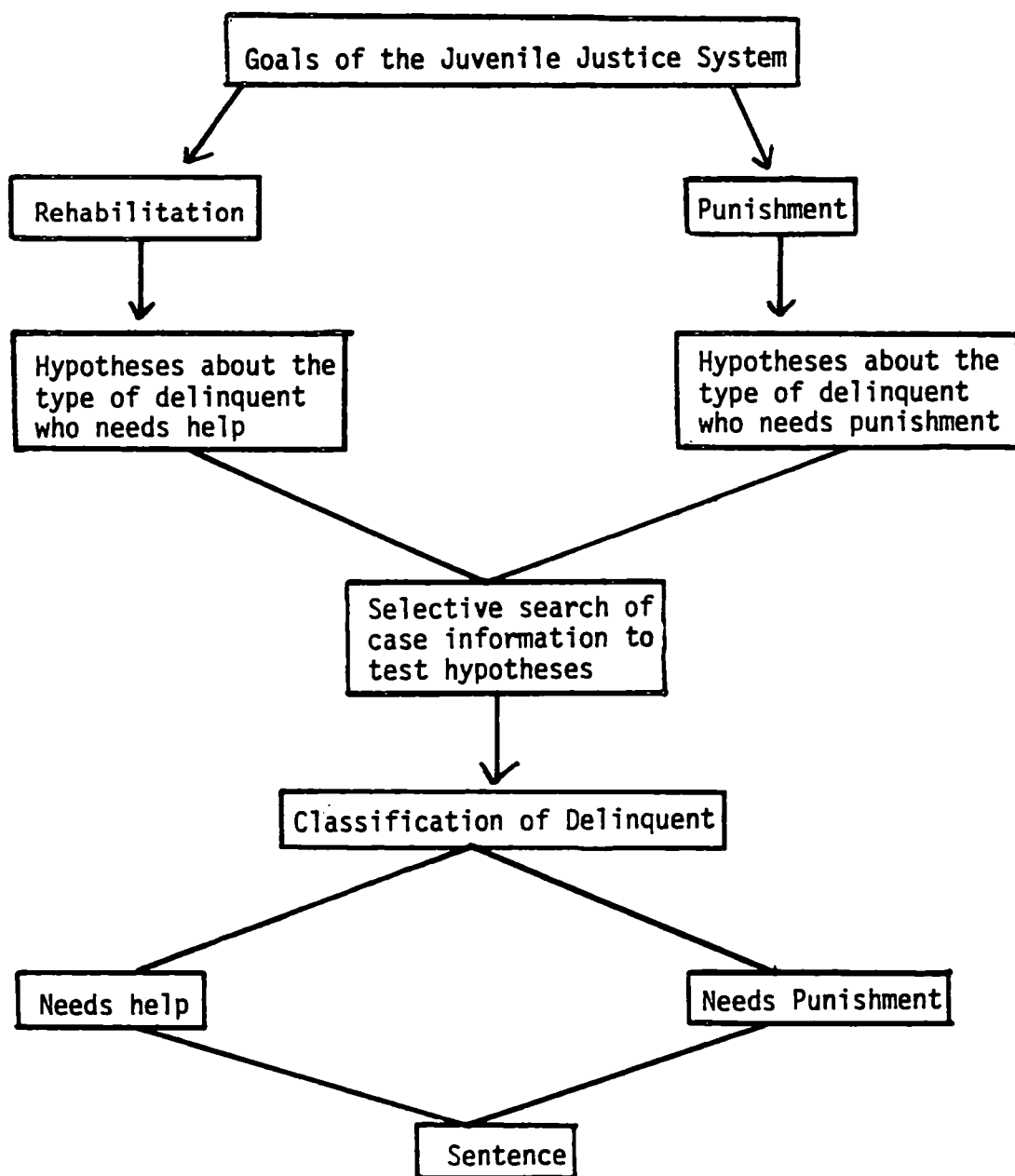
Emerson's (1969) observations support the contention that specificity and selectivity characterize the juvenile court decision-making process. However, this selectivity appears to function in conjunction with a general attributional process in which the delinquent is "typed" into delinquency categories. These categories are associated with decision-maker's inferences about delinquents' intentionality, risk and need for help.

#### A Framework for the Juvenile Court Sentencing Decision

A general framework for the juvenile court sentencing decision is given in Figure 3.1. It starts with the legally and historically established premise that the juvenile court has the goals of preventing crime by either rehabilitating or punishing delinquents. To attain their goals, and forced to make complex decisions about delinquents quickly and without a body of agreed upon facts about the genesis of delinquency or guidelines for treatment, legal decision-makers may evolve "rules of thumb" or "cognitive structures" to impute desired meanings to the available data. Such structures have variously been called schemata (e.g., Neisser, 1976), sets (e.g., Snyder, 1979), and hypotheses (e.g., Taylor and Crocker, 1980). One function of these cognitive structures is to

Figure 3.1

## Framework for Juvenile Court Sentencing Decision



help decision makers select and interpret data to meet their goals. Once data is collected and interpreted for a given delinquent, the child can be categorized and a treatment or sentence appropriate to the given category can be assigned.

The studies reported here attempt to provide evidence that variables which significantly affect case outcomes for delinquents are related to hypotheses about delinquents which are consistent with juvenile court goals held by legal decision makers. Study 1 is an archival analysis and will show that selective legal and extra-legal variables influence court outcomes at several stages of the decision-making process. Study 2 will demonstrate that these variables are related to hypotheses decision makers hold for delinquents which are consistent with the goals of the juvenile justice system. Finally, studies 3 and 4 show that the hypotheses juvenile court experts hold about delinquents are a reflection of how the community in general interprets delinquency.

## CHAPTER 4

### Analyses of Court Archives: Intake Records, Court Dockets, and Social Investigations

#### Overview

The purpose of the archival analyses was to determine how juvenile court decision makers selectively utilize case data to adjudicate delinquents. Three types of archival data were available: intake logs, court dockets, and social investigations.<sup>1</sup>

#### The Court

The court which participated in this study is located in a university town in the southeast region of the country. The combined city and county population is about 150,000 and the court's jurisdiction extends to approximately 16,000 youth between the ages of 7 to 17. The population is predominantly rural although one-half of the youth under jurisdiction live in the city. There are fifteen full-time court services staff: judge, court clerk, director, field supervisor and coordinator, probation officer in charge of volunteer services, intake officer for delinquency, intake officer for domestic relations, parole officer, three general case workers, and four secretaries. With the exception of the intake officers, all probation officers are required to follow cases, and the average number of case assignments is 35. A single judge presides over the court on a full-time basis.

Historically, this court was a section of the Department of Social Welfare until 1967. In response to the Gault decision, it was

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<sup>1</sup>Since the juvenile court is not a court of legal record, trial transcripts were not available for analyses.

reorganized and a regular court house was provided for juvenile legal services and hearings. The juvenile court judge of twenty years was replaced by a trained lawyer, and court proceedings took on a more formal flavor. The new judge sat on a traditional court "bench" and donned black robes for the first time in the history of the city. Moreover, the new judge publicly labeled his court a "criminal court"; thus, subscribing to an adult model of justice.

### Jurisdiction of the Court

Jurisdiction may be loosely defined as categories of behavior of persons over which the court has the power to sanction and control. Generally speaking, the jurisdiction of the juvenile court extends to children under the age of 18 who fall into one of four categories: (1) delinquents, (2) status offenders, (3) neglected children, and (4) dependent children. Only delinquents and status offenders are considered in the present study. Delinquents are defined as children found guilty of acts which, if committed by an adult, would be a criminal misdemeanor or felony (Paulsen & Whitebread, 1974). Status offenders are children found guilty of one of a subset of offenses, which are illegal only for children. Status offenses include: truancy, running away from home, and violations of city curfews for children. They also include behaviors such as "incorrigibility" and "immorality", which are not illegal per se, but constitute categories of acts which society generally wishes to control (e.g., disobedience to parents, association with criminals, and promiscuous sexual behavior).

Historically, there was no legal separation between status offenders and delinquents. However, recent concern with due process and fair treatment has resulted in the recognition that a definition of delinquency



which included acts labeled as "incorrigibility" or "immorality" was too vague to be translated into fair treatment.

In 1977, the state statutes guiding the court which participated in this study, changed with respect to status offenders. Status offenders are now defined as a distinct category from delinquency. The greatest changes engendered by this law were the provision of separate detention facilities for the two groups of children, as well as a reduction in the degree of legal control over status offenders.

### Juvenile Court Structure

Until recently, there was very little systematically collected data about the organizational structure of juvenile courts. Following the "Gault" decision by the United States Supreme Court (In re Gault, 1967), the National Institute of Law Enforcement and Criminal Justice and the Juvenile Justice and Delinquency Prevention Operations Task Group implemented a national assessment of juvenile corrections. The first set of studies completed by the group were surveys of the organizational structure of over 200 juvenile courts across the fifty states (Sarri & Hasenfeld, 1976). The court which participated in the present investigation has an organizational structure which is consistent with the 200 courts described in these survey studies.

There is a special vocabulary to describe the juvenile court structure: intake hearing for arraignment; fact-finding or adjudicatory hearing for trial; petition for summons; "petition is true" for guilty; disposition for sentence. These stages; intake, adjudication and disposition, which parallel those found in the adult criminal system, were created to select those diverted and those retained by the juvenile court system. The stages can be conceptualized structurally as an

inverted pyramid, with decreasing numbers of children staying in the system as they progress through the system. The three stages of judicial handling of juvenile delinquents and status offenders are described below:

Intake refers to the pretrial investigation and screening of alleged delinquency. The intake officer has considerable discretion to release, detain or petition offenders. A lawyer is rarely present at intake hearings and appeals of intake decisions are uncommon (Empey, 1978).

The purpose of an adjudicatory hearing is to arrive at a decision about the charge in a petition. According to federal case law (In re Gault, 1967) parents and children must receive a notice of the hearing, and provisions made for a defense attorney. It remains for the judge to determine guilt or innocence after the evidence is presented by the prosecutor and defense attorney.

The purpose of the dispositional hearing is to "sentence" the youth, although it is generally considered as a hearing in which a plan or program of treatment is developed for the delinquent (Creekmore, 1976). A major constraint on the dispositional outcome is the resources available to the court. Creekmore (1976) found that the national survey participants used probation more than any other available resource. However, other dispositions included assignment to community counseling services, "warnings", and commitment to reform school.

#### Study 1A: Screening Delinquents at Intake

A. Overview. The intake hearing is an extremely important part of the juvenile court decision-making structure because it is where the decision to release or formally prosecute a juvenile is made. Intake hearings were virtually unaffected by United States Supreme Court

procedural changes in the juvenile court (e.g., In re Gault, 1967).

Thus, an intake officer has broad discretionary power to exercise at an informal hearing, which is rarely attended by an attorney for the child. Therefore, if decision makers actively search for and select data to confirm their preconceptions about who is appropriate for the various services in the juvenile court, it should begin at the intake hearing.

Unfortunately, despite the fact that 50% of court referrals are released at intake (Empey, 1978), it has received virtually no attention from investigators except for survey analyses (cf. Sarri & Hasenfeld, 1976). Therefore, to acquire a sense of the procedural, as well as, substantive components of the intake decision, this investigation began with observations of intake hearings. Seventy five case observations were conducted by the investigator over a six month period. However, they were not conducted to acquire conclusions about the intake process, but to acquire hypotheses about the intake process. These observations, as related to the decisions to release or to petition a juvenile, are summarized below.

1. Observations of release and petition at the intake hearing.

There are two simple stated rules in the state juvenile code which will always result in a child's release from intake. First, the child must be released if the evidence to substantiate probable cause are unavailable (e.g., details of the offense are unknown); and second, if the juvenile court does not have legal jurisdiction over the case (e.g., the child is over 18 years of age). It is the intake officers responsibility to make these determinations. If evidence of probable cause exists, and the case falls within the jurisdiction of the court, it is in the intake officer's discretion to decide whether the child will be given

a formal hearing. This decision was generally made without a lawyer for the child. Prior to and during the course of the intake hearing, the intake officer gathered information to make his decision.

Information was gathered from many sources: the complainant, record of previous court contacts, and from court or community officials with whom the alleged delinquent has contact (e.g., probation officers, social workers, parole officers, and psychologists). In this study, if the child has a previous record and/or the crime was serious, the likelihood that a petition will be issued seemed high.<sup>2</sup> Comments like, "He's (she's) not getting the message" or "He (she) needs a lesson" were frequently overheard in relation to these kinds of cases. However, if an individual was in treatment of some kind, and seemed to be doing well, he was often released with the admonition that he stay in treatment and avoid further misbehaviors.

In cases where there was no prior record of delinquency and/or the offense was mild, it was observed that the willingness of the child to cooperate (e.g., admit guilt and express remorse) was critical to the intake decision. No child was ever observed to be released if they were unwilling to admit culpability when there was probable cause. The admission of culpability was essential to the intake officer's ability to negotiate an informal settlement (e.g., restitution for vandalized property) with the complainant because only the complainant could withdraw the complaint and thus avoid court proceedings. Non-police complainants seemed to have more to gain from informal settlement of a complaint than

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<sup>2</sup>It was often observed in these types of cases that a petition was prepared in advance of the actual hearing.

did police complainants (e.g., restitution). Thus, children referred by non-police complainants seemed more likely than children referred by police complainants to be diverted from the formal court process.

In summary, observations of the intake decision to release or petition a child revealed considerable selectivity of information by intake decision makers: crime severity, prior criminal record, progress in non-legal contexts (e.g., school), and willingness to admit guilt and to cooperate with court authorities. This information was often interpreted in terms of an alleged delinquent's rehabilitative potential or need for punishment.

2. Detention at the intake hearing. Guidelines for detention are also provided by state statute. Detention may be required for children who: present a danger to themselves or others; require custody to ensure an appearance in court; commit felonies; and have run away from a state facility (Code of Virginia, Section 16.1-246, 1977).

There is considerable evidence (e.g., Sarri & Hasenfeld, 1976) that status offenders are significantly more likely to be detained than delinquents. Since recent state statutes have placed constraints on how status offenders can be formerly handled by the court, it has been suggested that detention has evolved as an informal means of punishing youthful misbehavior while supporting community values of appropriate behavior for children (cf. Empey, 1978).

Observations of detention hearings were difficult to obtain, as they were arranged hurriedly, on an "emergency" basis, at odd hours of the day or on weekends. All of the ten hearings observed were for felonies and none resulted in a detention. The major issue discussed at the hearings

was the likelihood of the delinquent absconding prior to the court hearing. When it was determined that it was unlikely that a child would run away, he was released to the custody of his parents.

B. Methods for archival analysis of intake logs. Data for this study were gathered from the intake log kept by the intake officer for delinquency. Data abstracted from the log represented all cases heard for the first six months of 1979. There were 411 complete records and five incomplete records which were excluded from subsequent analyses.

The dependent measure was the intake officer's decision to divert, petition, or detain a child. There were five available predictor variables to this decision. Type of crime was recorded as either a status or criminal (property or person) offense. Criminal offenses were not recorded according to the usual legal differentiation of misdemeanor versus felony to reflect crime severity. The remaining predictor variables included sex, race, and identity of the complainant. Thus, archival analyses did not permit analyses of the effects of prior criminal record, crime severity, life style, and demeanor on intake outcome. Analyses of decision-maker selectivity were nevertheless possible on the available data. These data were analyzed using multi-dimensional contingency table techniques (cf. Bishop, Fineberg & Holland, 1975; Everitt, 1977; Upton, 1976) via the computer program ECTA (Piazza, 1975).

C. Results and discussion of intake record analyses. A five variable model consisting of intake decision (3) x type of offense (non-criminal versus criminal) x complainant (police versus other) x race x sex was analyzed using multivariate contingency table analyses. The results of this analysis are given in Appendix A (Table A.1). There are four effects significant at less than the .05 level of statistical

significance. These effects are: decision x crime, decision x crime x sex, decision x complainant, decision x race. The relative proportions and frequencies associated with each of these effects are presented in Tables 4.1, 4.2, 4.3 and 4.4, respectively.

1. Intake decision x crime. This effect was statistically significant at  $\angle .001^2(X^2(2)=29.13)$ . The frequencies of status offenses and criminal offenses associated with the three intake dispositions are presented in Table 4.1. Seventy-three percent of all court referrals were for criminal offenses, and 27 percent were for status offenses. The finding that 56% of all detentions assigned at intake were for status offenders suggests that the court is still being called upon to address issues of morality in youth (cf. Sarri & Hasenfeld, 1976). Finally, it can be seen from Table 4.1 that this court favors diverting juveniles (52.1%) away from formal adjudication.

2. Intake decision x crime x sex. This effect was statistically significant at  $\angle .05 (X^2(2)=6.69)$  and is shown in Table 4.2. The pattern of intake decisions differs for males and females depending upon the type of offense. Males are likely to be diverted or detained more often than females, while females are more likely to receive petitions for status offenses. The pattern of the various proportions is reversed for the sexes when there is a criminal offense. In this instance, males are less likely than females to be diverted or detained and more likely to be petitioned. The kind of control exerted by the court over a status offender depends upon whether they are male or female. The data suggest that this court views male status offenders as more dangerous to themselves and others or in more immediate need of services than comparable

Table 4.1  
Effect of Type of Crime on Frequency  
of Assigned Intake Disposition

Disposition	Type of Crime	
	Status	Criminal
Divert	58 (52.3%)	158 (52.7%)
Petition	26 (23.4%)	121 (40.3%)
Detention	27 (24.3%)	21 ( 7.0%)
Total	111 (100%)	300 (100%)



Table 4.2  
Effect of Sex and Type of Offense  
on Intake Decisions

Decision	Type of Crime			
	Status		Criminal	
	Males	Females	Males	Females
Divert	28 (56.0%)	30 (49.2%)	127 (51.0%)	31 (60.8%)
Petition	7 (14.0%)	19 (31.1%)	106 (42.6%)	15 (29.4%)
Detention	15 (30.0%)	12 (19.7%)	16 ( 6.4%)	5 ( 9.8%)
Total	50 (100%)	61 (100%)	249 (100%)	51 (100%)

females. On the other hand, the court is more likely to give a female status offender a formal hearing and afford itself the opportunity to help the child.

It should be noted that less than 17% of all court referrals for males were for status offenses, while 55% of all female referrals were for status offenses. The police and community seem to be far more willing to send female status offenders to court and less willing to send male status offenders. Thus, it may be that male status offenders who are referred to the court reflect a more serious type of status offense. Conversely, police and community may be less willing to send female criminal offenders and more willing to send males to court.

These differences in intake referral patterns for the sexes do not necessarily reflect actual differences in illegal behavior of the sexes. In studies of self-reported delinquency, while girls reported fewer delinquent acts than boys, the kinds of offenses they committed were not very different (Christie, 1965; Elmhorn, 1965; Erickson, 1965; Gold, 1966; Short & Nye, 1958). Like boys, girls commonly drank, shoplifted, were truant, vandalized property, and even burglarized. However, these offenses are not generally "female" offenses such as running away from home, fornication, and incorrigibility. Yet, perhaps, because criminal offenses have generally been defined as "masculine", some authorities suggest that girls may be less likely to be referred to court for them (Armstrong, 1977; Chesney-Lind, 1977). In Honolulu, for example, Chesney-Lind (1977, p. 124) found that "only 6.1% of the girls arrested for the most serious offenses and 12.7% of the girls arrested for less serious offenses were referred to court, compared with 33.7% of those arrested for status offenses".

It has also been found that girls are more likely to be taken into the justice system for status offenses. In their nationwide sample, Sarri and Hasenfeld (1976) reported that 75% of the girls in the juvenile justice system were charged with status, not criminal offenses. The police and courts, therefore, have treated the sexes inconsistently, but in a manner consistent with traditional sex role stereotypes that require more compliant and chaste behavior from females while accepting some "sowing of oats" from males.

The data in the present investigation are consistent with research showing differential treatment of the sexes by the juvenile court. More than half of all court referrals for females were for status offenses for which they tended to receive more petitions than comparable males. Males were referred primarily for criminal offenses for which they tended to receive more formal attention than comparable females. These data do not control for severity of criminal offense, and males may receive more court referrals for felonies than females. The greater incidence of more severe criminal offenses in males may partially explain why they were more frequently referred for a formal court hearing. However, these data suggest, that males and females are placed on different decision tracks in the court depending upon the type of offense.

3. Intake decision x type of complainant. This interaction is statistically significant at  $< .025(x^2(2)=9.07)$  and the frequencies associated with the effect are given in Table 4.3. The effect shows that 73.2% of community referrals were either treated by diversion or detention. Only 51.7% of police referrals to the court were treated in this way. Police referrals were nearly twice as likely to be given a formal court hearing as community referrals. This finding is consistent with

Table 4.3  
Effect of Type of Complainant on Frequency  
of Assigned Intake Disposition

Complainant	Disposition			Totals
	Divert	Petition	Detention	
Police	81 (46.0%)	85 (48.3%)	10 ( 5.7%)	176 (100%)
Non-Police	135 (57.4%)	62 (26.4%)	38 (16.2%)	235 (100%)

informal observations. However, it is also related to the fact that almost all of the noncriminal referrals, 95.5%, were from the community, and these cases tended to receive a detention more often than criminal cases. Yet, 67.7% of the criminal cases which received a petition were referred by police officers. These findings may be qualified because the relative severity of the criminal offenses for police and non-police was unknown. Nevertheless, the fact that over two-thirds of petitions to court were issued on the basis of police referrals suggest that the police play a dominant role in the juvenile justice process. As with the judge, probation officer, and intake officer, the police remain as regular legal actors in the juvenile court system, while non-police complainants may come and go. This fact alone suggests that the police officer may be trusted as a competent and experienced professional and his observations and opinions considered as highly reliable by other court participants.

4. Intake decision x race. This effect was statistically significant at  $\chi^2(2)=6.20$ . The relative frequencies associated with each effect are given in Table 4.4. Whites tend to be diverted significantly more often than blacks. Although blacks account for only 29.7% of court referrals, they receive 38.1% of the petitions to court issued at intake and only 23.6% of the diversions.

Other investigators have found that after controlling for offense seriousness and prior record, that police were more inclined to arrest minority and low income juveniles, particularly black boys (Ferdinand & Luchterland, 1970; Goldman, 1963; Thornberry, 1973). A second group of investigators have failed to find much evidence of racial bias (Black, 1970; Terry, 1967; Weiner & Wille, 1971). In any case, it is not

Table 4.4  
Effect of Race on Frequency  
of Assigned Intake Dispositions

Race	Disposition		
	Divert	Petition	Detention
White	165 (57.1%)	91 (31.5%)	33 (11.4%)
Black	51 (41.8%)	56 (45.9%)	15 (12.3%)
Total	216 (100%)	147 (100%)	48 (100%)

possible to conclude that racial bias is the basis of selectivity of black youths for court treatment. Race may be confounded with poverty and/or family instability and these variables may influence court treatment more than race.

D. Summary and conclusions from the analysis of intake logs. It was observed that the informal intake hearing takes place within an interpersonally evolved procedural framework for decision making. Within this framework the intake officer searched for specific types of information which influenced the outcome of the hearing. Severity of criminal record, severity of crime, and cooperation with authorities were all observed to influence intake outcome.

Analyses of records supported the contention that the intake decision represents the result of the intake officer's selective use of case information, type of crime, sex, race, and type of complainant all influenced whether a child was released or referred for a formal court hearing.

In conclusion, observational as well as archival analyses show that delinquents are selected for particular types of treatment on the basis of case characteristics which suggest either a need for rehabilitation or punishment.

#### Study 1B: Screening Delinquents at the Dispositional Hearing.

A. Overview. The dispositional hearing is perhaps the most salient characteristic of the juvenile justice system. Yet, it is the last in a series of decisions. Nationwide, only about 20-25% of juveniles who commit crimes which receive police attention, stay in the juvenile system to the final dispositional stage (Empey, 1978). It nevertheless has undisputed importance to a juvenile because dispositional alternatives range from unconditional release to incarceration. The court docket data

allowed the exploration of two issues related to the dispositional outcome: the effect of a change in the statutorily regulated goals of the court; and the influence of decision-maker selectivity on court docket information.

In 1977, changes in the state statutes significantly affected how the court could treat a status offender. Guidelines for how long and where they could be detained were altered in an attempt by the state to decriminalize the status offense. Under the new law, the juvenile court lost most of its formal authority over status offenders. Formal dispositions were reserved for criminal offenders. Thus, in effect, the new law explicitly changed the traditional juvenile court goal of treating all troublesome children to treating only children who commit criminal acts.

The 1977 change in the state juvenile statute, was consistent with the nearly concomitant change in the reorganization of the state corrections system. Juvenile and adult corrections had been separate administrative entities until 1978, when juvenile corrections was incorporated into the adult system. A premise of this investigation was that the goals of the court influence the hypotheses legal actors utilize to process information about a case, and the legal outcome of the case. The change in the law, and the associated change in the reorganization of the state corrections system, afforded a unique opportunity to study the effects on sentencing of mandated changes in court goals. It was predicted that the court would play its new, less ambiguously criminal enforcement role by assigning a relatively larger proportion of harsher sentences for comparable crimes in the year following the introduction of the new law, then in the year preceding the new law.



The archival analyses of the court dockets also allowed exploration of questions related to the judge's selectivity of information in assigning a disposition. Information about crime severity, sex, and availability of social information was statistically related to severity of court intervention. It was expected that case information would affect case outcomes.

B. Methods and procedures. Data for this study were gathered from the official court docket. A total of 663 cases were heard by the court for the two years selected for study. The years included in the analyses were 1976 and 1978.

The data taken from the official records were categorized in the following manner. Severity of disposition was ranked according to the standards recommended by the National Advisory Committee on Criminal Justice Standards and Goals (1976). Three types of dispositions were recommended:

- (1) nominal -- the juvenile is reprimanded, warned, or otherwise reproved and unconditionally released;
- (2) conditional -- the juvenile is required to comply with one or more conditions, none of which involves removal from the home;
- (3) custodial -- the juvenile is removed from his or her home.

Crimes were also classified, where possible, according to the Committee's standards. The Committee recommended four classes of delinquent acts. There were no class IV cases on the docket (acts which if committed by an adult would, under criminal statute, authorize death or imprisonment for life or for a term in excess of twenty years). Classes II and III were merged to provide adequate numbers for analyses. Juvenile offenses were coded in the following manner:

- (1) class I delinquent acts -- delinquent acts that would be misdemeanors if committed by an adult;
- (2) class II delinquent acts -- acts that would be property felonies and acts against persons which would be considered felonies if committed by an adult;
- (3) noncriminal status offenses

The following additional case variables were coded for analyses: sex of delinquent, availability of social information at the dispositional hearing, and the year the case was heard in court.

C. Results and discussion. In all, 456 cases were included in the analyses. Since the focus of the analysis was the dispositional decision following an adjudication of guilty, all cases found not guilty were eliminated from analysis. This eliminated 137 cases (20.1%) from analysis. Only 61 cases (9.3%) were excluded for incomplete data. A multicontingency table analysis consisting of disposition (3) x offense (3) x year (2) x social information (available; not available) was performed (see Table A.2 in Appendix A for an individual listing of effects).

1. Effect of the new law. As predicted, the court tended to utilize more severe dispositions in the year following the law mandating a more criminal focus to juvenile proceedings. The disposition x year effect is statistically significant ( $\chi^2(2)=10.23$ ,  $p<.01$ ). The relative frequencies and proportions associated with this effect are given in Table 4.5. The effect shows that the court tended to use custodial dispositions more frequently in 1978 than in 1976. Conditional outcomes were somewhat more likely in 1976, and nominal outcomes were about equally likely for the two years. These effects are qualified by two three-way interactions of disposition and year with crime and sex. The

Table 4.5  
Relative Frequencies and Proportions for Dispositions  
X Year Effect for Court Dockets

Disposition	Year	
	1976	1978
Nominal	105 (37.6%)	68 (38.2%)
Conditional	136 (48.8%)	72 (40.5%)
Custodial	38 (13.6%)	38 (21.3%)
Total	279 (100%)	178 (100%)

frequencies and relative proportions associated with the disposition x crime x year effect are shown in Table 4.6 ( $\chi^2(4)=17.23$ ;  $p<.005$ ). The pattern of dispositions for each category of offense changed from 1976 to 1978. From 1976 to 1978 the number of status offenders sent to court dropped by over 100%. The state statute mandating a decriminalization of status offenses was met with almost complete compliance.

A pattern of increased severity of treatment from 1976 to 1978 is most evident for felons. About 32.6% of convicted felons received a custodial disposition in 1978, while only 12.2% received one in 1976. Misdemeanants, on the other hand, seemed more likely than felons to receive a nominal or conditional disposition. Crime severity therefore influenced the outcome of a juvenile's legal treatment. However, felons were treated significantly more harshly after the change in the law, supporting the contention that the court became more focused toward criminal concerns.

The juvenile court did not desert its rehabilitative aims, however, because about a third of the delinquency cases were diverted. Diversion has been labelled as a new rehabilitative treatment (cf. Empey, 1978) for delinquents. Ironically, the first juvenile law reformers diverted delinquents from the adult criminal system to the juvenile system, while the new reformers divert from the juvenile system (which they view as a criminal court) to community mental health programs. Thus, the court seems to have two dispositional tracks -- rehabilitation and punishment.

