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THE JUVENILE COURT PROCESS: A STUDY OF THREE NEW JERSEY COUNTIES

RICHARD H. CHUSED*

INTRODUCTION

The entrance of the Supreme Court into the juvenile justice process¹ led many to hope for a massive change in the operation of the "criminal courts" of the young. However, the actual impact of *Gault* upon the juvenile justice process has often been slow in maturing,² and even if the rights conferred specifically by *Gault*³ were implemented in full, a multitude of problems would remain. Pre-trial procedures have hardly been touched by litigation⁴ and post-trial treatment is only be-

* Associate Professor of Law, Rutgers University School of Law, Newark. The author would like to express special appreciation to those law students who made this study possible by performing much dreary work, gathering data and constantly raising new insights into the operations of the courts in which they worked as researchers and student-lawyers during the 1970-71 academic year. Thanks go to Edward Kopelson, J.D. 1972, Joyce Usiskin, J.D. 1971, Douglass Wistendahl, J.D. 1972, Patricia Weiss, J.D. 1972, Sharon Laufer, J.D. 1972, and John Ratliff, J.D. 1971. The problems of data gathering and computer programming were also eased by the assistance of Kenneth C. Stevenson, then Lecturer in Social Work, Rutgers University, and now Instructor in Sociology and Director of the Urban Sociology Field Research Program at Drew University, Madison, New Jersey. In addition, special thanks are due to Ms. Florence Peskoe, lately of the Administrative Office of the Courts of the State of New Jersey, and now Clerk of the New Jersey Supreme Court, who so graciously aided the author in his relationship with the Administrative Office. The author is also grateful to Mr. Edward B. McConnell, Director of the Administrative Office, for his cooperation. Finally, the willingness of persons noted later to sit and talk, often at great length, with the author or his students is appreciated.

1. *In re Winship*, 397 U.S. 358 (1970); *In re Gault*, 387 U.S. 1 (1967); *Kent v. United States*, 383 U.S. 541 (1966). *But see* *McKeiver v. Pennsylvania*, 403 U.S. 528 (1971).

2. Lefstein, Stapleton & Teitelbaum, *In Search of Juvenile Justice—Gault and Its Implementation*, 3 L. & Soc'y Rev. 491 (1969); Platt, Schechter & Tiffany, *In Defense of Youth: A Case of the Public Defender in Juvenile Court*, 43 IND. L.J. 619 (1968).

3. *Gault* requires that juveniles charged with delinquency be notified of the charges against them and be given the opportunity to confront their adverse witnesses. *Gault* also provides that juveniles may not be compelled to incriminate themselves and that counsel must be provided in delinquency hearings which may result in institutional commitments. *In re Gault*, 387 U.S. 1 (1967).

4. *See* *Conover v. Montemuro*, 304 F. Supp. 259 (E.D. Pa. 1969) (complaint alleging arbitrary screening of juveniles by court intake personnel states cause of action); *In re Baltimore Detention Center* (Baltimore City Ct., Aug. 2, 1971) 5 Clearinghouse Rev. 550 (1972) (use of city jail for detention of juveniles ended). Several courts have issued opinions indicating a willingness to restrain the use of pretrial detention. *See, e.g.,* *Cooley v. Stone*, 414 F.2d 1213 (D.C. Cir. 1969); *Fulwood v. Stone*, 394 F.2d 939 (D.C. Cir. 1967); *Creek v. Stone*, 379 F.2d 106 (D.C. Cir. 1967);

ginning to be viewed by the courts as a significant issue.⁵ Furthermore, litigation displays only a part of the philosophical conflicts now raging in juvenile courts. A lengthy history of the "parens patriae" handling of juveniles often presents very difficult problems for an adversarial minded attorney appearing in juvenile court for the first time.⁶

To aid in evaluating the scope and depth of problems in the juvenile justice system, a study was begun of three county juvenile courts in the fall of 1970.⁷ The study's primary focus was upon the routing of cases through various procedural channels by intake personnel in the New Jersey courts' juvenile justice process. This area was of special interest for two reasons. First, after *Gault* was decided, the New Jersey court rules were altered to create two "calendars" in juvenile court, one

Baldwin v. Lewis, 300 F. Supp. 1220 (E.D. Wis. 1969); Poe v. State, 487 P.2d 47 (Alas. 1971).

See also Ferster & Courtless, *The Intake Process in the Affluent County Juvenile Court*, 22 HASTINGS L. REV. 1127 (1971); Ferster & Courtless, *The Beginning of Juvenile Justice, Police Practices and the Juvenile Offender*, 22 VAND. L. REV. 567 (1969); Ferster, Courtless & Snethen, *Unofficial Delinquents: Juvenile Court Intake*, 55 IOWA L. REV. 864 (1970); Ferster, Snethen and Courtless, *Juvenile Detention: Protection, Prevention or Punishment?*, 38 FORDHAM L. REV. 161 (1969); Gendy, *The Exercise of Discretion by the Police as a Decision-Making Process in the Disposition of Juvenile Offenders*, 8 OSGOOD HALL L.J. 329 (1970); Goldstein, *Police Discretion Not to Invoke the Criminal Process: Low Visibility Decisions in the Administration of Justice*, 69 YALE L.J. 549 (1960); Note, *Juvenile Delinquents: The Police, State Courts, and Individualized Justice*, 79 HARV. L. REV. 775 (1966); Note, *Informal Disposition of Delinquency Cases: Survey and Comparison of Court Delegation of Decision-Making*, 1965 WASH. U.L.Q. 258.

5. *In re Elmore*, 382 F.2d 125 (D.C. Cir. 1967) (consideration of release order should psychiatric care not be provided juvenile). Some courts have restrained the use of adult institutions when juveniles are involved. *Kautter v. Reid*, 183 F. Supp. 352 (D.D.C. 1960); *United States ex rel. Stinnett v. Hegstrom*, 178 F. Supp. 17 (D. Conn. 1959); *White v. Reid*, 125 F. Supp. 647 (D.D.C. 1954); *State ex rel. Londerholm v. Owens*, 197 Kan. 212, 416 P.2d 259 (1966); *In re Rich*, 125 Vt. 373, 216 A.2d 266 (1966); *State ex rel. McGilton v. Adams*, 143 W. Va. 325, 102 S.E.2d 145 (1958). See also *State ex rel. Edwards v. McCauley*, 50 Wis. 2d 597, 184 N.W.2d 908 (1971). But see *Wilson v. Coughlin*, 259 Iowa 1163, 147 N.W.2d 175 (1966); *Shone v. State*, 237 A.2d 412 (Me., 1968). Some restrictions have been placed on sentences which are longer for juveniles than for adults convicted for the same behavior. *In re Wilson*, 438 Pa. 425, 264 A.2d 614 (1970). See also *State in the Interest of K.V.N.*, 112 N.J. Super. 544, 271 A.2d 921 (Juv. & Dom. Rel. Ct. 1970), *aff'd*, 116 N.J. Super. 580, 283 A.2d 337 (App. Div. 1971). But see *Brisco v. United States*, 368 F.2d 214 (3d Cir. 1966) and cases cited therein; *People v. Cavanaugh*, 234 Cal. App. 2d 316, 44 Cal. Rptr. 422 (Dist. Ct. App. 1965); *Smith v. State*, 444 S.W.2d 941 (Tex. Civ. App. 1969); *In re Juvenile*, 129 Vt. 185, 274 A.2d 506 (1970). See Pirsig, *The Constitutional Validity of Confining Disruptive Delinquents in Penal Institutions*, 54 MINN. L. REV. 101 (1969); Note, *Transfer of Juveniles to Adult Correctional Institutions*, 1966 WIS. L. REV. 866.

6. See Ferster, Courtless & Snethen, *The Juvenile Justice System: In Search of the Role of Counsel*, 39 FORDHAM L. REV. 375 (1971); Platt, *The Rise of the Child Saving Movement: A Study in Social Policy and Correctional Reform*, 381 ANNALS 21 (1969); Platt, Schechter & Tiffany, *In Defense of Youth: A Case of the Public Defender in Juvenile Court*, 43 IND. L.J. 619 (1968).

7. For a description of the study areas see section II, *infra*.

"formal" where the full panoply of *Gault* rights were required because of the possibility of institutional commitment, and one "informal" where counsel was not required.⁸ Second, New Jersey court personnel in most counties do not exercise any discretion to dismiss complaints informally as do intake officers in many states.⁹ The result is that the calendaring devices made available to the New Jersey juvenile courts have become the only mechanism for exercise of court discretion in channeling complaints.

What follows is an analysis of the case and statutory law relevant to this study, a description of the study and the data obtained, an analysis of the data, and a series of recommendations for change in the New Jersey court process. Special attention is paid to detention practices, the impact of detention upon calendaring, the nature of the calendaring and adjudication processes, and the resulting dispositions.

I. CASE AND STATUTORY LAW

A. *The New Jersey Delinquency Statute*

The New Jersey delinquency statute¹⁰ provides a very broad jurisdictional grant to the Juvenile and Domestic Relations Courts.¹¹ Delinquency is defined to include all activity committed by children,¹² which would be criminal behavior for adults,¹³ as well as behavior variously described as habitual vagrancy, incorrigibility, immorality, knowingly associating with thieves or vicious or immoral persons, growing up in idleness or delinquency, idly roaming the streets at night, habitual truancy from school, and department endangering the morals, health, or

8. N.J.R. 5:9-1(c).

9. New Jersey statutes are silent on this matter. A pilot project to channel cases out of the court system at the intake level does exist in Morris County. Compare N.J. STAT. ANN. § 2A:4-1 *et seq.* (1952), as amended N.J. STAT. ANN. § 2A:4-1 *et seq.* (Supp. 1972) with authorities cited in note 4 *supra*.

10. N.J. STAT. ANN. § 2A:4-1 *et seq.* (1952), as amended N.J. STAT. ANN. § 2A:4-1 *et seq.* (Supp. 1972). The New Jersey State Bar Association has proposed a new juvenile code for the state. As of this writing, it has not passed the legislature.

11. In New Jersey, juvenile courts are part of the county court system. See N.J. STAT. ANN. § 2A:4-3 *et seq.* (1952), as amended N.J. STAT. ANN. § 2A:4-3 *et seq.* (Supp. 1972). Municipal police departments refer their cases to the juvenile court of their county. Most counties have centralized detention and court facilities. However, municipalities each handle their case loads differently. Most of the larger towns and cities have special bureaus within their police departments to handle juvenile cases.

12. Generally, "children" within the jurisdiction of the juvenile court consist of those under the age of 18 years. N.J. STAT. ANN. § 2A:4-14 (Supp. 1972). Cases of a "heinous nature," or cases where a 16 or 17 year old person demands a jury trial may be referred to county prosecutors. N.J. STAT. ANN. § 2A:4-15 (1952).

13. Delinquency includes "any act which when committed by a person of the age of 18 years or over would constitute" a violation of a municipal ordinance or a state criminal or disorderly persons statute, or which would constitute an act "for which he could be prosecuted in the method partaking of the nature of a criminal action." N.J. STAT. ANN. § 2A:4-14(1) (Supp. 1972).

general welfare of a child.¹⁴ Defining delinquency to include activity which is not criminal for adults, labeled juvenile status offenses in this study, is a common practice in this country.¹⁵ Attacks on this type of broad definition of delinquency have met with limited success.¹⁶

In *State v. L. N.*¹⁷ two sections of New Jersey's statute defining delinquency to include "growing up in idleness or delinquency" and "deportment endangering the morals, health or general welfare,"¹⁸ were upheld despite vagueness challenges. The juvenile, L. N., had been adjudicated a delinquent under these sections for sniffing carbona, activity not then proscribed by the adult criminal codes in New Jersey. In affirming the adjudication, the court said:

We find nothing in *Gault* which would justify our setting at naught the Legislature's delineation of conduct on the part of juveniles which, because of its threat to the child's welfare or to society, would constitute juvenile delinquency, by reason of its vagueness. . . .

The philosophy of our juvenile court system is aimed at rehabilitation through reformation and education in order to restore a delinquent youth to a position of responsible citizenship. (Citations omitted)

14. N.J. STAT. ANN. § 2A:4-14(2) (Supp. 1972).

15. Even the revised code proposed by the New Jersey Bar Association permits the juvenile court to retain jurisdiction over such offenders. A new category of offender, called persons in need of supervision (PINS), would be created to include:

1. A juvenile who is habitually disobedient to the lawful commands of his parent or guardian when such disobedience makes him ungovernable or incorrigible.
2. A juvenile who is habitually and voluntarily truant, or
3. A juvenile who has committed an offense applicable only to juveniles.

NEW JERSEY STATE BAR ASS'N, PROPOSED JUV. CODE FOR NEW JERSEY § 2A:4-45(a) (June 1972) (unpublished report in Rutgers Law School Library) [hereinafter cited as PROPOSED CODE]. PINS would not be detainable, except in children's shelters, or committable to correctional institutions.

See also SELLIN AND WOLFGANG, *THE MEASUREMENT OF DELINQUENCY* 71-86 (1964); SUSSMAN, *LAW OF JUVENILE DELINQUENCY* 21-22 (1959); WHEELER AND COTTRELL, *JUVENILE DELINQUENCY, ITS PREVENTION AND CONTROL* (1966). Some states have attempted to reduce the coverage of their juvenile codes. See CAL. WELF. & INST'NS CODE §§ 601, 602 (Deering Supp. 1972); ILL. ANN. STAT. ch. 37, §§ 702-2, 705-2 (Smith-Hurd 1972).

16. *Commonwealth v. Brasher*, 270 N.E.2d 389 (Mass. Sup. Ct. 1971) (challenge to statute making a "stubborn child" delinquent fails); *E.S.G. v. State*, 447 S.W.2d 225 (Tex. Civ. App. 1969), cert. denied, 398 U.S. 956 (1970) (vagueness challenge to statute defining a delinquent as one who "habitually so comports himself as to injure or endanger the morals or health of himself or others" fails). See also *In re S*, 12 Cal. App. 2d 1124, 91 Cal. Rptr. 261 (1971). There is a ray of hope. See *Gesicki v. Oswald*, 336 F. Supp. 371 (S.D.N.Y. 1971). Efforts to reduce the impact of such definitions of delinquency by reducing the use of commitment power have met with some success in New York. *In re David W.*, 28 N.Y.2d 589, 268 N.E.2d 642, 319 N.Y.S.2d 845 (1971); *In re Richard K.*, 35 App. Div. 2d 716, 314 N.Y.S.2d 1004 (1970); *In re Jeanette P.*, 34 App. Div. 2d 661, 310 N.Y.S.2d 125 (1970); *In re Lloyd*, 33 App. Div. 2d 385, 308 N.Y.S.2d 419 (1970). See also *In re Wilson*, 438 Pa. 425, 264 A.2d 614 (1970).

17. 109 N.J. Super. 278, 263 A.2d 150 (App. Div.), *aff'd per curiam*, 57 N.J. 165, 270 A.2d 409 (1970), cert. denied, 402 U.S. 1009 (1971).

18. N.J. STAT. ANN. § 2A:4-14(a),(i),(m) (Supp. 1972).

In the context of that philosophy we hold that subsections (i) and (m) of section (2) of N.J.S.A.2A:4-14 do not violate due process by reason of their asserted vagueness.¹⁹

By its deference to the rehabilitative goals of the juvenile justice process, the court avoided grappling with the actual statutory vagueness. The clearly circular nature of defining delinquency as growing up in delinquency in subsection (1) was not discussed. The meaning of such words as "idleness," "morals," "health," and "general welfare," was not given.

The breadth of the juvenile court's jurisdiction creates vast discretionary power in all the agencies which deal with alleged or actual delinquents. The court is almost always available as a referral choice to persons dealing with "problem youngsters." Schools, welfare agencies, parents, and police will often be able to frame a juvenile court complaint with sufficient allegations to bring their difficult cases before the court.²⁰ Such openness in referral possibilities was clearly one of the objects of the statutory scheme.²¹ However, the fact that status offenders are placed in the same process as those charged with serious offenses may be subject to substantial criticism. Status offenses are both broadly defined, and, assuming the definitions carry some meaning, descriptive of behavior significantly less dangerous to other persons than most adult criminal charges. Severe treatment of status offenders as a class should be quite suspect. This study will carefully focus on how the courts process those persons accused of juvenile status offenses in comparison with those charged with criminal activity. The study data raises serious questions about the suitability of New Jersey's broad definitions of delinquency.

B. *Procedural Legal Problems: Detention, Hearing, and Sentencing*

1. Detention. The initial procedural contact for an alleged delin-

19. 109 N.J. Super. 278, 286-87, 263 A.2d 150, 154-55 (App. Div.), *aff'd per curiam*, 57 N.J. 165, 270 A.2d 409 (1970), *cert. denied*, 402 U.S. 1009 (1971).

20. This study did attempt to obtain data from the files as to the nature of persons or agencies which regularly referred persons to juvenile court for hearings. However, the data was revealing only in distinguishing parental complaints from others. (See Tables 53, 54) Further analysis, especially of police files, would be necessary to obtain a complete picture of the juvenile complaint process. The possibility of legally attacking arbitrary police behavior in referring cases to juvenile court should not be overlooked. See *Conover v. Montemuro*, 304 F. Supp. 259 (E.D. Pa. 1969). Some work on police referral practice has been done. See GOLDMAN, *THE DIFFERENTIAL SELECTION OF JUVENILE OFFENDERS FOR COURT APPEARANCE* (1963); Piliavin, Irving and Briar, *Police Encounters with Juveniles*, 70 AM. J. OF SOC. 206 (1964); Wilson, *The Police and the Delinquents in Two Cities*, in *CONTROLLING DELINQUENTS* 9 (Wheeler ed. 1968).

21. PLATT, *THE CHILD SAVERS: THE EMERGENCE OF THE JUVENILE COURT IN CHICAGO* 210-95 (1966).

quent is usually the police.²² Most of New Jersey's larger municipal police forces have established divisions or bureaus to handle juvenile cases.²³ When an officer decides to file an official delinquency complaint, he must also decide whether to release the juvenile pending hearing or take the person to a county detention facility. The decision to detain is a crucial point in the juvenile process for two reasons. First, it may have an impact on later phases of the hearing process; this possibility will be explored later in this study. Second, the decision, made outside of the normal adult bail procedures, is essentially one of preventive detention. The scope of any constitutional infirmities in this process has not been fully settled.

Despite the traditional invisibility of prehearing detention decisions and the long held belief that bail is not to be set in juvenile cases,²⁴ a few courts have begun to establish some restrictions on the scope of detention use in juvenile proceedings.²⁵ Three types of restrictions have emerged in the scattering of reported cases. First, in order to detain a juvenile pending hearing, there must be a judicial determination that there is probable cause to believe that the juvenile committed the acts charged. Second, the burden of persuading the court with competent evidence of the need for continued detention is on the State. Finally, restrictions have been placed upon the kind and degree of detention that is permissible.

In *Baldwin v. Lewis*,²⁶ a juvenile held on suspicion of committing arson was ordered released due to the state courts' failure to provide the juvenile with a probable cause hearing. Finding that capture and detention of juveniles constitute a "seizure" within the meaning of the fourth amendment despite statutory declarations that taking children into custody does not constitute "arrest,"²⁷ the court held that the probable cause requirement of the fourth amendment applies to juveniles held for delinquency hearings. That holding, together with the state law

22. This is usually true even in cases where other authorities, such as schools, welfare agencies or parents, initiate the action. See note 20 *supra*.

23. New Jersey court rules provide that juveniles under 16 may not be detained in police stations. Juveniles over 16 may not be so detained unless they are completely segregated from adults. N.J.R. 5:8-6(a). This rule, as well as practical need, has led to the prevalence of youth divisions.

24. See Annot., 160 A.L.R. 287 (1946); *Trimble v. Stone*, 187 F. Supp. 483 (D.D.C. 1960). In *Fulwood v. Stone*, 394 F.2d 939 (D.C. Cir. 1967), the district court set bail at \$3500. In an interesting opinion, the court of appeals found that other actions could provide an "adequate substitute for bail." The traditional unwillingness to use money bail in juvenile cases seems likely to continue for some time. Juveniles must almost always rely on parents for bail money which causes special problems in parental complaint cases. (See Table 54)

25. See cases cited notes 26, 29, 31, 33, 35 *infra*.

26. 300 F. Supp. 1220 (E.D. Wis. 1969), *rev'd on other grounds*, 442 F.2d 29 (7th Cir. 1971).

27. *Id.* at 1230.

requirement that juveniles must be released unless the parent or guardian is "incapable under the circumstances to care for him,"²⁸ provided sufficient grounds for denying the juvenile access to money bail. The probable cause requirements and the mandate for general release in state law were said to provide "an adequate substitute for bail."²⁹

Describing the grounds upon which detention may be continued should probable cause be found is a most difficult undertaking.³⁰ Courts attempting to do so have wandered rather aimlessly in the morass.³¹ While saying that the burden of persuasion as to the ultimate issue is on the State,³² or at least that release is to be the presumed holding,³³ and that detention must be based on competent evidence,³⁴ the grounds for detention are usually left vague. In only one reported case, and a most curious one at that, is a ground for detention or release specifically stated.

The Ninth Circuit Court of Appeals, in *Kinney v. Lenon*,³⁵ ordered the release of a seventeen-year-old boy pending his hearing, on the ground that such release was required to aid the juvenile in the preparation of his case. He had been charged with an assault arising out of a schoolyard tussle in which a significant number of other persons were said to be involved. The court found that it would be impossible for the juvenile's attorney to find any of these witnesses without the aid of his client. The court released the young person to the custody of either parent or the attorney to prevent the denial of a fair trial. Further analysis of bail and detention questions was deemed unnecessary after this release order was made.

Kinney is a strange case. Issues traditionally thought to be related to release on recognizance, such as community roots and likelihood of appearing for trial,³⁶ are not discussed. There is no analysis of issues

28. *Id.* at 1233.

29. *Id.* A similar result occurred in the District of Columbia. *Cooley v. Stone*, 414 F.2d 1213 (D.C. Cir. 1969); *Fulwood v. Stone*, 394 F.2d 939 (D.C. Cir. 1967).

30. See Ferster, Snethen & Courtless, *Juvenile Detention: Protection, Prevention or Punishment?*, 38 *FORDHAM L. REV.* 161 (1969).

31. See *Kinney v. Lenon*, 425 F.2d 209 (9th Cir. 1970); *Fulwood v. Stone*, 394 F.2d 939 (D.C. Cir. 1967); *Baldwin v. Lewis*, 300 F. Supp. 1220, 1233 (E.D. Wis. 1969), *rev'd on other grounds*, 442 F.2d 29 (7th Cir. 1971); *Doe v. State*, 487 P.2d 47 (Alas. 1971).

32. *Baldwin v. Lewis*, 300 F. Supp. 1220, 1231-32 (E.D. Wis. 1969), *rev'd on other grounds*, 442 F.2d 29 (7th Cir. 1971).

33. *Fulwood v. Stone*, 394 F.2d 939 (D.C. Cir. 1967); *Doe v. State*, 487 P.2d 47 (Alas. 1971).

34. Cases cited notes 29-33 *supra*.

35. 425 F.2d 209 (9th Cir. 1970).

36. Foote, *The Coming Constitutional Crisis in Bail* (pts. 1-2), 113 *U. PA. L. REV.* 960, 1125 (1965); Note, *A Study of the Administration of Bail in New York City*, 106 *U. PA. L. REV.* 693 (1958); Note, *Compelling Appearance in Court: Administration of Bail in Philadelphia*, 102 *U. PA. L. REV.* 1031 (1954).

related to preventive detention, such as danger of the youth to the community. While *Kinney* is a provocative decision which may have a significant impact on detention practices for old and young if expanded beyond its facts, it leaves untouched those issues which are likely to be relevant to most persons charged with crime. Inability of any person, other than the defendant, to identify witnesses, or some other severe trial preparation problem, is not likely to be a useful argument for most defendants.

The New Jersey detention rules in effect during the time the sample cases in the data bank were filed are typical of many state rules and statutes defining those groups of juveniles to be detained pending trial. While this study was being completed, the detention rules were significantly altered to provide speedier and more formal detention hearings, with counsel present, for those juveniles in county youth facilities.³⁷ However, neither the old nor the new rules provide for a probable cause hearing as a prerequisite to continuing detention. The new rules very clearly provide that detention is not the presumed course of action for either the police or the court³⁸ and that detention by a court must be based upon facts adduced at hearing.³⁹ The new rules also attempt to define those groups which may be detained.⁴⁰ The old rules did not specifically state any detention standards.

The newly stated standards are "appropriately" vague. Detention by the court is deemed proper only if the court finds that:

- (1) In view of the nature of the offense charged and his past behavior, the juvenile's release might result in physical harm to himself or to the community; or
- (2) There is no suitable place for the juvenile to reside, or the juvenile refuses to return to his home, or there is no suitable adult who will accept the juvenile, or there is no suitable adult with the ability to control the juvenile and protect his health and well-being; or
- (3) There is reason to believe that if released, the juvenile will not appear at future hearings. If the juvenile or the adult in whose custody he is released reside out-of-state, the court may require a bond to be posted in such amount as it deems reasonably necessary to insure such appearances as may be required.⁴¹

These standards state the general types of juveniles which may be detained: those who are "dangerous," live in "bad" homes, or flee prose-

37. See N.J.R. 5:8-2, 5:8-6. The new rules went into effect on September 15, 1971. The rules also alter standards to be used by the police in deciding to detain. The invisibility of this decision makes the impact hard to measure. In any event, the detention data describes practices existing a year ago, and gives significant insight into the types of juveniles likely to be detained.

38. N.J.R. 5:8-2(b), 5:8-6(e).

39. N.J.R. 5:8-6(e).

40. N.J.R. 5:8-2(b), 5:8-6(e).

41. N.J.R. 5:8-6(e).

cution. The mixture of concepts aimed to protect society, the juveniles and the courts is clear. Though the standards are broadly stated, they are sufficiently clear to raise the basic issues of the propriety of using such general classifications and the priority for their use.

Note carefully that even the new detention rules have the effect of mixing dangerous and non-dangerous offenders in detention facilities without any probable cause finding.⁴² While the data gathered for this study involved cases processed prior to the effective date of the new detention rules, analysis of the data provided a wealth of information about the use of standards similar to those now embodied in court rules. Although the impact of the new rules is not measured here, except to the extent that interviews subsequent to the effective date of the detention rules have revealed change,⁴³ the data does provide a basis upon which to judge the propriety of using standards like those in the new rules, or other more objective standards. In addition, the data provides a basis upon which to measure the impact of detention on the later stages of the judicial process. The lack of probable cause hearings does not negate the possibility that there is some relationship between detention, adjudications of guilt, and dispositions.

Finally, some judicial thought has been given to the needs of the juvenile during detention.⁴⁴ In addition to the availability of treatment for juveniles actually confined pending hearing, there is the basic problem about the degree to which highly secure detention is required.⁴⁵

42. While an argument could be made that New Jersey's detention system is unconstitutional because it lacks a probable cause hearing, there are considerations which make the value of such a hearing questionable. If the purpose of such a hearing is to reduce the use of detention, other devices may be available. See notes 113-20 *infra* and accompanying text. If the probable cause hearing is viewed as a filtering device to reduce caseloads, there are also problems. See note 122 *infra* and accompanying text.

43. The students who contributed to the preparation of this article have observed that the new rules are not being very carefully implemented. In Mercer and Essex Counties, second detention hearings have not been regularly held unless law students are available to man them. In Hudson County, the first and second hearings are merged into one, leaving the process just as before the rule change; counsel was always present at the old detention hearings in the county. In Bergen County, second hearings have been held. There is a feeling in the Office of the Public Defender that use of detention by the court has decreased significantly in the county.

