

Discretionary Decision-Making in Juvenile Justice

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The social distribution of youths who engage in delinquent behavior is not exactly the same as that of youths who come into contact with the juvenile justice system. Thus a certain amount of discretion characterizes the decisions made at various points within the system. In seeking an understanding of the discretionary processes, researchers have tried to isolate elements related to dispositions at distinct decision points. In addition to offense and offense history, the elements of sex, race, and social class have often been the foci of these studies, several of which are reviewed here. This review suggests that as a youth penetrates further into the juvenile justice system, factors other than his present offense become increasingly salient to decision-makers. It also appears that, once apprehended, girls tend to fare worse than boys do at the hands of the system. However, extreme caution is urged in generalizing from these studies, which differed in time, place, methodology, and scope. Perhaps the most important conclusion of this review is that a clear understanding of the decision-making processes in the juvenile system is unlikely until a systematic research strategy or set of strategies emerges to replace the piecemeal approaches used to date. Some suggestions for such strategies are offered.

AS DEFINED by Williams and Gold,¹ *delinquent behavior* is behavior of a juvenile which, if detected by an appropriate authority, could result in legal sanction, and *official delinquency* is the identification of and response to such behavior by the police and the courts. Recent studies have shown that the social distribution of delinquent behavior along a number of dimensions does not match that of official delinquency.² Specifically, a

disproportionately large number of lower-class youth, nonwhite youth, older youth, and girls become official delinquents. Thus the juvenile justice system, far from being blind, evidences a highly selective perception.

and F. Ivan Nye, "Reported Behavior as a Criterion of Deviant Behavior," *Social Problems*, Fall 1957, pp. 207-13; Martin Gold, *Delinquent Behavior in an American City* (Belmont, Calif.: Brooks/Cole, 1970); James F. Short, Jr., and F. Ivan Nye, "Extent of Unrecorded Juvenile Delinquency: Tentative Conclusions," *Becoming Delinquent: Young Offenders and the Correctional Process*, P. G. Garabedian and D. C. Gibbons, eds. (Chicago: Aldine, 1970), pp. 49-60; Williams and Gold, *supra* note 1.

1. Jay R. Williams and Martin Gold, "From Delinquent Behavior to Official Delinquency," *Social Problems*, Fall 1972, pp. 209-29.

2. See for example, James F. Short, Jr.,

In seeking to explain the discrepancies between the social distributions of delinquent behavior and official delinquency, one cannot merely assert that the police and courts are racist, sexist, and classist. One must examine the entire process by which a youth becomes labeled delinquent.

The social selectivity of the juvenile justice system is not in itself a moral indictment of that system. The juvenile court was expressly designed to concern itself more with the offender than with the offense, to afford benign paternalism rather than legalistic vengeance. Some people might even point to the social distribution of official delinquency as evidence that the juvenile justice system was providing services precisely to those persons most in need of them. However, there is no evidence that most youths derive benefits from the "services" provided and there is highly suggestive evidence that such services may even backfire. Gold and Williams³ found that youths who had been apprehended were more likely to engage in subsequent delinquent behavior than were comparable youths who had not been apprehended. Proponents of the labeling perspective on deviance have long argued that the societal reaction to deviant behavior is the critical point in transforming a vicious circle into a descending spiral of increasing deviant behavior and harsher societal reaction.⁴

3. Martin Gold and Jay R. Williams, "The Effect of Getting Caught: Apprehension of the Juvenile Offender as a Cause of Subsequent Delinquencies," *Prospectus*, December 1969, pp. 3-12.

4. See for example, Frank Tannenbaum, *Crime and the Community* (Boston: Ginn, 1938); Howard S. Becker, *Outsiders: Studies in the Sociology of Deviance* (New York: Free Press, 1963); Richard Quinney, *The Social Reality of*

To examine the question of labeling and its effects, one might combine self-reports of delinquent behavior from a large national sample of youth with equally representative samples of the actions of relevant actors at every stage of the juvenile justice system. Such a study has not been done. In their typically fragmented fashion, social scientists have independently studied small portions of the process of becoming officially delinquent. One must exercise caution in generalizing from their findings, which have been narrowly fixed in time and place as well as scope.