The disposition x year x sex effect is statistically significant ( $\chi^2(2)=6.18$ ;  $p<.05$ ). The frequencies and proportions associated with this effect are given in Table 4.7. In 1976, the relative proportions associated with nominal and conditional dispositions for boys and girls

Table 4.6  
Relative Frequencies and Proportions for Dispositions  
X Crime X Year Effect for Court Dockets

Disposition	Type of Crime					
	Status		Misdemeanor		Felony	
	1976	1978	1976	1978	1976	1978
Nominal	34 (73.9)	14 (82.4)	28 (37.3)	25 (36.8)	43 (27.6)	27 (29.3)
Conditional	9 (19.6)	3 (17.6)	33 (44.0)	36 (52.9)	94 (60.3)	36 (38.0)
Custodial	3 ( 6.5)	0 ( 0.0)	14 (18.7)	7 (10.3)	19 (12.2)	30 (32.6)
Total	46 (100%)	17 (100%)	75 (100%)	68 (100%)	156 (100%)	92 (100%)

Table 4.7  
Relative Frequencies and Proportions for Disposition  
X Year X Sex Effect for Court Dockets

Disposition	Sex			
	Males		Females	
	1976	1978	1976	1978
Nominal	84 (38.4%)	49 (33.5%)	21 (36.2%)	18 (54.5%)
Conditional	103 (47.0%)	62 (42.5%)	33 (56.9%)	11 (33.3%)
Custodial	32 (14.6%)	35 (24.0%)	4 ( 6.9%)	4 (12.2%)
Total	219 (100%)	146 (100%)	58 (100%)	33 (100%)

were very similar. In 1978, the court became somewhat more severe with males. While about a third of the male delinquents were diverted in 1978, over half of the females were. Moreover, proportionately, more than two times the number of males were given custodial (e.g., commitment to reform school) dispositions.<sup>3</sup> These findings are consistent with those uncovered in the analyses of intake records for criminal cases, where males received more formal treatment than females.

Finally, these data do not reflect the effects of prior record, and males may have more severe prior records. Without that information however, these data suggest that the court takes a more punitive stance toward boys. An increased criminalization of the juvenile court resulting in the harsher treatment of males, may reflect the general societal sex role stereotype of males as more aggressive, independent, physically strong, and possibly more dangerous than females (cf. Deaux, 1976; Unger, 1980).

In summary, overall the court's pattern of dispositional decisions changed significantly over a two year period. A proportionately greater number of harsher sentences were assigned, and felons and males were treated more restrictively than either misdemeanants or females. Nevertheless, a significant number of juveniles were diverted from formal court handling. These data suggest that while the juvenile court which participated in this study, began to adopt a more punishment oriented approach to delinquents, it also retained its rehabilitative focus. Crime severity and sex seem to influence how court decision makers select

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<sup>3</sup>Since the interaction of disposition x crime x sex is not significant, this effect is not due to increased leniency toward the proportionately larger number of female status offenders.

delinquents for rehabilitation or punishment.

2. The effect of social information on disposition. A social investigation is a pre-sentencing report and includes extensive information about a child's family and social background as well as emotional and academic adjustment. Approximately 27% of adjudicated delinquents received social investigations. This percentage did not vary from 1976 to 1978. Males (27.8%) and females (25.2%) tended to receive them in approximately equal proportions. Felons (73.4%) were more likely to receive them than misdemeanants (23.3%). These statistics, however, may not accurately reflect the actual availability of social information on a given individual. Repeat offenders, for example, may have had social investigations ordered in years not selected for analysis in the present investigation. Therefore, the present analysis only addresses the question of how current social information affects sentencing outcome.

These data indicate that a social investigation can have either an aggravating or a mitigating effect on disposition ( $\chi^2(2)=37.24$ ;  $p<.001$ ). The relative frequencies and proportions associated with this effect are given in Table 4.8. An individual who received a social investigation was about half as likely to be given a nominal or a custodial disposition and twice as likely to receive a conditional disposition as an uninvestigated delinquent. Overall, an individual who received a social investigation was less likely to be either diverted or incarcerated.

This finding is qualified by the disposition x social investigation x crime interaction ( $\chi^2(2)=12.26$ ;  $p<.025$ ). The relative proportions and frequencies associated with this effect are given in Table 4.9. This finding shows that social information has its greatest effect on reducing a felon's chances for either a nominal disposition or a custodial



Table 4.8  
Relative Frequencies and Proportions for Disposition  
X Social Investigation Effect for Court Dockets

Disposition	Social Investigation	
	Yes	No
Nominal	32 (24.8%)	157 (45.5%)
Conditional	88 (68.2%)	122 (35.4%)
Custodial	9 ( 7.0%)	66 (19.1%)
Total	129 (100%)	345 (100%)

**Table 4.9**  
**Relative Frequencies and Proportions for Disposition**  
**X Crime X Social Investigation Effect for Court Dockets**

Disposition	Social Investigation					
	Yes			No		
	Status	Misdemeanor	Felony	Status	Misdemeanor	Felony
Nominal	3 (100%)	11 (36.6%)	13 (14.3%)	44 (74.6%)	42 (37.2%)	57 (36.3%)
Conditional	0	17 (56.7%)	71 (78.0%)	11 (18.6%)	52 (46.0%)	58 (36.9%)
Custodial	0	2 ( 6.7%)	7 ( 7.7%)	4 ( 6.8%)	19 (16.8%)	42 (26.8%)
Total	3 (100%)	30 (100%)	91 (100%)	59 (100%)	113 (100%)	157 (100%)

disposition. Felons, who were investigated were given conditional dispositions 79% of the time while the percentage for misdemeanants was 56.7%.

The disposition x social investigation x sex effect ( $\chi^2(2)=6.33$ ;  $p < .05$ ) indicated that it is also more aggravating for females to receive a social investigation, regardless of type of crime (see Table 4.10). Without a social investigation, 55.2% of females were given a nominal disposition and only 40.3% of males were. With a social investigation only 8.3% of females were given a nominal disposition while 25% of males were. Females also received conditional dispositions proportionately more often than males when social information was available. Overall, it seems that ordering a social investigation reflects a preliminary judgment that the child is "at risk" and deserves closer scrutiny.

D. Summary and conclusions from the analyses of the juvenile court dockets. The two hypotheses of this investigation received support for this particular court. First, following a change in goals, the juvenile court became more punishing in its orientation - assigning harsher sentences, especially to felons and to males. Nevertheless, the court continued to implement its rehabilitative concerns by diverting considerable numbers of delinquents.

Second, the court selectively utilized case information to help make its determinations for rehabilitation and punishment. This information included crime severity, sex of delinquent, and availability of social information. Social information appeared to be interpreted differently for males and females. Finally, the findings from both the intake and docket data suggest that the court placed children on either a rehabilitative or punitive legal decision-making track by selectively interpreting both legal and extra-legal information.

Table 4.10  
Relative Frequencies and Proportions for Disposition  
X Social Investigation X Sex Effect for Court Dockets

Disposition	Social Investigation			
	Yes		No	
	Male	Female	Male	Female
Nominal	25 (25.0%)	2 ( 8.3%)	106 (40.3%)	37 (55.2%)
Conditional	68 (68.0%)	20 (83.3%)	97 (36.9%)	24 (35.8%)
Custodial	7 ( 7.0%)	2 ( 8.3%)	60 (22.8%)	6 ( 9.0%)
Total	100 (100%)	24 (100%)	263 (100%)	67 (100%)

### Study 3: The Court Social Investigation.

A. Overview. In this analysis, the effects of extra-legal variables found in the social investigations were evaluated. Five questions were explored. First, the availability of social investigation records allowed a third opportunity to validate the general finding that decision makers in the court participating in this study select both legal and social information to mediate sentencing outcomes. A second related question, was the identification of the specific nature of the social information which influenced court outcomes. Third, a study of social investigations records permitted analyses of the relative effects of demographic (e.g., race, sex, socio-economic status) versus other types of extra-legal variables (e.g., school performance) on dispositional outcome. Fourth, neither intake or docket records had information about a delinquent's prior criminal activity. This information was available in the social investigation records and was evaluated for its effects on disposition. Fifth, the question of whether social information affected disposition outcome regardless of the seriousness of the crime or prior history of criminal activity was explored. If legal information is all that is necessary to predict disposition, then it may be inferred that the court had adopted a model of juvenile justice based on the adult criminal system. On the other hand, if both legal and extra-legal information are important in the juvenile sentencing decision, then a mixed model of juvenile justice based on both the adult criminal and traditional juvenile individualized models of justice, may dominate this juvenile court's sentencing decision. The following prediction was made about the relationship between legal and social information and dispositional outcome. It was predicted that a

consistency in the selectivity of variables influential in the dispositional decision would prevail between intake, docket, and social investigation records.

## B. Methods and procedures.

1. Variables in the analysis. Thirty-five legal and social categorical variables were coded for statistical analysis. Disposition, the dependent measure was coded into the same three categories of nominal, conditional, and custodial utilized in the analysis of docket records. The remaining thirty-four independent variables were categorized and coded as listed in Appendix B. The variables fell into six general categories: legal case variables (e.g., number of previous court appearances), probation officer's dispositional recommendation, family variables (e.g., history of custody dispute), personal case variables (e.g., cooperation at the time of arrest), school behavior (e.g., truancy), and demographic data (e.g., age and sex).

Unfortunately, the data related to socio-economic status (e.g., parent's occupations, incomes, and educational levels) were unavailable in the majority of the records. The unavailability of these data therefore limited direct analyses of discriminatory variables to either race or sex and indirect measures of socio-economic status such as probation officer's evaluation of the family's financial status.

2. Cases. Three hundred and nineteen delinquency cases (31 female and 288 males) processed by the court from 1970 to 1979 served as the data base for this study. Ten cases were omitted for incomplete records.

3. Data coders. Three research assistants performed the coding of data according to the format described above. Intercoder agreement, as

evaluated on ten selected cases averaged between 92 and 97% across the 35 variables.

4. Analytic techniques. Multiple regression techniques were utilized to develop a model of dispositional decision making based on the thirty three variables available for analysis. These techniques were supplemented by descriptive statistics, factor analysis, and multivariate contingency table analyses.

C. Results and discussion.

1. Frequencies of categories of independent variables associated with disposition. The frequencies associated with the categories of independent variables and dispositional categories were calculated. Twenty-four of the thirty-four independent measures have statistically significant associations with dispositional categories (see Appendix C, Table C.1 for a listing of the relative frequencies and proportions associated with each statistically significant independent variable. Five legal variables aggravated dispositional outcome including crime severity and prior record. Seven variables related to family status predicted to increased severity of disposition. For example, 40% of delinquents with divorced parents received custodial dispositions, while only 19% of delinquents from intact families did. Three variables related to the personal behavior of the delinquent affected disposition. Nearly 40% of delinquents described as cooperative were given nominal dispositions while only 26% of the uncooperative delinquents received such treatment. Five variables related to school adjustment affected disposition. Nearly twice the percentage of delinquents who had problems at school received a custodial disposition compared to those who had minimal school problems. Demographic variables, age, sex, and race all affected disposition, with

older blacks and male delinquents receiving more severe dispositions than younger white and female delinquents. Finally, judges and probation officers agreed on over 75% of the non-nominal dispositions. There was less agreement (60%) on the nominal dispositions. Probation officers recommended nominal dispositions more often than the judge.

These data further support the contention that a juvenile court decision is motivated by decision-makers' "rules of thumb" about delinquents. Two findings are especially important to emphasize in this respect. First, the same variables influence outcomes at three different decision points: intake, court dockets, and social investigations (i.e., crime severity, race, sex and general social information). Different legal actors in the same system seem to use the same rules. Second, the relatively strong agreement between probation officers recommendations and actual judicial sentences also support this conclusion.

2. Development of a model of disposition. A factor analysis of the thirty-four independent variables abstracted from the social investigations was conducted to summarize the numerous variables influencing disposition by creating composite variables. The analysis was a principle components factor analysis with varimax rotation. The varimax rotated factor matrix for those factors with eigen values greater than 1.0 is given in Appendix C (Table C.2). Six variables loaded at very moderate levels for these factors and were omitted from subsequent analyses. These variables were: severity of last offense, delinquent siblings, previous court disposition, previous intakes, presence of a lawyer, and previous probation. The other variables fall into nine factor analytic categories: family stability, special needs, broken home, crime area,



age, crime severity, psychological adjustment, demeanor, and school performance.

These nine factors summarize the aspects of a child's life which the court could consider in determining a disposition. Each category or factor consists of variables which correlate highly with each other and not as highly with variables in other groups. Therefore, rather than use 34 single variables in multiple regression to determine their effects on disposition, it was decided to use the nine summary variables as derived from factor analysis, as the independent measures in multiple regression to construct a model of disposition. Factor scores for each of the nine factors were calculated for each case. The factor which included prior record, however, was broken down into two factors to get a separate estimate of the effect of prior record, since this variable is generally viewed as important in adult criminal sentencing decisions (cf. Hood & Sparks, 1970). Thus, there were ten independent measures describing the delinquent. These were entered into a multiple regression analysis with disposition (nominal, conditional, and custodial) as the dependent measure. This analysis was conducted to determine which of the variables most influence dispositional outcome and to compare the relative influence of legal versus social factors.

3. Predicting to disposition. The results of a stepwise multiple regression analysis consisting of prior record and nine composite variables predicting to dispositional outcome are presented in Table 4.11. Both legal and social predictors significantly affected dispositional outcome. Crime severity and prior record powerfully affected outcome. However, a poor psycho-social adjustment, especially in females, family instability, and uncooperative demeanor also significantly affected

Table 4.11  
F Values for Stepwise Multiple Regression Analysis of  
Social Investigations with Disposition as  
the Dependent Measure

Factors	F
Crime severity	39.42**
Psychological adjustment	26.39**
Prior record	23.27**
Family stability	7.10*
Demeanor	4.19*
Broken home	2.90
Age/school dropout	.83
Residence in crime area	.46
School performance	.18
Special needs	.09

\* $p < .05$

\*\* $p < .001$

outcome. Parents marital status affected outcome to a lesser degree ( $p < .09$ ). When these six measures were included in the regression analyses, age/school dropout, race/crime residence, school performance, and special needs did not significantly affect disposition. The multiple regression data reveals that when other social information was considered, race did not significantly affect court outcomes.

Intake, docket, and social investigation data all support the hypothesis that males receive harsher treatment in the juvenile court. Girls seem more likely to be placed on a rehabilitative (diversion) track than males at intake and at disposition (when social information was unavailable). When social information was available females (37.4%) and males (45.2%) were about equally likely to receive conditional dispositions but males (28%) continue to be more likely than females (9.7%) to receive custodial dispositions, and females (45.1%) continued to be somewhat more likely than males (34.6%) to be diverted. The factor analyses reveals that experts' perceptions of the need for psychological support tend to be more highly correlated with being a girl. It follows that sex may be a discriminatory sentencing variable in that it may signal a greater need for rehabilitation in females and a greater need for punishment in males.

4. Negativity of social information and disposition within legal categories. The following analyses were conducted to explore how consistently social information affects disposition across legal categories which vary in seriousness. Social information may influence case outcomes only when crime severity and prior record are of a moderately serious nature. To investigate this possibility, social investigation information was transformed into categorical data to identify the proportional effects of social information within crime categories of

the decision-making process itself is more fully understood.

Recent studies by social scientists have shown that the legal decision is strongly influenced by the social psychological dynamics of the legal context. They have learned that the legal sanction is based in part on actors' first impressions of a defendant, as well as, evaluations of the defendant's personal responsibility for the illegal act. Social psychological research and theory in person preception, as they relate to the exercise of discretion by legal actors has important implications for an understanding of decision making in the juvenile court. Accordingly, this work, as well as related sociological work, are reviewed in the following chapter.

varying seriousness.

To transform the social information into frequencies, factor scores of the composite social variables which predicted significantly to disposition in multiple regression at less than the .05 level (psychological adjustment, family stability, and demeanor) were converted into dichotomous variables by placing all those which fell below the mean on a factor score into one group, and all those which fell at or above the mean into a second group. It followed, that individual delinquents fell into either positive or negative categories of psychological adjustment, demeanor or family stability. These three categorical variables were then combined into a single social information variable by assigning a "1" to all positive categories and a "0" to all negative categories and calculating a sum for each delinquent. The lower the sum, the more negative the social information associated with the case. This "social variable score" ranged from 0 (most negative), to 3 (most positive). The proportions of delinquents who were either diverted or not diverted by social variable score, type of crime, and prior record are given in Table 4.12.

Within each category of offense and prior record, a negative social variable score resulted in a lowered likelihood of diversion. For example, 63% of felons with a prior record and high positive social variable score received a formal disposition. However, 94% of felons with prior records and negative social variable scores received a formal disposition. In the least serious legal categories, 19% of misdemeanants without a prior record and high positive social variable scores received formal court dispositions. A negative social variable score resulted in 63-80% of first offender misdemeanants receiving a formal court disposition.

Table 4.12  
Proportion of Delinquents in Dispositional Categories by  
Severity of Crime, Prior Record, and Social Desirability of Case

Case Desirability	Prior Record					
	No			Yes		
	Disposition			Disposition		
	Divert	Not Divert	N	Divert	Not Divert	N
Misdemeanor						
High (score=3)	.81	.19	21	.60	.40	10
Moderate (score=2)	.50	.50	22	.36	.64	25
Low (score=1)	.37	.63	19	.46	.54	26
Very Low (score=0)	.20	.80	5	.25	.75	16
Felony						
High (score=3)	.60	.40	20	.37	.63	8
Moderate (score=2)	.28	.72	25	.33	.67	27
Low (score=1)	.43	.47	14	.16	.84	37
Very Low (score=0)	.17	.83	7	.06	.94	36

A multidimensional contingency table analysis for these data is presented in Appendix C, Table C.3. Social variable score, crime seriousness, and prior record all directly affect disposition. A significant crime x prior record interaction indicates that the presence of a prior record results in a more restrictive disposition for felons than for misdemeanants.

5. Relationships between sex of delinquent, social information, and disposition. Both intake and docket analyses revealed the differential treatment of males and females by the court. Of particular interest was the finding that females received significantly more informal treatment by the court when there was no available official social information. When social information was available, however, 25% of the males were diverted, while only 8% of the females were. This finding suggests that social information was interpreted differently for males and females. It was predicted, therefore, that positive social information would mitigate court outcomes for males but not females. Moreover, since females were not usually given custodial dispositions, it was predicted that males who had a negative social history would receive a significantly larger proportion of custodial dispositions than comparable females.

To assess if the positivity of a social variable score differentially affected the disposition of boys and girls, the following analysis was completed. Because of the limited number of female cases, the social variable score was dichotomized to an all positive versus a negative category. By limiting the number of cells in the analysis, it was possible to do comparisons between the sexes, despite the low number of female cases. A multi-dimensional contingency table analysis with disposition x crime x social variable score x sex was conducted and the

results are presented in Appendix C (Table C.4). A statistically significant three-way interaction verified the prediction that social information affected court outcomes for males and females differently.

The frequencies associated with disposition x social variable score x sex effect are presented in Table 4.13 ( $\chi^2(2)=9.17$ ;  $p<.01$ ). One of the most surprising statistics in the table is the fact that only 2 or (6.5%) of the females had a completely positive social profile, while 24.9% or nearly four times as many males did. Most of the females had negative social profiles of some degree. Yet, unlike males, only 10.4% of them received custodial dispositions. The effect suggests that positive case information mitigates outcomes for males while negative case information aggravates male dispositions. The social variable score for females seems to have relatively little effect on their dispositional outcome. This finding suggests that court decision makers have different theories about male versus female delinquents.

#### General Summary and Conclusions from Archival Analyses

The findings from the archival analyses support the premise that sentencing outcomes for juveniles are, in part, determined by decision-makers' hypotheses about delinquency. Three general findings support this contention: the consistency of the selectivity of information by decision makers across decision points; the extra-legal nature of the variables which influence sentencing outcomes, and the differences in the sentencing patterns for males and females.

One of the most compelling findings which emerged from the archival analyses of this juvenile court was the consistency with which different decision makers -- intake officers, judge, and probation officer -- selected the same information to make treatment decisions about delinquents



Table 4.13  
Proportions of Delinquents in Dispositional Categories  
by Social Variable Score and Sex

Disposition	Social Variable Score			
	Positive		Negative	
	Males	Females	Males	Females
Nominal	37 (64.9%)	1 (50.0%)	62 (27.1%)	13 (44.8%)
Conditional	19 (33.3%)	1 (50.0%)	88 (38.4%)	13 (44.8%)
Custodial	1 ( 1.8%)	0 ( 0.0%)	79 (34.5%)	3 (10.4%)
Total	57 (100%)	2 (100%)	229 (100%)	29 (100%)

at all decision points; crime severity, general social information and sex influenced the legal decision. The consistency of this selectivity suggests that there is an implicit consensus between court experts about what is important to consider about delinquents and delinquent behavior.

This court seemed to adopt a system of juvenile justice based on both formal rationality and individualized justice. Legal and extra-legal variables all seemed to influence outcomes. Moreover, extra-legal variables contributed to dispositional severity independent of legal variables.

The finding that only 35% of the variance predicting to disposition was accounted for in the regression model, suggests that additional information which was not available in the records may have influenced outcomes.

There is descriptive evidence that extra-legal information which is not officially recorded, influences sentencing outcomes. Cicourel (1968) observed that an attractive physical demeanor, particularly for girls, affected court outcomes, but was rarely mentioned in official records.

"A juvenile who is appealing and attractive and who wants very much to be liked and relates in a friendly manner to all around her, is a prime candidate for clinical interpretations as opposed to criminal imputations. Finding "problems" in the home is not difficult. The transformation of the juvenile into a sick object permits all concerned to suspend the criminal imputations of her acts, even though the penal code sections are quoted each time the police report theft or burglary" (p. 132).

Caution is necessary to generalize these findings beyond the particular court under study. This court emerged as a "diversionary" or rehabilitative court and also as a criminal or punitive juvenile court. Therefore, its character may be different from other courts. However, its sentencing patterns are consistent with those identified in the

national survey of 200 courts (Sarri & Hasenfeld, 1976). In addition, we have examined only official records, while the study of individualized justice should ideally include measures of decision makers' interpretations and hypotheses of delinquency.

To explore the interpretative nature of juvenile court decision making, an investigation involving three different courts which focused on how juvenile court decision makers interpret delinquency was conducted. This study is described in the following chapter.

## CHAPTER 5

### Judging Delinquents and the Causal Attributions of Juvenile

#### Court Decision Makers: An Experimental Study

Archival analyses of juvenile court experts' dispositional behavior revealed that the dispositional decision was based in part on a selectivity of information which was consistent across decision makers. Moreover, this selectivity was associated with legal as well as social variables. Working on the assumption that the archival findings were a reflection of decision makers' hypotheses about delinquents, a second investigation was conducted to examine three general questions.

First, since the archival analyses were limited to a single court, only cautious generalizations from these findings could be made to other settings. Therefore, the first question explored was: do different courts utilize the same kinds of information to make dispositional decisions about delinquents and do similar hypotheses about the causes and implications of delinquency influence these decisions?

Second, since the archival data were correlational, they only provided estimates of the effects of independent variables on disposition. These data, did not permit us to make statements about the causal relationships among variables. Therefore, a second question explored was: will the variables identified as most influential in the correlational research design significantly affect experts' recommendations for disposition in an experimental design?

The third question explored was: do juvenile court decision makers have hypotheses about the meaning of case factors associated with delinquents. Cicourel's (1968) and Emerson's (1969) case studies of juvenile courts strongly suggested that they do. Moreover, recent work

by cognitive social psychologists support the contention that cognitive schema or hypotheses affect judgments of the self (Markus, 1977) and others (Cantor & Mischel, 1977) as well as behavior itself (Snyder, Tanke & Berscheid, 1977).

### Methods

Overview. Probation officers and judges from three juvenile courts read 32 case histories describing juvenile offenders. The cases were an orthogonal set with respect to five variables: family background, severity of crime, severity of prior record, attitude, and sex. These variables were selected because they had been identified as factors which significantly influenced sentencing behavior in the archival analyses. It was expected on the basis of the findings from the archival analyses, that both legal and social variables would affect recommendations for disposition. However, in addition, it was predicted that these variables would affect experts' attributions of responsibility, risk, emotional stability, and crime seriousness.

Finally, overall differences in judgments of delinquent behavior were compared for subjects from a small, moderate, and relatively large juvenile court as measured by the size of the courts' jurisdiction and staff.

Subjects. Subjects were 24 probation officers and two sitting judges from three juvenile courts in Virginia.<sup>1</sup> Staff size and jurisdiction for each court varied widely. The smallest court consisted of two probation officers and one judge, all of whom were represented in

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<sup>1</sup>Archival analyses were based on abstracted records from the moderate size court which participated in the present study.

the present study. The second largest court consisted of eleven probation officers and one judge. Three probation officers failed to return a complete set of the experimental materials and were excluded from the study. Finally, eight probation officers from a large city court with a staff of thirty-five consented to participate in the study. One of the three judges in this court volunteered to complete the task, but failed to return the materials. Complete data from twenty subjects therefore, were available for analyses.

Design. The study employed a 3 (small court, moderate size court, large court) x 1 design with 2 (severity of crime) x 2 (prior record) x 2 (family background) x 2 (attitude) x 2 (sex) repeated measures, and assessed the effects of these variations on ten dependent measures of juvenile court decision makers' judgments of delinquent behavior.

Procedures. Subjects were told: "I am collecting information on how probation officers and judges make decisions about delinquents." They were then given booklets containing thirty-two one page case histories. (These cases are contained in Appendix D.) Subjects were then asked to assume that each child in question had been adjudicated delinquent for the crime described in the case. Probation officers were asked to make a recommendation for disposition in the same way they would if they had investigated the child. Judges were asked to make a disposition, as though the case were in court. In addition, all participants in the study were asked to fill out a questionnaire for each of the cases. Subjects then proceeded to read a case or two and fill out the questionnaires. After subjects had the opportunity to acquaint themselves with the case and questionnaire booklet, the experimenter answered their questions about the task.

When subjects seemed satisfied that they could complete the task without difficulty, the experimenter told them that a written summary of the results would be made available to them at the end of the study. Because the task involved a large, voluntary commitment of time by busy court professionals, they were given approximately two months to complete the experimental materials. They were asked to complete all materials individually, and not to consult at any time with another colleague about the task, until everyone was finished and the materials returned to the experimenter. Subjects complied willingly to all directions. As each individual completed the materials, he or she called the experimenter, who then picked them up. When the experimenter received incomplete data, the materials were returned to subjects until they were finished.

Case histories. The five variables manipulated in the case were embedded in a story which described a delinquent's current offense. Each story consisted of about half of a single spaced typed page, and was constructed to resemble an abbreviated version of an official social investigation. The following example is a male misdemeanor, with a prior felony offense, uncooperative attitude, and unsupportive family.

L.B. is a 14 year old black male who is presently before the court on charges of petty larceny. He was arrested by the Charlottesville Police for tampering with a Daily Progress vending machine, taking the newspapers, and selling them to passersby. L.B. told the police that he did not think the offense was serious because he had seen many boys do the same thing. Besides, he said, a lawyer would "get him off".

There was little concern by the B's for L.B.'s behavior. Mr. B. was injured three years ago and has a permanent disability which prevents him from working. Neither Mr. or Mrs. B. appeared at L.B.'s intake hearing nor were they willing to be interviewed for a social investigation. Mrs. B. commented to a police officer that L.B. was a "bad boy" and she wanted the court to "get him in line".

L.B. has one prior charge with this court for breaking and entering.

The following case example is of a female felon with a misdemeanor prior record, cooperative attitude, and unstable family.

G.F. is a sixteen year old white female who is presently before the court on charges of auto theft. When questioned about the theft by the arresting officer, G.F. confessed that she took the car to run away from home and to visit her boyfriend in Waynesboro. She said that her behavior was foolish and irresponsible and that she was willing to accept the punishment of the court.

G.F.'s family situation is troubled. Mr. F. accused his wife of undermining his efforts at discipline. Mrs. F. said very little in response to her husband's accusations and appeared to be a rather weak woman. Mr. F., on the other hand, is strict and admits to physically punishing his three children. He has a police record for assault and battery. Mr. F. expressed concern about the cost of the lawyer for his daughter's defense.

G.F. has one prior offense with the court for destruction of private property.

All subjects judged all 32 cases. Therefore, many details were varied in order to maximize the apparent uniqueness of each. The circumstances under which the crime occurred were varied by changing details such as time of day, place, number of people present, and type of offense. No cases depicted murders or rapes because these crimes were relatively uncommon in the jurisdictions studied.

To further distract subjects from identifying the five manipulated variables, information which generally appears in social investigations was included. These variables were randomly assigned to cases. One third of the cases were 13 years of age, one third 14 years of age and one third 15 years of age. One half of the misdemeanants and felons committed property offenses. The remainder committed crimes against another person. Finally, cases had either one, two or three prior



misdemeanors or felonies. The order of presentation of cases was random across subjects.

