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AN INQUIRY INTO THE ASSOCIATION BETWEEN RESPONDENTS' PERSONAL CHARACTERISTICS AND JUVENILE COURT DISPOSITIONS†

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The sentencing stage in criminal cases has been the subject of increasing attention during the past several years in court decisions,¹ rules of criminal procedure,² and professional literature.³ The reasons for this concern are undoubtedly numerous, but certainly include the continuing dissatisfaction with current methods and results of incarceration and other correctional alternatives,⁴ the related concern with the deprivation

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1. See, e.g., *Dorszynski v. United States*, 418 U.S. 424 (1974); *United States v. Tucker*, 404 U.S. 443 (1972); *Tate v. Short*, 401 U.S. 395 (1971); *Williams v. Illinois*, 399 U.S. 235 (1970); *Specht v. Patterson*, 386 U.S. 605 (1967).

2. After years of debate, the Federal Rules of Criminal Procedure have been amended to allow defense counsel, in most cases, to review the presentence report. FED. R. CRIM. P. 32(c)(3). See also FED. R. CRIM. P. 32, Advisory Committee Note.

3. See, e.g., ABA, PROJECT ON STANDARDS FOR CRIMINAL JUSTICE: STANDARDS RELATING TO APPELLATE REVIEW OF SENTENCES (Approved Draft 1968); ABA, PROJECT ON STANDARDS FOR CRIMINAL JUSTICE: STANDARDS RELATING TO SENTENCING ALTERNATIVES AND PROCEDURES (Approved Draft 1971); R. DAWSON, SENTENCING: THE DECISION AS TO TYPE, LENGTH, AND CONDITIONS OF SENTENCE (1969); M. FRANKEL, CRIMINAL SENTENCES: LAW WITHOUT ORDER (1973); R. GOLDFARB & L. SINGER, AFTER CONVICTION 125-205 (1973); COBURN, *Disparity in Sentences and Appellate Review of Sentencing*, 25 RUTGERS L. REV. 207 (1971); KUTAK & GOTTSCHALK, *In Search of a Rational Sentence: A Return to the Concept of Appellate Review*, 53 NEB. L. REV. 463 (1974); WEIGEL, *Appellate Revision of Sentences: To Make the Punishment Fit the Crime*, 20 STAN. L. REV. 405 (1968); SYMPOSIUM—ABA Minimum Standards for Criminal Justice, 33 LA. L. REV. 541, 559-68 (1973); Comment, *Appellate Review of Sentences: A Survey*, 17 ST. LOUIS U.L.J. 221 (1972); Current Development, *Appellate Review of Sentencing: A New Dialogue*, 45 U. COLO. L. REV. 209 (1973); Dubose, Book Review, 65 J. CRIM. L.C. & P.S. 122 (1974).

4. See generally R. CARTER, R. MCGEE & E. NELSON, CORRECTIONS IN AMERICA (1975); R. CLARK, CRIME IN AMERICA (1970); N. MORRIS, THE FUTURE OF IMPRISONMENT (1974); NATIONAL ADVISORY COMMISSION ON CRIMINAL JUSTICE STANDARDS AND GOALS, CORRECTIONS (1973); PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF

of various constitutional rights of prisoners,⁵ and the growing interest in discretionary decisionmaking at all stages of the criminal justice process.⁶ This last perspective—analysis of the exercise of discretion which the legislative branch has delegated either implicitly⁷ or expressly⁸ to the other branches of government responsible for administering the criminal justice system—underlies the research reported in this article.

The issue of "discretion" in the criminal justice system, including its identification, role, and control, is perhaps most sharply presented in the juvenile court process. The early proponents of the "child-saving"

JUSTICE, TASK FORCE REPORT: CORRECTIONS (1967); CORRECTIONS: PROBLEMS AND PROSPECTS (D. Petersen & C. Thomas eds. 1975).

5. See, e.g., *Wolff v. McDonnell*, 418 U.S. 539 (1974); *Procunier v. Martinez*, 416 U.S. 396 (1974); *Preiser v. Rodriguez*, 411 U.S. 475 (1973); *Cruz v. Beto*, 405 U.S. 319 (1972); *Haines v. Kerner*, 404 U.S. 519 (1972); *Wilwording v. Swenson*, 404 U.S. 249 (1971); *Landman v. Royster*, 333 F. Supp. 621 (E.D. Va. 1971); *Younger v. Gilmore*, 319 F. Supp. 105 (N.D. Cal. 1970), *aff'd*, 404 U.S. 15 (1971). Chief Judge Friendly has recently alluded to the "violent upswing in complaints by state prisoners attacking the conditions of their confinement." H. FRIENDLY, *FEDERAL JURISDICTION: A GENERAL VIEW* 104 (1973). See also R. GOLDFARB & L. SINGER, *supra* note 3, at 359-526; H. KERPER & J. KERPER, *LEGAL RIGHTS OF THE CONVICTED* (1974).

6. K. DAVIS, *DISCRETIONARY JUSTICE* (2d ed. 1971) is the seminal work in this area. Other leading articles dealing with various aspects of the criminal justice process include: Abrams, *Internal Policy: Guiding the Exercise of Prosecutorial Discretion*, 19 U.C.L.A.L. REV. 1 (1971); Breitel, *Controls in Criminal Law Enforcement*, 27 U. CHI. L. REV. 427 (1960); Davis, *An Approach to Legal Control of the Police*, 52 TEXAS L. REV. 703 (1974); Goldstein, *Police Policy Formulation: A Proposal for Improving Police Performance*, 65 MICH. L. REV. 1123 (1967); Kadish, *Legal Norm and Discretion in the Police and Sentencing Processes*, 75 HARV. L. REV. 904 (1962); Kaplan, *The Prosecutorial Discretion—A Comment*, 60 NW. U.L. REV. 174 (1965); Kuh, *Plea Bargaining: Guidelines for the Manhattan District Attorney's Office*, 11 CRIM. L. BULL. 48 (1975); LaFave, *The Police and Nonenforcement of the Law* (pts. 1-2), 1962 WIS. L. REV. 104, 179; McGowan, *Rule-Making and the Police*, 70 MICH. L. REV. 659 (1972); Remington & Rosenblum, *The Criminal Law and the Legislative Process*, 1960 U. ILL. L.F. 481; White, *A Proposal for Reform of the Plea Bargaining Process*, 119 U. PA. L. REV. 439 (1971); *Contemporary Studies Project: Administrative Control of Police Discretion*, 58 IOWA L. REV. 892 (1973); Comment, *Prosecutorial Discretion in the Initiation of Criminal Complaints*, 42 S. CAL. L. REV. 519 (1969).

7. State criminal codes commonly provide little or no guidance to police or prosecutors regarding the innumerable discretionary decisions which they must make daily. See generally sources cited note 6 *supra*.

