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A COMPARATIVE STUDY OF JUVENILE INTAKE: DIFFERENCES
BETWEEN POLICE AND PROBATION OFFICERS
ON DISPOSITION OF CASES

A Thesis
Presented to the
Faculty of
California State College
San Bernardino

In Partial Fulfillment of
the Requirements for the Degree
Master of Arts
in
Psychology

James M. Fogg

March 1983

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by
James M. Fogg
March 1983

Approved by:


Chairperson

May 27, 1983




ABSTRACT

The question this study attempted to answer was to what degree do police officers and probation officers agree on intake dispositions of juvenile cases. It was hypothesized that police officers would make more severe intake dispositions (court involvement and detention in Juvenile Hall) than probation officers. Eighty-eight probation officers from the San Bernardino County Probation Department and 65 police officers from the City of San Bernardino Police Department participated in the study. Subjects were asked to choose the one best disposition for each of ten hypothetical juvenile cases. The dispositional choices ranged from the least severe (counsel and release) to the most severe (detention in Juvenile Hall) and, between these two extremes, choices with no court involvement (Diversion). Probation officers and police officers responses were compared, and police officers were found to be significantly more severe than probation officers over all the ten cases, $t(88) = -3.05$, $p < .003$. The hypothesis was supported that police officers favored court proceedings over Diversion responses more than did probation officers.

TABLE OF CONTENTS

Abstract. iii

List of Tables. v

Acknowledgements. vi

Introduction. 1

 Scope of the Problem: Intake Disposition

 Differences. 1

 Organizational Overview. 1

 Police Studies 2

 Probation Studies. 6

 Comparison of Police Officers and

 Probation Officers 8

 Dilemmas of Correctional Personnel 11

 Diversion Studies. 18

 Legal Parameters of Juvenile Intake and

 Detention Decisions. 20

 Basis for Present Study. 26

Method. 28

 Subjects 28

 Materials. 29

 Procedure. 31

Results 34

Discussion. 43

Appendix A. 47

 Memo to Law Enforcement Officers 47

 Memo to Probation Officers 48

 Questionnaire. 49

 Data Sheet 57

References. 58

LIST OF TABLES

Table 135

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INTRODUCTION

Scope of the Problem: Intake Disposition Differences

The question this study attempted to answer was to what degree do police officers and probation officers agree or disagree on intake dispositions of juvenile cases. That is, are there differences among police officers' and probation officers' opinions on appropriate intake decisions of different juvenile cases? If there are such differences, then these differences in turn would affect the performance and efficiency of the entire Juvenile Justice System. A police officer might submit a case to probation expecting it to be handled in a certain manner, and the probation officer might handle it differently than expected by the police officer. As a result of this handling by the probation officer, the police officer in the future might not do a complete investigation thinking that probation is not going to do anything to the juvenile anyway.

Organizational Overview

This chapter will review the methods by which police agencies, prior (historically) to the time that probation officers were integrated into police agencies, used in referring juvenile cases to probation. The chapter will also review the criteria that police officers have used to refer cases to probation for court referral. The effect of police

department organizational structure on the way juveniles have been handled will be discussed. Studies comparing police officers' and probation officers' opinions on juvenile procedures will be reviewed. Police personality studies will be reviewed. The dilemmas of probation officers will be discussed, and the viewpoints of probation officers about their job responsibilities will be reviewed. Probation officers' criteria in making recommendations to the court will be discussed. Finally, a study of opinions of police officers, assistant district attorneys, and probation officers on drug matters will be discussed. Diversion studies will be reviewed, and the legal parameters that affect juvenile intake decision will be discussed.

Police Studies

Historically, police agencies have made critical intake decisions whether to refer juvenile offenders directly to probation for Juvenile Court proceedings, or to divert away from probation and court involvement. Therefore, police agencies not only have investigated, but, as well, have had dispositional discretion of the cases. With the advent of assigning probation officers directly to police agencies, police agencies have done away with their juvenile bureaus and having to make intake dispositional decisions on whether to refer offenders to probation for court proceedings.

Now, with the assignment of probation officers directly to police departments called Community Service Teams-Quick

Draw programs, police agencies submit almost all criminal offenses committed by juveniles to probation for handling. The only exceptions are misdemeanor traffic violations and traffic citations which are referred directly to the Juvenile Traffic Court for handling.

Prior to the advent of Community Service Teams-Quick Draw programs, police officers used the criteria on whether to send a case to court on offense seriousness, prior arrest record, demeanor-degree of cooperativeness, age, victim's willingness to testify and officer's opinion on the rehabilitative effectiveness of the Juvenile Court (Garabedian & Gibbons, 1970; Gibbons, 1976; Gibbons, 1977; Piliavin & Briar, 1970). How police handled juveniles was also a function of community differences, police departments' policies, and police department's organizational structure (Garabedian & Gibbons, 1970). Therefore, in processing of juvenile cases, there was diversion screening by the police and subsequent diversion screening by probation (Terry, 1970).

Regarding the effect of police agencies' organizational structure on juvenile dispositions, Wilson (1970) studied two different police department organizations, a highly professional police department and a fraternal police department. The professional police department was located in the Western part of the country, and the fraternal police department was located in the Eastern part of the country. The professional police department recruited officers impartially without

regard to residence: they practiced consistent law enforcement, and the department was organized in a bureaucratic fashion. The fraternal department, on the other hand, recruited only from local residents, practiced favoritism in law enforcement, was more open to graft, had less formal training, and authority was attached to the incumbent rather than to the role. The officers of the professional department were more highly educated than were the officers in the fraternal department. Officers of the fraternal police department were moralistic in their outlook towards juveniles and delinquency than were their counterparts in the professional department. The officers in the professional department were more therapeutic, less certain of causes, and saw causes of delinquency in terms of social pathology, while the officers of the fraternal department saw delinquency causation in terms of personal and familial morality. Police officers of the fraternal department verbalized restrictive and punitive measures rather than therapeutic measures in the handling of juvenile cases. Wilson (1970) found that the fraternal police department arrested fewer juveniles, processed fewer cases, and referred fewer cases to the juvenile court than did the professional police department. This study illustrates that patterns or trends in disposition recommendations can arise from regional, sociological, and organizational considerations.

Another important contributing factor in shaping dis-

position of juvenile cases is the personality characteristics of persons making the decisions. Trojanowicz (1971) found that police officers scored comparatively high on the following Job Analysis and Interest Measurement (JAIM) scales: preference for routines, orderliness, external controls, moral absolutes, directive leadership, perseverence, supervisory activities, role conformity, slow to change, systematic-methodical, mechanical activities, and self-assertiveness. Social workers scored comparatively high on the following JAIM scales: independence, delegative leadership, planning ahead, participative leadership, knowledge of results, social interaction, social service, approval from others, self confidence, intellectual achievement, and academic achievement. Social workers scored higher on the move-against-aggressors scale than did the police officers.

Sheppard, Bates, Fracchia, and Merlis (1974) found that police officers, when compared with the general adult male population scores on the Edwards Personal Preference Schedule, scored significantly higher on need for achievement, exhibitionism, and heterosexuality, but significantly lower on the need for deference, order, affiliation, abasement, nurturance, and endurance. In comparison with college males, the police had a higher need for deference and heterosexuality but a lower need for affiliation. However, the police had a significantly lower need for affiliation when compared to college students after using a more conservative t-test.

Therefore, the relationship between vocation or occupational choice and personality need structure was supported.

Lefkowitz (1974) found that police officers were more dissatisfied with the work itself, promotional opportunities, supervision, and co-workers. He also found that police officers more often demanded, more than other comparable occupational groups, personal need gratification from their job than they received, and they were less job-involved. Further, he concluded there was a somewhat typical police personality. Lefkowitz (1975) found after reviewing various research and literature that there existed a non-pathological "modal police personality". These studies illustrate that police officers are different as an occupation group when compared to other occupational groups, the general population, and to college students. These differences may affect police officers' decision making.