Questionnaires. Subjects filled out one of two versions of the questionnaire. (The questionnaires are given in Appendix E.) Eleven subjects filled out a ten item questionnaire and nine filled out an abbreviated version. All but one individual in the small and moderate size courts filled out the full form of the questionnaire. It was necessary to create the abbreviated version for the largest court and for the judge in the moderate size court to elicit their cooperation in completing the time consuming task. The abbreviated questionnaire consisted of four questions. Three questions consisted of 10 point scales. These scales assessed subjects' perceived seriousness of the crime, risk of committing a future crime, and recommendation for degree of court intervention. The fourth question requested subjects to state the specific disposition for the case. The long version of the questionnaire included, in addition to the above items, six ten point scale items which probed subjects evaluations of the following areas: (1) degree to which the crime involved forethought; (2) ability of the child to tell the difference between right and wrong; (3) recommendation for the child for counseling; (4) emotional maturity of the child; (5) influence of the child's background on the illegal behavior; (6) influence of the child's friends on the illegal behavior.

### Results and Discussion

Reaction of experts to the cases. Participants in the study reported few difficulties in completing the task. Both judges separately volunteered that the cases were much like those they had actually heard in court. One judge declared that he could "apply names" to some of the

cases. The other judge said that he "could have written some of the cases himself". Probation officers, on the other hand, expressed that they had some difficulty recommending a specific disposition, but not in recommending the degree of court intervention.

Recommendations for disposition. Experts used nine dispositional categories: (1) warning; (2) fine and/or restitution; (3) referral to a social agency for support services or counseling; (4) fine and referral; (5) probation; (6) probation and fine; (7) commitment to a reform school; (8) jail; (9) trial and sentencing as an adult. The first four categories provide treatment or control of the child outside of direct state supervision. The next three categories provide increasing degrees of state control using juvenile facilities. The final two categories sentence the child as an adult. The order in which these dispositions are presented here were provided by an experienced probation officer and judge who separately ranked the dispositions by severity.

To assess the relationship between experts' recommended disposition and recommended need for court intervention, the average of the within subject correlations between the two measures was calculated and found to be equal to .52 ( $t(1,19)=7.72$ ;  $p < .001$  when compared to zero). Therefore, since the two measures were moderately correlated, and probation officers voiced some difficulty with recommending a specific disposition, it was decided to use recommended need for intervention as the primary outcome measure of experts' recommendations for disposition. An additional consideration in this choice was the measurement characteristics of the two scales. The measure of disposition was categorical. Therefore, the scaling characteristics of the recommended intervention measure are more consistent with the analyses of variance techniques applied to the data.

To assess the degree to which each dependent measure was affected by the independent variables, within subjects and between courts analyses of variance were performed.<sup>2</sup>

Between court effects. Overall, the courts show considerable agreement. There are three significant effects between courts on the following three measures: recommended intervention, risk, and premeditation. These effects reflect the deviation of the smallest court in the study (Court A), from judgments made by the larger courts (Court B and Court C).

A main effect for crime indicated that the large courts recommend more severe interventions than the small court ( $F(2,16)=4.52$ ;  $p<.05$ ). The largest court assigned the highest mean recommended need for intervention ( $\bar{X}_A=5.54$ ;  $\bar{X}_B=7.01$ ;  $\bar{X}_C=7.46$ ).

A main effect for risk reveals the same pattern ( $F(2,16)=7.23$ ;  $p<.01$ ). The largest courts have higher average evaluations for risk ( $\bar{X}_A=5.42$ ;  $\bar{X}_B=6.62$ ;  $\bar{X}_C=7.26$ , respectively for courts A, B, and C).

Finally, a sex X crime effect is obtained for premeditation ( $F(1,8)=17.43$ ;  $p<.01$ ). Only subjects from Courts A and B provided data on this measure. (See Table F.1, Appendix F.) In this effect, Court A judges female misdemeanants as more premeditated than Court B, while Court B judges male felons as more premeditated than Court A.

These data show that there is considerably more agreement between the courts than disagreement; although the small number of people who participated from each court allow only caution conclusions from these findings. However, these courts are part of the same state system of

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<sup>2</sup>Analyses of the repeated-measures factors followed the consistent multivariate extensions of the recommendations of McCall and Appelbaum (1973). Computations were completed by using the MANOVA subprogram of the CDC version of SPSS (Nie, Hill, Jenkins, Steinbrenner & Bent, 1975).

juvenile justice and are regulated by the same laws. The various judges and probation officers from the courts meet regularly and exchange experiences and opinions about the court. Therefore, despite the small number of individuals who actually participated in the study, these results seem to suggest that when given the same cases, decision makers from different juvenile courts may treat them in a similar way.

Within subject effects. The F values for the statistically significant main effects and interactions for the within subjects analyses are presented in Table 5.1. This table illustrates a complex pattern of results in which several main effects are qualified by two-way, three-way, and four-way interactions. In all, there are sixty-nine effects which are statistically significant at a probability level of less than .05<sup>3</sup> across the nine dependent measures of judged need for intervention, risk, seriousness, degree of premeditation, ability to know right from wrong, emotional immaturity, family influence on delinquency, friends' influence on delinquency, and need for counseling. About one half of these effects are related to higher order interactions involving the sex of the delinquent. The discussion of the within subject results therefore has the following order: first, the effects of crime, prior record, family background, attitude, and sex on recommended degree of intervention are discussed. Next, subjects' interpretations of delinquency on the basis of crime, prior record, attitude, family background and sex are described.

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<sup>3</sup>The discussion of these results could be simplified by eliminating significant effects which do not meet specific a priori standards of significance. However, since this study is exploratory, it was decided that a conservative strategy of analyses might result in the loss of some interesting and potentially important findings. Therefore, the traditional univariate level of acceptable statistical significance was adopted (.05). Even so, 86% of the significant effects exceed the .01 level of statistical significance.

Table 5.1  
Statistically Significant Within Subject F Ratios for Experts'  
Judgments of Delinquent Behavior

	Interven- tion <sup>a</sup>	Risk <sup>a</sup>	Serious- ness <sup>a</sup>	Premedi- tation <sup>b</sup>	Moral Character <sup>b</sup>	Emotional Maturity <sup>b</sup>	Family Influence <sup>b</sup>	Friends' Influence <sup>b</sup>	Counseling <sup>b</sup>
C	23.97***	11.02**	63.92***				10.75**		7.17*
P	13.01**	24.61***			5.38*	5.24*	22.71***		4.62*
A		34.08***		25.45***	13.22**			4.92*	
F	15.54***	12.42***			18.02***				
S								12.02**	
C X F									
C X A	8.12**								
C X P	22.51***	26.82***		12.62**					
F X A									
F X P		29.12***							
A X P	10.82**	18.96***	19.04***						
C X S				15.82**					

Table 5.1 (continued)

	Interven- tion <sup>a</sup>	Risk <sup>a</sup>	Serious- ness <sup>a</sup>	Premedi- tation <sup>b</sup>	Moral Character <sup>b</sup>	Emotional Maturity <sup>b</sup>	Family Influence <sup>b</sup>	Friends' Influence <sup>b</sup>	Counseling <sup>b</sup>
F X S	18.04***		7.23*						10.63**
A X S	27.33***	20.23***	14.23***	15.11**					
P X S									
CXFXA	11.21**	9.85**							
CXFXP									
CXAXP									
FXAXP	11.01**		14.41***						
SXCXA	47.31***	29.02***	53.91***						
SXCXF	42.23***	11.86**	93.92***						12.02**
SXCXP	7.18**	6.94**	9.12**			8.04*			
SXAXF	23.08***	10.85**	67.72***	26.12***	7.93*	11.32**			
SXAXP	27.85***	36.42***	21.61***			10.53**			
SXCXAXF	9.52**						15.76**		
SXCXAXP	17.31***	4.51*		12.12**					
SXCXFXP	10.12**		37.01***						9.52**

Table 5.1 (continued)

Interven- tion <sup>a</sup>	Risk <sup>a</sup>	Serious- ness <sup>a</sup>	Premedi- tation <sup>b</sup>	Moral Character <sup>b</sup>	Emotional Maturity <sup>b</sup>	Family Influence <sup>b</sup>	Friends' Influence <sup>b</sup>	Counseling <sup>b</sup>
SXAXFXP						8.31*		

Note: C =Crime; F = Family; A = Attitude; P = Prior Record; S = Sex

\* =  $p < .05$   
 \*\* =  $p < .01$   
 \*\*\* =  $p < .001$

<sup>a</sup>d.f. = 1,18  
<sup>b</sup>d.f. = 1,9

1. Effects of type of crime, prior record, family background, and attitude on subjects' recommendations for degree of court intervention.

As predicted, felons, serious repeat offenders, and children from unstable families are given the harshest recommendations for court intervention. (The means for all main effect tests are given in Appendix F, Table F.2). Although the main effect for attitude is not statistically significant, attitude does affect recommended intervention in interaction with crime and prior record.

A positive attitude results in a less restrictive recommendation for intervention for misdemeanants than for felons, and for delinquents with moderate prior records, than those with serious prior records. (The means associated with the two-way interactions for the recommended intervention measure are given in Appendix F, Table F.3.)

As in the archival analyses, crime, prior record, family stability and attitude affect disposition. However, the statistically significant interactions in the present investigation suggest a more complex pattern to the dispositional decision than the one revealed in the archival analyses. One pattern which appears repeatedly in these data consists of the most positive level of one variable interacting with a second variable such that the negativity of subjects' evaluations is mitigated most at the least serious level of the second variable. This pattern is evident in the attitude X crime and attitude X prior record interactions already described. It is again apparent in the significant crime X prior record interaction (See Appendix F, Table F.3). This unmistakable pattern is also woven into several statistically significant three and four-way interactions, for this dependent measure and for several interactions for other dependent measures.



Since many of the statistically significant effects in these data are three- and four-way interactions, a technique which simplifies the interpretation of these effects was utilized. Briefly, this technique reduces the eight means in a three-way interaction to four difference scores, and the sixteen means in a four-way interaction to eight difference scores by selecting one variable in the effect and subtracting the difference between the two levels of that variable for all comparable cells. The statistically significant attitude X family stability X prior record effect is used to illustrate the technique.

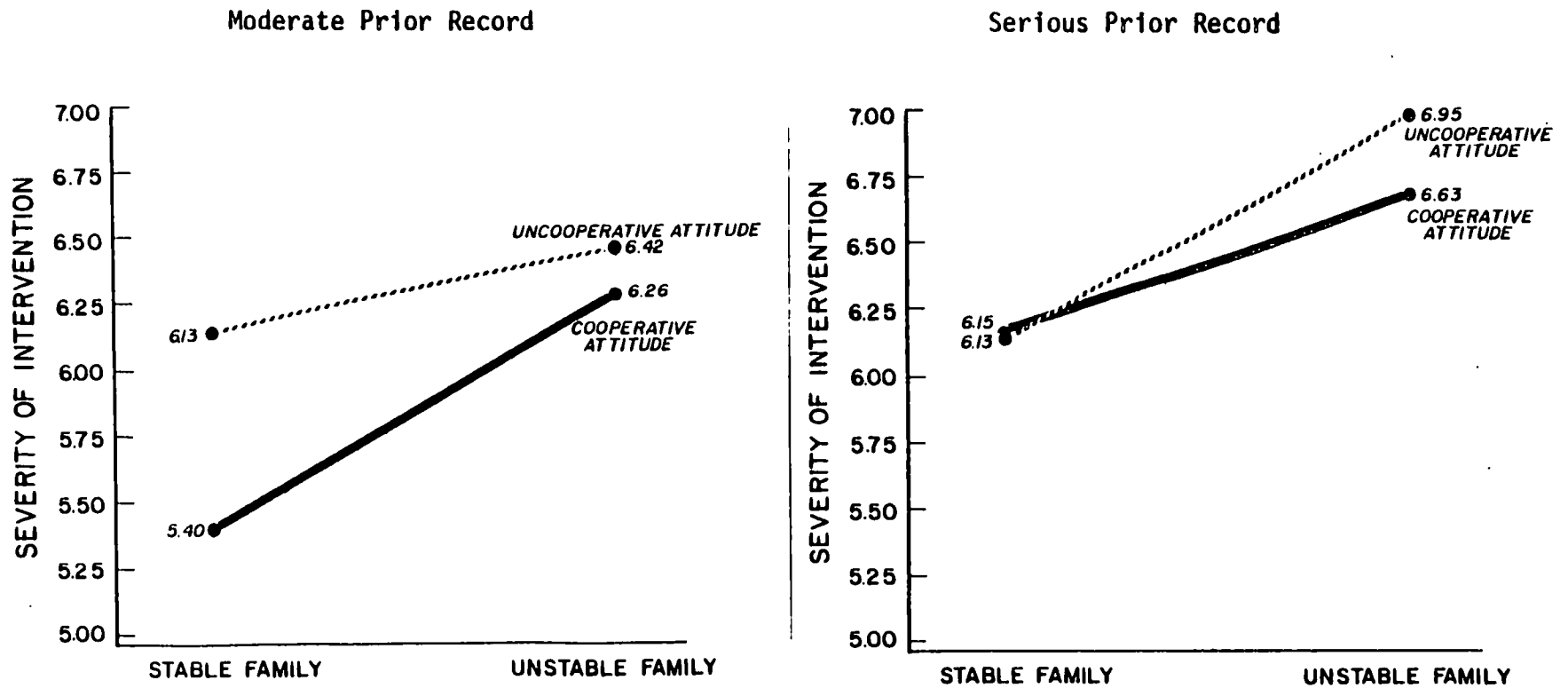
The eight means for the attitude X family X prior record interaction for recommended need for intervention are shown in Figure 5.1. The mean recommended intervention is plotted on the Y axis. The graphs show that the interaction of family with attitude was different for the two levels of prior record and that a cooperative attitude reduced the severity of the recommended intervention most when the delinquent had a moderate prior record and a stable family. The eight means for this effect can be translated to four difference scores in the following manner. First, the variable attitude was chosen as the basis of the difference scores.<sup>4</sup> Then, simple subtractions between the means are performed. The mean recommended need for intervention for a delinquent with a cooperative attitude, stable family, and moderate prior record is 5.40. When the attitude is uncooperative, the mean for this profile of family and prior record is 6.13. A cooperative attitude results in a less restrictive or mitigated recommendation for intervention by

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<sup>4</sup>Any variable could be chosen to demonstrate how its variability affects the variability of the other variables.

Figure 5.1

Interaction of Attitude X Family X Prior Record for Recommended Intervention

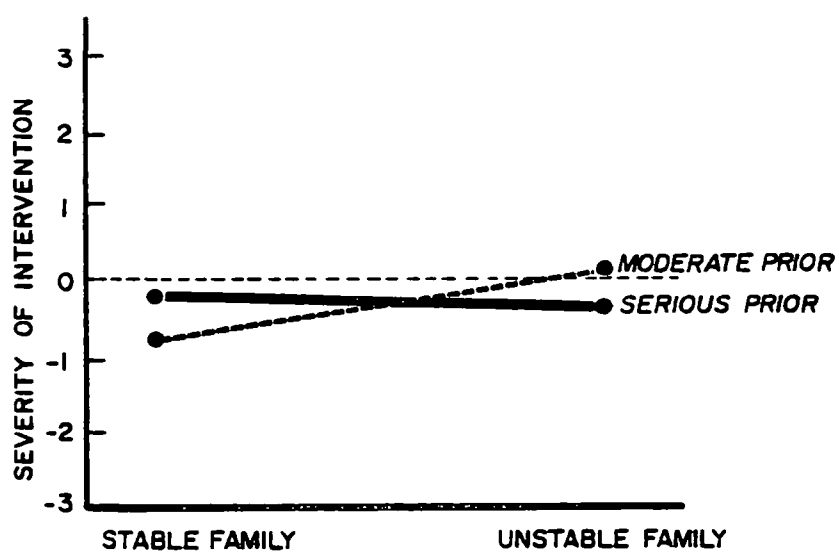


.73 units ( $5.40 - 6.13 = -.73$ ). When all comparable cells are compared, eight means are reduced to four difference scores which can be graphed as shown in Figure 5.2. The unit difference or mitigation effect for a cooperative attitude is plotted on the Y axis. The greatest amount of mitigation for recommended intervention is associated with a delinquent from a stable family and moderate prior record. All of the remaining significant higher order interactions are reported in this way. The figures associated with these effects are given in Appendix G.

The significant attitude X family X crime effect is given in Figure G.1 (Appendix G). Consistent with the previously reported interactions, a positive attitude was most effective in mitigating recommendations for outcome when the delinquent was a misdemeanor. However, the three-way effect shows that a cooperative attitude is somewhat more mitigating for a misdemeanor from a stable family. Overall, a positive attitude mitigates recommendations for needed intervention significantly more in interaction with the most positive levels of family stability and crime severity. A cooperative attitude is of little help to a felon.

2. Effects of sex of delinquent on subjects' recommendations for degree of court intervention. Males tended to receive more punitive dispositions throughout the archival analyses: intake, docket, and social investigations. However, the archival analyses also suggested that positive social information may not only be more common for males but may be more likely to mitigate their dispositional outcomes. In general, these effects are validated in the findings of the present investigation. While there is no significant main effect in the recommended degree of court intervention for males and females, the pattern described in the previous section, in which the positive levels

Figure 5.2  
Mitigating Effects of Positive Attitude in Interaction  
With Family Stability and Prior Record



of both social and legal variables mitigate recommended outcomes most when other case characteristics are positive, seems to be true primarily for males. A positive attitude and a stable family mitigates recommended degree of intervention significantly more for males than for females (See Appendix F, Table F.3 for the means which describe the significant attitude X sex and family X sex two-way interactions).

There are five significant three-way interactions which include sex of delinquent. All five interactions share the common pattern in which a cooperative attitude, stable family, and moderate prior record mitigate recommended degree of intervention for males but not for females. Figures G.2, G.3, and G.4 (Appendix G) demonstrate the pattern when male misdemeanants and felons are compared with female misdemeanants and felons. A positive attitude, stable family, and moderate prior record, dramatically mitigates recommended degree of intervention for male misdemeanants, but not for female misdemeanants. Male and female felons benefit very little from positive social case characteristics.

The interaction of family, sex, and attitude is presented in Figure G.5 (Appendix G). Once again, females do not benefit from positive case information as much as males, although neither sex seems to benefit from a cooperative attitude when they have a serious prior record (See Figure G.6). However, cooperative males with a moderate prior record receive a mitigated recommendation when compared to comparable females.

These five statistically significant three-way interactions seem to demonstrate what the archival analyses of social investigations implied. Males benefit with a mitigated intervention when they have a positive case profile, while females are less fortunate. In fact, positive case characteristics may aggravate outcomes for females.

The three statistically significant four-way interactions include: (1) sex X attitude X family stability X crime; (2) sex X attitude X prior record X crime; and (3) sex X family stability X prior record X crime (See Appendix G; Figures G.7, G.8, and G.9). The effects show that when compared to females, male misdemeanants benefit most, in terms of dispositional outcome from a positive case history. On the other hand, attitude and family background are somewhat more mitigating for females than for male felons.

The four-way interactions also suggest that the cases were categorized by subjects into five general clusters or delinquency types: (1) the cooperative male misdemeanant from a stable family; (2) the uncooperative male misdemeanant from an unstable family; (3) the male felon; (4) the female misdemeanant; (6) the female felon.

In summary, crime severity, prior record, attitude, family stability, and sex influence recommended degree of court intervention. Although the pattern of these data is more complex, these results are consistent with the correlational findings from the archival analyses. Two investigations, utilizing substantially different methodological and statistical designs show that qualitatively similar types of legal and social information influence sentencing outcomes for delinquents. The importance of social variables and the apparent clustering of case variables to describe delinquency types, suggests that the subjects had hypotheses about what these variables mean. The next two sections of results focus on subjects' judgments of the meanings of these variables.

3. Effects of type of crime, prior record, family background, and attitude on subjects' interpretations of delinquency behavior. The results show that juvenile court decision makers do seem to have

hypotheses about the case characteristics which they use to sentence delinquents. Statistically significant main effects (See Table 5.1) include the findings that subjects judge felons as greater risks for future crimes and more likely to have unstable family backgrounds. Delinquents with unstable family backgrounds are judged as greater risks, less able to tell the difference between right and wrong, less emotionally mature and more in need of counseling. Uncooperative delinquents are judged as greater risks, more likely to plan their delinquencies, less able to know right from wrong, and more likely to commit a delinquency because of negative peer pressures. A serious prior record suggests to subjects that the delinquent is less able to know right from wrong and more likely to commit future crimes. Thus, juvenile court decision makers seem to make causal attributions of emotional stability, dangerousness, intention, and moral character on the basis of rather specific case variables.

The means for the statistically significant two-way interactions for crime, prior record, attitude, and family stability are given in Appendix F for risk (Table F.4), seriousness (Table F.5) and premeditation (Table F.6). Although several of these interactions manifest the same pattern previously identified of mitigation for the most positive configuration of variables, a second pattern of aggravation for the most negative configuration of variables is also evident. The pattern of aggravation of variables is seen in the family stability X prior record effect for risk. In this effect, the largest difference between comparable levels of variables occurs when the most negative levels are compared. The differences between the levels of moderate versus serious prior record when the delinquent has an unstable family is

significantly greater than when the family is stable. A delinquent with a serious prior record who also has an unstable family is viewed as a very poor risk. The pattern of negative levels of variables aggravating outcomes in interaction with the negative levels of other variables is also apparent in the attitude X prior record effect for seriousness (Table F.5, Appendix F).

Finally, four interaction effects illustrate the recurring mitigation pattern. Three of these effects are for judged risk: crime X prior record, attitude X prior record (See Table F.3, Appendix F) and attitude X family X crime (See Figure G.10). The fourth effect is the significant attitude X family X prior record interaction for judged seriousness (Figure G.11, Appendix G).

4. Effects of sex of delinquent on subjects' interpretations of delinquency behavior. The statistically significant effects which include sex, add convincing support to previous findings that subjects use different rules for judging delinquent boys and girls. First, delinquency in girls is judged as more related to negative peer pressure. The sex of the delinquent also affects how information related to crime, prior record, attitude, and family stability is interpreted on measures of risk, seriousness, premeditation, moral character, emotional maturity, and recommendations for counseling.

Several statistically significant effects indicate that the positive levels of social and legal variables mitigate outcomes for male delinquents but not females. A cooperative attitude mitigates risk judgments for males, but not females (Table F.4, Appendix F). Support that social variables, in particular, mitigate judgments of risk for males and not females is found in several higher order interactions which include:



attitude X sex X crime (see Figure G.12, Appendix G); family stability X sex X crime (see Figure G.13, Appendix G); attitude X sex X family stability (see Figure G.14, Appendix G); attitude X sex X prior record (see Figure G.15, Appendix G); and attitude X sex X crime X prior record (see Figure G.16, Appendix G). Finally, the significant prior record X sex X crime effect for risk (see Figure G.17, Appendix G) suggests that even the positive levels of a legal variable mitigate somewhat more for males than for females.

The benefits which accrue to males as a result of a positive case profile extends to other dependent measures. Subjects' judgments of the seriousness of the offense are also affected as demonstrated in the significant family X sex and attitude X sex interactions (see Table F.5, Appendix F), as well as the significant family stability X sex X crime X prior record effect (see Figure G.18, Appendix G) for misdemeanants. In this last effect, there is once again the finding that male felons may be judged more harshly than female felons.

Subjects' judgments of premeditation show the familiar pattern in the significant sex X attitude effect (see Table F.6, Appendix F), attitude X sex X family stability (see Figure G.19, Appendix G) and the attitude X sex X crime X prior record (see Figure G.20, Appendix G). Positive social information not only results in judgments of less premeditation in males than females, but more positive judgments of moral character in males as well (see Figure G.21, Appendix G).

The pattern of these interactions parallels the one identified in the results for recommended intervention. Subjects seem to combine the case information into five clusters and each cluster describes a type of delinquent. Two distinct types identified throughout the findings are

the cooperative male misdemeanor from a stable family and the cooperative female misdemeanor from a stable family. In general, the male is judged more positively and treated less harshly. This suggests that female misdemeanants are held more culpable than male misdemeanants. Yet, the archival analyses revealed that males were consistently treated more harshly than females. Females tended to receive less restrictive and more rehabilitative dispositions. Findings from the present study suggest that this may be so because females are judged less emotionally mature or more "mentally sick" than males. Males with positive case characteristics are judged more emotionally stable than comparable females in the two statistically significant interactions on this measure: attitude X sex X family stability (See Figure G.22, Appendix G), and attitude X sex X prior record (See Figure G.23, Appendix G). Subjects also tend to recommend more counseling for the female misdemeanor from a stable family than a comparable male as shown in the family stability X sex X crime effect (See Figure G.24, Appendix G), as well as the family stability X sex X crime X prior record effect (See Figure G.25, Appendix G) for recommended degree of counseling.

Additional findings show however, that judgments of mitigated responsibility and emotional instability in females are affected by crime severity. The statistically significant sex X crime effect for premeditation supports the interpretation that female felons are judged differently than other groups. In this effect ( $F(1,9)=15.82, p<.01$ ), a felony by a female is judged more intentional than a misdemeanor by a female, while felonies by males are judged as less intentional than misdemeanors by males. Female felons also are judged as more emotionally stable (See Figure G.26, Appendix G for this effect).

Finally, two effects show that when positive case characteristics are taken into consideration, the families of female misdemeanants are blamed more for the delinquency than the families of male misdemeanants, while the families of female felons are blamed least (See Figure G.27 and G.28). These data combine to suggest that young females who commit felonies may be held more responsible for their offenses while misdemeanants are judged as less responsible and even emotionally unstable.

### General Summary

These findings verified the results from the archival analyses as well as the predictions derived at the outset of the study. First, there were few differences between the three courts which participated in this study. Information about delinquents' crime, prior record, attitude, family and sex influenced legal decision makers' judgments from different courts in similar ways. Thus, findings from the single court archival study have some generalizability to other courts. However, this generalizability is limited by the small number of subjects who represented each court.

Second, the variables which were correlated to disposition in the archival analyses directed affected outcomes in the experimental study, although the pattern of findings was more complex in the experimental design.

Third, subjects hold hypotheses and make causal attributions about delinquents. These hypotheses seem to describe delinquency types or categorizations which consist of clusters of case variables. Five types emerged across the dependent measures:

- (1) the cooperative male misdemeanant from a stable family;
- (2) the female misdemeanant;

- (3) the uncooperative male from an unstable family;
- (4) the female felon;
- (5) the male felon.

In general, attributions of greater emotional instability to females when other case characteristics were considered, verified the courts' more rehabilitative stance toward them identified in the archival analyses.

One final question was explored in this investigation: the origin of the factors which juvenile court decision makers use to classify delinquents. The social factors, sex, attitude and family background are characteristics which society in general uses to categorize its members - children and adults. Therefore, it was predicted that non-experts, like experts, would also use these characteristics to categorize delinquents and to make inferences about their moral character and intentions. The final study of this investigation was conducted to explore nonexperts' judgments of delinquents.

## CHAPTER 6

### Nonexperts' Judgments of Delinquency

Unfortunately, very little is known about community members' judgments of either delinquent behavior or misbehavior in children. The following two experimental studies were conducted to explore community members' judgments of juvenile delinquency and misbehavior. The results may provide insight into where expert decision makers' views come from and whether current practice is likely to be endorsed or legitimated by the public.

#### Overview

Two investigations of community judgments of delinquents were conducted. Subjects were presented with brief case histories of a delinquent, and asked to evaluate it on eight dependent measures. In the first study, legal variables as well as age and sex were manipulated, and in the second study legal variables were held constant while extra-legal variables were manipulated. Each study utilized a between group factorial design. It was predicted that legal and extra-legal variables, as well as, the age and sex of a delinquent would affect subjects' recommendations for court intervention as well as judgments of risk, crime seriousness, intentionality and personal character.

#### Study 1

##### A. Methods

1. Subjects and design. Subjects were 462 individuals who consented to read and respond to the case histories. One half of the subjects (116 females and 115 males) were drawn from a number of different communities and segments of the population. The mean age of this group was

41.8 years. The other half of the subjects (115 females and 116 males) were first year students at the University of Virginia. All subjects were recruited by 12 student research assistants. Non-student subjects were solicited on a random door-to-door basis in the home communities of the assistants. Students were randomly recruited from university residence halls.

The experimental design was a 2 X 2 X 2 X 3 factorial with sex of juvenile, age of juvenile (13 or 17) type of offense (assault and battery or running away), and prior court record (no previous record, one prior shoplifting offense, or two prior shoplifting offenses) as the independent variables.

## 2. Procedure.

a. Instructions. Subjects were informed that the purpose of the study was to survey attitudes about juvenile delinquency. After subjects consented to participate, they were given a set of instructions to read. The instructions identified the problem of juvenile crime as a social issue and that public opinion was important in assessing how to most effectively deal with the problem.