8. In contrast to policing and prosecutorial decisions, sentencing is expressly assigned by state codes to the judge or the jury. In both instances sentencing discretion is at least somewhat confined within the broad range of statutorily-established minima and maxima. Beyond these rudimentary restraints, sentencing discretion is as uncharted and unstructured as discretionary decisions at other stages of the criminal justice process. See generally M. FRANKEL, *supra* note 3.

movement argued that the juvenile court system would serve two basic purposes: the provision of child-oriented social services to troubled children and the protection of these children from the harsher sanctions available to the criminal courts.⁹ It was thought that informal procedures and the exercise of the broadest discretion were necessary to avoid frightening or stigmatizing children and to select treatment regimens responsive to each child's needs.¹⁰ Accordingly, formal pretrial¹¹ and trial¹² procedures were relaxed at juvenile hearings.

Recent Supreme Court decisions, although requiring greater regularity and formality in the juvenile justice process,¹³ have not significantly narrowed the exercise of discretion in the juvenile system. Indeed, the Court has stressed that the procedural protections imposed by these decisions apply only to the adjudicatory stage.¹⁴ Decisionmaking in the nonadjudicatory stages remains unchanged in concept and, apparently, in operation as well.¹⁵ The police continue to screen chil-

9. See A. PLATT, *THE CHILD-SAVERS: THE INVENTION OF DELINQUENCY* 46-74 (1969); Mack, *The Juvenile Court*, 23 HARV. L. REV. 104, 107, 109, 114 (1909).

10. Mack, *supra* note 9, at 121.

11. Unlike the adult criminal justice system, juvenile courts do not normally conduct postarrest, pretrial hearings to determine whether there is probable cause to believe that a child has committed a delinquent act and should therefore be subject to adjudication. See, e.g., *M.A.P. v. Ryan*, 285 A.2d 310 (D.C. App. 1971).

12. "[T]he ordinary legal evidence in a criminal court is not the sort of evidence to be heard in [a juvenile] proceeding The ordinary trappings of the courtroom are out of place in such hearings." Mack, *supra* note 9, at 120. It was not until *In re Gault*, 387 U.S. 1 (1967) that the Supreme Court held that alleged juvenile delinquents, like adult criminal defendants, were constitutionally entitled to receive written notice of charges, to be represented by counsel, to confront and cross-examine witnesses, and to refrain from incriminating themselves. More recently, the Court held that juveniles are not constitutionally entitled to have their cases heard by a jury, citing as one reason the fear that, if required, the jury trial would "put an effective end to what has become the idealistic prospect of an intimate, informal protective proceeding." *McKeiver v. Pennsylvania*, 403 U.S. 528, 545 (1971).

13. See, e.g., *In re Gault*, 387 U.S. 1 (1967). See also *In re Winship*, 397 U.S. 358 (1970) (child charged with an act that would constitute a crime if committed by an adult can be found delinquent only upon evidence establishing his guilt beyond a reasonable doubt); *Kent v. United States*, 383 U.S. 541 (1966) (procedure by which a juvenile may be transferred from the juvenile court to the criminal court for trial as an adult).

14. *In re Gault*, 387 U.S. 1, 13 (1967).

15. Cf. Chused, *The Juvenile Court Process: A Study of Three New Jersey Counties*, 26 RUTGERS L. REV. 488 (1973); Dufee & Siegel, *The Organization Man: Legal Counsel in the Juvenile Court*, 7 CRIM. L. BULL. 544 (1971); Lefstein, Stapleton & Teitelbaum, *In Search of Juvenile Justice: Gault and Its Implementation*, 3 LAW & SOC'Y REV. 491 (1969); Reasons, *Gault: Procedural Change and Substantive Effect*, 16 CRIME & DELINQUENCY 163 (1970).

dren to an even greater degree than they do adults;¹⁶ decisions not to take children into custody or, if custody has been temporarily assumed, not to refer them to juvenile court have become so institutionalized that some police departments maintain rather elaborate records of both types of decisions.¹⁷ Additional measures such as "informal probation" or "police probation" are also used to divert juveniles from the judicial system.¹⁸ Further, the peculiar juvenile court "intake stage" combines legal and nonlegal, as well as "prosecutorial-type" and "sentencing-type," decisions,¹⁹ reinforcing the tradition of discretionary, individual processing of children in trouble at still another prehearing stage of the system.

Whatever its virtues and defects, the juvenile justice system differs significantly from its adult counterpart in its express incorporation of highly differential processing of alleged delinquents. The separate juvenile court system emerged from a pervasive belief that the goal of rehabilitation best could be served by permitting juvenile courts to maximize flexibility, informality, and discretion, especially at the dispositional or sentencing stage.²⁰ Thus, the dispositional alternatives available to the juvenile court are extremely broad.²¹ Like its adult counterpart, how-

16. See generally A. CIRCOUREL, *THE SOCIAL ORGANIZATION OF JUVENILE JUSTICE* (1968); N. GOLDMAN, *THE DIFFERENTIAL SELECTION OF JUVENILE OFFENDERS FOR COURT APPEARANCE* (1963); Black & Reiss, *Police Control of Juveniles*, 35 AMER. SOCIOLOGICAL REV. 63 (1970); McEachern & Bauzer, *Factors Related to Disposition in Juvenile Police Contacts*, in *JUVENILE GANGS IN CONTEXT* 148 (M. Klein ed. 1967); Piliavin & Briar, *Police Encounters with Juveniles*, 70 AM. J. SOCIOLOGY 206 (1964); Werthman & Piliavin, *Gang Members and the Police*, in *THE POLICE: SIX SOCIOLOGICAL ESSAYS* 56 (D. Bordua ed. 1967); Note, *Juvenile Delinquents: The Police, State Courts, and Individualized Justice*, 79 HARV. L. REV. 775 (1966) [hereinafter cited as *Juvenile Delinquents*].

17. *Juvenile Delinquents*, *supra* note 16, at 784-85.

18. See *id.* at 783-84.

19. See Ferster, Courtless & Snethen, *Separating Official and Unofficial Delinquents: Juvenile Court Intake*, 55 IOWA L. REV. 864, 869-74 (1970); Sheridan, *Juvenile Court Intake*, 2 J. FAMILY L. 139, 148-51 (1962); Terry, *The Screening of Juvenile Offenders*, 58 J. CRIM. L.C. & P.S. 173 (1967); Thomas & Sieverdes, *Juvenile Court Intake: An Analysis of Discretionary Decision-Making*, 12 CRIMINOLOGY 413 (1975); Note, *Informal Disposition of Delinquency Cases: Survey and Comparison of Court Delegation of Decision-Making*, 1965 WASH. U.L.Q. 258, 279-82.

20. For a general discussion, see R. CARDWELL & J. BLACK, *JUVENILE DELINQUENCY* 186-249 (1971).

21. Thus, under appropriate circumstances, a juvenile court in Virginia, for example, may place a juvenile offender on probation, leave the child at home under custody of the courts, impose a fine of up to \$100, impose restitution or reparations, commit the child to a public welfare institution, foster home, or corrections institute, separate the child permanently from his parents, or waive jurisdiction and commit the juvenile to the adult criminal system. VA. CODE ANN. § 16.1-178 (Repl. Vol. 1975). See ARIZ. REV.

ever, the juvenile court system has been criticized strongly in recent years. The informality and lack of standards at all stages of the system, the largely uncontrolled, nonreviewable discretionary power of juvenile court officials,²² and the vaguely worded "status offender" statutes²³ still in effect in many jurisdictions²⁴ have caused courts and

STAT. ANN. § 8-241 (1974); GA. CODE ANN. § 24A-2302 (Supp. 1974); ILL. ANN. STAT. ch. 37, § 705-2 (Smith-Hurd Supp. 1976); N.J. STAT. ANN. § 2A:4-61 (Supp. 1976); N.C. GEN. STAT. § 7A-286 (Cum. Supp. 1974); PA. STAT. ANN. tit. 11, §§ 50-321 to 323 (Cum. Supp. 1976).

