DIFFERENTIAL HANDLING OF OFFENDERS IN THE JUVENILE COURT: A STUDY IN THE SOCIOLOGY OF LAW

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PREFACE

This study has been an attempt to examine the treatment of various offenders in the juvenile court. Based in conflict theory, this project has investigated the differential handling of offenders in terms of demographic factors, disposition, and length of supervision. No doubt this study would have been impossible without the complete cooperation of the staff at the Tulsa County Juvenile Court and, most especially, Mr. Larry Myers, former director. Sincere appreciation is extended to all.

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CHAPTER I

INTRODUCTION

The juvenile justice system in the United States is the subject of a number of controversies among sociologists, lawyers, laymen, and practitioners within the system. One of the major controversies is the court's jurisdiction and handling of a variety of different types of offenders. Most juvenile courts today have the responsibility for handling dependent and neglected children, young persons being referred to the adult criminal court, juvenile delinquent offenders, and "juvenile status offenders." Many have adoption and foster care responsibilities as well. Of particular concern to this study is the status offender. The Council of State Governments, in its publication Status Offenders: A Working Definition (1975:3), defines the status offender as "a juvenile whose offense would not be criminal if committed by an adult." Though the juvenile court has jurisdiction over a wide variety of individuals, many of whom have committed no criminal act, status offender jurisdiction is a somewhat different issue. The difference arises from the fact that the status offender has been adjudicated as a law violator (albeit a violator of the juvenile code rather than the criminal code), is sometimes treated as a delinquent (either included within the delinquency definition or as an ancillary under a different name), and is in some cases subject to the same sanctions as a delinquent by the court.

The purpose of this study is to examine supervision practices within the juvenile justice system in regard to various offenders from a sociology of law perspective. This simply means that this study will attempt to investigate the actions of the juvenile court (a legal institution), from the perspective of sociological theory. Unlike many studies of delinquents or status offenders, the object here is not the offenders themselves, their backgrounds, attitudes, or their interactions, but, instead, the workings and practices of the system itself toward these young people. In this sense, then, this study is not an investigation into "delinquency" or "status offenders," as much as it is a study of law.

Most people recognize that the juvenile court has jurisdiction over many persons, including status offenders. However, many do not realize that in many, if not most jurisdictions, the status offender is considered a delinquent (regardless of the designated term). Many persons assume that the status offender is treated much differently, specifically more leniently, than the youth who has violated the criminal law. Research on this subject has been sparse, to say the least, and as such, there is not much evidence from which to generalize regarding the court's handling of status offenders.

The design of this research consists of examining, first of all, the relevant literature concerning the juvenile court, including the juvenile status offense. As a part of this, it is necessary to discuss the origin and rise of the juvenile court in America and its precedents in England, because the juvenile justice system, in its philosophical base, legal history, and contemporary practice is crucial to an understanding of the juvenile court. Various views and

research findings are examined to show the contemporary and historical judgments regarding the handling of different offenders. Also, two major sociological theories are presented, consensus (functional) theory and conflict theory, which attempt to explain both the origin and workings of the juvenile court, along with the court's practices toward the offenders. One of these approaches, conflict theory, is viewed as more explanatory for this particular research project, and the handling of offenders is analyzed and the data examined in light of this theory. The study consists, essentially, of describing the sample under study, and comparing the supervision and disposition practices of the Tulsa County Juvenile Court toward these youth. Variables for the comparisons among offenders include the disposition of cases, along with controls by age, sex, and race, and the variable of length of supervision by the court, again with the same control variables. Also, correlations between age and length of supervision are to be examined. Finally, an attempt is made to develop a "Criminal Maturity Index" as a measure of offender seriousness and as a means of predicting length of supervision.

It is hoped that, as a result of this study, knowledge concerning the workings of the juvenile court will be expanded. Specifically, this research can provide greater awareness of supervision practices toward different offenders, especially status offenders, and generally, this study can expand the knowledge base in the sociology of law.

CHAPTER II

REVIEW OF THE LITERATURE

Origins of the Juvenile Court

Various authors indicate that the American juvenile court can trace its roots back to English practices regarding the relationship between children and the law. It is certainly true that in our juvenile court and juvenile legal tradition, many practices closely resembly those of historical England.

There is a general belief that the English common-law treated children as though they were adults in regard to criminal violations. In fact, historical evidence indicates that various amounts of differential treatment for juveniles has a long tradition in Britain. According to Johnson (1975), children in England historically had a dual role before the law. First, children were generally considered to be infants until the age of 21 with regard to most matters. Second, they were generally subject to the same criminal laws as adults, with some qualifications. Children under the age of seven were considered to be impossible of forming mens rea, or criminal intent. Those aged 7-14 could not form criminal intent except in certain circumstances, while those over age 14 were generally considered to be responsible for their actions. Tappan (1949) writes that ancient Saxon law did not hold children accountable for adult capital crimes. According to

him:

> the child under twelve could not be guilty 'in will' of crime and that from twelve to fourteen he might or might not be guilty according to his capacity. After the age of fourteen he could not be presumed innocent because of age (1949:167).

Nonetheless, most scholars view certain developments in the English justice system as indicative of a certain amount of rigidity in the treatment of children. Three important and related practices arose in England which are important in understanding the contemporary American juvenile justice system: the principle of equity, the Court of Chancery, and the doctrine of parens patriae. According to Cochran's Law Dictionary (1973), equity is a type of justice which develops separately from the common law, while chancery is a court which exercises equitable jurisdiction. The doctrine of parens patriae, in which the king assumes the role of "father of his country," is a related concept and will be dealt with in detail shortly.

Both Tappan (1949) and Johnson (1975) view the Court of Chancery development as a response to the lack of flexibility in the English legal system for dealing with children. The chancellor, under his "prerogative of grace" could aid those who might suffer hardship under the application of the law (Tappan, 1959; Johnson, 1975). Tappan indicates that there originally developed a Council of Chancery in the thirteenth and fourteenth centuries, then, in the fifteenth century:

> a distinct court and jurisdiction of chancery emerged, more flexible and administrative in its character than the common-law courts, providing a more affirmative, remedial assistance in equity (1949:169).

The concepts of chancery, equity, and parens patriae are historically interrelated. Through the principle of equity, the Court

of Chancery acted as parens patriae, an agent of the king, "in exercising his power of guardianship over the persons and property of minors, who were considered wards of the state and as such entitled to special protection" (Caldwell, 1961:394).

The parens patriae principle was "rather limited in the common-law tradition" (Kittrie, 1971:9). The king, in this role, was supposed to protect the interests of those who were not in a position to do so for themselves and the Court of Chancery was designed to assist the kind in his parenting role. Originally, the court was supposed to handle cases of dependent, but not criminal, children (Coffey, 1974), but its jurisdiction was extended to cover a variety of individuals, including juvenile criminal offenders. According to Kittrie (1971), this expansion of chancery jurisdiction was simply an outgrowth of historical practice whereby the king assumed protection of "incompetent" subjects. Tappan (1949) points out that the primary function of the Court of Chancery traditionally was to protect the property rights of wealthy children. Nevertheless, the doctrine of parens patriae, exercised through the Court of Chancery, brought juvenile law violators into a more flexible system of justice (Caldwell, 1961).

English legal practice continued to provide differential treatment for juveniles as time passed. Though in principle juveniles were subject to the same penalties as adults, in practice they were treated more leniently. Actually, the attitude toward children and the law in historical England bears a remarkable resemblance to more contemporary views. As John Brydall wrote in 1675:

> An infant, until he be of the age of 15, which in law is accounted the age of discretion cannot commit larceny, or other felony; for the principle end of punishment is, that others by his example may fear to offend: But such punishment can be no example to Infants, that are not of the age of discretion (Compendious Collection of the Laws of England, Touching Matters Criminal, 1675: 57, cited in Sanders, 1945:44).

Likewise, misconceptions regarding children and capital punishment also abound. Sanders (1945), drawing upon various historical sources, provides evidence that juveniles, while convicted of capital crimes, were seldom given the punishment of death. He writes, for example, that there is no indication of any capital punishment sentence carried out against children in England from 1680-1731,

> As the Committee of the Society for the Reformation of Juvenile Offenders in London expressed it in a report issued in 1818, 'To execute against children the severe code of criminal jurisprudence at present prevailing in this country is impossible: the legislature is incapable of enforcing it; religion, humanity, public feeling, revolt at the idea' (1945:43).

Also, there was a long-time practice in England known as the "City Custom of Apprentices." Sanctioned by Parliament, this practice was a traditional precedent to the juvenile court. It functioned in much the same manner, procedurally, as the contemporary juvenile court (Sanders, 1945). It was not until 1908 that England established the Children's Court. But, as the preceeding evidence indicates, and as Sanders points out, there is historical verification for the idea that children should not be held accountable under the law in as rigid a manner as adults. For example, beginning in 1820, there was a strong movement in England to provide separate penalties for children under the criminal code. The legal basis for a children's court was broadened through the "Wellesley

Case," Wellesley v. the Duke of Beaufort, 2 Russel 1, which gave the state, through the Court of Chancery, the right to remove a child from "unsuitable" parents. Between 1820 and 1850, Parliament considered many bills to allow the criminal court more discretion in juvenile violations, and, in 1840, passed the Infant Felons Act, which gave the High Court of Chancery jurisdiction over younger offenders and the right to remove children from their parents (Sanders, 1945). So,

> From the above illustrations and examples and quotations from old law books, it is quite clear that for several centuries delinquent children have not been treated with the same harshness and severity as adult criminals (1945:52).

The development of the juvenile court in the United States was in many ways influenced by happenings in England, but at the same time, it developed to some extent independently of that influence. There exist in the literature two competing views of the rise of the juvenile court system in America. The conventional approach assumes that the court arose as a response to the severe conditions imposed upon children during the nineteenth century. This view sees the juvenile court as a "radical innovation" in justics, virtually without precedent. Traditionally, this has been the more popular view, and takes the form of a value-consensus orientation (Faust and Brantingham, 1974).

> The orthodox perspective, then, views juvenile justice legislation as arising out of the 'highest motives and most enlightened impulses,' based upon an essentially positivistic philosophy, blanketed with humanistic values (1974:40).

During the nineteenth century, there was a developing concern for the welfare of children. The conventional view regarding the

origin of the court is based upon the idea that, as a result of the plight of children, many persons concerned with penology and prison reform concerted their efforts toward a revision of the juvenile justice system. According to Coffey (1974), children were the object of concern due to their "victimization" by the social changes of industrialization and urbanization. "This concern was past due and certainly justified, but was perhaps sentimentalized out of guilt that children's rights had been callously ignored for far too long" (Coffey, 1974:38).

According to this approach, the juvenile court "represents the most important and ambitious effort yet undertaken by our law to give practical expression to the rehabilitative ideal" (Allen, 1964 1964:414). As a result of this "radical innovation," a new concept of adolescent misbehavior emerged. The young offender was to be treated in a "non-punitive" manner (Allen, 1964:414), by a system that was essentially "non-criminal" in nature (Lerman, 1971). The juvenile court process was designed for the treatment of the youngster rather than for the protection of society (Kittrie, 1971), and this treatment was designed to provide care for the child much as he should receive from his parents (Coffey, 1974). Negative social changes (primarily industrialization and urbanization) forced a concerned juvenile court to preempt other influences.

> What the past left to the home and to the church, whether we will or not, we are compelled more and more to leave to the law and the courts. The circumstances of city life and the modern feeling that law is a product of conscious and determinate human will have put a larger burden upon the law and so upon the agencies which administer the law that either has been prepared to bear (Pound, 1964:495).

Because of the negative impact of these social forces, as perceived by the originators of the juvenile court, it was their duty to rescue the child. According to Lerman (1971:36), the juvenile court was designed to "deal with the child and his needs, rather than with his offence . . . the juvenile court was designed to save children--not punish them." At the same time, law had to adapt to this era. According to Pound (1964):

> At the time when the juvenile court arose, American lawyers were finding it necessary to struggle with problems of adjusting the law, which had developed in the formative era of our institutions, to new needs of a time of growing economic unification of what had been a land of economically self-sufficient neighborhoods, and of new burdens upon government and new tasks for an era of multiplying metropolitan cities (1964:492).

Another, less idealistic view of the origin of the juvenile court also exists in the literature. This view, primarily a conflict perspective, sees the juvenile court, first of all, as not clearly so innovative as the more conventional view holds. According to Faust and Brantingham (1974), the juvenile court was not necessarily a new idea; it was, to some extent, simply a legal codification of actual practices. They see three conditions as playing a significant role in the development of the court. They were: (1) a concern over the treatment of children, (2) a perceived threat to middle-class values by city life, and (3) the rise of feminism. According to Empey (1973), the juvenile justice system developed out of nineteenth century reform which attempted to remove children from the criminal court. He sees three major factors involved in the origin of the court: (1) the concept of <u>parens patriae</u> from the English Chancery Court, which allowed the state to intervene into children's lives, (2) social

reform designed to offset the effects of urbanization, industrialization, and cultural heterogeneity. Often these reforms, he says, were simply attempts to impose middle-class morals onto lower-class youngsters, and (3) the influences of social pathology in sociology and Freudianism in psychology, which viewed antisocial conduct as perhaps the result of unconscious motives, and which viewed this behavior from a "medical" model, whereby reformers wanted to "restore the emotional health" of youngsters through treatment.

However, the most persuasive argument for this approach has been provided by Platt (1969, 1977). In his analysis of the "child-saving movement," Platt attempts to explain the social conditions surrounding the rise of the juvenile court, the motives and social characteristics of the "child-savers," and the interests which the juvenile court reformers served.

According to Platt (1969), the child-saving movement was responsible for our conception of delinquency and our juvenile justice system. Borrowing images rooted in medicine, Social Darwinism, and Positivistic Criminology, the child-savers attempted to defend traditional, rural, middle-class values against the influences of urbanization. Their main concern was the controlling of youthful misbehavior; they were "prohibitionists" in that they were interested in saving children from "movies, pornography, cigarettes, alcohol, and anything else which might possibly rob them of their innocence" (1969:127). In their rescue efforts, the child savers were

> particularly concerned with extending governmental control over a whole range of youthful activities that previously had been handled on an informal basis. The main aim of the child-savers was to impose sanctions on conduct unbecoming youth and to disqualify youth from enjoying adult privileges (1969:127).

The child-savers were predominantly middle-class and, as such, they had vested interests in the maintenance of traditional institutions and values. In this respect, the juvenile court movement was not really anything "radical and innovative." In fact, the movement reflected a concern for such traditions as "parental authority, education at home, and the virtues of rural life" (Platt, 1969:127). Platt indicates that this concern manifested itself through an elevation of "the nuclear family and, more especially, the role of women as stalwarts of the family" (1969:127).

In his analysis, Platt (1969) points to the role played by the rising feminist movement. Women were regarded as particularly suited for juvenile corrections, due to their "natural" child-rearing functions. And, as a result of dramatic social changes (again, resulting primarily from industrialization and urbanization), the time was ripe for women to defend their interests. As Platt says:

> Middle-class women at the turn of the century experienced a complex and far-reaching status revolution. Their traditional functions were dramatically threatened by the weakening of domestic roles and the specialized rearrangement of family life. One of the main forces behind the child-saving movement was a concern for the structure of family life and the proper socialization of young persons (1969:126).

Child saving, according to Platt, had almost universal appeal to women. It was an opportunity for both feminists and anti-feminists alike to advance their causes. Though their motives were different, both groups of women realized the child-saving movement's potential.

> Child-saving was a predominantly feminist movement, and it was regarded even by antifeminists as female domain. The social circumstances behind this appreciation of maternalism were women's emancipation and the accompanying changes in the character of traditional family life. Educated middle-class women now had more leisure time

> but a limited choice of careers. Child-saving was a reputable task for women who were allowed to extend their housekeeping functions into the community without denying antifeminist stereotypes of woman's nature and place (Platt, 1969:125).

The origin of the juvenile court, through the child-saving movement, then, particularly appealed to women, especially middle-class women. It provided feminists with an active, outside-the-home role in society, while retaining a "traditional" child-care role. So, the child-saving movement allowed for the integration of a variety of social elements: preservation of tradition, feminism, and anti-feminism. Likewise, the new career opportunities for women afforded by the developing juvenile justice system also reflected these elements.

> Although child-saving had important symbolic functions for preserving the social prestige of a declining elite, it also had a considerable practical significance for legitimizing new career openings for women. The new role of social worker combined elements of an old and partly ficticious role--defenders of family life--and elements of a new role--social servant. Social work was thus both an affirmation of cherished American values and an instrumentality for women's emancipation (Platt, 1969:128).

Through the child-saving movement, then, the juvenile justice system emerged. The movement "created" new categories of delinquency, the status offenses, and developed a new legal institution, the juvenile court, along with a new correctional institution, the reformatory, to handle this misbehavior (Platt, 1969). In so doing, the child-savers brought previously legal (though predominantly lower-class) behavior under the jurisdiction of the court. Not only were the child-savers concerned with rescuing delinquents, but, according to Platt, they were firm believers in early intervention into the child's life.

> The unique character of the child-saving movement was its concern for predelinquent offenders--'children who occupy the debatable ground between criminality and innocence'--and its claim that it could transform potential criminals into respectable citizens by training them in 'habits of industry, self-control, and obedience to law' (Platt, 1969:132; citing: Illinois, Board of State Commissioners of Public Charities, Sixth Biennial Report, Springfield: H. W. Rokker, 1880:104).

Whichever perspective one holds, either the conventional or the conflict, it is obvious that the origin of the court was not an isolated instance. Both approaches see the court's origin in the various social conditions of the nineteenth century. Not only did the juvenile court emerge at this time, but, as Allen (1964) indicates, there was a broad effort on many fronts in American society to improve the welfare of children. This effort included the rise of public education, the development of services for dependent and neglected children, the advent of child labor laws, and other attempts to counteract industrial abuses of children. Likewise, Caldwell writes of the fact that the juvenile court was only one example of attempted reform:

> many varied influences helped to produce the climate in which it [the juvenile court] had its origin. In fact, its establishment may well be considered a logical and exceedingly important development in a much broader movement for the expansion of the specialized treatment given to children in an increasingly complex society. . . . (1961:395).

Others have indicated the variety of changing conditions related to the rise of the court. Johnson (1975) points out that the movement toward a juvenile court followed a time of humanitarian reform in penology which also included an attempt to replace corporal and capital punishment with incarceration. The proponents of the juvenile court drew upon a number of social and legal principles in

designing the system, including the doctrine of parens patriae, the ideas of both the penal reform movement and deterministic criminology, and the practice of special institutions for juveniles (Kittrie, 1971:112).

The most obvious precipitants of the juvenile court were, as mentioned earlier, industrialization and urbanization. Closely related to these was the perceived threat of immigration. It is evident from the literature that the concerns of those involved in the juvenile court movement were traditional, rural, middle-class concerns. It is not surprising, then, that the system which they devised reflects those concerns. The city was viewed as a negative influence on children which threatened the destruction of those values (concerns) (Platt, 1969). Of particular interest were the immigrants, who were, according to Platt (1969:123), "regarded as 'unsocialized' and the city's impersonality compounded their isolation and degradation." To deal with the problem of these children, the juvenile court reformers "invented" new forms of misbehavior:

> The juvenile court movement went far beyond a concern for the special treatment of adolescent offenders. It brought within the gambit of governmental control a set of youthful activities that had been previously ignored or dealt with on an informal basis. It was not by accident that the behavior selected for penalizing by the child-savers--sexual license, drinking, roaming the streets, begging, frequenting dance halls and movies, fighting, and being seen in public late at night--was most directly relevant to the children of lower-class migrant and immigrant families (Platt, 1969:129-130).

It was through the juvenile court movement that attempts were made to deal with these behaviors and counteract their causes: urbanization and industrialization. Based upon the English doctrine of parens patriae, the court could exercise wide discretion over the

behaviors that today are labeled "status offenses." Again, these misbehaviors were primarily violations of middle-class notions of respectability (Platt, 1969). One of the main forces designed to deal with these offenses was the reformatory.

Like the definition of delinquency, the concept of the reformatory reflected the traditional, middle-class interests of the juvenile court reformers. The general trend of thought was that children could be helped, but only if they could somehow be insulated from the influences of the city. According to the reformers, penal methods of thetime could not be successful because they did not inculcate rural values. As Mary Carpenter said about traditional penology in 1874:

> All the arrangements are artificial. . . . Instead of the cultivation of the land, which would prepare the youth to seek a sphere far from the dangers of large cities, the boys and young men were being taught trades which will confine them to the great centers of an overcrowded population (cited in Platt, 1969:133-134).

Therefore, it was the duty of the new penology to provide an alternative. Reflecting their interests, the juvenile court reformers attempted to develop a reformatory system which they thought would counteract the negative impact of the city. The reformatory system was designed from a rural family model:

> The trend from congregate housing in the city to group living in the country represented a significant change in the organization of penal institutions for young offenders. . . the family or cottage plan. . . . The new penology emphasized the corruptness and artificiality of the city; from progressive education, it inherited a concern for naturalism, purity, and innocence. It is not surprising, therefore, that the cottage plan also entailed a movement to a rural location. The aim of penal reformers was not merely to use the countryside for teaching agriculture skills. The confrontation between corrupt delinquents and unspoiled nature was intended to have a spiritual and regenerative effect. The

> romantic attachment to rural values was quite divorced from social and agricultural realities. It was based on a sentimental and nostalgic repudiation of city life. Advocates of the reformatory system generally ignored the economic attractiveness of city work and the redundancy of farming skills (Platt, 1969:135).

The culmination of this reform movement was the establishment of the first juvenile court in April, 1899, as a result of the Juvenile Court Act of Illinois. With the establishment of the Illinois court, all children who went before the court--neglected, delinquent, and "incorrigible," were placed under the same jurisdiction (Coffee, 1974). According to Kittrie, the original statute setting up the juvenile court gave the court jurisdiction only over those who had committed violations of specific laws, but was amended shortly thereafter to include those thought to be "on the brink of delinquency." The inclusion of status offenders within the jurisdiction of the court was completed in 1905, when "the Illinois definition of delinquency was extended to encompass not only those charged with a violation of the adult laws, but also the incorrigibles, those exposed to undesirable associates, [etc]. . . ." (Kittrie, 1971:111-112).

Martin (1971) believes that the origins of the juvenile court were not in the philosophy of the Classical school of criminology, which assumes free-will and hedonism. Though Classical criminology "was responsible for shaping American criminal law from the Revolution onward," the juvenile court developed essentially from the philosophical foundations of the Positive school of criminology (1977:8). He says that Americans slightly modified the Positivistic doctrines of "the deterministic view of behavior, the medical model of diagnosis and treatment, and the concept of intervention to prevent deviance"

because they were viewed as too "pessimistic," and formed the "so-called American school of criminology." But, even though altered slightly, these concepts became the basis of juvenile justice in America and "were all integrated into the bases of juvenile court philosophy" (1977:8).

According to Tappan (1949), the first juvenile court was one of equity jurisdiction, and was an attempt to be protective of children through a non-criminal approach. When it originated, no new court was established; the statute simply gave a new jurisdiction to existing courts. But, "it did create the status of delinquency as something less than a crime, to be treated correctively and not by punishment as such" (1949:172).

Similarly, Caldwell provides five major points concerning the first juvenile court law:

> (1) The first court was not to be a new or independent tribunal but merely a special jurisdiction in the circuit court.
>
> (2) The juvenile court was to be a special court and not an administrative agency.
>
> (3) The law did not stipulate that juvenile delinquents should be 'treated' and not punished. It merely provided that the child should receive approximately the same care, custody, and discipline that his parents should give him.
>
> (4) A juvenile delinquent was simply defined as 'any child under the age of 16 years who violates any law of this state or any city or village ordinace.'
>
> (5) In all trials under the law any interested party might demand, or the judge might order, a jury of six to try the case (1961:396).

Reflecting the influence of the juvenile reform movement, the first court attempted to provide a distinction between adult and

juvenile criminality. According to Coffey (1974:37), the distinguishing characteristic between the new juvenile court and the traditional criminal courts is the difference between "adult responsibility and juvenile accountability." Obviously, the juvenile court reformers wanted a different system: "From the outset there was a onspicuous effort to simultaneously minimize the authoritarian atmosphere and emphasize various degrees of accountability for law violation" (1974:37).

According to Caldwell (1961), the first juvenile court made two significant changes in dealing with delinquents. First, the court raised the age of accountability for crime from 7 to 16, and second, created a court of equity jurisdiction, allowing for the same discretion in dealing with delinquents that had been used previously in regard to neglected and dependent children. Pound (1964) feels that the social characteristics of those who drafted the first juvenile court law is a significant reason for its particular concerns and innovations. Noting that the Illinois law was in reality the work of a bar association committee, he says the first juvenile court law was

> the enduring work of a body of socially minded lawyers, cooperating with social workers. The lawyers made a court, but the pressure of organized social workers has been an agency of the first importance in guiding the development of what was thus begun and putting it and keeping it in the path of efficient attainment of its ends (1964:494).

So, it can be seen that the first juvenile court, arising from the work of juvenile court reformers, obtained jurisdiction over the juvenile offender. It is significant that the court, originally designed to deal only with those who violated criminal laws in a less punitive manner, began early to intervene into the lives of those

children who engaged in previously non-criminal behavior: the status offenders. With the influence of the child-saving movement playing an important role, younsters whose misconduct was labeled "incorrigible," etc. became of interest to the juvenile justice system. Though these behaviors had at times been considered delinquent or criminal (Tappan, 1949), the general prohibitions against such activities were not very enforceable. With the new juvenile court, a far greater number of youngsters came under court jurisdiction.

Contemporary Juvenile Court

The modern juvenile court, based upon the preceeding historical and social foundations, continues in much the same tradition. As mentioned, the primary difference in the bases of the criminal and juvenile courts is thenotion of accountability: the juvenile is generally considered to be less accountable for his actions than is the adult. Another difference, according to Kittrie (1971), is between criminal law and juvenile law. In criminal law, the court deals with an offender after he has committed an act, whereas in juvenile law, the court is often an attempt to prevent a criminal act while at the same time attempting to deal with certain "antisocial" behaviors. The legal basis for juvenile misconduct is somewhat different from that of adult misbehavior. As Reiss (1970:79) explains it: "Society chooses what rules to enforce, in what situations, on what people. Thus, Negroes may get censored for what whites may do; women censored for what men may do. . . ." And, it could be added, juveniles get censored for what adults may do.

The juvenile court is an extremely varied institution. Its philosophy, jurisdiction, functions, and purposes reflect the influence of many different elements. Therefore, it could be expected to contain some inconsistencies, which it does. But, the court is founded upon a particular philosophy of law, as summarized by Caldwell (1961):

> (1) THE SUPERIOR RIGHTS OF THE STATE. The state is the 'higher or ultimate parent' of all the children within its borders. . . . This is an adaption of the ancient doctrine of parens patriae, by which all English children were made wards of the crown.
>
> (2) INDIVIDUALIZATION OF JUSTICE. A basic principle in the philosophy of the juvenile court is the recognition that people are different and that each must be considered in the light of his own background and personality. . . .
>
> (3) THE STATUS OF DELINQUENCY. The state should try to protect the child from the harmful brand of criminality. In order to accomplish this the law created the status of delinquency, which is something less than crime and is variously defined in different states. . . .
>
> (4) NONCRIMINAL PROCEDURE. By means of an informal procedure the juvenile court functions in such a way as to give primary consideration to the interests of the child. . . .
>
> (5) REMEDIAL, PREVENTIVE, AND NONPUNITIVE PURPOSE. The action of the juvenile court is to save the child and to prevent him from becoming a criminal. It seeks to provide him with about the same care and protection that his parents should give him . . . (1961:399-400).

The philosophy of the juvenile court, then, reflects a different view of misbehavior than does the criminal court. Likewise, the jurisdiction of the juvenile court differs from that of the adult court system. According to Hahn (1971:257), courts can be of two types: "constitutional" and "legislative." The juvenile court is a "legislative or statutory court, and as such, its authority is set forth by the legislature in its particular state." By "legislative or statutory," Hahn means that the juvenile court is an equity court,

one with jurisdiction and procedures designed by lawmakers and not based in the common law. Therefore, the court exercises equity jurisdiction; Pound (1964) summarizes the juvenile court's five characteristics of equity jurisdiction:

> (1) It is relatively informal in its procedure. . . .
>
> (2) As with all equity jurisdiction, it is remedial, meaning it is an attempt to legally redress a wrong, not punitive.
>
> (3) It acts preventively in advance of commission of any specific wrongdoing.
>
> (4) It employs administrative rather than adversary methods.
>
> (5) It can adapt its action to the circumstances of individual cases and so achieve a high degree of individualization, which is demanded by justice, if not always by security (1964:498-499).

There are four basic categories of juvenile court jurisdiction, according to Martin (1977:9): (1) delinquent children--those who have committed an adult crime, (2) neglected children--wherein parents do not offer the care and guidance they are obligated to provide, (3) dependent children--"those cases in which a child's parents are unable to care for him," and (4) status offenders--children engaged in behavior that is legal for adults but not for children, as when "the child is beyond the control of his parents or is engaging in non-criminal conduct thought to be harmful to himself."

The philosophy of the juvenile court, along with its equity jurisdiction, provide the basis for its approach to the handling of juvenile offenders. From both Caldwell (1961) and Pound (1964) it can be seen that the following factors are important foundations of the court: individualization of justice, informality of procedure, a

non-punitive approach, remediality, and prevention. Though the actions of the court do not always follow consistently from its foundations (as in non-punitiveness), these are nonetheless the bases for the juvenile court. The particular cases which come before the court depend upon the statutory jurisdiction given to it. Though this jurisdiction varies from one locale to another, Johnson (1975:21) writes that the juvenile court has "exclusive original jurisdiction" over certain types of cases, including adoption, child-custody, parental rights, child abuse and neglect, certification of the child as an adult for criminal prosecution purposes, adults contributing to the delinquency of minors, among many others.