Probation Studies

McMillin and Garabedian (1970) found that probation officers considered offense behavior to be important in dispositional decision making. As length of employment increased, probation officers become more skeptical about treatment consideration and more concerned with legal technicalities or client legal safeguards. They found a curvilinear or U-shaped relationship to exist between length of tenure and legalistic orientation. Those probation officers with least tenure and those with most tenure tended to be more legalistic and less

treatment oriented than those probation officers with intermediate tenure. These intermediate tenured probation officers were more treatment oriented and less legalistic oriented than their least tenured and the most tenured co-workers. As tenure increased the discrepancy between treatment rhetoric and its reality become more apparent, to the point that probation officers out of frustration and disillusionment with treatment turned away from treatment considerations to legalistic considerations in making decisions.

Regarding probation officers' decision making, Gross (1970) found that probation officers rated minor's attitude toward the offense, minor's family background and previous delinquency problems as important in formulating a recommendation to the Court. However, probation officers with more educational background in social work favored personality and family relationships more than their less educated colleagues. These highly educated probation officers felt that psychological test data, family data, and interview impressions were more important than the objective data of prior record and present offense circumstances. Gross also found that probation officers liked their work.

In reference to probation officers' job satisfaction, Hutton (1982), in an unpublished study, found that line probation officers of the San Bernardino County Probation Department viewed their job as important, they had a satisfying relationship with their immediate supervisor, they felt

they were underpaid, they liked the existing alternate work schedules, and all agreed that organizational support and direction was inadequate. These findings are similar to ones cited previously by Lefkowitz (1974) who found that police officers were dissatisfied with supervision and promotional opportunities afforded them. These studies make clear that as tenure increases, legalistic considerations become more important than treatment ones. Probation officers view the minor's attitude about the offense, family background, and prior offenses as important criteria in making recommendations. Probation officers were also satisfied with their jobs but found that administrative support and direction was inadequate.

Comparison of Police Officers and Probation Officers

Garabedian (1970) found that police officers tended to agree among themselves that juvenile delinquents should be recorded and identified as law offenders, whereas probation officers were less inclined to agree. In fact, probation officers exhibited a lack of agreement regarding police juvenile procedures. Regarding probation policies, the police officers favored control surveillance policies to a greater extent than did the probation officers. Probation officers saw their job as helping the juvenile offender rather than watching him. However, probation officers exhibited almost complete lack of consensus regarding proper probation practices. Police officers as a group also

exhibited a complete lack of agreement regarding proper probation practices.

On adult probation officers' job responsibilities, Van Laningham, Taber, and Dimants (1966) found there was a lack of agreement among adult probation officers about the job of a probation officer. However, they found that the probation officers approved of referring probationers to appropriate agencies for help, providing direct advice and guidance, and acting as a consultant to the court. These probation officers failed to agree on psychotherapy, law enforcement, environmental manipulation, and conduct establishment of non-illegal behavior functions.

Gross (1966) found that juvenile probation officers, when making recommendations to the court, emphasized the protection of the community first and the rehabilitation of the juvenile second. Gross also found that, as indicated by their journal reading and with their court recommendations emphasizing protection of the community, juvenile probation officers identified with probation rather than with social work.

In reference to probation officers', police officers', and district attorneys' attitudes towards drugs, Fernez (1975) found that probation officers agreed most with the proposition that public opinion has a direct relationship to the structure and content of drug laws and drug enforcement. In regards to the proposition that police are overzealous in drug

enforcement, police significantly disagreed most, with probation officers being neutral, and with assistant district attorneys having similar views as police officers. Police officers, probation officers and assistant district attorneys all agreed that "...Courts [have] too much discretionary power in handling narcotic offenders" (Fernez, 1975, p. 356). Police officers more significantly saw drugs as a major cause of crime and violence than did probation officers and assistant district attorneys. Police recruits, after training, move away from probation officer's and assistant district attorney's opinions and move more towards police officers' opinions on drug matters.

The foregoing studies point out that police officers disagree with probation officers regarding the probation policies of rehabilitation, but both police officers and probation officers can not agree as to what constitutes proper probation practices. Probation officers can not agree about the job of a probation officer, but probation officers base their recommendations to the court on the protection of the community; of secondary importance to them is the rehabilitation of the client. Police officers, probation officers and assistant district attorneys differ considerably in their attitude towards drugs, drug laws, and court disposition on drug matters. Police see drugs as a major cause of crime and violence.

Dilemmas of Correctional Personnel

Ohlin, Piven, and Pappenfort (1956) have reported that probation officers trained in social work experience occupational dilemmas caused by the nature of the clientele, agency organization, and community expectations. (These dilemmas are explained below.) The probation agency setting also posed problems for the social worker in that these agencies attract three contradictory and conflicting work orientation types with the coined names of "punitive officer", "protective officer", and "welfare worker".

The "punitive officer" type uses threats and punishment to coerce probationers to conform and his main interest is on control and protection of the community against the probationer. He is also suspicious of his clients. "The 'protective officer' type on the other hand vacillates between protecting the client and protecting the community" (Ohlin, et al., p. 215). He uses the techniques of direct assistance, lecturing, and praise and blame. The third type, the "welfare worker", is interested in the client's personal adjustment and welfare. He feels that the community's protection is achieved through the client's individual adjustment. These three work orientations conflict and compete with one another, thus preventing any one of them from full expression in the probation agency.

Besides the difficulties of the agency setting, the first occupational dilemma is the nature of the clientele.

In the traditional social casework agencies, those applicable to the social work education and training, the client selects the agency, requests its services, defines appropriate services, and is accepted on the basis of motivation and capacity for treatment. Probation clientele, on the other hand, present problems in that they do not select the agency for help, they are usually not motivated, and they most often lack capacity for treatment. The social worker in probation has not had sufficient preparation from his education and training to handle these client problems. Probation officers with social work education and training lack the skills necessary to change the probation officer-probationer relationship of authority-control to one of consent and treatment.

Having failed to obtain the direction of overcoming these client relationship problems from his education and training, the social worker seeks advice from his supervisor or senior personnel in the department or agency. Their advice often increases his dilemma, since they do not share his social work orientation. In order to make a satisfactory adjustment as a probation officer, he must somehow provide conditions necessary for client treatment, and at the same time satisfy demands from other agencies, from the community, and from his superiors for client conformity. To accomplish this, he tries to accomplish being a caseworker and an agent of the law. His education and training in social casework failed to provide him skills on how and when to integrate

the treatment and control functions. Finally, the probation officer with social work education and training lacks knowledge and familiarity with the criminal and delinquent subcultures which are the origins of most of his clientele.

The second dilemma for the social worker in probation is the probation agency organization. The discrepancy between the probation agency's stated purpose of client rehabilitation and the objective consequences of the probationer reoffending can be more devastating than failures of other agencies. Consequently, the probation administration is under pressure to prevent criticism of his agency from judges, legislators, public officials, occupational groups and other interest groups. To accomplish the prevention of bad publicity and agency self protection, the agency is organized to enhance public relations. This public relations function affects client supervision, policies and the probation officer's role in the community. The social work trained probation officer views these public relation interests as a compromise with enforcement interests in the community. That is, treatment objectives are being sacrificed for agency protection. This conflict of client-centered interests versus agency-centered interests affects supervision of the caseworker, client supervision policies and policies regarding agency-community conflicts.

Regarding supervision, the agency promotes individuals successful in public relations rather than those skilled in

casework supervision. In client supervision policies, control procedures are advocated over treatment ones. The agency community conflict policies depend on the type of agency organizational structure, with the two extreme organizational structures being an "autonomous" agency and a "restricted" agency. In an autonomous agency there is freedom to reject the control function and pursue treatment objectives while in the restricted agency immediate client conformity is emphasized.

In addition to the type of organizational structure, the third and final dilemma is community expectations. The citizenry place varying and conflicting demands on the probation officer and his client. Many individuals have a negative attitude toward the probationer which is reciprocated by the probationer.