3. Case histories. Subjects were given a case history. They were asked to read it carefully and to answer an attached questionnaire. The case history was administered in the form of a booklet, which was constructed to resemble an official record. Under a fictitious court letterhead a "Data Sheet" listed the child's name, address, age (13 or 17), sex, and race (white). This information was followed by a record sheet of previous offenses, which was blank or contained a description of one or two shoplifting offenses.

Following the presentation of preliminary information, the offense was described. For example, the case of a male juvenile who committed assault and battery, read as follows:

John said he was riding around and drinking beer with some friends on 3/19/78. They went to the reservoir, then to Chris Green Lake and back to the reservoir. The victim and the driver of another car parked near them at the reservoir, got out of their car and went to talk to Bob, the driver of the car John was in.

The victim and Bob got into a heated discussion. John got out of the car when a friend heard the victim say something to Bob, but nothing was reportedly said to John who then proceeded to knock the victim down and kick him in the face several times. The victim was subsequently driven home by his friend. The police were called and a formal complaint was brought against John. The victim suffered a broken jaw. No other injuries to the victim or anyone else at the scene were reported.

In the runaway case, the details of the setting remained the same, but the description of the offense differed. The case indicated that the group of juveniles drove back into town where the offender was dropped off at a bus station. The juvenile then boarded a bus for Washington, D.C. where the juvenile was located by the police and returned to the home three days later.

4. Dependent measures. Following the reading of the case history, a questionnaire consisting of eight items was administered. The questions, in the form of 10 point Likert scales, assessed subjects' judgments of: premeditation; family blame for the delinquency; ability to get along with others; school adjustment; need for counseling; seriousness of the offense; need for state intervention and criminal risk.

#### B. Results and discussion

Statistically significant multivariate main effects ( $p < .01$ ) are found for all of the independent variables. The means for the individual

effects are given in Table 6.1.

1. Sex. Significant univariate main effects are found on five of the eight dependent measures for the sex of delinquent variable. In general, girls are judged more harshly than males. They are judged as greater future risks to commit delinquencies and their families are blamed more strongly for the delinquency. Furthermore, the delinquency behavior of females is judged as more premeditated. Finally, females are judged less able to get along with others and they receive stronger recommendations for psychological counseling.

There is a significant interaction between sex and crime (multivariate  $p < .01$ ). Significant differences emerge on perceived crime severity ( $F(1,414) = 5.78$ ;  $p < .01$ ) and degree of court intervention ( $F(1,414) = 4.11$ ;  $p < .04$ ). Running away from home is judged as less severe for a male ( $\bar{X} = 3.78$ ) than a female ( $\bar{X} = 4.10$ ), and a felony assault is considered as more severe for a male ( $\bar{X} = 6.78$ ) than a female ( $\bar{X} = 6.22$ ). Subjects believe that females should have a greater degree of court intervention for running away ( $\bar{X} = 5.88$ ) than should males ( $\bar{X} = 5.18$ ), but equal degrees of intervention are suggested for both males ( $\bar{X} = 6.52$ ) and females ( $\bar{X} = 6.78$ ) who commit assault and battery. Subjects are harsher in their judgments of females than males for status offenses, and even though they indicated that an assault and battery is a more serious crime for males than females, they suggest an almost equal degree of state intervention for the sexes.

2. Offense. There are five statistically significant main effects for offense. Not surprisingly, felons are judged more harshly than status offenders. Felons receive harsher recommendations for intervention, and more intense judgments of risk and crime seriousness.



Table 6.1  
Mean Values and Results for Dependent Measures

Measures	Sex			Crime		
	Male	Female	F(1,414)	Status	Felony	F(1,414)
Family Blame	5.81	6.34	15.84***	5.77	6.37	13.60***
School Adjustment	3.81	3.63	1.38	3.73	3.72	.23
Ability to get along with others	4.37	3.86	5.74*	3.97	4.26	2.00
Premeditation	4.95	4.40	4.35*	5.35	4.08	36.52***
Counseling	3.58	4.29	3.87*	6.09	6.05	.00
Seriousness	5.34	5.15	1.45	3.95	6.50	168.75***
Risk	5.46	5.94	4.02*	5.05	6.34	47.54***
Recommended Intervention	6.80	7.32	1.82	6.53	7.65	38.38***

Table 6.1 (continued)

Measures	Age			Prior Record			
	13	17	F(1,414)	None	One	Two	F(2,414)
Family Blame	6.14	6.00	1.70	5.72	6.26	6.23	5.34**
School Adjustment	3.64	3.81	1.86	4.10	3.60	3.45	9.79***
Ability to get along with others	3.92	4.31	3.46	4.76	3.92	3.66	10.04***
Premeditation	4.57	4.88	.71	4.84	4.43	4.90	1.36
Counseling	6.25	5.87	2.40	6.13	6.10	5.97	.02
Seriousness	5.25	5.24	.08	4.86	5.27	5.60	5.54**
Risk	5.96	5.43	9.83***	4.39	5.78	6.86	56.93***
Recommended Intervention	7.15	5.97	4.01*	6.63	7.07	7.57	12.80***

Note: Scale Values ranged from 0 to 10.

\* $p < .05$

\*\* $p < .01$

\*\*\* $p < .001$

However, a felony is judged as less premeditated and greater blame is attributed to the family. Thus, a status offender is held more responsible for his behavior than a felon, while the family of a felon is blamed more. This suggests that children who commit more violent offenses receive less subjective blame than children who commit offenses associated with disobedience.

3. Prior record. Six statistically significant main effects are associated with prior record. A prior record results in an increase in judgments of crime seriousness, risk and recommendation for court intervention. However, subjects also make inferences about the delinquent's character on the basis of prior record. First, families of repeat offenders are blamed more and second, the repeat offender is judged as less academically and socially competent.

A significant crime X prior record interaction (multivariate  $p < .008$ ) on judgments of family blame ( $F(2,414)=4.49$ ;  $p < .01$ ), indicates higher blame for the families of felons, regardless of prior record ( $\bar{X} = 6.37, 6.35, 6.38$ , respectively for zero, one, and two prior offenses). The families of a status offender without a prior record receive relatively little blame ( $\bar{X} = 5.07$ ). The addition of a prior record increased the blame attributed to the family to nearly that of a felon ( $\bar{X} = 6.06$  and  $6.18$ ) for one and two prior offenses, respectively.

4. Age. There are two significant main effects for age. First, younger children are judged at greater risk; and second, younger children receive higher ratings for degree of recommended court intervention.

5. Sample effects. Since half of the subjects were drawn from a broad spectrum of community groups and the other half were composed of first year college students, an evaluation of the effects of sample

type on judgments of delinquency was constructed. Sample was entered as an independent variable in a multivariate analysis of variance to determine its effects. A significant multivariate effect is found ( $p < .001$ ). As Table 6.2 shows, the nonstudent group responds more intensely to four of the eight dependent measures. Overall, the older nonstudent group believe that the crimes are more serious, and involve a higher criminal risk, than do the younger college students. They also recommend counseling more strongly and judge delinquent behavior as less premeditated.

There are two significant interactions on measures of personal character involving sample. First, a sample X crime interaction ( $p < .005$ ) indicates that nonstudents place greater blame on families of both runaways ( $\bar{X} = 6.05$ ) and felons ( $\bar{X} = 6.51$ ) than students ( $\bar{X} = 5.56$  and  $\bar{X} = 6.35$ , for runaways and felons, respectively).

Second, a sample X sex interaction ( $F(1,414)=8.98$ ,  $p < .002$ ), reflects the fact that both nonstudents and students blame families of females more than males for delinquency. However, nonstudents judgments are more extreme.

To summarize, the differences for all main effects and interactions due to sample, consistently show that the nonstudent, older part of the sample make more extreme negative judgments than the student group. Both groups agree that family influence is an important cause of delinquency. The nonstudent group tends to judge delinquents as less premeditated and more in need of counseling.

6. Sex of subject. A multivariate analysis of variance consisting of the following factors, sex of subject, sex of child, age, crime, and prior legal history was completed. There are no statistically significant multivariate interactions for sex of subject with any of the other

Table 6.2  
Mean Values and Results for Student  
Versus Nonstudent Groups

Measures	Groups		F(1,414)
	Student	Nonstudent	
Family Blame	6.15	5.98	1.45
School Adjustment	3.73	3.71	.04
Ability to get along with others	6.79	6.99	1.23
Premeditation	5.11	4.32	8.45*
Counseling	5.57	6.60	18.31**
Seriousness	4.89	5.58	13.56**
Risk	5.36	6.01	9.77**
Recommended Intervention	6.03	6.10	.19

Note: Scale values ranged from 0 to 10.

\* $p < .01$

\*\* $p < .001$

factors. However, a main effect for sex of subject is significant (multivariate  $p < .002$ ) on two items: recommendation for counseling ( $F(1,414)=18.87$ ,  $p < .001$ ), and judged ability of delinquents to get along with others ( $F(1,414)=5.52$ ;  $p < .02$ ). Female subjects ( $\bar{X} = 6.5$ ;  $7.1$ ) express more extreme reactions on both items than males ( $\bar{X} = 5.5$ ;  $6.6$ ).

In summary, crime severity and prior criminal record affect non-experts' judgments of delinquents in ways similar to those of experts. Both groups make inferences about delinquents' family background and social emotional adjustment on the basis of legal information. Non-experts seemed to make harsher judgments of female delinquents than experts. However, both groups judge female delinquents as less emotionally stable than male delinquents.

## Study 2

The purpose of this investigation was to explore if extra-legal information about a delinquent affects nonexperts' judgments of the child and recommendation for court intervention.

### A. Methods

1. Subjects and design. Subjects were 240 individuals (120 females and 120 males) drawn from a number of different communities and segments of the population. The mean age of the group was 44.1. All subjects were recruited by 12 student research assistants and were solicited on a door-to-door basis in the home communities of the assistants.

The experimental design was a  $2 \times 2 \times 2 \times 2$  factorial with sex of juvenile, family background, (stable; unstable), demeanor (cooperative; uncooperative), and circumstances of the offense (committed alone;

committed with others) as the independent variables.

## 2. Procedures.

a. Instructions. Administration of the instructions followed the format given in Study 1.

b. Case histories. Each subject was given one case history. As in Study 1, the history was administered in the form of a booklet, which was constructed to resemble an official record. Listed under a fictitious court letterhead, were the child's name: John (or Joan) Foster, address, age (15), sex, and race (white). This information was followed by a record sheet which listed a single prior offense of breaking and entering. A description of the present offense followed. The condition for a cooperative, lone, male from a supportive family consisted of the following case:

John Foster is a 15 year old white male who is presently facing two juvenile court charges of vandalism and breaking and entering. John says that he left home to walk to a 7-Eleven for a coke. When he passed the Carver Recreation Center, he noticed that it was dark and decided to break in to play in the gym. When he discovered that all the doors were locked, John broke a window with a rock, and unlatched it. He then crawled into the school. John turned a light on. He was in the school for only a short time, when a patrolman stopped after noticing the light in the Center. The officer withdrew his gun, entered the school, and found John in the equipment storage room attempting to break a lock to the cabinet which held the Center's stereo equipment.

John did not resist arrest. He readily provided personal information about himself and called his parents. The officer commented that the child was most cooperative and embarrassed about his behavior.

A social investigation revealed that the Foster's are very concerned about John's behavior. They have "grounded" him and are exploring possibilities for family therapy. Their cooperation with court officials is outstanding. They have insisted that John pay for the damage to the Center.

For the uncooperative condition, paragraph two was replaced by:

John tried to run away when the officer found him tampering with the lock. It was only when the officer fired a shot to the ceiling, that John stopped and raised his hands as requested by the policeman. He refused to give his name to the officer. Finally, when taken to the police station, the child provided his name, address, and phone number to the police. John at no time indicated embarrassment or concern about his behavior.

Paragraph three was replaced by the following information to describe the negative family background:

John has not had a stable homelife. His father deserted the family when John was 10 years old. Mrs. Foster has a long history of alcohol abuse. Because of her problems, she rarely knows where her child is or what he is doing. She has refused to accept help for her problems.

Finally, paragraph 1 was substituted with the following information to describe the breaking and entering offense as a group rather than a single offender crime.

John Foster is a 15 year old white male who is presently facing two juvenile court charges of vandalism and breaking and entering. John says that he and three other children left home together to walk to a 7-Eleven for a coke. When they passed the Carver Recreation Center, they noticed that it was dark and decided to break in to play in the gym. When they discovered that all the doors were locked, John broke a window with a rock and unlatched it. He then crawled into the school and turned a light on. They were in the school for only a short time when a patrolman stopped after noticing the lights in the Center. The officer withdrew his gun, entered the school, and found the children in the equipment storage room attempting to break a lock to the cabinet which held the Center's stereo equipment.

#### B. Results and discussion

Both attitude and family stability yield statistically significant multivariate main effects ( $p < .02$ ). These effects are presented in Table 6.3. Neither sex nor the presence of others while committing a delinquent act results in multivariate statistically significant main effects or interactions. Separate analyses for sex of subject reveal no significant effects for this variable.



Table 6.3  
Mean Values for Statistically Significant Main Effects for  
Family Stability and Attitude in Judgments of  
Delinquency by Non-Experts

Measures	Family			Attitude		
	Stable	Unstable	F(1,209)	Positive	Negative	F(1,209)
Family Blame	4.35	7.66	101.15***	5.72	6.21	2.91
School Adjustment	4.12	4.45	.82	4.67	3.91	6.28**
Ability to get along with others	4.73	3.72	13.47***	4.32	4.04	.83
Premeditation	5.31	5.24	.01	4.94	5.53	3.36
Counseling	6.48	7.27	8.53**	6.83	6.98	.10
Seriousness	6.10	5.80	1.07	5.34	6.62	19.32***
Risk	5.72	6.81	12.50***	5.22	7.45	51.96***
Recommended Intervention	6.93	8.32	19.57***	7.32	7.98	4.00*

Note: Scale values ranged from 0 to 10.

\* $p < .05$

\*\* $p < .01$

\*\*\* $p < .001$

1. Attitude. An uncooperative attitude results in more negative legal evaluations. An uncooperative attitude affects how seriously the offense is judged, judged likelihood of the child committing additional crimes, and the recommended degree of court intervention.

All five of the remaining measures are more negatively evaluated by subjects for the uncooperative delinquent, but only one of these measures reached univariate statistical significance. An uncooperative child is judged as less able to get along well in school.

2. Family stability. A delinquent child from an unstable family is evaluated as a greater criminal risk and in need of greater court intervention. Not surprisingly, the families of these children receive greater blame for their child's misbehavior. The delinquent child from an unstable family is judged as less able to get along with others and more in need of counseling than a delinquent from a stable family.

### General Discussion

These studies provide some support for the notion that experts' judgments of delinquents may reflect the way the community in general evaluates juvenile misbehavior and delinquency. A delinquent who has an unstable family or who is uncooperative was judged more blameworthy and treated more punitively by experts and nonexperts alike. Moreover, as a delinquent's offense or prior record becomes more serious, the family was judged more harshly and the child received a more negative evaluation in the personal and social areas of his life.

Sex bias was identified throughout the court data and emerged again in the present investigation. Although female delinquents were not given more punishing recommendations, they were judged more harshly on several personal measures (e.g., risk, family blame, and premeditation).

However, consistent with the court findings, girls were judged as more mentally sick as evidenced by their higher mean recommendations for counseling.

Finally, the present investigation uncovered an interaction between sex and crime for recommended intervention and crime severity. Running away from home was judged as less severe for a male than a female, and a felony assault was considered more severe for a male than a female. Subjects believed that females should have a greater degree of court intervention for running away than should males, but approximately equal degrees of intervention were suggested for both males and females who commit assault and battery. Thus, subjects were harsher in their judgments of females than males for status offenses, and even though they indicated that an assault and battery was a more severe crime for males than females, they suggested an equal degree of state intervention for both sexes.

These results are consistent with recent survey and archival studies of real juvenile courts. A nationwide survey (Sarri & Hasenfeld, 1976) revealed that 75% of the girls in the juvenile justice system were charged with status offenses. Yet, analyses of self-reported delinquent behavior (Hindelang, 1971; Jensen & Eve, 1976; Wise, 1967) revealed that although girls usually report fewer delinquent acts than boys, the kinds of offenses they commit are not proportionately different for the sexes. Girls are also less likely than boys to be arrested for criminal offenses than status offenses (Armstrong, 1977; Chesney-Lind, 1977). Archival studies of juvenile courts show that females are more often punished than males for status offenses (Datesman & Scarpitti, 1980). The present data

suggests that sex bias in sentencing status offenders and felons may reflect societal stereotypes of appropriate behavior for the sexes.

In summary, the present experimental data support the contention that sex bias and stereotypes of juvenile offenders influence evaluations of delinquency behavior in nonexpert judges. Combined with the findings from expert decision makers, this suggests that legal decisions in the juvenile court may in part be based upon widely-held views of delinquents by society in general, and may therefore be very resistant to change.

on probation, given short jail sentences or committed to a state juvenile correctional facility. Thus, social information which is generally considered an individualized legal criterion was used as a component of a general decision model of juvenile justice. This model may be described as a mixed model in which both legal and social case considerations affect outcomes in predictable ways. There was also evidence that demographic variables affected outcomes. Although the findings in regard to race and socio-economic status were either inconsistent or ambiguous, sex consistently affected treatment by the court; males were more likely than females to receive custodial dispositions, while females more often were assigned rehabilitative outcomes.

A second study (experiment with legal decision makers) was conducted to address the methodological weaknesses of the archival correlational case study and to explore the social psychological basis of decision makers' selectivity of sentencing variables. As in the archival analyses, crime severity, prior criminal record, attitude, family stability and sex influenced the severity of subjects' recommendations for court intervention. Therefore, these variables were causally related to a delinquent's disposition. Moreover, consensus between the three courts was high across all measures, which suggests that these findings may be cautiously generalized, at least to courts within the state which participated in this study. Finally, as predicted, decision makers did form impressions of delinquents and make attributions on the basis of legal and extra-legal variables. Not only did juvenile court decision makers make evaluative judgments based on case factors associated with delinquents, but they also seemed to make causal attributions of emotional

stability, dangerousness, intention and moral character. Thus, the rational model identified in the archival analyses seems to reflect the manner in which social psychological processes influence how decision makers define delinquency.

Cicourel (1968) and Emerson (1969) hypothesized that decision makers' impressions and inferences about delinquents had their basis in stereotypes or "typifications" (Emerson, 1969) of delinquents. The present results support this hypothesis. The general findings suggest that at least two general stereotypes of delinquents operate to influence juvenile dispositions: the "deprived child" and the "incorrigible child."

The conventional wisdom of the deprived child was captured a generation ago by one of the gang members in West Side Story. "Hey, Officer Krupke," he said, "I'm depraved on account of I'm deprived." This same rationale for delinquency was articulated over eighty years ago by the individuals who established the juvenile court. The philosophy still lingers. In the present investigation, judges and probation officers not only attributed greater family instability to delinquents who commit more serious crimes, but delinquents from unstable families were attributed less emotional stability, a greater need for counseling, and less ability "to know right from wrong." Consistent with attribution theory, when the delinquent behavior had a salient external locus of control (e.g., family instability) the individual was held less responsible (Kelley, 1967).

The second stereotype may be characterized as, "He's depraved, because he's depraved." It too can be traced to the early philosophical opinions of the juvenile court and the reformers' concern with establish-

ing legal rules to govern disobedient children. Behavior which was considered either disrespectful to adults or otherwise inappropriate for children was punished because it appeared to signify an unwillingness rather than an inability to follow the rules of the community. Therefore, unlike the delinquent from the unstable family who was judged as emotionally unstable, the uncooperative child was judged as more premeditated in the delinquent act. Finally, these same general patterns of defining delinquency were found in two experimental studies conducted with non-expert judges drawn from the community and university. Thus, stereotypes of delinquents may be a widespread societal phenomenon.

A second, more complex pattern of findings supports the contention that typifications of delinquency held by subjects influenced evaluative judgments. Subjects tended to differentially assign ratings to profiles of delinquents which were comprised of three and even four variables. These assignments were identified in the statistical significance of numerous three and four-way interactions which tended to follow the same consistent pattern across the dependent measures. This pattern took the following form: subjects mitigated judgments of male misdemeanants (or males with moderate prior records) who were cooperative and/or from stable families when compared to other male misdemeanants and to comparable females regardless of social history. In contrast, a positive social background tended to be more mitigating for female felons than for male felons. These effects occurred on all of the dependent measures except for ratings of degree of peer pressure on delinquency behavior. The findings suggest that subjects combined case information in ways that fit their preconceptions of delinquent types. Five types dominated

(Markus, 1977) of social data. Schemas seem to help an observer organize complex stimuli and thus facilitate recall and decision making within the limited time frame that social interactions frequently occur. For example, Taylor, Fiske, Etcoff, and Ruderman (1978) found that race and sex were used as categorical systems for organizing incoming information. Information was recalled as a function of race (or sex) of speaker, and was also a function of the number of persons of that race or sex present in the groups. Other evidence of grouping included the fact that subjects tended to mix up members of a given race or sex with each other, but less frequently made cross-racial or cross-sex errors.

Investigations of the schematic processing of social information have generally employed cognitive dependent measures (e.g., recall). Although the present investigation was not designed to study schematic processing of delinquents, legal decision makers imposed an organizational structure on the available information which described delinquency types. Just as Taylor et al's (1978) subjects used sex and race to organize information about social stimuli, the subjects in the experimental study of the court appeared to impose an abstract system of delinquency types to make evaluative judgments of specific cases. Thus, schemas may not only influence how social information is organized, but evaluated as well.

The results of the present investigation therefore suggests that impression formation and evaluative judgments may be partly a function of the kinds of social schemas evoked by the available social information. They also suggest that the methods and theory of social cognition may offer a promising new approach toward a better understanding of legal decision making.



### Implications for the Juvenile Court and Social Policy

The results of the present investigation suggest that the juvenile court does not provide a pure system of individualized justice. Rather, the system has several impersonal elements since it is based in part on decision makers' rational model of sentencing and implicit "rules of thumb." This conclusion is important for at least two reasons. First, it implies that an important goal of the juvenile court, as in other organizations is efficiency. Second, judicial discretion does not appear to be a mystical, unknowable process which can neither be evaluated nor improved upon. Instead, as was shown in the present investigation, discretionary decision making can be studied and its elements made available for peer review and criticism.

The element of efficiency in judicial sanctions is rarely made explicit, but it is just as real as the goals of punishment and rehabilitation. The juvenile justice system must be sensitive to the goal of smoothly processing the accused and adjudicated delinquent. In the adult criminal system, plea bargaining is the clearest example of efficiency considerations. Plea bargaining is more the rule than the exception in criminal cases and without it, the bureaucratic machinery of the court would be overwhelmed and unable to function. For the juvenile court, a rational decision making model and implicit rules of thumb may operate to improve its efficiency. The need for such rules becomes obvious if, for a minute, you imagine yourself in the role of a juvenile court judge, intake officer, or probation officer. For every case which goes to court, there are several categories of information available for consideration, age, prior record, type of crime, circumstances of crime,

sex, family background, school adjustment, demeanor, health record, previous sentences, police recommendation, school recommendation, race, residence, criminal siblings, and physical appearance. The court decision maker seems buried in information. Furthermore, severe time constraints may be imposed upon case processing. One judge declared: "...can't waste time you know, because tomorrow I have to be 20 miles away. I've got 26 cases to hear in six hours with a 20 minute break each hour" (Heaps, 1970; p. 180).

Rational models of decision making and implicit rules of thumb have their costs as well as benefits. Unfortunately, the model and the rules may be wrong, at least when applied to most delinquents. On the one hand, it seems reasonable for the juvenile court to take more responsibility for a child whose family seems unable to provide adequate guidance and emotional support. It also seems reasonable to impose more punishing dispositions on a child who is uncooperative and therefore perhaps less likely to benefit from a community counseling program. It may even seem reasonable to provide more restrictive dispositions for males who may be physically stronger than females and therefore capable of greater harm. On the other hand, it does not seem reasonable to apply these standards indiscriminately across the population of delinquents since delinquents come from all strata of society (Akers, 1964; Clark & Weninger, 1962; Empey & Erickson, 1966; Myerhoff & Myerhoff, 1964); females commit crimes which are as serious as those committed by males (Hindelang, 1971; Jensen & Eye, 1976; Wise, 1976); and a demeanor considered appropriate to the court be acquired and performed by a socially observant child. Procedural reforms of the juvenile court do not address implicit

rules of thumb. Therefore, the results of the present study suggest that new social policy with regard to delinquents might include a system of periodic peer review and evaluation in which the variables used to sentence delinquents are made explicit with the goal of minimizing arbitrariness in sentencing decisions while setting realistic decision-making standards and guidelines. The present investigation demonstrated that the methodology to dissect the elements of a discretionary decision are currently available.

### Summary

Empirical findings from a multimethodological study of the juvenile court revealed that decision making is in part a function of a rational decision making model and implicit "rules of thumb" about the character and future behavior of delinquents which may be based on legal actors cognitive schemas. Convergent validity attested to the powerful influence of legal and extra-legal variables. Thus, the juvenile court appears to be a fertile area for the application and validation, as well as the development of theories of social cognition. Finally, findings from the present investigation demonstrated that judicial discretion can be studied and its components delineated and made available for peer review as well as the development of explicit standards of sentencing. In this way, the juvenile court structure and philosophy can be systematically updated to reflect the contemporary goals, needs, and resources of the juvenile system of justice and of society.

## References

## References

- Age of accountability. Time, December 14, 1981, 80.
- Akers, R. L. Socio-economic status and delinquent behavior: A retest. Journal of Research in Crime and Delinquency, 1964, 1, 38-46.
- Aries, P. Centuries of childhood (translated by R. Baldick). New York: Knopf, 1962.
- Armstrong, G. Females under the law - protected but unequal. Crime and Delinquency, 1977, 23, 109-120.
- Arnold, R. R. Race and ethnicity relative to other factors in juvenile court dispositions. American Journal of Sociology, 1972, 77, 211-223.
- Bartollas, C., Miller, S. J., & Dinitz, S. Juvenile victimization: The institutional paradox. New York: John Wiley, 1976.
- Bishop, Y., Fienberg, S. & Holland, P. Discrete multivariate analysis: Theory and practice. Cambridge, Mass.: M.I.T. Press, 1975.
- Black, D. Police control of juveniles. American Sociological Review, 1970, 35, 63-77.
- Blumberg, A. S. Criminal justice. Chicago: Quadrangle Books, Inc., 1967.
- Cantor, N. & Mischel, W. Traits as prototypes: Effects on recognition memory. Journal of Personality and Social Psychology, 1977, 35, 38-48.
- Carroll, J. Causal attributions in expert parole decisions. Journal of Personality and Social Psychology, 1978, 36, 1501-1511.
- Carroll, J. & Payne, J. Judgments about crime and the criminal: A model and a method for investigating parole decisions. In B. D. Sales (Ed.), Perspectives in law and in psychology: The criminal justice system (Vol. 1). New York: Plenum, 1977.
- Center for Studies of Crime and Delinquency. Teenage delinquency in small town America. NIMH Research Report 5. Washington, D.C.: U.S. Government Printing Office, 1974.
- Chambliss, W. Functional and conflict theories of crime. New York: MSS Modular Publications, 1973.
- Chesney-Lind, M. Judicial paternalism and the female status offender. Crime and Delinquency, 1977, 23, 121-130.
- Childrens Court of the City of New York. Annual Report, 1925, Vol. 16.
- Christie, N. A study of self-reported crime. In K. O. Christiansen (Ed.), Scandinavian studies in criminology (Vol. II). London: Tavistock Publications, 1965.

Cicourel, A. The social organization of juvenile justice. New York: John Wiley and Sons, 1968.

Clark, J. & Wenninger, E. Socio-economic class and area as correlates of illegal behavior among juveniles. American Sociological Review, 1962, 27, 826-834.

Code of Virginia 16.1-227 (1977).

Cohen, L. & Kluegel, J. Determinants of juvenile court dispositions: Ascriptive and achieved factors in two metropolitan courts. American Sociological Review, 1978, 43, 162.

Commonwealth vs. Fisher, 213 Pa. 48, 53, 62 at 1. 198, 200 (1905).

Creekmore, M. Case processing: Intake, adjudication, and disposition. In R. Sarri & Y. Hasenfeld (Eds.), Brought to justice? Juveniles, the courts and the law. National Assessment of Juvenile Corrections. Ann Arbor: University of Michigan, 1976.

Datesman, S. & Scarpitti, F. Women, crime & justice. New York: Oxford University Press, 1980.

Davis, N. Sociological constructions of deviance. Dubuque, Iowa: Wm. C. Brown, 1975.

Davis, J. H., Bray, R. M., & Holt, R. W. The empirical study of decision processes in juries: A critical review. In J. L. Tapp & F. J. Levine (Eds.), Law, justice, and the individual in society: Psychological and legal issues. New York: Holt, Rinehart & Winston, 1977.

Deaux, K. The behavior of women and men. Belmont, California: Brooks-Cole, 1976.

Dunham, H. W. The juvenile court: Contradictory orientations in processing offenders. Law and Contemporary Problems, 1958, 23, 508-527.

