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## The role of juvenile court structure in pre-adjudicatory detention decisions

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THE ROLE OF JUVENILE COURT STRUCTURE IN  
PRE-ADJUDICATORY DETENTION DECISIONS

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A Thesis

Presented to

The Faculty of the Department of Sociology  
The College of William and Mary in Virginia

In Partial Fulfillment

Of the Requirements for the Degree of  
Master of Arts

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by

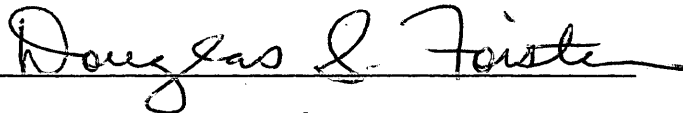
Douglas Stuart Foister

1982

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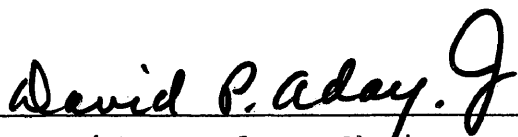
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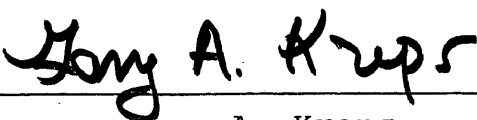


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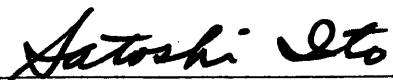
Approved, September 1982



David P. Aday, Chairman



Gary A. Kreps



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## DEDICATION

To my father, whose memory inspired me during this project; and to my mother, whose support and encouragement helped to make this effort a reality.

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## ABSTRACT

The research presented here involves the testing of hypotheses that concern the effect of juvenile court structural and procedural characteristics (measured as "court type") on pre-adjudicatory detention decisions. Case data collected in two courts representing the traditional and due process polar types are analyzed. The courts are drawn from an empirical typology of metropolitan juvenile courts, in which courts are located according to their characteristics on five structural and procedural dimensions. The case data involved information on approximately 250 cases handled in each of the two courts. The data reflect social attributes of the juveniles, legal features of their cases, case processing activities, and detention decision outcomes. It is hypothesized that social variables are significant determinants of detention in the traditional court and that legal variables are significant determinants of detention in the due process court. The hypotheses are only partially supported by the findings. Alternative hypotheses are suggested, however, that are consistent with the original expectations regarding the nature and effect of court structure and procedure on detention decision making. The findings confirm that court structural and procedural characteristics, i.e., court type, should be introduced and systematically controlled as an important explanatory variable in research dealing with the nature of decision making in juvenile courts.



THE ROLE OF JUVENILE COURT STRUCTURE ON  
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## CHAPTER I

### STATEMENT OF THE PROBLEM AND A REVIEW OF THE LITERATURE

The purpose of this study is to test empirically hypothesized relationships between the structure of juvenile courts and the pre-adjudicatory detention decision. Pre-adjudicatory detention may be defined as "the temporary care of children in physically restricted facilities, pending court disposition" (Sheridan, 1966:126). This research is guided by the theoretical premise that the type of court, as measured by certain structural and procedural characteristics, is causally related to the detention decision. Previous research has failed to consider adequately the role of court structural and procedural characteristics in explaining the pre-adjudicatory detention process.

Court type has been defined and exemplified in an empirical typology of metropolitan juvenile courts (Stapleton, Aday, and Ito, American Journal of Sociology, forthcoming). Individual juvenile court systems are located in the typology according to five structural and procedural dimensions. In the present effort I hypothesis that social variables (variables that describe the social characteristics of the offender) will be significant determinants of detention

decision outcomes in a sample of the "traditional" court type. I hypothesize that variables describing legal characteristics of juvenile cases will be significant determinants of detention decision outcomes in a juvenile justice system representing the "due process" court type.

To test the hypotheses, I will analyze outcome data collected on approximately 250 juvenile cases handled in each of two typologically different courts. The courts are different in structural and procedural characteristics and are drawn from different geographic regions (Southern and non-Southern). The outcome data include information on various social and legal characteristics of the juveniles and their offenses as these were processed in each court.

Pre-adjudicatory detention represents an important and controversial decision within the juvenile justice process. The detained youth may experience a number of potentially deleterious effects. It has been estimated that many of the over one-half million juveniles detained annually in the United States have not been charged with any crime (Sarri, 1974). The median age of these youths is fourteen, and the average length of stay in a detention facility is eleven days. Detention facilities often resemble jails. Many are located next door to a jail and the staff may be used interchangeably. About one-half of the facilities maintain no treatment staff and one-fourth have no school program (Sarri, 1974).

Results from several recent studies suggest that

pre-trial detention may adversely bias subsequent court decisions regarding the detained youth (for example, see Cohen, 1975; Koza and Doob, 1975; Goldkamp, 1976). Dispositions that include relatively harsh punishment or long-term institutionalization may result because a detained youth is denied access to an attorney or is otherwise prevented from preparing an adequate defense. It also has been suggested that pre-adjudicatory detention creates an atmosphere in which a juvenile feels compelled to plead guilty and submit to sentencing. Despite these important potential consequences, social scientists have not fully explored nor explained the criteria used by court personnel to determine which children will be detained.

The complexity of this issue becomes apparent in reviewing the relevant literature on juvenile court decision making in general, and pre-adjudicatory detention in particular. Some research suggests that court personnel are influenced most by the defendant's social characteristics, including age, sex, and race (for example, Martin, 1970; Arnold, 1971, Thornberry, 1973). Decisions based on such characteristics may, of course, result in unfair, negative biases and judicially inappropriate decisions. Other research suggests that legal variables, such as the nature of the alleged offense, or a youth's previous court contacts, serve as the major determinants of juvenile court decision making (for example, Terry, 1967a; Burk and Turk, 1975). This mode of decision making is

consistent with criminal courts--that is, with an emphasis on the alleged offense rather than on social information describing the offender.

The 1967 Supreme Court decision In re Gault led the way in specifying the constitutional requirement of due process rights for juveniles. However, as Cohen and Kleugal (1975: 147) note, "agents of the juvenile justice system are relatively free from legal constraints and Supreme Court mandates at this stage (pre-adjudicatory detention) of the system. Hence, compared to dispositional decisions, rules for detention decisions are more ambiguous, the decisions themselves more variable."

Most of the studies involving decision making in juvenile courts focus on dispositional outcomes as the dependent variable. The literature revealed only four studies that deal specifically with determinants of the detention decision in juvenile courts. A review of studies dealing with both types of decision making is relevant, however. Dispositional and detention decision outcomes may be related and may be influenced by the same criteria and variables.

As mentioned, the research dealing with juvenile court decision making reveals a great deal of inconsistency. Some social scientists, such as Martin (1970), have concluded that the social characteristics of the offender are the major determinants of judicial decisions. Martin sees a decided class disadvantage working against lower class

children. He believes that due to the strong middle class values and attitudes of most court personnel, objectivity is virtually impossible in judicial decisions. Thomas and Cage (1977:257) summarize this lack of objectivity by noting that "Generally speaking, previous research suggests that case dispositions will reflect the preferences of those in positions of power and that they will discriminate against those who, for legally irrelevant reasons, lack the requisite social, economic, and political power that might otherwise inhibit their harsh treatment." (See also Scheff, 1966; Chambliss, 1969; Platt, 1969; Turk, 1969; Sutherland and Cressey, 1970; Rushing, 1971, Schur, 1971; Chiricos et al., 1972; and Schwartz and Skolnick, 1972).

Some researchers have found that blacks receive harsher sentences than whites (Arnold, 1971; Thomas and Sieverdes, 1973; Thornberry, 1973). Others indicate that youths from broken homes receive harsher sanctions than those from non-broken homes (Chused, 1973; Sieverdes, 1973); and that females receive less favorable dispositions than males (Terry, 1967a, 1967b; Chused, 1973; Pawlak, 1973).

On the other hand, other research downgrades the significance of such discretionary bias in judicial decision making (Terry, 1967a; Hirschi 1969; Hagen, 1973; Tittle, 1973; Weiner and Willie, 1974; Burk and Turk, 1975; Cohen and Kleugal, 1975; Ford and Tuchterhand, 1975; Wellford, 1975). Terry (1967a) finds that neither class nor racial variables have a noticeable effect on the severity of

dispositions when statistical controls are introduced. Burk and Turk (1975) conclude that neither race, parental occupational status, nor sex have significant effects on disposition.

In response to the inconsistency and contradiction of past efforts, some researchers have attempted to refine the statement of the problem. This has been done in an effort to achieve more consistent, reliable, and valid findings. Some attempted to refine the problem by specifying status offenses as a special offense classification (Thomas and Sieverdes, 1975; Dungworth, 1977; Carter, 1979). Another effort in this general area was undertaken by Horowitz and Wasserman (1980) who distinguish social, or extralegal, factors in terms of discriminatory and discretionary variables. Discriminatory variables include factors such as age, race, and sex. These traditionally have been used by researchers to test assumptions of bias. Discretionary variables, such as present activity or living situation, reflect the character and social situation of an offender.

Other studies have emerged that attempt to explain the inconsistency of prior research in terms of structural differences among courts (Cohen and Kleugal, 1975; Stapleton and Smith, 1980; Stapleton and Teitelbaum, 1972; Thornberry, 1979). As mentioned before, the hypotheses central to the present research involve predictions of detention decision outcomes based on a juvenile court's

structural and procedural characteristics.

All of the previously cited studies focus on determinants of adjudicatory or disposition decisions in juvenile and adult criminal courts. The research on determinants of the detention decision in juvenile courts is also characterized by inconsistent findings. Sumner (1970) analyzed detention decision outcomes in several California counties. Her objective was to determine whether certain legal or social factors are responsible for varying patterns of detention decisions. Sumner found that the following six variables were significantly related to detention: 1) prior court referrals; 2) type of prior offense history; 3) history of prior detention; 4) history of previous probation; 5) referral as a runaway; 6) referral for incorrigibility. Social variables that might work to bias the detention decision, such as race and socio-economic status, were found to be not significantly related to detention.

Cohen and Kleugal (1975), recognizing that the court systems included in Sumner's study lacked structural and geographical representativeness, examined the associations between various independent variables and detention in two geographically and structurally different metropolitan courts. These authors concluded that the variables most substantially related to detention in the two samples include present activity, prior record, and the orientation to juvenile justice represented in each court. They found no evidence of racial or social class bias. Some evidence



surfaced to suggest that a degree of sex bias existed in the handling of females charged with decorum offenses and males charged with property and violent offenses, however.

Dungworth (1977) studied pre-adjudicatory detention in a juvenile court system in Michigan. Dungworth defined his cases as those charged with adult offenses and those charged with status offenses. Dungworth offered the following findings: home factors are important only for status offenders; age is a significant variable only for those charged with adult offenses; race is important only for status offenders; and sex of the offender is insignificant in both types of cases. Dungworth observed that, overall, his analyses indicate "a relatively high degree of rationality in decisions about felony and misdemeanor offenders, with non-offense characteristics being more important for decisions about the latter than about the former." Decisions regarding status offenders are found to be less rational (p. 43).

Finally, Pawlak (1977) looked at detention in sixty-six county courts in one (unidentified) state. The first stage of his analysis consisted of a comparison of courts with and without detention homes. Next, in those courts with a detention home, he examined the effects of prior court contacts, offense, sex, and race on detention. In this study Pawlak, like Dungworth, was unable to achieve the structural or geographical representation that Cohen and Kleugal noted as important.

Among the findings of this study are that courts without a detention home detained youths less often than did courts with a detention home, despite the fact that juveniles in the two samples were highly similar. Pawlak suggested that this may point to the needless detention of children in those courts with a detention facility. The findings indicated that both social and legal variables affected the detention decision. Pawlak found that in those courts with a detention home, the number of previous court contacts was positively related to the likelihood of detention, and that white females and those committing status offenses were detained more frequently than other groups.

#### The Present Research

Several pieces of research reflect attempts to explain the inconsistency in prior research. In the present research, the attempt will be made to incorporate and build upon these previous efforts. For example, Cohen and Kleugal (1978) criticize earlier works for their reliance on simple bivariate analyses. I have chosen to use multiple regression analysis, a relatively sophisticated technique, as the means of testing my hypotheses. Also, my data were drawn from two court sites. Reliance on single court sites obviously limits generalizability. Further, the court sites were chosen to represent geographical and structural variation. Finally, the research is an effort to examine the effects of court structure on decision making and on detention decision

results.

