# THE JUVENILE COURT AS A PEOPLE PROCESSING ORGANIZATION:

ORGANIZATIONAL DETERMINANTS OF CASE PROCESSING PATTERNS

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January, 1981

CRSO Working Paper #223

Copies available through:

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# Introduction

It is well acknowledged that the juvenile court serves as the major gate-keeper for the entry of juveniles into the correctional system, for the court has been granted the exclusive power to determine when the state can and will intervene in the lives of children and assume its <u>parens patriae</u> role. The discharge of such power is certainly not uniform or consistent among the courts. There are wide variations among juvenile courts both between and within states in patterns of case dispositions. A comprehensive national survey of juvenile courts (Sarri and Hasenfeld, 1976) revealed, for example, that the rate of commitment to correctional institutions, as a proportion of all the youth referred to the court, varied from less than 1 percent to 43 percent. Similarly, the rate of non-judicial handling varied from 1 percent to 96 percent.

Surprisingly, however, there has been little systematic and comparative research on the determinants of case disposition patterns among juvenile courts. Much of the current research falls into one of the following categories:

a) the phenomenology of decision making process in the court with particular emphasis on negotiations between juveniles, probation officers, attorneys, and judges and their effect on the labelling process (Cicourel, 1968, Emerson, 1969); b) the effects of attributes of juvenile offenders (e.g. sex, race, offense patterns) on disposition patterns, with particular attention to possible

discriminatory consequences (Arnold, 1971; Thornberry, 1973; Cohen, 1975); and c) the impact of legal procedures, particularly due process on case disposition (Stapelton and Teitelbaum, 1972).

There are several serious limitations to these studies. First, and foremost, they are based on case studies or small unrepresentative samples. Therefore, the validity, reliability or generalizability of their findings are exceedingly limited in light of the vast variations in case dispositions patterns among the courts. Second, they highlight one set of variables at the exclusion of others and are unable to assess the relative importance of each. Third, they lack a systematic conceptualization of the juvenile court itself, and in particular, they fail to recognize that the court is a complex organization functioning in a turbulent environment (for a notable exception see Emerson, 1969). As a result, the effects of the <a href="structural">structural</a> attributes of juvenile courts on case disposition patterns remain unexplored.

In this paper, we address ourselves explicitly to the juvenile court as a form of bureaucracy, and through a comparative perspective, attempt to estimate the impact of the court's organizational characteristics on its patterns of intervention in the lives of youth.

#### The Juvenile Court as a People Processing Organization

The juvenile court belongs to a class of organizations that we have termed "people processing" (Hasenfeld, 1972), and which are characterized by the nature of their produce, i.e. people with a conferred social label and status. The core technology of these organizations consists of a system of classification-disposition through which persons as the "raw material" are assessed, evaluated and affixed a social label. The purpose of the label is to evoke a predetermined response from other organizations who are the recipients of the processed persons. In the case of the juvenile court, the "raw material" are youth referred by police, schools, parents and others. They are

subject to a process of classification-disposition by the intake workers, judge, and probation officers who confer upon them a label such as "delinquent," "in need of supervision" accompanied with a specified disposition such as "counseled, warned and released," "probation" or "commitment". The court anticipates that the recipients of the processed youth, other youth serving agencies, will respond to the label in manner that will result in desired behavioral changes in the youth.

For this study we have chosen to focus on commitment rates to correctional institutions, since such disposition reflects the most severe form of court intervention in the lives of youth, as well as the greatest burden on the state in caring for them. It is the mode of disposition that has evoked the greatest controversy about the role of the juvenile court because of its direct impact on the entire juvenile correctional system.

The feasibility of commitment as a disposition option is contingent on the judicial processing of the youth (in contrast to non-judicial handling), which involves the filing of a formal petition or complaint, the holding of a judicial hearing, and a formal adjudication of the youth. Thus, only judicially processed youth can be committed to correctional institutions. Consequently, the overall commitment rate is the arithmetic product of the proportion of youth handled judicially and the proportion of youth committed of those judicially handled. That is,  $\frac{C}{T} = \frac{C}{J} \cdot \frac{J}{T}$ , where C = cases committed; J = cases judicially processed; T = total cases processed.

From a people-processing perspective, then, the decision to judicially handle the youth occurs as the youth enters the organization, while the decision to commit occurs at point of exit. Hence, it can be readily noted that the core technology is located at the boundaries of the organization, since the major task for the court "production" staff is to negotiate appropriate entry and exit labels as the youth cross the organizational boundaries.

# The Political Economy of Juvenile Courts

We propose that the operationalization of the people-processing technology of the juvenile court can best be understood from a political economy perspective (Wamsely and Zald, 1976). The juvenile court, like other public bureaucracies, can be conceptualized as an arena in which various interest groups, with differential access to resources needed by the court to survive and function, negotiate among themselves to shape its operative goals so that they reflect their respective interests and values. Some interest groups such as the police may wish the court to pursue a "law and order" orientation, while legal interest groups such as the public defender may influence the court to emphasize due process in its proceedings. The juvenile court judges, if elected, may represent the interest of their political constituencies.

The negotiated operative goals of the court, reflected in its peopleprocessing technology, are therefore, a function of the political and economic
processes both within and without the organization which determine how and by
whom resources and power are mobilized for the court, and how they are
allocated internally. Following Wamsely and Zald (1976) we can identify four
sets of structural variables which shape these processes in the juvenile court.

a. The External Polity. It refers to the exchanges between the organization and external units "for control over legitimation, resource base, goal definitions, and the channels for exertion of influence" (p. 21). For the juvenile court it is operationalized as: a) the location of the court in the overall judicial system which affects its judicial legitimation and prestige; b) whether the judge is elected or appointed which affects the influence of political constituencies on the court; and c) the influence on court policies of critical elements in the task environment such as referring agencies (e.g. police, schools, social service agencies), legal institutions (e.g. state supreme court, public prosecutor, public defender), and other youth service agencies.