Ebbesen, E. G. & Konecni, V. J. Decision making and information integration in the courts: The setting of bail. Journal of Personality and Social Psychology, 1975, 32, 805-821.

Efran, M. G. The effect of physical attractiveness on the judgment of guilt, interpersonal attraction, and severity of recommended punishment in a simulated jury task. Journal of Research in Personality, 1974, 8, 45-54.

Elmhorn, K. Study in self-reported delinquency among school children in Stockholm. In K. O. Christiansen (Ed.), Scandinavian studies in criminology (Vol. II). London: Tavistock Publications, 1965.

- Emerson, R. Judging delinquents: Context and process in juvenile court. Chicago: Aldine Publishing Co., 1969.
- Emerson, R. Role determinants in juvenile court. In D. Glasser (Ed.), Handbook of criminality. Chicago: Rand-McNally, 1974.
- Empey, L. American delinquency: Its meaning and construction. Home-town, Illinois: Dorsey Press, 1978.
- Empey, L. (Ed.). Juvenile justice: The progressive legacy and current reforms. Charlottesville, Virginia: University Press, 1979.
- Empey, L. & Erickson, M. Hidden delinquency and social status. Social Forces, 1966, 44, 546-554.
- Erickson, M. The changing relationship between official and self-reported measures of delinquency: An exploratory predictive study. Journal of Criminal Law, Criminology, and Police Science, 1965, 54, 388-395.
- Everitt, B. The analysis of contingency tables. New York: Halsted Press, 1977.
- Federal Bureau of Investigation. Crime in the United States: Uniform crime reports. Washington D.C.: U.S. Government Printing Office, 1976.
- Feldman, R. & Rosen, F. Diffusion of responsibility in crime, punishment, and other adversity. Law and Human Behavior, 1978, 2, 313-322.
- Ferdinand, T. & Luchterland, E. Inner-city youths, the police, the juvenile court, and justice. Social Problems, 1970, 17, 510-527.
- Fiske, S. & Linville, P. What does the schema concept buy us? Personality and Social Psychology Bulletin, 1980, 6, 543-558.
- Frey, M. A. Intent in fact, insanity and infancy: Elusory concepts in the exercise of juvenile court jurisdiction. California Western Law Review, 1973, 9, 273-289.
- Gerbasi, K. C., Zuckerman, M., & Reis, H. T. Justice needs a new blindfold: A review of mock jury research. Psychological Bulletin, 1977, 84, 323-345.
- Goffman, E. Asylums. New York: Doubleday, 1961.
- Gold, M. Undetected delinquent behavior. Journal of Research in Crime and Delinquency, 1966, 3, 27-46.
- Goldman, N. The differential selection of juvenile offenders for court appearance. New York: National Council on Crime and Delinquency, 1963.

- Good, L. R. & Good, K. C. Influence of attitude similarity on parole recommendation. Journal of Social Psychology, 1977, 101, 135-137.
- Griffith, W. & Jackson, T. Simulated jury decisions: The influence of jury-defendant attitude similarity-dissimilarity. Social Behavior and Personality, 1973, 1, 1-7.
- Gross, H. A theory of criminal justice. New York: Oxford University Press, 1979.
- Hagan, J. L. Extra-legal attributes and criminal sentencing: An assessment of a sociological viewpoint. Law and Society Review, 1974, 8, 357-384.
- Hakeem, M. A critique of the psychiatric approach to the prevention of juvenile delinquency. Social Problems, 1954, 5, 194-205.
- Hamilton, D., Katz, L. & Leirer, V. Organizational processes in impression formation. In R. Hastie, T. Ostrom, E. Ebbesen, R. Wyer, D. Hamilton, & D. Carlston (Eds.), Person memory: The cognitive basis of social perception. Hillsdale, N. J.: Erlbaum, 1980.
- Hamilton, V. L. Who is responsible? Toward a social psychology of responsibility attribution. Social Psychology, 1978, 41, 316-328.
- Hart, H. L. A. & Honore, A. M. Causation in the law. Oxford: Clarendon Press, 1959.
- Hastie, R., Ostrom, T., Ebbesen, E., Wyer, R., Hamilton, D., & Carlston, D. (Eds.). Person memory: The cognitive basis of social perception. Hillsdale, N. J.: Erlbaum, 1980.
- Healy, W. & Bronner, A. New light on delinquency and its treatment. New Haven: Yale University Press, 1936.
- Heaps, W. Juvenile justice. New York: Beabury, 1974.
- Heider, F. The psychology of interpersonal relations. New York: Wiley, 1958.
- Hendrick, C. & Shaffer, D. Murder: Effects of number of killers and victim mutilations on simulated jurors' judgments. Bulletin of the Psychonomic Society, 1975, 6, 313-316.
- Herzog, E. Social stereotypes and social research. Journal of Social Issues, 1970, 26, 109-126.
- Hindelang, M. Age, sex, and the versatility of delinquency involvements. Social Problems, 1971, 18, 527-535.
- Hirschi, T. Labeling theory and juvenile delinquency: An assessment of the evidence. In W. Gove (Ed.), The labeling of deviancy: Evaluating a perspective. New York: Wiley, 1975.



- Hogarth, J. Sentencing as a human process. Toronto: University of Toronto Press, 1971.
- Hood, R. & Sparks, R. Key issues in criminology. New York: McGraw-Hill, 1970.
- Horwitz, A. & Wasserman, M. Formal rationality, substantive justice, and discrimination: A study of the juvenile court. Law and Human Behavior, 1980, 4, 103-116.
- Illinois Juvenile Court Act, 131-137 Ill. 5 (1899).
- In re Gault, 387 U.S. 1 (1967).
- In re Glassberg, 230 La. 396, 88S.2d 707 (1956).
- In re Winship, 397, U.S. 359 (1970).
- Jensen, G. & Eve, R. Sex differences in delinquency. Criminology, 1973, 13, 427-448.
- Jones, E. E. & Davis, K. E. From acts to dispositions. In L. Berkowitz (Ed.), Advances in experimental social psychology, Vol. 2. New York: Academic Press, 1965.
- Jones, E. E. & McGillis, D. Correspondent inferences and the attribution cube: A comparative reappraisal. In J. Harvey, W. Ickes, & R. F. Kidd (Eds.), New directions in attribution research, Vol. 1. New York: Erlbaum, 1976.
- Kaplan, M. & Kemmerick, G. Juror judgment as information integration: Combining evidential and nonevidential information. Journal of Personality and Social Psychology, 1974, 30, 493-499.
- Kean, A. W. G. The history of the criminal liability of children. Law Quarterly Review, 1937, LIII, 364-370.
- Keasey, C. & Sales, B. Children's conceptions of intentionality and the criminal law. In B. Sales (Ed.), Psychology in the legal process. New York: Spectrum Publications, Inc., 1977.
- Kelley, H. H. Attribution theory in social psychology. In D. Levine (Ed.), Nebraska Symposium on Motivation. Lincoln: University of Nebraska Press, 1967.
- Kent versus United States, 383, U.S. 541 (1966).
- Kerr, N. L. Beautiful and blameless: Effects of victim attractiveness and responsibility on mock jurors' verdicts. Personality and Social Psychology Bulletin, 1978, 4, 479-482.
- Ketcham, O. & Paulsen, M. Juvenile courts: Cases and materials. Brooklyn, N.Y.: The Foundation Press, 1967.

- Landy, D. & Aronson, E. The influence of the character of the criminal and his victim on the decisions of simulated jurors. Journal of Experimental Social Psychology, 1969, 5, 141-152.
- Larken, J., McDermott, J., Simon, D. & Simon, H. Models of competence in solving physics problems. Science, 1980, 208, 1335-1342.
- Levine, M. & Levine, A. A social history of helping services: Clinic, court, school and community. New York: Appleton-Century-Crofts, 1970.
- Lipton, D., Martinson, R. & Wilks, J. The effectiveness of correctional treatment. New York: Praeger Publications, 1975.
- Lussier, R., Perlman, D., & Breen, L. Causal attributions, attitude similarity, and the punishment of drug offenders. British Journal of Addiction, 1977, 72, 357-364.
- Mack, J. The juvenile court as a legal institution. In H. H. Hart (Ed.), Preventive treatment of neglected children. New York: Charities Publication Committee, 1910.
- Manocchio, A. J. & Dunn, J. The time game. Beverly Hills, California: Sage Publications, 1970.
- Markus, H. Self-schemata and processing information about the self. Journal of Personality and Social Psychology, 1977, 35, 63-78.
- Martinson, R. What works? Questions and answers about prison reform. The Public Interest, 1974, 35, 22-54.
- Matza, D. Delinquency and drift. New York: Wiley, 1964.
- Mause, L. (Ed.). The history of childhood. New York: Psychohistory Press, 1974.
- McCall, R. & Applebaum, M. Bias in the analysis of repeated measures designs: Some alternative approaches. Child Development, 1973, 44, 401-415.
- McEachern, A. & Bauzer, R. Factors related to disposition in juvenile police contacts. In M. Klein & B. Myeroff (Eds.), Juvenile gangs in context. Los Angeles: University of California Press, 1964.
- McGillis, D. Attribution and the law: Convergence between legal and psychological concepts. Law and Human Behavior, 1978, 2, 289-300.
- McKeiver versus Pennsylvania, 403, U.S. 528 (1971).
- Minuchin, S. Families and family therapy. Cambridge, Mass.: Harvard University Press, 1974.

Model Penal Code. (American Law Institute, 4025 Chestnut Street, Philadelphia, Pa., 19104), 1962.

Morris, N. The future of imprisonment: Toward a punitive philosophy. Michigan Law Review, 1974, 72, 1161-1180.

Myerhoff, H. & Myerhoff, B. Field observations of middle class gangs. Social Forces, 1964, 42, 328-336.

National Advisory Committee on Criminal Justice Standards and Goals. Juvenile Justice and delinquency prevention. Report of the Task Force on Juvenile Justice and Delinquency Prevention. Washington, D.C.: U.S. Government Printing Office, 1976.

National Probation and Parole Association. Guides for juvenile judges. New York: National Probation and Parole Association, 1951.

Neisser, U. Cognition and reality. San Francisco: W. H. Freeman, 1976.

Nettler, G. Explaining crime. New York: McGraw-Hill, 1974.

New Jersey Statutes. 2A: 4-14 (1952).

Nie, N., Hull, C., Jenkins, J., Steinbrenner, K., & Bent, D. Statistical package for the social sciences. New York: McGraw-Hill, Inc., 1975.

Paulsen, M. & Whitebread, C. Juvenile law and procedure. Nevada: National Council of Juvenile Court Judges, 1974.

Pennebaker, J. & Skelton, A. Selective monitoring of physical sensations. Journal of Personality and Social Psychology, 1981, 41, 213-223.

Perlman, D. Attribution in the criminal justice process: Concepts and empirical illustrations. In P. Lippitt & B. D. Sales (Eds.), New directions in psychological research. New York: Van Nostrand Reinhold, 1979.

Piazza, T. A working guide to ECTA (Everyman's Contingency Table Analyzer). Berkeley, California: University of California, Survey Research Center, 1975.

Piehl, J. Integration of information in the "Courts": Influence of physical attractiveness on amount of punishment for a traffic offender. Psychological Reports, 1977, 41, 551-556.

Piliavin, I. & Briar, S. Police encounters with juveniles. American Journal of Sociology, 1964, 70, 206-214.

Platt, A. The child savers. Chicago: University of Chicago Press, 1969.

- Quinney, R. Criminal justice in America. Boston: Little & Brown, 1974.
- Reiss, A. Discretionary justice in the United States. International Journal of Criminology and Penology, 1974, 2, 181-205.
- Reynolds, D. E. & Sanders, M. S. The effects of defendant attractiveness, age, and injury severity on sentence given by simulated jurors. Paper presented at the Western Psychological Association meeting, 1973.
- Roseheim, M. Notes on helping: Normalizing juvenile nuisances. Social Service Review, 1976, 50, 177.
- Rothman, D. The discovery of the asylum. Boston: Little, Brown & Co., 1971.
- Rubin, T. The courts: Fulcrum of the justice system. Pacific Palisades: Goodyear Publishing, 1976.
- Sarri, R. & Hasenfeld, Y. Brought to justice? Juveniles, the courts, and the law. Ann Arbor: The University of Michigan, 1976.
- Schank, R. & Abelson, R. Scripts, plans, goals, and understanding: An inquiry into human knowledge structures. Hillsdale, N.J.: Erlbaum, 1977.
- Schneider, D., Hastorf, A., & Ellsworth, P. Person perception. Reading, Mass.: Addison-Wesley Publishing Co., 1979.
- Schur, E. Labeling deviant behavior: Its sociological implications. New York: Harper & Row, 1971.
- Shaver, K. G. An introduction to attribution processes. Cambridge, Mass.: Winthrop Publishers, 1975.
- Shaw, M. E. & Reitan, H. T. Attribution of responsibility as a basis for sanctioning behavior. British Journal of Social and Clinical Psychology, 1969, 8, 217-226.
- Shaw, M. E. & Sulzer, J. L. An empirical test of Heider's levels of attribution of responsibility. Journal of Abnormal and Social Psychology, 1964, 69, 39-46.
- Short, J. & Nye, F. Extent of unrecorded delinquency, tentative conclusions. Journal of Criminal Law, Criminology, and Police Science, 1958, 49, 296-302.
- Sigall, H. & Ostrove, N. Beautiful but dangerous: Effect of offender attractiveness and nature of the crime on juridic judgment. Journal of Personality and Social Psychology, 1975, 31, 410-414.

- Snyder, M. Self-monitoring processes. In L. Berkowitz (Ed.), Advances in experimental social psychology (Vol. 12). New York: Academic Press, 1979.
- Snyder, M., Tanke, E. & Berscheid, E. Social perception and interpersonal behavior: On the self-fulfilling nature of social stereotypes. Journal of Personality and Social Psychology, 1977, 35, 655-666.
- Solomon, M. & Schopler, J. The relationship of physical attractiveness and punitiveness: Is the linearity assumption out of line? Personality and Social Psychology Bulletin, 1978, 4, 483-486.
- Sulzer, J. Heider's "levels model" of responsibility attribution. Paper presented at the Symposium on Attribution of Responsibility Research, Williamsburg, Virginia, July, 1971.
- Sutherland, E. & Cressey, D. Criminology (9th ed.). Philadelphia: J. B. Lippincott, 1974.
- Taylor, S. & Crocker, J. Schematic bases of social information processing. In E. T. Higgins & M. P. Zanna (Eds.), The Ontario Symposium on Personality and Social Psychology, (Vol. 1). Hillsdale, N.J.: Lawrence Erlbaum, 1981.
- Taylor, S., Fiske, S., Etcoff, N. & Ruderman, A. The categorical and contextual bases of person memory and stereotyping. Journal of Personality and Social Psychology, 1978, 36, 778-793.
- Teeters, N. & Reinemann, J. The challenge of delinquency. New York: Prentice-Hall, 1950.
- Terry, R. Discrimination in the handling of juvenile offenders by social control agencies. Research in Crime and Delinquency, 1967, 14, 214-231.
- Thomas, C. W. & Cage, R. J. The effect of social characteristics on juvenile court dispositions. Sociological Quarterly, 1977, 18, 237-252.
- Thornberry, J. P. Race, Socioeconomic status, and sentencing in the juvenile justice system. Journal of Criminal Law and Criminology, 1973, 64, 90-98.
- Unger, R. Female and male: Psychological perspectives. New York: Harper & Row Publishers, 1980.
- United States versus Costanzo, 395 F.ad441 (4th Cir. 1968).
- Upton, G. The analysis of cross-tabulated data. New York: John Wiley & Sons, 1977.

- Van Den Haag. Punishing criminals. New York: Basic Books, 1975.
- Weber, M. Max Weber on law in economy and society. M. Rheinstein (Ed.). Cambridge: Harvard University Press, 1954.
- Weiner, N. & Willie, C. Decisions by juvenile officers. American Journal of Sociology, 1971, 76, 199-210.
- Wellford, C. Labeling theory and criminology: An assessment. Social Problems, 1975, 22, 332-345.
- Wilks, J. & Martinson, R. Is the treatment of criminal offenders really necessary? Federal Probation, 1976, XXX, 3-8.
- Wise, N. Juvenile delinquency among middle class girls. In E. Vaz (Ed.), Middle class juvenile delinquency. New York: Harper & Row, 1967.
- Wolfgang, M., Figlio, R. & Sellin, T. Delinquent in a birth cohort. Chicago: University of Chicago Press, 1972.
- Woodbridge, F. Physical and mental infancy in the criminal law. University of Pennsylvania Law Review, 1939, 87, 426-454.
- The youth crime plaque. Time, July 11, 1977, 18-22.
- Zadny, J. & Gerard, H. Attributed intentions and informational selectivity. Journal of Experimental Social Psychology, 1974, 10, 34-52.

Appendix A

Multidimensional Contingency Table

Analyses of Intake and Docket Records

Table A.1

Contingency Table Analysis of Intake Decision (A) X Offense Type (B)  
X Complainant Type (C) X race (D) X Sex (E)

Effect	D.F.	Likelihood Ratio
AXBXCXDXE	2	.68
AXBXDXE	4	.96
AXBXCXD	6	1.34
AXBXD	8	4.88
AXCXDXE	10	6.91
AXCXE	12	6.99
AXCXD	14	8.57
AXD	16	14.77*
AXBXCXE	18	15.29
AXBXC	20	16.53
AXCXE	22	18.07
AXC	24	27.14*
AXBXE	26	33.83*
AXB	28	62.96**
AXE	30	66.20

\* $p < .05$   
\*\* $p < .001$



Table A.2  
Multidimensional Contingency Table Analysis  
of Court Dockets for Disposition (A) X Crime (B)  
X Sex (C) X Year (D) X Social Investigation (E)

Effect	D.F.	Likelihood Ratio
AXBXCXDXE	4	2.11
AXBXCXD	8	2.90
AXBXDXE	12	5.55
AXBXD	16	22.78**
AXCXDXE	18	24.53
AXDXE	20	26.05
AXCXD	22	32.21*
AXD	24	42.44**
AXBXCXE	28	44.49
AXBXC	32	45.88
AXCXE	34	53.81*
AXC	36	53.86
AXBXE	40	66.12*
AXB	44	97.12***
AXE	46	134.36***

\* $p < .05$   
 \*\* $p < .01$   
 \*\*\* $p < .001$

Appendix B  
Protocol for Categorization of Variables  
in the Social Investigation Records

Protocol for Categorization of Variables  
in the Social Investigation Records

Personal Case Variables

Child's Attitude at the Time of Arrest (demeanor): 0=cooperative or no mention; 1=uncooperative.

Probation Officer's Evaluation of the Child at the Time of the Social Investigation (P.O. evaluation): 0=cooperative and/or contrite; 1=uncooperative or absence of regret toward delinquency behavior.

Currently Employed (employed): 0=yes; 1=no.

Psychological Evaluation Order (evaluation): 0=no; 1=yes

Behavior in School

Retention in a Grade at School (retained): 0=no; 1=yes.

Assignment of Child to Classes for Children with Learning or Emotional Problems (special classes): 0=no; 1=yes.

School Attendance Record (truant): 0=no; 1=yes.

Grades in School (grades): 0=satisfactory; 1=unsatisfactory.

Child's Social Adjustment in School (school adjustment): 0=satisfactory or no mention; 1=poor.

Identification of Child as Retarded or Learning Disabled (L.D.): 0=no; 1=yes.

School Dropout (dropout): 0=no; 1=yes.

Legal Case Variables

Number of Previous Court Appearances (prior record): total number.

Presence of a Lawyer (lawyer): 0=no; 1=yes.

Number of Previous Intakes (previous intakes): total number.

Most Recent Crime for Which the Child was Brought to Court (offense): 1=status offense; 2=property or person misdemeanor; 3=property felony; 4=person felony.

Most Recent Previous Court Disposition (previous disposition): 0=none; 1=nominal; 2=conditional; 3=custodial.

### Legal Case Variables (cont'd)

Number of Separate Charges Associated with Most Recent Offense (charges): total number.

Most Recent Previous Crime (previous crime): 0=none; 1=status; 2=misdemeanor; 3=felony.

Previous Probation (previous probation): 0=no; 1=yes.

Probation Officer's Recommendation (P.O. recommendation): 0=nominal; 1=conditional; 2=custodial.

### Family Variables

Estimated Ability of the Caretaker to Provide for the Economic Needs of the Family (economic status): 0=yes; 1=no.

Parents' Marital Status (marital status): 0=married; 1=divorced; separated or never married.

History of Parental Problems Which Included Alcoholism, Illegal Behavior, Drug Addiction, Child or Spouse Abuse, Chronic Illness or Unemployment (family problems): 0=no or no mention; 1=yes.

Delinquent Siblings (delinquent siblings): 0=no or no mention; 1=yes.

Adequacy of the Home for the Physical Needs of the Family (adequacy of home): 0=adequate; 1=inadequate.

Residence in High Crime Area (crime residence): 0=no; 1=yes.

History of Custody Dispute (custody): 0=no; 1=yes.

Mother's Attitude Toward the Child (mother's attitude): 0=supportive or does not apply; 1=unsupportive, indifferent, or angry.

Father's Attitude Toward the Child (father's attitude): 0=supportive or does not apply; 1=unsupportive, indifferent, or angry.

Child's Caretaker (caretaker): 0=both parents; 1=one parent; 2=other (relative, friend, foster home).

Recipient of Special Community Services (Welfare, Counseling) for Child and Family (special services): 0=no; 1=yes.

### Demographic Variables

Age of Child to Closest Year (age): age.

Sex (sex): 0=male; 1=female.

Race (race): 0=white; 1=black.

Appendix C

Additional Data From Analyses of  
Social Investigations

Table C.1  
Frequencies Associated with Disposition  
and Variables Abstracted from Social Investigations

		Disposition			N	x <sup>2</sup>
		Nominal	Conditional	Custodial		
Prior Record						
No		38 (45.2%)	42 (50.0%)	4 (4.8%)	84	89.93**
Yes		75 (32.1%)	80 (34.2%)	79 (33.7%)	234	
Previous Probation						
No		48 (54.1%)	33 (37.9%)	6 (6.9%)	87	77.29**
Yes		65 (28.1%)	89 (38.5%)	77 (33.4%)	231	
Lawyer						
No		18 (43.9%)	19 (46.3%)	4 (9.8%)	41	176.71**
Yes		95 (34.3%)	103 (37.2%)	79 (28.5%)	277	
Previous Intakes						
No		67 (39.9%)	58 (34.5%)	43 (25.6%)	168	8.35*
Yes		46 (30.6%)	64 (42.7%)	40 (26.7%)	150	
Type of Crime						
Misdemeanor		67 (46.6%)	59 (41.0%)	18 (12.5%)	144	10.61**
Felony		46 (26.5%)	63 (36.2%)	65 (37.4%)	174	
Marital Status of Parents						
Married		52 (47.7%)	36 (33.0%)	21 (19.3%)	109	33.66**
Divorced/Other		61 (29.2%)	86 (41.1%)	62 (29.7%)	209	
Unusual Family Problems						
No		49 (46.7%)	43 (41.0%)	13 (12.4%)	105	46.25**
Yes		63 (29.8%)	79 (37.3%)	70 (33.0%)	212	
Delinquent Siblings						
No		85 (38.6%)	77 (35.0%)	58 (26.4%)	220	58.64**
Yes		28 (28.8%)	45 (46.4%)	24 (24.7%)	97	

1

2

3

Table C.1 (continued)

	Nominal	Conditional	Custodial	N	$\chi^2$
Physical Adequacy of the Home					
Poor	18 (21.2%)	23 (40.0%)	33 (38.8%)	85	46.84**
Good	85 (40.7%)	88 (37.8%)	50 (21.5%)	233	
Home Located in High Crime Area of City					
Yes	31 (31.4%)	40 (40.4%)	28 (28.3%)	99	51.52**
No	82 (37.4%)	82 (37.4%)	55 (25.1%)	219	
Custody History					
Yes	9 (21.0%)	16 (37.2%)	18 (41.9%)	43	166.7 **
No	104 (37.8%)	106 (38.5%)	65 (23.9%)	275	
Mother's Attitude Toward the Child					
Positive	87 (41.3%)	84 (39.8%)	40 (19.0%)	211	18.30**
Negative	26 (24.3%)	38 (35.5%)	43 (40.2%)	107	
Probation Officer's Recommendation for Disposition					
Nominal	90 (60.5%)	19 (17.1%)	3 (5.6%)	110	179.46**
Conditional	29 (19.3%)	83 (74.8%)	9 (16.7%)	121	
Custodial	31 (20.7%)	9 ( 8.1%)	42 (77.8%)	82	
Demeanor					
Cooperative	87 (39.7%)	86 (39.3%)	46 (21.0%)	219	27.86**
Uncooperative	26 (26.3%)	36 (36.4%)	37 (37.4%)	99	
Probation Officer's Evaluation of Demeanor					
Positive	92 (49.2%)	71 (38.0%)	24 (28.9%)	187	28.57**
Negative	12 ( 9.2%)	60 (45.8%)	59 (45.0%)	211	
Current Employment Record					
Employed	41 (36.9%)	47 (42.3%)	23 (20.7%)	111	36.81**
Unemployed	72 (34.8%)	75 (36.2%)	60 (29.0%)	207	
Retained in School					
Yes	26 (33.6%)	33 (44.0%)	16 (21.3%)	75	93.51**
No	87 (35.3%)	89 (36.0%)	67 (27.6%)	243	



Table C.1 (continued)

	Nominal	Conditional	Custodial	N	$\chi^2$
Special Class in School					
Yes	42 (30.2%)	54 (38.8%)	43 (30.8%)	139	14.34*
No	71 (39.7%)	68 (38.0%)	40 (22.3%)	179	
Truant					
Yes	38 (27.9%)	57 (41.9%)	41 (30.1%)	136	17.88**
No	75 (41.2%)	65 (35.7%)	42 (23.1%)	182	
Grades					
Poor	30 (29.7%)	41 (40.6%)	30 (29.7%)	101	57.23**
Satisfactory	93 (38.2%)	81 (37.3%)	53 (24.4%)	217	
School Social Adjustment					
Poor	48 (32.5%)	47 (31.8%)	53 (35.8%)	148	10.89**
Satisfactory	65 (38.2%)	75 (44.1%)	30 (17.6%)	170	
Age					
Less than or equal to 15	37 (38.1%)	41 (42.3%)	19 (19.6%)	97	54.74**
Greater than 15	74 (34.3%)	79 (36.6%)	63 (29.2%)	216	
Sex					
Male	99 (34.6%)	107 (37.4%)	80 (28.0%)	286	189.23**
Female	14 (45.1%)	14 (45.2%)	3 (9.7%)	31	
Race					
White	73 (38.6%)	70 (37.0%)	46 (24.3%)	189	7.04**
Black	40 (31.0%)	52 (40.3%)	37 (28.7%)	129	

\* $\frac{n}{p} < .05$   
 \*\* $\frac{n}{p} < .005$

Table C.2

Varimax Rotated Factor Matrix for Variables Abstracted  
from Social Investigations

Variables	Factors					
	Family In- stability	Special Needs	Broken Home	Crime Area	Age	Crime Severity
Family History	.64	-.18	.28	-.08	.02	-.11
Adequacy of Home	.46	.10	.15	.38	.08	.10
Mother's Attitude	.80	.06	.05	.08	.01	.14
Father's Attitude	.67	.17	.10	.03	.01	.16
Custody	.32	.32	.15	.05	.04	.01
Economic Status	.82	.08	.05	.05	.05	.04
School Adjustment	.28	.48	.02	.08	.11	.00
Special Class	.02	.64	.09	.18	.01	.14
Special Services	.19	.55	.03	.29	.15	.10
Learning Disability	.06	.68	.06	.03	.05	.11
Marital Status	.13	.03	.89	.12	.08	.01
Prime Caretaker	.19	.03	.87	.01	.03	.08
Crime Residence	.05	.15	.01	.70	.07	.22
Race	.08	.10	.13	.75	.08	.17
Prior Record	.28	.21	.00	.02	.52	.04
Age	.07	.11	.02	.10	.75	.09
School Dropout	.21	.02	.01	.03	.64	.05
Employed	.18	.17	.13	.10	.51	.07
Offense	.03	.10	.02	.21	.04	.63
Total Charges	.06	.08	.06	.32	.09	.48
P.O. Recommendation	.07	.11	.05	.08	.05	.65
Sex	.12	.13	.09	.19	.14	.03
Psychological	.16	.28	.06	.03	.24	.05
P.O. Evaluation	.15	.19	.02	.08	.02	.23
Demeanor	.02	.06	.05	.14	.04	.08
Truancy	.10	.08	.09	.05	.01	.01
Retention	.18	.08	.15	.02	.02	.02
Grades	.10	.03	.17	.09	.01	.01

Table C.2 (continued)

Variables	Factors		
	Psychological Adjustment	Demeanor	School Performance
Family History	.06	.21	.01
Adequacy of Home	.34	.04	.18
Mother's Attitude	.05	.01	.02
Father's Attitude	.11	.04	.04
Custody	.17	.04	.22
Economic Status	.00	.11	.03
School Adjustment	.27	.15	.02
Special Class	.15	.04	.04
Special Services	.06	.07	.18
Learning Disability	.12	.06	.18
Marital Status	.04	.01	.03
Prime Caretaker	.02	.05	.01
Crime Residence	.08	.17	.01
Race	.01	.05	.05
Prior Record	.35	.27	.04
Age	.16	.13	.11
School Dropout	.05	.13	.12
Employed	.02	.15	.03
Offense	.13	.11	.08
Total Charges	.30	.01	.01
P. O. Recommended	.14	.08	.06
Sex	.49	-.36	.08
Psychological P.O.	.54	.01	.12
Evaluation	.48	.38	.06
Demeanor	.15	.70	.08
Truancy	.16	.65	.16
Retention	.11	.11	.73
Grades	.17	.06	.72

Table C.3  
Multidimensional Contingency Table Analysis of Social Investigations:  
Disposition (A) X Seriousness of Crime (C) X Prior Record (P) X  
Social Variable Score (S)

Effect	D.F.	Likelihood Ratio
AXCXPXS	3	7.54
AXPXS	6	7.64
AXCXS	9	9.19
AXS	12	22.85**
AXCXP	13	27.78*
AXP	14	32.48*
AXC	15	39.01**

\* $\underline{p} < .05$   
\*\* $\underline{p} < .01$

Table C.4

Multidimensional Contingency Table Analyses of Social Investigations:  
Disposition (D) X Crime (C) X Social Variable Score (V) X Sex (S)

Effect	D.F.	Likelihood Ratio
DXCXVXS	2	.06
DXCXS	4	1.07
DXVXS	6	10.24**
DXS	8	15.42*
DXCXV	10	24.55**
DXV	12	46.03**
DXC	14	71.16**

\* $\underline{p} < .05$   
 \*\* $\underline{p} < .005$

**Appendix D**  
**Case Histories**

## Case Histories

1. W. A. is a 14 year old black male who is presently before this court on charges of breaking and entering. W. A. and three co-defendants collectively decided to enter the Jackson Via School by breaking a window. They were apprehended inside the building by the janitor. W. A. says the offense was committed "on a dare". He says that there is little chance that anything serious could result from the offense.