As a preface to the systematic examination of a number of studies of official delinquency, consider the following overview of the phenomenon. A youth engaging in a particular delinquent behavior runs about a 3 per cent risk of getting caught.⁵ If the behavior is reported by a citizen or observed by the police, the youth may have an encounter with a police officer. Most of the time, the case is handled informally in the field; the youth receives a lecture and is released. Perhaps 20 per cent of police encounters result in the youth's being brought to the police station⁶; there he may be released outright, or be given a formal recorded warning, or be referred to juvenile court. If he is referred to juvenile court, he is likely next to encounter a court intake worker, who may dispose of the case informally or may invoke a variety of more formal processes, including referral to a juvenile court judge, in

Crime (Boston: Little, Brown, 1970); Edwin M. Schur, *Labeling Deviant Behavior: Its Sociological Implications* (New York: Harper and Row, 1971).

5. Williams and Gold, *supra* note 1.

6. Donald J. Black and Albert J. Reiss, Jr., "Police Control of Juveniles," *American Sociological Review*, February 1970, pp. 63-77.

which instance a probation officer may conduct a prehearing investigation and submit a disposition recommendation to the court. The court has a number of dispositional alternatives, including release, unsupervised or supervised probation, and assignment to a variety of juvenile correctional programs such as day treatment centers, residential group homes, and closed institutions. In many states, the juvenile courts may refer adjudicated delinquents to a state agency, such as a Department of Youth Services, which is responsible for the final disposition. It is obvious that, at a number of points, wide discretion is exercised in the determination of the fate of a juvenile offender.

The search for the factors that influence these discretionary decisions has occupied the attention of a number of researchers. The review which follows is an attempt to consolidate their efforts. Each of four processes which have received the most empirical attention will be examined separately: (1) apprehension, (2) police disposition, (3) probation officers' recommendations, and (4) juvenile court dispositions. For each process, several relevant studies will be examined for evidence of relationships between outcome and eleven variables: (a) the present offense, (b) prior record, (c) frequency and seriousness of delinquent behavior, (d) race, (e) social class, (f) sex, (g) age, (h) family factors, (i) school achievement and adjustment, (j) peer relationships, and (k) miscellaneous other variables such as the youth's appearance or attitude.

1. Apprehension

(a) *Present offense*.—Black and Reiss⁷ report that 72 per cent of police

encounters with juveniles in three cities were initiated by citizen complaints. Apparently, those offenses which are likely to lead to citizen complaints are likely to result in apprehension. Williams and Gold⁸ also suggest that, since police are more likely to investigate serious offenses, there should be a positive relationship between offense seriousness and apprehension. Such a relationship was found by Erickson and Empey,⁹ from self-report data of youths in Utah. They report that 20 per cent of the most serious offenses reported by the youth were detected, whereas only 10 per cent of the least serious offenses were detected.

(b) *Prior record*.—No evidence.

(c) *Delinquent behavior*.—From self-report interviews with a national sample of youth in 1967, Williams and Gold¹⁰ report a positive relationship between the frequency of delinquent behavior and apprehension, and a smaller relationship between seriousness of delinquent behavior and apprehension.

(d) *Race*.—Piliavin and Briar,¹¹ who observed police encounters with juveniles in one city, observed that, in the absence of any evidence, police were more likely to stop and question black youths than white youths. However, Williams and Gold¹² report no relationship between race and apprehension.

7. *Ibid.*

8. Williams and Gold, *supra* note 1.

9. Maynard L. Erickson and LaMar T. Empey, "Court Records, Undetected Delinquency and Decision-Making," *Journal of Criminal Law, Criminology, and Police Science*, December 1963, pp. 456-69.