44. In *Creek v. Stone*, 379 F.2d 106 (D.C. Cir. 1967), in dictum, the court indicated that upon substantial complaint by the juvenile, the Juvenile Court should make an appropriate inquiry into the juvenile's needs. See also *Fulwood v. Stone*, 394 F.2d 939 (D.C. Cir. 1967). In addition to *Creek*, the court has dealt with treatment of juveniles at the disposition stage. In *re Elmore*, 382 F.2d 125 (D.C. Cir. 1967). As to the mentally ill and senile, see *Rouse v. Cameron*, 373 F.2d 451 (D.C. Cir. 1966); *Lake v. Cameron*, 364 F.2d 657 (D.C. Cir. 1966). See also *Wyatt v. Stickney*, 325 F. Supp. 781 (N.D. Ala. 1971); Note, *Due Process for All—Constitutional Standards for Involuntary Civil Commitment and Release*, 34 U. CHI. L. REV. 633 (1967); Note, *Civil Restraint, Mental Illness, and the Right to Treatment*, 77 YALE L.J. 87 (1967).

45. See *Fulwood v. Stone*, 394 F.2d 939 (D.C. Cir. 1967); *Creek v. Stone*, 379 F.2d 106 (D.C. Cir. 1967); *Doe v. State*, 487 P.2d 47 (Alas. 1971).

The tendency of courts to act as if the only detention alternatives are total release or total confinement is strong. As the Court of Appeals for the District of Columbia said in *Fulwood v. Stone*:⁴⁶

There are some indications in the record that the court may have thought that its only choices were continuation of appellant's probation or commitment to the Receiving Home. The choices are not so limited. The Juvenile Court has a duty to fashion an appropriate disposition notwithstanding any failure by the juvenile's representatives to make specific proposals—though such failure is not condoned.⁴⁷

The creation of non-institutional conditions for juveniles awaiting their hearings is a fairly clear necessity.⁴⁸ The New Jersey Court Rules permit this practice,⁴⁹ but do not emphasize the importance of release on conditions as a means of controlling the use of detention facilities. The courts of New Jersey do not widely use non-incarcerative conditions before hearing. Though it may be a time-consuming task to find non-institutional placements pending hearing, that may be the price to be paid for the proper utilization of the rehabilitative ideal in a live process.

2. Adjudication Hearing. The primary legal issues directly relating to juvenile court hearings were dealt with by the Supreme Court in *In re Gault*,⁵⁰ *In re Winship*,⁵¹ and *McKeiver v. Pennsylvania*.⁵² The *Gault* Court required that juveniles be notified of the charges against them; be given opportunity to confront adverse witnesses; be assigned counsel in cases where commitment is possible, counsel is desired and the juvenile is unable to afford counsel; and be given the protection of the self-incrimination clause of the fifth amendment. In *Winship*, it was decided that findings of delinquency must be made on the basis of proof beyond a reasonable doubt. *McKeiver* held that juries are not constitutionally required in delinquency hearings.

The problems of integrating *Gault* and *Winship* into the operation of juvenile courts have been complex. The large scale entrance of attorneys into courts with self-images of beneficent treatment of their clientele can cause serious conflict.⁵³ Teitelbaum and Stapleton, after a lengthy study of the relationship between attorney and judicial behavior in two juvenile courts, described the problem:

Empirical studies show what is to be expected—traditional courts and personnel are reluctant to adapt themselves to the new procedures now

46. 394 F.2d 939 (D.C. Cir. 1967).

47. *Id.* at 944.

48. *See Doe v. State*, 487 P.2d 47 (Alas. 1971).

49. N.J.R. 5:8-6(e).

50. 387 U.S. 1 (1967).

51. 397 U.S. 358 (1970).

52. 403 U.S. 528 (1971).

53. STAPLETON & TEITELBAUM, IN DEFENSE OF YOUTH: A STUDY OF THE ROLE OF COUNSEL IN AMERICAN JUVENILE COURTS (1972).

required by the due process clause, particularly as they require injection of elements of an adversary system into juvenile court proceedings. This, taken with the increasing appearance of counsel in juvenile court proceedings, undoubtedly will have consequences for the manner of legal representation. An attorney in traditional courts will find himself within a legal system which still considers itself non-adversary and seeks to serve goals not usually associated with other branches of law. It is only reasonable to anticipate that he will face formal and informal pressures to conform his manner of participation in delinquency hearings to the values of these courts—for example, to be less of an advocate for the child's best interests.⁵⁴

An immediate consequence of *Gault* in New Jersey was the creation of two court calendars, informal and formal.⁵⁵ Institutionalization may occur only as a result of a formal hearing with counsel present.⁵⁶ The adversary pressures spoken of above will be most prominent in such hearings. Informal hearings do not require counsel and may not result in institutional commitments. However, informal cases may be moved to the formal calendar at any time.⁵⁷ In effect, the rule guarantees that the old juvenile court traditions will remain in full flower in informal hearings.⁵⁸

It is apparent that the calendaring decision is important to an alleged delinquent not only because of the possible consequences as a result of each type of hearing, but also because of the possible impact the calendaring decision may have on the youth's legal representation. While Stapleton and Teitlebaum's work has not been repeated here, some effort is made to determine the impact, if any, of calendaring upon adjudication and disposition results. In addition, there is discussion of the types of juveniles most likely to be placed on the two calendars. This discussion assumes that similar standards should govern detention and calendaring, at least under New Jersey rules. If dangerous, or poorly envired juveniles may be detained, presumably because of their need for institutionalization, they should also be formalized. Only data relating to flight from the jurisdiction should apply to detention but not calendaring. The data often did not display the expected similarity in the use of detention and the formal calendar. Under the new detention rules, continuation of detention by the court requires formalization.⁵⁹ However, even under this rule, persons released from detention by the court, or tried at the time of the first

54. *Id.* at 59-60.

55. N.J.R. 5:9-1(c)-(e).

56. N.J.R. 5:9-1(c), (d).

57. N.J.R. 5:9-1(e).

58. Counsel does not appear often at informal hearings and is subject to the possibility of having his client shifted to the formal calendar if he does appear. A challenge to this process has arisen. *State v. M.K. and A.K.*, 40 N.J. STATE CLEARINGHOUSE REP. 9 (1972).

59. N.J.R. 5:8-6(d).

detention hearing, need not be formalized. Thus, many persons detained at some point may still be placed on the informal calendar.

Two further issues must be noted. First, New Jersey rules permit juveniles to be channeled to "conference committees" by the juvenile courts.⁶⁰ These committees are lay groups appointed by the juvenile courts. They have the power to make recommendations to juveniles referred by the court and to refer cases back to court should compliance with their recommendations not be obtained. The decision to refer to a committee is usually at the same point in the process as calendaring, that is, shortly after receipt of a complaint by the juvenile court. The data analysis included information on use of the committees.

Finally, the courts have the authority to remand juveniles adjudicated delinquent but not yet sentenced to detention centers or diagnostic institutions.⁶¹ Such remands involve significant periods of total confinement and may involve juveniles who are not committed to a state institution or who are adjudicated on the informal calendar. The use of in-patient remands off informal calendars seems suspect, since these cases involve persons who may not be committed to state institutions. The relation between calendaring, remand, and disposition is described in some detail.

3. Disposition. As previously noted, specific analysis is made of the relationships between detention, adjudication, and disposition. The disposition problems are of two sorts. First, there is some confusion as to the degree of confinement it is possible to impose after informal hearings. Second, more general issues of treatment, length of sentence, and degree of security are now being raised across the country.⁶²

The calendaring decision is clearly related to dispositions; informal cases may not lead to commitment. However, the definition of a commitment is not always clear. Probation conditions are sometimes equivalent, or at least similar to, institutionalization. For example, a probation sentence with a condition of residence in a particular narcotic addiction rehabilitation center is certainly a serious result. The Administrative Office of the New Jersey courts agrees that such cases should be placed on the formal calendar.⁶³ The degree to which this is being done is described later.

A related problem is the impact which violating an informal probation has on resentencing. May such a violator be confined? In *State v. G.J.*,⁶⁴ a juvenile was charged with violating an informal probation

60. N.J.R. 5:9-1(c).

61. N.J.R. 5:9-8.

62. See authorities cited note 5 *supra*.

63. ADMINISTRATIVE OFFICE OF THE COURTS, DISPOSITION MANUAL FOR JUVENILE JUDGES 2-3 (1971).

64. 108 N.J. Super. 186, 260 A.2d 513 (App. Div. 1969).

and was committed. The violation hearing was formal. The court found that the best procedure would have been to file a new complaint. However, G.J. was not released because the error was said to be harmless. She was represented by counsel and a finding of truancy, itself a delinquent act in New Jersey, was made at the hearing. The study revealed that the preference for a new complaint stated by G.J. was generally followed.

Of more importance than the technical relationship between calendar and disposition are the uses to which various dispositions are put by the courts. Several issues arise in this area. First, the New Jersey reformatory system receives persons sentenced from both adult and juvenile courts. Second, juveniles may receive longer sentences than adults for similar behavior. Finally, the delinquency statute does not differentiate between criminal and juvenile status offenders for disposition purposes. The first two of these issues are not directly relevant to this study. However, a short description of New Jersey sentencing practice is appropriate to give a better understanding of the dispositional policies studied here.

State law permits commitment of males sixteen to thirty to the Youth Correctional Institution complex,⁶⁵ and females seventeen or older to the Correctional Institution for Women.⁶⁶ Generally, the training schools for boys and girls receive the other juveniles committed by juvenile courts.⁶⁷ The reception by the Youth Correctional Institution and the Correctional Institution for Women of commitments from both juvenile and adult courts was approved in *Johnson v. State*.⁶⁸ The court construed the delinquency act to require segregation of adults and juveniles, and thereafter upheld the commitment of Johnson to the Correctional Institution.⁶⁹ Such commitments continue despite open admission that juveniles and adults are, in fact, not segregated.⁷⁰

65. N.J. STAT. ANN. §§ 30:4-146; 30:4-147 (1971).

66. N.J. STAT. ANN. § 30:4-154 (1971).

67. N.J. STAT. ANN. §§ 30:4-156 to 157.9 (1971).

68. 18 N.J. 422, 114 A.2d 1 (1955), *cert. denied*, 350 U.S. 942 (1956).

69. The same ruling is now judicially compelled statewide by N.J.R. 5:8-6. *See also State v. Smith*, 32 N.J. 501, 161 A.2d 520 (1960), *cert. denied*, 364 U.S. 936 (1961).

70. ADMINISTRATIVE OFFICE OF THE COURTS, DISPOSITION MANUAL FOR JUVENILE JUDGES 58-59 (1971):

However, except for Yardville, it is not the policy of the state correctional institutions to use age as the prime consideration in grouping inmates for housing. The staff at Annandale and Clinton [16-30 years old for men, and over 16 for women, respectively] have made the policy decision that age is not a good criterion for grouping inmates, and housing assignments are made on the basis of personality type. An aggressive and physically well-developed 16 year old will be housed with older juveniles or adults. Similarly a passive, weak 20 year old may be grouped with younger inmates. This method of housing is the best for the security needs of the institutions in the opinion of the staff. Therefore, the mingling of adults and juveniles occurs in all aspects of life at Annandale and Clinton. Even at

It is also true that persons committed from juvenile courts are generally retained within the jurisdiction of that court until they reach the age of twenty-one regardless of the nature of the act leading to the delinquency finding.⁷¹ Persons sent from adult courts to the Youth Correctional Institution or to the Correctional Institution for Women are generally limited to five years or the maximum term for the offense, whichever is less.⁷² The possibility that juveniles will receive longer sentences than adults for many minor offenses is very high. Given such state policies, the rate of commitment of sixteen and seventeen-year-old juveniles assumes great importance. While challenges to such correctional practices are arising, and meeting with some success,⁷³ this study is most concerned with the kinds of people being committed. The existence of mixed adult-juvenile institutions and differential sentencing practices simply magnifies the degree of any inequities discovered in this study.

Special attention is paid to the records and offenses of delinquents committed by the courts. In some jurisdictions, there is legislative and judicial hostility to using state correctional facilities for juvenile status offenders.⁷⁴ However, the New Jersey courts still commit minor offenders in significant numbers. An analysis of such commitments, together with the impact of detention and calendaring upon such dispositions appears later in the study.

II. STUDY AND SAMPLE DESCRIPTION

Information for this study was obtained from two basic sources. First, a random sample of files was taken of the Juvenile Court records of Bergen, Essex, and Mercer Counties.⁷⁵ Data on the juvenile envi-

Yardville [16-30 for men] where age is the prime consideration in housing, there is contact between juveniles and adults in vocational and educational programs. The role of "security" in the mingling of inmates is interesting.

71. N.J. STAT. ANN. § 2A:4-37 (1971); *In re Smigelski*, 30 N.J. 513, 154 A.2d 1 (1959).

72. N.J. STAT. ANN. § 30:4-148 (1971).

73. See authorities cited note 5 *supra*.

74. See cases cited note 16 *supra* and statutes cited note 13 *supra*. See also *In re Kroll*, 43 A.2d 706 (D.C. Mun. Ct. App. 1945); *In re Johnson*, 30 Ill. App. 2d 439, 174 N.E.2d 907 (1961); *In re Cromwell*, 232 Md. 409, 194 A.2d 88 (1963); *In re Braun*, 145 N.W.2d 482 (N.D. 1966); *State v. Myers*, 74 N.D. 297, 22 N.W.2d 199 (1946).

75. The period sampled was January 1, 1969 to December 31, 1970 (January 1, 1968 to December 31, 1970 for Bergen). The sample contained 200 cases in Bergen, 222 in Essex and 224 in Mercer. Cases transferred to other counties were deleted from the sample. In Essex County two filing systems were sampled. The conference committee cases are separately filed from regular court cases. A sample of conference committee cases was taken, totalling 48. (These cases are not separately analyzed in this article in any depth.) A further sample of this group of files was mixed with the court sample for Essex in the proportion in which conference committees were used during the sample period. No statistics based on these samples were calculated and all inferences are based on raw data.

ronment, prior court history, and the outcome of his or her contact with the court was collected. Second, interviews were conducted with court personnel, lawyers, police officers, and other persons.⁷⁶ The three study counties were selected because of their significantly different characteristics. Bergen County is the wealthiest county in New Jersey. It is generally residential in character. Essex County contains the city of Newark, the largest urban community in the state. In addition, it has a large number of wealthy suburban communities and is very densely populated. Mercer County also contains a significant urban center, Trenton. However, it is smaller than Newark, and is located in a less densely populated county.

The data describing the social situation of the sample juveniles appears to support the validity of the sample technique. While there were some differences in the types of persons referred to juvenile courts by the police, especially between city and suburb, those differences were quite consistent with police practice or social status. For example, there were significant racial variations. (Table 2) The differences were consistent with the different population characteristics of the study areas, though all the samples contained a higher proportion of Black defendants than did the general population.⁷⁷ The sexual characteristics of the samples were quite similar, though there was some indication that Newark court referrals were less likely to be female than in the rest of Essex County. (Table 1) In general, the samples reflect the nationwide trend that females appear in delinquency and criminal

76. The following persons were interviewed: Bergen County—Judge Franklin, Judge Rosenberg, Mr. Mazzola (Clerk of Juvenile Court); Essex—Judge Caruso, Mr. Gozidlow (Clerk of Juvenile Court), Capt. Hemmer (Newark Youth Aid Bureau); Mercer—Judge Noden, Mr. Plumeri (Intake Officer, Mercer County Probation Office), Lt. Joseph Callahan (Trenton Bureau of Juvenile Aid), Geraldine Boone (Secretary of the Princeton Juvenile Conference Committee). In addition, Marcia Richman of the Office of the Public Defender, Juvenile Division, was consulted on several occasions.

77. 1970 census data obtained from the Office of Business Economics, Department of Labor and Industry of the State of New Jersey indicate that the Department of Commerce File B-Count 1 figures are as follows:

Bergen County		
Total	898,012	
Black	24,915	(3%)
Mercer County		
Total	303,968	
Black	49,802	(16%)
Trenton		
Total	104,638	
Black	39,671	(38%)
Essex County		
Total	929,986	
Black	279,136	(30%)
Newark		
Total	382,417	
Black	207,458	(54%)

cases at a much lower rate than males.⁷⁸

There was some sample variation in the juveniles' ages. In the Mercer County sample, there was a decrease in the number of older juveniles referred to court by the police. The other two counties displayed the expected pattern of increased rate of court referral for older persons. The drop in the proportion of older juveniles in Mercer occurred in Trenton, but not in the surrounding suburbs. (Table 3) The reasons for the age variations are not entirely clear, though persons involved in the operation of the Mercer Court agreed that such variations existed. The Trenton Bureau of Juvenile Aid indicated that they had a decrease in cases involving drugs and non-school attendance among older juveniles. The data indicated that these perceptions may be true. (Tables 5, 6; compare Trenton with rest of Mercer and Essex) The explanation given for such occurrences was that drug experimentation among non-addicts tapered off after age fifteen and that truancy was of no concern after age sixteen.⁷⁹

The age differences noted led to the expectation that the Trenton sample would reveal a lower average school grade completed and a higher proportion of defendants in school than the other samples. These expectations were fulfilled. Trenton's average grade level was just below Newark's, a somewhat surprising figure. (Table 4) In addition, Trenton had the highest proportion of persons in school. (Table 7) Overall, there was substantial variance between city and suburb in the education data, but the educational level and school status of the juveniles in the suburban areas of Bergen County, and Mercer and Essex Counties outside of Trenton and Newark, were about the same.

A similar pattern of city-suburban difference and suburban similarity appeared among the samples in the nature of the home situations of the arrested juveniles, drug use histories, prior court records and the seriousness of the pending charges. Essex and Mercer Counties had fewer juveniles living with both parents than did Bergen County (Table 8), and more families where the parents were separated. (Table 9) Although the data on the employment status of the male or female in the juvenile's home was not always very good, employed women were present in the juvenile's home in lower proportions, and welfare families in higher proportions, in Mercer and Essex Counties than in

78. PRESIDENT'S COMM'N ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE, *THE CHALLENGE OF CRIME IN A FREE SOCIETY* 44 (1967). The Commission's work indicates that female involvement in crime is increasing, especially in larceny.

79. Discussion with Captain William Burns, Trenton Bureau of Juvenile Aid, in Trenton, New Jersey, July 5, 1972. The Trenton pattern was also confirmed on November 9, 1971 in discussions with Mr. Michael Perlin, an attorney at the Mercer County Office of the State Office of Public Defender, Juvenile Section. The validity of the explanations for the age pattern is subject to doubt since the other study areas did not display similar results. However, the joinder of file and interview data in Mercer leaves little doubt that the age difference existed.

Bergen. (Table 10) An employed male in the family was much less common in Essex County than in Mercer or Bergen. (Table 11)⁸⁰ In addition, Mercer and Essex families were larger than Bergen families. (Table 12) A history of drug use appeared in the sample files most often in Essex. Addictive drug histories were most prevalent among Newark residents; suburban Essex cases displayed more non-addictive drug use than any other sample area. (Table 13) In the data, disorganization or larger family size were most likely to appear in Trenton and, especially, Newark; suburban Mercer and Essex Counties and Bergen County displayed very similar, less serious, problem rates.

Other data, describing the characteristics of juveniles' court cases rather than their social or family situations, displayed similar city-suburban variations. Several different types of data were accumulated to describe the juveniles' prior records: prior calendaring decisions, prior dispositions, and the number of prior delinquency adjudications. Generally, the Essex, and especially the Newark, sample contained the most serious prior histories on all of these measures. (Tables 14-17) Similarly, sample juveniles in Essex, and especially Newark, had the most serious charges pending against them; Bergen had more minor charges. (Table 18)

From the data described, it is fairly clear that the Essex sample contained the largest "problem population," and that the suburban data of all three counties was very similar. This was confirmed when a point scale was created which assigned a point to a case for each of the following factors: a prior record existed; a prior commitment to a state institution had occurred; a history of addictive drug use appeared; a bench warrant was used to obtain the juvenile's appearance; the juvenile's area of residence was out of state; or new charges were filed subsequent to the initial arrest, but before hearing. Using this scale, the median number of points per juvenile was highest in Essex, followed by Mercer and Bergen. (Table 19) The point scale made it equally clear that Newark and Trenton contained a larger portion of problem cases than the rest of their respective counties. Finally, the closeness of the point measures in Bergen County and suburban Mercer and Essex confirmed the validity of the sample technique.

III. POLICE AND COURT PROCESSING

A. *Introduction*

The three sample counties processed their juveniles in significantly

80. The vast difference appearing in the data in Table 11 should be taken with some degree of salt. Many of the "no information" cases in Essex involved juveniles without prior court records.

different ways. In some cases, it became clear that these differences produced interesting impacts on the outcome for accused juveniles. This section of the study analyzes the interview and file data, with specific emphasis on detention, calendaring, adjudication rates, remands for examinations, and dispositions.

Each study county contains numerous municipalities. The resulting multiplicity of police departments made it extremely difficult to study pre-court processing of juveniles accused of delinquency. Information was available in court files as to the types of persons referred to juvenile courts by the police or other agencies,⁸¹ the kinds of persons detained by the various police departments, the operation of court intake procedures, the characteristics of those juveniles released after initial detention, and the operation of later court procedures.

In Trenton and Newark, large scale screening systems operated at the police level. Most of Mercer County's court cases originated in Trenton's Bureau of Juvenile Aid, which also controlled policies and practices for its arrestees up to the time a petition was filed in court. The Bureau's caseload numbered 3,363 in 1970. Of this number, 1,370 (about 41 per cent) led to the filing of petitions with the juvenile court.⁸² The Mercer County Probation Department also exercised a great deal of control over initial stages of the judicial process. Authority to release from detention and to calendar resided primarily with the Department.⁸³ Interestingly enough, we will see that the data reflected these administrative divisions of authority.

The large number of juveniles processed by the police and the court in Newark has also led to several pre-judicial screening mechanisms. The Youth Aid Bureau of Newark handled about 10,800 cases in 1970.⁸⁴ Of these, about 5,000 (46 per cent) eventually involved a petition before the juvenile court. Many of the remainder were "unsolved" cases. The Bureau, especially in non-detained cases, would often summon juveniles and their parents for investigation confer-

81. It should be noted that the court itself discouraged private parties from filing complaints directly with the Juvenile Court. Persons were urged to go to their local police. The stated reason for this practice is lack of personnel to process the load of possible complaints. Interview with Mr. Michael Mazzola, Clerk of Juvenile and Domestic Relations Court, Bergen County, in Hackensack, New Jersey, Apr. 15, 1971.

82. Interview with Lt. Joseph Callahan, Trenton Bureau of Juvenile Aid, in Trenton, New Jersey, Apr. 22, 1971. The Bureau does not keep separate statistics on conference requests. The actual proportion of referrals should be revealed by the data. See Table 78.

83. Interviews with Lt. Joseph Callahan, Trenton Bureau of Juvenile Aid, in Trenton, New Jersey, Apr. 22, 1971; Judge Noden, Mercer County Juvenile Court, in Trenton, New Jersey, May 7, 1971; Mr. Plumeri, Intake Officer, Mercer County Probation Department, in Trenton, New Jersey, Apr. 22, 1971.

84. Interview with Captain Hemmer, Newark Youth Aid Bureau, in Newark, New Jersey, May 17, 1971.

ences.⁸⁵ Some cases were closed at these conferences after promises of parental discipline were obtained by police. In addition, the court clerk, and the personnel of the county detention facility did some screening after the police had decided to detain persons. While they did not act to dismiss or drop complaints, they did release some juveniles they felt should not be detained.⁸⁶

The initial decision to detain was made in all three counties by local police who brought a detained person to a county detention center. As previously mentioned, the new detention rules in New Jersey, here used mostly as a model to analyze behavior under the old rules, provide that three basic types of juveniles may be subject to detention: those dangerous to themselves or the community, those from bad homes, and those likely to flee the jurisdiction.⁸⁷ Various data were available to study the degree to which these standards may have influenced initial detention decisions and decisions to maintain detention. The type of charges pending against a juvenile, the prior record of an accused, and the occurrence of a rearrest before hearing each create perceptions commonly used to judge the juvenile's danger to his or her community. Similarly, drug history, age and school status are relevant to perceptions about an accused's ability to handle personal problems. Age may cut two ways. Young persons may be seen as either vulnerable or less dangerous. At times, the data reflected this conflict. The viability of an accused's home life was measured by the marital status of the parents and by the juvenile's place of residence. Overall, parental marital status and place of residence generated very similar results in the data analysis. For convenience, place of residence is generally used. Finally, the use of bench warrants in the county or state of residence were useful to measure the relationship between likelihood of flight and detention.

The same factors described above, except for data relating to flight from the jurisdiction, were also used in analyzing calendaring, remanding, and disposition decisions. Social and individual danger, and family status, are those factors traditionally used as rationales for confinement after adjudication. It makes some sense to envision a model system where the use of detention, calendaring, and confinement after adjudication would each be very closely related to the same factors, such

85. *Id.* It should be noted that the forms used to request the appearance of a juvenile with his or her parents at the Youth Aid Bureau do not reveal the nature of the charges that might be filed; nor do they reveal that court proceedings might follow the meeting, that statements made might be used later, or that an attorney should accompany the juvenile. The only significant information on the card is bus directions to the bureau.

86. Interview with Mr. James J. Gozidlow, Juvenile Court Clerk of Essex County, in Newark, New Jersey, Apr. 27, 1971.

87. See note 37 *supra* and accompanying text.

as serious offenses, prior record, rearrest before hearing, broken families, and school failure. Any model system would also operate without internal effects on itself. That is, any particular step in the process, such as detention, should affect the ultimate outcome only to the degree that prior record, or other information describing the juvenile's social and family history, relates to that outcome. As the data unfolded, such a model system did not operate in any of the study counties.

B. *Detention and Calendaring*

1. *Police Detention.* About one third of the juveniles in all three samples were detained at some point during their passage through the juvenile court. (Table 20) There were indications in all three counties that this substantial rate of detention was not completely justified by police perceptions of community danger. For example, in Bergen, a rearrest after release but before hearing had little impact on police detention rates. (Table 20; compare Mercer and Essex) In all three counties, alleged serious offenders (those charged with assaultive behavior or serious drug violations) were detained at high rates, but juvenile status offenders (those charged with behavior illegal only for juveniles) were detained in equally large proportions. (Table 21) This occurred even though medium offenders had equally high rates of rearrest before hearing. (Table 22) The rearrest and crime data indicated a significant possibility of detention's overuse by police, insofar as these factors measured community danger.

The possibility that detention was overused for non-dangerous juvenile status offenders was confirmed by the prior record data in all three counties. First, prior records were not related to crime charged in any significant way. (Table 24) Furthermore, juveniles with serious past histories were generally detained more often by police than others (Tables 23, 25, 26, 27), regardless of the crime charged. (Table 28) However, juvenile status offenders were detained at levels as high or higher than other juveniles regardless of record. (Table 28)

It is interesting to note that juvenile status offenders were more likely to be female than were other types of offenders (Table 30), and that females were more likely to be detained than males in Bergen and Mercer Counties. (Table 29) The lower female detention rate in Essex appeared due only to the very large number of serious male offenders in the county. (Table 31) While the detention difference by sex was reduced when crime and prior record were held constant (compare Table 29 with Tables 31, 32), there was still some possibility, especially in Mercer, that females were detained more often than their male counterparts. (Table 31, Mercer; Table 32) Even assuming equal treatment, the basic fact remained that females were charged

more often with juvenile status offenses and that the detention rate for these offenses was high.

