

1995

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Recommended Citation

Beger, Randall R. and Hoffman, Harry (1995) "Legal and Extra-Legal Determinants of Detention Sentences in a Juvenile Court: A Research Note," *Great Plains Sociologist*: Vol. 8 : Iss. 1 , Article 4.

Available at: <https://openprairie.sdstate.edu/greatplainssociologist/vol8/iss1/4>

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Legal and Extra-Legal Determinants
of Detention Sentences In A Juvenile Court:
A Research Note¹

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A major limitation of research concerning juvenile detention commitments is the over-riding focus on pre-adjudicatory detention. This period of confinement applies only to youths held in secure custody pending court appearance. The purpose of this investigation was to broaden the understanding of detention by focusing on post-adjudicatory detention commitment, which is a court sentence, and the factors influencing the decision. Data were derived from the records of a random sample of 394 youths processed by a juvenile court between 1990 and 1991. Preliminary results show that a combination of legal and extra-legal factors play a significant role in post-adjudicatory detention decisions. The implications of these findings are explored.

INTRODUCTION

Juvenile justice officials make no decision with greater

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INTRODUCTION

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consequences for a minor than commitment to a secure detention facility. As we know, the immediate consequence of detention and confinement in a physically restricting, often debilitating environment, reminiscent of Goffman's "total institution" (1961) Rules and regulations must be strictly observed and visits from family and friends often are limited in both duration and frequency. Other consequences of detention include substandard food, inadequate medical treatment, and a paucity of educational programs (Sarri, 1974; Rosner, 1988). Under the duress that results from detention, some juveniles engage in self-induced harm and/or attempt suicide (Shamburek, 1978).

Although empirical studies acknowledge the profoundly detrimental consequences of holding a minor in detention, they are divided on whether commitment is determined by legal (prior record of delinquency and offense gravity) or extra-legal (a juveniles' race, social class, and gender) considerations or by a combination of the two. For example, based on information from court records in three states, Cohen (1975) found that previous court contacts and offense gravity, as assessed by local officials, increased the probability of confinement to a detention facility. Conversely, Bortner (1982) identified race and social class as major determinants in assigning who would and would not receive detention. Specifically, African-American and lower class juvenile offenders were much more likely to be held in detention than Caucasian adolescents and youths from higher income groups. Controlling for legal variables such as offense gravity and prior record did not influence these findings. Extra-legal factors other than race and social class also have been implicated in the detention decision. Along these lines, Chesney-Lind (1973, 1988) found that girls were held at higher rates and longer than boys for minor offenses such as running away and incorrigibility.

A major shortcoming of the above studies is that they concern only *pre-adjudicatory* detention. This period of confinement applies to youths held in secure custody pending court appearance. Consequently, all the studies cited above incorporate a rather narrow understanding of detention. Another use of detention exists which must be acknowledged: *dispositional* detention, which is a court sentence. Ordinarily, in states that permit this sanction, a stay in

detention is attached to a probation order. Illinois, for example, added dispositional detention to its sentencing options in 1981. Article V., section 5-23, p.35, of the revised Illinois Juvenile Court Act (Illinois Compiled Statutes, 1987) reads:

A minor found to be delinquent may be...placed in detention for a period not to exceed 30 days, either as the exclusive order of disposition or, where appropriate, in conjunction with any other order of disposition issued under this paragraph, provided that any such detention shall be in a juvenile detention home and that the minor so detained shall be 10 years of age or older.

Similar to Illinois, many states have amended their Juvenile Codes to use detention centers as places for *post-adjudicatory* commitments. The resultant increase in detention commitments is staggering. Nationally, the number of juveniles committed to detention centers on a court disposition rose from 4,804 in 1977 to 24,883 in 1987 (National Council on Crime and Delinquency, 1989). The dramatic rise in detention commitments, particularly detention commitments as a function of a court disposition, needs to be investigated. In this preliminary investigation we examine the impact of certain legal and extra-legal variables on court dispositions in which detention is ordered as a condition of probation versus probation with no detention stay. To illustrate trends in detention use, data on dispositional outcomes in one juvenile court setting are examined.