Another conflicting expectation that the probation officer experiences is that police agencies pursue enforcement objectives without regard to the effect their actions have on the probationers' adjustment. As an example, if law enforcement learns that a suspect is on probation and as a condition of that probation has a term permitting the search without the necessity of a search warrant, law enforcement often will pressure the probation officer to initiate a search of their client's residence and property. This type of a search saves police officers the bother of dictating an affidavit for a search warrant and presenting it to a

judge for the issuance of a search warrant. Further, when information or direct knowledge suggests that the offender is already on probation, law enforcement will often contact or turn the person over to the probation department rather than submitting a police report to initiate criminal action.

Another type of community expectation is for the instant cure or fix of the person's acting out or undesired behavior once he is referred to probation or placed on probation. In the case of juvenile probationers, school officials want instant results in improved attendance and classroom behavior. Parents of these juveniles also want instant relief from their incorrigible behavior or disobedience at home. These instant cure expectations cause problems for the probation officer since it is often impossible to effect change that quickly; sometimes these changes are never accomplished.

An additional conflicting expectation is that some individuals expect probation officers to collect debts from their probationers after learning that the person is on probation. This collection expectation also applies to utility companies when clients do not pay their bills.

Another conflict is that social workers in probation experience pressure from law enforcement and other official functionaries "...to define his role as that of an enforcement officer" (Ohlin et al., 1956, p. 221) who restricts and punishes his client for wrong doing. If the probation officer resists any of these pressures, he is labeled as being

soft, lenient, or a "bleeding heart." Although the probation officer is aware that he cannot prevent police and others from pursuing their own interests (which he views as interfering with client treatment and adjustment), he at the same time requires from these agencies cooperation. Unfortunately, he is untrained to resolve this situation.

Another difficulty or conflict for probation officers educated in social work is the making public of pre-sentence court reports. By them being handed out to the district attorney, public defender, and being needed in court, this making public of court reports is a gross violation of the social casework professional norm of confidentiality that is stressed in casework education and training.

Finally, probation officers educated in social work techniques are alienated from the social casework profession by other social workers from other social agencies who see them as nothing more than law enforcement officers than as social workers. Suspicion is aroused when the probation officer requests information from other social work agencies' records. Another great problem caused by this professional alienation occurs when social workers from other agencies become reluctant to give information from their records to the social worker in probation.

The probation officer educated in social casework adjusts to the previously mentioned dilemmas or conflicts by either giving up social work and going into another field,

such as law, or, alternately, remains in the social casework, but seeks employment in a traditional social casework agency such as mental health. A final alternative is simply remaining in probation.

As previously indicated, the dilemma of treatment versus control has been found not only in probation agencies but also in police agencies. Garabedian (1970) indicates that police and probation agencies have been assigned dual and sometimes conflicting responsibilities of control and treatment as agents of delinquency control. These conflicting objectives have sometimes caused strain between and within the various agencies. Probation has advocated treatment as the main objective, but in actual practice its major objective has been control and surveillance.

The dilemma of treatment versus control is experienced by correctional officers or guards working in a treatment oriented correctional institution. According to Pogrebin, (1978), institutions have difficulty in evaluating how well officers do treatment. It is much easier to measure custodial-control functions which, because of their ease of being measured, become the focus. Officers are then caught in a bind of being told to emphasize treatment, but recognized more obviously for providing custodial-control functions. These studies illustrate that probation officers, police officers, and correctional officers are placed in conflicting positions due to treatment and control functions.

Diversión Studies

Diversión programs are programs that keep minors who have committed law violations or that are incorrigible (youngsters that do not obey their parents, fail to attend school or who run away from home) from going to Juvenile Court. These programs can be administered by law enforcement agencies, probation departments, a community counseling agency, or a group composed of various social agencies of the community (Bullington, Sprowls, Katkin, & Phillips, 1978; Gibbons & Blake, 1976; Klein, 1976; Lipsey, Cordray, & Berger, 1981; Nejelski, 1976; Reid, Garner, & Tondo, 1977). In San Bernardino County the probation department administers diversion through the previously mentioned Quick Draw or Community Service teams program. These diversion programs are the result of recommendations by the President's Commission on Law Enforcement and Administration of Justice (Commission, 1967; Empey, 1978). In the State of California, all juvenile offenders must be evaluated and considered for these programs prior to submitting their cases to the District Attorney for filing and court proceedings.

Diversión was found by Nejelski (1976) to be a promise and a danger. The promise these programs hold was to reduce the number of cases heard by the juvenile courts, but the danger may be the destruction of the fine balance between social welfare and due process in that diversion programs add another coercive social control element by using the threat

of Juvenile Court action if the juvenile does not comply or follow the terms of the diversion program.

Regarding the addition of another social control system, Blomberg (1977) has found that diversion programs have not reduced the scope of the juvenile court, but have enlarged it. As a result, there is the threat hanging over the participant that failure to comply with the diversion agreement may result in Juvenile Court proceedings. These programs have indirectly expanded the population under the juvenile court control.

Along these lines, Bullington, Sprowls, Katkin, and Phillips (1978) found that diversion programs promote the expansion of the juvenile justice system to other programs by participation or court proceedings, while true diversion away from the system is nonexistent. Secondly, the diversion goals of doing away with stigmatizing labels was unattainable. Finally, diversion programs were at odds with due process ideals.

Regarding the expansion of the juvenile justice system, Lipsey, Cordray, and Berger (1981) found that juvenile diversion programs did not reduce the number of cases referred to the juvenile court, but reduced delinquency among less serious offenders. These studies indicate that diversion has not reduced the courts caseload but may have expanded its control; there may, as well, be reduction of recidivism as a result of these programs.

Legal Parameters of Juvenile Intake and Detention Decisions

According to the Special Rules for Trial Courts, Juvenile Court Rules, "...The probation officer may, in lieu of filing a petition...and with the consent of the minor and the minor's parent or guardian, undertake to remedy the situation by delineating specific programs of informal supervision of the minor for not more than six months" (Special Rules, Rule 1307d p. 44.6).

The following are the Juvenile Court Rules directly quoted from the California Laws Relating to Youthful Offender - 1982, pages 44.6 - 44.7 and pages 44.20 to 44.22:

(e) [Informal supervision--factors for probation officer to consider.] In determining whether a program of informal supervision of the minor should be undertaken, the probation officer shall consider:

(1) Where the alleged condition or conduct is not considered serious, whether the minor has had a problem in the home, school or community which indicates that some supervision would be desirable;

(2) Whether the minor and the parents seem able to resolve the matter with the assistance of the probation officer and without formal juvenile court action;

(3) Whether further observation or evaluation by the probation officer is needed before a decision can be reached;

(4) The attitude of the minor and the parent or guardian;

(5) The age, maturity and mentality of the minor;

(6) The prior delinquent history, if any, of the minor;

(7) The recommendation, if any, of the referring party or agency;

(8) The attitude of any affected persons;

(9) Any other circumstances which indicate a program of informal supervision would be consistent with the welfare and safety of the minor and the protection of the public.

(f) [Filing of petition; role of probation officer and prosecuting attorney (325, 650)] ...the determination whether or not to file a petition shall be in the sole discretion of the probation officer in section 300 and 601 proceedings, and in the sole discretion of the prosecuting attorney in section 602 proceedings.

(g) [Filing of petition--factors for probation officer to consider] In determining whether to file a petition under section 300 or 601 or to request the prosecuting attorney to file a petition under section 602, the probation officer shall consider:

(1) Whether any of the statutory criteria listed under rule 1348(b) (2) relating to the fitness of the minor are present:

(a) The degree of criminal sophistication exhibited by the minor; (b) Whether the minor can be rehabilitated prior to the expiration of the juvenile court's jurisdiction; (c) The minor's previous delinquent history; (d) Success of previous attempts by the juvenile court to rehabilitate the minor; (e) The circumstances and gravity of the offense alleged to have been committed by the minor.