The juvenile court, then, is a varied and multi-jurisdictional entity. Not only is it concerned with adolescent behavior, but it must also concern itself with virtually any act related to children. As mentioned, the court did not develop in an isolated fashion; likewise, the contemporary court must be viewed within the social environment which is responsible for its actions and jurisdiction. There are according to Caldwell (1961), a number of reasons why the juvenile court has its particular jurisdictional nature. In many ways, the modern court reflects the "increasing complexity of American society" (1961:397). Such factors as industrialization, urbanization, mobility, rapid transportation and communications, among others, have contributed to a decline in the influence of traditional institutions; so new forms of social control have emerged. The juvenile court is one of these new forms of social control. The jurisdiction of the court is related to these social changes in that it has been called upon to assume many of the traditional functions of other institutions,

particularly the family, the neighborhood, and the church. Likewise, other influences have affected the philosophy and jurisdiction of the court. Especially noteworthy are social workers and psychiatrists. These two groups have aided in giving the court its conception of delinquency as "symptomatic of some underlying emotional contition" (1961:398) to be treated through psychiatry, psychology, or social work. In addition, court decisions which have emphasized the juvenile court's "social service functions and minimized its legal characteristics" (1961:398) have tended to make the court something of a social work agency rather than a legal entity.

Empey (1973) believes that the juvenile court today mirrors its historical origins. According to him, the modern juvenile justice system stresses three ideas:

> (1) the right of the state to exercise wide jurisdiction over the lives of young people--the dependent, the neglected, the 'incorrigible'--as well as the law violator,
>
> (2) the use of the court to maintain the moral as well as the legal standards of the community, and
>
> (3) the implementation of treatment procedures designed to correct the emotional and social problems of children (1973:14).

The functions of the juvenile court reflect its diversity of foundation. According to Rubin (1949), there are two majOR functions of the contemporary court: (1) it is supposed to take the juvenile from the adult criminal courts, and (2) it is supposed to protect and treat other children in need. Aside from its obvious delinquency functions, Allen (1964:412) indicates that the juvenile court has to perform many other functions, including "welfare functions," for dependent and neglected children, and "criminal prosecution functions, as in cases of

adults alleged to have contributed to the delinquency of minors." This variety, whether philosophically sound or not, can present problems for the court. Many of the greatest criticisms of the modern juvenile court arise from its multi-functional approach to children's problems. According to Tappan (1949):

> The extension of the functions of the children's court has frequently been rationalized in terms of the greater value of treatment in preventing rather delayed curative measures. The court should attempt to detect problems of maladjustment in their incipience and thus forestall the more aggravated, possibly the irremediable, recalcitrance of the matured delinquent. This is a particularly seductive rationale because of its half-truths. There is certainly a need to focus community resources upon more effective prevention. . . . But this well-intentioned purpose cannot realistically avoid the question of the appropriateness of its particular resources to accomplish preventive goals. A court, by its intrinsic character and limitations, is not desinged to do preventive work in the sense of avoiding the first delinquency. Its function is to adjudicate delinquents, and most of its defendants are more or less serious offenders (1949:200).

Most criticisms of the court arise about vague definitions of delinquency, wide discretionary powers, intervention into the lives of non-criminal adolescents, and the conflicting approaches of the court. Indeed, Tappan (1949) believes that many of the problems faced by the court are due to the dual nature of the court's philosophy. According to him, the two approaches of the court, the judicial (legal) and the casework (administrative), lead to a certain amount of inconsistency. The modern court, he says, is essentially a compromise between these two approaches; it is a "sociolegal" effort (1949:7). The problem becomes one of intent and result: Tappan's view is that in the case of the juvenile court, they are often not the same. The juvenile court is designed to protect and benefit the youth, but

"This whole view appears to overlook the significant point that whatever he may be called, he is in fact treated as an offender through court control" (1949:9).

Tappan (1949) further indicates that in certain respects the court is more of an administrative agency than a court of law. Though defenders of the court claim ancestry to the Chancery Court of England, he believes that, in reality, the contemporary court has so expanded upon equity procedures that it resembles the modern "administrative" or "quasi-judicial" agency more than a court. Nonetheless, there is "considerable rationalization by analogy to ancient chancery" (1949:169). Likewise, he says the juvenile court also resembles the criminal court. The powers of the court are much greater than that of the ordinary administrative agency or that of the traditional Court of Chancery. In fact, historically, the American juvenile court has had a very close "functional affiliation" (1949:170) with the criminal court, according to him. Tappan further notes that while the first juvenile court was an equity court,

> a majority of children's courts were originally set up as a part of the criminal court system and, despite subsequent enactments, a large proportion of them still remain so. Thus juvenile cases are handled to a great extent today by some term of an ordinary court of original criminal jurisdiction or of general jurisdiction covering both criminal and civil cases. . . . In most juvenile courts there is a preservation of criminal court personnel, ideology, and, to a less marked extent, trial procedure and treatment methods (1949:11-12).

Another criticism often directed toward the court is its vague definition of delinquency. This is of special importance for this work, as the juvenile status offense appears to be a manifestation of this vagueness. Critics have argued that the broad definition of

delinquency used by the juvenile court allows for unlimited intrusion and unlimited discretion on the part of the court. Kittrie (1971:120) believes that this vagueness leads to abuse in that the wide discretion allowed the juvenile court, coupled with a broad definition of delinquency, becomes a "corrupting influence." According to him, "Abuses of the unlimited discretion given to juvenile courts by the uncertain standards of 'delinquency' are recorded in several appellate cases" (1971:120). Also, the vague definition of delinquency can lead to discriminatory treatment for the child at the hands of the court:

> With such broad definitions, apprehension and adjudication too often depend upon the child's socioeconomic background or upon the personal values of the police, the judge, or the court's social service staff (1971:118).

Likewise, Tappan (1949) notes that there may be serious negative consequences for both the court and the child due to broad conceptions of misconduct. Based upon the fact that many children are adjudicated because of "incorrigibility" or some other similar offense resulting from a petition by his parents, he says:

> Resting upon parental evaluations of their children's behavior, this type of norm has traditionally been employed to lend overrigid or impotent parents the more puissant weapons of state authority (1949:210).

It has even been suggested that some forms of delinquent behavior should be removed from the jurisdiction of the juvenile court and be handled by other agencies. One such idea is that most status offenders, especially incorrigibles and truants, should be handled by the schools rather than by the juvenile court (Caldwell, 1961). Another suggestion is that the broad delinquency definitions place undue restrictions and expectations on adolescents. Therefore, it may be questionable whether many behaviors warrant their attention by the

court (Kittrie, 1971). Kittrie also criticizes the court for its adjudication procedures in regard to status offenders. He feels it might be more beneficial to the child if his first experience with defining agencies is with some other institution rather than the court. He is not certain if the juvenile court is the proper entry point for these youngsters into the system. Also, the argument can be made that the status offender's court and correctional experience has a negative influence on him (Caldwell, 1961). Tappan (1949) reiterates this idea when he writes:

> Thrusting the admittedly nondelinquent child into such a scene the [juvenile justice system], however well meant the court's objective may be, is not only unjust but it may well propel him into otherwise avoidable delinquency (1949:200-201).

All of these criticisms seem to have some validity. It is very likely that the juvenile court, no matter how well-intentioned it may be, harms a certain number of youngsters, while at the same time helping others. Lerman (1971) indicates that the court has been criticized on several major points:

> (1) The broad scope of delinquency statutes and juvenile court jurisdictions had permissted the coercive imposition of middle-class standards of child rearing.
>
> (2) A broad definition has enlarged the limits of discretionary authority so that virtually any child can be deemed a delinquent if officials are persuaded that he needs correction.
>
> (3) The presence of juvenile status offenses, as part of the delinquency statutes, provides an easier basis for convicting and incarcerating young people because it is difficult to defend against the vagueness of terms like 'incorrigible' and 'ungovernable.'
>
> (4) The mixing together of delinquents without crimes and real delinquents in detention centers and reform schools helps to provide learning experiences for the non-delinquents on how to become real delinquents.

(5) The public is generally unaware of the differences between 'persons in need of supervision' and youths who rob, steal and assult, and thereby is not sensitized to the special needs of status offenders.

(6) Statistics on delinquency are misleading because we are usually unable to differentiate how much of the volume reflects greater public and official concern regarding home, school and sex problems, and how much is actual criminal conduct by juveniles.

(7) Juvenile status offenses do not constitute examples of social harm and, therefore, should not even be the subject of criminal-type sanctions.

(8) Juvenile institutions that house noncriminal offenders constitute the state's human garbage dump for taking care of all kinds of problem children, especially the poor.

(9) Most policemen and judges who make critical decisions about children's troubles are ill equipped to understand their problems or make sound judgements on their behalf.

(10) The current correctional system does not rehabilitate these youths and is therefore a questionable approach (1971:39).

Viewing the juvenile court as a particular form of ideology, and commenting on the relationship between rates of illegal behavior and the legal response to that behavior, Lusk (1977:58) says, "The increase in delinquency has been paralleled only by the growth of the juvenile justice system itself." He says the system of juvenile justice has been an outgrowth of humanitarian concern for the behavior of young people. This concern is manifested toward behavior viewed as "inappropriate for youth; especially that which is believed to lead to adult criminal activities" (1977:59).

According to Lusk (1977), the juvenile court, based on the concept of parens patriae, has only two major functions: (1) it is supposed to protect the child from the stigma associated with criminality and the adult criminal court, and (2) it is to provide services to the child, such as counseling and treatment, to protect him from future involvement

in delinquency. There are, however, two ideological problems connected with these functions, he says. First, judges and others in the juvenile justice system may be committed to the concept of institutionalization as a form of treatment. Second, there are pragmatic factors to be considered. As he says:

> We cannot dismiss the economic and political implications of the relationship between reduction and production in any solution-making enterprise. Specifically, the successful reduction of delinquency would mean (ideally) a corresponding reduction in the size of the juvenile justice system itself (1977:59).

Lusk (1977:59-60) views the development of the juvenile court as a "major ideological innovation," in that the behavior of young people, especially antisocial behavior, began to be viewed as different from that of adults; this was "one of the great legal reforms of our history." But, according to him, it must be realized that the juvenile court was far more than just a "legal innovation"; it was also an important innovation in ideology. The legal system had long recognized that very young children could not form criminal intent. In developing the juvenile court the legal system simply extended these ideas to cover older children. The real innovation of the juvenile court, he says, was simple:

> Rather than viewing juvenile misconduct morally and legally as sinful and criminal, it should be viewed scientifically and medically as social malfunction and pathology. It is for this reason that the juvenile justice system, while resting upon legal enactment and depending upon the force of law, could not be solely a legal accomplishment. It depended upon a rhetoric which was essentially amoral and alegal (1977:60).

Lusk (1977) believes that the development of the juvenile court resulted from the origin of a new institution, that of social welfare. Modeled after medicine, social welfare provided the ideological basis

for the juvenile justice system itself. It was the welfare ideology, with its scientific bias, which replaced, to a great extent, the ideologies of law and morality, according to him, as the definer of appropriate and inappropriate behavior. An important aspect of the welfare ideology was that of "predelinquency," the idea that one can predict delinquency prior to the commission of an illegal act. For Lusk, the concept of predelinquency was simply the final logical result of the juncture between social welfare and law:

> While the acts contained in the legal definition have always been sufficiently broad to cover almost any conceivable situation, the concept of predelinquency severs what little connection that might be demanded in practice between the juvenile's behavior and these broad categories of acts (1977:64).

In sum, according to Lusk (1977), with the development of the concept of predelinquency, certainly basic to the court's jurisdiction over status offenses, the court could intervene into a child's life regardless of the actions committed by the child.

Defenders of the court, however, have emphasized its positive aspects. The juvenile court, they say, has a "proper function" beyond the jurisdiction over criminal offenses committed by juveniles (Rubin, 1949). And when dealing with children who have violated the criminal law, the juvenile court is without doubt less harmful to the youngster than the criminal court (Rubin, 1949). If the court had to deal with adolescents in the same technical and legal manner as it deals with adults, it could not function properly. The broad, vague definitions of delinquency allow for necessary intervention which would be impossible under a more strict classification (Caldwell, 1961). The interest of the court is preventative in that:

> the jurisdictional principle on which the court properly proceeds in the delinquency area is, not the presumed ability of the court to be of service to the particular child, but the existence of behavior on the part of the child that is dangerous to the community's security of that imminently threatens such danger (Allen, 1964:417).

Those who support the juvenile justice system say that its purpose is not to punish the child, but, rather, to help him. It is therefore necessary at times to use the authority of the state to make otherwise unwilling children avail themselves of the system. Juvenile status offenses are seen as not always due to subcultural or cultural differences; some children do experience problems interpersonally, and need help. It is the juvenile court which provides such help (Lerman, 1971). The court, as a "kindly and understanding parent" is supposed to aid the child who is in trouble (Murphy, 1974). In fact, according to the court's supporters, the juvenile justice system has been forced reluctantly to intervene into children's lives and take over many of the functions of more traditional institutions (Pound, 1964).

Juvenile Status Offense

As it has been shown, there are different forms of juvenile misconduct. The most obvious distinction is that between juvenile criminal offenses and juvenile status offenses. In most every locality it is a delinquent act for a minor to violate any state or municipal legal regulation. But, it is also a delinquent act for a minor to engage in various other behaviors which are legal for adults (Caldwell, 1961). These vague conduct violations are termed "juvenile status offenses" because "only persons of a juvenile status can be accused, convicted, and sentenced for committing them" (Lerman, 1971:35). As Sanders

(1976) explains it:

> delinquency has many faces, and one is that of the juvenile [who] has been judged delinquent even though no crime has been committed for which an adult could be convicted. Nothing has been stolen, no one has been assaulted, no illegal drug has been used, but still the juvenile finds himself, or, more frequently, herself, incarcerated or placed on official probation. Such youngsters have committed so-called juvenile status offenses, transgressions for which no adult could be brought to court; they are just for kids (1976:64).

Similar definitions of the juvenile status offense can be found in the literature:

> Noncriminal behaviors which are legally sufficient to sustain a finding of delinquency are generally referred to as 'status offenses.' Such behaviors are entirely permissible if performed by adults; they are impermissible for children (Katkin, Hyman, and Kramer, 1976:17).

> There is a wide area of juvenile court jurisdiction over delinquent juveniles whose general status or particular conduct society may find offensive, but which nonetheless fall short of being criminal by adult standards (Kittrie, 1971:114).

All these definitions, and many more like them, indicate that the juvenile is in a unique situation: he or she is subject to a far greater number of legal constraints on conduct than is the rest of society. The juvenile status offenses are broad, vague conceptions of unacceptable behavior, including such actions as "habitual truancy, incorrigibility, waywardness, and association with immoral persons" (Caldwell, 1961:401). According to Tappan (1949), a lawyer and sociologist, the statutes relating to juvenile status offenses are probably the most vague of any within the criminal law.

The status offense, then, as viewed by Kittrie (1971), is an offense which can cost someone his liberty for what he is rather than what he does. Further, according to the Council of State Governments:

> A 'status offense,' as used in the literature and in the delinquency field, is any violation of law, passed by the state or local legislative body, in the state in which the census or monitoring is to take place, which would not be a crime if committed by an adult, and which is specifically applicable to youth because of their minority (1975:3).

The juvenile status offenses affect a great number of youngsters. According to the American Journal of Correction (1975), data from the National Council of Crime and Delinquency indicate that 23% of the boys and 70% of the girls in juvenile institutions during 1975 were guilty only of status offenses.

The juvenile status offense has a long history in the United States. There are indications that the Puritans in the Plymouth Bay Colony treated children who were what are called today "incorrigible" or "wayward" as criminals (Lerman, 1971:35). But, the most direct historical line to the contemporary legal attitude toward status offenses can be seen in the "child-saving movement" as previously described. The child-savers concerned themselves with morality (middle-class), and sought to rescue children from misbehavior through the juvenile court. The child-savers provided us with the broad definition of misconduct which today falls within the concept of "status offense."

According to Sanders (1976), there are two types of status offenders. First, there are those engaged in "violation of certain ordinances that apply only to juveniles," including curfew, truancy, drinking, smoking, etc. (1976:64). Second are those he categorizes as "out-of-control," including runaways, incorrigibles, and sex offenders. Similarly, Lerman (1971:39) characterizes status offenders as "young people who are themselves liable to be victimized for having childhood troubles

or growing up differently." He writes that there are three important categories of situations in which status offenders are involved. First, there is behavior at home. This category includes children engaged in activities such as running away, incorrigibility, ungovernability, and beyond parental control. Second, there is behavior at school. Included here are such behaviors as "growing up in idleness," truancy, and classroom disturbance. The final category is sexual experimentation, including sexual relations as minors and out-of-wedlock pregnancy. Considering the behaviors involved, Lerman (1971:39) says, "In brief, juvenile status offenses primarily encompass the problems of growing up." Concurrently, Rubin (1949:3) makes the suggestion that juvenile status offenses may be simply "preferred" conduct rather than "required." The dilemma provided for the juvenile court, and the rest of society, is expressed by Kittrie (1971):

> What power should society exercise over juveniles who drop out of school, leave home, form undesirable associations, and appear to progress toward crime, yet are short of it? When may society take preventive measures, and to what extent should social intervention depend on the availability of adequate treatment facilities? (1971:114-115).

A particular problem concerning status offenses is the wide discretionary powers of the juvenile court. The court has such wide-ranging jurisdiction over so many different behaviors and individuals, that it is very easy for discriminatory procedures to be exercised. It is obvious from the literature that certain people are more likely than others to come under the court's jurisdiction. Lerman (1971:39) indicates that those who are most likely to get into trouble are: "girls, poor youth, rural migrants to the city, underachievers and the less sophisticated." He also expresses the view that poor people

are more likely to accept or seek the intervention of the court than others when the issue involves a challenge to their parental authority. The prlblem of discretion, coupled with discrimination, seems most evident in cases involving females. Because of the court's historical and contemporary concern with youthful morality, many feel that young girls are more likely to be sanctioned by the court for status offenses than are boys.

> Although theoretically this type of statute applies equally to young men and women, when coupled with a couble standard of juvenile morality, it lends itself to discriminatory enforcement against the female juvenile (Riback, 1971:314).

Indeed, one of the major sources of problems for females in the juvenile court seems to be sexual activity; likewise, the court generally attempts to enforce a particularly strict code of sexual morality on the girls brought before it (Murphy, 1974). According to Reiss (1960), the delinquency statutes regarding sexual behavior are worded in such general terminology that any sexual act is illegal. Sanders (1976) notes that the laws regarding sexual offenses are not only ambiguous, but other offenses, such as running away or incorrigibility, are often just substitute terminology for sexual activity. Females, of course, are the ones who are most often affected by these statutues. But, according to Lerman (1971):

> If the letter and spirit of American juvenile justice statutes were rigorously enforced, our delinquency rates and facilities would be in even deeper trouble than they are today. For few American youth would reach adulthood without being liable to its stern proscriptions (1971:37).

Current views indicate that the wide discretionary powers of the court lend themselves to the possibility of differential enforcement.

Nowhere within the jurisdiction of the juvenile court is differential enforcement and the imposition of middle-class morality more evident than with the legal handling of female sexual delinquents. As Chesney-Lind (1973) notes, the court's enforcement of both the law and morality presents a greater risk for young girls than for young boys:

> [this] concern with the morality of youth and their obedience to familial demands still characterizes juvenile court policy, and this clearly poses a greater threat to the rights of female adolescents than males (1973:53-54).

The prohibitions against status offense conduct, especially sexual conduct, are seen as being unequally applied. The accepted behavior for females is more strictly defined and more limited in context than that for females. The "law serves the coercive purpose of inducing conformity wit- societal sex role and family structure" (Riback, 1971:333). In fact, Sherwin (1966:110) believes that sex laws generally are subject to attack on the grounds that they (1) attempt to control behavior that should be controlled by other institutions, and (2) attempt to control behavior that is often a question of "taste" rather than "morality." Certainly this could be viewed as true for juvenile sexual statutes specifically.

Differential sex role socialization in our society leads to different expectations in behavior for the sexes, primarily in the nature of male superiority and female inferiority (Riback, 1971). Consequently, differential expectations, along with greater family control over the behavior of females and the double standard of sexual conduct, result in the fact that "dependency, obedience, and responsibility are encouraged in female children while self-reliance and achievement are most values in male children" (Chesney-Lind, 1973:54).

The double standard of sexual morality is based on the concept of role, resulting in differential and discriminatory treatment by the courts (Riback, 1971). Similarly, Chesney-Lind (1973) argues that differential sex role expectations on the part of the juvenile court are the primary reason for the court's response to male and female delinquency:

> Since female adolescents have a much narrower range of acceptable behavior, even minor deviance may be seen as a substantial challenge to the authority of the family, the viability of the double standard, and to the maintenance of the present system of sexual inequality. It is the symbolic threat posed by female delinquency to these values that best explains (1) why the juvenile court system selects out aspects of female deviance which violate sex role expectations rather than those that violate legal norms; and (2) why female delinquency, especially sexual delinquency, is viewed as more serious than male delinquency and is, therefore, more severely sanctioned (1973:54).

Likewise, Riback (1971:332) argues that the idea of the "inferiority of women" justifies differential sexual standards "under the guise of protection."

Historically, the female's sexual behavior has been scrutinized by the court, and this presents the female (either adolescent or adult) with a greater number of problems with the court than the male:

> Since the function of sexual administration was originally in the hands of the church, sexual intercourse . . . was considered strictly as a means of propagation, questions of pleasure and emotional fulfillment were uncontemplated. The omission of pleasure was reinforced so as to avoid sexual satisfaction at the expense of failure to propagate (Sherwin, 1966:111).

According to Chesney-Lind (1977), a major criticism of the juvenile justice system is often overlooked--through its jurisdiction over status offenders, the juvenile court serves to preserve the traditional family system and the sexual double standard. As she says:

> Like 'good parents' police and court personnel tend to select for punishment girls whose behavior threatens parental authority and boys whose behavior is beyond that which can be excused as 'boys will be boys' (1977:376).

Sussman (1977:179) says that status offender laws "are applied far more frequently to males than to females," and that a majority of the girls in the juvenile court are alleged to have committed a status offense, compared to only 1/5 of the boys; yet, there has been a rise in female delinquency. While girls make up only 1/4 of all youngsters who appear in court, they comprise 50% of all status offender proceedings. Sussman feels that this is due to the vagueness of the laws and the discriminatory application of the laws, especially in regard to sexual behavior. According to him, there exists a double standard associated with sexual behavior, in that the sexual behavior of girls is more closely scrutinized that than of boys. Therefore, young girls who appear in court receive unequal treatment under the law, not only in comparison to boys, but also in comparison to adult women.

Though status offender laws have been consistently attacked on grounds of vagueness and ambiguity, Sussman (1977) indicates that the courts have consistently upheld their constitutionality based on the doctrine of parens patriae. And, even though both males and females are exposed to the hazards of ambiguous statutes, the girl is at a special disadvantage in that she has been consistently subjected to more strict standards of sexual behavior. Also, many persons, he says, believe that "charges of 'ungovernability' or 'incorrigibility' also serve as euphemistic vehicles for complains involving sexual misbehavior or promiscuity" (1977:182). He says the discrimination

against females in the juvenile justice system is the result of several factors, among which are: (1) parents and police are more prone to disapprove of expressions of female than of male sexuality, (2) judges are generally more "protective" of girls than boys, and (3) pregnancy is a uniquely female condition. Sussman also says that there are indications that girls' cases tend to be disposed of differently than that of boys'. Among women criminals in the adult court, according to him, there exist the "chivalry factor" which tends to result in greater leniency for females. In the juvenile court, however, the opposite appears to be true. Girls may have higher rates of probation as opposed to boys' cases which tend to be either discharged or suspended; they may be detained more frequently and for longer periods of time than males.

In a similar vein, Tappan (1949) believes that the court has, for the most part, shirked its role as "parent" to the status offender and has instead simply acted as a higher authority over the child in backing-up natural parent authority. The paradox here, as he sees it, is that while the parents are often a contributing factor in the child's misbehavior, the court consistently supports their demands. Likewise, Lerman (1971) criticizes the system for its actions in situations where the child might not be at fault:

> Discretionary decision making by law enforcement officials has often been justified on the grounds that it permits an 'individualization' of offenders, as well as for reasons of pragmatic efficiency. While this may be true in some cases, it is difficult to read the historical record and not conclude that many juvenile status actions could have been defined as cultural differences and childhood play fads, as well as childhood troubles with home, school and sex (1971:37).

Many persons have long recognized the stigma produced by the juvenile court on the status offender. The term "delinquent" has many connotations, ranging from the juvenile law violator to the conduct norm violator. To categorize these two extremes together tends, according to some, to provide the status offender with a more negative image than he perhaps deserves. Therefore, some jurisdictions have attempted to counteract this stigmatizing process by substituting new categories within the jurisdiction of the juvenile court. The two most common of the new terms are "person in need of supervision" (PINS) and "child in need of supervision" (CHINS). According to Johnson (1975), the movement toward using these new categories was the knowledge that the public generally considers the label of delinquent as "criminal," regardless of the reason for adjudication. He indicates that there were two major purposes in this move: (1) to avoid the grouping together of all children under the jurisdiction of the juvenile court as "delinquent," yet continue (2) to allow the court rights of intervention. Lerman (1971:37) notes that PINS are usually incarcerated alongside delinquents, and that "it is doubtful whether the public (including teachers and prospective employers) distinguishes between those 'in need of supervision' and delinquents."

In assessing the characteristics of the juvenile status offense, many have contended that the court has little business administering middle-class morality, and has better business elsewhere. As Murphy (1976:16) states it, juvenile status offenders are often children "who are not acting the way their parents or a social worker believe they should." Rubin (1949) makes an interesting point when he says:

> Perhaps we do not like children to smoke or drink. But there is no proof that children who smoke or drink are

> likely to become criminal offenders. . . . Using vile or obscene language is not nice. Nor is it nor should it be criminal or delinquent (1949:4).

Tappan (1949) further indicates that certain juvenile offenses are better dealt with outside the law; some misbehaviors and situations of children could be handled more satisfactorily outside the jurisdiction of the juvenile court. Writing in terms of adjudication, he shows not only his view of the status offense, but also the era of which he is writing:

> Is the precocious and adventurous child who has run away from home once, or several times, a delinquent? . . . Is a daughter in 'bobby sox' who stays out later than her mother used to do, who seems a 'little wild,' and causes her fearful family much anxiety, a delinquent? Is the boy who expresses a desire, thoroughly normal in a healthy maturing preadolescent, to emancipate himself emotionally and socially from his family and who behaves in a very independent fashion, a delinquent? . . . Is the girl who has become pregnant through ignorance, seduction, or curiosity? What are the effects on the child, his family, and the community when a fraction of the children who behave this way are adjudicated? (1949:21).

Martin (1977:10) refers to status offenses as "victimless crimes," and points out that a number of scholars have challenged the legality of juvenile status offense laws. According to him, there are three major schools of thought surrounding the status offense controversy: the first advocates the deinstitutionalization of status offenses, the second calls for the decriminalization of status offenses, and the third supports retaining the juvenile court's jurisdiction over status offenses.

The case for deinstitutionalizing status offenses is often based on labeling theory, suggesting that the court stigmatizes young people who go through the court as status offenders, and that by diverting status offenders from the court process and correctional

institutions, fewer children would receive a negative label. Martin (1977) suggests that labeling theory applies to the status offense controversy in the following ways:

> (1) as public identification of deviance occurs, the result is a spoiled public image; (2) that the offender incurs degrees of public liability when knowledge becomes disseminated relative to his perceived deviance; and (3) ultimately this social liability has the effect of reinforcing his deviant behavior (1977:12).

Thus, the labeling argument hypothesizes that the juvenile court experience has negative consequences for the status offender. By his participation in the court process and juvenile institutions, the status offender "would develop an expertise in crime, would have his supportive community contacts, disrupted, and would therefore be earmarked for an inevitable life of crime" (1977:12). Essentially, this view holds that status offenses should be deinstitutionalized because the juvenile court has been unsuccessful in dealing with them and that the negative consequences of labeling could be lessened through diversion and community corrections.

The case for decriminalizing status offenses, according to Martin (1977:13), advocates not simply removing status offenders from institutions, but also the "elimination of the statutes governing all status offenses," leaving the juvenile court without jurisdiction over status offense behaviors. This approach calls for the community to assume responsibility for status offenders, providing the appropriate services at the local level, in lieu of the juvenile court. Martin (1977:13) suggests that the bases for this school of thought are labeling theory, as for those supporting deinstitutionalization, and "socio-legal foundations" which "center around the constitutionality

of status offense statutes and a perceived ability of the juvenile court to exceed those powers delegated to it." Finally, those who advicate removing status offenses from the jurisdiction of the court focus on early prevention. According to Martin (1977):

> Most advocates of decriminalization agree that status offenders are simply a tip-of-the-iceberg phenomenon; that the manifestations of such behaviors have been visible, yet mostly unnoticed, for a substantial preceeding time-span. The general feeling exists that it is the community's responsibility to deal with these problems when the family unit perceives a need to resolve their sysfunctioning. Furthermore, it is felt that the juvenile court is presently overburdened with delinquency cases so that it is unable to provide the services necessary to achieve such a reconciliation (1977:14).

Those who advocate retaining the court's jurisdiction over status offenses, the traditional means of dealing with status offenders, though having "very little support," according to Martin (1977:14), can be considered a "very definite school of thought relative to the controversy." Probably the most influential group supporting this view is the National Council of Juvenile Court Judges (Martin, 1977). This approach is based in the historical legal concept of parens patriae, assuming that "children are not capable of making decisions that affect their own well being" (1977:14). By the court's intervention, it is thought that future crime by the status offender will be reduced.