DATA AND METHODOLOGY

The data for this preliminary study were obtained from a juvenile court in a northern county of Illinois with a population of 150,000 and are derived from the records of a random sampling of 394 youths processed by the court between 1990 and 1991. The dependent or outcome variable "*disposition*" has two values: "0" for court ordered probation with no detention commitment; "1" for probation with detention confinement. Given the exploratory nature of our investigation, it should be noted that for this phase of the study the dependent variable does not differentiate between detention-as an exclusive dispositional order versus detention with probation supervision. Nor do we measure length of confinement

in detention, e.g., one week; two weeks; thirty days. The independent variables include two legal and five extra-legal factors

The first legal variable is *offense gravity*. "0" for felonies against persons; "1" for felony property offenses; "2" for misdemeanors against persons; "3" for misdemeanor property offenses; and "4" other offenses (petty drug charges and public order offenses). A second legal variable, *previous contacts* with the court system, has two values: "0" for no contacts; "1" for prior contacts.

Extra-legal variables include age, gender, and race. *Age* is defined as a three-category variable: "0" for youths 12-13; "1" for youths 14-15; and "2" for juveniles 16-17. *Race* also has three values "0" for Caucasians; "1" for African-Americans; "2" for Other racial groups. Gender is coded as a dichotomous variable: "0" for male; "1" for female. Two additional extra-legal variables are *Family Support* and *Involvement*. Coding of the Family Support variable is based on pre-sentencing information regarding each minor's family situation. Cases containing negative references (e.g., "dysfunctional," "conflict-ridden," "chaotic") are coded "0." Cases communicating a positive description of the family (e.g., "caring," "supportive," "close-knit") are coded "1." Involvement, patterned after Hirschi's (1969) social bond theory, is a dichotomous variable: "0" for youths who are neither employed nor in school (idle); "1" for juveniles who are working or attending school (active). The final variable, *Type of Attorney* was coded "0" for public defender and "1" for private attorney.

RESULTS

Table 1 presents the descriptive information of the various legal and extra-legal variables for the sample of 394 juveniles along with the type of disposition received with respect to the aforementioned independent variables. Further, the table also presents the results of Chi-Square analysis testing for a relationship between the independent and dependent variables. The Chi-Square tests whether empirical crosstabulations differ significantly from those which would be expected if no relationship existed between variables. If, for example, all expected and observed cell frequencies are equal, a chi-square value of "0" would be generated. Thus, the larger the value of chi-square, the greater the difference between the observed and expected crosstabulations.

Table 1: Sample Characteristics, Dispositional Outcomes, and Significance Test: N=394

Variables	Total Cases		Probation Only		Probation w/Add-On		X ²	Sig
	N	%	N	%	N	%		
Race							.198	0.905
Caucasian	233	59.1	167	71.7	66	28.3		
African-American	120	30.5	85	70.8	35	29.2		
Other	41	10.4	28	68.3	13	31.7		
Gender							.708	0.399
Male	318	80.7	223	70.1	95	29.9		
Female	76	19.3	57	75.0	19	25.0		
Age Group							67.983	0.000
12-13	44	11.2	40	90.9	4	9.1		
14-15	234	59.4	191	81.6	43	18.4		
16-17	116	29.4	49	42.2	67	57.8		
Family Support							18.845	0.000
Negative	152	38.6	89	58.6	63	41.4		
Positive	242	61.4	191	78.9	51	21.2		
Activity Level							44.510	0.000
Idle	211	53.6	120	56.9	91	43.1		
Active	183	46.4	160	87.4	23	12.6		
Offense							11.795	0.01
Felony Per	53	13.5	29	54.7	24	45.3		
Felony Prop	143	36.3	98	68.5	45	31.5		
Misd Per	66	16.7	50	75.8	16	24.2		
Misd Prop	95	24.1	76	80.0	19	20.0		
Other	37	9.4	27	73.0	10	27.0		
Prior Contact							4.792	0.091
None	72	18.3	58	81.4	13	18.6		
Prior Contact	322	81.7	222	68.8	100	31.1		
Type of Attorney							6.589	0.01
Public Defender	343	87.1	236	68.8	107	31.2		
Private Att	51	12.9	44	86.3	7	17.7		

Note: for presentation purposes the direction of the dependent and independent variables were changed.