- b. The External Economy. It refers to conditions which affect the supply of resources to the court and the demand for its services. In this context it is operationalized as: a) the economic status of the community which affects both the potential fiscal resources the court can mobilize and the demand for court services; b) the volume and seriousness of offense of the youth referred to the court which affects the demand characteristics for court services; and c) the access of the court to community services which affects the supply of youth service resources available to the court.
- c. The Internal Polity. It refers to the internal structure of authority, and the dominant elite values and goals. In the case of the juvenile court, it is given that the judge is the undisputed chief executive of the court who wields considerable power in shaping its goals (Matza, 1964). Hence, we focus on the ideologies held by the judge toward juvenile offenders which, in turn affect the processing technology. These may range from a punitive orientation which stresses the need for deterrence, punishment, and community protection in handling juvenile offenders to a rehabilitative orientation which emphasizes the need to help the juvenile overcome personal and social difficulties.
- d. Internal Economy. It refers to the ways the organizational tasks are accomplished and encompasses the production system, the rules governing it, and the resources allocated to it. For the juvenile court, the production system is actually reflected in our dependent variable, namely the patterns of case disposition. Rather, we are concerned here with: a) the effects of the rules governing case processing, specifically the use of due process procedures which affects the rights of the juvenile, and the rules of evidence used by the court 2; and b) the allocation of internal resources to services for youth being processed by the court which affects the range of disposition alternatives available to the staff.

We are proposing that each of these sets of variables will influence the

classification-disposition system of the juvenile court. However, since the core technology is located at the boundaries of the court, it will be particularly sensitive to the external polity and economy. Specifically, we propose that the court will adapt its classification-disposition system to respond to the exigencies of its task environment in order to optimize the flow of legitimation and resources. This will be particularly true for the entry decision (i.e., judicial vs. non-judical handling) because the court can less effectively buffer it from the influences of the external environment than the exit decision (i.e., commitment).

Within this overall perspective we now turn to examine the predicted effects of the variables identified above on the rate of judicial handling  $(\frac{J}{T})$ , and on the rate of commitment of judicially handled cases  $(\frac{C}{J})$ . Judicial vs. Non-Judicial Handling

The choice between these two alternative case processing patterns reflects the inherent duality in the mandate of the juvenile court — provision of social services to troubled youth, and the protection of the community from offensive juvenile behaviors and acts (Platt, 1967; Schultz, 1973). Courts may rely on non-judicial handling to respond to community demands for early detection and surveillance of "troublesome" youth and in order to project a social service orientation, while using judicial handling in order to project a legalistic orientation and in response to pressures for "law and order." Such duality, which emantes from the parens partiae conception of the court, has resulted in ambiguities and conflicts in its operative goals leading to what Matza (1964) has termed "individualized justice." That is, juvenile court judges have been given considerable discretion in the handling of juveniles under the guise of "in the best interests of the child." Whether youth are handled informally and non-judicially or judicially, through formal court hearing, depends on how such discretion is exercised as the courts come to grip with their dual and contra-

dictory mandate.

We argue that the courts will use their discretion in case processing to enhance their legitimation and flow of resources, and to advance their dominant elite's interests. Hence, we suggest that the emphasis on judicial vs. non-judicial handling will be a function of a) the negotiated relations between the court and its task environment; and b) its internal ideologies and allocation of resources.

As suggested earlier, the external polity refers to the influences of the task environment on the court. Of foremost importance is the judicial status of the juvenile court which can be determined by where its cases can be taken for appeal - to an appellate court or to a higher trial court. Review by an appellate court indicates that the court has status equal to the highest trial court in the state (Levin and Sarri, 1974: 37), and it is, therefore, a court of general jurisdiction rather than a court of limited jurisdiction (e.g. probate, misdemeanor). Courts of general jurisdiction, hence, will adopt a more legalistic orientation, because of the appelllate review. They are less likely to process cases formally when these lack legal merit, and are more inclined to processes cases non-judicially which frees them of such review. Moreover, courts of general jurisdiction encounter more diverse cases and must establish priorities, and are more likely, therefore, to use non-judicial handling to screen out "minor" cases.

H1. Courts of general jurisdiction will have a higher rate of non-judicial handling than courts of limited jurisdiction.

Related to the judicial status of the court is the selection process of the judges who are either appointed or elected. Clearly, when the judges are elected they must establish their legitimation in the community both through responsiveness to diverse constituencies and by elevating the importance of the court, under their leadership, in the local youth service network. Emphasis on non-judicial handling enables elected judges to accomplish such an

objective. It provides them with the needed organizational flexibility to attend to the multiple service demands made by various constituencies, and to be responsive to the requests made by the various youth service agencies without the restrictions associated with formal and judicial processing.

H2. Courts with elected judges will have a higher rate of non-judicial handling than courts with appointed judges.

The position of the court in the youth service network is also an important factor in shaping the court's processing technology. From an inter-organizational perspective, the power relations between the court and other youth service agencies will determine the extent to which other agencies can influence the handling of youth by the court in accordance with their interests. (Benson, 1975). These agencies, such as the police and schools, are likely to pressure the court to use its coercive powers to isolate troublesome youth from the community by taking jurisdiction over them. When the courts do so, they, in effect, absolve the referring agencies from subsequent responsibility for these youth.

H3. The greater the influence of the referring agencies on the court's decisions, the higher the rate of judicial handling.

The external economy determines the nature of the demands for court services as well as the potential supply of resources to the court, both of which will influence the court's processing technology.

A high volume of referrals as expressed by the proportion of youth referred to the total youth population under the court's jurisdiction, reflects multiple and diverse requests for court services. To respond to them effectively, the court needs to develop a flexible processing technology which can be best attained through non-judicial handling. Moreover, since judicial handling costs more than non-judicial handling in court resources, a high volume of referral may severely tax the court's resources lest it resorts to non-judicial handling.

H4. The greater the proportion of youth referred to the court, the higher the rate of non-judicial handling.