Mr. and Mrs. A. on the other hand, are taking the matter quite seriously. They insisted that W. A. pay for the damage to the school and are exploring options in family counseling. The parents appear genuinely concerned.

W. A. has one prior offense with this court. He was charged with felonious assault.

2. M. C. is a 16 year old white male presently before the court on charges of grand theft auto. M. C. reports that he and a friend were walking near the railroad tracks when they saw a car with the keys in it. The boys decided to steal the car. They drove to Norfolk where they were stopped by Norfolk police. M. C. reports that he was really scared most of the time. He says that he knows what they did was wrong and he wants to avoid future legal entanglements.

Mrs. C. seems to be rather unconcerned about her son's activities. She admits that she made no attempt to locate her son while he was missing despite the fact that he was gone over-night. She also admits that she has disciplinary problems with her son and that she has given up attempting to impose any regulations at all. She is reported to have laughed when told that her son was being detained.

M. C. has one prior charge for shoplifting.

3. A. T. is a fifteen year old white female who is presently before the court on charges of shoplifting. She is accused of removing \$43.86 worth of merchandise from Miller and Rhoads. She was apprehended, leaving the store, by a detective.

A. T. is the product of an extremely poor homelife. A psychologist from Blue Ridge Mental Clinic describes the mother-daughter relationship as one in which the daughter is playing the "mother" role. Mrs. T. expresses no concern or even interest in her child.

When questioned concerning the theft, A. T. stated that she is very sorry and that stealing is wrong. She says that she will never do it again.

A. T. has two prior charges with this court. The last charge was also for shoplifting.

4. S. B. is a fourteen year old black female who is presently before the court on charges of assault and battery. She is charged with stabbing her boyfriend following an argument.

Mrs. B. expresses concern about her child. She and Mr. B. provide a stable family environment in a well-maintained house.

S. B. states that she is extremely sorry about the harm she caused, and would accept any help to prevent her from future problems with the court.

S. B. has two prior charges before this court. The last offense was a felonious assault charge.

5. P. D. is a fifteen year old black female who is presently before the court on a charge of arson. She is accused of setting fire to an unoccupied dwelling in her neighborhood.



When questioned concerning the offense, P. D. broke into tears. She says she is sorry about what she did and is extremely frightened of the possible consequences. She admits to her guilt on the arson charge.

Mr. and Mrs. D. appear to be hard working, honest people whose main concern is providing for their children. Mr. D. works long hours and regrets the minimal contact he has with his children. Mrs. D. also works long hours although she is frequently ill with an asmatic condition. She is worried about her daughter and wants to help her as best as she can.

P. D. has three previous charges for trespassing.

6. R. R. is a fourteen year old girl presently before the court on charges of felonious assault. According to R. R., she was approached at school by a male student who told her to meet a friend outside. When R. R. refused, he cursed her and threatened "to get her" after school. When she left school she took a linoleum cutter from art class. R. R. says that her two antagonists were waiting for her and she used the cutter to defend herself. Although R. R. insists that she acted in self-defense, she says she is sorry she didn't find a way to avoid the incident.

The R.'s appear to be responsible and concerned parents. They have supported their child while cooperating with the police. The house is more than adequate for the family of five.

R. R. has two prior offenses with this court. The last charge involved a bomb threat that was called into the Charlottesville High School and subsequently traced to the defendant.

7. G. F. is a sixteen year old white female who is presently before the court on charges of auto theft. When questioned concerning the theft, G. F. confessed that she took the car to run away from home and to visit her boyfriend in Waynesboro. She says now that her behavior was foolish

and irresponsible. She says that she is willing to accept any punishment the court may require.

The family situation is quite confused. Mr. F. accuses his wife of undermining his efforts at discipline. Mrs. F. appears to be a very weak woman, while his husband is very strict and prone to a physical means of discipline for his three children. He has been in trouble with the law for various incidents of fighting. Mr. F.'s main concern for his daughter's present situation is the financial strain it is imposing on the family.

G. F. has one prior offense with this court for destruction of private property.

8. L. J. is a fifteen year old white female who is presently before the court on charges of forgery. She is accused of cashing six checks, totaling \$250., by forging her father's signature. When questioned concerning the incident, L. J. tearfully replied that she knew what she did was wrong. She wants to get enough money saved to leave home. She says that she realizes that she could have gotten money without committing a crime.

Subsequent investigation revealed that the child's father encouraged her to leave. Mrs. J. supports her husband. They deprive the child of food and clothing because they suspect her of immoral behavior. They believe the child would be better off in jail.

L. J. has two prior charges with this court. The last charge was for assault with a weapon.

9. D. R. is a sixteen year old black female who is presently before the court on charges of forgery. She is charged with forging \$62.89 worth of checks belonging to her boyfriend's father. D. R. expresses very little concern about the charge or its consequences because only a small amount of money was involved.

Mrs. R. states that D. R.'s father died when she was quite young and since that time, D. R. has been her mother's main focus. Mrs. R. has never remarried and there are no siblings. Mrs. R. is a concerned parent who is willing to cooperate with any court action.

This is D. R.'s second offense with this court. The last charge was for possession of marijuana.

10. J. E. is a sixteen year old white female who is presently before the court on charges of aggravated assault. According to J. E., her boyfriend had fathered a child by the victim. She is charged with striking the pregnant girl twice.

In discussing the incident, J. E. displays a great deal of hostility towards the victim and exhibits no regrets. She seems unconcerned about her future.

Both of J. E.'s parents are very concerned about her. They are shocked by her behavior, but want to help her. They provide a comfortable home for the family.

J. E. has one prior offense of assault with a weapon.

11. J. T. is a 14 year old white male who is presently before the court on a charge of sniffing glue. He has been sniffing glue for six months, as often as twice a week. J. T. states that he knows that it is dangerous but refuses to stop. He says that he does things when he is high that he could never do otherwise. The behavior was discovered by J. T.'s homeroom teacher in the school restroom. He has refused offers of drug therapy.

J. T.'s home life is not a positive one. Mr. T. deserted the family when J. T. was 10 years old. Since her husband's departure, Mrs. T. has

requested help from social services because of her alcoholism. J. T. receives little supervision at home.

J. T. has one prior offense with this court for sniffing glue.

12. P. A. is a fourteen year old white female who is presently before the court on a curse and abuse charge. The complainant says that P. A. spit on her and called her "bad names". P. A. denies that she ever spit at "or even looked at" the complainant. P. A. has refused to cooperate with the court and has been unpleasant to the police.

Mrs. A. has never been married and has five children by various men. P. A. relates a history of various men living in the home. Mrs. A. is not supportive or encouraging of her children. The children generally make their own decisions. Mrs. A.'s only comment concerning the present charge was to agree with her daughter that the complainant had a habit of causing trouble for people.

P. A. has a previous offense for possession of marijuana.

13. M. K. is a fifteen year old white female who is presently before the court on charges of shoplifting. She was picked up with a companion at K-Mart by a store detective.

M. K. refuses to accept any responsibility for the offense since she took nothing herself, although she admits that she knew her friend was stealing. M. K. was reportedly uncooperative with both the store detective and the police.

The K.'s provide a clean and well-maintained home for M. K. and her two sisters. The K.'s are cooperative and will do what they can to prevent future court contacts by their daughter.

M. K. has two prior charges with this court. The last charge was for felonious assault.

14. S. P. is a fourteen year old white female who is presently before the court on charges of assault and battery. In discussing the incident, S. P. reports that she received threats from the complainant for several weeks prior to running into her outside the Safeway supermarket. S. P. was with two friends when the incident occurred. S. P. says that what she did was "dumb" and that she knows better.

Mr. and Mrs. P. are genuinely concerned about S. P. They provide a comfortable and loving home for the child.

S. P. has two prior charges with this court. The last charge was for destruction of public property and resulted from damage done to the restroom facility at McIntire Park.

15. R. S. is a fifteen year old white female who is presently before the court on charges of felonious assault. According to R. S., she and a few friends were riding around when they ran into the car the victim was driving. She reports that the victim jumped out of the car and began cursing them. She further states that she knocked the woman to the ground and began kicking her. She expresses a great deal of regret for her behavior which she believes deserves punishment.

Mr. and Mrs. S. reportedly have an excellent relationship with their two children. Mrs. S. is very firm and sets clear rules for behavior. She indicates that she rarely has a problem with R. S. and was very surprised to learn that she was involved in such a serious incident.

R. S. has had three previous involvements with this court. Her last charge was for unauthorized use of her uncle's car.

16. B. N. is a sixteen year old black female who is presently before the court on a charge of concealment. She was apprehended by Woolco store detectives, leaving the store with a dress valued at \$10.98.

When interviewed, B. N. displayed a great deal of verbal hostility towards the store detective for bringing the charges. She feels that it was "no big deal" and that they are bringing charges against her because she is black.

Mr. N. is recently deceased. Mrs. N. says she is not surprised by her daughter's behavior. She has been described by various agencies working with the family as irresponsible and harsh. Mrs. K. says that being a mother to her four children is the biggest disappointment of her life.

B. N. has one prior felonious assault charge on her record.

17. H. P. is a sixteen year old white female who is presently before this court on charges of impeding a police officer. The charge stems from an incident in which H. P. attempted to physically prevent the officer from arresting her. Her father has a serious criminal background and is presently in prison for murdering a companion. Mrs. P. says that she has too many problems to worry about her daughter. There are seven children in the family.

When questioned, H. P. relates that she realizes what she did was wrong. She states that she really lost her head in all the confusion. She became angry when she realized that the officer came to take her brother away.

H. P. has two prior charges with this court. The last offense was an assault and battery.

18. D. H. is a 15 year old black male presently before the court on charges of felonious assault. According to witnesses, the victim was walking along the road when someone leaned out of a passing vehicle, struck and knocked him down. D. H. admitted that he was driving, but

denied knowledge of what the other juvenile riding with him was doing until after the victim was knocked down. He states that he should have stopped immediately, but that he panicked when he realized someone was hurt. D. H. reports that he proceeded to drive away before turning around to help the victim. D. H. and the other juvenile were arrested as they tried to drive away from the scene.

Mr. and Mrs. H. have been divorced for two and a half years and D.H. has been shuttled back and forth between his parents since they were divorced. He is presently living with his father and his father's girlfriend. Mrs. H. appears to be unable to control her son and has admitted that she tends to take out much of her frustration on her son.

D. H. has three prior charges with this court. The last charge was a felonious assault.

19. S. C. is a sixteen year old white female who is presently before the court on charges of assault with a weapon. She is charged with stabbing a student during a fight at school. S. C. states rather proudly that she is "afraid of no one and never walks away from a fight". She does not believe she will suffer severe legal consequences because of her age.

Mrs. C. is an inept parent who is unable to control her five adolescent children. The children never knew their father. All five have had juvenile court involvement. Mrs. C. spends much of her day in bed although she does not have a history of poor physical health.

This is the second charge of felonious assault for S. C. with this court.

20. G. L. is a sixteen year old black male presently before the court on charges of assault with a weapon. He is charged with attacking his resource teacher with a razor.

When questioned concerning the offense, G. L. quickly admitted his guilt and accepted full responsibility for the incident. He reports that he has made an effort to control his temper since the episode occurred.

G. L.'s parents appear to be a warm and loving couple and they are good providers for their family. They express considerable concern over their son's delinquency.

G. L. has three prior charges with this court. All are for shoplifting.

21. J. L. is a 15 year old white male who is presently before the court on charges of felonious assault. He is charged with stabbing a neighbor during a heated argument which took place in the L. home. J. L. reports that the victim was quite drunk and that he was simply trying to get the man to leave his home when the victim became quite abusive. J. L. says that he became angry when the man started yelling at his mother. He grabbed a kitchen knife that was lying near by and stabbed the man in the arm.

Mrs. L. and her family have apparently been subjected to abuse from men in the neighborhood since Mr. L.'s death. J. L. feels that he must stand up for his mother.

Mother and son get along very well and both seem to be working hard at keeping the family together. Mrs. L. is presently searching for another area to move her family. Both mother and son regret the incident and J. L. feels he must learn better self-control.

J. L. has three prior offenses. The last charge was also a felonious assault charge which occurred under similar circumstances.

22. L. N. is a 16 year old black male presently before the court on charges of robbery. He is charged with entering the home of an elderly couple with some friends and robbing them.



Attempts by this investigator to discuss the incident with L. N. have been fruitless. He is defiant and uncooperative. The police report that he was uncooperative with their investigation.

Mrs. N. appears to be at a loss to explain her son's behavior. She reports that she has been unable to control her son since her husband's death a year ago. She has attempted to initiate family counseling on several occasions, but has met with no success in persuading L. N. to attend.

L. N. has two prior charges with this court. The last charge was a trespassing charge brought by Jackson via School officials.

23. J. R. is a fifteen year old black male presently before the court on charges of grand theft. The charge was brought by his parents. According to his mother, J. R. stole his father's coin collection valued at \$175, following a fight with her.

When questioned concerning the theft, J. R. stated that he was mad at his mother for not giving him money. He stole the coins and sold them for the money. J. R. also reports that he sees bucking the system and getting away with offenses as a "challenge".

It is J. R.'s parents' opinion that J. R. will never amount to anything. According to Mrs. R. "he's just a bad kid, and always has been".

Mrs. R. appears to be a very domineering woman who insists on controlling those around her. Mr. R. stays aloof from his family and states that he spends very little time with them.

J. R. has two prior charges with this court. The last charge was a trespassing charge brought by the principal at Western Albemarle High School.

24. D. R. is a fifteen year old white male who is presently before the court on charges of forgery. He is charged with writing a check to Crozet Food Market, for \$100.00 and cashing it by forging another man's signature. When asked why he forged the check, D. R. replied that he "wanted the money".

D. R. comes from an extremely conflict-ridden family. His father and mother were divorced when D. R. was seven years old. D. R. and his mother lived with his maternal grandmother until recently. There was reportedly a great deal of conflict between D. R.'s mother and grandmother. Since his mother's re-marriage, D. R. has spent his time between his mother, father, grandmother, and various foster placements. He is currently living with his father and Mr. R.'s third wife.

D. R. has two prior offenses with this court. The last charge was for breaking and entering the Kentucky Fried Chicken Fast Food Service on Cherry Avenue.

25. R. M. is a 14 year old black male who is presently before the court on charges of trespassing. Three charges were brought by the principal of Venable Elementary School after R. M. was apprehended wandering through the halls. R. M. has been warned on numerous occasions to stay away from Venable School grounds.

In discussing the charges, R. M. says that he knows he should not have been at the school. He says that he meant no harm but was only there with a friend who was looking for his girlfriend. The friend, a thirteen year old juvenile, was also apprehended and charged.

R. M. has a good home life. His parents are supportive and have taken steps to help their son.

R. M. has one prior charge to trespassing.

26. E. B. is a 14 year old white male who is presently before the court on a charge of shoplifting. E. B. was apprehended with a friend by an A&P clerk for concealing flashlight batteries under his shirt while shopping. When questioned concerning the incident, E. B. relates that he feels that he made a stupid mistake. He was planning a camping trip and needed the batteries but did not have the money to pay for them.

E. B.'s parents were quite surprised to hear of his latest legal involvement. They feel that E. B. knows better. The B.'s are a frank couple who express genuine love and concern for their son.

E. B. has three previous charges with this court. The last offense was for breaking and entering.

27. F. K. is a 16 year old black male who is presently before the court on a charge of assault brought by the principal of Charlottesville High School. The charge is based on an incident in which F. K. was brought into the principal's office to give his side of an accusation brought by a fellow student. When F. K. was asked to leave, he refused and grabbed his accuser. It was necessary for F. K. to be physically restrained.

When questioned concerning the incident, F. K. admits that he was wrong and deserves punishment. F. K.'s family situation is somewhat disturbed. F. K. and one older sibling, were born prior to his mother's marriage. Mr. K. is not the children's biological father. The K.'s are now divorced and Mrs. K. says that she is an inconsistent parent. She can be extremely over-bearing at times, while at other times, disinterested in the children's activities.

F. K. has one prior charge. This charge was a curse and abuse charge brought by Mr. P., F. K.'s stepfather.

28. M. M. is a 14 year old black male who is presently before the court on charges of simple assault. M. M. reports that he was outside the Carver Recreation Center playing with several other children, when a rock was thrown through a window of the school. S. C. accused M. M. and was reportedly leaving to report the incident to the police when M. M. attacked him.

M. M. says that he lost his temper and jumped on the victim, wrestled him to the ground and began beating him about the face. In discussing the incident, M. M. states that he jumped the victim out of fear of getting into trouble with the police for something he didn't do. He now realizes that he could have handled it without getting into trouble. He appears to be contrite.

M. M.'s parents defend their son's behavior. Mr. M. says that it is too bad the boy was caught because he has a right to defend himself against liars. The M. family has eight children. Mr. M. is unemployed. Mrs. M. is a nurse's aide.

M. M. has three prior offenses before this court. The last charge was for felonious assault.

29. B. C. is a 16 year old white male presently before the court on a charge of attempted petty larceny. The charge was brought by University Police who report that B. C. was apprehended attempting to cut the chain lock to a bicycle which was parked on university grounds.

B. C.'s attitude toward the offense is somewhat nonchalant. He feels that the offense is not that serious, maintaining that "lot's of guys do it all the time".

B. C.'s mother expressed a great deal of concern about her son. She feels that her son's criminal activity is due to his desire to have things

which the family can't afford. A well-maintained three bedroom house provides adequately for the family's needs.

B. C. has three prior charges with this court. The last offense was a shoplifting charge.

30. A. C. is a 14 year old white male who is presently before the court on charges of destruction of private property. A. C. was caught leaving a vacant apartment located in the complex where his family lives. Upon entering the apartment, the manager found that the lock was broken, the walls vandalized, and several appliances were damaged. The estimated repair cost is \$285.

When questioned concerning the damage, A. C. reports that he has entered the apartment frequently, both alone and with friends to smoke pot. A. C. expressed anger toward the manager for pressing charges because the manager can afford to pay for the repairs with the high rent he charges. No remorse was expressed by A. C. for his criminal behavior.

Mr. and Mrs. C. on the other hand, are quite concerned about the incident and state that A. C. must take responsibility for his misbehavior. These parents have provided a stable and comfortable home for their child.

A. C. has one prior charge with this court. This offense was a charge brought by Charlottesville Police when they were called to the school about a quantity of cocaine found in A. C.'s locker.

31. L. B. is a 14 year old black male who is presently before the court on charges of petty larceny. He was arrested by Charlottesville Police for tampering with a Daily Progress vending machine, taking the newspapers and selling them for money. L. B. says that what he did is not serious. He says that he has seen other kids do it, too. He says that his lawyer will get him off.

There also appears to be a lack of parental involvement with L. B. Mr. B. was injured in a fall three years ago resulting in a permanent disability. The family is experiencing financial difficulties as a result. Both Mr. and Mrs. B. say that L. B.'s problems with the law are not as important as the family's problems.

L. B. has one prior charge with this court for breaking and entering.

32. R. A. is a sixteen year old black female who is presently before the court on charges of robbery. She is charged with attempting to rob a fellow student outside a classroom, by placing a knife to her throat. When questioned concerning the incident, R. A. admitted that she was guilty, but was abusive to and uncooperative with authorities. She also insists that since she was not the one who held the knife, she should not be charged. Four other juveniles were also charged in this offense.

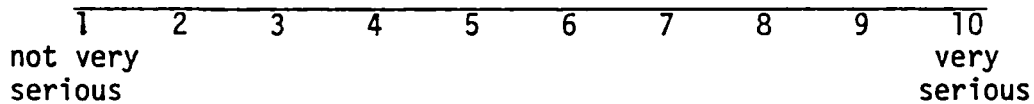
Both of R. A.'s parents are deceased. R. A.'s grandmother is the legal guardian. However, this woman works all day as a domestic and is unable to provide supervision for the child. The grandmother was unavailable for interview and has attempted to avoid attending any hearings involving the child.

R. A. has one previous assault charge.

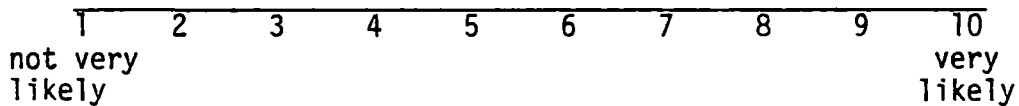
Appendix E  
Questionnaires

**DIRECTIONS:** Please answer the following questions by placing an "X" at the point on the line which best reflects your opinion.

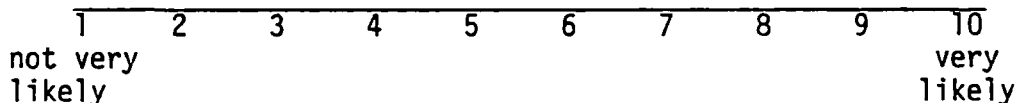
1. How serious do you think the present offense is?



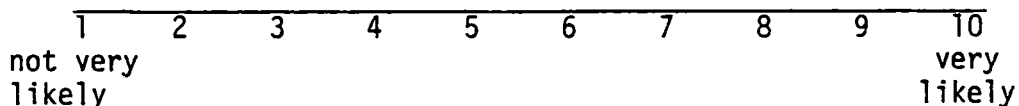
2. How likely do you think it is that this child will commit future crimes?



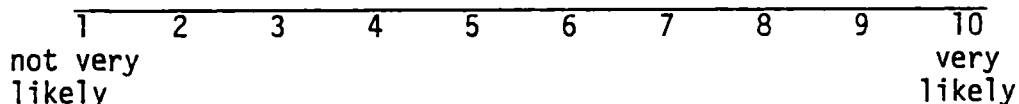
3. Do you think the child committed the offense on an impulse?



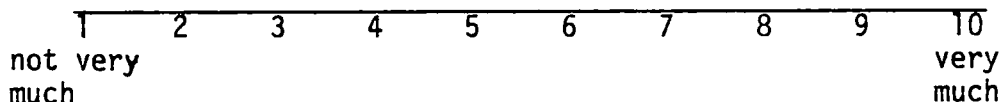
4. How likely do you think it is that the child planned the crime in advance?



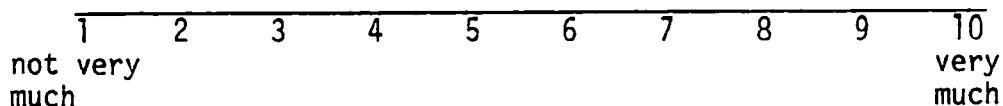
5. How well do you think this child can judge right from wrong?



6. How much do you feel this child should receive help from the juvenile court?



7. How much do you feel this child would benefit from counseling or psychiatric care?





8. How easily do you think this child might be influenced by friends to commit a crime?

1 2 3 4 5 6 7 8 9 10  
very not very  
easily easily

9. How emotionally stable do you think this child is?

1 2 3 4 5 6 7 8 9 10  
not very very  
stable stable

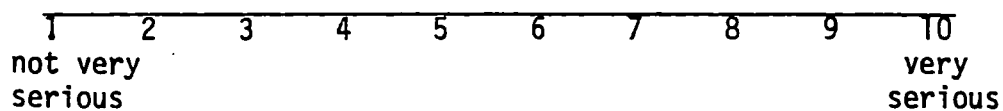
10. How much do you think the crime is a reflection of the child's family background?

1 2 3 4 5 6 7 8 9 10  
not very very  
much much

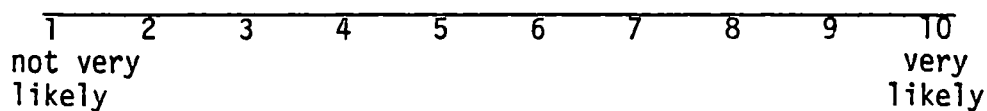
What, in your opinion, is the cause of the child's delinquent behavior?

Directions: Please answer the following questions by placing an "X" at the point on the line which best reflects your opinion.

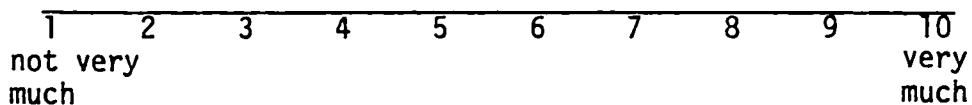
1. How serious do you think the present offense is?



2. How likely do you think it is that this child will commit future crimes?



3. How much do you feel this child should receive help from the juvenile court?



4. What is your disposition or recommendation for disposition for this child?

Appendix F  
Additional Tables from Analyses  
of Expert Judgments

Table F.1  
 Sex X Crime Interaction Between Courts for Experts'  
 Judgments of Premeditation in Delinquency<sup>1,2</sup>

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	<u>Court A</u>	<u>Court B</u>
<u>Misdemeanor</u>	1.13	-1.47
<u>Felony</u>	.21	1.42

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<sup>1</sup>Data on this measure are only available on Courts A and B.

<sup>2</sup>Scores represent difference scores between males and females at each level of crime and court. Positive scores indicate greater premeditation associated with males.

Table F.2  
Mean Ratings of Delinquent Behavior

Dependent Measures	N	<u>Sex</u>		<u>Crime</u>		<u>Attitude</u>	
		<u>Male</u>	<u>Female</u>	<u>Misdemeanor</u>	<u>Felony</u>	<u>Cooperative</u>	<u>Uncooperative</u>
Inter-vention	20	6.81	6.92	6.52	7.17	6.42	6.90
Risk	20	6.74	6.73	6.23	6.81	6.42	7.08
Serious-ness	20	6.61	6.78	6.12	7.24	6.74	6.63
Premedita-tion	11	5.09	5.17	4.92	5.51	4.42	5.77
Moral Character	11	5.78	5.56	5.74	5.78	5.98	5.34
Emotional Stability	11	4.96	4.45	4.81	4.63	4.75	4.78
Family Influence	11	5.74	5.83	5.51	6.16	5.88	5.72
Friends' Influence	11	4.51	5.19	4.92	4.81	5.16	4.64
Counseling	11	5.74	5.65	5.31	5.86	5.89	5.41

Note: Scale values range from 1 to 10.

Table F.2 (continued)

Dependent Measures	Family		Prior Record	
	<u>Stable</u>	<u>Unstable</u>	<u>Moderate</u>	<u>Severe</u>
Inter-vention	6.63	7.18	6.57	7.10
Risk	6.53	6.99	6.54	6.98
Serious-ness	6.72	6.61	6.63	6.81
Premedita-tion	4.94	5.26	5.01	5.19
Moral Character	5.89	5.52	5.88	5.43
Emotional Stability	4.97	4.41	4.62	4.84
Family Influence	4.52	6.83	5.64	5.91
Friends' Influence	4.85	4.94	4.74	5.03
Counseling	5.44	5.86	5.52	5.71

Note: Scale values range from 1 to 10.