10. Williams and Gold, *supra* note 1.

11. Irving Piliavin and Scott Briar, "Police Encounters with Juveniles," *American Journal of Sociology*, September 1964, pp. 206-14.

12. Williams and Gold, *supra* note 1.

(e) *Social class*.—Williams and Gold¹³ found no relationship.

(f) *Sex*.—After controlling for frequency of delinquent behavior Williams and Gold¹⁴ found that boys are slightly more likely than girls to get caught.

(g) *Age*.—Williams and Gold¹⁵ found that older youths report more police contact within the previous three years than do younger youths.

(h) *Family*.—Larson and Myerhoff¹⁶ related family organization to police contacts and school adjustment of boys from fifty families. The rate of police contact was highest in those families which perceived problems, whether or not family members agreed on goals. However, police contact was low only in "integrated" families, those which showed a consensus on goals and perceived few problems in the son's adjustment. There was no control for delinquent behavior and thus the relationship may be spurious.

(i) *School*.—In a study of affluent white juvenile offenders Freeman and Savastano¹⁷ suggest that poor school performance results in a youth's being labeled a troublemaker and thus subject to increased police surveillance. Larson and Myerhoff¹⁸ note that the sons from "integrated" families tended to perform well in school and have little police contact,

suggesting that poor school performance may predict police contact. The evidence for a relationship between school performance and apprehension is speculative at best.

(j) *Peers*.—No evidence.

(k) *Other factors*.—Piliavin and Briar¹⁹ suggest a relationship between apprehension and a youth's appearance. They report that police were more likely to stop and question a youth who matched the delinquent stereotype in dress, hair style, etc.

2. Police Disposition

(a) *Present offense*.—Goldman²⁰ studied police records in four cities and found that, in three of the cities, police were more likely to refer serious cases than less serious cases to court. A similar finding from another city is reported by Terry²¹ and by McEachern and Bauzer.²² Ariessohn²³ had police juvenile officers, probation officers, and juvenile court judges rank a number of factors according to their importance as dispositional criteria. Police ranked the nature of the present offense as the most important factor. Only Piliavin and Briar²⁴ dissent, reporting that police exercised the full range of discretion for all offense categories.

19. Piliavin and Briar, *supra* note 11.

20. Nathan Goldman, *The Differential Selection of Juvenile Offenders for Court Appearance* (New York: National Council on Crime and Delinquency, 1963).

21. Robert M. Terry, "The Screening of Juvenile Offenders," *Journal of Criminal Law, Criminology, and Police Science*, June 1967, pp. 173-81.

22. A. W. McEachern and R. Bauzer, "Factors Related to Disposition in Juvenile Police Contacts," in Klein and Myerhoff, *op. cit. supra* note 16, pp. 148-60.

23. Richard M. Ariessohn, "Offense vs. Offender in Juvenile Court," *Juvenile Justice*, August 1972, pp. 17-22.

24. Piliavin and Briar, *supra* note 11.

13. *Ibid.*

14. *Ibid.*

15. *Ibid.*

16. William R. Larson and Barbara G. Myerhoff, "Family Integration and Police Contact," *Juvenile Gangs in Context: Theory, Research, and Action*, M. W. Klein and B. G. Myerhoff, eds. (Englewood Cliffs, N.J.: Prentice-Hall, 1967), pp. 139-47.

17. Beatrice Freeman and George Savastano, "The Affluent Youthful Offender," *Crime and Delinquency*, July 1970, pp. 264-72.

18. Larson and Myerhoff, *supra* note 16.

(b) *Prior record*.—A number of studies found a positive relationship between the frequency or seriousness of the offenses listed on a juvenile's prior record and severity of police disposition.²⁵ The police officers in the study by Ariessohn²⁶ ranked prior record as the third most important dispositional criterion (out of nine criteria).