22. One factor influencing the Supreme Court in *In re Gault*, 387 U.S. 1 (1967), was that the petitioner faced maximum confinement of six years for the offense of making an obscene telephone call, while the maximum sanction on an adult for the identical offense was a \$5 to \$50 fine or imprisonment for not longer than two months. *Id.* at 29. The same danger inheres in state codes which provide for indeterminate commitment and do not restrict institutionalization to more serious offenses. See statutes cited note 21 *supra*.

23. A status offense is an act which if committed by an adult would not be characterized as a crime, but nonetheless subjects a child to the jurisdiction of a juvenile court. Board of Directors, NCCD, *Jurisdiction over Status Offenses Should Be Removed from the Juvenile Court: A Policy Statement*, 21 CRIME & DELINQUENCY 97 (1975). Status offenses include waywardness, truancy, consensual sexual behavior, smoking, curfew violation, disobeying authority, and ungovernability. *Id.* Recent criticisms of this aspect of the juvenile court's jurisdiction include: PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE, *THE CHALLENGE OF CRIME IN A FREE SOCIETY* 81, 85 (1967); PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE, *TASK FORCE REPORT: JUVENILE DELINQUENCY AND YOUTH CRIME* 7-27 (1967); Board of Directors, NCCD, *supra*; Note, *Ungovernability: The Unjustifiable Jurisdiction*, 83 YALE L.J. 1383 (1974); Note, *Juvenile Court Statutes—Are They Void for Vagueness?*, 4 N.Y.U. REV. L. & SOCIAL CHANGE 39 (1974); Comment, *"Delinquent Child": A Term Without Meaning*, 21 BAYLOR L. REV. 352 (1969).

24. In Virginia, for example, juvenile courts have jurisdiction over any child:

(f) Whose occupation, behavior, environment, condition, association, habits or practices are injurious to his welfare;

(g) Who deserts or is a fugitive from his home, or who is habitually disobedient or beyond the control of his parents or other custodian, or is incorrigible;

(h) Who being required by law or his parents or custodian to attend school is a willful and habitual truant therefrom;

....

(j) Whose condition or situation is alleged to be such that his welfare demands adjudication as to his disposition, control and custody

VA. CODE ANN. § 16.1-158(1) (Repl. Vol. 1975). See IND. ANN. STAT. §§ 31-5-7-4, 31-5-7-7 (1973); LA. REV. STAT. ANN. § 13:1570 (Supp. 1975); MICH. COMP. LAWS ANN. § 712A.2 (Cum. Supp. 1976); S.C. CODE ANN. §§ 15-1103(9), 15-1171 (Cum. Supp. 1974). Even recently revised delinquency statutes in many states permit juvenile courts to retain jurisdiction over status offenders by the creation of a new category of offender. See, e.g., MONT. REV. CODES ANN. §§ 10-1203(13), 10-1026 (Cum. Supp. 1974) (juvenile in need of supervision); OHIO REV. CODE ANN. §§ 2151.022, 2151.23(A)(1) (Page Supp. 1974) (unruly child). Several states have attempted to reduce the coverage of their

commentators to charge that juvenile court operations deprive many children of constitutional rights²⁵ without demonstrating any greater measure of rehabilitation than is achieved by adult criminal courts in which such rights are more fully protected.²⁶

The amorphous structure and procedures of juvenile courts have led many behavioral scientists to examine whether officials in the juvenile system consider children's personal characteristics and other extralegal factors in a manner disadvantageous to certain segments of the population. These inquiries focused upon the effect of factors such as ethnic origin, sex, demeanor, socioeconomic status, and family situation on the decisionmaking of probation officers, who prepare disposition reports and recommendations, and judges, who render the final dispositions in formally adjudicated cases. The effects of such personal characteristics on the outcome of adjudications were contrasted to the influence of more objective factors, such as the nature of the offense committed by the children and their prior record of involvement in delinquency.²⁷ Because the findings contained in this body of research are highly inconsistent,²⁸ neither the advocates nor the critics of the unstructured dispositional authority of contemporary juvenile courts can boast a solid empirical basis for their positions.²⁹ In part, this inconsistency results from differences between the various localities in which research has been conducted; thus, those concerned with the possibility of improper decisionmaking at the dispositional stage of juvenile court processing should examine the relevant data with respect to the particular locality, and, concomitantly, should avoid generalizing the results of research to other potentially disparate localities. Accordingly, this article examines the extent to which various personal characteristics of offenders affected the disposition of juvenile court cases in one Virginia area between 1966 and 1973. The article is also intended to serve as an example of the way that behavioral scientists, using contemporary methods of empirical research, can contribute to the resolution of difficult legal issues on which reliable data are all too frequently lacking.

juvenile code. See, e.g., ILL. ANN. STAT. ch. 37, §§ 702-2, 705-2 (Smith-Hurd 1972); PA. STAT. ANN. tit. 11, § 50-102, 50-103 (Cum. Supp. 1976).

25. See notes 12-13 *supra*.

26. See, e.g., *In re Gault*, 387 U.S. 1, 14-31 (1967).

27. See, e.g., Chused, *supra* note 15; Terry, *supra* note 19; Thornberry, *Race, Socio-economic Status and Sentencing in the Juvenile Justice System*, 64 J. CRIM. L. & CRIMINOLOGY 90 (1973).

28. See, e.g., notes 30-54 *infra* & accompanying text.

29. See note 55 *infra* & accompanying text.

Prior Research

Upon initial examination, those critical of the continuing absence of an effective integration of criminological theory, behavioral science research, and the law may be discouraged by the disparity between the theory and reality of the decisionmaking processes at any level of the criminal justice system. Previous work that directly or indirectly attempted to provide a paradigm that would account for non-offense-related variations in juvenile court dispositions, such as the currently popular labeling paradigm,³⁰ hypothesized that numerous variables were associated with judicial decisions. In general, this body of literature suggested that, unless effectively precluded by the structure of the judicial decisionmaking process, case dispositions would tend to reflect the preferences of those in positions of power and to discriminate against those who, for legally irrelevant reasons, lacked the requisite level of social, economic, and political power that might otherwise inhibit their being treated harshly.³¹

Attempts to verify such conceptual models through empirical evidence gathered from studies of the decision to arrest,³² the determination of court intake officers to refer juveniles for a formal hearing,³³ and