Schiering (1970:275) points out that currently the juvenile court is under the watchful eye of "the public, social scientists, and legislators" due to its problems in dealing with "the prevention of delinquency, the judicial handling of delinquent children, and the rehabilitation of those children." Because of constitutional questions concerning jury trials, standards of evidence, protection, and personnel,

he says:

> It is clear that the original conception of the juvenile court, therefore, can no longer be the basis of the approach to the resolution of the problems of juvenile delinquency; a complete reevaluation of the juvenile court is mandatory (1970:281).

According to Gough and Grilli (1972), juvenile status offenders nationally probably account for 30-40% of all juvenile court adjucications, but the scarcity of data make it difficult to know exactly. They say that the juvenile justice system has assumed that "unruliness" is a predictor of later delinquency, but that the data tend to indicate li-tle support for this assumption. They further assert that:

> if the juvenile court intervenes to exert sanctions over behavior which does not contravene adult penal law, we are not only holding juveniles to a higher standard of moral rectitude than we enforce upon adults, we are, through the process of stigmatizing and labelling, creating a self-fulfilling prophecy in which the child is more likely to become delinquent because he has been labelled as such (1972:10).

They feel that, perhaps, juvenile status activities may be "sensible adaptive behavior"; for example, running away if the home life is unbearable (1972:10). Nonetheless, most juvenile courts can deal with juvenile status offenders exactly as they deal with juveniles who violate the criminal law. They say that:

> one of the major problems of the American juvenile justice system is that it has tried to enjoin upon its children too precatory a standard. It has circumscribed in a strongly-sanctioned way behavior to which adults are not held (1972:11).

Barrett (1969:353) says that the vagueness of the delinquency laws gives great discretion to the court and also, "perhaps worse, it causes great variations in the application of the juvenile laws." According to him, the juvenile laws are deliberately vague to allow a

wider range of options for both the court and child; some of the purposes of this ambiguity have been:

> so that a child could be tried in a juvenile court and not in an adult court; so that juveniles who break the law could be called 'delinquents' and not branded as criminals; so that children could be treated with justice and fairness by a court which understood their special problems and needs (1969:353).

According to Baron, Feeney, and Thornton (1973:14), many persons feel that the juvenile court jurisdiction is too broad, and that "the process of bringing youths into court is now a part of the problem rather than a part of the solution." Others feel that removing jurisdiction from juvenile status offenses is too extreme in that it does not deal with the causes of the behavior. They say that in the traditional court handling of status offenders there are high recidivism and escalation rates (progression to more serious acts), due to two factors: "(1) the traditional structure of the probation department allows too little time for the effective handling of [status offender] cases. (2) the inappropriateness of legal handling" (1973:15). Their research indicated lower recidivism and escalation rates through the use of diversion and family crisis counseling than through the traditional use of the court.

According to Calof (1974), in a study for the New York Division for Youth, the juvenile statutes in all states include status offenses, and many states have begun establishing a separate category for status offenders, often called 'PINS," etc.; this separation of categories seems to be based on three assumptions:

> (1) The problems of the status offender are different from those of the delinquent and require different treatment, (2) he has not been found guilty of a crime and should not be incarcerated with delinquent youths, and

> (3) the label of delinquent, though its purpose may have been benign, is widely viewed as criminal, a labeling that is both unjust and detrimental when applied to youths who have committed no criminal acts (1974:3).

She estimates that 40-50% of all children in state juvenile institutions are status offenders and that about 70% of all girls in state institutions are status offenders. She also feels that there is an important debate today on the issue of retaining status offense jurisdiction by the juvenile court, and that experts on both sides agree that the juvenile court has failed to accomplish its goals--it does not rehabilitate and it does not successfully deal with the underlying causes of juvenile misbehavior. Experts agree that "though acting on the doctrine of parens patriae, the court has not provided real help for its wards" (1974:38).

According to Calof (1974), those who wish to remove status offenses from the jurisdiction of the court cite various other arguments concerning the failure of the juvenile court: (1) the major reason is that the court is not set up to handle non-criminal behavior. They say that the intervention of the court is not and cannot be successful in dealing with status offenders because they represent family, rather than legal problems, (2) the court is not the proper setting for dealing with family problems; in fact, the court exacerbates the problems by developing feelings of guilt among family members, (3) the commitment of status offenders to correctional institutions indicates the failure of the court in rehabilitation. "Not only is their liberty taken away, but there is no proof that PINS receive helpful treatment. To the contrary, institutionalization is viewed as dehumanizing" (1974:39), (4) "Abolitionists" also argue judicial

bias, as indicated by "detention practices, adjudication rate and designation of PINS rather than neglect" (1974:39-40). They claim that status offenders are more likely to be detained for longer periods of time than delinquents. Also, abolitionists argue that a good number of status offenders are, in fact, cases of neglect, and (5) it is alleged that by devoting the court's time and money to status offenses, they "overwhelm the juvenile justice system. The court's meager resources should be devoted to cases of criminal behavior and of neglected and abused children" (1974:40).

Calof (1974) says that those persons who favor retaining the court's jurisdiction over status offenses disagree with the abolitionists on the reasons for the court's failure. They feel that simply pointing out the court's failures neglects the issue: the fact that children must be provided with services which the court can and should offer. They argue that removing status offenders from the court will simply result in their reappearance later in the criminal courts. To solve the court's problems,

> Advocates of retention argue that part of the solution lies in cold, hard cash--adequate sustained funding, not short-term grants--so that the court can do its job. These funds would provide trained personnel (probation officers, psychologists and psychiatrists) and dispositional resources--public and private treatment programs willing and able to serve these children (1974:41).

According to Calof (1974), juvenile status offense laws punish a status:

> Finding the child to be 'incorrigible' or 'unruly' and declaring him 'in need of supervision,' the court punishes him for this status, not for specific acts. Punishment of a status is unconstitutional (1974:44).

She also feels that incarceration of status offenders does not serve the purpose of the state: it provides neither treatment nor prevention of future criminality. She says that the "restraint of liberty" has at its premise two assumptions, both of which are faulty:

> that PINS are future criminals--an assumption that cannot be proved; that the State is treating the child--a premise that is demonstrably false. The treatment provided--incarceration in correctional facilities--is allegedly harmful rather than corrective (1974:44).

Also, she says that the court does not provide adequate safeguards for status offenders. The "standard of proof" in most every state is less strict than that for delinquency cases. "A result is the adjudication of delinquents as PINS because delinquency cannot be documented" (1974:44-45). She argues that adjudication as a status offender is very easy due to vagueness, bias, and the difficulty of refuting "proof" (1974:45).

Calof (1974) indicates that those who desire retaining status offenses argue that the courts have upheld the constitutionality of these laws on appeal. Recognizing some inequities in the system, however, they state that these can be corrected. Some feel that the term "status offender" is a misnomer: "a child is adjudicated as 'in need of supervision,' only on the basis of such specific acts (conduct) as running away repeatedly, continuous truancy, acts that document incorrigibility" (1974:45). Also, it is asserted that there are theoretical bases for the legality of status offense statutes. First, "differential treatment is necessary because children are incapable of adult reasoning on the consequences of their acts" (1974:45). Second, the court must protect children against themselves. If the court did not intervene, there would be no proper agency which could do so (1974:45-46).

According to Couch (1974), there are negative consequences of participation in the juvenile court for the status offender. He feels that court procedures tend to "criminalize" young people, and the process of adjudicaton tends to stigmatize--it changes the image of the youth, both of himself and according to others. As a consequence, he loses respect for authority and law. Couch says that the court assumes immaturity on the part of the child, and assumes that parents are rational and mature; however, "very often the child is more capable of rational decision-making than the parents" (1974:19). By trying to deal with family problems in the juvenile justice system, he says that the court often causes new family problems to develop. But, "if status offenses were abolished, the family would have to become more self-reliant and of necessity use the wide range of community resources which now exist" (1974:19).

In discussing what he terms "realities" of the juvenile court system, Couch (1974) provides 11 major criticisms:

> (1) The reality of parents who are unable or unwilling to recognize the problem child and provide for him the help he needs. . . .
>
> (2) The reality of the disinterested citizenry who are critical of all phases of the juvenile justice system from their over-stuffed armchair, in front of the boob tube. . . .
>
> (3) The reality of the public school that fails to teach, fails to motivate, fails to relate, and fails to keep its charges physically present. The reality of the school system that expels the 'acting-out' child, in effect putting that child on the street without the stability or education to cope in the adult world. . . .
>
> (4) The reality of the police officer, eager to impose his own standards concerning 'unmanageable behavior' and eager to enforce his impression concerning the meaning of an overbroad law pertaining to 'disobedience of the lawful authority'. . . .

> (5) The reality of short-sighted legislation which lumps all juvenile problems into the juvenile justice system, a system bursting at the seams. . . .
>
> (6) The reality of 'injustice' in juvenile court. Youngsters are often deprived of their basic rights in the very court created for their protection. . . .
>
> (7) The reality of the probation officer who perceives his client from a psychologically-oriented casework point of view. Now the client is doubly labeled--he's not only legally deviant, but is now psychologically ill as well.
>
> (8) The reality of the 'prosecution-oriented' district attorney. The reality that juvenile matters are handled by the newest members of the staff, who are the lowest paid and could not care less about juvenile 'problems,' much less 'solutions.'
>
> (9) The reality of the defneder who has neither the time nor the inclination to negotiate a reasonably beneficial disposition for his juvenile client. . . .
>
> (10) The reality of the agency that fails to provide the right services for the individual child.
>
> (11) The reality of training schools that fail to rehabilitate, and lack the imagination and appropriations to formulate innovative programs for staff and clients (1974:21).

Couch (1974) also gives several arguments for the elimination of status offenses. (1) Though status offense laws are not criminal statutes, the public views them as such, (2) The vague terminology of status offense laws results in differential enforcement and a lack of respect for the law, (3) The child's problems are worsened as a result of his labeling by the juvenile court, (4) Incarcerating status offenders with delinquents encourages the status offenders to become delinquents, (5) The court's resources are further limited by its preoccupation with status offenders, forcing the juvenile justice system to ignore more serious problems, (6) Other agencies than the court could better handle status offender problems, (7) The system does not require responsibility on the part of those involved in the

system, (8) Status offense adjudications are a means of ignoring the problem of abuse and neglect by the parents, (9) The court is simply not designed to provide the long-term solutions to status offender problems, and (10) The courts often adjudicate a youngster as a status offender because they might not be able to prove delinquency.

Stiller and Elder (1974) feel that there is a legal difference between delinquents and status offenders; the delinquent is easily identifiable, his illegal behavior is described precisely in the criminal code. But, those who engage in non-criminal, "uniquely juvenile" prohibited behavior are not as identifiable; the statutes are vague. These persons, the status offenders, are subject to differential treatment, they say.

> In PINS proceedings, courts generally rely on the rehabilitative, protective, and supervisory purposes of the noncriminal juvenile statutes to justify differences in the treatment of PINS children and juvenile delinquents. Courts have also used the fact that PINS children have not committed actual crimes and are therefore distinguishable from delinquents, to justify less stringent procedural protections. By the same token, since PINS children, like delinquents, have misbehaved or committed some offense against society, some courts have upheld regulations permitting them to be treated more harshly than dependent or neglected children (1974:42).

They also say that status offense laws often require discrimination due to sex, in that "a PINS statute will require PINS jurisdiction for a girl of a certain age but will not cover a boy of the same age; the sex of the child being the sole basis for the difference in treatment" (1974:43).

The National Council on Crime and Delinquency (1975j) urges the repeal of all status offense laws, considering them to be victimless crimes; they feel no positive function is served by subjecting the

child to the court process as a result of his non-criminal actions; in fact, they believe that to do so harms both the child and society The Council believes that one of the most negative results of status offender jurisdiction by the juvenile court is the stigma associated with court processing. They also feel that much of status offense behavior is normal for youth, and therefore, should not be a concern of the court:

> Rebelliousness and resistance to authority are characteristic of adolescent growth. The adolescent who rebels against parental or institutional authority and does not violate our criminal codes may only be attempting to establish his identity (1975:99).

Instead of the court, they suggest wider use of voluntary community resources.

According the the National Council on Crime and Delinquency (1975j), an important consequence of the court's jurisdiction over status offenders is that doing so diverts court resources which could be utilized for dealing with more serious offenders. Instead of the court being one of the first resources of young persons and their parents, it "should be the agency of last resort for antisocial--i.e., criminal--conduct" (1975j:99). And, "although a matter for community concern, non-criminal conduct should be referred to social agencies, not to courts of law" (1975j:99).

Commenting on the development of the juvenile court as an "outgrowth of the feminist movement of the nineteenth century" and as a "manifestation of the concern for saving children from the stigma of the criminal justice process . . ." Abadinsky (1976:456) feels that the court has been largely unsuccessful in achieving its goals. And,

> as if to compound its shortcomings, the juvenile court continues to retain jurisdiction over status offenders,

> children accused of an act which would not constitute a crime if committed by an adult (1976:456).

Among his criticisms of the juvenile court's handling of status offenders, Abadinsky (1976:457) cites the possibility of detention under "deplorable conditions," the mistreatment of and discrimination against young females, especially runaways who are "often subjected to a physical examination to determine whether they are virginal, an action that would be illegal if inflicted on an adult," and the biased composition of these offenders:

> the children processed in juvenile court for status offenses are predominantly poor, nonwhite, and Hispanic; white middle-class youngsters are usually successful in avoiding this process (1976:457).

Criticizing the status offense laws, Gilman (1976) says that Supreme Court decisions limiting the discretion of the juvenile court have had little effect. Those who attempt to revise the court suggest limiting jurisdiction over status offenders, according to Gilman. "In most states, almost half of the juvenile court's caseload consists of . . . status offenders" (1976:49). He cites as the major reasons for the elimination of status offender jurisdiction the vagueness of the laws, the fact that they encourage discrimination, and that the court forces youngsters into crime.

According to Hickey (1977), among the organizations favoring removal of status offenses from the juvenile court are: The National Council on Crime and Delinquency, the Massachusetts Committee on Children and Youth, the Oklahoma State Chamber of Commerce, the Washington State Council on Crime and Delinquency, the American Legion's National Americanism and Children and Youth Division, the Association of Junior Leagues, the National Alliance for Safer Cities, the National

Association of Counties, and the National Council of Jewish Women, among others.

Hickey (1977) feels that the juvenile court system is "inequitable" as evidenced by the slight difference in length of institutionalization between status offenders and delinquents. As he says, "the system is now punishing juveniles committed as truants, runaways, and ungovernable children as much as juvenile felons" (1977:99). He calls for the elimination of status offenses: (1) because the court has been unsuccessful in dealing with them, (2) to "limit coercion in dealing with noncriminal behavior," (3) to restrict stigma, (4) because "children cannot be coerced to want to go to school or to love their home life," and (5) because other programs can more effectively deal with status offenders than the court (1977:99).

Though the majority of the literature on status offenses reflects a negative attitude toward their handling by the court, there are those who feel that the juvenile court is acting properly in retaining its jurisdiction. Judge Arthur (1977), in defending the court's jurisdiction over status offenders, delineates four categories of status offense conduct: (1) Chemical offenses: it is illegal for children to drink or smoke; it is not for adults. He agrees that children's behavior should be controlled in regard to drinking, but favors the repeal of juvenile non-smoking laws because they are unenforceable. As he says, "An unenforceable law should not be on the books to be laughed at by the younger generation" (1977:4). (2) Control offenses: young people cannot stay out after certain hours, but adults can. If status offenses were to be abolished, Arthur says there would be no legal control on children's hours. He feels that this is important,

because some parents will not control the hours that their children must be at home. (3) Education offenses: according to Judge Arthur, if the truancy laws were repealed, there would be no compulsory school attendance. The results, he says, would be disastrous:

> Obviously, there would be a much higher and earlier drop-out rate. We will be delivering to an immature child a decision that will affect his whole life and, maybe more importantly, the future of our civilization (1975:4).

(4) Family offenses: the most often discussed status offenses are these, including incorrigibility, running away, waywardness, etc. Again, he argues that the repeal of status offense statutes would leave no authority to control children if their parents can or will not (1975:4).

Arthur (1977) argues for the retention of status offenses, and makes the point that generally children should not be allowed to "decide any of these things for themselves" (1977:5). He believes that children need to be controlled. Likewise, he does not feel that the public would prefer allowing children absolute choice in these matters; he states, for example, "I don't think the public will look with favor on permitting children to decide whether they will go to school and what classes they will attend" (1977:5). Also, in terms of family offenses, Arthur discusses the sacredness of the American family. One of the important functions of the court, he believes, is the legal basis for parental authority. Not only does the law reinforce the authority of the parents, it also "forces" the parents to exert their authority when they are lax. As he states: "If we remove the status offenses from the juvenile courts, to a great degree we are removing the underpinnings that the law has provided for parents" (1977:5).

Judge Arthur (1977:5) feels that status offenses are as serious as most other offenses under the juvenile court's jurisdiction, "as serious certainly as car theft and shoplifting and possibly burglary." He believes that status offenses are simply an indication of impending problems. Even though status offenses seem relatively harmless, they are, he says, "the tip of the iceberg, or maybe more appropriately, the tip of the volcano" (1977:5). He firmly believes that violations of status offense laws are a predictor of later delinquency and crime. Taking something of a social pathological view, he writes:

> status offenses are an indication of some serious trouble. . . . This is the place where we can reduce the crime rates of the future. . . . The status offenses reflect a maladjustment that's going on inside the child, strong enough to drive him out of his home or school or to drink (1977:5).

In terms of labeling due to the court, Arthur agrees that the court does stigmatize, but less so than a police record. And, "the stigma may be less important than the need for treatment" (1977:6).

Countering the argument that status offenders should not be confined with delinquents, Arthur (1977) states that perhaps the thinking of those desiring the repeal of status offenses should be reversed. He thinks it may be damaging to the delinquents to be mixed with status offenders. According to him:

> many of the status offenders are in plain fact some of the more mentally and emotionally disturbed children. . . . Perhaps we shouldn't mix the joy rider who took a car just to show off to some girl with a rather cynical and sometimes pessimistic counter-culture type that we often get in the status offenses (1977:6).

Likewise, Judge Arthur states that providing two sets of institutions is simply not feasible. Financially, the system "cannot afford to have two sets of institutions" (1977:6).

Further, Arthur (1977:235) agrees that the status offense is a broad and ambiguous term, but points out that so are other legal terms; for example, "pornography" or "breach of the peace," but that the importance of the court in providing help to children justifies its retention. According to him, several purposes of status offense jurisdiction justify their retention within the court: what happens to young people in society is important to everyone. Society expects children to be educated, healthy, supervised, and moral. The juvenile court attempts to assure these through its jurisdiction. The argument of unequal treatment of juveniles compared to adults under the law is, he feels, a superficial one. As Judge Arthur (1977:235-236) states: "Children <u>are</u> unequal. They <u>are</u> incapable of making mature judgements, of looking beyond tomorrow, of selecting adequate food, shelter, or clothing, of supporting themselves."

Arthur (1977:240-243) proposes six principles for the juvenile court in implementing its status offense jurisdiction: (1) The juvenile court laws have been criticized because they are vague and ambiguous, but, as he says, so are many other legal terms. However, to help alleviate this problem, he suggests that status offense statutes be written so that they are "both readily understandable and subject to proof within the rules of evidence." (2) When dealing with status offenders, the court should focus on the child's needs rather than his offenses. By dealing with the "whys" rather than the "whats" of the child's actions, the court attempts to prevent future illegality. (3) The court should relate to the problems of the family rather than the faults of the child. It should point out that "it is normal for a child to stay home, go to school, not run the streets at night, and

[not to] experiment with tobacco, alcohol and sex." If the child's behavior varies from these standards, it "almost always originates in or could be controlled by the family." (4) In terms of disposition, the child's needs rather than conduct norms should be the primary consideration. If intervention is not necessary, the court should not do so. As he states:

> Instead of removing offenses from the juvenile court indiscriminately regardless of the nature of the nature of the offender, it is a wiser policy to remove offenders from the court discriminately regardless of the nature of the offense, if they do not need to go to court (1977:242).

And, Arthur believes that a young person should be given as much liberty as possible, consistent with his judgment and maturity, based upon an educated "guess" by the court. (5) When a child must be incarcerated, this should be based upon his or her needs, rather than the offense. While segregation of status offenders from delinquents may be desirable, he feels a more logical distinction would be the requirements of the youth:

> The violent, the angry, the manipulators, the economically motivated, the racially reacting, the status seekers, should more logically be kept apart than simply separating the runaways from the trespassers or those who have refused to obey their parents from those who have refused to obey the law. . . . (1977:243).

Finally: (6) as much as possible, the juvenile court should avoid stigmatizing the children under its jurisdiction. Arthur refers to the negative label associated with the term "delinquent," and, increasingly, with the labels PINS, CINS, etc. The solution which he proposes is to cease labeling anyone who comes before the court. "Why not refer to all children in juvenile court as simply 'children needing help' even if its acronym is not pronounceable, or maybe because it is not?"

Martin and Snyder (1976) believe that for some parents, the juvenile court may be the last resort; if the court does not fulfill its responsibility to these parents, there may perhaps be no other option for them. They feel that the juvenile court has an obligation to intervene when it deems it necessary:

> Though the behavior of status offenders may not be criminal, it is unlawful. Unless we believe that truancy and waywardness are good for children, we ought to concern ourselves with all avenues of services that might change such behavior (1976:45).

They justify findings which indicate that status offenders tend to be incarcerated about as long as delinquents by suggesting that status offenders may be "more difficult to help" than delinquents (1976:45).

Judge Gill (1976), pointing out that the ancient laws of the Phoenicians, Romans, and Hebrews allowed children to be exempted from adult criminal liability, feels that it would not be conducive for children to know that the juvenile court has no control over them, which he thinks would happen if status offenses were removed from the jurisdiction of the court. Providing a modern version of the "child-saving" philosophy, Judge Gill says that childreen need the juvenile court for guidance and supervision:

> Experience to date clearly demonstrates that the great majority of status offenders represent children who are having inherent problems with authority, problems which in turn can but rarely lend themselves to successful resolution save through the proper use of authority (1976:7).

Contending that the child must be viewed as a part of a family unit, especially in terms of the parent-child conflict assoicated with many status offenders, Gill concludes that the court is the best, and indeed, only means of handling this problem.

Therefore, it can be seen that the two views concerning the rise of the juvenile court can be extended to cover views toward the status offense itself. Still another issue often raised is that of status offense concstitutionality. This question is cloudy as the courts have seemingly issued conflicting decisions in virtually identical cases. The judicial trend has been to declare status offense laws constitutional, but there are a number of serious questions that have been raised in regard to their legality.

Originally, status offense statutes seemed doomed to failure on constitutional grounds. In 1870, the Illinois Supreme Court, ruling in the case of O'Connell v. Turner, declared the state status offense law unconstitutional. The court said:

> Such a restraint on natural liberty is tyranny and oppression. . . . If, without crime, without the conviction of any offense, the children of the state are to be thus confined for the 'good of society,' then society had better be reduced to its orignal elements, and free government acknowledged a failure (O'Connell v. Turner, 1870, cited in Murphy, 1974:17).

But, according to Murphy (1974), the results did not last for long. By the beginning of the twentieth century, the child-savers had eroded the O'Connell decision, primarily through the establishment of the first juvenile court in 1899.

According to Judge Brown (1964), there are two major issues in regard to the constitutionality of juvenile court laws: (1) there are those questions of basic liberty, and (2) there are technical law problems. Though questions regarding liberty have received the most attention, Judge Brown feels that the constitutional validity on these questions has been established. And, though critics have often contended that the juvenile court unconstitutionally deprives children

of their liberty, the courts have consistently ruled in favor of the juvenile justice system:

> These contentions have been stricken down in most instances because long before the juvenile court laws were adopted, the principle was considered beyond question that the state as parena patriae had the right to assert its guardianship over children . . . (1964:90).

But, the second issue, that of technical questions of law, such as conflict with the state constitution, unconstitutional classification of persons, and the creation of a new court, has been habitually a source of conflict. However, according to Judge Brown, the courts have consistently ruled that the juvenile court, so long as it does not exceed the limits of basic safeguards in the U.S. constitution, is not illegal. Judge Brown, echoing the consensus perspective, says:

> children are not entitled to freedom from restraints and training as adults are. Since the wise parent not only can, but does, restrain and correct his child, when it is necessary and when because of the failure or incapacity of the parent, it is necessary for the state to take over these parental functions, it cannot be said that the child is being deprived his liberty without due process of law, or denied the equal protection of the laws, or any other rights protected and guaranteed by the Bill of Rights (1964:103).

In a different view, Katz and Teitelbaum (1977) say that the ambiguity and vagueness of the juvenile court laws have been considered necessary in legislation to protect children, but they have also been attacked as a violation of due process. They feel that the court's supervision of relationships between parents and children is inconsistent with the rule of law.

One of the most persuasive arguments against the constitutionality of juvenile status offenses has been made by Riback (1971:315). Commenting on what she calls "juvenile morals statutes," she attacks

the legality of status offense laws on a number of grounds. According to her:

> (1) juvenile morals statutes are unconstitutionally vague; (2) they are impermissibly overbroad because they inhibit constitutionally protected behavior; (3) these statutes are overbroad because, by defining delinquency in terms of morality, they encourage selective enforcement against female juveniles based upon a double standard of sexual morality; and (4) juvenile morals statutes impermissibly punish a status offender (1971:315).

Riback (1971) says that statutes may be determined to be unconstitutional if they are written in such a way that it might be unclear to the citizen exactly what he is or is not required to do. The primary criterion for illegality due to vagueness is: "whether it prohibits or requires the doing of an act in terms so vague that persons of common intelligence must necessarily guess at its meaning and differ as to its application" (1971:315). Before a statute can be challenged in the court for vagueness, it must first be determined if the law is subject to review. Many defenders of the present system claim that the juvenile court is a civil, rather than a criminal court. Therefore, juvenile morals statutes are not subject to challenge by the vagueness flaw. But Riback argues that in the case of Giaccio v. Pennsylvania, the court declared that there must be a provision for due process even in civil cases, and she sees that case as an argument in favor of the ability to challenge juvenile morals statutes on the vagueness flaw. Based upon the ruling in Giaccio, she says that juvenile morals statutes "should stand or fall on the basis of whether the statute adequately describes the prohibited form of behavior" (1971:317).

Riback (1971) likewise notes that a great many vagrancy statutes have been rules unconstitutional due to the vagueness flaw. Because

the broad terminology used in vagrancy statutes is very similar to the wording in juvenile morals statutes, Riback believes the juvenile laws are subject to challenge:

> Those statutes have been invalidated primarily because words such as 'idleness,' 'immoral,' 'profligate,' 'lews,' and 'disorderly' are so subjective as to provide no ascertainable standards of behavior (1971:317-318).

In a recent vagrancy decision, Papachristou v. Jacksonville, Riback (1971:318) notes that, "the Supreme Court has apparently laid to rest the practice of using broad, general vagrancy laws in place of narrowly drawn criminal statutes." Justice Douglas wrote that the statute in question was unconstitutional due to the vagueness flaw: it did not sufficiently define the prohibited conduct and it gave too much discretion to the police (Riback, 1971:318).

However, when it comes to juvenile status offense laws, most courts have not followed the same line of reasoning. In only two major cases have the courts declared such a juvenile statute unconstitutional in recent history, according to Riback (1971). In the case of Gonzalez v. Mailliard, a federal district court found a California juvenile statute unconstitutionally vague. The court challenged such terms as "idle, dissolute, lewd, or immoral" as being so vague that "any behavior could be molded to fit an allegation based on the 'morals' of the prosecutor" (1971:318-319). In a similar case in New York, Gesicki v. Oswald, the federal district court found that the statute was too vague "because the language of the statute provided no standards for determining what type of behavior was proscribed" (1971:319).

But, aside from these two cases, the courts have consistently ruled in favor of the constitutionality of status offense statutes, even in those cases Riback (1971:320-322) calls "statutes discriminatory on their face," in which discrimination seemed obvious. The only decisions to find juvenile morals statutes unconstitutionally vague were those of Gonzalez and Gesicki. And, according to Riback:

> Those decisions dealt with the issues and followed the reasoning of the vagrancy cases that have held that vague statutes are unconstitutional when they contain such words as 'idle, dissolute, lewd, or immoral' (1971:324).

Riback (1971) feels that another constitutional challenge to juvenile morals statutes is that of "overbreadth." She says that juvenile status offense laws should be declared unconstitutional because they are both too vague and overbroad: "A statute is overbroad when it is without standards and therefore susceptible to sweeping and improper application which can result in making innocent behavior criminal" (1971:324). The juvenile morals statutes encompass a wide range of behavior and, therefore, allow for a great deal of discretion on the part of both the judge and the law enforcement officer. This situation allows the state to impose its own standard of morality on juveniles. One kind of overbreadth is that "which discourages constitutionally protected behavior," and, according to Riback (1971:324, 325), "statutes have been held overbroad because their terms prohibit acts which are constitutionally protected as well as acts which legitimately can be proscribed." One such case was the previously mentioned Papachristou v. Jacksonville, in which the Supreme Court stated that the vagrancy law was unconstitutional because "it encroached upon

an area of constitutionally protected behavior, namely, the right to wander freely" (1971:325).

While all overbreadth decisions have been concerned with the rights of adults, Riback (1971) writes that they can be generalized to juveniles if it can be shown: (1) that the statute infringes a substantive right, and (2) that juveniles have certain constitutional rights. Citing various cases showing that jubeniles do have certain "substantive rights," including In re Gault, she concludes:

> Courts have thus recognized that juveniles possess certain substantive constitutional rights which must be protected. And since juvenile morals statutes can serve to encompass legitimate behavior, they should be invalidated because many basic constitutional rights cannot be exercised by juveniles without at least some fear of legal reprisal (1971:327).