In a similar fashion, the difference in detention between whites and Blacks (Table 29) was at least in part attributable to the interaction between record and crime type. Blacks were detained more often regardless of their record (Table 34), and the higher detention rate for Blacks occurred most clearly among serious and medium offenders. (Table 33) However, this made some sense, since Blacks were more likely to be rearrested and have prior records in these offense groups. (Tables 35, 36)

To this point, the data indicated that while perceptions of community danger may have been considered by the police when detaining some offenders, especially those charged with serious offenses and having serious prior histories, many detained juveniles did not fit any obvious definition of social danger. Nor did other factors descriptive of one's abilities to handle personal difficulties, such as drug usage, school attendance, or age, aid in explaining the high detention rates for status offenders, or for females in Mercer County. For example, as expected, juveniles with a history of drug usage had a higher rate of detention than the rest of the various samples. (Table 37) While the data was sometimes sparse, the trend indicated a very high detention rate for persons with addictive drug histories. In Bergen and Mercer, those with non-addictive drug histories were also detained at high rates. In addition, prior record, family status, and drug history each had an independent relationship to detention rates in all three samples. (Tables 38, 40) While this confirmed a hypothesis that drug histories, even non-addictive ones in two samples, related to detention rates, it did not reduce the possibility of overuse of detention in some cases. Non-addictive drug use does not represent a great danger to the general community, though in some cases it may indicate that the juvenile is in some personal difficulty. But most important, juvenile status offenders had drug histories less often than other offenders (Table 39), and females in Mercer were unlikely to have drug histories. (Table 41)

The school status data operated much like the drug history information. Except in Essex, persons not in school were more likely to be detained than those in school (Table 42), regardless of prior record. (Table 43) However, the data, though sparse, also indicated that juvenile status offenders were detained at high rates even when in school. (Table 44) In addition, no apparent relationship existed between age and detention in any sample. (Tables 45, 47) While police may have hesitated to file complaints against younger persons, they did not hesitate to detain them once the decision to file a complaint

was made. Mercer's lower detention rate for very young persons (Table 45) was completely dissipated when prior record was held constant. (Table 47) Though the data got sparse, the high use of detention for juvenile status offenders continued regardless of age. (Table 46)

One might hypothesize that bad home situations led to the higher juvenile status detention rates. Though juvenile status offenders often came from bad family situations, their rate of split homes did not differ widely from that of serious offenders. (Table 48) In addition, while split families were more likely to occur among detained cases (Table 49), the bad home influenced only crime categories other than juvenile status offenders in Bergen; split family status offenders were still detained at a very high rate in Mercer; and the effect of a split family dissipated when crime was held constant in Essex. (Table 50) The similarity of the family status data to the trends already noted was confirmed by tabulations showing that prior record (Table 51) and drug history (Table 40) had cumulative impacts with family status in Bergen and Mercer. While family status may explain part of the differential detention by sex in Mercer, females were still detained at high levels in split family situations. (Table 52)

The data is superficially inconsistent with the new detention rules' requirements that juveniles not be detained by the police unless they are dangerous or unless persons do not exist to care for them. However, it is quite possible that persons, even from unsplit families, were not willing to come forward to assume custody of status offenders as often as in other cases. The possibility that parents of "incorrigibles" and "runaways" would refuse custody is a plausible explanation of the data.

The explanation appeared to operate in fact, especially in Bergen and Mercer Counties. Except in Bergen, juveniles from split homes were more likely to be involved in parental complaint cases. (Table 53) Most importantly, parental complaint cases were much more likely to involve status offenders than other types of crime. (Table 55) In Bergen and Mercer, the police detained most juveniles in cases involving parental complaints. (Table 54) Mercer released many of the juveniles before hearing, while Bergen did not. (Table 54) In Essex, a slightly larger proportion of parental complaint juveniles were detained by the police and the court. (Table 54) The Bergen pattern was most disturbing but both Mercer and Essex seemed to detain youngsters whose parents were upset with them. Detention of juveniles in secure facilities simply for lack of a place to put them, when state agencies could endeavor to find non-incarcerative placements for such persons, is difficult to justify. The ability of Mercer to find places

for some of their parental complaint cases, and the fairly low detention rates in Essex of such "offenders" indicated that detention need not be the rule. However, even in Mercer and Essex, the detention of abandoned or runaway juveniles at higher rates than criminal offenders hardly seems to be the solution to family disputes.

Finally, likelihood of flight from the jurisdiction may also have affected detention. Though the data was a bit sparse, those cases involving either juveniles living outside of Bergen County, or use of bench warrants in Mercer and Essex, increased the rate of detention. (Tables 56, 57)

Using the point system described previously, and computing the median number of points per juvenile in various crime and detention situations, the results confirmed the data patterns described. The median number of points per juvenile did not significantly differ among detained and non-detained status offenders, except to some degree in Mercer where the general data trends were not as strong. (Table 59) Overall, detention cases had more points than non-detention cases.

2. Judicial Detention. Shortly after the police filed the complaint, two important decisions were made. First, if the juvenile was detained a decision had to be made as to whether that detention would continue. Second, a calendar decision occurred. In Bergen County, notations that detention hearings were held subsequent to initial arrests appeared in 26 per cent (47/184) of the files. In Essex, the figure was 19 per cent (36/186). These proportions were fairly close to the initial arrest detention rates in both counties. (Table 20) Informal releases without hearing accounted for the differences. Among those files without any record of a detention process, the rate of release was much higher than the rest of the samples. (Table 74)

In Mercer County, detention hearings were held in less than 1 per cent (1/174) of the cases. That figure is appalling, and is hopefully different now that the new detention rules are in effect.⁸⁸ This pattern existed because release decisions were generally made by either

88. The low rate of detention hearings was confirmed in discussions with Lt. Joseph Callahan at the Trenton Bureau of Juvenile Aid. He could remember only one time when detention hearings were held, during the Trenton riots. Interview of Apr. 22, 1971. Further confirmation of the data pattern was given by Judge Noden of the Mercer County Juvenile and Domestic Relations Court. While he had authority to release juveniles, and informally did so when called by the Probation Department, most juveniles were released by the Bureau of Juvenile Aid. Interview in Trenton, New Jersey, May 7, 1971.

During the fall semester of the 1972-73 school year, Chuck Moriarty, one of my students, worked in the Mercer County Juvenile Court. My discussions with him indicate that first detention hearings under the new detention rules are now being held, that few juveniles are held in detention if persons appear to take custody, that second detention hearings are few in number, and that the Probation Department has general authority to release juveniles to parents, guardians, or other custodians prior to hearings.

the Bureau of Juvenile Aid or the Probation Department. If the Probation Department desired to release a juvenile, they would usually call the court and obtain permission. However, hearings were not held even if the juvenile remained in custody. This procedure was highly questionable. Even under the old detention rules, the court should have routinely exercised its own power, in hearing, once the police decided to bring a juvenile to a detention center.

Ironically, the non-judicial release procedures used in Mercer resulted in significantly more releases pending hearing than in Bergen or Essex Counties. Three-quarters of those detained by the police in Mercer were released before their adjudication hearings, while about half in Essex, and one-fourth in Bergen were so released. (Table 62) While detained cases were tried quicker than others in all three counties, a very noticeable trend towards speedy adjudications appeared in Bergen. (Table 60) As this and other data will indicate, the somewhat similar police detention patterns of the study counties were followed by dramatically different judicial processing.

In Bergen, the court did release before hearing some juveniles who had been detained by the police, though the proportion released was quite small. Significant differences appeared in the Bergen sample between the types of persons detained by the police and by the court. For example, the type of crime charged made little difference in the release decision. (Table 62) Retention rates were high for everyone, in striking contrast to the police detention data. The release pattern reassumed only mild similarity to police practice when prior record and rearrests were considered. Though the data was quite sparse, rearrested persons were never released. (Table 61) Those without records were more likely to be released but the detention rate was still very high for them. (Table 63) In addition, the seriousness of the prior record had little impact on the detention decision. (Tables 64, 65) The police pattern indicated a trend to make much more precise distinctions based on factors related to perceptions of community danger. (Tables 25, 26, 27)

The reason for the lessening in effect of type crime and prior record was fairly clear. Juveniles with drug histories of any kind were rarely released. (Table 66) Juveniles without such histories obtained their release pending hearing almost a third of the time. Given this data, it was not surprising that a drug history overwhelmed prior record in the release decision. (Table 67) In addition, those not living with both parents were less likely to be released. Family status also overwhelmed prior record as a factor in the release decision. (Table 71; see also Tables 53, 54) These trends were confirmed by data showing that the effects of drug history and family status were cumulative. (Table

68) Age (Table 69) and school status had little impact on the release decision (80 per cent of those in school and 85 per cent of those not in school were detained). It appeared that juveniles' personal problems concerned the court more than other factors.

The data confirmed interview information indicating that the Bergen court was quite concerned with the environments of drug users and those living in bad homes.⁸⁹ However, the large retention rate seemed beyond that necessary to deal with those situations. (For example, Table 64) Regardless of a juvenile's background the odds favored detention in Bergen. In addition, the high overall retention rate of detained persons by the court left almost untouched whatever questionable detention practices existed at the police level. Most noticeably, juvenile status offenders were retained at a high rate.

In Mercer, factors measuring social danger were also less clearly related to release than to initial detention. For example, juvenile status offenders were the least likely to be released, while others rearrested just as often (medium offenders) were released most often. (Table 62) In addition, prior record did not relate as strongly to release as it did to initial detention. (Tables 63, 64, 65; compare Table 25) Only those with serious dispositions in their histories and rearrests before hearing were not released at very high rates. (Tables 64, 61) Similarly, no clear relationship between detention and drugs appeared to operate in the release decision. (Table 66) Furthermore, the relationship between age and detention was the reverse of what one might expect; the younger the juvenile, the lower the release rate. (Table 69) No factor measuring perceptions of social or personal danger was closely related to the release decision.

Family situation may have some relationship to the release decision. More juveniles living with both parents were released (Table 70), but it was possible (the data was thin) that whatever small impact prior record had on release accounted for much of the difference. (Table 71; but see Table 54) Just as with the initial detention decision, racial differences did not appear relevant to release while sexual differences did.

The data trend's lack of clear direction was substantiated, and perhaps explained, by interviews with persons at the Trenton Bureau of Juvenile Aid and the Mercer County Probation Department. The Bureau personnel said they usually released juveniles once their investigations were complete. Only very serious cases or parental refusals to accept their children led to continued confinement.⁹⁰ The data may

89. Interview with Mr. Michael Mazzola, Clerk of Juvenile and Domestic Relations Court, Bergen County, in Hackensack, New Jersey, Apr. 15, 1971.

90. Interview with Lt. Joseph Callahan, Trenton Bureau of Juvenile Aid, in Trenton, New Jersey, Apr. 22, 1971.

confirm this. (Tables 54, 62, 64, 70). In addition, the Probation Department exercised authority to release detained juveniles after a delinquency petition was on file.⁹¹ They often did so when parents or others appeared to take the juveniles from the detention center. The apparent result of the informal process was a pattern of release which was not related to any obvious social purposes except perhaps the investigatory needs of the police departments, and, for those of us who dislike juvenile detention, the satisfaction of pure principle.

In Essex, too, various types of persons were released pending hearing. Serious offenders and, perhaps, juvenile status offenders were least likely to be released. (Table 62) Those with prior records were more likely to be retained in detention than those without records. (Tables 63, 64, 65) While serious past histories led to fewer releases, the relationships were not nearly as strong as those for the initial detention decision. (Compare Tables 25, 26, 27) Though the data was thin, drug history did not appear to have a large impact on release (Table 66), nor did age. (Table 69) In contrast to the initial detention decision, family status was closely related to the release decision. (Table 70) Though the data was thin in spots, the impact of prior record and family status was cumulative. (Table 71) Thin data made sexual and racial analysis impossible.

In Essex, more than the other two counties, some degree of analysis seemed to be occurring at the court level. But while all the above Essex data was interesting, the variable most closely related to release from detention was the date on which the detention hearing was held. During the first six months of a calendar year, half the detainees were released. During the second half of the year, almost everyone was detained. (Table 74) For those without detention hearings noted in their files, almost everyone was released, confirming the use of informal release procedures by the detention center. (Table 74) Neither Essex's initial detention rates nor Bergen's release data conformed to the up and down pattern of the Essex release data. (Table 74, 75) All this was not very mysterious. The judges sitting at detention hearings rotated every six months during the period of this study. Detention patterns fluctuated noticeably at the points of judicial rotation. Needless to say, the detention practices of the two judges differed. Large differences in detention rates by date of the detention hearing continued regardless of prior record and, possibly, crime.⁹² (Table 76)

91. Interview with Mr. Plumeri, Intake Officer, Mercer County Probation Department, in Trenton, New Jersey, Apr. 22, 1971.

92. The crime data was fairly thin but still showed sizable disparities. Data of value was available only for serious and medium offenders. Serious offenders whose detention hearings were in the first six months of the year were detained pending hear-

The overall trends noted here were confirmed by use of the point scales which showed some differences between retained and released juveniles in Essex and Bergen, and very little in Mercer. (Table 73) The extraordinarily different uses of detention by police and courts, and among the various courts, raises several interesting issues. First and most obviously, is the problem of uniformity of treatment. The restrictions of the new detention rules could reduce some of the disparity. However, it is quite possible that the differences noted will continue relatively unaltered into the future. In Bergen, the use of detention together with quick adjudications could continue unabated with use of informal hearings at the same time initial detention decisions are made. In Mercer, the relative ease with which juveniles were released might not be changed by the need to obtain official judicial sanction under the new rules. Essex's judicial differences were not related to the old detention rules in any particular way.⁹³ These problems will be discussed in more detail in the concluding section.

3. Calendaring. The lengthy description of detention undertaken here is important not simply because detention itself is a significant impingement upon free movement, but also because of the impact the decision to detain may have on later phases of the juvenile court process.⁹⁴ The most immediate impact was upon calendaring. (Table 77) As noted previously, the two procedural steps of detention and calendaring should be similarly viewed in terms of the standards to be used in arriving at the decisions. If formal calendar cases are those where institutionalization is possible, presumably the same factors of social danger or broken families, relevant to detention would be important to formalization. Only Mercer's formalization rate was anywhere close to its detention rate. None of the counties displayed uniformity in the use of detention and formal hearings. (Compare Tables 78, 20)

As with judicial detention, the calendaring patterns varied significantly in the study counties. (Table 78) For example, even though

ing at rates of 43 per cent ($\frac{3}{7}$, initial arrest), 60 per cent ($\frac{3}{5}$, subsequent arrest) and 50 per cent ($\frac{9}{12}$, total cases). Medium offenders in the same period were detained at rates of 29 per cent ($\frac{3}{7}$), 60 per cent ($\frac{3}{5}$) and 43 per cent ($\frac{9}{12}$). Serious cases heard later in the year were detained pending hearing in the following proportions: 100 per cent ($\frac{3}{8}$), 100 per cent ($\frac{1}{7}$) and 100 per cent ($\frac{19}{10}$). The rates for medium offenders were 70 per cent ($\frac{7}{10}$), 86 per cent ($\frac{9}{7}$) and 76 per cent ($\frac{13}{17}$).

93. At least in Bergen and Mercer, there is some indication that the old trends continue in part. The experience of Mr. Larry Maddock and Mr. Melvin Gutman, now working with the Office of the Public Defender in Bergen as part of a course of mine, indicates that there is sometimes pressure to plead juveniles guilty at detention hearings. See also note 86 *supra*.

94. For a look at the impact of bail on adult criminal proceedings, see Banfield & Anderson, *Continuances in the Cook County Criminal Courts*, 35 U. CHI. L. REV. 259 (1968).

the detention rate in Bergen was the highest among the study counties, their formalization rate was the lowest. In contrast to Mercer and Essex, detention did not as a rule lead to formalization in Bergen (Table 77); informalization was clearly the rule. (Table 78) Part of the explanation for this fact was found in the administrative method used to calendar. The Clerk of the Bergen Juvenile Court calendared most of the informal cases, and took to a judge for review only those cases he felt might be formalized. The clerk indicated that informal discussions with the police and the existence of a prior formal hearing, weighed heavily in his decision to take a file to a judge for possible formalization. Type crime, age, prior record, and drug involvement, especially if the police indicated deep involvement in drugs, also had an impact on his decision.⁹⁵

Much of the clerk's description appeared to be operating in fact. Among juveniles with prior records, only those last adjudicated on the formal calendar were highly likely to be formalized. Other prior records had no impact. (Table 79) Those with serious prior dispositions or two or more prior adjudications were placed on the formal calendar more often than others. (Tables 81, 82) The presence of a second arrest before the defendant's hearing also had some effect on calendaring. (Table 84) The importance of prior record in the calendaring decision was displayed by the crime data. While a lower proportion of cases were formalized among lesser offenders, and this pattern continued for those with and without prior records, formalization was much reduced for non-record cases. (Table 88)

Other factors creating perceptions of danger to self or others also related to calendaring. A drug history led to more formal hearings (Table 89) and the relationship was cumulative with prior record. (Table 90) Older persons were more likely to be formalized (Table 91), and older age and prior record both operated to increase formalization. (Table 92) In addition, juveniles from broken families were more likely to be formalized (Table 93); this relationship was also cumulative with prior record. (Table 94) It is interesting to note that the calendaring of males and females did not differ significantly (Table 96), and that this trend continued for all types of crime. (Table 98)

Summarizing, serious charges, prior record, drug history, family status and older age were all related to calendaring in Bergen. The overall contrast with the detention practices of the court was substantial, especially with respect to parental complaint and juvenile status offenders. (Compare Tables 86, 87 with Tables 21, 54) If juvenile

95. Interview with Mr. Michael Mazzola, Clerk of Juvenile and Domestic Relations Court, Bergen County, in Hackensack, New Jersey, Apr. 15, 1971.

status offenders or parental complaint cases were informalized and, therefore, not subject to institutionalization, one must wonder why they were detained at high levels by the police and the court.

Overall, formal calendars and conference committees were used more often in Mercer than in Bergen. (Table 78) Part of the cause for this difference appeared to lie in the vastly different calendaring procedures used in the two counties. In Mercer, the calendar decision was largely delegated by the court to the Probation Department. There, the Intake Officer calendared most cases of those petitioned as delinquents for the first time and sent most of the remainder to probation officers for review of their old files.⁹⁶ Once a file was sent to a probation officer's desk, a fairly high use of the formal calendar could be expected. The administrative layering of an Intake Officer and other officers may well have created a feeling that serious cases usually passed by the Intake Officer. The data confirmed this hypothesis. Files with notations of probation officer assignments had much higher use of the formal calendar. (Table 80) The administrative pattern also led to the expectation that prior record was basic to calendaring, and that after only one prior adjudication, a large number of juveniles would be formalized. Such was the case. Formalization jumped from 6 per cent for those without a record to 51 per cent after one adjudication. (Tables 79, 81; contrast Bergen) As also might be expected, formalization was higher for those with quite serious past histories. A prior adjudication at a formal hearing almost guaranteed formalization. (Table 76) In addition, those with serious prior dispositions were formalized somewhat more often than others. (Tables 82, 83) A huge difference in formalization rates existed between those who had previously been placed on probation and those with administrative prior records. (Table 79) Such administrative record cases usually involved arrests, Conference Committee assignments, or prior acquittals and dismissals. Apparently the calendaring officers were more swayed by a quick succession of arrests than by older, but minor, confrontations with authority. It is also interesting to note that while those with administrative records were calendared as if they had no record (Tables 79, 85), they were detained at rates almost as high as those persons with prior records. (Table 25) It seems as if the calendaring and detention officials placed different weight upon their paper records. Police detained at high rates when persons had been previously arrested. The Probation Department formalized often when prior records or quick rearrests were present.

96. Interview with Judge Noden, Mercer County Juvenile Court, in Trenton, New Jersey, May 7, 1971; Interview with Mr. Plumeri, Intake Officer at Mercer County Probation Department in Trenton, New Jersey, Apr. 22, 1971; Interview with Ms. Lynda Thistledon, Probation Officer, New Jersey, Apr. 22, 1971.

There were also some differences between use of the formal calendar for various types of crime, although the differences were clearly evident only for minor offenders. (Table 86) This relationship between calendar and crime was not nearly as strong as that between record and calendar. Not surprisingly, record overwhelmed the type of crime as an important indicator of calendar. (Table 88) This fit well with the picture previously described of the operation of the probation department in calendaring. It seemed that paper records, more than individualized decisions based on a measurement of social danger, governed calendaring.

Prior record also predominated as an indicator of calendar over various perceptions of personal problems. While drug history was related to calendaring, its effect dissipated when prior record was held constant. (Tables 89, 90) Place of residence operated in a similar way. (Tables 93, 94)

As mentioned previously, there was a drop off in the referral of older juveniles to the court in Mercer County. (Table 3) This drop appeared to have occurred among serious cases, or at least those that might otherwise have been formalized. (Tables 91, 92) The reasons for the failure of the Trenton Bureau to refer these persons to court was not clear. The proffered explanations that the number of drug and non-school attendance cases dropped for older juveniles could plausibly sit with the calendaring data, since formalization was generally higher for drug and non-school cases. (Tables 89, 95)

The previously noted differences in detention for males and females continued, somewhat altered, into the calendaring decision. While males and females were calendared at similar rates (Table 96), which similarity continued when prior record was held constant (Table 99), female formalization occurred entirely among minor and juvenile status offenders, where the male formalization rates were lower. (Table 98) However, prior record data suggested that females should have been formalized slightly more often among juvenile status and minor offenders, and somewhat less often among medium offenders. (Table 100) This in fact occurred. (Table 98) The impact of prior record appeared to dominate the use of calendars here as in other areas.

Large differences appeared in calendaring when race was considered. (Table 101) Again, the difference tended to disappear when prior record was held constant. (Tables 102, 103, 105) The differences in calendaring by race were largely confined to medium, and perhaps serious, type crimes. This appeared in part because rearrests before hearing were more likely to occur among Blacks in these groups (Table 35), and because rearrest was strongly related to formalization. The combination of prior record and rearrest data probably explained

the racial calendaring differences. In summary, the probation department's presence as calendaring agent had a substantial effect on calendaring. While differences in treatment by race and sex appeared, these differences were not clearly out of phase with the rest of the data.

In general, the formal calendar was more heavily used in Essex than in either Bergen or Mercer. (Table 78) This overall pattern was consistent with the depth of general problems present in the three samples. The high use of the formal calendar in Essex was also consistent with the administrative mechanisms used to decide calendaring. After a complaint arrived, the Juvenile Court Clerk separated out those he would refer to Conference Committees. Such referrals were made, as in the other counties, only for persons with no prior record. The remaining files were docketed. Those where the juvenile was not in custody were then kept by the clerk for calendaring while the remainder were sent to judges who calendared them at detention hearings. This practice has not been significantly altered by the new detention rules which simply require that continually detained cases be formalized and that initial detention hearings occur within twenty-four hours.⁹⁷ Of those files remaining with the clerk for calendaring cases defined as serious by the clerk (murder, rape, atrocious assault and battery, armed robbery, and hard drugs) were automatically formalized. Cases where the clerk was not sure of which calendar to use were usually formalized on the theory that the slightest possibility of institutionalization in a case should lead to a formal hearing.⁹⁸ This was consistent with the high use of the formal calendar in Essex.

As in the other counties, a prior formal hearing almost always led to a subsequent formal hearing. (Table 79) In general, those with prior records were more likely to appear in formal hearings than those with no prior records. In addition, formalization rose as the number of prior adjudications rose. (Table 80) The Mercer pattern of a sharp increase in formalization after one prior adjudication, followed by a leveling off of formal calendar use, did not reappear. A sharp rise occurred after three prior adjudications. Also, all cases with such lengthy histories were formalized.

As in Mercer, there was a sharp jump in formalization for those rearrested before their hearings. Rearrested defendants were formalized at twice the rate of those not rearrested. (Table 84) A rearrest had almost the same impact as one prior adjudication. (Table 85) However, in contrast with Mercer, those with administrative records were formalized at rates similar to those with prior records. (Tables 79, 85)

97. N.J.R. 5:8-20.

98. Interview with Mr. James Gozidlow, Juvenile Court Clerk of Essex County, in Newark, New Jersey, Apr. 27, 1971.

The clerk's presumptive use of the formal calendar seemed to carry administrative record cases into the formal column in fairly large numbers; the use of the formal calendar rose to about half for all groups having prior contact with the juvenile justice system.

It also appeared that there were significant differences between use of the formal calendar and detention for various types of crime. (Table 86) The use of the formal calendar rose noticeably as cases progressed from juvenile status offenses to serious offenses. Given this data, the high use of detention among juvenile status offenders was anomalous. In contrast to Mercer, where record was predominant, the impact of crime and prior record on calendar was cumulative in Essex. (Table 88)

As indicated by the clerk, addictive drug history was highly related to formalization (Table 89) and cumulative in effect with prior record. (Table 90) Place of residence was related to calendaring (Table 93) but appeared to affect only those without prior records. (Table 94) Similarly, older juveniles were formalized more often only if they did not have a prior record. (Tables 91, 92) Thus, other than drug history, factors relating to perceptions of personal difficulties were quite secondary in their impact on calendaring to record and type crime.

Despite the fact that females and males were detained at fairly similar rates, females were rarely formalized. (Table 96) Detained males were formalized much more often than detained females. (Table 97) The pattern continued for types of crime and prior record. (Tables 98, 99) The contrast with detention was remarkable. (See Tables 29, 72) Either more females were being detained, or fewer females were being formalized, than was justified.

The contrast with detention was not as noteworthy when race was considered. While Blacks were formalized more often (Table 101), the difference tended to dissipate when prior record and crime was considered. (Tables 102, 103, 104, 105) Again note that Blacks were more likely to have records, commit serious offenses, and have drug histories.

The general trends noted here were confirmed by use of a point scale. Altering the previous point system somewhat so that points were not given for factors related to flight from the jurisdiction (bench warrant use and residence out of state) but were given if the juvenile had two or more prior adjudications, there was a significant difference in point levels between calendars in all three counties. The presumptive use of the informal calendar in Bergen and the formal in Essex may be reflected in the fact that Bergen's formal cases had the highest median point level and Essex's, the lowest, of the three counties. In addition, females

and Blacks did not appear clearly mistreated on the basis of the scale data. (Table 107)

C. *The Adjudication Hearing*

1. *The Hearing.* The study made use of five primary bits of data on the adjudication itself: the nature of the legal representation, the judge, the verdict, the existence of a remand for examinations pending disposition and the length of time of the hearing from the filing of the complaint. It has already been noted that, generally, detention was fairly clearly related to calendaring and that cases with juveniles detained pending hearing were heard quicker than other cases. (Tables 77, 60) Detention and calendaring had other interesting relationships to the hearing. Clearly, detained cases obtained legal representation more often because of the higher use of the formal calendar in those cases. (Tables 108, 109) Note that public defenders generally could not appear in informal cases and that the level of representation at informal hearings was very low.

Of most interest, perhaps, were the relationships appearing between detention, calendaring, and the verdict. As with judicial detention and calendaring, different patterns appeared in each county. In Bergen persons detained pending hearing had a higher guilty rate than other juveniles. (Table 110) This continued regardless of prior record (Table 112), crime (Table 113), number of charges pending against the accused (Table 114), calendar (Table 115), place of residence (Table 117), drug history (Table 118), attorney (Table 119), Judge (Table 121), and time until hearing (Table 126). As one might expect with such a pattern, the data, though sparse, indicated that publicly defended juveniles, who were often detained, were found guilty more often than those privately defended. (Table 120) Overall, represented juveniles fared a little better at verdict than those not represented by counsel, especially in very long cases. (Tables 119, 124) The data was too sparse to make any judgments about the comparative quality of public and private defense.

It is interesting that much of the differential guilty rate appeared in cases where attorneys were not present, though the pattern was present in represented cases as well. (Table 119) In those cases tried with attorneys, delay was more likely; quick adjudications occurred more frequently without lawyers. (Table 124) In fact, quick adjudications of detained juveniles without counsel present, on the informal calendar, contributed a substantial portion of the guilty verdicts. (Tables 126, 125, 123) Despite this initial flurry of informal adjudications, the guilt differences for detained and non-detained persons continued for longer cases. (Table 126) While it also appeared that the guilty rate fell in

longer cases regardless of the presence of counsel (Table 124), or the type of crime charged (Table 127), this effect dissipated when detention was held constant. (Table 126)

Two types of events are revealed by this data. First, a large batch of cases were handled quickly, many after the juvenile was detained, on informal calendars. It is unfortunate that the case files did not often reveal whether the adjudication occurred after guilty pleas. Second, there was a more general pattern of differential guilty rates between detained and non-detained cases. However, the degree of difference was smaller for cases which took longer than one week to come to trial (Table 126) and for cases with attorneys (Table 119) than the difference which occurred in the overall population. (Table 111) Whatever bias was created by detention beyond a week in length was certainly less than that created by a police officer's initial decision to detain. Those fortunate enough not to be initially detained were not confronted with the initial gantlet of detention hearings (and, perhaps, pressure to plead guilty in return for informal calendaring)⁹⁹ and early guilty findings.