(c) *Delinquent behavior*.—Erickson and Empey²⁷ report a fairly high correlation between the self-reported frequency of delinquent behavior and appearance in court but no relationship between seriousness of delinquent behavior and appearance in court. Williams and Gold²⁸ found a slight positive relationship between seriousness and severity of police disposition, but this relationship may be attributable to the relationship between seriousness and apprehension.

(d) *Race*.—Several studies report that blacks receive harsher police dispositions than whites.²⁹ However, other studies have not found race to be a factor in police dispositions.³⁰ Williams and Gold³¹ found that blacks and whites were equally likely to get a police record but that blacks were more likely to be referred to court than were whites. However, the total number of youth referred to court in their sample was very small.

25. See for example, Piliavin and Briar, *ibid.*; McEachern and Bauzer, *supra* note 22; Terry, *supra* note 21; Williams and Gold, *supra* note 1.

26. Ariessohn, *supra* note 23.

27. Erickson and Empey, *supra* note 9.

28. Williams and Gold, *supra* note 1.

29. See, for example, Goldman, *supra* note 20; Piliavin and Briar, *supra* note 11; Black and Reiss, *supra* note 6; T. N. Ferdinand and E. G. Luchterhand, "Inner-city Youth, the Police, the Juvenile Court, and Justice," *Social Problems*, Spring 1970, pp. 510-27.

30. See for example, McEachern and Bauzer, *supra* note 22; Terry, *supra* note 21.

31. Williams and Gold, *supra* note 1.

(e) *Social class*.—Polk, Frease, and Richmond³² found no relationship between social class and the appearance of names on juvenile court records (and thus referred to court, usually by police) in a study of over 1,000 high-school sophomore boys. Similarly, Terry³³ found social class to be unrelated to the severity of police dispositions. Williams and Gold³⁴ found that lower-class girls received harsher dispositions than higher status girls, but they found no such relationship for boys.

(f) *Sex*.—Goldman³⁵ found that the police referred a higher percentage of girls than boys to court in two of the cities he studied (there were no female cases reported for the two other cities). McEachern and Bauzer³⁶ report an interaction between sex and offense type in police disposition such that petitions were more likely to be filed for girls than boys as a result of status offenses and more likely to be filed for boys than girls as a result of adult offenses. Williams and Gold³⁷ report no sex differences in police dispositions.

(g) *Age*.—Several researchers³⁸ found that older youths received harsher police dispositions. However, in the data presented by Goldman,³⁹ the four cities showed different relationships between age and dispositional severity. In three cities older youth were more likely to be referred

32. Kenneth Polk, Dean Frease, and F. Lynn Richmond, "Social Class, School Experience, and Delinquency," *Criminology*, May 1974, pp. 84-96.

33. Terry, *supra* note 21.

34. Williams and Gold, *supra* note 1.

35. Goldman, *supra* note 20.

36. McEachern and Bauzer, *supra* note 22.

37. Williams and Gold, *supra* note 1.

38. Piliavin and Briar, *supra* note 11; Terry, *supra* note 21; Williams and Gold, *supra* note 1.

39. Goldman, *supra* note 20.

to court, but in one city the percentage of court-referred youth aged ten to fifteen was higher than that of youth below ten or above fifteen.

(h) *Family*.—No evidence.

(i) *School*.—Polk *et al.*⁴⁰ found that boys who had low grades in school, regardless of social class, were more likely to have appeared in court than were boys who had higher grades. Note that this is not direct evidence for a relationship between school achievement and police disposition and that the researchers do not say it is.

(j) *Peers*.—Piliavin and Briar⁴¹ report that police deal more severely with youths of known gang affiliation.

(k) *Other factors*.—Piliavin and Briar⁴² also suggest that police dispositions are greatly affected by a youth's demeanor during the encounter. Failure to show the proper respect to the police officer is likely to lead to arrest rather than release. Black and Reiss⁴³ suggest that the relationship between demeanor and dispositional severity is curvilinear: extreme disrespect or extreme respect will result in harsher dispositions. Ariessohn⁴⁴ reports that police ranked the youth's attitude toward the offense as the second most important dispositional criterion.