The variables that I use to test the hypotheses have relevance to previous theoretical and substantive research. I examine the detention process in the two courts using variables that reflect social characteristics of the juveniles as well as legal characteristics of their cases.

I have conceptualized social factors in terms of discriminatory and discretionary variables following the suggestions of Horowitz and Wasserman (1980). It has been suggested that the nature of juvenile court philosophy and its related structure result in decision making that is based on discriminatory variables such as age, sex, ethnicity, or socio-economic status, rather than on legally relevant factors (Platt 1969; Martin 1970; Schur 1971). I have chosen to use age, sex, and ethnicity as discriminatory variables here. Previous research has examined the effects of these variables on decision-making. Dungworth (1977) found that age may be a significant factor affecting the likelihood of detention for those youths charged with adult offenses. Arnold (1971), Thomas and Sieverdes (1973), and Thornberry (1973) each concluded that blacks were subjected to more severe sentencing than whites. And some researchers have found evidence suggesting that females are likely to receive harsher dispositions than males (for example, Terry 1967a; Chused 1973; Pawlak 1973).

Discretionary social variables describe the character and social situation of an offender. The discretionary

variables used here include living situation and present activity. Previous researchers who have used living situation as an independent variable to examine juvenile court decision making (see for example, Arnold, 1971; Dungworth, 1977; and Thomas and Cage, 1977). Among those who have examined the effect of present activity on decision making are Cohen and Kleugal (1975) and Dungworth (1977).

I use three variables that reflect the legal characteristics of juvenile cases. These variables include the number of previous court contacts, the number of offenses, and the type of offense with which a youth is charged. Several researchers have found the number of previous court contacts to be significantly associated with detention (for example, Sumner 1970; Cohen and Kleugal 1975; Pawlak 1977). Carter (1979) paid special attention to the effect of the number of offenses with which a juvenile is charged on court decision making. Finally, each of the four studies that were found to deal specifically with determinants of the detention decision suggest that the type of offense that a youth allegedly has committed is associated with detention decision outcomes (Sumner, 1970; Cohen and Kleugal, 1975; Dungworth, 1977; Pawlak, 1977).

It is a guiding premise of this research that structural and procedural characteristics of courts are causally related to detention decisions. The empirical typology of metropolitan juvenile courts described by Stapleton, Aday, and Ito (American Journal of Sociology,

forthcoming) was used to identify contrasting courts. In order to facilitate understanding of the present research, it is necessary to view the major independent variable (the juvenile court or, more specifically, analytically relevant characteristics of court structure and procedure) within a theoretical perspective.

## CHAPTER II

### THEORETICAL FRAMEWORK

It is the basic thesis of this effort that procedural and structural characteristics of juvenile courts, as measured by the variable "court type," are causally related to the pre-adjudicatory detention decision. My conceptualization of court type is drawn from the work of Stapleton, Aday, and Ito (American Journal of Sociology, forthcoming). The researchers measured court type through five structural and procedural dimensions. Their research has resulted in an empirical typology through which modern metropolitan juvenile courts can be (and have been) placed according to these dimensions. The researchers note that variations in the structural and procedural characteristics of juvenile courts may reflect the ideal, polar types of the traditional and due process courts. They suggest that courts in the typology are not located along a single continuum, however, but are points in multidimensional space. The hypotheses tested here concern the effects of structural and procedural variations on detention decision making in samples from two courts that represent sharply different structural and procedural characteristics. The two courts most closely approximate polar types described elsewhere in the literature (and

discussed below).

The empirical typology of metropolitan juvenile courts was developed from survey data collected as part of the Gault Project.<sup>1</sup> The purpose of the Gault Project was to obtain reliable data describing the structural and procedural operations of modern metropolitan juvenile courts. Such data were especially needed because a number of judicial and executive initiatives (such as the 1967 Supreme Court decision In re Gault) have produced important changes within the American juvenile justice system. A member of the project expressed the need for research noting, "It is urgent that juvenile justice experts know where they are, before planning where they should go. Evaluation of the efficiency, quality, or fairness of juvenile justice in the United States is not possible without a baseline for measurement" (Stapleton 1980:3).

The survey data used in the construction of the empirical typology were collected by telephone from a saturated sample of 150 metropolitan juvenile courts. The interview schedule consisted of 203 distinct dichotomous variables that addressed both theoretical and practical concerns of the Gault Project staff (see Stapleton, Aday and Ito, American Journal of Sociology, forthcoming). The survey data were entered into a factor analysis that allowed identification of five factors reflecting court structure and procedure. A variable was selected from each of the five factors as an indicator of the factor and entered into an agglomerative hierarchical cluster analysis. The variables

were selected for inclusion in the cluster analysis on the basis of high loading in the factor analysis and conceptual clarity. The cluster analysis allowed identification of 12 clusters of courts based on the criteria of maximal structural and procedural homogeneity and a minimum number of clusters. The polar types of the traditional and due process courts were drawn from two of the 12 clusters.

The typology isolates structural and procedural characteristics of courts that vary in such a way as to allow meaningful distinctions. There follows a brief discussion of the concepts of structure and procedure as these are measured in the typology and in the hypotheses of the present research. It should be noted that the central concept in the typology and in this research is structure. However, because of measurement procedures used in the typology research, some of the dimensions are not obviously structural. These refer to procedural characteristics that the authors believe to reflect structural variables (conversation with David Aday, October, 1981).

Organizational structure is defined by Peter Blau (1974: 12) as "the distributions, along various lines, of people among social positions that influence the role relations among these people." Perrow (1970: 56) expands on this definition by noting that the structural viewpoint of organizations "considers the roles people play. It deals with the structure in which the roles are performed; the relationship of groups to each other; the degrees of centralization (or the distribution of power); and the climate



of values and expectations and goals in the organization." Hall (1977) explains structure in terms of its functions, features, and determinants. He notes that the structure of an organization functions to control the effects of individual heterogeneity. He notes also that structure serves as the arena in which the use of power, decision making, and other activities are conducted. According to Hall, the features of organizational structure include complexity, formalization, and centralization. Hall says that structure is known to be partially determined by factors such as the size of an organization; the type and level of technology with which the organization deals; the general social, political, and economic environment in which the organization exists; and real as well as stated goals. A brief, but useful, definition of structure might be that it consists of the roles existing in an organization and the normative and value systems supporting these roles. Procedures, on the other hand, may be thought of as the methods through which organizational processes, including detention, are effected.

As mentioned, court type is measured using five structural and procedural dimensions. The following five structural and procedural dimensions were identified by Stapleton, Aday, and Ito (American Journal of Sociology, forthcoming) in creating their typology and are used here as the measures of court type.<sup>2</sup>

1. Status Orientation/Scope of Jurisdiction - This factor measures whether the court deals with status offenders and if so, the provisions that are made to deal with this type of offender. (Status offenses are those offenses which, if they had been committed by an adult, would not have been criminal.) The factor involves the following aspects of status offender jurisdiction: "intake discretion to refer, counsel, or release from detention, the use of nonjudicial conferences to adjust the case, notification of rights if a judicial hearing is to be held, and disposition options available after formal adjudication" (Stapleton, Aday, and Ito (American Journal of Sociology, forthcoming:9)).

2. Centralization of Authority - This factor measures variation in the extent to which a court maintains administrative control over probation and detention services, and the degree to which it is responsible for restitution programs. In a court characterized by centralized authority, control is maintained by a judge and his or her administrative officer(s). The authority may be strengthened through the control and distribution of organizational rewards, including hiring and firing, promotions, and incentive rewards. Centralized authority is typically exercised on a personal basis. Probation or detention personnel in a centralized system are unlikely to belong to a union or to participate in a merit system of appointment and promotion.

In a court characterized by decentralization of authority, functions such as probation or detention are

likely to be protected by a union and a merit system of appointment and promotion. Authority in the decentralized system is likely to be delegated and exercised on an impersonal basis.

3. Formalization - This factor measures variation in structural formality. As such, it describes the extent to which adjudication and disposition hearings are bifurcated. The factor also reveals how social information may be used at adjudicatory hearings. This is of interest because the use of social information at adjudicatory hearings has been contested by those who feel that it may hinder due process procedures and prejudice legal cases.

4. Differentiation/Task Specialization - The fourth dimension reflects a measure of the extent to which a juvenile court functions separately from the rest of the judicial system. Traditional juvenile justice generally has not been seen as integrated with the rest of the judicial system (IJA/ABA Standards 1977a). Appeals in the traditional system, for example, usually are held de novo in a court of higher trial jurisdiction rather than on direct appeal (Stapleton, Aday, and Ito, American Journal of Sociology, forthcoming). This factor also measures the degree of task specialization. The judge in the juvenile court traditionally has functioned as judge, defense attorney, and prosecutor. At the other end of the spectrum, these roles are clearly delineated and observed by court personnel in the court that is characterized by the due process orientation to juvenile justice.

5. Intake Discretion - Intake discretion refers to the authority of the intake or probation staff to impose unofficial (and nonjudicial) probation or restitution. Such discretion is normally exercised in courts that maintain a traditional, social service approach and view their task as nonpunitive in character (Stapleton, Aday, and Ito, American Journal of Sociology, forthcoming). Informal probation or restitution may also serve as a system of early diversion in which juveniles are prescreened for formal court appearance.

Among the types of courts that emerge using the five structural and procedural dimensions were one approximating the ideal-typical traditional court and one that represents the ideal-typical "due process" court. The traditional court is characterized by the inclusion of status offenders in its jurisdiction, centralized authority, lack of formalization, low differentiation/task specification (e.g., no prosecutorial involvement in the decision to file formal action in a case) and low intake discretion. These characteristics are consistent with the nature of the traditional court as it has been described in previous literature. The traditional court generally has been characterized as "all-inclusive" in that the court (and typically the judge) maintains control from intake through disposition of cases (Stapleton, Aday, and Ito, American Journal of Sociology, forthcoming). It is further characterized by cooperation among staff participants and a concern for the interests of

the child. The doctrine of parens patriae is central to the philosophy and operating style of the traditional court. Handler (1965) notes that this concept is the "theoretical underpinning for the rejection of (adult) criminal law adversary procedures." He points out that the issues surrounding delinquents are not criminal responsibility, guilt, and punishment, but rather understanding, guidance, and protection. Youths are seen as not fully responsible for their conduct and are seen as capable of being rehabilitated (Davis 1974).

Several schools of thought attempt to explain the foundations of traditional juvenile justice.<sup>3</sup> Anthony Platt is a principal advocate of the "revisionist" school. This view focuses on the importance of political maneuvering and the protection of vested interests in the genesis of the traditional juvenile court. The revisionist school sees a separate juvenile justice system as resulting from societal attempts to revise and strengthen informal policies that were "not so much a break with the past as an affirmation of faith in certain aspects of the past (Platt 1969: 139)." Platt suggests that parental authority, home education, domesticity, and rural values were emphasized and reinforced because they were in decline at the time. Members of the revisionist school also maintain that proponents of a juvenile court system desired to obtain legal legitimacy for the achievement of their own vested interests. The interests may have included the preservation of middle class

values and facilitating the growing movement for women's political rights (Faust and Brantingham 1974).

Stapleton and Teitelbaum (1972) suggest that three interconnected points of scientific positivism were influential in shaping the traditional philosophy of the court:

- 1) The court system should focus its attention on the actor rather than on the substance or administration of criminal law;
- 2) scientific determinism was substituted for the classical doctrine of free will in attempts to understand delinquency causation;
- 3) and, the delinquent was seen as different from the non-delinquent; this difference, whether it was social, genetic, or cultural, was seen as the cause of criminality (Matza 1964).

Samuel Davis (1974) suggests that the traditional juvenile court was a by-product of the "sociological jurisprudence" movement. Members of this movement saw the law simply as a means for attaining certain social ends. A tenet of sociological jurisprudence was that the law should be infused with knowledge from the social sciences. It was felt that because delinquency is a social phenomenon, reclamation of children logically should occur through application of the tools of the social sciences rather than through recourse to criminal process.