Regardless of the exact course of events, it was clear that the initiation of detention by the police and the continuance of that detention by the court related to an ultimate finding of guilt. Such a fact makes the detention decision of crucial importance and leads to added questioning of Bergen's high detention rates and the large number of detained juveniles adjudicated informally.

The differences in guilty rates for various detention situations which appeared in the Bergen data did not appear so clearly in Mercer. (Table 110) While there was a possibility that guilty rates were lowest for those not detained in any way (Tables 112, 113, 114, 115, 116, 117, 118, 119, 122, 126), the differentials were sometimes nonexistent and rarely large. The relative ease with which juveniles obtained release from detention may indicate that the court did not in any way view the detention process as important to the way a case was decided.

Whatever differentials did exist were most prominent between those detained and released and those not detained. It is possible that the manner in which detention was used by the police in Trenton caused this data trend. If persons were most commonly released from detention only after police investigations were completed, these cases may be more easily won by the state at trial. This theory was given some mild support by data showing that, at high levels, the guilty rates leveled out (about 95 per cent) among both those detained and released and those not detained, in cases where several charges were pending against the

99. Present day experience as well as the study information indicates that such pressure exists. See note 91 *supra*.

juvenile. Differentials continued when two or less charges were pending. (Table 114) It is arguable that multiple charge cases were more easily proven than others and that the presence of data showing high uniform guilty rates for this entire group supports a theory that Mercer's verdict statistics displayed differences primarily on the basis of the ease with which cases could be proven. Again, it was unfortunate that guilty plea data was not complete enough for statistical use.

The Mercer data only suggested possibilities. However, it is worth noting that to whatever degree either possibility—bias created by detention or detention used as an information collecting device—described reality, safeguards are necessary. Detention decisions must become more visible and actions taken to release juveniles must be subject to speedy review.

As in Bergen, privately represented juveniles fared better than others (Table 120) and guilty rates declined for those represented by counsel in cases lasting over three months. (Table 124) The sparse data indicated that privately represented persons generally do better in criminal and juvenile courts than do other persons,¹⁰⁰ but further research would be necessary to confirm such a trend in New Jersey's juvenile courts.

In Essex, the relationship between detention and guilt was dramatically displayed in the data. The fall in guilty verdicts among non-detained juveniles was very substantial. (Table 110) The large differences continued regardless of prior record (Table 112), crime (Table 113), number of charges pending against the juvenile (Table 114), calendar (Table 115), rearrest (Table 116), place of residence (Table 117), attorney (Table 119), judge (Table 121), and race (Table 122). Only two small exceptions appeared in the data. Juveniles who had addictive drug histories (Table 118) or who were tried fairly rapidly (Tables 124, 126, 127) were usually found guilty regardless of detention status. The guilty rate fell in non-detention cases for non-addictive drug and non-drug defendants and for trials held more than one month after arrest. Only about 12 percent (20/164) of the cases were tried in less than one month. Thus, for most of the sample, detention had a clear relationship to verdict.

Several explanations may exist for this pattern. First, a portion of the cases were disposed of fairly quickly with a very high proportion of guilty verdicts. These results involved both detained and non-detained cases (Table 126), and represented and unrepresented juveniles (Table 124), primarily in informal cases (Table 125); they probably involved early guilty pleas. Again, it was unfortunate that the data did not permit inquiry into pleas. Second, and most important, a degree of

100. See Banfield & Anderson, *supra* note 94.

bias appeared to be created by the existence of detention in a case record. The fact that the guilty rate for those detained and released was almost as high as that for those detained pending hearing indicated that the difference in guilty rates resulted from something other than "sub silentio" guilty findings at detention hearings or difficulty in raising a defense due to total isolation from the community. Perhaps detention created bias in the trier of fact, but regardless of the exact cause, it was clear that detention was a crucial factor in the results of adjudication hearings. This fact was more clearly displayed by Essex's data than by the data in the other counties.

2. Remands. Among those found guilty, remands for inpatient examinations were much more heavily used in Essex and Bergen Counties than in Mercer. (Table 129) Generally, those detained were more likely to be remanded than those not previously held. (Table 128) However, the relative use of remands in the study counties was not consistent with their relative use of detention or of the formal calendar. (Compare Tables 20, 62, 78) The differences in the ways remands were used were just as pronounced as with judicial detention.

In Bergen, 73 per cent (16/22) of those remanded had been detained pending hearing; two more had been detained for shorter periods. In addition, many of those juveniles who were both detained and remanded were adjudicated delinquents on the informal calendar. (Table 128) Generally, remands occurred much more often among those previously detained prior to an informal hearing than among all others. Ten per cent (14/141) of all those found guilty were detained pending hearing, adjudicated on the informal calendar and remanded. Such a pattern revealed a circumvention of the letter and spirit of *In re Gault*¹⁰¹ of significant proportions.¹⁰²

Note that in Bergen, juvenile status offenders and parental complaint juveniles were most likely to be remanded (Tables 130, 132), and that the median length of time between adjudication and disposition for remanded persons was greater than one month. (Table 131) The median length of time until disposition for others was less than a week but about one-fourth of the cases dragged on longer than three months. (Table 131) When pieced together with the other data which displayed high detention rates and quick hearings without counsel, there appeared a significant possibility that the remand procedure was being used in Bergen as a device to deal with family disputes and other minor cases in a quick, decisive, and probably illegal, fashion.

101. 387 U.S. 1 (1967).

102. Presumably the *Gault* Court was concerned about the use of liberty decreasing sanctions without procedural safeguards. Although Bergen may technically comply with *Gault*, the number of institutionalizations without counsel indicates that the compliance may be something other than enthusiastic.

Some of the tendencies appearing in Bergen's detention data reappeared among those remanded but the relationships in the data were generally not as strong. For example, females (Table 133), those not in school (Table 134), those not living with both parents (Table 135), those with drug histories (Table 136), and those with prior records (Table 137) were remanded more often. The judge made little clear difference. (Tables 141, 143)

Using the point scale previously described for calendaring, and adding another point to the scale for lack of presence in school, there was only a small overall difference between those remanded and those not remanded. (Table 140) This pattern reappeared for all types of crime (Table 140) but for only one of the two judges. (Table 142) Overall, it did appear that remands were used with somewhat less discrimination than detention, and certainly with less selectivity than the formal calendar.

While informal cases were more likely to be remanded in Bergen, in Mercer, the overall remand rate was low (Table 129), formal cases were remanded slightly more often than informal cases and detention was only slightly more likely to lead to a remand. (Table 128) Remands were much more likely to occur among serious and juvenile status offenders than among others. (Table 130) The median time from adjudication to disposition in remanded cases was extraordinary—longer than three months. Other cases were disposed of much more rapidly. (Table 131)

The gross number of remands was so low that data analysis was difficult. However, a few bits of data did indicate some standards. For example, females and juveniles from split families were remanded more often. (Tables 133, 135) Generally, no clear difference in the use of remands appeared for other factors. Using the point system previously described, there was little difference between those remanded, sent for outpatient work or routinely disposed of. (Table 140) No point difference existed between males and females. (Table 139) The small amount of data made definite conclusions impossible.

In Essex, calendaring had no apparent impact on the remand decision. (Table 128) While most remands (74 per cent, 25/34) occurred in formal cases, a significant proportion (26 per cent) occurred after informal hearings. While the detain-informalize-remand pattern present in Bergen did not occur in as high a proportion of cases in Essex, remands did occur at similar rates among informal cases. (Table 128) Generally, all cases were disposed of in less than a month after adjudication, but remanded cases got a slower start toward disposition. (Table 131) While Essex's adjudications took longer than the other counties, their dispositions moved more quickly.

Several of the trends evident in initial detention reappeared in Essex's remand data. Juvenile status offenders were the most likely to be remanded though serious offenders were also remanded at a high rate. (Table 130) The same pattern appeared among parental complaint and other cases. (Table 132) Males (Table 139), those from split families (Table 135), those with drug histories (Table 136), those with prior records (Table 137), and Blacks (Table 138) were more likely to be remanded.

These patterns were confirmed by the point scale which showed males and Blacks with more points (Table 139) and remanded persons with more points than non-remanded persons. (Table 140) In general, remands appeared to be used with somewhat greater distinctions in Essex than in the other counties.

However, there were still two difficulties with Essex's remand process. First, though the data was sparse, it appeared that the high remand rate for juvenile status offenders was not justified on the point scale. (Table 140) Second, remand procedures appeared to be quite differently used by various judges in the county. (Table 141) Remand rates ranged from 14 per cent to 50 per cent among the judges. Point scaling confirmed the notion that judges were using quite different remand policies. (Table 142) Of those judges with the lowest use of remands, it was possible that one (#3) didn't care to use the remedy, and another (#4) didn't have a population with sufficient problems to call for a high use of remands. One judge (#2) appeared to use remands out of proportion to the demands of his caseload. These same trends reappeared when the judges' actions were broken down by calendar. (Table 143) Two judges (#1, #4) appeared to use remands regularly in formal cases, another (#3) just didn't use remands, and the other judge (#2) regularly used remands off the informal calendar. Judge #2's use of informal remands is subject to criticisms already discussed as to Bergen's overall remand pattern.

D. *The Disposition*

The use of state juvenile institutions was clearly the exception not the rule in all three counties. (Table 148) Two other dispositions assumed slightly more significance: dispositions imposing residential, non-home, conditions on probations, and fines. As mentioned previously, probation with residential conditions is a most serious disposition. Generally, this disposition was more likely to occur after formal adjudications than after informals but a portion of informal cases were disposed of in this manner in all three counties. (Table 149) These

dispositions are subject to serious questions of legality.¹⁰³ Fines occurred with most frequency in Bergen, with a significant portion (17 per cent, 25/141) of informal cases being disposed of in this way. Their heavy use in Bergen was probably attributable to the wealth of the county, in comparison with the other sample areas.

The interplay between the ultimate disposition and prior events in the juvenile justice process was most interesting. Generally, those detained pending hearing, placed on the formal calendar, or remanded were more likely to receive serious dispositions than others. (Tables 144, 145, 146, 147, 149, 150) However, the relationships were different in each county, with detention and remand assuming importance in Bergen, detention and calendaring in Mercer, and detention, calendaring, and remands in Essex.

The relationship of calendar to disposition was the least significant in Bergen County. (Tables 145, 147) The impact of detention dissipated the effect of calendar on dispositions (Tables 145, 149) and the presence of a remand was more crucial than the calendar in the determination of a serious disposition. (Table 147) The overall effect of calendaring on the actual outcome was quite small in the Bergen sample, while that of detention (Tables 145, 150, 153) and remands (Tables 144, 146, 147) was quite significant. The interplay of Bergen's court processing and individual factors, such as crime, drug use, family status, and prior record confirmed the impact of the process on its own outcome. For example, both prior record and detention were related to disposition. (Tables 150, 152) But their impacts were cumulative (Table 153), indicating that detention itself may have had an independent effect. Crime (Table 155) and family status (Table 166) operated in much the same way with detention; detention appeared to dissipate any effect drug history may have had on dispositions. (Table 165)

Note carefully that wide scale use of remands in Bergen occurred after informal hearings, that remanded persons were given serious dispositions more often (Table 144) and that informally adjudicated juveniles who had been remanded were seriously disposed of at much higher rates than those not remanded after informal adjudications. (Table 147) This, together with the relationship of pre-trial detention to post-trial remanding and ultimate dispositions (Table 146) negated the overall importance of the calendaring decision in Bergen County, except that it provided a neat vehicle for avoiding the restrictions of *Gault*. It is possible that the provision of counsel in all informal hearings would alter the results of these cases (*see* Tables 123, 124) and thereby realign the juvenile justice system of Bergen County.

103. *See* note 60 *supra* and accompanying text.

In contrast to Bergen, remanded cases were not the most likely to receive serious dispositions in Mercer. (Table 144) The manner in which calendaring faded as a significant factor in the operation of the Bergen court in comparison with detention did not appear in Mercer, where both detention and calendaring contributed to the seriousness of the ultimate dispositions. (Tables 145, 146, 147) The cumulative impact of detention and calendaring on receipt of a serious disposition appeared to be quite substantial. (Tables 145, 149, 150) Serious dispositions occurred much more frequently on the formal calendar than the informal, though there still was a fairly significant use of serious dispositions in informal cases. (Table 149) But most important, the processing steps of detention and calendaring were more influential than prior record or other factors at the disposition stage. While those with prior records, especially serious ones, were more likely to be seriously disposed of than others (Tables 152, 158, 159), detention pending hearing and calendaring each had impacts independent of prior record. (Tables 153, 154) Crime, drug use, and family status data appeared to operate in the same way. (Tables 155, 165, 166)

In Essex, all three procedural steps appeared to effect dispositions. Remanded cases were much more likely to be seriously disposed of than other cases. (Table 144) It also appeared that both detention and calendaring were related to dispositions and that the relationship of detention, calendaring, and remands to dispositions were cumulative. (Tables 145, 146, 147) In addition, the impact of detention and calendar was cumulative with prior record. (Tables 153, 154) Crime (Table 156) and drug use (Table 165) operated in a similar fashion with detention.

The overall disposition patterns varied considerably among the study counties. For example, in Bergen and Mercer, juvenile status offenders received serious dispositions quite often (Table 151), while in Essex, such persons rarely were seriously disposed of. Though prior record affected dispositions fairly clearly in all three counties (Table 152), juvenile status offenders were seriously disposed of in Bergen at high rates regardless of prior record. (Table 156) This occurred even though juvenile status offenders were rarely formalized. (Table 86) Furthermore, in Bergen, juveniles in parental complaint cases were seriously disposed of more often than others. (Table 157; contrast Mercer and Essex) As in status offense cases, the formalization rate of parental complaint cases was not higher than other cases. (Table 87) Such data reemphasized the relative unimportance of calendaring in the Bergen process. In Mercer, record overwhelmed crime as an important factor in dispositions in all crime categories; the same trend appeared in Essex but only for serious and medium offenders. (Table 156) The contrast among the three counties in the impact of

record and crime on dispositions was stark. Bergen and Essex were almost opposites. Mercer relied almost exclusively on record as a basis for dispositional decisions, much as it did for calendaring. (Table 156)

The impact of prior record was somewhat specialized in all three counties. Just as a prior formal calendaring had a significant impact on a subsequent calendaring decision, so prior serious dispositions were related to subsequent serious dispositions. The court imposed sanctions more serious than those last ordered at fairly low rates, especially when moving from medium or minor to serious dispositions. (Table 158) Usually, a juvenile had at least two prior adjudications before serious dispositions were used; in Essex, the number rose to three. (Table 159)

Other relationships between perceptions of social and personal danger and dispositions also existed. Those with drug histories received more serious dispositions than those without such histories (Table 162) and those out of school were more likely to be seriously dealt with. (Table 164) As might be expected, family status was also related to dispositions. Those not living with both parents were treated more severely than those living with both parents. (Table 168) The effect of family status and prior record were cumulative (Table 173), except in Essex, where the effect of family status dissipated. In a now familiar pattern, the impact of a family situation was most concentrated among minor and juvenile status offenders in Bergen while juvenile status offenders were seriously disposed of at high rates for all family situations. (Table 174) Essex presented the opposite pattern and family status appeared to affect all crime categories in Mercer. (Table 174)

Perhaps some of the data differences were explained by the way age affected outcomes. Younger persons were more likely to be seriously treated in Bergen than their older counterparts, while the opposite was true in Essex. Mercer was somewhere between. (Table 163) The possibility of age cutting two ways (youth equals either vulnerability or lack of fault) appeared vividly.

Racial and sexual differences also appeared in the data. Females continued to be treated more severely in Mercer, as were Blacks in Mercer and Essex. (Tables 160, 161) Female lesser offenders received serious dispositions much more often than males in Mercer (Table 172), without prior records (Table 171) or higher point scaling (Table 176) to fully explain the disparity. The racial differences tended to dissipate when crime (Table 169), prior record (Table 168), and point scales (Table 176) were considered.

Overall, there were significant differences between serious, medium and minor disposition cases. Point differences for various dispositions

were substantial for all types of crime, except in Bergen for juvenile status offenders. (Table 177) Blacks and females were not clearly unfairly treated. (Table 176) In contrast to the remand pattern, noticeable differences in dispositions did not appear among the judges in Essex. (Table 178)

E. *Note on Treatment of Females*

As already discussed, the Mercer sample revealed a fairly persistent trend of severe treatment of females. One final attempt to explain this trend is in order. It is a rational hypothesis to say that females are more likely to be charged with offenses relating to sexual behavior than males and that such offenses may be treated severely by the judicial process. In fact, an extraordinary proportion of females in Mercer were charged with sex related conduct. (Table 179) The contrast with Essex was remarkable. Mercer's differential treatment by sex in detention (Table 180), calendaring (Table 181), and disposition (Table 182) did tend to dissipate when sex crimes were considered. While this may have explained the persistent trends in the data, it also raised serious questions about both the practices of prosecuting authorities and the severity with which such cases were treated by the court. Sexual misbehavior is likely to be dangerous only when undertaken by males in violent circumstances. The data revealed here indicated significant possibilities of unfair treatment of females.

F. *Note on City and Suburb*

Generally, juveniles in Mercer and Essex Counties were processed by county wide institutions.¹⁰⁴ Overall, the data reflected this fact. Despite vast apparent differences in treatment between city and suburb (Table 185, Essex), there were few differences which survived when point scales were used. (Tables 183, 186, 187, 188)

Only one interesting problem area survived the data analysis, and that in an area not covered by a county wide unit. While detained and non-detained cases displayed wide point differences in both Newark and the rest of Essex County (Table 183) and most variables had similar effects in both areas, family status did not follow the general trend. Juveniles from split homes were more likely to be detained only in the suburban areas. (Table 184) It did appear possible that the Newark Youth Aid Bureau paid less attention than their suburban counterparts or the court (Compare Table 70) to an arrestee's family situation in making detention decisions. The possibility was given further support by data on the nature of the complainant. Detention rates were vir-

104. Bergen is not discussed here. It lacks large cities.

tually the same in Newark for cases where a parent was the complainant or where other persons complained. (Table 189; compare Trenton)

G. *Summary*

While many of the data trends were totally rational, problem areas of some significance appeared. The Bergen data revealed two basic abuses running through the entire system. First, juvenile status offenders were detained, remanded and seriously disposed of at very high rates without use of the formal calendar. Second, the use of the informal calendar, often with juvenile status offenders and often in close connection with detention and remands was highly questionable. These practices are not totally avoided by the new detention rules which leave courts free to informally adjudicate those not judicially detained. Should the court decide to turn detention hearings into adjudication hearings, the same practices could continue. This data indicated a need for prevention of remand and residential probations after informal calendar hearings, and perhaps for the entire abolition of the calendar distinction.

While the fairly glaring procedural abuses of the Bergen data did not appear in Mercer, several problems have been noted. First, the detention and release decisions were centralized in the police and probation departments. Little review of those processes occurred and the ultimate decision as to release, and perhaps as to initial detention, often appeared unrelated to traditional detention rationales. In addition, different standards were clearly applied to the detention and release decisions. Second, the Probation Department's calendaring process (also largely unreviewed by the court) and the final dispositional decisions revealed distinctions made largely on the basis of prior history, rather than on any other factor. There was a noticeable tendency to give only one bite at the apple before formalization or two bites before incarceration. Third, the overall treatment of females in this sample was difficult to justify. Fourth, as in Bergen, this data indicated the need for legal checks on the early procedural steps in a delinquency case. Detention and calendaring were closely related to the ultimate verdict and disposition, despite the fact that they were virtually unreviewed by the courts and unattended by counsel.

Finally, several problems were revealed in Essex. First, juvenile status offenders were detained at rates which seemed out of proportion to the need. Second, judicial differences in detention and remand policy were clearly displayed. Such differences go to the heart of a juvenile's journey through the court system. Third, detention and calendaring had large influences on later stages of the proceedings despite

the lack of any strong legal safeguards at these stages. Fourth, and perhaps most important, the proportion of guilty verdicts was clearly higher for detained persons. The entrance of such extraneous factors into the adjudication process is unfortunate and unnecessary.

IV. CONCLUSION

The study revealed many inequities in the juvenile court processes in Bergen, Mercer and Essex Counties; several patterns repeated themselves in all three areas. For example, though the pattern was probably explainable, Blacks were more severely treated. Females were handled differently than males, especially at the detention level. At times these differences were unjustifiable. The significant use of sexual offense prosecutions against females in Mercer, and the serious treatment of females by the Mercer court, should be the subject of a special review.

Two other trends went to the heart of the problems with the existing juvenile court structure. First, juvenile status offenders were treated fairly severely at all levels of the system, without any clear justification for such treatment. Second, the judicial process had significant impacts on its own outcomes. While the exact nature of the impacts varied among the counties, detention, calendaring and remanding each had independent effects on verdicts and dispositions in various situations. In this last section of the study, these two problems are reviewed and recommendations for change are made.

A. *Juvenile Status Offenders*

As mentioned in the opening section of this study, the juvenile delinquency statute of New Jersey creates an extremely broad definition of delinquency.¹⁰⁵ This study indicated that numerous avenues of abuse were opened by this statute. Despite the fact that juvenile status offenders' behavior represented no danger to the community, and little danger to the juveniles themselves, detention, remands, and serious dispositions were commonly used with this class of defendants, especially where a parent was the complaining party. These results are ripe for review and challenge.

The opening round in the review has already been fired. A committee of the New Jersey State Bar Association has proposed a revision of the juvenile statute calling for the creation of a new class of juveniles, persons in need of supervision (PINS). The class is defined to include:

1. A juvenile who is habitually disobedient to the lawful commands

105. See notes 10-16 *supra* and accompanying text.

of his parent or guardian when such disobedience makes him ungovernable or incorrigible, or

2. A juvenile who is habitually and voluntarily truant, or

3. A juvenile who has committed an offense applicable only to juveniles.¹⁰⁶

This proposal is borrowed in part from existing statutes of several other states.¹⁰⁷ The proposed act restricts arrest of PINS by requiring a court order for custody,¹⁰⁸ requires that custody of PINS be only in shelter care facilities,¹⁰⁹ and limits dispositions to non-incarcerative situations.¹¹⁰

This proposal is certainly an improvement over the present situation. The PINS section is narrower than the present juvenile code sections which make such "behavior" as immorality, associating with thieves or vicious or immoral persons, growing up in idleness and delinquency, and idly roaming the streets at night, delinquent.¹¹¹ In addition, PINS would be separated from more serious delinquents at all stages of the process and detention would theoretically occur only in facilities designed for non-delinquent children. Finally, the court would be forced to seek non-institutional dispositions for PINS.

Despite these improvements, it seems preferable to eliminate all juvenile court jurisdiction over conduct not criminal for adults. The PINS proposal deals with several types of young persons, juveniles having serious differences with their families, young persons not attending school and non-adult offenders (primarily local curfew violators). There is little reason to retain any of these groups, especially the first two, within the juvenile code.

The PINS proposal continues the existing duplication between delinquency and the jurisdiction of the Domestic Relations Court and the Bureau of Children's Services (BCS) over neglected and dependent children.¹¹² The tools available to BCS appear more than adequate to handle cases involving serious familial disagreements. Police, schools, or other interested persons may seek the intervention of BCS to provide care and custody whenever the welfare of a child "will be endangered unless proper care or custody is provided," and the needs of that child

106. PROPOSED CODE, *supra* note 15, § 2A:4-45.

107. See ILL. ANN. STAT., ch. 37, § 702-3 (Smith-Hurd 1972); N.Y. FAMILY CT. ACT § 712(b) (McKinney Supp. 1972). See also ILL. ANN. STAT., ch. 37, §§ 702-4, 702-5 (Smith-Hurd 1972).

108. PROPOSED CODE, *supra* note 15, § 2A:4-54.

109. *Id.* § 2A:4-56(b), (c).

110. *Id.* § 2A:4-62. The only exceptions to the general rule are for retarded or mentally ill PINS.

111. N.J. STAT. ANN. § 2A:4-14 (Supp. 1972), amending N.J. STAT. ANN. § 2A:4-14 (1952).

112. N.J. STAT. ANN. § 30:4C-11, 12 (1964). See also N.J. STAT. ANN. §§ 30:4C-15 (guardianship), 4C-26.1-7 (Foster Home or Institution) (1964).

cannot be met by use of financial assistance programs or placement with a person legally responsible for support.¹¹³

The availability of this jurisdiction indicates that no void would be created by deleting delinquency or PINS jurisdiction over those with family problems. In addition, the juvenile court has a reputation as a youthful criminal court. Using that type of institution to solve family disputes seems much less desirable than using an organization designed primarily to handle family difficulties. While this study did not review the viability of the programs of BCS, in principle, it is better to make use of non-labeling social service programs than delinquency dispositions for non-dangerous youth. Should BCS programs be inadequate, the solution is not to look to the juvenile court but to a restructuring of programs available to non-delinquent youths.

Truancy cases also are better left outside the juvenile court's jurisdiction. The carrot seems much more appropriate than the stick as a device to stem the tide of school absence. Good schools or programs, created to deal imaginatively with difficult or perhaps bright, but unchallenged, youngsters may be more likely to foster attendance than judicial decrees.¹¹⁴ In addition, should any particular juvenile be in serious difficulty, BCS jurisdiction is available.

Finally, curfew violations or other offenses against local ordinances are almost always minor. The Bar Association proposal, and most other definitions of delinquency, appear to include such offenses within the delinquency jurisdiction of the juvenile court.¹¹⁵ The effect of the Bar proposals is to reduce the grade of curfew, and similar violations, to cases where confinement is not possible. That goal is laudable. The only remaining issue is whether the state statute should remove local authority to pass curfew ordinances or accommodate them. The answer is not clear but it is certainly possible that curfew ordinances are only relevant to children who stay out late because their homes are either psychologically or physically unpleasant. In the former situation, social service, rather than juvenile court, seems appropriate. In the second case, the answer is not to arrest people for violating curfew but to build better houses. In any case, the Bar Association proposals represent a marked improvement over the existing statute. While the proposed revision would not remove all inequities, it is clear that half a loaf would be far superior to no loaf at all.

B. *Inequities of the Process*

Two of the objectives of any judicial system should be to treat simi-

113. N.J. STAT. ANN. § 30:4C-11 (1964).

114. See Schreiber, *Juvenile Delinquency and the School Dropout Problem*, 27 FED. PROBATION, Sept. 1963, at 15 and sources cited therein.

115. PROPOSED CODE, *supra* note 15, § 2A:4-44(a)(3).

lar persons similarly and to minimize the impact of the process itself on the outcomes of factual and legal disputes. Many differences in treatment among the study counties at all levels of the process including prosecution, have already been noted. In addition, a series of the system's effects upon itself have been described. While control of case flow through the normal exercise of prosecutorial discretion and the judicious application of court rules is bound to have some inequitable effects, such effects should be minimized. Although the hypothetical model system envisioned earlier¹¹⁶ might channel the same types of persons through detention, formal calendars, remands and serious dispositions, that model did not envision that detention, formalization, remands or procedural methods would have dispositional effects unrelated to each case's factual foundations.

Much data indicated that procedural steps had significant independent effects on later outcomes. For example, the three counties released juveniles from detention pending hearing at extraordinarily different rates. (Table 62) These differences had no relation to the severity of the problems present in each sample population. (Compare Table 19) The conclusion is inescapable that the administrative methods of the police, the Probation Departments and the courts had extraordinary effects on the outcomes of the detention decisions. In some cases, especially in Essex, the judge sitting caused wide variations in practice.

