

**FACTORS INVOLVED IN DELINQUENCY PROGRAM COMMITMENT DECISIONS
FOR FIRST-TIME JUVENILE OFFENDERS**

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ABSTRACT

This paper focuses specifically on program commitment decisions for first-time offenders, comparing the explanatory impact of factors traditionally included in this type of analysis to variables that describe child and family functioning. Using data derived from a subsample (N=1,875) of *ProDES* (Program Development and Evaluation System), an outcome evaluation system that tracks youth in Philadelphia's juvenile justice system, we utilize CHAID analysis to compare the relative effects of these factors on the likelihood of commitment to in-home versus out-of-home settings. The results indicate that child and family functioning are key factors in programmatic decision-making for first-time offenders, but are less important in decision-making for juveniles with prior offenses. However, the treatment modalities of specific program commitments for first-time offenders frequently do not match up with the needs presented by the juvenile at the point of disposition.

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INTRODUCTION

Policy makers in Philadelphia's juvenile justice system have noticed an alarming trend; among all juveniles receiving dispositions for delinquent placements, there has been a dramatic increase in the proportion of first-time offenders and a concomitant decrease in the number of juveniles with three or more prior offenses. While it appears that "get tough" legislation is responsible for removing multiple offenders from the juvenile system through the increased usage of direct files, the number of juvenile commitments has remained relatively stable. Apparently, gaps in the juvenile system left by multiple offenders are quickly being filled by first-time offenders. This raises important questions about possible net-widening that require further examination by juvenile justice stake holders (Jones, Harris, and Bachovchin 1997).

At the same time, these first-time offenders are far less likely than in years past to be diverted toward in-community intervention alternatives and increasingly likely to be committed to residential, or out-of-home placements. These types of placements cause concern for two reasons. First, since one of the objectives of the system is to provide care for youths in the "least restrictive" environment possible, out-of-home placements should be reserved for juveniles who have specific needs that cannot be addressed within the home or for children whose home environments provide a significant barrier to treatment. Secondly, out-of-home placements are generally considerably more expensive than in-home interventions, causing concern for human service administrators required to stay within a budget established by the state. Between 1994 and 1999, the proportion of first-time offenders being committed to out-of-home program settings steadily increased, from 38 percent to 43 percent.

Since the literature on juvenile justice decision-making (as well as common sense assumptions) would lead one to expect lenient treatment of first-time offenders, we are left to wonder why so many of the youths receiving commitments to programs are being ordered to costly and restrictive out-of-home settings. Are we seeing an increase in out-of-home commitments because first-time offenders are becoming increasingly violent in their referring offenses? Or are there other factors used by decision-makers in the juvenile system to determine the best course of treatment for youths with no prior offenses? In this study, we set out to determine the factors utilized in decision-making for first-time juvenile offenders by differentiating between those who receive commitments for in-home services and those who are ordered to out-of-home placements.

LITERATURE REVIEW

The literature on dispositional decisions made in juvenile courts focuses heavily on discriminatory variables, specifically the manner in which race and gender – outside of legal factors – influence decision-making (Bishop and Frazier 1988; Curran 1984; Glisson 1996; Horowitz and Pottieger 1991; Schissel 1993). Though many researchers argue that, by the time the youth reaches the disposition stage of the process, discriminatory factors play less of a role than offense-specific conditions, many studies still find race and/or gender to play a significant role in placement decisions (Frazier, Bishop, and Henretta 1992; Horowitz and Pottiger 1991; McCarthy and Smith 1986; Thomas and Cage 1977; Thornberry 1973; Tittle and Curran 1988). Others find that race and gender bias have no impact at all (Carter 1979; Dannefer and Schutt 1982; Horwitz and Wasserman 1980; Kowalksi and Rickicki 1982; Phillips and Dinitz 1982; Teilmann and Landry 1981). The fact that examination of the presence of racial and/or gender-based discrimination has produced mixed results suggests that, while it may take place, it does

not occur in all situations or at all decision-making points in the juvenile justice system (see Tittle and Curran 1988).

Extralegal variables considered to be relevant when determining the disposition of a juvenile include the juvenile's age, attitude of the youth, potential for rehabilitation, school record and a variety of other issues. The age of a juvenile may impact how far a juvenile penetrates into the system (Minor, Hartmann, and Terry 1997) or the decision to residentially place a youth (Kowalski and Rickicki 1982; Sanborn 1996). An assortment of other extralegal factors ranging from I.Q. to personality disorders which may influence the disposition decision have received cursory examination (Rogers and Williams 1994; Sanborn 1996).