Table F.3  
Means of Significant Two-Way Interactions for  
Recommended Intervention

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Crime X Attitude

Misdemeanor Positive Attitude	Misdemeanor Negative Attitude	Felony Positive Attitude	Felony Positive Attitude
6.29	6.88	7.22	7.09

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Crime X Prior Record

Misdemeanor Moderate Prior	Misdemeanor Serious Prior	Felony Moderate Prior	Felony Serious Prior
6.31	6.90	7.26	7.14

---

Attitude X Prior

Positive Attitude Moderate Prior	Positive Attitude Serious Prior	Negative Attitude Moderate Prior	Negative Attitude Serious Prior
5.82	6.48	6.39	6.57

---

Sex X Attitude

Positive Attitude Male	Negative Attitude Male	Positive Attitude Female	Negative Attitude Female
6.50	7.19	7.08	6.71

---

Sex X Family

Stable Family Male	Unstable Family Male	Stable Family Female	Unstable Family Female
6.41	7.27	6.82	7.07

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Table F.4  
Means of Significant Two-Way Interactions for  
Experts' Judgments of Delinquents' Risk to  
Commit Future Crimes

<u>Crime X Prior</u>			
Misdemeanor Moderate Prior	Misdemeanor Serious Prior	Felony Moderate Prior	Felony Serious Prior
6.11	7.08	6.89	6.97
<u>Family X Prior</u>			
Stable Family Moderate Prior	Unstable Family Serious Prior	Unstable Family Moderate Prior	Unstable Family Serious Prior
6.14	6.43	6.31	7.09
<u>Attitude X Prior</u>			
Positive Attitude Moderate Prior	Positive Attitude Serious Prior	Negative Attitude Moderate Prior	Negative Attitude Serious Prior
5.72	6.58	6.73	6.98
<u>Attitude X Sex</u>			
Positive Attitude Male	Negative Attitude Male	Positive Attitude Female	Negative Attitude Female
6.23	7.25	6.66	6.74



Table F.5  
Means of Significant Two-Way Interactions for  
Experts' Judgments of Seriousness of  
Delinquent Acts

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<u>Attitude X Prior Record</u>			
Positive Attitude Moderate Prior	Positive Attitude Serious Prior	Negative Attitude Moderate Prior	Negative Attitude Serious Prior
5.74	6.23	6.12	6.97

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<u>Family X Sex</u>			
Stable Family Male	Stable Family Female	Unstable Family Male	Unstable Family Female
6.53	7.08	6.76	6.51

---

<u>Attitude X Sex</u>			
Positive Attitude Male	Positive Attitude Female	Negative Attitude Male	Negative Attitude Female
6.58	7.09	6.87	6.41

---

Table F.6  
Means of Significant Two-Way Interactions for  
Experts' Judgments of Delinquents'  
Premeditation for Illegal Acts

<u>Crime X Prior Record</u>			
Misdemeanor Moderate Prior	Serious Prior Misdemeanor	Moderate Prior Felony	Serious Prior Felony
5.22	4.50	4.93	5.69
<u>Sex X Crime</u>			
Misdemeanor Male	Felony Male	Misdemeanor Female	Felony Female
5.29	4.81	4.52	5.78
<u>Sex X Attitude</u>			
Positive Attitude Male	Negative Attitude Male	Positive Attitude Female	Negative Attitude Female
3.94	6.17	5.02	5.23

Table F.7  
Means of Significant Two-Way Interaction for  
Experts' Judgments of Recommendation for  
Counseling for Delinquents

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<u>Sex X Family</u>			
Male Stable Family	Male Unstable Family	Female Stable Family	Female Unstable Family
5.12	6.18	5.71	5.63

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## Appendix G

Additional Figures Which Describe Effects  
Associated with Analyses of Experts' Judgments

Figure G.1  
Mitigating Effects of Positive Attitude in Interaction  
With Family Stability and Crime

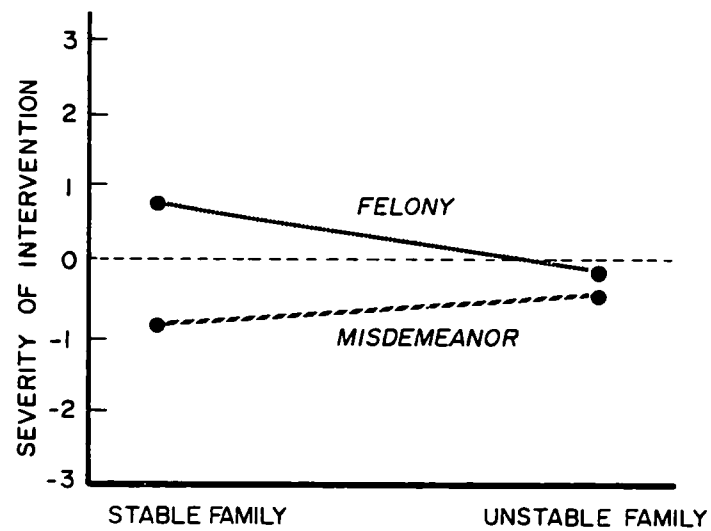


Figure G.2  
Mitigating Effects of Positive Attitude in Interaction  
With Sex and Crime

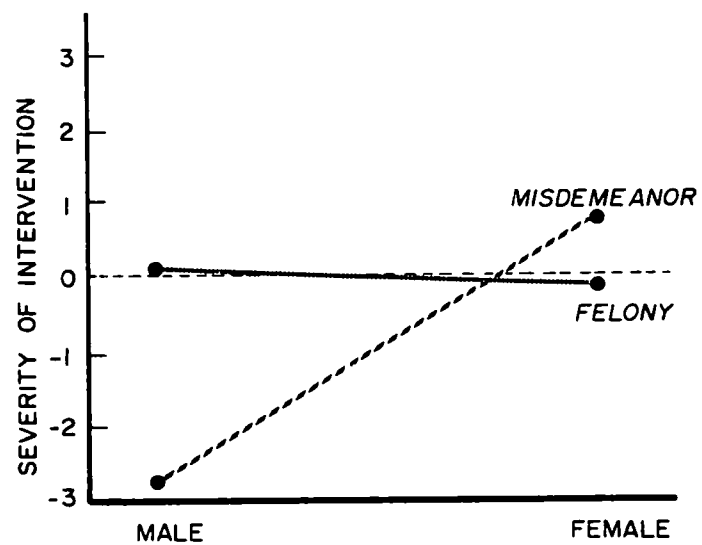


Figure G.3  
Mitigating Effects of Family Stability in Interaction  
With Sex and Crime

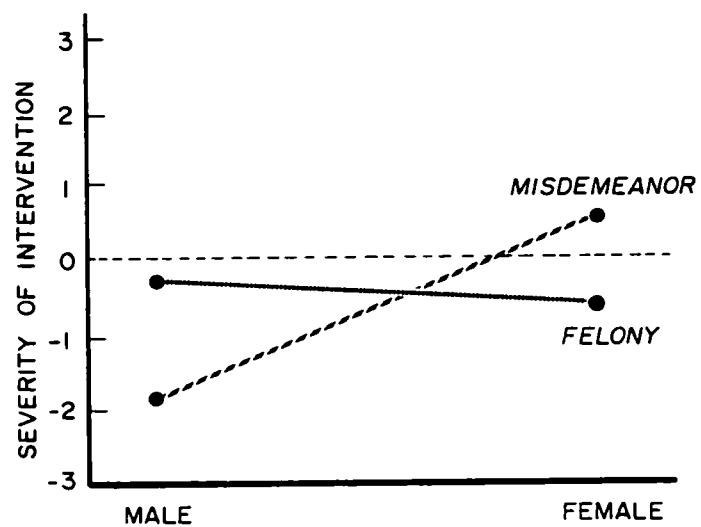


Figure G.4  
Mitigating Effects of Moderate Prior Record in Interaction  
With Sex and Crime

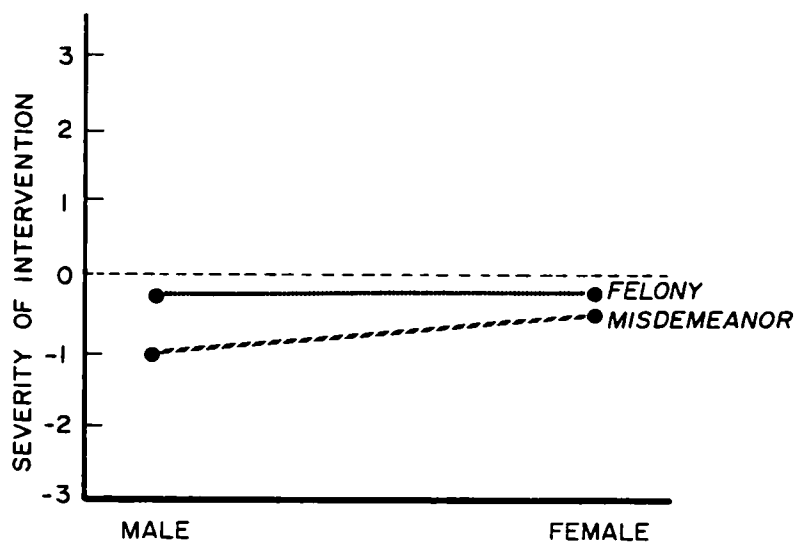




Figure G.5  
Mitigating Effects of Family Stability in Interaction  
With Sex and Attitude

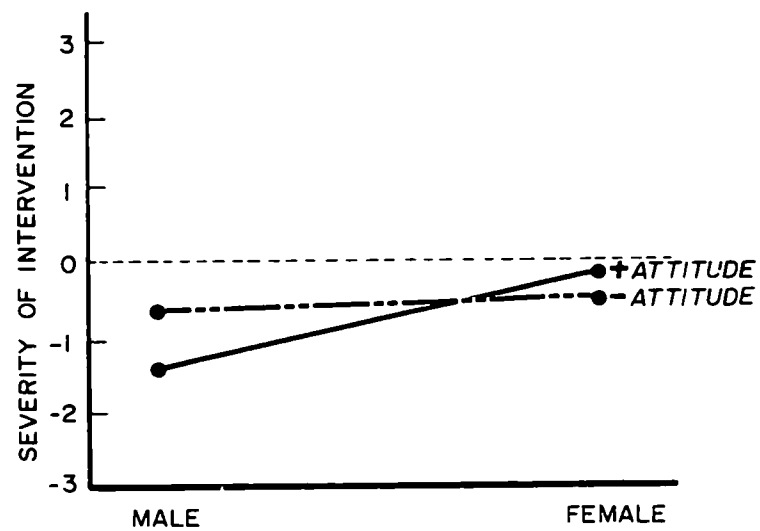


Figure G.6  
Mitigating Effects of Positive Attitude in Interaction  
With Sex and Prior Record

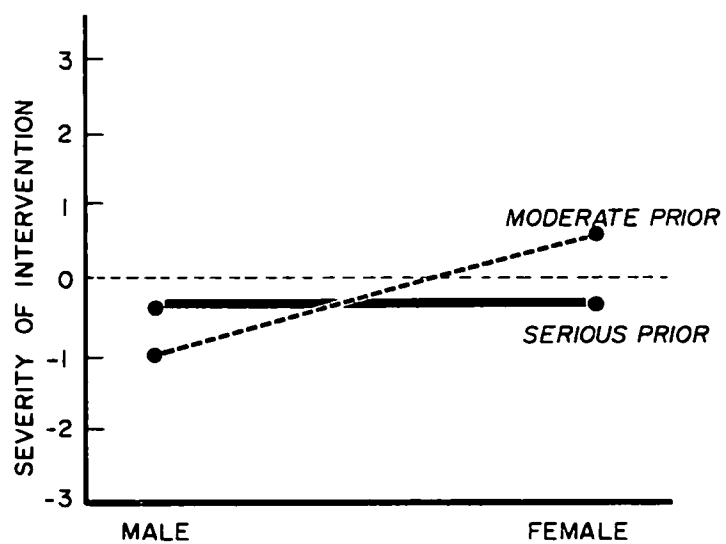


Figure G.7  
Mitigating Effects of Positive Attitude in Interaction  
With Sex, Family Stability, and Crime

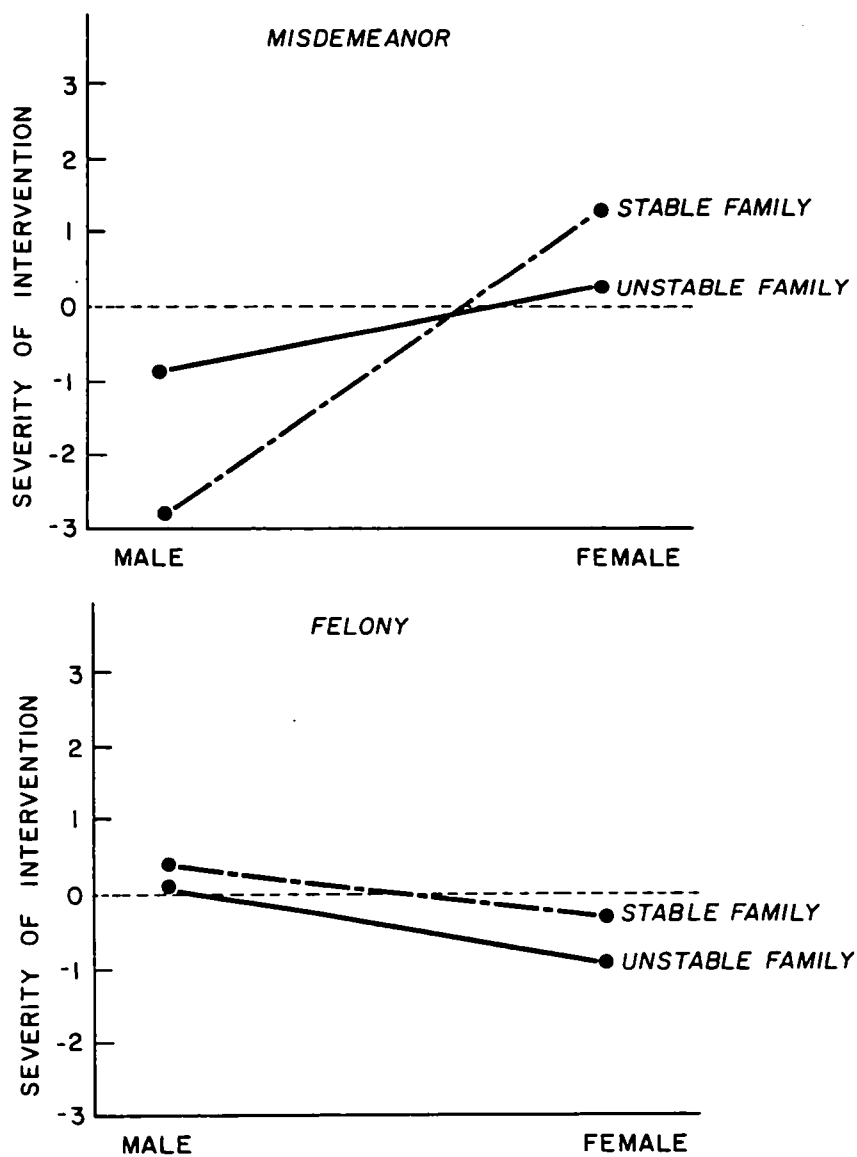


Figure G.8  
Mitigating Effects of Positive Attitude in Interaction  
With Sex, Prior Record, and Crime

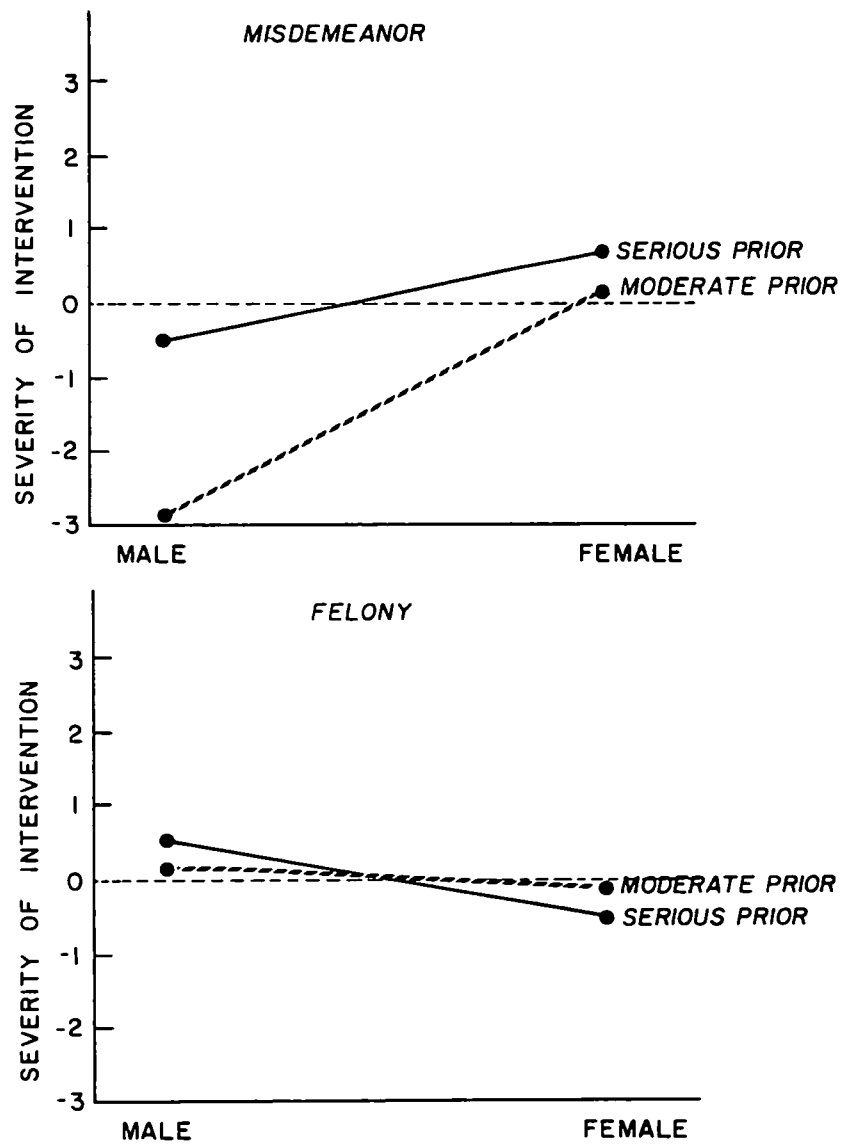


Figure G.9  
Mitigating Effects of Stable Family in Interaction  
With Sex, Prior Record, and Crime

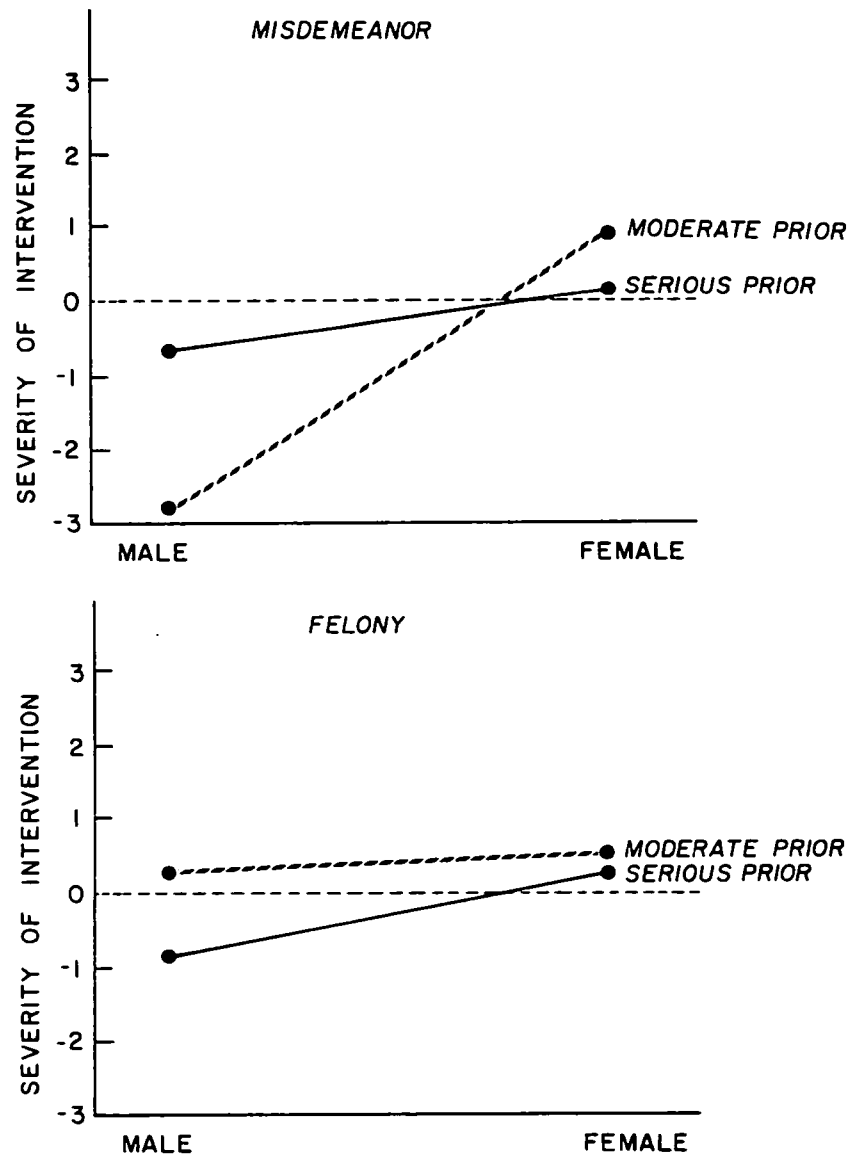


Figure G.10  
Mitigating Effects of Positive Attitude in Interaction  
With Family and Crime

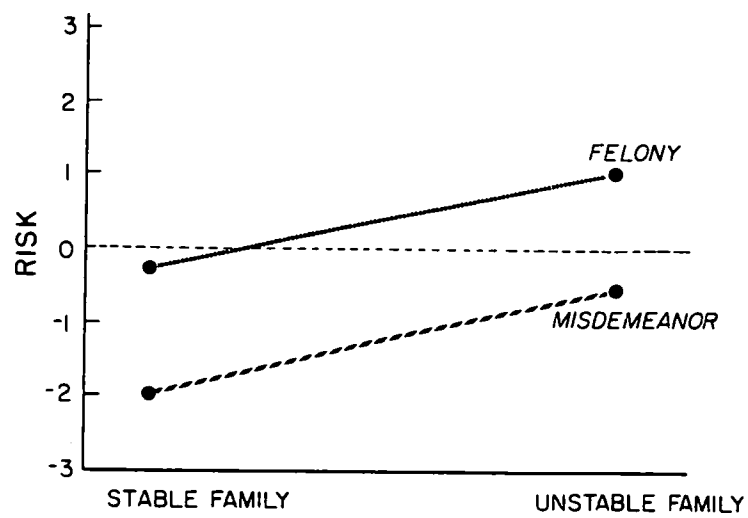


Figure G.11  
Mitigating Effects of Attitude in Interaction  
With Family and Prior Record

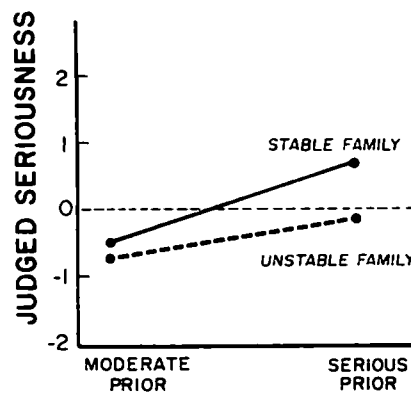






Figure G.12  
Mitigating Effects of Positive Attitude in Interaction  
With Sex and Crime

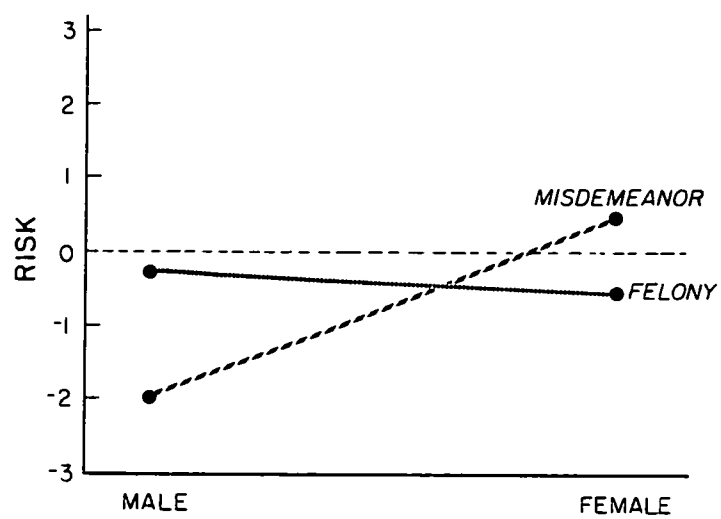


Figure G.13  
Mitigating Effects of Stable Family in Interaction  
With Sex and Crime

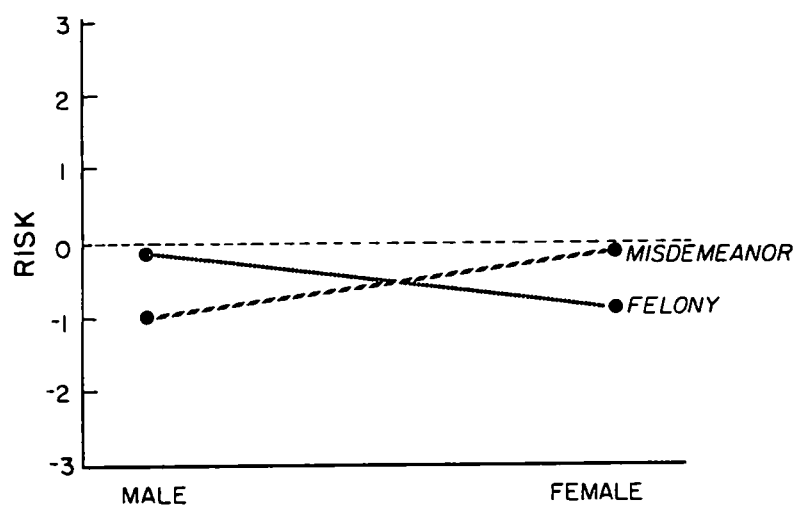


Figure G.14  
Mitigating Effects of Positive Attitude in Interaction  
With Sex and Family Stability

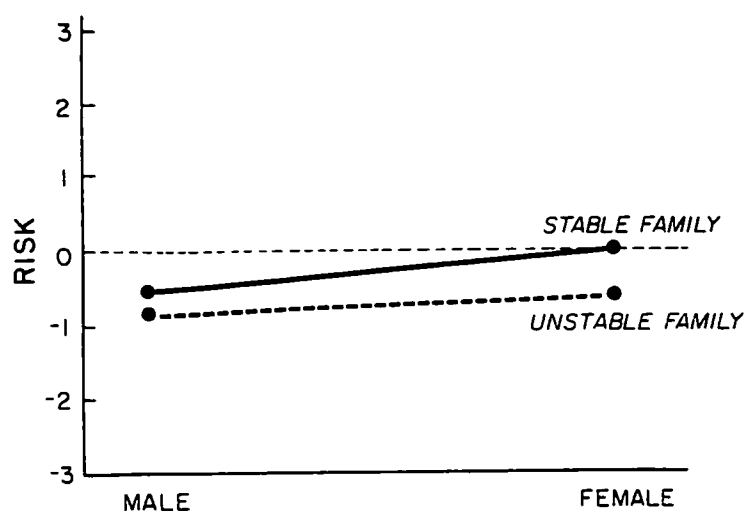


Figure G.15  
Mitigating Effects of Positive Attitude in Interaction  
With Sex and Prior Record

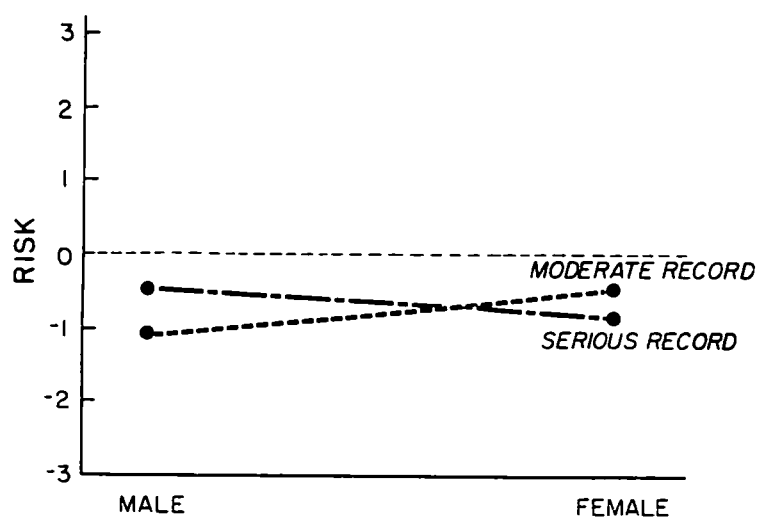


Figure G.16

Mitigating Effects of Attitude in Interaction  
With Sex, Crime, and Prior Record