Similarly, calendaring varied widely between the counties (Table 78) and much of this difference was related to administrative procedures rather than to the merits of the cases. Some persons calendaring presumed that the formal calendar should be used, others, the informal. (Compare Essex and Bergen) Administrative mechanisms may have caused over-reliance on one set of factual parameters. (See Table 80) These differences had profound effects later in the judicial process. Informalization led to higher use of remands in some areas, (Table 128) and formalization to greater use of serious dispositions in all three counties. (Tables 147, 149)

Other distortions also appeared. Detention of any type had effects on the outcomes of adjudication hearings, especially in Essex County. (Table 111) Differences among judges caused variations in remand use. (Table 141) Detention and remand each had effects on the use of serious dispositions. (For example, see Tables 153, 155) These examples, together with the host of differences in the application of standards noted in Section III, create great challenges to those interested in uniformly fair treatment in the state's juvenile courts. Below

116. Introduction, Section III, *supra*.

are recommendations for dealing with some of the problems in detention, calendaring, remands and dispositions.

Detention problems are of three types. First, there are difficulties in the standards that should be applied in making detention decisions. Second, regardless of the standards to be applied, they must be uniformly and fairly applied by the police and the courts. Third, the impact of detention on the defendant's ultimate fate must be minimized. Parts of these problems have already been discussed. Juvenile status offenders create vast detention problems in all three areas. Removing the possibility of arrest without court order and of detention in delinquency facilities, as in the Bar Association proposals, goes some way toward meeting this problem. In addition, the requirement, under the new detention rules, that hearings be held within twenty-four hours,¹¹⁷ removes the ability of police to hold detainees without regard to judicial sanction.

The problems of standards still remain. They are highlighted by the Bar Association proposals which restrict detention of delinquents to cases where it is necessary either "to secure the presence of the juvenile at the next hearing" or "to protect the physical safety of the community,"¹¹⁸ but permit placement of PINS in shelters when "shelter care is necessary to protect the juvenile," "the juvenile had no parent, guardian, or other persons able to provide supervision and care," or "shelter care is necessary to secure his presence at the next hearing."¹¹⁹ The present ability to detain when the juvenile is dangerous to himself¹²⁰ is restricted in these proposals to shelter care for PINS.

The ambiguous nature of the danger-to-self standard is revealed not only by the bifurcated Bar Association standard but also by this study. For example, the sample counties treated drug history cases differently (Tables 37, 38), with Essex being much less concerned with non-addictive cases than the other counties. Differences in treatment according to school status also appeared. (Tables 42, 43) Place of residence had a less noticeable effect in Essex, especially in Newark, than in the other samples. (Tables 49, 51, 184) While it is not surprising that police in an area of serious problems (Newark) should be less concerned with factors creating perceptions of personal difficulty than with indicators of social danger, the data differences also emphasized the logical scale of values that should be applicable in a preventive detention situation. Assuming that money bail is inappropriate for juveniles, it is certainly arguable that the major concerns for detention purposes

117. N.J.R. 5:8-2(d)(2).

118. PROPOSED CODE, *supra* note 15, § 2A:4-56(b).

119. *Id.* § 2A:4-56(c).

120. N.J.R. 5:8-2(b)(2), 5:8-6(e)(2).

are protection of society and appearance at hearing. Other factors relate not so much to the viability of the judicial process as to the rehabilitative purposes that the courts assume upon adjudication of delinquency.

It is now appropriate to restate an earlier point. Non-institutional methods of pre-trial care may be useful in many cases, especially those involving PINS or similar individuals. The Bar Association proposals open the possibility for such care by defining shelter care to include "the temporary care of juveniles in physically unrestricting facilities pending court disposition" and by restricting shelter care placements to foster homes and children's shelters.¹²¹ However, the code does not emphasize the possibility of non-custodial care as the preferred choice. Creation of such a preference, especially for PINS cases, might ease the practical difficulties of using an ambiguously relevant detention standard by creating a broader spectrum of preferred non-custodial situations for pre-trial care. It must be noted that the Bar Association detention proposals are much like the powers presently granted BCS,¹²² and that BCS would probably become a major placement agency should the Bar proposals be enacted and actively used.¹²³ This only reemphasizes the dubious nature of the need for PINS jurisdiction or for detention of persons dangerous to self.

The uniform application of vague standards is necessarily difficult. However, certain actions should be taken to improve the existing situation, other than the requirement of immediate hearing and preference for non-custodial community based care. In order to fulfill the stated preference for not using detention of any kind in delinquency and PINS cases,¹²⁴ police should be required, perhaps by use of affidavits, to file with the court or detention facility, prior to the juvenile's admission into custody, a detailed statement of the efforts made to place the juvenile after arrest. Failure to file or to undertake any placement efforts should automatically prevent confinement.¹²⁵ The apparent failure of Newark area police to undertake such searches on a wide scale

121. PROPOSED CODE, *supra* note 15, §§ 2A:4-43(e), 2A:57(b). The language is broad enough to encompass many forms of community based living arrangements.

122. N.J. STAT. ANN. §§ 30:4C-26.1, 4C-26.2 (Supp. 1972).

123. Though BCS now has the authority to make short term juvenile court placements, heavy reliance on BCS for such placements would not be possible under existing circumstances since placements presently take months to complete at the disposition stage. Under court or legislative pressure BCS might well develop placement resources specifically designed for short term court needs.

124. N.J.R. 5:8-2(b), 5:8-6(e); PROPOSED CODE, *supra* note 15, § 2A:4-56(a).

125. The present rules require a filing of a statement, N.J.R. 5:8-2(c), but the only consequence of the filing is to require release should an adult custodian appear in a case where the only stated reason for detention is the inability to find such a guardian. No apparent consequences attach to failure to file or in circumstances where the police efforts to find custodians were something less than full.

basis (See Tables 184, 189) should be remedied by such a rule. In addition, judicial tendencies to confine at high rates (See Table 62, Bergen; Tables 74, 75, 76, Judge #2) would be limited by such a rule to cases where the papers were properly filed.

In addition, attorneys should be present at the earliest possible point in all cases involving detention,¹²⁶ evidence, other than court files and hearsay statements, justifying detention should be required in all cases to continue restraint, and judges should be required to state on the record the reasons for confining, instead of releasing or placing a juvenile in a non-custodial setting. Both these steps should be useful devices to reduce differences in treatment. Opening the juvenile court process to scrutiny by persons outside the court itself, including appellate judges, is one method of attempting to leaven differences in treatment currently hidden from view.

Finally, the impact of detention on later court activity must be minimized. Under present procedure, detention requires formalization and the overall impact of detention is quite significant. Some of the suggestions already made would reduce the use of total detention and thereby lessen its effect. Of most interest would be a future study of the relationship between non-custodial pre-trial restriction and ultimate case results. One further step is worth taking. The impact of detention in Essex was not entirely related to the difficulties of proof created by detention. (See Table 114) Some bias was apparently created by the mere fact of detention. One method of reducing that bias is to remove all indications of detention from the file before it goes to the adjudication hearing while insuring that detainees and non-detainees enter the courtroom in exactly the same way. A study of the impact of such actions should be undertaken.

As mentioned above, differences in calendaring practices appeared in this study. Although some differences were substantial (For example, see Tables 79, 81, 88), it was clear that calendaring acted as a fairly significant filtering device. (See Table 106) The effects of calendaring were also varied. In Bergen and Essex, remands were more likely in informal cases. (Tables 128, 143) Serious dispositions were more likely in formal cases in all three counties but the overall effect of calendaring on dispositions in Bergen was small. It is not too diffi-

126. This recommendation is in partial operation in some counties. The double detention hearing system called for by the present detention rules has been altered by having counsel present at first detention hearings; the two hearings are simply merged. The duplication of the rules is avoided and counsel enters the case within twenty-four hours of its appearance in the juvenile court. Movement of counsel back further in the process is difficult without the cooperation of the youth divisions of police departments or intake personnel at detention facilities. Even under present circumstances, the lack of staff at the Public Defenders' offices and the unavailability or non-existence of files at first detention hearings makes the legal representation sporadic or shoddy.

cult to conclude that the calendaring system is deficient. First, calendaring creates an invisible decision point where differences in handling may arise. Second, the ability to use confinement, whether it be ninety day remands or institutional probations, after informal hearings, removes the gloss of constitutionality now protecting informal hearings. The issue is whether to patch up the calendaring system, replace it with a satisfactory alternative, or abolish it.

At a minimum, safeguards must be established to prevent the use of any remanding procedure in informal cases. The rationales of recent court action extending the right to counsel in all adult cases where any incarceration may result¹²⁷ may well apply to juvenile courts. In addition, the possibility that remands may become a punishment device indicates that the presence of counsel in remand cases is critical. Furthermore, judges should be required, as in detention, to state on the record their reasons for use of the remand process and the facts justifying such a commitment.

The remaining question is whether the opportunity provided by the calendaring decision for differential treatment is significant enough to outweigh the advantages of the calendaring system. Informal calendars maintain a more traditional juvenile court format, which to many is a virtue. The device also saves the state a considerable sum of money that would otherwise be used to staff public defender offices for handling all juvenile court cases of the indigent. While the stated advantages of the calendaring system do not seem terribly significant in theory, there is no question that the present public defense systems in populous areas would be extremely overburdened if all informal cases were added to their loads. Even if the calendaring system were abolished, it would probably have to be replaced by some other device to filter very minor cases out of the public defense system.

The alternatives are not numerous. Even if not forced to do so by judicial decree, the state could establish probable cause hearings for juveniles.¹²⁸ However, such hearings might intensify whatever biased relationships presently exist between detention and ultimate findings of guilt, and would, in any case, eliminate bad evidentiary cases but not minor or petty cases from the public defense load. Even under the Bar Association proposals, many minor offenses would still provide grounds for delinquency, as opposed to PINS, prosecutions. The best alternative is to state standards for formalization, open the calendaring decision to scrutiny by requiring the decision to be made on the record with reasons stated and restrict the use of detention and remands in informal cases.

127. See *Argersinger v. Hamlin*, 407 U.S. 25 (1972).

128. See notes 24-28 *supra* and accompanying text.

The basic standards could be created by using the detention standards for delinquency prosecutions but without regard to likelihood of flight from the jurisdiction. Though the standard of social danger is vague, it, together with openly stated reasons for calendaring, provides some basis upon which to standardize decisions, and, especially in formal cases, provides trial counsel with rationales for his client's predicament. Additional methods of creating uniformity in calendaring are also available. Use of the formal hearing could be prohibited for first offenders or for those with one prior adjudication, not charged with violent assaultive behavior or other very serious offenses. Such a standard would also create limits on judicial detention. Under a standard prohibiting use of the formal calendar for those without prior records, the change in present detention systems in the study counties would not be great, except for juveniles in Bergen and for juvenile status offenders in all three counties (See Tables 25, 28, 62, 63). The change in calendaring decisions would be very small. (Tables 79, 88) A one-prior-adjudication standard would have more impact, especially in Mercer and Essex. (Table 81) While the overall impact of a no-record standard might be small, it would eliminate any existing extremes in behavior and fix a general standard for the entire state.

The problems with dispositions were of two basic types. First, there was a problem with institutional probations. Second, the procedural steps of remand and detention had independent effects on dispositions. The first of these is easily handled by simply forbidding the use of custodial probation sentences in informal hearings. The steps already suggested will handle much of the remaining difficulty. Lessening the use of total detention, removing indicators of detention from case files and controlling the use of remands and formal calendars would result in channeling cases in a somewhat different stance to disposition hearings.

The largest problem with dispositions is one not studied here, the availability of a wide range of treatment alternatives. It is only fitting that a study of a process end on a note asking for more disposition choices. While most juveniles processed through the courts are not institutionalized, the most serious cases may require the most care and attention. Much of the juvenile crime is committed by young persons with prior judicial scrutiny. Regardless of the fact that the fairness and uniformity of the court process is basic to dispositional decisions, there is still a crying need for dispositional alternatives capable of reducing the need for use of the process itself.

TABLE 1—SEX*

	Bergen	Trenton	Rest of Mercer	Newark	Rest of Essex
Male	78% 154/198	80% 137/171	81% 39/48	83% 131/158	75% 41/55
Female	22% 44/198	20% 34/171	19% 9/48	17% 27/158	25% 14/55

* The city-suburb data in this and all subsequent tables is based upon place of residence, not place of arrest. It should also be noted that the proportion of Newark residents in the sample (74%, 158/223) conforms precisely to court statistics for 1970.

TABLE 2—RACE

	Bergen	Trenton	Rest of Mercer	Newark	Rest of Essex
White	78% 65/83	27% 46/169	67% 28/42	12% 17/142	59% 30/51
Black	17% 14/83	68% 115/169	33% 14/42	80% 114/142	41% 21/51
Other	5% 4/83	5% 8/169	0% 0/42	8% 11/142	0% 0/51
No Information	117	2	6	17	4

TABLE 3—AGE*

	Bergen	Trenton	Rest of Mercer	Newark	Rest of Essex
11 or less	6% 10/180	10% 16/165	9% 4/44	3% 5/153	4% 2/54
12-13	16% 29/180	15% 25/165	20% 9/44	17% 26/153	22% 12/54
14-15	37% 66/180	47% 78/165	34% 15/44	35% 53/153	31% 17/54
16-17	42% 75/180	28% 46/165	36% 16/44	45% 69/153	43% 23/54
No Information	20	6	4	6	1

* Age is calculated as of the date the complaint was filed against the juvenile in this and all subsequent tables.

TABLE 4—EDUCATION*

	Bergen	Trenton	Rest of Mercer	Newark	Rest of Essex
Average Grade Completed	8.5	7.6	8.2	7.7	8.6
	118	171	48	91	37
No Information	77	9	7	55	16

*Those in ungraded and special schools are not included in this table. Bergen had 5 such students, Mercer 3, and Essex 15.

TABLE 5—AGE × SCHOOL STATUS (% In School)

	11 or Less	12-13	14-15	16-17
Trenton	100% 16/16	100% 24/24	89% 68/76	84% 37/44
Rest of Mercer	— 4/4	100% 8/8	93% 13/14	63% 10/16
Essex	100% 7/7	94% 32/34	86% 51/59	65% 50/77

TABLE 6—AGE × DRUG HISTORY (% With Drug History)

	13 or Less	14-15	16-17
Trenton	19% 5/27	26% 12/47	26% 10/38
Rest of Mercer	13% 1/8	20% 2/10	50% 6/12
Essex	17% 6/35	26% 18/70	38% 37/97

TABLE 7—SCHOOL STATUS (% Out of School)

	Bergen	Trenton	Rest of Mercer	Newark	Rest of Essex
	19% 28/148	9% 14/162	16% 7/45	23% 31/138	14% 6/43
No Information	52	9	3	23	12

TABLE 8—PLACE OF RESIDENCE (% Not Living With Both Parents)

	Bergen	Trenton	Rest of Mercer	Mercer Total	Newark	Rest of Essex	Essex Total
	37% 63/171	56% 94/168	41% 17/41	53% 114/214	64% 88/154	37% 19/52	52% 110/213
No Information	29	3	7	10	5	3	9

TABLE 9—PARENTAL STATUS (% Parents Not Together)

	Bergen	Trenton	Rest of Mercer	Mercer Total	Newark	Rest of Essex	Essex Total
	31% 49/ 157	47% 78/ 167	32% 13/ 40	44% 92/ 211	50% 68/ 135	26% 12/ 46	43% 81/ 187
No Infor- mation	43	4	8	13	24	9	35

TABLE 10—STATUS OF WOMEN

	Bergen	Trenton	Rest of Mercer	Mercer Total	Newark	Rest of Essex	Essex Total
Women Employed	61% 46/ 75	39% 63/ 161	74% 25/ 34	45% 90/ 199	41% 7/ 17	— 2/ 3	45% 9/ 20
Women Unemployed	31% 23/ 75	34% 54/ 161	24% 8/ 34	32% 63/ 199	18% 3/ 17	— 0/ 3	15% 3/ 20
Women Welfare	6% 5/ 75	20% 32/ 161	0% 0/ 34	17% 32/ 199	35% 6/ 17	— 0/ 3	30% 6/ 20
No Women	1% 1/ 75	7% 12/ 161	3% 1/ 34	7% 14/ 199	6% 1/ 17	— 1/ 3	10% 2/ 20
No Infor- mation	125	10	14	25	142	52	202

TABLE 11—STATUS OF MEN

	Bergen	Trenton	Rest of Mercer	Mercer Total	Newark	Rest of Essex	Essex Total
Men Employed	69% 68/ 98	56% 89/ 160	76% 26/ 34	60% 118/ 197	19% 8/ 43	30% 3/ 10	21% 11/ 53
Men Unemployed or Welfare	4% 4/ 96	4% 6/ 160	3% 1/ 34	4% 7/ 197	5% 2/ 43	10% 1/ 10	6% 3/ 53
No Men	28% 28/ 96	41% 65/ 160	21% 7/ 34	37% 72/ 197	77% 33/ 43	60% 6/ 10	74% 39/ 53
No Infor- mation	104	11	14	27	116	45	169

TABLE 12—FAMILY SIZE

	Bergen	Trenton	Rest of Mercer	Mercer Total	Newark	Rest of Essex	Essex Total
Median No. of Siblings	2.8 125	4.4 163	2.8 39	4.0 207	4.6 101	2.8 20	4.3 123
No Information	75	8	9	17	58	35	99
Median Number of Children in Home	2.4 117	3.9 162	2.5 37	3.5 203	4.1 65	2.6 16	3.6 82
No Information	83	9	11	21	94	39	140

TABLE 13—DRUG HISTORY

	Bergen	Trenton	Rest of Mercer	Mercer Total	Newark	Rest of Essex	Essex Total
Addictive	5% 6/120	3% 4/129	3% 1/33	3% 5/166	15% 17/115	5% 2/41	12% 19/158
Other Drug	23% 27/120	19% 25/129	27% 9/33	20% 34/166	25% 29/115	37% 15/41	28% 45/158
No Drug	73% 87/120	78% 100/129	70% 23/33	77% 127/166	60% 69/115	59% 24/41	59% 94/158
No Information	80	42	15	58	44	14	64

TABLE 14—PRIOR RECORD

	Bergen	Trenton	Rest of Mercer	Mercer Total	Newark	Rest of Essex	Essex Total
Last Adj. Formal	5% 9/197	11% 18/166	13% 5/40	11% 23/211	26% 41/158	9% 4/43	22% 45/207
Last Adj. Informal	21% 41/197	23% 38/166	10% 4/40	20% 42/211	17% 27/158	23% 10/43	18% 38/207
Last Adj. No Information	2% 4/197	14% 24/166	13% 5/40	15% 31/211	9% 15/158	2% 1/43	8% 16/207
Admin. Record	10% 19/197	11% 19/166	15% 6/40	12% 25/211	14% 22/158	14% 6/43	14% 28/207
No Record	63% 124/197	40% 67/166	50% 20/40	43% 90/211	34% 53/158	51% 22/43	39% 80/207
No Information	3	5	8	13	1	12	15

TABLE 15—WORST PREVIOUS DISPOSITION*

	Bergen	Trenton	Rest of Mercer	Mercer Total	Newark	Rest of Essex	Essex Total
Serious	22% 11/ 51	23% 17/ 74	17% 2/ 12	23% 20/ 88	33% 27/ 81	29% 4/ 14	32% 31/ 96
Medium	49% 25/ 51	62% 46/ 74	83% 10/ 12	65% 57/ 88	56% 45/ 81	43% 6/ 14	54% 52/ 96
Minor	29% 15/ 51	15% 11/ 74	0% 0/ 12	13% 11/ 88	11% 9/ 81	29% 4/ 14	14% 13/ 96
No Infor- mation	25	30	16	46	25	19	46

* In this and subsequent tables dealing with dispositions, serious dispositions include commitments to state institutions, or probations with residential or inpatient conditions. Medium dispositions include all other probations. Minor dispositions include lesser sanctions such as fines and warnings. Those with no prior record are not included in prior record tables unless otherwise labeled.

TABLE 16—MOST RECENT DISPOSITION

	Bergen	Trenton	Rest of Mercer	Mercer Total	Newark	Rest of Essex	Essex Total
Serious	22% 11/ 51	19% 14/ 74	17% 2/ 12	19% 17/ 88	24% 19/ 80	29% 4/ 14	24% 23/ 95
Medium	47% 24/ 51	62% 46/ 74	83% 10/ 12	65% 57/ 88	61% 49/ 80	43% 6/ 14	59% 56/ 95
Minor	31% 16/ 51	19% 14/ 74	0% 0/ 12	16% 14/ 88	15% 12/ 80	29% 4/ 14	17% 16/ 95
No Infor- mation	25	30	16	46	26	19	47

TABLE 17—NUMBER OF PRIOR ADJUDICATIONS

	Bergen	Trenton	Rest of Mercer	Mercer Total	Newark	Rest of Essex	Essex Total
1	55% 28/ 51	48% 33/ 69	64% 9/ 14	51% 43/ 85	41% 33/ 80	47% 7/ 15	43% 41/ 97
2-3	33% 17/ 51	33% 23/ 69	21% 3/ 14	31% 26/ 85	39% 31/ 80	47% 7/ 15	39% 38/ 97
4 or More	12% 6/ 51	19% 13/ 69	14% 2/ 14	19% 16/ 85	20% 18/ 80	7% 1/ 15	19% 18/ 97
No Infor- mation	25	35	14	49	26	18	46

TABLE 18—CRIME CHARGED*

	Bergen	Trenton	Rest of Mercer	Mercer Total	Newark	Rest of Essex	Essex Total
Serious	6% 11/ 191	7% 12/ 168	4% 2/ 47	7% 15/ 220	24% 37/ 157	13% 7/ 54	21% 46/ 219
Medium	44% 86/ 191	58% 47/ 168	53% 25/ 47	56% 124/ 220	54% 85/ 157	56% 30/ 54	54% 118/ 219
Minor	34% 66/ 191	23% 38/ 168	30% 14/ 47	24% 52/ 220	9% 15/ 157	20% 11/ 54	13% 28/ 219
Juvenile Status	14% 28/ 191	13% 21/ 168	13% 6/ 47	13% 29/ 220	13% 21/ 157	11% 6/ 54	12% 27/ 219
No Infor- mation	9	3	1	4	2	1	3

* Crimes are categorized in the following way:

Serious: Robbery, Armed Robbery, Atrocious Assault and Battery, Possession of Dangerous Weapon, Indecent Assault, Arson, Assault with a Deadly Weapon, Carnal Abuse, Possession or Sale of Addictive Drugs.

Medium: Breaking, Entry & Larceny, Breaking & Entry, Larceny, Shoplifting, Possession of Stolen Property, Auto Theft, Embezzlement, Possession of Non-addictive Drugs, Possession of Narcotics Paraphernalia, Glue Sniffing, Use of Drugs, Assault, Incest, Sale of Marijuana, Resisting Arrest, Possession of Stolen Auto, Escape.

Minor: Drunk and Disorderly, Possession of Alcohol, Auto Tampering, Disorderly Conduct, Curfew, False Alarm, Malicious Mischief, Loud and Profane Language, Trespass, Fornication, Soliciting, Unlawful Use of Auto, Peddling, Littering, Gambling.

Juvenile Status: Runaway, Truancy, Incurability, Department Endangering, Idly Roaming the Streets, Associating with Delinquent or Immoral Persons, Immorality.

A case was categorized according to the most serious charge pending in the case, with the level of seriousness going from serious to medium to minor to juvenile status.

TABLE 19—POINT SCALE*

	Bergen	Trenton	Rest of Mercer	Mercer Total	Newark	Rest of Essex	Essex Total
Median	1.0 200	1.8 171	1.3 48	1.7 224	2.3 159	1.2 55	2.0 222

* Cases where information as to a particular variable was not available are not suppressed in this data, but simply not assigned a point where information was missing.

TABLE 20—DETENTION* (% Detained)

	Bergen	Mercer	Essex
Initial Arrest	31% 58/194	30% 63/210	25% 50/203
Subsequent Arrest	32% 7/22	40% 21/52	49% 34/70
Total Detention	33% 63/193	34% 70/206	36% 74/204

* Detention resulting from initial arrest arises at the point of initiation of the complaint process. Subsequent arrests led to detention in some cases. Total detention combines the data in the following way. If the juvenile was never detained it is so described. If the juvenile was held initially or later, it is described as detention. If there was no detention in one instance (e.g. initial arrest) and no information in the other, the case was treated as a no information case.

TABLE 21—DETENTION × CRIME* (% Detained)

	Serious	Medium	Minor	Juvenile Status	
Bergen	Initial Arrest	55% 6/11	32% 24/75	10% 7/69	50% 14/28
	Subsequent Arrest	— 0/0	33% 5/15	— 1/5	— 1/2
	Total Detention	55% 6/11	37% 31/83	10% 6/63	54% 15/28
Mercer	Initial Arrest	23% 3/13	28% 29/103	22% 12/55	49% 17/35
	Subsequent Arrest	— 1/1	37% 13/35	57% 4/7	— 3/5
	Total Detention	29% 4/14	34% 37/110	24% 12/50	54% 15/28
Essex	Initial Arrest	33% 9/27	22% 24/107	17% 5/30	24% 8/34
	Subsequent Arrest	65% 11/17	50% 20/40	0% 0/7	— 2/5
	Total Detention	53% 24/45	33% 36/108	13% 3/23	32% 8/25

* Crime in this table is tabulated as in Table 19, except that detentions after initial arrest are tabulated only on the basis of crimes charged at the initial arrest, and detentions after subsequent arrest are tabulated only on the basis of crimes charged at subsequent arrests.

TABLE 22—INITIAL DETENTION × REARREST × CRIME*

	Serious	Medium	Minor	Juvenile Status	
Bergen	% Detained Pending Hearing After Initial Arrest	45% 5/11	25% 19/75	7% 5/69	46% 13/28
	% Of Those Not Detained or Held Who Are Rearrested	— 1/6	18% 10/56	11% 7/63	14% 2/14
Mercer	% Detained Pending Hearing After Initial Arrest	8% 1/13	3% 3/103	5% 3/55	20% 7/35
	% Of Those Not Detained or Held Who Are Rearrested	17% 2/12	32% 32/100	14% 7/51	33% 9/27
Essex	% Detained Pending Hearing After Initial Arrest	22% 6/27	8% 9/107	3% 1/30	13% 5/34
	% Of Those Not Detained or Held Who Are Rearrested	29% 6/21	39% 38/98	38% 11/29	38% 11/29

* Those detained are often released pending their hearings. This data reflects that possibility. The crime charged in this data is the most serious filed during the initial arrest. Subsequent charges are not included here. (See note to Table 19)

TABLE 23—PRIOR RECORD × REARREST × TOTAL DETENTION (% Detained)

	Prior Record	Admin. Record	No Record	
Mercer	Rearrest	63% 19/30	— 3/6	42% 5/12
	Rearrest	38% 23/60	41% 7/17	14% 11/72
Essex	Rearrest	71% 27/38	67% 8/12	24% 5/21
	Rearrest	39% 21/54	27% 4/15	16% 9/58

TABLE 24—PRIOR RECORD × CRIME

	Serious	Medium	Minor	Juvenile Status	
Bergen	Prior Record	27% 3/11	30% 25/83	18% 12/66	25% 7/28
	Admin. Record	18% 2/11	10% 8/83	11% 7/66	7% 2/28
	No Record	55% 6/11	60% 50/83	71% 47/66	68% 14/28
		100%	100%	100%	100%
Mercer	Prior Record	67% 10/15	50% 58/115	35% 17/48	31% 9/29
	Admin. Record	13% 2/15	8% 9/115	17% 8/48	21% 6/29
	No Record	20% 3/15	42% 48/115	48% 23/48	48% 14/29
		100%	100%	100%	100%
Essex	Prior Record	57% 26/46	46% 52/112	60% 12/20	23% 6/26
	Admin. Record	11% 5/46	18% 20/112	0% 0/20	12% 3/26
	No Record	33% 15/46	36% 40/112	40% 8/20	65% 17/26
		100%	100%	100%	100%

TABLE 25—TOTAL DETENTION × PRIOR RECORD
(% Detained)

	Last Adj. Formal	Last Adj. Informal	Last Adj. No Info.	Admin. Record	No Record
Bergen	78% 7/9	39% 16/41	— 1/2	22% 4/18	28% 33/120
Mercer	65% 15/23	45% 17/38	32% 10/31	43% 10/23	19% 16/84
Essex	65% 26/40	56% 15/36	44% 7/16	44% 12/27	18% 14/79

TABLE 26—TOTAL DETENTION × WORST PREVIOUS DISPOSITION (% Detained)

	Serious	Medium	Minor
Bergen	82% 9/11	40% 10/25	29% 4/14
Mercer	67% 12/18	46% 25/54	30% 3/10
Essex	66% 19/29	51% 26/51	18% 2/11

TABLE 27—TOTAL DETENTION × NUMBER OF PRIOR ADJUDICATIONS (% Detained)

	1	2	3 or More
Bergen	32% 9/28	62% 8/13	70% 7/10
Mercer	38% 15/39	43% 6/14	58% 15/26
Essex	35% 13/37	62% 13/21	61% 20/31

TABLE 28—TOTAL DETENTION × PRIOR RECORD × CRIME* (% Detained)

		Serious	Medium	Minor	Juvenile Status
Bergen	Prior Record	— 0/3	48% 11/23	44% 4/9	57% 4/7
	No Record	— 6/6	29% 14/49	4% 2/45	56% 10/18
Mercer	Prior Record	30% 3/10	48% 25/52	35% 6/17	78% 7/9
	No Record	— 0/3	18% 8/45	10% 2/21	38% 5/13
Essex	Prior Record	76% 19/25	48% 23/48	8% 1/12	— 2/4
	No Record	7% 1/15	15% 6/39	25% 2/8	29% 5/17
All Counties	Prior Record	58% 22/38	48% 59/123	29% 11/38	65% 13/20
	No Record	29% 7/24	21% 28/133	8% 6/74	42% 20/48

* Data on cases with administrative records was not large enough to justify its use in this table.