Sample Characteristics Turning first to the ethnic make-up of the sample, over one-half of the youths are classified as *Caucasian* (59.1%), almost one-third (30.5%) as *African-American*, while slightly over ten percent (10.4%) fall into the *Other* category. In terms of Gender, almost eighty-one percent of the sample (80.7%) are male as compared to slightly less than twenty percent (19.3%) who are female.

Regarding the age distribution, 44 (11.2%) of the cases involved youths in the age range of twelve through thirteen, 234 (59.4%) aged fourteen through fifteen, and 116 (29.4%) aged sixteen through seventeen. It is evident that a large percentage of the youths fall within the fourteen through fifteen year old group. Also of interest is that of the 394 youths, 196 were processed for either Felony Personal (N=53, 13.5%) or Felony Property (N=143, 36.3%) crimes. Further, sixty-six (16.8%) of the youths were referred for Misdemeanor Personal crimes, ninety-five (24.1%) for Misdemeanor Property and thirty-seven (9.4%) for other Delinquency offense. In many respects, these seem to reflect a national profile, i.e., the majority of known offenses involve crimes against property.

Table 1 also contains information indicating the nature and extent of Family Support, Involvement, Prior Contact, and Type of Attorney. Referring to Family Support, it is significant to note that in 242 (61.4%) cases family support was deemed as positive, while for 152 cases (38.6%) family support was evaluated as negative. This observation seems to go counter to the more popular view of the adverse impact of broken homes and family instability on youth: a point to which we return later. This notwithstanding, slightly over one-half (53.6%) of the sample were classified as idle, and over eighty percent (81.7%) of the youths had previous referrals to juvenile court. Finally, a large proportion of the cases (87.1%) were handled by public defenders.

Disposition and Selected Sample Characteristics It is of particular importance to recognize that of the 394 cases examined, only 114 (28.9%) resulted in probation with add-on detention time. Because of this, a large majority of the cases (N=280, 71.1%) resulted in a disposition which did not isolate the youth from the community. In

other words, the dispositional norm -- at least within the present jurisdiction and in the absence of any controlling variables -- is to have the youth returned to the community subject to some type of court ordered supervision.

Assessing the relationship between the type of disposition rendered and the age group of the, Table 1 reveals that over eighty percent of the youths in the 12-13 and 14-15 age group (90.9% and 81.6% respectively) received probation compared to only 42.2% of the 16-17 age group. Over one-half (57.8%) of the 16-17 age group received probation with add-on detention time. In other words, the older the juvenile offender, the more likely was it to receive probation with add-on detention.

The data presented in Table 1 indicate the type of disposition received with respect to "Offense Category." Turning our attention to the "Felony Personal" and "Felony Property" categories, we find that 54.7% of the former and 68.5% of the later group were disposed of via the probation option. Likewise, 45.3% of "Felony Personal" and slightly under one-third (31.5%) of "Felony Property" offenders received probation with detention add-on. A similar disposition pattern -- albeit more obvious -- emerges within the "Misdemeanor" categories. Here, slightly over seventy-five percent of the "Misdemeanor Personal" and fully 80% of "Misdemeanor Property" offenses resulted in probation. Clearly, the information in Table 1 suggests that felony offenders were more likely than not to receive probation with the detention add-on.

Table 1 also examines a relationship between "Family Support" and disposition. As can be seen, 58.6% of those in the "Negative Support" category and 78.9% of those in the "Positive Support" group received probation. In the probation with add-on group, we find that slightly over forty percent (41.4%) receiving this disposition emanated from families who were evaluated in "Negative" terms as compared to only 21.1 % of youths whose families were evaluated as "Positive." A negative family support system was significantly associated with the detention add-on option available to the court. Turning next youths' "Involvement" and its impact upon final disposition, almost forty-five percent of those classified as "Idle" received probation with add-on detention time as compared to only

12.6% of those characterized as "Active."

In addition to the above, Table 1 also contains information concerning type of disposition received and the type of attorney. It can be seen that nearly seventy percent (68.8%) of the youths represented by public defenders and well over eighty percent (86.3%) represented by private counsel received probation. Conversely, 31.2% represented by public defenders received probation with add-on detention as compared to only 13.7% represented by private attorneys. Nearly one-third of the public defender clients received probation with detention add-on versus only 13 percent of the private attorney clients.