Finally, others have suggested that the "humanitarianism" school of thought affected the emergence and philosophy of the court. "Humanitarians" felt that the facilities used

to incarcerate youths were inadequate because their only known good was that of punishment. They also felt that the measures invoked to punish juveniles had no noticeable effect on reducing the crime rate. Those who assumed the forefront in the public fight to create a separate juvenile justice system consisted largely of lawyers, religious leaders, social workers, and others who objected to the treatment of youthful law violators as adult criminals.

A contemporary and contrasting model of juvenile justice is that described by Packer (1968) as "due process." The due process type of court is characterized by decentralization of authority (e.g., the court does not administer probation) and high differentiation and task specification (e.g., the prosecutor is involved in the decision to file a petition). These characteristics resemble those found in the criminal justice model described by Eisenstein and Jacob (1977). The model reflects a philosophy that highlights procedural guarantees and an organization in which the court operates as an association of workgroups that share a common ideology. It is suggested, however, that the day to day activities of the workgroups are structured by their participation in various "sponsoring" organizations (such as the judiciary, the prosecutor's office, and the public defender's office) (Stapleton, Aday, and Ito, American Journal of Sociology, forthcoming; cf. Eisenstein and Jacob, 1977). The authority of the judge is relatively limited in this criminal justice model. This is due to the fact

that the judge does not maintain administrative or budgetary control over the courtroom workgroups. The court selected to represent the due process model also reflects the dimensional characteristics of status offense jurisdiction<sup>4</sup> and intake discretion.

The due process philosophy of juvenile justice focuses on a concern with legally guaranteed due process rights and procedures. The concern is manifested in a decentralized, adversarial system in which there is a restricted information flow and precise rules for adjudication (Packer, 1968). Barollis and Miller (1978:173) describe the due process theme by saying that it "presumes neither guilt nor need; it presumes the innocence of the child as its primary concern in the establishment of accuracy and fairness in the juvenile court process. In short, due process philosophy is fearful that decisions of the juvenile court will be based on imperfect or inaccurate handling."

The multidimensionality among modern juvenile courts may perhaps be explained by the "open systems" organizational perspective. The perspective is usefully summarized by Katz and Kahn (1966). They eschew the classical view of organizations as insular systems removed from and unaffected by external environmental forces. They propose instead that organizations are heavily dependent upon the outside environment. They suggest that systems maintain themselves through constant commerce with their environment. This takes the form of a continuous inflow and outflow of energy,



in which the (open) system "reacts to external events and adapts to strain through the gradual introduction of new elements to reduce strain."

Changes in juvenile court structures and procedures since the Gault decision suggest that the juvenile court operates as an "open system." The Gault decision mandated that the services of defense attorneys be made available to juveniles. It did not specify the nature of the defense attorney's role, however. Studies have shown that substantial role conflict may occur when an adversarial defense attorney enters a system and that system does not adapt its other elements to a conflict or adversarial mode of adjudication (Stapleton and Teitelbaum, 1972; Clarke and Koch, 1980). Studies dealing with the expanded role of the prosecutor in the due process court (for example, Rubin, 1980) indicate that the introduction of a more active prosecutorial role may serve as an adaptive move that reduces the role strain of a judge who had functioned as both prosecutor and judge before the defense attorney entered the system as an effective part of the process.

The open systems perspective may also be used to predict the nature and direction of change in juvenile justice (Stapleton, Aday, and Ito, American Journal of Sociology, forthcoming). It is suggested that judicial and legislative mandates regarding juvenile courts increasingly will reflect the due process philosophy. These

mandates (such as the Supreme Court decision In re Gault will result in structural and procedural changes that also are consistent with the due process orientation. It is predicted, for example, that courts increasingly will exhibit features such as exclusion of status offenders from the court jurisdiction, decentralization of authority, formalization of procedures, task specification and differentiation, and intake discretion to handle class informally.

## CHAPTER III

### METHODOLOGY

The hypotheses tested here are guided by the theoretical premise that the structural and procedural characteristics of juvenile courts (i.e., court type) are related causally to the pre-adjudicatory detention decision. In order to test the hypotheses, I will analyze data that describe case characteristics and detention decisions in two courts that approximate the traditional and due process ideal types. The courts were identified through the empirical typology of metropolitan juvenile courts developed by Stapleton, Aday, and Ito (American Journal of Sociology, forthcoming). The courts are located in the typology according to their structural and procedural characteristics. The case data were collected as part of the same research that led to the development of the empirical typology (the Gault Project). The data describe social and legal characteristics, case processing activities, and the detention outcomes of approximately 250 cases in each of the two ideal-typical courts.

The hypotheses of this research concern the relationship between the structural and procedural characteristics

of juvenile courts and the determinants of pre-adjudicatory detention decisions. I hypothesize that in the traditional court type, social variables are significant determinants of detention decision outcomes, and in a court representing the due process court type, variables describing legal characteristics of juvenile cases are significant determinants of detention decision outcomes. Again, the hypotheses will be tested through the analysis of case data collected in each court.

The case data were obtained during site visits and were drawn from probation files, court dockets, and other court records. The samples were drawn by selecting approximately every eleventh case received at intake during a one year period (October 31, 1978 to September 1, 1979). Each sample was stratified by sex during case selection to assure a representative proportion of females for later analyses.

The research instrument was used to gather information on social characteristics of juveniles, legal characteristics of their cases, case processing activities, and the outcomes of the cases. Appendix A contains the codebook of variables described by the collected data. Detention decision outcomes, of course, constitute the dependent variable of the present research. The various social and legal characteristics of the cases are the independent variables.

I used a dummyming procedure on those independent

variables that originally reflected nominal level data in order to make the variables amenable to analysis as interval level data. Multiple regression is the principal analytic procedure and normally requires interval level data. Nie, et al. (1975:5) note that any dichotomy can be treated as though it were an interval level measure.

I have delineated the social variables in terms of the discretionary and discriminatory concept suggested by Horowitz and Wasserman (1980). As discussed, discriminatory variables traditionally have been used to test assumptions of bias. The discriminatory social variables used here are age, sex, and ethnicity. Age is measured using the following categories: 7-13, 14, 15, 16, 17 and 18 years of age. Sex and ethnicity are coded dichotomously, with ethnicity measured as white and nonwhite. Discretionary social variables reflect the character and social situation of a juvenile. The discretionary social variables used here include living situation and present activity. The living situation of a juvenile is measured using the following categories: living with both parents, living with one parent and a step-parent, living with a single parent, living with some other relative, or living in a non-relative home. Activity is measured in terms of whether the youth is a full-time student or is involved in some "other" activity. I have used three measures that describe the legal characteristics of cases. The number of offenses is measured as single or multiple offenses. The number of times a

juvenile previously has come into contact with the court is measured as none, or one or more times. And, the type of offense with which a youth is charged is classified as an "other", vice, status, or property offense, or an offense against persons (see Appendix B for a description of offense types).

Multiple regression serves as the principal analytic technique of this research. The regression analyses give an indication of the relative contributions of variables to the combination of variables that best explains variation in detention decision outcomes. The findings produced in the regression analyses are compared across the two court samples in order to test the hypotheses. The data are examined also through frequency distributions and through bivariate crosstabulations of the independent variables with detention. These examinations are used to describe the data as well as to reveal variations in case characteristics that may affect the detention decision regardless of the court's structural and procedural characteristics. The independent variables were examined also through their intercorrelations. This examination was conducted in order to test for multicollinearity.<sup>5</sup> Instances of multicollinearity are likely to create problems in interpreting regression coefficients.

## CHAPTER IV

### ANALYSIS

The present chapter contains the results of the analyses used in hypothesis testing. Again, it is the basic thesis that court type, as measured by certain structural and procedural characteristics of metropolitan juvenile courts, is a major determining factor affecting the pre-adjudicatory detention decision. The following hypotheses were tested:

- 1) Social variables are significant determinants of detention decisions in the traditional juvenile court.
- 2) Legal variables are significant determinants of detention in the due process oriented court.

The analyses began with simple frequency distributions and bivariate crosstabulations and culminated with multiple regression analysis. This statistical technique served as the principal method of hypothesis testing. It involved using twelve social and legal independent variables and the variable of court type to explain variation in the pre-adjudicatory detention decision.

In the present study there are variations in the case characteristics of the samples that may be related to and that may affect the detention decision independent of court type. Instances of this variation will be discussed in the following sections.

#### Frequencies and Bivariate Crosstabulations

The frequency distributions of each of the independent variables provided a view of the characteristics of cases in the two samples. Chi square tests were used to identify significant differences in frequency distributions across samples. Chi square tests also were used to identify the variables that are systematically related to detention at the bivariate level. To the extent that case characteristics reflect significant variation across or within samples, the efficacy of the research design for testing the effects of court type as a variable explaining detention must be questioned.

The frequency distributions of each of the independent variables and the dependent variable are contained in Appendix C. The frequencies of four independent variables differed significantly in the two samples. The variables include: activity (measured as full-time student or other), the number of previous court contacts, age of the juvenile at the time of the offense, and type of offense (measured as "other, vice, status, property,



offenses against persons; see Appendix B for a description of offense types). The proportion of youths whose activity was classified as other than full-time student is roughly twice as great in the due process court as in the traditional court. These rates are 47.2 percent and 23.4 percent, respectively. The proportion of youths with one or more previous court contacts varied significantly between the samples. Thirty-nine and one half percent of the youths sampled in the traditional court had one or more previous court contacts. This is in contrast to the due process court, where only 16.5 percent of the juveniles had any previous court contact. The traditional court sample contained a significantly larger number of older youths (youths 17 and 18 years old) than the due process court sample. Approximately 21.4 percent of the youths included in the traditional sample were 17 or 18 year olds. Only 10.9 percent of the sample cases fell into this category in the due process court. Finally, the frequencies of three categories of offense type differed significantly between samples. The categories are "other," vice, and status offenses. The direction of differences was not uniform, however. The proportion of "other" offenses was approximately three times as great in the traditional sample as in the due process sample (23.4 percent and 8.5 percent, respectively). The proportion of vice offenses in the due process court was double that found in the traditional court (9.3 percent and 4.0 percent, respectively).

Cases involving status offenses were almost twice as frequent in the due process sample as in the traditional court (35.5 percent and 18.1 percent, respectively).

The bivariate crosstabulations in each court between each of the independent variables and detention are contained in Tables I and II. As can be seen, four independent variables reflect significant bivariate relationships with the dependent variable in both samples. These are the four variables that were significantly different in frequency across the samples. These variables may affect the detention decisions in the two samples regardless of court type. The variables thus require further examination.

Those youths whose activity is categorized as "other" were significantly more likely to face detention in both the traditional and the due process court sample. This suggests that the activity of a juvenile may be a factor that affects detention regardless of court structure. Previous research (for example, Cohen and Kleugal 1975) suggests that present activity, especially being idle, is substantially related to the pre-adjudicatory detention decision. This finding diminishes the capacity in the current research to ascribe differences in detention outcomes to the independent variable (court type).