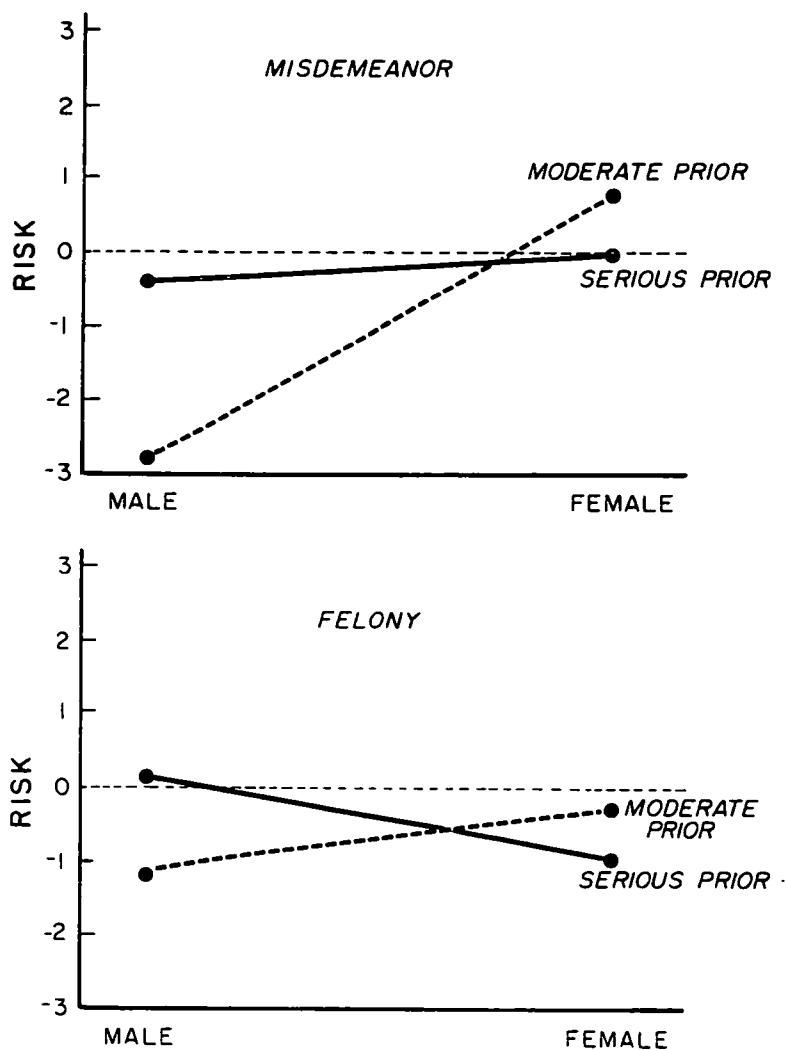


Figure G.17  
Mitigating Effects of Moderate Prior Record in Interaction  
With Sex and Crime

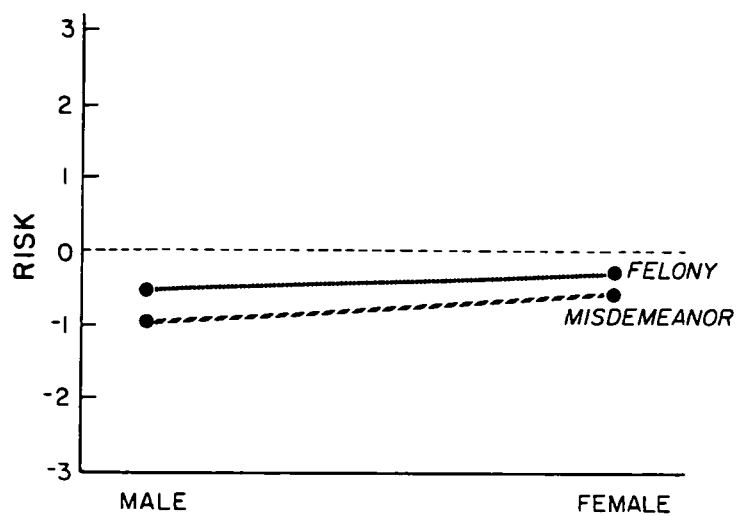


Figure G.18  
Mitigating Effects of Family Stability in Interaction  
With Sex, Crime, and Prior Record

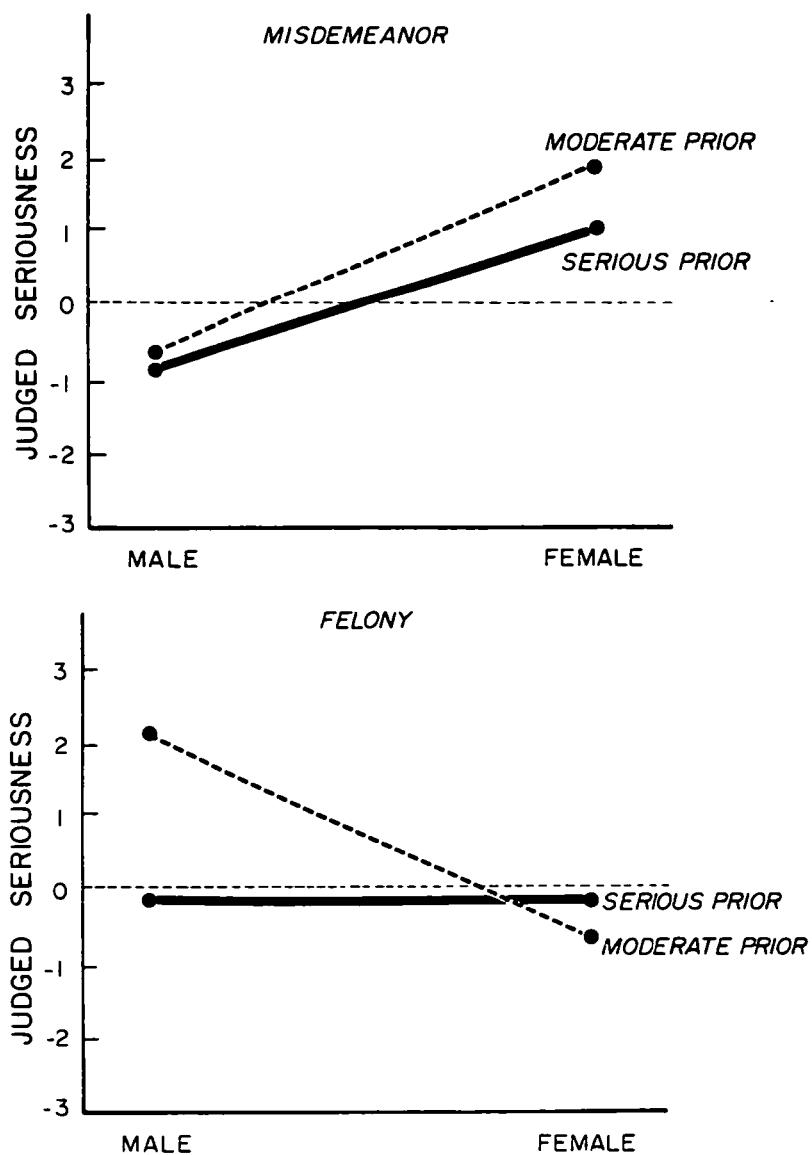


Figure G.19  
Mitigating Effects of Positive Attitude in Interaction  
With Sex and Family Stability

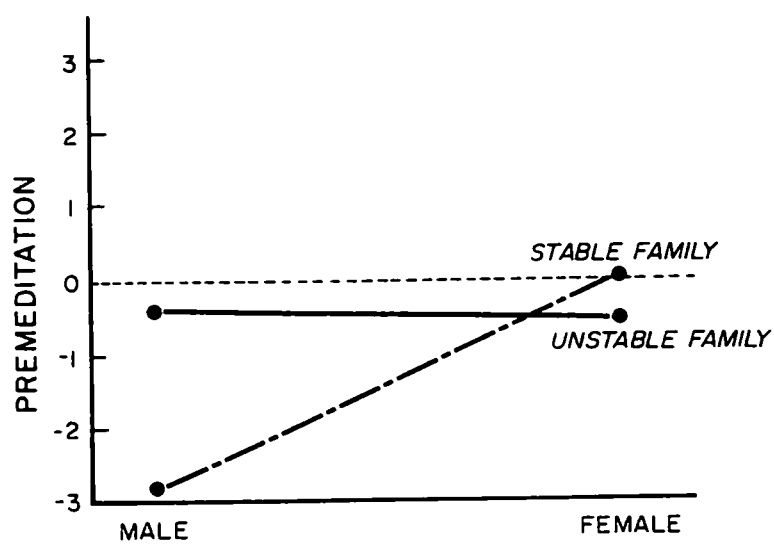




Figure G.20  
Mitigating Effects of Positive Attitude in Interaction  
With Sex, Crime, and Prior Record

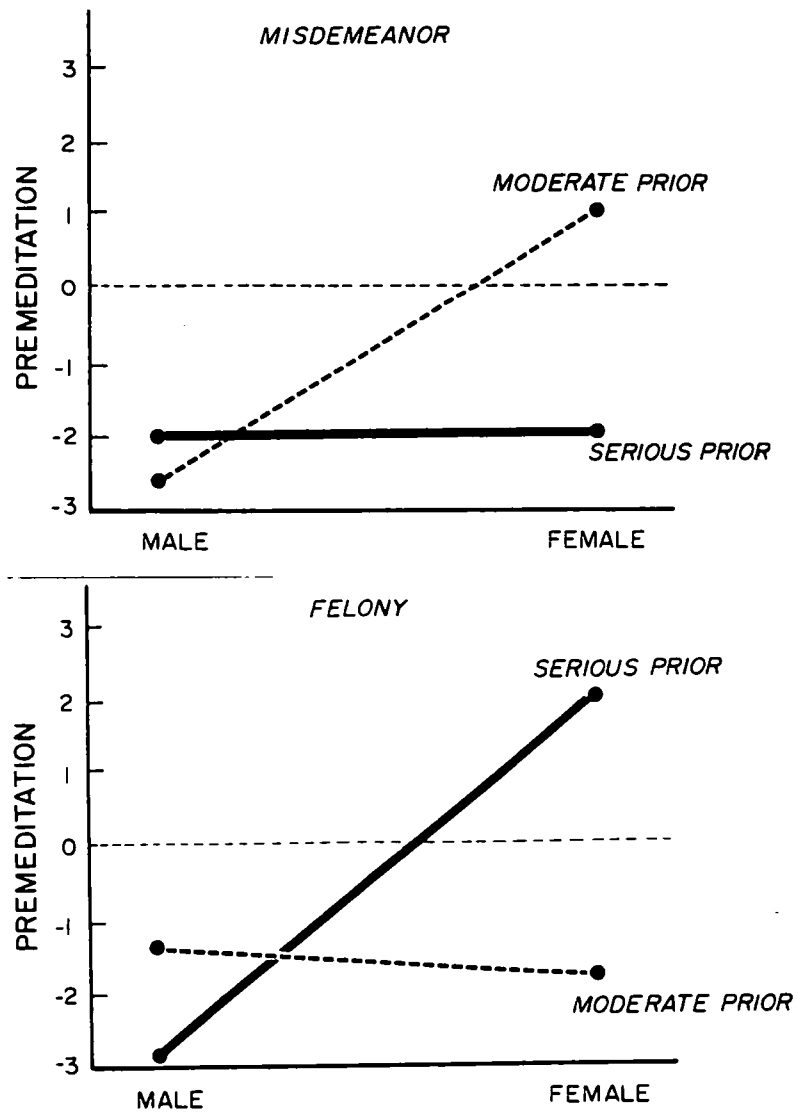


Figure G.21  
Mitigating Effects of Positive Attitude in Interaction  
With Sex and Family Stability

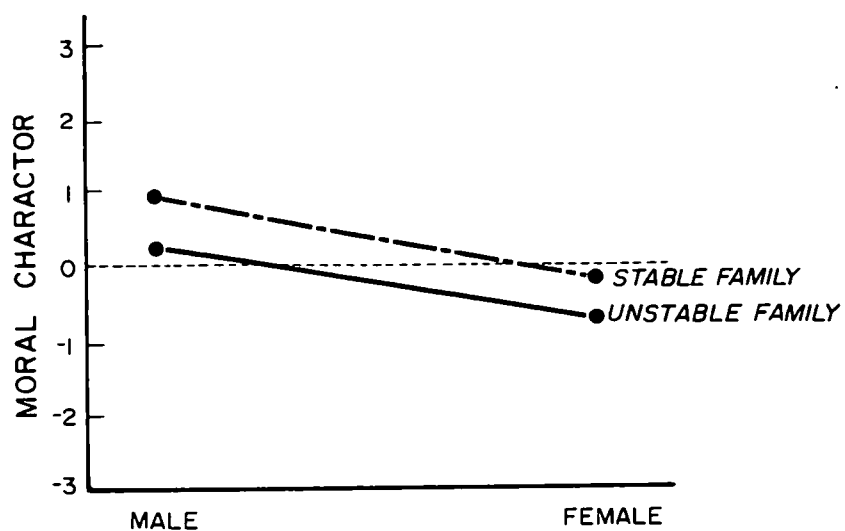


Figure G.22  
Mitigating Effects of Positive Attitude in Interaction  
With Sex and Family Stability

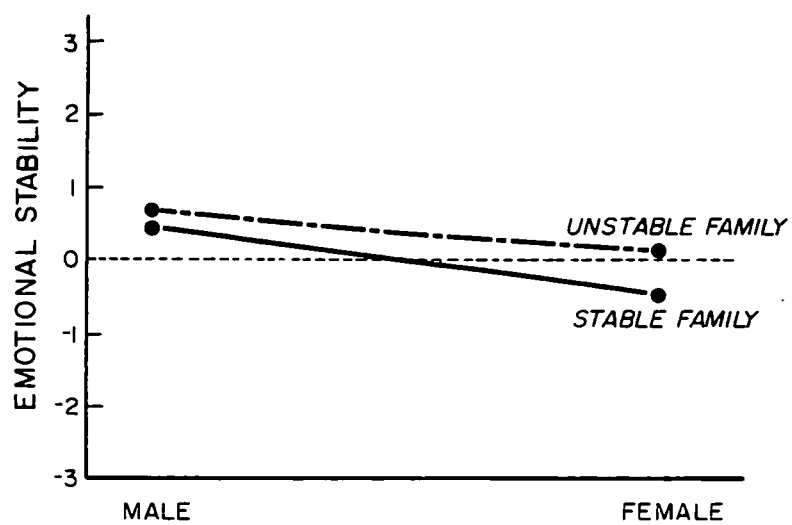


Figure G.23  
Mitigating Effects of Positive Attitude in Interaction  
With Sex and Prior Record

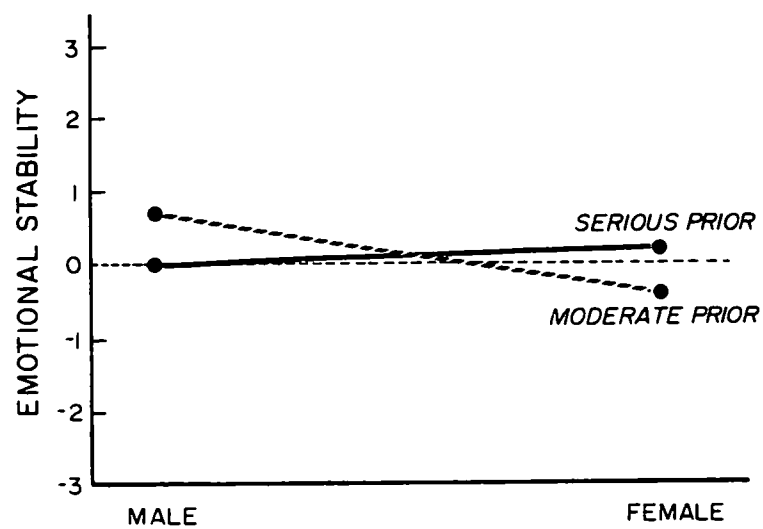


Figure G.24  
Mitigating Effects of Stable Family in Interaction  
With Sex and Crime

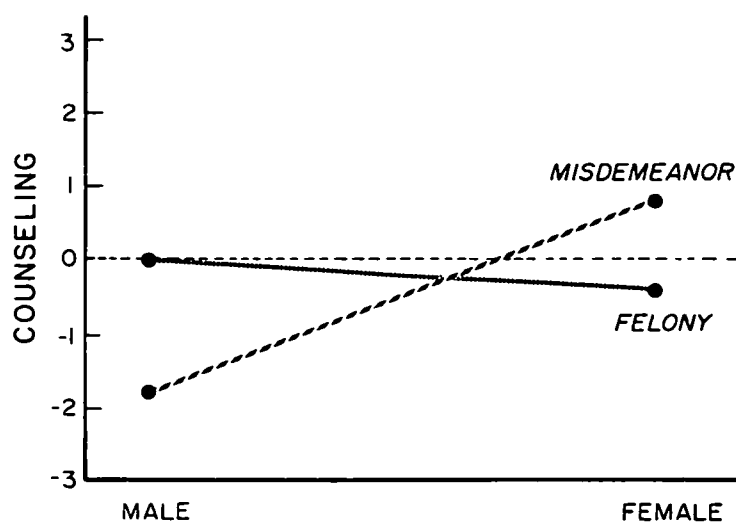


Figure G.25  
Mitigating Effects of Stable Family in Interaction  
With Sex, Crime, and Prior Record

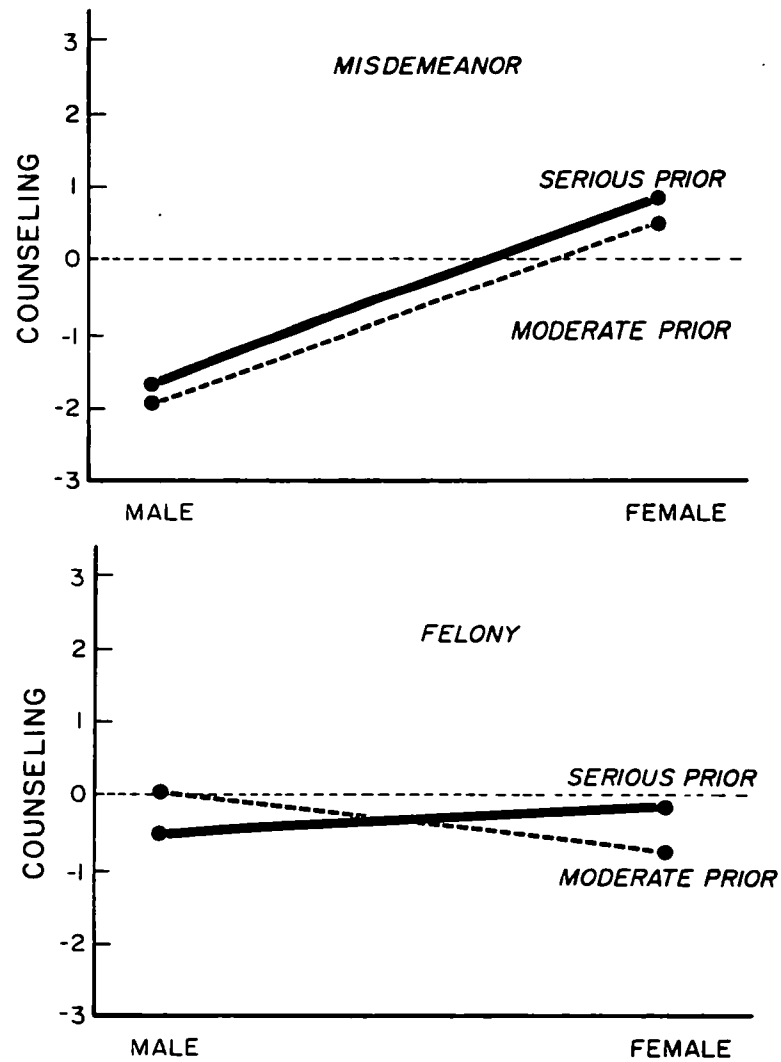


Figure G.26  
Mitigating Effects of Moderate Prior Record in Interaction  
With Sex and Crime

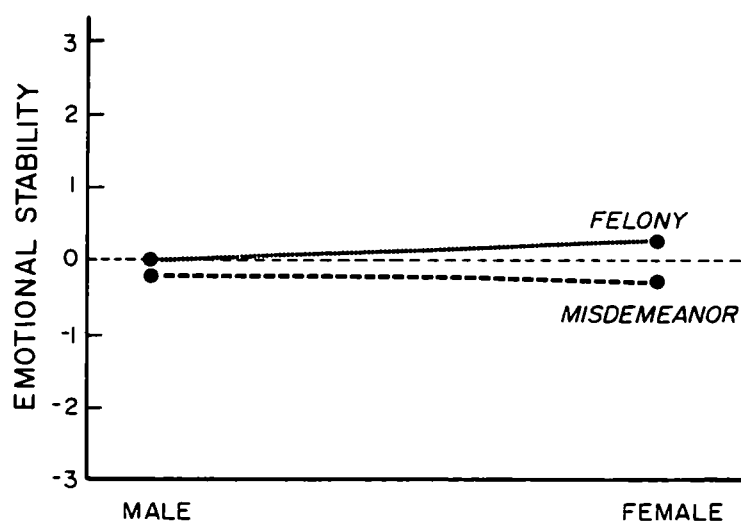


Figure G.27  
Mitigating Effects of Positive Attitude in Interaction  
With Sex, Family, and Crime

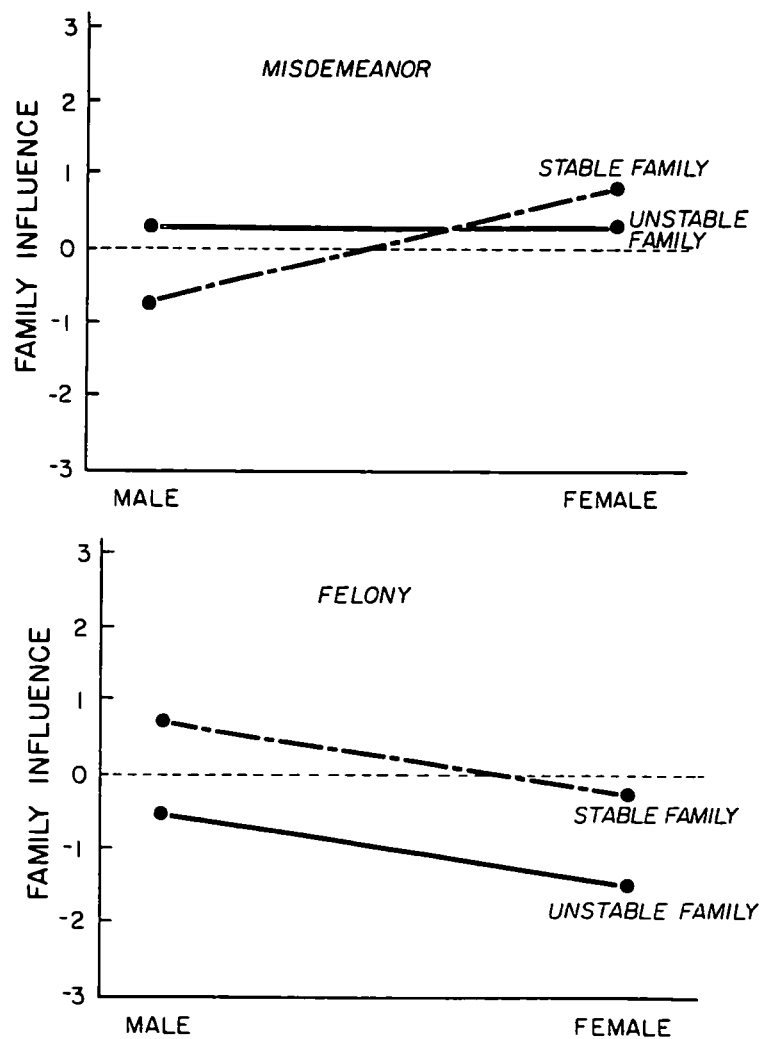




Figure G.28

Mitigating Effects of Positive Attitude in Interaction  
With Sex, Family Stability, and Prior Record

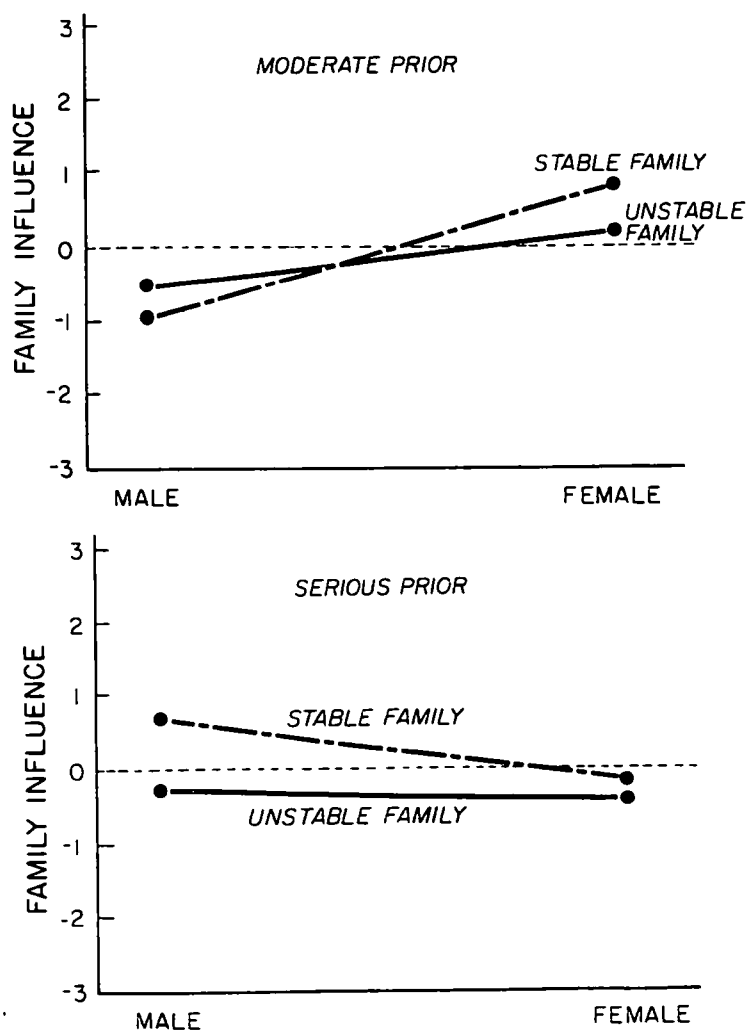
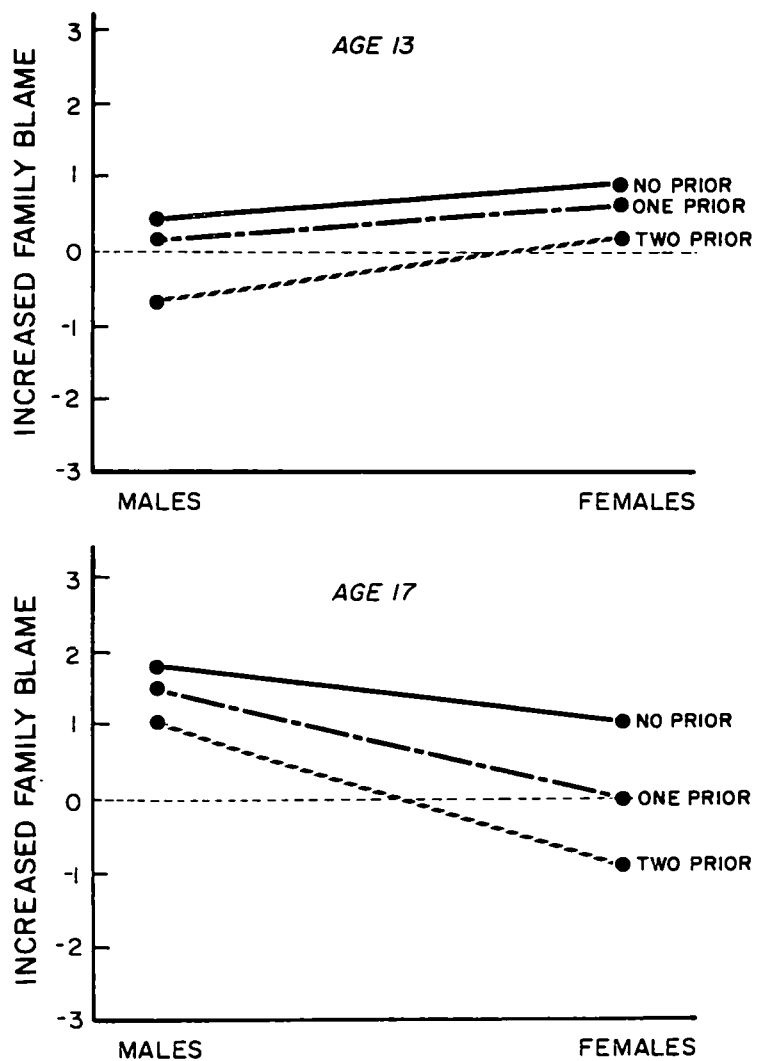


Figure G.29

Increased Attributions to Family Blame for  
Felons in Interaction with Sex, Age, and Prior Record



<sup>1</sup>The vertical axis is calculated by subtracting the attributed value of family blame of a status offender from the value of a felon. Higher values indicate greater family blame for felons.

*Smead.*

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