Legal Factors

The impact of legal issues on a juvenile's disposition has been examined in three areas: current offense, prior record, and prior court responses to the juvenile. There is little contention that the current offense plays a role in determining a juvenile's disposition (e.g., Kowalski and Rickicki 1982; Minor et al. 1997; Sanborn 1996). However dispute arises in relation to the degree of influence that the current offense exerts on a disposition.

In line with the traditional juvenile court philosophy of rehabilitation, one would expect that a juvenile's history with the court would play a role in determining a juvenile's current disposition. In fact, much research has shown prior experience of a juvenile in the juvenile justice system does play a significant role (Cohen and Kluegel 1978; Kowalski and Rickicki 1982; Minor et al. 1997; Philips and Dinitz 1982; Reese, Curtis, and Richard 1989; Thornberry 1973; Tittle and Curran 1988). However, disagreement exists concerning whether the prior response(s) will lead to a pattern of stabilization (Philips and Dinitz 1982), escalation (Reese et

al. 1989; Sanborn 1996) or de-escalation (Minor et al. 1997) of disposition seriousness with subsequent referrals to juvenile court.

Although there has not been much focus on the outcomes for juveniles who are referred to the juvenile court for the first time, lenient outcomes seem to be common. Minor et al. (1997) report that over 90 percent of first time referrals were diverted compared to 84 percent of second time referrals. Of the 8.4 percent who received petitions, about 50 percent received a residential placement (Minor et al. 1997). In the three juvenile courts studied by Sanborn (1996), he reports that most first time offenders would likely receive probation followed by dispositions of escalating severity if they return to the court. While the majority of first-time offenders adjudicated by the court receive a disposition for regular probation (consisting of supervision only), Philadelphia's juvenile court commits roughly 600-900 first-time offenders per year to some type of delinquency program. Among those first-time offenders who are court-committed to received delinquency services, the distinctions between those committed to in-home programs versus out-of-home program settings has largely been ignored in the literature.

Beyond the "Legal vs. Extralegal" Dichotomy

Sanborn (1996) critiques previous literature on judicial decisions, arguing that the bulk of research in this area measures either "incompletely or inappropriately" the factors that affect dispositional decisions. He interviews one hundred court officials (prosecutors, defense attorneys, and judges) in a Northeastern state, asking what factors should be and are taken into consideration during the dispositional phase. Significantly, most respondents asserted that family should be the most important factor in post-adjudicatory decisions. Specifically, they believed that the level of family functioning should be the number one determinant of placement decisions. This response was consistently ranked as the highest priority by court workers in

urban, suburban, and rural areas. A related issue, the parents' character (i.e., their abuse/neglect of the child and willingness to accept juvenile court intervention), was also mentioned as an appropriate element of a dispositional decision.

Horwitz and Wasserman (1980) encourage researchers to break the pattern of utilizing a "legal" versus "extra-legal" dichotomy when analyzing factors related to dispositional decisions. They argue that the juvenile system is not governed by formal rationality as in the adult system. When dealing with adult offenders, it is considered appropriate to take into consideration legal factors only; allowing extra-legal factors to influence judicial decisions amounts to discrimination. In a system governed by substantive rationality [Weber (1954) cited in Horwitz and Wasserman (1980)], as is the juvenile system, it is not only appropriate, but critical to examine an array of extra-legal factors when making placement decisions. While most researchers are in agreement that decisions based even indirectly on racial, gendered, or economic factors is unacceptable, there are many extra-legal elements – such as child and family functioning – which are paramount in making treatment decisions that are in the child's best needs. Despite findings that demand attention to these substantive or situational factors, scholars have continued utilize the "legal versus extralegal" dichotomy when building models to explain post-adjudicatory decisions.

Dependent-Delinquent System Crossover

At the national level, policy makers and researchers are beginning to focus heavily on the relationship between family functioning (i.e., abuse and neglect) and delinquency. The literature has identified a number of negative consequences that adolescents experience as a result of being maltreated during childhood, including delinquency, pregnancy, alcohol and drug abuse, school failure and emotional/ mental health problems (Kelley, Thornberry, and Smith 1997; Widom

1994). One government report (Kelley et al. 1997) concluded that maltreated youth are significantly more likely to have official records of delinquency than other youth (45 versus 32 percent); this difference remains significant after controlling for a host of social and economic factors.