30. Concisely stated, the labeling approach to deviant behavior (also referred to as the societal reaction and interactionist approach) contends that "deviant behavior is less a function of a person's overt acts than an interpretation and definition of those acts by others." Rushing, *Individual Resources, Societal Reaction, and Hospital Commitment*, 77 AM. J. SOCIOLOGY 511 (1971). See I. TAYLOR, P. WALTON & J. YOUNG, *THE NEW CRIMINOLOGY: FOR A SOCIAL THEORY OF DEVIANCE* 140-44 (1973). The labeling paradigm has become the most significant contemporary development in the sociology of deviance. Although the model has been associated with the position advanced in F. TANNENBAUM, *CRIME AND THE COMMUNITY* (1938), the best contemporary statements of the approach include E. SCHUR, *LABELING DEVIANT BEHAVIOR* (1971); I. TAYLOR, P. WALTON & J. YOUNG, *supra*; R. HAWKINS & G. TIEDEMAN, *THE CREATION OF DEVIANCE: INTERPERSONAL AND ORGANIZATIONAL DETERMINANTS* (1975). Critical evaluations of the model are provided by the above authors as well as by Akers, *Problems in the Sociology of Deviance: Social Definitions and Behavior*, 46 SOCIAL FORCES 455 (1968); Gibbs, *Issues in Defining Deviant Behavior*, in *THEORETICAL PERSPECTIVES ON DEVIANCE* (R. Scott & J. Douglas eds. 1972).

31. T. SCHEFF, *BEING MENTALLY ILL: A SOCIOLOGICAL THEORY* (1966); E. SCHUR, *supra* note 30; A. TURK, *CRIMINALITY AND LEGAL ORDER* (1969); Chiricos, Jackson & Waldo, *Inequality in the Imposition of a Criminal Label*, 19 SOCIAL PROBLEMS 553 (1972); Rushing, *supra* note 30; Schwartz & Skolnick, *Two Studies of Legal Stigma*, 10 SOCIAL PROBLEMS 133 (1962).

32. See, e.g., sources cited note 16 *supra*.

33. See, e.g., Arnold, *Race and Ethnicity Relative to Other Factors in Juvenile Court Dispositions*, 77 AMER. J. SOCIOLOGY 211 (1971); Ferster & Courtless, *The Intake Process in the Affluent County Juvenile Court*, 22 HASTINGS L.J. 1127 (1971); Terry, *supra* note 19; Thomas & Sieverdes, *supra* note 19.

actual court decisions³⁴ have resulted in remarkably inconsistent findings concerning the influence on juvenile court dispositions of hypothetically significant personal characteristics. As one research team noted in a study of juvenile court referrals, "even a superficial review of the relevant literature leaves one with the rather uncomfortable feeling that the only consistent finding of prior research is that there are no consistencies in the determinants of the decision-making process."³⁵

A similar difficulty confronts those who undertake an examination of judicial decisionmaking at the dispositional stage. Studies examining the relationship between ethnicity and case disposition, for example, variously report no relationship,³⁶ relatively more severe treatment of blacks,³⁷ and harsher treatment of whites.³⁸ Evaluations of the importance of socioeconomic status alternately have shown that juveniles from lower socioeconomic backgrounds are more severely sanctioned³⁹ and that socioeconomic status is largely irrelevant.⁴⁰ Although home stability generally has been thought a poor predictor of case disposition,⁴¹ at least two researchers have found that juveniles from broken homes receive more serious dispositions.⁴² Likewise, while many studies have observed that girls tend to be more harshly treated than boys if their cases are referred for a formal hearing,⁴³ there is also evidence to the contrary.⁴⁴ There are, however, consistent findings that juveniles not enrolled in school are more harshly disposed of than those enrolled at the time of their hearing.⁴⁵

It should also be noted that certain potentially meaningful variables

34. See notes 36-64 *infra* & accompanying text.

35. Thomas & Sieverdes, *supra* note 19, at 416.

36. Ferdinand & Luchterhand, *Inner-City Youth, the Police, the Juvenile Court, and Justice*, 17 *SOCIAL PROBLEMS* 510, 521-22 (1970); Terry, *supra* note 19, at 177-79.

37. Arnold, *supra* note 33, at 217-26; Thornberry, *supra* note 27, at 93-98.

38. Scarpitti & Stephenson, *Juvenile Court Dispositions: Factors in the Decision-making Process*, 17 *CRIME & DELINQUENCY* 142, 148 (1971). See also Ferster & Courtless, *Pre-dispositional Data, Role of Counsel and Decisions in a Juvenile Court*, 7 *LAW & Soc'y REV.* 195, 211-12 (1972).

39. C. Sieverdes, *Differential Disposition of Juvenile Offenders: A Study of Juvenile Court Labeling*, 1973 (unpublished Ph.D. dissertation, Mississippi State University); Scarpitti & Stephenson, *supra* note 38, at 145-46; Thornberry, *supra* note 27, at 96-98.

40. Arnold, *supra* note 33, at 218; Terry, *supra* note 19, at 177-80.

41. See Arnold, *supra* note 33; Ferdinand & Luchterhand, *supra* note 36, at 522; Scarpitti & Stephenson, *supra* note 38, at 146.

42. C. Sieverdes, *supra* note 39; Chused, *supra* note 15, at 528.

43. Chused, *supra* note 15, at 528, 529; Terry, *supra* note 19, at 178.

44. C. Sieverdes, *supra* note 39.

45. C. Sieverdes, *supra* note 39; Scarpitti & Stephenson, *supra* note 38, at 146.

such as the identity and preferences of the complainant,⁴⁶ the imposition of pretrial detention,⁴⁷ the presence of counsel,⁴⁸ the juvenile's demeanor in court,⁴⁹ and the characteristics of the judge hearing the case⁵⁰ have been the subject of little research. The available evidence suggests that these factors significantly influence dispositions in both juvenile and adult courts; again, however, there are discrepant findings.⁵¹ Only very preliminary attempts have been made to link these variations to other factors which might explain the differences.⁵² Similarly, some initial attempts have been made to relate the source of complaint to case dispositions. For example, two independent studies have noted a tendency for complaints filed by parents to terminate in harsh dispositions,⁵³ while a third has reported contrary results.⁵⁴

Several reasons can be suggested for this volume of conflicting evidence. One of the more obvious is that important characteristics of juvenile court systems vary between jurisdictions. The statutory and procedural constraints, as well as the community expectations, under which courts operate, the organizational structure of the courts, and the quality, training, academic background, and social perspective of staff members will influence dispositions. A recent study of three New Jersey counties, for example, revealed considerable variation in the influences on the decisionmaking process among the courts studied.⁵⁵ Furthermore, some of the available literature does not allow the relative importance of social factors to be determined because of the absence or inadequacy of controls for such basic variables as the seriousness of the offense and the

46. See Black & Reiss, *supra* note 16, at 74-75.

47. See, e.g., Chused, *supra* note 15, at 526-27, 534, 598, 600, 601.

48. See, e.g., Chused, *supra* note 15, at 526, 584-85; Ferster & Courtless, *supra* note 38, at 206-09, 214, 219; Susman, *Juvenile Justice: Even-handed or Many-handed?*, 19 CRIME & DELINQUENCY 493, 502 (1973).

49. See A. CIRCOUREL, *supra* note 16; Black & Reiss, *supra* note 16, at 74-75; Ferdinand & Luchterhand, *supra* note 36, at 516-18; Piliavin & Briar, *supra* note 16, at 210; Werthman & Piliavin, *supra* note 16, at 74.

