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FACTORS ASSOCIATED WITH POLICE AND PROBATION/COURT
DISPOSITIONING: A RESEARCH NOTE

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ABSTRACT

This article presents the results of an empirically based study that examined the discretionary process operating within the same juvenile justice system. Assessment of the factors influencing the decision-making process at two points within the same system indicate some consistent factors operating between the two points.

The juvenile justice system is designed to provide care, protection, wholesome moral, and mental and physical development of children under its jurisdiction. It is also established to protect the welfare of the community and to encourage the control of the commission of unlawful acts by children. In most state counties, local social service agencies provide services to meet these goals. A few agencies involved in the system may include: Police Departments; Substitute Care Facilities for Dependent Children; and State Institutions. Dispositional decisions are generally made at four different points as juveniles are processed through the justice system: police observation and/or apprehension; police disposition of official cases; intake worker or probation officer's recommendation; and court disposition.

Recently, empirical studies have focused on specific variables affecting the decision-making process either at the level of the police dispositioning process or at the level of the probation department/court dispositioning process. These variables were age, sex, race, social status, present offense, family characteristics, and record of prior offense (Barton, 1976; Grinnell and Chambers, in press; Scarpitti and Stephenson, 1971; Terry, 1967). However, few (if any), empirical studies have been executed that have examined two or more decision points within the same juvenile justice system. Thus, the purpose of this article is to present the results of an empirically based study that assesses the significance of the factors associated with the two disposition points of police dispositioning and probation department/court dispositioning within the same juvenile justice system to determine if similar factors are influencing the decisions at each point of dispositioning.

METHOD

Setting and Population

This study was initiated and executed in one of the largest metropolitan areas in the United States. Data were collected in the spring of 1974 and 1977 for the calendar years 1973 and 1976, respectively. All data were extracted from the official files of the county juvenile court/probation department for one subpopulation and from the juvenile division of the largest city police department in the county for a second subpopulation. This process required a content analysis to determine the cases to be included in this project. To be included, each case had to meet all of the following three criteria: there existed an official record of the contact with the juvenile; the juvenile was a resident of the county; and juvenile's address could be matched to the corresponding census tract and zip code. The total population consisted of 7793

Table 1. Population Characteristics by Agency

| Characteristic | Agency | | Total (N=7793) |
|---|----------------------------------|---|-------------------|
| | Police Department (N=3874) | Probation/ Department Court (N=3919) | |
| YEAR: 1973 | 51.1% | 52.8% | 52.1% |
| 1976 | 48.9 | 47.2 | 47.9 |
| AGE: Median Years | 15.0 | 15.0 | 15.0 |
| SEX: Female | 26.4% | 23.4% | 24.9% |
| Male | 73.6 | 76.6 | 75.1 |
| RACE: White | 53.5% | 70.1% | 61.7% |
| Black | 35.3 | 21.7 | 28.5 |
| Mexican-American | 11.2 | 8.2 | 9.8 |
| PRIOR RECORD OF OFFENSE THIS YEAR: | | | |
| Yes | 60.5% | 21.7% | 41.2% |
| No | 39.5 | 78.3 | 58.8 |
| PRIOR RECORD OF OFFENSE PRIOR YEARS: | | | |
| Yes | 66.7% | 22.1% | 44.5% |
| No | 33.3 | 77.9 | 55.5 |
| YEAR IN SCHOOL: | | | |
| Median | N/A* | 8.6 | |
| JUVENILE LIVES WITH FAMILY: | | | |
| Yes | N/A | 52.8% | |
| No | | 47.2 | |
| INCOME: | | | |
| Receiving Assistance | | 8.3% | |
| Under \$3000 | | 4.2 | |
| \$3000 - 4999 | | 9.6 | |
| \$5000 - 9999 | N/A | 28.8 | |
| \$10,000 & over | | 29.1 | |
| Missing data | | 20.0 | |
| METHOD OF HANDLING CASE: | | | |
| With Petition | | 25.9% | |
| Without Petition | N/A | 74.1 | |

Table 1. Continued)