To further assess the level of association between disposition and the legal and extra-legal variables, we performed a discriminant analysis: an analysis which closely resembles judicial procedure. It is the judge who weighs the significance of all legal and extra legal factors in constructing a comprehensive picture which constitutes the basis for the eventual disposition rendered. Discriminant analysis, unlike bivariate chi-square procedures, enables us to determine what particular combination of the independent variables will lead to one outcome (disposition) as opposed to another.

Court disposition (probation with detention versus probation with no detention) is the dependent variable. Independent variables include the same set of legal and extra-legal factors presented in Table 1. This procedure classified all cases into discriminant groups by calculating linear combinations among predictor (independent) variables. Results of the classification of dispositional groups are presented in Table 2.

As the figures indicate, discriminant analysis was successful in classifying 80.7 percent of the group cases correctly. This suggests that the linear combinations formed by the various legal and extra-legal factors (used to discriminate the youths into dispositional groups) were dis-similar enough to produce a strong classification. Table 3 presents the significance tests for the various predictor variables in this classification.

Table 2: Classification of Youths by Dispositional Category

Actual Group Membership	Number of Youths	Predicted Group Membership	
		Probation	Probation/Add-On
Probation	280	250 (89.3%)	30 (10.7%)
Probation w/ Add-On	114	46 (40.4%)	68 (59.6%)

Note: 80.7 percent of grouped cases were classified correctly. Five of the eight factors were significant at the .001 level

Table 3: Summary of Discriminant Function on Disposition

Factor	Means	SD	Lambda	Sig.
Attorney				0.001
Probation	.157	.36	.713	
Probation / Add-On	.061	.24		
Offense				0.001
Probation	1.90	1.1	.729	
Probation / Add-On	1.52	1.2		
Family Support				0.001
Probation	.682	.46	.731	
Probation / Add-On	.447	.49		
Involvement				0.001
Probation	.571	.49	.753	
Probation / Add-On	.201	.40		
Age Group				0.001
Probation	1.03	.56	.834	
Probation / Add-On	1.55	.56		

Statistic used to interpret Table 3 is Wilks' Lambda. This statistic provides a measure of variability between Group means for each predictor variable. Should a lambda value of "1" be generated, then we could claim that Group means are equal. Conversely, a lambda value approaching "0" would suggest that Group means are in fact significantly dis-similar. Following the discriminant procedure, five of the eight predictor variables remain significant. As shown in Table 2, these five factors correctly identified slightly over eighty percent (80.7%) of the cases. In our analysis, Wilks'

Lambda values are sufficiently far enough from "1" to suggest that Group means for each predictor variable are not equal. Again, since the means are not equal, discriminant analysis was able to distinguish and classify youths satisfactorily between the two dispositional groups. This is further verified by referring to the *Significance* column which indicates that strength of differences between means were significantly different from one another. The differences between the two dispositional out-comes demonstrates that two legal factors (offense and type of attorney) and three extra-legal factors (involvement, age-group, and family support) determine membership within a specific dispositional class.

DISCUSSION

The findings suggest that in this particular Illinois juvenile court, legal and extra-legal factors influence post-adjudicatory dispositional detention commitments. In other words, both types of variables play an important role in dispositional decision-making. Specifically, discriminant analysis results show that the variables Type of Attorney, Offense Type, Family Support, Involvement, and Age Group --in that order-- are associated with detention as a sentence of disposition.

Earlier, we indicated that court-ordered-trial detention commitments have increased sharply nationwide. In 1987, there were 24,883 dispositional commitments to detention centers, slightly more than a five-fold increase from 4,804 in 1977 (National Council on Crime and Delinquency, 1989). This increase continues despite the fact that prominent national organizations, such as *The National Council on Crime and Delinquency* and *The National Juvenile Detention Association*, oppose detention as a post-trial commitment.

Two trends affecting the nation's juvenile courts may aid us in explaining the increase in post-adjudicatory detention commitments. First, funding cutbacks in youth services are pushing more young people with multiple problems into the juvenile justice system. Krisberg and Austin observe that "the main clientele of the juvenile justice system now typically are repetitive property

offenders, drug offenders, assorted minor offenders, and those who have failed in child welfare placements" (1993: 173). Further, Currie (1991:22) notes that nationally, "juvenile detention centers are now swollen with young people for whom there are so few accessible services that the detention center system takes them in by default" (1991:22). Illinois illustrates the trend in post-adjudicatory detention commitment that these studies suggest.