Recently, there has also been a growth in federal funding for collaborative initiatives between child welfare and juvenile justice agencies (OJJDP 1995; OJJDP 1996). Family Preservation and Court Improvement programs are being funded in various cities nation-wide, as is an effort entitled “Safe Kids/Safe Streets,” an attempt to prevent delinquency through reducing the prevalence of abuse and neglect. Counties in Minnesota and California have recently developed and adopted interventions for young offenders and their families with a history in the dependent system.

The concepts of “child functioning” and “family functioning” are frequently used in treatment-focused literature, as measures of the success of an intervention with a child (Carter 1987; Chamberlain and Rapp 1991; Feldman et al. 1990; Kline 1995; Shern et al. 1994; Silverstein 1994). Although all agree that improved functioning is the desired outcome of treatment, there are almost as many measures of child and family functioning as there are efforts to assess them. Feldman et al. (1990), for example, measure family functioning as an index of four characteristics of family interactions, as observed on videotape while using the Family System Test: task engagement, connectedness, warmth, and hostility.

This paper attempts to rectify the neglect of non-discriminatory extra-legal factors in previous studies that impact on program commitment decisions for first-time offenders. Specifically, it borrows the concepts of child functioning and family functioning from the child welfare literature in order to compare them to socio-demographic, situational, and offense-

related factors. These variables are assessed with regard to the type of program ordered by the court – in-home or out-of-home services.

METHOD

Sample

The sample utilized in this analysis is derived from *ProDES* – the Program Development and Evaluation System – developed and maintained by the Crime and Justice Research Institute in Philadelphia¹. The system became operational in 1994 and has since tracked all adjudicated youths that receive contracted delinquency services from the Philadelphia Department of Human Services and the State Department of Public Welfare.² *ProDES* data are gathered at four points: 1) from the juvenile’s court file, or “J-file,” 2) at the time of intake into the program, 3) at the time of discharge from the program, and 4) six months following discharge from the program. The goal of the system is to provide programs and stake holders with a continuous flow of information about the youths they serve and to facilitate more appropriate matching of juveniles to placements. At present, the *ProDES* database holds over 24,000 cases of juvenile commitments.

This paper examines juvenile court file³ data for first-time offenders in the *ProDES* system who received a disposition in the period 1998-1999, thereby being committed to some type of delinquent offending program. Of the 7,344 juveniles receiving commitments to delinquency programs during this time period, approximately 54% were first-time offenders, meaning that they had no prior arrest. When we narrow our sample to include only those first-time offenders with no prior program history (i.e., excluding cases where the juvenile is returning to the court for another program commitment related to the original arrest)⁴, the sample size drops to N=1,875 juveniles.

The dependent variable of interest is program setting – that is, whether the juvenile’s disposition was for in-home or out-of-home care (0 represents in home, 1 represents out-of-home). In-home programs include SCOH (Services to Children in their Own Homes), counseling programs, and day treatment services. Out-of-home programs are comprised of both residential (including group homes and foster care) and institutional placements. Finally, we will examine a sub-sample of juveniles with two or more prior arrests⁵ to determine if the same model that describes program commitment decisions for first-time offenders is appropriate for those with a history of offenses.

The Method

CHAID (Chi-squared Automatic Interaction Detector) analysis is employed to determine the factors that best discriminate between those first-time offenders who are committed to an in-home versus an out-of-home program setting. CHAID has two primary advantages over the more commonly used logistic regression for explaining variance in a dichotomous dependent variable. First, it allows for the straightforward examination of interaction effects between categorical independent variables. Second, it provides a tool (the CHAID tree diagram) that facilitates easy interpretation of results.

When building the CHAID model, we included all theoretically relevant factors available to decision-makers at the point of disposition. These variables – drawn from the juvenile file (or “J-file”) – generally fall into one of several different categories:

1. *socio-demographic* (e.g., race, sex, age);
2. *family functioning* (e.g., history of parental substance abuse, history of parental criminality), history of family violence, history of abuse and/or neglect);

3. *child functioning* (e.g., juvenile's history of substance abuse, juvenile's history of mental health problems, juvenile's history of special education);
4. *situational* (e.g., juvenile's behavior since the arrest for the instant offense);
5. *offense-specific* (e.g., type of offense, severity of the offense⁶, number of counts for the most serious charge).

Finally, the same method is used to analyze a sub-sample from *ProDES* with two or more prior arrests. The goal is to assess the degree to which factors considered in program commitment decisions for first-time offenders are also present in similar decisions for juvenile with prior offenses.