The seriousness of the offenses allegedly committed by the youth referred to the court will indicate the expected severity of response from the court. Serious offenses are more likely to result in formal charges pressed against the youth which constrain the ability of the court to process them informally.

H5. The greater the seriousness of the offenses of the youth referred to the court, the higher the rate of judicial handling.

The economic status of the community as measured by per capita income indirectly indicates the social class of the youth population under the court's jurisdiction. The higher the per capita income, the higher the overall social class of the youth referred to the court, even if lower class youth are more likely to be referred to it. Several studies have noted that juvenile courts tend to be more severe in the processing of youth from lower classes (Thornberry, 1973; Carter and Clelland, 1979). Others (Terry, 1967; Cohen and Kluegel, 1978) have disputed these finding. All of them, however, examined class variations within courts rather than between courts which may account for the inconsistent results. From our perspective, differences in case processing patterns will arise from the attributes of the communities in which the courts are located. such that courts in wealthier communities are likely to adopt a more lenient posture toward juvenile offenders. Several reasons may account for such a pattern. First, the juvenile court, since its inception was intended to control the normative behavior of youth in accordance with dominant class values (Fox, 1970; Platt, 1969). Second, the mandate of the court tends favor those youth who can mobilize resources reducing the need of the court to assume its parens patriae role. Third, because local youth service agencies, particularly those privately sponsored, are more receptive to middle and upper class clients (Teele and Levine, 1966) the court can more readily refer such youth to them rather than assume formal jurisdiction over them.

H6. The higher the per capita income of the community the lower the rate of judicial handling.

In this context, the availability of community services for juveniles not only reduces the demand for court intervention but also enables the court itself to divert more youth to them. Moreover, in doing so the court enhances its legitimation in the youth service network.

H7. The greater the access of the court to community services the lower the rate of judicial handling.

While we have proposed that the emphasis on judicial vs. non-judicial handling will be primarily a function of the external political economy of the court, we have also identified two attributes of the internal political economy which may affect the court's choice, namely a) the judge's ideology and b) the allocation of internal resources for youth services. The legal context and structure of the juvenile court have vested immeasurable power and discretion in the hands of the judges. Juvenile court judges are subject to very few legal restrictions (Levin and Sarri, 1974) while given complete executive authority over the management of the court (Matza, 1964). Consequently, the personal ideologies of the judges concerning juvenile delinquency and the role of the court should have considerable impact on its operative goals and processing technology. In particular, judges will vary in the extent to which they believe in the community protection or the social rehabilitation functions of the court. To the extent that judges uphold a punitive orientation they are more likely to direct the court's processing technology to support such an orientation.

H8. The stronger the punishment orientation of the judges, the higher the rate of judicial handling.

The allocation of court resources to youth services will also reflect the judge's commitment to community protection and punishment or to social rehabilitation. When such services exist within the court's boundaries they increase the options available to the staff in responding to the problems and needs of the youth referred to them. Moreover, to justify the importance of these services to the community which funds them, the staff will have the impetus

to use them extensively.

H9. The greater the availability of internal court services the higher the rate of non-judicial handling.

We should note, in this context, that the allocation of internal resources for youth services not only reflects the judge's ideology but may also be a response to its task environment. First, the higher the economic status of the community, the easier it is for the court to mobilize resources for such services. Second, the greater the influence of youth advocacy groups on the court's policies, the greater the likelihood that the court will commit resources for such services. Finally, the more the court is integrated in the local youth service network, as measured by accessibility to their services, the greater the impetus to strengthen such exchange relations through the development of its own specialized services.

## Commitment of Judicially Handled Youth

Commitment, as a disposition option, represents the most severe form of court intervention. It drastically alters the legal and social status of the youth by making them wards of the court or the state, and by removing them from their community. As suggested earlier, disposition decisions can be buffered more readily from the task environment than intake decisions, mostly because the state juvenile corrections agency, to whom most commitments are made, has little control over such decisions. Hence, the external factors most likely to influence the commitment rate are the status of the judge in the community, and the attributes of the youth referred to the court (i.e. their socio-economic status and seriousness of offense).

Elected judges will be under greater pressure to demonstrate to the community that they indeed protect it from "dangerous" youth. In contrast to appointed judges, they are more sensitive to the potential reaction of the community, particularly the media and the police, to permitting "high risk"

youth to remain in the community, since they can ill-afford to develop a negative reputation.

H10. Courts with elected judges will have a higher commitment rate, than courts with appointed judges.

The economic status of the community, as an indirect measure of the overall socio-economic status of the youth, will affect the commitment rate for the same reasons that it should influence the rate of judicial handling. In particular, families with higher income can mobilize more readily treatment services for their children which dimish the pressure on the court to commit them to public institutions.

H11. The higher the per capita income in the community, the lower the commitment rate.

The pressure on the court to remove youth from the community will undoubtedly depend on the seriousness of the juvenile offenses. As would be expected, studies of juvenile court disposition patterns have indicated that seriousness of offense is correlated with the severity of court intervention (e.g., Terry, 1967; Cohen and Kluegel, 1978).

H12. The more serious the offenses of the youth referred to the court, the greater the rate of commitment.

We turn now to the internal political economy of the court and its effect on the commitment rate. The decision modalities developed by the court on the appropriateness of commitment are based on "normal crime" conceptions of juveniles "deserving" such a disposition (Sudnow, 1965). These conceptions, in turn, are derived, at least in part, from the dominant ideologies and images about delinquency in the court. Hence, judges whose image of juvenile delinquency reinforces a punitive orientation will develop decision modalities that encourage commitment.

H13. The stronger the punishment orientation of the judges, the higher the commitment rate.

Yet, the application of these conceptions of juveniles "deserving"

commitment is constrained by the extent to which due process procedures are practiced by the court. By protecting the rights of the juvenile during court hearing, due process provisions subject court findings to rules of evidence, and proposed decisions and actions to an adversary review and challenge. Although Stapleton and Teitelbaum (1972) found that public defenders tend to be coopted by the juvenile court judges, thus reducing their effectiveness in protecting the juvenile rights, we still believe that adherence to due process inhibits the exercise of discretion by the court.