| Characteristic | Agency | | Total (N=7793) |
|----------------------------------|----------------------------------|---|-------------------|
| | Police Department (N=3874) | Probation Department/ Court (N=3919) | |
| <u>VIOLATION:</u> | | | |
| Burglary-Robbery-Vandalism | 25.1% | 27.1% | 26.1% |
| Auto Theft | 2.3 | 6.1 | 4.2 |
| Theft Under \$200 | 39.5 | 20.2 | 29.9 |
| Drugs Except Marijuana | 7.5 | 6.0 | 6.8 |
| Marijuana | 2.0 | 8.5 | 5.2 |
| Crimes Against Persons | 4.0 | 4.9 | 4.5 |
| Disorderly Conduct | 1.4 | 2.2 | 1.8 |
| Status Offense | 10.9 | 16.2 | 13.5 |
| Other | 7.3 | 8.8 | 8.0 |
| <u>DISPOSITION:</u> | | | |
| Dismissed by Judge | N/A* | 10.2% | |
| Placed on Probation | N/A | 19.4 | |
| Referred to Another Agency | 5.5 | 11.3 | 8.4 |
| State Commitment | N/A | 3.3 | |
| Counseled & Released | N/A | 40.0 | |
| Denied by District Attorney | N/A | 5.2 | |
| Dismissed by Police | N/A | 3.3 | |
| Other Disposition | N/A | 7.3 | |
| Released to Parents | 42.1 | N/A* | |
| Released to Relative | 2.3 | N/A | |
| Referred to Probation Department | 33.4 | N/A | |
| Referred to Detention | 2.3 | N/A | |
| Missing Data | 14.4 | N/A | |

* Not Available

cases.

Of the total population, 75.1% were males. Whites accounted for 61.7%, Blacks 28.5%, and Mexican-Americans 9.8%. The median age was 15.0 years. A detailed description of the characteristics of the cases broken down by agency can be seen in Table 1.

Disposition is defined in this study as the decided official outcome of the juvenile's contact with a justice official. This decision usually refers the child to an agency for treatment or releases the child to his family or another relative. For this study, juveniles could receive one of the following five dispositions from the police department: released to parents; released to relative; referred to the probation department/court; referred to detention; and referred to another agency. At the probation department/court, the juvenile could receive one of the following eight dispositions: dismissed by judge; placed on probation; referred to another agency; committed to a state institution; counseled and released; denied by the district attorney; dismissed by the police department; and other disposition.

Because the disposition category "Other" is composed of numerous, unrelated dispositions, the category will not be discussed unless differences in percentages are significant and meaningful. Since numerous violations were recorded by both agencies and to facilitate data analysis, the violations were grouped into the nine major categories similarly for both agencies to increase comparability.

Data Analysis

To evaluate if each independent variable (age, sex, race, previous offense this year, previous offense other years, year of data collection, method of handling, education, family income, family living situation, parent's marital status, and violation) was related to disposition, each independent variable was related by a simple statistical test to disposition by the appropriate t or F tests. For continuous variables (e.g., age) these statistical

Table 2. Specific Offenses Categorized for Each Violation by Agency

| <u>VIOLATION</u> | <u>Agency</u> | |
|----------------------------|---|---|
| | <u>POLICE DEPARTMENT</u> | <u>PROBATION DEPARTMENT</u> |
| Burglary-Robbery-Vandalism | Breaking & Entering, Burglary, Robbery, Destruction of Property | Burglary-Robbery-Vandalism |
| Auto Theft | Auto Theft | Auto Theft |
| Theft to \$200 | Shoplifting, Theft under \$200, Bike Theft | Larceny, Shoplifting, Theft under \$200 |
| Drugs, Except Marajuana | Illegal Possession, Sale of Drugs, Paint or Glue Sniffing | Narcotics, Glue Sniffing, Drugs, Drunkedness, Possession or Consumption of Liquor |
| Marajuana | Marajuana | Marajuana |
| Crimes Against Persons | Assault, Homicide, Sexual Offense | Murder, Manslaughter, Forcible Rape, Assault, Sexual Offense |
| Disorderly Conduct | Disorderly Conduct | Disorderly Conduct |
| Status Offense | Truancy, Mischief, Curfew, Runaway | Runaway, Truancy, Curfew Violation, Ungovernable Behavior |
| Other Violations | Arms, Obstruction, Theft Over \$200, Prowling, Theft of Government Mail, Forgery Trespassing, Other | Weapons, Theft over \$200, Immigration Violation, Credit Card Abuse, Other |

tests were from Pearson product moment correlations; for noncontinuous variables (e.g., race) these were from analysis of variance.

Because of many intercorrelated independent variables, simple significant tests could be significant by chance. To test whether the set of independent variables was statistically significantly related to the set of dependent variables, a canonical analysis between the independent variables and criteria variable was computed and found significant (.001 level). For post-hoc analysis, and to identify which variables were contributing to the significant relationships, all variables were entered into a linear model analysis with each disposition as the criterion variable. For relating violation to disposition, simple analyses of variance were computed from the set of violations to each disposition. To insure a relatively vigorous analyses, the probability level of .01 was established as the cutoff point for rejection. Results where differences are nontrivial and statistically significant by both simple and multivariate tests are presented below.

FINDINGS

Juveniles who were released to their parents can be described as younger, and/or both with no previous official contacts with the police department. Juveniles who were referred to the county probation department were more likely to be older and/or black, and were less likely to be white.