TABLE 29—TOTAL DETENTION × SEX, RACE (% Detained)

	Male	Female	White	Black
Bergen	31% 46/149	45% 17/42	(Data Too Sparse)	
Mercer	32% 52/165	44% 18/41	27% 19/71	39% 46/118
Essex	39% 66/170	24% 8/33	17% 7/42	44% 56/128

TABLE 30—CRIME × SEX (% Female)

	Serious	Medium	Minor	Juvenile Status
Bergen	18% 2/11	18% 15/86	17% 10/64	39% 11/28
Mercer	7% 1/15	10% 12/124	31% 16/52	45% 13/29
Essex	2% 1/46	13% 15/117	32% 9/28	59% 16/27

TABLE 31—TOTAL DETENTION × SEX × CRIME (% Detained)

		Serious	Medium	Minor	Juvenile Status
Bergen	Male	44% 4/9	38% 26/69	10% 5/52	59% 10/17
	Female	— 2/2	36% 5/14	11% 1/9	45% 5/11
Mercer	Male	31% 4/13	34% 34/99	17% 6/35	38% 6/16
	Female	— 0/1	27% 3/11	40% 6/15	75% 9/12
Essex	Male	55% 24/44	36% 35/97	12% 2/17	30% 3/10
	Female	— 0/1	10% 1/10	— 1/6	33% 5/15

TABLE 32—TOTAL DETENTION × PRIOR RECORD × SEX (% Detained)

		Prior Record	Admin. Record	No Record
Bergen	Male	41% 16/39	19% 3/16	28% 26/93
	Female	62% 8/13	— 1/2	28% 7/25
Mercer	Male	44% 33/75	33% 6/18	16% 10/63
	Female	60% 9/15	— 4/5	25% 5/20
Essex	Male	55% 47/86	46% 11/24	14% 8/57
	Female	— 1/6	— 1/3	28% 6/21

TABLE 33—TOTAL DETENTION × CRIME × RACE (% Detained)

		Serious	Medium	Minor	Juvenile Status
Mercer	White	— 1/4	16% 5/32	23% 5/22	56% 7/12
	Black	30% 3/10	44% 30/69	25% 6/24	50% 6/12
Essex	White	14% 1/7	17% 4/24	— 0/5	— 0/4
	Black	67% 18/27	41% 27/66	13% 2/16	44% 8/18

TABLE 34—TOTAL DETENTION × RACE × PRIOR RECORD (% Detained)

		Prior Record	Admin. Record	No Record
Mercer	White	35% 7/20	56% 5/9	13% 5/40
	Black	48% 31/65	38% 5/13	26% 10/39
Essex	White	42% 5/12	29% 2/7	0% 0/21
	Black	55% 39/71	57% 8/14	23% 9/39

TABLE 35—REARREST × CRIME × RACE (% Rearrested)

		Serious	Medium	Minor	Juvenile Status
Mercer	White	— 0/4	22% 8/37	9% 2/23	17% 2/12
	Black	27% 3/11	43% 33/77	8% 2/25	8% 1/13
Essex	White	71% 5/7	29% 8/28	22% 2/9	— 1/4
	Black	50% 14/28	38% 27/71	6% 1/17	5% 1/20

TABLE 36—RECORD × CRIME × RACE
(% Prior Record)

		Serious	Medium	Minor	Juvenile Status
Mercer	White	— 1/4	34% 12/35	29% 6/21	33% 4/12
	Black	82% 9/11	55% 44/76	42% 10/24	23% 3/13
Essex	White	14% 1/7	32% 8/25	— 1/3	— 1/4
	Black	71% 20/28	60% 41/68	67% 10/15	26% 5/19

TABLE 37—TOTAL DETENTION × DRUG HISTORY
(% Detained)

	Addictive Drugs	Other Drugs	No Drugs	No Information
Bergen	— 5/6	44% 12/27	27% 23/86	31% 23/74
Mercer	— 4/5	41% 13/32	29% 34/118	37% 19/51
Essex	59% 10/17	36% 15/42	40% 36/90	24% 13/55
Total	68% 19/28	40% 40/101	32% 93/294	31% 55/180

TABLE 38—TOTAL DETENTION × PRIOR RECORD ×
DRUG HISTORY (% Detained)

		Addictive Drugs	Other Drugs	No Drugs	No Information
Bergen	Prior Record	73% 8/11		41% 9/22	37% 7/19
	No Record	37% 7/9		23% 12/52	28% 14/49
Mercer	Prior Record	57% 12/21		40% 20/50	53% 10/19
	No Record	27% 3/11		13% 7/53	30% 6/20
Essex	Prior Record	77% 10/13	47% 9/19	50% 20/40	39% 7/18
	No Record	— 0/4	13% 2/16	26% 9/35	13% 3/24

TABLE 39—DRUG HISTORY × CRIME* (% With Drug History)

	Serious	Medium	Minor	Juvenile Status
Bergen	33% 3/9	44% 24/54	6% 2/32	14% 2/14
Mercer	20% 2/10	29% 26/91	14% 5/36	20% 5/25
Essex	47% 17/36	46% 35/76	12% 2/17	24% 4/17

* Those cases where no information as to drug history was available are deleted from this table. The table's trends are not altered by that deletion.

TABLE 40—TOTAL DETENTION × DRUG HISTORY × PLACE OF RESIDENCE (% Detained)

		Addictive Drugs	Other Drugs	No Drugs	No Information
Bergen	Lives with Both Parents	50% 9/18		22% 11/50	24% 9/37
	Lives Other	58% 7/12		36% 10/28	45% 9/20
Mercer	Lives with Both Parents	28% 5/18		19% 10/54	30% 6/20
	Lives Other	67% 12/18		38% 24/63	48% 13/27
Essex	Lives with Both Parents	— 5/6	32% 7/22	31% 12/39	17% 4/23
	Lives Other	45% 5/11	47% 8/17	47% 24/51	31% 8/26

TABLE 41—TOTAL DETENTION × DRUG HISTORY × SEX (% Detained)

		Drug History	No Drugs	No Information
Mercer	Male	44% 14/32	24% 21/89	47% 15/42
	Female	— 2/4	43% 12/28	44% 4/9

TABLE 42—TOTAL DETENTION × SCHOOL STATUS (% Detained)

	In School	Not in School	No Information
Bergen	28% 33/118	56% 15/27	31% 15/48
Mercer	32% 56/175	52% 12/23	25% 2/8
Essex	35% 47/134	39% 15/38	36% 12/33

TABLE 43—TOTAL DETENTION × SCHOOL STATUS × PRIOR RECORD (% Detained)

		In School	Not in School	No Information
Bergen	Prior Record	31% 9/29	67% 10/15	63% 5/8
	No Record	17% 22/81	44% 4/9	23% 7/30
Mercer	Prior Record	43% 30/69	59% 10/17	— 2/2
	No Record	19% 15/80	— 1/3	— 0/0
Essex	Prior Record	51% 25/49	48% 13/27	63% 10/16
	No Record	18% 11/62	25% 2/8	11% 1/9

TABLE 44—TOTAL DETENTION × SCHOOL STATUS × CRIME (% Detained)

		Serious	Medium	Minor	Juvenile Status
Bergen	In School	57% 4/7	30% 16/54	5% 2/38	59% 10/17
	Not in School	— 1/2	56% 5/9	43% 3/7	— 3/6
Mercer	In School	11% 4/13	30% 28/93	24% 10/42	50% 12/24
	Not in School	— 0/1	67% 8/12	— 1/5	— 3/4

TABLE 45—TOTAL DETENTION × AGE (% Detained)

		11 or less	12-13	14-15	16-17
Bergen		40% 4/10	43% 12/28	30% 19/63	33% 24/73
Mercer		17% 3/18	35% 11/31	37% 32/87	36% 22/61
Essex		— 3/6	39% 14/36	32% 20/63	42% 34/81

TABLE 46—TOTAL DETENTION × AGE × CRIME
(% Detained)

	Serious	Medium	Minor	Juvenile Status
Bergen	13 or Less — 0/0	33% 6/18	30% 3/10	67% 6/9
	14 or More 56% 5/9	41% 24/59	7% 3/45	41% 7/17
Mercer	13 or Less — 1/5	20% 5/25	20% 2/10	— 3/6
	14 or More 33% 3/9	40% 31/77	24% 9/39	50% 10/20
Essex	13 or Less 29% 2/7	35% 8/23	— 2/6	— 5/6
	14 or More 56% 20/36	33% 27/82	6% 1/16	18% 3/17

TABLE 47—TOTAL DETENTION × AGE × PRIOR
RECORD (% Detained)

	11 or Less	12-13	14-15	16-17
Bergen	Prior Record — 0/0	43% 3/7	48% 10/21	45% 10/22
	No Record 40% 4/10	41% 7/17	25% 9/36	23% 10/43
Mercer	Prior Record — 0/2	43% 6/14	53% 21/40	40% 12/30
	No Record 19% 3/16	20% 2/10	18% 6/34	24% 5/21
Essex	Prior Record — 0/0	58% 7/12	50% 13/26	38% 16/42
	No Record — 0/2	29% 6/21	8% 2/26	13% 3/24

TABLE 48—PLACE OF RESIDENCE × CRIME
(% Living With Both Parents)

	Serious	Medium	Minor	Juvenile Status
Bergen	70% 7/10	61% 45/74	69% 38/55	58% 14/24
Mercer	40% 6/15	48% 55/115	59% 30/51	28% 8/29
Essex	39% 17/44	51% 58/113	52% 14/27	52% 14/27

TABLE 49—TOTAL DETENTION × PLACE OF
RESIDENCE (% Detained)

	Lives with Both Parents	Lives Other
Bergen	28% 29/105	43% 26/61
Mercer	23% 21/92	45% 49/108
Essex	33% 28/90	42% 44/104

TABLE 50—TOTAL DETENTION × PLACE OF
RESIDENCE × CRIME (% Detained)

		Serious	Medium	Minor	Juvenile Status
Bergen	Lives with Both Parents	71% 5/7	24% 11/45	8% 3/36	57% 8/14
	Lives Other	— 1/3	57% 17/30	19% 3/16	60% 6/10
Mercer	Lives with Both Parents	— 0/5	24% 12/50	21% 6/29	43% 3/7
	Lives Other	44% 4/9	45% 22/55	30% 6/20	57% 12/21
Essex	Lives with Both Parents	63% 10/16	25% 13/52	10% 1/10	33% 4/12
	Lives Other	52% 14/27	43% 22/51	17% 3/12	33% 4/12

TABLE 51—TOTAL DETENTION × PLACE OF RESIDENCE × PRIOR RECORD (% Detained)

		Prior Record	Admin. Record	No Record
Bergen	Lives with Both Parents	40% 10/25	38% 3/8	23% 16/71
	Lives Other	52% 14/27	— 0/4	39% 11/28
Mercer	Lives with Both Parents	31% 9/29	31% 4/13	13% 6/47
	Lives Other	54% 33/61	60% 6/10	27% 10/37
Essex	Lives with Both Parents	58% 17/29	27% 4/15	17% 7/42
	Lives Other	49% 30/61	67% 8/12	22% 7/32

TABLE 52—TOTAL DETENTION × PLACE OF RESIDENCE × SEX (% Detained)

		Lives with Both Parents	Lives Other
Mercer	Male	22% 17/79	42% 33/79
	Female	25% 3/12	54% 15/28

TABLE 53—COMPLAINANT* × PLACE OF RESIDENCE (% Living With Both Parents)

	Parental Complaint	Other Complaint
Bergen	67% 8/12	63% 100/159
Mercer	36% 5/14	48% 95/200
Essex	36% 8/22	50% 95/191

* If there were more than one set of complaints filed against a juvenile, and the complainant in either set was a parent, the case is categorized as a parental complaint situation.

TABLE 54—COMPLAINANT × TYPE DETENTION*

		Detained Pending Hearing	Detained and Released	No Detention	
Bergen	Parental Complaint	86% 12/14	0% 0/14	14% 2/14	100%
	Other Complaint	22% 40/178	6% 10/178	72% 128/178	100%
Mercer	Parental Complaint	23% 3/13	46% 6/13	31% 4/13	100%
	Other Complaint	8% 15/191	26% 44/191	69% 132/191	100%
Essex	Parental Complaint	28% 6/21	14% 3/21	57% 12/21	100%
	Other Complaint	18% 32/181	17% 31/181	65% 118/181	100%

* Type detention is tabulated in the following way. If a juvenile was detained pending hearing after the initial or any subsequent arrest, it is so labelled. Otherwise it is labelled detained and released.

TABLE 55—COMPLAINANT × CRIME (% Parental Complaints)

	Serious	Medium	Minor	Juvenile Status
Bergen	0% 0/11	7% 6/86	0% 0/66	29% 8/28
Mercer	0% 0/15	3% 4/124	4% 2/52	28% 8/29
Essex	7% 3/46	3% 4/118	7% 2/28	48% 13/27

TABLE 56—TOTAL DETENTION × BENCH WARRANT
(% Detained)

	Warrant	No Warrant
Mercer	57% 4/7	33% 61/187
Essex	60% 12/20	33% 59/176

TABLE 57—AREA OF RESIDENCE × TOTAL
DETENTION (% Detained)

	Reside in Bergen	Reside in Other Part of N.J.	Reside Out of N.J.
Bergen	31% $\frac{54}{176}$	22% $\frac{2}{9}$	88% $\frac{7}{8}$

TABLE 58—POINT SCALE × DETENTION × SEX,
RACE (Median Points)

		Male	Female	White	Black
Bergen	Detained	1.6 45	1.7 17	DATA NOT SUFFICIENT	
	Not Detained	.8 103	.9 25		
Mercer	Detained	2.8 50	2.1 18	2.1 18	2.8 45
	Not Detained	1.3 113	1.5 23	1.0 52	1.8 72
Essex	Detained	3.0 64	1.7 8	2.8 7	2.9 54
	Not Detained	1.6 104	1.2 25	1.3 35	1.8 72

TABLE 59—POINT SCALE × CRIME × TOTAL
DETENTION (Median Points)

		Serious	Medium	Minor	Juvenile Status	Total Cases
Bergen	Detained	1.5 6	1.7 31	2.0 6	1.2 15	1.6 63
	Not De- tained	— 5	.9 52	.7 57	1.1 13	.9 130
Mercer	Detained	— 4	2.9 37	1.8 12	2.3 15	2.5 68
	Not De- tained	2.0 10	1.4 72	1.0 38	1.4 13	1.4 135
Essex	Detained	3.2 24	2.8 36	— 3	1.5 8	2.9 74
	Not De- tained	1.8 21	1.5 72	1.8 20	1.3 17	1.6 130

TABLE 60—TYPE DETENTION × TIME TO HEARING

		Detained Pending Hearing	Detained and Released	No Detention
Bergen	% Heard within 1 Week	53% 26/49	22% 2/9	4% 4/109
	% Heard within 1 Month	61% 30/49	33% 3/9	16% 17/109
	% Heard within 3 Months	92% 45/49	89% 8/9	64% 70/109
Mercer	% Heard within 1 Week	0% 0/17	0% 0/46	1% 1/117
	% Heard within 1 Month	47% 8/17	13% 6/46	16% 19/117
	% Heard within 3 Months	76% 13/17	54% 25/46	50% 58/117
Essex	% Heard within 1 Week	14% 5/37	0% 0/29	3% 3/111
	% Heard within 1 Month	22% 8/37	7% 2/29	12% 13/111
	% Heard within 3 Months	73% 27/37	10% 3/29	32% 36/111
	% Heard within 6 Months	86% 32/37	52% 15/29	76% 84/111

TABLE 61—TYPE DETENTION × REARREST
(% Detained Pending Hearing of Those Detained)

	Bergen	Mercer	Essex
Initial Arrest	82% 47/57	25% 15/61	49% 24/49
Subsequent Arrest	100% 7/7	43% 9/21	61% 21/33

TABLE 62—TYPE DETENTION × CRIME
(% Detained Pending Hearing)

	Serious	Medium	Minor	Juvenile Status	Total Detained Cases
Bergen	— 5/6	84% 26/31	— 4/6	87% 13/15	84% 53/63
Mercer	— 1/4	19% 6/31	25% 3/12	54% 7/13	26% 18/68
Essex	61% 14/23	40% 14/35	— 2/3	63% 5/8	53% 38/72

TABLE 63—TYPE DETENTION × PRIOR RECORD
(% Detained Pending Hearing)

	Prior Record	Admin. Record	No Record
Bergen	92% 22/24	— 3/4	76% 25/33
Mercer	33% 14/42	11% 1/9	20% 3/15
Essex	67% 32/48	8% 1/12	36% 5/14

TABLE 64—TYPE DETENTION × WORST PREVIOUS DISPOSITION (% Detained Pending Hearing)

	Serious	Medium	Minor
Bergen	78% 7/9	100% 10/10	— 4/4
Mercer	50% 6/12	28% 7/25	— 0/3
Essex	78% 14/18	60% 15/25	— 2/2

TABLE 65—TYPE DETENTION × NUMBER OF PRIOR ADJUDICATIONS (% Detained Pending Hearing)

	1	2	3 or More
Bergen	89% 8/9	100% 8/8	86% 6/7
Mercer	27% 4/15	— 3/6	27% 4/15
Essex	58% 7/12	69% 9/13	75% 15/20

TABLE 66—TYPE DETENTION × DRUG HISTORY
(% Detained Pending Hearing)

	Addictive Drugs	Other Drugs	No Drugs	No Information
Bergen	100% 17/17		70% 18/23	79% 19/24
Mercer	31% 5/16		27% 9/33	21% 4/19
Essex	67% 6/9	53% 8/15	61% 22/36	17% 2/12

TABLE 67—TYPE DETENTION × DRUG HISTORY ×
PRIOR RECORD (% Detained Pending Hearing)

	Prior Record	Drug History	No Drugs	No Information
Bergen		100% 8/8	78% 7/9	100% 7/7
	No Record	100% 7/7	67% 8/12	71% 10/14

TABLE 68—TYPE DETENTION × PLACE OF RESIDENCE ×
DRUG HISTORY (% Detained Pending Hearing)

		Drug History	No Drugs	No Information
Bergen	Lives with Both Parents	100% 9/9	64% 7/11	88% 7/8
	Lives Other	100% 7/7	90% 9/10	89% 8/9

TABLE 69—TYPE DETENTION × AGE
(% Detained Pending Hearing)

	11 or Less	12-13	14-15	16-17
Bergen	— 2/4	83% 10/12	89% 17/19	88% 21/24
Mercer	— 1/2	56% 5/9	29% 9/31	9% 2/22
Essex	— 0/2	50% 7/14	65% 13/20	47% 15/32

TABLE 70—TYPE DETENTION × PLACE OF RESIDENCE (% Detained Pending Hearing)

	Bergen	Mercer	Essex
Lives with Both Parents	79% 23/29	15% 3/20	41% 11/27
Lives Other	92% 24/26	31% 15/48	61% 27/44

TABLE 71—TYPE DETENTION × PLACE OF RESIDENCE × PRIOR RECORD (% Detained Pending Hearing)

		Prior Record	No Record
Bergen	Lives with Both Parents	80% 8/10	81% 13/16
	Lives Other	100% 14/14	82% 9/11
Mercer	Lives with Both Parents	33% 3/9	— 0/6
	Lives Other	33% 11/33	33% 3/9
Essex	Lives with Both Parents	56% 9/16	28% 2/7
	Lives Other	79% 23/29	50% 4/8

TABLE 72—TYPE DETENTION × SEX, RACE (% Detained Pending Hearing)

	Male	Female	White	Black
Mercer	20% 10/50	44% 8/18	22% 4/18	24% 11/45
Essex	53% 34/64	50% 4/8	71% 5/7	50% 27/54

TABLE 73—POINT SCALE × TYPE DETENTION × CRIME (% Median Points)

		Serious	Medium	Minor	Juvenile Status	Total Cases
Bergen	Detained Pending Hearing	—	1.9	—	1.3	1.7
		5	26	4	13	52
Mercer	Detained and Released	—	.6	—	—	.8
		1	5	2	1	11
Essex	Detained Pending Hearing	—	3.0	—	2.5	2.6
		1	6	3	7	17
Essex	Detained and Released	—	2.9	1.5	2.3	2.4
		3	31	9	6	49
Essex	Detained Pending Hearing	3.3	2.9	—	1.5	3.1
		14	14	2	5	38
Essex	Detained and Released	3.2	2.6	—	—	2.5
		9	21	1	3	34

TABLE 74—TYPE DETENTION × MONTH OF DETENTION HEARING × REARREST (% Detained Pending Hearing)

		Jan.-Mar.	April-June	July-Sept.	Oct.-Dec.	No Information or No Hearing
Bergen	Initial Arrest	80%	88%	92%	94%	55%
		8/10	7/8	11/12	15/16	6/11
Bergen	Total Arrests	82%	91%	92%	94%	55%
		9/11	10/11	12/13	16/17	6/11
Essex	Initial Arrest	60%	38%	71%	90%	8%
		6/10	3/8	5/7	9/10	1/13
Essex	Subsequent Arrest	38%	—	—	100%	—
		3/8	4/6	5/5	9/9	0/5
Essex	Total Arrests	50%	50%	83%	95%	6%
		9/18	7/14	10/12	18/19	1/18

TABLE 75—DETENTION × MONTH OF ARREST × REARREST (% Detained)

		Jan.-Mar.	April-June	July-Sept.	Oct.-Dec.
Essex	Initial Arrest	29%	25%	23%	23%
		10/34	13/52	12/52	14/61
Essex	Subsequent Arrest	33%	54%	50%	48%
		6/18	7/13	5/10	11/23
Essex	Total Arrests	31%	31%	27%	30%
		16/52	20/65	17/62	25/84

TABLE 76—DETENTION × MONTH OF DETENTION
HEARING × REARREST × PRIOR RECORD
(% Detained Pending Hearing)

		Jan.-June	July-Dec.	
Essex	Initial Arrest	Prior Record	50% 5/10	86% 12/14
		No Record	— 3/3	— 2/3
	Subsequent Arrest	Prior Record	63% 5/8	93% 14/15
		No Record	— 0/1	— 0/0

TABLE 77—TYPE DETENTION × CALENDAR

		Formal	Informal	Conference Committee	
Bergen	Detained Pending Hearing	25% 13/51	75% 38/51	0% 0/51	100%
	Detained and Released	18% 2/11	82% 9/11	0% 0/11	100%
	No Detention	3% 4/123	91% 112/123	6% 7/123	100%
Mercer	Detained Pending Hearing	69% 11/16	31% 5/16	0% 0/16	100%
	Detained and Released	52% 25/48	42% 20/48	6% 3/48	100%
	No Detention	15% 20/135	73% 99/135	12% 16/135	100%
Essex	Detained Pending Hearing	79% 30/38	21% 8/38	0% 0/38	100%
	Detained and Released	70% 23/33	30% 10/33	0% 0/33	100%
	No Detention	33% 41/126	63% 79/126	5% 6/126	100%

TABLE 78—CALENDAR

	Formal	Informal	Conference Committee	No Information
Bergen	10% 19/189	86% 163/189	4% 7/189	11
Mercer	27% 60/219	63% 136/219	11% 23/219	5
Essex	47% 101/216	46% 100/216	7% 15/216	6

TABLE 79—CALENDAR × PRIOR RECORD (% Formal)

	Last Adj. Formal	Last Adj. Informal	Last Adj. No Information	Admin. Record	No Record
Bergen	100% 8/8	10% 4/40	— 0/2	5% 1/19	4% 5/118
Mercer	91% 20/22	44% 18/41	48% 15/31	8% 2/24	6% 5/88
Essex	91% 40/44	49% 18/37	60% 9/15	61% 17/28	22% 17/78

TABLE 80—CALENDAR × PROBATION OFFICER

	Formal	Informal	Conference Committee		
Mercer	Probation Officer Assigned	53% 31/58	47% 27/58	0% 0/58	100%
	No Prob. Officer Assignment in File	18% 29/161	68% 109/161	14% 23/161	100%

TABLE 81—CALENDAR × NUMBER OF
ADJUDICATIONS (% Formal)

	1	2	3 or More
Bergen	0% 0/28	42% 5/12	78% 7/9
Mercer	51% 22/43	80% 12/15	68% 17/25
Essex	58% 23/40	55% 11/20	91% 31/34

TABLE 82—CALENDAR \times WORST PREVIOUS
DISPOSITION (% Formal)

	Serious	Medium	Minor
Bergen	50% 5/10	29% 7/24	0% 0/15
Mercer	74% 14/19	61% 33/54	18% 2/11
Essex	83% 25/30	69% 35/51	46% 6/13

TABLE 83—CALENDAR \times MOST RECENT
DISPOSITION (% Formal)

	Serious	Medium	Minor
Mercer	81% 13/16	61% 34/56	29% 4/14
Essex	82% 18/22	71% 39/55	47% 7/15

TABLE 84—CALENDAR \times REARREST (% Formal)

	Rearrest	No Rearrest
Bergen	25% 6/24	8% 13/165
Mercer	56% 28/50	18% 30/167
Essex	75% 53/71	36% 48/135

TABLE 85—CALENDAR \times REARREST \times PRIOR
RECORD (% Formal)

		Prior Record	Admin. Record	No Record
Mercer	Rearrest	70% 23/33	— 2/6	38% 5/13
	No Rearrest	49% 30/61	0% 0/18	0% 0/75
Essex	Rearrest	87% 34/39	92% 11/12	40% 8/20
	No Rearrest	58% 33/57	38% 6/16	16% 9/57