H14. The greater the emphasis on due process, the lower the commitment rate.

We should point out, in this context, that the extent to which the court will emphasize due process in its proceedings is not simply a matter left to the whims of the judge. Rather, from our perspective, it will be also influenced by the relations the court has with its task environment, That is, the greater the influence of the legal institutions such as the state supreme court, the prosecuting attorney and the public defender's office on the court, the greater will be the emphasis on due process. Similarly, the higher the economic status of the community, the greater the emphasis on due process, mostly because effective legal representation is a function of the possession of economic resources (Nagel, 1973). In contrast, the greater the influence of the referring agencies, the lesser the emphasis on due process because of the interest of these agencies to have the court assume responsibility for their "troublesome" youth.

Finally, commitment as a disposition alternative is also likely to be used more frequently when the court allocates fewer resources to other service options. That is, when the court does allocate resources for youth services, it is more likely to resort to them before committing the youth to institutions.

H15. The greater the availability of internal court services, the lower the commitment rate.

#### Data and Methods

#### The Sample

The data for this study came from a 1974 national survey of juvenile courts carried out by the National Assessment of Juvenile Corrections, University of Michigan (Sarri and Basenfeld, 1976). The national survey employed a probability sampling of all counties with a population of 50,000 or over that have a court or courts with juvenile jurisdiction. A total of 691 counties were thus identified for inclusion and of these, 400 were selected. To insure the representation of the large urban courts and each of the 50 states in the analysis, questionnaires were also sent to any of the courts of any of the twenty large cities or the 50 states that did not fall into the random sample. The random sample of 400 counties gave a total of 600 courts. Further checks reduced the sample to 455 courts as some court's no longer handled juvenile cases or were handling too few of them (less than 50 cases). Separate questionnaires were mailed to the Judge, the Court Administrater, and two probation officers of each court. Two hundred and fifty-seven responses were obtained from the judges, 226 from the court administrators, and 430 from probation officers; the response rates were 57%, 50%, and 53% respectively. The supplementary sample yielded 18 additional judge questionnaires, 11 court administrator questionnaires, and 21 probation officer questionnaires.

This study uses primarily the information provided by the judges. Court statistics were obtained from the court administrators' questionnaires or in some cases from the state and local statistical reports. Data on the counties of jurisdiction were obtained from the City and County Data Book (Bureau of Census, 1972). For the present analysis, only 216 courts provided usable court statistics and thereby constituted our final usable sample. Missing data in the judges' questionnaires for these 216 courts were, where appropriate, padded with the group mean values. The deleted cases from both the judges and court administrators were found not statistically different from the cases retained.

### The Dependent Variables

The proportion of judicial handling  $(\frac{J}{T})$  is simply the ratio of the number of cases handled judicially by the court to the total number of cases handled. Cases not handled judicially are usually dismissed or referred to social service agencies; cases handled judicially by the court will inevitably appear before the judge and risk the possibility of being committed. The commitment rate of judicially handled cases  $(\frac{C}{J})$  is the ratio of the number of cases committed by the court to the total number of cases handled judicially. The court statistics were obtained from the court administrators.

The two dependent variables are log transformed to reduce the skewness of their distribution in order to meet the assumptions of OLS. The transformation also allows us to treat these two variables as structural predictors of the overall commitment rate  $(\frac{C}{T})$ . This is possible because the multiplicative relationship of the three variables  $(\frac{C}{T} = \frac{J}{T} \cdot \frac{C}{J})$  becomes linear and additive after the  $\log_e$  transformation  $(\log_e(\frac{C}{T}) = \log_e(\frac{J}{T}) = \log_e(\frac{C}{J}))$ . The structural parameters of the latter equation can be estimated by the OLS procedure. The equation has no residual term because of complete determination. It has been shown that the structural parameters can be obtained directly as the ratio of the standard deviation of each component variable to the standard deviation of the dependent variable (Hermalin, 1975:281). The estimated parameters are  $\log(\frac{C}{T}) = .898 \log_e(\frac{C}{J}) + .705 \log_e(\frac{J}{T})$  indicating that the rate variable (the commitment rate of cases judicially handled may have a slightly stronger effect on the overall commitment rate than the 'composition' variable (proportion judicially handled).

# The Independent Variables

These variables, as specified by the hypotheses, can be classified according to the two major organizational dimensions identified above: polity vs. economy, and externality vs. internality. Fig. 1 lists the variables that fall in each cell.

Fig. 1 Classification of the Independent Variables

	Polity (	Economy
	1. Referring Agency Influence (RAI)	1. Income per Capita (IPC)
	2. Youth Advocacy Influence (YAI)	2. Seriousness of Offense (SOF)
External	3. Legal Insitution Influence (LII)	3. Proportion Youth Referred (PYR)
	4. Judicial Selection Process (JSP)	4. Access to Youth Services (AYS)
	5. Court Judicial Status (CJS)	
	1. Punishment Ideology (PID)	1. Court Services (CSS)
·		2. Due Process (DUP)

Each of these variables was operationalized on the basis of questions asked of the judges, probation officers, and the statistics provided by the court administrators, and the 1972 City-County Data book. The specific operationalization of each variable is detailed in Appendix A.