Juveniles with one or more previous court contacts are detained significantly more often in both courts. Again, because this association occurs in the traditional as well as the due process sample, court structure

TABLE I

BIVARIATE CROSSTABULATIONS OF ALL  
INDEPENDENT VARIABLES WITH DETENTION

Traditional Court

<u>Variable Name</u>	<u>Total</u>	<u>Detained</u>	<u>Not Detained</u>
<u>Social Variables</u>			
Age			
7-13	33 (13.3)	17 (.51)	16 (.48)
14	32 (12.9)	14 (.44)	18 (.56)
15	70 (28.2)	40 (.57)	30 (.43)
16	57 (23.0)	26 (.47)	31 (.53)
17-18	53 (21.4)	27 (.51)	36 (.48)
	<u>245</u>	<u>124</u>	<u>121</u>
Sex			
Male	174 (70.6)	95 (.55)	78 (.45)
Female	72 (29.4)	29 (.40)	43 (.60)
	<u>246</u>	<u>124</u>	<u>121</u>
Ethnicity			
White	164 (66.9)	85 (.52)	79 (.48)
Non-white	79 (32.2)	38 (.48)	41 (.52)
	<u>243</u>	<u>123</u>	<u>120</u>
*Activity			
Full-time student	188 (76.7)	88 (.47)	100 (.53)
other	57 (23.3)	36 (.63)	21 (.37)
	<u>245</u>	<u>124</u>	<u>121</u>
Living Situation			
Both Parents	83 (34.3)	39 (.47)	44 (.53)
Parent and step- parent	31 (12.8)	19 (.61)	12 (.39)
Single Parent	101 (41.7)	50 (.49)	51 (.50)
Other Relative	15 ( 6.2)	9 (.60)	6 (.40)
Non-Relative	12 ( 5.0)	6 (.50)	6 (.50)
	<u>242</u>	<u>123</u>	<u>119</u>
<u>Legal Variables</u>			
Number of Offenses			
Single	216 (88.3)	105 (.49)	111 (.51)
Multiple	29 (11.7)	19 (.66)	10 (.34)
	<u>245</u>	<u>124</u>	<u>121</u>
*Offense			
"other"	55 (22.4)	27 (.49)	28 (.51)
Vice	10 ( 4.1)	7 (.70)	1 (.30)
Status	45 (18.4)	16 (.36)	29 (.64)
Property	101 (42.4)	59 (.57)	45 (.43)
Person	30 (12.2)	14 (.47)	16 (.53)
	<u>245</u>	<u>123</u>	<u>122</u>
*Number of Previous Court Contacts			
None	149 (60.8)	63 (.42)	86 (.58)
One or More	96 (39.2)	61 (.64)	35 (.36)
	<u>245</u>	<u>124</u>	<u>121</u>
Total		124 (50.0)	121 (48.8)
(Missing)	3 (1.2)		

\*Significant at the .05 level using the chi-square test of significance.

TABLE II

BIVARIATE CROSSTABULATIONS OF ALL  
INDEPENDENT VARIABLES WITH DETENTION

Due Process Court

<u>Variable Name</u>	<u>Total</u>	<u>Detained</u>	<u>Not Detained</u>
<u>Social Variables</u>			
*Age			
7-13	51 (21.6)	5 (.09)	46 (.91)
14	40 (12.7)	4 (.10)	36 (.90)
15	60 (25.3)	9 (.15)	51 (.85)
16	58 (24.6)	16 (.28)	42 (.72)
17-18	27 (11.8)	6 (.22)	21 (.78)
	236	40	196
Sex			
Male	154 (63.6)	32 (.21)	122 (.79)
Female	88 (36.4)	8 (.09)	80 (.91)
	242	40	202
Ethnicity			
White	165 (67.9)	27 (.16)	138 (.84)
Non-White	77 (31.7)	13 (.17)	64 (.83)
	242	40	202
*Activity			
Full-time student	128 (52.7)	14 (.11)	114 (.89)
other	115 (47.3)	26 (.23)	89 (.77)
Living Situation			
Both Parents	73 (32.3)	7 (.10)	66 (.90)
Parents and step- parent	37 (16.4)	6 (.16)	31 (.84)
Single Parent	75 (33.2)	6 (.08)	69 (.92)
Other Rrelative	21 (8.8)	11 (.55)	9 (.45)
	226	38	188
<u>Legal Variables</u>			
Number of Offenses			
Single	198 (81.5)	26 (.13)	172 (.87)
Multiple	45 (18.8)	14 (.31)	31 (.69)
	243	40	203
Offense			
"other"	21 (8.6)	8 (.38)	13 (.62)
Vice	22 (9.1)	4 (.18)	18 (.82)
Status	87 (35.8)	3 (.03)	84 (.97)
Property	91 (37.4)	22 (.24)	69 (.76)
Person	22 (9.1)	3 (.14)	19 (.86)
	243	40	203
* Number of Previous Court Contacts			
None	205 (84.4)	22 (.11)	183 (.89)
One or More	38 (15.6)	18 (.47)	20 (.53)
	243	40	203
Total		40 (16.1)	203 (81.9)
(Missing)	3 (1.2)		

obviously is not the only variable accounting for detention practices in the courts. It should also be noted that previous research (for example, Sumner 1970; Cohen and Kleugal 1975; Pawlak 1977) has produced findings consistent with this observed association.

Type of offense is also associated somewhat independently with the detention decision. Tables I and II reveal that in both court samples, being a status offender is negatively associated with detention. In fact, those charged with status offenses have the lowest possibility of being detained in both samples, with the proportion of status offenders who are detained being almost zero in the due process sample (.03 percent). Aside from status offenses, type of offense is not significantly associated with detention in the traditional sample. In the due process court, however, being charged with an "other" offense or a property offense is significantly and positively associated with detention. That three of the five offense types are significantly associated with detention in the due process sample is congruent with the hypothesis that legal variables are the most important factors affecting detention in this court.

The bivariate analyses revealed that in the due process court, being 16 years old is significantly associated in a positive direction with detention. This finding does not support the hypothesis that legal variables are the significant determinants of detention

in the due process oriented court. The finding is, however, supported by previous research. Dungworth (1977) found that older youths committing adult offenses faced a greater likelihood of detention. The effect of age in the traditional court sample is not clear.

### Correlation Coefficients and Multiple Regression Analysis

Appendix D contains the intercorrelation matrices for all independent variables and the dependent variable in each sample. Pearson's product-moment correlation coefficients were used to test for multicollinearity. Correlations among independent variables above .7 were interpreted as reflecting multicollinearity.

An examination of the intercorrelations among independent variables revealed that seven variables covaried substantially in the traditional court sample and nine variables covaried substantially in the due process court sample. One pair of independent variables, family composition and living situation, appeared to reflect multicollinearity in both samples. I chose to eliminate family composition from the analyses of both courts in order to avoid problems of interpreting regression coefficients. Family composition and living situation measured similar aspects of a juvenile's home environment. I felt that living situation would serve as the better indicator because it dealt directly with the juvenile's home

environment at the time of intake.

### Multiple Regression Analysis

I have chosen to use multiple regression analysis as the principal method of hypothesis testing. Previous literature suggests that this level of statistical sophistication is necessary in research dealing with factors affecting pre-adjudicatory detention decisions (see, for example, Cohen and Kleugal, 1975). Multiple regression analysis allowed me to view the independent effects of each predictor variable while taking into account the controlled cumulative effects of the remaining variables. It also produced an equation that revealed the combination of independent variables that is most potent in explaining or predicting variation in the dependent variable.

The results of the regression analysis of the traditional court data are found in Table III. The results should be interpreted in light of earlier discussions of the variations of case characteristics within and between courts.

Variables were considered substantively important in the regression analysis if they explained at least 1 percent of the variance in detention decision outcomes. Five independent variables explain a significant amount of variation in this sample of cases. The variables include, in descending order according to the amount of variation they explained: number of previous court

contacts; property offenses; number of offenses; vice offenses; and activity. The variables reflect a combined explained variance of approximately 13 percent ( $R^2 = 0.13005$ ).

The F scores of three predictor variables indicate significant independent associations with detention. According to these scores, detention is significantly associated with having come into contact with the court on one or more occasions ( $B = -0.23614$ ); having been charged with multiple offenses ( $B = -0.13721$ ); and not being a full time student (activity;  $B = 0.13547$ ).<sup>5</sup>

The three variables exhibiting significant independent associations with detention consist of two legal variables and a discretionary social variable. That the detention decision in this court appears to be based upon legal variables is not congruent with the hypothesis that social variables would predominate as determinants of detention in the traditional court sample.

"Select" regression analyses of both samples were also conducted. These analyses used only those independent variables that explained at least 1 percent of the variance in detention in the initial analyses. The purpose of the select analyses was to examine the stability of the initial regression findings. Table IV reveals that in the traditional court sample the select variables explain approximately 10 percent of the variance in the dependent variable ( $R^2 = .09962$ ). Approximately 13 percent



TABLE III

REGRESSION ANALYSIS OF ALL  
INDEPENDENT VARIABLES ON DETENTION

Traditional Court

<u>Variable Name</u>	<u>r</u>	<u>B</u>	<u>RSQ Change</u>	<u>F</u>
✓ *Number of Previous (L) Court Contacts	-0.21374	-0.24249	0.04568	12.213
✓ Property Offenses (L)	-0.09983	0.28549	0.02215	0.340
✓ *Number of Offenses (L)	-0.12199	-0.21405	0.01831	4.533
✓ Vice Offenses (L)	-0.07893	0.15131	0.01385	0.089
✓ *Activity (S)	0.15933	0.16350	0.01102	4.224
✓ Age (S)	-0.00895	0.37692	0.00715	2.101
✓ Gender (S)	-0.13176	-0.10167	0.00692	2.046
✓ Living Situation (S)	-0.02770	-0.94885	0.00100	0.251
✓ "Other" Offenses (L)	0.02117	0.46151	0.00058	0.892
✓ Statum Offenses (L)	0.13873	0.44576	0.00040	0.820
✓ Offenses Against Persons (L)	0.02043	0.42072	0.00276	0.727
✓ Ethnicity (S)	-0.01996	-0.90504	0.00024	0.613

(S) = Social Variable (L) = Legal Variable

DF = 11

F = 2.8641

\*Variables demonstrating significant independent effects on the  
detention decision

$R^2 = .13005$

TABLE IV

REGRESSION ANALYSIS OF SELECTED  
VARIABLES ON DETENTION  
Traditional Court

<u>Variable Name</u>	<u>r</u>	<u>B</u>	<u>RSQ Change</u>	<u>F</u>
*Number of Previous (L) Court Contacts	-0.20758	-0.24537	0.04309	17.350
Property Offenses (L)	-0.10510	-0.16349	0.02230	5.548
Vice Offenses (L)	-0.07999	-0.29433	0.01403	3.714
Number of Offenses (L)	-0.10924	-0.17118	0.01355	3.585
Activity (S)	0.13817	0.98527	0.00665	2.410

(S) = Social Variable      (L) = Legal Variable

DF = 4

F = 6.15015

\*Variable: demonstrating significant independent effects on the  
detention decision

RSQ = .09962

of the variance in the dependent variable was explained when all of the predictor variables were entered into the regression equation ( $R^2 = .13005$ ). A drop of only three percent from the initially explained variance suggests that the relationships reflected in the initial regression analyses are relatively stable (i.e., they reflect systematic variation).

The ordering of variables according to Beta weights changed somewhat in the select regression analysis. Most notably, the number of previous court contacts exhibited the strongest Beta weight in the select analysis. In fact, this was the only variable in the select equation to exhibit a significant Beta Weight. The amount of variance explained by this variable is relatively large in both the initial and select regression runs. The analyses all point to the conclusion that the number of previous court contacts does, in fact, reflect the strongest independent association with detention. This finding matches that of most of the previous research on determinants of juvenile court detention decisions (Sumner 1970; Cohen and Kleugal 1975; Pawlak 1977).

The results of the initial regression analysis of the due process court sample data are represented in Table V. Five independent variables explain at least 1 percent of the variance in detention. The variables jointly explain about 33 percent of the

variance in the dependent variable ( $R^2 = .33045$ ). It is important to note that this is in sharp contrast to the traditional court sample, where all the independent variables explained only about 13 percent of the variance in the initial regression run ( $R^2 = .13005$ ).

The substantively important variables here include, in the order with greatest explanatory power: number of previous court contacts, living situation, status offenses, activity, and number of offenses. Two predictor variables (property offenses and gender) made only minimal contribution to explained variance and thus were excluded completely from the final regression equation.

The F distributions produced in this run indicate that three of the predictor variables have significant Beta weights. Detention appears to be significantly associated with having had one or more previous court contacts ( $B = -0.31722$ ); living with relatives other than parents or in non-relative homes (living situation;  $B = 0.25774$ ). The significant variables consist of two legal variables and one discretionary social variable. This finding tends to support the hypothesis that legal variables predominate as determinants of detention in the due process oriented court sample.