The next constitutional challenge Riback (1971:328) presents is that of "overbreadth and selective enforcement." In the case of Goldman v. Knecht, the court ruled that the vagrancy statute was unconstitutional because it allowed the authorities too much discretion to enforce their own moral standards. And, again, in Papachristou v. Jacksonville, the court ruled against possible selective enforcement. Riback believes that juvenile morals statutes are subject to the same constitutional challenge as these two cases, and she makes the following point:

> In challenging a juvenile morals statute on the basis of overbreadth, the showing of mere opportunity for selective enforcement provides sufficient justification for invalidating the suspect statute. . . . It is not necessary to proffer a factual showing of selective enforcement. . . . It is enough that a vague or broad statute lends itself to selective enforcement (1971:330).

Riback's (1971:337) final constitutional challenge to juvenile status offense statutes is that of "impermissibly punishing a status."

She feels that the juvenile morals laws are subject to challenge on the grounds that they do not punish an act; instead, they punish a status. Therefore, she argues, the juvenile status laws are a violation of the Eighth Amendment's guarantees against cruel and unusual punishment. As an example, she cites the case of Robinson v. California, in which the Supreme Court ruled that a law prohibiting drug addiction was unconstitutional because it punished a status rather than an act. Therefore, she says:

> A juvenile who is merely 'in danger of leading an idle, dissolute or immoral life,' is actually committing no 'act,' and any effort to punish must be directed at his or her condition or status of immorality (1971:337).

In the previously cited case of Gesicki v. Oswald, the court applied the Robinson rationale. Therefore, since Gesicki was a juvenile status offense case, the punishment of a status challenge does, according to Riback, seem to have applicability. As she says about the Gesicki ruling:

> Thus, because punishment was contingent upon the status of the juvenile and not upon a specific act, the court held the statute to be violative of the eighty amendment's prohibition against cruel and unusual punishment (1971:337).

Yet, however many arguments Riback (1971) and others may make about the unconstitutionality of juvenile status offenses, the fact remains that the courts have generally ruled in favor of their constitutionality. As Murphy (1974) points out, within 30 years of the original O'Connell decision against the constitutionality of juvenile status offense statutes, the court findings were eroded. In the case of People v. Presley, the Illinois Supreme Court in 1970 finally reversed its O'Connell decision formally. Riback (1971) also indicates

the fact that courts have traditionally upheld the constitutionality of juvenile morals statutes; for example, in the cases of United States v. Meyers and People v. Deibert. In the Deibert case, a California statute was found to be constitutional despite a vagueness challenge. The court held that the term "immoral" was one which "denotes specific conduct to the ordinary person . . ." (Riback, 1971:320). Riback comments on the consequences of rulings such as these:

> The difficulty with [decisions such as Meyers, Deibert, etc.] which holds that these morality terms are capable of clear and objective interpretation, is that it invites, if not requires, sexist as well as subjective interpretations of morality. What may be against one person's good morals may be perfectly acceptable according to another person's. Since it is commonly believed that female sexual morals should be more restricted than males', the vagueness of such statutes may contribute to a double standard of enforcement (1971:321).

Aside from constitutional questions, there remain questions of behavior, social characteristics, system functioning, and others, best answered through research. Obviously, there is a good deal of literature concerning the status offense and the juvenile court, but there is not a great deal of research literature in the field. The final section of this literature review will deal with findings of researchers related to the topic of status offenses.

Thomas (1976) says attacks on status offense laws tend to contain three arguments: (1) though not charged with a criminal act, status offenders are frequently confined with juveniles committing more serious crimes, (2) the goal of parens patriae has not been attained, and (3) status offenders are different from those adjucicated as delinquent. He believes that many assumptions about status

offenders are untested and dubious--they tend to be accepted uncritically, often due to a desire for reforming the juvenile court. His study consisted of examining the official records of offense histories over a five year period. The data were obtained from a sample of 2,092 adjudications from January 1, 1970, through December 31, 1974. He attempted to determine if status offenders were a homogeneous group and if they were significantly different from delinquents. The purpose of his analysis was to compare the offense careers among three categories: (1) first appearance--felong, (2) first appearance--misdemeanor, and (3) first appearance--juvenille status offense. Generally, he found status offenders to be the highest recidivists, followed by felony offenders, then by misdemeanants. But, he says,

> the more important point seems to revolve around the premise that status offenders do not pose a major threat to the larger society, that they have not been and are not likely to become involved in any serious delinquent misconduct. A careful examination of the data undermines this premise (1976:447).

He also found no support for the idea that status offenders do not move into other types of delinquency; this, he feels, undermines much of the argument for the removal of status offenders from the juvenile court. Not only did he find that status offenders tended to later enter other delinquency, but also that there was some indication of previous delinquency among the status offenders:

> we find not only that a substantial number of status offenders subsequently become involved in misconduct that is generally viewed as more serious (felonies and misdemeanors), but also that a significant number of those appearing before the court on status offenses have previously been charged with more serious types of delinquency. Thus, the premise that status offenders have not been and will not become involved in serious delinquent behavior finds no support in this analysis (1976:448).

But, Thomas did find that most juveniles never reappeared in court again. The most obvious conclusion, according to him, is that the juvenile court has little influence on later offenses one way or the other. Also, he found that females were much less likely to be charged with felonies, and they were less likely to return to court for a second offense. Almost one-half of the status offenders were females, and this was not true for other offenses. Also, he found that younger offenders were more likely to reappear in the court than were older offenders. Finally, his findings indicate that status offenders were similar to delinquents. But, they were different in that they were brought to court for behavior that is legal for adults, which he thinks is significant. And, he says, there is no evidence of positive aspects of intervention for status offenders.

Andrews and Cohn (1977), chose cases from 1972 for their research. They found that status offenders were more likely to be referred to court than were delinquent criminal violators. Based upon their data, they say that there appears to be "no consistent logical relationship between allegations and referral to court . . . one cannot predict that a matter will be formally treated because of the severity of the charges placed" (1977:70-71). Their research indicates six factors to be important in referral decisions:

> A case is likely to be so treated if the youth does not live with both parents, if he is not charged with harassment, if truancy is alleged, if there is parental neglect, if the youth is older, and if there is no allegation of verbal abuse (1977:71).

In terms of detention, again their data do not indicate a logical relationship between the court decision and the "severity" of the offense. For example, of those who "refused to obey," 47%, and among

those who "have undesirable companions," 55% were detained (1977:71). However, among "long runaways," those youth who have run away for a long period of time, they observe a rate of detention of only 25%. And, in contrasting these rates with those of assaultists, generally considered far more serious than status offenses, their data indicate a detention rate of only 10%. They observe that, as with referrals, there are several factors most strongly associated with detention. According to them, "detention is statistically predictable if the youth's family is on welfare, if 'other' allegations are made, if there is a short runaway allegation, if larceny is alleged" (1977:71).

In terms of the case's disposition, Andress and Cohn (1972:72) again feel that the disposition of the case is logically unrelated to the seriousness of the allegation: "Late hours, assault, and long runaways are treated very leniently, in contrast to such allegations as truancy and vile language." According to them, the factors most related to a "regulating disposition" (one which involves a restriction of some sort on liberty) were found to be: "absence of long runaway or criminal allegations, nonmembership in the lowest income group, a history of truancy, and evidence of parental neglect" (1977:72). They conclude that the factors which predict the outcome of a particular case are likely to be different from what one would expect; in fact, they are often the opposite.

Clarke (1975:53), in a study based on Wolfgang's Philadelphia data of 9,945 boys, attempted to measure the "serious of juvenile offenders" in order to examine "escalation theory." Escalation theory is "the theory that undesirable behavior in childrent tends to increase in dangerousness with age," meaning from status offenses to

violations of criminal law (1975:53). He concluded from the Philadelphia data that male status offenders tend to be less serious and less frequent offenders until the age of 18 than other male juvenile offenders.

> In fact, the majority of the first juvenile status offenders do not have a single offense on their records involving actual injury, theft or property damage. Another well-supported conclusion is that first index offenders (boys whose first offense is an index offense) are far more dangerous until age eighteen--and presumably beyond that age--than first juvenile status offenders (1975:55).

Wheeler and Nichols (1974), in examining what they call the "revolving door," used national data for their analysis. According to them,

> the 'revolving door' is defined as that situation in which a given state's institutions routinely admit new and repeating offenders but release them within a similar and predictable time frame extraneous to offender characteristics (1974:8).

Their view is that "if each youth is treated individually, there should be little relationship between the length of his institutional stay with that of any other youth" (1974:10). In studying Ohio institutions, they found little difference in the length of stay of status offenders and serious delinquents, and also, the treatment of both status offenders and delinquents in terms of the "revolving door" is remarkably similar. As they say:

> the importance of this finding is that not only do we not keep a serious offender any longer than a status offender (equal parameters), but that the rate of 'revolutions' of the 'revolving door' are nearly equal (1974:17).

They also found that non-whites tended to have a slightly shorter length of stay than whites.

An important finding of Wheeler and Nichols (1974) was that age was significantly related to length of institutionalization. They observed that younger offenders tended to be incarcerated for longer periods than older ones. According to them, "Overall we observed that the average institutional stay for the age 10-14 group was over one and a half months (18 percent) longer than youth 15 and over" (1974:18). They felt that the most important factor in determining length of institutionalization was age.

Interpreting their findings, Wheeler and Nichols (1974:20) explain these practices as a function of the "child welfare effect," which includes a great deal of discretion on the part of the staff. According to them:

> that age appeared as the most significant client characteristic related to institutional stay is interpreted as an unanticipated consequence of the juvenile courts' philosophy of parens patria and related indeterminate sentence, married and reinforced by social work's historical and fervent commitment to providing 'treatment' programs (1974:20).

Similarly, other researchers have found little, if any, difference in the incarceration rates, length of stay, and dispositions of status offenders and delinquents (Wheeler, 1974; Gibbons and Griswold, 1957; and Lerman, 1978, among others). Clearly, the literature indicates that the "individualization" of justice upon which the juvenile court was founded does not appear when one examines these variables.

CHAPTER III

THEORY

Two Theories: Consensus and Conflict

Most sociologists of law agree that there are two dominant and competing perspectives associated with the study of crime, delinquency, and law: the consensus, or functionalist, approach and conflict, often Marxist, theory (Chambliss, 1976; Hills, 1971; Empey, 1978; and Quinney, 1970, 1975). These two views take differing routes to the examination of law in society.

The traditional view in legal sociology is that of consensus (Pound, 1964; Houghteling, 1968, Durkheim, 1949; Timasheff, 1939), which is based in the concepts of the interrelationships among various structural elements in society and the functions performed by these elements. According to this perspective, society tends toward stability; change is more likely to be gradual rather than abrupt. But most importantly, "the thing that makes societal integration and stability possible is the general agreement of its citizens on basic values and beliefs" (Empey, 1978:373).

It is this notion of shared values and beliefs that is crucial to the functionalist argument. The consensus approach tests on the idea that criminal law is an expression of shared values within society. Laws serve to maintain the interests of the entire society;

they "transcend the immediate, narrow interests of various individuals and groups, expressing the social consciousness of the whole society" (Hills, 1971:3). Timasheff (1939), for example, views ancient legal codes as reflecting values rather than creating them, and feels that those who make laws generally do so with the assent of the majority, and that most everyone in society supports the laws which are made. The state, then, is viewed as a means of value-neutral accommodation within a society beset by conflict (Chambliss and Seidman, 1971). Likewise, Houghteling (1968) believes that the law tends to reflect the consensus of society and to express the desires of most of its members. He does not feel that the legal system is either self-serving or an expression of powerful interests. According to him:

> the legal system is not a machine that runs for its own sake. It exists to serve the purposes of the community. Law is not a set of restrictions imposed on the community by some external power; it is a system of rules, institutions, and procedures that the community itself has established as a means of achieving its many and varying objectives (1968:222).

According to Chambliss (1976), the consensus approach consists of the following ideas: (1) law is an expression of the consensus in values of society, (2) the values expressed in law are those which are fundamental to social order, (3) law expresses those values which protect the public interest, (4) the legal system, as a part of the state, is essentially value-neutral in practice, and (5) the law performs a mediating function in heterogeneous societies among various interest groups. As a result, this value-consensus assumption leads to two basic principles:

> (1) that criminal behavior is to be understood by ascertaining why some people in the society come to adopt

> a set of values, norms, and attitudes conducive to criminal behavior while most of the members of society accept the 'prevailing value system' and abide by the law and (2) that criminal law is to be understood as a body of rules which reflect the general value consensus of society (Chambliss, 1976:3).

Therefore, the consensus view holds that delinquency is a relatively easy phenomenon to define. The delinquent is the young person who violates the shared values and rules of society. Thus, this model assumes that not only does society have a set of virtually universally held values, it implies that because of this, "anyone who becomes delinquent is a person who has somehow become different from law-abiding people" because his values are in opposition to those of society (Empey, 1978:373).

In contrast, the conflict perspective (Chambliss, 1976; Chambliss and Seidman, 1971; Quinney, 1975, 1970) does not view law as reflecting a consensus of values; instead, it holds that order results from the corecion and influence employed by powerful interests. Thus, "society is held together, not by an overriding consensus on basic values and rules, but by force and constraint" (Empey, 1978:374). According to Chambliss (1976), conflict theory sees consensus as:

> (1) a reflection of the fact that those who control the means of production also control the production of values in the society and (2) a false consciousness since the dominant value system (if indeed there is one) will be one which opporesses subordinate classes and serves the interests of the ruling class (1976:3).

One of the foremost proponents of this approach is Quinney (1975:37), who has developed a conflict approach to law and crime, which he refers to as "the social reality of crime." Rejecting the traditional perspective, he views crime as a legal definition made by those who have power. These legal definitions, according to him,

are designed to protect the interests of the powerful, and law enforcement is also a means of interest-group protection, as exemplified by differential enforcement.

A recent extension of the conflict approach is what Empey (1978 (1978:377) calls "radical theory." According to him, radical theory is based in conflict theory because one of its primary tenets is the view that law functions to maintain the interests of the powerful. As an example, he says the delinquency laws in the United States have served such a function. Empey maintains that radical theory has become especially important recently because:

> it represents the culmination of a line of social thought which has progressively led away from the notion that delinquent tendencies are inherent in individuals toward the notion that they are inherent in the political and economic organization of society (1978:369).

In the radical, conflict view, delinquency results from the fact that the ruling classes

> (1) define what delinquent behavior is, based on their particular self-interest, (2) create the social conditions which make delinquents out of working-class people, and, then, (3) devise legal machinery by which to maintain control over these children (1978:369).

Finally, according to Empey, one of the most important features of radical theory is its focus on power and the influence which the powerful have in creating law and defining delinquency. As he says, radical theory

> correctly notes the persistence of exploitation, sexism, and racism. And it reminds us, as the 19th century child-savers needed reminding, that delinquency is not merely an expression of pathological individuals or depraved immigrant groups colliding with an always equitable and just legal system. Rather, that system and its underlying values must be taken into account and its contribution to creation of delinquents assessed (1978:388).

Therefore, based upon the conflict view, whether in its traditional or radical form, the means of understanding delinquency are to be found in examining the power behind law and the manifestations of power and law in defining both law and illegal behavior.

In contrasting the consensus (functionalist) and conflict approaches, Chambliss (1976) provides the following comparison: first, each perspective has a differing view on the basis of law. Functionalists, following Durkheim (1949), see law as resulting from society's customs, whereas conflict theorists view it as a result of the interests of those in power. Similarly, the consensus view holds that criminal acts are those which offend the morality of society. The conflict perspective sees criminal acts as those actions which are defined as such because it is advantageous to do so for thise in power. Also, those persons who are criminals, according to the functionalists, are those whose behavior has exceeded the standards set by society. Conflict theory holds that persons are labeled as "criminal" because it is in the interests of those in power to do so, regardless of the community's tolerance of the behavior (1976:7). And, the consensus view is that the reason more lower class persons are arrested is because they commit more crimes, while the conflict approach views differential arrest rates as a reflection of the ability of the powerful to protect themselves.

It seems, then, that these two differing perspectives hold diametrically opposed views on the relationships among crime, delinquency, and law. However, La Beff (1978) suggests that the differences are not as great as it would at first seem, and that the differences may be more a matter of degree than of kind. She feels that the conflict

and functional approaches "differ in matters of emphasis while each recognizes the emphasis of the other" (1978:19). As such, Hills (1971) notes that the conflict approach does not presume that all laws simply reflect powerful interests; there are those which seem to be an expression of more widespread values.

Direction of the Study: A Conflict Approach

Obviously, there is a great body of literature concerning attitudes and perspectives toward the juvenile justice system and the juvenile court. But, it is also evident that there is a paucity of research on how the juvenile court handles various types of offenders, especially status offenders. Certainly the literature that is available (legal, theoretical, and empirical) indicates the issues which need to be dealt with in this project. Of course, many of these issues are beyond the scope of this present study (constitutional questions and the problem of diversion, for example), but many others are within its realm. This section presents a "modified" conflict approach to differential handling of offenders, along with the research questions and their resulting hypotheses.

The major purpose of this study is to examine the differences in the handling and legal disposition of various offenders in the Tulsa County Juvenile Court. For heuristic purposes, a conflict approach is employed. Of the two major perspectives in the sociology of law, the literature strongly indicates that the conflict perspective is more appropriate for this particular study. Given Platt's (1969,

1977) excellent analysis of the rise of the juvenile court and its expression of vested interests, Empey's (1973, 1978), Tappan's (1949) criticisms of the court's legal philosophy, the analyses of both Kittrie (1971) and Murphy (1974), along with the questions of sex-based discrimination raised by Riback (1971), Chesney-Lind (1972, 1977), and Sussman (1977) among others, it seems obvious that the conflict perspective, with its assumptions of powerful interests vested in law, discriminatory applications of the law, and the view of law as protecting those in power, can be useful here. Thus, the research questions and hypotheses emerged from the literature and reflect the majority of previous analyses and interpretations using conflict theory.

The first research question is the basis of this study. Is there a significant difference in the handling of various types of offenders in the juvenile court? From the literature and theory, it seems possible that there will be no significant differences in the disposition of different types of offenders. However, any differences observed could be expected to be in the direction of harsher treatment for certain kinds of offenders: younger, female, non-white, and status. Therefore, the first hypotheses are:

1. There is a significant difference in the disposition of younger and older offenders.

2. There is a significant difference in the disposition of male and female offenders.

3. There is a significant difference in the disposition of white and non-white offenders.

4. There is a significant difference in the disposition of delinquents and status offenders.

The second research question revolves around the relationships among offense type, length of supervision, and the extralegal variable of sex. Based on the literature, which indicates a concern on the part of the court about female morality, the question emerges: are females treated differently than males by the juvenile court? From the conflict perspective, it seems likely there will be a difference. If the court is especially concerned with female morality, it could be expected that female status offenders would be supervised for longer periods than males with the same adjudication. Similarly, male delinquents could be expected to be supervised longer than females delinquents. Also, due to the particular concern for female morality, it could be expected that, generally, females would be supervised longer than males. Finally, the literature suggests the possibility that status offenders are a greater concern to the court than are delinquents. Certainly Platt's (1959, 1977) analysis of the rise of the juvenile court suggests this. Thus, the second group of hypotheses are:

5. Status offenders are supervised by the court longer than are delinquent offenders.

6. Females are supervised by the court longer than are males.

The next research question concerns the variable of race. Though previous research in this context is somewhat scarce and contradictory, from conflict theory an answer to the question of whether race is related to length of supervision can be surmised. The next hypothesis is:

7. Non-whites are supervised by the court longer than are whites.

Based upon the historical foundations of the juvenile court and the conflict assumption that the less powerful receive harsher treatment under the law than the more powerful, this hypothesis seems logical.

Another research question centers on age. Does the age of the offender affect his or her treatment in the court? There are some indications in the literature that younger offenders tend to be treated more harshly than older ones. Considering the system's concern with "predelinquency" and the prevention of future delinquency, coupled with the conflict assumption of power, this seems likely. Therefore, the last hypothesis is:

> 8. Younger offenders are supervised by the court longer than are older ones.

The final research question concerns the use of a number of variables, especially legal ones, to predict the actions of the juvenile court. Can length of supervision be predicted? What variables best explain the length of time various offenders are supervised by the court?

Most of the research in this study and the preceeding hypotheses have centered on the use of extralegal variables, such as age, sex, and race. Therefore, to determine the relative usefulness of legal variables and in an attempt to explain and predict length of supervision, an endeavor is made to develop a "Criminal Maturity Index." The Criminal Maturity Index (CMI) is composed of the following legal variables: number of previous delinquent offenses, number of previous status offenses, prior referrals--before 1977, prior referrals--1977, number of previous dispositions, number of previous probations, number of previous

institutionalizations, and the extralegal variable of age at first arrest or referral. Based upon conventional assumptions and consensus theory, the legal variables should explain and predict length of supervision. Nonetheless, the extralegal variable of age at first arrest is included to determine if it helps predict length of supervision.

CHAPTER IV

RESEARCH METHODS

This chapter deals with the methodological techniques to be used in this study. First of all, the primary method employed is that of secondary analysis: the data come from the official records of the Tulsa County Juvenile Court. The subjects for this research include a sample of all juveniles who were referred to the Tulsa court during the year 1977 (N=202). This year was chosen because it was a year in which all subjects completed their periods of supervision and it was the last year truants came under court supervision.

For the purposes of this study the major emphasis will be on the dependent variables of disposition and length of supervision (measured in months spent under court supervision). However, the first section of the analysis is a detailed description of the sample, including demographic variables such as age, sex, and race, along with adjudicatory status (delinquent or status offender) for the present and past referrals. A description of the total sample of juveniles will be presented, then a description and comparison of sub-samples, according to disposition, sex, and offense category (delinquents and status offenders).

The second section consists of testing the hypotheses and examining the relationships among variables. The hypotheses are tested through the use of the T-test (and the Mann-Whitney U when necessary),

the Pearson Correlation, and the Chi-Square test. All differences are tested at the .05 level of significance. For purposes of simplicity, a listing of the various analyses is provided:

Comparisons:

1. Age and Disposition for the entire sample
2. Age and Disposition for delinquents
3. Age and Disposition for status offenders
4. Sex and Disposition for the entire sample
5. Sex and Disposition for delinquents
6. Sex and Disposition for status offenders
7. Race and Disposition for the entire sample
8. Race and Disposition for delinquents
9. Race and Disposition for status offenders
10. Offense and Disposition for the entire sample
11. Offense and Disposition for males
12. Offense and Disposition for females
13. Offense and Disposition for younger offenders
14. Offense and Disposition for older offenders
15. Offense and Disposition for whites
16. Offense and Disposition for non-whites

T-Tests:

1. Type of Offense and Length of Supervision for the entire sample
2. Type of Offense and Length of Supervision for males
3. Type of Offense and Length of Supervision for females
4. Type of Offense and Length of Supervision for younger offenders

5. Type of Offense and Length of Supervision for older offenders
6. Type of Offense and Length of Supervision for whites
7. Type of Offense and Length of Supervision for non-whites
8. Sex and Length of Supervision for the entire sample
9. Sex and Length of Supervision for delinquents
10. Sex and Length of Supervision for status offenders
11. Race and Length of Supervision for the entire sample
12. Race and Length of Supervision for delinquents
13. Race and Length of Supervision for status offenders
14. Age and Length of Supervision for the entire sample
15. Age and Length of Supervision for delinquents
16. Age and Length of Supervision for status offenders

Correlations:

1. Age and Length of Supervision for the entire sample
2. Age and Length of Supervision for delinquents
3. Age and Length of Supervision for status offenders

Criminal Maturity Index: Multiple Regressions for Length of Supervision:

1. Regressions for the entire sample
2. Regressions for delinquents
3. Regressions for status offenders
4. Regressions for whites
5. Regressions for non-whites
6. Regressions for younger offenders
7. Regressions for older offenders
8. Regressions for males
9. Regressions for females

The method used in the CMI is that of multiple regression. Through this procedure, the overall contribution of the independent variables to an explanation of the dependent variable can be determined. Likewise, multiple regression can be used to examine the contribution of any independent variable alone or in conjunction with others. Specifically, a multiple regression procedure is to be run on the total sample, followed by the same procedure separately for delinquents, status offenders, whites, non-whites, younger offenders, older offenders, males, and females. It is hoped that the CMI can shed light on the important factors involved in length of supervision both for the total sample and for the various sub-samples. Also, the multiple regression can help determine if length of supervision can be better predicted for some categories of offenders than for others. Because this procedure is exploratory in nature, no specific hypotheses are tested. Nonetheless, it is apparent from consensus theory that these variables should explain a good deal of the variation in length of supervision in the sample.

In summary, the methodology is designed to provide a description of the sample, and to examine the differences between disposition and the variables of offense, sex, age, and race. Also, differences between these variables and length of supervision are to be presented. Further, the correlations between age and length of supervision are examined. Finally, a CMI is developed, using multiple regression, in an exploratory attempt to predict and explain length of supervision primarily through the use of legal variables.

There are a few variables which require operational definitions. For the purposes of this study, delinquents are defined as those

youngsters referred to the court for offenses which are illegal for adults, including: murder/non-negligent manslaughter, manslaughter by negligence, forcible rape, robbery, aggravated assault, other assult, burglary, auto theft, shoplifing, larceny, sex offenses, narcotics, drunkenness, federal offenses, receiving stolen goods, glue-sniffing, forgery, violation of probation, and miscellaneous criminal offenses. Status offenders are defined as those persons referred to the court for offenses which are not illegal for adults: running away, truance, ungovernability, and miscellaneous status offenses. Younger offenders are those aged 15 and under, while older offenders are those aged 16 and over.

CHAPTER V

FINDINGS

Descriptive Profiles

Profile of Entire Sample

The average age at referral for the entire sample was 15.564, with an age range from 10 to 19. The mode for age was 17, with over 30%, followed by ages 15 and 16 (22.8%), then age 14 (11.9%).

Almost 75% of the sample consisted of males (74.8%). The entire sample contained 151 males and 51 females.

Over 80 percent (82.2%) of the sample was white. The remainder consisted of blacks (13.4%) and Indians (4.5%).

The average length of time between referral and disposition for the sample was 1.873 months. Most of the sample was referred by law enforcement agencies (83.7%). The others were referred by: probation officer or parents or relatives (5.4%), school (1.5%), social agency (1.0%), and "other" source (3.0%).

Most of the sample (59.0%) had no previous referrals during the year 1977. Of those who had prior referrals during the year, the greatest number (24.3%) had only one referral. Also, 7.9% had two prior referrals; one person had the greatest number of 1977 referrals, six. The average number of 1977 prior referrals was 0.723.

In terms of previous referrals before 1977, almost half of the sample (48.0%) had none. Also, 13.9% had one, 10.9% had two, and 10.4% had three previous referrals. The greatest number of prior referrals for the sample was 11, with one subject (0.5%) having that. The average number of prior referrals before 1977 was 1.554.

More than half of the subjects (51.5%) experienced no detention or overnight care, while 47.0% were kept in overnight detention. Two subjects (1.0%) were detained overnight in a jail or police station, and one subject (0.5%) was detained elsewhere.

The most common reason for referral was burglary (16.3%), followed by larceny and ungovernability (11.4% each). Other reasons for referral with a relatively high percentage included running away (9.9%), auto theft (7.9%), and narcotics (6.4%). Very few subjects were referred for most of the violent offenses, with 1.5% referred for murder or non-negligent manslaughter, 0.5% for manslaughter by negligence, forcible rape, and other assaults, though both robbery and aggravated assault referrals were 5.4%. The other reasons for referral constituted very small percentages.

The sample had an average of 8.581 years of schooling. The minimum number of years was 1.0 and the maximum was 12.0.

The data on living arrangement indicated that slightly over one-third of the sample lived with both of their natural parents (35.6%). Of those subjects who came from homes without both parents, almost one-third of the sample (29.2) lived with mother only, while 17.8% lived with mother and step-father. Few of the subjects lived with father only (4.5%) or with father and step-mother (5.0%); 5.0% also lived in the home of relatives. Fewer still lived in an

institution (1.5), had independent living arrangements (1.0%), or lived in "other" arrangements (0.5%).

Exactly one-half of the subjects came from homes where the parents were divorced or separated. Over one-third had their parents together. The few remaining subjects came from situations in which the father was dead (5.4%), the mother was dead (2.0%), the parents were not married to each other (4.5%), or "other" (1.0%).

Because over one-fourth (27.7%) of the data on family income fell into the "unknown" category, it is difficult to make many generalizations on this variable. However, based on the data which are available, the greatest number of subjects seem to come from families earning $10,000 or more (30.2%). A large number also fell into the $5,000 to $9,999 category. Also, 10.9% came from families on public assistance. A small number fell into the categories of under $3,000 (4.5%) and $3,000 to $4,999 (2.0%).

Again, with the data on father's occupation, because of the large number of subjects in the "unknown" category, it is difficult to genera-ize. But, the available data indicate that almost half (41.6%) of the subjects came from working-class homes. Certainly, the working-class category is the largest. Also, 16.3% came from homes where the father had a white-collar job, with 9.9% having fathers in professional capacities.

With only 5.5% of the data on mother's occupation unknown, it is somewhat easier to interpret the findings. The largest category consisted of those whose mothers were housewives (31.2%), followed by working-class (26.7%) and white collar (21.8%).

The $\bar{x}$ age for first arrest or referral was 14.701 years. The greatest percentage of subjects was originally arrested or referred at age 16 (30.2%). Another 18.3% came to the court at age 15, followed by age 17 (14.9%). Finally, 12.4% had their first arrest or referral at age 13 and 11.4% at age 14. The remaining age categories had very small percentages, with the youngest being age two (1.0%), and the oldest being age 18 (0.5%).