In Illinois, funding remains under-prioritized for programs to help troubled youths, including crisis intervention counseling and attendance initiative programs (Jackson, 1993). In addition, Illinois taxpayers appear reluctant to commit additional resources to youth services. A recent internal audit of detention practices at the study's target court shows that approximately 30% of the detention center population is admitted on a sentencing commitment. In contrast, in 1983, adjudicated minors accounted for less than 10% of total detention admissions. A second trend affecting the nation's juvenile courts concerns the changing mission of probation supervision. Traditionally, probation supervision meant individualized treatment and counseling geared toward helping youths achieve a law-abiding life style. In this traditional context, probation officers defined themselves as caseworkers and service brokers. Today, and primarily as a reaction to rising rates of youth crime, probation departments are increasingly forced to redirect their energy, mission and role toward "risk control management" (Lemert, 1993): an approach which attempts to minimize the probability that a minor will commit new offenses by increasing the responsibilities of probation officers. Consequently, the principal duties of probation officers has shifted significantly and now include random drug testing, monitoring payments of court ordered fines and fees, and enhanced surveillance of juveniles through home and office visits. Ironically, resources to support a "risk control management" model of juvenile probation are declining at a time when the workloads of probation officers are increasing. Groups that set national standards for juvenile probation (e.g., National Council on Crime and Delinquency) recommend caseloads of no more than 25 to 30 juveniles per officer, and limits on intensive caseloads per officer of no more than twelve offenders. At the court where this investigation originates, field probation

officers routinely carry caseloads of 45 clients or more. Adding to its increased demands, the field probation unit recently lost two positions due to budget cuts.

Faced with rising caseloads and limited staff, juvenile courts like this one in Illinois struggle to accommodate an expanding pool of problem offenders who, in Krisberg and Austin's words, "make the juvenile court's effectiveness look quite bad" (1993:174). One way to situate these trends is to suggest that by opting to sentence youths to detention, the court is attempting to manage limited probation resources. Ordering youths into detention prior to probation may give field officers (particularly when pursuing a risk control management agenda) extra time to formulate a plan of supervision that minimizes recidivism risks. Imposing the maximum sentence of 30 days detention as an exclusive order of disposition prevents probation workloads from expanding beyond resource limits. Our findings, though preliminary, suggest that youths with the following characteristics are more likely to be targeted for dispositional detention: older, idle, and from "dysfunctional" homes. Felony offenders and youths with court appointed attorneys also have a higher risk of detention.

The first factor, the level of attorney-court contact, may explain why private attorneys are more successful than public defenders in shielding youths from detention commitments. Public defenders maintain close personal and organizational ties with other court actors. These relationships tend to foster common schemes for classifying and sentencing juveniles. Private attorneys have no strong organizational ties to the juvenile court and are able to represent youths more adequately because they are not co-opted by the organizational subculture of the court system.

Felony crime elevates the risk of detention for a different reason than the court's desire to effectively manage its resource base. Although the juvenile court has an obligation to assist youths, it also must protect citizens from youths who present a public safety risk. Felony offenses are seen as more serious threats to public safety than misdemeanor cases, so the likelihood of detention increases.

The same resource management philosophy explains why youths from "dysfunctional" families along with "idle" offenders have

a higher risk of detention. To ease their caseloads, Probation Officer's look to parental support in controlling youths. According to Emerson (1968), field officers attempt to extend their surveillance over juveniles by "deputizing" parents. A dysfunctional family environment, however, forces Probation Officer's to take on surveillance and social control tasks that they would like left to parents. The court interprets that a detention sentence for youths from unsupportive families gives field probation officers time to explore other avenues of support. Similarly, the court determines that unemployed youths and school dropouts demand more attention and, therefore, detention commitment avoids straining both human and monetary resource.

Lastly, Age, is pivotal to the court's decision of how to allocate probation resources. Younger adolescents are still in the process of forming their attitudes and values toward life. Court officials believe they can help these youths solve their present behavioral problems because younger adolescents are malleable and easy to intimidate into complying with the conditions of court probation. The attitudes and lifestyles of older youths are difficult to modify. Over half the youngsters in the 16-17 age group sample are approaching 18, the age at which criminal courts in Illinois gain jurisdiction over young offenders. From the juvenile court's perspective, older adolescents are a class of young people for whom the juvenile justice system holds no real promise of behavior modification. The decision to confine these youths in detention allows the court to distribute a greater share of its probation resources to younger minors who can be helped and supervised with less effort and court expense.