The variables included in the select regression analysis of the due process court sample (see Table VI) explained approximately 30 percent of the variation in the detention decision ( $R^2 = .30795$ ). The initial analysis

TABLE V

REGRESSION ANALYSIS OF ALL  
INDEPENDENT VARIABLES ON DETENTION

Due Process Court

<u>Variable Name</u>	<u>r</u>	<u>B</u>	<u>RSQ Change</u>	<u>F</u>
*Number of Previous (L) Court Contacts	-0.38408	-0.32416	0.14751	29.111
*Living Situation (S)	-0.28460	-0.38980	0.05928	12.391
*Status Offenses (L)	0.28436	0.20335	0.04625	16.353
Activity (S)	0.16972	0.16181	0.05083	11.338
Number of Offenses (L)	-0.21518	-0.13616	0.02166	5.978
"Other" Offenses (L)	-0.18002	-0.58599	0.00243	0.633
Crimes Against Persons (L)	0.00355	0.50656	0.00132	0.329
Ethnicity (S)	0.03073	-0.23514	0.00072	0.198
Age (S)	-0.11931	-0.30872	0.00022	0.070
Vice Offenses (L)	0.00355	0.22255	0.00023	0.043

(S) = Social Variable (L) = Legal Variable

DF = 9

F = 9.8741

\*Variables demonstrating significant independent effects on the  
detention decision

RSQ = 33.045

TABLE VI

REGRESSION ANALYSIS OF SELECTED  
VARIABLES ON DETENTION

Due Process Court

---

<u>Variable Name</u>	<u>r</u>	<u>B</u>	<u>RSQ Change</u>	<u>F</u>
*Number of Previous (L) Court Contacts	-0.36760	-0.29593	0.13491	30.105
Living Situation (S)	-0.28407	-0.38851	0.06061	13.405
Status Offenses (L)	0.28332	0.20549	0.04839	21.379
Activity (S)	0.17117	0.17260	0.04786	14.934
Number of Offenses (L)	-0.20406	0.98216	0.01618	16.814

---

(S) = Social Variable (L) = Legal Variable

DF = 4

F = 22.76118

RSQ = 0.30795

\*Variables demonstrating significant independent effects on the  
detention decision

explained about 33 percent of the variation in the detention decision ( $R^2 = .33045$ ). Overall, the relationships among the significant independent variables and between these variables and detention appear to be stable. The only variable with a significant Beta weight in this analysis was the number of previous court contacts. This finding is the same as that in the traditional court sample and is consistent with the findings of most of the previous research dealing with the determinants of pre-adjudicatory detention. The ordering of variables in the explanatory equation remained unchanged in the select analysis.

In a final regression analysis I combined the cases of both samples ( $N = 497$ ) and entered court type as an additional independent variable. The purpose of this analysis was to examine the effects of court type independent of, and in interaction with, the other independent variables. I fully expected court type to emerge as the major variable in the regression equation of this analysis, given the differences in case characteristics and detention outcomes of the samples.

Table VII contains the results of the analysis. Court type accounted for nearly half of the total explained variation ( $R^2 = 0.12661$ ). The F score for the variable reveals that the strength of its association with detention was more than twice that of the next strongest independent variable. As predicted, the findings support the thesis

that determinants of detention may be predicted according to court type.

In a final exercise I examined the patterns among the variables throughout the step-wise regression analysis of both courts. The purpose of this examination was to ascertain the stability of the coefficients in the final regression equation. Very briefly, the examination revealed that the coefficients were in fact stable throughout the regression analyses of both sets of data. The complete step-wise regression analyses of both court samples are contained in Appendix E.

#### Summary

Certain qualifications exist with regard to the findings produced in the regression analyses. The qualifications refer to instances of significant differences in the case characteristics of the samples. Interpretation of the findings should be made considering the possibility that these differences may affect detention decision outcomes regardless of court structure.

At best, the data provide only partial support for the hypotheses. It was hypothesized that social variables would be significant determinants of detention in the traditional juvenile court. The analyses reveal, however, that the combination of two legal variables reveal, however, that the combination of two legal variables and a discretionary social variable was most predictive of detention decisions. It was found that detention in the traditional court sample was significantly associated with



TABLE VII

REGRESSION ANALYSIS OF ALL VARIABLES  
AND COURT TYPE ON DETENTION

<u>Variable Name</u>	<u>r</u>	<u>B</u>	<u>RSQ Change</u>	<u>F</u>
*Court type	-0.35582	-0.34137	0.12661	57.553
*Number of Previous (L) Court Contacts	-0.33526	-0.22933	0.06482	27.620
Status Offenses (L)	0.25143	0.35131	0.02459	0.833
*Activity (S)	0.05934	0.16361	0.02416	13.387
Number of Offenses (L)	-0.11470	-0.13569	0.01597	10.862
Living Situation (S)	-0.11186	-0.10515	0.00858	6.459
Property Offenses (L)	-0.13175	0.19953	0.00552	0.215
Vice Offenses (L)	-0.00501	0.08122	0.00386	0.147
Gender (S)	-0.16629	-0.06543	0.00332	2.240
Age (S)	-0.10409	0.02486	0.00046	0.333
Ethnicity (S)	-0.02030	-0.01110	0.00012	0.070
"Other" Offenses (L)	-0.10495	0.23660	0.00011	0.533
Offenses Against Persons (L)	-0.00986	0.18490	0.00078	0.483

(S) = Social Variable (L) = Legal Variable

DF = 13

F = 13.35704

\*Variables demonstrating significant independent effects on the  
detention decision

RSQ = .27888

having come into contact with the court on one or more previous occasions, having been charged with multiple offenses, and not being a full-time student. Approximately 10 percent of the variation in the dependent variable was explained by the select regression equation of this sample ( $R^2 = .09962$ ).

The findings tend to support the hypothesis that legal variables are the significant determinants in the due process court sample. The analyses showed that the detention decision was best predicted by a combination of two legal variables and a discretionary variable. Detention appears to be significantly related to having had one or more previous court contacts, living with relatives other than parents or in non-relative homes, and having committed offenses other than status offenses. The amount of variance explained in the select regression equation was approximately thirty percent, three times that explained in the select analysis of the traditional court sample ( $R^2 = .30759$ ).

It is important to note that no indications of discriminatory decision making was evident in either court. The analyses revealed that none of the discriminatory social variables (sex, gender, age) was significantly associated with the detention decision. This finding is, of course, contrary to that previous literature which suggests the presence of discrimination in juvenile court decision making.

## CHAPTER V

### CONCLUSIONS

The findings of previous research dealing with juvenile court decision making in general, and the pre-adjudicatory detention decision in particular, are inconsistent. Researchers have found that the social characteristics of juveniles and the legal characteristics of cases have variable causal significance to the detention decision.

The present research attempted to test empirically hypothesized relationships between the structure of juvenile courts and the pre-adjudicatory detention decision. Previous research has failed to consider adequately the role that court structure may play in decision making. Relevant characteristics of court structure and procedure have been defined and specified in an empirical typology of metropolitan juvenile courts (Stapleton, Aday and Ito, American Journal of Sociology, forthcoming). In the present effort I hypothesized that social variables are the significant determinants of detention in a traditional court and that legal variables are significant determinants of detention in a "due process" court.

The hypotheses were only partially supported by the

findings. The analyses failed to support the hypothesis that social variables are the significant determinants of detention in the traditional juvenile court. It was found instead that legal variables were predominantly associated with the decision to detain in this sample. The findings did support the prediction that legal variables predominate as determinants of detention in the due process court.

While the analyses do not wholly support the original hypotheses, alternative hypotheses are suggested that are congruent with the original expectations regarding the nature and effect of court structure and procedure on detention decision making.

The predictor variables explain approximately 30 percent of the variance in the detention decision in the due process court (select  $R^2 = .30759$ ). This is approximately three times the amount of variance explained in the traditional court (select  $R^2 = .09962$ ). It is hypothesized that the substantially larger amount of variation explained in the due process court indicates the operation of patterned and regularized, if implicit, criteria that affect the detention decision. It is further hypothesized that these criteria operate to constrain detention decision making in the due process court. This constraint is further suggested by the rate of detention (approximately 16 percent). I would suggest that the predictability characterizing the detention decision in

the due process court reflects the structural and procedural characteristics of the court (for example, decentralization of authority and high differentiation/task specification).

Decentralization of authority is sometimes a concomitant of increased complexity in an organization. Perrow (1979) notes that rules emerge in an organization when complexity increases. I would suggest that rules have emerged in the due process court that are associated with increased complexity and decentralization and that those rules result in patterned and more predictable detention decision outcomes.

Decentralization of authority as it relates to pre-adjudicatory detention is evident in the due process court in several ways. Detention personnel exhibit autonomy in their participation in a union and a merit system of appointment and promotion. Also, the court does not maintain administrative control over detention services. The detention unit is funded and administered by an agency outside the court. Finally, the delegation of authority in the due process court reflects decentralized power. The detention decision is made by the judge presiding at the time the detention decision arises. Judges charged with making the detention decision are assigned by a chief judge and are rotated every three to six months.

The decentralized nature of authority in the due

process court reflects some of the characteristics of a classical bureaucracy. Weber said that authority in bureaucracies is "rational-legal", based on legally enacted, rational rules that are considered legitimate by all members (Weber in Perrow 1979: 82). Authority in the due process court, as manifested in detention decision making, is exercised on this basis as well. I hypothesize that detention decision making in the court is governed by relatively defined, rational rules and that the use of these rules translates into patterned and regularized detention decision making. The use of highly personalized criteria in detention decision making is antithetical to the philosophy and practice of the due process court.

The structural and procedural characteristics of high differentiation and task specification in the due process court are indicated in the following ways: the roles of judge, defense attorney, and prosecutor are distinct and are apparent and important to court personnel; appeals usually may be made within the court and do not have to go to a court of higher trial jurisdiction; and the prosecutor (rather than a judge alone) participates in the decision to file a petition requesting that the court handle a case formally (Stapleton, Aday, and Ito, American Journal of Sociology, forthcoming).

The high differentiation and task specification in the due process court reflect formal adversarial (or due

process) procedures. The adversarial ideology reflects a concern with the act that allegedly has been committed, rather than with the juvenile. Adversarial procedures are designed to limit information used in adjudicating a case to that which is legally relevant (Stapleton, Aday, and Ito, American Journal of Sociology, forthcoming). The procedures related to the detention decision in the due process court are formalized and adversarial in nature. They are legally prescribed and function as well established parts of the court system. Formalized procedures virtually require that regularized and patterned criteria be used in detention decision making. The use of criteria other than these would be incompatible with the organizational and ideological nature of the court.

The high differentiation and task specification in the due process court are evidenced by separate and relatively autonomous workgroups. The workgroups perform different functions within the court organizational framework and thus maintain different independent goals. The workgroup dealing with pre-adjudicatory detention decisions is no exception. It is suggested that the varying goals of court workgroups and the different criteria that are used by the workgroups in accomplishing these goals produce a need for predictability (e.g., the operation of criteria of decision making). This predictability is necessary in all facets of court organization, including detention decision making, and leads to detention decision making

that is made according to patterned and consistent criteria.

It appears that detention decisions are far less predictable in the traditional court. Support for this is found in the fact that only 11 percent of the variance could be explained by the independent variables. The variability in decision making occurs in the context of a relatively high rate of detention (50 percent; the rate of detention in the due process court was 16.1 percent). The small amount of explained variance in the traditional court may result from the structural and procedural features of the court. The comparatively high rate of detention found in the court appears to result from the manner in which status offenders are handled in the court and the fact that the sample contains a greater proportion of certain "detention prone" youths (to be discussed below).

The variability of detention decisions; in the traditional court appears to be related to the court's high centralization of authority and low differentiation and task specification. High centralization of authority is manifested in that the judge controls decision making in the court. The judge administers the detention unit and controls its budget. The judge makes the detention decisions, controls the hiring and firing of detention personnel, and even provides personal financial assistance for the maintenance of the detention facility. In addition,



neither a union nor a merit system of appointment and promotion exists for detention personnel.

Centralized authority in the traditional court reduces the need for rules and regularized criteria of decision making. (cf. previous research that indicates that decision making in traditional courts is done in terms of the "best interests of the child.") Detention decision making thus may not be consistent and regularized, as it appeared in the due process court, but rather may be done in a broadly defined and thus highly personalized manner. It is suggested that the personalized nature of detention decision making in the traditional court results in low predictability in detention decisions.

Low differentiation and task specification in the traditional court are reflected in the role of the judge. The judge functions as judge, attorney for the defense, and prosecutor (Stapleton, Aday, and Ito, American Journal of Sociology, forthcoming). This means that the judge makes decisions regarding the intake of juveniles (including the detention decision), as well as the adjudication and disposition of their cases. Neither the ideology nor the related structure and procedure of the traditional court accommodate an adversarial system of justice. Thus a true adversary for the rights of a juvenile (other than perhaps the judge) does not operate in the traditional court. As a result the judge is left unchallenged in the decision process. It is suggested that this permits, as

well as promotes, low predictability in detention decision making.