(2) Whether the alleged conduct would be a felony if committed by an adult;

(3) Whether the alleged conduct involved physical harm or the threat of physical harm to person or property;

(4) Whether the alleged condition or conduct is not itself serious, but the minor has had serious problems in the home, school or community which indicate that formal juvenile court action would be desirable;

(5) Where the alleged condition or conduct is not itself serious, whether the minor is already a ward or dependent child of the juvenile court;

(6) Whether the alleged condition or conduct involves a threat to the physical or mental condition of the minor;

(7) Whether a chronic serious family problem con-

tinues to exist after other efforts to improve the problem have failed;

(8) Whether the alleged condition or conduct is in dispute and, if proven, court ordered disposition appears desirable;

(9) The attitude of the minor and the parent or guardian;

(10) The age, maturity and mentality of the minor;

(11) The status of the minor as a probationer or parolee;

(12) The recommendation, if any, of the referring party or agency;

(13) The attitude of any affected persons;

(14) Whether any other referrals or petitions are pending;

(15) Any other circumstances which indicate the filing of a petition is necessary to promote the welfare of the minor or the safety and protection of the public....

Rule 1327. Grounds for detention; factors to consider

(a) [Grounds for detention (635-636)] No minor shall be ordered detained by the court unless one of the following grounds is found to exist, in which event the court may order that the minor be detained in custody in a suitable place designated by the court, not limited to the juvenile hall, or be placed on home supervision release under section 636:

(1) That the minor has violated an order of the court.

(2) That the minor has escaped from a commitment of the court.

(3) That the minor is likely to flee to avoid the jurisdiction of the court.

(4) That it is a matter of immediate and urgent necessity for the protection of the minor.

(5) That it is reasonably necessary for the protection of the person or property of another.

(b) [Factors--violation of court order] In determining whether to release or detain the minor under subdivision (a) (1), the court shall consider the following factors:

(1) The specificity of the court order allegedly violated;

(2) The nature and circumstances of the alleged violation of the court order;

(3) The severity and gravity of the alleged violation of the court order;

(4) Whether the violation endangers the minor or others;

(5) The prior history of the minor insofar as it relates to the failure to obey orders or directives of the court or probation officer;

(6) Whether the minor's parents or guardians are willing and able to assure the minor's presence at any scheduled court appearance;

(7) The nature of the underlying conduct or offense being alleged which brings the minor before the juvenile court; and

(8) The likelihood, based upon the prior record of the minor and the seriousness of the offense alleged, that if the petition is sustained the minor will be ordered removed from the physical custody of the parent or guardian upon completion of the proceedings.

(c) [--Escape from commitment] No minor shall be detained under subdivision (a) (2) unless the court first finds that:

(1) The minor has been ordered committed by the juvenile court to the Youth Authority or to a county juvenile home, ranch, camp, forestry camp or juvenile hall; and

(2) The minor escaped from commitment, including any escape from the custody of any officer or person in whose lawful custody the minor was placed during the commitment.

(d) [--Likely to flee] In determining whether to release or detain the minor under subdivision (a) (3), the court shall consider the following factors:

(1) Whether the minor has previously fled the jurisdiction or failed to appear in court;

(2) Whether the minor's parent or guardian is willing and able to assure the minor's presence at any scheduled court appearance;

(3) Whether the minor promises to appear at any scheduled court appearance;

(4) Whether the minor has a prior history relating to the failure to obey orders or directives of the court or probation officer;

(5) Whether the minor is a resident within the county;

(6) Whether the nature and circumstances of the conduct or offense alleged make it appear likely that the minor would flee to avoid the jurisdiction of the court;

(7) Whether there exists an unstable home or school situation which makes it appear likely that the minor would flee to avoid the jurisdiction of the court; and

(8) Whether the minor, absent a danger to the minor, would probably be released in an adult court on modest bail.

(e) [~~Protection of minor~~] In determining whether to release or detain the minor under subdivision (a) (4), the court shall consider the following factors:

(1) Whether the minor is in need of proper and effective parental care or control and has no parent, guardian, or responsible relative; or has no parent, guardian, or responsible relative willing to exercise or capable of exercising such care or control; or has no parent, guardian, or responsible relative actually exercising such care or control;

(2) Whether the minor is destitute or is not provided with necessities of life or is not provided with a home or suitable place of abode;

(3) Whether the minor is provided with a home which is an unfit place for him by reason of neglect, cruelty, depravity or physical abuse of either of his parents, or of his guardian or other person;

(4) Whether the minor's parent or guardian is

willing and able to assure the minor's care pending, and presence at, any scheduled court appearance;

(5) The geographical location of the residence of the minor;

(6) Whether the minor is addicted to or is in imminent danger from the use of a controlled substance or intoxicant;

(7) Whether the minor has a mental or physical condition, deficiency, disorder or abnormality which makes it a matter of immediate and urgent necessity for the protection of the minor that the minor be detained;

(8) The circumstances and gravity of any alleged offense; and

(9) Whether there exist any other compelling circumstances which make it appear an immediate and urgent necessity for the protection of the minor that the minor be detained.

(f) [--Protection of person or property of another] In determining whether to release or detain the minor under the subdivision (a) (5), the court shall consider the following factors:

(1) Whether the circumstances and gravity of the offense alleged involved physical harm to the person or property of another;

(2) Whether the minor's prior history involves physical harm or the substantial threat of physical harm to the person or property of another;

(3) Whether the minor has a physical or mental deficiency, disorder, or abnormality which makes it appear that the minor creates a substantial threat of physical harm to the person or property of another; and

(4) Whether there exist any other compelling circumstances which make it reasonably necessary that the minor be detained to protect the person or property of another.

As evidenced by the above quotations, the Juvenile Court Rules give some latitude for those making intake and detention decisions within the purview of the California Laws relat-

ing to youth offenders. These rules are specific but, at the same time, leave room for individual judgments on a case by case basis.

Basis for Present Study

The literature presented thus far supports the conclusion that juvenile intake decisions are highly discretionary in the sense that the legal criteria leave wide latitude for individual judgments by police and probation officers. Secondly, police officers have a distinct, occupation-relevant, personality that is different from other occupational groups. Thirdly, the issue of treatment versus control of the probationer client can be a dilemma for social work educated probation officers working in probation agencies which, while verbalizing treatment objectives, in actual practice, as a result of community expectations, emphasize control practices. Probation officers from San Bernardino County felt that organizational direction and support was inadequate, which may indicate that administration is not clearly stating the department's goal whether in treatment or control. For the police department organizational structure, the community and other social agencies in the community affect the way juvenile offenders are processed and the frequency with which they are referred to juvenile court.

Regarding the way juvenile offenders are processed, diversion programs offer alternatives to juvenile court proceedings. Diversion programs have not shown that they

reduce the referral to juvenile court, but some studies have shown that they reduce recidivism of those juveniles committing minor offenses. Some authorities feel that these programs prevent recipients from receiving their constitutional rights and due process safeguards. These studies have also illustrated that juvenile court control has been expanded with increases in compliance to the terms of diversion. This increase results in higher likelihood of juvenile court proceedings.

The possibilities that juvenile intake decisions are influenced by all the above mentioned considerations and with the involvement of police and probation agencies of occupation differences and differing agency goals and functions. It is hypothesized that police officers intake decisions will be more severe than probation officers. Thus it is predicted that police officers will be more likely to recommend detention in juvenile hall and court proceedings more than probation officers. Probation officers will be more likely to make diversion program, the least severe alternative, responses more than police officers. In order to test these predictions both probation officers' and police officers' responses to hypothetical cases will be compared.

METHOD

Subjects

The subjects were 88 Probation Officers II's and Probation Officers III's from the San Bernardino County Probation Department and 65 Police Officers from the Uniform Division and the Detective Division of the San Bernardino Police Department. The probation sample consisted of no supervisory and administrative personnel.