3. Probation Officers' Recommendations

(a) *Present offense*.—Cohn⁴⁵ studied 175 presentence reports of probation officers from one court dur-

ing 1952 in an attempt to discover the criteria that influenced dispositional recommendations. He found that the type but not the seriousness of the present offense was a primary factor. For all youth, delinquency committed against parents was more likely to result in a recommendation for institutionalization than were other types of delinquency. For girls, sexual delinquency was likely to result in a recommendation for institutionalization. In the study by Ariessohn⁴⁶ probation officers ranked the present offense as the most important dispositional criterion. However, in a similar study in a different city, Gross⁴⁷ found that probation officers ranked the present offense as only the fourth most important criterion (out of ten criteria).

(b) *Prior record*.—A youth's prior record was ranked by probation officers as the second⁴⁸ and third⁴⁹ most important dispositional criterion.

(c) *Delinquent behavior*.—No evidence.

(d) *Race*.—Cohn⁵⁰ found that blacks were more likely than whites to receive recommendations for institutionalization, while whites were more likely to receive recommendations for psychiatric examinations.

(e) *Social class*.—Cohn⁵¹ found that youths from high-income families were more likely to be recommended for discharge than were youths from lower-income families.

40. Polk *et al.*, *supra* note 32.

41. Piliavin and Briar, *supra* note 11.

42. *Ibid.*

43. Black and Reiss, *supra* note 6.

44. Ariessohn, *supra* note 23.

45. Yona Cohn, "Criteria for the Probation Officer's Recommendations to the Juvenile Court Judge," *Crime and Delinquency*, July 1963, pp. 262-75.

46. Ariessohn, *supra* note 23.

47. S. G. Gross, "The Prehearing Juvenile Report: Probation Officers' Conceptions," in Garabedian and Gibbons, *op. cit. supra* note 2, pp. 183-89.

48. Ariessohn, *supra* note 23.

49. Gross, *supra* note 47.

50. Cohn, *supra* note 45.

51. *Ibid.*

In a case study of a juvenile court, Cicourel⁵² observed that probation officers seemed to be biased against the kinds of family organization found in the lower class: they were more likely to recommend an outside-of-the-family disposition when the child's family was in the lower class than when it was in the middle or upper class. In another case study of a juvenile court, Emerson⁵³ did not observe that bias. He found that probation officers and judges recognized that lower-class family patterns could adequately provide for the children's needs.

(f) *Sex*.—Cohn⁵⁴ found that girls were three times as likely as boys to be recommended for institutionalization.

(g) *Age*.—No evidence.

(h) *Family*.—(See social class information above.) Cohn⁵⁵ found that probation officers were more likely to recommend institutionalization for youth from broken homes. He also found that evidence of high maternal rejection resulted in a recommendation for institutionalization, whereas evidence of moderate maternal rejection led to a recommendation for a psychiatric exam.

(i) *School*.—Cicourel⁵⁶ observed that a youth's school adjustment was considered by probation officers. But other investigators report that school adjustment was ranked low in importance by probation officers.⁵⁷

(j) *Peers*.—No evidence.

(k) *Other factors*.—A youth's attitude toward the offense was ranked first⁵⁸ and third⁵⁹ in importance by probation officers. Cicourel⁶⁰ notes that the general attitude of the youth, especially the degree to which it affects the ability to form a "trust" relationship with the probation officer, may influence the probation officer's dispositional recommendation.