RESULTS

Description of the Sample

A description of first-time offenders in this the sample (N=1,875) is provided in Table 1. Of the first-time offenders with no placement history who were court-committed to delinquency programs during the 1998-1999 time period, there was an almost even split between those committed to in-home and those ordered to out-of-home services. The average first-time offender was 15 years old. First-time offenders (like most other samples of juvenile offenders) were overwhelmingly comprised of racial minorities, with only a 13 percent White population, and were overwhelmingly male (84 percent).

Just over 78 percent of the sample was compliant since the arrest for the referring offense; the remainder were either re-arrested or escaped from a holding facility. The majority of the sample committed offenses whose most serious associated charge was on the highest end of the severity spectrum. Thirty-eight percent were charged with felony-degree person offenses

(largely aggravated assault and robbery) and almost one-quarter (23%) were charged with felony-degree property offenses (largely theft-unlawful taking).

Looking at the child functioning factors, we see that 41 percent had a substance abuse history. More specifically, 16 percent had histories of alcohol abuse (3% exhibited chronic abuse), and 39 percent had histories of drug abuse (19% of which were chronic users). Eleven percent had a history of mental health problems, while seven percent were experiencing mental health problems at the time of their offense. Six percent were in special education courses at school.

Family functioning factors indicate that 14 percent of the juveniles' mothers and 11 percent of juveniles' fathers had a substance abuse history. Eleven percent of the sample had parents with a criminal record. Almost one-third (32%) of the offenders had siblings with arrest histories. Finally, over one quarter (26%) belonged to families that had been referred for dependency services; of these, one-third (35%) had been referred within the last year.

Results of CHAID Analysis for First-Time Offender Sample

Figure 1 presents results of CHAID analysis on the likelihood of being committed to an in-home versus out-of-home placement. Of all the factors available to decision-makers at the time of disposition, the best predictor of a commitment to an out-of-home program setting was a child functioning indicator, juvenile's history of drug abuse. Almost twice (71%) as many first-time offenders with an occasional or chronic drug abuse history were committed to out-of-home program settings than their counterparts (38%) with no such history.

For those with no drug abuse history listed in the “J-file,” the best predictor of program setting was a situational factor – behavior since the point of arrest. Not surprisingly, those who were not compliant (i.e., those juveniles who ran away from a detention facility or were arrested again) were considerably (59%) more likely than compliant youths (33%) to be committed to out-of-home facilities.

Non-compliant youths increased their likelihood of receiving a residential commitment if their offense did not involve injury to a victim (to 63%). Since juveniles who commit violent offenses are less likely to re-offend than are those who commit non-violent offenses, this may indicate that decision-makers have placed greater emphasis on risk of recidivism than offense stakes. A focus on offense stakes (i.e., a public safety perspective) would likely result in more of these offenders being committed out-of-home. On the other hand, for those first-time offenders with no drug history and compliant behavior since arrest, the best predictor was offense severity. In this case, those with felony charges as their most serious offense were more than twice as likely (39%) to be committed to a residential program than their counterparts with misdemeanor offenses (18%).

These “compliant” youths with felony offenses could further be differentiated, using a measure of family functioning and a socio-demographic factor. Those with a history of family violence recorded in their “J-file” were far more likely (60%) to go to out-of-home placements than those with no such history (37%). Finally, the juvenile’s sex was the best predictor for those with no history of family violence. In this case, males were more likely (39%) to receive residential program commitments than are females (26%). In part, this could reflect a lack of residential programs (or a lack of space in existing programs) serving the female population.

Another family functioning measure – history of dependency referral – further discriminated among groups of first-time offenders with no drug history, compliant behavior since arrest, and a misdemeanor offense. Youths with a recorded history of referral to the Philadelphia Department of Human Services for abuse, neglect or parents’ inability to provide care were many times (38%) more likely than their counterparts with no such history (11%) to be committed to a residential intervention program. In fact, the final node representing the “no dependency history” group had the lowest likelihood of out-of-home commitment among the whole population of first-time offenders being committed to delinquency programs by the court during this time period.

The right side of Figure 1 identifies several groups of first-time offenders with higher representations in residential program settings. Among the youths with occasional or chronic substance abuse histories, the best predictor of program setting was history of dependency referral. Again, juveniles with abuse/neglect histories were more likely (80%) to be committed out-of-home than youths with no such histories (67%). The third-tier predictor for the group of juveniles with dependency histories was an offense-specific factor – the type of offense. Here, CHAID distinguished between youths whose most serious offense was a property offense (the highest likelihood of residential program commitment at 94%) and those with any other type of offense (75%). Again, this may reflect an emphasis on risk, since property offenders are typically likely to re-offend.