The probation sample consisted of 52 males (59%) and 29 females (33%) with 7 (8%) not indicating their sex. The average age of the probation sample was 39.4 years; the mode was 34 years; the range was from 27 to 65 years with a standard deviation \pm 8.2. The sample broke down ethnically to 69 Caucasians (78.4%), 10 Mexican-Americans (11.4%) and 5 Blacks (5.7%) with 4 unknown (4.5%). Educationally, 58 (65.9%) probation officers were college graduates, and 24 (27.3%) had Masters degrees. The average length of service with the Probation Department was 10.2 years with a median of 10.3 years, a mode at 8 years and a range of less than 1 year to 20 years with a standard deviation of \pm 4.3 years.

The police sample consisted of 58 males (89.2%) and 3 females (4.9%) with 4 (6.2%) not indicating their sex. The mean age for the police sample was 34.4 years, a mode of 28 years, a median of 32.7 years and a range of 22 years to

52 years with a standard deviation of ± 7.9 years. There were 52 Caucasians (80.0%), 4 Mexican-Americans (6.2%), 1 Black (1.5%) and 3 others (4.6), with 4 unknown (6.2%). In the police sample 33 (50.8%) had some college, 23 (35.4%) were college graduates, and 6 (9.2%) were high school graduates. The mean length of service for the police sample was 12.1 years, with a mode of 5 years, a median of 9.5 years and a range from 1 year to 28 years with a standard deviation of ± 12.6 years.

Materials

The questionnaire consisted of ten (10) hypothetical, representative situations of juvenile cases, with 5 to 8 dispositional alternatives for each of the ten situations. The dispositional alternatives or choices ranged from Counsel and release without submitting an application for Petition (least severe) to Detention in Juvenile Hall (most severe) (see Appendix A). Seven (7) of the ten (10) situations had six (6) dispositional choices, one (1) had seven (7) choices, one (1) had eight (8) choices, and one (1) had five (5) choices.

In addition, the questionnaire included a demographic data sheet that asked the respondents to list age and sex and to list their present position in Criminal Justice. An item regarding ethnic background asked respondents to check (\checkmark) one of the following: Caucasian, Black, Mexican-American, Asian, American Indian and other. Another item questioned respondents as to the highest educational level completed:

high school graduate, some college, college graduate, Master's degree, and other. Respondents were asked to list in months and years their length of employment in their profession. An item related to political views was asked where respondents were asked to check (✓) one of the following: very liberal, somewhat liberal, moderate, somewhat conservative, and very conservative. Respondents were asked to check (✓) under Marital Status one of the following: single, married, separated, divorced, and widowed. The respondents were asked to list the number and ages of their children. Finally, respondents were asked where they would rate themselves on a bipolar scale ranging from social worker to surveillance/control (see Appendix A).

The hypothetical cases portion of the questionnaire was constructed from variations of juvenile cases handled by the author in his capacity as a probation officer handling Juvenile Intake for the Barstow area. The dispositional alternatives were alternatives commonly used by the author and other probation officers in the same position.

The dispositional alternatives were constructed ranging in numerical order from least severe to most severe dispositions. Depending on the case, the alternatives between least severe and most severe were diversion alternatives that ranged from "settled out of court after one appointment with the probation officer" to "placement on informal probation without court involvement." Therefore, not every case had equal

number of alternatives or choices as noted above.

Procedure

Preceding the cases with dispositional alternatives, subjects were provided instructions to the effect that the purpose of the study was to determine individual opinions of the appropriate disposition of specific hypothetical juvenile cases. They were told to circle the letter best representing their opinion of the one best disposition, that there are no right or wrong choices, and that their responses will be anonymous. Subjects were requested to return completed questionnaires to respective collection points in five (5) days.

Prior to giving the questionnaire, author personally obtained permission from the Chief of Police of the San Bernardino Police Department, Benjamin Gonzales, and the Chief County Probation Officer of the San Bernardino County Probation Department, Jerry D. Hill. At that time permission was obtained from Mr. Hill for the use of the inner-office mail for the Probation respondents to return to the author.

One hundred fifty (150) questionnaires were personally passed out by the author to all P.O. II's and P.O. III's in various offices of the Probation Department while the author directly gave to administration of the Police Department 125 questionnaires to be passed out to the line police officers and detectives. The questionnaires in turn were placed in each Uniform Division officer's mail box. Later 25 additional

questionnaires were given to the Detective Division making a total of 150 questionnaires.

Eighty-eight (88) questionnaires from the probation officers were returned and analyzed and 65 from the Police Department were returned and analyzed, making a return rate of 58% and 43% respectively. The total sample questionnaire responses were analyzed using the Statistical Package for the Social Sciences at the Computer Center at California State College, San Bernardino.

The ten hypothetical cases of the questionnaire were analyzed by comparing probation officers' and police officers' total responses across all the ten cases and by comparing probation officers' and police officers' responses to each individual case. Since all the cases did not have the same number of alternatives across all cases comparison, alternatives were combined in a manner that resulted in five (5) dispositional alternatives for each item. These combinations were accomplished by examining the frequencies of both probation officers and police alternative responses to each of the ten questions or cases. Those with the least responses were combined. On question 1, alternatives a and b were combined; on question 2, a and b and f and g were combined; in question 3, alternatives a and b were combined; in question 4, alternatives a, b, c, and d were combined; in question 5, alternatives a and b were combined; in question 6, alternatives a and b were combined; in question 7, alternatives a and b

were combined; in question 8, alternatives a and b were combined; and, in question 9, alternatives e and f were combined. Alternatives on question 10 was not combined since it was the only one with five (5) alternatives.

RESULTS

As hypothesized, police officers were significantly more severe in their recommended intake dispositions than were probation officers, $t(88) = -3.05$, $p < .003$ when the data were analyzed across the ten situations or questions. Overall, however, both probation officers and police officers favored submitting most of the cases to Probation for handling rather than counsel and releasing without submitting an application for petition (the least severe disposition). In 9 out of 10 cases or questions, both probation officers and police officers strongly favored submitting to Probation for handling while for one case (Question No. 9) they were divided.

In analyzing each case or question separately, there were significant differences between probation officers' responses and police officers' responses in three out of 10 questions. In question No. 2 the case of 16 year old shop-lifter with no prior arrests, police officers significantly favored placement of the minor on Informal Probation (23.1%) or attend a petty theft class (21.5%) while the probation officers favored requiring the minor to attend a petty theft class (44.3%) or give a donation (21.6%). These figures show a marked tendency for police officers to recommend a significantly more severe disposition in this case, $t(97) = -2.06$, $p < .04$. Likewise, in question No. 4 (where the minor

TABLE 1

<u>QUESTION</u>	<u>RESPONSE</u>	P.O.		<u>M</u> \pm <u>SD</u>
		<u>N</u>	<u>%</u>	
1.	a	0	0	5.2 \pm 0.7
	b	0	0	
	c	4	4.5	
	d	5	5.7	
	e	47	53.4	
	f	31	35.2	
2.	a	3	3.4	3.5 \pm 1.0
	b	14	15.9	
	c	19	21.6	
	d	39	44.3	
	e	12	13.6	
	f	0	0.0	
	g	0	0.0	
3.	a	0	0.0	4.9 \pm 1.0
	b	1	1.1	
	c	6	6.8	
	d	22	25.0	
	e	31	35.2	
	f	28	31.8	
4.	a	0	0.0	6.9 \pm 1.3
	b	0	0.0	
	c	2	2.3	
	d	2	2.3	
	e	9	10.2	
	f	16	18.2	
	g	17	19.3	
	h	42	47.7	

POLICE

<u>N</u>	<u>%</u>	<u>M</u> ⁺ <u>SD</u>	<u>t</u>
0	0		
0	0		
5	7.7		
0	0.0		
28	43.1		
31	47.7	5.3+ <u>0.8</u>	-0.93
7	10.8		
8	12.3		
7	10.8		
14	21.5		
15	23.1		
11	16.9		
2	3.1	4.0+ <u>1.7</u>	-2.06* P <.04
0	0.0		
1	1.5		
9	13.8		
5	7.7		
18	27.7		
31	47.7	5.1+ <u>1.1</u>	-1.05
0	0.0		
0	0.0		
0	0.0		
1	1.5		
1	1.5		
14	21.5		
11	16.9		
37	56.9	7.3+ <u>1.0</u>	-1.91* P <.06