50. See Gaudet, *The Differences Between Judges in the Granting of Sentences of Probation*, 19 TEMP. L.Q. 493 (1973); Gaudet, Harris & St. John, *Individual Differences in Penitentiary Sentences Given by Different Judges*, 18 J. APPLIED PSYCHOLOGY 675 (1934); Nagel, *Judicial Backgrounds and Criminal Cases*, 53 J. CRIM. L.C. & P.S. 333 (1962); Susman, *supra* note 48, at 504, 505.

51. As to the effect of the judge and the presence of counsel, compare Susman, *supra* note 48, with Ferster & Courtless, *supra* note 38, at 206, 214.

52. See, e.g., Nagel, *supra* note 50; Susman, *supra* note 48.

53. Chused, *supra* note 15, at 523, 531, 602; Ferster & Courtless, *supra* note 38, at 212, 213.

54. Terry, *supra* note 19, at 175 & n.16, 177-78.

55. Chused, *supra* note 15, at 504-615.

child's prior offense records.⁵⁶ Finally, there is considerable variation in the manner in which the crucially important disposition variable has been defined. Terry employed a dichotomy of formal supervision and commitment;⁵⁷ Arnold contrasted commitment to non-commitment;⁵⁸ and Thornberry compared the proportion of offenders placed on probation with the proportion institutionalized.⁵⁹ Thus, in addition to the problem of inadequate comparative data, basic methodological differences continue to hamper the accumulation of a body of reliable information in this area.

In short, previous research has provided only inconsistent clues as to the influence of personal characteristics on the disposition of juvenile offenders. Even a direct comparison of the sophisticated research of Terry⁶⁰ and of Thornberry⁶¹ reveals contradictory evidence.⁶² Significantly, the available research on the determinants of police decision-making and on the decision of probation or intake officers to refer a case for a formal court hearing reveals similarly inconsistent findings with regard to the relative importance of personal characteristics.⁶³ Given such a body of literature, any hypothesis about the extent to which personal attributes of offenders alter the probability and severity of judicial decisions must be considered extremely speculative.⁶⁴

56. See, e.g., Scarpitti & Stephenson, *supra* note 38.

57. Terry, *supra* note 19, at 176.

58. Arnold, *supra* note 33, at 211.

59. Thornberry, *supra* note 27, at 93.

60. Terry, *supra* note 19.

61. Thornberry, *supra* note 27.

62. While Terry found no significant relationship between the severity of the disposition and race and socioeconomic status, Terry, *supra* note 19, at 174-80, Thornberry found the converse. Thornberry, *supra* note 27, at 93-98.

63. For example, while Terry, *supra* note 19, at 177, found that race was not a factor in police dispositions, Thomas & Sieverdes, *supra* note 19, at 425-29, reached a contrary result.

64. The emphasis of this study on inconsistent and contradictory findings with respect to the association between personal factors and case dispositions should not be taken to mean that more objective factors have consistently been found to be good predictors. Positive relationships have generally been noted between seriousness of offense and severity of sanctions, but there are exceptions. Compare Ferdinand & Luchterhand, *supra* note 36, at 521; Scarpitti & Stephenson, *supra* note 38, at 148; Terry, *supra* note 19, at 177-79; Thornberry, *supra* note 27, at 94-95, 97-98; with Ferster & Courtless, *supra* note 38, at 212-13; Lerman, *Child Convicts*, TRANSACTION, July-Aug. 1971, at 35. Review of the literature reveals that only one factor—prior offense record—is a consistent predictor of juvenile court judges' decisionmaking. See, e.g., Chused, *supra* note 15, at 526, 527, 600, 603; Ferster & Courtless, *supra* note 38, at 213; Scarpitti & Stephenson, *supra* note 38, at 149; Terry, *supra* note 19, at 177-79; Thornberry, *supra* note 27, at 94, 97, 98.

Research and Methodology

Data for the analysis which follows were taken from juvenile court records in one of the standard metropolitan statistical areas⁶⁵ in Virginia. Although a review of cases processed between January 1, 1966, and July 31, 1973, yielded a sample of 1,522 juveniles who had come before the court one or more times during that time period, only those juveniles for whom relatively complete social background information was available were chosen for inclusion in the sample. This nonrandom sampling procedure provided a disproportionately large number of juveniles who had been referred to court for comparatively serious offenses or because of histories of previous delinquent involvement, but the bias introduced into the study by this anomaly should be minimal because both seriousness of the offense and prior offense record were held constant in the analysis.

The court records in this sample were reviewed to obtain data on the source of complaint, the nature of the offense, the judge who heard the case, the judicial disposition, and the prior record, socioeconomic status, ethnicity, home situation, and school enrollment of the juvenile. These data were then subdivided to enable more precise analysis. *Offenses* were divided into felonies, misdemeanors, or status offenses, as defined in the Virginia Code.⁶⁶ *Prior offenses* were trichotomized, juveniles with no prior offenses constituting one group, those with one prior offense a second group, and those with more than one prior offense the third group. *Socioeconomic status* was determined on the basis of the occupational prestige of the juvenile's father (or mother, if there was no male head of the household). The four categories of this variable included professionals, managers, white collar and sales workers, and blue collar and unskilled workers. The *home situation* variable included four categories: both father and mother present in the home, one natural parent and one stepparent in the home, father or mother present, and neither father nor mother present. *Complaints* were coded as having been in-

65. A standard metropolitan statistical area (SMSA), a term defined by the United States Bureau of the Census, is a "county or group of contiguous counties which contain at least one city of 50,000 inhabitants or more, or 'twin cities' with a combined population of at least 50,000. In addition to the county, or counties, containing such a city or cities, contiguous counties are included in the SMSA if, according to certain criteria, they are socially and economically integrated with the central city. . . . In the New England States, SMSA's consist of towns and cities instead of counties." 1 UNITED STATES BUREAU OF THE CENSUS, HOUSING CHARACTERISTICS FOR STATES, CITIES, AND COUNTIES, UNITED STATES SUMMARY, pt. 1, at App-3 (1972).

66. See VA. CODE ANN. §§ 16.1-158, 18.2-8 (Repl. Vol. 1975).

initiated by the juvenile's parents, other private citizens, social service agencies and school officials, or the police. Finally, the *dispositional alternatives* were grouped into dismissals, continuances or dispositions that called for fines or required restitution to the victim, probation, suspended sentences, and institutional commitments.