# Models of Estimation

Each set of hypotheses explaining the rate of judicial handling and the rate of commitment can be expressed through a multiple regression equation as follows:

Rate of Judicial Handling

(1) 
$$\ln \left(\frac{J}{T}\right) = b_1 \text{ CJS} + b_2 \text{ JSP} + b_3 \text{ RAI} + b_4 \text{ PYR} + b_5 \text{ SOF} + b_6 \text{ IPC} + b_7$$

$$AYS + b_8 \text{ PID} + b_9 \text{ CSS} + e$$

Rate of Commitment

(2) 
$$\ln \left(\frac{C}{J}\right) = b_{10} \text{ JSP} + b_{11} \text{ ICP} + b_{12} \text{ SOF} + b_{13} \text{ PID} + b_{14} \text{ DUP} + b_{15} \text{ CSS} + e$$

The expected signs of the estimated parameters are as follows:

For equation (1): 
$$b_3$$
,  $b_5$ ,  $b_8 > 0$   
 $b_1$ ,  $b_2$ ,  $b_4$ ,  $b_6$ ,  $b_7$ ,  $b_9 < 0$ 

For equation (2): 
$$b_{10}$$
,  $b_{12}$ ,  $b_{13}$ , > 0  $b_{11}$ ,  $b_{14}$ ,  $b_{15}$  < 0

In addition, our theoretical model has also identified the structural variables hypothezied to influence the court's allocation of resources to youth services (CSS), and its emphasis on due process procedure (DUP). The equations for these two variables are as follows:

(3) CSS = 
$$\lambda_1$$
 PID +  $\lambda_2$  IPC +  $\lambda_3$  RAI +  $\lambda_4$  AYS + e

(4) DUP = 
$$_5^{\lambda}$$
 PID +  $_6^{\lambda}$  LII +  $_7^{\lambda}$  IPC +  $_8^{\lambda}$  RAI + e

The expected signs of the estimated parameters are:

For equation (3): 
$$\lambda_2, \lambda_3, \lambda_4 > 0$$
  $\lambda_1 < 0$ 

For equation (4): 
$$\lambda_6$$
,  $\lambda_7$ , > 0  $\lambda_5$ ,  $\lambda_8$ , < 0

#### Findings

Table 1 shows the correlations among all the variables used in this study.

Table 1 about here

A cursory examination reveals that the size of most of the correlations is relatively low. The low correlations between the independent and dependent variables are to be expected since we are trying to predict organizational outputs on the basis of structural variables without the benefit of linking them to the specific organizational processes which actually generate them. Somewhat less expected are the weak relations between the external variables thought to influence the internal political economy and its component measures. For example, the correlations between income per capita, influence of legal institutions and emphasis on due process are .22 and .17 respectively. The correlations between youth advocacy influence, income per capita and court services are .03. Similarly, the relations among the internal structural variables are weak. The anticipated negative relations between the punishment ideology and due process and court services are only -.19 and -.13 respectively. The pattern that seems to emerge from these findings is that juvenile courts resemble loosely coupled systems (Weick, 1976) in which the relations among the various structural components of the system are weak, and occasionally We shall return to this point later in our discussion.

Reviewing the most significant zero-order correlations between the dependent and the independent variables we notice the following:

a) As hypothesized, the rate of judicial handling is negatively correlated with courts of general jurisdiction (-.43), with proportion of youth referred to the court (.-28), with access to community services (-.20) and with court services (-.17). It is positively correlated with seriousness of offense (.23), and the

influence of the referring agencies (.15). It is not, however, significantly related to the judge's punishment ideology. The other correlations are in the expected direction, but low.

b) The rate of commitment, as expected, is negatively correlated with emphasis on due process (-.25), and the wealth of the community (-.20). It is positively correlated with elected judges (.30). Contrary to our hypothesis, it is negatively correlated with seriousness of offense (-.10). The other correlations are low, but in the expected direction.

## Judicial Handling

To test our hypotheses concerning the determinants of the rate of judicial handling, and to estimate the effect of each variable specified in our model, we regressed the rate of judicial handling on the nine independent variables, as specified in Equation 1. The results are shown in Table 2 which also

# Table 2 about here

includes the analysis of the proposed determinants of court services for youth (see Equation 3). Only three of the nine hypotheses fail to attain confirmation at the .05 level. Specifically, access to community services, (H7); the judge's punishment ideology, (H8); and the influence of the referring agencies, (H3) do not significantly influence the rate of judicial handling. Examination of the Beta weights indicates that the court's judicial status has the strongest effect on the rate of judicial handling, followed by the proportion of youth referred, the judicial selection process, and the seriousness of offense.

These findings indicate that the external political factors which shape the judicial character of the court and status of the judges, and the external economic factors which affect the nature of the demand for court services have the greatest effect on the rate of judicial handling. In contrast, the ideologies of the judge often suggested as a key factor in shaping court policies

toward youth, seem to have no direct effect on rate of judicial handling. They do, however, have some small positive indirect effect via their influence on the development of court services. The development of court services which, has a negative effect on the rate of judicial handling (Beta = -.134), is influenced, as noted in Column 2, Table 2, by the judge's punishment ideology (Beta = -.113). That is, the greater the judge's adherence to a punishment ideology the less likely the court to develop services for youth which, in turn, results in a higher rate of judicial handling. The development of court services, as expected, is also influenced by the court's access to community services and by youth advocacy influence, but not by the economic status of the community.

# Commitment of Judicially Handled Youth

Table 3 presents the estimates of the effect of each of the variables specified in our model on the commitment rate of judicially handled youth, as

# Table 3 about here

indicated in Equation 2. Clearly, our model can explain only a very small fraction of the variance in the commitment rate ( $R^2$  = .172). Only two of the hypotheses are confirmed at the .05 level; courts with elected judges have a higher rate of commitment of judicially handled youth (H10), and the greater the emphasis on due process procedures in the court the lower the rate of commitment (H14). Court services and per capita income, as expected, are negatively related to the rate of commitment but the estimated effects fail to attain significance at the .05 level. Contrary to our expectations, seriousness of offense has a small negative effect on the rate of commitment. Closer examination, however, reveals that this may be due to a statistical artifact of the correlation of ratio variables. The number of seriousness of offense (i.e. number of offense against person) is highly and positively correlated

with the denominator of commitment rate (i.e. number of youth judicially handled). This may in one case produce a negative correlation between the two ratio variables (see Schuessler, 1974). Moreover, it has also been shown that correlational estimates between ratio variables with common components is especially sensitive to random or constant error which may lead to a reverse in sign (Long, 1980). As such, the estimated relationship between seriousness of offense and the commitment rate is not entirely reliable and should be viewed as such.