For those juveniles who had a drug abuse history recorded in their “J-file,” but no such record of dependency referral, the best predictor of program commitment decision was the youths’ behavior since arrest. Juveniles who either escaped from a detention facility or were re-arrested were significantly more likely (77%) than their compliant counterparts (63%) to receive

a disposition for an out-of-home program. Compliant youths with no drug abuse history and no dependency history were further distinguished by two child functioning and one family functioning factor. Maternal substance abuse resulted in a greater likelihood of residential program commitment (80% compared to 61% for those with no such family functioning problem). Among those whose mothers had no such problem, the best predictor was the juvenile's history of mental health problems. Not surprisingly, those with mental health problems in their histories were far more likely (74%) than are those with no such issues (59%) to be committed out-of-home.

Finally, there was one sixth-tier predictor – juvenile's history of alcohol abuse – that predicted program commitment decisions for juveniles who had a drug abuse history, but no dependency history, compliant behavior since arrest, no maternal substance abuse, and no mental health history. Just over half (53%) of the juveniles in this group who had no alcohol abuse history went to residential program settings, compared to 69% of those with occasional or chronic alcohol abuse histories reflected in their "J-file."

Using a series of interacting factors describing juveniles in terms of child functioning, family functioning, situational characteristics, offense-specific factors, and a socio-demographic factor (sex), the proportion of first-time offenders committed to residential program settings varied from a low of 11% to a high of 94%, against a base rate of 51 percent. The model allowed us to use between three and five pieces of information readily available in every youth's "J-file" to predict a wide variation in the likelihood of being committed to an out-of-home program setting.

Results for Juveniles with Prior Offense Histories

Figure 2 presents results of CHAID analysis on the likelihood of being committed to a residential placement for offenders with two or more prior arrests. Not surprisingly, this group was significantly more likely to receive dispositions for out-of-home program settings (87%) than their counterparts with no priors (51%). Since prior placements tend to drive decisions for this population of youths, we again isolated the juveniles with no program history, in order to compare the factors involved in program commitment decisions to our population of first-time offenders. Among this sub-sample of 391 juveniles, four factors emerged as significant predictors of a commitment to a residential program setting.

Whereas the best predictor of decisions for first-time offenders was a child functioning factor – juvenile’s history of drug abuse – the best predictor of program commitment decisions for juveniles with two or more prior arrests and no program history was a situational factor – the youth’s behavior since the arrest for the instant offense. Compliant youths (those with no subsequent arrest or runaway behavior) were much less likely (78%) to be committed to an out-of-home program setting than those youths who were not compliant (94%).

Among compliant youths, the next prediction tier included offense severity – an offense-specific factor. Least likely to receive a disposition for residential placement were juveniles whose most serious offense consisted of a misdemeanor public order or misdemeanor property charge (60%). Juveniles with misdemeanor personal offenses and felony property (including drug) offenses were the most likely (83%) to receive such a program commitment. Felony person offenders were somewhat less likely (76%) to be placed in out-of-home settings, a likely reflection of harsher views on drug offenses and/or a realization that person offenders have a lower risk of recidivism than property (including drug) offenders.

Among the misdemeanor person offenders and felony drug offenders, a child functioning factor finally came into play as a predictor of commitment decisions. Juveniles in this group with a history of drug abuse were significantly more likely (89%) to be committed to a residential setting than their counterparts with no such history (76%).

Finally, we found a family functioning factor to be the best predictor of commitment decisions for this group of juveniles with a drug abuse history. Those with siblings that had no record of arrest were less likely (85%) than those with either no sibling at all or a sibling with a criminal history (95%) to receive an out-of-home program commitment.

Using this series of interacting factors, the proportion of offenders with two or more prior arrests committed to residential program settings varied from a low of 60% to a high of 95%, against a base rate of 82 percent. The model allowed us to use between four pieces of information readily available in every youth's "J-file" to predict variation in the likelihood of being committed to an out-of-home program setting.

DISCUSSION

This study set out to answer two questions: 1) what are the factors involved in making program commitment decisions for first-time offenders in Philadelphia? and 2) are those factors different than those used to make similar decisions for offenders with prior offense histories?