About one-third of the sample (33.2%) had no previous dispositions. The $\bar{x}$ number of prior dispositions was 2.594. Other than no previous dispositions, the categories with the highest number of subjects were two (14.4%) and one (12.9%) previous dispositions. There was 9.9% of the sample who had three prior dispositions, 8.4% with four, and 7.9% with five. The remaining categories had small percentages, with the highest number of previous dispositions being 18 (0.5%).

The majority of subjects had no previous probation (74.3%). In fact, the $\bar{x}$ for previous probations was 0.332, with 19.3% having one, 5.4% two, and 1.0% one prior probation.

Likewise, the majority of subjects had no previous institutionalizations (74.8%). Only 17.3% had one, 5.4% two, 2.0% three, and 0.5% one prior institutionalization. The $\bar{x}$ for previous institutionalizations was 0.361.

Also, the average length of court supervision for the entire sample was 4.556 months.

The sample had an average of 0.767 previous status offenses. The majority had no prior status offenses (58.4%) and 20.8% had one. Only 9.9% had two, 8.4% three, 2.0% four, and 0.5% six previous status offenses.

The $\bar{x}$ for previous delinquent offenses was 1.782. Almost half of the sample (47.5%) had no prior delinquent offenses, 15.3% had one, and 11.9% had two previous offenses. The remaining categories had relatively small percentages, with the highest number of previous delinquent offenses being 17 (0.5%).

Finally, the sample had an average of 4.735 months between their first and second offenses (see Table I for a presentation of the entire sample profile).

Profile by Disposition

For age at referral, the criminal court subjects had the oldest $\bar{x}$ age (16.944), followed, in order, by tho e institutionalized, dismissed, and placed on probation. The dismissed category had the youngest lower limit--age 10--and those institutionalized had the oldest--one person referred at age 19.

In regard to sex, no females were referred to the criminal court for prosecution. Males were the majority for all disposition, with a relatively equal percentage for the dismissed, probation, and institutionalized categories.

The majority of subjects for all dispositions were white. The greatest percentage of blacks was among those going to the Criminal Court, while the lowest percentage was among those whose cases were dismissed. No Indians were referred to the criminal court; two of the nine had their cases dismissed or were placed on probation. The greatest number of Indians were placed in institutions, with five of the nine receiving that disposition.

TABLE I

DEMOGRAPHIC PROFILE OF ENTIRE SAMPLE

Variable	Total Sample
Age at Referral	
10	1 0.5%
11	1 0.5%
12	5 2.5%
13	12 5.9%
14	24 11.9%
15	46 22.8%
16	46 22.8%
17	62 30.7%
18	4 2.0%
19	1 0.5%
$\bar{x}$	15.564
Sex	
Male	151 74.8%
Female	51 25.2%

TABLE I (Continued)

Variable	Total Sample
Race	
White	166 82.2%
Black	27 13.4%
Indian	9 4.5%
$\bar{x}$ Time Between Referral and Disposition (months)	1.873
Referred by	
Law Enforcement Agency	169 83.7%
School	3 1.5%
Social Agency	2 1.0%
Probation Officer	11 5.4%
Parents/Relatives	11 5.4%
Other Sources	6 3.0%
Prior Referrals (1977)	
0	121 59.9%
1	49 24.3%
2	16 7.9%
3	6 3.0%

TABLE I (Continued)

Variable	Total Sample
Prior Referrals (1977) (Cont.)	
4	4 2.0%
5	5 2.5%
6	1 0.5%
$\bar{x}$	0.723
Prior Referrals - Before 1977	
0	97 48.0%
1	28 13.9%
2	22 10.9%
3	21 10.4%
4	13 6.4%
5	12 5.9%
6	3 1.5%
7	3 1.5%
8	1 0.5%
9	1 0.5%
10	

TABLE I (Continued)

Variable	Total Sample
Prior Referrals - Before 1977 (Cont.)	
11	1 0.5%
$\bar{x}$	1.554
Care Pending Disposition	
No Detention/Overnight	104 51.5%
Jail/Police Station	2 1.0%
Detention	95 47.0%
Other Place	1 0.5%
Reason Referred	
Murder/Non-negotiable Manslaughter	3 1.5%
Manslaughter by Negotiation	1 0.5%
Forcible Rape	1 0.5%
Robbery	11 5.4%
Aggravated Assault	11 5.4%
Other Assault	2 1.0%
Burglary	33 16.3%
Auto Theft	16 7.9%

TABLE I (Continued)

Variable	Total Sample
Reason Referred (Cont.)	
Shoplifting	5 2.5%
Larceny	23 11.4%
Sex Offenses	1 0.5%
Narcotics	13 6.4%
Drunkenness	4 2.0%
Federal Offenses	1 0.5%
Receiving Stolen Goods	6 3.0%
Glue Sniffing	1 0.5%
Forgery	7 3.5%
Violation of Probation	8 4.0%
Miscellaneous	7 3.5%
Running Away	20 9.9%
Truency	4 2.0%
Ungovernability	23 11.4%
Miscellaneous Status Offenses	1 0.5%

TABLE I (Continued)

Variable	Total Sample
Years of Schooling Completed	
$\bar{x}$	8.581
Minimum	1.0
Maximum	12.0
Living Arrangement of Child	
Both Parents	72 35.6%
Mother and Stepfather	36 17.8%
Mother Only	59 29.2%
Father Only	9 4.5%
Home of Relatives	10 5.0%
In Institution	3 1.5%
Independent Living	2 1.0%
Other	1 0.5%
Marital Status of Natural Parents	
Parents Together	75 37.1%
Father Dead	11 5.4%
Mother Dead	4 2.0%
Divorced/Separated	101 50.0%

TABLE I (Continued)

Variable	Total Sample
Marital Status of Natural Parents (Cont.)	
Other	1 1.0%
Parents Not Married to Each Other	9 4.5%
Family Income	
Public Assistance	22 10.9%
Under $3,000	9 4.5%
$3,000 - $4,999	4 2.0%
$5,000 - $9,999	50 24.8%
$10,000 and Over	61 30.2%
Unknown	56 27.7%
Father's Occupation	
Unemployed/Unskilled	20 9.9%
Working Class (plumber, carpenter, assembly line worker, etc.)	84 41.6%
White Collar (sales, clerical personnel, etc.)	33 16.3%
Professional (physician, attorney, manger, etc.)	13 6.4%
Unknown	52 25.7%

TABLE I (Continued)

Variable	Total Sample
Mother's Occupation	
Unemployed/Unskilled	25 12.4%
Working Class (plumber, carpenter, assembly line worker, etc.)	54 26.7%
White Collar (sales, clerical personnel, etc.)	44 21.8%
Professional (physician, attorney, manager, etc.)	5 2.5%
Housewife	63 31.2%
Unknown	11 5.5%
Age at First Arrest/Referral	
2	2 1.0%
7	2 1.0%
10	2 1.0%
11	5 2.5%
12	13 6.4%
13	25 12.4%
14	23 11.4%
15	37 18.3%
16	61 30.2%

TABLE I (Continued)

Variable	Total Sample
Age at First Arrest/Referral (Cont.)	
17	30 14.9%
18	1 0.5%
Unknown	1 0.5%
$\bar{x}$	14.701
Number of Previous Dispositions	
0	67 33.2%
1	26 12.9%
2	29 14.4%
3	20 9.9%
4	17 8.4%
5	16 7.9%
6	7 3.5%
7	4 2.0%
8	6 3.0%
9	5 2.5%
11	2 1.0%

TABLE I (Continued)

Variable	Total Sample
Number of Previous Dispositions (Cont.)	
13	1 1.0%
16	1 1.0%
18	1 1.0%
$\bar{x}$	2.594
Number of Previous Probations	
0	150 74.3%
1	39 19.3%
2	11 5.4%
3	2 1.0%
$\bar{x}$	0.332
Number of Previous Institutionalizations	
0	151 74.8%
1	35 17.3%
2	11 5.4%
3	4 2.0%
4	1 0.5%
$\bar{x}$	0.361

TABLE I (Continued)

Variable	Total Sample
Length of Supervision (Months)	
$\bar{x}$	4.556
Number of Previous Status Offenses	
0	118 58.4%
1	42 20.8%
2	20 9.9%
3	17 8.4%
4	4 2.0%
6	1 1.0%
$\bar{x}$	0.767
Number of Previous Delinquent Offenses	
0	96 47.5%
1	31 15.3%
2	24 11.9%
3	15 7.4%
4	9 4.5%
5	7 3.5%
6	5 2.5%

TABLE I (Continued)

Variable	Total Sample
Number of Previous Delinquent Offenses (Cont.)	
7	6 3.0%
8	5 2.5%
10	1 0.5%
12	1 0.5%
14	1 0.5%
17	1 0.5%
$\bar{x}$	1.782
Time Between First and Second Offense (Months)	
$\bar{x}$	4.735

The average time between referral and disposition varied from the longest, 2.638 months for those with dismissed cases, to 1.336 months for those institutionalized. The longer time associated with dismissed cases is likely due to the nature of the disposition.

The great majority of all dispositions were referred by law enforcement agencies. Those who had their cases dismissed had the highest percentage of law enforcement referrals (90.4%), followed by

those sent to the criminal court (88.9%) and those cases placed on probation (85.7%). The lowest percentage of referrals from law enforcement agencies was for those institutionalized (75.0%). There was a generally small number of cases referred by the others, with the only exceptions being the referrals by probation officers for those institutionalized (11.8%) and by parents and relatives for the same group (7.9%).

The data on prior 1977 referrals indicate that, with the exception of criminal court disposition, the majority had no prior referrals during the year. Not surprisingly, the highest number of average referrals was for those institutionalized (0.945) and those sent to the criminal court (0.778). Similarly, the lowest average was for those whose cases were dismissed (0.534).

For referrals before 1977, as expected, those referred to the criminal court for prosecution had the greatest number of average referrals (3.389). These were followed by those who were institutionalized (1.764), dismissed (1.137), and those placed on probation (0.629).

Likewise, the two most serious dispositions were the only ones for which a minority had no referrals. Only 22.2% of those sent to criminal court and 30.3% of those institutionalized had no prior referrals before 1977. The greatest number of prior referrals (11) was for one individual sent to the criminal court.

In terms of care pending disposition, only 22.2% of those later referred to the criminal court were not kept overnight, while 66.7% were detained at a jail or police station overnight, likely the result of the type of offense committed. Likewise, 64.5% of the

institutionalized sample were held in detention and only 34.2% were not held overnight. The majority of those whose cases were dismissed (64.4%) and those placed on probation (77.1%) were not detained overnight. None of those dismissed, placed on probation, or institutionalized were detained in a jail or police station.

For the data on reason referred, as could be expected, those persons with a criminal court disposition were referred for the most serious crimes, with robbery and burglary having the highest percentages each (27.8% each), followed by murder and non-negligent manslaughter (11.1%). Nonetheless, a large number of the other dispositions included referrals for serious crimes.

Among dismissed cases, 15.1% were referred for both burglary and larceny. However, 12.3% of the dismissed cases were referred for ungovernability.

Burglary and larceny were also common referrals for those placed on probation, with 25.7% and 22.9%, respectively. Those persons institutionalized showed the greatest amount of disparity in reason for referral. The highest percentage was for running away (19.7%), followed by ungovernability (13.2%), burglary (10.5%), and auto theft (9.2%). These data seem to indicate a tendency for the institutionalized sample to have been referred for less serious offenses, especially for status offenses.

The data on years of schooling completed indicate that those sent to the criminal court had the highest average schooling (9.60 years), followed by dismissed cases (9.04), institutionalized (8.47), and probation (8.32 years). All in all, there does not seem to be much difference in years of schooling among the samples.

In terms of the living arrangement of the child, for those with dismissed, probation, and institutionalized dispositions, the greatest number lived with both parents, followed by living with the mother only. However, for those sent to the criminal court for prosecution, the majority lived with mother only (61.1%) and the next greatest number lived with mother and stepfather (22.2%). This pattern certainly distinguishes the criminal court sample from the other three.

As expected based upon the living arrangement data, the data on marital status of natural parents indicate that far fewer of the criminal court dispositions had their natural parents still married to each other (11.1%), compared to the dismissed cases (42.5%), those on probation (42.9%), and those institutionalized (35.5%).

Likewise, the highest percentage of divorced and separated parents came from the criminal court dispositions (61.1%), though all of the groups had high rates of divorce or separation--46.6% for dismissed cases, 45.7% for probationers, and 52.6% for institutionalized dispositions. Also, the cases sent to the criminal court had by far the highest percentage in the category of parents not married to each other (16.7%).

Examining the data from both the living arrangement and marital status of natural parents categories indicates that those persons who were eventually referred to the criminal court came from markedly different parental backgrounds than did the others. Whether this is indicative of precipitating factors in their behavior or court disposition cannot be determined from these data, but certainly the differences are evident.

Because of the large number of cases in all categories in which family income was unknown, it is difficult to make many generalizations about this variable. But the data do indicate that the criminal court dispositions may have had a tendency toward lower income levels than the others. The greatest percentage of those sent to the criminal court had incomes in the $5,000 - $9,999 range (38.9%), compared to 23.3% for dismissed cases, 20.0% for probation cases, and 25.0% for institutionalized cases. The greatest percentage for other dispositions was found in the $10,000 and over range with 42.5% for dismissed, 40.0% for probation, and 18.4% for institutionalized, compared to only 11.1% of those sent to the criminal court.

Both the criminal court and probation dispositions had relatively high rates of public assistance, with 16.7% and 20.0%, respectively, compared to 9.6% and 6.6% for dismissed and institutionalized cases.

The data on father's occupation indicate that the greatest percentage of cases in all four categories came from working class backgrounds; there do not appear to be many differences among the groups on this variable, with the possible exception of professional occupations. None of those sent to the criminal court had fathers in professional occupations, while 5.5% of dismissed cases, 11.4% of probation cases, and 6.6% of institutionalized cases did. Again, however, the large number of unknown cases makes it difficult to compare and generalize.

For mother's occupation, all four groups had a high percentage of mothers in working class occupations, with the criminal court and institutional dispositions tending to come from the working class (44.4%

and 30.3%) and the probation cases more likely to come from white collar backgrounds (40.0%). The dismissed category was most likely to have mothers who were housewives (32.9%) and was about evenly divided between working class (24.7%) and white collar (23.3%). Considering the previous data on living arrangement and marital status of natural parents, it is not surprising that the criminal court dispositions had the smallest percentage of mothers who were housewives (22.2%).

There were virtually no differences among the four groups on the variable age at first arrest or referral. All four dispositions had a mean age of slightly above 14-1/2 years of age at first arrest or referral. The range of ages was greatest for the institutionalized sample (2-18) and smallest for those sent to criminal court (12-17).

As could be expected, the criminal court had the highest average number of previous dispositions (5.6111), followed by the institutionalized sample (2.911). Those placed on probation had the lowest $\bar{x}$ with 1.143, slightly below that of those dismissed (1.863). Those referred to the criminal court also had the greatest range of previous dispositions, from 0 to 18.

The highest average number of previous probations was found with the institutionalized sample (0.436), with the criminal court sample following with a $\bar{x}$ of 0.389. The dismissed and probation categories had almost identical $\bar{x}$ previous probations, 0.219 and 0.229, respectively. All four groups had few prior probations, with three the highest number, found in both the dismissed and institutionalized sample.

Not surprisingly, the highest average number of previous institutionalizations was found in the two most serious dispositions. The criminal court sample had an average of 0.778 previous institutionalizations and the institutionalized group had a $\bar{x}$ of 0.500. Likewise, the lowest average was within the dismissed category (0.110), with the probationers having a $\bar{x}$ of 0.229.

Obviously, the shortest average length of supervision was found among those sent to the criminal court, since once they were referred to the adult court, the juvenile court's supervision ended. The $\bar{x}$ time between arrest and referral to the criminal court was 1.683 months. Similarly, due to the nature of the disposition, the dismissed category had the next lowest average length of supervision (2.562 months). Those who were placed on probation and those who were institutionalized had similar lengths of supervision (averages of 5.431 and 5.273 months, respectively).

The highest average number of status offenses was found in the institutionalized sample, with a $\bar{x}$ of 1.711. Those referred to the criminal court were next (0.778), followed by those cases which were dismissed (0.452) and probationers (0.143).

Unlike the prior status offense category, those referred to the criminal court had a much higher average number of previous delinquent offenses (4.667) than did the other groups. The institutionalized group had the next highest (1.818), followed by those dismissed (1.356) and those on probation (1.000). These data indicate that those eventually sent to the criminal court tended to have more serious criminal histories than the other dispositions. Compared with the data on previous status offenses, however, it is interesting that

the institutionalized sample had a much higher average of status offenses than did any other group.

Though they seem to have committed a far greater number of serious offenses, the criminal court sample had by far the longest average time between first and second offense (8.050 months). The probationers were next (4.520), followed closely by the institutionalized sample (4.507) and those whose cases were dismissed (3.766 months) (see Table II for a presentation of the Demographic Profile by Deposition).

Profile by Sex

For age at referral, there was a little difference between the sexas; males had a slightly higher average age (15.682) than did females (15.216). The males also had a greater age range--from 10 to 19, while the females ranged in age from 12 to 17.

In terms of sex, the majority for both sexes were white, but there was a much higher percentage of white females (92.2%) than white males (78.8%).

The data on average time between referral and disposition indicated that the time for males was almost twice as long as for females (2.111 months and 1.169 months). The majority of both sexes were referred by law enforcement agencies. But a higher percentage of males (87.4%) were referred by law enforcement agencies than were females (72.5%). Further, there was a much greater percentage of females referred by parents or relatives (13.7%) than males (2.6%). Also, a greater percentage of females were referred by probation officers (7.8% to 4.6% for males).

TABLE II

DEMOGRAPHIC PROFILE BY DISPOSITION

Variable	Disposition			
	Criminal Court	Dismissed	Probation	Institution
Age at Referral				
10		1 1.4%		
11		1 1.4%		
12		2 2.7%	3 8.6%	
13		2 2.7%	6 17.1%	4 5.2%
14		5 6.8%	5 14.3%	14 18.4%
15	1 5.6%	17 23.3%	7 20.0%	21 27.6%
16	1 5.6%	17 23.3%	8 22.9%	20 26.3%
17	14 77.8%	27 37.0%	6 17.1%	15 19.7%
18	2 11.1%	1 1.4%		1 1.3%
19				1 0.9%
$\bar{x}$	16.944	14.890	14.829	15.582
Sex				
Male	18 100%	53 72.6%	29 77.1%	51 69.7%
Female	0 0.0%	20 27.4%	8 22.9%	23 30.3%

TABLE II (Continued)

Variable	Disposition			
	Criminal Court	Dismissed	Probation	Institution
Race				
White	13 72.2%	63 86.3%	30 80.0%	60 81.6%
Black	5 27.8%	8 11.0%	5 14.3%	9 11.8%
Indian		2 2.7%	2 2.7%	5 6.5%
$\bar{x}$ Time Between Referral and Disposition (Months)	2.261	2.638	1.669	1.336
Referred by				
Law Enforcement Agency	16 88.9%	66 90.4%	30 85.7%	57 75.0%
School		1 1.4%	2 5.7%	
Social Agency				2 2.6%
Probation Officer		1 1.4%	1 2.9%	9 11.8%
Parents/Relatives		4 5.5%	1 2.9%	6 7.9%
Other Sources	2 11.1%	1 1.4%	1 2.9%	2 2.6%
Prior Referrals (1977)				
0	8 44.4%	50 68.5%	26 74.3%	37 48.7%
1	7 38.9%	16 21.9%	8 22.9%	18 23.7%

TABLE II (Continued)

Variable	Disposition			
	Criminal Court	Dismissed	Probation	Institution
Prior Referrals (1977) (Cont.)				
2	2 11.1%	2 2.7%	1 2.9%	11 14.5%
3	1 5.6%	2 2.7%		3 3.9%
4		2 2.7%		2 2.6%
5		1 1.4%		4 5.3%
6				1 1.3%
$\bar{x}$	0.778	0.534	0.629	0.945
Prior Referrals - Before 1977				
0	4 22.2%	45 61.6%	25 71.4%	23 30.3%
1	2 11.1%	8 11.0%	5 14.3%	13 17.1%
2	2 11.1%	5 6.8%	1 2.9%	14 18.4%
3	2 11.1%	6 8.2%	2 5.7%	11 14.5%
4	2 11.1%	5 6.8%	1 2.9%	5 6.6%
5	3 16.7%	1 1.4%	1 2.9%	7 9.2%
6		1 1.4%		2 2.6%
7	1 5.6%	1 1.4%		1 1.3%

TABLE II (Continued)

Variable	Disposition			
	Criminal Court	Dismissed	Probation	Institution
Prior Referrals - Before 1977 (Cont.)				
8	1 5.6%			
9		1 1.4%		
10				
11	1 5.6%			
$\bar{x}$	3.389	1.137	0.629	1.764
Care Pending Disposition				
No Dentention/ Overnight	4 22.2%	47 64.4%	27 77.1%	26 34.2%
Jail/Police Station	2 11.1%			
Detention	12 66.7%	26 35.6%	8 22.9%	49 64.5%
Other Place				1 1.3%
Reason Referred				
Murder/Non-Manslaughter	2 11.1%	1 1.4%		1 1.3%
Manslaughter by Neg.				1 1.3%
Forcible Rape				1 1.3%
Robbery	5 27.8%			6 7.9%

TABLE II (Continued)

Variable	Disposition			
	Criminal Court	Dismissed	Probation	Institution
Reason Referred				
Aggravated Assault	1 5.6%	6 8.2%		4 5.3%
Other Assault			1 2.9%	1 1.3%
Burglary	5 27.8%	11 15.1%	9 25.7%	8 10.5%
Auto Theft	1 5.6%	6 8.2%	2 5.7%	7 9.2%
Shoplifting		4 5.2%	1 2.9%	0
Larceny	1 5.6%	11 15.1%	8 22.9%	3 3.4%
Sex Offenses				1 1.3%
Narcotics		8 11.0%	3 8.6%	2 2.6%
Drunkenness		2 2.7%		2 2.6%
Federal Offenses	1 5.6%			
Receiving Stolen Goods	1 5.6%	2 2.7%	3 8.6%	
Glue Sniffing		1 1.4%		
Forgery	1 5.6%	3 4.1%	1 2.9%	2 2.6%
Violation of Probation		1 1.4%	1 2.9%	6 7.9%

TABLE II (Continued)

Variable	Disposition			
	Criminal Court	Dismissed	Probation	Institution
Reason Referred (Cont.)				
Miscellaneous		2 2.7%	1 2.9%	4 5.3%
Running Away		5 6.8%		15 19.7%
Truancy		1 1.4%	2 5.7%	1 1.3%
Ungovernability		9 12.3%	3 8.6%	10 13.2%
Miscellaneous Status Offenses				1 1.3%
Years of Schooling Completed				
$\bar{x}$	9.60	9.04	8.32	8.470
Minimum	7.00	4.00	5.00	1.00
Maximum	11.00	12.00	12.00	12.00
Living Arrngement of Child				
Both Parents	2 11.1%	31 42.5%	14 40.0%	25 32.9%
Mother and Stepfather	4 22.2%	12 16.4%	3 8.6%	17 22.4%
Father and Stepmother		4 5.5%	2 5.7%	4 5.3%
Mother Only	11 61.1%	17 23.3%	13 37.1%	18 23.6%
Father Only		4 5.5%		5 6.6%

TABLE II (Continued)

Variable	Disposition			
	Criminal Court	Dismissed	Probation	Institution
Living Arrangement of Child (Cont.)				
Home of Relatives	1 5.6%	4 5.5%	1 2.9%	4 5.2%
In Institution			1 2.9%	2 2.6%
Independent Living		1 1.4%		1 1.3%
Other			1 2.9%	
Marital Status of Natural Parents				
Parents Together	2 11.1%	31 42.5%	15 42.9%	27 35.5%
Father Dead	1 5.6%	5 6.8%	2 5.7%	3 3.9%
Mother Dead		1 1.4%		3 3.9%
Divorced/Separated	11 61.1%	34 46.6%	16 45.7%	40 52.6%
Other	1 5.6%		1 2.9%	
Parents Not Married to Each Other	3 16.7%	2 2.7%	1 2.9%	3 3.9%
Family Income				
Public Assistance	3 16.7%	7 9.6%	7 20.0%	5 6.6%

TABLE II (Continued)

Variable	Disposition			
	Criminal Court	Dismissed	Probation	Institution
Family Income (Cont.)				
Under $3,000	1 5.6%	1 1.4%		7 9.2%
$3,000 - $4,999	1 5.6%	2 2.7%		1 1.3%
$5,000 - $9,999	7 38.9%	17 23.3%	7 20.0%	19 25.0%
$10,ooo and Over	2 11.1%	31 42.5%	14 40.0%	14 18.4%
Unknown	4 22.2%	15 20.5%	7 20.0%	30 39.5%
Father's Occupation				
Unemployed/Unskilled	1 5.6%	6 8.2%	3 8.6%	10 13.2%
Working Class (plumber, carpenter, assembly-line worker, etc.)	9 50.0%	32 43.8%	12 34.3%	31 40.7%
White Collar (sales, clerical personnel, etc.)	3 16.7%	16 21.9%	6 17.1%	8 10.5%
Professional (physician, attorney, manager, etc.)		4 5.5%	4 11.4%	5 6.6%
Unknown	5 27.8%	15 20.5%	10 28.6%	22 28.9%
Mother's Occupation				
Unemployed/Unskilled	2 11.1%	7 9.6%	3 8.6%	13 17.1%
Working Class (plumber, carpenter, assembly-line worker, etc.)	8 44.4%	18 24.7%	5 14.3%	23 30.3%
White Collar (sales, clerical personnel, etc.)	4 22.2%	17 23.3%	14 40.0%	9 11.8%

TABLE II (Continued)

Variable	Criminal Court	Dismissed	Probation	Institution
Mother's Occupation (Cont.)				
Professional (physician, attorney, etc.)		1 1.4%	1 2.9%	3 3.9%
Housewife	4 22.2%	24 32.9%	10 28.6%	25 32.9%
Unknown		6 8.2%	2 5.7%	3 3.9%
Age at First Arrest/ Referral				
2		2 2.7%		2 2.6%
7		1 1.4%	1 2.9%	
10		1 1.4%	1 2.9%	
11		2 2.7%		3 3.9%
12	4 22.2%	4 5.5%	3 8.6%	2 2.6%
13	3 16.7%	1 1.4%	5 14.3%	16 21.1%
14	1 5.6%	5 6.8%	4 11.4%	13 17.1%
15	2 11.1%	16 21.9%	6 17.1%	13 17.1%
16	3 16.7%	24 32.9%	10 28.6%	24 31.6%
17	5 27.8%	17 23.3%	5 14.3%	3 17.1%
18				1 1.3%

TABLE II (Continued)

Variable	Disposition			
	Criminal Court	Dismissed	Probation	Institution
Age at First Arrest/ Referral				
Unknown				1 1.3%
$\bar{x}$	14.667	14.890	14.543	14.606
No. of Previous Dispositions				
0	1 5.6%	32 43.8%	23 65.7%	11 14.5%
1	3 16.7%	11 15.1%	6 17.1%	6 7.9%
2	2 11.1%	11 15.1%	1 2.9%	15 19.7%
3		6 8.2%		14 18.4%
4	5 27.8%	2 2.7%	2 5.7%	8 10.5%
5		5 6.8%	1 2.9%	10 13.2%
6			1 2.9%	6 7.9%
7		2 2.7%		2 2.6%
8	3 16.7%			3 3.9%
9		3 4.1%		2 2.6%
11	1 5.6%	1 1.4%		
13			1 2.9%	

TABLE II (Continued)

Variable	Disposition			
	Criminal Court	Dismissed	Probation	Institution
No. of Previous Dispositions (Cont.)				
16	1 5.6%			
18	1 5.6%			
$\bar{x}$	5.611	1.863	1.143	2.991
No. of Previous Probations				
0	12 66.7%	60 82.2%	28 80.0%	50 65.7%
1	5 27.8%	11 15.1%	6 17.1%	17 22.4%
2	1 5.6%	1 1.4%	1 2.9%	8 10.5%
3		1 1.4%		1 1.3%
$\bar{x}$	0.389	0.219	0.229	0.436
No. of Previous Institutionalizations				
0	8 44.4%	67 91.8%	34 97.1%	42 55.3%
1	7 38.9%	4 5.5%	1 2.9%	23 30.3%
2	2 11.1%	2 2.7%		7 9.2%
3	1 5.6%			3 3.9%
4				1 1.3%

TABLE II (Continued)

Variable	Disposition			
	Criminal Court	Dismissed	Probation	Institution
No. of Previous Institutionalizations (Cont.)				
$\bar{x}$	0.778	0.110	0.229	0.500
Length of Supervision (Months)				
$\bar{x}$	1.683	2.562	5.431	5.273
No. of Previous Status Offenses				
0	12 66.7%	67 91.8%	30 85.7%	9 11.8%
1	3 16.7%	4 5.5%	5 14.3%	30 39.5%
2	1 5.6%	2 2.7%		18 23.7%
3	1 5.6%			16 21.1%
4				4 5.3%
6	1 5.6%			
$\bar{x}$	0.778	0.452	0.143	1.711
No. of Previous Delinquency Offenses				
0	2 11.1%	42 57.5%	24 68.6%	28 36.8%
1	3 16.7%	10 13.7%	6 17.1%	12 15.7%
2	2 11.1%	10 13.7%		12 15.7%

TABLE II (Continued)

Variable	Disposition			
	Criminal Court	Dismissed	Probation	Institution
No. of Previous Delinquency Offenses (Cont.)				
3	1 5.6%	3 4.1%	1 2.9%	10 13.2%
4	3 16.7%		1 2.9%	5 6.6%
5	2 11.1%	1 1.4%	2 5.7%	2 2.6%
6	1 5.6%			4 5.2%
7	1 5.6%	3 4.1%		2 2.6%
8	1 5.6%	3 4.1%		1 1.3%
10		1 1.4%		
12			1 2.9%	
14	1 5.6%			
17	1 5.6%			
$\bar{x}$	4.667	1.356	1.000	1.818
Time Between First and Second Offense (Months)				
$\bar{x}$	8.050	3.766	4.520	4.507

The majority of both sexes had no prior referrals during the year, with 60.3% of the males and 58.8% of the females in that category. The average number of referrals during 1977 was similar for the sexes, with the females having a slightly higher average (0.863 to 0.675 for males).