The relatively high rate of detention found in the traditional sample may be related to the manner in which status offenders are handled in the two courts. While the traditional and due process courts both have status offender orientation (i.e., both courts accept status offenders into their jurisdiction), it is the policy of the due process court not to detain status offenders, but to automatically refer them to an outside agency (a separately administered State Department of Social Services). Thirty five and one half percent of all the juvenile cases in the due process court were status offenders. Just three percent ( $N = 3$ ) of these were detained (probably because the juveniles committed other offenses in addition to the status offenses). There is no official policy regarding the detention or nondetention of status offenders in the traditional court. Status offenders account for approximately 18 percent of the cases in the court. These differences explain in part the much higher rate of detention found in the traditional court (50 percent as opposed to 16.1 percent in the due process court). The detention rate in the due process court might have been closer to that found in the traditional court had status offenders been subjected to detention.

The higher rate of detention in the traditional court may be related also to the fact that the court contained a substantially larger proportion of youths with one or

more previous court contacts (39.5 percent versus 16.5 percent in the due process court). The analyses conducted here, as well as previous research, indicate that this variable is significantly related to the detention decision. Had the due process court contained more cases with one or more previous court contacts, the rates of detention might have been closer in the two courts.

The alternative hypotheses, then, are that: detention decisions in the due process court are made according to regularized, if implicit criteria and detention decisions in the traditional court are more personalized. I suggest that the alternative hypotheses are congruent with the original theoretical premises regarding the effect of court type (as measured by the five structural and procedural dimensions) on the detention decision.

It is necessary at this point to discuss several additional issues that are raised by the findings. For example, it might be argued that the relatively small amounts of variance explained in the court samples reflect the effects of chance rather than systematic variation. This, of course, would cast doubt on any interpretation. The analyses do not support this argument, however, as seen, for example, in the chi square analyses that revealed systematic variation between four of the independent variables and detention.

The large amount of variance left unexplained in both

samples (90 percent and 69 percent in select regression analyses of the traditional and due process courts, respectively) suggests that factors other than those included in the analyses are related to the detention decision. Undoubtedly, other variables did influence the detention decision process in the two courts. The purpose of this study was to measure the effect of court type on the pre-adjudicatory detention decision, however. The findings indicate the existence of systematic variation in the relationship between court type and the detention decision. The findings are consistent with the theoretical premises that led to the original hypotheses -- i.e., that court type, as measured by five structural and structural dimensions, is causally related to the detention decision. The alternative hypotheses that were generated are also consistent with the original theoretical premises.

It is possible to identify several of the variables which, in addition to or in combination with court structure, may have affected the detention decision. This discussion suggests the need and some possible directions for future research.

It is likely that complex interactions existed between court type, the different case characteristics of the samples, and certain other factors that influenced the nature of the detention decisions in the two samples. The detention decision might have been affected, for example, by the particular philosophy toward detention

held by the individual(s) charged with making this decision, the resources available within the juvenile court system to contain detained youths, and perhaps by public opinion. It may be the case that any number of "hidden agendas" (cf. Blumberg, 1977) exists within the organizational framework of the juvenile court that affect the detention decision. Hidden agendas refer to priorities within an organization that may affect organizational processes but that exist outside the realm of an organization's stated or commonly acknowledged goals, purposes and methods of operation.

Future researchers may also want to examine the following variables in addition to court type: the nature of a juvenile's previous police contacts, the victim's preference regarding a case, and the subject's demeanor (Cohen and Kleugal 1975).

It is important also that future research dealing with decision making in juvenile courts employ systematic multivariate data analyses and use multiple court comparisons. These conditions have not always been met in prior research, but they are necessary to assure methodological adequacy.

In sum, future research should introduce and systematically measure the effects of court type as an explanatory variable. I have shown here that structural and procedural characteristics are systematically related to the pre-adjudicatory detention decision in two juvenile

court samples. The findings and the alternative hypotheses are consistent with the basic thesis that court type is causally related to the detention decision.

## APPENDIX A

**\*\*Variables used in the present research**

GAULT PROJECT  
CODE BOOK  
OUTCOME MEASURES  
REVISED 8/12/80

NATIONAL CENTER FOR STATE COURTS  
300 Newport Avenue  
Williamsburg, Virginia 23185



V101 COURT ID NUMBER  
 F4.0 Enter Gault court classification 4-digit  
 number for the court being studied.

V102 CODER ID  
 F2.0 01 - Hendryx  
 02 - Kajdan  
 03 - Halbach  
 04 - Zaremba  
 05 - Uppal  
 06 - Ito  
 07 - Caviness  
 08 - Stapleton  
 09 - Others as they apply  
 10 - Others as they apply  
 11 - Others as they apply

V103 INDIVIDUAL ID  
 F4.0 A 4-digit number corresponding to the names  
 and file numbers which apply will be supplied  
 by Janice and Vaughn on your sample list.

Take care to right-justify the numbers. The  
 first case is 0001--not 1000.

\*\*V104 SEX OF INDIVIDUAL JUVENILE  
 F1.0 Male = 1  
 Female = 0  
 MV = 0

Code what is on the court record, not what  
 you believe the value to be. For instance,  
 if no gender identification is supplied for  
 a Jane Doe, do not code "0". The appropriate  
 code is "9".

\*MV = Missing Value

\*\*V105  
F1.0

ETHNICITY

Follow the court record classifications, not your judgment (or the judgment voiced during conversations with a probation officer, clerk or other court official). Spanish surname does not supercede a white or black ethnic classification. Mixed classifications, if they occur, are coded as such.

White (W., Caucasian, Cauc) .....	1
Black (B., Negro) .....	2
Mexican (Chicano) .....	3
Puerto Rican .....	4
Oriental .....	5
American Indian, Alaskan, Native .....	6
Mixed .....	7
Other .....	8
MV .....	9

Recode for Analysis

White = 1  
Non-White = 0  
MV = 9

\*\*V106

AGE - DATE OF BIRTH

MMDDYY = Month, day, year, e.g.,  
021476 = Feb. 14, 1976  
MV = 999999

NOTE: Take care to right-justify month and day codes, e.g., Jan. 5 = 0105, not "1050"

If three dates given, use the two that match. If two ages given, use the oldest.  
If too confusing -- "999999".

IMPORTANT: In all cases where the date is being coded, code as "missing" only those parts of the data for which information is unavailable. That is, if only "1976" is available, code the date "999976".

V107  
F6.0

DATE OF INTAKE

MMDDYY = Month, day, year  
See instructions for age classifications  
MV = 999999

**IMPORTANT:** Date of intake is defined as date of intake into court processing system, i.e., the date logged into the books as the date on which the designated court personnel first take notice of the petition/complaint. Date of intake is not date of police arrest. Date of intake may also be date of detention.

The date of intake for physical referrals was coded as the date they were brought in, regardless of whether they were detained or not.

The date of intake for paper referrals was determined by the date when intake initiated activity on the case.

In City 3 and City 4 the time between date of apprehension and date of intake varied from several days to weeks, so we added another variable, date of apprehension, for these two courts. In City 1 this information was not collected. See V140. In City 2 it was usually the same as the date of apprehension.

V108  
F6.0

DATE OF DETENTION

MMDDYY = Month, day, year  
See instructions for age classifications  
MV = 999999  
Not detained = 000000

Detention defined: Secure detention NOT foster home or shelter care placement. Date on which youth is placed in a secure detention facility. If this date occurs BEFORE date of intake then date of intake should correspond to date of detention. E.g., a youth is brought into detention at 5:30 p.m. on Friday, March 14--the date of a detention hearing is set for Monday, March 17th. Date of detention and date of intake are the same in this instance 031480.

If a youth was in shelter care and not ever in detention, V108 was coded as the date of shelter care. V119 was coded "4" (not detained) and V120 was coded to show when the youth was in shelter. V121 was coded as the number of days the youth was in shelter care. If a youth was in detention and shelter care, only the detention information is recorded

on V108, V109 and V121.

V190  
F6.0

DATE OF DETENTION HEARING

MMDDYY = Month, day year  
See instructions for age classification  
MV (Also no detention hearing) = 999999

If the youth was in shelter care and never detained, then if there was a shelter care hearing the date was coded here. If a youth was in both detention and shelter care, the date is for detention.

V110  
F6.0

DATE OF INTAKE CONFERENCE

MMDDYY = Month, day, year  
See instructions for age classification  
MV = 999999  
No conference = 999999

The date of intake conference applies to that date where a youth and/or parents are called into the juvenile court for a pre-hearing, nonjudicial conference with an intake worker, probation official. If it is classified in court records as an arraignment hearing, or any hearing before a judge, master, or referee, then "999999" is the appropriate code.

An intake conference was further defined to mean that the purpose was to determine if the case should be processed formally or informally. In City 3, where intake has specific guidelines for deciding which youths can be diverted and the prosecutor makes the decision to handle formally or dismiss, there was no intake conference, given this definition.

V111  
F6.0

DATE OF 1st COURT APPEARANCE

MMDDYY = Month, day, year  
See instructions for age classification  
MV = 999999  
No appearance = 999999

The date of first court appearance is the date the youth first comes before the court officer designated as judicial. This date may and often does correspond with date of detention hearing. It may also correspond to an arraignment hearing, fact-finding hearing or some "label" particular to the juvenile court being studied. Regardless

of the function of the hearing--it should be coded as the date where the youth's case is first reviewed by a judicial figure, with the youth present.

The purpose of the 1st court hearing and the number of subsequent hearings varied in each site.

In City 1 virtually every referral is formally processed. At the first court appearance in City 1 a decision was made on whether to file a petition and it could also be a detention hearing.

In City 2 the 1st appearance, called a preliminary appearance or referee hearing, was an arraignment and a detention hearing if the youth was being held. If a guilty plea was entered it sometimes became the adjudicatory and disposition hearing.

In City 3 the initial hearing, if the youth was being detained, was a detention hearing and usually an arraignment. If a youth pleaded not guilty then a date for adjudication was set. Normally plea-bargaining went on and a guilty plea was entered to reduce charges a day or two before the date for trial.

City 4 appeared to have the most court appearances per case. The initial hearing was, in the case of detained youths, a detention hearing. Then there would be a preliminary hearing separate from the detention hearing. A case would often have two preliminary hearings if it were contested. Then there could be an adjudicatory hearing but a finding would not be entered until the disposition hearing.

V112

DATE OF ADJUDICATION, FINDING, OR ENTERING OF  
"TRUE FINDING"

MMDDYY = Month, day, year

See instructions for age classifications

MV = 999999

No adjudication or adjudication withheld =  
999999

This date corresponds to that date where a court takes formal action concerning jurisdiction. It may well correspond to the day of detention hearing and 1st court

appearance. In cases where these dates correspond the same date is to be entered for each variable. Not all cases have an adjudication date.

If adjudication was withheld and the case continued pending adjustment--no date of adjudication was entered.

If the youth pleaded guilty the date recorded was the date the court accepted the plea in open court.

In City 4, if it were a contested case and at the adjudicatory hearing the youth was found guilty but the judge did not enter the finding until the disposition hearing, the date of the adjudicatory hearing was the date coded. If the case wasn't contested and the youth pleaded guilty but the judge did not find him/her guilty until the dispositional hearing the disposition date was coded.

V113  
F6.0

DATE OF DISPOSITION

MMDDYY = Month, day, year

See instructions for age classifications

MV = 999999

This date corresponds to the date of entering a disposition of the case. Important it may well be the same date as 1st court appearance and detention. If so, code as that date.

In cases where no disposition is recorded or inferred from record and/or where no date is entered, enter the MV code

This category was broadened to include the date the court or intake disposed of a case, regardless of whether it was done formally or informally. If a decision was made to divert a youth to a "strings attached" diversion program the date of disposition is the date the decision was made, not the date diversion received the referral or date diversion was completed. All cases with complete records have a disposition date coded.

Card 2

**V114	<u>LIVING WITH (IMMEDIATELY PRIOR TO OFFENSE)</u>	
F1.0	Both parents .....	1
	Mother & Stepfather/other male .....	2
	Father & Stepmother/other female .....	3
	Mother only .....	4
	Father only .....	5
	Other relative .....	6
	Foster home and shelter care .....	7
	Group home or Institution .....	8
	Other <u>includes with friends or runaway</u> ..	0
	MV .....	9

## Recode for Analysis

1 = 1  
 2 & 3 = 2  
 4 & 5 = 4  
 6 = 6  
 7, 8 & 0 = 7  
 9 = 9

Residential status, if not actually recorded, may be inferred from probation record, if available. Residential status should be recorded as being that of date of case occurrence (entry date).