4. Court Dispositions

(a) *Present offense*.—Scarpitti and Stephenson⁶¹ studied samples of adjudicated delinquents who had been placed on probation, in group centers, or in a reformatory. They found that those whose instant offense had been crimes against persons were most likely to end up in the reformatory. In his case study of a juvenile court, Emerson⁶² cites offense seriousness as a major factor in dispositional outcome but hastens to add that the establishment of "moral character" is also extremely important. The judges in Ariessohn's study⁶³ ranked the nature of the present offense as the third most important dispositional criterion (out of nine criteria). Terry,⁶⁴ who studied court records in one city, found a *negative* relationship between offense seriousness and disposition severity.

(b) *Prior record*.—The frequency, but not the seriousness, of prior court contacts was found to be positively related to disposition severity by

52. Aaron V. Cicourel, *The Social Organization of Juvenile Justice* (New York: Wiley, 1968).

53. Robert M. Emerson, *Judging Delinquents: Context and Process in the Juvenile Court* (Chicago: Aldine, 1969).

54. Cohn, *supra* note 45.

55. *Ibid.*

56. Cicourel, *op. cit. supra* note 52.

57. Ariessohn, *supra* note 23; Gross, *supra* note 47.

58. Gross, *supra* note 47.

59. Ariessohn, *supra* note 23.

60. Cicourel, *op. cit. supra* note 52.

61. Frank R. Scarpitti and Richard M. Stephenson, "Juvenile Court Dispositions: Factors in the Decision-making Process," *Crime and Delinquency*, April 1971, pp. 142-51.

62. Emerson, *op. cit. supra* note 53.

63. Ariessohn, *supra* note 23.

64. Terry, *supra* note 21.

Terry⁶⁵ and by Scarpitti and Stephenson.⁶⁶ Emerson⁶⁷ suggests that prior records are used by the court in its determination of a youth's pattern of behavior which, in turn, informs its assessment of the youth's moral character. Judges ranked prior record as the second most important dispositional criterion.⁶⁸

(c) *Delinquent behavior*.—The frequency and seriousness of self-reported delinquent behavior was found to be positively related to disposition severity by Erickson and Empey.⁶⁹ A similar relationship between frequency and disposition was obtained by Short and Nye.⁷⁰ Emerson⁷¹ notes that reports of unofficial delinquency are used by the court in its assessment of the extent to which a particular youth represents "trouble."

(d) *Race*.—Terry⁷² found no relationship between race and disposition severity. There is a general lack of evidence regarding race at the level of court dispositions.

(e) *Social class*.—As above, some have found no relationship.⁷³ However, others found that lower-class youth tend to receive more severe court dispositions.⁷⁴ Lower-class youth are least able to mobilize resources to prevent institutionalization.⁷⁵ Such resources include repu-

table character references, family resources, fees for private placement in special schools or therapeutic noninstitutional programs, etc.

(f) *Sex*.—Terry⁷⁶ reports that girls receive relatively more severe dispositions than do boys. Again, note the paucity of research on this factor.

(g) *Age*.—Terry⁷⁷ found that the severity of dispositions increased with the age of the youth.

(h) *Family*.—Although no relationship between broken homes and self-reported delinquent behavior was found, Short and Nye⁷⁸ found a positive relationship between broken homes and official delinquency as measured by institutionalization. Of course, this evidence does not establish that family structure is a factor at the level of court dispositions. Similarly, Empey and Lubeck⁷⁹ found that boy-parent disharmony was positively related to the presence of a court record. Although they disagree on the criteria the court uses to determine the quality of the family situation, both Cicourel⁸⁰ and Emerson⁸¹ cite the family situation as a factor in court dispositions. Judges rank family factors very low in importance.⁸²

(i) *School*.—Empey and Lubeck⁸³ found that a youth who had low school achievement or who had dropped out of school was more likely to have a court record than was a youth who was doing well in school. Again, this does not pinpoint the level of the juvenile justice system at which school factors become relevant. However, it is more likely at the level

65. *Ibid.*

66. Scarpitti and Stephenson, *supra* note 61.

67. Emerson, *op. cit. supra* note 53.

68. Ariessohn, *supra* note 23.

69. Erickson and Empey, *supra* note 9.

70. Short and Nye (1970), *supra* note 2.

71. Emerson, *op. cit. supra* note 53.

72. Terry, *supra* note 21.

73. Terry, *ibid.*; LaMar T. Empey and Steven G. Lubeck, *Explaining Delinquency* (Lexington, Mass.: Heath Lexington, 1971).