Analysis and Findings

Prior research has shown that a variety of personal characteristics, as well as the gravity of the offense and the juvenile's previous record, are associated with both the type and the severity of juvenile court case dispositions.⁶⁷ Some research at the dispositional stage, however, has found that the relevance of presumably significant personal attributes, particularly race and socioeconomic status, is considerably diminished when objective factors, such as the type of offense and the prior record of the juvenile, are held constant;⁶⁸ this has generally been interpreted to be a function of the statistical interaction that has been noted between the two groups of variables.⁶⁹ Other studies have found a statistically significant association between personal factors and dispositions even

67. See notes 36-41 *supra* & accompanying text.

68. See, e.g., Terry, *supra* note 19.

69. Establishing a correlation between two variables does not demonstrate that they are causally related to one another. At least two additional types of evidence are essential for causal arguments: temporal order (the cause must occur prior in time to the effect), and the absence of spuriousness (the demonstration that variables other than the independent variable under consideration did not produce the observed effect). To cite a nonsense example that illustrates the point quite well, we can demonstrate that the number of ministers ordained in the United States each year is highly correlated with the number of gallons of rum produced in Puerto Rico and that increases in the production of ministers (the independent variable) occurs prior to the increased output of rum (the dependent variable). Are we to conclude that ministers drive the population to drink? Perhaps, but a more direct interpretation is that population increase, an unexamined variable, causes a demand for both more ministers *and* more rum. The initial relationship is spurious. In the context of the substantive issue being addressed in this paper, some of the prior researchers have suggested that race and socioeconomic status are correlated with offense type; offense type is, in turn, correlated with type of case disposition. If race or socioeconomic status is correlated with disposition without the biasing effect of offense type being removed, a correlation may be discovered that is not "real." Instead, it is only a statistical artifact produced by the association between the independent variables, race and socioeconomic status, and an unexamined variable, offense type. This type of problem makes it essential that those unfamiliar with statistical techniques exercise extreme caution in their interpretation of the types of empirical articles that are appearing with increasing frequency in the legal literature. For an excellent and nontechnical introduction to the problems of analyzing and interpreting data, see T. HIRSCHI & H. SELVIN, *DELINQUENCY RESEARCH* (1967).

when type of offense and prior record are held constant.⁷⁰ The purpose of the analysis of this study is to remove the complicating effect of both offense type and prior record in order to obtain a more accurate assessment of the relevance of personal characteristics in the dispositional process in the standard metropolitan statistical area under study.

The initial step is to determine which variables are associated with each of various dispositions when the type of offense and offense record are not held constant. The pertinent findings of this aspect of the analysis are summarized in the correlation matrix⁷¹ presented in table 1. The table

TABLE 1
INTERCORRELATION MATRIX (CRAMER'S C) OF VARIABLES

	X ₁	X ₂	X ₃	X ₄	X ₅	X ₆	X ₇	X ₈	X ₉	X ₁₀
X ₁	1.000	.118	.096	.185	.074	.089	.177	.159	.275	.202
X ₂		1.000	.045*	.047*	.065*	.038*	.337	.077	.050*	.429
X ₃			1.000	.059*	.217	.336	.102	.106	.091	.091
X ₄				1.000	.097	.061*	.068*	.054*	.135	.142
X ₅					1.000	.136	.081	.056*	.025*	.054*
X ₆						1.000	.052*	.075	.063*	.040*
X ₇							1.000	.135	.202	.507
X ₈								1.000	.080	.002*
X ₉									1.000	.098
X ₁₀										1.000
<hr/>										
X ₁ = Disposition						X ₆ = Socioeconomic Status				
X ₂ = Sex						X ₇ = Complainant				
X ₃ = Race						X ₈ = Judge				
X ₄ = School Enrollment						X ₉ = Prior Offense Record				
X ₅ = Home Situation						X ₁₀ = Offense Type				

*Indicates coefficients that are not significant at or less than the .05 significance level.

shows that, with the exception of the very weak (but still statistically significant) association between race, socioeconomic status, and disposi-

70. See, e.g., Thornberry, *supra* note 27.

71. A correlation matrix provides information on the level of association found between each variable and every other variable under consideration. Such a matrix provides an initial illustration of how closely a set of independent variables are associated with the major dependent variable (case disposition), and also reveals how closely the independent variables are correlated with one another. This alerts the analyst to any interactions between general categories of independent variables that need to be taken into consideration in more carefully controlled segments of the analysis. See note 69 *supra*.

tion, the results of this study are generally consistent with the preponderance of earlier research.⁷² Ranked from highest to lowest level of association, the ordering of the predictor variables was prior offense record ($C = .275$), type of offense ($C = .202$), school status ($C = .185$), complainant ($C = .177$), which judge heard the case ($C = .159$), sex ($C = .118$), race ($C = .096$), socioeconomic status ($C = .089$), and home situation ($C = .074$).⁷³

These associations suggest that although objective and personal factors are taken into consideration, the objective factors are more closely associated with dispositions. More significant, however, is the inconsistency of those linkages when the distributions within the tables which yielded these associations are closely examined. Limitations of space preclude the presentation of each of the relevant contingency tables,⁷⁴ but the general implication that can be drawn from them is that the disproportionate representation of those sharing any given trait at one point along the continuum of severity of case disposition does not necessarily, or even typically, mean that there will be a similar imbalance at any other point along that continuum. This, in turn, strongly suggests that previous research, which either treated case disposition as a dichotomy or applied

72. See notes 36-54 *supra* & accompanying text.

73. Cramer's C (sometimes referred to as Cramer's V), the measure of association employed in this analysis, is but one of several measures of association that are based on the X^2 (chi-square) test. X^2 is a measure of the extent to which the distribution of cases in a contingency table that is composed of c columns and r rows differs from the distribution that would be predicted on the basis of simple probability computations if we assumed that the two variables were statistically independent of one another. For example, a computed X^2 statistically significant at the .01 significant level indicates that the distribution under examination only would be expected to occur purely by chance 1 out of 100 times; in other words, the variables would appear to be linked with one another in a manner not attributable to pure chance. This statistic, however, does not provide any information on the degree of association that exists between the variables under consideration. Measures of the type provided by Cramer's C are therefore necessary. This measure of association, unlike the more familiar Pearsonian correlation coefficient and a variety of other frequently employed measures, has a lower limit of zero and an upper limit of 1.0 rather than ranging between a -1.0 (perfect inverse correlation) and a $+1.0$ (perfect direct correlation). It does, however, provide a useful means of comparing variations in the magnitude of association that exists between, for example, a series of independent variables and a dependent variable. The higher the value of C , the more closely an independent and a dependent variable are linked with one another. As indicated previously, however, the mere presence of a high level of correlation, even a perfect correlation of 1.0, does not mean that the variables are causally related. See note 69 *supra*.

74. For a nontechnical discussion of what a contingency table is and how such crosstabulation tables provide a meaningful tool for behavioral science researchers, see N. NIE, SPSS: STATISTICAL PACKAGE FOR THE SOCIAL SCIENCES 218-248 (2d ed. 1975).

statistical measures which assume additive linear relationships among the variables under examination, may have produced very misleading interpretations of the manner in which both personal and objective factors affect decisionmaking.

This inconsistent pattern was observed in virtually every relationship between the predictor variables and case disposition. For example, those in the highest and lowest socioeconomic groups were equally represented (34.9 percent of each group) when the sanction imposed was something less serious than probation, but juveniles in the lowest socioeconomic status group were considerably more likely to be committed to a juvenile corrections institution than were those from the highest group (22.0 percent to 14.3 percent). Similarly, while males and females were almost equally likely to be committed (16.5 percent to 16.7 percent), males were more likely to receive a suspended sentence than were females (10.2 percent to 3.5 percent). In addition, there was a tendency for those who shared a common characteristic to receive more lenient dispositions than other groups at one point along the seriousness continuum while being treated less leniently than those groups at another point along this continuum. Two examples will illustrate this seeming paradox. First, the black juveniles in the sample were both more likely to have their cases dismissed than were whites (12.2 percent to 8.6 percent) and more likely to be committed for their offenses (27.1 percent to 13.9 percent). Likewise, and surprisingly, juveniles with multiple prior offenses had charges against them dismissed far more frequently than those with no prior offenses (23.6 percent to only 3.1 percent), but they also were committed more often than their first-offense counterparts (28.5 percent to 8.8 percent).