Results of analysis indicate that, in the cases of juveniles with no prior offense or placement histories, decision-makers in Philadelphia took into consideration a variety of factors at the dispositional phase. As expected, several offense-specific factors – such as severity of the most serious charge or injury to victim– played a key role in the decision to place a first-time offender in a residential program. More interesting, though, was the weight that child and family functioning factors were given in the decision process. Commitments to out-of-home

placements were largely based on information available to the court regarding the youth's level of functioning, such as substance abuse history or mental health problems. In addition, decision-makers appeared to utilize their authority as agents of the child welfare system to evaluate the functioning of that juvenile's family. In cases where a first-time offender had a mother with a substance abuse problem or a history of abuse or neglect, decision-makers were likely to order an out-of-home placement where intervention could occur uninterrupted by the family's dysfunction.

In contrast, the model for youths with prior offense histories was dominated by situational and offense-specific factors, such as behavior since arrest and offense severity. Only in the final two tiers did history of drug abuse (a child functioning characteristic) and sibling arrest history (a family functioning characteristic) come into play. It appears, then, that the apparent child welfare approach taken with first-time offenders was replaced by an orientation toward crime-control for juveniles with offense histories.

Table 2 compares the factors involved in program commitment decisions for first-time offenders and those with prior offense histories. As is apparent in the comparison, decisions made for both sub-samples of offenders employed a variety of factor types (i.e., child/family functioning, offense-specific, or situational). However, the order of importance was reversed; while child functioning was the most important factor type for first-time offenders, it only appeared in the third tier for youths with offense histories. Situational and offense-specific factors – the best predictor of decisions for juveniles with two or more prior arrests – did not come into play until the second and third tiers of the model for first-time offenders.

In light of the judicial decision-making literature's emphasis on race and gender, it is encouraging to see the limited role of discriminatory characteristics in program commitment

decisions for first-time offenders. Though the juvenile's sex did enter the model, it was a fifth-tier predictor; specifically, it only became a significant factor after discriminating among juveniles using a child functioning factor, a situational factor, an offense-specific factor, and a family functioning measure. Even more encouraging is the apparent lack of any direct racial effect on program setting decisions for this population of offenders. This is not to say that racial/ethnic and economic minorities are not over-represented in the juvenile justice system; it has been clearly established that race and gender (and socio-economic status) play a major role in various stages of decision-making throughout the system, from police discretion about whether to arrest to adjudicatory decisions. However, in the case of program commitment decisions for first-time offenders – as well as for youths with offense histories – it seems that decision-makers in Philadelphia were less concerned with a youth's ascribed characteristics than they were with that juvenile's needs and family history. This appears to be reflective of the original *parens patriae* intent of the juvenile justice system.⁷

The final question remains: what type of residential programs were ordered for first-time offenders when they were assessed to have problems with child and/or family functioning? If the decision to place a first-time offender in an out-of-home program setting was based on a child or family functioning factor, did the intervention modalities of those programs fit the needs demonstrated by the juvenile? A brief examination of the program commits for first-time offenders with a drug abuse history (the best predictor of a residential program commit) suggests otherwise. Of the 522 first-time offenders with a drug abuse history committed to residential placements, **less than one in five (19%) were committed to programs with drug and alcohol services as a primary component of the programs' design.** Boot camps – discipline-based

programs with no drug and alcohol treatment component – took an almost equal proportion of first-time offenders with drug histories (15%).

CONCLUSION

This analysis of program commitment decisions for first-time offenders in Philadelphia has highlighted a series of contradictions that may serve to illustrate the tension decision-makers in many jurisdictions experience as they transition between two competing approaches to juvenile justice. At first glance, the fact that half of all first-time offenders being committed to programs are placed in residential settings could lead one to conclude that ‘get tough’ policies are alive and well in Philadelphia. Such a finding would not be inconsistent with the federal move toward more ‘juvenile accountability’ and the Commonwealth of Pennsylvania’s adoption of the Balanced Approach/ Restorative Justice (BARJ), which heavily emphasizes victim restitution and community restoration.

Yet, decision-makers in Philadelphia are informing their placement decisions for first-time offenders with available information about the needs of the youth and his/ her family, using their power as agents of the child welfare system. Only as the history of offenses escalates do factors such as child and family functioning take a back seat to concerns over public safety. The finding that juvenile’s history of drug abuse was the best predictor of a disposition to a residential placement for first-time offenders would suggest the retention of *parens patriae* principles in the face of mandates to treat juveniles more like their adult counterparts.