In cases where residential status is impossible/difficult to determine enter the MV code.

If a youth was charged with running away, living with was coded as where the youth was immediately before running.

If a youth was charged with an offense and also was a runaway, but was not charged with the offense of running away, then runaway was coded for "living with."

**V115	<u>FAMILY COMPOSITION</u>	
F1.0	Both parents .....	1
	Mother & Stepfather/other male .....	2
	Father & Stepmother/other female .....	3
	Mother only .....	4
	Father only .....	5
	Other relative .....	6
	Foster home .....	7
	Other .....	0
	MV .....	9

## Recode

1 = 1  
 2 & 3 = 2  
 4 & 5 = 4  
 6 = 6  
 7 & 0 = 7  
 9 = 9

This was defined as where the youth normally had resided during his/her life or during the past several years if that is different from the rest of his/her life. It is not an indicator of the marital status of his parents.

\*\*V116  
 Fl.0

ACTIVITY

In school .....1  
 In school is determined as presently enrolled in a school--full time student, even if on vacation.

Employed .....2  
 Not in school but employed

Work-study .....3  
 Both in school and employed includes summer job.

Alternative special school .....4

Job training, apprenticeship .....5

Idle .....6

Other (includes institutionalized) .....7

MV .....9

## Recode for Analysis

1, 3 & 4 = 1  
 2 & 5 = 2  
 6 = 6  
 7 & 9 = 9

V117  
 Fl.0

COURT ENFORCED ACTIVITY

(Special work and restitution programs. If No mention is made in the record of such activity then code "No.")

Yes .....1  
 No .....0



If the youth was in a court ordered work program or making restitution at the time (s)he was apprehended then "yes" was coded.

V118  
F1.0

LEGAL (LAWYER) ACTIVITY

Where it is possible to do so, identify the "type" of legal activity. When a lawyer's name is entered, and it is not possible to identify the name with one of the types of activity, then code "other attorney-unspecified" (5).

Public defender .....1  
 Legal aid .....2  
 Appointed private attorney .....3  
     Code 3 includes use of an "attorney's list" from court or local bar association.  
 Retained private attorney .....4  
 Other attorney--unspecified .....5  
 No attorney .....6  
 MV .....9

If a public defender was present at arraignment and a private attorney was present at adjudication then "private attorney" was coded.

If counsel was present at arraignment but not at a subsequent adjudication hearing, then "no attorney" was coded.

The primary form of legal counsel in City 2 was appointed counsel; in 1, 3, & 4, it was a public defender.

Cities 2, 3, & 4 automatically had legal counsel present at the initial hearing.

\*\*V119  
F1.0

DETENTION RECORD

This category refers to when a youth was detained. Variable 121 refers to how long. Detention refers to secure facilities.

Youth detained before first court appearance .....1  
 Youth detained after first court appearance and before disposition .....2  
 Detained both before and after .....3  
 Not detained .....4  
 MV .....9

V120 SHELTER CARE RECORD

F1.0 IMPORTANT: If the court record or social file has a place of entry for detention record and status--and this is not filled in--then code "4" on V119 & V120.

If there is no such place for data entry--and there is no record of detention--enter MV code "9".

Shelter, foster home, special nonsecure placement before 1st court appearance.....1

Shelter, foster home, special nonsecure placement after 1st court appearance and before disposition .....2

Shelter care both before and after .....3

No shelter care .....4

MV .....9

Refer to V108 for other changes in V120 and V121.

V121 LENGTH OF DETENTION

F3.0 Record actual number of days (3 col. code)  
 4 on 119 = 999  
 9 on 119 = 999  
 MV = 999

If a youth was detained after disposition until placement and we could not determine when placement occurred then the length was coded 999.

If the youth was not detained or placed in shelter care V121 was coded "000."

\*\*V122 NUMBER OF PREVIOUS COURT CONTACTS - OFFICIAL

F2.0 This applies to prior contact with the court where there has been judicial notice taken of the case. Remember to right justify the numbers.

Record Actual Number (2 col. code)  
 MV = 99

If a youth was referred for 3 separate offenses at different times but they were adjudicated or otherwise disposed of together

this was counted as one official contact.

If there was a record of a referral but no information on whether it was handled formally or not, it was not counted.

V123 NUMBER OF "NOT TRUE" FINDINGS OR ACQUITTALS ON PREVIOUS CHARGES

F2.0 Record Actual Number (2 col. code)  
None = 00  
MV = 99

Recode

0 = 0  
1 = 1  
2 & over = 2  
MV = 00

If a youth was referred on multiple charges and at adjudication (s)he was acquitted on some, but not all--no "not true findings" were recorded.

We counted not true contacts rather than charges to keep the numbers consistent with number of official contacts.

If the charge was nolle prossed by the prosecutor prior to a court hearing it was counted as an unofficial contact.

V124 NUMBER OF PREVIOUS COURT CONTACTS - UNOFFICIAL

F2.0 Number of prior contacts with court where court has instituted some action, (e.g., informal probation/handling, diversion, referral, counsel and warn) with no judicial notice taken. This information will probably be found in a probation report.

Record actual number ( 2 col. code)  
MV = 99

Recode

0 = 0  
1 = 1  
2 & over = 2  
MV = 00

\*\*V125  
F1.0

WHETHER ONE OR MORE OFFENSES

Single offense at intake .....1  
 Multiple offense at intake .....2  
 MV .....9

The number of offenses at intake does not always agree with the number of charges coded in variables 130-132. The information on charges was obtained at two steps to compare original number of charges with the number at adjudication. Number of charges at intake usually represented what the police had charged the youth with, not intake's decision on charges.

In City 2 this information was taken from a yellow sheet filled out at intake.

In City 3 it was taken from a pink sheet filled out by intake if the youth was brought in. If it was a paper referral in Court 3 we took it from the transmittal letter from intake to diversion.

In City 4 it was taken from the form that Intake completed and then sent on to the prosecutor.

V126  
F1.0

NATURE OF THE CHARGE/COMPLAINT

Delinquency petition .....1  
 Record how the court defines the act. In the absence of such a definition code as a delinquency any indication offense or misdemeanor.

Status complaint/petition .....2  
 Again, how the court defines the complaint or petition. It may be a "status" offense such as runaway or incorrigibility, but if the court defines the event or case as delinquency, code "L".

IMPORTANT: Persons in Need of Supervision (PINS), Children in Need of Supervision (CINS, CHINS), Minor in Need of Supervision (MINS), may be included in this category. In some jurisdiction this type of case is classified as a Dependency or Neglect.

Family in Need of Supervision .....1  
 A special category where the entire family situation is brought to the attention of the court. Often used in place of a CINS or Neglect petition.

Dependency or Neglect complaint/petition...4

MR (Mental Retardation)  
 DD (Developmentally Disabled .....5

Violation of Probation/Parole/Aftercare  
 Court Condition of Supervision .....6

Traffic .....7

Other .....8

MV .....9

Violation of Probation was coded if that was the only charge--if this was what the petition read or if there was an administrative hearing to revoke probation. If the youth supposedly had violated probation, but was charged with a new offense, the offense was coded. An exception was youths charged with escape from an institution--it was coded VOP.

This information was taken from the petition when applicable. In the case of unofficial handling it reflects the alleged offense(s) at intake.

In City 4 status offenses were coded as "Dependency or Neglect."

V127  
 F1.0

DIVERSION STATUS

Youth is/was in a diversion program.....Yes..1  
 No..0  
 MV..9

IMPORTANT: "IS" MEANS THE CHILD IS IN A  
 DIVERSION PROGRAM AT THE TIME  
 INTAKE.

"WAS" MEANS THE CHILD WAS TAKEN  
 OUT OF A DIVERSION PROGRAM IN  
 ORDER TO FILE LATEST CHARGE.

IF EITHER OF THESE CONDITIONS  
 APPLY, CODE "YES." IF THE CHILD  
 WAS IN DIVERSION, IT ENDED

"NATURALLY" AND IS NO LONGER  
IN DIVERSION, CODE "NO."

IF THIS CHILD HAS NEVER BEEN  
IN A DIVERSION PROGRAM, CODE  
"NO."

The youth had to have been diverted by  
intake from court.

V128  
F1.0

NATURE OF HANDLING OF CASE

Official Handling .....1  
Any action leading to a judicial review  
of the case and the formal establishment  
of the jurisdictional predicate--even for  
a short period of time. This includes  
consent decrees and not guilty findings.

If the youth ever had a judicial hearing  
"official handling" was coded even though  
later the case may have been diverted.

Unofficial handling .....2  
Any action less than above which leads  
to a nonjudicial resolution of the case.  
There is not formal jurisdiction exercised  
and no coercive sanction applied which is  
enforceable. Does not include consent  
decrees reviewed or signed by judicial  
officers. Includes referral to an  
outside agency, counsel and warn, and  
unofficial probation.

Diversion status .....3  
Case is handled on condition of entry into  
a diversion program, either administered  
directly by the court or by another agency.  
Coercive action can be applied if youth  
does not comply with terms of diversion.

Case is not handled .....4  
There is a record of a complaint--but  
intake has declined the case. Does not  
include counsel and warn.

MV .....9

City 1 made almost all cases official.

In City 2 if the case was handled informally  
but the youth had to make restitution or  
make a donation to charity--then it was  
coded "Diversion." Unofficial was frequently  
used.

In City 3 there was a formal diversion agency and if the youth didn't meet the requirements of the diversion contract (s)he was sent back to court. Unofficial handling was seldom used.

In City 4 diversion meant a mediation program operated by the prosecutor. Youths referred to it could be sent back to court if they did not comply with the mediated decision. City 4 also frequently used unofficial handling.

V129  
F1.0

CONTESTED STATUS

Contested .....1  
Evidence is in file to indicate that the youth denied charge or otherwise wishes to contest the allegations of the complaint or petition.

Not Contested .....0  
Youth admits and/or waives an adjudication (fact-finding) hearing. Includes consent decree.

MV .....9

If a youth pleaded not guilty at the initial judicial hearing it was coded as "contested," even if the youth later changed his/her plea.

\*\*OFFENSE CLASSIFICATION

CHARGE #1 - CHECK ONLY ONE on 1st offense listed in order listed on the record for the date of entry.

- Abortion .....01
- Aggravated Assault/Battery .....02
- Aiding and abetting (compounding a crime) .....03
- Alcohol (includes "minor in possession" and "public drunkenness" .....04
- Arson (setting nonstructural fires) .....05
- Arson-structural .....06
- Assault, Assault/Battery (not aggravated)..07
- Battery .....08
- Bench Warrant .....09
- Bribery .....10
- Burglary .....11
- Contempt of Court .....12
- Courtesy Hold .....13
- Courtesy Investigation .....14
- Court Order Hold .....15
- Curfew .....16

Dependency/Neglect .....	17
Disorderly conduct .....	18
Disturbing the Peace .....	19
Drugs (unspecified) .....	20
DWI-DUI .....	21
Escape from Custody (fleeing) .....	22
Extortion .....	23
Fighting .....	24
Firing a Gun .....	25
Forgery .....	26
Fraud (con or swindle) .....	27
Fraud (credit cards) .....	28
Fugitive Warrant .....	29
Gambling (possession of lottery tickets)	30
Glue/Paint (inhalents) .....	31
Grand Larceny (unspecified) .....	32
Hit and Run .....	33
Hold witness .....	34
Homicide .....	35
Incorrigibility .....	36
Indecent exposure .....	37
Information .....	38
Intimidation (not extortion) .....	39
Joyriding .....	40
Kidnap .....	41
Larceny (misc.) .....	42
Loitering .....	43
Malicious Mischief (includes "malicious destruction of public or private property and "Criminal mischief" .....	44
Manslaughter .....	45
Marijuana Possession .....	46
Moving vehicle violation .....	47
Nonmoving vehicle violation .....	48
Harassment and Threats .....	49
Obstructing (unspecified) .....	50
Opium-Heroin .....	51
Other dangerous drugs .....	52
Perjury .....	53
Petty Embezzlement .....	54
Pick pocket .....	55
Pimping .....	56
Possession of Burglary Tools .....	57
Possession of stolen property .....	58
Possession of stolen vehicle .....	59
Probation/parole violation .....	60
Prostitution (male and female) .....	61
Purse Snatch .....	62
Purse Snatch (no force) .....	63
Refusal to aid police (includes "failure to obey" and "inter- fering with" a police officer .....	64
Resisting an Officer .....	65
Riot and Alarm .....	66
Robbery(Strong Arm) .....	67





being on supervision and record seems complete, code "No"(0). If records are missing which would have this information, code "MV"(9).