Several possible explanations of these findings, all meriting further exploration, present themselves at this level of analysis. First, it should be noted that the levels of association between both objective and personal variables and case dispositions are of weak to moderate magnitude, suggesting that no single factor exerts a major independent influence on judicial decisionmaking. Given the philosophy of the juvenile court system, this might be interpreted as a positive finding, for it may indicate consideration of a broad spectrum of variables during the dispositional process in an effort to individualize the decision. The same data give rise to another possible, though quite dissimilar, interpretation: that some who share given personal characteristics will be treated in a significantly different fashion from others drawn from different segments of the popu-

lation. Thus, juveniles against whom complaints are filed by one type of complainant are perhaps being treated in a different manner from others who have engaged in comparable behavior but whose offense has been brought to the attention of social control agencies by a different complainant; or, perhaps those who come before one judge are receiving different dispositions than those who appear before another judge regardless of who they are or what their present and past offense record might be. These latter points could not be resolved without conducting a more controlled analysis, and it is to this end that the remainder of this study is directed.

Tables 2 and 3 provide a summary of the multivariate analysis obtained from the data collected for this study.⁷⁵ This aspect of the analysis is designed to determine whether personal characteristics exert a significant effect on judicial decisionmaking when the potentially complicating influences of offense type and prior record are alternately held constant. Table 2 shows the results obtained when seriousness of offense is held constant; table 3 demonstrates the consequences of controlling for prior offense record. If the initial associations between personal attributes and dispositions were mere artifacts of the statistical interaction between the personal and objective factors,⁷⁶ the levels of association between the personal factors and case dispositions would be expected to be reduced greatly, if not altogether eliminated, when the influence of the objective factors is removed. On the other hand, if the personal characteristics have an impact on case dispositions that is independent of the objective factors, the relationships observed between the personal factors and case disposition in table 1 should not be affected significantly.

The findings of the multivariate analysis presented in table 2 are particularly interesting for two reasons. First, in no instance was it found that the introduction of a control for the type of offense eliminated the relationship between the personal factors and case disposition. On the contrary, a substantial number of the associations became even stronger

75. A bivariate analysis would present the association between an independent variable and a dependent variable without any other variable being taken into consideration. As indicated above, however, it is almost always necessary to go beyond a bivariate analysis to allow a focus on additional variables. See note 69 *supra*. In tables 2 and 3 this is achieved by examining the association between personal characteristics and case disposition while holding type of offense and prior offense record constant. This yields a set of conditional associations, the associations between an independent and a dependent variable under each category of a control variable, and effectively removes the potential biasing influence of the third variable.

76. See note 69 *supra*.

TABLE 2

CONDITIONAL ASSOCIATION BETWEEN PERSONAL AND OTHER
FACTORS AND CASE DISPOSITION WHEN OFFENSE TYPE
IS HELD CONSTANT

<i>Independent Variable</i>	<i>Dependent Variable: Case Disposition</i>	<i>Original Correlation</i>	<i>Offense Type</i>	<i>Conditional Correlation</i>
Sex		.118	Felony	.107
			Misdemeanor	.117
			Status Offense	.106
Race		.096	Felony	.166
			Misdemeanor	.102
			Status Offense	.148
School Enrollment		.185	Felony	.248
			Misdemeanor	.224
			Status Offense	.134
Home Situation		.074	Felony	.132
			Misdemeanor	.118
			Status Offense	.124
Socioeconomic Status		.089	Felony	.132
			Misdemeanor	.111
			Status Offense	.111
Complainant		.177	Felony	.106
			Misdemeanor	.103
			Status Offense	.129
Judge		.159	Felony	.187
			Misdemeanor	.145
			Status Offense	.269

than had been noted previously. Secondly, and even more importantly, an examination of the tables themselves reveals a tendency away from the inconsistent disposition patterns described above. Within each category of offense, males were treated more harshly than females, blacks more harshly than whites, school dropouts more harshly than those who were enrolled in school at the time of their court appearance, and those from broken homes more harshly than those with stable home environments. In other words, when the type of offense was held constant, judges appeared to impose sanctions upon those who shared particular characteristics more consistently than was the case when type of offense was not controlled.

The results obtained with the other personal variables are not as straightforward. For example, juveniles with lower socioeconomic back-

grounds tended to receive stiffer sanctions for felonies or status offenses, but when the offense was a misdemeanor, all socioeconomic categories were dealt with in a more equitable fashion.⁷⁷ The significance of the complainant variable depended upon the type of offense. The vast majority of felony complaints came from the police (86.6 percent) and the frequencies observed for other sources of complaints were too small to be meaningful. At the other end of the spectrum of offenses, the situation changed considerably. Status offense complaints received from parents or guardians were disposed of more harshly than those received from other sources. Finally, the differential sentencing preferences of the three juvenile court judges who litigated the preponderance of the cases in the sample should be noted. One judge, for example, tended to dismiss the petition (25.0 percent) or to assign either suspended or actual commitment sentences (30.8 percent) in felony cases; the other two judges most frequently deemed probation to be appropriate for felony offenders (29.6 and 26.1 percent, respectively).

In short, the introduction of control upon the variable of offense type generally produced a more interpretable, consistent set of relationships between the personal factors under examination and case disposition. The slight variation noted in the linkage of socioeconomic status with disposition does not appear to alter this trend significantly. The continuing inconsistency with regard to the complainant variable can be explained by the strong association between offense type and source of complaint ($C = .507$). The discrepant reactions of the judges, although important, are difficult to interpret because the data do not include any information on the characteristics of the judges before whom the sample of juveniles appeared.

The introduction of prior offense record as a control presents one methodological problem that was not so pronounced when offense type was held constant. Most of those in the sample (55.83 percent) had no prior record in the area from which the data were obtained, despite the fact that the selection procedures yielded a disproportionately large number of juveniles with relatively serious records of delinquent behavior. Moreover, only 11.90 percent had multiple prior offenses, as contrasted to the 37.27 percent who had only one prior offense recorded. It follows that, because the dependent variable includes five dispositional categories, these findings must be interpreted with care, especially when

77. It should be noted, however, that juveniles from higher socioeconomic backgrounds were most likely to be placed on probation for such offenses.

examining the associations between personal factors and disposition among the cases which involved juveniles with more than one previous offense.