In the end, however, this tension between the old *parens patriae* philosophy and the new ‘get tough’ approach to juvenile offenders appears to result in program commitment decisions whose ultimate rationality can be called into question. First-time offenders with drug histories in Philadelphia are more likely to be committed to programs whose primary intervention modalities

emphasize discipline (e.g., boot camps) than they are to be committed to programs with drug and alcohol treatment components. In this regard, though decision-makers appear to give extra weight to child and family functioning factors to make a program commitment decision for first-time offenders, the pattern of residential placement decisions mirrors that for all offenders committed to delinquency services.

Future research on dispositional decisions would benefit from examining the program commitment decision in light of its probable outcome. Harris and Jones (1999) describe the development of a juvenile typology based on the treatment characteristics of juveniles presented at the point of program intake. They recommend the adoption of rational matching of juveniles to programs based on the past rates of success for each juvenile type-program interaction. In this manner, each commitment decision can be assigned a statistical likelihood of success. Because an experience of past program failure is the best predictor of future program failure, such an endeavor would be especially meaningful for first-time offenders with no prior placement history.

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FOOTNOTES

¹ *ProDES* is funded by the Department of Human Services, Division of Juvenile Justice Services.

² Note that *ProDES* began tracking DPW commitments in October 1995. Also note that this system does not track juveniles who do not receive purchased care, i.e., those who are on regular probation.

³ Juvenile court files include information gleaned by probation officers during interaction with the juvenile and his/her family, mental health and/or psychological evaluations, prior offense history records, school records, and progress reports from programs to which the child may have previously been committed, either as a dependent or a delinquent.

⁴ These exceptions would include cases in which the juvenile is being committed to an aftercare program after successfully completing an institutional program, as well as cases in which the juvenile was deemed inappropriate for the first program and is now returning for a new commitment. It is likely that the decision-making process for these cases is very different from that of an offender whose program performance in various settings is still unknown to the court.

⁵ Prior offenses are measured by arrests occurring before the “instant offense,” or the referring offense.

⁶ Offense severity is measured using an index which rates the degree of seriousness of the instant offense on a six-point scale: 1=public order misdemeanor, 2=property misdemeanor, 3=person misdemeanor, 4=public order felony, 5=property felony, and 6=person felony (used in Henretta, Bishop and Frazier 1986).

⁷ This is especially interesting in light of the fact that Philadelphia is a highly urbanized city, and some authors have found that urban areas are least likely to take a juvenile’s level of family functioning into account when making dispositional decisions (Horwitz and Wasserman 1980). These scholars found that urban workers reported that the family and youth’s treatment needs were relatively low on a list of factors that are actually used to make

dispositional decisions. Apparently, treatment costs in the urban court precluded attention to family's level of functioning at the time of placement decision. In addition, many court officials reported a sense that working with urban families was nearly impossible, since their perception was that there was no family with which to intervene.

Table 1: Description of First-Time Offenders with No Placement History at Disposition, 1998-1999 (n=1,875)

Characteristic (Category)	% Found in Sub-Sample
Juvenile's Sex (Socio-Demographic)	84.2% Male
Juvenile's Race (Socio-Demographic)	13.2% White 69.2% Black 14.6% Latino 2.7% Asian
Juvenile's Age (Socio-Demographic)	Mean=15.3
Behavior Since Instant Offense (Situational)	79.1% Compliant
Offense Severity Rank (Offense-Specific)	38.4% Felony Person 23.2% Felony Prop. 15.4% Felony Public Order 3.7% Misdemeanor Person 11.3% Misdemeanor Prop.
History of Mental Health Problems (Child Functioning)	11.4%
History of Special Education (Child Functioning)	6.4%
Substance Abuse History (Child Functioning)	40.2%
History of Dependency Referral (Family Functioning)	26.1%
History of Sibling Arrest (Family Functioning)	32.2%
Maternal Substance Abuse (Family Functioning)	14.2%
Paternal Substance Abuse (Family Functioning)	10.5%
Parental Criminality (Family Functioning)	11.1%

**Table 2: Predictors of Program Commitment Decisions for
Juveniles, by Prior Offenses**

Prediction Tier	First-Time Offenders No Prior Program (n=1,877)	2 or 3 Prior Arrests No Prior Program (n=391)
First	Drug Abuse History (child functioning)	Behavior Since Arrest (situational)
Second	Behavior Since Arrest (situational) Dependency History (family functioning)	Offense Severity (offense-specific)
Third	Offense Severity (offense specific) Injury to Victim (offense specific) Behavior Since Arrest (situational) Offense Type (offense specific)	Drug Abuse History (child functioning)
Fourth	Dependency History (family functioning) Family Violence History (family functioning) Maternal Substance Abuse (2) (family functioning)	Sibling History of Arrest (family functioning)
Fifth	Juvenile's Sex (socio-demographic) Mental Health History (child functioning)	
Sixth	Alcohol Abuse History (child functioning)	