The definition was broadened to include youths presently involved with the court on other charges, being processed separated from the charge(s) we were following. It does not include youths under the court's supervision as a dependent or neglected child.

V137  
F2.0

COURT DISPOSITION

FOR FORMAL CASES ONLY. MUST HAVE CODE "1" in variable 128

Committed to a secure facility/correctional/large institution/ranch/training school .....01

Committed to care and custody of a nonsecure facility or situation/group home (also includes foster care .....02

Suspended sentence/probation .....03

Probation .....04

Transferred to another state, or court accepted a plan for diversion or put the youth in a diversion program.....05

Committed to a mental health facility .....06

Warned and released .....07

Restitution (includes community service) ...08

Finding vacated or to be vacated pending adjustment .....09

Continuance (unspecified) .....10

V133  
F2.0

COURT FINDING AND ADJUDICATION ON CHARGE #1

IMPORTANT: FOR CODES 01 - 08, MUST HAVE CODED "1" ON V128.

Finding of delinquency/true finding .....01

Finding of CINS, PINS, etc. ....02

Finding of not true, charge dismissed .....	03
Finding of "hold" under advisement--" continuance pending adjustment .....	04
Waiver to adult court .....	05
Unspecified continuance .....	06
Held for examination.....	07
Nothing recorded on the establishment of jurisdiction but a disposition is entered after formal hearing .....	08
No official court finding--case was disposed of unofficially--MUST HAVE CODE "2" "3", "4" or "9" in Variable 128 .....	09
Plea bargained .....	96
Other .....	97
Nolle prosee .....	98
MV .....	99
The "Other" category includes "filed directly in adult court" and "charges dropped by complainant after arraignment."	

V134	<u>COURT FINDING ON CHARGE #2</u>
F2.0	Check V131
V135	<u>COURT FINDING ON CHARGE #3</u>
	Check V132

## Recode

01, 02, & 96 = 01  
03 = 03  
04, 06, & 07 = 04  
05 = 05  
08 = 08  
09 = 09  
98 = 98  
99 = 99

Protective supervision .....11  
 Probation with restitution .....12  
 Not applicable .....98  
 MV .....99

Recode

1, 2 & 6 = 1  
 3, 4 & 12 = 3  
 5, 8, 9 & 10 = 5  
 7 = 7  
 11 = 11  
 98 = 98  
 99 = 99

V138 NOTICE OF APPEAL  
 Fl.0 Yes .....1  
 No (MV) .....0

V139 NOTICE OF UNUSUAL LEGAL ACTIVITY  
 Indicate yes if special court motions  
 are on record (e.g., motion to suppress  
 evidence).  
 Yes .....1  
 No (MV) .....0

SPECIFY ON ANSWER SHEET

Includes motions to suppress, to dismiss,  
 depositions, etc.

V140 DATE OF APPREHENSION

This is the date that the youth was arrested  
 or a complaint was made. We added this  
 variable to have a more precise idea of the  
 processing time on paper referrals. Cities  
 3 & 4 were the two places where this data  
 was collected because of the delay between  
 apprehension and intake activity on paper  
 referrals.

APPENDIX B

## APPENDIX B

## OFFENSE CLASSIFICATIONS

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The variable of offense type is measured using the following categories with each category including characteristic offenses.

- "Other" Offenses: disorderly conduct, disturbing the peace, driving while intoxicated, loitering, traffic violation, escape from custody, bench warrant, court order, hold, probation/parole violation, refusal to aid police.
- Vice Offenses: alcohol, drugs, prostitution, lewd and lascivious conduct.
- Status Offenses: curfew violation, incorrigibility, runaway, truancy, dependency/neglect, and unspecified status offenses.
- Property Offenses: arson, burglary, forgery, fraud, grand larceny, joyriding, malicious mischief, possession of burglary tools, possession of stolen property, possession of stolen vehicle, purse snatch, shoplifting, theft of vehicle, trespass, auto prowl, weapons.
- Offenses Against Persons: aggravated assault and battery, simple assault and battery, hit and run, harassment and threats, resisting an officer, robbery, and rape.

APPENDIX C

## APPENDIX C

## FREQUENCY DISTRIBUTIONS

<u>Variable Name</u>	<u>TRADITIONAL</u>		<u>DUE PROCESS</u>		<u>X<sup>2</sup></u>
	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	
<u>Social Variables</u>					
*Age					13.5182
7-13	13.3	(33)	20.6	(51)	
14	12.9	(32)	16.1	(40)	
15	28.2	(70)	25.8	(64)	
16	23.0	(57)	24.2	(60)	
17-18	21.4	(53)	10.9	(27)	
Missing	1.2	(3)	2.0	(6)	
		(248)		(248)	
					2.4525
Gender					
Male	70.2	(174)	63.3	(157)	
Female	29.8	(74)	36.3	(90)	
Missing			.4	(1)	
		(248)		(248)	
					0.184
Ethnicity					
White	67.3	(167)	68.1	(169)	
Non-White	31.9	(79)	31.5	(78)	
Missing	.8	(2)	.4	(1)	
		(248)		(248)	
					45.554
*Activity					
Full-time student	76.6	(190)	47.2	(117)	
other	23.4	(58)	52.8	(131)	
		(248)		(248)	
					7.3708
Living Situation					
Both Parents	33.5	(83)	30.2	(75)	
Parent and step- Parent	12.5	(31)	14.9	(37)	
Single Parent	41.5	(103)	31.0	(77)	
Other Relative	6.0	(15)	8.5	(21)	
Non-Relative	5.2	(13)	8.5	(21)	
Missing	1.3	(3)	6.9	(7)	
		(248)		(248)	
					3.539
<u>Legal Variabes</u>					
Number of Offenses					
Single	88.3	(219)	81.5	(202)	
Multiple	11.7	(29)	18.5	(46)	
		(248)		(248)	
*Offense					38.190
"other"	23.4	(58)	8.5	(21)	
Vice	4.0	(10)	9.3	(23)	
Status	18.1	(45)	35.5	(88)	
Property	42.3	(105)	37.9	(94)	
Offenses Against Persons	12.1	(30)	8.0	(22)	
		(248)		(248)	
					32.4748
*Number of Previous Court Contacts					
None	60.5	(150)	83.5	(207)	
One or More	39.5	(98)	16.5	(41)	
		(248)		(248)	



## APPENDIX D

CORRELATION MATRIX OF THE DEPENDENT VARIABLE  
AND INDEPENDENT VARIABLES: DUE PROCESS COURT

APPENDIX D, CONTINUED

	Detention	Gender	Ethnicity	Living Situation	Family Composition	Activity	Number of Offenses
Detention	1.000	-0.013	0.307	-0.285	-0.318	0.170	-0.215
Gender		1.000	-.0001	0.008	-0.141	0.124	0.038
Ethnicity			1.000	-0.213	-0.081	-0.196	-0.001
Living Situation				1.000	0.737	-0.133	0.028
Family Composition					1.000	0.132	0.214
Activity						1.000	0.098

No. of Offenses

No. of Prior Court Contacts

"Other" Offenses

Vice Offenses

Property Offenses

Offenses Against Persons

Age

CONTINUED

APPENDIX D, CONTINUED

	No. of Prior Court Contacts	"Other" Offenses	Vice Offenses	Status Offenses	Property Offenses	Offenses Against Persons	Age
Detention	-0.384	-0.180	0.004	0.284	0.314	0.003	-0.119
Gender	0.293	0.080	0.011	-0.410	0.351	0.001	-0.001
Ethnicity	-0.115	0.003	-0.043	0.022	-0.041	0.024	0.052
Living Situation	0.098	0.095	-0.10	-0.045	-0.010	0.009	0.048
Family Composition	0.212	0.211	0.160	-0.181	-0.131	0.094	0.084
Activity	0.094	0.104	-0.060	0.177	-0.122	0.076	-0.274
No. of Offenses	0.179	0.153	-0.081	-0.072	0.012	0.033	0.047
No. of Prior Court Contacts	1.000	0.021	0.007	-0.171	0.167	-0.024	0.061
"Other" Offenses		1.000	-0.097	-0.580	-0.231	-0.010	0.064
Vice Offenses			1.000	-0.249	-0.099	-0.237	0.027
Status Offenses				1.000	-0.124	-0.0249	0.010
Property Offenses					1.000	-0.025	-0.239
Offenses Against Persons						1.000	-0.312
Age							1.000

CORRELATION MATRIX OF THE DEPENDENT VARIABLE  
AND INDEPENDENT VARIABLES: TRADITIONAL COURT

	Detention	Gender	Ethnicity	Liv. Sit.	Fam. Comp.	Activity.	Number of Offenses
Detention	1.000	-0.132	-0.020	-0.028	-0.141	0.159	-0.122
Gender		1.000	0.022	-0.133	-0.132	0.056	0.180
Ethnicity			1.000	-0.154	-0.023	-0.106	0.005
Living Situation				1.000	0.846	-0.082	-0.023
Family Composition					1.000	-0.014	0.029
Activity						1.000	-0.056
No. of Offenses							1.000
No. Prior Ct. Contacts							
"Other" Offenses							
Vice Offenses							
Status Offense							
Property Offenses							
Offenses Against Persons							
Age							

Continued

APPENDIX D CONTINUED

	No. of Prior Court Contacts	"Other" Offenses	Vice Offenses	Status Offenses	Property Offenses	Offenses Against Persons	Age
Detention	-0.214	0.021	-0.189	0.139	-0.100	0.020	-0.001
Gender	0.094	0.002	0.089	-0.241	0.951	0.107	0.043
Ethnicity	-0.200	-0.028	0.013	0.030	0.053	-0.099	0.157
Living Situation	0.128	0.071	-0.047	0.114	-0.147	0.018	-0.011
Family Composition	0.131	-0.034	-0.057	0.034	-0.091	0.084	-0.163
Activity	-0.177	-0.102	-0.038	-0.032	0.063	-0.003	0.341
No. of Offenses	-0.018	0.040	-0.019	-0.171	0.094	0.165	-0.089
No. Prior Court Contacts	1.000	0.303	-0.040	-0.102	-0.208	0.054	0.068
"Other" Offenses		1.000	-0.112	-0.257	-0.468	-0.203	0.021
Vice Offenses			1.000	-0.096	-0.176	-0.076	0.117
Status Offenses				1.000	-0.403	-0.175	-0.083
Property Offenses					1.000	-0.318	0.005
Offenses Against Persons						1.000	-0.024
Age							1.000

## NOTES

1. The Gault Project was the product of a grant awarded by the National Institute of Juvenile Justice and Delinquency Prevention to the National Center for State Courts. The National Center for State Courts is located in Williamsburg, Virginia. It is a non-profit, research-oriented organization concerned with the problems and issues of state court systems.
2. For a description of data used in the typology, data collection processes, and the analytic techniques used in creating the typology, see Stapleton, Aday, and Ito, American Journal of Sociology, forthcoming.
3. There in effect was no separate juvenile justice system in the United States prior to 1899. In this year legislation was passed by the State of Illinois ruling that children under the age of sixteen could not be treated as criminals. This was the first such legislation of its kind. The legislation proscribed the arrest, indictment, conviction, imprisonment, or punishment of juveniles.
4. Inclusion of status offenders within the jurisdiction is not consistent with the "ideal type" due process court. The court selected to represent this type was the best available source of data.

5. Multicollinearity occurs when the second of two highly correlated variables actually explains the same variation as the first due to considerable overlap of the two (Blalock 1979:485). Multicollinearity creates severe difficulties in assessing the individual and unrelated effects of each independent variable.
6. Note that the dependent variable has been coded as follows: 0 = Detained 1 = Not Detained.

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