CONCLUSIONS

We began this report by pointing to consequences associated with placing youths in secure detention facilities and by addressing what factors relate to this decision. Clearly, this presents but a partial picture of what constitutes an otherwise complex process. Consistent with these themes, a number of suggestions can be offered which we believe are vital for understanding not only the question of who does or does not receive detention as an add-on but

for understanding the juvenile justice process *per se*. First, to properly situate the detention add-on question, a comprehensive approach, one which examines the entire processing of the juvenile rather than simply analyzing data at one stage, e.g., pre or post-adjudicatory disposition, is very much needed. Incorporating such an approach (Beger and Hoffman, 1995 in progress) would enable us to more clearly define and analyze the cumulative impact on eventual disposition resulting from earlier considerations. In other words, since the disposition decision is reached in the context of the *juvenile justice system*, studies which focus exclusively on the decision *per se* are not investigating it in terms of the contextual processing of the juvenile. Indeed, the disposition decision is not conceptually coterminous with the dispositional stage of the juvenile justice system. As pointed to above, detention decisions occur at a processing stage which reflects the cumulative effects ascribed to juveniles by several functionally and analytically distinct agencies and staff. Such distinctions in the division of labor and the accompanying prioritization inherent in such a division of labor should not, of course, be interpreted simply as the absence of an institutional system and discretion at each stage should warn us to the possibility of individual bias (e.g., a judge or probation officer) rather than institutional discrimination. The existence of such subtle complexities should be recognized and considered.

Second, and in keeping with a comprehensive perspective, it is becoming more and more evident that redirecting our focus toward understanding the diversity of sanctions as related to community and region, is needed. More specifically, research will benefit by including jurisdictions of varying sizes, demographic composition, and sociocultural systems (Hoffman, McDonald, and Beger, 1983; Beger and Hoffman, 1995 in progress). Including the community context would, of course, decrease the likelihood of arriving at premature if not inaccurate generalizations.

Third, research on juvenile dispositions must include an analysis of the respective input of courtroom workgroup members (Holstein and Miller, 1993). For example, the probation personnel who construct and submit the pre-dispositional investigation report are an important contributing factor to the eventual disposition

decision. Similarly, the contribution, if any, of the attorney to the dispositional decision merits additional research analysis. As investigators we need to be mindful of the proportion of defendants who because of their status have their cases handled by public defenders (see, for example, Champion, 1992). While this may well vary between urban and rural courts, our point remains: i.e., the services of the attorney need to be investigated. Whether a newly contracted public or private defender is attempting to influence the disposition decision and is attempting to do so against the recommendation of court staff is not only worthy of research consideration but vital to a systematic understanding of decision-making. And, as pointed out above, the judge too is differentially impacted by both legal and extra-legal factors. Recognizing that various agency staff are significantly involved in the decision-making process, should, therefore, once again encourage us to incorporate the entire system in our investigation.

As the 20th century draws to a close, there is evidence of significant change in both the juvenile justice system and in juvenile probation. Increasing demands for legitimacy have again exposed the multiple, often incompatible roles and functions which the juvenile system has adopted in order to fulfill its mission. Such questioning, of course, carries over to juvenile probation. As pointed out above, average caseloads have expanded well beyond what could be termed reasonable levels. Clearly, staff support for probation agencies has not kept pace with the growing number of probationers. It seems ironic, too, that at precisely the moment when the public is increasing its demand for legitimacy by clamoring for tougher probation sanctions and stricter juvenile codes in general funding for youth welfare programs appears to be eroding. The collapse of support for youth services is pushing more young people with multiple problems into the juvenile justice system. Indeed, Harlow and Nelson (1990:181) capture this at a broader level when they observe that:

There is a new mood evident throughout the land, and it manifests itself increasingly in restrictions placed on public spending and growing expectations of accountability in government...We now must learn to

make do with less, or find new and more resource conscious ways of providing the services we have come to expect from government

This raises the fundamental question of how the juvenile justice system can be expected to function effectively when it appears to be increasingly unsupported, understaffed, and saddled with diverse and often difficult clients?

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