TABLE 86—CALENDAR × CRIME

		Serious	Medium	Minor	Juvenile Status
Bergen	Formal	27% 3/11	16% 13/82	3% 2/62	0% 0/29
	Informal	73% 8/11	79% 65/82	94% 58/62	100%
	Conference Committee	0% 0/11	5% 4/82	3% 2/62	0% 0/27
		100%	100%	100%	100%
Mercer	Formal	47% 7/15	30% 37/123	14% 7/51	26% 7/27
	Informal	53% 8/15	59% 73/123	76% 39/51	56% 15/27
	Conference Committee	0% 0/15	11% 13/123	10% 5/51	19% 5/27
		100%	100%	100%	100%
Essex	Formal	78% 35/45	48% 55/115	19% 5/27	12% 3/26
	Informal	22% 10/45	46% 53/115	56% 15/27	85% 22/26
	Conference Committee	0% 0/45	6% 7/115	26% 7/27	4% 1/26
		100%	100%	100%	100%

TABLE 87—COMPLAINANT × CALENDAR

		Formal	Informal	Conference Committee	
Bergen	Parental Complaint	8% 1/13	92% 12/13	0% 0/13	100%
	Other Complaint	10% 18/176	86% 151/176	4% 7/176	100%
Mercer	Parental Complaint	14% 2/14	86% 12/14	0% 0/14	100%
	Other Complaint	28% 58/205	60% 124/205	11% 23/205	100%
Essex	Parental Complaint	35% 7/20	65% 13/20	0% 0/20	100%
	Other Complaint	48% 94/196	44% 87/196	8% 15/196	100%

TABLE 88—CALENDAR × RECORD × CRIME (% Formal)

	Serious	Medium	Minor	Juvenile Status	
Bergen	Prior Record	— 1/3	35% 8/23	14% 2/14	14% 1/7
	No Record	— 2/6	6% 3/49	0% 0/43	0% 0/19
Mercer	Prior Record	70% 7/10	58% 33/57	46% 6/13	56% 5/9
	No Record	— 0/3	6% 3/48	4% 1/23	8% 1/13
Essex	Prior Record	85% 22/26	70% 35/50	33% 4/12	— 3/5
	No Record	57% 8/14	21% 8/39	13% 1/8	0% 0/17

TABLE 89—CALENDAR × DRUG HISTORY (% Formal)

	Addictive Drug	Other Drug	No Drug	No Information
Bergen	32% 10/31		7% 6/84	4% 3/74
Mercer	45% 17/38		26% 32/124	19% 11/57
Essex	94% 16/17	59% 28/44	41% 38/92	33% 21/63

TABLE 90—CALENDAR × DRUG HISTORY ×
PRIOR RECORD (% Formal)

	Addictive Drug	Other Drug	No Drug	No Information
Bergen	70% 7/10		14% 3/21	11% 2/19
	— 0/3		8% 1/12	— 0/4
	17% 3/18		4% 2/51	0% 0/49
Mercer	68% 15/22		54% 28/52	50% 10/20
	— 1/2		7% 1/15	0% 0/7
	9% 1/11		5% 3/55	5% 1/22
Essex	100% 14/14	77% 17/22	60% 24/40	60% 12/20
	— 0/0	— 4/4	47% 7/15	67% 6/9
	— 2/3	31% 5/16	21% 7/34	12% 3/25

TABLE 91—CALENDAR × AGE (% Formal)

	11 or Less	12-13	14-15	16-17
Bergen	0% 0/10	4% 1/27	8% 5/64	19% 13/70
Mercer	5% 1/19	29% 10/35	37% 34/93	21% 13/63
Essex	43% 3/7	38% 15/39	37% 26/70	55% 53/94

TABLE 92—CALENDAR \times AGE \times PRIOR RECORD (% Formal)

	11 or Less	12-13	14-15	16-17	
Bergen	Prior Record	— 0/0	14% 1/7	19% 4/21	35% 7/20
	No Record	0% 0/10	0% 0/17	3% 1/37	10% 4/41
Mercer	Prior Record	— 1/2	60% 9/15	69% 29/42	38% 12/32
	No Record	0% 0/16	9% 1/11	11% 4/37	0% 0/21
Essex	Prior Record	— 1/1	75% 9/12	67% 18/27	73% 36/49
	No Record	— 1/3	19% 4/21	12% 3/26	32% 8/25

TABLE 93—CALENDAR \times PLACE OF RESIDENCE

	Formal	Informal	Conference Committee		
Bergen	Lives with Both Parents	6% 6/105	92% 97/105	2% 2/105	100%
	Lives Other	19% 11/58	79% 46/58	2% 1/58	100%
Mercer	Lives with Both Parents	18% 18/100	69% 69/100	13% 13/100	100%
	Lives Other	39% 42/109	59% 64/109	3% 3/109	100%
Essex	Lives with Both Parents	38% 38/101	50% 51/101	12% 12/101	100%
	Lives Other	58% 62/107	40% 43/107	2% 2/107	100%

TABLE 94—CALENDAR × PLACE OF RESIDENCE × PRIOR RECORD (% Formal)

		Prior Record	Admin. Record	No Record
Bergen	Lives with Both Parents	8% 2/24	13% 1/8	4% 3/72
	Lives Other	38% 10/26	— 0/5	4% 1/27
Mercer	Lives with Both Parents	48% 15/31	7% 1/15	4% 2/51
	Lives Other	60% 38/63	11% 1/9	8% 3/36
Essex	Lives with Both Parents	75% 24/32	50% 8/16	14% 6/42
	Lives Other	69% 43/62	75% 9/12	32% 10/31

TABLE 95—CALENDAR × SCHOOL STATUS (% Formal)

	Bergen	Mercer	Essex
In School	6% 7/118	25% 46/186	43% 60/139
Not in School	26% 7/27	52% 13/25	64% 25/39

TABLE 96—CALENDAR × SEX (% Formal)

	Bergen	Mercer	Essex
Male	11% 16/148	28% 50/176	54% 94/173
Female	8% 3/39	23% 10/43	14% 6/42

TABLE 97—CALENDAR × TOTAL DETENTION × SEX (% Formal)

		Detention	No Detention
Essex	Male	83% 54/65	36% 36/100
	Female	12% 2/17	16% 4/25

TABLE 98—CALENDAR × CRIME × SEX (% Formal)

		Serious	Medium	Minor	Juvenile Status
Bergen	Male	33% 3/9	16% 11/69	2% 1/52	0% 0/16
	Female	— 0/2	15% 2/13	13% 1/8	0% 0/11
Mercer	Male	43% 6/14	33% 37/111	9% 3/35	20% 3/15
	Female	— 1/1	0% 0/12	25% 4/16	33% 4/12
Essex	Male	77% 34/44	52% 52/99	22% 4/18	20% 2/10
	Female	— 1/1	13% 2/15	11% 1/9	6% 1/16

TABLE 99—CALENDAR × PRIOR RECORD × SEX (% Formal)

		Prior Record	Admin. Record	No Record
Bergen	Male	26% 10/38	6% 1/16	4% 4/93
	Female	17% 2/12	— 0/3	4% 1/23
Mercer	Male	57% 45/79	5% 1/20	6% 4/66
	Female	53% 8/15	— 1/4	5% 1/22
Essex	Male	71% 63/89	67% 16/24	27% 15/55
	Female	57% 4/7	— 1/4	5% 1/22

TABLE 100—CRIME × RECORD × SEX (% With Prior Record)

		Serious	Medium	Minor	Juvenile Status
Mercer	Male	64% 9/14	53% 56/105	30% 9/30	25% 4/16
	Female	— 1/1	20% 2/10	38% 6/16	38% 5/13

TABLE 101—CALENDAR × RACE

		Formal	Informal	Conference Committee	
Mercer	White	16% 12/75	72% 54/75	12% 9/75	100%
	Black	36% 45/126	59% 74/126	6% 7/126	100%
Essex	White	32% 18/50	48% 24/50	20% 10/50	100%
	Black	51% 67/132	45% 60/132	4% 5/132	100%

TABLE 102—CALENDAR × RECORD × RACE(% Formal)

		Prior Record	Admin. Record	No Record
Mercer	White	48% 11/23	0% 0/8	3% 1/40
	Black	59% 39/66	13% 2/15	9% 4/43
Essex	White	46% 6/13	57% 4/7	29% 6/21
	Black	73% 54/74	60% 9/15	13% 4/38

TABLE 103—CALENDAR × NUMBER OF
ADJUDICATIONS × RACE (% Formal)

		1	2	3 or More
Mercer	White	47% 7/15	67% 4/6	
	Black	52% 14/27	70% 7/10	73% 16/22
Essex	White	46% 6/13		
	Black	61% 20/33	54% 7/13	93% 25/26

TABLE 104—CALENDAR × CRIME × RACE (% Formal)

		Serious	Medium	Minor	Juvenile Status
Mercer	White	— 1/4	11% 4/37	13% 3/23	36% 4/11
	Black	54% 6/11	41% 31/76	13% 3/24	25% 3/12
Essex	White	71% 5/7	28% 8/28	11% 1/9	— 0/4
	Black	78% 22/28	56% 38/68	19% 3/16	16% 3/19

TABLE 105—CALENDAR × REARREST × RACE (% Formal)

		Rearrest	No Rearrest
Mercer	White	17% 2/12	16% 10/63
	Black	68% 26/38	22% 19/88
Essex	White	63% 10/16	18% 6/34
	Black	74% 33/43	39% 34/89

TABLE 106—CALENDAR × CRIME × POINT SCALE
(Median Points)

		Serious	Medium	Minor	Juvenile Status	Total Cases
Bergen	Formal	— ₃	2.8 ₁₃	— ₂	— ₀	3.1 ₁₉
	Informal	1.0 ₈	.9 ₆₅	.7 ₅₈	1.0 ₂₇	.9 ₁₆₃
	Conference Committee	— ₀	— ₄	— ₂	— ₀	.6 ₇
Mercer	Formal	2.8 ₇	3.2 ₃₇	2.4 ₇	2.4 ₇	2.8 ₆₀
	Informal	1.5 ₈	1.3 ₇₃	1.1 ₃₉	1.6 ₁₅	1.3 ₁₃₆
	Conference Committee	— ₀	.5 ₁₃	— ₅	— ₅	.6 ₂₃
Essex	Formal	2.7 ₃₅	2.5 ₅₅	— ₅	— ₃	2.6 ₁₀₁
	Informal	1.5 ₁₀	1.0 ₅₃	1.5 ₁₅	1.2 ₂₂	1.2 ₁₀₀
	Conference Committee	— ₀	.6 ₇	.6 ₇	— ₁	.6 ₁₅

TABLE 107—CALENDAR × POINT SCALE × RACE,
SEX (Median Points)

		Male	Female	White	Black
Bergen	Formal	3.3 ₁₆	— ₃	3.3 ₇	— ₄
	Informal	.8 ₁₂₆	1.3 ₃₅	1.1 ₁₉	1.8 ₁₀
	Conference Committee	— ₆	— ₁	— ₁	— ₀
Mercer	Formal	3.0 ₅₀	2.5 ₁₀	2.6 ₁₂	3.0 ₄₅
	Informal	1.2 ₁₀₇	1.5 ₂₉	1.0 ₅₄	1.5 ₇₄
	Conference Committee	.6 ₁₉	— ₄	.6 ₉	.7 ₇
Essex	Formal	2.7 ₉₄	2.3 ₆	1.6 ₁₆	3.0 ₆₇
	Informal	1.2 ₇₃	1.2 ₂₇	.9 ₂₄	1.5 ₆₀
	Conference Committee	.0 ₆	.6 ₉	.6 ₁₀	— ₅

TABLE 108—TOTAL DETENTION × ATTORNEY

		Public Defender	Private Attorney	Other Attorney	No Attorney		No In- formation
Bergen	Detained	12% 7/57	16% 9/57	5% 3/57	67% 38/57	100%	5
	Not Detained	2% 2/111	11% 12/111	2% 2/111	86% 95/111	100%	19
Mercer	Detained	48% 25/52	8% 4/52	10% 5/52	35% 18/52	100%	18
	Not Detained	15% 14/91	8% 7/91	3% 3/91	74% 67/91	100%	45
Essex	Detained	52% 33/64	13% 8/64	14% 9/64	22% 14/64	100%	10
	Not Detained	20% 21/103	8% 8/103	8% 8/103	62% 64/103	100%	27

TABLE 109—CALENDAR × ATTORNEY (% With Attorney)

	Bergen	Mercer	Essex
Formal	100% 18/18	80% 43/54	95% 86/91
Informal	11% 17/151	18% 17/93	4% 3/79

TABLE 110—VERDICT × TYPE DETENTION*

	Detained Pending Hearing	Detained and Released	No Detention
Bergen	96% 48/50	82% 9/11	82% 98/119
Mercer	94% 18/17	98% 45/46	91% 105/116
Essex	100% 38/36	96% 23/24	75% 77/103

* Guilty includes all those who were adjudicated guilty and all those whose dispositions or adjudications were deferred pending good behavior. This was done on the theory that the deferred cases must be based on a finding that the court has jurisdiction over the juvenile (*i.e.* he or she has committed a delinquent act). Cases administratively handled (*e.g.*, delinquent cannot be found, delinquent drafted) and pending cases are not included in the tabulations.

TABLE 111—VERDICT (% Guilty)

Bergen	Mercer	Essex
86% 158/183	93% 181/195	84% 143/170

TABLE 112—VERDICT × PRIOR RECORD × TYPE
DETENTION (% Guilty)

		Detained Pending Hearing	Detained and Released	No Detention
Bergen	Prior Record	100% 22/22	— 2/2	85% 22/26
	No Record	96% 23/24	86% 6/7	82% 63/77
Mercer	Prior Record	93% 13/14	96% 26/27	87% 40/46
	No Record	— 2/2	100% 11/11	93% 55/59
Essex	Prior Record	100% 31/31	90% 9/10	66% 27/41
	No Record	— 4/4	— 5/5	78% 40/51

TABLE 113—VERDICT \times TOTAL DETENTION \times
CRIME (% Guilty)

		Serious	Medium	Minor	Juvenile Status
Bergen	Detained Pending Hearing	— 5/5	92% 23/25	— 4/4	100% 12/12
	Detained and Released	— 1/1	— 3/5	— 2/2	— 1/1
	No Detention	— 3/5	87% 39/45	81% 43/53	77% 10/13
Mercer	Detained Pending Hearing	— 1/1	— 6/6	— 3/3	86% 6/7
	Detained and Released	— 3/3	97% 29/30	— 6/6	— 6/6
	No Detention	89% 8/9	92% 57/62	91% 31/34	89% 8/9
Essex	Detained Pending Hearing	100% 14/14	100% 13/13	— 2/2	— 5/5
	Detained and Released	100% 7/9	93% 13/14	— 0/0	— 3/3
	No Detention	79% 15/19	70% 40/57	81% 13/16	82% 9/11

TABLE 114—VERDICT × DETENTION × NUMBER OF CHARGES (% Guilty)

		1	2	3 or More
Bergen	Detained Pending Hearing	90% 19/21	100% 15/15	100% 13/13
	Detained and Released	— 4/6	— 2/2	— 2/2
	No Detention	81% 67/83	87% 26/30	— 5/6
Mercer	Detained Pending Hearing	86% 6/7	— 4/4	— 6/6
	Detained and Released	100% 11/11	100% 14/14	95% 20/21
	No Detention	93% 64/69	82% 23/28	95% 18/19
Essex	Detained Pending Hearing	100% 7/7	— 6/6	100% 15/15
	Detained and Released	— 4/4	— 2/3	100% 17/17
	No Detention	69% 44/64	86% 19/22	82% 14/17

TABLE 115—VERDICT × DETENTION × CALENDAR (% Guilty)

		Detained Pending Hearing	Detained and Released	No Detention
Bergen	Formal	92% 12/13	— 1/2	— 3/4
	Informal	97% 36/37	88% 7/8	85% 93/109
Mercer	Formal	91% 10/11	96% 23/24	90% 18/20
	Informal	— 5/5	100% 20/20	91% 86/95
Essex	Formal	100% 28/28	94% 18/19	73% 24/33
	Informal	100% 8/8	— 5/5	75% 51/68

TABLE 116—VERDICT × DETENTION × REARREST
(% Guilty)

		Detained Pending Hearing	Detained and Released	No Detention
Mercer	Rearrest	— 5/5	100% 22/22	95% 19/20
	No Rearrest	92% 11/12	96% 23/24	90% 86/96
Essex	Rearrest	100% 15/15	100% 18/18	88% 22/25
	No Rearrest	100% 21/21	— 5/6	71% 55/78

TABLE 117—VERDICT × DETENTION × PLACE OF
RESIDENCE (% Guilty)

		Detained Pending Hearing	Detained and Released	No Detention
Bergen	Lives with Both Parents	96% 22/23	— 4/5	89% 65/73
	Lives Other	100% 20/20	— 2/2	87% 26/30
Mercer	Lives with Both Parents	— 3/3	100% 14/14	89% 54/61
	Lives Other	93% 13/14	97% 31/32	93% 50/54
Essex	Lives with Both Parents	100% 11/11	91% 10/11	83% 40/48
	Lives Other	96% 25/26	100% 13/13	69% 34/49

TABLE 118—VERDICT × DRUG HISTORY ×
DETENTION (% Guilty)

		Detained Pending Hearing	Detained and Released	No Detention
Bergen	Drugs	94% 16/17	— 0/0	87% 13/15
	No Drugs	100% 16/16	86% 6/7	87% 52/60
Mercer	Drugs	— 5/5	100% 11/11	94% 17/18
	No Drugs	88% 7/8	100% 22/22	88% 64/73
Essex	Addictive Drugs	— 6/6	— 2/3	100% 7/7
	Other Drugs	100% 8/8	— 5/5	67% 14/21
	No Drugs	100% 21/21	100% 10/10	78% 36/46

TABLE 119—VERDICT \times DETENTION \times ATTORNEY
(% Guilty)

	Public Defender	Private Attorney	Other Attorney	No Attorney
Bergen	88% 14/16			
	86% 6/7			100% 31/31
		86% 6/7	2/2	
Detained Pending Hearing				
Bergen	81% 13/16			
	75% 9/12			85% 78/92
		2/2	2/2	
No Detention				
Mercer	89% 8/9			
	6/6			4/4
		0/1	2/2	
Detained Pending Hearing				
Mercer	100% 18/18			
	100% 18/18	2/3	2/2	100% 12/12
Detained and Released				
Mercer	83% 19/23			
	86% 12/14			92% 61/66
		71% 5/7	2/2	
No Detention				
Essex	100% 25/25			
	100% 17/17			100% 7/7
		3/3	5/5	
Detained Pending Hearing				
Essex	92% 11/12			
	92% 11/12	4/4	3/3	5/5
Detained and Released				
Essex	71% 24/34			
	68% 13/19			77% 44/57
		71% 5/7	75% 6/8	
No Detention				

TABLE 120—VERDICT × ATTORNEY
(% Guilty)

	Public Defender	Private Attorney	Other Attorney	No Attorney
Bergen	90% 9/10	71% 15/21	— 5/5	90% 120/134
Mercer	95% 38/40	64% 7/11	100% 8/8	93% 81/87
Essex	86% 44/51	87% 13/15	88% 15/17	81% 57/70

TABLE 121—VERDICT × JUDGE × DETENTION
(% Guilty)

	Detained Pending Hearing	Detained and Released	No Detention
Judge # 1	96% 23/24	— 2/2	91% 40/44
Bergen Judge # 2	96% 25/26	75% 6/8	81% 44/54
Other	— 0/0	— 0/0	65% 13/20
Judge # 1	100% 10/10	100% 7/7	74% 17/23
Judge # 2	— 5/5	— 2/2	82% 9/11
Essex Judge # 3	100% 7/7	— 2/2	80% 12/15
Judge # 4	100% 7/7	86% 6/7	74% 14/19
Other	100% 7/7	— 6/6	71% 25/35

TABLE 122—VERDICT \times RACE \times DETENTION
(% Guilty)

		Detained Pending Hearing	Detained and Released	No Detention
Mercer	White	— 2/3	91% 10/11	89% 40/45
	Black	100% 11/11	100% 33/33	91% 59/65
Essex	White	— 5/5	— 2/2	77% 20/28
	Black	100% 26/26	95% 18/19	75% 44/59

TABLE 123—VERDICT \times CALENDAR \times ATTORNEY
(% Guilty)

		Attorney	No Attorney	No Information
Bergen	Formal	89% 16/18	— 2/2	— 0/1
	Informal	72% 13/18	90% 121/134	100% 8/8
Mercer	Formal	90% 38/42	91% 10/11	— 6/6
	Informal	88% 15/17	93% 70/75	95% 38/40
Essex	Formal	88% 69/78	— 3/4	— 4/4
	Informal	— 1/3	82% 54/66	77% 10/13

TABLE 124—VERDICT × TIME TO HEARING × ATTORNEY (% Guilty)

		1 Week or Less	8 Days- 1 Mo.	2-3 Mos.	4 Mos.- 1 Yr.	More Than 1 Yr.
	Attorney	— 3/3	— 4/5	87% 13/15	75% 9/12	
Bergen	No Attorney	96% 24/25	87% 13/15	89% 51/57	86% 24/28	
	All Cases	97% 31/32	85% 17/20	88% 66/75	83% 34/41	
	Attorney	— 0/0	— 6/6	97% 29/30	77% 17/22	
Mercer	No Attorney	— 0/0	94% 15/16	92% 38/41	93% 26/28	
	All Cases	— 1/1	94% 32/34	83% 20/24	88% 57/65	
	Attorney	100% 6/6		92% 22/24	81% 34/42	88% 7/8
Essex	No Attorney	100% 12/12		69% 9/13	83% 34/41	— 0/0
	All Cases	100% 20/20		79% 33/42	82% 77/94	88% 7/8

TABLE 125—VERDICT × TIME TO HEARING ×
CALENDAR (% Guilty)

		1 Week or Less	8 Days- 1 Mo.	2-3 Mos.	4 Mos. or More
Bergen	Formal	— 2/2	— 3/4	89% 8/9	— 3/4
	Informal	97% 29/30	88% 14/16	89% 58/65	84% 32/38
Mercer	Formal	100% 8/8		100% 25/25	79% 19/24
	Informal	92% 22/24		94% 61/65	93% 38/41
Essex	Formal	— 5/5		89% 24/27	87% 45/52
	Informal	100% 14/14		57% 8/14	78% 40/51

TABLE 126—VERDICT × TIME TO HEARING ×
DETENTION (% Guilty)

	1 Week or Less	8 Days- 1 Mo.	2-3 Mos.	4 Mos. or More	
Bergen	Detained Pending Hearing	100% 25/25	91% 21/23		
	Detained and Released	— 2/2	71% 5/7		
	No Detention	— 3/4	87% 13/15	85% 44/52	86% 30/35
Mercer	Detained Pending Hearing	100% 7/7		— 5/5	— 3/4
	Detained and Released	100% 6/6		100% 24/24	93% 14/15
	No Detention	89% 16/18		93% 53/57	87% 34/39
Essex	Detained Pending Hearing	100% 7/7		100% 19/19	100% 10/10
	Detained and Released	— 2/2	— 1/1	95% 20/21	
	No Detention	100% 10/10		55% 11/20	75% 51/68

TABLE 127—VERDICT \times TIME TO HEARING \times
CRIME (% Guilty)

	1 Week or Less	8 Days- 1 Mo.	2-3 Mos.	4 Mos. or More	
Bergen	Serious	$\frac{2}{3}$	$\frac{1}{2}$	$\frac{2}{3}$	$\frac{1}{1}$
	Medium	100% $\frac{12}{12}$	67% $\frac{6}{9}$	88% $\frac{28}{32}$	83% $\frac{19}{23}$
	Minor	$\frac{3}{3}$	$\frac{5}{6}$	94% $\frac{29}{31}$	80% $\frac{12}{15}$
	Juvenile Status	100% $\frac{11}{11}$	71% $\frac{5}{7}$	71% $\frac{5}{7}$	$\frac{3}{3}$
Mercer	Serious	$\frac{0}{0}$		90% $\frac{9}{10}$	$\frac{4}{4}$
	Medium	88% $\frac{14}{16}$		96% $\frac{47}{49}$	93% $\frac{38}{41}$
	Minor	100% $\frac{10}{10}$		96% $\frac{22}{23}$	82% $\frac{9}{11}$
	Juvenile Status	100% $\frac{8}{8}$		100% $\frac{9}{9}$	$\frac{5}{6}$
Essex	Serious	$\frac{1}{1}$		88% $\frac{15}{17}$	91% $\frac{21}{23}$
	Medium	100% $\frac{8}{8}$		60% $\frac{9}{15}$	81% $\frac{51}{63}$
	Minor	$\frac{3}{3}$		$\frac{4}{4}$	70% $\frac{7}{10}$
	Juvenile Status	100% $\frac{8}{8}$		80% $\frac{8}{10}$	

TABLE 128—REMANDS × CALENDAR × DETENTION
(% Remanded of Those Found Guilty)

		Detained Pending Hearing	Detained and Released	No Detention
Bergen	Formal	20% $\frac{2}{10}$	— $\frac{0}{1}$	— $\frac{0}{3}$
	Informal	41% $\frac{14}{34}$	25% $\frac{2}{8}$	5% $\frac{4}{85}$
Mercer	Formal	10% $\frac{1}{10}$	10% $\frac{2}{21}$	6% $\frac{1}{17}$
	Informal	— $\frac{1}{4}$	5% $\frac{1}{20}$	1% $\frac{1}{76}$
Essex	Formal	36% $\frac{10}{27}$	29% $\frac{5}{17}$	17% $\frac{4}{23}$
	Informal	50% $\frac{4}{8}$	— $\frac{1}{2}$	5% $\frac{4}{48}$

TABLE 129—REMANDS (% Remanded)

Bergen	Mercer	Essex
15% $\frac{22}{144}$	6% $\frac{9}{161}$	26% $\frac{35}{137}$

TABLE 130—REMANDS × CRIME (% Remanded)

	Serious	Medium	Minor	Juvenile Status
Bergen	0% $\frac{0}{8}$	15% $\frac{9}{60}$	8% $\frac{4}{48}$	26% $\frac{6}{23}$
Mercer	17% $\frac{2}{12}$	1% $\frac{1}{92}$	0% $\frac{0}{35}$	30% $\frac{6}{20}$
Essex	32% $\frac{11}{27}$	21% $\frac{14}{66}$	14% $\frac{2}{14}$	39% $\frac{7}{18}$

TABLE 131—REMANDS × TIME BETWEEN ADJUDICATION AND DISPOSITION (% Remanded)

		Less Than 1 Week	Less Than 1 Mo.	Less Than 3 Mos.
Bergen	Remand	27% 6/22	41% 9/22	86% 19/22
	No Remand	61% 72/119	62% 74/119	71% 84/119
Mercer	Remand	20% 2/10	30% 3/10	40% 4/10
	No Remand	67% 111/166	70% 117/166	81% 134/166
Essex	Remand	30% 12/32	70% 24/32	97% 31/32
	No Remand	78% 80/163	80% 82/103	85% 88/103

TABLE 132—COMPLAINANT × REMANDS (% Remanded)

	Bergen	Mercer	Essex
Parental Complaint	54% 7/13	14% 2/14	35% 6/17
Other Complaint	11% 15/131	4% 7/167	23% 29/126

TABLE 133—REMANDS × SEX (% Remanded)

	Bergen	Mercer	Essex
Male	13% 15/113	5% 6/131	27% 32/118
Female	24% 7/29	10% 3/30	17% 3/18

TABLE 134—REMANDS × SCHOOL STATUS (% Remanded)

	Bergen	Mercer	Essex
In School	15% 15/99	6% 8/138	28% 28/94
Not in School	26% 6/23	6% 1/18	20% 4/20

TABLE 135—REMANDS × PLACE OF RESIDENCE
(% Remanded)

	Bergen	Mercer	Essex
Lives with Both Parents	12% 11/ 89	1% 1/ 68	21% 13/ 62
Lives Other	22% 10/ 45	9% 8/ 91	31% 22/ 71

TABLE 136—REMANDS × DRUG HISTORY (% Remanded)

	Addictive Drug	Other Drug	No Drug	No Information
Bergen	26% 7/ 27		15% 10/ 67	10% 5/ 50
Mercer	7% 2/ 29		5% 5/ 96	6% 2/ 36
Essex	56% 9/ 16	39% 11/ 28	18% 12/ 66	11% 3/ 27