<u>QUESTION</u>	<u>RESPONSE</u>	<u>N</u>	<u>%</u>	<u>M</u> ⁺ <u>SD</u>
5.	a	0	0.0	3.7 _± 0.8
	b	8	9.1	
	c	21	23.9	
	d	45	51.1	
	e	14	15.9	
	f	0	0.0	
6.	a	2	2.3	4.3 _± 0.9
	b	0	0.0	
	c	16	18.2	
	d	22	25.0	
	e	46	52.3	
	f	0	0.0	
7.	a	0	0.0	5.9 _± 0.4
	b	0	0.0	
	c	1	1.1	
	d	0	0.0	
	e	9	10.2	
	f	78	88.6	
8.	a	0	0.0	5.7 _± 0.7
	b	0	0.0	
	c	4	4.5	
	d	2	2.3	
	e.	10	11.4	
	f	69	78.4	

<u>N</u>	<u>%</u>	<u>M</u> \pm <u>SD</u>	<u>t</u>
3	4.6		
12	18.5		
10	15.4		
14	21.5		
19	29.2		
5	7.7		
		3.8 \pm 1.4	-0.20
1	1.5		
7	10.8		
10	15.4		
3	4.6		
30	46.2		
12	18.5		
		4.4 \pm 1.3	-0.76
0	0.0		
0	0.0		
0	0.0		
0	0.0		
10	15.4		
52	80.0		
		5.8 \pm 0.4	0.37
0	0.0		
1	1.5		
1	1.5		
0	0.0		
5	7.7		
55	84.6		
		5.8 \pm 0.7	-0.94

<u>QUESTION</u>	<u>RESPONSE</u>	<u>N</u>	<u>%</u>	<u>M</u> ⁺ <u>SD</u>
9.	a	28	31.8	2.3+1.1
	b	18	20.5	
	c	28	31.8	
	d	13	14.8	
	e	0	0.0	
	f	1	1.1	
10.	a	1	1.1	3.6+1.4
	b.	34	38.6	
	c	9	10.2	
	d	2	2.3	
	e	42	47.7	
Total (Adjusted)		88	100.0	36.5+4.5

<u>N</u>	<u>%</u>	<u>M</u> ⁺ <u>SD</u>	<u>t</u>
24	36.9		
14	21.5		
10	15.4		
6	9.2		
5	7.7		
3	4.6		
		2.4 ₊ 1.5	-0.27
1	1.5		
6	9.2		
0	0.0		
5	7.7		
50	76.9		
		4.5 ₊ 1.0	-4.97* P <.001
65	100.0	40.1 ₊ 8.9	-3.05 P <.003

was taken into custody for driving under the influence and, while being taken out of the unit, battered the female arresting officer) the police officers tended to favor detaining the minor in Juvenile Hall (56.9%); to a lesser extent, they favored submitting both charges (DWI & Battery on a Peace Officer) to the District Attorney for filing (21.5%) and submitting the DWI charge to juvenile traffic, and Battery on a Peace Officer to the District Attorney (16.9%).

Probation officers in this case (Question 4) to a lesser extent favored juvenile detention (47.7%), and were equally divided on submitting the DWI charge to Juvenile Traffic and the Battery on a Peace Officer charge to the District Attorney for filing (19.3%) and submitting both charges to the District Attorney for filing (18.2%). Again, the police officers recommended a significantly stricter disposition than did the probation officers, $t(150) = -1.91$, $p < .06$. In question No. 10 (the case where the parents brought their daughter to the police department due to her running away from home six times) the police officers tended to recommend placing the minor in a Shelter Care home and filing (76.9%); probation officers were divided in this case between placement in a Shelter Care home (47.7%) and settling out of court with referral to family counseling (38.6%). Here again the police officers recommended a significantly stricter disposition than did the probation officers, $t(148) = -4.97$, $p < .001$.

Although in only three cases out of ten were the differences between police and probation officers' recommended dispositions statistically significant, in six of the remaining seven cases police officers were more severe with their disposition opinions than were probation officers. The pattern is thus nearly unequivocally in the direction of police officers recommending more severe dispositions.

In question No. 1 both probation officers and police strongly favored referring to court the minor, who had stolen \$6,000 from the school safe. However, probation officers tended to favor handling the matter out of custody (53.4%) by submitting it to the District Attorney for filing and court proceedings versus 43.1% of the police who favored this disposition. The police on the other hand tended to favor Detention, (47.7%) versus 35.2% of the probation officers who favored detention. The probation officers clearly favored handling the matter out of custody while the police officers were divided, 47.7% recommending detention, and 43.1% recommending out of custody.

Both probation officers and police officers strongly recommended that the 9 year old male involved in \$20,000 Burglary/Vandalism and Vandalism to the School be referred to court (Question No. 3). The police officers tended to favor detention (47.7%) while probation officers tended in the direction to favor handling out of custody by submitting to the District Attorney for filing (35.2%). The probation

officers were divided on this question more than the police officers with 31.8% of the probation officers favoring detention while the other 25% favored placement on Informal Probation.

In question No. 5, probation officers tended to agree that the 13 year old boy found with a stolen racing bicycle, but who denied stealing it, should be placed on Informal Probation (51.1%) while the police were greatly divided as to disposition with 29.2% of the police recommending filing with the District Attorney, 21.5% recommending Informal probation, 18.5% favoring settling out of court after one appointment with the probation officer, and 15.4% believing the matter should be settled out of court after restitution payment had been made and/or community service completed.

Regarding question number 6 where the 16 year old refused to talk with the probation officer about being found with coins taken from a residential burglary, both probation officers and police favored submitting to the District Attorney for filing. However, probation officers were more in favor of this disposition (52.3%) while 46.2% of the police favored this disposition with another 18.5% favoring detention, and 15.4% recommending settling out of court after restitution had been made and/or community service completed. On the other hand, 25% of the probation officers favored informal probation with 18.2% favoring settling the matter out of court after restitution had been made and/or community service com-

pleted.

In question No. 7, both probation officers and police strongly agreed that the 17 year old male involved in an Armed Robbery should be detained in Juvenile Hall pending his detention hearing. However, more probation officers favored this recommendation (88.6%) than did the police (80%).

Again in question No. 8, both probation officers and police agreed that the 14 year old female incorrigible ward and runaway should be detained in Juvenile Hall for shoplifting. However, more police favored this recommendation (84.6%) than did the probation officers (78.4%).

Finally, in question No. 9, the 9 year old male auto-tire cap thief, both probation officers and police were divided in their recommendations, but probation officers were more divided than were police officers. Probation officers were equally split between counsel and release (31.8%) and settling out of court after restitution had been made and/or community service completed (31.8%), with settling out of court after one appointment with the probation officers being next most favored (20.5%). Police, on the other hand, tended to favor counsel and release (36.9%) with settling out of court after one appointment with the probation officer being next (21.5%). In combining the first two alternatives of counsel and release and settle out of court after one appointment with the probation officer, 58.4% of the police favored this relatively innocuous involvement while 52.3% of the

probation officers favored this alternative. On the other hand, probation officers favored probation diversion programs (those alternatives ranging from settling out of court after one appointment with the probation officer to placement on Informal Probation) more than did police. In combining alternatives b, c, and d together, 67.1% of the probation officers favored probation diversion programs whereas 46.1% of the police favored these programs. Therefore, police tended to favor counsel and release alternative more than did probation officers while probation officers favored probation diversionary alternatives more than did police.

The data analysis reviewed above has definitely shown that police officers make more severe dispositional recommendations than do probation officers. Police officers also recommend placement of incorrigibles in Shelter Care homes more than do probation officers. Police officers also are more inclined to recommend those alternatives involving court proceedings than are probation officers.