74. Short and Nye (1970), *supra* note 2; Scarpitti and Stephenson, *supra* note 61.

75. Cicourel, *op. cit. supra* note 52; Emerson, *op. cit. supra* note 53.

76. Terry, *supra* note 21.

77. *Ibid.*

78. Short and Nye (1957), *supra* note 2.

79. Empey and Lubeck, *supra* note 73.

80. Cicourel, *op. cit. supra* note 52.

81. Emerson, *op. cit. supra* note 53.

82. Ariessohn, *supra* note 23.

83. Empey and Lubeck, *supra* note 73.

of court dispositions or probation of-ficers' recommendations than at the police level simply because the police do not ordinarily have the time to conduct so thorough an inquiry into the factors surrounding a case. Emerson⁸⁴ observed that information about school adjustment and achievement was used in the court's assessment of "trouble" or "moral character." Judges rank school factors intermediate in importance.⁸⁵

(j) *Peers*.—Contrary to expectations, Terry⁸⁶ found that disposition severity was inversely related to the number of youth involved in an incident. Empey and Lubeck⁸⁷ obtained a positive relationship between their measures of peer identification and official delinquency in Los Angeles but not in Utah. The nature of a youth's associations may be used in the court's assessment of moral character.⁸⁸

(k) *Other factors*.—Youths with personality problems (identified by MMPI) received more severe dispositions even though the MMPI profiles were unknown to the judges.⁸⁹ The attitudes and demeanor of youths in the court itself can influence dispositions.⁹⁰ The judges in Ariessohn's study⁹¹ ranked a youth's attitude toward authority as the most important dispositional criterion.

Summary and Discussion

To summarize, it appears that factors other than the present offense

take on increasing importance in determining the fate of a youth as he becomes more involved in the juvenile justice system, probably because those responsible for determining his fate have available increasing amounts of information about him as he penetrates further into the system.

It is difficult to draw sweeping generalizations from these studies since they were conducted at different times in different places with different methodologies. Nevertheless, they can perhaps inform hypotheses for future studies. Accordingly, a few of the more interesting findings of the research will be highlighted.

Girls are less likely to get caught than boys but, once caught, fare worse at the hands of the system—not too unexpected a finding when one considers the sex-role stereotypes that many persons cling to. Boys will be boys, or something like that, and are expected to engage in a certain amount of mischief, some of which may be delinquent. This is not the case for girls. For girls, delinquent behavior may be seen more readily as a manifestation of serious problems in need of the "help" that can be provided by the juvenile courts. Furthermore, much of the official delinquency of girls is sexual delinquency, which, if left unchecked, may be seen as a serious threat to the cherished middle-class glorification of the family.

The effect of race on outcomes at the various levels of the system is ambiguous. Perhaps the most surprising finding is that race is not a factor in apprehension. Regarding police dispositions, contradictory findings were presented. However, police practices may be highly variable across communities.⁹² In some com-

84. Emerson, *op. cit. supra* note 53.

85. Ariessohn, *supra* note 23.

86. Terry, *supra* note 21.

87. Empey and Lubeck, *supra* note 73.

88. Emerson, *op. cit. supra* note 53.

89. Scarpitti and Stephenson, *supra* note 61.

90. Cicourel, *op. cit. supra* note 52; Emerson, *op. cit. supra* note 53.

91. Ariessohn, *supra* note 23.

munities, blacks may be treated more severely by the police; in others, there may be no differential treatment. Or the explanation for the disparate findings in the studies reported may be the methodological differences among the researchers. There is too little research regarding race at the other levels to permit comment. One suspects that race is highly correlated with other variables such as social class, family organization, and school achievement so that more blacks end up in institutions even though race itself may have only a small independent effect. A number of factors may interact to generate a definition of a particular situation which can guide the agents of social control in making dispositions.