TABLE 3

CONDITIONAL ASSOCIATION BETWEEN PERSONAL AND OTHER
FACTORS AND CASE DISPOSITION WHEN PRIOR RECORD
IS HELD CONSTANT

<i>Independent Variable</i>	<i>Dependent Variable: Case Disposition</i>	<i>Original Correlation</i>	<i>Prior Offense</i>	<i>Conditional Correlation</i>
Sex		.118	None	.162
			One	.132
			Two or More	.045
Race		.096	None	.138
			One	.061
			Two or More	.109
School Enrollment		.185	None	.245
			One	.163
			Two or More	.214
Home Situation		.074	None	.118
			One	.076
			Two or More	.179
Socioeconomic Status		.089	None	.104
			One	.131
			Two or More	.128
Complainant		.177	None	.153
			One	.187
			Two or More	.138
Judge		.159	None	.108
			One	.253
			Two or More	.356

The findings summarized in table 3 show that in only 1 of 21 situations shown in table 3 did the introduction of control on the prior offense record eliminate a relationship shown in table 1. This indicates that the initial linkages of personal factors with disposition were not merely a function of the association of personal factors and disposition with prior offense record. Indeed, as was true when the gravity of the offense was introduced as a control, by holding prior offense record constant a number of conditional relationships emerged more clearly.

Unlike the results obtained by analyzing the influence of the gravity of the offense, holding the prior record constant did not system-

atically eliminate the inconsistent disposition patterns shown by the uncontrolled correlation of type of dispositions to other personal variables. Girls with no prior record were more likely to receive light sanctions or to have their cases dismissed than their male counterparts, whereas girls with one prior offense were most likely to receive light or harsh punishment. The sex of the offender was shown to be largely irrelevant in determining the case disposition of those with multiple prior offenses. Juveniles from single-parent or totally broken homes were more likely to receive serious sanctions when they had no prior record, and to be confined when they had one prior offense, than their counterparts from stable, intact homes. Similarly, the relevance of socioeconomic status apparently diminished as the number of prior offenses increased. On the other hand, the influence of race and school enrollment showed a consistent pattern, particularly when the relative probabilities of confinement are compared. Regardless of the number of prior offenses, blacks and school dropouts were considerably more likely to face confinement for their offenses than were whites and those attending school.

With regard to the influence of factors other than personal characteristics of the juveniles, the findings become difficult to interpret when prior offense record was held constant. The only consistent trend in the association between complainant and disposition was that citizen-initiated complaints uniformly resulted in less harsh dispositions than all other types of complaints. The typical sanction applied to citizen-initiated complaints was a continuance of the case. Complaints initiated by social service agencies and schools culminated in generally moderate dispositions regardless of the number of prior offenses. The difference between reactions to parentally-initiated complaints and those coming from the police is explained by the more frequent confinement of the juvenile when the complaint was filed by a parent; this difference, however, diminished when the juvenile had more than one prior offense.

The relationship between the judge before whom the case was heard and case disposition was somewhat erratic under the three prior record conditions. In general, the judges were hesitant to severely sanction juveniles with no prior offense record (only 8.7 percent of our sample faced commitment when they had no prior offense record) and inclined to apply harsh sanctions to those with relatively long records (28.5 percent of the juveniles with more than one offense were committed). Interestingly, the greatest disparity among the judges occurred in situations

where the juvenile had one prior offense. For example, one judge committed only 4.7 percent of those juveniles who had only one prior offense on record although he committed 26.1 percent of those with multiple prior offenses, while a colleague committed 31.1 percent of those with one prior offense and 33.7 percent of those with multiple prior offenses.

Notwithstanding the inconsistent disposition patterns observed in some instances, it is clear that personal factors continue to exhibit an influence on judicial dispositions of juvenile offenders when the effect of their prior offense record is controlled, just as they do when the nature of the present offense is held constant.

CONCLUSION

The foregoing analysis of the relationship between a juvenile's personal characteristics and the disposition of his case in one metropolitan juvenile court system was prompted by three considerations. First, advocates of the present informal, flexible model for juvenile court operations argue that it is only within such a setting that the individualized treatment of young offenders can be achieved. They claim that attempts to structure the disposition stage or to circumscribe juvenile court judges' discretion will endanger the rehabilitative goal of the juvenile courts. Critics, on the other hand, argue that the present system violates basic principles of criminal jurisprudence and has not been shown to be truly individualized or effective.⁷⁸ Thus, this examination has attempted to determine whether there is evidence that juvenile court dispositions systematically discriminate against particular segments of the population and thereby undermine any true individualization of juvenile court sanctions.

Secondly, important relationships may have been obscured in the previous literature by an absence of carefully controlled analysis, the selection of statistical measures of questionable utility given the nature of the data being analyzed, and an operationalization of the case disposition variable as a dichotomy. This study has attempted to avoid each of these problems to the fullest extent possible given the size of the obtainable sample and the type of information that could be abstracted from the official court records.

78. See generally *In re Gault*, 387 U.S. 1 (1967); S. WHEELER & L. COTTRELL, *JUVENILE DELINQUENCY: ITS PREVENTION AND CONTROL* (1966).

Finally, this analysis has attempted to examine the empirical adequacy of that variant of labeling theory⁷⁹ which holds that some segments of the population, particularly those without access to political and economic power, are more likely to receive harsh sanctions from social control agencies than other, more powerful segments.⁸⁰

As is often the case with any carefully conducted research, these findings are difficult to evaluate because of the considerable lack of consistency characterizing other research in this area. Nevertheless, the general trends detectable from these data are basically consistent with those reported by Thornberry,⁸¹ whose study was perhaps the most carefully designed to date. Specifically, personal and social, as well as objective, factors appear to influence case dispositions, but the levels of association, while generally statistically significant, are of only low to moderate magnitude. The relatively weak associations were not, however, eliminated when the potentially complicating influence of offense type and prior record were held constant. This is not to say that the pattern of influences found was completely consistent, particularly if the disposition of only the small segment of the sample of cases involving multiple offenders is examined. On the contrary, the data suggest that the relevance of a juvenile's social background characteristics, the source of the complaint filed against him, and the judge before whom a case happens to be heard are less significant should the juvenile be referred to court for a serious offense after having already appeared in court numerous times before. On the other hand, only 8.7 percent of the juveniles in the sample were appearing in court for a felony offense with a multiple prior offense record. For the vast majority of those on whom data were obtained, the severity of the sanctions the juveniles received was partly determined by who they were, who reported their behavior, and on whose court docket their case happened to appear.

Individualized justice? Perhaps. Certainly some of the factors which have been examined in this study may reasonably be considered more proper determinants of juvenile court dispositions than others. But if the findings demonstrate the presence of individualized juvenile justice,

79. See note 30 *supra*.

80. This latter point is particularly significant if the widely accepted hypothesis that the imposition of sanctions, instead of inhibiting recidivism, frequently contributes to future involvement in proscribed behavior. See R. HAWKINS & G. TIEDEMAN, *supra* note 30. This hypothesis has been criticized by a number of researchers. See, e.g., Tittle, *Deterrents or Labeling*, 53 SOCIAL FORCES 339 (1975).

81. Thornberry, *supra* note 27.

it is of a strange variety that seems most typically to apply its harshest sanctions to blacks, to those who have dropped out of school, to those in single-parent or broken homes, to those against whom a complaint was filed by a parent or a police officer, and to those from a lower socioeconomic background—to those, in other words, who are the least likely in our society to have the ability or the power to deal effectively with the juvenile court establishment.