DISCUSSION

The results supported the hypothesis that police officers prefer more severe intake dispositions than do probation officers. That is, police officers prefer court proceedings over diversion programs more than do probation officers. Police officers tend to recommend detention in Juvenile Hall more than do probation officers.

Differences between police officers and probation officers on intake dispositions in the study are similar to results obtained by Trojanowicz (1971), who found that police officers scored differently on Job Analysis and Interest Measurement scales than did social workers. Results of this study also are similar to Sheppard et al's. (1974) conclusions that police officers are different than the general male population on the Edwards Preference Schedule and that there is a relationship between vocation choice and personality (Lefkowitz, 1974; Lefkowitz, 1975).

Regarding probation officers and police officers differing, Garabedian's (1970) findings are similar to the findings of this study in that police officers favored control surveillance procedures more than did probation officers. That is, in this study police officers' opinions tended to be in the direction of more severe intake dispositions of Juvenile Hall detention.

In another study supporting probation officers and police officers differences, Fernez (1975) found that police officers, probation officers, and assistant district attorneys all have different opinions about drug matters. Police tended to view drug offenses more seriously than did probation officers and assistant district attorneys. Police officers saw drugs as a major contributing factor to crime more than did probation officers and assistant district attorneys. In fact, probation officers and assistant district attorneys had similar views on drugs. This study was similar to Wilson's (1970) findings that more professional police departments process more juvenile cases for court proceedings. In this study police favored court proceedings more than did probation officers.

One of the most significant differences among probation officers and police officers in the present study was that police officers favored placing incorrigibles (runaways) in Shelter Care homes more than did probation officers. Another difference, (although a minority of the total responses) was that police officers were more likely to pick counsel and release responses than were probation officers. This response choice, along with the tendency to prefer court proceedings over Diversion, seemed to indicate that if police officers felt the case was minor they would counsel and release whereas if they felt the offense was serious they preferred court proceedings. Probation officers, on the other hand,

avored diversion programs (those choices that did not involve court proceedings) more than did police officers.

Police officers favoring severe dispositions tended to indicate that police officers' objectives are in the area of law enforcement rather than treatment-oriented interventions. Law enforcement functions require interventions that are based on court actions (Ohlin et al., 1956; Garabedian, 1970). In other words, the juvenile must be ordered on probation with a search term by the Juvenile Court. Finally, the present study supported the contention of Garabedian & Gibbons, (1970), Piliavin & Briar (1970), Gibbons (1976), and Gibbons (1977) that the seriousness of an offense and prior arrest history are important in police officers' decisions. In the present study the more serious the offense, the more priors, the more severe the disposition.

Regarding the study, the one main weakness was in the questionnaire. Not all the cases or questions had the same number of dispositional choices and some had to be combined in order to obtain an overall comparison for the probation officers and police officers responses. Secondly, it would have been more desirable if the questionnaire had contained cases regarding curfew violation, drunk in public, and less than one ounce of marijuana violations. Thirdly, the police sample contained some supervisory, management and administrative personnel of the San Bernardino Police Department whereas the probation sample contained no administrators and

supervisory personnel (only line probation officers).

Finally, the study has shown that police officers differ from probation officers in their opinions regarding juvenile intake dispositions. This study supported other studies previously cited that have shown police officers and probation officers to differ in their outlooks towards the decisions they make on important matters. In addition, this study has supported other studies that have shown that several factors besides the nature of the offense have influenced probation officers and police officers in making intake decisions.

APPENDIX A

TO: All line law enforcement officers
FROM: James M Fogg
RE: Juvenile Justice Survey

I am conducting research in the field of juvenile justice for my thesis towards my Masters of Arts degree in Clinical-Counseling at California State College, San Bernardino. The purpose of this study is to determine your opinion of the appropriate disposition of specific hypothetical juvenile cases. For each question, you are to circle the letter best representing your opinion of the one best disposition. There are no right or wrong choices and your responses will be anonymous.

Please return to your commanding officer within five (5) days.

TO: All line probation offices (P.O. II's and P.O. III's)
FROM: James M. Fogg
RE: Juvenile Justice Survey

I am conducting research in the field of juvenile justice for my thesis towards my Masters of Arts degree in Clinical-Counseling at California State College, San Bernardino. The purpose of this study is to determine your opinion of the appropriate disposition of specific hypothetical juvenile cases. For each question, you are to circle the letter best representing your opinion of the one best disposition. There are no right or wrong choices and your responses will be anonymous.

Please return within five (5) days to James Fogg, Barstow office thru county inner office mail.

QUESTIONNAIRE

After reading the case, circle the letter next to the disposition you find most appropriate.

1. A 13 yr. old male stole \$6,000 from an unlocked safe at school. This money was raised by students selling Christmas decorations to finance their activities. The minor burned \$3,000 in checks. The minor hid \$1,500 under the mattress of his bed in his room. The remaining \$1,500 the minor was going to give to his parents saying he found this money while delivering newspapers. The minor had a school attendance problem, but this problem was corrected prior to this arrest. The minor has a prior arrest for Conspiracy to Commit Petty Theft. There is much resentment among the students and their parents over the minor's act.

	P.O.'s N(%)	POL. N(%)
a. Law enforcement should counsel and release minor to his parents without submitting an application for petition.	0	0
b. Settle out of court after one appointment with the Probation officer.	0	0
c. Settle out of court after some restitution payment has been made and some consequence such as community service completed.	4 (4.5)	5 (7.7)
d. Placement on Informal Probation without court involvement.	5 (5.7)	0
e. Submit to the D.A. for filing and court proceedings.	47 (53.4)	28 (43.1)
f. Detain the minor in Juvenile Hall, submit to the D.A. for filing and Detention hearing proceedings.	31 (35.2)	31 (47.7)

2. A 16 yr. old female was charged with Petty Theft-shoplifting. She admitted to the probation officer she committed this offense. The minor's school record is above average, and she has had no prior arrest.
- a. Police should counsel and release minor to her parents without submitting an application for petition. 3(3.4) 7(10.8)
 - b. Settle out of court after one appointment with the Probation Officer. 14(15.9) 8(12.3)
 - c. Require minor to give a donation to a non-profit organization of her choice; then settle out of court. 19(21.6) 7(10.8)
 - d. Require minor to attend a Petty Theft class; then settle out of court. 39(44.3) 14(21.5)
 - e. Placement on Informal Probation without court involvement. 12(13.6) 15(23.1)
 - f. Submit to D.A. for filing and court proceedings. 0 11(16.9)
 - g. Detain minor in Juvenile Hall, submit to the D.A. for filing and Detention hearing proceedings. 0 2(3.1)

3. A 9 yr. old male was charged with Burglary and Vandalism to a residence where the inside of the home along with the furnishings were maliciously damaged by eight other juveniles to the amount of \$20,000. The minor admitted defecating on the wall to wall carpet in the living room and some other minor damage to the inside of the home. The minor is a behavioral problem at school. He has no prior arrests but after the Burglary/Vandalism arrest, the minor was arrested for throwing rocks at windows at a school.