In any social situation, actors behave according to the definitions they have of the situation. Police encounters with juveniles and juvenile court hearings are social situations. These two situations differ in the information that is considered relevant for establishing a definition. In the case of a policeman, one primary function is the apprehension of perpetrators of illegal behavior. He either witnesses or is informed of an illegal act. He encounters a person or a group that he has labeled suspicious according to the information available to him, such as his own observations, descriptions given by complainants, material evidence on or near the suspect, prior contact with the suspect, and prior contact with persons like the suspect. However, as noted by Goldstein,⁹³

92. See, for example Goldman, *supra* note 20; James Q. Wilson, "The Police and the Delinquent in Two Cities," in Garabedian and Gibbons, *op. cit. supra* note 2, pp. 105-27.

93. Joseph Goldstein, "Police Discretion Not to Invoke the Criminal Process: Low Visibility Decisions in the Administration of Justice," *Yale Law Journal*, vol. 69 (1960), pp. 543-94.

the police do not implement a policy of "full enforcement" in which every suspect would be referred to the prosecutor or the juvenile court for disposition. Police exercise wide discretion, based upon the information available to them. The most salient information available to the policeman would appear to be the nature of the offense and the behavior and appearance of the suspect during the encounter. More remote factors, such as a youth's family situation or school adaptation, would seem less salient.

For the courts, the remote factors become increasingly important, since the court is supposedly charged with providing the most helpful disposition for the youth. Convincingly noted by Platt,⁹⁴ the "child savers" who initiated the juvenile court built middle-class values into the court which persist to this day. These values become evident in the court's assessment of the "trouble" and "moral character" represented by a particular youth.⁹⁵ It is here that the background factors such as the nature of the youth's family situation, school adjustment, and patterns of behavior and associations can logically come into play.

As alluded to previously, many gaps exist in the present state of empirical knowledge concerning the juvenile justice system. One of the most glaring areas of research inadequacy is at the level of the juvenile courts. While there have been a number of studies of the process of court dispositions, most have been limited to single courts. An exception is the research of Williams and Gold,⁹⁶ which employed a national

94. Anthony Platt, *The Child Savers* (Chicago: University of Chicago Press, 1969).

95. Emerson, *op. cit. supra* note 52.

96. Williams and Gold, *supra* note 1.

sample, but the number of their respondents who have had contact with the courts is too small to permit analysis. The courts must be studied on a national scale in sufficient numbers to permit regional and urban/rural stratification. In addition, more attention should be paid to the court's intake procedures, a level of discretion often overlooked. Finally, where appropriate, the operation of relevant state agencies which ultimately determine dispositions should be examined.

A research strategy complementary to the cross-sectional approach advocated above is the in-depth study of juvenile justice in one or a few cities. Utilizing this approach, a researcher might employ a single methodology and conceptualization in investigating decision-making at each decision point in the system. In this way, one could determine what factors are operating at any decision point in the system and whether the same factors are employed among

decision-makers at any given point. One would then be in a position to evaluate the overall coherence of the administration of juvenile justice in at least one or a few cases.

This review has confirmed the general notion that the ultimate fate of a youth who commits a delinquent act may be importantly determined by factors other than the act itself. More important, however, is the conclusion that these extra-offense factors may differentially apply across cities, across decision points in the system within a city, and probably within a given decision point.

The present state of knowledge does not permit a further specification of the discretionary process. Future research, we hope, will go beyond scattershot, piecemeal forays into isolated processes such as a probation officer's decision-making in one city and instead will be based on a more systematic conceptualization of the overall operation of the juvenile justice system.