As shown in column 2, table 3, the environment of the juvenile court does have a significant effect on the emphasis on due process procedures within the court (see Equation 4). Income per capita and the influence of the legal institutions have a positive effect on emphasis on due process procedures, while the referring agencies influence has a negative effect. In addition, the degree to which the judge adheres to a punishment ideology has a negative effect on due process, and, therefore, indirectly affects positively the rate of commitment.

#### Discussion

The findings, in general, confirm the political economy model we have proposed to explain patterns of case disposition among juvenile courts. In particular, we have shown that the characteristics of the external polity and economy of the courts play a significant role in shaping case processing decisions at entry, more so than their internal polity and economy. Furthermore, we have demonstrated that the patterning of these decisions can be understood, at least in part, as an expression of the organizational responses to the exigencies of the task environment aimed at maintaining and enhancing the flow of resources and legitimation to the court. The relationship between the

environment, court response, and case processing patterns is best exemplified in the effects of the judicial selection process. Courts with elected judges, on the one hand, are less likely to process cases judicially, but on the other hand, are more likely to have a higher commitment rate. It seems to us that the explanation of such seemingly contradictory patterns lies in the relations between elected judges and their constituencies. They must, on one hand, demonstrate the responsiveness of the court to the youth problems in the community which can be best done through non-judicial handling, and they must, on the other hand, demonstrate their commitment to the protection of the community which is best demonstrated through removal of juvenile offenders from the community. Appointed judges, in contrast, are somewhat buffered from these multiple pressures, and are, therefore, more consistent in their case processing patterns. Similarly, we have seen that the external economy, particularly the quantity and quality of the demand for court intervention, influences the case processing decisions at entry. The larger the demand for court intervention as expressed in the proportion of youth referred, the greater the rate of non-judicial handling which from an organizational perspective is the most effective and efficient way of handling large service demand without overburdening organizational resources or undermining its legitimation. Yet, the court must also consider the nature of the demand, namely the seriousness of the offenses. As they increase so will, for obvious reasons, the rate of judicial handling.

Internal political and economic configurations of the court, particularly the judge's ideologies, proved to have minor effects on the patterning of case processing decisions, especially at entry. Of course, this may be due to the fact that we have fewer adequate measures of these court dimensions (although other alternative measures failed to improve the model). Yet, it is worth noting that the judge's ideologies have no direct effect on case processing

patterns, and their indirect effects are relatively small. 4 Certainly, our study fails to confirm the often suggested importance of this variable in explaining the operative policies of the juvenile court. Although not reported here, we have also found that the attitudes and ideologies of other court staff such as probation officers and court administrators, and their reported decision rules and policies on processing cases had no significant effect on the dependent variables. In fact, we found lack of consistency or agreements in the belief systems and decision rules held by the various actors in the court, which may indicate, as suggested earlier, that the internal structure of the court is actually "loosely coupled." (Weick, 1976). According to Meyer and Rowan (1977:343) in a loosely coupled organization "structural elements are only loosely linked to each other and to activities, rules are often violated, decisions are often unimplemented, or if implemented have uncertain consequences technologies are of problematic efficiency, and evaluation and inspections systems are subverted or rendered so vague as to provide little coordination." In such organizations, consistency is attained mostly for those areas of activities which are visible to the organizational environment and which are critical for the enlistment of legitimation and resources, i.e. facilitate the institutionalization of the organization. It is for this reason, we argue, that we find greater consistency in the patterns of case decisions at entry since these are more visible and are directly affected by the court's task environment. In contrast, the commitment decisions do not occur at the boundaries of the organization, and are hence less visible. Moreover, because a very small proportion of the youth referred to the court are actually committed to institutions, these decisions play a lesser role in the institutionalization of the court in the community. Therefore, we suggest that the commitment rates are more subject to the vagaries of the various court actors involved in the process and because of the loose coupling among them, are less predictable. Two critical factors, however, affect the exercise of discretion in commitment decisions. First, for elected judges, the commitment decisions are an important indication of their dedication to the protection of the community, and they are, hence, likely to press more often for such decisions in order to buttress their political standing. Second, adherence to due process procedures constrains the discretion of the court staff since their decision rules must conform to acceptable legal standards and could be subject to challenge on that basis. Thus, our findings tend to support the contention of those who argue that reforming juvenile courts through the adoption of a more "legalistic" orientation will inhibit their intervention in the lives of children.

Our findings indicate that the <u>legal context</u> of the juvenile court, i.e. the judicial status of the court and the judicial selection process, are the key predictors of the case processing patterns, the first affecting the rate of judicial handling, and the second, the rate of commitment. Accordingly, we can develop a typology of juvenile courts on the basis of these two variables which should inform us on the expected patterns of case processing in each court type. As shown in Fig. 2, the intersection of these two variables generates four types of courts with the predicted patterns of case processing:

Fig. 2 A Typology of Juvenile Courts

# Court Jurisdiction

Specific	General
"Interventionist"	"Paternalistic"
$(\frac{J}{T}+; \frac{C}{J}+)$	$(\frac{J}{T} - ; \frac{C}{J} + )$
"Ritualistic"	"Minimalistic" $(\frac{J}{T} - ; \frac{C}{J} - )$

# Elected

Judicial Selection Process

Appointed

$$\frac{J}{T}$$
 = Judicial handling

$$\frac{C}{J}$$
 = Commitment rate

- + above the Grand mean
- below the Grand mean

- a) The "interventionist" court which is characterized by both a high rate of judicial handling and a high commitment rate. That is, in many ways, the traditional juvenile court that has emerged from the child saving movement whereby a specially limited status court was established to take jurisdiction over juveniles.
- b) The "paternalistic" court which is characterized by low rate of judicial handling and a high commitment rate. This is the most commonly found juvenile court which tries to accommodate to the contradiction in its mandate between social rehabilitation and community protection.
- c) The "ritualistic" court which is characterized by a high rate of judicial handling and low rate of commitment. Such a court exercises its formal judicial authority more frequently, but is somewhat buffered from the pressure for community protection.
- d) The "minimalistic" court which is characterized by both a low rate of judicial handling and a low commitment rate. This type of court tends to represent the more recent attempts to legally reform juvenile courts by elevating their legal status and removing the judges from the political arena.