Males had a higher number of average referrals before 1977 (1.722) and a much greater range of prior referrals (0-11) than did females (1.059 and 0-5), indicating a greater delinquent history for the males. Slightly less than half of both groups, however, had no prior referrals (males 47.7% and females 49.0%).

Slightly over half of the males (54.3%) and slightly less than half of the females (43.1%) experienced no detention or overnight care. Interestingly, only 1.3% of the males were kept in a jail or police station overnight, yet 54.9% of the females were detained there. No females were placed in detention, but 44.4% of the males were--indicative of a major difference in handling.

In examining the reasons for referral, some striking differences were observed. Males were far more likely to be referred for delinquent offenses, while females were far more likely to be referred for status offenses. The greatest percentage of males were referred for burglary (19.9%), followed by larceny (13.2%). All of the referrals for murder and non-negligent manslaughter, forcible rape, sex offenses, drunkenness, federal offenses, and glue sniffing were males. The greatest number of females, on the other hand, were referred for ungovernable behavior (27.5%) and running away (21.6%), indicating either differential enforcement or a difference in the nature of offenses committed. A total of 13.3% of the males were referred to the court for status offenses, compared to 55.0% of the females .

For the category of years of schooling completed, there was very little difference between the sexes. The males had a mean of 8.689 years compared to 8.333 years for the females.

The data on living arrangement indicated that females were far more likely to live with both parents (51.0%) than were males (30.5%). A large percentage of both groups lived with mothers only (males, 29.8% and females, 27.5%). Males were more likely to live with mother and stepfather (19.2%) than were females (13.7%). No females lived with father only or in the home of relatives.

Similar to the findings on living arrangement, females were more likely to have their parents together (51.0%) than were males (32.5%). Both groups had high rates of divorce or separation, with the majority of males (53.6% and 39.2% of the females) coming from homes of this type. Also, a greater percentage of males (60.0%) than females (2.0%) came from homes in which their parents were not married to each other. The data from both living arrangement and marital status of natural parents together indicated that males were far more likely to come from structurally disrupted homes than were the females.

For family income, again, the large number of cases in which income was unknown makes it difficult to generalize. However, it seems that the males and females were relatively similar in family income, with the males having a slight tendency to come from lower income homes.

Both sexes were very similar on the variable of father's occupation. About 41% of themales and females had working-class fathers, with the other occupational categories being very similar. Regarding mother's occupation, males and females were again very similar, with only the minor exceptions of the unemployed/unskilled and white-collar

categories. Females were a little more likely than males to have mothers in the unemployed/unskilled category, while males were slightly more likely to have mothers with white-collar occupations.

There was not much difference between the sexes on age at first arrest/referral. The mean ages were similar (14.780 for males and 14.471 for females). Males had the greatest age range, from 2 to 18, while all the females except one were within the age range from 11 to 17.

Males had the highest number of previous dispositions ($\bar{x}$=2.801), while females had an average of 1.980 dispositions each, though approximately one-third of each sex had no previous dispositions. None of the females had more than seven previous dispositions, while 16 males had eight or more; the highest being 18 previous dispositions.

The males had an average of 0.377 previous probations compared to 0.196 for the females. A large majority of both sexes (72.2% of males and 80.4% of females) had no previous probations. One previous probation was the highest for females, while two males had three previous probations.

There was virtually no difference in the number of previous institutionalizations, though females had a slightly higher average (0.932 compared to 0.351 for males). About three-fourths of both sexes had never been previously institutionalized, with no females having more than three, or males more than four, previous institutionalizations.

Both sexes had virtually identical lengths of supervision, with females having a slightly longer average of 4.598 months compared to 4.542 months for males.

Females had a mich higher number of status offenses than did males, with an average of 1.216 previous offenses compared to 0.616 for males. The majority of males (63.6%) had no prior status offenses, while less than half of the females (43.1%) had none. Except for one subject, the greatest number of prior status offenses for males was three, while four females (7.8%) had previously committed four status offenses. The data for prior delinquent offenses indicated very different findings than those for prior status offenses. Males had a much higher average for previous delinquent offenses (2.146) than did females (0.706). None of the females had a record of more than five prior delinquent offenses, while 20 of the males (13.4%) had six or more, the highest being 17 previous delinquent offenses. The majority of females (64.7%) had no prior delinquent offenses, while only 41.7% of the males did so.

There was very little difference between the sexes in the time between the first and second offenses. The mean for males was 4.912 months and for females it was 4.212 months (see Table III for a presentation of Demographic Profile by Sex).

Profile by Offense

The delinquent offenders had a higher mean age at referral (15.766) than the status offenders (14.922). The lowest age at referral was for a delinquent, age 10, and the highest was for one person referred as a delinquent at age 19.

The vast majority of delinquents were males (85.1%), while the majority of status offenders were females (58.3%). In terms of race, the majority of delinquents (81.2%) and status offenders (84.4%) were

TABLE III

DEMOGRAPHIC PROFILE BY SEX

Variable	Males	Females
Age at Referral		
10	1 0.7%	
11	1 0.7%	
12	3 2.0%	2 3.9%
13	10 6.6%	2 3.9%
14	14 9.3%	10 19.6%
15	30 19.9%	16 31.4%
16	35 23.2%	11 21.6%
17	52 34.4%	10 19.6%
18	4 2.6%	
19	1 0.7%	
$\bar{x}$	15.682	15.216
Race		
White	119 78.8%	47 92.2%
Black	23 15.2%	4 7.8%
Indian	9 6.0%	

TABLE III (Continued)

Variable	Males	Females
Time Between Referral and Disposition		
$\bar{x}$ (Months)	2.111	1.169
Referred by		
Law Enforcement Agency	132 87.4%	37 72.5%
School	2 1.3%	1 2.0%
Social Agency	1 0.7%	1 2.0%
Probation Officer	7 4.6%	4 7.8%
Parents/Relatives	4 2.6%	7 13.7%
Other Source	5 3.3%	1 2.0%
Prior Referrals - 1977		
0	91 60.3%	30 58.8%
1	38 25.2%	11 21.6%
2	11 7.3%	5 9.8%
3	5 3.3%	1 2.0%
4	3 2.0%	1 2.0%
5	3 2.0%	2 3.9%
6		1 2.0%
$\bar{x}$	0.675	0.863

TABLE III (Continued)

Variable	Males	Females
Prior Referrals - Before 1977		
0	72 47.7%	25 49.0%
1	17 11.1%	11 21.6%
2	15 9.9%	7 13.7%
3	17 11.3%	4 7.8%
4	10 6.6%	3 5.9%
5	11 7.3%	1 2.0%
6	3 2.0%	
7	3 2.0%	
8	1 0.7%	
9	1 0.7%	
11	1 0.7%	
$\bar{x}$	1.722	1.059
Care Pending Disposition		
No Detention/Overnight	82 54.3%	22 43.1%
Jail/Police Station	2 1.3%	28 54.9%
Detention	67 44.4%	

TABLE III (Continued)

Variable	Males	Females
Care Pending Disposition (Cont.)		
Other Place		1 2.0%
Reason Referred		
Murder/Non-Neg. Manslaughter	3 2.0%	
Neg. Manslaughter	1 0.7%	
Forcible Rape	1 0.7%	
Robbery	10 6.6%	1 2.0%
Aggravated Assault	10 6.6%	1 2.0%
Assault	1 0.7%	1 2.0%
Burglary	30 19.9%	3 5.9%
Auto Theft	15 9.9%	1 2.0%
Shoplifting	3 2.0%	2 3.9%
Larceny	20 13.2%	3 5.9%
Sex Offenses	1 0.7%	
Narcotics	10 6.6%	3 5.9%
Drunkenness	4 2.6%	

TABLE III (Continued)

Variable	Males	Females
Reason Referred (Cont.)		
Federal Offenses	1 0.7%	
Receiving Stolen Goods	5 3.3%	1 2.0%
Glue Sniffing	1 0.7%	
Forgery	4 2.6%	3 5.9%
Violation of Probation	5 3.3%	3 5.9%
Miscellaneous	6 4.0%	1 2.0%
Running Away	9 6.0%	11 21.6%
Truancy	2 1.3%	2 3.9%
Ungovernability	9 6.0%	14 27.5%
Miscellaneous Status Offenses		1 2.0%
Years of Schooling Completed		
$\bar{x}$	8.689	8.333
Living Arrangement of Child		
Parents Together	49 32.5%	26 51.0%
Father Dead	9 6.0%	2 3.9%
Mother Dead	2 1.3%	2 3.9%

TABLE III (Continued)

Variable	Males	Females
Living Arrangement of Child (Cont.)		
Divorced/Separated	81 53.6%	20 39.2%
Other	1 0.7%	
Parents Not Married to Each Other	9 6.0%	1 2.0%
Family Income		
Public Assistance	18 11.9%	4 7.8%
Under $3,000	7 4.6%	2 3.9%
$3,000 - $4,999	2 1.3%	2 3.9%
$5,000 - $9,999	41 27.2%	9 17.6%
$10,000 and Over	43 28.5%	18 35.3%
Unknown	40 26.5%	16 31.4%
Father's Occupation		
Unemployed/Unskilled	15 9.9%	5 9.8%
Working Class (plumber, carpenter, assembly-line worker, etc.)	62 41.7%	21 41.2%
White Collar (sales, clerical personnel, etc.	25 16.6%	8 15.7%
Professional (physician, attorney, manager, etc.)	10 6.6¢	3 5.9%

TABLE III (Continued)

Variable	Male	Female
Father's Occupation (Cont.)		
Unknown	38 25.2%	14 27.5%
Mother's Occupation		
Unemployed/Unskilled	17 11.3%	8 15.7%
Working Class (plumber, carpenter, assembly-line worker, etc.)	40 26.5%	14 27.5%
White Collar (sales, clerical personnel, etc.)	35 23.2%	9 17.6%
Professional (physician, attorney, manager, etc.)	3 2.0%	2 3.9%
Housewife	47 31.1%	16 31.4%
Unknown	9 5.9%	2 3.9%
Age at First Arrest/ Referral		
2	1 0.7%	1 2.0%
7	2 1.3%	
10	2 1.3%	
11	4 2.6%	1 2.0%
12	9 6.0%	4 7.8%
13	17 11.3%	8 15.7%
14	16 10.6%	7 13.7%
15	26 17.2%	11 21.6%

TABLE III (Continued)

Variable	Males	Females
Age at First Arrest/ Referral (Cont.)		
16	48 31.8%	13 25.5%
17	24 15.9%	6 11.8%
18	1 0.7%	
Unknown	1 0.7%	
$\bar{x}$	14.780	14.471
No. of Previous Dispositions		
0	51 33.8%	16 31.4%
1	16 10.6%	10 19.6%
2	22 14.6%	7 13.7%
3	13 8.6%	7 13.7%
4	14 9.3%	3 5.9%
5	11 7.3%	5 9.8%
6	5 3.3%	2 3.9%
7	3 2.0%	1 2.0%
8	6 4.0%	
9	5 3.3%	

TABLE III (Continued)

Variable	Males	Females
No. of Previous Dispositions		
11	2 1.3%	
13	1 0.7%	
16	1 0.7%	
18	1 0.7%	
$\bar{x}$	2.801	1.980
No. of Previous Probations		
0	109 72.2%	41 80.4%
1	29 19.2%	10 19.6%
2	11 7.3%	
3	2 1.3%	
$\bar{x}$	0.377	0.196
No. of Previous Institutionalizations		
0	114 75.5%	37 72.5%
1	26 17.2%	9 17.6%
2	7 4.6%	4 7.8%
3	3 2.0%	1 2.0%

TABLE III (Continued)

Variable	Male	Female
No. of Previous Institutionalizations (Cont.)		
4	1 0.7%	
$\bar{x}$	0.351	0.392
Length of Supervision (Months)		
$\bar{x}$	4.542	4.598
No. of Previous Status Offenses		
0	96 63.6%	22 43.1%
1	30 19.9%	12 23.5%
2	15 9.9%	5 9.8%
3	9 6.0%	8 15.7%
4		4 7.8%
6	1 0.7%	
$\bar{x}$	0.616	1.216
No. of Previous Delinquent Offenses		
0	63 41.7%	33 64.7%
1	22 14.6%	9 17.6%
2	19 12.6%	5 9.8%

TABLE III (Continued)

Variable	Males	Females
No. of Previous Delinquent Offenses (Cont.)		
3	14 9.3%	1 2.0%
4	8 5.3%	1 2.0%
5	5 3.3%	2 3.9%
6	5 3.3%	
7	6 4.0%	
8	5 3.3%	
10	1 0.7%	
12	1 0.7%	
14	1 0.7%	
17	1 0.7%	
$\bar{x}$	2.146	0.706
Time Between First and Second Offense (Months)		
$\bar{x}$	4.912	4.212

white, with the majority of blacks and the vast majority of Indians being delinquent offenders. Only one Indian youth was referred as a status offender.

The delinquent offenders had a much greater mean length of time between referral and disposition than did the status offenders. The average time for delinquents was 2.177 months, compared to 0.943 months for status offenders.

The majority of both delinquents and status offenders were referred by law enforcement agencies. Of the delinquents, 90.3% were so referred, as were 62.5% of the status offenders. None of the delinquents were referred by parents or relatives, while 22.9% of the status offenders were.

Most of the delinquents and status offenders had no prior referrals during 1977. Approximately the same percentage of both groups had one 1977 referral (23.4% of delinquents and 27.1% of the status offenders). Though one delinquent had the highest number of 1977 referrals (six), the status offenders had a higher average number of referrals during the year (0.922 compared to 0.649 for the delinquents).

Prior to 1977, slightly below a majority of the delinquents (47.4%) had no previous referrals, compared to exactly one-half of the status offenders. There were no status offenders with more than four referrals, yet 21 of the delinquents had five prior referrals or more, the greatest number being 11.

Interestingly, over half of the delinquents (55.8%) received no overnight detention, while only 37.5% of the status offenders did not. And, 60.4% of the status offenders were kept in juvenile detention while 42.9% of the delinquents were kept in juvenile detention.

For status offenders, the mode for disposition was to a public agency (35.3%), while delinquents were fairly evenly divided among dismissed: not proved (20.1%), public agency (20.1%), and probation (19.5%). Not surprisingly, no status offenders were sent to the criminal court, while 11.7% of the delinquents were. Also, as expected, a lower percentage of the status offenders were placed on probation (10.4%) and a higher percentage were sent to a private agency (14.6%) compared to the delinquents (19.5% and 1.9%).

There was virtually no difference in the average number of years in school, with the delinquents having a slightly higher mean of 8.772 compared to 8.079 for the status offenders.

Approximately the same percentage of delinquents (35.1%) and status offenders (37.5%) lived with both parents and with mother only (29.2% of both groups). There seems to be no major difference in living arrangements between the two groups, though both subjects who had "independent living" were delinquents.

For marital status of natural parents there were, again, very similar findings between the two groups. For the delinquents, 37.0% had both natural parents together compared to 37.5% of the status offenders. Likewise, 48.7% of the delinquents had parents who were divorced or separated, while 54.2% of the status offenders did so.

As before, it is difficult to generalize from the data on family income because so many were unknown. But the data tend to indicate little difference between the delinquents and the status offenders on this variable. A small percentage of both groups were on public assistance and approximately one-third (29.9% of delinquents and

31.3% of status offenders) came from families earning $10,000 or more a year.

Again, because of the large number of unknown cases, generalizing about father's occupation is somewhat difficult, but the data indicate that the greatest percentage from both groups came from working class homes. For the delinquents, 40.3% had fathers with working class occupations while 45.8% of the status offenders did so. A small percentage of both groups (6.5% of delinquents and 6.3% of status offenders) had fathers with professional occupations. A relatively small percentage (9.7% of delinquents and 10.4% of status offenders) had fathers who were unemployed or unskilled.

For mother's occupation, the greatest number of subjects had mothers who were housewives (30.5% of delinquents and 33.3% of status offenders). A large percentage also had mothers with working class (24.7% of delinquents and 33.3% of status offenders) or white collar jobs (23.4% of delinquents and 16.7% of status offenders). Interestingly, a greater percentage of delinquents had white collar mothers, while a greater percentage of status offenders had mothers in working class occupations.

The average age at first arrest or referral for the delinquents was 14.824 compared to a similar age of 14.353 for status offenders. The range was similar for both groups, and both had most referrals between the ages of 15 to 17.

The delinquents had a higher average number of previous dispositions (2.747) than did the status offenders (2.000) and a much greater range (0 to 18 for delinquents and 0 to 8 for the status offenders). Only one status offender had more than five previous dispositions.

The mode for both groups was no previous dispositions (35.1% of delinquents and 27.1% of status offenders).

The delinquents had a higher average number of previous probations (0.377) than the status offenders (0.176). But the great majority of both groups (72.1% of delinquents and 81.2% of status offenders) had no previous probations.

Also, most of the subjects had no previous institutionalizations (76.6% of delinquents and 72.9% of status offenders). The status offenders did have a slightly higher average number of previous institutionalizations (0.412) than did the delinquents (0.344). It is evident, though, that there is no real difference between the groups--most have no previous institutionalization experience.

The length of supervision for both groups was virtually identical with a $\bar{x}$ of 4.557 for delinquents and 4.684 months for status offenders.

The data do indicate something of a consistency in the type of offense committed. The status offenders had a higher average number of previous status offenses (1.373) than did the delinquents (0.552). The majority of delinquents (66.9%) had no previous status offenses, while only 31.3% of the status offenders had none.

As with prior status offenses, the data on previous delinquent offenses indicate a tendency for the subjects to commit the same type of offense. The majority of status offenders (6617%) had no previous delinquent offenses compared to 41.6% of the delinquents. The delinquents had a much higher average number of delinquent offenses (2.130) than did the status offenders (0.647). Likewise, the range of previous delinquent offenses for the delinquents (0 to 17) was much

greater than that for the status offenders (0 to 6). Only one status offender had more than three previous delinquent offenses.

Taken together, the data on previous offenses indicate that the offenders tended to repeat the same types of offenses. The delinquents were far more likely to have committed previous delinquent offenses and with greater frequency than were the status offenders. On the other hand, the status offenders were far more likely to have committed previous and more frequent status offenses.

Finally, the delinquents had a longer average period of time (5.164 months) between the first and second offenses than did the status offenders (3.278 months) (see Table IV for a presentation of Demographic Profile by Offense).

Hypothesis-Testing

Hypothesis 1

The first hypothesis stated that there is a significant difference in the disposition of younger and older offenders. Based on the data in Table V, there is a significant difference in the disposition of offenders according to age. Aside from criminal court dispositions, the data indicate that younger offenders tend to receive a harsher description than do older ones. Only one person under age 15 was sent to the criminal court for prosecution compared to 17 age 16 and over. Older offenders were more likely to have their cases dismissed than were younger ones, while younger offenders were far more likely to be placed on probation and to be institutionalized. Generally, then, the data from Table V indicate that, except for criminal court referrals,

TABLE IV

DEMOGRAPHIC PROFILE BY OFFENSE

Variable	Delinquents	Status Offenders
Age at Referral		
10	1 0.6%	
11		1 2.0%
12	3 1.9%	2 4.0%
13	9 5.8%	3 6.2%
14	15 9.7%	9 18.8%
15	28 18.2%	18 37.5%
16	36 23.4%	10 20.1%
17	58 37.7%	4 8.3%
18	3 1.9%	1 2.0%
19	1 0.6%	
$\bar{x}$	15.766	14.922
Sex		
Male	131 85.1%	20 41.6%
Female	23 14.9%	28 58.3%
Race		
White	125 81.2%	41 85.4%

TABLE IV (Continued)

Variable	Delinquents	Status Offenders
Race (Cont.)		
Black	21 13.6%	6 13.5%
Indian	8 5.2%	1 2.0%
Time Between Referral and Disposition (Months)		
$\bar{x}$	2.177	0.943
Referred by		
Law Enforcement Agency	139 90.3%	30 62.5%
School		3 6.2%
Social Agency	1 0.6%	1 2.0%
Probation Officer	9 5.8%	2 4.0%
Parents/Relatives		11 22.9%
Other	5 3.2%	1 2.0%
Prior Referrals - 1977		
0	96 62.3%	25 52.1%
1	36 23.4%	13 27.1%
2	12 7.8%	4 8.3%
3	4 2.6%	2 4.0%

TABLE IV (Continued)

Variable	Delinquents	Status Offenders
Prior Referrals - 1977 (Cont.)		
4	3 1.9%	1 2.0%
5	2 1.3%	3 6.0%
6	1 0.6%	
$\bar{x}$	0.649	0.922
Prior Referrals - Before 1977		
0	73 47.4%	24 50.0%
1	19 12.3%	9 18.7%
2	16 10.4%	6 12.5%
3	15 9.7%	6 12.5%
4	10 6.5%	3 6.0%
5	12 7.8%	
6	3 1.9%	
7	3 1.9%	
8	1 0.6%	
9	1 0.6%	

TABLE IV (Continued)

Variable	Delinquents	Status Offenders
Prior Referrals - Before 1977 (Cont.)		
11	1 0.6%	
$\bar{x}$	1.708	1.020
Care Pending Disposition		
No Detention/Overnight	86 55.8%	18 37.5%
Jail/Police Station	2 1.3%	
Detention	66 42.9%	29 60.4%
Other Place		1 2.0%
Disposition		
Criminal Court	18 11.7%	
Dismissed: Not Proved	31 20.1%	6 12.5%
Dismissed: Warned	27 17.5%	9 18.8%
Probation	30 19.5%	5 10.4%
Other	2 1.3%	
Public Institution	12 7.8%	3 6.0%
Public Agency	31 20.1%	18 35.3%
Private Agency	3 1.9%	7 14.6%

TABLE IV (Continued)

Variable	Delinquents	Status Offenders
Years of Schooling Completed		
$\bar{x}$	8.772	8.079
Living Arrangement of Child		
Both Parents	54 35.1%	18 37.5%
Mother and Stepfather	25 16.2%	11 22.9%
Father and Stepmother	9 5.8%	1 2.0%
Mother Only	45 29.2%	14 29.2%
Father Only	7 4.5%	2 4.0%
Home of Relatives	9 5.8%	1 2.0%
In Institution	2 1.3%	1 2.0%
Independent Living	2 1.3%	
Other	1 0.6%	
Marital Status of Natural Parents		
Parents Together	57 37.0%	18 37.5%
Father Dead	11 7.1%	
Mother Dead	2 1.3%	2 4.0%
Divorced/Separated	75 48.7%	26 54.2%

TABLE IV (Continued)

Variable	Delinquents	Status Offenders
Marital Status of Natural Parents (Cont.)		
Other	2 1.3%	
Parents Not Married to Each Other	7 4.5%	2 4.0%
Family Income		
Public Assistancw	18 11.7%	4 8.0%
Under $3,000	7 4.5%	2 4.0%
$3,000 - $4,999	1 0.6%	3 6.3%
$5,000 - $9,999	40 26.0%	10 20.8%
$10,000 and Over	46 29.9%	15 31.3%
Unknown	42 27.3%	14 29.2%
Father's Occupation		
Unemployed/Unskilled	15 9.7%	5 10.4%
Working Class	62 40.3%	22 45.8%
White Collar	28 18.2%	5 10.4%
Professional	10 6.5%	3
Unknown	39 25.3%	13 27.1%

TABLE IV (Continued)

Variable	Delinquents	Status Offenders
Mother's Occupation		
Unemployed/Unskilled	19 12.3%	6 12.5%
Working Class	38 24.7%	16 33.3%
White Collar	36 23.4%	8 16.7%
Professional	3 1.9%	2 4.2%
Housewife	47 30.5%	16 33.3%
Unknown	11 7.1%	
Age at First Arrest/ Referral		
2	1 0.6%	1 2.0%
7	2 1.3%	
10	1 0.6%	1 2.0%
11	4 2.6%	1 2.0%
12	11 7.1%	2 4.2%
13	16 10.4%	9 18.8%
14	18 11.7%	5 10.4%
15	24 15.6%	13 27.1%
16	47 30.5%	14 29.2%

TABLE IV (Continued)

Variable	Delinquents	Status Offenders
Age at First Arrest/ Referral (Cont.)		
16	47 30.5%	14 29.2%
17	28 18.2%	2 4.2%
18	1 0.6%	
Unknown	1 0.6%	
$\bar{x}$	14.824	14.353
No. of Previous Dispositions		
0	54 35.1%	13 27.1%
1	19 12.3%	7 16.0%
2	20 13.0%	9 18.8%
3	11 7.1%	9 18.8%
4	13 8.4%	4 8.3%
5	11 7.1%	5 10.4%
6	7 4.5%	
7	4 2.6%	
8	5 3.2%	1 2.0%
9	5 3.2%	

TABLE IV (Continued)

Variable	Delinquents	Status Offenders
No. of Previous Dispositions		
11	2 1.3%	
13	1 0.6%	
16	1 0.6%	
18	1 0.6%	
$\bar{x}$	2.747	2.000
No. of Previous Probations		
0	111 72.1%	39 81.2%
1	30 19.5%	9 18.8%
2	11 7.1%	
3	2 1.3%	
$\bar{x}$	0.377	0.176
No. of Previous Institutionalizations		
0	118 76.6%	35 72.9%
1	24 15.6%	12 25.0%
2	8 5.2%	3 6.3%
3	3 1.9%	1 2.0%

TABLE IV (Continued)

Variable	Delinquents	Status Offenders
No. of Previous Institutionalizations (Cont.)		
4	1 0.6%	
$\bar{x}$	0.344	0.412
Length of Supervision (Months)		
$\bar{x}$	4.457	4.684
No. of Previous Status Offenses		
0	103 66.9%	15 31.3%
1	32 20.8%	10 20.8%
2	8 5.2%	12 25.0%
3	9 5.8%	8 16.7%
4	1 0.6%	3 5.9%
6	1 0.6%	
$\bar{x}$	0.552	1.373
No. of Previous Delinquent Offenses		
0	64 41.6%	32 66.7%
1	23 14.9%	8 16.7%
2	21 13.6%	3 6.3%

TABLE IV (Continued)

Variable	Delinquents	Status Offenders
No. of Previous Delinquent Offenses (Cont.)		
3	11 7.1%	4 8.3%
4	9 5.8%	
5	7 4.5%	
6	4 2.6%	1 2.0%
7	6 3.9%	
8	5 3.2%	
10	1 0.6%	
12	1 0.6%	
14	1 0.6%	
17	1 0.6%	
$\bar{x}$	2.130	0.647
Time Between First and Second Offense (Months)		
$\bar{x}$	5.164	3.278

younger offenders appear to receive a more severe disposition than do older offenders.

TABLE V

AGE AND DISPOSITION FOR ENTIRE SAMPLE

	Criminal Court	Dismissed	Probation	Institution	
Younger (Under 16)	1 1.1%	28 31.5%	23 25.8%	37 41.6%	89
Older (16 and Over)	17 15.0%	45 39.8%	14 12.4%	37 32.7%	113
	18	73	37	74	202

X^2=17.7697; 3df; P=0.0005

When examining the data on age and disposition for delinquents only (Table VI), again there is a significant difference. Again, only one person under age 16 was referred to the criminal court. Also, as in the data for the total sample, a higher percentage of older offenders had their cases dismissed and a higher percentage of younger offenders were placed on probation. However, for the delinquents, a slightly higher percentage of older offenders were institutionalized in comparison to younger offenders.

The data in Table VII indicate no significant difference in dispositions for status offenders according to age. A much higher

TABLE VI

AGE AND DISPOSITION FOR DELINQUENTS

	Criminal Court	Dismissed	Probation	Institution	
Younger (Under 16)	1 1.8%	28 33.9%	20 35.7%	16 28.6%	56
Older (16 and Over)	17 17.3%	39 39.8%	12 12.2%	30 30.6%	98
	18	58	32	46	154

X^2=17.2048; 3df; P=0.0006

TABLE VII

AGE AND DISPOSITION FOR STATUS OFFENDERS

	Dismissed	Probation	Institution	
Younger (Under 16)	9 27.3%	3 9.1%	21 63.6%	33
Older (16 and Over)	6 40.0%	2 13.3%	7 46.7%	15
	15	5	28	48

X^2=1.22182; 2df; P=0.54

Note: More than 20% of the cells have expected frequency below five.

percentage of older offenders had their cases dismissed; also, a slightly higher percentage of older offenders were placed on probation. However, a higher percentage of younger offenders were institutionalized. None of the status offenders were referred to the criminal court. The data on these variables may be misleading; 50% of the cells in the table have an expected frequency below five.

By further collapsing the data on age and disposition of status offenders into the categories of other dispositions and institutionalizations, there again is no significant difference (Table VIII). Though a higher percentage of older offenders received other dispositions and a higher percentage of younger offenders were institutionalized, the difference is not statistically significant. Therefore, the conclusion must be that, for status offenders, there is no significant difference in dispositions according to age.

TABLE VIII

AGE AND DISPOSITION OF STATUS OFFENDERS
(COLLAPSED DATA)

	Other Dispositions	Institution	
Younger (Under 16)	12 36.4%	21 63.6%	33
Older (16 and Over	8 52.3%	7 46.7%	15
	20	28	48

X^2=0.6234; 1df; P=0.43

Generally, these results support the hypothesis of a difference in dispositions according to age. Likewise, they tend to support the conflict assumption that the less powerful (younger offenders) tend to receive harsher treatment under the law, and are consistent with the findings of Wheeler and Nichols (1977). However, the findings also indicate that much of the statistical significance stems from the delinquent sample. To a great extent, the statistically significant difference in dispositions between younger and older offenders is for delinquents. However, for both groups, a substantive difference appears to exist.