Figure 1: Predictors of Out-of-Home Commitment Decisions , First-Time Offenders with no Prior Placement

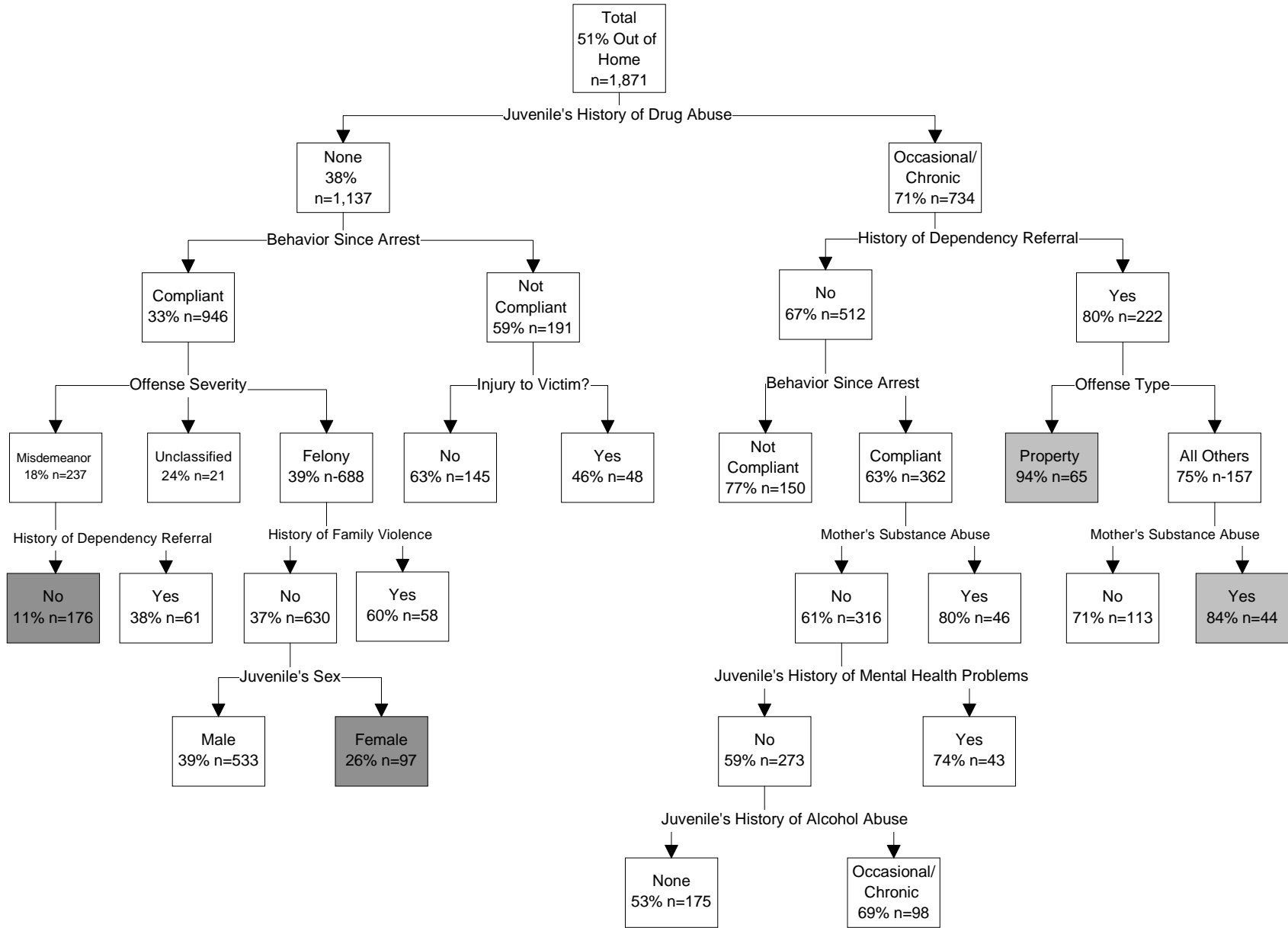


Figure 2: Predictors of Out-of-Home Commitment Decisions , Prior Offenders with no Prior Placement