At the probation department/court level, juveniles who were counseled and released were more likely to be female, to be young, to have no previous record, or to have had no formal petition filed with the court. Those juveniles were also likely to be from higher-income homes or homes where the parents were married. Those who received probation were more likely to be either male, or black, or had a formal petition on file. Such juveniles were more likely to have had previous offenses. It is also less likely that those who received probation were white.

Table 3. Descriptive Variables as Related to Disposition by Agency

| | Race | | | Age | Sex | White | Black | Mexican | Previous Record: This Year | Previous Record: Prior Years | Year | Handling | Education | Income | Lives in Family | Parents are Married | |
|------------------------------------|-------|-------|---------|-----|-----|-------|-------|---------|-------------------------------|---------------------------------|------|----------|-----------|--------|--------------------|------------------------|--|
| | White | Black | Mexican | | | | | | | | | | | | | | |
| <u>POLICE DEPARTMENT:</u> | | | | | | | | | | | | | | | | | |
| Released to Parents | | | | - | | | | | - | | | * | * | * | * | * | |
| Released to Relative | | | | | | | | | | | | * | * | * | * | * | |
| Referred to Probation Department | | + | | + | | | | | | | + | * | * | * | * | * | |
| Referred Detention | | | | | | | | | | | | * | * | * | * | * | |
| Referred to Another Agency | | | | | | | | | | | | * | * | * | * | * | |
| <u>PROBATION DEPARTMENT/COURT:</u> | | | | | | | | | | | | | | | | | |
| Dismissed by Judge | | | | | | | | | | | | | | | | | |
| Placed on Probation | | | | | + | | | | | | | | | | | | |
| Referred to Another Agency | | | | | | | + | | | + | | | + | | | | |
| State Commitment | | | | | | | | | | | | | | | | | |
| Counseled and Released | | | | | | | | | | | | | | | | | |
| Denied by District Attorney | | | | | | | | | | | | | | | | | |
| Dismissed by Police Department | | | | | | | | | | | | | | | | | |
| Other Disposition | | | | | | + | | | | | | | | | | | |

* Not applicable
 + Indicates a statistically significant positive relationship (p < .01)
 - Indicates a statistically significant negative relationship (p < .01)

Table 4. Violations by Disposition for the Police Department

| VIOLATIONS DIFFERING FROM TOTALS | DISPOSITION | | | | | | | Percent (100%) | N (3350) |
|----------------------------------|---------------------------|-----------------------------------|------------------------------|-----------------------------|----------------------------------|--|--|-------------------|-------------|
| | Released to Parents | Released to Other Relatives | Referred to Department | Referred to Detention | Referred to Another Agency | | | | |
| % | 49.2% | 2.7% | 39.0% | 2.6% | 6.5% | | | | |
| N | 1647 | 91 | 1307 | 88 | 217 | | | | |
| Burglary-Robbery-Vandalism | (34.6) | (0.9) | 60.1 | (0.7) | (3.7) | | | 24.5 | 820 |
| Auto Theft | (16.7) | | 78.9 | | | | | 2.7 | 90 |
| Theft Less Than \$200 | 58.8 | 4.0 | (28.9) | (0.9) | | | | 39.8 | 1334 |
| Drugs, Except Marajuana | | | (23.3) | | 12.3 | | | 7.0 | 236 |
| Marajuana | 72.7 | | | | | | | 2.3 | 77 |
| Crimes Against Persons | (26.4) | | 62.1 | | | | | 4.2 | 140 |
| Disorderly Conduct | | | | | | | | 1.6 | 54 |
| Status Offense | | | | 14.8 | | | | 10.7 | 357 |
| Other Violations | | | (27.7) | | | | | 7.2 | 242 |

Note: Percentages are given only for those cells found to be statistically significant. A number enclosed in parenthesis shows a negative relationship, i.e. that disposition is less likely to be received for that specific violation than for the population as a whole. A number not enclosed in parenthesis indicated a positive relationship, i.e. that disposition is more likely to be awarded for that violation than for all violations considered as a whole.