Hypothesis 2

The second hypothesis tested was that there is a significant difference in the disposition of male and female offenders. The findings for this hypothesis are presented in Table IX.

TABLE IX

SEX AND DISPOSITION OF ENTIRE SAMPLE

	Criminal Court	Dismissed	Probation	Institution	
Male	18 11.9%	53 35.1	29 19.2%	51 33.8%	151
Female		20 39.2%	8 15.7%	23 45.1%	51
	18	73	37	74	202

X^2=7.8503; 3df; P=0.05

The data indicate a significant difference in the disposition of cases based upon sex. All of the cases referred to the criminal court were males and a slightly higher percentage of females had their cases dismissed than did males. A higher percentage of males were placed on probation than were females. However, a much higher percentage of females were institutionalized.

When the data on sex and disposition are examined for delinquents only (Table X), there is no significant difference. A higher percentage of female delinquents had their cases dismissed. Slightly more females were placed on probation and nearly identical percentages of male and female delinquents were institutionalized. However, 25% of the cells in Table X have an expected frequency below five.

TABLE X

SEX AND DISPOSITION OF DELINQUENTS

	Criminal Court	Dismissed	Probation	Institution	
Male	18 13.7%	48 36.6%	26 19.8%	39 29.8%	131
Female		10 43.5%	6 26.1%	7 30.4%	23
	18	58	32	46	154

X^2=3.77260; 3df; P=0.29

Note: More than 20% of the cells have an expected frequency below five.

As indicated in Table XI, after the data on sex and disposition have been collapsed, no significant difference is indicated. A higher percentage of females were referred to other dispositions, while the institutionalizations remain virtually identical.

TABLE XI

SEX AND DISPOSITION OF DELINQUENTS
(COLLAPSED DATA)

	Criminal Court	Other Dispositions	Institution	
Male	18 13.7%	74 56.5%	39 29.8%	131
Female		16 59.6%	7 30.4%	23
	18	90	46	154

X^2=3.7357; 2df; P=0.15

For status offenders, there appears to be no significant difference in dispositions by sex. As Table XII indicates, among males, 25% had their cases dismissed, 15% were placed on probation, and 60% were institutionalized. For females, 36% had their cases dismissed, 7% were placed on probation, and 52% were sent to institutions. Again, though, a large number of cells (33.3%) had an expected frequency below five.

TABLE XII

SEX AND DISPOSITION OF STATUS OFFENDERS

	Dismissed	Probation	Institution	
Male	5 25.0%	3 15.0%	12 60.0%	20
Male	10	2	16	28
Female	35.7%	7.1%	57.1%	
	15	5	28	48

X^2=1.1363; 2df; P=0.57

Note: More than 20% of the cells have an expected frequency below five.

When the data on sex and disposition for status offenders are collapsed, there is still no significant difference (Table XIII). Male and female status offenders appear to receive similar dispositions. One finding which is evident, however, is that there appears to be a tendency to institutionalize status offenders generally.

Though there was a significant difference in dispositions according to sex for the total sample, when the data are examined carefully, they do not seem to substantiate the hypothesis. What seems to have occurred is that the difference observed in the total sample is primarily a function of the relationship between sex and offense. The males were far more likely to be referred as delinquents while the females were far more likely to be referred as status offenders. So, the difference in dispositions is due to a difference in the referral rates of males and females to the two offense categories. These findings are

in agreement with those of Sussman (1977), Calof (1974), Riback (1971), and Chesney-Line (1973, 1978). The results are also consistent with the conflict theory assumption of differential treatment for certain groups: there is a tendency for males and females to be referred for different reasons.

TABLE XIII

SEX AND DISPOSITION OF STATUS OFFENDERS
(COLLAPSED DATA)

	Other Dispositions	Institution	
Male	8 40.0%	12 60.0%	20
Female	12 42.9%	16 57.1%	28
	20	28	48

X^2=0.0392; 1df; P=0.84

Hypothesis 3

Hypothesis number three stated that there is a significant difference in the dispositions of white and non-white offenders. Based upon the data in Table XIV, there seems to be no significant difference in the disposition referrals of whites and non-whites. A higher percentage of non-whites were sent to the criminal court and a higher

percentage of whites had their cases dismissed. Also, non-whites had a slightly higher percentage of cases placed on probation and institutionalized. But, the differences were not significant.

TABLE XIV

RACE AND DISPOSITION OF ENTIRE SAMPLE

	Criminal Court	Dismissed	Probation	Institution	
White	13 7.8%	63 38.0%	30 18.1%	60 36.1%	166
Non-White	5 13.9%	10 27.8%	7 19.4%	14 38.9%	36
	18	73	37	74	202

X^2=2.1568; 3df; P=0.54

For delinquent offenders only, there is not a significant difference in dispositions according to race. Non-whites received slightly higher referral rates to criminal court and to institutions, while whites had a much higher dismissal rate and an almost equal rate of probation referrals. Again, however, the differences were not statistically significant (Table XV).

Amont status offenders, as indicated in Table XVI, there is again no significant difference in dispositions by race. Whites had a slightly higher dismissal rate, non-whites had a higher rate of

probations, and both groups had almost equal rates of institutionalization. However, 66.6% of the cells had an expected frequency of less than five.

TABLE XV

RACE AND DISPOSITION OF DELINQUENTS

	Criminal Court	Dismissed	Probation	Institution	
White	13 10.4%	50 40.0%	26 20.8%	36 28.8%	125
Non-White	5 17.2%	8 27.6%	6 20.7%	10 34.5%	29
	18	28	32	46	154

X^2=2.1604; 3df; P=0.54

TABLE XVI

RACE AND DISPOSITION OF STATUS OFFENDERS

	Dismissed	Probation	Institution	
White	13 31.7%	4 9.8%	24 58.5%	41
Non-White	2 28.6%	1 14.3%	4 57.1%	7
	15		28	48

X^2=0.1386; 2df; P=0.93

Note: More than 20 of the cells have an expected frequency below five.

After further collapsing the data on race and disposition (Table XVII), there is still no significant difference. Non-white and white status offenders appear to receive very similar dispositions. Again, though, even after the data have been collapsed, 50% of the cells have an expected frequency below five, due to the small number of non-white status offenders.

TABLE XVII

RACE AND DISPOSITION OF STATUS OFFENDERS
(COLLAPSED DATA)

	Other Dispositions	Institution	
White	17 41.5%	24 58.5%	41
Non-White	3 42.9%	4 57.1%	7
	20	28	48

X^2=0.0048; 1df; P=0.94

Note: More than 20% of the cells have an expected frequency below five.

The results, then, did not support the hypothesis of differential dispositions according to race. These findings are inconsistent with the results of Reiss (1970) and Wheeler and Nichols (1974). They generally support consensus theory in that race does not seem to be an important variable in explaining different dispositions.

Hypothesis 4

A major objective of this research project is the examination of treatment in the court according to offense category. Specifically, it is important to see if those persons referred to the juvenile court for violations of criminal law (delinquents) are treated differently than those referred to the court for violations of juvenile-only laws (status offenders). Table XVIII presents the findings for the fourth hypothesis that there is a significant difference in the dispositions of delinquents and status offenders. The data indicate a significant difference.

TABLE XVIII

OFFENSE AND DISPOSITION OF ENTIRE SAMPLE

	Criminal Court	Dismissed	Probation	Institution	
Delinquents	18 11.7%	58 37.7%	32 20.8%	46 29.9%	154
Status Offenders		15 31.3%	5 10.4%	28 58.3%	48
	18	73	37	74	202

X^2=16.2649; 3df; P=0.001

Aside from criminal court referrals, status offenders had a much greater tendency to receive harsher referrals than did delinquents. Similar percentages of both groups had their cases dismissed, but the status offenders were far less likely to receive a probation disposition and were far more likely to be institutionalized. Therefore, the evidence suggests significant differential treatment according to offense, with criminal law violators receiving more lenient dispositions than those persons who violated juvenile-only laws.

The question, however, is whether this difference remains when controlled by other important variables. Table XIX presents the findings on offense and disposition for males only. As evidence by these data, there remains a significant difference in dispositions between male delinquents and status offenders. Again, aside from criminal court dispositions, there is a tendency for male status offenders to receive more severe dispositions than male delinquents. The delinquents had a higher rate of dismissed and probation dispositions while the status offenders had a higher percentage of institutionalizations. But, greater than 20% of the cells in Table XIX had an expected frequency below five. Therefore, for proper interpretation, the data must be further collapsed.

After collapsing the data on offense and disposition for males (Table XX), there remains a significant difference in dispositions between delinquents and status offenders. All criminal court dispositions were delinquent and the delinquents had a higher percentage in the category of other dispositions. The status offenders, on the other hand, had a much higher percentage of institutionalizations. Therefore, it seems that the original difference in dispositions between

TABLE XIX

OFFENSE AND DISPOSITION OF MALES

	Criminal Court	Dismissed	Probation	Institution	
Delinquents	18 13.7%	48 36.6%	26 19.8%	39 29.8%	131
Status Offenders		5 25.0%	3 15.0%	12 60.0%	20
	18	53	29	51	151

X^2=8.3247; 3df; P=0.04

Note: More than 20% of the cells have an expected frequency below five.

TABLE XX

OFFENSE AND DISPOSITION OF MALES
(COLLAPSED DATA)

	Criminal Court	Other Dispositions	Institutions	
Delinquents	18 13.7%	74 56.5%	39 29.8%	131
Status Offenders		8 40.0%	12 60.0%	20
	18	82	51	151

X^2=8.3111; 2df; P=0.02

delinquents and status offenders in the total sample holds true for males.

The data in Table XXI indicate that there is not quite a significant difference in dispositions for female delinquents and status offenders (P=.08). The relative differences in dispositions, however, remain: a greater percentage of delinquents had their cases dismissed and a much greater percentage were placed on probation. On the other hand, a much higher percentage of status offenders were institutionalized. But, again, greater than 20% of the cells had an expected frequency less than five.

TABLE XXI

OFFENSE AND DISPOSITION OF FEMALES

	Dismissed	Probation	Institution	
Delinquents	10 43.5%	6 26.1%	7 30.4%	23
Status Offenders	10 35.7%	2 7.1%	16 57.1%	28
	20	8	23	51

X^2=5.0804; 2df; P=0.08

Note: More than 20% of the cells have an expected frequency below five.

When the data on offense and disposition are further collapsed (Table XXII), they indicate a significant difference in dispositions between female delinquents and status offenders. The majority of female delinquents received other dispositions, while the majority of female status offenders were institutionalized. Therefore, it seems that sex is not an important variable in determining the dispositions of delinquents and status offenders.

TABLE XXII

OFFENSE AND DISPOSITION OF FEMALES
(COLLAPSED DATA)

	Other Dispositions	Institution	
Delinquents	16 69.6%	7 30.4%	23
Status Offenders	12 42.9%	16 57.1%	28
	28	23	51

X^2=316380; 1df; P=0.05

For younger offenders, the data in Table XXIII again indicate a significant difference in dispositions between delinquents and status offenders. Only one younger delinquent was referred to the criminal court. Delinquents had a slightly higher percentage of dismissed cases and a much higher percentage of probations. Younger status

offenders had a much higher percentage of dispositions to institutions. However, again, more than 20% of the cells had an expected frequency below five.

TABLE XXIII

OFFENSE AND DISPOSITION OF YOUNGER OFFENDERS (UNDER 16)

	Criminal Court	Dismissed	Probation	Institution	
Delinquents	1 1.8%	19 33.9%	20 35.7%	16 28.6%	56
Status Offenders		9 27.3%	3 9.1%	21 63.6%	33
	1	28	23	37	89

X^2=12.7179; 3df; P=0.005

Note: More than 20% of the cells have an expected frequency below five.

After collapsing the data on offense and disposition for younger offenders, Table XXIV indicates that a significant difference remains. Aside from the criminal court, the younger delinquent offenders were far more likely to receive other dispositions, while the younger status offenders were far more likely to be institutionalized. Therefore, the significant difference in dispositions between delinquents and status offenders observed in the total sample seems to also be true for younger offenders.

TABLE XXIV

OFFENSE AND DISPOSITION OF YOUNGER OFFENDERS
(UNDER 16) (COLLAPSED DATA)

	Criminal Court	Other Dispositions	Institution	
Delinquents	1 1.8%	39 69.6%	16 28.6%	56
Status Offenders		12 36.4%	21 63.6%	33
	1	51	37	89

X^2=10.7435; 2df; P=0.005

Table XXV presents the findings on offense and disposition for older offenders. As the data indicate, there is no significant difference in dispositions between older dlinquents and status offenders. Again, no status offenders were referred to the criminal court and there was virtually no difference in the dismissed and probation categories of delinquents and status offenders. Once again the status offenders had a greater tendency to be institutionalized. But, more than 20% of the cells had an expected frequency of less than five.

When these data are collapsed, as indicated in Table XXVI, the difference remains non-significant. Criminal court referrals remain the same, and the difference for other dispositions is virtually non-existent. Still, the status offenders had higher rates of institutionalization. It appears, though, that the difference in dispositions between delinquents and status offenders found in the total sample does not hold true for older offenders.

TABLE XXV

OFFENSE AND DISPOSITION OF OLDER OFFENDERS
(16 AND OVER)

	Criminal Court	Dismissed	Probation	Institution	
Delinquents	17 17.3%	39 39.8%	12 12.2%	30 30.6%	98
Status Offenders		6 40.0%	2 13.3%	7 46.7%	15
	17	45	14	37	113

X^2=3.6386; 3df; P=0.30

Note: More than 20% of the cells have an expected frequency below five.

TABLE XXVI

OFFENSE AND DISPOSITION OF OLDER OFFENDERS
(16 AND OVER) (COLLAPSED DATA)

	Criminal Court	Other Dispositions	Institution	
Delinquents	17 17.3%	51 52.0%	30 30.6%	98
Status Offenders		8 53.3%	7 46.7%	15
	17	59	37	113

X^2=3.6302; 2df; P=0.16

Note: More than 20% of the cells have an expected frequency below five.

For white offenders (Table XXVII), there is a significant difference in dispositions according to offense. M're than 10% of white delinquents were referred to the criminal court and a higher perccentage of white delinquents had their cases dismissed in comparison to white status offenders. Also, a greater percentage of white delinquents were placed on probation. But, a much higher percentage of white status offenders were institutionalized than were white delinquents. These data indicate that the total sample difference in dispositions between offense categories remains for whites: status offenders tended to receive more severe dispositions than did delinquents.

TABLE XXVII

OFFENSE AND DISPOSITION OF WHITE OFFENDERS

	Criminal Court	Dismissed	Probation	Institution	
Delinquents	13 10.4%	50 40.0%	26 20.8%	36 28.8%	125
Status Offenders		13 31.7%	4 9.8%	24 58.5%	41
	13	63	30	60	166

X^2=14.4601; 3df; P=0.002

Table XXVIII presents the data on offense and dispositions for non-white offenders. As the data indicate, there appears to be no significant difference in dispositions for non-white delinquents and status offenders. Very similar percentages were observed in dismissed cases, the delinquents had a slightly higher percentage of probations, and status offenders had a higher percentage of institutional dispositions. However, more than 20% of the cells had an expected frequency below five.

TABLE XXVIII

OFFENSE AND DISPOSITION OF NON-WHITE OFFENDERS

	Criminal Court	Dismissed	Probation	Institution	
Delinquents	5 17.2%	8 27.6%	6 20.7%	10 34.5%	29
Status Offenders		2 28.6%	1 14.3%	4 57.1%	7
	5	10	7	14	36

X^2=2.0723; 3df; P=0.56

Note: More than 20% of the cells have an expected frequency below five.

After collapsing these data (Table XXIX), there remains a non-significant difference in dispositions. There is very little difference in the dispositions of non-white delinquents and status offenders other than for the criminal court. A higher percentage of non-white status offenders were institutionalized. Even after the categories are combined, there are still more than 20% of the cells with an expected frequency of less than five, yet it is obvious there is not a significant difference in dispositions for non-whites.

TABLE XXIX

OFFENSE AND DISPOSITION OF NON-WHITE OFFENDERS
(COLLAPSED DATA)

	Criminal Court	Other Dispositions	Institution	
Delinquents	5 17.2%	14 48.3%	10 34.5%	29
Status Offenders		3 42.9%	4 57.1%	7
	5	17	14	36

X^2=1.9865; 2df; P=0.37

Note: More than 20% of the cells have an expected frequency below five.

Though not true for older offenders and for the small number of non-whites in the sample, the results tend to generally substantiate the hypothesis. Delinquents and status offenders tended to receive significantly different dispositions. These findings are consistent with the conflict approach as expressed by Platt (1969, 1977) and Andrews and Cohn (1977), among others: those who violated "middle-class morality" generally received harsher treatment than those who violated the criminal law. The findings are inconsistent, however, with those of Gibbons and Griswold (1957), Wheeler (1974), and Lerman (1978), who all found little difference in the treatment of delinquents and status offenders.

Hypothesis 5

The fifth hypothesis states that status offenders are supervised longer than delinquent offenders. Table XXX presents T-test data for this hypothesis. Based upon these data, there appears to be no significant difference in the length of court supervision of delinquents and status offenders. Though the status offenders had a longer average length of supervision, the F-value for this test was below .05; therefore, the heterogeneity of variance makes interpretation rather difficult. To aid in interpreting these data, Table XXXI presents the results of the Mann-Whitney U test of ranks using the same variables. These findings are consistent with the T-test, indicating again no significant difference between delinquents and status offenders in length of supervision.

When examining the data for males only (Table XXXII), it seems taht there is also no significant difference. The male status

TABLE XXX

T-TEST FOR TYPE OF OFFENSE AND LENGTH OF SUPERVISION

	N	$\bar{x}$	S.D.	T-Value	df	Prob.
Delinquents	154	4.4571	3.3350	-0.71	200	0.120
Status Offenders	48	4.8750	4.230			

Note: F-Value below .05

TABLE XXXI

MANN-WHITNEY U FOR TYPE OF OFFENSE AND LENGTH OF SUPERVISION

Delinquents		Status Offenders	
Mean Rank	N	Mean Rank	N
101.40	154	101.81	48
U	W	Z	Prob.
3681.0	4887.0	-0.0424	0.4831

offenders tended to have a slightly longer length of supervision than did the male delinquents. For females, similar findings are observed. According to Table XXXIII, there is no significant difference in the length of supervision between female delinquents and status offenders. The status offenders did, again, have a longer period of supervision than did the delinquents.

TABLE XXXII

T-TEST FOR TYPE OF OFFENSE AND LENGTH OF SUPERVISION FOR MALES

	N	$\bar{x}$	S.D.	T-Value	df	Prob.
Delinquents	131	4.4824	3.412			
				-.054	149	0.285
Status Offenders	20	4.9350	4.059			

TABLE XXXIII

T-TEST FOR TYPE OF OFFENSE AND LENGTH OF SUPERVISION FOR FEMALES

	N	$\bar{x}$	S.D.	T-Value	df	Prob.
Delinquents	23	4.3130	3.044			
				-0.48	49	0.317
Status Offenders	28	4.8321	4.421			

Next, the data are controlled for age. Table XXXIV presents findings for younger offenders. Based upon these data, it appears that there is no significant difference in the length of supervision between younger delinquents and status offenders. Again, the status offenders had a longer average length of supervision than did the delinquents. For older offenders, Table XXXV indicates a difference that is not quite statistically significant (P=.08). However, the older delinquents had an average length of supervision more than a month longer than the status offenders.

TABLE XXXIV

T-TEST FOR TYPE OF OFFENSE AND LENGTH OF SUPERVISION FOR YOUNGER (UNDER 16) OFFENDERS

	N	$\bar{x}$	S.D.	T-Value	df	Prob.
Delinquents	56	5.1161	3.660			
				-0.75	87	0.226
Status Offenders	33	5.7697	4.405			

In terms of race, the data in Table XXXVI indicate no significant difference for whites. The average length of supervision for white delinquents and status offenders was very similar. For non-whites, Table XXXVII shows no significant difference again. However, the

non-white status offenders had almost two months longer average supervision than did the delinquents. But, the data on race generally indicate no significant differences in the length of supervision of offenders based on race.

TABLE XXXV

T-TEST FOR TYPE OF OFFENSE AND LENGTH OF SUPERVISION FOR OLDER (16 AND OVER) OFFENDERS

	N	$\bar{x}$	S.D.	T-Value	df	Prob.
Delinquents	98	4.0806	3.117			
				1.36	111	0.088
Status Offenders	15	2.9067	3.109			

TABLE XXXVI

T-TEST FOR TYPE OF OFFENSE AND LENGTH OF SUPERVISION FOR WHITES

	N	$\bar{x}$	S.D.	T-Value	df	Prob.
Delinquents	125	4.4000	3.273			
				-0.28	164	0.389
Status Offenders	41	4.5732	3.838			

TABLE XXXVII

T-TEST FOR TYPE OF OFFENSE AND LENGTH OF SUPERVISION FOR NON-WHITES

	N	$\bar{x}$	S.D.	T-Value	df	Prob.
Delinquents	29	4.7034	3.717			
				-1.08	34	0.143
Status Offenders	7	6.6429	6.138			

The data do not support the hypothesis. It appears that there is no significant difference in the length of supervision of delinquents and status offenders, even though the status offenders tended to have a slightly longer average length of supervision. These findings support those of Wheeler (1974), Gibbons and Griswold (1957), and Lerman (1978), who found little difference in the treatment of delinquents and status offenders. They also provide some support (though small) for conflict theory in that the more serious offenders (delinquents) did not receive longer supervisions; in fact, the less serious offenders (status offenders) tended to have a slightly longer period of court supervision.

Hypothesis 6

The sixth hypothesis states that females are supervised by the court longer than are males. The T-test data on sex and length of supervision for the entire sample are presented in Table XXXVIII.

These data indicate that there is no significant difference between the average length of supervision of males and females in the sample. The averages for males and females are almost identical. When controlled for offense, similar findings are observed among delinquents (Table XXXIX). Likewise, among status offenders (Table XL), there is no significant difference in supervision time between males and females. So, sex does not appear to be an important variable in explaining length of supervision.

TABLE XXXVIII

T-TEST FOR SEX AND LENGTH OF SUPERVISION FOR THE TOTAL SAMPLE

	N	$\bar{x}$	S.D.	T-Value	df	Prob.
Male	151	4.52424	3.492			
				-0.10	200	0.462
Female	51	4.5980	3.834			

Again, this hypothesis is not supported, though females had a slightly longer period of supervision than did males. The findings provide little support for the conflict theory assumption of females receiving harsher treatment than males. And, the findings are inconsistent with the ideas of Reiss (1970), Lerman (1971), Riback

(1971), Murphy (1979), and Chesney-Lind (1973, 1978), who asserted that females tend to receive greater scrutiny by the court than do males.

TABLE XXXIX

T-TEST FOR SEX AND LENGTH OF SUPERVISION FOR DELINQUENTS

	N	$\bar{x}$	S.D.	T-Value	df	Prob.
Male	131	4.4824	3.412			
				0.22	152	0.206
Female	23	4.3130	3.044			

TABLE XL

T-TEST FOR SEX AND LENGTH OF SUPERVISION FOR STATUS OFFENDERS

	N	$\bar{x}$	S.D.	T-Value	df	Prob.
Male	23	4.5043	3.969			
				-0.28	49	0.196
Female	28	4.8321	4.421			

Hypothesis 7

The seventh hypothesis states that non-whites are supervised by the court longer than are whites. For race and length of supervision in the entire sample, Table XLI indicates, from the T-test data, that there is no significant differences. Though non-whites had an average length of supervision more than one-half month longer than whites, the difference is not statistically significant. Controlling the variables of race and length of supervision for offense, Table XLII shows that, for delinquents, there is again no difference. Non-white delinquents had a slightly longer length of supervision, but that difference is not statistically significant. However, for status offenders, there does seem to be a significant difference. As Table XLIII shows, non-white status offenders had an average length of supervision over two months longer than whites. This difference is statistically significant; non-white status offenders appear to spend a good deal more time under court supervision than do white status offenders.

TABLE XLI

T-TEST FOR RACE AND LENGTH OF SUPERVISION FOR THE TOTAL SAMPLE

	N	$\bar{x}$	S.D.	T-Value	df	Prob.
White	166	4.4428	3.410			
				-0.97	200	0.166
Non-White	36	5.0806	4.256			

TABLE XLII

T-TEST FOR RACE AND LENGTH OF SUPERVISION FOR DELINQUENTS

	N	$\bar{x}$	S.D.	T-Value	df	Prob.
White	125	4.4000	3.273			
				-0.44	152	0.162
Non-White	29	4.7034	3.717			

TABLE XLIII

T-TEST FOR RACE AND LENGTH OF SUPERVISION FOR STATUS OFFENDERS

	N	$\bar{x}$	S.D.	T-Value	df	Prob.
White	44	4.3727	3.793			
				-1.34	49	0.047
Non-White	7	6.6429	6.138			

The hypothesis, though, is not generally substantiated. Though non-whites had a longer length of supervision than did whites, the differences are all non-significant except for status offenders. These findings do not generally confirm the conflict assumptions that non-whites are treated more harshly than are whites and they are inconsistent with the perspective of Reiss (1970). Likewise, they

contradict Wheeler and Nichols (1974), who found that non-whites tended to be treated more leniently by the court.

Hypothesis 8

Hypothesis number eight states that younger offenders are supervised by the court longer than are older offenders. Table XLIV presents the data on age and length of supervision for the total sample. According to this T-test, there is a significant difference in the average length of supervision of younger and older offenders. Essentially, older offenders have an average length of supervision almost one and one-half months shorter than do younger offenders. However, the F-value is below .05, indicating heterogeneity of variance. Therefore, the data are subjected to a Mann-Whitney U test of mean ranks (Table XLV). The Mann-Whitney test confirms the original findings: there is a significant difference in the lengths of younger and older offenders.

TABLE XLIV

T-TEST FOR AGE AND LENGTH OF SUPERVISION FOR THE TOTAL SAMPLE

	N	$\bar{x}$	S.D.	T-Value	df	Prob.
Younger (Under 16)	89	5.3584	3.941			
				2.88	200	0.002
Older (16 and Over)	113	3.9248	3.128			

Note: F-value probability below 0.05

TABLE XLV

MANN-WHITNEY U FOR AGE AND LENGTH OF SUPERVISION FOR THE TOTAL SAMPLE

Mean Rank	N		Mean Rank	N
112.66	89		02.71	113
U	W	Z	Prob.	
4035.5	10026.5	-2.4079	0.008	

The data on age and length of supervision are next controlled for offense. Table XLVI presents data for delinquents in the sample. Based upon these data, the difference in length of supervision between younger and older offenders seems to hold true for delinquents. The younger delinquents had an average length of supervision more than one-half month longer than that of the older delinquents. The difference is statistically significant. Also, this difference seems to hold true for status offenders (Table XLVII). Among status offenders, those aged 15 and under had an average length of supervision more than three months longer than those aged 16 and over. Again, the difference is statistically significant.

These data, then, substantiate the hypothesis on age and length of supervision. Younger offenders were supervised longer than older offenders. The findings are similar to those of Wheeler and Nichols (1974), who found younger offenders tended to have longer institutionalizations than did older offenders. Likewise, they are consistent

with the conflict assumption that younger offenders receive more severe treatment than do older offenders.

TABLE XLVI

T-TEST FOR AGE AND LENGTH OF SUPERVISION FOR DELINQUENTS

	N	$\bar{x}$	S.D.	T-Value	df	Prob.
Younger (Under 16)	56	5.1161	3.660			
				1.86	152	0.016
Older (16 and Over)	98	4.0806	3.117			

TABLE XLVII

T-TEST FOR AGE AND LENGTH OF SUPERVISION FOR STATUS OFFENDERS

	N	$\bar{x}$	S.D.	T-Value	df	Prob.
Younger (Under 16)	34	5.7029	4.356			
				2.60	49	0.003
Older (16 and Over)	17	2.6471	2.999			

Explaining Length of Supervision

Correlations

For further analysis, the data on age at referral and length of supervision were correlated, using the Pearson Product-Moment Correlation. For age and length of supervision in the total sample, r=-0.1691, indicating a small negative correlation. Thus, for the entire sample, there was a small tendency for younger offenders to be supervised longer than older offenders. Though the correlation is statistically significant (P=0.008), the r value is too low to be of much substantive significance.

The correlation for the delinquent sample is -0.1239, again indicating a small tendency for younger offenders to be supervised longer. This correlation is not quite satistically significant (P=0.063), there is little substantive significance in the small correlation.

Among status offenders, there is again a small, though higher, correlation (r=-.02766) between age at referral and length of supervision. So, for status offenders there was a tendency for younger persons to be supervised longer, and the correlation is again statistically significant (P=0.03). But the r value is still quite low, and, as in the other correlations, it explains very little of the variation in length of supervision.

Criminal Maturity Index: Multiple Regressions for Length of Supervision

The last analysis consists of the use of multiple regression analysis to develop a Criminal Maturity Index (CMI) for the purpose of

predicting and explaining length of supervision. From Table XLVIII it can be observed that, in conjunction with the other independent variables, number of previous status offenses explains the greatest amount of variation in length of supervision (3.7%) for the entire sample. Interestingly, the second best explanatory variable is number of previous delinquent offenses which has a negative correlation with length of supervision. Therefore, the greater the number of status offenses, the longer the period of supervision, and the greater the number of delinquent offenses, the shorter the length of supervision. Generally, the legal variables are the best predictors, with the extralegal variable of age at first arrest or referral explaining only .5% of the variation. However, all of the variables account for only 10% of the variation in length of supervision; therefore, the vast majority of the variation for the total sample is unaccounted for by these variables.