We tested the validity of the typology by a statistical procedure known as 'effect contrast'. (Cohen and Cohen, 1975: 191). We classified all the courts into each of the four types and then regressed the actual rates of judicial handling and commitment on three of the four court types (the "paternalistic" court was the omitted group). The results are as follows:

$$\frac{J}{T} = .4877 + .2046 \ X_1 - .1253 \ X_2 + .0773 \ X_3$$

$$\frac{C}{J} = .1595 - .0672 \ X_1 - .0359 \ X_2 + .0613 \ X_3$$

$$\text{Rate of}$$

$$\text{where } \frac{J}{T} = \text{Judicial Handling}$$

$$\frac{C}{J} = \text{Commitment Rate}$$

$$X_1 = \text{Ritualistic Court type}$$

$$X_2 = \text{Minimalistic Court type}$$

$$X_3 = \text{Interventionist Court type}$$

The intercept represents the grand mean for the sample, while  $\mathbf{1}_{i}$  represents the difference between the group mean and the grand mean, thus indicating whether the rates of judicial handling and commitment are above or below the national average. As can be seen the results for both rates are in the predicted direction. Moreover, court type accounts for 26% of the variance of the rate of judicial handling, and 11% of the variance of the rate of commitment.

#### Conclusion

We have demonstrated in this study the usefulness of the political economy framework to explain case processing patterns in juvenile courts. We have shown that in people processing organizations, such as the juvenile court, the classification and disposition of cases - their core technology - are influenced by political and economic considerations pertaining to the survival and enhancement of the organization. Because the core technologies of these organizations are located at their boundaries, they are particularly sensitive to the exchange relations developed between the organization and its external environment. In the case of the juvenile court, its legal context (i.e. the judicial status of the court, and the judicial selected process) and the nature of the demand for court services were found to be the most important factors influencing case processing at the input phase. When the court, however, can buffer a component of its technology from the environment as in the case of commitment of youth to institutions, the results are far less predictable. It seems that under such circumstance, the exercise of discretion in case processing, while influenced by the judge's status and the existence of due process provisions, expresses the idiosyncaries of the cases and the vagaries of the personnel.

From a social policy perspective, our findings have significant implications regarding the exercise of discretion vs. the protection of client rights in people processing organizations in general, and juvenile courts, in particular (Handler, 1979). The legal foundations of the juvenile court permit its judges to exercise considerable discretion with minimal accountability. This must be the single most important factor explaining the vast variations in case processing among courts even in the same state. Our findings suggest that the court uses such discretion, on the one hand, to respond to political and economic pressures it cannot buffer, and, on the other hand, to accommodate to case idiosyncracies

and personnel vagaries when the case processing decisions are buffered from the environment (i.e. commitment to institutions). In both instances the rights of the juveniles are likely to be compromised. What must occur, therefore, is to buffer the court from local political and economic pressures, while making it premeable to the influences of legal institutions and other control agents monitoring due process and the rights of juveniles. The "minimalistic" court exemplifies such a trend.

Table 1. Correlation Matrix for all Variables Used in the Study

*statistically	significant	at	.05	level

				•					٠.							
	(x)	(SD)	$\operatorname{Ln}\left(\frac{J}{T}\right)$	$\operatorname{Ln}\left(\frac{C}{J}\right)$	RAI	YAI	LII	JSP	ĊJS	IPC	CAP	PYR	AYS	PID	DUP	CSS
Proportion Judicially Handled - (log <sub>e</sub> transformed)	y 1.1067	.66479	-													
Proportion Committed (log transformed) -	2.0981	.66476	1885*	. <del></del>	· .		: . ·									
Referring Agency Influence	2.7516	.82517	.1567*	0416	<del>-</del>		· · ·				· ·			٠.		
*Youth Advocacy Influence	2.6059	.79077	0392	1279*	.0571	-					. '					
Legal Institution Influence	2.8028	.8969	0108	1148*	.079	2950*		. 4.								
Judicial Selection Process	.6031	4902	1347*	.3077*	0112	0394	0935	<u>-</u> · ·	. •	:			• • • • • • • • • • • • • • • • • • • •			
Court Judicial Status	.62174	. 486	4301*	.043	.0033	.0791	.1236*	.1496*	_					·		
Income Per Capita 3	033.3	549.8	1192*	2017*	.0597	.1074	.1593*	2837*	.1356*		•	•	•	٠	•	•
Crime Against Person	.07432	.0614	.2390*	1011	.0520	0592	.0016	0892	0561	.0844	-		. •			
'Proportion Youth Referred	03128	.01968	2889*	0349	1645*	.0832	.1379*	0396	.2049*	.0586	1799*	-				
Access to Community <sub>4</sub> Service	.4098	.62439	2024*	.050	0378	.1106*	.0664	.1592*	.1013	.0111	0349	.0777	·. -			
Punishment 2 Ideology	. 9349	.88186	.0694	.1262:	.0339	0712	.0162	0067	0375	~.1186÷	~.0388	.039	0662	<del>-</del> .		. •
Due Process 3	.63	.79156	0178	2583*	0988	.1200*	.1696*	0881	0624	.2261*	.0092*	004	, .0033	1924*	-	
Cour Sarvigas 4	. an 73	1.572	1722*	1249*	, 0359	.124*	.0207	017	.0145	.0354	0198	.1212*	.1512*	1345*	.134*	-