TABLE 137—REMANDS × PRIOR RECORD (% Remanded)

	Prior Record	Admin. Record	No Record
Bergen	24% 10/ 42	— 1/ 2	12% 12/ 102
Mercer	6% 5/ 78	0% 0/ 18	6% 4/ 64
Essex	31% 22/ 71	11% 2/ 19	23% 11/ 47

TABLE 138—REMANDS × RACE (% Remanded)

	White	Black
Mercer	8% 4/ 40	5% 5/ 92
Essex	15% 4/ 27	29% 26/ 89

TABLE 139—REMANDS × POINT SCALE × SEX, RACE
(Median Points)

		Male	Female	White	Black
Bergen	Remand	1.3 ₁₅	3.2 ₇	1.4 ₁₅	— ₃
	No Remand	.9 ₉₈	1.6 ₂₂	1.2 ₄₀	2.0 ₈
Mercer	Remand	— ₆	— ₃	— ₄	— ₅
	No Remand	1.8 ₁₂₅	1.7 ₂₇	1.1 ₄₅	2.0 ₉₇
Essex	Remand	2.7 ₃₂	— ₃	— ₄	2.8 ₂₆
	No Remand	2.0 ₈₆	1.2 ₁₅	1.0 ₂₃	2.2 ₆₃

TABLE 140—REMANDS × POINT SCALE × CRIME
(Median Points)

		Serious	Medium	Minor	Juvenile Status	Total Cases
Bergen	Remand	— ₀	1.1 ₉	— ₄	1.5 ₆	1.5 ₂₂
	No Remand	1.3 ₈	1.0 ₅₁	.8 ₄₄	1.2 ₁₇	1.0 ₁₂₂
Mercer	Remand					2.2 ₁₀
	Outpatient Exams			Data Insufficient		1.5 ₂₆
	No Remands					1.9 ₁₄₀
Essex	Remand	2.9 ₁₁	3.0 ₁₄	— ₂	1.3 ₇	2.7 ₃₅
	No Remand	2.3 ₂₆	1.8 ₅₂	2.0 ₁₂	1.1 ₁₁	1.9 ₁₀₂

TABLE 141—REMANDS × JUDGE (% Remanded)

	Judge #1	Judge #2	Other		
Bergen	17% 11/63	15% 11/71	0% 0/10		
	Judge #1	Judge #2	Judge #3	Judge #4	Other
Essex	31% 11/36	50% 8/16	14% 3/21	14% 4/28	25% 9/36

TABLE 142—REMANDS × POINT SCALE × JUDGE
(Median Points)

		Remand	No Remand	Total Cases
Bergen	Judge #1	2.5 11	1.0 52	1.0 67
	Judge #2	1.3 11	1.0 60	1.1 77
	Other	— 0	.6 10	.8 15
Essex	Judge #1	3.3 11	1.9 25	2.4 35
	Judge #2	2.0 8	1.0 8	1.6 17
	Judge #3	— 3	2.7 18	2.6 21
	Judge #4	— 4	1.6 24	1.8 29
	Other	2.5 9	1.9 27	2.0 40

TABLE 143—REMANDS × JUDGE × CALENDAR
(% Remanded)

		Judge #1	Judge #2	Other		
Bergen	Formal	18% 2/11	— 0/3	— 0/0		
	Informal	18% 10/55	15% 11/71	0% 0/11		
Essex	Formal	42% 11/26	— 2/2	13% 2/16	36% 4/11	32% 6/19
	Informal	0% 0/10	38% 5/13	— 1/5	0% 0/17	19% 3/16

TABLE 144—REMANDS × DISPOSITION (% Remanded)

		Serious	Medium	Minor
Bergen		43% 6/14	22% 11/51	6% 5/84
Mercer		6% 2/33	9% 6/70	2% 1/54
Essex		58% 14/24	24% 17/71	8% 3/36

TABLE 145—DISPOSITION × DETENTION × CALENDAR (% Serious Disposition)

		Detained Pending Hearing	Detained and Released	No Detention
Bergen	Formal	25% 3/12	— 1/1	— 1/3
	Informal	19% 7/37	13% 1/8	3% 3/89
Mercer	Formal	80% 8/10	26% 6/23	39% 7/18
	Informal	— 2/5	15% 3/20	7% 6/84
Essex	Formal	44% 12/27	24% 4/17	9% 2/23
	Informal	25% 2/8	— 0/5	2% 1/41

TABLE 146—DISPOSITION × DETENTION × REMANDS (% Serious Disposition)

		Detained Pending Hearing	Detained and Released	No Detention
Bergen	Remand	26% 6/23	— 0/1	— 0/4
	No Remand	14% 4/29	14% 1/7	5% 4/83
Mercer	Remand	— 1/3	— 0/3	— 1/2
	No Remand	69% 9/13	24% 10/42	11% 10/89
Essex	Remand	64% 9/14	— 1/6	11% 1/9
	No Remand	20% 5/25	13% 2/15	5% 3/64

TABLE 147—REMANDS × CALENDAR × DISPOSITION
(% Serious Disposition)

		Formal	Informal
Bergen	Remand	— 1/2	29% 6/21
	No Remand	25% 3/12	5% 5/102
Mercer	Remand	— 2/4	— 0/5
	No Remand	45% 21/47	9% 9/99
Essex	Remand	46% 11/24	22% 2/9
	No Remand	20% 9/46	2% 1/52

TABLE 148—DISPOSITION

	State Institution	Probation with Inpatient Condition	Other Probation	Fine	Other Minor	
Bergen	2% 3/157	8% 13/157	34% 54/157	17% 26/157	39% 61/157	100%
Mercer	8% 14/177	12% 21/177	47% 83/177	8% 15/177	25% 44/177	100%
Essex	14% 19/139	4% 6/139	52% 72/139	1% 1/139	29% 41/139	100%

TABLE 149—DISPOSITION × CALENDAR

		Serious	Medium	Minor	
Bergen	Formal	31% 5/16	56% 9/16	13% 2/16	100%
	Informal	8% 11/141	32% 45/141	60% 85/141	100%
Mercer	Formal	40% 21/52	54% 28/52	6% 3/52	100%
	Informal	9% 11/121	43% 52/121	48% 58/121	100%
Essex	Formal	29% 21/72	58% 42/72	13% 9/72	100%
	Informal	5% 3/65	45% 29/65	51% 33/65	100%

TABLE 150—DISPOSITION × DETENTION

		Serious	Medium	Minor	
Bergen	Detained Pending Hearing	20% 10/49	51% 25/49	29% 14/49	100%
	Detained and Released	13% 1/8	38% 3/8	50% 4/8	100%
	No Detention	4% 4/95	27% 26/95	68% 65/95	100%
Mercer	Detained Pending Hearing	59% 10/17	29% 5/17	12% 2/17	100%
	Detained and Released	22% 10/45	56% 25/45	22% 10/45	100%
	No Detention	13% 13/103	44% 45/103	44% 45/103	100%
Essex	Detained Pending Hearing	40% 14/35	54% 19/35	6% 2/35	100%
	Detained and Released	18% 4/22	59% 13/22	23% 5/22	100%
	No Detention	5% 4/76	50% 38/76	45% 34/76	100%

TABLE 151—DISPOSITION × CRIME

	Serious	Medium	Minor		
Bergen	Serious	13% $\frac{1}{8}$	25% $\frac{2}{8}$	63% $\frac{5}{8}$	100%
	Medium	7% $\frac{5}{67}$	52% $\frac{35}{67}$	40% $\frac{27}{67}$	100%
	Minor	4% $\frac{2}{52}$	10% $\frac{5}{52}$	87% $\frac{45}{52}$	100%
	Juvenile Status	29% $\frac{7}{24}$	29% $\frac{7}{24}$	42% $\frac{10}{24}$	100%
Mercer	Serious	15% $\frac{2}{13}$	54% $\frac{7}{13}$	31% $\frac{4}{13}$	100%
	Medium	22% $\frac{22}{100}$	43% $\frac{43}{100}$	35% $\frac{35}{100}$	100%
	Minor	10% $\frac{4}{42}$	48% $\frac{20}{42}$	43% $\frac{18}{42}$	100%
	Juvenile Status	23% $\frac{5}{22}$	59% $\frac{13}{22}$	18% $\frac{4}{22}$	100%
Essex	Serious	39% $\frac{14}{36}$	44% $\frac{16}{36}$	17% $\frac{6}{36}$	100%
	Medium	13% $\frac{9}{69}$	50% $\frac{34}{69}$	39% $\frac{26}{69}$	100%
	Minor	0% $\frac{0}{14}$	71% $\frac{10}{14}$	29% $\frac{4}{14}$	100%
	Juvenile Status	6% $\frac{1}{18}$	61% $\frac{11}{18}$	33% $\frac{6}{18}$	100%

TABLE 152—DISPOSITION × PRIOR RECORD

		Serious	Medium	Minor	
Bergen	Prior Record	20% 9/46	57% 26/46	24% 11/46	100%
	Admin. Record	7% 1/15	27% 4/15	67% 10/15	100%
	No Record	6% 6/96	25% 24/96	69% 66/96	100%
Mercer	Prior Record	37% 30/82	49% 40/82	15% 12/82	100%
	Admin. Record	15% 3/20	50% 10/20	35% 7/20	100%
	No Record	1% 1/76	45% 34/76	54% 41/76	100%
Essex	Prior Record	34% 24/70	60% 42/70	6% 4/70	100%
	Admin. Record	0% 0/19	37% 7/19	63% 12/19	100%
	No Record	3% 1/38	61% 23/38	37% 14/38	100%

TABLE 153—DISPOSITION × PRIOR RECORD ×
DETENTION (% Serious Disposition)

		Detained Pending Hearing	Detained and Released	No Detention
Bergen	Prior Record	23% 5/22	— 1/2	14% 3/22
	No Record	17% 4/24	— 0/6	2% 1/62
Mercer	Prior Record	77% 10/13	31% 8/26	26% 10/38
	No Record	— 0/3	9% 1/11	0% 0/56
Essex	Prior Record	47% 14/30	44% 4/9	12% 3/26
	No Record	— 0/4	0% 0/9	2% 1/41

TABLE 154—DISPOSITION × PRIOR RECORD
× CALENDAR (% Serious Disposition)

		Prior Record	Admin. Record	No Record
Bergen	Formal	42% 5/12	— 0/0	— 0/4
	Informal	12% 4/34	7% 1/15	7% 6/92
Mercer	Formal	47% 22/47	— 1/2	— 0/5
	Informal	21% 7/33	12% 2/17	1% 1/69
Essex	Formal	41% 21/51	0% 0/10	0% 0/11
	Informal	17% 3/18	0% 0/9	0% 0/38

TABLE 155—DISPOSITION × CRIME × DETENTION
(% Serious Disposition)

		Serious	Medium	Minor	Juvenile Status
Bergen	Detained Pending Hearing	— 0/5	9% 2/23	— 1/4	46% 8/13
	Detained and Released	— 0/1	— 1/3	— 0/2	— 1/2
	No Detention	— 1/2	5% 2/40	2% 1/43	0% 0/9
Mercer	Detained Pending Hearing	— 0/1	— 5/6	— 2/3	— 3/6
	Detained and Released	— 0/3	28% 8/29	— 0/6	— 1/8
	No Detention	25% 2/8	13% 7/55	6% 2/31	13% 1/8
Essex	Detained Pending Hearing	62% 8/13	31% 4/13	— 0/2	— 1/5
	Detained and Released	57% 4/7	0% 0/12	— 0/0	— 0/3
	No Detention	7% 1/15	8% 3/40	0% 0/12	0% 0/9

TABLE 156—DISPOSITION × CRIME × PRIOR RECORD (% Serious Disposition)

		Serious	Medium	Minor	Juvenile Status
Bergen	Prior Record	— 1/1	18% 4/22	9% 1/11	— 2/6
	No Record	— 0/6	0% 0/38	3% 1/34	29% 5/17
Mercer	Prior Record	25% 2/8	38% 19/50	20% 3/15	57% 4/7
	No Record	— 0/3	6% 3/49	0% 0/19	0% 0/10
Essex	Prior Record	59% 13/22	27% 9/34	0% 0/8	— 1/4
	No Record	9% 1/11	0% 0/21	— 0/6	0% 0/12

TABLE 157—DISPOSITION × COMPLAINANT

		Serious	Medium	Minor	
Bergen	Parental Complaint	23% 3/13	54% 7/13	23% 3/13	100%
	Other Complaint	9% 13/144	33% 47/144	58% 84/144	100%
Mercer	Parental Complaint	14% 2/14	43% 6/14	43% 6/14	100%
	Other Complaint	20% 33/166	47% 78/166	33% 55/166	100%
Essex	Parental Complaint	18% 3/17	76% 13/17	6% 1/17	100%
	Other Complaint	18% 22/122	47% 59/122	34% 41/122	100%

TABLE 158—DISPOSITION × MOST RECENT DISPOSITION

		Serious	Medium	Minor	No Record
Bergen	Serious	50% 5/10	14% 3/22	8% 1/13	6% 6/96
	Medium	50% 5/10	73% 16/22	31% 4/13	25% 24/96
	Minor	0% 0/10	14% 3/22	62% 8/13	69% 66/96
		100%	100%	100%	100%
Mercer	Serious	64% 9/14	38% 19/50	8% 1/12	1% 1/76
	Medium	36% 5/14	54% 27/50	42% 5/12	45% 34/76
	Minor	0% 0/14	8% 4/50	50% 6/12	54% 41/76
		100%	100%	100%	100%
Essex	Serious	59% 10/17	30% 12/40	20% 2/10	2% 1/50
	Medium	41% 7/17	68% 27/40	50% 5/10	46% 23/50
	Minor	0% 0/17	3% 1/40	30% 3/10	52% 26/50
		100%	100%	100%	100%

TABLE 159—DISPOSITION × NUMBER OF PRIOR ADJUDICATIONS (% Serious Dispositions)

	1	2	3 or More
Bergen	4% 1/25	45% 5/11	33% 3/9
Mercer	24% 8/33	43% 6/14	48% 12/25
Essex	30% 8/27	19% 3/16	48% 13/27

TABLE 160—DISPOSITION \times SEX (% Serious Disposition)

	Bergen	Mercer	Essex
Male	10% 12/122	17% 24/144	14% 16/112
Female	12% 4/33	31% 11/36	0% 0/19

TABLE 161—DISPOSITION \times RACE
(% Serious Disposition)

	Mercer	Essex
White	10% 6/58	12% 3/26
Black	23% 25/111	21% 19/91

TABLE 162—DISPOSITION \times DRUG HISTORY
(% Serious Disposition)

	Addictive Drug	Other Drug	No Drug	No Information
Bergen	14% 4/29		7% 5/72	13% 7/56
Mercer	29% 10/35		20% 21/104	10% 4/41
Essex	53% 9/17	17% 5/29	14% 9/65	7% 2/28

TABLE 163—DISPOSITION \times AGE
(% Serious Disposition)

	11 or Less	12-13	14-15	16-17
Bergen	14% 1/7	25% 6/24	7% 4/56	8% 5/60
Mercer	6% 1/18	29% 8/28	21% 15/72	18% 10/55
Essex	— 1/6	4% 1/28	17% 8/48	29% 15/51

TABLE 164—DISPOSITION × SCHOOL STATUS
(% Serious Disposition)

	Bergen	Mercer	Essex
In School	11% 11/103	17% 26/151	13% 13/97
Not in School	12% 3/25	30% 7/23	29% 12/42

TABLE 165—DISPOSITION × DRUG HISTORY ×
DETENTION (% Serious Dispositions)

	Drug	No Drug	No Information	
Bergen	Detained Pending Hearing	19% 3/16	19% 3/16	24% 4/17
	Detained and Released	— 0/0	— 1/6	— 0/2
	No Detention	8% 1/13	2% 1/49	6% 2/33
Mercer	Detained Pending Hearing	— 3/5	50% 4/8	— 3/4
	Detained and Released	27% 3/11	32% 7/22	0% 0/12
	No Detention	24% 4/17	13% 8/64	5% 1/22
Essex	Detained Pending Hearing	57% 8/14	30% 6/20	— 0/1
	Detained and Released	29% 2/7	22% 2/9	— 0/6
	No Detention	9% 2/22	3% 1/34	5% 1/20

TABLE 166—DISPOSITION × PLACE OF RESIDENCE
× DETENTION (% Serious Disposition)

		Detained Pending Hearing	Detained and Released	No Detention
Bergen	Lives with Both Parents	14% 3/22	— 1/4	2% 1/63
	Lives Other	30% 7/23	— 0/2	12% 3/26
Mercer	Lives with Both Parents	— 3/3	21% 3/14	4% 2/52
	Lives Other	50% 7/14	23% 7/31	20% 10/50
Essex	Lives with Both Parents	36% 4/11	22% 2/9	3% 1/40
	Lives Other	42% 10/24	15% 2/13	9% 3/33

TABLE 167—DISPOSITION × PLACE OF RESIDENCE
(% Serious Disposition)

	Bergen	Mercer	Essex
Lives with Both Parents	7% 6/92	12% 9/77	14% 9/64
Lives Other	19% 10/53	25% 25/100	22% 16/72

TABLE 168—DISPOSITION × MOST RECENT DISPOSITION ×
RACE (% Serious Disposition)

	Serious	Medium	Minor	
Mercer	White	— 2/3	9% 1/11	— 0/2
	Black	60% 6/10	43% 16/37	10% 1/10
Essex	White	30% 3/10		
	Black	58% 7/12	31% 10/32	29% 2/7

TABLE 169—DISPOSITION × PRIOR RECORD × RACE
(% Serious Disposition)

		Prior Record	Admin. Record	No Record
Mercer	White	18% $\frac{3}{17}$	25% $\frac{2}{8}$	3% $\frac{1}{32}$
	Black	40% $\frac{24}{60}$	8% $\frac{1}{12}$	0% $\frac{0}{40}$
Essex	White	33% $\frac{3}{9}$	— $\frac{0}{4}$	0% $\frac{0}{13}$
	Black	36% $\frac{19}{53}$	0% $\frac{0}{12}$	0% $\frac{0}{26}$

TABLE 170—DISPOSITION × CRIME × RACE
(% Serious Disposition)

		Serious	Medium	Minor	Juvenile Status
Mercer	White	— $\frac{1}{4}$	19% $\frac{5}{27}$	0% $\frac{0}{18}$	0% $\frac{0}{8}$
	Black	11% $\frac{1}{9}$	26% $\frac{17}{62}$	10% $\frac{2}{21}$	30% $\frac{3}{10}$
Essex	White	— $\frac{0}{5}$	13% $\frac{2}{16}$	— $\frac{0}{2}$	— $\frac{0}{1}$
	Black	50% $\frac{11}{22}$	16% $\frac{7}{43}$	0% $\frac{0}{11}$	7% $\frac{1}{15}$

TABLE 171—DISPOSITION × PRIOR RECORD × SEX
(% Serious Disposition)

		Prior Record	Admin. Record	No Record
Bergen	Male	24% 8/34	0% 0/12	5% 4/76
	Female	8% 1/12	— 1/3	11% 2/18
Mercer	Male	30% 21/69	7% 1/15	2% 1/58
	Female	69% 9/13	— 2/5	0% 0/18
Essex	Male	36% 24/66	0% 0/16	3% 1/37
	Female	— 0/4	— 0/3	0% 0/12

TABLE 172—DISPOSITION × CRIME × SEX
(% Serious Disposition)

		Serious	Medium	Minor	Juvenile Status
Bergen	Male	— 1/6	7% 4/58	5% 2/44	31% 4/13
	Female	— 0/2	11% 1/9	— 0/6	27% 3/11
Mercer	Male	8% 1/12	23% 21/90	4% 1/28	0% 0/12
	Female	— 1/1	10% 1/10	21% 3/14	50% 5/10
Essex	Male	40% 14/35	14% 9/64	0% 0/11	— 0/6
	Female	— 0/1	— 0/4	— 0/3	0% 0/10

TABLE 173—DISPOSITION × PLACE OF RESIDENCE ×
PRIOR RECORD (% Serious Disposition)

		Lives with Both Parents	Lives Other
Bergen	Prior Record	14% 3/21	25% 6/24
	No Record	3% 2/65	17% 4/23
Mercer	Prior Record	27% 7/26	41% 23/56
	No Record	3% 1/40	43% 15/35
Essex	Prior Record	36% 9/25	41% 15/37
	No Record	0% 0/21	7% 1/14

TABLE 174—DISPOSITION × PLACE OF RESIDENCE ×
CRIME (% Serious Disposition)

		Serious	Medium	Minor	Juvenile Status
Bergen	Lives with Both Parents	— 0/5	8% 3/38	0% 0/34	23% 3/13
	Lives Other	— 1/2	8% 2/24	15% 2/13	40% 4/10
Mercer	Lives with Both Parents	— 1/6	16% 7/44	5% 1/22	— 0/5
	Lives Other	14% 1/7	28% 15/54	11% 2/19	29% 5/17
Essex	Lives with Both Parents	36% 5/14	9% 3/34	— 0/6	10% 1/10
	Lives Other	43% 9/21	18% 6/34	0% 0/8	0% 0/7

TABLE 175—DISPOSITION × PLACE OF RESIDENCE ×
SEX, RACE (% Serious Disposition)

		Male	Female	White	Black
Mercer	Lives with Both Parents	11% 7/66	18% 2/11	11% 4/36	11% 4/37
	Lives Other	21% 16/75	36% 9/25	10% 2/21	29% 21/72
Essex	Lives with Both Parents	16% 9/55	0% 0/9	13% 2/15	18% 7/40
	Lives Other	26% 16/62	0% 0/9	9% 1/11	24% 12/49

TABLE 176—DISPOSITION × POINT SCALE ×
SEX, RACE (Median Points)

		Male	Female	White	Black
Bergen	Serious	2.5 12	— 4	2.5 7	— 4
	Medium	1.3 42	2.8 13	1.9 29	— 6
	Minor	.9 68	1.0 16	.7 22	— 2
Mercer	Serious	3.3 24	2.7 11	— 6	3.3 25
	Medium	1.9 69	1.3 15	2.1 24	1.7 55
	Minor	1.1 51	1.3 10	.8 28	1.5 31
Essex	Serious	3.9 25	— 0	— 3	4.1 19
	Medium	2.4 60	2.0 12	1.5 13	2.4 50
	Minor	.9 34	.7 8	.8 10	.8 22

TABLE 177—DISPOSITION × POINT SCALE × CRIME
(Median Points)

		Serious	Medium	Minor	Juvenile Status	Total Cases
Bergen	Serious	— 1	— 5	— 3	1.4 7	1.9 15
	Medium	— 2	1.5 35	— 5	2.3 7	1.6 54
	Minor	— 5	.8 27	.7 45	1.2 10	.8 87
Mercer	Serious	— 2	3.3 22	— 4	— 5	3.1 35
	Medium	1.9 7	1.8 43	1.7 20	1.6 13	1.8 84
	Minor	— 4	1.1 32	.9 18	— 4	1.1 61
Essex	Serious	3.7 14	4.3 9	— 0	— 1	3.9 25
	Medium	2.3 16	2.5 34	2.7 10	1.5 11	2.4 72
	Minor	— 6	.9 26	— 4	— 6	.8 42

TABLE 178—DISPOSITION × POINT SCALE × JUDGE
(Median Points)

		Judge #1	Judge #2	Other		
Bergen	Serious	1.5 7	2.5 8	— 0		
	Medium	2.2 30	2.4 20	— 4		
	Minor	.7 28	.8 49	.7 10		
Essex	Serious	3.8 9	— 2	3.5 4	5.3 6	4.7 4
	Medium	2.5 17	1.8 8	2.7 12	1.7 16	2.5 19
	Minor	.9 7	.9 7	.7 4	1.0 8	1.8 16

TABLE 179—SEX RELATED CRIMES* × SEX

		Charged with Sex Crime	No Sex Crime, but Juv. Status	Other	
Mercer	Male	5% 9/180	17% 31/180	78% 140/180	100%
	Female	25% 11/44	41% 18/44	34% 15/44	100%
Essex	Male	3% 6/177	18% 31/177	79% 140/177	100%
	Female	5% 2/41	41% 17/41	54% 22/41	100%

* Crime is tabulated here as follows. If the juvenile has any sex related charges, it is so noted. Sex related charges are indecent assault, incest, fornication, carnal abuse, soliciting, attempted sodomy, immorality, and indecent exposure. If the juvenile is not charged with any such offense, but did have a non-sexual juvenile status offense charge pending, it is so noted. Others are placed in a residual category.

TABLE 180—SEX CRIME × SEX × TOTAL DETENTION
(% Detained)

		Sex Crime	No Sex Crime, but Juv. Status	Other
Mercer	Male	50% 4/8	53% 16/30	26% 32/125
	Female	50% 5/10	71% 12/17	7% 1/14

TABLE 181—SEX CRIME × SEX × CALENDAR (% Formal)

		Sex Crime	No Sex Crime, but Juv. Status	Other
Mercer	Male	22% 2/9	47% 14/30	27% 34/127
	Female	22% 2/9	35% 6/17	13% 2/15

TABLE 182—SEX CRIME × SEX × DISPOSITION
(% Serious Disposition)

		Sex Crime	No Sex Crime, but Juv. Status	Other
Mercer	Male	33% 3/9	24% 6/25	14% 15/110
	Female	27% 3/11	36% 5/14	27% 3/11

TABLE 183—TOWN OF RESIDENCE × POINT SCALE ×
DETENTION (Median Points)

	Detained	No Detention
Trenton	2.3 47	1.5 98
Rest of Mercer	2.4 11	1.1 35
Newark	3.0 61	1.9 90
Rest of Essex	2.3 10	.9 37

TABLE 184—TOWN OF RESIDENCE × PLACE OF
RESIDENCE × DETENTION (% Detained)

	Lives with Both Parents	Lives Other
Newark	41% 24/59	43% 37/87
Rest of Essex	11% 3/28	38% 6/16

TABLE 185—TOWN OF RESIDENCE × CALENDAR

	Formal	Informal	Conference Committee	
Trenton	62% 104/167	29% 49/167	8% 14/167	100%
Rest of Mercer	62% 29/47	19% 9/47	19% 9/47	100%
Newark	53% 82/155	46% 72/155	1% 1/155	100%
Rest of Essex	28% 15/54	48% 26/54	24% 13/54	100%

TABLE 186—POINT SCALE × CALENDAR × TOWN OF RESIDENCE (Median Points)

	Formal	Informal	Conference Committee
Trenton	2.8 49	1.3 104	.6 14
Rest of Mercer	2.8 9	1.1 29	.0 9
Newark	2.8 82	1.3 72	— 1
Rest of Essex	1.8 15	.9 26	.6 13

TABLE 187—POINT SCALE × REMANDS × TOWN OF RESIDENCE (Median Points)

	Remand	No Remand
Trenton	2.3 8	1.9 122
Rest of Mercer	— 1	1.4 26
Newark	2.8 29	2.1 79
Rest of Essex	— 6	.8 20

TABLE 188—POINT SCALE × DISPOSITION × TOWN OF RESIDENCE (Median Points)

	Serious	Medium	Minor
Trenton	3.2 30	1.7 70	1.2 43
Rest of Mercer	— 4	2.3 13	.8 13
Newark	3.9 21	2.6 56	.9 32
Rest of Essex	— 4	1.5 13	.6 9

TABLE 189—COMPLAINANT × TOWN OF RESIDENCE
× TOTAL DETENTION (% Detained)

	Parental Complaint	Other Complaint
Trenton	67% $\frac{6}{9}$	34% $\frac{49}{144}$
Rest of Mercer	— $\frac{3}{4}$	19% $\frac{8}{42}$
Newark	44% $\frac{7}{16}$	42% $\frac{52}{123}$
Rest of Essex	— $\frac{2}{5}$	19% $\frac{8}{42}$

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