Table XLIX presents the findings of the CMI for delinquents only. Compared to the results for the total sample, the independent variables account for less of the variation for delinquents. For delinquents, however, the best predictor is that of previous delinquent offenses, again a negative correlation. Prior status offenses is the next best predictor, again a positive correlation. Still, the variables do not explain much of the variation in length of supervision and all the variables except prior delinquent and status offenses account for less than 1% of variation each.

When the multiple regression findings for status offenders are examined, it seems that the independent variables have greater explanatory value. From Table L, it can be observed that 49.95% of the variation in the length of supervision of status offenders can be explained

TABLE XLVIII

MULTIPLE REGRESSIONS FOR ENTIRE SAMPLE

Independent Variables	Multiple R	R^2	R^2 Change	Simple R	Beta
No. of Previous Status Offenses	0.19393	0.03761	0.03761	0.9393	0.09007
No. of Previous Delinquent Offenses	0.24894	0.06197	0.02436	-0.12601	-0.36828
No. of Previous Institutionalizations	0.27405	0.07510	0.01313	0.12186	0.16323
Prior Referrals - 1977	0.29169	0.08508	0.00998	0.08563	0.08583
Age at First Arrest or Referral	0.30060	0.09036	0.00528	-0.07110	-0.08015
Prior Referrals - Before 1977	0.30806	0.09490	0.00454	-0.04137	-0.14750
No. of Previous Probations	0.31845	0.10141	0.00651	0.05119	0.09782
No. of Previous Dispositions	0.31973	0.10223	0.00081	-0.03109	0.18336

TABLE XLIX

MULTIPLE REGRESSIONS FOR DELINQUENTS

Independent Variables	Multiple R	R^2	R^2 Change	Simple R	Beta
No. of Previous Delinquent Offenses	0.15518	0.02408	0.02408	-0.15518	0.06528
No. of Previous Status Offenses	0.21044	0.04428	0.02020	0.09176	0.24826
Number of Previous Probations	0.23153	0.05360	0.00932	0.03538	0.12918
Prior Referrals - Before 1977	0.24901	0.06200	0.00840	-0.10355	-0.15746
Age at First Arrest or Referral	0.26363	0.06950	0.00750	-0.05566	-0.11263
No. of Previous Dispositions	0.26767	0.07165	0.00215	-0.10975	-0.33488
No. of Previous Institutionalizations	0.26988	0.07284	0.00119	-0.01993	0.05049
Prior Referrals - 1977	0.27252	0.07427	0.00143	-0.02762	0.04616

TABLE L

MULTIPLE REGRESSIONS FOR STATUS OFFENDERS

Independent Variables	Multiple R	R^2	R^2 Change	Simple R	Beta
No. of Previous Institutionalizations	0.49054	0.24063	0.24063	0.49054	0.38468
No. of Previous Status Offenses	0.50797	0.25803	0.01740	0.38491	-2.56981
Prior Referrals - 1977	0.51571	0.26596	0.00793	0.30016	-0.00203
No. of Previous Delinquent Offenses	0.52084	0.27128	0.00532	0.03897	-2.60051
No. of Previous Dispositions	0.65178	0.42481	0.15354	0.34129	3.88446
Age at First Arrest or Referral	0.68117	0.46399	0.03918	-0.09395	-0.26891
No. of Previous Probations	0.70651	0.49915	0.03516	0.17121	0.25652
Prior Referrals - Before 1977	0.70676	0.49951	0.00036	0.25041	0.02792

by the regression variables. For status offenders, number of previous institutionalizations is the best predictor of length of supervision (24%), followed by number of previous dispositions (15% when the preceeding variable is added). All of the variables except age at first referral are positively correlated with length of supervision. Generally, then, it appears that the independent variables in the CMI account for virtually 50% of the variation in length of supervision for status offenders.

Table LI presents the multiple regression findings for whites. As it shows, the independent variables account for only 11% of the variation in length of supervision. The greatest amount of variation is explained by number of previous status offenses, prior referrals - 1977, and number of previous institutionalizations. These three variables account for slightly over 8% of the variation. Of these three, only prior referals - before 1977, is negatively correlated; the higher the number of referrals before 1977, the shorter the length of supervision. Also, though it explains the least amount of variation (0.2%), number of previous delinquent offenses again has a negative correlation with length of supervision. However, the variables together account for little of the variation and do little to explain length of supervision for whites.

For non-whites (Table LII), the CMI explains more of the variation in length of supervision. The independent variables account for 39.8% of the variation, with number of previous status offenses accounting for almost 16%, followed by number of previous delinquent offenses (9.6%). Another 10% of variation is also explained by the variables of prior referrals - 1977, and the number of previous dispositions

TABLE LI

MULTIPLE REGRESSIONS FOR WHITES

Independent Variables	Multiple R	R^2	R^2 Change	Simple R	Beta
No. of Previous Status Offenses	0.14915	0.02225	0.02225	0.14915	0.39580
Prior Referrals - Before 1977	0.22737	0.05170	0.02945	-0.08210	-0.19692
No. of Previous Institutionalizations	0.28679	0.08225	0.03055	0.14519	0.20951
Age at First Arrest or Referral	0.29905	0.08943	0.00718	-0.09096	-0.11263
No. of Previous Dispositions	0.30593	0.09359	0.00417	-0.03168	-0.66524
Prior Referrals - 1977	0.32126	0.10321	0.00962	0.07961	0.12035
No. of Previous Probations	0.33004	0.10893	0.00572	0.05372	0.08334
No. of Previous Delinquent Offenses	0.33436	0.11179	0.00287	-0.11107	0.35293

TABLE LII

MULTIPLE REGRESSIONS FOR NON-WHITES

Independent Variables	Multiple R	R^2	R^2 Change	Simple R	Beta
No. of Previous Status Offenses	0.39744	0.15796	0.15796	0.39744	0.21702
No. of Previous Delinquent Offenses	0.50441	0.25443	0.09647	-0.26265	-1.39230
Prior Referrals - 1977	0.55107	0.30368	0.04925	0.14112	0.34569
Number of Previous Dispositions	0.59411	0.35296	0.04928	-0.11008	1.00464
Prior Referrals - Before 1977	0.60793	0.36958	0.01662	-0.00517	0.34168
Age at First Arrest or Referral	0.62284	0.38793	0.01835	0.04561	0.18236
No. of Previous Probations	0.63117	0.39837	0.01044	-0.01530	-0.13903
No. of Previous Institutionalizations	0.63137	0.39863	0.00026	0.00783	-0.02282

together. Of these, number of previous delinquent offenses and number of previous dispositions are negatively correlated with length of supervision. Thus, the CMI variables explain about 40% of the variation in length of supervision.

The findings for younger offenders (Table LIII), indicate that the regression variables explain almost 25% of length of supervision variation. The greatest amount of variation is accounted for by number of previous status offenses (13%), with number of previous probations next (5%). Interestingly, for younger offenders, number of previous delinquent offenses has a very slight positive correlation with length of supervision. In fact, all of the variables have positive correlations. Other than those mentioned, along with the variable of number of previous institutionalizations (2.5%), all of the other variables account for less than 1% of the variation each. But, the variables together account for 24.76% of the variation in length of supervision.

Table LIV presents the regression findings for older offenders. As it indicates, only 6.58% of the variation in length of supervision is explained by the independent variables. Almost 5% is accounted for by number of previous delinquent offenses, and it is negatively correlated to supervision time. Therefore, for older offenders, length of supervision cannot be adequately explained by the CMI.

For males, as indicated in Table LV, the CMI explains only 8.69% of length of supervision variation. The greatest amount of variation is accounted for by prior referrals - before 1977 (2.96%), which is negatively correlated with length of supervision. Number of previous probations explains another 2.4%. But, for males, the independent

TABLE LIII

MULTIPLE REGRESSIONS FOR YOUNGER (UNDER 16) OFFENDERS

Independent Variables	Multiple R	R^2	R^2 Change	Simple R	Beta
No. of Previous Status Offenses	0.36702	0.13471	0.13471	0.36702	-0.13451
No. of Previous Probations	0.43531	0.18950	0.05479	0.33873	0.39304
No. of Previous Delinquent Offenses	0.45723	0.20906	0.01956	0.08115	-0.81042
No. of Previous Institutionalizations	0.48443	0.23467	0.02561	0.30240	0.20863
No. of Previous Dispositions	0.49224	0.24230	0.00763	0.22814	0.69449
Age at First Arrest or Referral	0.49714	0.23715	0.00485	0.00683	0.07850
Prior Referrals - Before 1977	0.49760	0.24761	0.00046	0.21532	0.03503

TABLE LIV

MULTIPLE REGRESSIONS FOR OLDER (16 AND OVER) OFFENDERS

Independent Variables	Multiple R	R^2	R^2 Change	Simple R	Beta
Number of Previous Delinquent Offenses	0.21726	0.04720	0.04720	-0.21726	-0.40090
Age at First Arrest or Referral	0.23216	0.05390	0.00670	0.01200	-0.09408
No. of Previous Institutionalizations	0.23936	0.05730	0.00340	-0.03576	0.10614
Number of Previous Probations	0.24986	0.06243	0.00514	-0.13549	-0.06616
Prior Referrals - Before 1977	0.25408	0.06456	0.00213	-0.14707	-0.06575
No. of Previous Status Offenses	0.25459	0.06482	0.00026	-0.04636	-0.07863
No. of Previous Dispositions	0.25651	0.06580	0.00098	-0.19773	0.19548

TABLE LV

MULTIPLE REGRESSIONS FOR MALES

Independent Variables	Multiple R	R^2	R^2 Change	Simple R	Beta
Prior Referrals - Before 1977	0.17208	0.02961	0.02961	-0.17208	-0.28010
Number of Previous Probations	0.23165	0.05366	0.02405	0.03546	0.17544
No. of Previous Status Offenses	0.25576	0.06542	0.01175	0.01759	0.03041
Number of Previous Delinquent Offenses	0.27072	0.07329	0.00787	-0.16827	-0.38274
Age at First Arrest or Referral	0.27706	0.07676	0.00348	0.00402	-0.06921
Number of Previous Institutionalizations	0.28338	0.08030	0.00354	-0.02592	0.09145
Prior Referrals - 1977	0.29260	0.08562	0.00531	0.01164	0.08184
Number of Previous Dispositions	0.29488	0.08695	0.00134	-0.13537	0.22686

variables in the CMI account for very little variation in length of supervision.

The findings for females (Table LVI) indicate that the CMI explains 46% of the variation in length of supervision. Over 30% (31.6%) of the variation is accounted for by number of previous status offenses. Another 8.9% is explained by prior referrals - before 1977. So, most of the explained variation is a function of these two variables. All the variables except age at first arrest or referral are positively correlated. Therefore, the variables in the CMI explain almost one-half of the variation in length of supervision for females.

TABLE LVI

MULTIPLE REGRESSION FOR FEMALES

Independent Variables	Multiple R	R^2	R^2 Change	Simple R	Beta
Number of Previous Status Offenses	0.56191	0.31575	0.31575	0.56191	1.31780
Prior Referrals - Before 1977	0.63623	0.40479	0.08904	0.53722	0.29122
Age at First Arrest or Referral	0.64956	0.42193	0.01714	-0.25919	-0.24600
Number of Previous Dispositions	0.66204	0.43830	0.01637	0.43848	-1.30802
Number of Previous Delinquent Offenses	0.66895	0.44750	0.00920	0.06936	0.71423
Number of Previous Probations	0.67631	0.45739	0.00989	0.13685	-0.08712
Number of Previous Institutionalizations	0.67755	0.45908	0.00169	0.52314	0.09314
Prior Referrals - 1977	0.67846	0.46030	0.00123	0.23970	-0.05507

CHAPTER VI

SUMMARY AND CONCLUSIONS

Summary

The purpose of this study was to examine the treatment of different types of offenders in the juvenile court, primarily through the use of conflict theory. The conflict perspective holds that law is a reflection of the influence of powerful interests. Law is viewed as a means of protecting those in power and as a means of enforcing their interests on the less powerful (Quinney, 1975, 1970; Chambliss, 1976; and Empey, 1978). Thus, the legal system (including the juvenile court), is seen as a means of exerting influence by those in power and as a means of maintaining control over the less powerful. This view is in contrast to that of the consenses or functional model which views law as reflecting the general values of society (Pound, 1964; Durkheim, 1949; and Timasheff, 1939). Though consenses theory is the dominant theoretical view in legal sociology, conflict theory was viewed as more appropriate in this case, due to various features of the juvenile court.

From the review of literature, it was found that much of the controversy surrounding the juvenile court stemmed from its origin as a means of enforcing middle-class morality (Platt, 1969, 1977) and its wide discretionary jurisdiction over differing types of offenders (Murphy, 1974; Platt, 1969, 1977; Chesney-Lind, 1973, 1978; and Lerman,

1971). Much of the literature focused on the special case of status offender treatment and jurisdiction in the court (Platt, 1969, 1977; Chesney-Lind, 1973, 1978; Riback, 1971; Lerman, 1971; Rubin, 1971; and Kittrie, 1971).

Therefore, the theory review and previous literature indicated that the juvenile court has jurisdiction over many offenders, including those who do not violate the criminal law. Because of its wide discretionary power, its legal jurisdiction over a variety of offenders, and its origin as a "child-saving" measure (Platt, 1969, 1977), conflict theory was viewed as the better approach for explaining the workings of the court.

The research design consisted of examining the treatment of 202 offenders referred to the court during 1977. These persons consisted of both delinquents and status offenders, and included those referred to all four major dispositions: criminal court, dismissed, probation, and institutionalization. The sample was examined in terms of descriptive characteristics, differences in disposition, and differences in length of supervision using the chi-square test, the T-test, and the Mann-Whitney U test. Finally, an attempt was made to explain length of supervision through the use of Pearson Correlation and Multiple Regression.

Descriptive Profiles

Total Sample

The sample had a $\bar{x}$ age of approximately 15-1/2 years, with ages ranging from 10 to 19. They were predominantly male and white. Most

of the persons had no previous referrals during the year 1977; almost half had no previous referrals whatsoever, and the majority were referred to the court for violations of criminal law. Over 1/3 of the sample lived with both parents and 1/2 came from homes with their parents divorced or separated.

The average age for first arrest or referral was 14.701 years, with the mode being age 16. Approximately 1/3 of the subjects had no previous dispositions and the majority had no previous probations or institutionalizations. Most subjects had no previous status offenses; almost half had no previous delinquent offenses, and the average length of court supervision was approximately 4-1/2 months.

Profile by Disposition

In terms of disposition, those referred to the criminal court tended to be the oldest, while those on probation tended to be the youngest. Males were the majority for all dispositions, with no females referred to the criminal court. Likewise, the majority of persons in all dispositions were white; the highest percentage of blacks went to the criminal court, the lowest percentage of blacks had their cases dismissed. Also, the greatest percentage of Indians were sent to institutions.

The vast majority of all offenders were referred by law enforcement agencies. Except for those sent to criminal court, the majority in all other dispositions had no prior referrals during 1977. Those persons referred to the criminal court and those institutionalized were the only dispositions for which a majority had prior referrals

before 1977. Likewise, criminal court and institutional dispositions were the only ones who received overnight care prior to disposition.

Those referred to the criminal court were referred for the most serious offenses, yet a large percentage of other dispositions were referred for serious offenses. Surprisingly, the greatest variation in offenses was observed in the institutional sample. In fact, the data indicate that the institutionalized category tended to be referred for less serious offenses, including status offenses. The most common reasons for referral, among those institutionalized, were (in descending order), running away, ungovernability, burglary, and auto theft.

The greatest number for all dispositions except criminal court lived with both parents; the majority of those sent to the criminal court lived with mothers only. On terms of living arrangement, the criminal court sample was certainly different from the others. Similarly, the criminal court sample tended to not have their natural parents still married and also had the highest rates of divorce and separation. The other dispositions had more similar rates of parental marriage, divorce, and separation, with far higher rates of parents still married to one another and somewhat lower rates of divorce and separation. A large percentage of all dispositions had high rates of divorce and separation. The data seem to indicate that those persons sent to the criminal court have very different home backgrounds than the others.

The data on socioeconomic background, though limited, indicate that criminal court dispositions tended to come from more disadvantaged homes than the other dispositions. They had the greatest

percentages in low-income categories and the smallest percentages in higher-income groups. Likewise, the criminal court sample had fewer fathers in high status occupations and fewer mothers as housewives.

All four dispositions had similar data on age at first arrest or referral. In terms of previous dispositions, the criminal court sample was much higher than the others, followed by the institutionalized sample. Those institutionalized had the highest average number of previous probations, with the criminal court sample following. For previous institutionalizations, the criminal court was highest, followed by those institutionalized, those placed on probation, and those dismissed. For length of supervision, probationers and those institutionalized had the longest times.

Surprisingly, the institutionalized category had the highest number of previous status offenses, followed by those referred to the criminal court. However, in terms of previous delinquent referrals, the criminal court sample was highest, followed by those who were institutionalized, dismissed, and placed on probation. Comparing the data on previous offenses, it appears that the criminal court sample had a tendency to commit (or be referred for) delinquent offenses, while the institutionalized sample tended to have a history of status offenses.

Profile by Sex

Males and females in the sample had similar ages at referral and racial composition; the majority for both being white. A higher percentage of males were referred by law enforcement agencies, while a higher percentage of females were referred by parents or relatives.

The majority of both sexes had no prior referrals during the year, but the males showed a greater offense history prior to 1977. The data on detention indicate a major difference in the handling of offenders according to sex. Less than 2% of the males were kept in jail or a police station overnight, compared to 55% of the females. Likewise, no females were placed in detention, but over 44% of the males were. Certainly these data indicate a tendency to treat females more harshly than males in terms of care pending disposition.

There appear to be major differences between the sexes on offenses. In terms of reasons for referral, males were far more likely to be referred for delinquent offenses, while females were far more likely to be referred for status offenses. Either males and females differ greatly on the offenses which bring them under court supervision, or there is a pattern of differential enforcement.

For living arrangement, the data indicate that females were more likely to live with both parents and to have their parents together. Males were far more likely to come from homes in which their parents were not married to each other. Both sexes had high rates of divorce and separation, and both sexes appeared similar in terms of parents' income, father's occupation, and mother's occupation.

Males and females had similar ages at first arrest or referral. The males had a higher number of previous dispositions and previous probations. Both sexes were similar on previous institutionalizations and length of supervision.

As indicated by the data on reason for referral, females tended to have a much higher number of status offenses than did males.

Likewise, the males had a much higher number of previous delinquent offenses.

Profile by Offense

Delinquents tended to be older than status offenders at the time of referral. Most of the delinquents were males, while most of the status offenders were female. The majority of both groups were white, but the majority of non-whites were referred as delinquents.

The delinquents had a longer length of time between referral and disposition. Though the majority of both groups were referred by law enforcement agencies, a much higher percentage of the delinquents were so referred than were status offenders. Likewise, all those referred by parents or relatives were status offenders. Though most of both groups had no prior referrals during 1977, the status offenders had a higher number of average referrals. For referrals prior to 1977, the two groups were similar. In terms of care pending disposition, the status offenders were more likely to be detained overnight, and were more likely to be kept in juvenile detention.

In terms of disposition, the greatest number of status offenders were referred to a public agency. The delinquents were evenly divided among dismissed, public agency, and probation categories. For years in school, living arrangement, and marital status of natural parents, both groups were similar, with about half of the two groups having parents who were divorced or separated.

For socioeconomic variables, the delinquents and status offenders appeared similar. Though the data are rather limited, the two groups show similarity in income, father's occupation, and mother's occupation.

The data indicate that, for the most part, both groups tended to come from working-class homes.

The two groups had similar ages at first arrest. The delinquents had a higher average number of previous dispositions and probations. Though most offenders had no previous institutionalizations, the status offenders had a slightly higher average. Also, the two groups had similar lengths of supervision.

In terms of previous offenses, it appears that the offenders tended to be consistent. The status offenders had a high average number of prior status offenses and the delinquents had a higher number of previous delinquent offenses. It seems, then, that the offenders tended to repeat the same type of offenses. Finally, the delinquents had a longer average time between first and second offenses.

Comparisons

Age and Disposition

There was a significant difference in disposition in the sample according to age. Generally, other than criminal court referrals, younger offenders tended to receive harsher dispositions. For the delinquent sample, the difference remains, though there were no significant differences in disposition by age for status offenders. The sample difference, then, was primarily a function of the handling of delinqunts.

Sex and Disposition

Again, a significant difference in disposition was observed, in this instance, according to sex. Aside from the criminal court (all

were males), there was a tendency for the females to receive stricter dispositions. They were less likely to be dismissed or put on probation, but were more likely to be institutionalized. When these data were examined with offense category held constant, there was no significant difference, indicating that the intervening variable of offense category is the mechanism through which the original difference occurred. Among the delinquents, sex does not affect disposition; the same is true among status offenders. Therefore, it is the relationship between sex and offense which produced the original differences in dispositions: females tended to be referred for status offenses and males tended to be referred for delinquent offenses.

Race and Disposition

For race, there was no significant difference in disposition. Both whites and non-whites had similar rates of referral into the juvenile cateogires, though non-whites had higher rates of referral to the criminal court. When controlled for offense category, the findings were similar. It seems that race was not a major factor in the disposition of these offenders.

Offense and Disposition

One of the major pruposes of this study was the examination of the handling of delinquents and status offenders. The data clearly indicate a pattern of differential handling according to offense category. For those dispositions other than the criminal court, status offenders tended to be treated more harshly. They were less likely to have their cases dismissed or to be placed on probation.

They were likewise far more likely to be institutionalized than were the delinquents. When controlled for sex, the same differences were observed. The difference in disposition was also found for younger offenders, but not for older ones. Likewise, the difference was observed for white offenders but not for non-whites. Therefore, it appears that there was a significant difference in the disposition of offenders, and that the difference is not affected by sex. It is also primarily a difference in the handling of younger and white offenders.

Length of Supervision

Another aspect of this study consisted of an examination of the variable of length of supervision to determine if differences could be observed. Differences in length of supervision were examined using the T-test and, where necessary, the Mann-Whitney U.

First, the difference in length of supervision between delinquents and status offenders was tested. The data indicated no significant difference in the average length of supervision between delinquents and status offenders. This finding did not change when the data were controlled for sex, age, and race.

Next, length of supervision was examined in regard to sex. The data indicated no significant difference in the average length of supervision of males and females. No change was observed when the data were controlled for offense, sex, and race. Race and length of supervision for the total sample yielded similar results. No significant difference was found between whites and non-whites in length of supervision. Likewise, for the delinquent sample, no difference

was observed. However, a significant difference was observed in the length of supervision between white and non-white status offenders. The data indicated that non-white status offenders tended to have a significantly longer period of supervision than did white status offenders.

Finally, length of supervision was examined in relation to age. The data indicated that younger offenders were supervised significantly longer than were older ones. That difference remained after controlling the data for offense. It appears that younger offenders received a significantly longer period of supervision than did older ones. It is likely that this difference is partly due to the fact that older offenders had less time before they became too old for juvenile court supervision; but, considering that only 33% of the sample was within a year of majority age, this fact cannot wholly account for the difference.

Correlation

The next analysis consisted of correlating age at referral and length of supervision. For the total sample, age had a small negative (though statistically significant) correlation with length of supervision. Generally, there was a slight tendency for younger offenders to be supervised longer. For delinquents only, similar findings were observed, with a slightly higher negative correlation found for status offenders only. The correlation coefficients, however, were very low, indicating little substantive significance in the relationship.

Criminal Maturity Index and Length of Supervision

To predict and explain length of supervision, a criminal maturity index was developed, using the variables of number of previous delinquent offenses, number of previous status offenses, prior referrals - before 1977, prior referrals - 1977, number of previous dispositions, number of previous probations, number of previous institutionalizations, and age at first arrest or referral. Through the use of multiple regressions analysis the variables were examined in terms of their abilities to explain length of supervision.

For the total sample, the criminal maturity index explained only 10% of the variation in length of supervision. For delinquents, the index explained only 7% of the variation, but for status offenders, 49.95%. The index accounted for 11% of length of supervision variation for whites but 39.8% for non-whites. Also, the regression procedure explained almost 25% of the variation for younger offenders and only 6.58% for older ones. Finally, in terms of sex, only 8.69% of length of supervision variation was accounted for by the criminal maturity index, but the index accounted for 46% of the variation in length of supervision for females.

In summary, the criminal maturity index provided insight into explaining length of supervision for status offenders, non-whites, younger offenders, and females. It did not account for much of the variation in length of supervision for the total sample, delinquents, whites, older offenders, and males.

Limitations and Problems

Every study has its problems and limitations, and this one is certainly no exception. Most of the limitations stemmed from the use of available data. Though using court records can provide insight into the workings of the institution, their use also presents problems. The major problem results from the fact that the data were developed for use by the court and not for the purpose of sociological research. As such, some of the variables that sociologists consider important are not viewed as such by court personnel and are not collected as precisely as possible. In this research project, that was especially true of socioeconomic variables. Most any attempt to utilize socioeconomic data for anything other than descriptive purposes would have been futile; the data for income were available only in rough, ordinal form. The highest income category was $10,000 and up, with a large number, of course, exceeding that limit. There were also a large number of "unknown" incomes, further limiting the usefulness of the data. Likewise, for the occupation of parents, the data were only available in rough categories and, again, there were a large number of "unknowns."

This study also suffers from the same problem as many studies on crime and delinquency. Regardless of the availability of data on variables such as reason referred, previous offenses, and prior dispositions, there is no way to know the exact nature of an offender's criminal history. Do females tend to commit more status offenses than delinquent ones? Or, are females simply more likely to be referred for certain offenses and not others? Questions such as these cannot be answered in this study.

Another limitation is the small number of offenders in certain categories, especially the small number of non-white status offenders. Not only does this limit statistical analysis, it presents a question similar to the preceeding one. Do non-whites tend to primarily commit criminal offenses, or do they just not get referred for status offenses? Again, in this project, there is no way to know.

Finally, an important variable could not be examined using these data. At the Tulsa County Juvenile Court, what is its "agency climate?" What attitudes do the caseworkers and others bring to the job? How do the approaches of a variety of workers affect the treatment of offenders? What subtle, underlying workings of the court affect disposition and length of supervision? In this case, the answers remain unknown.

Conclusions

This study showed that certain offenders tended to receive harsher dispositions than did other offenders. Specifivally, younger offenders, female offenders, and status offenders received more severe treatment than did older, male, and delinquent offenders. These findings are consistent with the conflict theory approach used as the basis for this study. One of the major tenets of conflict theory is the idea that the law tends to be applied in a discriminatory fashion; those persons who are less powerful tend to be dealt with more harshly under the law. Certainly younger persons, females, and violaters of "morality" statutes fall into the category of less powerful. The results of this study provide important conformation of the utility of the conflict approach in understanding law and the

workings of the court. The only category of dispositions in which the conflict approach proved less useful was that of race. It seems important that, in this case, race was shown to be of little importance in the dispositions that juvenile offenders received. There simply were no important differences in the dispositions of whites and non-whites.

Also, it is clear from the data that, of the various dispositions, those persons referred to the criminal court were significantly different from the others. The criminal court sample was older, all male, had the highest percentage of non-whites, had a greater number of previous referrals, committed more serious offenses, and came from less conventional home environments. Likewise, an important finding concerned the relationship between sex and offense. Females were far more likely to be referred for status offenses, while males were more likely to be referred for delinquent offenses. This finding is also consistent with conflict theory. The conflict approach used in this study assumed that society (including the court) has a special interest in female morality, based upon the traditional double standard. If, in fact, the court is most interested in the immorality of females and the illegality (criminality) of males, then the expected findings would be consistent with the results of this study. Generally, the greatest difference in dispositions was found for younger and white offenders. For the most part, little difference was observed in regard to length of supervision. No difference in length of supervision was observed between delinquents and status offenders or between males and females. However, significant differences were found between white and non-white status offenders and between younger

and older offenders. The non-white status offenders tended to be supervised longer, as did younger offenders. Whether the longer period for younger offenders was due to the fact that they had a longer time before they were no longer under court jurisdiction or whether it was due to differential treatment could not be determined. It may well be that length of supervision is a "controlled" variable, in that the court system functions informally or formally to end a juvenile's supervision within a particular range of time. This could explain the general lack of difference among offenders in length of supervision.

The results indicated also that a good deal of length of supervision could be explained for certain types of offenders. Through the use of a Criminal Maturity Index based in multiple regressions of primarily legal variables, much of the variation in length of supervision for status offenders, non-whites, younger offenders, and females was explained. These results provide some support for consensus theory in that the treatment of these offenders can be partially explained by legal variables. Also, though, this procedure may be viewed as providing support for conflict theory in that these are exactly the categories conflict theory sees as most important to the court. Therefore, due to the fact that length of supervision can be somewhat explained only for these categories, the conflict assumption that these offenders obtain differential treatment receives support.

As in any study of this sort, conclusions must be made cautiously. It seems evident, however, that explaining the treatment received by offenders in the juvenile court is a very complex issue. Aside from

the problems and the limitations of the resesrch, it can be suggested that this study has made several contributions. First of all, some knowledge of the complex nature of the workings of the court has been provided. There seems to be no one explanation or approach that completely accounts for the ways in which various offenders are handled. However, this study provides evidence that conflict theory can be a useful explanatory approach in the Sociology of Law, and can be especially useful in explaining the workings of the juvenile court. Also, some understanding is offered regarding the ways in which various offenders are treated differently, along with some potential explanations. Finally, this research helped clarify many of the issues which need to be examined in further research on various juvenile offenders. Hopefully, further studies can examine more carefully such variables as offense history, socioeconomic status, and agency climate. One suggestion for further research based in this study is the elimination of the criminal court sample from comparisons; there seems no doubt that those persons sent to the criminal court are very different from typical juvenile offenders.

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