Table 5. Violations by Disposition for the Probation Department/Court

| VIOLATIONS DIFFERING FROM TOTALS | DISPOSITION | | | | | | | | | | Totals | | | | | | | | |
|----------------------------------|-------------|-----|--------------------|---------------------|----------------------------|------------------|------------------------|-----------------------------|--------------------------------|-------------------|---------|-----|------|-----|------|-----|------|------|------|
| | % | N | Dismissed by Judge | Placed on Probation | Referred to Another Agency | State Commitment | Counseled and Released | Denied by District Attorney | Dismissed by Police Department | Other Disposition | Percent | N | | | | | | | |
| | 10.2% | 397 | 19.4% | 752 | 11.3% | 439 | 3.3% | 123 | 40.0% | 1548 | 5.2% | 201 | 3.3% | 138 | 7.3% | 272 | 100% | 3870 | |
| Burglary-Robbery-Vandalism | | | 30.7 | (6.9) | 4.8 | (36.2) | | | | | | | | | | | | 27.1 | 1048 |
| Auto Theft | | | 28.1 | | 8.5 | (28.1) | | | | | | | | | | | | 6.1 | 235 |
| Theft Less Than \$200 | | | (5.7) | (14.7) | (1.1) | 58.2 | (3.1) | | | | | | | | | | | 20.2 | 783 |
| Drugs, Except Marajuana | | | | (10.8) | | 51.9 | | | | | | | | | | | | 6.0 | 231 |
| Marajuana | | | 29.9 | | | (24.4) | 11.3 | 6.4 | (0.9) | | | | | | | | | 8.5 | 328 |
| Crimes Against Persons | | | 20.0 | | 8.9 | (26.3) | 12.1 | | | | | | | | | | | 4.9 | 190 |
| Disorderly Conduct | | | | | | | | | | | | | | | | | | 2.2 | 84 |
| Status Offense | | | (3.0) | (6.8) | 17.5 | (1.3) | (0.8) | 31.8 | | | | | | | | | | 16.2 | 629 |
| Other Violations | | | | | | | | | | | | | | | | | | 8.8 | 342 |

Note: See note, Table 4.

Juveniles committed to the state reformatory were more likely to have had a formal petition filed, to be black, or to have had previous encounters with the department. They were also more likely to have been committed to a correctional institution if their offense was in 1976, rather than in 1973. For a detailed presentation of the relationships between the descriptive variables and the dispositions received, please refer to Table 3. Younger children and children with no prior offenses were more likely to be diverted from the justice system at both the point of police dispositioning and probation department/court dispositioning. At both decision points, black children were more likely to be placed in an institutional setting, i.e., state correctional institution or referred to a detention center. Black youngsters were also more likely to be referred to the probation department/court and placed on probation.

Marijuana violations seemed to differentially influence dispositions at the two points. At the police department, marijuana offenses were more likely to be released to parents and hence diverted from the juvenile justice system. However, at the probation department/court, counseled and released was a less likely disposition to be received. These offenses were, however, more likely to be dismissed by the judge, district attorney, or police. The juvenile was thus removed from the justice system. At both points, the marijuana offenders were diverted.

DISCUSSION AND CONCLUSIONS

This study was one of the first empirically based research projects that examined the discretionary processes operating within the same juvenile justice system. Assessment of the factors influencing the decision-making process at two points within the same system indicate some consistent factors operating between the two points. Juveniles who were immediately released at each point were likely to be younger or have had no previous offense. They were

likely to have had committed violations such as theft under \$200 and drug related offenses. Additionally, from probation department/court data, these juveniles were likely to be female, from higher-income families, and/or to live in a two-parent household.

Additional research is needed to complete the analysis of influential factors within the systematic, conceptualized framework of the total juvenile justice system. Only after all four points of decision-making within the same system are addressed can the discretionary process be more fully understood. Following identification of the influential factors, evaluation of the discretionary process and its appropriateness could be initiated.

Further research is also needed at the points of police and probation department/court dispositioning to identify the nature and extent of interaction effects between the already identified variables. Specific recommendations would include an analysis of the interaction between present offense and each of the demographic variables included in this study as influential in decision-making. For example, a specific violation committed by juveniles in different age groups may result in different dispositional decisions being made. This type of research would more clearly identify the discretionary process operating in the justice system.

This project may have local program as well as academic implications. Characteristically specific children are being diverted from the justice process by being immediately released from the system. An evaluation of the currently operating diversionary programs in the community to determine if they are appropriate to the at-risk population seems to be warranted. Methods of contacting the risk groups before contact with the justice system is made may also seem to merit attention. If methods could be identified and operationalized in a community, the juvenile justice system could then direct its attention at those juveniles needing contact with the institutionalized system.

To increase the potential for diversion of juveniles from the justice system, alternative methods to serve those currently institutionalized may need to be developed. Such programs may need to be focused at the black and/or older juvenile population.

Within the institutionalized services, it would appear that programs may need to be directed at teaching juveniles respect for other people's property. Alternative paths of acquisition of property could be explored with these juveniles, with the goal of directing the juveniles to more socially acceptable behavior patterns.

From the findings of this study, it is apparent that there is an inequality in the manner in which the juvenile system operates. The police and probation officers and the court system may need to develop research projects to assist them in the process of dealing with this problem. It is hoped that this short research note may trigger such studies.

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