Table 2. Linear Regression Models for Rate of Judicial Handling and Court Services with Selected Independent Variables

Independent Variables	Rate of Judicial Handling	Court Services
External Polity		
Referring Agency Influence	.114 (1.565)*	· .
Youth Advocacy Influence		.094 (1.926)
Judicial Selection Process	153 (2.038)	
Court Judicial Status	350 (-4.854)	
External Economy		
Income per capita	133 (1.727)	.005 (.110)
Seriousness of offense	.147 (2.027)	
Proportion Youth Referred	154 (-2.056)	
Access to Community Services	051 (686)	.117 (2.418)
Internal Polity		•
Punishment Ideology	.088 (1.219)	113 (-2.311)
Internal Economy		
Court Services	134 (-1.901)	N.A.
R <sup>2</sup>	. 324	.045

<sup>\*</sup> t statistic in parentheses

Table 3. Linear Regression Models for Commitment Rate and Due Process with Selected Independent Variables

Independent Variables	Commitment , Rate	Due Process
External Polity	:	
Judicial Selection Process	.256 (3.401)	
Legal Institution Influence	-	.158 (-2.553)
External Economy		
Community Wealth	081 (-1.049)	.218 (3.508)
Seriousness of Crime	081 (-1.118)	
Internal Polity		
Punishment Ideology	.044	158 (-2.561)
Internal Economy		
Due Process	192 (-2.547)	<u>-</u>
Court Services	111 (-1.500)	<u>-</u>
$R^2$	.172	.125

<sup>\*</sup> t statistic in parentheses

#### 1. External Polity

Referring Agency Influence (RAI) is a four-point scale whereby the Judges were asked the extent of influence the agencies referring cases to courts have on whether to file a formal petition or to handle a case informally. The range of 1 to 4 represents incrementally greater degree of influence.

Youth Advocacy Influence (YAI) is a composite index obtained by adding and averaging the responses to the following question "How much direct or indirect influence do you think each of the following organizations have on the ways your juvenile courts handle youth." The organizations were: Youth service bureau, private social Services, Civic and interest groups concerned with children, and juvenile court advisory board. The index has a range of 1 to 4 representing incrementally greater degree of influence.

Legal Institution Influence (LII) is an index similarly constructed to the index of Youth Advocacy Influence, except that responses to the same question with references to the following organizations: Supreme court or state court administrator, public prosecutor office, and public defenders office.

Judicial Selection Process (JSP) is a dummy-coded variable whereby judges appointed were coded as 0 and judges elected were coded as 1. In certain occasions when a judge was first appointed and then subsequently re-elected, the judge was coded as 1.

Court Judicial Status (CJS) has two categories: general vs. specific jurisdiction. Courts that have jurisdiction beyond juvenile matters were classified as 'General' and coded 1. Courts with only juvenile jurisdiction were coded 0.

## 2. Internal Polity

Punishment Ideology (PID) is an attitudinal composite scale with 5 items. The judges were asked to indicate the extent to their agreement or disagreement to the following five statements: 1) "Punishment will teach delinquents right from wrong", 2) "The Supreme court has gone too far in protecting the rights of criminals", 3) "Many current programs for juvenile offenders amount to coddling the delinquents", 4) "The police don't enforce the laws strictly enough against delinquents", 5) "Placing a youth in detention is a good way to show him that the court meant business". Agreements to these statements were taken to represent a harsh view of juvenile crime and an emphasis on punishment. The index has a range of 1 to 5 representing incrementally greater emphasis on a punishment ideology.

# 3. External Economy

Income per capita (IPC) is simply the per capita money income in 1969 for area under jurisdiction of the court. The information was derived from the 1970 census as reported in 1972 City-County Data book.

Seriousness of Offense (SOF) is the propomtion of offenses against a person to the total cases referred to the court.

Proportion of Youth Referred (PYR) is the propomtion of cases referred to court to the total youth population of the area of jurisdiction.

Access to Youth Service (AYS) is an attitudinal variable which sums up the probation officer's judgement of the ease of access for youth in the area of jurisdiction to certain community resources. The resources specifically stated were: psychological or psychiatric diagnosis, education or vocational services, drug treatment or counselling, foster or group homes, family counseling, individual counseling, residential institution, medical examination and treatment. The scale has a range of 1 to 6 with 6 representing high ease of access.

# 4. Internal Economy

Due Process (DUP) is a composite index that sums up a judge's emphasis on certain court procedures: who is permitted to waive the privilege against self-incrimination; how often do the juveniles and their attorney confront or cross-examine opposite views; does the judge have access to the juvenile social file or repost during adjudication, does the court appoint counsel, if necessary, for the juvenile at intake, at detention, at waiver or transfer, at adjudication, and at hearings concerning probation violations. The index has a range of 1 to 5 representing incrementally greater emphasis on due process in court (other questions on due process were eliminated because of lack of variance in response).

Court Service (CSS) is simply a court variable showing the number of ten selected services currently available in each court. The ten services are: intensive individual counseling; group counseling; guided group interaction; reality therapy; behaviour modification; work placement; academic or remedial education; vocational education; normalization program. The variable has a range of 0 to 10.

#### **FOOTNOTES**

- Support for this paper has been provided by a Rackham faculty research grant and by the NIMH Training Program, MH14598-05.
- The use of due process procedures is also, in part, an expression of the judge's ideologies, and therefore, reflects the internal polity of the court. As in the case of other human service organizations, the processing of people as "raw material" blurs some of the distinctions between the internal polity and economy. (Hasenfeld and English, 1974).
- 3 In our survey over 95 percent of the judges indicated that they had considerable autonomy in committing youth to the state juvenile corrections agency.
- This finding was replicated with several different measures of the judge's ideology.
- $^5$ The estimate for the ommitted group, the paternalistic court type, can be easily obtained from the equations. Simply substitute  $^{\rm X}_1$  through  $^{\rm X}_3$  with the value of -1 and follow through the calculation.

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