- | | | |
|---|----------|----------|
| a. Police should counsel and release minor to his parents without submitting an application for petition. | 0 | 0 |
| b. Settle out of court after one appointment with the Probation Officer. | 1(1.1) | 1(1.5) |
| c. Settle out of court after some restitution payment has been made and some consequence such as community service completed. | 6(6.8) | 9(13.8) |
| d. Placement on Informal Probation without court involvement. | 22(25.0) | 5(7.7) |
| e. Submit to D.A. for filing and court proceedings | 31(35.2) | 18(27.7) |
| f. Detain minor in Juvenile Hall, submit to the D.A. for filing and Detention hearing proceedings. | 28(31.8) | 31(47.7) |

4. A 17 yr. old female juvenile was taken into custody for Driving Under the Influence of Alcohol. After she was taken out of the patrol unit, the minor hit the female arresting officer in the face with the handcuff that she (the juvenile) had slipped out of; she also kicked the officer about her legs and groin. The minor was subsequently charged with Battery on a Peace Officer. The officer was off work for two days as a result of the injuries she sustained. The minor had no prior arrests.
- | | | |
|--|----------|----------|
| a. Police should counsel and release minor to her parents without submitting an application for petition. | 0 | 0 |
| b. Settle both charges out of court after one appointment with the Probation Officer. | 0 | 0 |
| c. Settle both charges out of court after some restitution payment has been made and some consequence such as community service completed. | 2(2.3) | 0 |
| d. Placement on Information Probation for both charges. | 2(2.3) | 1(1.5) |
| e. Placement on Information Probation for Battery on a Peace Officer charge and submit the D.U.I. charge to Juvenile Traffic Court for handling. | 9(10.2) | 1(1.5) |
| f. Both charges should be submitted to the D.A. for filing and court proceedings. | 16(18.2) | 14(21.5) |
| g. Submit the D.U.I. charge to Juvenile Traffic Court for handling and submit Battery on a Peace Officer charge to the D.A. for filing and Juvenile Court proceedings. | 17(19.3) | 11(16.9) |
| h. Detain minor in Juvenile Hall, submit both charges to the D.A. for filing and Detention hearing proceedings. | 42(47.7) | 37(56.9) |

5. A 13 yr. old boy was arrested and charged with Burglary when he was found riding an expensive racing bike that exactly matched the description of a bike stolen the day before from a closed, unlocked residential garage in his neighborhood. The minor claimed to have found the bike abandoned in a vacant lot, and he consistently refused to admit to the theft. The minor has no prior arrests, has a school attendance problem, and his grades are below average. Parents are willing to resolve this matter in any way deemed appropriate by the authorities.

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| a. Police should counsel and release the minor to his parents without submitting an application for petition. | 0 | 3(4.6) |
| b. Settle out of court after one appointment with the Probation Officer. | 8(9.1) | 12(18.5) |
| c. After some restitution payment has been made and/or some consequence as community service completed, settle out of court. | 21(23.9) | 10(15.4) |
| d. Placement on Informal Probation without court involvement. | 45(51.1) | 14(21.5) |
| e. Submit to the D.A. for filing and court proceedings. | 14(15.9) | 19(29.2) |
| f. Detain the minor in Juvenile Hall, submit to the D.A. for filing and Detention hearing proceedings. | 0 | 5(7.7) |

6. A 16 yr. old male was arrested for Receiving Stolen Property. The property (coins from a coin collection) found in his possession came from a residential burglary. The minor, with his parents' approval, refused to talk to the Probation Officer without an attorney present. The minor has no prior arrests and his school record was acceptable. The minor and his parents could be persuaded to keep this matter out of court.

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| a. Police should counsel and release the minor to his parents without submitting an application for petition. | 2(2.3) | 1(1.5) |
| b. Settle out of court after one appointment with the Probation Officer. | 0 | 7(10.8) |
| c. Settle out of court after some restitution payment has been made and/or some consequence as community service completed. | 16(18.2) | 10(15.4) |
| d. Placement on Informal Probation without court involvement. | 22(25.0) | 3(4.6) |
| e. Submit to the D.A. for filing and court proceedings. | 46(52.3) | 30(46.2) |
| f. Detain minor in Juvenile Hall, submit to the D.A. for filing and Detention hearing proceedings. | 0 | 12(18.5) |

7. A 17 yr. old male along with a 19 yr. old male committed an Armed Robbery at a fast food restaurant. The adult had a loaded handgun and the minor had his hand in his pocket as if he had a gun. The minor participated by watching the employees who were lying face down on the floor while the adult had the manager open the safe. The minor had no prior arrests and his school record was acceptable.

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| a. Police should counsel and release the minor to his parents without submitting an application for petition. | 0 | 0 |
| b. Settle out of court after one appointment with the Probation Officer. | 0 | 0 |
| c. Settle out of court after some restitution payment has been made and/or some consequence such as community service completed. | 1(1.1) | 0 |
| d. Placement on Informal Probation without court involvement. | 0 | 0 |
| e. Submit to the D.A. for filing and court involvement. | 9(10.2) | 10(15.4) |
| f. Detain minor in Juvenile Hall, submit to the D.A. for filing and Detention hearing proceedings. | 78(88.6) | 52(80.0) |

8. A 14 yr. old female Incurable Ward of the court was arrested for Shoplifting. At the time of her arrest, she was a runaway from home for over a month. The minor had not been attending school regularly. The probation officer and her mother have not been able to control the minor.

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| a. Police should counsel and release minor to her mother without submitting an application for petition. | 0 | 0 |
| b. Settle out of court after minor talks to her Probation Officer about the offense. | 0 | 1(1.5) |
| c. Settle out of court after minor completes some consequence such as community service hours. | 4(4.5) | 1(1.5) |
| d. Require the minor to attend a Petty Theft class then settle out of court. | 2(2.3) | 0 |
| e. Submit to the D.A. for filing and court proceedings. | 10(11.4) | 5(7.7) |
| f. Detain minor in Juvenile Hall, submit to the D.A. for filing and Detention hearing proceedings. | 69(78.4) | 55(84.6) |

9. A 9 yr. old boy was caught by his neighbor taking tire stem caps from her automobile tires. The neighbor telephoned the police and an officer came to investigate. It was learned from the officer's investigation that the minor and three of his friends were involved in the thefts of many tire stem caps from vehicles in the neighborhood. The minor has had no prior arrests and his school record was acceptable. The minor and his parents were extremely cooperative.
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| a. Police should counsel and release the minor to his parents without submitting an application for petition. | 28 (31.8) | 24 (36.9) |
| b. Settle out of court after one appointment with the Probation Officer. | 18 (20.5) | 14 (21.5) |
| c. Settle out of court after some restitution payment has been made and some consequence such as community service completed. | 28 (31.8) | 10 (15.4) |
| d. Placement on Informal Probation without court involvement. | 13 (14.8) | 6 (9.2) |
| e. Submit to the D.A. for filing and court proceedings. | 0 | 5 (7.7) |
| f. Detain minor in Juvenile Hall, submit to the D.A. for filing and Detention hearing proceedings. | 1 (1.1) | 3 (4.6) |
10. A 13 yr. old female was brought into the Police Department by her parents. They state that she has run away six times within the last nine months. The girl has not been attending school and has been seen in the company of known juvenile offenders. The parents want their daughter either sent to Juvenile Hall or to a placement home. They contend they have lost all parental control over her.
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| a. Police should counsel and release minor to her parents without submitting an application for petition. | 1 (1.1) | 1 (1.5) |
| b. Settle out of court with a referral to family counseling. | 34 (38.6) | 6 (9.2) |
| c. Placement on Informal Probation without court involvement. | 9 (10.2) | 0 |
| d. Submit to the Probation Department for filing and court proceedings. | 2 (2.3) | 5 (7.7) |
| e. Placement in a crisis shelter home and submit to the Probation Department for filing and court proceedings. | 42 (47.7) | 50 (76.9) |

DATA SHEET

PLEASE FILL IN THE BLANKS WITH INFORMATION ABOUT YOURSELF OR PLACE A CHECK MARK (✓) TO THE RIGHT OF THE INFORMATION THAT MOST CLOSELY DESCRIBES YOU.

Age _____ Sex _____

Your present position in criminal justice (be specific)

Ethnic Background:

Caucasian _____
 Black _____
 Mexican-American _____
 Asian _____
 American Indian _____
 Other (describe) _____

Highest education level completed:

High school graduate _____
 Some college _____
 College graduate _____
 Master's degree _____
 Other (describe) _____

Length of employment in this profession (i.e. months, years)

Description of your political views (check one choice only):

Very liberal _____
 Somewhat liberal _____
 Moderate _____
 Somewhat conservative _____
 Very conservative _____

Marital status:

Single _____
 Married _____
 Separated _____
 Divorced _____
 Widowed _____

Number and ages of children: _____

Where would you rate yourself on this scale?

Social Worker____: ____: ____: ____: ____: ____: ____: Surveillance /Control

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